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PROCEEDINGS AND DEBATES OF THE 99th CONGRESS, FIRST SESSION

SENATE—*Monday, April 22, 1985*

(Legislative day of Monday, April 15, 1985)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable PETE WILSON, a Senator from the State of California.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Wisdom is the principal thing; therefore get wisdom: and with all thy wisdom, get understanding.—Proverbs 4:7.

If any of you lack wisdom let him ask of God, that giveth to all liberally, and upbraideth not, and it shall be given him.—James 1:5.

All-wise, all-powerful God of Truth and Justice, as the Senate enters a period of heavy, complicated, crucial deliberation and legislation, we ask for Your presence, power, and wisdom. How simple it would be if the issues were black or white, right or wrong. But they are not. Good, thoughtful and strong disagree—honest convictions collide—and the course is confusing when information seems to support opposing views. Help the ultimate issue to be what is right for the Nation, above partisanship. May it not be Democrat versus Republican or Congress versus White House. Grant insight and discernment so that truth and justice are served and the common good realized. In the name of Him Who is the Way, the Truth and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 22, 1985.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PETE WILSON, a Senator from the State of California, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. WILSON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ASSISTANT MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the assistant majority leader is recognized.

IN APPRECIATION OF DR. HALVERSON

Mr. SIMPSON. Mr. President, let me reflect for just a moment on the most sensitive and appropriate remarks of our Senate Chaplain. Would that we would heed him more. Would, I suppose, as humans, we would have heeded the words of that "perfect human" in that Book that many of us embrace; we would not be in these problems throughout our world. So it is, as he always poignantly brings it together for us in his amazing way, and he is one cherished by this Senator as our Chaplain. We deeply appreciate that; I certainly do.

The ACTING PRESIDENT pro tempore. The Chair, in his capacity as the Senator from California, wishes to commend the assistant majority leader for his very pertinent remarks about the distinguished contribution made by our Chaplain, Reverend Halverson. He wishes to associate himself with those remarks and indeed, he would not presume if he expressed his expectation that all of our colleagues would join in that sentiment.

SCHEDULE

Mr. SIMPSON. Mr. President, under the standing order, we have 10 minutes allocated to the leadership on each side. We have a special order not to exceed 15 minutes for Senator PROXMIRE; morning business not to extend beyond the hour of 1 p.m. with statements limited therein to 5 minutes each and, following routine morning business, it will be the intention of the majority leader to turn to any Legislative or Executive Calendar items cleared for action by unanimous consent.

As far as our activities this week, it is what is known in the hunting trade as a "mixed bag," I believe. We are convening tomorrow at 8 a.m.—early hours and late hours this week. At 9 a.m. tomorrow, the Senate will begin consideration of Senate Joint Resolution 106, supporting military or paramilitary operations in Nicaragua, under a statutory limitation of 10 hours. By consent of the Senate, a vote will occur on final disposition of Senate Joint Resolution 106 prior to the close of business Tuesday.

On Wednesday, April 24, there will be a convening at approximately 9 a.m. By 9:30 or 10 a.m., we shall seek consideration of Senate Concurrent Resolution 32, the budget resolution. Rollcall votes can be expected throughout the day on Wednesday and on into the evening.

On Thursday, April 25, we will convene at approximately 9 a.m. By 9:30 or 10 a.m., we will resume the budget resolution and rollcall votes can be expected throughout Thursday's session, and rollcall votes should indeed occur prior to the hour of 12 noon. A late-night session is anticipated on that date.

On Friday, April 26, we shall be convening at approximately 9 a.m. once again, by 9:30 or 10 a.m. to resume consideration and resolution of the budget resolution. Rollcall votes can be expected during the entire Friday session. There is a possibility that the Senate could complete action on the budget resolution prior to the close of business on Friday—a fond hope.

Saturday, April 27, in the nomenclature of this report, has two question marks on it—which would seem quite appropriate.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

So I leave my colleagues on both sides of the aisle with that schedule as to this week.

Mr. PROXMIRE. Will the acting majority leader yield?

Mr. SIMPSON. Yes.

Mr. PROXMIRE. Is the acting leader telling us that in the event we do not finish the budget resolution on Friday, we will be in on Saturday? Is that correct?

Mr. SIMPSON. I say to my colleague from Wisconsin that such a prospect, I believe, is obvious to us. We must try to complete the budget resolution. The schedule may change in the course of the week. The Saturday session is uncertain at this time, but it will be held if we cannot conclude.

Mr. PROXMIRE. It will be held if we cannot conclude the budget resolution? I thank the Senator.

Mr. SIMPSON. I believe that is the intent, I say to the Senator from Wisconsin.

I yield to the acting minority leader at this time.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. ROCKEFELLER. I thank the Chair.

Mr. President, I ask unanimous consent that the time for the Democratic leader be reserved for his later use.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I yield the floor to the Senator from Wisconsin.

TALL SENATORS

Mr. SIMPSON. Mr. President, before yielding the floor, let me reflect on what an imposing figure this must be on the other side of the aisle. I look across and see someone 6 foot 7 inches—rather startling sometimes. Senator BRADLEY walked in the other day, and he is only 6-6. Senator WEICKER is only 6-5. We are going to have to organize some kind of heavy athletic activity.

It is great to have the Senator from West Virginia present. He is a very fine addition to this body.

The ACTING PRESIDENT pro tempore. The Chair notes the absence of the former Senator from Texas in the Senator's observations, but if there is a tipoff he has volunteered to serve as the referee. He also urged that I remind the distinguished Senator from Wyoming of a lyric from the show "Barnum" that "bigger isn't better." We will leave that debate to another time.

Mr. SIMPSON. I would certainly hope so, Mr. President. I thank the Chair.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

WHAT CIRCUMSTANCES DO ARMS CONTROL REQUIRE?

Mr. PROXMIRE. Mr. President over the next few days I expect to give a series of speeches on arms control, discussing the circumstances that are required to provide an effective arms control strategy for our country. Today I will provide a summary outline for that series of speeches on where I think this country must go if we are to bring peace to this dangerous world of nuclear weapons.

No. 1, and above all, arms control requires a President who is determined to negotiate long and hard for an agreement. The President and the President alone dominates arms control. The Senate plays a distinctly secondary role. But the initiative, the content, and the prospect of achieving arms control is strictly within the power of the President of the United States. Whoever the President may be at any time in American history, he is Mr. Arms Control.

Second, arms control can only succeed if it stops all testing of nuclear weapons. Past nuclear weapons arms control agreements have been useful in establishing the process of constraining nuclear weapons competition between the United States and the Soviet Union. But they have in some cases simply redirected the arms race. They have not stopped it. To the extent that they have limited some kinds of nuclear arms build up, their purpose has failed; they have just encourage nuclear weapons research to develop other nuclear arms. For example, limitation or reduction of missiles sometimes simply encouraged both sides to add more warheads to each missile. The result may be no real reduction. Or a limitation on large missiles may just encourage the development of a larger number of smaller but equally dangerous missiles.

Third, successful arms control must build on past successes. The most conspicuous and tragic failure to build on past successes has followed the test ban treaty. The 1963 test ban treaty achieved critical environmental success by prohibiting either superpower from testing nuclear weapons in the Earth's atmosphere, under water, or in outer space. But its most important potential contribution to peace was the establishment of the basis for building on that agreement by solemnly pledging both the United States and the U.S.S.R. to negotiate a full ban on all nuclear testing including underground testing. The failure of the superpowers to even try to comply with that promise represents the most significant lost opportunity for peace in the last 25 years.

Fourth, arms control requires a verification system that does two things. First, it must provide fully effective detection of any militarily significant violation or cheating by either signatory at the time the agreement is made. Second, both superpowers must work constantly with the best scientific resources to maintain and improve verification so it stays up to date with advancing technology.

The fifth major requirement for a successful arms control policy is the development of a reasonable degree of trust, cooperation and exchange of information between the two superpowers.

Let us not kid ourselves. Russia and America are and will remain adversaries. Russian totalitarian communism opposes the very essence of American freedom. These two sovereign superpowers and the clashing systems they lead will not lie down like lambs together. We will compete vigorously for many years to come. But the two superpowers have a history of alliance against fascism in World War II. Neither nation has even remote territorial designs on the other. The Soviet Union's world revolution animus of Marxist communism has no basis in realism. Indeed, if there has been any significant ideological evolution in the past 25 years, it has been away from the centralized collectives that have so dismally failed in Russia and China. Indeed, China has moved toward a less centralized, somewhat freer and slightly more individualistic society. That conservative champion of European Reaganomics, England's Prime Minister Thatcher has said she can do business with the new Soviet Dictator Gorbachev. Maybe we can too. Maybe we cannot. But the long-term success of arms control requires at least a steady effort to cooperate and work together where we can, while staying fully alert for Soviet cheating or other violations. Finally and along the same line, to make a success of arms control both America and Russia should steadily recognize the big truth that both countries—I repeat both countries—have everything to gain by making a success of arms control and a world to lose if we fail to do it. A full and steady understanding of this mutual advantage provides the surest basis for faith that both superpowers can work together for a world which continues free of nuclear war.

ELIE WIESEL RECEIVES CONGRESSIONAL GOLD MEDAL

Mr. PROXMIRE. Mr. President, this past Friday, April 19, preeminent author and Holocaust survivor Elie

Wiesel received the Congressional Gold Medal from President Reagan for his tireless efforts to remind us of the Nazi concentration camps. Mr. Wiesel has moved the world with a simple eloquence which captures the darkness of that era, forcing us to confront a past which must never be repeated.

As a survivor of the Auschwitz and Buchenwald concentration camps, Mr. Wiesel opens a heart filled with torment and irrepressible anger; but it is also a heart filled with hope—the hope that the human community can move forever away from such evil, not by forgetting but by remembering.

In his acceptance speech, Mr. Wiesel speaks of the dangers of failing to act against such atrocities:

I learned from the perils of language and those of silence. I learned that in extreme situations when human lives and dignity are at stake, neutrality is a sin. It helps the killers, not the victims . . . I have learned the danger of indifference. For the opposite of love, I have learned, is not hate, but indifference.

This theme of taking an active role to prevent further actions of genocide is seen throughout Mr. Wiesel's writings, and is in large part responsible for his receiving the Congressional Gold Medal. We as a nation must assume the responsibility of taking an active role in the prevention of genocide. I urge my colleagues to formalize our commitment by ratifying the Genocide Treaty.

Mr. President, I ask unanimous consent that the acceptance speech by Elie Wiesel be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WIESEL: "I HAVE SEEN THE SS AT WORK . . . THEIR VICTIMS"

(A transcript of remarks yesterday by Holocaust survivor Elie Wiesel as he accepted a Congressional Gold Medal from President Reagan:)

Mr. President, speaking of reconciliation, I was very pleased that we met before so a stage of reconciliation has been set in motion between us. But then, we were never on two sides. We were on the same side. We were always on the side of justice, always on the side of memory, against the SS and against what they represent.

It was good talking to you and I'm grateful to you for the medal. But this medal is not mine alone. It belongs to all those who remember what SS killers have done to their victims. It was given to me by the American people for my writings, teaching, and for my testimony.

When I write, I feel my invisible teachers standing over my shoulders, reading my words and judging their veracity. And while I feel responsible for the living, I feel equally responsible to the dead. Their memory dwells in my memory.

Forty years ago a young man awoke and he found himself an orphan in an orphaned world. What have I learned in the last 40 years? Small things. I learned the perils of language and those of silence. I learned that in extreme situations when human lives and dignity are at stake, neutrality is a sin. It helps the killers, not the victims.

I learned the meaning of solitude, Mr. President. We were alone, desperately alone. Today is April 19th, and April 19, 1943, the Warsaw ghetto rose in arms against the onslaught of the Nazis. They were so few and so young and so helpless. And nobody came to their help. And they had to fight what was then the mightiest legion in Europe.

Every underground received help, except the Jewish underground, and yet they managed to fight and resist and push back those Nazis and their accomplices for six weeks. And yet, the leaders of the free world, Mr. President, knew everything and did so little, or nothing, or at least nothing specifically to save Jewish children from death.

You spoke of Jewish children, Mr. President. One million Jewish children perished. If I spent my entire life reciting their names, I would die before finishing the task.

Mr. President, I have seen children—I have seen them being thrown in the flames alive! Words—they die in my lips. So I have learned, I have learned, the fragility of the human condition.

And I'm reminded of the great moral essayist, the gentle and forceful Abe Rosenthal, having visited Auschwitz, once wrote an extraordinary reportage about the persecution of Jews, and he called it, "Forgive them not Father, for they knew what they did."

I have learned that the Holocaust was a unique and uniquely Jewish event, albeit with universal implications. Not all victims were Jews. But all Jews were victims. I have learned the danger of indifference, the crime of indifference. For the opposite of love, I have learned, is not hate, but indifference.

Jews were killed by the enemy, but betrayed by so-called Allies who found political reasons to justify their indifference or passivity.

But I've also learned that suffering confers no privileges. It all depends what one does with it. And this is why survivors of whom you spoke, Mr. President, have tried to teach their contemporaries how to build on ruins, how to invent hope in a world that offers none, how to proclaim faith to a generation that has seen it shamed and mutilated. And I believe, we believe, that memory is the answer—perhaps the only answer.

A few days ago, on the anniversary of the liberation of Buchenwald, all of us Americans watched with dismay and anger as the Soviet Union and East Germany distorted both past and present history. Mr. President, I was there. I was there when American liberators arrived. And they gave us back our lives.

And what I felt for them then nourishes me to the end of my days, and will do so. If you only knew what we tried to do with them then, we who were so weak that we couldn't carry our own lives—we tried to carry them in triumph!

Mr. President, we are grateful to the American Army for liberating us. We are grateful to this country—the greatest democracy in the world, the freest nation in the world, the moral nation, the authority in the world. And we are grateful especially to this country for having offered us haven and refuge and grateful to its leadership for being so friendly to Israel.

Mr. President, do you know that the ambassador of Israel, who sits next to you, who is my friend and has been for so many years, is himself a survivor? And if you knew all the causes we fought together for the last 30 years you should be prouder of him. And we are proud of him.

And we are grateful, of course, to Israel. We are eternally grateful to Israel for existing. We needed Israel in 1948, as we need it now. And we are grateful to Congress for its continuous philosophy of humanism and compassion for the under-privileged.

And as for yourself, Mr. President, we are so grateful to you for being a friend of the Jewish people, for trying to help the oppressed Jews in the Soviet Union, and to do whatever we can to save Scharansky and Abe Stolar and Josef Begun and Sakharov, and all the dissidents who need freedom. And, of course, we thank you for your support of the Jewish state of Israel.

But, Mr. President, I wouldn't be the person I am, and you wouldn't respect me for what I am, If I were not to tell you also of the sadness that is in my heart for what happened during the last week. And I am sure that you, too, are sad for the same reasons.

What can I do? I belong to a traumatized generation. And to us, as to you, symbols are important. And furthermore, following our ancient tradition—and we are speaking about Jewish heritage—our tradition commands us "to speak truth to power."

So may I speak to you, Mr. President, with respect and admiration of the events that happened. We have met four or five times. And each time I come away enriched, for I know of your commitment to humanity. And, therefore, I am convinced as you have told us earlier when we spoke that you were not aware of the presence of SS graves in the Bitburg cemetery. Of course you didn't know. But now we all are aware. May I, Mr. President, if it's possible at all, implore you to do something else, to find a way, to find another way, another site. That place, Mr. President, is not your place. Your place is with the victims of the SS.

Oh, we know there are political and strategic reasons. But this issue, as all issues related to that awesome event, transcends politics and diplomacy. The issue here is not politics, but good and evil. And we must never confuse them, for I have seen the SS at work, and I have seen their victims.

They were my friends. They were my parents. Mr. President, there was a degree of suffering and loneliness in the concentration camps that defies imagination. Cut off from the world with no refuge anywhere, sons watched helplessly their fathers being beaten to death. Mothers watched their children die of hunger. And then there was Mengele and his selections, terror, fear, isolation, torture, gas chambers, flames, flames rising to the heavens.

But, Mr. President, I know and I understand, we all do, that you seek reconciliation. So do I. So do we. And I, too, wish to attain true reconciliation with the German people. I do not believe in collective guilt, nor in collective responsibility. Only the killers were guilty. Their sons and daughters are not. And I believe, Mr. President, that we can and we must work together with them and with all people. And we must work to bring peace and understanding to a tormented world that, as you know, is still awaiting redemption.

I thank you, Mr. President.

Mr. PROXMIRE. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes and 20 seconds remaining.

Mr. PROXMIRE. Mr. President, I am happy to yield it to my good friend from New York, the distinguished senior Senator.

The ACTING PRESIDENT pro tempore. The Senator from New York.

ELIE WIESEL

Mr. MOYNIHAN. Mr. President, it is a noteworthy coincidence that the distinguished senior Senator from Wisconsin should take the floor at the outset of this week of the Congress to speak of the remarks made by Elie Wiesel at a White House ceremony on Friday last, when Mr. Wiesel received the Congressional Gold Medal from the hand of President Reagan. It happens that I have come to the floor for the very same purpose and had meant to place in the RECORD the statement Mr. Wiesel made on that occasion. I am honored to speak in the company of Senator PROXMIRE to a subject which was also the subject of Elie Wiesel's remarks.

There are not many of us in my generation who will forget William Faulkner's brief address when he accepted the Nobel Prize for literature in Stockholm in which he said that it was his deepest conviction that mankind would not merely endure but would prevail.

Of all the examples we have had of that in our time, I cannot think of a more moving one, a more important one, than Elie Wiesel's response to the statement by the President on Friday, with respect to the announced intention of the President shortly to visit the military cemetery at Bitburg, West Germany in which members of the Waffen SS are buried. Wiesel spoke in the ancient tradition of the Jewish people, which he described in its most succinct and explicit form as speaking truth to power.

It is something few are able to do, few are encouraged to do, and yet it is utterly necessary in the face of silence—silence of which the Senator from Wisconsin spoke.

Speaking truth to power, Elie Wiesel first accepted the Congressional Medal as being awarded by the people of the United States and then asked the President would he not reconsider his decision to visit the military cemetery at Bitburg. The terms in which he spoke were not embittered, were not hostile, were not threatening; rather, they were pleas for understanding on the part of someone else, and he felt he could evoke that understanding. He said of his first response on hearing news of the President's plans had been to think that his perplexity was infinite.

He said, "Mr. President, that place is not your place. Your place is with the victims of the SS."

Mr. Wiesel did not say there should be no reconciliation with Germans, as I would not say. Rather, he said, "I do not believe in collective guilt nor in collective responsibility. Only the killers were guilty."

That is who is buried at Bitburg. To visit their gravesites and honor collectively a group of dead which includes them is a measure of moral insensitivity that we must not permit in our Presidency. By "permit," I mean that we must, in every way, address the President's clear capacity to see what has happened and to reverse his decision.

For he need not, ought not, do this thing. If he were to do it, he would provide symbolic amnesty to the most hideous events mankind knows. And he will have accommodated that moment in 1945, 40 years ago, when we learned what man is capable of, things we had not previously thought possible, things we had thought the human race could not do, and learned, in those horrible moments of the liberation of the concentration camps, what had been done. And the camps were run by the SS.

The New York Times of Sunday, April 21, published the transcript of the broadcast by Patrick Gordon Walker from the camp that the President now plans to visit, on the day the British liberated it in 1945. He described a British soldier in a hut passing out milk, and a mother came in, holding her baby, asking for milk for the baby. The soldier took the baby and realized the baby had been dead for days. It had turned black. Still, the mother asked for milk, and the soldier took a ladle and poured some milk on the mouth of the dead child. The mother, murmuring happiness, shaking with joy at the thought that her child's life might be saved, staggered off 10 feet and dropped dead.

That was what happened in those camps. That is where the President belongs, at memorials to the victims. He should not be with the persons who committed those crimes against humanity, persons chosen especially for that role, who dressed differently—with skull and crossbones on their military caps, in their black uniforms—their purpose to destroy a people, the purpose of genocide effectively achieved—a subject on which the senior Senator from Wisconsin has addressed this body daily since 1967——

Mr. PROXMIRE. Eighteen years.

Mr. MOYNIHAN. Eighteen years running.

Genocide of the Jewish people was achieved among that part of mankind which was in the reach of the SS. Genocide succeeded. There were parts of the world beyond its reach; but where its writ ruled, it largely achieved that purpose—something of which we had not thought mankind capable.

I hope that the Senate will approach this President in the spirit that Elie Wiesel did—not of threat, not of challenge, not of recrimination—but simply to ask him to turn his capacities for understanding and empathy to this subject, and to change his mind.

An American President must not do this thing; and I would say with Elie Wiesel—and I know the Senator from Wisconsin will join me—"Mr. President, that place is not your place."

We know that, without any ill will, mistaken decisions can be taken. Such events can occur. It is in the life of any public person that these things can occur. But they can be reversed; they can be stopped. It is not too late. If the visit to they SS graves at Bitburg, however, does happen, something will have been done which cannot be undone. To think that such an event could occur 40 years after the world first learned of the death camps leaves me with the same perplexity of which Elie Wiesel spoke.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 1 p.m., with statements therein limited to 5 minutes each.

NICARAGUA

Mr. MOYNIHAN. Mr. President, in the short period available to us in morning business, I should like to speak of my disappointment and concern at the language which was used by the President on Saturday in his weekly radio address concerning the vote we will cast tomorrow on the question of providing aid to the Contras in Central America.

Mr. President, the situation in Central America, lord knows is complex. The opportunities are unclear and the choices unsatisfactory. The facts are either ambiguous or are in dispute.

The more then ought Americans, public men and women, and especially the President of the United States, take the greatest care with language addressed to other Americans.

Writing yesterday in the Washington Post, Mr. Joseph Kraft—one of the most distinguished commentators on American political life of this century, a man of whom it was said when I first came to know him, a quarter century ago, that there was no one who could conceivably succeed Walter Lippmann save Kraft, who has proven equal to precisely that expectation—put the question in an article entitled, "Choice in Nicaragua." Mr. Kraft described very precisely what is our problem in this present decision.

In other circumstances, he notes, it would be of no great difficulty finding $14 million to deal with a Marxist problem in Central America. That is not what this Congress is unwilling to do for a President who is prepared to set forth goals and to acknowledge and deal with difficulties.

That this is now an uncertain outcome—that is, as recently as Thursday, White House officials were reported to expect that the outcome would not be at all what the President had proposed—is a very simple matter to Kraft, and he writes about it.

To the question how could this be a difficulty—winning appropriation of a relatively small sum to deal with what is certainly a real problem, Kraft writes:

The answer lies in the systematic disingenuousness of President Reagan and his top associates in dealing with Congress on Nicaragua. By duplicity, sham and hypocrisy—

He writes—

this administration has aroused in Congress an apparent disinclination to cooperate.

Mr. President, I ask unanimous consent to have printed in the RECORD Mr. Kraft's column.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHOICE IN NICARAGUA

(By Joseph Kraft)

By all the norms of congressional behavior, the president's request of $14 million to aid the rebels fighting Nicaragua should have swept through the House and Senate. So the interesting question is why there has been a fuss over releasing such a small amount of money for the generally popular cause of harassing a Marxist regime.

The answer lies in the systematic disingenuousness of President Reagan and his top associates in dealing with Congress on Nicaragua. By duplicity, sham and hypocrisy, the administration has transformed lambs into lions.

The case for continuing aid to the contras commands powerful arguments. The contras are fighting a Marxist regime that has enjoyed support from Fidel Castro and the Soviet Union. By undertaking to help them back in 1981, the United States made a commitment it should not lightly cast aside. Congress, having been in at the takeoff, has a moral obligation to go the distance, unless something truly horrendous changes the circumstances.

Nobody can say, moreover, what disaster might befall the contras if they were suddenly denied American support. Nor what would be the reaction of other, pro-American states in the area. The specter of a Central American drift toward accommodation with Nicaragua cannot be ruled out. Rather than court the onus of such disaster, the politically safe course is to go along with the president and pay the $14 million. It is like paying the $2 traffic fine rather than fighting City Hall.

The systematic deception that undid that norm begins with the CIA. The original rationale for aid to the contras was interdiction of arms shipments from the Sandinistas in Nicaragua to left-wing rebels in El Salvador. As it happened, the agency was never able to produce so much as a shotgun in the way of intercepted arms traffic. So it gradually became accepted that the purpose of aid to the contras was harassment of the regime in Nicaragua.

Then in February 1984 came the mining of the harbors by personnel working closely with the CIA. Director William Casey, though obliged to give the intelligence committees prior notice of "significant anticipated activities," did not inform the Senate Intelligence Committee in advance. According to Sen. Daniel P. Moynihan, the New York Democrat who was vice chairman of the Intelligence Committee, Casey mentioned the mining only five weeks after the event. Casey then said the operation involved not harbors but anchorages.

Casey continued the flimflam with a booklet instructing the *contras* in terror tactics. In October 1984, before a Senate vote that held up the Nicaragua program, Moynihan gave this explanation for the failure to support Reagan: "This failure arose from the decision of the director of central intelligence not to consult with our committees, not to take us into his agency's confidence and ask our advice about a hugely significant covert action, the mining of Nicaragua harbors.

Since then the level of misrepresentation has graduated. On April 4 of this year Reagan appeared with President Belisario Betancur of Colombia at the White House to announce a peace plan for negotiating with Nicaragua. Reagan later unveiled a proposition whereby the U.S. accorded two months of humanitarian aid to the *contras;* if the Sandinistas agreed to negotiate with the rebels, the aid would stay humanitarian; if they refused, the aid would become military again. But subsequently, Betancur said that trying negotiations to aid for the rebels made the plan "no longer a peace proposal, but a preparation for war."

On April 17 Reagan told the visiting leader of Algeria that "Pope John Paul II had been most supportive of all our activities in Latin America," But the pope's representative to the United States, Archbishop Pio Laghi, said John Paul II did not support military aid.

A larger confusion envelops individual bits of double dealing. The Pentagon repeatedly says it has no plans for using American forces in Nicaragua. Gen. Paul Gorman, former commander of U.S. forces in Central America, testified there was no way the contras could unseat the Sandinista regime. Still, Reagan intimates that the United States cannot live with the Sandinista regime and will somehow force it to say "uncle." But how?

In this situation, congressional Democrats became determined not to write a blank check for the president on Nicaragua. They are not going to back his $14 million request without strings. But even so they do not want to repudiate Reagan on an issue of foreign policy and national security. So House Democrats are drafting an alternative resolution, which provides that the $14 million be released—but with part of it going to the Red Cross for humanitarian aid to the contras and others. The rest would go to support diplomatic efforts for a settlement.

Now the ball is in Reagan's court. The White House has said he will compromise. But in what spirit? Will he keep up the anti-communist rhetoric? And the claim the United States cannot live with a Marxist regime in Central America? Or will he embrace a compromise that points American policy directly toward a negotiated settlement in Nicaragua? The choice puts to an acid test a central question—whether Reagan is more bark than bite, more ideological than pragmatic.

Mr. MOYNIHAN. Mr. President, I very much agree with Mr. Kraft's assessment and I suggest that the proof of his case was presented by the President himself on Saturday, after Mr. Kraft's column had been written, I understand, when Mr. Reagan went on the radio to tell the American people:

The Sandinista Communists are lobbying your Senators and Representatives,

presumably to vote against the President.

Now, Mr. President, I have not been lobbied by any Sandinista Communists. I do not know anyone else in this Chamber who has been.

Why does the President say that? What does he mean to imply? Does he imply that those who do not vote with him on this matter shall have decided instead to side with "the Sandinista Communists." Does he mean that we will have rejected his concluding proposition:

Don't let the Sandinista Communists and their sympathizers be the only voices heard. Let our Members of Congress and Senators hear the voices of you who love liberty and democracy, too.

Will that mean that those of us who do not support the President on the vote tomorrow will be found not loving liberty and democracy, too?

Will that extend equally to that most eminent Member of this body and a member of the President's own party, the senior Senator from Oregon, MARK O. HATFIELD, who chairs the Senate Appropriations Committee, which voted on this matter last Thursday. Senator HATFIELD has made a decision on this matter and has said he cannot support this aid. I quote him from the press on Friday:

To me, it is an abandonment of our traditional belief in the sanctity of law.

That is the view of a man of consequence, a Senator of experience, of conscience, of integrity. One could not find his equal in this body, could not find anyone more so.

He has arrived at a different view of the question of aid to the Contras than has the President. His decision has followed the statements of the President, who in recent weeks has made clear that the object of the support given to this group of persons in Central America is to bring about a change in the regime in Nicaragua of a kind that would have to be described as profound and radical, indeed, could only mean a replacement of the regime.

The question then arose; was this something that we would have a right to do under international law, under the Rio Treaty on collective defense, under the terms of the Charter of the Organization of American States?

That is a perfectly legitimate question and raising it ought not to invite the charge that this concern arises only from Sandinista Communists lobbying America's Senators.

It also trivializes the very real and serious issues that ought more directly to be addressed by the President and this Congress. The United States, Mr. President, is going to have to learn to deal with the appearance of Marxist-Leninist regimes in the Third World for some time to come.

Between now and the year 2000, I would think that 10 to 15 such regimes will appear in the world—increasingly on the margin of world affairs, as the ripple of Marxist-Leninism makes its way out from the metropolitan centers of the world, where it is no longer believed and no longer has influence. These ripples will appear, in Africa, in Latin America, in Asia—even as the original splash fades at the center—and we are going to have to devise coherent responses that do not, in the first instance, always assume that what we see here can only be the product of direct Soviet intervention.

To think that is to be blind to the politics and the history of these parts of the world and to be incapable of influencing them save by escalating situations we cannot competently predict from regional to global dimensions and to make them more dangerous by making them become conflicts between the superpowers themselves.

On this the 40th anniversary of the end of the Second World War, it is appropriate to recall a bit of what we have learned about influencing other regimes. Let us remember that the United States very successfully took fiercely totalitarian regimes, such as those of Germany and Italy, and just as implacably authoritarian regimes, such as that of Japan, and with care, effort, and understanding transformed those societies into stable democracies which today count themselves so integral a part of the democratic world.

We took governments such as those of France, at one time imminently in danger of a Communist coup, and we helped stave it off. We prevented it. It did not happen. Recall that in 1947 in Europe the likelihood was at least one in two that it was not completely clear that there would emerge a completely democratic Western Europe. Rearming NATO in the first days was an organization not devised to repel a Soviet invasion from the east but rather to control the streets of the nations of Europe just recovering from the war, trying to establish democratic regimes in the face of the possibility of Communist assaults—open, physical assaults on the streets of Paris, of Brussels, of Rome, and then more dramatically in Athens and Istanbul.

We did that and it is to our great credit, and it has had consequences. We are going to have to learn to do something not less thoughtful and careful in the appearances of Marxist-Leninist regimes in smaller, less politically and economically developed places in which we have only limited access and little influence, societies that do not have Konrad Adenauers, and do not always have the kind of persons that rebuilt Europe in its time.

While we should be careful, and farsighted, we ought not panic each other or the American people. A bit of clearheadedness is necessary.

One notes in these Third World regimes who assert their Marxist-Leninism certain recurring characteristics; one notes certain uniformities.

The appearance of such a regime is usually accompanied by a great deal of interest and celebration in certain circles in the United States and in Europe. I do not mean to be light about a serious subject, but these people are quite visible in Managua right now. They certainly were there a year-and-a-half ago when I visited the place—foreign students in the main, young people who arrive as sympathizers and dedicate themselves to the building of a new society. The half-life of that fashion is about 5 years.

When was the last time anybody went off on a chartered plane to help harvest the Cuban sugar cane crop or plant rice in North Vietnam? It will not be long before no one picks cotton or coffee in Nicaragua. They will be off to another, newer, more fashionable revolution-in-being.

As the reality of each of these regimes presents itself, the world either celebrates, as I have noted, or says "Oh, my God, not another one of those!" because regimes are, not astonishingly, similar in the squalor of their politics and the mechanical devices by which they proceed through one form of misrepresentation to the other to the establishment of a Leninist regime. As the same people celebrate, while the same others decry the arrivals of these regimes, we know they are remarkably alike. They imitate a model which is increasingly well understood, and we are going to have to deal with that, and address more intelligently the life cycles of these regimes. When are they at their most dangerous to their neighbors? When are they most amenable to negotiations, and about what?

When will they grow tired of the Marxist-Leninist model, and look to the West for an alternative?

On another occasion, I should like to address, perhaps at great length, some of the possibilities by which we might think about how we go about it. Suffice for now to say, Mr. President, that we do not go about it by insinuating or stating that those who have different views on the matter must be influenced by Communists. Let us not have that, not 40 years after the United States had to rise up and face the reality of a genuine Communist threat in the world, of internal Communist subversions that could have taken Europe away, just in the very moment of liberation. The United States arose proudly and successfully to that situation. We arose to it in Greece and Turkey, and we arose with the Marshall plan the following year, and with NATO the year after that. We had some successes, and they were solid and they endure and we did them together as Americans agreed on what was our purpose and our policy.

Let us not start attacking each other. What is this business of "Sandinista Communists are lobbying your Senators"? I have not been lobbied. I doubt very much that MARK HATFIELD has been so lobbied.

If anyone would like to talk to me, I suppose I would talk to them. Come to think of it, I believe the Nicaraguan Ambassador asked to see me some weeks ago. I have not found time yet to see him, but not out of any great fear of seeing—or being seen with—any Communists.

Our votes will be based on our judgment as what is best for the United States. We will not have that judgment influenced by the diabolic and Manichaean influence of Sandinista Communists. For the President to suggest the contrary is to invite us to respond that, "Mr. President, at that level of debate, the Senate has no choice but to refuse what you have requested," if only to make the point that there are terms of civility in political discourse that are as important as the issues of policy itself.

I see Senator PRESSLER, who would like the floor, has been patient in this matter, and I would like to express my appreciation to him.

Mr. President, I ask unanimous consent that the President's radio address of Saturday be printed in the RECORD at this point, along with the New York Times story by Mr. Steven Roberts, which reports the views of my distinguished friend and chairman, Mr. HATFIELD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RADIO ADDRESS OF THE PRESIDENT TO THE NATION

CAMP DAVID

The PRESIDENT. In a few days, Congress will vote on whether or not to support our proposal to help restore peace and democracy in Nicaragua. Few votes will ever be so important to the survival of democracy in Latin America and the Caribbean. Few votes will ever be so important to the national security of the United States.

On March 1, the leaders of the democratic resistance of Nicaragua—the so-called Contras—sent a peace proposal to the communists who've taken over their country. The proposal called for a cease-fire and Church-mediated negotiations that would lead to free and honest elections.

We've asked the democratic resistance to extend their offer until June 1, and we're asking Congress to show its support for peace negotiations by releasing humanitarian aid to the democratic resistance. This support is crucial.

Negotiations would be our best and possibly last opportunity to steer the Sandinista communists away from their present brutal course and back toward the democratic and peaceful promises of their revolutions.

The responsibility now rests squarely on the shoulders of Congress. A vote for humanitarian aid to the democratic resistance will signal the United States' resolve on this issue. And courage and resolve are the only way to convince the Sandinista communists to come to the negotiating table.

A vote against our proposal, however, could mean the beginning of the end of all hopes of peace and democracy in Central America. Already the followers of Qaddafi and the Ayatollah Khomeni are in Nicaragua—about two hours by air from United States borders. And just this week, we confirmed the presence of Russian military personnel in the battle zones of northern Nicaragua.

The Soviet terrorist Bloc nations know what is at stake in Nicaragua. That's why, in the seven months since Congress cut off aid to the democratic resistance, they've been pouring in weapons and personnel to their Communist allies hoping to wipe out the democratic forces while they're most vulnerable.

And that's why, rather than negotiate with the democratic resistance, the communists are still betting that the United States will abandon its friends. A recent article in The New York Times reported that the "Sandinistas pin hopes on Congress." You heard me right. The Sandinista communists are lobbying your Senators and Representatives. Together with the misguided sympathizers in this country, they've been running a sophisticated disinformation campaign of lies and distortion.

And, now, we're told that in a cynical attempt to manipulate public opinion and our Congress the communists may put forth an eleventh hour so-called peace proposal, a proposal aimed at blocking aid to the democratic resistance and giving the communists a free hand to tighten their grip on the Nicaraguan people. The communists know that if they can persuade Congress to cut off aid they'll never have to negotiate with the democratic opposition. And they believe if they can stop aid to the democratic resistance nothing can stop them.

Unfortunately, some are using this issue to play partisan politics. Before we'd even announced our peace plan, the Speaker of the House called our peace offer a "dirty trick." How could Church-mediated peace negotiations be a dirty trick? Do they really think the Church would ever cooperate in a trick?

The opponents of our plan in the House have announced a formula for turning the democratic resistance into homeless refugees. Their alternative to a plan for peace and democracy would only provide assistance to the democratic forces if they abandon their struggle to liberate Nicaragua—in other words, surrender to communism. They would, in fact, aid the Soviet-Cuban Sandinista effort to get rid of the democratic resistance.

We're asking Congress to be consistent and support those who are fighting communism in Nicaragua, just as we support the democratic resistance in Afghanistan and Cambodia.

Let me speak plainly. Any proposal that abandons over 15,000 members of a democratic resistance to communists is not a compromise; it's a shameful surrender. If Congress ever approves such a proposal, it would hasten the consolidation of Nicaragua as a communist-terrorist arsenal. And it would give a green light to Soviet-sponsored aggression throughout the American mainland, ultimately threatening our own security.

But Congress can prevent a crisis by supporting peace negotiations now. Don't let the Sandinista communists and their sympathizers be the only voices heard. Let our Members of Congress and Senators hear the voices of you who love liberty and democracy, too. Let's give peace a chance in Nicaragua and in all of Central America.

Until next week, thanks for listening. And God bless you.

[From the New York Times, Apr. 19, 1985]

REAGAN REPORTED TO POSTPONE MOVE ON REBEL ARMS AID

(By Steven V. Roberts)

WASHINGTON, April 18.—Faced with almost certain defeat in Congress, President Reagan has agreed for now to accept a compromise proposal to postpone military aid to the rebels fighting the Nicaraguan Government, a White House official said tonight.

The official said the President would accept an arrangement under which any American aid to the rebels between now and Oct. 1 could be used only for "nonlethal" purposes. That would include trucks and uniforms, the official said, but not guns and ammunition.

Republicans and Democrats in both houses were still working on various compromises tonight and many of the details remained uncertain. But the Democrats favor legislation that would provide only humanitarian aid, such as food and clothing, and would be more restrictive than the compromise backed by the White House.

BYRD PROPOSES TALKS

This evening, Senator Robert C. Byrd of West Virginia, the Democratic leader, met Democratic lawmakers and then telephoned President Reagan with an offer to discuss possible compromises. The President replied that such a meeting would be a "good idea," according to a spokesman from Mr. Byrd.

All parties to the negotiations, however, seem to have accepted the principle that no military aid will be provided for the rest of the fiscal year, which ends Sept. 30.

Asked if military aid to the Nicaraguan rebels was now dead for this fiscal year, Representative Trent Lott of Mississippi, the Republican whip, said, "I think so."

Senator James A. McClure, an Idaho Republican handling the issue in the Senate, said, "It's pretty clear that military aid is dead for an extended period of time."

RENEWED FIGHT IS SEEN

But the Republicans indicated that the Administration would renew its fight for military aid to the rebels when Congress allocates foreign assistance for the next fiscal year. "This is not the last vote on this issue," Mr. Lott said.

Last year, the Administration requested $14 million in military funds for the rebels, to be funneled through the Central Intelligence Agency. The lawmakers allocated the money but said it could not be released until the new session of Congress voted to do so.

With Congressional opposition to his request growing, President Reagan proposed a new approach last month, saying the aid would be used only for humanitarian purposes if the Sandinistas agreed to begin negotiations with the guerrillas. If those talks produced no result within 60 days, however, the money would automatically be converted into military assistance.

"EMOTIONAL COMMITMENT" NOTED

This offer won few converts and Republican leaders have been telling the White House for weeks that the President's request faced virtually certain defeat. Lawmakers who have talked recently with Mr. Reagan say he has "a real emotional commitment" to the rebel cause, as Representative John R. McCain, an Arizona Republican, put it.

As a result, the White House has been slow to respond to the advice of its allies on Capitol Hill to accept a compromise. According to Republican leaders, the Administration moved only when it realized that it was facing a devastating defeat.

"They did not want the very negative sign to go out that Congress was not willing to do anything," Representative Lott said. "That would be the worst of both worlds."

During a day of fast-paced developments on Capitol Hill and in the White House, the strong emotions generated by the Nicaraguan issue were frequently on display. In remarks to a meeting of regional editors and broadcasters, Mr. Reagan said the issue carried extraordinarily high stakes.

"If we permit the Soviets, using the Sandinistas, to estabish a beachhead on the American mainland and to spread their subversion," the President said, "the free world will face a major challenge to the geopolitical balance of power.

"We could turn around one day and find a string of pro-Soviet dictatorships in Central America and a threat to our southern borders."

Mr. Reagan was clearly angered by Democratic leaders in the House who have scheduled a vote on the aid issue early next week. "I think it's immoral to demand that vote that quickly," he said.

Christopher J. Matthews, a spokesman for Thomas P. O'Neill Jr., the Speaker of the House, replied that the President was advocating a "screwball morality" that placed more importance on legislative timing than on "mining harbors and overthrowing governments".

SENATE GETS AID REQUEST

The Senate Appropriations Committee formally sent the President's original aid request to the Senate floor, but the vote was only 15 to 13, as four Republicans abandoned the President. Senator Mark O. Hatfield, the Oregon Republican who heads the panel, denounced the aid request and said, "To me, it's an abandonment of our traditional belief in the sanctity of law."

Mr. Lott also highlighted the important political implications of the debate by saying that Democrats who voted against the aid would be attacked by the Republicans should events turn sour in Central America.

But for the short term, the Democrats are eagerly looking forward to a vote next week on President Reagan's original aid package, and have brushed aside all suggestions that the vote be canceled. Many Democrats say that after losing so many votes to the President they want to win one for a change.

But the Democrats are wary of appearing too negative on the aid issue and have worked out an alternative package that will be offered after the vote on the President's original request next week. Representative

Michael D. Barnes, a Maryland Democrat who helped author the plan, said it would provide $5 million, to be funneled through the Red Cross and other international agencies, to finance "refugee relief" for the families of rebel fighters living outside Nicaragua.

SENATOR DOLE: A HERO IN THIS CHAMBER

Mr. PRESSLER. Mr. President, it was an honor recently for me to be present in Italy at a ceremony at which the Foreign Minister of Italy, Giulio Andreotti, presented our majority leader, Senator ROBERT DOLE, with a commemorative silver plate in recognition of the Senator's personal sacrifice during World War II. Giorgio Chiari, the mayor of the village of Castel D'Aiano, gave Senator DOLE a medal. Observing the ceremony with me were Senators THURMOND, MCCLURE, LAXALT, and COCHRAN. It was near the mountain village of Castel D'Aiano that ROBERT DOLE, then a young lieutenant in the U.S. Army, was badly wounded as he advanced against a German machine gun emplacement on April 14, 1945.

The year 1985 marks the 40th anniversary of many events in the war-torn year of 1945. The history books hold the stories of borders redrawn and new alliances formed. Global balances were struck that year which still dominate international politics today. But history books do not include thousands of other stories of individual courage and sacrifice which continued long after the guns were silenced and the treaties were signed. The events of those years of world war caused scars that will never heal. Yet from the actions of the men and women who lived and died in that conflict we can draw lessons to guide our own lives. In that way we can bring some purpose to war's futility and horror.

Mr. President, on the spring morning of April 14, 40 years ago this month, ROBERT DOLE was a strong young man in a regiment noted for its athletes. He had distinguished himself in a tough combat unit. His men called him the best combat leader the platoon had. But at the end of that day ROBERT DOLE lay near death, paralyzed in all his limbs. By May, the war in Europe was over, but for ROBERT DOLE the battle had just begun. He was to be hospitalized for 39 months.

Our majority leader speaks with gratitude of the doctors and therapists, the nurses and the neighbors who helped him recover. The last operation to repair the damage was in November 1947, and he was not to leave the hospital until 1948. Lesser men would have given up hope. ROBERT DOLE credits the encouragement of others for his recovery: I have seen many men in military evacuation hospitals, and I know that the most important factor is the power of will. From his struggle and triumph we can strengthen our own resolve.

Through numerous, painful operations and treatments ROBERT DOLE maintained his courage and hope. It is a privilege to serve with him in the U.S. Senate. In the day-to-day business of this Chamber, it is sometimes easy to forget the terrible price at which our liberties were purchased. From the birth of our Nation, we have been fortunate in having people willing to take on the dangerous task of protecting our way of life.

I know that my colleagues join me in sharing the esteem expressed by the Government of Italy on this anniversary of an event in one soldier's war. Senator DOLE's example is a humbling reminder of the responsibilities given to us in this Chamber, and his triumph over adversity is a personal inspiration to me and to many others.

Our majority leader's wartime record and the story of his recovery should be better known by the country he has so unselfishly served for so many years. We need look no farther than this Chamber for a true American hero.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(During the quorum call Mr. MCCONNELL occupied the Chair.)

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COHEN). Without objection, it is so ordered.

THE SHINING PATH

Mrs. HAWKINS. Mr. President, late last summer, my Subcommittee on Children, Family, Drugs and Alcoholism conducted a hearing into the connection between drugs and terrorism. During this hearing, numerous terrorist groups, funded in large part from the profits of illegal narcotics trafficking, were discussed. One of these groups struck me as particularly terrifying—"Sendero Luminoso"—the Shining Path of Peru.

This view is substantiated in a recent article in the Outlook section of the Washington Post on Sunday, March 24. In this article, a reporter who had lived in Peru, and had become familiar with Peruvian culture and society, discusses the adverse changes brought about by this terrorist group in Peru.

The Shining Path has had an impact not only on rural areas in Peru, but also on Peru's capital city of Lima. While this guerrilla group seems to specialize in terrorizing rural people who do not accept its domination, the city of Lima has also reacted to the terrorism of the Shining Path. As the author of the Washington Post article puts it:

> I was stunned to find soldiers and police with sub-machine guns on every corner facing the congested sidewalks. Arrests, explosions, and blackouts have become commonplace. At night, taxi drivers follow complex detours through the darkened streets to avoid the many barricades set up around police and military installations. The city's tension is palpable, all because of this small, strange band of revolutionaries.

The Shining Path is recognized as unique among terrorist groups for many reasons. Its emphasis on secrecy, its organization into small, independent cells, its small membership—estimated at 1,500–2,000—and its violent tactics tend to obscure its origins and its objectives. One conclusion is inescapable, however; the Shining Path of Peru is the most mysterious, and perhaps the most dangerous, terrorist group in Latin America today.

An aspect of the Sendero Luminoso particularly difficult to comprehend is the focus of their violence on members of their own ethnic group and economic class. The Shining Path uses the Communist logo—the hammer and sickle—and espouses Communist philosophy, but its sheer ruthlessness has led even the Chinese Communist Party to disavow the movement. This terrorist group continues to improve its presence, though, not by philosophical persuasion, but by imposing a reign of terror in whole sections of Peru.

The unstable economic, political, and social situations that exist in Peru certainly contribute to the success of the Shining Path; this, and the increasingly lucrative coca crop that funds their operations. In their professed desire to destroy modern society, the Shining Path has, and will, utilize any means, whether it is drug trafficking, murder, or kidnaping, to bring about this destruction. Through violence and fear, both the rural, Indian-speaking peasant population, and the urban, Spanish-speaking population of Peru are coerced into cooperating with the Shining Path. Peru's security forces have proved themselves unwilling or unable to deal with this group. Although the military has exerted some effort to resist the growing domination of the Shining Path, it has too often been misdirected, and innocent citizens pay the price.

Mr. President, if there is anyone left on this Earth who thinks that illicit narcotics doesn't affect each and every one of us—from the most primitive, hut-dwelling peasant in the Peruvian mountains, to the most gifted, successful comedian in Hollywood—I would like him or her to read about the Shining Path. It is incontrovertible proof that those who deal in drugs are as deadly and destructive as the drugs themselves.

REBEL FORCES IN NICARAGUA

Mr. PELL. Mr. President, on March 19, the Senate of the State of Rhode Island adopted a resolution memorializing the Congress to forbid any aid or comfort to the "Contra" forces which are attempting the overthrow of the Government of Nicaragua.

I fully endorse this resolution, as I have long opposed any form of aid to the Contras—a force guilty of perpetrating terrorist against civilians and nonmilitary targets and one bent on overthrowing the Government of Nicaragua. U.S. support for the Contras flies in the face of the administration's antiterrorism policy, and it places the United States in violation of the cherished principles of law embodied in the charters of the United Nations and the Organization of American States.

U.S. interests both in Central America and beyond are best served not by our continued support for the "Contras" but by nonmilitary initiatives such as the Contadora Peace Process which can achieve the same objectives without any of the attendant loss of human life or violation of the hemispheric principle of nonintervention. I urge my colleagues to heed the wise words of the Rhode Island Senate when it considers the release of funds to the Contras, and I ask unanimous consent that the full text of the assembly's resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION MEMORIALIZING CONGRESS TO FORBID ANY AID OR COMFORT TO THE "CONTRA" FORCES IN NICARAGUA

Whereas, The covert overthrow of governments by other governments is inimical to the principles that founded this nation and is contrary to international law; and

Whereas, The charters of both the United Nations and the organization of American states specifically prohibit the threat or use for force against another government except in self-defense or defense of an ally; and

Whereas, The "Contadora" peace process undertaken by Latin American countries themselves, demands the right to self-determination; now, therefore, be it

Resolved, That this senate of the state of Rhode Island and Providence Plantations hereby memorializes the Congress of the United States to forbid any aid or comfort to the "Contra" forces which are attempting the overthrow of the government of Nicaragua; and be it further

Resolved, That the secretary of state be and she hereby is authorized and directed to transmit a duly certified copy of this resolution to members of the Rhode Island delegation in the Congress of the United States.

RETURN OF AMERICANS FROM SOUTHEAST ASIA

Mr. PELL. Mr. President, on February 26 the House of Representatives of the State of Rhode Island passed a resolution memorializing Congress to bring pressure to bear on the Governments of Vietnam, Cambodia, and Laos to return American prisoners of war [POW's] and missing in action [MIA's].

The memory of the Vietnam conflict still burns in the hearts and minds of the American people. Questions remain about the legacy of this war, but on one point I think we all are clear: The American soldier served his country with courage and distinction. In 1983, the country at long last honored the sacrifice of those who served so selflessly in Vietnam with a granite memorial of exceptional dignity bearing the names of the thousands of Americans who never returned from this tragic conflict. Today, the Vietnam Memorial is the second most visited monument in Washington.

For all the parades and memorials, the war has not ended for the families and friends of the 2,478 Americans who remain missing and unaccounted for in Vietnam, Laos, and Cambodia. In this regard, I commend the administration for its success both in securing the return of the remains of servicemen from Vietnam in March and in gaining access to the Pakse crash site in Cambodia where 13 Americans had previously been unaccounted for.

Mr. President, I believe we must capitalize on the success of these efforts so that the last sad chapter of the American involvement in Vietnam can be closed. I urge the Senate to press for a full accounting of the fate of those who remain in Southeast Asia, and I ask unanimous consent that the full text of the Rhode Island House of Representatives' resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION MEMORIALIZING CONGRESS TO BRING PRESSURE TO BEAR ON THE GOVERNMENTS OF VIETNAM, CAMBODIA, AND LAOS TO RETURN AMERICAN PRISONERS OF WAR

Whereas, The resolution of this most serious issue is of utmost importance to our thousands of missing servicemen, their families and all Americans; now, therefore be it

Resolved, That this house of representatives of the state of Rhode Island and Providence Plantations hereby memorializes the Congress of the United States to bring pressure to bear on the governments of Viet Nam, Cambodia and Laos to return American prisoners of war; and be it further

Resolved, That the secretary of state be and she hereby is authorized and directed to transmit a duly certified copy of this resolution to the Rhode Island delegation in the Congress of the United States.

BUDGET CUT IMPACTS ON HIGHER EDUCATION

Mr. PELL. Mr. President, this past Sunday, The New York Times printed an article by former Secretary of Education Terrel H. Bell on the devastating impact that the administration's student aid proposals would have on private colleges and universities. Secretary Bell's article offers great insight into the current education budget debate. Its argument is characteristic of the former Secretary's sound and objective analysis, and demonstrates, once again, his sincere concern for students as well as institutions of higher education. I ask unanimous consent that the text of this article be printed in the RECORD. I am hopeful that my colleagues will make note of the fine statement it makes against the administration's current budget proposals with respect to higher education.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BELL CRITICIZES "ASSAULT ON THE PRIVATE COLLEGES"

(By T. H. Bell)

The proposals originally advanced by the Director of Management and Budget, David Stockman, to place new limits on Federal aid to college students constitute an unwitting assault on the nation's private colleges and universities.

The proposals—that no federally supported loans would be made to families with incomes above $32,500 and that the total amount of Federal loans, grants and work-study aid for any one student would not exceed $4,000—would result in transfer of thousands of students from private to public institutions. For this reason this higher-education package flies in the face of the arguments advanced by the Reagan Administration that Government policy should encourage the private sector to do more so that government can do less. Public college and university costs are subsidized by taxpayers who support these institutions through state and local taxes. Most state higher-education systems fix their institutional budgets by using a formula that is driven by student enrollments. More students transferring from private to public institutions because they can no longer qualify for Federal student aid will obviously drive up the costs to taxpayers in the states.

Thus the transfer of students from private to public institutions will be accompanied by transfer of higher-education expenses from the Federal budget to state budgets. Thus the shift of enrollments will, in turn, result in underutilized physical plants at many private institutions and a demand for new construction on campuses of public institutions.

The Stockman proposals apparently assume that government-operated institutions are more efficient and cost-effective than the private colleges and universities because tuition is much lower. This assumption ignores, however, the fact that state appropriations are an indirect tuition subsidy. States subsidize some of the cost of attendance at public institutions through providing larger loans and grants to the students who choose to attend these institutions as contrasted to the size of the loans and grants to students who attend low-tuition public institutions. But it is not true that great numbers of students who neither need nor deserve a loan are ripping off the taxpayers so they can live in luxury on campus.

The Stockman proposals are not new. They were advanced in earlier years, but

they were easily shot down in deliberations inside the Administration because they were so obviously harmful to many deserving students as well as many institutions that depend on tuition revenue to remain solvent.

President Reagan established a Cabinet council procedure to facilitate review of critical issues faced by his Administration. In group discussion meetings with other members of a Cabinet council, each Cabinet officer had an opportunity to make presentations, voice issues and object to proposals of others. Ronald Reagan often sat in on these sessions. His schedule did not permit participation in all of them. Additionally, Cabinet officers had the right to appeal decisions on budget levels to the President's Review Board comprised of James Baker, Edwin Meese and Mr. Stockman. In unusual situations one could even appeal directly to the Oval Office.

To his great credit, the President made his Cabinet members accountable, and he provided ample opportunity for us to remonstrate over O.M.B. decisions. Through this procedure this writer was able to expose weaknesses in new proposals constantly coming out of O.M.B. to emasculate programs of student financial aid. These procedures also highlighted needed reforms in student aid as O.M.B. brought forth some telling criticism that led to changes in the law and in our Administration.

This process apparently did not work well in the current budget preparation cycle. Under the great stress of our horrendous deficits these old ideas found their way into budget recommendations. They should have been debated more thoroughly and the consequences analyzed more carefully inside the Administration. But 1984 was an election year, and it was not until after Nov. 4 that the top policy-makers had an opportunity to spend full time on matters such as this.

There are certain basic costs required to operate any college. As enrollments decline, those students remaining in the private colleges will be faced with enormous escalations of tuition charges to cover basic costs previously paid from a much higher enrollment base. As this happens even more students will transfer to public institutions. Without the existing student-aid program many of our finest private colleges would have closed their doors years ago.

O.M.B. budget analysts have failed to disprove this in the past in debates we have previously had on the issue that many private colleges cannot survive the huge enrollment loses they might inevitably absorb.

The threat of massive enrollment shifts will cause at least some damages at the private liberal-arts colleges even if the proposals are not enacted. Students are now making decisions as to where to go to school. Many will choose not to attend a private liberal-arts college because of the uncertainty about student aid that will be available in the fall. And this issue will likely not be settled until the fall if Congress disposes of its business at the usual rate.

When an institution's stability is in question the faculty members start looking for other positions. The most distinguished professors are the most mobile. They can easily move to another institution, and the drain on the most qualified faculty will change the basic nature of many prestigous liberal-arts colleges. It takes years to build a distinguished college, and it takes only a few months to tear it apart if the rumor mill begins to start an academic panic.

America's system of higher education is the envy of the world. It has grown over the decades into a healthy mix of public and private colleges and universities. Its diversity is a significant part of its strength. Alongside our distinguished state research universities exist private institutions that are the hallmark of excellence. Some of the best low-income students strive to meet rigorous academic admissions requirements. Some enter directly from high school; others who cannot qualify initially find the motivation to redeem themselves academically in local or regional colleges and then subsequently realize the dream of entering a Harvard, a University of California at Berkeley or other institution with national reputation. But the motivation is there because our government has offered the financial assistance to those who otherwise would not dare to dream of such aspirations. One could argue that we should simply tell these low-income students to plan to go to the Berkeleys and we will write off the Harvards or maintain them for the wealthy, but this would be a foolish policy.

Some remarkable liberal-arts colleges have set the nation's standards for liberal learning in the arts, sciences, and humanities on the undergraduate level. Many of the nation's greatest political leaders, scientists, and industrial executives were educated in these colleges, which add a dimension to the total picture of American academe that we must preserve. O.M.B. budget analysts have not understood this, though this writer spent four years trying to explain it.

The Federal Government's policy of providing financial aid to students rather than subsidizing the institutions is a wise practice.

We have been able to nurture an aristocracy of academic excellence in preference to one of wealth. Under this wisdom, we promise the gifted and talented an equal opportunity if such students are willing to spend the long hours of intense effort demanded to gain admission to our most distinguished institutions. We take away the motivation and hope when we tell a low-income student of great promise that he or she cannot aspire to gain admission to the institution prized by so many.

The criticism that there have been abuses in student loans through defaults cannot be denied. These are exceptional situations, though, that should not result in penalizing the great majority of our students who need the assistance and will pay back the loans as well as pay higher taxes made possible by the education they attain. Moreover, the default rate has been declining in recent years, and loan-default collections were increased threefold during the first four years of the Reagan Administration.

The amendments that we were able to persuade the Congress to enact have resulted in meeting most but not all of the criticisms of the student-aid programs. For example, students with annual family incomes in excess of $30,000 must, under present rules, prove need through the needs-analysis system that is well established in higher education.

Several million conscientious and deserving college students avail themselves of government financial assistance and without such assistance they would not be able to pursue their goals.

Money for student financial aid is a high-priority investment of the taxpayers' dollars. It helps students to help themselves by making them productive, intelligent and self-sufficient. It represents an investment that makes taxpayers out of potential tax eaters.

The return to the taxpayer over the years is very high. In short, the student-aid program is good public policy, and the radical changes currently proposed are not justified.

Thousands of families have been planning to utilize student loans and other forms of financial aid to help them meet the high and growing costs of higher education.

As their plans are revised and as vast numbers of students move to the low-tuition schools that are heavily subsidized by state taxes the Federal budget will be relieved of a few dollar demands, but the headaches will simply shift from the hearing rooms of Congressional appropriations committees to their counterparts in the legislatures of the 50 states.

The stress and pain on students in changing institutions, the relocation of faculty and staff, expansion of facilities on public campuses and the abandonment of existing physical plant on private campuses must all be calculated in assessing the cost of this profound change in Federal policy.

The wealthy will be the only ones able to attend schools where the tuition is high. In order to keep losses of students from reaching disastrous proportions, some institutions will be tempted to lower academic standards to admit the least-well-prepared students who have the money to pay the costs.

As we strive for equal opportunity in higher education, we must provide both access and choice among the public and private instiutions.

We do not want a policy that segregates students with the wealthy attending private institutions and the moderate- and low-income students attending the public colleges.

We have a student-aid program that has some imperfections. Let's correct them as the Higher Education Act comes up for renewal in 1985. But let's keep the existing philosophy that promises all academically able students an equal chance.

Equality of educational opportunity leads to unequal results based upon the willingness of the nation's students to work diligently to reach the outer limits of their ability.

NATIONAL DRUG ABUSE EDUCATION AND PREVENTION WEEK

Mr. CHILES. Mr. President, the Senate recently passed legislation that would designate this week April 21-27, 1985, as "National Drug Abuse Education and Prevention Week." These dates were chosen to coincide with three major events: The Parents' Research Institute for Drug Education [PRIDE] is hosting an international conference in Atlanta, GA; the Pharmacists Against Drug Abuse [PADA] is celebrating its first anniversary in its efforts to educate parents on drug abuse; and Mrs. Nancy Reagan is hosting a meeting in Washington with first ladies from other nations to discuss the problems of narcotics abuse among adolescents. Today, I would like to focus on the PRIDE conference, and the accomplishments of this organization.

PRIDE's first conference, held in 1978, was attended by less than 200 people. It was the first conference in the United States which addressed parents' concerns for drugs in youth. This year, PRIDE is expecting over 3,000 participants. In addition to the 51 guest countries that will be represented, most States will also send youth and adults to participate. The growth of PRIDE's conferences shows all too clearly the need in our country and worldwide to combat drug abuse on the front lines—in the home.

During this week's conference, PRIDE will form an international parents organization. This new group will remain in contact during the coming year via newsletters in an effort to share both problems and successes in the continuing fight to decrease the use of pleasure producing drugs.

PRIDE was founded by Marsha Schuchard and Buddy Gleaton, two concerned citizens who believed that providing parents with good health information was a crucial first step in eliminating the use of narcotics by youth.

The basic premise behind PRIDE is that parents have an innate instinct to protect their young. Thus, if parents are made aware of the threat that drugs pose to their children, these natural protective instincts will encourage parents to discuss drug abuse problems with children, and be aware of signs that a child may be under pressure to begin using drugs.

THE WAR AGAINST DRUG TRAFFICKERS

Mr. CHILES. Mr. President, in 1981 Senator NUNN and I introduced legislation to amend the posse comitatus statute which had the effect of prohibiting the military from any assistance in drug interdiction efforts. Since the passage of our amendments, the military has taken on new roles in providing surveillance, equipment, and personnel training to assist civilian agencies in combating the flow of illegal drugs into this country.

An article by UPI points out the important progress that has been made under the new statute.

Almost 2 years ago the Defense Department Task Force on Drug Enforcement was established to direct the Army, Air Force, Navy, Marine Corps, and Coast Guard in assisting Customs and local law enforcement agencies in detecting and halting drug traffickers. Forty military personnel have been assigned to the six regional Narcotics Board interdiction systems to act as a liaison between the Armed Forces and Federal and local law enforcement officials.

The UPI reports the military has become involved in various levels of support for drug interdiction programs. From the Air Force, two squadrons of C-130 Hercules hurricane-hunting planes from Keesler AFB near Biloxi, MS, and other C-130's which operate between U.S. bases and Panama are now responsible for overflying "mothership" drug-running freighters in the Gulf of Mexico. These planes were instrumental in the capture of over 100 tons of marijuana in 1984.

Navy P-3 Orion sub hunters, Hawkeyes and S-3 Viking reconnaissance planes spend 70 hours a month searching for drug smugglers. These units operate out of bases in Florida, Arizona, and California.

The Army has loaned 11 OH-6 observation helicopters to the border patrol. Additionally, the Army is loaning six $6 million Blackhawk helicopters, four stripped-down Cobra chopper gunships, and two Mohawk light planes to Customs.

Coast Guardsmen now ride aboard destroyers accompanying aircraft carrier battle groups into the Caribbean to interdict suspected drug ships.

Already these programs show success. For example, between May 1982 and November 1984 the Navy surface vessels and P-3's have been credited by the Coast Guard with the seizure of 712,447 pounds of marijuana, 46.2 pounds of cocaine, 215 arrests, and the capture of 31 ships.

While we can and should take pride in these accomplishments, we must remember that the war against drug traffickers is far from won. Illegal drugs still flow into our country at an alarming rate. Despite our stiffer laws and reinforced law enforcement agencies, much remains to be done. The 99th Congress must continue to pursue every possible avenue to strengthen our drug law enforcement capacity.

POLITICAL HUNGER

Mr. HELMS. Mr. President, attention is regularly focused primarily by some in the liberal media who like the conclusions—on a report issued by Dr. J. Larry Brown and other members of what he describes as a "Physician Task Force on Hunger in America."

Actually, Mr. President, this report is little more than a political diatribe against the Reagan administration. Its tone better befits the rhetoric of President Reagan's opponent in last fall's campaign than any serious study of the issues surrounding Federal food assistance programs. Its conclusions were foreordained by the composition—that is, primarily liberal and/or anti-Reagan—of the so-called physician's task force. It is fair to speculate whether the preeminent hunger issue for Brown's task force has been a hunger for headlines.

J. Larry Brown is indeed a doctor, but not a medical one—that is, he is a Ph.D. He has been a faculty member at the Harvard University School of Public Health. Somehow that connection has made his report a Harvard report.

In 1983, Dr. Brown testified before the Subcommittee on Nutrition of the Senate Committee on Agriculture, Nutrition, and Forestry. That testimony foreshadowed the type of faulty logic, exaggeration, and misrepresentations that would be employed in the latest report.

Dr. Brown's testimony about one study in Boston contained serious shortcomings, primarily by attempting to turn unsupportable assumptions into fact. I have outlined these shortcomings previously, but inasmuch as these and related assertions continue to receive attention, I will again urge more precise examination of the claims made by Dr. Brown. For instance, a rather spectacular charge was made by Dr. Brown at a Nutrition Subcommittee hearing conducted by Senator BOB DOLE on April 6, 1983. It was summarized in the following New York Times article:

> A survey by a Boston hospital that found an unexpectedly large number of children with stunted growth may be an indication of "silent undernutrition" among America's poor, a Harvard health specialist said today. (New York Times, April 7, 1983, B15)

The implications of Brown's testimony—as evidenced by news reports—were that the findings from this study represented a new development, that they were linked to nutrition program changes enacted during the Reagan administration, and that they may be occurring nationally.

However, Mr. President, there was absolutely no documentation in the testimony or subsequent answers to questions for any of the elements of this stark scenario. The most fundamental question in dealing with comparisons is "compared to what?" There was no evidence that the stunting statistics peculiar to the Boston City Hospital were new; indeed, no comparisons were made with previous years to form a basis for analysis. Brown admitted in response to a followup question that:

> Researchers do not know whether growth failure in this population (low-income children within Boston) was greater or less than a year ago, although prospective studies are being conducted.

No evidence was presented to suggest, much less prove, that levels of growth failure in Boston or elsewhere had any connection whatsoever to Federal nutrition programs, much less to specific changes made in these programs in the past several years. Indeed, there was no evidence from the study that there had been any change—that is, an implied reduction—in the level of Federal nutrition assistance received by the low-income households in the Boston City Hospital study. This is the type of incomplete, yet exaggerated, analysis that is

replete throughout Brown's new national report.

Most unfortunate was the portrayal by the media that the study of one hospital in inner-city Boston had produced results which somehow might have ominous national implications. The New York Times headline for the story was "Study Cited as Sign of Health Peril to Children of Poor in U.S." Even Brown stated in his testimony, not quoted in the newspapers, that "the Boston City Hospital study does not permit generalization to the larger population."

Nonetheless, Mr. President, the fiction was launched, or at least perpetuated, that nutrition program changes designed primarily to remove higher income participants and eliminate abuses were having a negative impact on low-income families.

Dr. Brown apparently decided to expand his focus and take his charges on the road in 1984 with the formation of a task force composed, more or less, of physicians. Coincidentally of course, 1984 was an election year although the public was assured that Brown's efforts were nonpartisan. Nonetheless, the doctors set out to find hunger in America, and blame it on Ronald Reagan. Probably just by happenstance, a preponderance of the States visited by Brown's entourage—seven out of eight, to be precise—had ongoing Senate elections in addition to the Presidential election.

North Carolina is variety vacation land, Mr. President, and so we were pleased to host Dr. Brown and one of his media events. Again, it was probably only coincidental that the findings from Brown's North Carolina investigation were released just prior to the November 8 election. In a truly nonpartisan fashion, certain comments by Brown, not favorable to this Senator from North Carolina, were of course included in news stories on the morning of the election.

I have no problems with Dr. Brown's right to use creative means to advance his liberal, anti-Reagan political views. But he should be straightforward in doing so. However, to do so in the guise of academic or medical respectability and objectivity undermines legitimate academic and medical research.

Dr. Brown has charged that the President's Task Force on Food Assistance, which made its report in January 1984, "basically * * * was a political undertaking." It certainly seems evident that for all of the Brown report's slick appearance and attempt at academic credibility, his group's report has been from the outset a very political undertaking. The findings do not warrant, and will not receive, serious consideration, except from those who share the liberal political objectives of its author.

Several astute commentators have examined closely beneath the veneer of Brown's hunger report. They have observed a number of the exaggerations as well as the political motivation for the findings.

Mr. President, I ask unanimous consent that two articles, by Warren Brookes and S. Anna Kondratas, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the St. Louis-Dispatch, Apr. 12, 1985]

THE HUNGER REPORT: VERY THIN GRUEL

(By S. Anna Kondratas)

The Physicians Task Force on Hunger in America, a group of doctors based at the Harvard School of Public Health, recently released a report claiming that hunger in America is a "national health epidemic." According to the report, "some 20 million Americans suffer from hunger." Even leaving aside questions of definition, one cannot help but be struck by the enormousness of the doctors' allegation that nearly one in 10 Americans is hungry.

Ironically, many of these same physicians participated in a 1977 study which found that America's nutrition programs were a great success and that hunger and malnutrition were no longer serious problems among the poor. What happened in the few intervening years to cause such a dramatic turnaround? To the doctors, the answer is clear: Hunger has spread rapidly because federal nutrition programs "have been weakened." Hunger has returned to the U.S. "primarily due to government failure," they said. In other words, it's the Reagan budget cuts again.

There is hunger and malnutrition in the United States today. But the report certainly does not present any solid data to convince us that 20 million people are barely surviving. For example, contrary to media reports, the physicians did not "find" 20 million hungry (let alone malnourished) people in the course of their survey. Indeed, the methodology for deriving that number is most peculiar and highly unscientific.

First, they took the 1983 poverty count of some 35 million, subtracted the 20 million food stamp recipients, and got 15 million people below the poverty line who were not receiving food stamps. They (quite correctly) state that this is a conservative estimate of the number of poor people not receiving food stamps, because some people receiving food stamps are above the poverty line. Then they decided that, by definition, anyone below the poverty line "does not have sufficient income to purchase a nutritionally adequate diet," an unwarranted assumption based on a misunderstanding of how the poverty thresholds were determined.

Next, the Task Force performed some statistical gymnastics with a few surveys, which even they described as not necessarily reliable, to estimate how many people receiving food stamps might still be experiencing hunger. Again, giving the impression that they were playing it cautious, and that their estimate was "conservative," they took the lowest survey finding (50 percent) and reduced that by half to conclude that some 5 million food stamp recipients also suffer from hunger. There is no scientific rationale for taking half of an unreliable estimate and concluding that it is anything but a totally arbitrary number. But in politics anything is possible.

Although the doctors are apparently unaware of such information, since 1979 the Census Bureau has been collecting household data on the number of food stamp recipients in poverty. Since there had been no budget cuts in our "successful nutrition programs" from 1977 to 1979—indeed, there had been substantial increases—one can safely conclude that there was no more hunger in 1979 than the doctors had cheerily documented in 1977, when they declared hunger no longer a serious problem.

What do we find? In 1979, of 26 million persons in poverty, fewer than 11 million—38 percent of poor households—were receiving food stamps. This means more than 15 million people below the official poverty line were not receiving food stamps. If one applies the task force's methodology, adding to the 15 million an arbitrary 25 percent of the remaining 11 million, the result is nearly 18 million "hungry" people in 1979—nearly one in 10 Americans, using the doctors' definition. But the doctors found malnutrition in 1977 to be negligible. In fact, they said, what they found gave them "great professional and civic pride."

Miraculously, 15 million poor people in the late 1970's—when inflation was raging—were able to feed themselves without government assistance. And the doctors found no serious malnutrition problems. But in the early 1980s, according to the Task Force, 15 million people with no government assistance are in the throes of a major hunger "epidemic"—despite an almost negligible inflation rate.

The tragedy of reports like "Hunger in America" is that people conclude, from the credentials of the authors, the prestige of the Harvard School of Public Health and the attention given it by the media, that the findings are fact. They're not. They do not establish cause-and-effect relationships between present economic policies and trends and their supposed subject of study—hunger and malnutrition. They merely make assumptions.

According to Census Bureau and Agriculture Department data, in 1979, 17.7 million people received food stamps, some 11 million of them under the poverty line, 6.7 million above. Of the 26 million people living in poverty, 42 percent received food stamps. In 1983, 21.6 million people were receiving food stamps—some 15.5 million below the poverty line and 6.1 million above. Some 44 percent of those officially considered poor received food stamps.

These figures show that not only greater numbers, but a higher percentage of the poor were being reached by the food stamp program in 1983 than in 1979. Moreover, the average per-person monthly benefit between 1979 and 1983 more than kept up with food inflation.

In the late 1970s two out of five poor Americans received food stamps and the doctors saw no hunger crisis. In the early 1980s, two of five poor Americans receive food stamps and that supposedly indicates rampant hunger.

In the "Hunger in America" task force proved anything with its study, it is not that we are in the throes of a "hunger epidemic." Rather, it is that political commitment is not the mother of scientific scholarship.

[From the Washington Times, Mar. 18, 1985]

HARVARD'S HUNGER HYPERBOLE

(By Warren Brookes)

Dr. J. Larry Brown, dean of Harvard's prestigious School of Public Health, is a committed ideologue of the far left whose political bias undermines Harvard's vaunted credibility.

On Feb. 26, Dr. Brown released an interesting "study" by the Physicians' Task Force on Hunger. The report claims that, despite $18.6 billion now being spent by the federal government on nutrition programs (an all-time high and, in constant dollars, identical with the record year of 1981), "there is a growing epidemic of chronic hunger . . . more widespread than at any time in the last 15 years."

Although the report shows no evidence of any prior-year comparable study (there was none), it confidently reports that "all of this can be traced in substantial measure to the clear and concise policies of the federal government," specifically the Reagan administration.

Citing "cuts of $12.2 billion in nutrition programs," it says we are seeing a "level of hunger not seen since the Great Depression," and asks for an immediate $7 billion increase in nutrition funding, which it said "could wipe out hunger in six months."

To show how ludicrously unscientific this "study" is, consider the facts summed up in the attached table:

From 1968 to 1981, nutrition funding rose from $613 million to $15.8 billion, a 1,502 percent constant-dollar increase. Yet, during that period, the number of persons living under poverty rose (for the first decade in history) 25 percent, from 25.4 million to 31.8 million.

More important from 1978-1981 (Carter budget years funding rose from $8.6 million to $15.8 million, a 42 percent constant-dollar increase. Yet poverty rose 30 percent, from 24.5 million persons to 31.8 million. The worst in history, a 9.1-percent annual rise, despite a 13 percent annual real rise in nutrition spending!

From 1981 to 1983 (first two Reagan budget years), nutrition spending rose from $15.8 billion to $17.95 billion—a 3 percent real rise in spending. Yet in these two years the poverty population rose only 5.4 percent a year—about half the Carter rate!

More important, because the Reagan program cut only those above 130-180 percent of poverty line ($13,000-18,000 income range) more benefits went to those below it—an increase of 4 million poor people getting food stamps (29 percent).

Virtually all the Harvard "anecdotes" about "hungry folks" described people who are actually eligible under current law—and therefore not deprived or affected, by Reagan budget cut.

The only statistical support provided in this study was the rise in the poverty population—but that was greatest under heavy Carter nutrition spending (1978-81). Aside from that, there were anecdotal reports of increased demand for emergency food aid, with no reference to the huge 500,000 rise in deinstitutionalized mental patients since 1978—a key factor in increased soup-kitchen lines.

In short, the report is a statistical sham, an exercise in political rhetoric unworthy of the prestigious Harvard name. It is full of undoubtedly true horror stories such as the one about the Tennessee family with eight children and three biscuits—and a quadriplegic husband who "was going to find a gun to rob a store."

Yet, that family, accurately described, is currently entitled to more than $5,000 a year in food stamps plus a potential of more than $20,000 a year in disability and SSI benefits, while a Mississippi family of 13 was entitled to more than $6,600 in food stamps, and $14,000 in cash aid—but was caught in a bureaucratic snafu.

Neither family was affected by the Reagan rules changes.

Finally, the most serious flaw is the failure of the study to account for reduced inflation in counting "budget cuts." The Carter administration projected $22.1 billion for FY 1985 nutrition spending—but that was based on a projection of a total four-year inflation, 1981-85, of 36.4 percent.

If you factor in the actual Reagan inflation of 16.7 percent for the same period, you get a nutrition budget of $18.9 billion for 1985 (using the Carter high-spending model). Well, the actual spending in 1985 is $18.5 billion, a "real cut" from the Carter projections of less than half a billion, or 2 percent—and a far cry from the "$12.2 billion in cuts" cited by the Harvard Study.

For example, the celebrated Women, Infants and Children program cited by the study as brutally cut, rose from $930 million to $1.52 billion, 1981-85, a 61 percent rise—and a 39 percent real rise. Mr. Carter's 1982 budget plan called for WIC to level off in FY 1985 at less than $1 billion, or, in constant dollars, some 45 percent *less* than now being spent.

Harvard—send Larry Brown on a political sabbatical!

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE TO COLLEAGUES

Mr. METZENBAUM. Mr. President, I wish to give notice to my colleagues that Senator CRANSTON, Senator KENNEDY, and I on Thursday last introduced a resolution having to do with the issue of the President visiting Bitburg on his trip to Germany.

I have in my hand a unanimous-consent request that the Committee on Foreign Relations be discharged from further consideration of Senate Concurrent Resolution 42 and that the Senate proceed to its consideration upon the disposition of Senate Joint Resolution 106, which is the Nicaragua resolution.

I am aware of the fact that the floor is unprotected at the moment other than the fact that the Presiding Officer is in the chair and under the circumstances I am not going to ask unanimous consent at this point, but I do want the leadership to know that such a request will be made. I think the Senate should have an opportunity to address itself to the issue of the President's visit to Bitburg and indicate its disapproval if it sees fit to do so.

But I feel that there would be some inappropriateness in asking unanimous consent at this point when the only person in position to protect the floor is the Acting President pro tempore.

But I take this means of placing the Senate on notice that before the afternoon is over I hope to move in that direction and would be very happy to discuss with the leadership or anyone else who has concern about it when if that time is not convenient this matter can be brought to a vote on the floor of the Senate.

I might also say I certainly have no objection to a limited time agreement with respect to its being on the floor of the Senate. I do so in the absence of Senators CRANSTON and KENNEDY. Senator CRANSTON is on flight coming back to Washington at the moment, and I am not exactly certain of the location of Senator KENNEDY at this moment. But I am certain that both of them would agree with the unanimous-consent request.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TRIBLE). Without objection, it is so ordered.

GEN. JEROME F. O'MALLEY

Mr. GOLDWATER. Mr. President, on Saturday evening, April 20, the U.S. Air Force lost one of its foremost leaders in a tragic aircraft accident. Gen. Jerome F. O'Malley, the Commander of the U.S. Air Force Tactical Air Command, his wife, Diane, and three crewmembers lost their lives in the crash of a CT-39 transport aircraft at the Scranton-Wilkes-Barre International Airport in Pennslyvania.

Jerry O'Malley was one of the rising stars in all of the military. At 53 years of age, and already a four-star general, he was, I am certain, destined to command our Air Force and, one day, likely even to serve as Chairman of the Joint Chiefs of Staff. I realize that statement presumes an awful lot, but any one who knew Jerry, and his friends both in and out of the military were legion, would find it difficult to disagree with me.

A 1953 graduate of the U.S. Military Academy at West Point, Jerry rose quickly to the top leadership within the Air Force, serving with great distinction at every level.

Mr. President, it is difficult to assess the depth of the impact General O'Malley's loss will have on our Air Force and our Nation, but my personal loss is profound. In addition to the great admiration and respect I held for General O'Malley as a military professional, he and his wife, Diane, were close personal friends of mine and I will miss them terribly.

I wish to express my heartfelt condolences to the families of General and Mrs. O'Malley and to the families of the crewmembers who also lost their lives in the accident.

BRIEF HISTORY OF STATEHOOD PROCESS

Mr. KENNEDY. Mr. President, the continuing controversy over the close election last fall for the Eighth Congressional District in Indiana has once again highlighted a fact that almost all of us take for granted—the right of American citizens to be represented in Congress. The 50,000 people of the Eighth District are rightly concerned that they have not been represented in this Congress since January 3, and all of us hope that the controversy will be resolved as soon as possible.

But there are 600,000 U.S. citizens whose representation in Congress is being continuously denied with no satisfactory resolution in sight. These are the citizens of the District of Columbia who are unfairly denied the right to representation in Congress.

Earlier this year, I introduced S. 293, a bill providing for the admission of the District of Columbia into the Union as the 51st State, the State of New Columbia. An identical bill was introduced in the House of Representatives by Congressman WALTER FAUNTROY.

Recently, I asked the Library of Congress to prepare a brief analysis of the issues involved in past debates over the admission of the various States to the Union. Mr. Peter B. Sheridan of the Government Division of the Congressional Research Service of the Library of Congress has prepared an excellent and thought-provoking summary of the statehood process. I believe that this historical analysis will be of interest to all of us in Congress as we consider the issue of statehood for the District of Columbia, and I ask unanimous consent that Mr. Sheridan's study may be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

ADMISSION OF STATES INTO THE UNION AFTER THE ORIGINAL THIRTEEN: A BRIEF HISTORY AND ANALYSIS OF THE STATEHOOD PROCESS

(By Peter B. Sheridan, Analyst in American National Government, Government Division, April 2, 1985, Congressional Research Service, Library of Congress)

I. BACKGROUND

The authority for admitting new States into the Union is vested in Congress by Article IV, Section 3, of the Constitution of the United States, as follows:

New States may be admitted by the Congress into the Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have powers to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be construed as to Prejudice any Claims of the United States, or of any particular States.

Although Article IV does not further define the procedure by which a territory becomes a State, the usual procedure for admission is (1) the people of the territory through their territorial assembly petition Congress; (2) Congress passes an "enabling act" that, when signed by the President, authorizes the territory to frame a constitution; (3) Congress passes an act of admission approved by the President. Though Congress and the President may insist upon certain conditions for admission to the Union, a state, once admitted, is equal with all other states. . . .[1]

One such "condition" is that a State have a "republican" form of Government. The U.S. Constitution guarantees to every State a "republican" form of government (Article IV, Sec. 4), and this provision became one of the few constant elements in subsequent enabling acts and acts of admission.

While this has been the "usual" procedure for admission to statehood,[2] some States have followed different procedures. Seventeen territories, for example, gained statehood without enabling acts (see Appendix I). Four other States (Kentucky, Maine, Vermont, and West Virginia) were admitted by simple congressional acts of admission without undergoing a preliminary stage of territorial organization; all four areas had been parts of other States before admission. California and Texas similarly were not organized territories before admission. California had been administered by the American Army, and Texas had been an independent republic before it was annexed. In seven cases (Tennessee, Michigan, Iowa, Oregon, Kansas, and Alaska), the United States Congress was presented by the respective "States" with "Senators" and "Representatives" from these areas before statehood was granted. This procedure, known as the "Tennessee Plan," was first adopted by Tennessee in 1796, when a constitution was drafted and representatives were elected, all without any authorization from Congress.[3]

In most instances, States were admitted into the Union without any great difficulty, regardless of the procedure used. In some cases, however, statehood, because of various political, social, and economic reasons, was achieved only after a long and protracted struggle. Before the Civil War, for example, the question whether a new State would be free or slave delayed entrance into the Union. At other times, partisan politics in Congress deferred admission of new States. Thus, the time between organization of a territory and admission into the Union varied from two years in the case of Alabama to sixty-two years for New Mexico (see Appendix A).

In addition to the procedural patterns described above, certain "traditionally accepted requirements" for statehood have been noted:

(1) That the inhabitants of the proposed new State are imbued with and are sympathetic toward the principles of democracy as exemplified in the American form of government and have proved their political maturity . . .

(2) That a majority of the electorate wish statehood.

(3) That the proposed new State has sufficient population and resources to support State government and at the same time carry out its share of the cost of the Federal Government.[4]

The requirement that a State "carry out its share of the cost of the Federal government," however, "has never been required of any state upon its admission to the Union. Research has failed to produce a single instance or congressional debate in which this additional economic 'criteria' [sic] was raised or required in the statehood process of any aspiring entity."[5] With this exception, this has been the historical pattern under which 37 States have been admitted, although these "requirements" are not legally or constitutionally mandated.

II. STATEHOOD HISTORIES

Alabama

On March 3, 1816, Alabama Territory was created by the Congress from the eastern part of Mississippi Territory (3 Stat. 371). By 1819, the population of the new territory had increased enough that Congress, at the request of the territorial legislature, passed an enabling act on March 2, 1819, which authorized the drafting of a State constitution, and that this constitution "to be transmitted to Congress, for its approbation." (3 Stat. 489). A constitutional convention met at Huntsville for that purpose from July 5 to August 2, 1819, and a constitution was duly forwarded to Congress, which found the constitution to be "republican." On December 14, 1819, a congressional resolution admitting Alabama into the Union was signed by President James Madison (3 Stat. 608).

There were no obstacles to the admission of Alabama and there were no debates in Congress on the admission of the new State.

Alaska

Alaska was purchased from Russia in 1867 (15 Stat. 539), and was granted territorial government by the organic act of 1912 (37 Stat. 512). The first bill for Alaskan statehood was introduced in 1916 by delegate James Wickersham, who was also the author of the Organic Act of 1912. Opposition to Alaskan statehood immediately, and for years afterward, focused on several aspects of the territory's economy and geography. It was claimed, for example, that the population of the territory was too small to support statehood. More interesting was the argument that Alaska was not contiguous to the United States. Nevertheless, contiguity was never a requirement for statehood. More telling, perhaps, were arguments that Alaska possessed insufficiently developed

Footnotes at end of article.

resources and that statehood would increase the cost of government in Alaska.

By 1946, many of these arguments seem to lack validity because Alaska had, during the war years 1941-1945, experienced an increase in population (civilian and military) caused by the construction of such things as roads, airfields, and docks needed in the war effort. These improvements in communications and transportation helped end Alaska's isolation and contributed to Alaska's economic improvement.

The campaign for statehood for Alaska received an added boost when President Truman, in his first State of the Union Message in January 1946, recommended statehood for Alaska "as soon as it is certain that this is the desire of the people of that great Territory."

In October 1946, the voters of Alaska approved statehood for the territory by three to two, or 9,620 to 6,822. While not overwhelming, the vote nevertheless encouraged the Delegate from Alaska, E. L. Bartlett, to introduce a statehood bill. At the same time, the territorial legislature sent a memorial to Congress requesting statehood. Hearings were held (the first on any Alaskan statehood bill), and a subcommittee of the House Committee on Public Lands approved the legislation. In 1949, however, the measure was blocked by the House Rules Committee. In 1950, an enabling bill was passed by the House, but failed in the Senate. In 1954, a proposal for Alaska-Hawaii statehood passed the Senate, but not the House.

Proponents of statehood did not remain idle, and in April 1956 a State constitution was approved by Alaskans. In October 1956, two "Senators" and a "Representative" were elected, ready to assume office.[6] President Dwight D. Eisenhower announced his support for statehood in January 1958, and legislation to that end was introduced and passed both Houses of Congress. On July 7, 1958, President Eisenhower signed the Alaska Statehood Act (72 Stat. 339). In August, statehood was approved by an overwhelming majority of Alaskans. Finally, on January 3, 1959, Alaska was formally admitted as a State by Presidential proclamation (73 Stat. c16).

Arizona

The territory of Arizona was created on February 23, 1863, from the western part of the territory of New Mexico (12 Stat. 664). In 1891, the territorial legislature of Arizona authorized a constitutional convention (without a congressional enabling act). The constitution produced by this convention encountered opposition in Congress when it was submitted because it declared silver as legal tender. Many congressmen at this time supported the gold standard. Nevertheless, a statehood bill was introduced in 1892 by the territorial Delegate. This bill was passed by the House but died in the Senate because, as one historian noted, "Republicans in the Senate feared the admission of a state that obviously would be Democratic in politics."[7]

In 1902, a statehood bill for New Mexico, Oklahoma, and Arizona was introduced. This bill was opposed by Republican Senator Albert Beveridge of Illinois who, after a three-day visit to the territory, proposed instead the admission of Arizona and New Mexico as a single State.

This action was protested by the residents of both Arizona and New Mexico. Eventually, an amendment to the bill was offered providing for a referendum in the two territories on joint statehood (34 Stat. 267). In November 1906, joint statehood was defeated by the Arizonans, and each of the two territories pursued statehood on an individual basis.

In his first annual message to Congress in December 1909, President William Howard Taft recommended admission of Arizona and New Mexico as separate States. At the same time, President Taft urged the territories to exercise care in the selection of delegates to their respective constitutional conventions. Congress, following Taft's recommendation, enacted an enabling act for Arizona on June 20, 1910 (36 Stat. 557).

The Arizona constitutional convention finished its work on December 10, 1910, and submitted the document for popular approval on February 9, 1911. Arizona's constitution included provisions for such features as initiative, referendum, and recall of public officials. The constitution was approved by the people and submitted to Congress. In August, Congress passed a joint resolution admitting Arizona and New Mexico.

President Taft, however, vetoed the bill because he objected to the section of the Arizona constitution concerning the recall of judges. On August 21, 1911, Congress passed another joint resolution admitting Arizona but requiring the territory to exempt members of the judiciary from recall (37 Stat. 39). This was done, and on February 12, 1912, President Taft declared statehood for Arizona by Presidential proclamation (37 Stat. 1728).

At the first State election after statehood, the people of Arizona voted to reinstate a recall of judges provision to their constitution.

Arkansas

Arkansas was organized as a territory on March 2, 1819 (3 Stat. 493) from part of Missouri territory, which in turn, had been formed from the Louisiana Purchase (8 Stat. 200).

Arkansas's efforts to acquire statehood were initially hampered by internal regional social, political, and economic schisms. The southeastern part of the territory, for example, consisted predominantly of slaveholding cotton planters. The northwestern part of the territory, on the other hand, was made up of small farmers (predominantly non-slaveholding) growing a variety of agricultural products. The interests of both sections, therefore, did not generally coincide on a number of issues, not the least of which was statehood.

In 1831, Ambrose H. Sevier, the territorial Delegate, suggested delaying statehood because of the increased taxation which he felt would be necessary after statehood. Two years later, however, with the increase of pro-Jackson sentiment in the territory, and with the move by Michigan for statehood, Sevier and other Democrats changed course and began to push for statehood. Considering Michigan's application for admission as a free state, Sevier stated: "Should she go into the Union as such, the happy balance of political power now existing in the Senate, will be destroyed, unless a slave state go in with her."[8]

In Washington, Sevier's efforts to obtain an enabling act for the territory proved unavailing because of the opposition of abolitionist Whigs. Arkansas statehooders therefore decided to hold a constitution convention without congressional authorization. This was done in January 1836, and by the end of the month a constitution was on its way to Washington in time to have statehood for Arkansas considered at the same time as statehood for Michigan.

In the Senate, there was little opposition to the admission of Arkansas as a slave State, and the measure passed the Senate on April 4, 1836. In the House, however, anti-Jacksonians, led by John Quincy Adams, engaged in strong opposition to Arkansas statehood. Finally, on June 12, admission bills for Michigan and Arkansas were passed by the House. President Andrew Jackson signed the measure admitting Arkansas into the Union on June 15, 1836 (5 Stat. 50).

California

California was part of the area ceded to the United States by Mexico in the Treaty of Guadalupe Hidalgo in 1848 (9 Stat. 922). Congress, however, made no provisions for a civil territorial government in California, and the area was, for a time, governed by the American Army.

The discovery of gold in California in 1848 resulted in one of the greatest mass migrations in American history (the "Forty-niners"). The population soon reached a stage where President Zachary Taylor found it expedient to suggest that California become a State. At the same time, Californians were demanding a more effective government. Congress had been slow to act, so the military governor, Brigadier General Bennet Riley, called a constitutional convention, which met at Monterey in September 1849 and drafted a constitution prohibiting slavery. This constitution was ratified by the people of California on November 13, 1849. On the same day, the people elected a full slate of government officials, including two "Representatives." At the first session of the California State legislature, two United States "Senators" were appointed. On December 20, 1849, the military governor resigned. California, in effect, had proclaimed itself a State. In so doing, California followed the precedent established by Tennessee in 1796.

In his annual message to Congress on December 4, 1849, President Taylor recommended the immediate admission of California. There were, at this time, fifteen slave States and fifteen free States. Southerners in Congress immediately protested the admission of a new free State, and a long and vehement debate ensued.[9]

In the midst of the debate, Senator Henry Clay of Kentucky, on January 29, 1850, proposed a series of resolutions to settle the differences between the North and the South. The resolutions called for the admission of California as a free State, the organization of New Mexico and Utah as territories without any mention of slavery, the enactment of a new and more effective fugitive slave law, the abolition of the slave trade in the District of Columbia, and the adjustment of the boundary between Texas and New Mexico, with the Federal Government assuming the Texas national debt.

Clay's proposals resulted in the enactment of five laws between September 9 and September 20, 1850, known collectively as the "Compromise of 1850." The first of these, on September 9, admitted California as free State (9 Stat. 452).[10] Subsequent legislation established a territorial government in Utah and New Mexico with no mention of slavery, amended the fugitive slave law, abolished the slave trade in the District of Columbia, and adjusted the boundary of Texas and New Mexico without mention of slavery.

Colorado

Colorado was organized as a territory on February 28, 1861 (12 Stat. 172).

In 1858, discovery of gold in what is now Colorado resulted in a rush of settlers into the region. The next year, in a move for self-government typical of several other frontier settlements in American history, the residents of the area created "Jefferson Territory," an unofficial political entity. In September 1859, these residents voted on the question whether to seek territorial status or statehood. Statehood was rejected by a close margin because many felt that the region was not ready for elevation to statehood. Two years later, in 1861, Colorado was organized as a territory including those lands which make up its present boundaries, that is, parts of the territories of Utah, Kansas, Nebraska, and New Mexico. "Jefferson Territory," of course, came to an end when the territory of Colorado was created.

In 1863, the territorial Delegate introduced a bill for statehood. This bill died in committee, but Congress did enact, on March 21, 1864, an enabling act for Colorado (13 Stat. 32). In accordance with the provisions of this act, a constitutional convention was called. The constitution drafted by this convention, however, was rejected by the people of the territory in September 1864. Advocates of statehood, assuming the enabling act of 1864 to be still in force, called another convention in 1865, and in September of that year succeeded in gaining popular approval of the constitution. The subsequent "State" officials and "Senators" were, however, rejected by President Andrew Johnson on the grounds that the proceedings of the convention were at variance with the provisions of the enabling act. Congress, nevertheless proceeded to pass a statehood measure for Colorado. On May 15, 1866, President Johnson vetoed this measure because he believed the population of the territory insufficient to support a State government and because the vote for statehood in the territory was too small.

Statehooders were successful in having a bill passed by Congress in 1867, but this too was vetoed by President Johnson for the same reasons. President Johnson added, however, two new reasons for his veto: a territorial law which excluded blacks and mulattoes from voting, and a protest against statehood submitted by the House of Representatives of the territory.

In the decade after organization, the territory of Colorado had Governors who were anti-statehood and who were instrumental in forming public opinion against statehood. By 1870, however, much had changed. Three factors now served to spur a new influx of settlers: the end of the Civil War, the settlement of the Indian problem, and the arrival of the railroads. In 1873, Governor Samuel H. Elbert led the statehood struggle and petitioned Congress for a new enabling act. Governor Elbert was supported by President Ulysses S. Grant, who, in his message to Congress in December 1873, recommended admission of Colorado as a State.

On March 3, 1875, a new enabling act was passed by Congress (18 Stat. 474). In December of that year a constitutional convention met at Denver. The document was subsequently ratified by the people of the territory in July 1876, and on August 1, 1876, Colorado was admitted into the Union by Presidential proclamation (19 Stat. 665).[11]

The admission of Colorado in 1876 is considered by some historians to be a case of political expediency. The Democrats in Congress generally opposed statehood for Colorado because they foresaw, correctly, another Republican State. The Republicans, on the other hand, by 1875 "felt the need for Colorado's electoral vote as its leaders realized that the contest of 1876 was going to be close."[12]

Florida

Florida was ceded to the United States by Spain in the Admas-Onis Treaty of 1819 (8 Stat. 252), and was organized as a territory on March 30, 1822 (3 Stat. 654).

Settlement and development of Florida was initially hampered by a series of wars with the Seminole Indians (1835–1842). Moreover, any political development of the territory was hindered by regional differences: West Flrida was attracted by the idea of annexation to Alabama; Middle Florida favored statehood; and East Florida was opposed to both ideas.

By 1837, however, a referendum held by the territorial legislature showed a majority of the populace in favor of statehood. A constitutional convention was accordingly held in December 1838, and a constitution was adopted in January 1839. This constitution was approved by the people of the territory in September 1839.

No substantive action was taken on statehood for Florida until 1845, when, following the custom of admitting free States and slave States in pairs, a bill was introduced for the admission of Florida and Iowa. There was no enabling act for either territory. In February 1845, the House passed this bill. In the Senate, some objections were made concerning clauses in the Florida constitution which prohibited emancipation and the emigration of free blacks and mulattoes into the State. An amendment was proposed deleting these clauses, but it was defeated and the bill was passed by the Senate on March 1, 1845. The measure admitting Florida into the Union was signed by the President on March 3, 1845 (5 Stat. 742).

Hawaii

Hawaii was annexed to the United States by a joint resolution of Congress in 1898 (30 Stat. 750), and was made an incorporated territory of the United States in 1900 (31 Stat. 141). As early as 1903, the territorial legislature passed a resolution favoring statehood. In 1938, a congressional investigation reported that Hawaii fulfilled all the requirements necessary for statehood, and in 1940 a plebiscite in the islands showed the people supported statehood by a margin of two to one.

The entrance of the United States into world War II in 1941 brought a temporary halt to the statehood drive, and it was not until 1946 that any legislative activity was taken by Congress (although there had been numerous hearings and investigations). In that year, a subcommittee of the House Territories Committee urged consideration of Hawaiian statehood legislation.

Numerous arguments against the admission of Hawaii as a State were advanced, however. There was, for example, the old argument against adding noncontiguous territory. The racial composition of the islands, mostly Japanese and Chinese, worried others. After the attack on Pearl Harbor in 1941, this argument was especially strong, as the loyalty of the Japanese was suspect. This opposition was dispelled only after the war, during which the 442nd Regimental Combat Team and the 100th Infantry Battalion, composed of Nisei (Americans of Japanese ancestry), became two of the most decorated units in the American Army. A third argument against statehood was the alleged Communist influence in Hawaii, especially in the International Longshoremen's and Warehouse Union (ILWU).[13]

In any event, the House in 1947 passed legislation providing for statehood for Hawaii, but the Senate killed the measure. As happened before in American history, statehood for a territory "had become a political football. Since Hawaii was predominantly Republican, the Democrats refused to vote for its admission unless Alaska, a Democratic stronghold, was granted statehood also."[14]

After Alaska became a State, Hawaii's prospects improved. On March 12, 1959, Congress passed the Hawaiian statehood bill. President Eisenhower signed the measure on March 18 (73 Stat. 4), and on June 27, 94 percent of Hawaii's registered voters approved statehood. On August 21, 1959, President Eisenhower proclaimed Hawaii a State (73 Stat. c74).

Idaho

Idaho was organized as a territory on March 3, 1863 (12 Stat. 808). The subsequent creation of the territories of Wyoming and Montana out of the area comprising the original Idaho Territory reduced the area of Idaho Territory to its present size.

For many years, Idaho had a small population, and sentiment for statehood was slow in gaining approval. The coming of the railroads and the resultant influx of settlers changed this situation.

In February 1889, Congress enacted an enabling act for North Dakota, South Dakota, Washington, Montana (the so-called "Omnibus" States).[15] This action spurred the Governor of Idaho to take the initiative and call a constitutional convention. A constitution was drafted and was approved by the people in November 1889.

Idaho's admission, however, encountered some opposition in Congress because it was alleged that the territory had insufficient population to support a State government. Moreover, some objected to the irregularity of calling a constitutional convention without congressional authorization (there was no enabling act), and others objected to a provision in the proposed constitution which disfranchised men for their religious beliefs (Mormons who practiced polygamy were denied suffrage). Finally, opponents also faulted the apportionment of the legislative districts as unfair. In other respects, Idaho's constitution was considered progressive as it established labor arbitration boards, an eight-hour day on public works, state control of various water projects, and prohibited child labor in mines.[16]

Eventually, the constitution was approved by the House in April, and by the Senate in July, 1890, and on July 3, President Benjamin Harrison signed the admission bill (26 Stat. 215).

Illinois

Originally part of the Territory Northwest of the Ohio River, Illinios was created from part of Indiana Territory and was organized on February 3, 1809 (2 Stat. 514).

After the War of 1812, land cessions by the Indians helped make the territory of Illinois attractive to settlers, especially from nearby Southern States. The statehood movement grew slowly, and early petitions for statehood were ignored by Congress. On January 16, 1818, however, the territorial delegate, Nathaniel Pope, presented a memorial from the Illinois legislature requesting admission into the Union.

An enabling bill authorizing a State constitution was introduced in Congress. This

measure encountered some opposition in the Senate, however, which expressed doubts about the size of the population of the territory, and about a provision in the enabling bill which set aside a percentage of the proceeds from the sale of Federal lands in Illinois for education in the new State. Nevertheless, an enabling act was passed on April 18, 1818 (3 Stat. 428). Congress made it clear in the enabling act that Illinois would not be admitted with less than 40,000 inhabitants. The Illinois legislature was therefore required to conduct a census.[17]

A constitutional convention met in Illinois in August, and a constitution for the new State was submitted to Congress in November. On November 23, the constitution was debated in the House, where opponents—Representatives from the New England States, New York, New Jersey, and Pennsylvania—questioned provisions in the Illinois constitution regarding slavery. (The Illinois constitution provided for the maintenance of the status quo regarding slaves and indentured servants.) Provisions were made for gradual emancipation and further introduction of slavery was prohibited. Eventually, the House approved the admission of Illinois. The Senate approved on December 1, and President James Monroe signed the admission act on December 3, 1818 (3 Stat. 536).

Indiana

Indiana was part of the Territory Northwest of the Ohio River ceded to the United States by Great Britain in the Treaty of Paris in 1783 (8 Stat. 80). In 1800, the territory was divided (2 Stat. 58), and the territories of Ohio and Indiana created, the latter consisting of present areas of Wisconsin, Michigan, Illinois, and Indiana. Later divisions reduced Indiana Territory to approximately its present size. The division of the Northwest Territory was largely the work of William Henry Harrison, Delegate from the territory and the first Governor of Indiana Territory.

In 1811, the Indiana territorial legislature sent a memorial to Congress requesting statehood. The next year, Congress proposed an enabling act for Indiana when the population of the territory reached 35,000. The War of 1812, however, postponed any further action by either Congress or the inhabitants of the territory, who were preoccupied with Indian problems. After the war, and with the Indian problem settled, Indiana experienced a wave of settlers into the territory. In 1815, a census revealed that the population of the territory was 63,897. Accordingly, in December of 1815 the territorial legislature petitioned Congress for admission as a State. On January 5, 1816, Jonathan Jennings, the territorial Delegate, introduced a bill for an enabling act for the territory of Indiana. This was passed by the Congress, and the territory was authorized to form a constitution and a State government. (3 Stat. 289). A constitution was drafted by the territory in July 1816, and was sent to Congress where statehood for Indiana encountered no opposition. Indiana was admitted as a State on December 11, 1816 (3 Stat. 399).

Iowa

Iowa was organized as a territory from a portion of Wisconsin Territory on June 12, 1838 (5 Stat. 235).

Statehood was proposed by the first two territorial Governors but was rejected by the people of the territory (1840, 1842). By 1844, however, the territory had grown in population and sentiment for statehood had increased. In October of that year, a constitution was drafted and sent to Washington where a statehood bill for the admission of Iowa and Florida was introduced. Free state advocates in Congress managed to have the size of Iowa Territory reduced. The act of admission, therefore, contained a provision requiring the assent of the people of the territory to the new bounderies (5 Stat. 742, March 3, 1845).

On two occasions in 1845, the people of Iowa Territory rejected the new boundaries. A second constitutional convention was held in May 1846, during which the present boundaries were drawn. In the meantime, on August 4, 1846, Congress accepted new boundaries proposed by the territorial Delegate (9 Stat. 52), which were the same as those of the convention, and on December 28, 1846, Iowa was admitted into the Union (9 Stat. 117).

Before admission, Iowa had elected a Governor and two "Representatives" to Congress (October 1846). Iowa is thus considered a "Tennessee Plan" State. Party divisions in the Iowa legislature prevented the election of Senators until 1848.

Kansas

In January 1854, Senator Stephen A. Douglas, Chairman of the Senate Committee on Territories, introduced a bill for the organization of the Kansas and Nebraska territories. A key feature of this bill was the provision that "popular sovereignty" should prevail. In other words, the people of the territories should decide for themselves whether slavery should be permitted or not, thus repealing the Missouri Compromise of 1820, one provision of which banned slavery in territories north of 36 degrees 30 minutes. (See p. 30).

Douglas' bill passed after three months of bitter debate (10 Stat. 277). This was followed by a lengthy conflict during which Kansas endured a particularly nasty civil war ("Bleeding Kansas") as both North and South sent settlers to the territory in an effort to achieve a majority. Separate legislatures were soon formed, and rival constitutions were submitted to Congress, itself the scene of several violent episodes arising from debates on the "Kansas Question." Indicative of this turmoil in Kansas is the summary of one historian:

"In seven years six governors and five acting governors came and went, the Territorial capital was moved about like a chessman, and three State constitutions were written and rejected. Martial law prevailed intermittently, and Free State leaders were indicted and imprisoned for high treason."[18]

By 1859, the Free State Party was in the majority, and a proposal to call another constitutional convention was approved. This convention, held at Wyandotte in July, produced a constitution for a free State, and was ratified by the people of the territory on October 4. In December, "State" officers, a "State" legislature, and a "Representative" to Congress were elected. Senators, however, were not selected until after Kansas became a State. Thus, Kansas is classified as a "Tennessee Plan" State. A bill for admission was submitted in Congress, was passed by both Houses of Congress in January 1861, and was signed by President James Buchanan on January 29, 1861 (12 Stat. 126).[19]

Kentucky

Kentucky, part of the original area of the State of Virginia, became a county of that State in 1776, following a request for that action by a group of settlers who desired protection from the Indians and recognition by Virginia. In 1776, the area known as Kentucky was frontier land, inhabited by few settlers in widely scattered settlements. After the American Revolution, Kentucky experienced a rush of settlers from Virginia, Pennsylvania, North Carolina, and Maryland. It was not long before these settlers, chafed by rules and regulations which they believed were unsuitable to a frontier environment, and which were enacted by a faraway legislature considered to be largely unresponsive to the needs of the frontiersmen, began to develop separatist sentiments. Between 1784 and 1791, nine conventions were held in Kentucky to consider various political alternatives. The Virginia legislature responded to these actions by proposing four successive acts of separation.

Nothing came of these proposals until the fourth act of separation in December 1789, when Virginia removed most of the conditions objected to by the Kentuckians and consented to the creation of a new State. Virginia did require, however, that Kentucky share the expenses of the 1789 expedition against the Indians. These conditions were accepted in a ninth convention (July 1790) held in Kentucky. This convention also petitioned Congress for admission as a State and called for a meeting in April 1792 to draft a constitution.

In February 1791, on the recommendation of President Washington, Kentucky was admitted as a State (1 Stat. 189) effective June 1, 1792, at the request of the people of Kentucky.

Kentucky, the first State west of the Appalachian Mountains, was one of four areas (Vermont, Maine, and West Virginia were the others) formed from parts of other States, and admitted as separate entities by simple acts of admission.

Louisiana

Louisiana was organized from part of the Louisiana Purchase as the Territory of Orleans on March 26, 1804 (2 Stat. 283).

As early as December 1804, the polyglot population of the territory petitioned Congress for admission as a State. By 1810, the population of the territory was 76,556, and in 1811, despite the objections of the Governor, William C. C. Claiborne, who believed that the territory was not ready for statehood, an enabling Act was passed by Congress for the territory (2 Stat. 641). In November 1811, a constitutional convention was held in New Orleans.

Statehood for Louisiana encountered some opposition in Congress as some members distrusted the allegiance of the "foreign" element (the majority of inhabitants were French) in the territory. Others argued against admission on the grounds that the territory had never been part of the original United States. As one historian noted:

The U.S. Congress had to ponder the fact that in the proposed new State of Louisiana, with its Creoles, Acadians, Canary Islanders, Spaniards, Germans and Dominicans, a great majority of the population could not speak a coherent English sentence. Congress overlooked this detail and made Louisiana a state in 1812. The terms of statehood gave striking evidence of the Creoles' tenacity. Louisiana came into the Union trailing the French judicial system, the Code Napoleon, which remains the basis of Louisiana law to the present day.[20]

Eventually, an act of admission for Louisiana was passed on April 8, 1812 (2 Stat. 701), to become effective April 30, 1812.

Maine

Before admission into the Union, Maine had been a District of Massachusetts. Residents of the area, however, were dissatisfied with this arrangement, and during the War of 1812, intensified separatist movements, which had been present since the end of the American Revolution. Finally, in 1820, Massachusetts consented to the separation and the creation of a new State.

Maine's request for admission into the Union, however, became entangled in the debate over the admission of Missouri. Alabama had been admitted into the Union in 1819, and admission of Missouri would upset the prevailing balance between North and South in the Senate. Eventually, a compromise (Missouri Compromise of 1820) was reached whereby Missouri would be admitted as a slave State and Maine as a free State. (See p. 30) Congress declared Maine a State, effective March 15, 1820, by an act approved on March 3, 1820 (3 Stat. 544).

Michigan

Michigan was organized as a territory on January 11, 1805 (2 Stat. 309).

No significant move for statehood occurred until 1833 when the territory petitioned Congress for authority to form a State government. Congress rejected the petition in 1984, largely because of the opposition of the Ohio delegation. At this time, Ohio and Michigan were in dispute over an area of land known as the "Toledo strip."

In 1835, statehood advocates in the territory, realizing that the territory had more than the population specified in the Northwest Ordinance for admission of a territory to statehood, and knowing of the objections in Congress to statehood, decided to follow the example of Tennessee in 1796 (see page 3).[21]

Accordingly, a constitutional convention was called (May-June) in Michigan. On October 5, 1835, the constitution was ratified by the people of the territory. At the same time the people elected a Governor, a State legislature, and a "Representative" to the United States Congress. At the first session of the State Legislature, two "Senators" were elcected. Congress was thus presented with a *de facto* State government.

This action was denounced by some in Congress. Statehood for Michigan was again opposed by the Ohio delegation, together with Southern members who objected to the admission of a free State, which Michigan would be under the terms of the Northwest Ordinance of 1787. (See note 32, p. 39). Slavery was prohibited by the Northwest Ordinance in States formed from the Northwest Territory.

Eventually a compromise was reached. Arkansas, which had applied for admission at the same time, would be admitted as a slave State, and Michigan would be admitted as a free State. Michigan's admission, however, was contingent on the recognition of Ohio's claim to the "Toledo strip" (5 Stat. 49. June 15, 1836)

In September 1836, a Michigan convention ("Convention of Assent"), met at Ann Arbor and refused acceptance of this condition (set by Congress) for admission. Statehood Democrats therefore called a new convention, from which most Whigs abstained, which accepted the conditions of admission on December 15, 1836. Michigan was thereupon admitted as a State on January 26, 1837 (5 Stat. 144). As compensation for the loss of the "Toledo strip," Michigan was given the Upper Peninsula, which had been part of Wisconsin Territory.

Minnesota

Minnesota Territory was created from the Northwest Territory and portions of the Louisiana Purchase. The territory was organized on March 3, 1849 (9 Stat. 403).

After the conclusion of the Sioux treaties in February 1853, the territory experienced a land boom as settlers from other areas and immigrants from Northern Europe poured into the new lands. By 1857, the population of the territory was 150,037.

In February 1857, the territorial Delegate, Henry M. Rice, succeeded in gaining passage of an enabling act authorizing the territory to form a constitution (11 Stat. 166). A constitution was drafted in July, and was accepted by the voters of the territory on October 13. At the same time, assuming that statehood would soon be granted, the Minnesotans proceeded to elect a Governor, other "State" officials, and three United States "Representatives." On December 2, 1857, this "State" legislature met and on December 19, elected two United States "Senators." [22]

In 1858, however, statehood for Minnesota encountered considerable opposition in Congress. Some members objected to the provisions in the Minnesota constitution extending suffrage to aliens and Indians who had "adopted the customs and habits of civilization." Other members questioned the validity of creating a sixth State from the Northwest Territory when the Northwest Ordinance of 1787 specified that no more than five States were to be created. The question of how many Representatives should be accorded Minnesota was discussed in the Senate for several days. Eventually, two Representatives were allowed. The Senate also debated at length the "irregular" proceedings in forming the constitution and questioned the legitimacy of the "State" government. Complicating the admission of Minnesota was the discussion at the same time of admitting Kansas under the pro-slavery Lecompton constitution.[23]

Despite these objections, Minnesota was admitted into the Union on May 11, 1858 (11 Stat. 258).

Mississippi

Mississippi was organized as a territory on April 7, 1798 (1 Stat. 549) from lands ceded to the United States by Spain in 1795. Subsequent annexations and cessions of lands (Georgia, Spain, and Indian tribes) enlarged the territory to the present area of Alabama and Mississippi. The eastern part of Mississippi territory became the State of Alabama in 1819.

As early as 1810 efforts were made by the territorial Delegate, George Poindexter, to have Mississippi admitted as a State. These efforts met with little success, however, because Congress doubted whether the territory had sufficient population. Objections were also raised concerning the size of the proposed State. Before its division, Mississippi territory was double the size of Pennsylvania.

The War of 1812 brought a halt to these efforts. With the end of the war in 1815, the suppression of an Indian uprising, and the arrival of new settlers, the statehood drive was renewed. Again opposition rose concerning the size of the new State. This problem was solved in 1817 by the division of the territory, which not only removed an objection to statehood, but also restored, when Mississippi was admitted as a State, the balance in the Senate between North and South.

On March 1, 1817, an enabling act for Mississippi was signed by President James Madison (3 Stat. 348). A constitutional convention was held in the territory in July, and on August 15, a constitution was adopted. The constitution of Mississippi was then sent to Congress, which accepted the document as republican and in conformance with the Ordinance of 1787. On December 10, 1817, President Madison signed the measure admitting Mississippi into the Union (3 Stat. 472).

Missouri

Missouri was organized as a territory from part of the original Louisiana Purchase on June 4, 1812 (2 Stat. 743).

From 1802 to 1819, a delicate balance had been maintained between the North and the South by the alternate admission of slave and free States. This tacit arrangement resulted, with the admission of Alabama in 1819, in eleven of each. The State balance in the Senate was, of course, even. In the House, however, the slave States, even with the three-fifths ratio (according to the constitutional provisions then in effect, Article I, Section 3, three-fifths of the slave population were counted in apportioning Representatives), had only 81 votes as opposed to 105 votes held by the free States. Moreover, the population of the North was growing at a rapid rate. The South, therefore, looked to the Senate to preserve the sectional balance.

This balance was threatened in 1819, when Missouri applied for admission. An amendment to the Missouri enabling legislation prohibiting slavery in Missouri (introduced by Representative James Tallmadge of New York) was passed by the House but rejected by the Senate. In the meantime, Maine had formed a constitution and had requested admission as a free State. The Senate joined the two measures but did not restrict slavery in Missouri, whereupon an amendment was added by Senator James B. Thomas of Illinois providing for the admission of Missouri as a slave State, but with slavery prohibited in the remaining portion of the Louisiana Purchase north of 36 degrees and 30 minutes north lattitude. The Senate bill was rejected in the House, which had its own version, admitting Missouri as a free State. After several months of debate (December 1819-March 1820), a compromise as effected: Maine was admitted as a free State, Missouri was authorized to form a constitution with no restriction on slavery, and slavery was prohibited in that part of the Louisiana Purchase north of 36 degrees 30 minutes (3 Stat. 545. March 6, 1820).[24]

Missouri's constitution, however, contained a provision prohibiting entrance into the new State of free blacks and mulattoes. This caused another debate in Congress and another compromise: admission of Missouri was made contingent on the Missouri legislature agreeing not to abridge the privileges and immunities of United States citizens (3 Stat. 645. March 2, 1821). Missouri agreed, and on August 10, 1821, was admitted into the Union (3 Stat. 797. Appendix II).

Montana

Montana was organized as a territory on May 25, 1864, from part of Idaho territory (13 Stat. 86).

Montana's early days as a territory were concerned with internal development, solution of the Indian problem, and gold and silver rushes. By 1883, however, completion of the Northern Pacific railway was followed by a rush of farmers, cattlemen, and miners to the territory.

In January 1884, a consitutional convention was called in Helena, and on February 9, a constitution was completed. The docu-

ment was subsequently approved by the people and was sent to Congress, but no action was taken.

In January 1889, William Springer, a Democrat and Chairman of the House Committee on Territories, offered an omnibus bill for the admission of New Mexico, Washington, Montana, and Dakota. Springer's measure passed the House, but was blocked by the Senate. A conference committee resulted in a deadlock as the Republicans opposed the admission of New Mexico (which was Democratic), and the Democrats opposed the admission of Dakota (which was Republican). The election of 1888 resulted in a Republican sweep of the White House and both Houses of Congress, facilitating an eventual compromise: New Mexico was eliminated from the measure, and both North and South Dakota were admitted without waiting for a vote of the people on division of the territory. One enabling act, therefore, was passed for North Dakota, South Dakota, Montana, and Washington (25 Stat. 676. February 22, 1889).[25]

July 4, 1889, was set as the date for the meeting of constitutional conventions in the respective territories, and on that date Montana's delegates met in Helena to begin drafting a constitution. The Montana constitutional convention finished its work on August 17, and on October 1 the new constitution was ratified in a special election. On November 8, President Benjamin Harrison proclaimed the admission of Montana into the Union (26 Stat. 1551).

Nebraska

Nebraska was organized as a territory on May 30, 1854 (10 Stat. 277).The creation of the Dakota and Colorado Territories in 1861 reduced Nebraska to approximately its present size.

In January 1854, Senator Stephen A. Douglas of Illinois, chairman of the Senate Committee on Territories, introduced a bill to organize the Great Plains as the Territory of Nebraska. In order to gain Southern support, which had been lacking in previous efforts to form the territory, Douglas included in the bill the doctrine of "popular sovereignty." That is, the people of the territory would decide whether the territory would be admitted with or without slavery, this repealing the Missouri Compromise of 1820 (since the Nebraska Territory was above the line drawn between slave and free States). Douglas also agreed to divide the territory into two territories: Kansas and Nebraska. After three months of debate, the bill to organize the territories of Kansas and Nebraska was passed in May 1854.[26]

Statehood for Nebraska was not immediately supported by the people of the territory, and was rejected in a popular referendum in 1860. In 1864, the territorial legislature sent a memorial to Congress requesting statehood. An enabling act was then passed on April 19, which authorized the territory to form a constitution (13 Stat. 47). In the election for delegates to the constitutional convention, the majority elected opposed statehood because they believed statehood would mean an increase in taxation.

In 1865, the Governor of the territory suggested that the legislature prepare a constitution and submit it to the people for approval. This was done, and in a very close election the constitution was approved in June 1866.

The constitution aroused some debate in Congress because it allowed only free white males to vote. An amendment was therefore attached by Congress providing for the removal of the restrictive provision and for the agreement by the territorial legislature to this condition. An admission bill was then passed by both Houses of Congress, but was pocket vetoed by President Andrew Johnson, the Congress having adjourned.

In December 1866, a similar bill was introduced and passed by Congress, but was vetoed in January 1867 by President Johnson on constitutional grounds. Congress overrode the veto (14 Stat. 391), the territorial legislature negated the restrictive provision, and president Johnson signed a proclamation admitting Nebraska on March 1, 1867 (14 Stat. 820).

Nevada

Nevada was organized as a territory on March 2, 1861 (12 Stat. 209) from the western part of Utah Territory, which had been part of the area ceded to United States by Mexico in 1848.

The discovery in 1859 of rich gold and silver ores in the Comstock Lode resulted in thousands of settlers moving into the territory. By 1863, the statehood movement was strong enough that the territorial legisature called for a plebiscite to ascertain public sentiment regarding statehood. A plebiscite held in September 1863 showed that the voters favored statehood and the creation of a State government by a vote of four to one. A constitution was drafted in November, but was rejected by the electorate in January 1864 because of claims that the cost of a state government would be prohibitive.

Statehood advocates persisted, however, and succeeded in gaining passage of an enabling act on March 21, 1864 (13 Stat. 30). In the meantime, events on the national scene began to influence the admission of Nevada. The civil War by this time was well underway, and the North needed the economic and political support of pro-Union Nevada. Republicans especially desired the admission of a new pro-North State to buttress their position in Congress and in the coming elections President Lincoln needed a pro-North State to ensure passage of the 13th Amendment.

In the territory of Nevada, events similarly gathered momentum. A constitutional convention was held in July and the constitution drafted by this second convention was approved by the people of the territory on September 7, 1864.[27]

Statehood for Nevada encountered little opposition in Congress, the smallness of its population being dismissed as a temporary condition.[28] On October 31, 1864, Nevada was admitted into the Union by Presidential proclamation (13 Stat. 749).

New Mexico

New Mexico was part of the territory acquired from Mexico under the terms of the Treaty of Guadalupe Hidalgo in 1848 (9 Stat. 922). In 1850, even before the territory was officially organized, the people of the territory made application for statehood. In the meantime, Congress passed the Compromise of 1850, one part of which was the organic act for the territory of New Mexico (9 Stat. 446). In succeeding years, New Mexico tried many times to be admitted as a State, either alone or in conjunction with the efforts of one or more other territories, but each attempt failed.

One notable struggle occurred in 1902-1903 during the debates on the Omnibus Statehood bill for Oklahoma, Arizona, and New Mexico (see p. 7). The opposition to the admission of New Mexico was led by Senator Albert Beveridge, Chairman of the Senate Committee on Territories. During the long debate, Beveridge and several members of a subcommittee went to New Mexico to investigate local conditions. On their return, a report was released which stressed several points of opposition to statehood. New Mexico, according to the report, was not large enough, and its character was "un-American," that is, the inhabitants were not English-speaking Anglo-Saxons. Moreover, the subcommittee reported a high illiteracy rate and extensive use of the Spanish language. Other arguments against admission of New Mexico centered on its small population, lack of economic development, and arid lands.[29]

In 1910, an enabling act for Arizona and New Mexico provided that constitutions for each territory be approved by Congress and the President (36 Stat. 557). This new effort had the support of President Taft; moreover, Senator Beveridge had lost a bid for reelection in 1910. On August 22, 1911, however, President Taft vetoed the admission of Arizona and New Mexico, objecting to the recall of judges provision in the Arizona constitution. A second enabling act was therefore passed by Congress, which required that New Mexico revise the amending procedure in its constitution and that Arizona remove its judicial recall provisions (37 Stat. 39). New Mexico made the required changes and was admitted as a State on January 16, 1912 (37 Stat. 1723), sixty-two years after passage of the New Mexico organic act.[30]

Historians and political scientists have pondered why New Mexico was denied admission for such a long time. Many of the arguments against admission (small population, lack of economic development, arid lands) were, after all, used against other Western territories and yet they were admitted as States in much shorter time. The consensus in the case of New Mexico seems to be that

"New Mexico was never considered in the same light as the other territories. The unique population of New Mexico profoundly separated the territory from most of the remainder of the west where Anglo pioneers had slowly filled the frontiers with a fairly homogeneous population of Western European stock. In the long years between 1846 and 1912, frequent newspaper articles and speeches by congressmen indicated a strong prejudice toward the Spanish-speaking, Roman Catholic people of New Mexico. Nativism in America, sometimes concealed and at other times brought out into the open, was thus the major obstruction to the territory's statehood aspirations." [31]

North and South Dakota

The Territory of Dakota was organized on March 2, 1861, from portions of Minnesota and Nebraska Territories (12 Stat. 239).

In 1871, the territorial legislature requested a division of the territory by Congress, and petitions for division became almost an annual event. Congress, however, took no action on any of these proposals.

Gold was discovered in the Black Hills in 1874 and in 1876, and the Indians relinquished their claim to the lands (19 Stat. 254, February 28, 1877). It was not long before the railroads came and the territory experienced a land rush. In 1880, the population of the Dakota Territory was 135,000.

In 1883 and 1885, the people of the territory prepared constitutions and petitioned Congress for division and statehood. Little action was taken on these proposals, primarily because the Democrats were in control of Congress and did not favor the admission of two new Republican States. The Democrats

did, however, support admission of the territory as one State, together with the admission of New Mexico, a Democratic territory. The deadlock in Congress was broken by the Republican victory of 1888, and opponents in Congress were persuaded to yield to the admission of North and South Dakota as separate States.[32] An enabling act dividing the territory into North and South Dakota was accordingly signed on February 22, 1889, which authorized constitutional conventions on July 4 (25 Stat. 676). Constitutions were subsequently formed and approved by the people in both territories. North and South Dakota were admitted into the Union by Presidential proclamation on November 2, 1889 (26 Stat. 1548, 1549).

Ohio

Ohio was organized as a territory in 1800 when the Northwest Territory the "Territory Northwest of the River Ohio," was divided (2 Stat. 58).[33] Sentiment for statehood developed early in Ohio, but encountered the opposition of Arthur St. Clair, Federalist Governor of the territory. St. Clair favored delaying statehood and proposed a further division of the territory so as to slow the growth of the Statehood movement.[34] Most of the population of the territory at this time were Democrat-Republicans (Jeffersonian), and by 1802, the Jeffersonian majority in both houses of Congress looked forward to Ohio's two Republican Senators and Representatives.

In January 1802, a congressional committee investigated the possibility of statehood for Ohio and reported that although the population of the territory was less than that stipulated in the Ordinance of 1787 (60,000), the territory should be admitted because the population was growing so fast that it soon would reach the required number. In March 1802, a majority of the residents of the territory petitioned Congress for statehood, and in April, Congress passed an enabling act for Ohio, authorizing the territory to hold a constitutional convention (2 Stat. 173). The Ohio constitutional convention completed its work in November 1802 and submitted the document to Congress, where it was first considered in the Senate and found to be republican in nature and in conformance with the principles enunciated in the Ordinance of 1787.

On February 19, 1803, Congress approved an act "to provide for the due execution of the laws of the United States within the State of Ohio" (2 Stat. 201). While this act implied approval of the Ohio constitution, and stated that "the said State became one of the United States of America," Congress never officially accepted the constitution of Ohio and never passed an official act of admission, thus giving rise to some confusion as to exact date of the admission of Ohio.[35]

Oklahoma

Oklahoma was organized as a territory on May 2, 1890 (26 Stat. 81), having been created out of the western part of Indian Territory, which had been organized in 1834 (4 Stat. 729).

Between 1889 and 1906, Oklahoma Territory, and portions of Indian Territory, experienced a series of land rushes which greatly increased the population of the territory. In 1890, for example, the population of Oklahoma Territory was 258,657; by 1900, the population, together with that of the Indian Territory, had increased to 790,391. One reason for this rush of settlers was the enactment of Congress of a series of laws pertaining to Oklahoma Indian tribes—including the Curtis Act of 1898 (30 Stat. 495)—which had as their purpose the individual allotment of reservations and the diminution of the tribal governments of the Five Civilized Tribes (Cherokees, Chickasaws, Creeks, Choctaws, and Seminoles). As a result, a large portion of Indian lands became subjects to sale and to settlement by whites.[36]

After 1890, statehood advocates began to initiate moves for statehood. These moves were complicated by the question whether to admit Oklahoma and the Indian Territory as one State or as separate States. In 1902, for example, a report on a bill to admit New Mexico, Arizona, and Oklahoma stated that the proposal to admit Oklahoma as a single State is not tenable. Its size is much below that of any Western State. It must not be forgotten that originally Oklahoma was taken piecemeal from the Indian Territory. Its boundaries are unscientific, accidental, and grotesque. And above all, the committees are convinced that a majority of its people are opposed to statehood at present except by a union with its natural complement, the Indian Territory.[37]

An attempt was also made in 1905 by the residents of the Indian Territory for separate statehood. A constitutional convention was held in August of that year and a constitutional for the state of "Sequoyah" was adopted by the people. Congress, however, took no action on this proposal.

In 1905, in his annual message to Congress, President Theodore Roosevelt recommended the admission of Oklahoma and the Indian Territory as one State. In 1906, Congress enacted an enabling act which united the territory of Oklahoma and the Indian Territory and authorized admission of the two territories as one State (34 Stat. 267). There is some evidence that political expediency played a part in the Presidential and congressional decision to admit the two territories as one State. The growth of the Democratic Party in Oklahoma Territory had decreased the Republican majority in several elections. By 1904, it was conceded that the Indian Territory was Democratic. If the two territories were admitted separately, there was the distinct probability of four Democratic Senators from the two States. On the other hand, if they were admitted as one State, there would be only two Democratic Senators. As one historian concluded, "Territorial Democrats were too numerous to permit consideration of Oklahoma as a reliably Republican area. Separate statehood was too dangerous to Republican Party interests." [38]

A constitutional convention, composed of Indians and whites, was held in Guthrie, Oklahoma, in March, April, and July. The constitution formed by this convention was approved by the electorate on September 17, 1907, and on November 16, Oklahoma was admitted into the union by Presidential proclamation (35 Stat. 2160).

Oregon

Oregon country was acquired in 1846 by a treaty with Great Britain following a period of joint occupancy of the disputed area by Great Britain and the United States (9 Stat. 869). Oregon was organized as a territory on August 14, 1848 (9 Stat. 323).

The drive for statehood started almost immediately after Oregon was organized. On three occasions between 1854 and 1856, statehood and the creation of a constitutional convention were rejected by the Oregonians in plebiscites, although in each instance opposition declined, owing at least partially to party squabbles among Democrats, Whigs, and Republicans. In 1857, the Oregonians voted for statehood and the establishment of a constitutional convention. As one historian of Oregon noted:

In the seven years of territorial existence the question had been voted upon by the territorial legislature in one form or another nine times, and by popular vote four times, while Congress had considered Oregon statehood bills at two sessions." [39]

A constitutional convention was held in the fall of 1857, and the constitution was approved by the voters in a special election in November. Other special elections were held in 1858 for a pro forma Oregon congressional delegation—a "Representative" was elected, and two "Senators" chosen by the new legislature (Oregon followed the "Tennessee Plan"). In Congress, the Oregon statehood measure passed the Senate on May 19, 1858 by a vote of 35 for and 17 against. Opposition to the admission of Oregon centered on the alleged lack of population, unjust discrimination in the Oregon constitution against the Chinese, and a stringent prohibition against the admission of free blacks into the State.[40]

In the House a similar opposition arose. The insufficiency of population was again cited, as was the discrimination against free blacks. Added to these, however, was a strong stand against a provision of the Oregon constitution providing for extension of the suffrage to unnaturalized citizens.[41]

There was another reason for opposition to Oregon statehood. With the election of 1860 in the offing, many Republicans feared a Democratic Oregon might vote against the Republican candidate. Eventually, enough Republicans switched support to Oregon and, after lengthy debate, the Oregon statehood measure passed the House on February 12, 1859 by a vote of 114 for to 103 against.[42] President James Buchanan signed the Oregon statehood bill on February 14, 1859 (11 Stat. 383).

Tennessee

In 1796, William Blount, the Governor of the "Territory of the United States, south of the river Ohio" (1 Stat. 123), reacting to popular sentiment favoring statehood, called a constitutional convention which met at Knoxville on January 11, 1796, and finished its work on February 6, 1796. The constitution drafted by this convention claimed the right of admission into the Union of "a free and independent State by the name of the State of Tennessee." The legislative body convened under this constitution chose two "Senators" and provided for the election of two "Representatives" to the United States Congress. These actions were taken without congressional authorization.[43]

On April 8, 1796, President George Washington sent a message to Congress regarding the effort of the territory to acquire statehood. Washington also submitted a copy of the Tennessee constitution and Governor Blount's report on the territory's census returns, which claimed more than 70,000 inhabitants. In May 1796, the Tennessee delegation arrived in Philadelphia, then the capital of the United States, and in conjunction with the territorial Delegate already present, they lobbied for statehood. Tennessee was admitted as a State on June 1, 1796 (1 Stat. 491).

Opposition to the admission of Tennessee came largely from the Federalist-controlled Senate, which feared support of the new State for the Jefferson ticket in 1796. This opposition, however, was based on the following constitutional and technical grounds:

"Congress alone was competent to form a state . . . the census returns were improper and of no effect . . . the constitution of the state was faulty and in some respects ran counter to the federal Constitution and laws."[44]

Blount and Cocke, the two "Senators," were refused admission, but were later re-elected by the State legislature. Andrew Jackson won the popular election in August 1796 and became the first United States Representative from Tennessee.

Texas

In 1821, Spain encouraged American settlement of the province of Texas. This encouragement was continued by Mexico after gaining its independence from Spain in the same year, but various cultural and political difficulties soon arose between the American settlers and the Mexicans. In 1836, for example, General Santa Anna abrogated the liberal constitution of 1824. It was not long before armed clashes occurred between the Americans and the Mexicans. On March 2, 1836, the Texans declared their independence from Mexico and subsequently defeated Mexican forces sent against them.

Almost immediately, the newly formed Republic of Texas sought annexation to the United States. If annexation failed, the goal was recognition as an independent Republic. On March 3, 1837, President Andrew Jackson extended recognition to the Republic of Texas. Annexationists in Texas and in the United States still sought union with the United States. It was not until 1844, however, that a treaty of annexation was introduced in the United States Senate, where it encountered strong opposition because annexation was considered as extending the territory open to slavery. In June 1844, the treaty of annexation was defeated in the Senate.

In the Presidential campaign of 1844, the Democratic Party platform called for the "reannexation" of Texas. At this time, a new doctrine of expansion—manifest destiny—emerged, which held that it was the destiny of the United States to occupy the entire continent.

The victory of the Democratic candidate, James K. Polk, an avowed expansionist, was therefore interpreted as a mandate for annexation. When Congress convened in December 1844, however, the departing President, John Tyler, recommended annexation by means of a joint resolution, which required only a majority in each House, thus avoiding the more difficult two-thirds vote needed to ratify a treaty in the Senate.

The ensuing long debate in both Houses centered chiefly on the following five points:

(1) the constitutionality of annexing a foreign state, (2) the extension of slave territory, (3) the amount and disposition of the debt of Texas, (4) whether Texas should be annexed as a territory or as a state, and (5) the possibility of a war with Mexico if annexation were accomplished.45

Eventually, the annexation resolution was approved by the House in January, and by the Senate in February 1845. On March 1, 1845, President John Tyler signed the resolution authorizing the annexation of Texas (5 Stat. 797).46

The resolution authorized the admission of Texas into the Union, the retention of all public lands in Texas by the new State, and the right of the State to divide into not more than four new States, in addition to Texas.47 Texas would also pay her own debt, and the Missouri Compromise line would be extended to Texas territory.

A Texan convention approved the annexation resolution in July 1845. The resolution was ratified by the people in October, and in December, the Texan constitution was accepted by Congress. Finally, on December 29, 1845, Texas was admitted into the Union (9 Stat. 108).

Utah

Utah, settled by the Mormons in 1847, became a territory in 1850 (9 Stat. 453).

Utah presents an unusual case in the admission of States into the Union because of the presence of unique political and religious factors attendant upon Utah history.[48] Statehood was delayed for years, despite several attempts, because of intense political strife in the territory (there were Mormon and anti-Mormon political parties in Utah), and because of the practice of polygamy by the Mormons.

Polygamy, which became known as the "Mormon problem," was denounced by both the Republicans and the Democrats. Indeed, several Federal laws made polygamy punishable by a fine and imprisonment, and disfranchisement. In 1887, an even more severe law, The Edmunds-Tucker Act (24 Stat. 635), applied stringent provisions to the Territory of Utah: This Act disincorporated the Mormon Church, confiscated church property, abolished female suffrage, and required a test oath of citizens before they could vote, hold office, or serve as jurors.

Between 1887 and 1890, the Mormons sought accommodation with the Federal Government. To that end, free public schools, emphasizing the separation of church and State, were established in Utah. "Gentiles" (non-Mormons) were admitted to chambers of commerce, the Mormon People's party was dissolved, and its members instructed to participate in both Republican and Democratic parties, thus demonstrating that a genuine two-party system existed in Utah. Finally in October 1890, polygamy was abandoned as a tenet of the Mormon church.

These actions prompted President Benjamin Harrison in January 1893 to grant amnesty to polygamists, and Congress to return confiscated property to the Mormon church. Even more favorable was the response to legislation, introduced by the Utah Delegate, John L. Rawlins, on September 6, 1893, to enable Utah to become a State. In 1894, Congress passed an enabling act permitting Utah to hold a constitutional convention (28 Stat. 107). The following year, a constitution was ratified, and on January 4, 1896, President Grover Cleveland proclaimed Utah A State (29 Stat. 876).

Vermont

From 1749 to 1777, the area now known as Vermont was called the "New Hampshire Grants" because the Governor of New Hampshire had granted lands to settlers in territory also claimed by New York. A New York protest resulted in a decision by King George prohibiting further grants by New Hampshire. An attempt by New York to regrant lands encountered organized resistance by the Green Mountain Boys led by Ethan Allen. The Green Mountain Boys successfully defied both the British and New York.

During the American Revolution, the New Hampshire Grants declared their independence and became known as New Connecticut. In 1777, the name Vermont was adopted, and a constitution for the independent republic was drafted.

Efforts by Vermont to obtain statehood, however, were thwarted by New York and other States which still had claims on the territory. By 1790, it became apparent that Kentucky would soon seek admission as a State. Although sectional rivalries were not yet fully developed, some thought was now given to the admission of Vermont, a northern free State, in order to offset the admission of Kentucky, a southern slave State. After some negotiation between commissioners from New York and Vermont, agreement on land claims, boundary lines, and compensation was reached, and in 1790, New York consented to the admission of Vermont as a State. In January 1791, Vermont ratified the Constitution of the United States and petitioned Congress for admission as a State. Congressional action was swift; in February 1791, both houses approved an admission bill which declared simply that "the State of Vermont" shall be received and admitted into the Union as a new and entire member of the United States of America." On February 18, 1791, President George Washington signed the bill admitting Vermont, to become effective March 4, 1791 (1 Stat. 191).

Washington

Washington was organized as a territory on March 2, 1853 (10 Stat. 172) from part of Oregon Territory.

As early as 1867, the territorial legislature petitioned Congress for admission into the Union. It was not until 1878, however, that the territorial legislature, on its own initative and without congressional authorization, issued a call for a constitutional convention. A convention was held in Walla Walla during June and July. The constitution produced by this convention was approved by the people of the territory in November 1878, but was ignored by Congress.

Statehood proponents persisted, and from 1877 on, were able to have at least one enabling act introduced in every Congress. Statehood for Washington encountered opposition in Congress, largely from the Democrats, who were reluctant to admit a Republican State unless a Democratic State was admitted at the same time.

In 1876, the Democrats supported the admission of Colorado in the mistaken belief that the new State would vote Democratic. In the election of 1876, Colorado's three electoral votes were cast for the Republican presidential candidate, Rutherford B. Hayes. As one historian observed: "Little wonder that for decade after the Democrats were leery of consenting to the creation of any additional new states, except strictly on a quid pro quo basis."[49]

In the meantime, the population of Washington Territory had increased rapidly, largely because of the expansion of the Northern Pacific Railroad. In 1880, for example, the population of the territory was 75,116. The census of 1890, taken a few months after statehood was granted, revealed a population of 357,232.

In November 1888, the Republican Party broke the political deadlock by electing a Republican President and majorities in both Houses of Congress. In February 1889, an enabling act (25 Stat. 676) for the territories of North Dakota, South Dakota, Montana, and Washington (the "Omnibus" States), was signed and the territories were authorized to hold constitutional conventions.

The Washington constitutional convention met at Olympia on July 4, and on October 1 the voters approved the constitution drafted by this convention. Finally, on November 11, 1889, President Benjamin Harri-

son signed a proclamation admitting Washington into the Union (26 Stat. 1552).

West Virginia

On April 17, 1861, Virginia seceded from the Union. The western part of Virginia, always at odds with the eastern part of the State, opposed secession, and in May, 1861, representatives from counties in the western areas formed a new "State" called "Kanawha." In June a "Restored General Assembly," loyal to the Federal Government, was formed. A constitutional convention was held from November 1861 to February 1862, during which time the name West Virginia was chosen. The constitution formulated by the West Virginia convention, however, failed to provide for the elimination of slavery. In the meantime, Confederage efforts to restore the area to southern control were thwarted by Union forces.

In May 1862, the "Restored General Assembly," that is, the loyal, Federally recognized legislature of Virginia, gave its approval to the formation of a new State, West Virginia, thus complying with the provisions of the United States Constitution (Article IV, section 3) that no new State be formed within the jurisdiction of an existing State without the consent of that State's legislature.

The admission of West Virginia caused an extensive debate in Congress where it was opposed on the grounds that the government created was "irregular" and of dubious constitutionality. Moreover, the constitution of the new State was faulted because of its omission of any kind of emancipation provisions. Supporters of statehood countered the "irregular" charge by citing the precedents of Kentucky, Vermont, and Maine, and solved the slavery problem by attaching an amendment to the State's constitution providing for gradual emancipation. Eventually, an admission act was passed on December 31, 1862, providing for admission on condition that the people of West Virginia accept the amended constitution (12 Stat. 633). The amended constitution was accepted by the people of West Virginia in March 1863, and West Virginia was admitted into the Union by Presidential proclamation on April 20, 1863, to become effective sixty days later, i.e., June 30, 1863 (13 Stat. 731).

Wisconsin

Wisconsin Territory was formed from part of Michigan Territory, and was organized as a territory on April 20, 1836 (5 Stat. 10). The area of Wisconsin Territory was later reduced to approximately its present size by the creation of Iowa Territory in 1838 (5 Stat. 235).

In the 1840s, statehood was supported by the leaders of both majority parties in Wisconsin Territory, and voting on the issue became almost an annual event. None of these early plebiscites was successful. By 1846, however, the combined pressures of growth in population and dissatisfaction with the amount of congressional appropriations for the territory caused a reversal of public opinion regarding statehood, and a recommendation by the Governor for another plebiscite was endorsed by the legislature. In April 1846, voters in the territory supported statehood by a large majority.

An enabling act was accordingly passed by Congress authorizing the drafting of a State constitution (9 Stat. 56). The constitution subsequently formed by a convention in Wisconsin was rejected by the people in April 1847.[50] In the meantime, an admission act had been passed by the Congress on March 3, 1847 (9 Stat. 178). Admission was contingent on the acceptance of a constitution by the people of the territory. If a constitution were approved, admission would be completed by a Presidential proclamation. In March 1848, a second constitution was accepted by the people, and Wisconsin was admitted into the Union by Presidential proclamation on May 29, 1848 (9 Stat. 233).

There was little or no debate in Congress on the admission of Wisconsin into the Union. Admission was supported by the Northerners, and Southerners acquiesced inasmuch as Florida and Texas had been admitted in 1845. The sectional balance was thus, for the moment, restored.

Wyoming

Wyoming was organized as a territory on July 25, 1868, from areas previously included in the Dakota, Idaho, and Utah Territories (15 Stat. 178).

In the late 1860s, the Union Pacific railroad opened the territory for settlement by the cattlemen and the homesteaders. Statehood sentiment was slow in developing because of range wars, Indian problems, and political differences.[51]

In 1889, however, Wyoming, like Idaho, was left out of the enabling bill for Washington, North Dakota, South Dakota, and Montana (the "Omnibus States"). The Governor of the territory, Francis E. Warren, then took the initiative and called a constitutional convention. A constitution was drafted and approved by the residents of the territory in November 1889.

There was little opposition in Congress to statehood for Wyoming. What opposition there was centered on the territory's small population and the women suffrage provision in the territory's constitution.[52]

Wyoming was admitted into the Union by act of Congress on July 10, 1890 (26 Stat. 222).

FOOTNOTES

[1] Plano, Jack, and Milton Greenberg. The America Political Dictionary. New York, Holt, Rinehart and Winston, 1979. p. 32.

It should be noted that under this "usual" procedure the State constitution is approved by Congress. This approval may be accomplished by one of two methods.

"First, Congress passes an act of admission which either expressly or by implication finds that the conditions precedent to admission have been met; [sic] second, Congress may direct the President to look into the facts. If the President finds as a fact that the conditions previously fixed by Congress have been complied with, the President is authorized and directed to issue a proclamation of admission. However, the state comes in under Congressional action, for the President here is acting but as part of an administrative process." Park, Lawrence N. Admission of States and the Declaration of Independence. Temple Law Quarterly, v. 33, 1960. p. 405.

Some States were admitted through a Presidential proclamation as authorized by the enabling act, without a subsequent act of admission. (See Appendix I).

[2] In 1803 Ohio became the first State to enter the Union following this "usual" procedure (2 Stat. 201).

[3] U.S. Library of Congress. Congressional Research Service. Admission of States Into the Union: A Brief Summary of Procedures. Report No. 70-156 GGR, by William R. Tansill. Washington, 1970. p. 4-5.

[4] U.S. Congress. Senate. Committee on Interior and Insular Affairs. Providing for the Admission of Alaska Into the Union. Report with Minority Views to Accompany H.R. 331. Senate Report No. 1929, 81st Cong., 2d Sess. Washington, U.S. Govt. Print. Off., 1950. p. 7. This appears to be the first time that these "traditional" requirements were enumerated in a congressional document.

[5] Davila-Colon, Luis R. Equal Citizenship, Self-Determination, and the U.S. Statehood Process: A Constitutional and Historical Analysis. Case Western Reserve Journal of International Law, v. 13, Spring 1981. p. 360.

[6] The Alaskans followed the "Tennessee Plan" in seeking statehood. This tactic, first followed by Tennessee in 1796, calls for the incipient State to draft a "State" constitution, convene a legislative body and choose two "Senators," (before the 17th amendment to the U.S. Constitution provided for the direct election of United States Senators) and to elect by popular vote "Representatives" to the United States Congress. These actions were done without congressional authorization. The "State" delegation would then lobby for statehood in Congress. Since 1796, six States (Michigan, Iowa, California, Oregon, Kansas, and Alaska) have followed the same procedure. These States are known as "Tennessee Plan States."

[7] Faulk, Odie B. Arizona: A Short History. Norman, University of Oklahoma Press, 1980. p. 189.

[8] Scroggs, Jack B. Arkansas Statehood: A Study in State and National Political Schism. Arkansas Historical Quarterly, v. 20, Autumn 1961, p. 235. Scroggs maintains that the opposition to statehood for Michigan and Arkansas "revealed a conflict between opposing political forces on the national scene," and that both factions, Jacksonians and Whigs, attempted to "manipulate the entrance of the two states as to best serve party purposes." Ibid., p. 243. Both States gave their electoral votes in the next presidential election to the Democrat, Martin Van Buren.

[9] Senator John C. Calhoun of South Carolina, for example, on March 4, 1850, spoke against the California action as having usurped the "authority of Congress'" in legislating for the territories. California, of course, did not have any territorial status before admission. Calhoun further believed that California's action was "revolutionary and rebellious in its character, anarchial in its tendency, and calculated to lead to the most dangerous consequences." Congressional Globe, 31st Congress, 1st Sess., v. XXII, part 1, p. 454.

[10] The "Senators" and two "Representatives" from California, who had lobbied for statehood, were seated on September 10 and 11, respectively.

[11] Colorado's enabling act provided that when the constitution was approved by the people of the territory, "it shall be the duty of the President of the United States to issue his proclamation declaring the State admitted into the Union on an equal footing with the original States, without any further action whatever on the part of Congress." In enabling acts for eight States, passed between 1861 and 1906 (Nevada, Colorado, North Dakota, South Dakota, Montana, Washington, Utah, Oklahoma), the President was specifically authorized to issue a Presidential proclamation without the necessity for an act of admission.

[12] Athearn, Robert G. The Coloradans. Albuquerque, University of New Mexico Press, 1976, p. 102.

[13] Pro and Con Discussion: Statehood Now for Hawaii and Alaska? Congressional Digest, v. 29, November 1950. p. 275-285.

[14] Thomas, Dana Lee. The Story of American Statehood. New York, Wilfred Funk, Inc., 1961. p. 257.

[15] By the end of the year, all four of the States had entered the Union. (See p. 31-32).

[16] Admission of Idaho. Congressional Record, 51st Cong., 1st Sess., July 1, 1980, vol. 21, part 7, pp. 6832-6834. See also Peirce, Neal R. The Mountain States of America. New York, W.W. Norton & Co., Inc., 1972. P. 125.

[17] Congressional doubts about the size of the Illinois population were apparently justified. According to one historian, the census conducted by Illinois was "a series of frauds." Originally scheduled to end on June 1, the census was extended to December 1, during which time "overzealous commissioners were counting some settlers two or three times and even listing families repeatedly as they crossed the state on the way to Missouri. The counties reported more people than they had when the federal census was taken two years later. Round-figure estimates based 'on good information' were entered for distant forts and the Madison County census included an estimate of six hundred residents at Prairie du Chien, far outside the boundaries of the proposed state. Eventually the count reached 40,258 and was reported at face value. Later, when it didn't make any difference, a federal report said Illinois had 34,620 when it was admitted as a state." Howard, Robert P. Illinois: A History of the Prairie State. Grand Rapids, Michigan, William B. Eerdmans Publishing Company, 1972. p. 102.

The same author claims that "on a population basis Illinois has the distinction of being the smallest state ever admitted into the Union." Ibid., p. 98.

[18] Kansas, A Guide to the Sunflower State. Compiled and Written by the Federal Writers' Project of the Work Projects Administration for the State of Kansas. New York, Hastings House, 1949. p. 52.

[19] A previous act of admission passed both Houses and was signed by the President on May 4, 1858 (11 Stat. 269). This compromise measure, however, provided for a popular vote on the pro-slavery "Lecompton constitution." On August 2, 1858, Kansas voters rejected this constitution.

[20] Goodwyn, Lawrence, et al. The South Central States. New York, Time Incorporated, 1967. p. 38

[21] Statehood advocates in Michigan, in an effort to justify their action in following the example of Tennessee, published a small pamphlet entitled: Proceedings of Congress in 1796, on the Admission of Tennessee as a State, into the Union, Upon a Footing with the Original States, a case in point, so far as regards our present position, in the State of Michigan.

[22] Minnesota's action contained elements of the "Tennessee Plan" in that "Senators" and "Representatives" were elected before statehood, but differs because an enabling act had been passed for Minnesota.

[23] One historian has termed the extensive debate on the admission of Minnesota "needless palaver," which "covers nearly three hundred columns on the Congressional Globe, averaging almost a thousand words each." Fowell, William Watts. A history of Minnesota. Vol. II. St. Paul, Minnesota Historical Society, 1961. p. 18.

[24] The "Missouri Compromise" was that portion of the Missouri Enabling Act (3 Stat. 545) which provided "that in all territory ceded by France to the United States . . . which lies north of 36 degrees and 30 minutes north latitude, not included within the limits of the state [of Missouri] . . . slavery . . . shall be, and is hereby, forever prohibited."

[25] These four "omnibus" States were Republican. When Idaho and Wyoming were admitted in 1890, the Republicans could claim twelve new Senators and seven Representatives. As one historian observed: "The admission of new states has nearly always been a matter of political adjustment." Paxson, Frederick L. The Admission of the 'Omnibus' States, 1889-90. Proceedings of the State Historical Society of Wisconsin at its Fifty-Ninth Annual Meeting, October 26, 1911. Madison, Wisconsin. p. 94.

[26] Some congressmen, most notably Senator Sam Houston of Texas, objected to organization of the territory because the area had been set aside for the Indians. Subsequent negotiations removed Indian title to much of the area.

[27] In order to expedite approval of the constitution, Nevadans telegraphed the document in its entirety, at considerable expense, to Washington.

[28] The population of Nevada in 1860 was 6,857. In 1870, the Census reported a population of 42,491. The fact that the "territory at most had less than a sixth of the population then required for single representative in Congress was brushed aside by the advocates of Statehood." Nevada, A Guide to the Silver State. Compiled by the Writers' Program of the Work Projects Administration in the State of Nevada. Portland, Oregon, Binfords and Mort, 1940, p. 43.

[29] De La Cruz, Jesse. Rejection Because of Race: Albert J. Beveridge and Nuevo Mexico's Struggle for Statehood, 1902-1903. Aztlan, v. 7, Spring 1976, p. 84. See also Ellis, Richard N. ed. New Mexico, Past and Present: A Historical Reader. Albuquerque, University of New Mexico Press, 1971. p. 206.

[30] Ellis, New Mexico, p. 198-201.

[31] Ellis, New Mexico, p. 206. See also De La Cruz, Rejection Because of Race, p. 79-97.

[32] In 1889, four Republican States were admitted (North Dakota, South Dakota, Montana, and Washington), leading one historian to comment: "Political maneuvering defeated its own end. At any time between 1883 and 1888 the Democrats might probably have bargained New Mexico and Arizona against the inevitable Dakotas; now they had held out so long that they had nothing to offer and no strength with which to withstand the bludgeon of Republican success at the polls in 1888." Paxson, The Admission of the "Omnibus" States, 1889-90, p. 92.

[33] The Northwest Territory was composed of Western lands ceded by Virginia and other States to the government established under the Articles of Confederation. In 1787, the Congress of the Confederation enacted the Northwest Ordinance which provided a civil government for the ceded lands. The Ordinance also provided for the division of the territory and the creation of not less than three nor more than five States from these divisions whenever the population reached 60,000 free inhabitants, although this requirement could be waived. The Ordinance further provided that the government and constitution of any new State should be "republican," and prohibited slavery in the new States. The Northwest Ordinance of 1787 was confirmed in an act (1 Stat. 50. August 7, 1789) of the new Congress established after the ratification of the Constitution of the United States.

[34] The Jeffersonians in the territory tried to have St. Clair removed but were unsuccessful. At the Ohio constitutional convention in 1802, however, St. Clair "denounced as a nullity the Ohio enabling act of Congress. He was thereupon removed from office by Jefferson." See Malone, Dumas, ed. Dictionary of American Biography. New York, Charles Scribner's Sons, 1935, v. 8, p. 295.

[35] In 1953, Congress passed a joint resolution (67 Stat. 407) establishing March 1, 1803 as the date for the admission of Ohio into the Union because it was on that date that the Ohio legislature was seated, the first Governor took office, and Ohio began functioning as a State. It should be noted that Ohio was the first State formed from the Northwest Territory and was the first State admitted by an enabling act. Three previous States—Vermont, Kentucky, and Tennessee—were admitted by simple acts of admission. From 1803 on, all enabling acts and admission acts (except those for Maine and Michigan) contained an express condition that the constitution of the new State must provide for the establishment of a republican form of government.

[36] Pierce, Neal R. The Great Plains States of America: People, Politics, and Power in the Nine Great Plains States. New York, W. W. Norton & Company, Inc., 1973. pp. 250-251. In 1901, Congress made the Indians in Indian Territory United States Citizens (31 Stat. 1447).

[37] Omnibus Statehood Bill. Remarks in the Senate. Congressional Record, v. 36, Dec. 10, 1902. p. 193.

[38] Ellinger, Charles Wayne. Political Obstacles Barring Oklahoma's Admission to Statehood, 1890-1906. Great Plains Journal, v. 3, Spring 1964. p. 80.

[39] Carey, Charles H. The Creation of Oregon as a State. Oregon Historical Society, v. 26, December 1925, p. 303.

[40] Carey, Charles H., ed. The Oregon Constitution. Salem, State Printing Dept., 1926. p. 45.

[41] Ibid., p. 50-51.

[42] Bancroft, Hubert Howe. History of Oregon, V. II. San Francisco, The History Company, Publishers, 1890. p. 439, 441.

[43] Tennessee was the first State to enter the Union by this method. For a fuller explication of the philosophy behind Blount's tactics, see Williams, Samuel C. The Admission of Tennessee Into the Union, The Tennessee Historical Commission, 1945. p. 31.

[44] Tuttle, Daniel W., Jr. "State" elections prior to admittance into the Union. Report No. 1, Legislative Reference Bureau, University of Hawaii, Honolulu, 1951. p. 5.

[45] Lewis, Sarah Elizabeth. Digest of Congressional Action on the Annexation of Texas: December, 1844, to March, 1985. Southwestern Historical Quarterly, v. 50, October 1946. p. 264.

[46] This was the first instance of the use of a joint resolution to acquire foreign territory. See Bailey, Thomas A. A Diplomatic History of the American People. New York, Appleton-Century-Crofts, 1964. Seventh edition. p. 246.

[47] From time to time, various proposals were made in Texas and in Congress for division of the State, but none of these proposals materialized.

[48] In 1849, for example, the Mormons established the "State of Deseret," drafted a constitution, elected various officials, and petitioned Congress for admission into the Union. Congress replied by creating the Utah Territory in 1950.

[49] Beckett, Paul Louis. From Wilderness to Enabling Act. Pullman, Washington State University Press, 1968. p. 78.

[50] Many voters may have been dissuaded by the constitution's liberal provisions: married women were allowed to hold property, and the judiciary were to be elected, for example.

[51] Pierce, The Mountain States, p. 68-71. See also Eblen, Jack Ericson. The First and Second United States Empires: Governors and Territorial Government, 1784-1912. Pittsburgh, University of Pittsburgh Press, 1968. p. 219-220.

[52] In 1869, the first territorial legislature granted equal rights to women.

APPENDIX A: SELECTED DATA ON ADMISSION OF STATES

TABLE 1.—KEY DATES IN THE ADMISSION OF THE 37 STATES ADMITTED AFTER THE ORIGINAL 13 STATES

State	Date of territorial act	Date of enabling act	Date of admission act	Effective admission		Years elapsed between territorial status and statehood	Estimated population at time of admission
				Date	Order		
Alabama	Mar. 3, 1817	Mar. 2, 1819	Dec. 14, 1819	Dec. 14, 1819	9	2	144,317
Alaska	Aug. 24, 1912	None	July 7, 1958	Jan. 3, 1959	36	47	211,000
Arizona	Feb. 24, 1863	June 20, 1910	Aug. 21, 1911	Feb. 14, 1912	35	49	216,639
Arkansas	Mar. 2, 1819	None	June 15, 1836	June 15, 1836	12	17	52,240
California	None	do	Sept. 9, 1850	Sept. 9, 1850	18	(2)	107,000
Colorado	Feb. 28, 1861	Mar. 3, 1875	(1)	Aug. 1, 1876	25	15	150,000
Florida	Mar. 30, 1822	None	Mar. 3, 1845	Mar. 3, 1845	14	23	54,477
Hawaii	Apr. 30, 1900	do	Mar. 18, 1959	Aug. 21, 1959	37	59	211,000
Idaho	Mar. 3, 1863	do	July 3, 1890	July 3, 1890	30	27	84,385
Illinois	Feb. 3, 1809	Apr. 18, 1818	Dec. 3, 1818	Dec. 3, 1818	8	9	34,620
Indiana	May 7, 1800	Apr. 19, 1816	Dec. 11, 1816	Dec. 11, 1816	6	16	63,897
Iowa	June 12, 1838	None	Mar. 3, 1845	Dec. 28, 1846	16	8	81,920
Kansas	May 30, 1854	do	Jan. 29, 1861	Jan. 29, 1861	21	7	107,206
Kentucky	None	do	Feb. 4, 1791	June 1, 1792	2	(3)	73,677
Louisiana	Mar. 26, 1804	Feb. 20, 1811	Apr. 8, 1812	Apr. 30, 1812	5	8	76,556
Maine	None	None	Mar. 3, 1820	Mar. 15, 1820	10	(3)	298,335
Michigan	Jan. 11, 1805	do	June 15, 1836	Jan. 26, 1837	13	32	200,000
Minnesota	Mar. 3, 1849	Feb. 26, 1857	May 11, 1858	May 11, 1858	19	9	150,042
Mississippi	Apr. 7, 1798	Mar. 1, 1817	Dec. 10, 1817	Dec. 10, 1817	7	19	75,512
Missouri	June 4, 1812	Mar. 6, 1820	Mar. 2, 1821	Aug. 10, 1821	11	9	66,586
Montana	May 26, 1864	Feb. 22, 1889	(1)	Nov. 8, 1889	28	25	112,000
Nebraska	May 30, 1854	Apr. 19, 1864	Feb. 9, 1867	Mar. 1, 1867	24	13	60,000

TABLE 1.—KEY DATES IN THE ADMISSION OF THE 37 STATES ADMITTED AFTER THE ORIGINAL 13 STATES—Continued

State	Date of territorial act	Date of enabling act	Date of admission act	Effective admission		Years elapsed between territorial status and statehood	Estimated population at time of admission
				Date	Order		
Nevada	Mar. 2, 1861	Mar. 21, 1864	(1)	Oct. 31, 1864	23	3	40,000
New Mexico	Sept. 9, 1850	June 20, 1910	Aug. 21, 1911	Jan. 6, 1912	34	62	338,470
North Dakota	Mar. 2, 1861	Feb. 22, 1889	(1)	Nov. 2, 1889	26	28	460,000
Ohio	Aug. 7, 1787	Apr. 30, 1802	Aug. 7, 1953	Mar. 1, 1803	4	16	41,915
Oklahoma	May 2, 1890	June 16, 1906	(1)	Nov. 16, 1907	33	17	1,414,177
Oregon	Aug. 14, 1848	None	Feb. 14, 1859	Feb. 14, 1859	20	11	52,465
South Dakota	Mar. 2, 1861	Feb. 22, 1889	(1)	Nov. 2, 1889	27	28	(4)
Tennessee	May 26, 1790	None	June 1, 1796	June 1, 1796	3	6	77,262
Texas	None	do	Dec. 19, 1845	Dec. 29, 1845	15	(5)	250,000
Utah	Sept. 9, 1850	July 16, 1894	(1)	Jan. 4, 1896	32	46	241,000
Vermont	None	None	Feb. 18, 1791	Mar. 4, 1791	1	(3)	85,539
Washington	Mar. 2, 1853	Feb. 22, 1889	(1)	Nov. 11, 1889	29	36	273,000
Wisconsin	Apr. 20, 1836	Aug. 6, 1846	Mar. 3, 1847	May 29, 1848	17	12	210,000
West Virginia	None	None	Dec. 31, 1862	June 19, 1863	22	(2)	376,683
Wyoming	July 25, 1868	do	July 10, 1890	July 10, 1890	31	22	60,705

[1] Admitted through a Presidential proclamation as authorized by the enabling acts.
[2] Was an unorganized area under military rule and did not have a territorial act prior to statehood.
[3] Was never a territory but formed from an existing State.
[4] The 460,000 represents combined population for North and South Dakota.
[5] Went from independent Republic to statehood without territorial status.

Source.—U.S. General Accounting Office. Experiences of Past Territories Can Assist Puerto Rico Status Deliberations; Report to the Congress of the United States by the Comptroller General. GGD–80–26, March 7, 1980. Washington, 1980. pp. 8, 19.

DEMONSTRATIONS AT THE SOUTH AFRICAN EMBASSY—HISTORY OF THE STATUTE

Mr. KENNEDY. Mr. President, the impressive daily demonstrations that have been taking place at the South African Embassy since last November in protest against apartheid have a distinguished heritage. In the current issue of the "District Lawyer," Mr. Dan Rezneck details the origin of the Federal statute relating to such demonstrations, which was enacted in 1938 in response to protests against the intervention of Germany and Italy in the Spanish Civil War. I commend Mr. Rezneck for his fine article, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The District Lawyer March/April 1985]

YOU'LL KNOW TO JAIL I'VE GONE; YOU CAN HEAR THE WHISTLE BLOW—500 FEET

(By Daniel A. Rezneck)

The recent months of protests at the South African Embassy against the apartheid system recall a nearly forgotten chapter in American legal and diplomatic history: the genesis of the Act of Congress forbidding even peaceful picketing within 500 feet of an embassy in Washington, D.C., if intended to "bring into public odium any foreign government." (A similar act created a 100-foot demonstration-free zone around foreign diplomatic missions elsewhere in the United States.)

This legislation is hardly of ancient lineage—it dates only from 1938. Indeed, there was no precedent for it in American law. The Republic survived for 150 years without any perceived need for such a prohibition.

It was the ideological turmoil of the 1930s, engendered by the spread of totalitarianism abroad, that brought pickets into the streets of Washington to protest in front of foreign embassies. The catalyst was the Spanish Civil War and the German and Italian intervention on the side of Franco's rebellion against the Spanish Republic.

In 1937 pickets first appeared outside the German and Italian embassies. Some demonstrators marched silently while others chanted and displayed signs denouncing the actions of the Nazi and Fascist governments in the Spanish conflict. Both the Metropolitan Police Department and the U.S. State Department became alarmed, although contemporary newspaper accounts indicate that the picketing was peaceful. In a report that lamented the inability of the police to stop the demonstrations, Inspector Kelly of the Police Department described them as "a regular nuisance [that] should be broken up." Secretary of State Cordell Hull wrote to the chairman of the Senate Foreign Relations Committee, Key Pittman of Nevada, that it was "extremely embarrassing" to the State Department "to be reminded by representatives of foreign governments in the United States that their missions are being interfered with by individuals or groups, particularly when existing domestic law does not seem to cover the situations of which complaint is made."

The congressional response to those complaints was a joint resolution that became the present 500-foot law. The measure had a stormier passage through Congress than its sponsors anticipated. Opponents both inside and outside Congress invoked the constitutional rights of assembly and petitions. During the debates in August 1937, Senator Pittman insisted that the legislation was necessary to protect American nationals abroad and American diplomatic missions against retaliation by foreign governments. He said. "It is unreasonable to give consideration for a single moment to a matter of so little moment as the demand of persons to be allowed to go up to the door of an embassy . . . for the purpose of putting up and displaying signs in criticism or condemnation of the country there represented." This argument was not persuasive to the opposition, led by Senator Robert M. LaFollette, Jr., of Wisconsin, son of the famous "Fighting Bob" and a noted civil libertarian. (He was later to be defeated by Senator Joseph R. McCarthy.) LaFollette responded, "We have been established as a government for a long time and this is the first time so far as I know that any such proposal as this has ever been suggested . . . so far as I have been able to ascertain, in not a single democratic government in the world is there any such provision on the statute books as is now proposed to be put on our books by the Senator from Nevada."

LaFollette urged rejection of the Pittman resolution and proposed an amendment to the District's existing disorderly conduct statute to make it clear that foreign embassies were protected under the statute. Pittman and the State Department, however, regarded this as an "undignified" way of treating the matter. The LaFollette amendment was defeated, and the present legislation was passed.

It became law on February 15, 1938. Given the turbulence of the times it is not surprising that the legislation did not stop the picketing. Within a month Hitler took over Austria and the pickets were back at the German and Austrian diplomatic missions on Massachusetts Avenue. The Washington Post reported that they paraded with anti-Nazi placards and sang "The Star-Spangled Banner" and "America the Beautiful." Police seized 39 protesters and charged them under the new law. Four defendants decided to make a test case of the law, and lawyers from the American Civil Liberties Union mounted a spirited defense on constitutional grounds in the old Police Court of the District of Columbia (a remote ancestor of the present Superior Court). All four were convicted.

The U.S. Court of Appeals for the District of Columbia, which included Fred Vinson, a future Chief Justice of the United States, heard arguments in the case in October 1938, during the week of the Munich crisis. The court affirmed the convictions within a month, finding that the defendants had "flagrantly violated" the law by carrying placards containing language critical of the government of Nazi Germany, "the repetition of which would accomplish no good purpose." The Court discerned "no substance" in any of the defendants' constitutional arguments (First Amendment jurisprudence was still undeveloped in 1938), and the following year the U.S. Supreme Court refused to review the case.

The statute has stood from that day to now. Although in later cases it was limited somewhat in its scope by the Court of Appeals, it has been invoked against numerous groups of protestors of widely varying points of view. But if its initiators thought that they could insulate foreign diplomats from the robust expression by Americans of their passionately held convictions, they were wrong.

IN SUPPORT OF THE ENGLISH LANGUAGE AMENDMENT

Mr. DENTON. Mr. President, recently there has been a great deal of attention given to the English language amendment, which was introduced on January 22 by my distinguished colleague from Idaho, Senator SYMMS. People from all over the country have expressed their support for this effort to make English the official language of the United States.

Of the many letters that I have received, one in particular stands out as an example of why we need to preserve the primacy of the English language in our country. I ask unanimous consent that the letter be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DENTON. Mr. President, the letter was written by Mrs. Lucy Tristani, of Lancaster, PA. Mrs. Tristani is an Italian immigrant who came to the United States in 1946 knowing not one word of English. She struggled to master the English language, and it is evident, both from the substance and from the form and style of her letter, that she succeeded. It is also obvious from Mrs. Tristani's letter that her pride in America is a product of the effort she made to learn the English langauge.

Mr. President, I do not understand how we can expect a new citizen to become a thoroughly integrated member of our society unless we provided him or her with the opportunity and incentive to acquire a fundamental, workable knowledge of the English language. I firmly believe that if we provide that opportunity and incentive, each new immigrant will develop the same pride in America that Mrs. Tristani displays in her touching letter.

I encourage each of my colleagues to take Mrs. Tristani's letter to heart and to cosponsor and support Senate Joint Resolution 20, the English language amendment.

(EXHIBIT 1)

MARCH 7, 1985.

Senator JEREMIAH DENTON,
U.S. Senate,
Washington, DC.

SENATOR DENTON: I have read an article in the Intelligence Journal of Lancaster, PA, where I reside, about your proposal to make English the official language of the U.S.

I support you fully on this and I feel it is long overdue for the Senate to take action on this matter.

I am an Italian immigrant a U.S. citizen, who came to live in the United States in October 1946. I did not know one word of English and learning the language was not an easy task. It required willpower, overcoming mockery by others and discrimination in many fields. I cried many times because I felt inadequate.

I was two months short of seventeen years old, so you can understand the frustration I felt.

There was no help out in the English speaking world for me and for many others like me except night school to learn the language. All of us who learned worked very hard at it.

We did not have instructions for different things in Italian or what other language we spoke. We read it, and tried to understand, in English.

Now we have bilingual schools, bilingual everything. We do not educate kids to learn English, we educate them in Spanish. If we educate kids in Spanish why not all other languages? Civil liberties groups have argued the amendment would discriminate against those who don't speak English. Not having this amendment would discriminate against those who worked so hard to learn.

When my cousins came from Italy at 6 and 10 years of age, they were sent to school within days after they arrived and were put in the regular classrooms, with English speaking children, no special treatments and no special teachings.

And they learned, went on to college and received degrees through hard work.

Keeping our schools bilingual is a grave error. These children will never feel they belong. They are discriminated against because they have bilingual teachings.

Do I sound resentful because I did not have it easy? Maybe to a degree I am but I also feel I am the better for it, because I did not have it easy. If I had it easy, I probably would not have been able to write to you.

I am proud of my heritage, of being an American citizen and of the U.S.A. Some groups will argue about preserving cultural attitudes. Our schools are here to teach children to write and read and to point them in the right direction in life.

Racial and nationality cultures are preserved in the home.

We as Italian immigrants have certain traditions we maintain. They are taught in the home and we would not expect the schools to contribute to it.

We have come to the United States and we have to learn the American way of life, including, at the top of the list, the English language. We should be proud to be an English speaking people. Our native language can be spoken at home with equal pride. Thank you for taking the time to read this letter.

I wish you success in this endeavor.

Mrs. LUCY TRISTAM.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE RECESS

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on April 18 and April 19, 1985, during the recess of the Senate, received messages from the President of the United States transmitting sundry nominations; which were referred to the appropriate committees.

(The nominations received on April 18 and April 19, 1985, are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to Section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. Section 1703(c), I hereby report to the Congress on developments since my last report of October 31, 1984, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979.

1. The Iran-United States Claims Tribunal, established at The Hague pursuant to the Claims Settlement Agreement of January 19, 1981 (the "Algiers Accords"), continues to make progress in arbitrating the claims before it. Since my last report, the Tribunal has rendered 18 more decisions for a total of 169 final decisions. Of these, 125 have been awards in favor of American claimants; 89 were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties; and 36 were adjudicated decisions. As of March 31, 1984, total payments to successful American claimants from the Security Account stood at over $337 million. Of the remaining 44 decisions, 22 dismissed claims for lack of jurisdiction, 3 partially dismissed claims for lack of jurisdiction, 13 dismissed claims on the merits, one approved the withdrawal of a claim, four were awards in favor of the Government of Iran, and one was an award in favor of the United States Government.

2. In the past six months, there have been significant changes in the composition of the Tribunal. As I noted in my last report, Professor Karl-Heinz Bockstiegel of the Federal Republic of

Germany was selected to replace President Gunnar Lagergren, who resigned effective October 1, 1984. On December 1, 1984, Professor Bockstiegel was designated President of the Tribunal, in addition to his duties as Chairman of Chamber One. On November 29, 1984, the Government of Iran appointed two new arbitrators to replace Judges Mahmoud M. Kashani and Shafei Shafeiei, whose qualifications had been challenged by the United States following their unprecedented attack on one of the third-party arbitrators, Judge Mangard, in September 1984. The two new Iranian arbitrators, Hamid Bahrami Ahmadi and Seyed Mohsen Mostafavi Tafreshi, assumed their duties on January 15, 1985. In addition, the Chairman of Chamber Two, Willem Riphagen, submitted his resignation for health reasons, effective April 1, 1985, and the Chairman of Chamber Three, Nils Mangard, has submitted his resignation for personal reasons, effective no later than July 1, 1985. Swiss lawyer Robert Briner and French law professor Michel Virally have recently accepted invitations from the U.S. and Iranian arbitrators to join the Tribunal in place of Chairman Riphagen and Mangard.

3. In spite of the disruptions that I described in my last report, the Tribunal made some progress in arbitrating the claims of U.S. nationals for $250,000 or more. The Special Chamber, which was established to consider requests for withdrawals or terminations of claims and for awards on agreed terms, rendered 13 awards on agreed terms prior to its dissolution on January 15, 1985. With the arrival of the two new Iranian arbitrators, the Chambers have once again begun hearing and deciding cases. On March 1, the Tribunal awarded R.J. Reynolds Tobacco Co. an additional $12 million in interests on its claim, the decision in which was described in my last report. In total, more than 35 percent of the claims for over $250,000 have now been disposed of through adjudication, settlement, or voluntary withdrawal, leaving 344 such claims on the docket.

4. The Tribunal has continued with the arbitration of the claims of U.S. nationals against Iran of less than $250,000 each. In addition to 18 test cases, the Tribunal has selected 100 other claims for active arbitration. In 62 of these claims, the Department of State has submitted Supplemental Statements of Claim, containing more than 16,000 pages of text and evidence. Additional pleadings are being filed weekly. Although Iran repeatedly seeks extensions of time within which to file its responsive pleadings to these claims, the Tribunal has continued to press for their resolution. At the Tribunal, three senior legal officers and a law clerk work exclusively on these claims. Finally, since my last report, another seven of these claimants have received awards on agreed terms, bringing the total to ten.

5. The Department of State continues to coordinate the efforts of concerned governmental agencies in presenting U.S. claims against Iran as well as responses by the U.S. Government to claims brought against it by Iran. Since my last report, the Department has filed pleadings in seven government-to-government claims based on contracts for the provision of goods and services. These claims include a claim on behalf of the Agency for International Development for over $38 million based on outstanding developmental loans to the Government of Iran. In addition, the Department of State, working together with the Department of the Treasury and the Department of Justice, filed responsive pleadings in two major interpretive disputes. One related to Iran's claim to over $400 million remaining from funds transferred pursuant to the Algiers Accords for payment of Iran's syndicated debt. The other was in response to Iran's allegations that the United States breached its obligation under the Algiers Accords to terminate litigation against Iran. The Department of State also filed pleadings in four other interpretive disputes. The Tribunal held one hearing in an interpretive dispute on whether the Tribunal has jurisdiction to arbitrate approximately 111 claims brought by Iran directly against U.S. banks which do not involve standby letters of credit. Finally, two of the Tribunal's chambers have confirmed that action will be taken on or about May 20 to strike or otherwise dispose of 248 claims brought by Iran against U.S. banks based on standby letters of credit.

6. The Algiers Accords also provided for direct negotiations between U.S. banks and Bank Markazi Iran concerning the payment of nonsyndicated debt claims of U.S. banks against Iran from Dollar Account No. 2 (the interest-bearing escrow account established at the Bank of England in January 1981 with the deposit of $1.418 billion of previously blocked Iranian funds). As of April 10, 1985, three additional settlements had been reached since my last report between Iran and U.S. banks. The three settling banks, Irving Trust Company, Morgan Guaranty Trust Company, and Banker's Trust Company, received a total of $81.91 million from Dollar Account No. 2 in payment of their claims against Iran. From this amount, $73.595 million was subsequently paid by these banks to Iran in settlement of Iran's claims against them, primarily for interest on Iran's domestic deposits with these bands. (One of these banks paid Iran an additional $8.45 million from other funds.) Thus, as of April 10, 1985, there have been 29 bank settlements resulting in payments to the banks of approximately $1.5 billion from Dollar Account No. 2. From that amount, the banks have paid approximately $693 million to Iran in settlement of Iran's claims against them. About 17 banks have yet to settle their claims. In addition, attorneys from the Department of the Treasury and the Federal Reserve Bank of New York have been negotiating an "Agreed Clarification" with Bank Markazi to allow the payment from Dollar Account No. 2 of certain amounts still owing on Iran's syndicated debt.

7. There have been no changes in the Iranian Assets Control Regulations since my last report.

8. Although the attack on Judge Mangard in September seriously disrupted and delayed proceedings for three months, the Tribunal resumed full operation in January of this year and the two Iranian arbitrators who committed the attack were removed by the Government of Iran. Since that time, the Tribunal has actively pursued the arbitration of both private and government claims. Prehearing conferences and hearings that had been cancelled are being rescheduled. The Tribunal has made provision for the issuance of awards in cases heard prior to the removal of the two Iranian arbitrators and the resignations of President Lagergren and Chairmen Riphagen and Mangard. This resumption of Tribunal activities provides reason to expect that more progress will be made in the coming months.

9. Financial and diplomatic aspects of the relationship with Iran continue to represent an unusual challenge to the national security and foreign policy of the United States. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

RONALD REAGAN.

THE WHITE HOUSE, *April 22, 1985.*

MESSAGE FROM THE HOUSE RECEIVED DURING THE RECESS

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on April 18, 1985, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolutions, without amendment:

S.J. Res. 63. Joint resolution to designate the week of April 21, 1985, through April 27, 1985, as "National DES Awareness Week;" and

S.J. Res. 109. Joint resolution to designate the week of April 14, 1985, as "Crime Victims Week."

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 109. Joint resolution to designate the week of April 14, 1985, as "Crime Victims Week."

Under the authority of the order of the Senate of January 3, 1985, the enrolled joint resolution was signed on April 18, 1985 during the recess of the Senate by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

At 3:13 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1617. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1617. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate announced that on April 19, 1985, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 109. Joint resolution to designate the week of April 14, 1985, as "Crime Victims Week."

REPORTS OF COMMITTEES RECEIVED DURING RECESS

Under the authority of the order of the Senate of April 18, 1985, the following reports of committees were submitted on April 19, 1985:

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. 960: An original bill to amend the Foreign Assistance Act of 1961, the Arms Export Control Act and other acts to authorize appropriations for the fiscal year 1986 for international security and development assistance, the Peace Corps, the Inter-American Foundation, and the African Development Foundation, and for other purposes (Rept. No. 99-34).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 139: An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; referred to the Committee on Rules and Administration.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-899. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend and extend the authorization of the Food Stamp Act of 1977, as amended; to the Committee on Agriculture, Nutrition, and Forestry.

EC-900. A communication from the Secretary of Agriculture, transmitting pursuant to law, the annual Animal Welfare Enforcement Report for fiscal year 1984; to the Committee on Agriculture, Nutrition, and Forestry.

EC-901. A communication from the Assistant Secretary of Defense (Comptroller), transmitting pursuant to law, the selected acquisition reports and selected acquisition report summary tables for the quarter ended December 31, 1984; to the Committee on Armed Services.

EC-902. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting pursuant to law, a report concerning the Department of the Navy's proposed letter of offer to the Federal Republic of Germany for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-903. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting pursuant to law, a report on real and personal property of the Department of Defense as of September 30, 1984; to the Committee on Armed Services.

EC-904. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to increase the rates of basic pay, basic allowance for quarters, and basic allowance for subsistence for members of the Armed Forces; to the Committee on Armed Services.

EC-905. A communication from the Director of the Office of Dependent Schools, Department of Defense, transmitting, pursuant to law, the annual test report for school year 1984-85 for the overseas dependents schools administered by the Department of Defense; to the Committee on Armed Services.

EC-906. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report entitled "Report on the Reorganization of the Administration of the Congregate Housing Services Program"; to the Committee on Banking, Housing, and Urban Affairs.

EC-907. A communication from the President of the United States, transmitting, pursuant to law, a determination that the authority available to the Export-Import Bank is more than sufficient to meet the current estimated needs of the Bank; to the Committee on Banking, Housing, and Urban Affairs.

EC-908. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on HUD-owned Multifamily Project Negotiated Sales; to the Committee on Banking, Housing and Urban Development.

EC-909. A communication from the Comptroller of the Currency, transmitting, pursuant to law, the annual report on consumer complaint processing activities for 1984; to the Committee on Commerce, Science, and Transportation.

EC-910. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the semiannual report on the effectiveness of the Civil Aviation Security Program for the period July 1 through December 31, 1984; to the Committee on Commerce, Science, and Transportation.

EC-911. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report of the Bonneville Power Administration for 1984; to the Committee on Energy and Natural Resources.

EC-912. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Skilled Nursing Facility Benefit under Medicare; to the Committee on Finance.

EC-913. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Relations), transmitting, pursuant to law, a report on Haiti; to the Committee on Foreign Relations.

EC-914. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty days prior to April 10, 1985; to the Committee on Foreign Relations.

EC-915. A communication from the Chairman of the United States Parole Commission, Department of Justice, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1984; to the Committee on Governmental Affairs.

EC-916. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Government in the Sunshine Act for calendar year 1984; to the Committee on Governmental Affairs.

EC-917. A communication from the Acting Director of the Office of Personnel Management, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-918. A communication from the Archivist of the United States, transmitting, pursuant to law, the annual report on the records disposition activities of the Federal Government for fiscal year 1984; to the Committee on Governmental Affairs.

EC-919. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-17 adopted by the Council on March 26, 1985; to the Committee on Governmental Affairs.

EC-920. A communication from the Special Counsel of the Merit Systems Protection Board, transmitting, pursuant to law, a report on the investigation into allegations of false reports of daily turbidity readings, unavailable or non-working turbidity meters and unacceptably high turbidity readings taken when meters became available at the Red River Army Depot, Texarkana, Texas; to the Committee on Governmental Affairs.

EC-921. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to discontinue or amend certain requirements for agency reports to Congress; to the Committee on Governmental Affairs.

EC-922. A communication from the Chairwoman of the U.S. International Trade Commission transmitting, pursuant to law, the Commission's 1984 Government in the Sunshine report; to the Committee on Governmental Affairs.

EC-923. A communication from the Comptroller General of the United States transmitting, pursuant to law, an examination of Financial Statements of the Majority Printing Clerk, U.S. House of Representatives for the years ended August 31, 1983 and 1982; to the Committee on Governmental Affairs.

EC-924. A communication from the Comptroller General of the United States transmitting, pursuant to law, an examination of Financial Statements of the Minority Printing Clerk, U.S. House of Representatives for the years ended September 30, 1983 and 1982; to the Committee on Governmental Affairs.

EC-925. A communication from the Secretary of Transportation transmitting, pursuant to law, the Department's 1984 Freedom of Information Act report; to the Committee on Judiciary.

EC-926. A communication from the National Foundation on the Arts and the Humanities transmitting a draft of proposed legislation authorizing appropriations for the National Endowment for the Arts and the National Endowment for the Humanities for fiscal years 1986 through 1990; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-164. A concurrent resolution adopted by the House of Representatives of the General Assembly of the State of Indiana; to the Committee on Agriculture, Nutrition, and Forestry.

"HOUSE CONCURRENT RESOLUTION NO. 44

"Whereas, the State of Indiana, one of the major agricultural states in the United States, is suffering from a financial crisis in agriculture that affects the entire economic health of this state, as well as the economic health of the midwestern and national economies; and

"Whereas, This financial crisis affects agricultural producers and has grown to include the business communities, which together form the core of the midwestern economy; and

"Whereas, the factors which created this crisis are beyond the capacity of individuals to manage or control, including sustained high interest rates, declining land values which have eroded farm equity, commodity prices below the cost of production, and successive years of weather-related problems; and

"Whereas, the value of Indiana's agricultural land plunged during 1984 with a twenty percent drop in the value of agricultural land in twelve months, the largest single year decrease in price since the depression of the 1930's; and

"Whereas, the value of assets lost in this financial crisis has already negatively affected the machinery market and has forced many farm implement dealers and related agricultural service businesses into bankruptcy; and

"Whereas, the average United States net farm income dropped to $6,793 which represents an income $3,407 below the federal poverty level for a family of four; and

"Whereas, experts expect this crisis to broaden during the immediate weeks prior to the spring 1985 planting season, thus endangering the financial health of farmers, state and federally chartered lending institutions, rural small businesses, and agricultural manufacturers: Therefore,

"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Congress of the United States be requested to immediately hold local and statewide hearings involving the United States Department of Agriculture and federal credit officials to examine the current crisis and to determine the immediate actions necessary to alleviate this crisis, and Congress is further requested to use the 1985 Federal Farm Bill to restructure the financial burden currently facing agricultural producers and businesses.

SECTION 2. That the Principal Clerk of the Indiana House of Representatives is hereby requested to send copies of this Resolution to the President of the United States, the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the Chairperson of the Senate and House of Representatives Agriculture Committees, the Secretary of the United States Department of Agriculture and each member of the Indiana Congressional Delegation."

POM-165. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Agriculture, Nutrition, and Forestry.

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO OPPOSE FURTHER REDUCTIONS IN FEDERAL SUPPORT FOR CHILD NUTRITION PROGRAMS.

"Whereas, the Omnibus Reconciliation Act of 1981 substantially reduced Federal support for Child Nutrition Programs for the first time in history resulting in the loss of 3 million children, including needy children, from the programs; and

"Whereas, the budget cut enacted in 1981 was 10 times greater than the Child Nutrition Program's share of the Federal budget; and

"Whereas, the proposed 1986 Child Nutrition amendments would eliminate Federal support for meals served to children from families with income above 185 percent of the poverty line. These payments support basic infrastructure of the programs including the National School Lunch Program. Without this support, school districts could not afford to participate in the National School Lunch Program, thereby depriving all children of the nutritional value of the program; and

"Whereas, recent United States Department of Agriculture and other studies have shown that Child Nutrition Programs have been successful in improving the nutritional intake of children in all income categories and have dramatically reduced hunger in America; and

"Whereas, the potential consequences of the budget reductions defeat the Congress's original purpose and intent of the Child Nutrition Programs ". . . as a measure of national security, to safeguard the health and well-being of the Nation's children . . .": Therefore be it

"Resolved, That the Massachusetts General Court respectively urges that the United States Congress continue the current level of support for all Child Nutrition Programs; and be it further

"Resolved, That copies of these resolutions be forwarded by the Clerk of the House of Representatives to the President of the United States, to the Presiding Officer of each branch of the Congress, and to each Member of the United States Senate and United States House of Representatives from the Commonwealth."

POM-166. A concurrent resolution adopted by the Legislative Assembly of the State of North Dakota; to the Committee Commerce, Science, and Transportation.

"SENATE CONCURRENT RESOLUTION NO. 4068

"Whereas, Amtrak the corporation designated by Congress to provide a minimum basic national rail passenger service, provides essential passenger transportation services to North Dakota and the nation which may be lost if Congress approves elimination of federal subsidies for AMTRAK; and

"Whereas, Amtrak provides the only nationwide passenger rail service available and carries more than 20 million passengers per year; and

"Whereas, Amtrak has realized substantial improvements in its revenue-to-cost ratio in recent years, exceeding congressionally set goals; and

"Whereas, subsidies for other transportation systems far exceed current subsidies provided Amtrak; and

"Whereas, Amtrak provides jobs and other economic benefits, and shutting down the passenger service would result in extreme economic loss and waste; Now, therefore, be it

Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring therein:

"That Congress is urged to take appropriate steps to ensure continued and improved Amtrak service on those routes in operation within the current basic system; and

Be it further resolved, That copies of this resolution be forwarded by the Secretary of State to the president of AMTRAK, the Secretary of the United States Department of Transportation, the Secretary of the United States Senate, the Chief Clerk of the United State House of Representatives, and to each member of the North Dakota Congressional Delegation."

POM-167. A resolution adopted by the City Council of Arden Hills, Minnesota requesting Congress to continue their efforts to halt the persecution of the Bahai minority in Iran; to the Committee on Foreign Relations.

POM-168. A resolution adopted by the Senate of the State of New Mexico; to the Select Committee on Indian Affairs.

"SENATE MEMORIAL 24

"Whereas, the United States government has a legal and moral responsibility to ensure that the Indian elderly in this country are entitled to all benefits and services available, and that these services and benefits should be provided in a manner that preserves and restores their dignity, self respect and cultural identity; and

"Whereas, the Indian elderly (those aged sixty or over according to the 1980 United States bureau of the census) of this country are:

"A. increasing in population from sixty-four thousand in 1970 to one hundred nine thousand in 1980 with projections of an increase to two hundred thousand by 1990;

"B. unemployed at a rate exceeding eighty percent;

"C. living in poverty at a rate of seventy percent;

"D. living ten years less than the general population in terms of life expectancy;

"E. impacted by the lack of Indian nursing homes and Indian area agencies on aging;

"F. living in substandard and overcrowded housing;

"G. receiving less than adequate health care, and

"H. excluded from benefiting from Social Security which affects an estimated fifty-seven percent of the nation's Indian elderly population; Now, therefore, be it

Resolved, by the Senate of the State of New Mexico, That it respectfully requests the Congress and the President of the United States to ensure that the following policy directives be implemented in order to meet the physical and mental health needs of the Indian elderly, their spirtual well-being, their continued involvement and roles within society:

"A. economic security;

"B. long-term health care;

"C. readily available health services and facilities;

"D. social well-being to receive supportive services which will enable the Indian elderly to remain in their own homes and communities, thus maintaining their culture, dignity and independence; and

"E. spiritual well-being to ensure that the Indian elderly continue to exercise their inherent right to believe and practice their native religion which enables them to live in harmony with their creator; and

Be it further resolved, That copies of this memorial be sent to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives and to each member of the New Mexico congressional delegation."

POM-169. A concurrent resolution adopted by the Legislative Assembly of the State of North Dakota; to the Select Committee on Indian Affairs.

"SENATE CONCURRENT RESOLUTION No. 4044

"Whereas, the establishment and governance of the several Indian reservations within the state of North Dakota and other states have resulted from treaties and other Acts of the United States government; and

"Whereas, the federal government through Acts of Congress, has established itself as the sole authority governing local taxation within the boundaries of Indian reservations in the United States, and has tied the hands of states in dealing with local taxing problems and furnishing of governmental services in areas within or near the boundaries of Indian reservations; and

"Whereas, reservation boundaries have been subject to change over the years since reservations were established, some lands within reservation boundaries are owned in trust and some in fee by Indian and non-Indian landowners, and non-Indian landowners were encouraged by the federal government to homestead lands which are now within reservation boundaries; and

"Whereas, all of these factors have resulted in areas of taxable lands in and around reservations which have necessitated the furnishing of local governmental services and the subsequent creation of local taxing districts supported by levies of taxes upon lands in and around reservations; and

"Whereas, the taxable status of lands within reservation boundaries is determined by ownership, which is subject to change, and which may cause removal of the land from local tax rolls by operation of federal law; and

"Whereas, removal of such lands from local tax rolls operates a hardship on cities, counties, townships, and other taxing districts, as well as on Indian and non-Indian landowners and residents in and around reservations who have come to rely on present levels of local governmental services and to require increased levels of future local governmental services; and

"Whereas, since Congress has chosen to retain exclusive control of the ability to tax reservation lands, it is incumbent upon Congress to provide solutions to the dilemma of political subdivisions in and around reservations in the many states of the United States which contain Indian reservations; Now, therefore, be it

"Resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein:

"That the Congress of the United States is urged to enact legislation to resolve the problem of shrinking tax bases of political subdivisions providing local governmental services in and around Indian reservations to assure continued availability of local governmental services and the existence of local political subdivisions, or, in the alternative, to establish a study commission, with appropriate representation from affected states and Indian reservations, to determine an appropriate solution to this problem; and

"Be it further resolved, That copies of this resolution be forwarded by the Secretary of the Senate to the presiding officers of the United States House of Representatives and the United States Senate, the North Dakota Congressional Delegation, the Secretary of the Interior, and the governors and legislative bodies of the states of Arizona, California, Idaho, Minnesota, Montana, New Mexico, Oregon, South Dakota, Washington, Wisconsin, and Wyoming."

POM-170. A concurrent resolution adopted by the House of Representatives of the State of Indiana; to the Committee on Agriculture, Nutrition, and Forestry.

"HOUSE CONCURRENT RESOLUTION No. 44

"Whereas, The State of Indiana, one of the major agricultural states in the United States, is suffering from a financial crisis in agriculture that affects the entire economic health of this state, as well as the economic health of the midwestern and national economies; and

"Whereas, This financial crisis affects agricultural producers and has grown to include the business communities, which together form the core of the midwestern economy; and

"Whereas, The factors which created this crisis are beyond the capacity of individuals to manage or control, including sustained high interest rates, declining land values which have eroded farm equity, commodity prices below the cost of production, and successive years of weather-related problems; and

"Whereas, The value of Indiana's agricultural land plunged during 1984 with a twenty percent drop in the value of agricultural land in twelve months, the largest single year decrease in price since the depression of the 1930's; and

"Whereas, The value of assets lost in this financial crisis has already negatively affected the machinery market and has forced many farm implement dealers and related agricultural service businesses into bankruptcy; and

"Whereas, The average United States net farm income dropped to $6,793 which represents an income $3,407 below the federal poverty level for a family of four; and

"Whereas, Experts expect this crisis to broaden during the immediate weeks prior to the spring 1985 planting season, thus endangering the financial health of farmers, state and federally chartered lending institutions, rural small businesses, and agricultural manufacturers: Therefore,

"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

"SECTION 1. That the Congress of the United States be requested to immediately hold local and statewide hearings involving the United States Department of Agriculture and federal credit officials to examine the current crisis and to determine the immediate actions necessary to alleviate this crisis, and Congress is further requested to use the 1985 Federal Farm Bill to restructure the financial burden currently facing agricultural producers and businesses.

"SECTION 2. That the Principal Clerk of the Indiana House of Representatives is hereby requested to send copies of this Resolution to the President of the United States, the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the Chairperson of the Senate and House of Representatives Agriculture Committees, the Secretary of the United States Department of Agriculture and each member of the Indiana Congressional Delegation."

POM-171. Joint resolution adopted by the Legislature of the State of Montana; to the Committee on the Budget.

"SENATE JOINT RESOLUTION No. 15

"Whereas, the Office of Management and Budget has projected a federal deficit of $210 billion in fiscal year 1985; and

"Whereas, the Office of Management and Budget has forecast a long-term federal budget deficit of $229 billion by fiscal year 1989; and

"Whereas, the Congressional Budget Office has projected a federal budget deficit of $263 billion by fiscal year 1989; and

"Whereas, in November 1983, the debt ceiling was raised by $101 billion to $1.490 trillion in order to allow the Department of the Treasury to increase its legal borrowing capacity to pay the expenses for programs previously written into law; and

"Whereas, in May 1984, the debt ceiling was increased another $30 billion to $1.520 trillion; and

"Whereas, in June 1984, the debt ceiling was raised again, this time by $53 billion, with the debt ceiling set at $1.573 trillion; and

"Whereas, the interest payments on the public debt represented 13 cents per dollar of federal budget outlays in fiscal year 1984; and

"Whereas, the net interest owed on the public debt is estimated at $109.5 billion in 1984—the equivalent of $300 million a day—and at $130.9 billion in 1985; and

"Whereas, for fiscal year 1989, the Office of Management and Budget forecasts net interest costs of the public debt at $153.1 billion, and the Congressional Budget Office projects net interest costs of the debt at $214 billion, which figures respectively represent $419 million and $586 million owed for each day of the year in interest alone; and

"Whereas, in the past 5 years, the gross federal debt has almost doubled and is ex-

pected to total $1.807 trillion by the end of fiscal year 1975: Now, therefore, be it

"Resolved by the Senate and the House of Representatives of the State of Montana:

"(1) that the Legislature call upon the President of the United States to immediately submit to the United States Congress a balanced federal budget.

"(2) That the United States Congress adopt a balanced budget for the ensuing federal fiscal year.

"(3) that the Secretary of State send a copy of this resolution to the President of the United States, the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, and to each member of the Montana Congressional delegation.

POM-172. Joint resolution adopted by the Legislature of the State of Montana; to the Committee on Foreign Relations.

"SENATE JOINT RESOLUTION No. 23

"Whereas, our nation has been immeasurably strengthened by the contributions of enthic and religious groups from around the world, including Catholics and Protestants from Northern Ireland; and

"Whereas, our country's strong traditional ties of friendship and a shared heritage with the Republic of Ireland and Great Britain have contributed to the well-being of all three nations; and

"Whereas, the people of Ireland continue to suffer from political and civil strife that rends the fabric of human society; and

"Whereas, we take no side in the Irish dispute, but deplore all violence from whatever source; and

"Whereas, the United States, in the spirit of peace and humanity, has interceded in other areas and lands torn by civil strife to bring about a lasting resolution of the problem and lay to rest the specter of religious bitterness; and

"Whereas, the United States can and should take a constructive part in bringing about a peaceful solution to the problems that divide Ireland. Now, therefore, be it

"Resolved by the Senate and the House of Representatives of the State of Montana: That the United States is able to, and in fact should, take the lead in formulating and effecting a peaceful and just resolution to these problems because the United States has benefited so greatly during the past 150 years from its relationships with both Ireland and Great Britain.

"Be it further resolved, That Congress is urged to pass legislation calling for the President to appoint a Special Envoy to be dispatched to Ireland for the purpose of participating in and bringing about a resolution to the centuries-old problems in Ireland and specifically since 1921 in Northern Ireland.

"Be it further resolved, That the President, accordingly, is urged to appoint the Special Envoy without delay upon receipt of the congressional action.

"Be it further resolved, That copies of this resolution be sent by the Secretary of State to the President of the United States, the Speaker and Chief Clerk of the U.S. House of Representatives, the President and Secretary of the U.S. Senate, the Irish and British ambassadors to the United States, the members of the Montana Congressional Delegation, and Congressman Mario Biaggi, chairman of the ad hoc Congressional Committee for Irish Affairs."

POM-173. A concurrent resolution adopted by the Legislative Assembly of the State of North Dakota; to the Committee on Small Business.

"SENATE CONCURRENT RESOLUTION No. 4073

"Whereas, the Small Business Administration has a proven record of service to small business in the state of North Dakota and throughout the United States; and

"Whereas, the current Small Business Administration's North Dakota portfolio includes more than 2,200 North Dakota small businesses with loans totaling over $150 million; and

"Whereas, for many years the Small Business Administration has carried out disaster and loan assistance of tremendous value to North Dakota small businesses during difficult times; and

"Whereas, 140 North Dakota banks are affiliated as correspondent banks with the Small Business Administration; and

"Whereas, thousands of North Dakotans have utilized the Small Business Administration as a source of last resort for borrowed capital; and

"Whereas, the Small Business Administration has been an important source of borrowed capital with proven success in helping North Dakota small business; and

"Whereas, the administration proposes to eliminate the Small Business Administration entirely in fiscal year 1986 without an alternative program to assist small businesses; now, therefore, be it

"Resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein: That the Forty-ninth Legislative Assembly urges the President of the United States and the Congress of the United States to support continuation of the Small Business Administration; and

"Be it further resolved, That the Secretary of the Senate send enrolled copies of this resolution to the President of the United States, the presiding officers of the United States House of Representatives and United States Senate, and each member of the North Dakota Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs:

Special Report on the Activities of the Committee on Governmental Affairs and its Subcommittees During the Ninety-eighth Congress (Rept. No. 99-35).

By Mr. HATCH, from the Committee on Labor and Human Resources, with an amendment:

S. 484. A bill to amend the Saccharin Study and Labeling Act (with additional views) (Rept. No. 98-36).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SARBANES:

S. 961. A bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia; to the Committee on Rules and Administration.

By Mr. COHEN (for himself and Mr. CRANSTON):

S. 962. A bill to amend chapter 30 of title 38, United States Code, to provide for educational assistance for apprenticeship or other on job training under the All-Volunteer Force Educational Assistance Program.

By Mrs. HAWKINS:

S. 963. A bill to provide for the issuance of newly designed one hundred dollar bills; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. D'AMATO:

S. 964. A bill to amend title 38, United States Code, to eliminate the provision establishing the 10-year deliminating period for educational assistance under the Veterans' Educational Assistance program and to eliminate related provisions; to the Committee on Veterans' Affairs.

S. 965. A bill to amend title 38, United States Code, to remove an inequity in the Veterans' Administration program to provide assistance to certain disabled veterans in acquiring specially adapted residences; to the Committee on Veterans' Affairs.

S. 966. A bill to amend title 38, United States Code, to provide mortgage protection life insurance to certain veterans unable to acquire commercial life insurance because of service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. STAFFORD (by request):

S. 967. A bill to authorize the improvement of and funding for the inland and intracoastal waterways of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. STAFFORD:

S. 968. A bill to amend the Water Supply Act of 1958 to secure more timely repayment of Federal investments in multipurpose water resources development projects, to encourage more prudent participation in such projects by non-Federal interests, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HELMS (by request):

S. 969. A bill to amend and extend the authorization of the Food Stamp Act of 1977, as amended; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. KASSEBAUM:

S. 970. A bill to require that fifty-dollar bills bear a portrait of Georgia Neese Clark Gray, the first woman to serve as Treasurer of the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOSCHWITZ:

S. 971. A bill for the relief of Hreinn Pio Fransisco Lindal; to the Committee on the Judiciary.

By Mr. STAFFORD (by request):

S. 972. A bill to provide revenues for the Comprehensive Environmental Response, Compensation and Liability Act of 1980; to the Committee on Finance.

By Mr. BENTSEN (for himself, Mr. DANFORTH, Mr. MATSUNAGA, Mr. PRYOR, Mr. BAUCUS, Mr. CHILES, Mr. GORE, and Mr. MELCHER):

S. 973. A bill to amend the Internal Revenue Code of 1954 to provide for an alternative corporate minimum tax in lieu of the present additional corporate minimum tax, to provide a method of reducing corporate tax rates by the amount of such tax, and for other purposes; to the Committee on Finance.

By Mr. LEVIN:

S.J. Res. 117. Joint resolution designating the week beginning September 22, 1985, as "National Adult Day Care Center Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENTSEN (for himself, Mr. COHEN, and Mrs. KASSEBAUM):

S. Res. 140. Resolution urging the President to impose a trade boycott and embargo against Nicaragua; to the Committee on Finance.

By Mr. McCLURE:

S. Con. Res. 43. Concurrent resolution expressing the sense of the Congress that the English language is the official language of the United States; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES:

S. 961. A bill to authorize the Alpha Phi Alpha fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia; to the Committee on Rules and Administration.

MARTIN LUTHER KING, JR., MEMORIAL IN THE DISTRICT OF COLUMBIA

● Mr. SARBANES. Mr. President, on January 20, 1986, the United States, for the first time, will celebrate a national holiday to commemorate the birthday of Dr. Martin Luther King, Jr. This event will mark the culmination of an 18-year effort to give appropriate recognition to Dr. King as one of our Nation's great leaders, a giant figure in the evolving history of the United States.

In conjunction with the 1986 celebration, Alpha Phi Alpha, Inc., the oldest black fraternity in the United States, is undertaking to establish a Martin Luther King Memorial in the District of Columbia. Today, I am introducing legislation to authorize Alpha Phi Alpha to establish the monument on Federal land in the District of Columbia. The bill further provides that the monument shall be established at no cost to the United States.

The Alpha Phi Alpha fraternity, of which Dr. King was a member, having joined on June 22, 1952, at Sigma Chapter in Boston, MA, will coordinate the design and funding of the monument. The Department of the Interior, in consultation with the National Capital Park and Planning Commission and the Commission on Fine Arts, shall select the site and approve the design.

Alpha Phi Alpha was founded in 1906 at Cornell University. It now has 700 chapters across the country, and counts among its 75,000 members many prominent citizens, including Supreme Court Justice Thurgood Marshall and a number of our Nation's mayors. At its 1984 convention this past August in Cleveland, Alpha Phi Alpha formally endorsed the Martin Luther King, Jr., Memorial project and committed its considerable human resources to its development. Alphas will be launching the major Martin Luther King Memorial fundraising drive at the 1985 convention this summer in Atlanta. Alpha Phi Alpha's 1986 convention will be held in Washington, DC, at which time the memorial will be the focus of the program.

Twenty years ago, Dr. Martin Luther King, Jr., led 20,000 freedom marchers from Selma to Montgomery, seeking voting rights long denied. Through the long efforts to achieve equal treatment for all Americans, Martin Luther King, Jr., remained devoted to nonviolent means of achieving his goals; and he inspired thousands to conform to the principles of nonviolence.

A memorial to Dr. King erected in the Nation's Capital will provide continuing inspiration to all who visit it, particularly to the thousands of students and young people who come to Washington, DC, every year. These young people have no personal memory of the condition of civil rights in America before Dr. King, nor of the struggle in which he was the major figure. They do understand, however, that there is still more to be done.

Coretta Scott King said:

> Young people in particular need nonviolent role models like him. In many ways, the Civil Rights movement was a youth movement. Young people of all races, many of whom were jailed, were involved in the struggle, and some gave their lives for the cause. Yet none of the youth trained by Martin and his associates retaliated in violence, including members of some of the toughest gangs of urban ghettos in cities like Chicago and Birmingham. This was a remarkable achievement. It had never been done before; it has not been duplicated since.

Mr. President, what we hope is that the young people who visit the monument will come to understand that it recognizes not only the enormous contribution of this great leader, but also two very basic principles for the healthy functioning of our society. One is that change, even very fundamental change, is to be achieved through nonviolent means; that this is the path down which we should go as a nation in resolving some of our most difficult problems. And the other basic principle is that the reconciliation of the races, the inclusion into the mainstream of American life of all its people, is essential to the fundamental health of this Nation. Dr. King preached, taught, and practiced these essential principles.

I urge my colleagues to support this legislation. Congressman WALTER FAUNTROY has introduced a similar bill in the House of Representatives. I am hopeful that we can enact this legislation quickly so that planning for the monument can proceed.●

By Mr. COHEN (for himself and Mr. CRANSTON):

S. 962. A bill to amend chapter 30 of title 38, United States Code, to provide for educational assistance for apprenticeship or other on-the-job training under the All-Volunteer Force Educational Assistance Program; to the Committee on Veterans' Affairs.

APPRENTICESHIP AND ON-THE-JOB TRAINING ASSISTANCE FOR VETERANS

● Mr. COHEN. Mr. President, I am today, along with Senator ALAN CRANSTON, introducing a bill which will, I believe, fill an obvious and unintended gap in the provisions of the Veterans' Educational Assistance Act of 1984 and at the same time make a real contribution to national economic growth. The legislation which I am offering would amend chapter 30, title 38 of the VEAA to include the provision of educational assistance for apprenticeship and other on-the-job training.

Historically, significant numbers of our Nation's tradesmen have learned their skills through apprenticeship and on-the-job training. These programs were available to veterans of World War II, the Korean conflict, and the Vietnam era.

Through September 1982, more than 5½ million Vietnam-era veterans had participated in a program of education and training. Of these, 5.6 percent, or approximately 1 out of 18 participants, used their veterans benefits to learn a trade through an apprenticeship or other on-the-job training program. In my own State, veterans participated in apprenticeship or on-the-job training comprised 10.4 percent—almost twice the national average—of nearly 30,000 who participated in an education or training program.

Apprenticeship and other on-the-job programs provide an educational opportunity for those veterans who do not have the aptitude or inclination to continue their training through educational institutions due to family, financial, or other considerations. In addition, veterans in these programs are employed and paying taxes from the beginning of their training, and they have a reasonable assurance of productive, full-time employment at the conclusion of training.

Additional factors for consideration involve cost and the capability of existing educational institutions to provide some of the specialized training available only through the private industrial sector. As we move into a period of very sophisticated and costly equipment and other instructional materials, it becomes both increasingly expensive and unnecessarily duplicative for schools to have to purchase such training materials when they are already available elsewhere. The training and development of an appropriately skilled work force is an essential component of modern economic growth.

In 1979, the Office of the Controller, Veterans' Administration, reported the results of a national survey of veterans conducted by the Bureau of the Census. The survey covered three GI bill periods—World War II, the Korean conflict, and the post-Korean conflict, which also included the peacetime post-Korean and Vietnam era. The results further substantiate and quantify the value of apprenticeship and on-the-job training to date. Veterans who participated in such alternative programs had a higher program completion rate—75 percent—than those veterans who used their educational benefits for college training—approximately 64 percent.

Many would also argue that the most important measure of a training program's effectiveness is its utility in acquiring and performing a job. Survey results show that 72 percent of the veterans completing an apprenticeship program and 80 percent of those completing an on-the-job program made use of the training received in their first jobs. This compares with 56.5 percent of the veterans who received college level training and 50.9 percent of those attending other types of schools.

What all these statistics so graphically demonstrate is that apprenticeship and on-the-job training make good sense—good economic sense and good social sense. I urge my colleagues to support this measure's speedy passage.

Mr. President, I ask unanimous consent that the text of this proposal be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1402 of title 38, United States Code, is amended—

(1) by amending paragraph (3) to read as follows:

"(3) The term 'program of education' (A) has the meaning given such term in section 1652(b) of this title, and (B) includes a full-time program of apprenticeship or of other on-job training approved as provided in clause (1) or (2), as appropriate, of section 1787(a) of this title."; and

(2) by adding at the end the following new paragraph:

"(7) The term 'training establishment' has the meaning given such term in section 1652(e) of this title.".

(b)(1) Section 1432 of such title is amended by adding at the end the following new subsection:

"(c) In any month in which an individual pursuing a program of education consisting of a program of apprenticeship or other on-job training fails to complete one hundred and twenty hours of training, the amount of the monthly educational assistance allowance payable under this chapter to the individual shall be limited to the same proportion of the applicable full-time rate as the number of hours worked during such month, rounded to the nearest eight hours, bears to one hunderd and twenty hours.".

(2) The heading of such section is amended to read as follows:

"§ 1432. Limitations on educational assistance for certain individuals".

(3) The item relating to such section in the table of sections at the beginning of chapter 30 is amended to read as follows:

"1432. Limitations on educational assistance for certain individuals.".

(c) Section 1434 of such title is amended—

(1) in the first sentence of subsection (a), by striking out "1780(c),"; and

(2) in subsection (b)(2), by inserting "or training establishment, as the case may be," after "educational institution".●

By Mrs. HAWKINS:

S. 963. A bill to provide for the issuance of newly designed one hundred dollar bills; to the Committee on Banking, Housing, and Urban Affairs.

MONEY LAUNDERING PREVENTION ACT

● Mrs. HAWKINS. Mr. President, it is now widely recognized that the problem of drug abuse is one of the most serious in our Nation.

What is not so widely acknowledged is how the practice of money laundering facilitates the operations of narcotics traffickers. Numerous efforts have been made by both the executive and legislative branches of government to control the actions of financial institutions and personnel involved, but these activities continue on a grand scale. Latest estimates are that billions of dollars annually are laundered through American financial institutions, allowing drug traffickers to market massive amounts of drugs in our Nation.

A fallout of this research is the determination that the note of currency used most often in these operations is the $100 bill. It is only logical that by denying use of this monetary denomination to money launderers would cripple them, albeit temporarily, but shutting down their operations for any time at all would be of benefit to all Americans.

Specifically, this legislation would declare all currency in the denomination of $100 obsolete and not legal tender upon the expiration of 3 months after the date of enactment of the bill. Prior to the issuance of this order, the Secretary of the Treasury shall issue newly designed currency in this denomination. This legislation is known as the "Money Laundering Prevention Act of 1985."

American citizens would be given a full 3 months in which to redeem their $100 bills for the newly designed currency. The massive amounts of cash needed in successful laundering operations would not be able to be exchanged in the process called for in my bill, and money launderers would therefore be prevented from taking advantage of this provision in the legislation.

Mr. President, as we fight the battle against drug abuse, we must use every weapon at our disposal. This includes taking the cash out of the hands of money-launderers, and preventing them from being able to wash clean their blood money.

I feel very strongly that this measure would prove instrumental in stopping the operations of money launderers, and I urge my colleagues to support this unprecedented measure.●

By Mr. D'AMATO:

S. 964. A bill to amend title 38, United States Code, to eliminate the provision establishing the 10-year delimiting period for educational assistance under the Veterans' Educational Assistance Program and to eliminate related provisions; to the Committee on Veterans' Affairs.

TO REPEAL THE 10-YEAR DELIMITING PERIOD FOR EDUCATIONAL ASSISTANCE

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation to amend title 38 of the United States Code by repealing the 10-year delimiting period for educational assistance under the Veterans' Educational Assistance Program.

In the past, the main purpose of the GI bill has been to assist the Nation's veterans in readjusting to civilian life after military service. These programs were highly effective and were responsible for educating countless Americans who would not have had such opportunities without those benefits.

Last year, Congress enacted a new GI education program for the men and women who serve in the military. By passing this legislation we continued to demonstrate our gratitude to these men and women, and we recognized the value that educational opportunity brings both to individuals and to our society at large.

Regrettably, as we look back at the benefits provided to our Vietnam-era veterans, we find that many are losing this educational opportunity when they need it most. While the program is not scheduled to expire until 1989, the 10-year limitation period within which benefits must be used by each veteran will prevent many from utilizing this assistance. Of the nearly one-half million veterans who live in the State of New York, roughly one-third have not used their educational assistance yet. The 10-year limitation period will affect roughly this same percentage of veterans nationwide.

I urge my colleagues to give this legislation their full support to ensure that our Vietnam-era veterans are not denied the full educational opportunities they have earned.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1662 of title 38, United States Code, is amended—

(1) by striking out subsections (a), (b), (c), and (d); and

(2) by striking out "(e)" in subsection (e).

(b)(1) The section heading of such section is amended to read as follows:

"§ 1662. Time limitation for completing a program of education".

(2) The table of sections at the beginning of chapter 34 of such title is amended by striking out the item relating to section 1662 and inserting in lieu thereof the following:

"1662. Time limitation for completing a program of education.".●

By Mr. D'AMATO:

S. 965. A bill to amend title 38, United States Code, to remove an inequity in the Veterans' Administration program to provide assistance to certain disabled veterans in acquiring specially adapted residences; to the Committee on Veterans' Affairs.

SPECIALLY ADAPTED HOUSING GRANT PROGRAM

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation to amend title 38 of the United States Code by removing an inequity in the Veterans' Administration [VA] program responsible for assisting certain veterans in obtaining specially adapted housing.

The VA's Specially Adapted Housing Grant Program establishes two separate grant programs for blinded veterans. The larger grant program provides $35,000 for blinded veterans to purchase a specially adapted house, or to make necessary renovations in a home already owned. To be eligible for this grant, a veteran must be totally blind, with no more light perception, in both eyes, and must have lost, or lost the use of, a lower extremity.

The smaller housing grant program provides $6,000 for blinded veterans, without additional handicaps, to make the necessary renovations in a house already owned by the veteran. This grant, however, cannot be applied toward the purchase of a specially adapted house. To be eligible for this grant, a veteran must be blind, that is, he or she must have a 5/200 visual acuity or worse.

The legislation I am introducing today will permit those veterans eligible for the smaller housing grant to use the $6,000 to purchase a home which already has the necessary adaptions. This measure, however, would not affect the eligibility requirements for the grant in any way: no new eligible beneficiaries would be created.

I urge my colleagues to give their full support to this legislation which will remove a blatant inequity in the VA's Specially Adapted Housing Grant Program.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 801(b)(1) of title 38, United States Code, is amended by inserting before the period at the end thereof the following: "or in acquiring a residence already adapted with special features determine by the Administrator to be reasonably necessary for the veteran by reason of the veteran's disability".

(b) The amendment made by subsection (a) shall apply with respect to residences acquired after September 30, 1985.●

By Mr. D'AMATO:

S. 966. A bill to amend title 38, United States Code, to provide mortgage protection life insurance to certain veterans unable to acquire commercial life insurance because of service-connected disabilities; to the Committee on Veterans' Affairs.

MORTGAGE PROTECTION LIFE INSURANCE FOR CERTAIN DISABLED VETERANS

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation to expand the Veterans' Administration [VA] Mortgage Protection Life Insurance Program. Since 1971, the VA has provided mortgage protection to service-connected disabled veterans who obtain VA grants for specially adapted housing. This insurance is made available to these veterans through the VA because their service-connected disabilities have prevented them from acquiring mortgage protection from commercial sources.

However, some of our Nation's most severely disabled veterans have been excluded from this program. The legislation I am introducing today amends title 38 of the United States Code by providing mortgage protection life insurance to those veterans evaluated at 80 percent or more disabled who are unable to acquire commercial life insurance because of service-connected disabilities.

Only a small percentage of the 182,000 veterans this expanded program will cover are now able to obtain commercial mortgage protection life insurance. Nearly 8 percent of them live in the State of New York.

These veterans have suffered the most severe personal losses in service to this country. Quite often, the nature and extent of their disabilities have prevented them from accumulating the savings necessary to ensure financial security for themselves and their families.

I urge my colleagues to give this legislation their full support so that we can make available to our most severely disabled veterans the security of mortgage insurance to which they are entitled, but which they are so unfortunately denied, in the commercial market.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 19 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER V—MORTGAGE PROTECTION LIFE INSURANCE FOR CERTAIN DISABLED VETERANS

"§ 791. Purchase of insurance

"(a) The Administrator may purchase from one or more life insurance companies a policy or policies of mortgage protection life insurance on a group basis to provide the benefits specified in this section.

"(b) A veteran (other than a veteran eligible for insurance under section 8.6 of this title) who establishes to the satisfaction of the Administrator that the veteran is unable to obtain commercial life insurance because of a service-connected disability rated at 80 percent or more shall, upon application made in such form as the Administrator shall prescribe, be granted insurance under this section.

"(c) The Administrator may purchase insurance under this section without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), but the authority of the Administrator to purchase insurance under this section is effective for any fiscal year only to such extent or in such amount as are provided in appropriation Acts.

"§ 792. Amount of insurance

"The initial amount of insurance provided under this subchapter may not exceed the lowest of the following amounts:

"(1) $40,000.

"(2) The amount of the loan outstanding on a dwelling (and necessary land therefor) owned or occupied by the veteran as a home on the date insurance under this subchapter is placed in effect.

"(3) In the case of a veteran who purchases or constructs a dwelling (including necessary land therefor) to be occupied by the veteran as a home on or after the effective date of this section the amount of the original loan.

The amount of such insurance shall be reduced according to the amortization schedlue of the loan and at no time may exceed the amount of the outstanding loan with interest.

"§ 793. Premium rates

"(a) The premium rates charged a veteran for insurance under this subchapter shall be paid at such times and in such manner as the Administrator shall prescribe and shall be based on such mortality data as the Administrator considers appropriate to cover only the mortality cost of insuring veterans with service-connected disabilities rated at 80 percent or more who are unable to obtain commercial mortgage protection life insurance.

"(b) The Administrator shall deduct the premiums charged a veteran for life insurance under this subchapter from any compensation or other cash benefits payable to the veteran by the Veterans' Administration

and shall pay such premiums to the insurer or insurers for such insurance. A veteran insured under this subchapter who is not eligible for cash benefits from the Veterans' Administration may pay the amount of the premiums directly to the insurer or insurers for insurance under this subchapter.

"§ 794. Payment of insurance

"An amount of insurance in force under this subchapter on the date of death of a veteran insured under this subchapter shall be paid only to the holder of the mortgage loan, the payment of which the insurance was granted, for credit on the loan indebtedness. The liability of the insurer under such insurance shall be satisfied when such payment is made. If the Administrator is the holder of the mortgage loan, the insurance proceeds shall be credited to the loan indebtedness and shall be deposited (as appropriate) in the direct loan or loan guaranty revolving fund established by section 1823 or 1824 of this title, respectively.

"§ 795. Insurance policy provisions

"(a)(1) Each policy purchased under section 791 of this title shall provide, in terms approved by the Administrator, for the provisions required by this subsection.

"(2) Each such policy shall provide for reinsurance, to the extent and in a manner to be determined by the Administrator to be in the best interest of the veterans or the Government, with other insurers which meet qualifying criteria established by the Administrator as may elect to participate in such reinsurance.

"(3) Each such policy shall provide that at any time the Administrator determines such action to be in the best interest of veterans or the Government, the Administrator (A) may discontinue the entire policy, or (B) may exclude from coverage under such policy loans made after a date fixed by the Administrator for such purpose. Any insurance previously issued to a veteran under such policy may not be canceled by the insurer solely because of termination of the policy by the Administrator with respect to new loans. If the policy is wholly discontinued, the Administrator shall have the right to require the transfer (to the extent and in a manner to be determined by the Administrator), to any new company or companies with which the Administrator has negotiated a new policy or policies, the amounts (as determined by the existing insurer or insurers with the concurrence of the Administrator) of any policy or contingency reserves with respect to insurance previously in force.

"(4) Each such policy shall provide for issuance to each veteran insured under this subchapter of a uniform type of certificate setting forth the benefits to which the veteran is entitled under the insurance.

"(5) Each such policy shall provide for any other provision which is reasonably necessary or appropriate to carry out the provisions of this subchapter.

"(6) Each such policy shall provide for an accounting to the Administrator not later than 90 days after the end of each policy year. Each such accounting shall set forth (in a form approved by the Administrator) (A) the amount of premiums paid by veterans accrued under the contract or agreement from its date of issue to the end of such contract year, (B) the total of all mortality and other claim charges incurred for that period, and (C) the amount of the insurer's expense and risk charges, if any, for that period. If the amount under clause (A) is greater than the sum of the amounts under clauses (B) and (C), the amount of the difference shall be held by the insurer as a contingency reserve to be used by the insurer for charges under the contract or agreement only. The contingency reserve shall bear interest at a rate to be determined in advance of each contract year by the insurer. That rate shall be approved by the Administrator if consistent with the rates generally used by the insurer for similar funds held under other plans of group life insurance. If and when the Administrator determines that such contingency reserve has attained an amount estimated by him to make satisfactory provision for adverse fluctuations in future charges under the contract, the Administrator shall require the insurer to adjust the premium rates and contributions so as to prevent any further substantial accretions to the contingency reserve. If and when the contract or agreement is discontinued and if after all charges have been made there is any positive balance remaining in the contingency reserve, such balance shall be paid to the Administrator and shall be credited to the appropriation "Compensation and Pensions, Veterans' Administration," subject to the right of the insurer to make such payment in equal monthly installments over a period of not more than two years.

"(b) With respect to insurance contracted for under this subchapter, the Administrator may adopt such regulations relating to eligibility of veterans for insurance, maximum amount of insurance, maximum duration of insurance, and other factors not specifically provided for in this subchapter as in the Administrator's judgment are in the best interest of veterans or the Government. Insurance contracted for under this subchapter shall take effect as to any veteran on a date determined by the Administrator. The amount of the insurance at any time shall be the amount necessary to pay the mortgage indebtedness in full, except as otherwise limited by the policy.

"(c) Insurance contracted for under this subchapter shall terminate upon whichever of the following first occurs:

"(1) Satisfaction of the veteran's indebtedness under the loan upon which the insurance is based.

"(2) Termination of the veteran's ownership of the property securing the loan.

"(3) Discontinuance of payment of premiums by the veteran.

"(4) Discontinuance of the entire contract or agreement.

"(d) Termination of mortgage protection life insurance under this subchapter shall not affect the guaranty or insurance of the loan by the Administrator.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following:

"SUBCHAPTER V—MORTGAGE PROTECTION LIFE INSURANCE FOR CERTAIN DISABLED VETERANS

"Sec.
"791. Purchase of insurance.
"792. Amount of insurance.
"793. Premium rates.
"794. Payment of insurance.
"795. Insurance policy provisions.".

SEC. 2. Subchapter V of chapter 19 of title 38, United States Code, as added by the first section of this Act, shall take effect on October 1, 1985.●

By Mr. STAFFORD (by request):

S. 967. A bill to authorize the improvement of and funding for the inland and intracoastal waterways of the United States, and for other purposes; to the Committee on Environment and Public Works.

INLAND WATERWAYS DEVELOPMENT ACT

● Mr. STAFFORD. Mr. President, earlier in this session, I was honored to introduce S. 534 on behalf of the administration. That legislation is a major omnibus water resources development bill.

Today, I am honored to introduce companion legislation, an administration bill to resolve the complicated and difficult issues involving the development of our inland navigation system, as well as the ongoing operations and maintenance of that system, and how this work is to be financed.

My colleagues know that this is a most controversial issue, one that has been a major factor in the failure of the Congress since 1976 to pass my omnibus water resources legislation.

The situation is this: We face a growing life of needed waterway improvements, while, at the same time, spending remains in decline.

The Federal Government lacks the money to do the work that must be done for commercial beneficiaries. The administration recognizes that non-Federal sources of funds must be brought into the program.

Specifically, the administration proposal would also levy on commercial traffic a uniform national ton-mile fee of 1.5 mills. This sum will contribute approximately 70 percent of the costs of operating and maintaining the 25,000-mile inland waterway system. Inland operators currently pay less than 10 percent of those costs, in the form of a fuel tax.

This measure also creates an Inland Waterway Users Board to advise the corps on expenditures and fees, and it authorizes three new inland waterway projects at a total cost of $550 million.

Mr. President, this has been a contentious issue in the past. The Committee on Finance has claimed an interest in this legislation. In order to assure the most reasonable approach, our committee has deferred informally for the time being to the Finance Committee to allow it the opportunity to develop a user charge package that would meet the needs of the administration, as well as the needs of the program: needs to bring in new funds as well as a mechanism based on costs to help set priorities.

I hope that this administration proposal will help us focus the debate, to help us get off dead center and move toward some sort of national compromise.

Mr. President, I ask unanimous consent that a copy of the bill, together with a copy of the transmittal letter and the section-by-section analysis prepared by the administration, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Inland Waterways Development Act of 1985."

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) "Corps" means the United States Army Corp of Engineers.

(2) "Secretary" means the Secretary of the Army.

(3) "Treasury" means the Treasury of the United States.

(4) "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, and any other territory or possession over which the United States exercises jurisdiction.

SEC. 3 AMENDMENTS TO THE INLAND WATERWAYS REVENUE ACT OF 1978.

(a) The Inland Waterways Revenue Act of 1978 (92 Stat. 1696) is amended by—

(1) amending section 203 by inserting the following before the period at the end of paragraph (b)(1): "and the amounts of the user fees deposited into the Treasury under section 4499 of the Internal Revenue Code of 1954 (relating to user fees on vessels in commercial waterway transportation on inland waterways)";

(2) amending section 204 to read as follows:

"SEC. 204. TRUST FUND AVAILABLE FOR EXPENDITURES FOR PROJECTS ON THE INLAND WATERWAYS.

Amounts which are credited to the Trust Fund pursuant to section 203 of this Act which are derived from the tax on fuel established pursuant to section 4042 of title 26, United States Code, shall be available, as provided by appropriation Acts, to the Secretary of the Army and the Tennessee Valley Authority to be expended for new construction of navigation features on the inland and intracoastal waterways of the United States described in section 206 of this Act. Amounts which are credited to the Trust Fund pursuant to section 203 of this Act which are derived from the user fee established pursuant to section 4499 of title 26, United States Code, are appropriated without fiscal year limitation to the Secretary of the Army to be expended for the operation, maintenance, and new construction of Federal navigation projects on the inland and intracoastal waterways and shall also be used to reimburse appropriations which bore all or part of the cost of collection of the user fee. The Secretary shall annually transfer to the Tennessee Valley Authority amounts available from the Trust Fund which are derived from the user fee established pursuant to section 4499 of title 26, United States Code, on the basis of the proportionate share of the total estimated costs of operation, maintenance, and new construction of the navigation features of Tennessee Valley Authority projects on the inland and intracoastal waterways, as determined by the Board of Directors of the Tennessee Valley Authority, to the total estimated costs of operation, maintenance, and new construction of the Federal navigation features on the inland and intracoastal waterways as determined by the Secretary of the Army. Amounts in the Trust Fund shall not be used for operation, maintenance, construction, rehabilitation, modification or post-authorization planning of any harbor or harbor components of the inland and intracoastal waterways. For purposes of this section, the term "new construction" means construction, rehabilitation, modification and post-authorization planning, of any project or separable element thereof for which Federal funds have not been obligated for physical construction before October 1, 1985.";

(3) amending section 206 to read as follows:

"SEC. 206. INLAND AND INTRACOASTAL WATERWAYS OF THE UNITED STATES.

For purposes of sections 4042 and 4499 of subtitle D of title 26, United States Code, and for purposes of section 204 and 205 of this Act, the following inland and intracoastal waterways of the United States are described in this section as follows:

"(1) the Mississippi River and its natural and manmade tributaries and connecting channels upstream from Baton Rouge, Louisiana;

"(2) all waterways of the United States and their tributaries with an authorized depth of fourteen feet or less emptying into the Gulf of Mexico west of the Mississippi River;

"(3) the Gulf Intercoastal Waterway from Saint Marks River, Florida, to Brownsville, Texas;

"(4) the Apalachicola River and its tributaries upstream from its junction with the Gulf Intracoastal Waterway;

"(5) the Columbia River and its tributaries upstream from a point immediately downstream of the Bonneville Lock and Dam project;

"(6) the Pearl River and its tributaries upstream from the junction of the West Pearl River with the Rigolets;

"(7) the Mobile River and its tributaries, including the Tennessee Tombigbee waterway project, upstream from the Mobile Harbor project;

"(8) the Atlantic Intracoastal Waterway between Norfolk, Virginia, and Miami, Florida, via both the Albermarle and Chesapeake Canal and Great Dismal Swamp Canal routes; and

"(9) the portions of the Willamette River and its tributaries with authorized depths of fourteen feet or less."; and,

(4) amending the table of contents accordingly.

(b) The amendments made by this section shall take effect upon the date of enactment of this Act; except that, paragraph (3) of subsection (a) shall take effect on October 1, 1985.

SEC 4. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954.

(a) Chapter 36 of subtitle D of title 26 is amended by adding after subchapter F the following new subchapter:

"Subchapter G—User Fee on Commercial Use of Inland Waterways

"SEC. 4499. IMPOSITION OF USER FEE.

"(a) IN GENERAL.—There is hereby imposed a user fee on the use during any calendar quarter of a vessel in commercial waterway transportation. The user fee authorized pursuant to this section shall be collected as if it were a tax.

"(b) AMOUNT OF USER FEE.—The user fee imposed by subsection (a) shall be at the rate of .15 cents per ton-mile for each vessel used in commercial waterway transportation in any calendar quarter beginning on or after October 1, 1985.

"(c) PERSONS LIABLE FOR USER FEE.—(1) IN GENERAL.—Except as provided in subparagraph (2), the person who operates (or the person whose employees operate) a vessel for the purpose of commercial waterway transportation shall be the person liable to pay the user fee imposed by subsection (a).

"(2) EXEMPTIONS.—No user fees shall be collected under the authority of this title from—

"(A) vessels not engaged in commercial activity which are owned by, or under bareboat charter or time charter to, or for any purpose under the control or custody of the United States, or any of its officers, agents, employees or of any corporation wholly owned by the United States;

"(B) vessels not engaged in commercial activity which are owned by, or under bareboat charter or time charter to, or for any purpose under the control or custody of any other nation, or any of its officers, agents, employees, or of any corporation wholly owned by any other nation;

"(C) vessels used by a state, or political subdivision thereof, transporting persons or property in the business of the state of political subdivision; or

"(D) vessels engaged in dredging activities.

"(d) DEFINITIONS.—For purposes of this section, the terms "commercial waterway transportation", "inland and intracoastal waterways", and "person" shall have the same meaning as defined in section 4042 of this subtitle. The term "ton-mile" means a unit of measure equal to 2,000 pounds of cargo weight per mile traveled while engaged in commercial waterway transportation.

"(e) DATE FOR FILING RETURN.—The date for filing the return on which the user fee imposed by this section is reported for any calendar quarter shall be the last day of the first month following such quarter."

(b) The table of sections for chapter 36 of such Code is amended by adding at the end thereof the following new items.

"Subchapter G. User Fee on Commercial Use of Inland Waterways

"Sec. 4499. Imposition of User Fee"

(c) The amendments made by this section shall take effect on October 1, 1985.

SEC. 5. ESTABLISHMENT OF THE INLAND WATERWAYS USERS BOARD

(a) ESTABLISHMENT OF USERS BOARD.—There is hereby established an Inland Waterways Users Board (hereinafter referred to as the "Users Board") composed of the Secretaries of the Interior, the Treasury, Agriculture, Transportation, and Commerce and the Administrator of the Environmental Protection Agency (or their designees), and fifteen members selected by the Secretary, one of whom shall be designated by the Secretary as Chairman. The non-Federal members shall be selected so as to represent various regions of the country and a spectrum of users and shippers utilizing the inland and intracoastal waterways for commercial purposes.

(b) DUTIES.—The Users Board shall advise the Secretary of the Army annually on anticipated spending levels for and proposed improvements on the inland and intracoastal waterways and shall make such recommendations to the Secretary as the Users Board deems appropriate.

(c) ADMINISTRATION.—The Users Board shall be subject to the Federal Advisory Committee Act (83 Stat. 770; 5 U.S.C. App. 2), as amended, and, with the consent of the

appropriate agency head, the Users Board may use the facilities and services of any federal agency. Non-federal members of the Users Board while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

SEC. 6. REPORT BY THE SECRETARY.

The Secretary shall report to the Congress by March 1, 1990, and every five years thereafter, on any changes recommended for improving the efficiency and effectiveness in recovering costs for the inland and intracoastal waterways and any increase or decrease in the amounts to be recovered due to inflation and to projected volume and type of commercial traffic using the inland and intracoastal waterways. In preparing the report, the Secretary shall consult with the Secretary of the Treasury and shall take into consideration the views of the Users Board established pursuant to section 5 of this Act, and shall make such recommendations to the Congress as he deems appropriate, including recommendations concerning any increase or decrease in the tax imposed by section 4042 of title 26, United States Code, and the user fee imposed by section 4499 of title 26, United States Code which is needed to achieve appropriate recovery.

SEC. 7. EXPEDITED PROJECT AUTHORIZATION PROCESS.

(a) After coordination with affected federal agencies and non-federal public bodies, the Secretary, acting through the Chief of Engineers, is authorized to study, plan, design, construct, operate and maintain new improvements and rehabilitations and modifications of existing improvements on the inland and intracoastal waterways, described in section 206 of the Inland Waterways Revenue Act of 1978 (92 Stat. 1696), as amended by this Act, if the Secretary determines that the plan of improvement is feasible and justified, subject to the requirements of subsection (b) of this section.

(b)(1) Before the Secretary, acting through the Chief of Engineers, may initiate construction of a plan of improvement authorized by subsection (a) of this section the Secretary shall submit to Congress—

(A) a final environmental impact statement for the plan of improvement, if the Secretary determines that the statement is required by the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4331 et seq.); and

(B) a statement of the Secretary's compliance, as of such submission, with the Clean Water Act (86 Stat. 852; 33 U.S.C. 1251 et seq.), as amended, the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 et seq.), as amended, and other statutory requirements applicable to the improvement.

(2) The statements required under paragraph (1) of this subsection and any other actions required by the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4331 et seq.) and other applicable statutes shall be completed on an expedited basis pursuant to schedules established by the Secretary after consultation with the Chairman of the Council on Environmental Quality and other appropriate federal and state officials. Thereafter, federal and state officials shall provide any data and comments, and the public shall be afforded opportunity to participate, in accordance with the Secretary's schedules. Any necessary decisions to be made by federal and state officials must be made in accordance with the Secretary's schedule.

(3) A plan of improvement addressed by an environmental impact statement that is submitted to Congress in accordance with paragraph (1) of this subsection shall be eligible for construction appropriations and implementation under subsection (a) of this section, and may be undertaken unless a Joint Resolution disapproving the environmental impact statement becomes law within one hundred and eighty calendar days of the receipt of the environmental impact statement by the Congress.

(c) An environmental impact statement which is submitted to Congress in accordance with subsection (b)(1) of this section and is not disapproved pursuant to subsection (b)(3) of this section shall be deemed to satisfy the requirements of section 102(2) of the National Environmental Policy Act of 1969 (83 Stat. 853; 42 U.S.C. 4332(2)), as amended.

(d) Claims alleging that work authorized by this section will deny rights under the Constitution of the United States or violate any federal or state statutes or regulations may only be filed in a United States District Court for a district in which the work is located or to be located, or in which the alleged injury occurs. These courts shall have original jurisdiction over the proceedings and shall assign them for hearing on an expedited basis if good cause exists for an expedited hearing. The courts shall not have jurisdiction to grant any injunctive relief against any actions pursuant to this section except—

(1) in conjunction with a final judgment entered in a case involving a claim filed under this section, or

(2) where the petitioner presents a clear and convincing showing that the petitioner is likely to prevail on the merits; that without such an injunction the petitioner will suffer irreparable harm; that issuance of an injunction will not lead to unreasonable harm to other parties; and that issuance of the injunction is in the public interest.

SEC. 8. PROJECT AUTHORIZATIONS.

The following improvements to the inland waterways of the United States are hereby adopted and authorized to be prosecuted by the Secretary in accordance with the plans and subject to the conditions recommended in the reports hereinafter designated. For those reports which have been transmitted to Congress before the date of enactment of this Act, a reference to a report of the Chief of Engineers is deemed to include any modifications or recommendations of the Secretary when transmitting such report to the Congress other than recommendations with respect to cost-sharing which are inconsistent with the requirements of this Act.

(1) Gallipolis Locks and Dam Replacement, Ohio River, Ohio and West Virginia: Report of the Chief of Engineers, dated August 13, 1983, at an estimated total cost of $317,000,000. (October 1984);

(2) White River Navigation to Batesville, Arkansas: Report of the Chief of Engineers dated December 23, 1981, at an estimated total cost of $27,000,000 (October 1984);

(3) Bonneville Lock and Dam, Oregon and Washington, Columbia River and Tributaries Interim Report: Reports of the Chief of Engineers dated March 14, 1980, and February 10, 1981, at an estimated total cost of $191,020,000 (October 1984);

(4) Atlantic Intracoastal Waterway Bridges, North Carolina: Report of the Chief of Engineers dated October 1, 1975, at an estimated total cost of $8,800,000 (October 1984); and

(5) Kentucky River, Disposition of Locks and Dams 5 through 14, Kentucky: Report of the Chief of Engineers dated July 2, 1984; except that, the Secretary is authorized to report Locks and Dams 5 through 14 as excess for disposal in accordance with sections 2 and 3 of the Act of August 6, 1956 (70 Stat. 1062) and other applicable law as if the project had been identified for disposition pursuant to section 1 of the Act of August 6, 1956.

SECTION BY SECTION ANALYSIS

A bill to authorize the improvement of and funding for the inland and intracoastal waterways of the United States, and for other purposes.

SECTION 1

This section provides that the Act may be cited as the Inland Waterways Development Act of 1985.

SECTION 2

This section gives the definitions of terms pertinent to the Act.

SECTION 3

This section amends the Inland Waterways Revenue Act of 1978 (P.L. 95-502) to (1) provide permanent appropriations of a new ton-mile user fee for navigation costs of the Corps of Engineers and the Tennessee Valley Authority (TVA), (2) authorize use of the existing fuel tax, subject to appropriation Acts, for new construction of navigation facilities on the inland and intracoastal waterways, and (3) simplify the definition of the inland waterway system.

This section amends P.L. 95-502 as follows:

Section 203 of P.L. 95-502 is amended by authorizing the deposit to the Inland Waterways Trust Fund of amounts equivalent to receipts from the new ton-mile user fee.

Section 204 of P.L. 95-502 is amended to authorize appropriations of fuel tax revenues, subject to appropriation Acts and including sums already in the Inland Waterways Trust Fund prior to enactment of this Act, to the Secretary of the Army and the TVA for construction of new navigation features on the inland and intracoastal waterways. Section 204 is further amended to provide permanent appropriations of the new ton-mile user fee revenues, without fiscal year limitation, to the Secretary of the Army for operation, maintenance, and new construction on the inland and intracoastal waterways. Each year the Secretary is to transfer to TVA an amount equal to its proportionate share of operation, maintenance and new construction costs. Permanent appropriation of ton-mile user fee revenues will allow necessary flexibility and continuity in project construction and operation and maintenance. This section also allows the use of the ton-mile user fee to cover the cost of its collection by the Internal Revenue Service. No Trust Fund amounts may be used for work on inland harbors. Work on such harbors would be subject to cost recovery under title I of the proposed Water Resources Development Act of 1985.

Section 206 of P.L. 95-502 is revised to redefine and simplify the definition of inland and intracoastal waterways. Most notably, the amendment would add the Tennessee-Tombigbee Waterway for both the fuel tax and ton-mile fee effective October 1, 1985.

SECTION 4

This section revises the Internal Revenue Code of 1954 to establish a user fee on vessels engaged in commercial waterway trans-

portation on the inland/intracoastal waterway system. The fee will be 1.5 mills (.15 cents) per ton-mile beginning on October 1, 1985. It will be payable by a vessel's operator and collected by the Internal Revenue Service. IRS is the appropriate agency for collection of the user fee since it now collects the existing fuel tax. IRS collection would minimize the record keeping and audit burden on the waterway industry and eliminate potential duplication by federal agencies. Exemptions from user fees are provided for vessels engaged in non-commercial activity of the United States and other nations, the business of state and local governments, and dredging. Commercial fishermen are also exempt. Definitions and filing requirements are provided. The initial rate of 1.5 mills per ton-mile is the estimated rate required to recover approximately 70 percent of expected federal operation, maintenance, and new construction costs for the inland waterways during fiscal years 1986 through 1990.

SECTION 5

This section establishes an Inland Waterways Users Board to make recommendations to the Secretary concerning anticipated spending levels for, and proposed improvements on, the inland and intracoastal waterways. The Board would be composed of twenty-one members, fifteen representing waterway users and shippers from various regions and six representing affected federal agencies. The Board would meet at least annually and would be allowed to use the facilities and services of any consenting federal agency. The Secretary shall consider the Board's recommendations in matters relating to the construction and operation and maintenance of the inland waterways. Provisions are made for selection of the Board's chairman, terms and continuity of membership to the Board, and reimbursement of expenses for non-federal members.

SECTION 6

This section requires that the Secretary report to Congress by March 1, 1990, and every five years thereafter, on any changes recommended for improving the efficiency and effectiveness in recovering costs for the inland and intracoastal waterways and any increase or decrease in the amounts to be recovered. Following consultation with the Secretary of the Treasury and consideration of the views of the Users Board, the Secretary will make recommendations concerning appropriate recovery of inland and intracoastal waterway costs.

SECTION 7

This section would authorize the Secretary to plan, design, construct, operate and maintain new improvements, as well as modifications, to the existing inland waterways. The Secretary may coordinate with federal agencies and non-federal public bodies in studying the feasibility of any such improvement and shall prepare a report. Prior to undertaking any construction authorized by this section, the Secretary must submit to Congress a final environmental impact statement (if required) and a statement of compliance with the Clean Water Act and the Fish and Wildlife Coordination Act, as well as other applicable statutory requirements. These statements would be completed on an expedited schedule established by the Secretary, after consultation with the Chairman of the Council on Environmental Quality and other appropriate federal and state officials. Any plan of improvement submitted in accordance with this section would be eligible for construction appropriations unless Congress passes a Joint Resolution disapproving the environmental impact statement within 180 calendar days of receipt, and the Joint Resolution becomes law. Any environmental impact statement submitted and not disapproved would satisfy applicable requirements of the National Environmental Policy Act. This section also limits judicial review to expedited hearings for claims against work authorized by this section.

SECTION 8

This section authorizes five projects or actions on the inland waterway system at a total estimated cost of about $550 million (October 1984 price levels). Any recommendations are deemed to include any modifications or recommendations of the Secretary other than recommendations with respect to cost sharing which are inconsistent with the requirements of this Act. These projects are:

(1) Gallipolis Locks and Dam Replacement, Ohio and West Virginia.

Location: In the Middle Ohio Valley about 14 miles downstream on the Ohio River from the mouth of the Kanawha River in West Virginia.

Purpose: Shallow draft navigation.

Problem: The present locks at Gallipolis (one 110 feet by 600 feet lock and one 110 feet by 360 feet lock) are small by comparison to other locks on the Ohio River and are inadequate to handle existing river traffic. The location of the locks in a riverbend makes locking conditions difficult and dangerous during moderate to high river levels.

Recommended plan: Construction of two new locks measuring 110 feet by 1,200 feet and 110 feet by 600 feet in a canal which will bypass the existing locks and dam and a major rehabilitation of the existing dam; 840 acres of mitigation lands will be purchased.

Environmental impact statement: Final statement filed with the Environmental Protection Agency in January 1982.

Total project cost: $317,000,000.

Benefit/cost ratio: 11.3 to 1 at a discount rate of 8⅝ percent.

(2) White River Navigation to Batesville, Arkansas.

Location: On the lower 300 miles of the White River in east central Arkansas.

Purpose: Shallow draft navigation improvement.

Problem: River conditions, including shallow depths, narrow channel, and tight bendways result in inefficient and unsafe commercial navigation.

Recommended plan: Improvement of channel to provide for a 200 foot wide by 9 foot deep channel to Newport, Arkansas. Improvement would be achieved by dredging, dikes, and bank paving. About 1,865 acres of bottomlands hardwoods would be purchased for mitigation, along with possible aquatic management measures.

Environmental impact statement: Final statement filed with the Environmental Protection Agency in January 1981.

Total project cost: $27,000,000.

Benefit/cost ratio: 1.1 to 1 at a discount rate of 8⅝ percent.

(3) Bonneville Navigation Lock, Washington and Oregon.

Location: Located at existing Bonneville Lock and Dam Project on the Columbia River.

Purpose: Shallow draft navigation.

Problem: Existing 76 foot by 500 foot lock is the smallest in the Columbia-Snake River Waterway system and is insufficient to efficiently handle existing river tows. In addition, this lock, if not replaced, is expected to become a traffic bottleneck by 1988 to 1990. The entrance approaches to the existing lock are also hazardous.

Recommended plan: Construction of a new 86 foot by 675 foot lock and entrance channels.

Environmental impact statement: Final statement filed with the Environmental protection Agency in March 1981.

Total project cost: $191,020,000.

Benefit/cost ratio: 1.21 to 1 at a discount rate of 8⅝ percent.

(4) Atlantic Intercoastal Waterway—Replacement of Federal Highway Bridges in North Carolina.

Location: Three bridges located in eastern North Carolina: Core Creek Bridge, about eight miles north of Morehead City, N.C.; Fairfield Bridge, approximately 75 miles east of Washington, N.C.; and Hobucken Bridge, approximately 30 miles east of New Bern, N.C.

Purpose: Assumption of State cost-sharing requirement under 1970 Rivers and Harbors Act.

Problem: These bridges were constructed by the federal government which retains responsibility for construction, operation and maintenance. The bridges are in a deteriorated state and do not meet current design standards. Consequently, the cost of maintenance of these bridges is increasing rapidly. In the interest of expediting replacement of the bridges, the State of North Carolina offered to pay 25 percent of the cost of construction and to accept ownership and maintenance responsibilities. In 1970 Congress authorized replacement of these three, and two other bridges in similar circumstances, at 75 percent federal cost. Since this authorization, circumstances precluded the state participation in construction. The State withdrew its offer to cost share construction, but maintained the offer to accept ownership and future operation and maintenance. In 1976, Congress authorized two of the bridges at full federal funding, but did not delete the local cost-sharing requirement for the three bridges considered here. Because of the possibility of failure and rapidly increasing costs of maintenance, it would be advantageous to the federal government to construct these three bridges and be relieved of the burden of ownership and further maintenance costs.

Recommended plan: Relieve the State of North Carolina of cost sharing responsibility for construction and rehabilitation of the three bridges and transfer ownership and operation and maintenance to the State.

Environmental impact statement: Final statement was filed with the Environmental Protection Agency in November, 1970.

Total project cost: $8,800,000.

Benefit/cost ratio: Not applicable.

(5) Kentucky River, Disposition of Locks and Dams 5 through 14, Kentucky.

Location: Kentucky River above Frankfort, Kentucky.

Purpose: Disposal of Kentucky River, Kentucky, Locks and Dams 5 through 14.

Problem: There is no existing or projected future commercial navigation usage of Kentucky River Locks 5 through 14. Continued operation and maintenance of these structures for the authorized purpose of commercial navigation is not economically justified. Although there are incidental purposes of regional recreational boating, water supply, and to a very limited extent hydroelectric power generation, annual National Economic Development benefits are not nearly suf-

ficient to outweigh annual operation and maintenance costs.

Recommended plan: Report Locks and Dam 5 through 14 as excess for disposal in accordance with applicable law as if the project had been identified for disposal in Public Law 84-996. This would allow for the disposal of this project, with first preference to any public body who has been operating and maintaining the project. The State of Kentucky has offered to assume operation and normal maintenance for a three-year period commencing in the summer of 1985.

Environmental impact statement: A Finding of No Significant Impact signed by the District Engineer is contained in his December 1982 report.

Total project cost: $80,000 annually to maintain project in a caretaker status until disposal.

Benefit/cost ratio: Not applicable.

DEPARTMENT OF THE ARMY,
Washington, DC, February 20, 1985.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To authorize the improvement of and funding for the inland and intracoastal waterways of the United States, and for other purposes" (the Inland Waterways Development Act of 1985).

This proposal is a part of the Department of the Army's Civil Works legislative program for the 99th Congress. The Office of Management and Budget advises that this proposal is in accord with the President's program. The Department of the Army recommends that Congress enact the proposal.

PURPOSE OF THE LEGISLATION

As you know, the last water resources development bill for the Corps of Engineers was enacted in 1976. Since that time new construction funding has fallen off by more than two-thirds in constant dollars. This decrease has resulted not from a paucity of needed and worthwhile projects, but rather from a growing realization by recent Administrations and the Congress that we need to restructure the way projects are funded before we commit scarce federal dollars to them.

Virtually every study of federal water resources development projects undertaken in the last ten years, including studies by the General Accounting Office and the Congressional Budget Office, has concluded that the traditional federal subsidy for water projects is no longer justified. Since the Administration of Franklin Delano Roosevelt, the Executive Branch has been recommending increases in user charges or revisions in cost-sharing for federal water projects. Despite this urging, the formulas for cost-sharing have remained largely unchanged.

During the last Congress the House and Senate toiled to develop an omnibus water bill. All of us who are interested in meeting the Nation's water resources needs commend the Chairmen and ranking Members of the committees and subcommittees with legislative jurisdiction over this issue. While we admire the effort that went into the House and Senate omnibus bills, we felt that the proposals that were developed fell short of what would be acceptable in the cost-sharing arena and went too far in authorizing projects that were not economically justified.

This year it is imperative that Congress start anew on this difficult issue. In an effort to work toward an acceptable consensus, we have developed two separate bills representing the Administration's concept of justifiable and warranted water resources legislation. The first bill, which is being transmitted separately, consists of five titles that address ports and harbors, cost-sharing, project authorizations, project modifications, and various general provisions. The companion bill, which is enclosed, authorizes improvements on the Nation's inland waterways system and provides for a user fee to be collected by the Internal Revenue Service. Perhaps the most notable features of these bills, and the ones that we in the Administration believe are essential to a satisfactory resolution of this issue, are the provisions for recovery of a portion of the federal costs for harbor and inland navigation improvements. Both bills include authorization of projects which have been reviewed by the Executive Branch. We will also support inclusion of other projects receiving favorable Executive Branch recommendations before enactment of this legislation.

As discussed below, we believe that our proposals for cost recovery are fair and reasonable. The enclosed draft bill, the Inland Waterways Development Act of 1985, would allow the Internal Revenue Service to collect a fee to recover from users a portion of the costs associated with the Nation's inland waterway system. Commercial shippers using inland waterways would pay a uniform ton-mile fee of 1.5 mills per ton-mile. The amount collected through the fee would approximate 70 percent of the annual operation and maintenance costs of the Corps and the Tennessee Valley Authority for inland waterways and 70 percent of the cost of new improvements to the inland waterway system. The existing fuel tax would continue to be collected and would be available to fund future waterway construction. Funds collected through the user fees would be available to the Secretary of the Army and the Tennessee Valley Authority for operation, maintenance, and new construction within their respective areas of responsibility. To assist the Secretary in determining appropriate improvements and spending levels, the bill establishes an Inland Waterway Users Board representing users, shippers, and interested federal agencies.

With you help, and the help of the leadership in the other body, I believe we can reach a consensus on these important pieces of legislation. It will not be easy; much hard work remains to be done. Nevertheless, I am confident that we can, in good faith, overcome the differences that remain.

COST AND BUDGET IMPACTS

Enactment of the draft Inland Waterways Development Act of 1985 would result in an increase in budget authority for the Department of the Army in the amount of approximately $550 miliion in terms of construction authority for three new projects. The provisions for cost recovery from users would, however, result in a substantial decrease in the level of federal funding for Corps of Engineers water resources development activities.

ENVIRONMENTAL AND CIVIL RIGHTS IMPACTS

Enactment of the enclosed draft bill is not expected to have any significant environmental or civil rights impacts. The individual projects proposed for authorization have all been reviewed to determine any potential environmental impacts in accordance with the National Environmental Policy Act and other applicable environmental laws and regulations.

Sincerely,

ROBERT K. DAWSON,
Acting Assistant Secretary
of the Army (Civil Works).●

By Mr. STAFFORD:

S. 968. A bill to amend the Water Supply Act of 1958 to secure more timely repayment of Federal investments in multipurpose water resources development projects, to encourage more prudent participation in such projects by non-Federal interests, and for other purposes; to the Committee on Environment and Public Works.

WATER SUPPLY LEGISLATION

● Mr. STAFFORD. Mr. President, I send to the desk a bill to tighten the planning and contracting procedures for municipal and industrial water supplied from Federal projects under the terms of the Water Supply Act of 1958.

The Water Supply Act of 1958 provides the authority for the Army Corps of Engineers and the Bureau of Reclamation to make reservoir storage available for supplies of municipal and industrial water supply. This work is undertaken on a fully reimbursable basis.

Under this act, the Corps of Engineers has about 165 contracts with non-Federal interests for water storage, while the Bureau of Reclamation has about 20. The Bureau also has the authority to provide municipal or industrial water under the Reclamation Projects Act of 1939. Neither the Water Supply Act of 1958, nor the amendments proposed here today, will affect the authority of the Bureau to continue to provide municipal and industrial water under the 1939 act.

Why is it necessary to amend the Water Supply Act? The answer is found in recent reports by the General Accounting Office which document the underuse of existing reservoirs built in part for municipal and industrial water supply purposes. For instance, in 1981 the GAO found that:

• • • Federal law (the 1958 Water Supply Act) allows the Corps to construct reservoirs without firm commitments to buy all available reservoir storage space, (and) weak demand for the water allows it to remain under-utilized. For example, the Corps' Tulsa district (part of the southwestern division) has at least 1.7 million acre-feet of storage space allocated for M&I use in its operational reservoirs. At the time of our review, only 32 percent of the 1.7 million acre-feet of storage space was under contract. Many of the reservoirs have had water available for years, several for more than a decade. Also, the Corps district is building six additional reservoirs with 579,500 acre-feet allocated to M&I use. When the reservoirs are completed, the district's total M&I storage will be about 2,300,000 acre-feet. Five more reservoirs are authorized for future construction." (Source: "Changes In Federal Water Project

Repayment Policies Can Reduce Federal Costs," GAO, Aug. 7, 1981, p.11.)

In the same report, GAO goes on to note:

One important reason for large amounts of under-utilized Federal reservoir storage is the Water Supply Act of 1958, which permits 30 percent of the total estimated cost of a project to be allocated for indefinite future M&I use and does not require repayment contracts for such future uses before construction. Since the 30 percent provision is related to the total cost of the project (not just the M&I share), all of the M&I storage space in a reservoir can be allocated to indefinite future use and no one is committed for repaying the costs. Because most of the M&I space in Corps reservoirs was built for future use, most repayment is delayed until use is initiated. (p.13)

I believe that it is time to put the existing municipal water supply program on a more businesslike basis. Accordingly, these amendments would accomplish the following things:

First, at the preauthorization stage of project planning, the "letters of assurance" required routinely of local interests as an expression of their desire for a water supply project would have to include a more specific declaration of the community's intention for the use and repayment of future water supply storage.

Second, the amount of municipal and industrial water supply storage that the Federal Government can build for "future use"—that is, storage for water to be used at some indefinite time in the future, rather than used immediately upon the completion and filling of the reservoir—would be reduced. Under this bill, costs allocated to future use could constitute no more than 20 percent of total project costs, rather than the 30 percent under present law.

Third, prior to construction, non-Federal interests must contract to repay the cost of water storage reserved for "future use," rather than simply providing vague and unenforceable assurances that these costs will be repaid, as is now the case.

Fourth, the 10-year period under existing law in which no interest is computed on the cost of water storage for "future use" would be eliminated, and repayment of capital and accumulated interest would be required to begin after a 10-year grace period, rather than simply at whatever later date the "future" water supply is actually used.

Fifth, all operation and maintenance costs attributable to municipal and industrial water supply storage would have to be reimbursed on a current, annual basis, rather than allowing operations and maintenance costs to be deferred pending the actual use of the water supply storage.

Sixth, the formula for computing the interest rate applicable to non-Federal repayment obligations would be revised to reflect more accurately the cost of borrowing by the Treasury and eliminate any unintended interest rate subsidy to water supply beneficiaries. The 1958 act based the interest rate on the average coupon rate of outstanding long-term Federal obligations. In recent years, with interest rates more volatile, a rate formula based on the average market yield of outstanding long-term Federal obligations would track more closely the cost of Treasury borrowing to finance water supply projects. It should be noted that this market yield formula was written into law in at least three statutes enacted by the 98th Congress: the Hoover Power Plant Act of 1984 (Public Law 98-381); the Reclamation Safety of Dams Act Amendments of 1984 (Public Law 98-404); and the Colorado River Basin Salinity Control Act Amendments (Public Law 98-569).

Mr. President, that is what this bill does. Let me now mention briefly what this amendment does not do:

It does not in any way affect water for irrigation storage;

It does not affect municipal water deliveries under the authority of reclamation law; and

It does not abrogate any existing contracts with local interests, nor force them to renegotiate valid existing rights secured by contract with the Federal Government.

In short, the purpose of this bill is similar to other water project cost-sharing reforms under consideration in the Senate and recently enacted by Congress. That is, it seeks to have local interests plan more seriously for water supply before the Federal Government commits millions of dollars to reservoir construction. With 25 years of experience with the Water Supply Act, it is necessary to correct some of its unintended consequences and plug some of its loopholes.

In the interest of making better use of both our fiscal and our natural resources, this bill should become law.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 301(b) of the Water Supply Act of 1958, as amended (72 Stat. 319), is amended further as follows:

(1) Insert the following after the first proviso: "*Provided further,* That any letter of assurance required by law or regulation of State or local interests with regard to the inclusion of storage for municipal or industrial water in any reservoir project pursuant to this Act shall include a declaration of intention of the time when such interests are going to use any future water supply storage and repay the costs allocated thereto:";

(2) Strike the third proviso and insert in lieu thereof: "*And provided further,* That not to exceed 20 per centum of the total estimated cost of any project may be allocated to anticipated future demands where before construction or modification of any project including such storage is initiated, State or local interests contract for the use of such storage and the repayment of the costs allocated thereto within the life of the project:";

(3) In the fourth proviso, strike the "(1) and strike all beginning with "and (2)" to the period at the end of the sentence, and insert in lieu thereof: "but in no case shall the payment-free period exceed ten years.";

(4) After the first sentence insert the following: "All annual operation, maintenance, and replacement costs for municipal and industrial water supply storage under the provisions of this section shall be reimbursed from State or local interests on an annual basis;" and

(5) Strike the second sentence and insert in lieu thereof: "The interest rate used for purposes of computing interest during construction by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the repayment period of the contract.".

(b) Nothing in this Act shall be deemed to amend or require amendment of any valid contract entered into pursuant to the Water Supply Act of 1958 and approved by the Secretary of the Army or the Secretary of the Interior prior to the date of enactment of this Act.●

By Mr. HELMS (by request):

S. 969. A bill to amend and extend the authorization of the Food Stamp Act of 1977, as amended; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD STAMP AND COMMODITY DISTRIBUTION AMENDMENTS

● Mr. HELMS. Mr. President, I am pleased to introduce on behalf of the administration of President Ronald Reagan legislation reauthorizing the Food Stamp Program for 4 years, through September 30, 1989. The legislation encompasses significant improvements in the operation of the Food Stamp Program. Probably the most important and innovative change in the program is the establishment of an Optional Nutrition Assistance Grant Program available to all States.

OPTIONAL NUTRITION ASSISTANCE GRANT PROGRAM

Under the administration's proposal, each State would be permitted to establish a nutrition assistance program in lieu of operating the Federal Food Stamp Program within that State. Currently State and local welfare offices administer the Food Stamp Program. Federal funding for nutrition assistance would continue, but each State would be responsible for establishing all of the major parameters of program eligibility, administrative procedures, means of issuing benefits, amount of benefits, and so forth. Rather than being subject to detailed Federal regulations—which seemingly cover every conceivable substantive

and procedural issue—States would have considerable flexibility to institute their own guidelines for providing food assistance to poor Americans.

States would be able to participate in the nutrition assistance grant by notifying the Secretary by April 1 preceding the fiscal year for which they wish to begin participation. Similarly, a State may opt to revert to the regular—that is, Federal—Food Stamp Program by giving similar notice.

The funding for each State would be determined based by the total amount of benefits issued by the State during the preceding fiscal year, with adjustments to reflect changes in the unemployment rate and in the Consumer Price Index—for all urban consumers for food at home as published by the Bureau of Labor Statistics—and other factors as the Secretary of Agriculture deems appropriate.

The following table outlines the amount of dollars in benefits issued within each State during fiscal year 1984:

VALUE OF FOOD STAMP BENEFITS ISSUED

[Fiscal year 1984]

Rank	State	Benefits (thousands)	Percent of total (percent)
1	New York	$902,149	8.44
2	Illinois	696,400	6.52
3	Ohio	674,932	6.32
4	Texas	665,947	6.23
5	California	655,693	6.14
6	Michigan	581,815	5.44
7	Pennsylvania	557,759	5.22
8	Florida	379,274	3.55
9	Kentucky	335,158	3.14
10	Louisiana	322,181	3.02
11	Alabama	319,529	2.99
12	Georgia	294,980	2.76
13	Tennessee	289,611	2.71
14	New Jersey	265,568	2.49
15	Mississippi	257,701	2.41
16	Indiana	253,593	2.37
17	North Carolina	238,166	2.23
18	Missouri	209,484	1.96
19	South Carolina	201,521	1.89
20	Virginia	198,056	1.85
21	Massachusetts	182,482	1.71
22	Maryland	168,778	1.58
23	West Virginia	151,932	1.42
24	Wisconsin	141,354	1.32
25	Oregon	139,256	1.30
26	Arkansas	138,042	1.29
27	Washington	134,862	1.26
28	Arizona	127,174	1.19
29	Oklahoma	121,722	1.14
30	Iowa	104,129	.97
31	Minnesota	97,220	.91
32	Colorado	93,257	.87
33	New Mexico	85,483	.80
34	Hawaii	79,762	.75
35	Kansas	67,433	.63
36	Connecticut	64,965	.61
37	Maine	63,805	.60
38	District of Columbia	42,341	.40
39	Nebraska	41,022	.38
40	Utah	39,433	.37
41	Rhode Island	36,805	.34
42	Idaho	36,655	.34
43	Montana	29,333	.27
44	Delaware	24,407	.23
45	South Dakota	24,337	.23
46	Virgin Islands	24,124	.23
47	Nevada	21,120	.20
48	Vermont	20,720	.19
49	Alaska	19,854	.19
50	Guam	18,553	.17
51	New Hampshire	17,531	.16
52	North Dakota	14,485	.14
53	Wyoming	14,029	.13
	Total [1]	10,685,922	100.00

[1] Excludes SSI/Elderly cashout, Northern Mariana; Preliminary data.
Source: U.S. Department of Agriculture.

Also to be included in the nutrition assistance grant will be the Federal share of administrative funding. A separate reform, which I will outline in a moment, is proposed for this aspect of the program.

The administration's bill is similar to legislation that I have introduced in the past and that I reintroduced earlier this year as part of S. 616. The block grant approach for Federal food assistance will no doubt attract favorable attention from States that desire to improve upon the provision of food assistance currently available through the Food Stamp Program.

Concerns have been expressed in the past about the rigidity of the present, federalized program. Virtually no differences in program operations are permitted despite the vast differences in the specific needs among and within States. For instance, the law and regulations permit no variances to recognize differences in food costs within the continental United States. No distinctions are made in most program operations between urban and rural areas where needs are often quite varied.

The block grant system would permit States to construct systems that will meet the unique needs and desires of each State, without Washington-imposed uniformity. Hearings were held last year by the Senate Committee on Agriculture, Nutrition, and Forestry on February 1, and I would expect careful consideration of the block grant approach as part of the reauthorization of the Food Stamp Program. A fundamental change is needed to improve the administration of federally funded food assistance to poor Americans.

At this point, Mr. President, I would like to outline for the record a brief history of legislative activity surrounding the concept of providing Federal food assistance in the form of a block grant as well as information on the recommendation of the President's Task Force on Food Assistance.

LEGISLATIVE HISTORY OF THE CONCEPT OF A BLOCK GRANT FOR THE FOOD STAMP PROGRAM

The current Food Stamp Program was initiated as a series of pilot projects in 1961. In 1964, the program was legislatively established. Program participation grew dramatically in the 1960's and 1970's as program coverage became national. Costs also escalated dramatically from $30 million in 1964 to $12.4 billion in fiscal year 1984.

The first legislation attempting anything resembling a block grant for the Food Stamp Program was introduced in 1975. The gentleman from Ohio [THOMAS N. KINDNESS] introduced H.R. 6269 on April 24, 1975, to replace the Food Stamp Program with a 5-year federally financed program which would phase out the Federal financial commitment for food assistance over the 5-year duration of the bill. On March 3, 1977, Representative KINDNESS reintroduced the bill as H.R. 4442. Other legislation, embodying the block grant concept, was introduced by the Senator from Oklahoma [Henry Bellmon], the Senator from New Mexico [PETE DOMENICI], the Senator from Indiana [RICHARD G. LUGAR], and the Senator from North Dakota, Milton Young. They introduced S. 1094, the Food and Nutrition Program Optional Consolidation and Reorganization Act on March 23, 1977. The bill would have permitted States to consolidate the various Federal nutrition programs and devise their own State programs to provide nutrition assistance. No reduction in funding was contemplated in the Senate proposal.

In the 96th Congress, Senators Bellmon and DOMENICI reintroduced legislation, S. 605, on March 8, 1979, which would have permitted any State the option of consolidating and reorganizing the various child nutrition programs, the Food Stamp Program, the expanded food and nutrition education program [EFNEP], and the commodity supplemental food program. Representative KINDNESS reintroduced his bill, H.R. 5816, on November 7, 1979.

On August 25, 1980, the gentleman from Pennsylvania, ROBERT S. WALKER, introduced a bill, H.R. 8021, to provide a block grant in lieu of the Food Stamp Program. An amendment by Representative WALKER to the Food Stamp Act Amendments of 1980, S. 1309, to establish a block grant had been defeated on May 8, 1980.

Representative WALKER reintroduced the bill in the 97th Congress as H.R. 637 on January 5, 1981.

Also in 1981, the administration of newly elected President Ronald Reagan indicated its intention to submit legislation to require a block grant nutrition assistance program for the Commonwealth of Puerto Rico in lieu of operating the Food Stamp Program in the Commonwealth. Puerto Rico at that time had the largest Food Stamp Program in the country, both in terms of costs—projected to be about $1.1 billion in fiscal year 1983—and in terms of percentage of the population participating, approximately 58 percent.

In the absence of specific statutory language from the administration, the Senate Committee on Agriculture, Nutrition, and Forestry developed the block grant for Puerto Rico. The block grant funding for Puerto Rico was established at $825 million, 25 percent below projected program costs. Because actual food price inflation has been less than was anticipated in 1981, the actual reduction in total benefits in Puerto Rico during fiscal year 1983 was about 15 percent less than would have been expected under the pre-1981 Food Stamp Program, rather than 25

percent. The block grant was to take effect on July 1, 1982, and Puerto Rico was granted considerable latitude in formulating a plan to meet the special needs of its low-income population. The Puerto Rico provision was a part of the reforms designed to slow the growth of the national Food Stamp Program included in the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35).

In 1982, I introduced S. 2352 which included a provision to permit States to opt for a block grant in lieu of continuing with State administration of the Federal Food Stamp Program. Unlike the House block grant bills which required mandatory participation, this legislation provided each State with the option to participate in the block grant approach. Each State would receive the same percentage of the national food stamp appropriation as the State had received in a prior year. The provision was included in the Senate version of the Omnibus Budget Reconciliation Act of 1982, S. 2774. However, the provision met with resistance from House conferees and was not included in the final version of the bill.

I reintroduced the proposal as S. 1279 on May 12, 1983 with the Senator from Idaho [JIM MCCLURE], the Senator from North Carolina [JOHN EAST], and the Senator from Oklahoma [DON NICKLES]. A hearing was held on the bill on February 1, 1984, drawing considerable support from a number of witnesses who indicated their State's interest in participating in such a block grant system.

Earlier this year, on March 7, I included a food stamp optional block grant in my omnibus farm legislation, S. 616. The gentleman from Pennsylvania [ROBERT S. WALKER], also reintroduced his bill as S. 1087 on February 7 of this year.

PRESIDENT'S TASK FORCE ON FOOD ASSISTANCE

Interest in the State option block grant has accelerated since January 1984 when the President's Task Force on Food Assistance completed its review of Federal food assistance programs. The primary recommendation of the task force was that participation in any or all existing Federal food assistance programs, including the Food Stamp Program, should be optional for individual States, so that a State could choose to operate a federally financed autonomous food assistance program of its own design to provide for the food needs of low-income individuals residing in that State. States would have the choice of the optional autonomous, or block grant style, program for each individual program.

For example, States would have the option, under the task force recommendation, of establishing an autonomous food assistance program in lieu of the Federal Food Stamp Program, while continuing to maintain the Federal School Lunch Program. Under the task force recommendation, funding allocations to States that choose to establish an autonomous food assistance program should be made according to a formula that would provide a predictable level of funds that meets the varying needs for food assistance in those States. This formula should be based on existing baseline levels of funding, on changes in food costs, and on the State population in need, for example, as reflected by the rate of unemployment in the State. The administration's proposal encompasses these recommendations of the task force.

The task force outlined the rationale for the optional block grant concept, termed "autonomous food assistance programs" by the task force, as follows:

We have become convinced that people in need of food assistance would benefit if the programs or any subset of them were controlled at a more local level, such as the State or county. The gains from such a modification derive from allowing the States: (1) more autonomy in allocating funds among the various food assistance program, (2) greater discretion in administering programs, and (3) greater responsibility for assuring that funds are properly targeted toward those in greatest need. The greater flexibility and improved administration that would be gained would help to increase the benefits available to the truly needy without at the same time increasing the cost to the taxpayers.

FUNDING FOR ADMINISTRATIVE EXPENSES

Mr. President, another important component of the administration's bill attempts to bring under control the escalating costs associated with administration of the Food Stamp Program and to eliminate the costly paperwork associated with justifying these expenses.

Federal costs associated with State administration of several federally financed welfare programs have been increasing in recent years. The Food Stamp, Aid to Families with Dependent Children, and Medicaid Programs are all administered by State and local governments. The Federal Government pays a share of these administrative expenses, usually 50 percent. In the case of the Food Stamp Program, the Federal Government provides 75 percent of the administrative expenses associated with startup of automation and 75 percent of the costs associated with investigations and prosecution of fraudulent activity.

As part of the fiscal year 1986 budget, the Reagan administration is proposing to establish a block grant for the Federal share of administrative expenses in each of these programs.

The issue of a consolidated welfare grant for administrative expenses was examined by the "Task Force on Low Income Standards and Benefits of the President's Private Sector Survey on Cost Control"—the Grace Commission. The efficiencies in administering the various programs, and the associated costs, vary a great deal among States. For instance, the Grace Commission found that, during fiscal year 1981, the costs for administering the Food Stamp Program ranged from a low of $9 per case in Wisconsin to a high of $94 per case in Alaska. More recent information from the Department of Agriculture indicates a continuing large disparity in administrative costs. During fiscal year 1984, these costs ranged from a low of $8.11 in West Virginia to a high of $91.89 in Alaska. The following table outlines the average monthly costs per case in each State during fiscal year 1984:

FOOD STAMP ADMINISTRATIVE COSTS—FISCAL YEAR 1984

State	Households (average per month)	Administrative costs (average per month)	Average administrative costs per household per month
Alaska	7,271	668,111	91.89
Arizona	73,610	2,193,129	29.79
North Dakota	10,850	312,866	28.84
Utah	23,182	626,405	27.02
District of Columbia	32,508	829,632	25.52
Texas	383,984	9,500,879	24.74
South Dakota	15,471	374,378	24.20
Maryland	120,148	2,786,288	23.19
Nevada	14,839	336,821	22.70
New York	760,976	17,136,772	22.52
New Mexico	51,222	1,151,070	22.47
New Jersey	185,547	4,071,219	21.94
New Hampshire	14,667	313,425	21.37
Connecticut	59,758	1,245,039	20.83
Georgia	205,582	4,200,894	20.43
Oklahoma	99,486	1,965,249	19.75
Virgin Islands	8,691	167,800	19.31
Idaho	21,532	411,135	19.09
Minnesota	86,629	1,642,116	18.96
Massachusetts	148,819	2,795,386	18.78
California	576,585	10,743,655	18.63
Missouri	142,362	2,594,263	18.22
Louisiana	198,507	3,607,289	18.17
Wyoming	9,304	159,784	17.17
South Carolina	131,180	2,246,497	17.13
North Carolina	179,360	3,061,138	17.07
Oregon	91,547	1,521,690	16.62
Tennessee	200,529	3,307,376	16.49
Montana	20,843	339,204	16.27
Indiana	149,779	2,373,651	15.85
Iowa	77,907	1,219,493	15.65
Washington	110,799	1,720,499	15.53
Nebraska	33,064	513,205	15.52
Vermont	15,513	240,100	15.48
Virginia	146,169	2,174,491	14.88
Florida	261,365	3,850,256	14.73
Hawaii	37,778	553,379	14.65
Delaware	16,739	240,196	14.35
Guam	5,070	70,251	13.86
Kansas	49,169	677,114	13.77
Alabama	215,629	2,964,341	13.75
Rhode Island	31,477	424,877	13.50
Colorado	67,038	901,990	13.45
Arkansas	101,690	1,334,292	13.12
Maine	47,769	601,722	12.60
Mississippi	161,458	1,993,178	12.34
Wisconsin	128,964	1,586,858	12.30
Kentucky	198,704	2,285,028	11.50
Illinois	431,539	4,761,098	11.03
Michigan	441,385	4,649,475	10.53
Ohio	442,188	3,971,517	8.98
Pennsylvania	432,140	3,750,083	8.68
West Virginia	93,392	757,787	8.11
Average			18.74

The Grace Commission noted that: "the open-ended nature of the Federal commitment reduces the incentive for the States to maximize their efforts to contain administrative costs."

The administration's proposal would freeze the Federal share of administrative expenses at current, fiscal year

1985, levels and then provide annual indexing of the amount.

An additional amount of money is provided for the administrative costs incurred as part of implementing the community work experience program also being proposed by the administration.

While some States may not like the freeze on funding—which is incorporated in a number of proposals in the administration's budget—they should be receptive to the elimination of time-consuming justifications for existing expenses which must be submitted under the current system.

COMMUNITY WORK EXPERIENCE PROGRAM

The third important aspect of the administration's program is the institution of a Community Work Experience Program for most able-bodied adult food stamp recipients.

The concept behind the administration's Community Work Experience Program [CWEP] is simply than an employable recipient should provide a public service by working for a government unit or a private nonprofit organization in exchange for his or her public assistance payments—in this instance, food stamp benefits. Such an individual would not receive a salary, but rather is expected to work in exchange for the amount of benefits received.

This type of workfare program provides welfare recipients with beneficial work experience and encourages their transition to economic independence. Workfare establishes an equitable system in which those recipients who can work will work. Workfare also provides a contribution to the community by virtue of the work done of the food stamp recipients, ususally on projects that otherwise would not be attempted.

Workfare in the Food Stamp Program has evolved from demonstration projects mandated by the food stamp legislation in 1977 and 1980. Fourteen demonstration, or pilot, projects were established. The results from the demonstration projects have been very encouraging. The results show that it is administratively feasible to operate cost-effective workfare programs that provide meaningful work experiences for able-bodied program participants.

During the course of the demonstration projects, those recipients referred to workfare both performed many hours of public service work and also left the food stamp rolls faster than similar people in communities without workfare. Seventy-seven percent of all recipients surveyed believed that able-bodied people should have to work in exchange for food stamps. Many indicated that they would work at a workfare job even if they did not have to do so. Thirty-five percent of those who worked at workfare job sites thought workfare would help them get a job later, primarily by building skills or providing contacts with potential employers. One letter from a workfare participant in San Diego, CA, summed up the beneficial impact that workfare can have on recipients:

Now that I have found a job, I just wanted to let you know that being on the workfare program was a very good thing for me. Being in an office situation again helped me to realize that I really enjoy that type of work. I had very little confidence in myself when I first came in there but finding that I could handle the work given to me and being able to practice typing there gave me the incentive to go and take the county test.

These success stories have been repeated countless times in the pilot projects and in other areas which have operated workfare under the optional system that has been available since established by Public Law 97-98 in 1981.

Two examples come to mind from Moore County in North Carolina. A woman served as a workfare participant in a senior citizens center. Although her obligation consisted of no more than 1 or 2 days a week, she frequently came into the center to work almost every day. Within 1 year, she was hired to provide in-home care for an elderly person in the county.

A young man who was well-educated had an extensive background in educational fundraising. His workfare assignment was with the local community college. So successful was he in performing his duties that he was eventually hired to do fundraising for the community college on a regular basis.

The most successful workfare programs have carefully matched the skills of food stamp recipients with the needs in the county. The results have been phenomenal. Typically, recipients who participate in workfare leave the food stamp rolls faster than similarly situated recipients, in other areas, who do not participate. This is the ultimate objective of workfare—to encourage recipients to obtain regular employment—not simply to require public service work indefinitely.

Under the administration's proposal, the food stamp workfare requirement would not apply to elderly or disabled participants, children under age 16, households with only one adult—generally female-headed households—caring for chidren under age 3, and certain other individuals. Nonetheless, the Department of Agriculture has estimated that approximately 40 percent of all food stamp households contain able-bodied individuals who would be subject to a workfare requirement.

Mr. President, the administration has included a number of other changes in the operation of the program designed to improve and, in many cases, simplify its administration. I ask unanimous consent that the transmittal letter from Secretary of Agriculture John Block, the proposed legislation, and a section-by-section summary provided by the Department of Agriculture be printed at the conclusion on my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Stamp and Commodity Distribution Amendments of 1985".

REFERENCES TO THE FOOD STAMP ACT OF 1977

SEC. 102. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Food Stamp Act of 1977 (7 U.S.C. 2011, *et seq.*)

DEFINITION OF THRIFTY FOOD PLAN

SEC. 103. Section 3(o) (7 U.S.C. 2012(o)) is amended in the first sentence by striking out "fifty-four" and inserting in lieu thereof "fifty".

REIMBURSEMENTS AND PAYMENTS MADE ON BEHALF OF HOUSEHOLDS

SEC. 104. Section 5 (7 U.S.C. 2014) is amended by—

(1) inserting immediately after the comma at the end of clause (1) of subsection (d) "except as provided in subsection (k),";

(2) inserting immediately before "shall be considered such reimbursement" in the proviso of clause (5) of subsection (d) "and no portion of any educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like,"; and

(3) inserting a new subsection immediately following subsection (j) as follows:

"(k) Notwithstanding the provisions of clause (1) of subsection (d)—

"(1) assistance provided to a third party on behalf of a household by a state or local government, including assistance provided under a federal or federally assisted program, but excluding:

"(A) medical assistance;

"(B) child care assistance;

"(C) energy assistance;

"(D) assistance provided by a state or local housing authority; and

"(E) emergency and special assistance, to the extent excluded in regulations prescribed by the Secretary

"(2) education loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits and the like, provided to a third party on behalf of the household shall be treated as money payable directly to the household."

HOMEOWNERSHIP COMPONENT OF SHELTER COSTS

SEC. 105. Section 5(e) (7 U.S.C. 2014 (e)) is amended by—

(1) in the second sentence, striking out "homeownership component" and inserting in lieu thereof "homeowners' costs and maintenance and repair component"; and

(2) in the fourth sentence, striking out "homeownership costs" and inserting in lieu thereof "homeowners' costs and maintenance and repair component".

DEDUCTION OF SHELTER EXPENSES AND ENERGY ASSISTANCE PAYMENTS

SEC. 106. Section 5(e) (7 U.S.C. 2014(e)), as amended by Section 105 of this Act, is further amended by inserting ", excluding ex-

penses paid on behalf of the household under the Low Income Home Energy Assistance Act (42 U.S.C. 8621, *et seq.*)," immediately after "by a household for shelter" in clause (2) of the fourth sentence and subclause (C) of the last sentence.

WORK REQUIREMENTS AND COMMUNITY WORK EXPERIENCE PROGRAM

SEC. 107. (a) Section 6 (7 U.S.C 2015) is amended by—

(1) in paragraph (d)(1)—

(A) striking out "eighteen" in the material preceding clause (i) and inserting in lieu thereof "sixteen"; and

(B) Striking out "which may include a requirement that, at the option of the State agency," in clause (ii) and inserting in lieu thereof "which shall include a requirement that";

(2) in paragraph (d)(2)—

(A) striking out "a work registration requirement" in clause (A) and inserting in lieu thereof "requirements for employment related activities';

(B) striking out in clause (B) "a dependent child under age six" and all that follows through the end of the clause and inserting in lieu thereof "(i) a dependent child under age six except that a State agency may, at its option, require such parent or guardian to comply with the work requirements if the child is age three or over and adequate child care is available, or (ii) of an incapacitated person;"; and

(C) striking out clause (C) and inserting in lieu thereof "(C) a person between ages sixteen and eighteen who is not a head of household or who is attending school on a full-time basis;";

(3) redesignating subsections (e) through (h) as (f) through (i), respectively; and

(4) inserting a new subsection immediately following subsection (d) as follows;

"(e)(1) No household shall be eligible for assistance under this Act if it includes a person who is required to comply with the work requirements of subsection (d), or is exempt from those requirements solely because of being subject to and complying with the work requirements of the Federal-State unemployment compensation system and who refuses to accept an offer from the State agency to perform work on its behalf in return for the receipt of the allotment to which the household is entitled under section 8 of this Act, with each hour of such work entitling that household to a portion of its allotment equal to the higher of the applicable State minimum wage or the Federal minimum hourly rate under the Fair Labor Standards Act of 1938.

"(2) The total hours required to be worked by a household in any month shall not exceed in value the household's allotment for such month and the total hours required to be worked by a household member, when added to any other hours worked during the month by such member for compensation (in cash or in kind) in any other capacity, shall not exceed 120 hours per month.

"(3) In the event that any person fails to comply with the requirements of this subsection, neither that person nor the household to which that person belongs shall be eligible to participate in the Food Stamp Program for two months, unless that person or another person in the household satisfies all outstanding community work experience obligations prior to the end of the two-month disqualification period."; and

(b) Section 11 (7 U.S.C. 2020) is amended by—

(1) inserting before the period at the end of paragraph (e)(22), as added by section 111 of this Act, "and the community work experience program services necessary to effectuate the provisions of subsection 6(e) and 11(o)"; and

(2) inserting at the end thereof a new subsection as follows;

"(o)(1) The Secretary shall promulgate guidelines pursuant to this subsection which, to the maximum extent practicable, enable a State agency to design and operate a community work experience program for purposes of subsection 6(e) which is compatible and consistent with similar programs operated within the State.

"(2) In establishing the community work experience program services as required under paragraph (e)(22) of this section, the State agency, and any political subdivision designated by the State agency, shall—

"(A) not provide any work that has the effect of replacing the employment of an individual not participating in the community work experience program;

"(B) provide the same benefits and working conditions that are provided at the job site to employees performing comparable work for comparable hours; and

"(C) reimburse participants for actual costs of transportation and other actual costs that are reasonably necessary and directly related to participation in the program, but not to exceed $25 in the aggregate per month.

"(3) Each State agency shall offer community work experience jobs to not less than twenty-five percent of the persons required to accept such employment under subsection 6(e) for any month in the fiscal year beginning October 1, 1985, fifty percent of such persons for any month in the fiscal year beginning October 1, 1986, and seventy-five percent of such persons for any month in the fiscal year beginning October 1, 1987 and each fiscal year thereafter. The Secretary shall use State agency reports in conjunction with findings of the quality control system to monitor the compliance of State agencies with the requirements of this paragraph. If it is determined that a State agency has failed to comply with such requirements, the State agency shall be subject to penalties as determined by the Secretary which may include a reduction in the funds provided to the State agency under subsection 16(a) in accordance with the procedure set forth in subsection 16(d). If such procedures are applied, the State agency shall be considered to have issued erroneous payments for the number of households by which it failed to meet the appropriate standard established in the first sentence of this paragraph, with each such erroneous payment being equal to the average allotment for all households containing a member who is required to accept community work experience jobs.".

IMMIGRATION AND NATIONALITY ACT REFERENCE

SEC. 108. Section 6(f)(2) (7 U.S.C. 2015(f)(2)) is amended by—

(1) striking out "203(a)(7)" and "(8 U.S.C. 1153(a)(7))" in clause (D) and inserting in lieu thereof "207 and 208" and "(8 U.S.C. 1157 and 1158)", respectively; and

(2) striking out in clause (D) "because of persecution" and all that follows through "natural calamity"; and

(3) striking out in clause (F) "because of the judgment of the Attorney General" and all that follows through "political opinion".

FEE FOR RETAILERS AND AUTHORIZATION OF TRANSFERRED FIRMS.

SEC. 109. Section 9 (7 U.S.C. 2018) is amended by—

(1) inserting at the end of subsection (a) the following new sentence: "Effective October 1, 1986, authorized retail food stores and wholesale food concerns shall, pursuant to regulations issued by the Secretary, pay an annual fee of fifty dollars, except that the Secretary may waive this requirement for retailers where such a waiver is determined by the Secretary to be necessary to assure reasonable access by food stamp households to authorized retail outlets. Fees collected under this subsection shall be paid into the general fund of the Treasury.";

(2) striking out "(b)" at the beginning of subsection (b) and inserting "(b)(1)" in lieu thereof; and

(3) inserting a new paragraph (b)(2) as follows:

"(2) No retail food store or wholesale food concern that has been sold or otherwise transferred following disqualification shall be authorized to accept and redeem coupons until the Secretary receives full payment of the civil money penalty required by subsection 12(e) of this Act. Such retail food stores and wholesale food concerns shall not, as a condition of authorization, be required to furnish a bond as prescribed in subsection 12(d) of this Act.".

DISCLOSURE OF INFORMATION SUBMITTED BY RETAIL STORES

SEC. 110. Section 9(c) (7 U.S.C. 2018(c)) is amended by inserting immediately before the period at the end of the second sentence "except that such information may be disclosed to and used by State agencies which administer the Special Supplemental Food Program for Women, Infants and Children, authorized by section 17 of the Child Nutrition Act of 1966, for purposes of administering the provisions of that Act and the regulations issued pursuant to that Act".

WORK REGISTRATION AND JOB SEARCH

SEC. 111. Section 11(e) (7 U.S.C. 2020(e)) is amended by—

(1) striking out "and" at the end of paragraph (20);

(2) striking out the period at the end of paragraph (21) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(22) that the State agency shall, pursuant to regulations issued by the Secretary, establish the work registration and job search services necessary to effectuate the provisions of subsection 6(d)(1) for all nonexempt persons.".

DISQUALIFICATION OF RETAIL FOOD STORES AND CIVIL MONEY PENALTIES

SEC. 12. Section 12 (7 U.S.C. 2021) is amended by adding a new subsection (e) at the end thereof, as follows:

'(e)(1) In the event any retail food store or wholesale food concern which has been disqualified pursuant to subsection (a) is sold or otherwise transferred, the person or persons who sell or otherwise transfer the retail food store or wholesale food concern shall be subjected to a civil money penalty. The amount of such penalty shall be established by the Secretary through regulations and shall reflect that portion of the disqualification period which has not yet expired. If the retail food store or wholesale food concern has been disqualified permanently, the civil money penalty shall be double the penalty for a ten year disqualification period, as calculated under regulations promulgated by the Secretary. The disqualification period imposed under subsection (b) shall continue in effect as to the

person or persons who sell or otherwise transfer the retail food store or wholesale food concern notwithstanding the imposition of a civil money penalty under this subsection.

"(2) At any time after a civil money penalty imposed under paragraph (1) has become final pursuant to the provisions of subsection 14(a) of this Act the Secretary may request the Attorney General to institute a civil action against the person or persons subject to the penalty in a district court of the United States for any district in which such person or persons are found, reside or transact business to collect the penalty and such court shall have jurisdiction to hear and decide such action. In such action, the validity and amount of such penalty shall not be subject to review.".

INTEREST ON CLAIMS AGAINST STATE AGENCIES

SEC. 113. Section 13(a) is amended by inserting a new sentence at the end thereof, as follows: "State agencies shall be liable for interest on claims established by the Secretary under this Act.".

ADMINISTRATIVE AND JUDICIAL REVIEW

SEC. 114. Section 14(a) (7 U.S.C. 2023(a)) is amended in the last sentence by—

(1) striking out "an" and inserting in lieu thereof "on"; and

(2) striking out "showing of irreparable injury" and inserting in lieu thereof "strong showing that the applicant is likely to prevail on the merits of the case".

ADMINISTRATIVE FUNDING

SEC. 115. Section 16 (7 U.S.C. 2025) is amended by—

(1) striking out subsection (a) and inserting in lieu thereof:

"(a)(1) for the fiscal year beginning October 1, 1985, $840,000,000 shall be the maximum amount to which States shall be entitled for the administrative costs of food stamp program operations. This amount shall be allocated among States in proportion to each State's actual administrative expenses incurred under Section 16(a) during the fiscal year beginning October 1, 1983, as documented by expenditure reports postmarked for delivery to the Secretary no later than January 20, 1985, and approved by the Secretary as of October 1, 1985.

"(2) for the fiscal year beginning October 1, 1986, and each fiscal year thereafter, the Secretary is authorized to pay to each State agency the amount of administrative funds provided for the preceding fiscal year adjusted to reflect changes in the gross national product implicit price deflator published by the Department of Commerce as measured between the midpoints of the first and second fiscal years preceding the fiscal year for which the grant is made.

"(3) The Secretary shall permit each State to retain 50 per centum of the value of all funds or allotments recovered or collected pursuant to section 13(b)(1) of this Act, and 25 per centum of the value of all funds or allotments recovered or collected pursuant to section 13(b)(2) of this Act, except the value of funds or allotments recovered or collected pursuant to section 13(b)(2) which arise from an error of a State agency. The officials responsible for making determinations of ineligibility under this Act shall not receive or benefit from revenues retained by the State under the provisions of this subsection.";

(2) Striking out subsection (c) and inserting in lieu thereof:

"(c) The Secretary is authorized to pay the State agencies not in excess of $92,000,000 for the fiscal year beginning October 1, 1985; not in excess of $160,000,000 for the fiscal year beginning October 1, 1986; not in excess of $233,000,000 for the fiscal year beginning October 1, 1987; and not in excess of $240,000,000 for the fiscal year beginning October 1, 1988, to help carry out the requirements of subsection 11(o) and the provisions of subsection 6(d)(1), as required by subsection 11(e)(22). The Secretary shall allocate the funds authorized to be provided under this subsection among the State agencies on the basis of each State agency's proportionate share of food stamp work registrants and such other factors as the Secretary may provide by regulation.";

(3) Striking out "the State agency's federally funded share of administrative costs provided pursuant to subsection (a), other than the costs already shared in excess of 50 per centum under the proviso in the first sentence of subsection (a) or under subsection (g)" in subsection (d)(2)(A) and inserting in lieu thereof "the funds provided to the State agency under subsections (a) (1) or (2)"; and

(4) Striking out "a State agency's federally funded share of administrative costs" wherever it appears in subsections (d)(2)(B), (d)(3)(A), (d)(3)(B), (d)(4) and (d)(5) and inserting in lieu thereof "the funds provided to a State agency under subsection (a) (1) or (2)"; and

(5) striking out subsection (g).

AUTHORIZATION FOR APPROPRIATIONS

SEC. 116. The first sentence of Section 18(a)(1) (7 U.S.C. 2027(a)(1)) is amended by—

(1) striking out "and" before "September 30, 1985"; and

(2) inserting immediately before the period at the end thereof the following: "; not in excess of $12,994,000,000 for the fiscal year ending September 30, 1986; not in excess of $13,449,000,000, for the fiscal year ending September 30, 1987; not in excess of $13,971,000,000, for the fiscal year ending September 30, 1988; and not in excess of $14,462,000,000, for the fiscal year ending September 30, 1989".

PUERTO RICO BLOCK GRANT

SEC. 117. Section 19 (7 U.S.C. 2028) is amended by—

(1) striking out "non-cash" in subsection (a)(1)(A);

(2) striking out the comma after "needy persons" and all that follows in subsection (a)(1)(A) and inserting a period in lieu thereof;

(3) striking out "and 50 per centum of the related administrative expenses" in subsection (a)(1)(B) and inserting "and related administrative expenses" in lieu thereof;

(4) striking out "July 1" in the second sentence of subsection (b)(1)(A) and inserting in lieu thereof "April 1"; and

(5) striking out "a single agency which shall be" in subsection (b)(1)(A)(i) and inserting in lieu thereof "the agency or agencies directly".

THE OPTIONAL NUTRITION ASSISTANCE GRANT PROGRAM

SEC. 118. (a) Section 20 of the Food Stamp Act of 1977 (7 U.S.C. 2011 *et seq.*) is amended to read as follows:

"NUTRITION ASSISTANCE GRANTS

"SEC. 20. (a) A State may, subject to the provisions of this section, elect to operate a low income nutrition assistance program in lieu of the food stamp program established under this Act. Any State which elects to operate a low income nutrition assistance program under this section or which elects to resume operation of the food stamp program shall give preliminary notice of such election to the Secretary by April 1 of the fiscal year preceding the fiscal year in which it wishes such election to take effect or at such later time as the Secretary deems feasible.

"(b)(1) The amount of the grant each State agency shall be eligible to receive under this section in any fiscal year is the sum of:

"(A) the total dollar value of all benefits issued by the State agency during the fiscal year preceding the fiscal year for which the grant is made, adjusted to reflect changes in the Consumer Price Index for all urban consumers for food at home published by the Bureau of Labor Statistics and unemployment data for the State, and such other factors as the Secretary deems appropriate; and

"(B) the administrative funds payable to the State agency under subsection 16(a) (1) or (2) for that fiscal year.

"(2) The Secretary shall pay to each eligible State at such times and in such manner as the Secretary may determine, the amount to which the State is eligible under subsection (b)(1).

"(c)(1) To be eligible to receive a payment under this section, each state shall have a plan approved by the Secretary at such time and in such form as prescribed by the Secretary. At a minimum, the plan shall:

"(A) designate a single State agency responsible for the administration of the nutrition assistance grant program;

"(B) assess the food and nutrition needs of needy persons residing within the State;

"(C) describe the assistance to be provided and the persons to whom such assistance will be provided;

"(D) comply with all the program requirements prescribed by the Secretary for the purpose of assuring that assistance is provided to the most needy persons in the State;

"(E) provide that, in the operation of the nutrition assistance program there shall be no discrimination on the basis of race, sex, religious creed, national origin, or political beliefs; and

"(F) include other information as required by the Secretary.

"(2) States shall make the plan prescribed by this subsection available for public inspection and comment.

"(d) Payments to the States shall be expended only in the fiscal year in which the funds are distributed or the following fiscal year.

"(e) States shall make all records concerning a program operated pursuant to this section available to the Secretary and the Comptroller General for examination and copying, on or off the premises.

"(f) If the Secretary finds that there is substantial failure by a State to comply with the requirements of this section, regulations issued pursuant to this section or the plan approved under susbsection (c), the Secretary may take one or more of the following actions:

"(1) terminate payments until the Secretary is satisfied that there is no longer failure to comply;

"(2) withhold payments until the Secretary is satisfied that there is no longer failure to comply, at which time the withheld payments may be paid;

"(3) refer the matter to the Attorney General with a request that injunctive relief be sought; and

"(4) refer the matter to the Attorney General with a request that an action be commenced.

"(g)(1) States receiving payments under this section shall provide for a biennial audit, conducted in accordance with the standards of the Comptroller General, of expenditures for the provision of assistance under this section and, within 120 days of the end of each fiscal year in which an audit is conducted, report to the Secretary the findings of such audit. States shall make the audit report available for public inspection.

"(2) Within 120 days of the end of each fiscal year, States shall prepare an activities report comparing actual expenditures with the plan submitted in accordance with (c)(1) of this section. States shall make the activities report available for public inspection.

"(h) Whoever knowingly and willfully embezzles, misapplies, steals, or obtains by fraud, false statement, or forgery, any funds, assets, or property provided or financed under this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both, but if the value of the funds, assets, or property involved is not over $200, the penalty shall be a fine of not more than $1,000 or imprisonment for not more than one year, or both."

(b) Section 2 (7 U.S.C. 2011) is amended by striking out "a food stamp program is", and inserting in lieu thereof "nutrition assistance programs are.".

(c) Section 3(n) (7 U.S.C. 2012(n)) is amended by adding before the period at the end thereof "or a nutrition assistance program under section 20 of this Act.".

FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

SEC. 19. Section 4(b) (7 U.S.C. 2013(b)) is amended by inserting a new sentence after the third sentence as follows: "The Secretary shall (1) require, as a condition of eligibility for participation in the commodity distribution program, that each household member furnish to the State agency their social security account number(s), and (2) use such account numbers in the administration of the commodity distribution program. The Secretary and State agencies shall have the authority to match such account numbers of commodity distribution applicants against food stamp program participants' account numbers for purposes of preventing dual participation.".

JOB TRAINING PARTNERSHIP ACT BENEFITS AS INCOME

SEC. 120. Section 142(b) of the Job Training Partnership Act (29 U.S.C. 1552(b)) is amended by inserting immediately before the period at the end thereof "and the Food Stamp Act".

EXTENSION OF THE COMMODITY DISTRIBUTION PROGRAM

SEC. 121. Section 4(a) of the Agricultural and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by striking in the first sentence "during fiscal years 1982, 1983, 1984, and 1985," and inserting in lieu thereof "for each of the fiscal years 1982 through 1989,".

ELIGIBILITY FOR THE COMMODITY DISTRIBUTION PROGRAM FOR SUMMER CAMPS

SEC. 122. Section 4(b) of the Agricultural and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by striking out "under 18 years of age" and inserting in lieu thereof "18 years of age and under".

EXTENSION OF THE COMMODITY SUPPLEMENTAL FOOD PROGRAM

SEC. 123. Section 5(a)(2) of the Agricultural and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by striking out "1985" and inserting in lieu thereof "1989".

PROHIBITION AGAINST SIMULTANEOUS OPERATION OF THE WIC PROGRAM AND NEW COMMODITY SUPPLEMENTAL FEEDING PROGRAM SITES

SEC. 124. Section 5(b) of the Agricultural and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by adding at the end thereof the following: "No new commodity supplemental feeding programs shall be authorized to operate in an area served by a local agency participating in the program authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).".

EFFECTIVE DATES

SEC. 125. The provisions of sections 107, 111, 115, 117, 120, 121, 122, 123 and 124 of this Act are effective October 1, 1985. Except as otherwise specifically provided, all other amendments made by this Act shall be effective upon such dates as the Secretary may prescribe, taking into account the need for orderly implementation.

SECTION-BY-SECTION SUMMARY: FOOD STAMP AND COMMODITY DISTRIBUTION AMENDMENTS OF 1985

REFERENCES TO THE FOOD STAMP ACT OF 1977

Section 102 would provide that the Food Stamp and Commodity Distribution Amendments of 1985 refer to the Food Stamp Act of 1977, as amended, unless stated otherwise.

DEFINITION OF THRIFTY FOOD PLAN

Section 103 would amend Section 3(o) of the Food Stamp Act to change one of the age ranges in the 4-person reference family used in calculating the amount of the Thrifty Food Plan. The ages of the adults in the reference family would be 20-50 years old instead of 20-54 years. Such a change is being proposed so that the age categories used for the Thrifty Food Plan will correspond to the age categories used by the National Academy of Sciences—National Research Council in developing the Recommended Dietary Allowances.

When the Thrifty Food Plan was revised in 1983, the food costs for the two groups (adults 20-50 and adults 20-54) were the same. The food consumption patterns for the 20-50 age group and for the 20-54 group are the same for seven of the eleven major food groups used in developing the Thrifty Food Plan. There are only minimal differences in the other four food groups.

A final reason for proposing this change is that the age range 20-54 was selected in 1971 to conform with the age ranges of the 1968 Recommended Dietary Allowances which were in use when the Economy Food Plan (the forerunner of the Thrifty Food Plan) was adopted. New research led to revision of the corresponding 1980 Recommended Dietary Allowances age range to 20-50 years.

REIMBURSEMENTS AND PAYMENTS MADE ON BEHALF OF HOUSEHOLDS

Section 104 would amend Section 5 to make two changes in current income exclusions. First, the proposal would amend Section 5(d) of the Food Stamp Act of 1977 to include all education assistance as income unless it is used for tuition or mandatory fees, even if the assistance is provided as a vendor payment or a reimbursement. Under the proposal, all education income used for any purpose other than tuition and mandatory fees would be counted as income without regard to the reason for which it is provided or the form in which it is provided.

Currently, some students are receiving Federal income assistance (Supplemental Educational Opportunity Grants (SEOGs), Pell Grants) from their colleges in such a manner that the students are construing the assistance to be vendor payments or reimbursements which would be excluded under the income exclusion for all vendor payments and reimbursements. Since the Department of Education provides SEOGs and Pell Grants to individual students and merely uses colleges as distributing agents, the grants are not considered vendor payments or reimbursements to be excluded as income.

There have been several court challenges in response to this policy. Enactment of the proposal would render the court challenges moot, thus ensuring that expenses for items other than tuition and mandatory fees will be handled in the same way for all students whether or not they receive Federal education assistance and whether their assistance is provided directly to them or channeled through colleges. Since all education income that is not used for tuition or mandatory fees would be counted, the proposal would result in administrative simplification and error reduction.

Second, Section 104 would add a new Section 5(k) to clarify current regulatory practice which is to include as income benefits provided to third parties on behalf of households by the Aid to Families with Dependent Children (AFDC) program and by State and local governments. However, again, as defined by current regulations, medical, energy, and child care assistance and assistance provided by a State or local housing authority would not be included as income. The Secretary would be authorized to provide, by regulation, an exclusion for certain third-party payments for emergency and special assistance; for example, if the payments exceeded usual grant levels, they could be excluded.

Currently, the Act excludes from the definition of income benefits which are not in the form of money payable directly to a household. However, the legislative history accompanying this part of the Act (House Report No. 95-464; June 24, 1977; Page 34) states: "It should be noted that any money payable to a household, but diverted from it to a third party, either of the household's own free will (e.g., an arrangement with an employer to deduct the rent and mail it to the landlord) or involuntarily (e.g., court-ordered garnishment of wages) would be counted as income and would not be excluded. . . ."

Based on the legislative history, the language in the Act has been interpreted so that AFDC protective payments and certain general assistance payments provided by State and local governments through vendor payments rather than cash have been included as income. Such an interpretation is the logical one, particularly so when the same assistance is provided to other recipients in cash, which must be included as income. However, the policy on general assistance vendor payments has been challenged in at least two court suits. The proposal would establish the policy in the statute. Moreover, it would reinforce Congress' historical intent that payments from governmental assistance programs be included as income regardless of their form

and insure equity between groups of individuals who receive assistance in varying forms.

HOMEOWNERSHIP COMPONENT OF SHELTER COSTS

Section 105 would amend Section 5(e) of the Food Stamp Act to delete references to the homeownership component of shelter costs. This term is used in describing the method for calculating the annual adjustments in the standard deduction and the cap on the excess shelter expense deduction, the dependent care deduction, and the combined deduction for shelter and dependent care. The homeownership component consisted of three cost categories: home purchase; financing, taxes, and interest; and the costs of maintenance and repairs. It was one of two components of shelter costs in the Consumer Price Index for all urban consumers (CPI-U). The Bureau of Labor Statistics no longer develops a homeownership component of shelter costs for the CPI-U. Now there are 3 components of shelter costs in the CPI-U: renters' costs, homeowners' costs, and maintenance and repairs. Therefore, the Food Stamp Act references need to be changed.

Comparable terminology would require references to two different components: homeowners' cost and maintenance and repairs. Replacing "homeownership component" with "homeowners' costs and maintenance and repair component" does not produce any change in the food stamp deductions since the same elements are involved but in a different combination. A technical change is necessary so that the standard deduction and the deduction cap can be adjusted in a manner consistent with the language of the Act.

DEDUCTION OF SHELTER EXPENSES AND ENERGY ASSISTANCE PAYMENTS

Section 106 would amend Section 5(e) of the Food Stamp Act to state clearly that payments made directly to energy suppliers under the Low Income Home Energy Assistance Act (LIHEAA) cannot be counted when determining a household's excess shelter expense deduction.

Currently, there is a general statement in this Section of the Act which excludes "expenses paid on behalf of the household by a third party" from deductible shelter expenses. This exclusion was added in December 1981 (P.L. 97-98) to codify the regulation then in effect which disallowed a deduction for expenses paid for by a third party since such payments are excluded as income. The legislative history explicitly stated that no deduction would be allowed ". . . if a household's winter fuel bill is paid directly by an energy assistance program, i.e.; the program pays money to the fuel provider directly . . ." (H.R. Rep. No. 106, 97th Congress. 1st session 128-129). The proposed clarification would demonstrate beyond any doubt that the language in the Food Stamp Act supersedes LIHEAA language which states that payments made under that Act shall not be counted as income or resources "under any Federal or State law relating to taxation, food stamps, public assistance or welfare programs."

Despite the clear intent of Congress in 1981 regarding the Food Stamp Program's handling of energy assistance vendor payments, the United States Court of Appeals for the Eighth Circuit in June 1982 upheld a lower court's adverse decision on the policy in the case Schmiege v. Noot and Block. The decision overturned the Department's policy of not allowing deductions for vendor payments made under LIHEAA on the basis that LIHEAA took precedence over the Food Stamp Act even though the Food Stamp Act amendment was approved subsequent to the LIHEAA. The decision has been implemented in the Eighth Circuit only. Another case (in Idaho) has also been recently decided against the Department on this issue, but is under appeal. The Idaho State agency is following the adverse court decision during the course of the appeal.

The proposed statutory clarification would firmly restate the common-sense principle that deductions should not be allowed for expenses that are paid for by vendor payments excluded as income, regardless of the legislative authority under which the vendor payments are provided.

WORK REQUIREMENTS AND COMMUNITY WORK EXPERIENCE PROGRAM

Section 107 would amend Section 6 of the Food Stamp Act to establish greater conformity between the food stamp work requirements and those of the AFDC program. The amendments are being proposed as part of the overall effort to establish a consistent work policy that will encourage participants in both programs to find regular employment. The work requirements would be extended to 16- and 17-year old heads of households unless they are full-time students. Also, food stamp applicants would be required to meet job search requirements. Job search is now required of applicants only if State agencies exercise their option to mandate it.

Further, food stamp State agencies would be given the same option that AFDC State agencies have to extend work requirements to caretakers of children between three and six years old when adequate child care is available. Currently, caretakers of children under six years old are exempt from all of the work requirements; also, caretakers of children between six and twelve can refuse offered employment without penalty if adequate child care is not available for those children. Finally, the exemption from the work requirements now provided for students would be deleted. All these changes would bring AFDC and food stamp work requirements into closer alignment and thus improve administration.

Section 107 would also amend Sections 6, 11, and 20 of the Food Stamp Act to mandate the establishment of a work requirement program in every State which incorporates the operation of job search and a community work experience program (CWEP) for the Food Stamp Program. Each State agency would be required to monitor job search activities of work registrants, as well as to place in CWEP jobs registrants who are not placed in paid employment.

Section 6 would be amended to establish compliance with work requirements as an eligibility requirement, including the acceptance and performance of CWEP jobs if assigned. In order for a household to continue to be eligible to receive food stamps, the members who would have to satisfy the CWEP requirement would be those subject to food stamp work requirements and those who are only exempt because they are complying with the work requirements of the Federal-State unemployment compensation system. The total monthly household food stamp CWEP requirement would be the number of hours obtained by dividing a household's monthly allotment by the higher of the State or Federal minimum wage. However, the maximum CWEP requirement would be 120 hours per month for each covered individual in combination with any other work. This is comparable to the current maximum of 30 hours per week for participants in the Food Stamp Optional Workfare Programs and the number of hours otherwise nonexempt persons must work to be exempt from the food stamp work requirements. Also, failure to report for an interview or perform work without good cause would result in a two-month disqualification period for the household. However, disqualifications could be "cured" by household members who "work off" the value of food stamps received during periods of noncompliance.

Section 11 would be amended to establish the requirement that State agencies operate work requirement programs which include both job search and CWEP components. The administration of work registration and the monitoring of job search requirements for all non-exempt applicants and recipients would be identified as a mandated State agency responsibility (as specified by Section 111 of this bill). The amendatory language would also require the Department's CWEP regulations to be as flexible as possible to permit State agencies to operate food stamp CWEP programs that are compatible with other workfare/CWEP programs the State may have in operation. A State agency could integrate its food stamp CWEP program into such a program with prior approval from the Department. The statutory protections and operating guidelines (including reimbursing participants for actual expenses necessary for performing CWEP work, with a maximum set at $25 a month) would be the same as those currently in Section 20 of the Act for food stamp Optional Workfare Programs. However, the State agency's option to allow a job search period for up to 30 days following the eligibility determination would be deleted. Also, the special funding incentive for State agencies provided from half of demonstrated workfare savings would be deleted.

Finally, Section 20 would be struck; thereby, deleting the authority and guidelines for operating the food stamp Optional Workfare Programs.

State agencies would be given three years to develop and fully implement work requirement programs. A State agency performance standard for the CWEP portion of the work program would be set at 25 percent of work registrants in Fiscal Year 1986, 50 percent in Fiscal Year 1987, and 75 percent in Fiscal Year 1988 and subsequent years. That is, a State agency would have to offer CWEP jobs or take administrative action against the required percentage of work registrants each month. The CWEP performance standard would be applied separately from the requirement for job search monitoring. In addition, the Secretary would have authority to prescribe limits on the length of time a registrant could be required to search for a job before being placed in a CWEP position. A State agency failing to meet the performance standard would be subject to penalties established in regulations. The existing system of disallowing or suspending administrative funds for deficiencies in administering the program would be modified for use in most instances of CWEP noncompliance by State agencies. However, in certain extraordinary circumstances, the Department could reduce a State agency's administrative funding using the procedures of Section 16(d) of the Act by considering CWEP noncompliance as issuance to ineligible households for purposes of error rate liability.

Funding for establishing work requirement programs would be provided through grants to State agencies that are separate from general administrative grants. These grants would be established in Section 16 of the Food Stamp Act, as amended by Section 115 of this bill.

Mandatory CWEP is being proposed because it would benefit both program participants and communities. It would afford able-bodied food stamp recipients the opportunity to perform useful work and, thus, enhance their sense of self-worth. It would provide communities the benefits of that work. Performance of a CWEP job introduces individuals to the work environment and encourages the individuals to find regular employment, as does a requirement for employable people to perform job searches. Further, the existence of a CWEP/job search requirement acts as a deterrent to program participation for those who could work but do not do so through choice. Finally, it is estimated that the CWEP proposal would save $16 million in Fiscal Year 1986. Effective administration would realize these savings in two ways: (1) assisting individuals to find regular employment, thus, becoming ineligible or entitled to smaller allotments; and (2) deterring individuals not wanting to work from participation.

IMMIGRATION AND NATIONALITY ACT REFERENCE

Section 108 would amend Section 6(f) of the Food Stamp Act to replace the reference to an out-of-date Section of the Immigration and Nationality (I&N) Act with the correct current references and to make two other technical changes necessary for the language in the Act to agree with I & N Act terminology.

FEE FOR RETAILERS AND AUTHORIZATION OF TRANSFERRED FIRMS

Section 109 would amend Section 9 of the Food Stamp Act to impose a $50 annual fee on retailers and wholesalers authorized to accept food stamps. Fees from currently-participating retailers would be due on October 1, 1986, and each succeeding October 1. The fee would be due from new retailers applying after October 1, 1986, immediately upon approval of their applications and on each subsequent October 1. Retailers could claim a hardship exemption from the fee by demonstrating that food stamp recipients who habitually patronize the store would experience a hardship if the store could not accept food stamps. Funds received as a result of this proposal would be paid into the general fund of the United States Treasury.

Imposition of a nominal user fee is being proposed to recognize that most retailers benefit from their participation in the Food Stamp Program. Also, it costs the Federal Government over $14 million annually to authorize and supervise more than 230,000 firms. This proposal could result in restoration of most of that expense. Section 9 of the Food Stamp Act would be further amended to prohibit the authorization of disqualified stores following sales or other transfers unless the penalty established by Section 112 of this bill has been paid.

DISCLOSURE OF INFORMATION SUBMITTED BY RETAIL STORES

Section 110 would amend Section 9(c) of the Food Stamp Act to permit the disclosure of the information retail stores are required to submit under this subsection to State agencies that administer the special supplemental food program for women, infants and children (WIC) in monitoring retail store compliance in their program. Currently, Section 9(c) limits "use or disclosure" of information submitted by retail food stores to purposes directly connected to administration or enforcement of the Food Stamp Program.

The current limitation prevents sharing of food stamp retail monitoring information with WIC authorities, even though most of the approximately 50,000 retail stores authorized to participate in the WIC program also participate in the Food Stamp Program. (WIC legislation and regulations lack such constraints on information sharing.) For example, WIC State agencies cannot be informed of sales or redemption information on potentially high-risk vendors as indicated by a high ratio of food stamp redemptions to total food sales. Such information would be used in conjunction with other information available to WIC agencies to improve oversight of retail stores. The amendment is expected to increase the efficiency and effectiveness of retail oversight efforts and contribute to the prevention and detection of fraud, waste, and abuse in the WIC program.

WORK REGISTRATION AND JOB SEARCH

Section 111 would amend Section 11(e) of the Food Stamp Act to identify administration of the program's work requirements as a mandated State agency activity. There are four work requirements which non-exempt food stamp applicants and participants must meet: registering for work, searching for work and reporting on job search efforts, accepting a suitable job if offered, and keeping a job unless there is a good cause for quitting. State agencies would be given broad latitude in choosing methods for administering these requirements including whether to do so themselves or to contract with another agency, such as State Employment Security Agencies (SESAs). The proposal to statutorily mandate State agency administration of the work requirements will assure wider implementation of the requirements.

DISQUALIFICATION OF RETAIL FOOD STORES AND CIVIL MONEY PENALTIES

Section 112 would amend Section 12 of the Food Stamp Act to impose a civil money penalty when a disqualified store is sold or transferred before the disqualification period is completed. The amount of payment would be calculated in a manner similar to the manner civil money penalties levied in lieu of disqualifications are now determined: i.e., multiply 10 percent of monthly redemptions over the 12-month period prior to the finding of violations times the number of months remaining in the disqualification period. For the purpose of this provision, permanent disqualification would be assumed to be 20 years, double the maximum disqualification period of 10 years. Under the proposal, in Section 109 of this bill, the new owner of a disqualified store could not be authorized to accept food stamps until the previous owner paid the cash penalty. The previous owner would remain disqualified for the duration of the disqualification period. The Secretary could ask the Attorney General to institute a civil action in a United States District Court to collect the penalty. The Court would be prohibited from reviewing the validity and amount of the penalty.

The proposal would eliminate situations where a violating retailer reaps illegal profits until caught and disqualified and then completely evades all penalties through sale of the store. In most areas of high food stamp usage, the inability to have a store authorized to accept food stamps would create a serious barrier to the sale of that store. Also, the proposal would make it less attractive to disqualified store owners to engage in fictitious sales to relatives or friends as a means of avoiding disqualifications. Thus, by closing avenues for escaping punishment, the proposal would be a strong deterrent against retailer abuse.

INTEREST ON CLAIMS AGAINST STATE AGENCIES

Section 113 would amend Section 13(a) of the Food Stamp Act to state specifically in the statute that the Department's past-due claims against State agencies draw interest. The interest would be computed at rates prescribed by the U.S. Department of the Treasury under the Federal Claims Collection Act.

The proposed clarification is needed due to a recent adverse ruling in Perales v. USDA and Block (N.Y. Dist. Ct.). This decision found invalid the current policy of charging interest on State agency debts due to lack of specific authority in the Food Stamp Act. Charging interest is a valid means to encourage prompt payment of debts. Debts owed by State agencies for losses incurred in operating the Food Stamp Program can be substantial. Charging interest on these debts is a means to discourage dilatory judicial appeals (since interest accrues during the appeal process) and a way to hasten collection of the sometimes large amounts owed to the Federal government by State agencies. Interest is charged on certain State agency debts under the Social Security Act. Thus, there is a precedent for including the specific authority to levy interest charges against State agencies in the Food Stamp Act.

ADMINISTRATIVE AND JUDICIAL REVIEW

Section 114 would amend Section 14(a) of the Food Stamp Act to change the condition appellant retailers and wholesalers must meet in order to obtain judicial stays of denials of authorizations and administrative penalties. The change would require a petitioning firm to show that it is likely to prevail on the merits of the case in order to obtain a stay.

Currently, under Section 14(a), a retail or wholesale firm requesting judicial review of a denial of authorization, disqualification, or imposition of a civil money penalty can obtain a stay pending a decision by the court merely by showing that irreparable injury would occur. Since it is relatively easy to plead that actions such as disqualification will result in irreparable injury, stays are usually granted; thus, delays of more than a year in implementing disqualifications are not uncommon.

The proposed standard—likelihood of prevailing—is a usual condition which all petitioners must establish before stays are granted. It has not been specially created for applicant and authorized retailers and wholesalers; rather, the current stay criterion (irreparable harm) has been a special condition that has been inordinately favorable to such retailers and wholesalers. Since it would be considerably more difficult for a firm to meet the proposed test than to merely show that irreparable injury would occur, fewer stays would be granted, resulting in more rapid implementation of disqualifications. Speedier disqualifications would more quickly eliminate abuse by violating retailers and wholesalers as well as serve as general deterrents to retailer/wholesaler abuse.

Section 114 would also revise the condition State agencies must meet in order to

obtain stays during the pendency of judicial reviews to the likelihood-of-prevailing standard. Just as it would be good management practice to require appellant retailers to meet the usual conditions for obtaining stays of administrative actions, so would it be prudent to extend such conditions to State agencies. Also, the current irreparable injury test permits States to delay almost indefinitely billings for liabilities or implementation of formal warning disallowances. The proposal, by making it more difficult to obtain stays, would help to assure that judicial reviews would not be requested routinely merely as delaying tactics, but only when States genuinely believed their position would be upheld by the court. Thus, the proposal would help asure prompt payment of liabilities, while still affording States their full review rights.

ADMINISTRATIVE FUNDING

Section 115 would amend Section 16 of the Food Stamp Act to establish a State administrative grant set at $840 million in Fiscal Year 1986 to be distributed proportionately to State agencies on the basis of their past shares of Federal administrative costs. This grant is proposed in conjunction with similar grants by the Department of Health and Human Services for administrative costs for AFDC and Medicaid programs. The grant would be increased in subsequent years to reflect the rate of inflation in the general economy.

The proposed administrative grant would replace the current Federal cost-sharing arrangements which are prescribed by Section 16. The Federal government now pays for 50 percent of the costs of general Food Stamp Program administration, 75 percent of approved automated data processing (ADP) development costs, and 75 percent of special costs for investigations and prosecutions of program violators. There is currently no limit on Federal funding for administrative costs in the Food Stamp Program.

Under the proposal, the amount projected to be spent on these three cost categories for Fiscal Year 1985 expenses, $840 million, would be included in the administrative grant fund. Each State's proportionate share of Federal administrative funds for general program administration and investigations and prosecutions for Fiscal Year 1984 would be calculated based on reports from State agencies postmarked no later than January 20, 1985. That percentage would then be applied to the total $840 million grant. The grant provided to each State would serve as the basis for calculating error rate liability sanctions, and could be reduced to reflect imposition of any such sanctions in subsequent years.

State administrative grants are being proposed for several reasons. First, they would simplify program administration by eliminating complicated funding formulas in all three programs. Second, the grants would create stronger incentives for States and local agencies to implement management improvements because any associated savings would directly reduce State costs without affecting Federal grants. Finally, the establishment of an administrative funding limit would help control Federal expenditures. Federal costs for the Food Stamp Program are expected to be reduced by $40 million in Fiscal Year 1986 by holding Federal administrative funding costs at the same level as expected for Fiscal Year 1985.

Section 115 would also amend Section 16 to establish a separate grant to State agencies to assist them in establishing work requirement programs, as required by Sections 108 and 112 of this Act. The grant would be $92 million in Fiscal Year 1986 and $160 million, $233 million, and $240 million in the next three fiscal years. Grants would be distributed on the basis of the number of food stamp work registrants in each State and any other factors that are included in Food Stamp Program Regulations.

Finally, Section 115 would delete Section 16(c), thereby removing authority to provide enhanced Federal funding when State agencies meet certain management performance standards. Since administrative funding would be provided in the form of a grant under this proposal, references to enhanced Federal funding would be inapplicable.

AUTHORIZATION FOR APPROPRIATIONS

Section 116 would amend Section 18 of the Food Stamp Act to extend the authorization to appropriate funds to carry out the provisions of the Act through Fiscal Year 1989. Current law authorizes appropriations for the Food Stamp Program only through September 30, 1985.

PUERTO RICO BLOCK GRANT

Section 117 would amend Section 19 of the Food Stamp Act to revise four provisions of the Commonwealth of Puerto Rico's Nutrition Assistance Program. First, Section 19(a) would be amended to delete the requirement that the Commonwealth replace its cash food assistance program with a noncash program by October 1, 1985.

The current noncash assistance requirement is directly contrary to the Departments' goal of maximum State agency flexibility, ignores the valid reasons for which the Commonwealth developed and implemented a cash assistance program, and fails to recognize the special problems the Commonwealth would have administering a noncash program separate from the nationwide Food Stamp Program. The Commonwealth chose a cash assistance program as a way to lower administrative costs and reduce overall fraud and abuse by eliminating abuses specifically related to the use of food stamps.

There are several programmatic problems associated with requiring the Commonwealth to convert to a noncash assistance system, particularly if the Commonwealth would decide to switch back to a food-coupon-type system. A food coupon manufacturing and distribution system would have to be established, run, and monitored. Also, a system for the security and accountability of the food coupons would have to be established as well as a system for the destruction of used food coupons. In addition, an apparatus for food coupon redemption and retailer authorization/monitoring would have to be established. Finally, any system involving the participation of retailers would most likely bring about the recurrence of retailer-related abuses, such as trafficking, discounting, and counterfeiting.

Second, Section 117 would amend Section 19(a) to delete the requirement that the Commonwealth must pay 50 percent of administrative costs. The current matching requirement unnecessarily fetters the Commonwealth's funding decisions. The proposal would provide the Commonwealth maximum flexibility in managing block grant funds. Under the proposal, in one or more years, the Commonwealth could decide to devote more of the block grant funds than could be matched by other funds available to the Commonwealth to special administrative procedures. As examples, the Commonwealth could develop an administrative process that would uncover and curb abuse or more efficiently deliver appropriate levels of benefits to the neediest Puerto Ricans.

Third, Section 117 would amend Section 19(b) to change the due date for the Commonwealth's plan for operating its Nutrition Assistance Program from July 1 of each year to April 1. This change is proposed so that the Commonwealth's plan submission schedule will conform with that proposed for States that choose to receive nutrition assistance grants under Section 118 of this bill.

Fourth, Section 117 would delete the requirement in Section 19(b) that the Commonwealth of Puerto Rico designate a single State agency to administer or supervise administration of the nutrition assistance program. This change would allow direct and speedier communication between the operators of special projects in Puerto Rico and agencies in the Federal government that approve and review the special projects.

The Department has permitted the Commonwealth to operate special projects under the legislative history accompanying Public Law 97-35, the law which originally established the nutrition assistance block grant for Puerto Rico. These projects have the purpose of increasing food production, distribution, or usage in order to improve the self-sufficiency and nutritional standards of low-income citizens of Puerto Rico. When the special projects involve areas like agricultural production, both the agency which administers the nutrition assistance program in the Commonwealth and the Food and Nutrition Service in the Federal government must rely on other agencies at their respective levels with agricultural expertise to handle special project responsibilities. The proposed legislative change would simplify communication and negotiation procedures with these other agencies. It would also remove the unnecessary involvement of the central administrative agencies in the technical details of the special projects.

THE OPTIONAL NUTRITION ASSISTANCE GRANT PROGRAM

Section 118 would amend the Food Stamp Act to permit States to elect to operate low-income nutrition assistance grant programs in lieu of the national Food Stamp Program. Currently, only the Commonwealth of Puerto Rico is authorized to operate a nutrition assistance program of its own design in place of the Food Stamp Program. A State exercising its option to operate its own nutrition assistance program would be provided funding equivalent to its administrative grant under Section 115 of this bill for the fiscal year plus the value of benefits issued in the State during the preceding fiscal year adjusted on the basis of changes in food prices and unemployment levels as well as any other factors established by the Secretary. The State could use each year's funds in the year they are provided or the next year.

While States electing to operate nutrition assistance programs would have considerable latitude in designing their programs, they would have to submit a plan for the Secretary's approval. The plans would include assessments of the food and nutrition needs of the States' low-income residents and a description of the assistance to be provided and the people to be assisted. The plans would have to comply with the Secretary's requirements designed to assure that assistance is provided to the States' most needy residents. Each State would be re-

quired to prepare an annual activities report on the expenditures of its nutrition assistance program. Appropriate safeguards against the misuse of grant funds are also provided in the proposal. States would be permitted to consider the value of nutrition assistance grants provided to households as income for purposes of their AFDC programs, just as they are now permitted to consider food stamp allotments as income.

The proposal is offered in order to provide States with the opportunity to experiment with potentially more effective and efficient approaches to nutrition assistance. Since it would be optional, States that do not desire or are not equipped to attempt new program design can continue in the national Food Stamp Program. The proposal offers maximum State flexibility combined with appropriate Federal oversight.

FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

Section 119 would amend Section 4(b) of the Food Stamp Act to require, as a condition of eligibility for the Food Distribution Program on Indian Reservations, social security numbers from participants for purposes of preventing dual participation. Under current rules an regulations, households which are eligible for both the Indian Program and the Food Stamp Program may switch from one program to the other. This change would allow States to check participants' and applicants' social security numbers with food stamp program records in an effort to eliminate the potential for dual participation. Food stamp program applicants must provide each household member's social security number as a condition of eligibility.

JOB TRAINING PARTNERSHIP ACT BENEFITS AS INCOME

Section 120 would amend Section 142(b) of P.L. 97-300, the Job Training Partnership Act of 1982 (JTPA), to include JTPA allowances, earnings, and payments as income for food stamp purposes. JTPA was enacted in October 1982 to replace the Comprehensive Employment and Training Act. JTPA is the central Federal job training legislation. Under JTPA, Federal funding is provided for training unskilled persons and dislocated workers. There are three types of income that JTPA participants may receive: (1) allowances during their training, (2) salaries for JTPA-subsidized jobs performed in conjunction with training, or (3) needs-based payments.

These JTPA stipends are cash income which participating households may use for any purpose, including the purchase of food. Thus, there is no inherent reason for excluding JTPA stipends as income, as currently required. In certain situations, JTPA stipends may replace other income which is fully countable, such as AFDC grants. The proposal would delete the income exclusion for JTPA stipends in order to restore equity to the treatment of households with similar circumstances other than the receipt or nonreceipt of JTPA stipends. The Department of Labor does not collect information on the amount paid as stipends or allowances to JTPA participants. Thus, no information is available on the maximum or average JTPA income a household may receive. Whatever level of income a household does receive under JTPA, it is excluded under current law so that the JTPA household receives a higher food stamp allotment than a similar household with the same income from other sources. Continuation of such an inequity cannot be justified since a household's total income is the basic financial determinant of the amount of food assistance needed.

Also, enactment of the proposal would establish conformity in this area between the Food Stamp Program and the AFDC program, as well as other programs established by the Social Security Act (SSA).

EXTENSION OF THE COMMODITY DISTRIBUTION PROGRAM

Section 121 would amend Section 4(a) of the Agriculture and Consumer Protection Act of 1973 to extend the authority of the Department to operate the Commodity Distribution Program through Fiscal Year 1989. This program includes distribution to institutions, supplemental food programs, disaster areas, summer camps for children, the United States Trust Territory of the Pacific Islands and Indians.

ELIGIBILITY FOR THE COMMODITY DISTRIBUTION PROGRAM FOR SUMMER CAMPS

Section 122 would amend Section 4(b) of the Agriculture and Consumer Protection Act of 1973 to make the eligibility requirements for the Commodity Distribution Program for Summer Camps and the Summer Food Service Program for Children more consistent.

EXTENSION OF THE COMMODITY SUPPLEMENTAL FOOD PROGRAM

Section 123 would amend Section 5(a)(2) of the Agriculture and Consumer Protection Act of 1973 to extend the Department's authority to operate the Commodity Supplemental Food Program through Fiscal Year 1989.

PROHIBITION AGAINST SIMULTANEOUS OPERATION OF THE WIC PROGRAM AND NEW COMMODITY SUPPLEMENTAL FEEDING PROGRAM SITES

Section 124 would amend Section 5(b) of the Agriculture and Consumer Protection Act of 1973 to prohibit the authorization of new Commodity Supplemental Feeding Programs (CSFPs) in areas where WIC programs are in operation. Currently, both programs can operate in the same area, but individuals are barred from participating in both programs. The proposal would eliminate the overlap that can occur when two programs that provide the same basic benefits are offered to the same population. Also, the proposal would eliminate the potential abuse of dual participation and the necessity for having safeguards in place to prevent dual participation.

EFFECTIVE DATES

Section 124 would provide that the effective date for the provisions in Sections 107, 111, 115, 117, 120, 121, 122, 123, and 124 of this bill would be October 1, 1985, with all other provisions becoming effective on dates set by the Secretary.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, April 12, 1985.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a bill to amend and extend the authorization of the Food Stamp Act of 1977, as amended. Also enclosed is a section-by-section analysis explaining the provisions of the bill.

The bill would authorize the Food Stamp Program through Fiscal Year 1989. It contains two budgetary proposals that support the President's Fiscal Year 1986 Budget by achieving approximately $56 million in savings for Fiscal Year 1986. Both of these proposals are designed to improve Food Stamp Program administration and achieve Federal savings while having no effect on the benefits of low-income households that meet program requirements.

The first budgetary proposal is designed to serve both as a work incentive and as a means of assisting the unemployed to reenter the job market. Under the proposal, States would be required to establish Community Work Experience Programs (CWEPs) which would provide able-bodied food stamp recipients meaningful work experience and a sense of community contribution in return for the assistance they receive. CWEP participants would be required to perform useful public services, fulfilling community needs that otherwise would not be met with existing public resources. A CWEP participation requirement also will deter from food stamp participation those individuals who are able to work but are not inclined to do so. In addition to CWEP, the proposal would amend the work requirements to more closely conform to those in the Aid to Families with Dependent Children Program (AFDC). Finally, the proposal would establish administration of the work requirements, including job search, as a State agency responsibility. Net savings from this proposal would be $16 million in Fiscal Year 1986.

The second budgetary proposal would establish a State administrative grant to replace current Federal funding requirements. For Fiscal Year 1986, overall Federal funding of States' administrative costs would be the same as in Fiscal Year 1985. Beginning with Fiscal Year 1987, the amount would be adjusted to reflect the rate of inflation in the general economy. Similar grant proposals will be submitted for the AFDC and Medicaid programs. The proposal will simplify Federal funding processes and offer States more flexibility for funding administrative costs. The proposal would also curb Federal funding of States' administrative costs which has been unrestrained since 50 percent Federal funding was instituted 10 years ago. It is also estimated to save $40 million in Food Stamp Program costs in Fiscal Year 1986 by freezing administrative funding at the Fiscal Year 1985 level. This proposal is an important part of the Administration's efficiency in government legislative program, which is discussed in detail in "Management of the United States Government: FY 1986" (Executive Office of the President: Office of Management and Budget, 1985).

The remaining proposals of the bill have no budgetary impact in Fiscal Year 1986. They are intended to improve management of the Food Stamp Program and enhance program equity. Among them is a proposal establishing optional nutrition assistance grants. The proposal recognizes that many States are especially attuned to the nutrition needs of their low-income population. These States are eager to design programs tailored to both their citizens' nutrition needs and the States' management resources. Such individually designed and implemented nutrition assistance programs could be expected to result in more efficient delivery of benefits and better services to the needy.

We are confident that you share our hope that reauthorization of such an important program will be accomplished well in advance of September 30, 1985, when the current authorization expires. We remain eager

to work with the Congress to ensure prompt passage of this reauthorization bill.

A similar letter is being sent to the Speaker of the House.

The Office of Management and Budget advises that the enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

JOHN R. BLOCK,
Secretary.●

By Mrs. KASSEBAUM:

S. 970. A bill to require that fifty-dollar bills bear a portrait of Georgia Neese Clark Gray, the first woman to serve as Treasurer of the United States; to the Committee on Banking, Housing, and Urban Affairs.

LEGISLATION TO REQUIRE THAT FIFTY-DOLLAR BILLS BEAR A PORTRAIT OF GEORGIA NEESE CLARK GRAY

● Mrs. KASSEBAUM. Mr. President, today I am introducing legislation to require that fifty-dollar bills bear a portrait of Georgia Neese Clark Gray, the first woman to serve as Treasurer of the United States. I can think of no more fitting tribute to this remarkable woman.

Georgia was doing double duty as a grain elevator operator and president of the Richland State Bank in Rickland, KS, when she was nominated in June 1949. Her account of joining President Truman in the Oval Office to discuss her appointment is worth retelling:

"Do you know why you're here?" he said. I nodded yes. Then he asked me a penetrating question. "Mrs. Clark can you afford to take this job?" He knew the salary was to say the least, moderate and Washington living high even in those days. But I chose to put a different meaning to his question. "Mr. President, in view of my being the first woman to be nominated, do you think I can afford not to accept?" I held my breath. "No, you cannot" was his reply.

Georgia's experience in Washington did not diminish her willingness to give a hand as needed—no matter how mundane the chore. The August 24, 1950, issue of the Topeka Capital carried a story headlined "Job as Nation's Banker Hasn't Changed Georgia Clark." That article noted that, upon arriving in Richland on vacation, she pitched in to assist with the county fair then in progress. She also sold soda pop at the general store "when she discovered the place was badly in need of an extra hand."

This spirit of service has continued to characterize Georgia's activities. I had the pleasure recently to attend a luncheon honoring her sponsored by the American Business Women's Association. I can report that she is working as vigorously as ever and that she remains an inspiration to all who strive to make a difference.

My legislation is a companion to a measure introduced in the House by Representative ANDY JACOBS, who shares my respect and admiration for Georgia Neese Clark Gray. I urge my colleagues to join in honoring this exceptional woman.

Mr. President, I ask unanimous consent that my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That (a) notwithstanding section 5114(b) of title 31, United States Code, all Federal Reserve notes of the denomination of $50 shall bear a portrait of Georgia Neese Clark Gray, the first woman to serve as Treasurer of the United States. The portrait shall be of such design as the Secretary of Treasury may determine.

(b) This Act applies to all such notes printed more than thirty days after the date of enactment of this Act.●

By Mr. STAFFORD (by request):

S. 972. A bill to provide revenues for the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Finance.

SUPERFUND REVENUE ACT OF 1985

● Mr. STAFFORD. Mr. President, I am today introducing, at the request of the administration, a bill which would amend the Superfund law for the purpose of raising revenues. This bill is one part of the administration's set of proposed amendments to Superfund, which is formally known as the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. I introduced the other amendments on February 22, the day the President transmitted them to the Congress. That bill, S. 494, did not, however, include the revenue-raising provisions. The Committee on Finance has scheduled hearings on the tax aspects of Superfund for April 25 and 26. Therefore, I am introducing this bill to assure that the administration amendments are available for consideration and comment during those hearings.●

By Mr. BENTSEN (for himself, Mr. DANFORTH, Mr. MATSUNAGA, Mr. PRYOR, Mr. BAUCUS, Mr. CHILES, Mr. GORE, and Mr. MELCHER):

S. 973. A bill to amend the Internal Revenue Code of 1954 to provide for an alternative corporate minimum tax in lieu of the present additional corporate minimum tax, to provide a method of reducing corporate tax rates by the amount of such tax, and for other purposes; to the Committee on Finance.

ALTERNATIVE MINIMUM TAX ON CORPORATIONS

● Mr. BENTSEN. Mr. President, last October the organization Citizens for Tax Justice published a report that confirmed what many Americans already knew—that many large corporations in the United States have been earning large profits but not paying Federal income tax. Leading the way was General Electric, which earned $6.5 billion in profits in the 1981–83 period but actually received tax refunds. And we've all seen the reports showing that General Dynamics has not paid tax since 1972 despite earning billions in profits as a defense contractor.

The American public has a right to be offended, and they are offended. Under our tax laws as they now stand, a family with taxable income of $25,000 pays income tax of about $2,500. That's a middle-income family, scraping to pay the mortgage and other bills, and paying Social Security taxes and State taxes. To that family, $2,500 is a very significant amount of tax. And to that family, the idea of large corporations with billions of dollars in profits paying no tax is an outrage. That family can justifiably regard the income tax system as unfair.

I, too, am concerned, Mr. President. Therefore, today I am introducing with my colleagues a bill to ensure that every corporation in the United States pays a fair share of our Nation's tax burden. Under my bill every corporation will have to pay the greater of either its regular tax liability or 15 percent of its economic income—that is, its real profits or its taxable income without its tax preferences.

It is understandable that corporations take advantage of available tax incentives to lower their tax liability. In 1981 the Congress enacted the generous ACRS depreciation schedule to encourage corporations to make investments in new plant and equipment. Corporations such as General Electric are acting within the law by using accelerated depreciation and other tax incentive provisions to reduce their tax liability. And I generally applaud the enactment of ACRS to encourage the modernization of our plant and equipment.

But we must be careful that the sum of all the parts of our tax system does not add up to an unjust whole. Confidence in the Federal income tax has eroded significantly over the last decade. In a 1972 Gallup poll commissioned by the Advisory Committee on Intergovernmental Relations, 19 percent of the respondents picked the Federal income tax as the least fair tax system among four choices that included State income taxes, State sales taxes, and local property taxes. Last year, on the other hand, nearly twice as many respondents—36 percent—picked the Federal income tax as least fair.

We must not let this continue. We must make sure we have a fair tax system. The Federal income tax system is a self-assessment system.

Though we have a variety of penalties and other enforcement mechanisms, the system depends largely on voluntary compliance for its success. In turn, voluntary compliance depends on the existence of a fair system. In my opinion, a system that permits profitable corporations to escape tax altogether is not fair and certainly does not appear to be fair. It simply is not fair when a middle-income taxpayer pays more tax than a giant corporation.

I recognize that enactment of comprehensive tax reform may somewhat ameliorate the problem that my bill addresses; tax reform would do away with many of the deductions and credits that currently permit corporations to avoid tax. But a corporate minimum tax may still be an integral part of tax reform. It is possible that a number of tax preferences will remain after a tax reform bill is enacted and that some profitable corporations will continue to escape taxation. To make sure we have a fair system after a tax reform effort, it is imperative that all profitable corporations be taxpayers.

Moreover, it is not clear at this point what the prospects for tax reform are. It is safe to say that tax reform will have a rough road unless the administration sends up a bill and actively promotes that bill.

I want to make it clear, Mr. President, that the purpose of my bill is not to raise additional revenues for the Government to spend. Rather, the bill directs the Treasury Department to compute reductions in corporate tax rates to offset the additional revenue raised by the minimum tax. What this means is that industries with high effective tax rates will receive a slight tax reduction while companies and industries that have been paying less than a fair share will start paying more.

The bill that I introduce today is designed to be comprehensive but reasonable. For the most part, the bill picks up items of tax preference currently used in the corporate or individual minimum tax or the preference cutback provisions. The bill also picks up some of the statutory earnings and profits rules, which determine whether a corporate distribution is a taxable dividend or a nontaxable return of capital. Other provisions reflect a judgment as to what are tax preferences.

In summary, Mr. President, it is my hope that whatever shape tax reform takes this year, the Congress will above all act to restore fairness to the system. The bill that my colleagues and I introduce today is a step in that direction.

Mr. President, I ask unanimous consent that following my remarks a summary of the bill and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALTERNATIVE MINIMUM TAX ON CORPORATIONS.

(a) IN GENERAL.—Section 56 of the Internal Revenue Code of 1954 (relating to additional corporate minimum tax) is amended to read as follows:

"SEC. 56. ALTERNATIVE MINIMUM TAX ON CORPORATIONS.

"(a) TAX IMPOSED.—

"(1) IN GENERAL.—A tax is hereby imposed on each corporation in an amount equal to 15 percent of so much of the corporate alternative minimum taxable income of the taxpayer for the taxable year as exceeds $100,000.

"(2) TAX IMPOSED ONLY IF GREATER THAN REGULAR TAX LIABILITY.—A tax shall be imposed by this section on the corporate alternative minimum taxable income of a corporation for any taxable year only if the amount of such tax is greater than the amount of the adjusted regular tax for such year.

"(3) TAX TO BE IN LIEU OF REGULAR TAX.—For purposes of this title, the tax imposed by this section shall be in lieu of the regular tax.

"(b) CORPORATE ALTERNATIVE MINIMUM TAXABLE INCOME.—For purposes of this title, the term 'corporate alternative minimum taxable income' means the taxable income (determined without regard to the deduction allowed by section 172) of the taxpayer for the taxable year—

"(1) reduced by the corporate alternative minimum tax net operating loss deduction provided by subsection (d), and

"(2) increased by an amount equal to the corporate alternative minimum tax preference items.

"(c) CORPORATE ALTERNATIVE MINIMUM TAX PREFERENCE ITEMS.—For purposes of this section, the corporate alternative minimum tax preferences items are:

"(1) CERTAIN ITEMS OF TAX PREFERENCE.—The sum of the amounts determined under the following provisions of section 57(a):

"(1) Paragraph (2) (relating to accelerated depreciation of real property).

"(B) Paragraph (5) (relating to mining exploration and development costs).

"(C) Paragraph (7) (relating to reserves for losses on bad debts of financial institutions).

"(D) Paragraph (8) (relating to depletion).

"(E) Paragraph (11) (relating to intangible drilling costs).

"(2) ACCELERATED COST RECOVERY DEDUCTION; AMORTIZATION OF POLLUTION CONTROL FACILITIES.—

"(A) IN GENERAL.—With respect to each recovery property and each certified pollution control facility for which an election is in effect under section 169, the amount (if any) by which the deduction allowed under section 168(a) or 169, respectively, for the taxable year exceeds the deduction which would have been allowable for the taxable year had the property been depreciated using the straight-line method (without regard to salvage value) and a recovery period determined in accordance with the following table:

"In the case of:	The recovery period is:
3-year property	5 years
5-year property	8 years
10-year property	15 years
15-year utility property	22 years
18-year real property and low-income housing	18 years.

"(B) SUBPARAGRAPH (A) INAPPLICABLE WHERE LONGER RECOVERY PERIODS APPLY.—If, pursuant to section 168(b)(3) or 168(f)(2), the recovery period for any property is longer than the recovery period for such property set forth in subparagraph (A), subparagraph (A) shall not apply to such property.

"(C) CONVENTIONS.—

"(i) IN GENERAL.—In the case of property other than 18-year real property and low-income housing, subparagraph (A) shall be applied by using a half-year convention.

"(iii) 18-YEAR REAL PROPERTY AND LOW-INCOME HOUSING.—In the case of 18-year real property and low-income housing, subparagraph (A) shall be applied by using the conventions under sections 168(b)(2)(B) and 168(b)(4)(B).

"(D) DEFINITIONS.—For purposes of this property, the terms '3-year property', '5-year property', '10-year property', '15-year public utility property,' '18-year real property,' 'low-income housing', and 'recovery property', have the same meanings given such terms by section 168.

"(3) RESEARCH AND EXPERIMENTAL EXPENDITURES.—The excess (if any) of—

"(A) the amount allowed as a deduction under section 174(a) for the taxable year, over

"(B) the amount which would have been allowable as a deduction for such taxable year with respect to research and experimental expenditures paid or incurred during such taxable year if such expenditures had been capitalized and amortized ratably over the 5-year period beginning with the taxable year in which such expenditures were made.

"(4) ITEMS WHICH ARE MORE ACCURATELY TAKEN INTO ACCOUNT TO REFLECT ECONOMIC GAIN OR LOSS.—

"(A) CONSTRUCTION PERIOD CARRYING CHARGES.—The amount allowable as a deduction for the taxable year for construction period carrying charges (as defined in section 312(n)(1)) paid or incurred during such taxable year.

"(B) TRADE NAME AND TRADEMARK EXPENDITURES.—The amount allowable as a deduction for the taxable year under section 177.

"(C) CIRCULATION EXPENDITURES.—The amount allowable as a deduction for the taxable year under section 173.

"(D) ORGANIZATIONAL EXPENDITURES.—The amount allowable as a deduction for the taxable year under section 248.

"(E) COMPLETED CONTRACT METHOD OF ACCOUNTING.—In the case of a taxpayer who uses the completed contract method of accounting, the excess (if any) of—

"(i) the taxable income of such taxpayer for the taxable year if such taxpayer used the percentage of completion method of accounting, over

"(ii) the taxable income of such taxpayer for such taxable year.

"(5) CERTAIN INTEREST EXPENSE.—That portion of the interest expense of the taxpayer for the taxable year which bears the same ratio to the total interest expense allowable as a deduction for the taxable year (determined without regard to this paragraph) as—

"(A) the interest income of the taxpayer which is exempt from taxes for such taxable year, bears to

"(B) the gross income of the taxpayer for such taxable year.

For purposes of this subparagraph, all members of an affiliated group (as defined in section 1504(a) without regard to section 1504(b)) shall be treated as 1 corporation.

"(6) EXEMPT FOREIGN TRADE INCOME.—The amount by which taxable income would be increased if section 923(a) (after application of section 291(a)(4)) were applied with respect to any FSC by substituting—

"(A) 'no portion' for '30 percent', in paragraph (2), and

"(B) 'no portion' for '15/23' in paragraph (3).

"(7) CERTAIN LIFE INSURANCE COMPANY DEDUCTIONS.—The amount allowable as a deduction for the taxable year under subsection (a) or (b) of section 806.

"(8) CERTAIN SHIPPING INCOME.—With respect to any construction reserve fund or capital construction fund established by the taxpayer under sections 511 and 607 of the Merchant Marine Act (46 U.S.C. 1161, 1177), the net increase for such taxable year in the income and capital gain accounts under such funds.

"(d) CORPORATE ALTERNATIVE MINIMUM TAX NET OPERATING LOSS DEDUCTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'corporate alternative minimum tax net operating loss deduction' means the net operating loss deduction under section 172 for the taxable year for purposes of the regular tax, except that in determining the amount of such deduction—

"(A) in the case of taxable years beginning after December 31, 1985, section 172(b)(2) shall be applied by substituting 'corporate alternative minimum taxable income' for 'taxable income' each place it appears, and

"(B) the net operating loss (within the meaning of section 172(c)) for any loss year shall be reduced by the amount of corporate alternative minimum tax preference items arising in such year.

"(e) ELECTION TO MAKE ADJUSTMENTS FOR REGULAR TAX PURPOSES.—

"(1) IN GENERAL.—The taxpayer may elect for any taxable year to have any adjustment required by subsection (b)(2) with respect to any corporate alternative minimum tax preference item arising in such year apply also to such item for regular tax purposes. The treatment of any item with respect to which an election has been made under the preceding sentence shall (for all later years and for purposes of both the regular tax and this section) be consistent with its treatment for the year in which it arises.

"(2) TIME FOR MAKING ELECTION.—Any election under paragraph (1) with respect to any item shall be made not later than the due date (with extensions) for filing the return under this chapter for the taxable year in which such item arose.

"(3) REVOCATION ONLY WITH CONSENT.—Any election under paragraph (1) may be made only in the manner provided by regulations, and may be revoked only with the consent of the Secretary.

"(f) SPECIAL RULES RELATING TO CREDITS.—For purposes of this section—

"(1) CREDITS NOT ALLOWABLE.—For purposes of determining any credit allowable under subpart A, B, or D of part IV of this subchapter (other than the foreign tax credit allowed under section 27(a)), the tax imposed by this section shall not be treated as a tax imposed by this chapter.

"(2) FOREIGN TAX CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

"(A) DETERMINATION OF FOREIGN TAX CREDIT.—The total amount of the foreign tax credit which may be taken against the tax imposed by subsection (a) shall be determined under subpart A of part III of subchapter N (section 901 and following).

"(B) SECTION 904(A) LIMITATION.—For purposes of the determination provided by subparagraph (A), the limitation of section 904(a) shall be equal to the lesser of such limitation (computed without regard to this section) or an amount which bears the same ratio to the tax imposed by subsection (a) as—

"(i) the taxpayer's corporate alternative minimum taxable income from sources without the United States (but not in excess of the taxpayer's entire corporate alternative minimum taxable income), bears to

"(ii) the taxpayer's entire corporate alternative minimum taxable income.

"(C) DEFINITION OF CORPORATE ALTERNATIVE MINIMUM TAXABLE INCOME FROM SOURCES WITHOUT THE UNITED STATES.—For purposes of subparagraph (B), the term 'corporate alternative minimum taxable income from sources without the United States' means taxable income from sources without the United States, adjusted as provided in paragraphs (1) and (2) of subsection (b) (taking into account in such adjustment only items described in such paragraphs which are properly attributable to items of gross income from sources without the United States).

"(D) SPECIAL RULE FOR APPLYING SECTION 904(C).—In determining the amount of foreign taxes paid or accrued during the taxable year which may be deemed to be paid or accrued in a preceding or succeeding taxable year under section 904(c), the limitation of section 904(a) shall be deemed to be the limitation computed under subparagraph (B) of this paragraph.

"(3) CARRYOVER AND CARRYBACK OF CERTAIN CREDITS.—In the case of any taxable year for which a tax is imposed by this section, for purposes of determining the amount of any carryforward or carryback to any other taxable year of any credit allowable under section 30 or 38, the amount of the credit under section 30(g) or 38(c) (as the case may be) shall be deemed to be—

"(A) the amount of such credit allowable for such taxable year (determined without regard to this paragraph), reduced (but not below zero) by

"(B) the excess, if any, of—

"(i) the regular tax for the taxable year, reduced by the credit allowable under section 27(a), over

"(ii) the tax imposed by this section for the taxable year, reduced by the credit allowable under paragraph (2).

"(g) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) REGULAR TAX.—The term 'regular tax' means the taxes imposed by this chapter for the taxable year (computed without regard to this section and without regard to the taxes imposed by sections 47(a), 531, and 541).

"(2) ADJUSTED REGULAR TAX.—The term 'adjusted regular tax' means, for any taxable year—

"(A) the regular tax, reduced by

"(B) the sum of the credits allowable under subparts A, B, and D of part IV of this subchapter, except the credit allowable under section 27(a).

For purposes of this paragraph, the credits allowable under subparts A, B, and D of part IV shall be computed as if the credit allowable under section 27(a) were also allowable.

"(3) TAXABLE YEAR IN WHICH ITEM ARISES.—In the case of any amount which is taken into account for regular tax purposes in more than 1 taxable year, such amount shall be treated as an item arising in the first taxable year.

"(4) APPLICATION WITH SECTION 291.—The determination of the amount of any corporate alternative minimum tax preference item shall be made after the application of section 291.".

(b) REDUCTIONS IN CORPORATE TAX RATES.—Section 11 of the Internal Revenue Code of 1954 (relating to tax on corporations) is amended by adding at the end thereof the following new subsection:

"(d) REDUCTION IN RATES FOR INCREASES IN CORPORATE MINIMUM TAX.—

"(1) IN GENERAL.—With respect to any taxable year beginning after December 31, 1986, the Secretary shall prescribe rates which shall apply in lieu of the rates contained in subparagraph (B). Such rates shall be designed to—

"(A) reflect a decrease in the amount of the tax imposed by this section on all taxpayers by an amount equal to the excess of—

"(i) the aggregate amount of tax imposed by this section and by section 56 on all taxpayers during taxable years beginning in the preceding calendar year, over

"(ii) the aggregate amount of tax which would have been so imposed for such taxable years by this section and by section 56 if section 56 had been applied as in effect for taxable years beginning in 1985, and

"(B) maintain the differentials in the rate brackets under subsection (b).

"(2) ESTIMATES.—If information is not available to make the determination under paragraph (1)(A), the Secretary shall make an estimate of the taxes imposed (or which would have been imposed) collected and the rates prescribed under paragraph (1) shall be based on such estimate. The Secretary shall adjust the rates for succeeding calendar years for adjustments resulting from information becoming available after an estimate under this paragraph.".

(c) ESTIMATED TAX.—Sections 6154(c)(1) and 6651(f)(1) of the Internal Revenue Code of 1954 (defining tax) are each amended by inserting ", 56," after "section 11".

(d) CONFORMING AMENDMENTS.—

(1) Section 26 of the Internal Revenue Code of 1954 (relating to definition of tax liability) is amended—

(A) by striking out subparagraph (A) of subsection (b)(2) and by redesignating subparagraphs (B) through (H) of subsection (b)(2) as subparagraphs (A) through (G), respectively, and

(B) in subsection (c)—

(i) by inserting "(1)" before "For" and by adding at the end thereof the following new paragraph:

"(2) For treatment of tax imposed by section 56 as tax not imposed by this chapter, see section 56(e).", and

(ii) by striking out the heading and inserting in lieu thereof:

"(c) SPECIAL RULES FOR MINIMUM TAXES.—".

(2) Section 57 of such Code (relating to items of tax preference) is amended—

(A) by striking out the last sentence of subsection (a),

(B) by striking out paragraph (9) of subsection (a) and inserting in lieu thereof:

"(9) CAPITAL GAINS OF TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation, an amount equal to the net capital gain deduction for the taxable year, determined under section 1202.", and

(C) by striking out subsections (b) and (e).

(3) Section 58 of such Code (relating to rules for application) is amended—

(A) by striking out "$10,000" in subsection (b) and inserting in lieu thereof "$100,000",

(B) by striking out "respective regular tax deductions (within the meaning of section 56(c))" and inserting in lieu thereof "respective corporate alternative minimum taxable incomes (within the meaning of section 56(b))", and

(C) by striking out subsection (d).

(4) Section 58 of such Code is amended by striking out subsection (f) (relating to regulated investment companies, etc.).

(5) Subsection (g) of section 58 of such Code (relating to tax preferences to foreign sources) is amended to read as follows:

"(g) TAX PREFERENCES ATTRIBUTABLE TO FOREIGN SOURCES.—For purposes of section 56, the corporate alternative minimum tax items set forth in section 56(c) which are attributable to sources within any foreign country or possession of the United States shall be taken into account only to the extent that such items reduce the tax imposed by this chapter (other than the tax imposed by section 56) on income derived from sources within the United States. For purposes of the preceding sentence, the corporate alternative minimum tax items shall be treated as reducing the tax imposed by this chapter before other items.".

(6) Subsection (a)(1) of section 882 of such Code is amended to read as follows:

"(1) IN GENERAL.—A foreign corporation engaged in a trade or business within the United States during the taxable year shall be taxable as provided in section 11, 56, or 1201(a) on its taxable income which is effectively connected with the conduct of a trade or business within the United States.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1985.

CORPORATE ALTERNATIVE MINIMUM TAX

SUMMARY

Rate. The rate would be 15 percent of alternative minimum taxable income (AMTI) above $100,000. A corporation would be liable for the AMT only if its AMT is greater than its regular tax.

Revenue. The bill would be revenue neutral. The bill would direct the Treasury to compute reductions in corporate tax rates sufficient to offset the revenue raised by the minimum tax.

Definition of AMTI. AMTI would equal taxable income with the following modifications:

1. The normal net operating loss deduction would not be allowed. In its place, an alternative tax NOL deduction would be allowed as under the individual AMT. NOLs from all taxable years would be required to be adjusted for tax preferences.

2. Tax preferences would be added back. See list of preferences below.

Credits. Credits would not be allowable, except for the foreign tax credit.

Election out. Corporations would be given the choice to treat any preference item not as a preference. Such an election generally would be irrevocable but would not affect items of tax preference for which the election was not made.

Effective date. The tax would apply to taxable years beginning after 1985.

Preferences. The following preferences would be included in the tax base.

1. ACRS deductions, as under the current individual AMT.

2. Amortization deductions for certified pollution control facilities in excess of E&P depreciation allowance under section 312(k)(3).

3. Financial institution bad debt reserve deductions, in excess of deductions computed on the basis of actual experience, as under the current minimum taxes.

4. Excess of percentage depletion over the adjusted basis of the property, as under the current minimum taxes.

5. Intangible drilling cost deductions, as under the current individual AMT.

6. Excess of mining exploration and development deductions over 10-year amortization deductions, as under the individual AMT and under section 312(n)(2).

7. Deductions for magazine circulation expenses. (Sec. 312(n)(3).

8. Excess of R&D deductions over 5-year amortization deductions.

9. Deferred income of foreign sales corporations, as under the section 291 preference cutback provisions.

10. The special life insurance company deduction—the so-called TIA. (Sec. 806(a)).

11. The small life insurance company deduction. (Sec. 806(b)).

12. Deductions for construction-period interest and taxes, as provided in the E&P rules. (Sec. 312(n)(1)).

13. Amortization deductions for trademark and tradename expenditures. (Sec. 312(n)(3)).

14. Amortization deductions for organizational expenses. (Sec. 312(n)(3)).

15. Income deferred through use of completed contract accounting method instead of percentage of completion method. (Sec. 312(n)(7)).

16. Shipping income exempt under section 607 of the Merchant Marine Act.

17. Interest deductions of a taxpayer earning tax-exempt interest. The preference part would be in the ratio of tax exempt interest earned over all gross receipts earned. The test would be applied on an affiliated group basis.●

● Mr. DANFORTH. Mr. President, I am pleased to join with my colleagues, Senators BENTSEN, BAUCUS, PRYOR, MATSUNAGA, CHILES, GORE, and MELCHER, in introducing a bill to strengthen the corporate minimum tax.

Senator BENTSEN has referred to a report by Citizens for Tax Justice which indicates that in recent years many major corporations reported large and, in some cases, record earnings to their shareholders but paid little or no Federal income taxes. These conclusions are further supported by a "Study of 1983 Effective Tax Rates of Selected Large U.S. Corporations" prepared by the Joint Committee on Taxation. The Joint Committee study, which examined effective tax rates on an industry by industry basis, found that effective corporate tax rates for 1983 ranged from negative 1 to 35 percent.

Many provisions of the Internal Revenue Code were enacted as incentives to encourage taxpayers, corporations, and individuals alike, to engage in certain economic activities. These provisions achieve important social goals by providing tax benefits for desirable behavior. This has the advantage of avoiding direct governmental intervention while still fostering objectives determined to be in the best interests of society as a whole.

Congress clearly did not intend to eliminate the obligation of profitable corporations to pay Federal income taxes. Yet this has been the result in many circumstances.

The bill we are introducing today is designed to ensure that each corporation that is earning economic income pay a reasonable share of that income to the Treasury. This bill will not increase the total amount of tax revenues collected, nor will it alter the amount of income taxes paid by corporations as a percentage of total income taxes collected. Instead, the new alternative minimum corporate tax will increase the amount of taxes paid by those corporations currently paying little or no income taxes and will decrease the amount of taxes paid by other corporations.

It is not acceptable that large corporations pay little or nothing in Federal taxes while reporting substantial earnings to shareholders. Our bill would correct this situation by repealing the existing corporate add-on minimum tax and replacing it with an alternative minimum tax. Generally, the alternative minimum tax will be 15 percent of the sum of the corporation's taxable income, plus approximately 17 items of tax preference.

Mr. President, it is my hope that this bill will result in a more equitable allocation of the corporate tax burden and ensure that all profitable corporations pay a reasonable amount of Federal income taxes.●

● Mr. PRYOR. Mr. President, I'm pleased to join the distinguished Senator from Texas, Mr. BENTSEN, and the distinguished Senator from Missouri, Mr. DANFORTH, in introducing an alternative minimum tax for corporations.

The bill being introduced today, Mr. President, would significantly strengthen the minimum tax provisions in the Internal Revenue Code, as they relate to corporations, by requiring that many more tax preferences be added into the tax base for purposes of computing the alternative minimum tax. Under present law, section 56 of the Tax Code contains an add-on minimum tax of 15 percent by which the amount of certain tax preferences—contained in section 57—exceed the greater of $15,000 or the corporation's regular tax liability for the year. The problem, Mr. President, is that the present corporate minimum tax hasn't worked like it was intended, and it should be tightened. That's what the bill that's being introduced today would accomplish.

It would expand the list of tax preferences, and would require that many

profitable companies that have been escaping the minimum tax provisions under current law, would now have to pay some income taxes.

There is one important point about this bill that should be emphasized, Mr. President. The bill is not a tax increase. The bill directs the Treasury Department to compute reductions in corporate tax rates to offset the additional revenue raised by the new minimum tax. This will result in a tax cut for many companies with high effective tax rates, while at the same time requiring other companies to pay taxes when they haven't been previously.

Mr. President, one of the major problems with our present tax system is the perceived unfairness. Many people and companies rightfully believe that they are having to pay large amounts of income tax, while other people and companies are getting by without paying taxes. This fact has been brought to light for the last few years when tax statistics are released showing that many companies with revenues in the billions, and profits that run into the hundreds of millions of dollars, pay no Federal income tax. That's got to stop. This bill will ensure that it does.

I think a few statistics will show the point very clearly, Mr. President. About 20 years ago 25 percent of the revenue of the Federal Government came from the corporate income tax. In 1983, the corporate income tax raised 6.2 percent of the revenues to the Government. More distressing, is the fact that a recent study found that many major corporations not only paid no income taxes, but received refunds from prior years. Further, some of the companies are major defense contractors who make most of their money from Federal contracts. It just seems, Mr. President, that the very least we can do is ask some of these companies, which are presently paying no taxes, or even receiving a refund, to pay some income tax.

Again, Mr. President, this bill isn't a tax increase. I think the primary advantage of this bill is that it is fair and will show to all taxpayers that profitable companies will pay their fair share, and will not receive huge refunds based on excessive use of existing tax preferences.

I commend the efforts of my two colleagues, Mr. President, and I look forward to working with them in the Senate Finance Committee on this important measure.●

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. CRANSTON, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 7, a bill to amend title XIX of the Social Security Act to provide medicaid coverage for certain low-income pregnant women.

S. 58

At the request of Mr. DANFORTH, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 58, a bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education.

S. 174

At the request of Mr. GORE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 175, a bill to provide for the designation of 20 regional centers for the treatment of Alzheimer's disease and related dementia and for other purposes.

S. 357

At the request of Mr. DURENBERGER, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from North Dakota [Mr. ANDREWS], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 357, a bill entitled the "Medicare Part B Premiums Non-smoking Discount."

S. 358

At the request of Mr. DURENBERGER, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from North Dakota [Mr. ANDREWS], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 358, a bill entitled the "Part B Prevention Incentive Act."

S. 359

At the request of Mr. DURENBERGER, the names of the Senator from North Dakota [Mr. ANDREWS], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 359, a bill to provide for medical demonstrations in health promotion and disease prevention.

S. 408

At the request of Mr. WEICKER, the names of the Senator from North Dakota [Mr. ANDREWS], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 408, a bill to amend the Small Business Act to provide program levels, salary and expense levels, and authorizations for the Small Business Administration's programs for fiscal years 1986, 1987, and 1988, and for other purposes.

S. 425

At the request of Mr. HATCH, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 425, a bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases.

At the request of Mr. GOLDWATER, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 425, supra.

S. 434

At the request of Mr. D'AMATO, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 434, a bill to extend the authorization of the Robert A. Taft Institute Assistance Act.

S. 484

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 484, a bill to amend the Saccharin Study and Labeling Act.

S. 505

At the request of Mr. DURENBERGER, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 505, a bill entitled the "Maternal and Child Health Preventive Care Amendments of 1985."

S. 538

At the request of Mr. METZENBAUM, the name of the Senator from Montana [Mr. MELCHER], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 538, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for warnings concerning the use by children of drugs containing aspirin, and for other purposes.

S. 627

At the request of Mr. DOMENICI, the name of the Senator from Nevada [Mr. LAXALT] was added as a cosponsor of S. 627, a bill to promote and expand the vitality of the U.S. copper industry.

S. 718

At the request of Mr. ROTH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 718, a bill to amend the Internal Revenue Code of 1954 to repeal the 10-percent additional tax on distributions (other than required distributions) from an individual retirement account.

S. 725

At the request of Mr. BENTSEN, the names of the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 725, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1986, 1987, 1988, 1989, and 1990.

S. 729

At the request of Mr. DURENBERGER, the names of the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of S. 729, a bill to amend the Internal Revenue Code of 1954 to make permanent the rules relating to imputed interest and assumption of loans, and for other purposes.

S. 746

At the request of Mr. CHILES, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 746, a bill to require the National Drug Enforcement Policy Board to provide a comprehensive assessment of the designer drug problem and make recommendations to Congress for necessary legislation.

S. 750

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 750, a bill to redesignate the National Institute on Aging as the National Institute on Aging and Alzheimer's Disease, to require the Secretary of Health and Human Services to coordinate and support research concerning Alzheimer's disease and related disorders, and for other purposes.

S. 751

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 751, a bill to provide for Medicare demonstration projects for alternative Medicare benefits for individuals with Alzheimer's disease or a related memory disorder.

S. 752

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 752, a bill to establish in the Department of Health and Human Services a Home Health Care Clearinghouse to provide elderly individuals with a single place where they can obtain complete information on available Federal home health care programs.

S. 753

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 753, a bill to promote the establishment of family support groups for families of victims of Alzhimer's disease or a related memory disorder.

S. 777

At the request of Mr. HEINZ, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 777, a bill to amend the Tax Equity and Fiscal Responsibility Act of 1982 to extend hospice benefits under the Medicare Program for an additional 3 years.

S. 790

At the request of Mrs. HAWKINS, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 790, a bill to terminate U.S. assistance for Bolivia unless Bolivia eradicates 10 percent of its coca production, and for other purposes.

S. 869

At the request of Mr. MITCHELL, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 869, a bill to provide that the pensions received by retired judges who are assigned to active duty shall not be treated as wages for purposes of the Social Security Act.

S. 874

At the request of Mr. PELL, his name was added as a cosponsor of S. 874, a bill to amend the Internal Revenue Code of 1954 by increasing the Federal excise tax on cigarettes by 16 cents per pack to a permanent 32 cents per pack and by providing that revenues from the additional tax be deposited in the Federal Hospital Insurance Trust Fund under the Social Security Act.

S. 887

At the request of Mr. DOLE, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 887, a bill to amend the Internal Revenue Code of 1954 to extend the deduction for expenses incurred in connection with the elimination of architectural and transportation barriers for the handicapped and elderly.

SENATE JOINT RESOLUTION 32

At the request of Mr. PRESSLER, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 32, a joint resolution to authorize and request the President to designate September 15, 1985, as "Ethnic American Day."

SENATE JOINT RESOLUTION 39

At the request of Mr. GORE, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of Senate Joint Resolution 39, a joint resolution to designate October 26, 1985, as "Mule Appreciation Day."

SENATE JOINT RESOLUTION 40

At the request of Mr. LUGAR, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Joint Resolution 40, a joint resolution to designate the month of October 1985 as "National Down Syndrome Month."

SENATE JOINT RESOLUTION 51

At the request of Mr. HATCH, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Virginia [Mr. TRIBLE], the Senator from Virginia [Mr. WARNER], the Senator from Florida Mrs. HAWKINS], and the Senator from Utah [Mr. GARN] were added as cosponsors of Senate Joint Resolution 51, a joint resolution to designate the week beginning November 24, 1985, as "National Adoption Week."

SENATE JOINT RESOLUTION 57

At the request of Mr. CHILES, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of Senate Joint Resolution 57, a joint resolution to designate the week of October 20, 1985, through October 26, 1985, as "Lupus Awareness Week."

SENATE JOINT RESOLUTION 59

At the request of Mr. HATCH, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 59, a joint resolution to designate "National Science Week."

SENATE JOINT RESOLUTION 64

At the request of Mr. RIEGLE, the names of the Senator from Nebraska [Mr. EXON], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of Senate Joint Resolution 64, a joint resolution to designate the week beginning May 5, 1985, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 66

At the request of Mr. D'AMATO, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of Senate Joint Resolution 66, a joint resolution designating June 14, 1985, as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 83

At the request of Mr. DOLE, the names of the Senator from Alabama [Mr. DENTON], the Senator from Missouri [Mr. EAGLETON], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 83, a joint resolution designating the week beginning on May 5, 1985, as "National Asthma and Allergy Awareness Week."

SENATE JOINT RESOLUTION 88

At the request of Mr. LEVIN, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Indiana [Mr. LUGAR], the Senator from California [Mr. CRANSTON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Illinois [Mr. SIMON], the Senator from Georgia [Mr. NUNN], the Senator from Florida [Mrs. HAWKINS], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 88, a joint resolution to designate the week beginning September 8, 1985, as "National Osteopathic Medicine Week."

SENATE JOINT RESOLUTION 92

At the request of Mr. DENTON, the names of the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of Senate Joint Resolution 92, a joint resolution to designate October 1985 as "National Foster Grandparents Month."

SENATE JOINT RESOLUTION 98

At the request of Mr. D'AMATO, the names of the Senator from Texas [Mr. BENTSEN] and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of Senate Joint Resolution 98, a joint resolution condemning the passage of Resolution 3379, in the U.N. General Assembly on November 10, 1975, and urging the U.S. Ambassador and U.S. Delegation to take all appropriate actions necessary to erase this shameful resolution from the record of the United Nations.

SENATE JOINT RESOLUTION 101

At the request of Mr. LEVIN, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from California [Mr. WILSON], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Illinois [Mr. SIMON], the Senator from Maryland [Mr. SARBANES], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 101, a joint resolution to designate April 24, 1985, as "National Day of Remembrance of Man's Inhumanity to Man."

SENATE JOINT RESOLUTION 103

At the request of Mr. PELL, the names of the Senator from Louisiana [Mr. LONG] was added as a cosponsor of Senate Joint Resolution 103, a joint resolution to designate the month of May 1985 as "Very Special Arts U.S.A. Month."

SENATE JOINT RESOLUTION 108

At the request of Mr. WARNER, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Nebraska [Mr. EXON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Oklahoma [Mr. NICKLES], the Senator from Minnesota [Mr. DURENBERGER], the Senator from New Jersey [Mr. BRADLEY], the Senator from Oklahoma [Mr. BOREN], the Senator from Florida [Mr. CHILES], the Senator from Missouri [Mr. DANFORTH], the Senator from Washington [Mr. GORTON], the Senator from Alabama [Mr. DENTON], the Senator from Texas [Mr. BENTSEN], the Senator from Arizona [Mr. DECONCINI], the Senator from Indiana [Mr. LUGAR], the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], the Senator from South Carolina [Mr. THURMOND], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Kentucky [Mr. FORD], the Senator from New Hampshire [Mr. RUDMAN], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of Senate Joint Resolution 108, a joint resolution authorizing the Secretary of Defense to provide to the Soviet Union, on a reimbursable basis, equipment and services necessary for an improved United States/Soviet direct communication link for crisis control.

SENATE CONCURRENT RESOLUTION 4

At the request of Mr. MOYNIHAN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Concurrent Resolution 4, a concurrent resolution calling on the President to appoint a special envoy for northern Ireland.

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of Senate Concurrent Resolution 14, a concurrent resolution to express the sense of the Congress that Josef Mengele should be brought to justice.

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. HATCH, the names of the Senator from Pennsylvania [Mr. HEINZ], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Concurrent Resolution 22, a concurrent resolution to express the sense of the Congress that sufficient appropriations should be made available for the Job Corps Program in order to maintain it as a viable Federal effort to assist economically disadvantaged youths in obtaining and holding employment and contributing to society.

SENATE RESOLUTION 101

At the request of Mr. WILSON, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of Senate Resolution 101, a resolution to preserve the tax deduction for charitable contributions.

SENATE CONCURRENT RESOLUTION 43—SENSE OF THE CONGRESS THAT ENGLISH IS THE OFFICIAL LANGUAGE OF THE UNITED STATES

Mr. McCLURE submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 43

Whereas the United States has been and will continue to be enriched by the contributions of immigrants from diverse cultures;

Whereas a common language, English, fosters harmony among our people, promotes political stability, permits the interchange of ideas, encourages societal accord, and unites us as a people committed to freedom and equality;

Whereas the learning of the English language by our Nation's immigrants is vital to their participation in the economic, education, social, and political opportunities of our country; and

Whereas a role of the Congress is supporting the bonds that unite our people, one of the most important of which is the use of the English language: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that

(1) the English language is the official language of the United States; and

(2) no language other than the English language is recognized as the official language of the United States.

● Mr. McCLURE. Mr. President, I am pleased to offer a resolution which expresses the sense of the Congress that English is the official language of the United States.

Diversity and tolerance have always made this country great. As a nation of immigrants, we have had to forge our common commitment to freedom from many backgrounds, philosophies and ideals. The very fact that people from all countries and all walks of life have come to America and worked together for common goals is a testament of our strength.

But, Mr. President, while diversity has helped to make us strong, we must not lose sight of our common bonds. Every nation must have those practices which are shared by all citizens. I believe a common language is one of those practices.

For non-English speaking immigrants, the learning of the English language is the first task to be mastered. This has been true for the last 200 years. I believe we do a grave disservice to immigrants if we allow them to believe they can fully participate in the many opportunities this country offers if they do not learn English. This simply is not true. If a person doesn't have a working knowledge of English, he can't fill out a job application, cannot participate in community affairs, cannot be a good consumer. Not only is the immigrant himself shut out of our society, we as a nation suffer the loss of his contributions. If diversity has made us strong, we must have a means of communication to share that diversity. If I were to move to France tomorrow, how could I possibly expect to be a productive member of that nation if I were to continue speaking only English?

Mr. President, the purpose of this resolution is not to discourage, in any way, the ethic and linguistic differences in this country. I support and encourage the rights of all Americans to preserve their cultural heritages. It is vitally important that we preserve our ability to welcome all people from all nations and learn from them. But I believe this is an entirely different issue from the preservation and promotion of English. Maintaining different cultural ties and traditions does not preclude the necessity to read, write, and speak English.

Our former colleague, Senator S.I. Hayakawa, has been widely quoted on this matter but I think his statements bear repeating. Senator Hayakawa said, ". . . language is a powerful tool. A common language can unify; separate languages can fracture and fragment a society. The American 'melting pot' has succeeded in creating a vibrant new culture among people of many different cultural backgrounds largely because of the widespread use of a common language, English. Learning English has been the primary task of every immigrant group for two centuries. Participation in the common language has rapidly made available to each new group the political and eco-

nomic benefits of American society. Those who have mastered English have overcome the major hurdle to full participation in our democracy."

Mr. President, similar resolutions to this one have passed the Senate on two occasions, most recently on last year's immigration bill. An identical resolution has been submitted in the House by Representative NORM SHUMAY. I urge my Senate colleagues to support this resolution.●

SENATE RESOLUTION 140—URGING A TRADE BOYCOTT AND EMBARGO AGAINST NICARAGUA

Mr. BENTSEN (for himself, Mr. COHEN, and Mrs. KASSEBAUM) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 140

Whereas the government of Nicaragua is supplying arms, ammunition, and training to armed insurgents who are attempting to subvert the democratic governments of neighboring countries in Central America;

Whereas the government of Nicaragua has raised its military strength to a level that is disproportionately larger than that of its neighbors in Central America, thereby posing a threat to them;

Whereas the government of Nicaragua has invited and encouraged the presence of thousands of Cuban and Soviet Bloc military personnel in Nicaragua;

Whereas these actions on the part of the government of Nicaragua are not conducive to the preservation of peace in Central America and are contrary to the interests of the United States and other democratic countries in the Western Hemisphere;

Whereas the United States is one of the largest trading partners of Nicaragua; and

Whereas it is inconsistent not to use the peaceful forces of trade to persuade the government of Nicaragua to demonstrate to the world its intention to exist as a responsible member of the fellowship of nations; Now, therefore, be it

Resolved, That the President of the United States is urged—

(1) to institute a total boycott and embargo of United States trade with Nicaragua;

(2) to call upon the Organization of American States to institute a total trade boycott and embargo of Nicaragua;

(3) to call upon the other countries of the free world not to trade with Nicaragua; and

(4) to maintain the boycott and embargo until the President finds and certifies to the Congress that Nicaragua has—

(A) ceased to threaten its neighbors by supporting armed insurgencies against them;

(B) reduced its military strength to a level commensurate with that of its neighbors, such as Guatemala, Honduras, and El Salvador; and

(C) eliminated the presence of all Soviet Bloc and Cuban military advisors.

● Mr. BENTSEN. Mr. President, today, on behalf of myself and other Members of the Senate, I am submitting a resolution which I believe expresses the sentiment of this body. As the Senate has struggled these past months with the question of releasing to the President the $14 million in funds that we included in the continuing resolution for 1985, I have been impressed by the fact that almost every Member with whom I have spoken, or whose views I have heard expressed, has been of one mind: that there is a fear of what the Government of Nicaragua would do if there were not some type of pressure applied to them in a constant and consistent fashion.

Even Senators who have indicated that they will oppose aid to the Contras have said that we cannot afford to have another Cuba on the mainland; that we cannot afford the consolidation of another Soviet satellite state so close to our own borders. Senators favoring continued aid to the Contras often asked how could we send an unequivocal message to the Sandinistas, one that would not be misinterpreted in the light of how close the Senate vote might be on Contra funding.

Our answer is that there is one course of action that we can all support as a means of demonstrating to the Sandinistas our determination that they cannot continue as they are presently doing. That answer is a trade boycott and embargo, a firm, peaceful expression that we are not going to pursue business as usual with them in the face of their unacceptable behavior.

We would urge through this resolution that the President institute a total trade boycott and embargo against Nicaragua; that he call upon the other members of the Organization of American States to do the same; and that he call upon all of Nicaragua's free world trading partners to similarly stop their trade with Nicaragua. We would urge the President to maintain this boycott and embargo until the Sandinistas do three things: cease supporting armed insurgencies against their neighbors; reduce their military strength to a level commensurate with that of their neighbors; and eliminate the presence of the Cuban and Soviet bloc military advisers in Nicaragua.

Now, this resolution does not address the question of funding for the Contras. That is an entirely different issue, with a set of arguments all its own, many of which have nothing at all to do with the Sandinista government and its actions. I expect the Senate to be closely divided on the issue of Contra funding, and I do not want the Sandinistas to misinterpret our vote and take comfort from it, no matter which way it goes. I do not want the Sandinistas to get the mistaken impression that a majority or near-majority of the U.S. Senate thinks that what they are doing in Nicaragua is just fine and has our complete approval.

No, there are many things that merit the disapproval of us all, and a trade boycott and embargo is one way we can be more nearly unanimous in expressing our disapproval of these actions. Now, just what are the Sandinistas doing that we have a right to object to?

First, they are supporting armed subversion against their neighbors, particularly El Salvador. I am sure that we will be debating tomorrow the specifics of arms flow and arms interdiction and all the evidence for and against it and whether aiding the Contras contributes to the process one way or another. I am not going to argue that point today, except to say that I believe it can be demonstrated conclusively that the Sandinista government is attempting to undermine and destabilize their neighbors by supplying arms, ammunition, or training to insurgent groups there.

Second, Nicaraguan military forces under the Sandinistas have risen to such a high level that they can be used to intimidate their neighbors, simply by their very existence. Since 1981 the Cubans, Soviets, and Soviet bloc countries have supplied Nicaragua with approximately $500 million in arms. The Nicaraguans have a tank force of over 100 T-54 and T-55 Soviet-built tanks, a weapon far superior to anything possessed by any other country in Central America. They have Soviet MI-8 and MI-24 helicopters, first-line aircraft that give the Nicaraguans a capability that no other country in Central American even comes close to. And the Sandinistas have increased the number of men in their regular army to 62,000, compared with only 40,000 in Guatemala, 41,150 in El Salvador, and 17,200 in Honduras. Costa Rica, Nicaragua's neighbor on the south, does not even have an army. So it is obvious just what an intimidating presence Nicaragua can be in Central America.

Finally, there are at the present time some 8,000 Cubans in Nicaragua, or whom some 2,500 to 3,500 are military or security advisors. There are 50 to 75 Soviet military/security advisers there, plus 60 to 80 Bulgarians, and 70 East Germans. This is a substantial Soviet bloc presence that does not bode well for the future and certainly does not square with the Sandinista's statements that they are a nonaligned nation. This is a presence that we should discourage.

Whether we like the contras or not, whether we believe we ought to support them or not, there are compelling reasons for keeping pressure on the Sandinistas. We simply cannot afford to close our eyes to what is going on in Nicaragua, particularly as the actions of the Sandinista government affect our vital interests in this hemisphere and threaten the well-being of our closest friends in the region.

We have illusions about what a trade boycott and embargo will do to Nicaragua. By themselves, economic measures alone will not make Nicaragua behave as a responsible member of the world community; the boycott and embargo will, however, have some economic effect on them, because we are their largest trading partner. I realize that the Sandinistas will eventually be able to get around most of the economic effects of the boycott, but it will cost them to do so, and it will take them time to do so.

There is something much more important at work here, though, and that is what these economic sanctions are all about. What we are doing with this resolution is sending a message to the Sandinistas; a message that even though this Senate may be closely divided on some of the specifics of our policy toward the Government of Nicaragua, we are united in saying that certain of its activities are completely unacceptable to us, and that we are prepared to keep the pressure on for as long as it takes to change their behavior. That is what the trade boycott and embargo are all about and that is why I present this resolution to the Senate today.●

NOTICES OF MOTION TO SUSPEND THE RULE

Mr. DOLE. In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend that portion of the rules of the Senate contained in Public Law 98-473, precluding an amendment to Senate Joint Resolution 106, for the purpose of proposing to the bill, Senate Joint Resolution 106, an amendment to be proposed by the majority leader.

Mr. BYRD (for Mr. BENTSEN). In accordance with rule 5 of the Standing Rules of the Senate, I hereby give notice in writing that it is Senator BENTSEN's intention to move to suspend that portion of the rules of the Senate contained in Public Law 98-473, precluding an amendment to Senate Joint Resolution 106, for the purpose of proposing to the bill, Senate Joint Resolution 106, an amemdment.

Mr. HELMS. In accordance with rule 5 of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend that portion of the rules of the Senate contained in Public Law 98-473, precluding an amendment to Senate Joint Resolution 106, for the purpose of proposing to the bill, Senate Joint Resolution 106, an amendment.

Mr. BYRD. In accordance with rule 5 of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend that portion of the rules of the Senate contained in Public Law 98-473, precluding an amendment to Senate Joint Resolution 106, for the purpose of proposing to the bill, Senate Joint Resolution 106, an amendment sponsored by the minority leader.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Energy Research and Development has postponed its hearing previously scheduled for May 16, 1985, on the Department of Energy's Fossil Energy Programs. This hearing has been rescheduled for Monday, June 10, 1985, at 2 p.m. in room SD-366.

In addition, the subcommittee has scheduled a hearing on Thursday, May 16, 1985, to discuss the Department of Energy's report on Congress on emerging clean-coal technologies, which is due to be released on May 1, 1985. This hearing will begin at 2 p.m. in room SD-366.

Those wishing to testify or who wish to submit written statements for the hearing record, for either of the above hearings, should write to the Subcommittee on Energy Research and Development, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information regarding these hearings, please contract Mr. Paul Gilman of the subcommittee staff at 202-224-4431.

SUBCOMMITTEE ON ENERGY REGULATION AND CONSERVATION

Mr. NICKLES. Mr. President, for the information of the Senate and the public I am scheduling a public hearing before the Subcommittee on Energy Regulation and Conservation of the Committee on Energy and Natural Resources.

On Monday, May 6, 1985, beginning at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building the subcommittee will hold a hearing on S. 410, a bill to repeal the Commercial and Apartment Conservation Service, and for other purposes.

Those wishing to present oral testimony or submit written statements for the hearing record should write to the Honorable DON NICKLES, Subcommittee on Energy Regulation and Conservation, Committee on Energy and Natural Resources, U.S. Senate Washington, DC 20510. For further information, you may contact Mr. Allen Stayman (202-224-2366) at the above address.

ADDITIONAL STATEMENTS

NATIONAL PROGRAM TO CONQUER ALZHEIMER'S DISEASE

● Mr. METZENBAUM. Mr. President, over the past several years, I have worked closely with an organization as committed and effective as any I have ever been involved with—the Alzheimer's Disease and Related Disorders Association. The families, researchers, and physicians who make up ADRDA have successfully heightened public awareness of this cruel disorder, while providing insight and direction to those of us responsible for public policy in this area.

I am pleased to report that we are making some significant progress in our effort to develop a treatment and a cure for Alzheimer's. However, we are still a long way from the realization of those goals. It is absolutely essential that we maintain our current momentum in this battle, and resist any efforts to reduce the level of resources committed to fighting Alzheimer's disease.

Mr. President, when we think of Alzheimer's disease, we usually think of the cruelties in inflicts upon the elderly. It is true that this disorder is ravaging older Americans at an alarming rate. There is another set of victims, however, that never shows up on a chart or graph. These are the families and loved ones of an Alzheimer's patient—and their suffering is often greater than that of the stricken. We must begin to explore ways to make the lives of these "victims" more livable. I have talked to a great many people who have seen an entire life's savings wiped out in a matter of months. This simply cannot continue to happen.

Mr. President, as I have done in the past, I will not ask to have printed in the RECORD the Alzheimer's Disease and Related Disorders Association's national policy program for this Congress. It is a thoughtful compilation of proposals that would help ease some of the suffering that I have described. I urge every Member to read it carefully as we work to combat and conquer Alzheimer's disease.

The material follows:

NATIONAL PROGRAM TO CONQUER ALZHEIMER'S DISEASE

(Prepared by the Alzheimer's Disease and Related Disorders Association)

I. STRENGTHENING SUPPORT FOR MEDICAL RESEARCH

"Recent advances in brain research have put us in the midst of the most exciting era since the dawn of the space age."—Michael Phelps, Ph.D.; UCLA, Wall Street Journal, 12/19/83.

Although significant advances have been made in understanding the working of the human brain, the cause of Alzheimer's disease is still elusive. New hypotheses are being vigorously tested in a growing number

of investigations. These studies are focusing on etiological factors as diverse as chemical deficiencies, immune dysfunction, slow viruses and unconnected agents, toxins, trauma and genetic abnormalities.

The number of unanswered questions is so great that the federal government must play a substantial role in helping to mount a strong and sustained research effort. The following areas are recommended as promising directions for future research:

Etiology and Pathogenesis

Support and enlarge research in order to enhance understanding of the cause(s) of the progression of Alzheimer's disease. Such research would include attention to the etiological impact of chemical deficiencies in the brain, advancing chronological age, genetic abnormalities, atypical transmissible agents, environmental toxins and trace metals, autoimmune dysfunction, and psychosocial trauma and stressors.

Encourage existing brain tissue banks to include tissue from Alzheimer's disease patients and from age-matched controls; periodically review to ensure an adequate number of such facilities.

Develop animal models of Alzheimer's disease with more precise neuropathologic and biochemical correlates.

Diagnosis

Develop international standardized diagnostic research criteria.

Develop biological and/or behavioral markers for the early detection of Alzheimer's disease.

Undertake longitudinal studies in order to document in a systematic fashion the progression of the disease.

Examine cases of serious discrepancy between degree of cognitive deficit and extent of brain impairment.

Clinical Course

Develop longitudinal assessment instruments capable of reliably measuring behavioral and biological change over multiple points in time.

Investigate factors that hasten or delay the progression of symptomatology.

Examine individual differences and variability in severity, rate of deterioration, duration of illness and capacity for self-care.

Treatment

Develop new treatment agents for the cognitive and other impairments of Alzheimer's disease.

Establish more sensitive measures of cognitive, affective, somatic, and other changes for use in drug outcome studies.

Evaluate the influence of the environment on Alzheimer's disease patients and collect information regarding the range of behavioral plasticity in patients at different stages of the disease.

Epidemiology

Develop standardized diagnostic assessment for Alzheimer's disease that are suitable for use in field studies.

Determine age-specific incidence and prevalence rates of Alzheimer's disease in diverse populations and study the course of illness.

Assess a variety of possible risk factors that may be associated with the development of Alzheimer's disease.

II. PROVIDING FAIR AND EQUITABLE CONSIDERATION UNDER FEDERAL DISABILITY PROGRAMS

The Social Security Administration has national responsibility for the administration of both the Social Security Disability Program (Title II) and the new Supplemental Security Income Program, or SSI (Title XVI). Title II provides coverage for cash benefits to those disabled workers, and their dependents, who have contributed to the social security trust fund through the FICA tax on their earnings. These individuals have an earned right to disability insurance benefits. Title XVI provides for a minimum income level for the needy aged, blind, and disabled who qualify because of financial need rather than an earned right.

Under both programs, the definition of disability is the same—"an inability to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months." The determination as to whether or not an applicant is disabled as defined by law is made by a special disability determination unit in each state.

Current policy is vague

The statutes authorizing disability benefits do not preclude benefit payments to individuals suffering from Alzheimer's disease. However, the guidelines used by claims examiners to determine eligibility are somewhat vague when it comes to Alzheimer's disease and related disorders.

One very typical example of the problem involves a 58 year old woman who was diagnosed with Alzheimer's disease in 1980. Last year, she was denied disability benefits even though the Social Security Administration noted that she has ". . . some difficulty in concentrating and remembering and an inability to travel by yourself."

The disease is not listed among those brain disorders specifically identified in the guidelines. At the present time a determination of disability due to Alzheimer's disease must be made under the "mental disorders" category. Unfortunately, the eligibility criteria under this category do not lend themselves to cases involving Alzheimer's disease. Furthermore, in some areas state laws prohibit the use of certain specific diagnostic tools needed to demonstrate deterioration in intellectual functioning.

The vagueness in regulations and guidelines has led to wide variations from state to state and an uneven policy towards individuals who have a rightful claim to benefits. In some states rulings have made it possible to determine most Alzheimer's patients are disabled, while in others, extremely strict rulings have made it almost impossible to find an Alzheimer's patient to be "significantly impaired."

Among other things, it seems apparent that the serious and debilitating nature of Alzheimer's disease—information that is so readily available to scientists and many physicians—is not being communicated to those who must make the critical, day-to-day eligibility determinations.

Recommendations

1. The federal regulations and guidelines used in evaluating disability claims should be amended so as to recognize the rights of individuals diagnosed as having Alzheimer's disease.

2. A mechanism should be established whereby the most current scientific information available to the National Institutes of Health and the National Institutes of Mental Health is communicated to those responsible for administering disability programs.

3. Federal agencies, working together with medical and scientific community, should devise specific assessment tools that could be uniformly used by examining physicians.

III. MEETING LONG-TERM CARE NEEDS

Long-term care is a growing national concern. Yet, by and large, national public policy overlooks the most pressing needs of this segment of the population, including those individuals suffering from Alzheimer's disease.

The catastrophic costs of long-term care for Alzheimer's patients often are borne almost entirely by their families, since neither Medicare nor most private insurance plans provide coverage. Medicaid offers some assistance for nursing home costs, but only after families have spent down to poverty in order to qualify.

While the population of Alzheimer's patients is not exclusively aged (more than 60,000 victims are in their forties and fifties), the vast majority are over age 65 and in serious need of assistance, including: Around-the-clock supervision; medical assistance; personal care (eating, bathing, dressing, tileting); mobility assistance; household assistance (metal preparation, housekeeping).

While most families are likely to encounter difficulties coping with long-term medical care costs, those difficulties are far more pronounced for the elderly. Most frequently, the long-term care needs of an Alzheimer's victim arise at a time when the family's economic and social resources are dwindling—oftentimes after savings, other assets, and pensions are nearly exhausted. Of course, the problems are particularly serious for the large number of victims who have no family or friends to care for them.

Compounding the problem for families is the fact that what little assistance is available is biased toward institutionalized care. The fact is that about two-thirds of the Alzheimer's victims with families are cared for in the home; only when the disease is in its final stages are families likely to turn to nursing homes for help. Even then, families of Alzheimer's victims are likely to encounter problems with access, as many nursing homes prefer short-stay, Medicare or privately insured patients.

Finally, the needs of families are virtually ignored by our system of social protections. No provision is made for the needs of the spouse who is caring for an Alzheimer's victim, including home health care, adult day care, and periodic respite care to help fortify the health and well-being of the care giver.

Given this myriad of problems, it is recommended that an integrated long-term continuum of care be provided for victims of Alzheimer's disease. Toward this end, the following actions are recommended.

Recommendations

1. Medicare coverage should be extended to cover the costs associated with caring (at home or in a nursing home) for victims of Alzheimer's disease.

2. Greater emphasis should be placed on research studies and demonstrations to explore alternative health care delivery for Alzheimer's victims.

3. Victims, families, and care givers should be afforded a full range of home care services, including adult day care, respite care, homemaker, and nutrition services. (See also Section IV, Provision of Respite Care Services.)

4. Families and care givers should be permitted a tax deduction or refundable tax credit for the special added costs associated with caring for an Alzheimer's victim at home. (See also Section V, Incentives for Home Care.)

5. Private insurers should be encouraged to develop reasonable cost insurance plans that cover Alzheimer's disease.

IV. PROVISION OF RESPITE CARE SERVICES TO FAMILIES

While most Alzheimer's families prefer to care for their loved one in the home, several studies [1] have reported on the problems experienced by the care giver; namely, emotional stress, loss of freedom, isolation, illness and financial strain. Given the demands for around-the-clock care and supervision, most family care givers are in desperate need of some relief, if only a chance to get away for a few hours.

Responding to the needs of the Alzheimer's families, Congress last year passed legislation which begins to address the issue of support services. Specifically, (a) the 1985 Labor-Health and Human Services Appropriations bill instructs the Administration on Aging to work with the Alzheimer's Disease and Related Disorders Association (ADRDA) and other groups in meeting local needs for respite care services, as well as develop a nationwide effort for providing respite; and (b) the Older Americans Act Amendments of 1984 sets aside funding to support local model projects to provide Alzheimer's disease families with a range of support services, including respite care, day care, and in-home health services.

Recommendation

1. That the Administration on Aging launch a nationwide effort to meet the respite care needs of Alzheimer's families, and that the Alzheimer's Disease and Related Disorders Association be invited to participate in this effort.

2. That the Administration on Aging, in fiscal year 1986, begin to carry out the mandate of the 1984 Amendments by funding local model projects for respite care, day care, and in-home services.

V. INCENTIVES FOR HOME CARE

The financial hardships of a family who has been touched by Alzheimer's disease is staggering. Around-the-clock care of an Alzheimer's victim can cost a family over $30,000 per year. Many families virtually deplete their life savings, and eventually become dependent upon government programs for financial assistance.

The Alzheimer's Disease and Related Disorders Association believes that a national policy should be formulated which encourages families to care for their loved ones afflicted with Alzheimer's disease in the home. We find this to be the health care preference of a majority of our families. Moreover, such an approach offers a most effective way to reduce health care costs at the public level. (According to a 1984 analysis by the Education and Public Welfare Division of the Library of Congress, expenditures for nursing home costs are expected to grow from $27.3 billion in 1982 to a level of $67.1 billion by 1990.)

Recommendation

That families be allowed a tax deduction or refundable tax credit for expenses, other than medical expenses, incurred for the caring of Alzheimer's victims in the home.

VI. ESTABLISHING A CONSISTENT POLICY TOWARD VETERANS

The Veterans' Administration (VA) currently has no consistent policy with respect to veterans with Alzheimer's disease. This has resulted in uneven, some believe unfair, treatment of veterans. Some victims of the disease are admitted to VA medical facilities, while others are denied admission or referred to other state or private agencies. In some instances, veterans are being forced to leave VA facilities or are being "out-placed", thereby disrupting their care and placing even greater strain on the family.

The problem threatens to become even more serious as far greater numbers of veterans enter the vulnerable over-65 age bracket. (At present there are 3.3 million veterans age 65 and over; by 1995, that segment of the population will grow to over 8 million.)

Recommendations

1. The Veterans' Administration should institute a fair and consistent national policy toward veterans with Alzheimer's disease. Guidelines governing the care and treatment of Alzheimer's patients are long overdue.

2. Local VA medical facilities should provide Alzheimer's disease screening, counseling, and treatment programs for veterans, their families, and care givers.

3. Recognizing that Alzheimer's disease can strike persons at a younger age, the eligibility requirements for veterans diagnosed with Alzheimer's disease should be lowered to age 50.

4. Model and/or innovative programs, e.g. adult day health care, should take into account the needs of a growing number of veterans with Alzheimer's disease and related disorders.

5. Support should be expanded for the VA's network of Geriatric Research, Education, and Clinical Centers (GRECC) program. Priority emphasis should be placed on activities involving Alzheimer's disease and related disorders.

VII. MEETING TRAINING NEEDS

Currently, very little training from either a research or a clinical perspective focuses exclusively on Alzheimer's disease.

Research

Despite increased awareness of the extent and burden of dementia in the elderly and despite very promising progress in research in recent years, considerable growth is needed in programs designed to train investigators and academic leaders in this field. A serious shortage of persons trained and committed to research and teaching in all aspects of dementia is well documented, and there are too few settings in the nation with sufficiently qualified faculty to train the needed investigators.

Recommendations

1. Provide support for career development for faculty/investigators capable of proceeding more independently in education and research relevant to Alzheimer's disease.

2. Increase the number of National Research Services Awards in the field of neuroscience, in particular those focused on Alzheimer's disease.

Clinical Training

A growing understanding of improved treatment, care, and management of Alzheimer's disease requires a reevaluation of clinical training needs and opportunities.

The specific areas requiring attention are: Development of a training curriculum specifically targeted to treating persons with Alzheimer's disease and to providing consultation to other service providers working with Alzheimer's disease patients.

Attention to Alzheimer's disease in the basic training of clinical care providers potentially involved in the treatment of these patients (e.g., physicians, psychologists, nurses, social workers, etc.)

Continuing education for those clinicians already in the field.

Training focused on special population needs, such as the poor and minorities with Alzheimer's disease.

VIII. PROMOTING EDUCATION AND AWARENESS

There exists a fundamental need for education and understanding at all levels—from the families and physicians to government officials, life insurance companies, and administrators of pension benefit funds. Only through greater awareness can we hope to change public attitudes toward Alzheimer's and other diseases of the mind.

Recommendations

1. The federal government should continue to designate the month of November as National Alzheimer's Disease Awareness Month.

2. The Alzheimer's Disease and Related Disorders Association (ADRDA) will sponsor educational forums and disseminate information for both lay and professional people regarding the disease.

3. Throughout the year, ADRDA will continue to advise government agencies of the needs of those afflicted with the disease, as well as support research aimed at finding the cause and cure for Alzheimer's disease.

4. The ADRDA will continue to work with other national organizations where there is a shared concern for Alzheimer's victims and their families.●

[1] Archbold, 1982, 1981; Crossman, 1981; Fengler and Goodrich, 1979; Sanford 1975.

THE 20TH ANNIVERSARY OF WINS RADIO

● Mr. D'AMATO. Mr. President, it was 20 years ago, April 19, 1965, that 1010 WINS radio became an all-news station in New York City, the first one to successfully do so in the Nation. As a station emerging from a top forties rock and roll background, some considered this to be a dubious endeavor indeed. However, on November 9 and 10, 1965, when the infamous blackout of 1965 occurred, WINS made its mark on the tristate area by providing information that comforted many people throughout that darkened period—1010 radio's hallmark efforts in 1965 solidified its position in broadcast journalism for two decades to come. For its innovative leadership in this field, I rise in recognition of the example WINS has displayed and in recognition of the many other stations who have joined the ranks of all-news broadcasters.

What makes WINS' broadcasts so significant is the contribution they make to the journalistic tradition. As the leaders of the free world, we depend heavily on our ever-present news network. Without this information we would be unable to have an informed electorate that is the foundation of our democracy: we would face the risk to freedom that occurs in nations where secrecy is the rule and journalism is just another word for propaganda.

Around the clock news service is an idea that has come of age in our busy society where individuals want to be informed, but they are not always able to stop and listen to the news. This concept demonstrates a willingness on the part of media organizations to program for the convenience of their audience—not the other way around. I praise WINS radio's efforts and hope that they remain a public service for many years to come.

Mr. President, thank you.●

SOUTH HEMPSTEAD FIRE DEPARTMENT'S 80TH ANNIVERSARY

● Mr. D'AMATO. Mr. President, I rise today to recognize 80 years of dedicated service by the South Hempstead Fire Department.

The professionalism that they have shown in the performance of their duty has earned them the respect and admiration of their community. Since 1905, the South Hempstead Fire Department has unselfishly protected the lives and property of the residents of their town.

As a volunteer fireman myself, I take special pride in these citizens who risk their lives in the service of others. All of us are aware of how frightening a fire in one's home can be. Thanks to the heroic efforts of these individuals, ready to respond at any hour of the day or night, the residents of South Hempstead can sleep peacefully.

I join many members of the South Hempstead community in commending these volunteers for their courage, dedication, and unswerving loyalty. Mr. President, I thank you for allowing me this opportunity to salute these individuals who make it possible for us to function safely and without fear in our daily lives.●

CONGRESS: ESSENTIAL INGREDIENT IN A SOUND FOREIGN POLICY

● Mr. NUNN. Mr. President, our distinguished colleague from Arkansas, Senator BUMPERS, has written an excellent article which appears in the winter/spring 1985 edition of the Sais Review, volume 5, number 1, published by Johns Hopkins University.

The article is entitled: "Congress: Essential Ingredient in a Sound Foreign Policy." That is a proposition with which all Members of this body would agree. But all too often, Congress is not given a chance to play its proper role.

Congress can be a very constructive voice in the formulation of foreign policy. I have just had the opportunity of participating in an excellent example of congressional executive cooperation in foreign policy. I am speaking, of course, of the Senate observer group to the Geneva arms control negotiations.

Our distinguished minority leader, Senator BYRD, had great wisdom in proposing the idea of the Senate observer group. And the President and Secretary of State demonstrated similar wisdom in recognizing the need for Members of Congress to be part of the process of these vitally important negotiations.

But such cooperations is too infrequently the case. More often we in the Congress find ourselves in confrontation with the executive branch. That should not be the case. As Senator BUMPERS' article points out, the Founding Fathers clearly intended that the Congress should play an active role in the formulation of our foreign policy. The President and the Secretary of State are charged with the execution of that policy, but it is our duty to ensure that the foreign policy of this country reflects the values and goals of the American people.

There is, of course, a natural tension between the executive branch and the Congress with regard to the proper role that we should play in the formulation of foreign policy. But we must never forget, and we must never let the President forget, that in a democracy the only foreign policy that works is a foreign policy that enjoys broad support among the people. Time and time again we have seen foreign policies fail which lacked that support.

Senator BUMPERS' article does an excellent job of reviewing the constitutional history of the role of Congress in foreign policy. I urge all Senators to study carefully his article. I do not necessarily agree with all of the analyses and recommendations that he makes. Nevertheless, Senator BUMPERS, who is one of our most thoughtful colleagues, has prepared an excellent analysis of these difficult issues. It deserves careful consideration by the Congress, by policymakers in the administration, and by all concerned Americans. I sincerely hope that it leads to a greater concerned Americans. I sincerely hope that it leads to a greater degree of cooperation between the President and the Congress in the fields of foreign and defense policy.

It is a great pleasure to ask that the text of Senator BUMPERS' article be inserted in the RECORD at this point.

The article follows:

CONGRESS: ESSENTIAL INGREDIENT IN A SOUND FOREIGN POLICY

(By Dale Bumpers)

(Senator Dale Bumpers (D-Ark.) was governor of Arkansas from 1970 to 1974 and has represented Arkansas in the United States Senate since 1974. He is a member of the Appropriations and Energy committees and has been actively involved in nuclear disarmament and other defense and foreign policy issues.)

In the last two years there has been renewed skirmishing in the long-running philosophical war over the proper role of Congress in the making of U.S. foreign policy, a conflict that first began shortly after the ink was dry on our Constitution. This past spring Secretary of State George P. Shultz told a Senate subcommittee:

This issue of how the Congress and the executive branch should interact in the field of foreign affairs . . . is an extremely important issue, and whether you think it is in the right place or not now, it has moved in recent years in the congressional direction. It seems to me in some of our recent experience we could see some of the downside of that.[1]

A few days later Secretary Shultz questioned the constitutionality of the 1973 War Powers Act and complained that the administration's ability to control its foreign policy had been "constantly undercut" by congressional meddling. This charge was also echoed by President Reagan.[2]

Three days after the remaining troops of the U.S. Marine peacekeeping force left Lebanese soil, Secretary Shultz questioned the value of the debate of Lebanon under the War Powers Act, stating that it "totally took the rug out from under our diplomatic effort."[3] This verbal fusillade came at a time of increasing congressional concern over U.S. involvement in both Lebanon and Central America. While the executive branch's recent chafing over congressional attempts to modify certain aspects of U.S. foreign policy is understandable, it is seriously misguided in terms of both Congress's constitutionally mandated role and historical experience.

Of the many strengths this country enjoys, one of the most subtle, yet significant, is that the Founding Fathers understood the value of weaving creative tension into the fabric of our government. The system of checks and balances within our government is one of the most significant features of the Constitution. The Founding Fathers gave us a system that, by design, does not have the efficiency enjoyed by more authoritative governments, but neither does it allow the monstrous excesses that such governments often create.

Although the role of Congress concerning domestic policy matters in the executive branch is widely accepted, it is much more controversial in the area of foreign policy. This duality of views reached its peak a year ago when, with substantial public support, congressional pressure played a major role in the resignations of James Watt from the Department of the Interior and Anne Burford from the Environmental Protection Agency. At the same time, the insistence of Congress in applying the War Powers Act to the presence of U.S. troops in Lebanon was attacked in no small part because the president succeeded in convincing many that Congress had no business meddling in the

[1] Hearings, Subcommittee of the Committee on Appropriations, Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations for Fiscal Year 1985, Wednesday, 28 March 1984, 17.

[2] Secretary of State George P. Shultz, as quoted in the *New York Times*, 3 April 1984, A6. At about the same time, President Reagan said the Lebanon debate had set back U.S. attempts to help negotiate a political solution in Lebanon, and that calls for the withdrawal of our Marines had "hindered the ability of our diplomats to negotiate, encouraged more intransigence from the Syrians and prolonged the violence." *New York Times*, 8 April 1984, sec. 4, 1.

[3] Secretary of State George P. Shultz, as quoted by Ellen C. Collier in "War Powers Resolution: Presidential Compliance," Congressional Research Service Issue Brief 1BS1050 (Updated 16 April 1984), 3.

matter. Incidentally, the president has not been as successful in swaying public opinion on his Central American policies.

Contrary to the criticism of those who believe that Congress too often stands in the way of an effective foreign policy, the Constitution requires that Congress have an essential role in a successful U.S. foreign policy. The fundamental problem in the U.S. foreign policy process is that flawed policies are allowed to continue. Attacks on congressional "interference" fail to recognize that such "interference" is usually symptomatic of a deeper defect in the policies themselves, and is not in itself the problem.

In fact, the record shows that Congress is usually slow to act, if it acts at all, in restricting presidential flexibility in foreign policy. A large part of the problem is that Congress has not adequately exercised the powers given to it by the Constitution until fairly recently, and now the executive branch is understandably uncomfortable with this change in the status quo. A strong foreign policy process should combine sound policies with the flexibility to adjust them, based on feedback from Congress, our allies, and the executive branch itself.

What is Congress's constitutional role in foreign policy? Under the Constitution, Congress can influence U.S. foreign policy in four major ways: its appropriation powers (the "power of the purse"); its ability to pass laws governing the actions of government employees and the public at large; its war-making powers; and its treaty-ratification powers, most of which is stated in Article I, section 8 of the Constitution. By contrast, the powers of the executive branch are more briefly stated in Article II: the "executive power shall be vested in a president." The president is admonished to "take care that the laws be faithfully executed" and, of course, is designated "commander in chief of the army and navy of the United States." While the words of the Constitution do not draw a sharply defined line between the powers of Congress and the president, they certainly demonstrate that Congress should play a significant role in foreign policy, particularly where military matters are concerned.

During the past few decades an unfortunate but natural tendency has been for the executive branch to interpret the president's role as commander in chief as a kind of constitutional blank check. Accordingly, the Constitution is seen as empowering the president to be the chief military officer responsible for determining not only the use of U.S. forces in the course of a conflict, but also whether such forces are to be used at all. The role of Congress is to acquiesce in whatever action the president takes.

Authoritative sources sharply dispute this thesis and underscore the major role that the Founding Fathers intended for Congress to play in the war powers issue. In 1788 Alexander Hamilton clarified the president's role as commander in chief as:

> nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the confederacy; while that of the British King extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies; all which by the Constitution under consideration would appertain to the Legislature.[4]

The idea that the role of commander in chief is not as powerful as today's executive branch goes back at least to the beginnings of the American Revolution. When the Continental Congress designated George Washington as commander in chief of American forces in 1775, he was told:

> You are to regulate your conduct in every respect by the rules and discipline of war (as herewith given you) and punctually to observe and follow such orders and directions from time to time as you shall receive from this or a future congress of these United Colonies, or a committee of congress, for that purpose appointed.[5]

Thus, the commander in chief was subordinate to the Continental Congress, an interpretation that influenced Hamilton and other Founding Fathers.

Thomas Jefferson also spoke clearly about the leading role played by Congress in committing U.S. forces to combat situations:

> We have already given . . . one effectual check to the dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.[6]

Further evidence that the Founding Fathers intended Congress to have the final say in the use of U.S. forces comes from the fact that the Constitutional Convention had at first given Congress the power to "make" war, but then changed the wording to "declare" war. According to James Madison, he and Elbridge Gerry moved to make this change only to provide for a very special circumstance: "leaving to the Executive the power to repel sudden attacks." [7]

Why did the Founding Fathers have this strong desire to keep the question of war away from the presidency? Their keen sense of history, especially of the wars that had plagued Europe for centuries, has much to do with it, as James Madison alludes to in a letter to Jefferson:

> The Constitution supposes what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. It has accordingly with studied care vested the question of war in the Legislative [branch]. . . .[8]

Some have argued that the Monroe Doctrine provided a precedent for the use of U.S forces by a president without congressional approval. President Monroe, through his Secretary of the State John Quincy Adams, responded in 1824 to an inquiry from Colombia about possible military moves under the Monroe Doctrine by saying "that by the Constitution of the United States, the ultimate decision of this question belongs to the Legislative Department of government." [9]

Thus, by the power of the purse and constitutional wording and intent, Congress has substantial authority in committing U.S. forces to conflict and in the foreign policy process more generally. In the last few decades presidents have overstepped their authority and have actually usurped some of Congress's constitutionally prescribed powers. Recently, congressional moves to reclaim some of the powers it had let slip away over the years, especially in the area of war powers, are long overdue.

During the nineteenth century the president used U.S. troops without congressional authority to suppress piracy, prevent slave trade by American ships, pursue criminals across frontiers, and protect American lives and property in backward areas or regions where government control had broken down. This kind of limited use of force without congressional authorization, but also without initiation of hostilities against foreign governments, was an accepted practice and was tacitly sanctioned by the Constitution. Although few presidents—Polk, Grant, and McKinley—interpreted their powers broadly, others, including Presidents Buchanan and Cleveland, were scrupulously deferential to the war power of Congress. In the twentieth century, the use of troops against sovereign nations without congressional authorization became common practice. Presidents Theodore Roosevelt, Robert Taft, and Woodrow Wilson used their powers to engage in military action against sovereign states, thereby expanding the scope of executive power over the use of armed forces. The Congress of that era did not oppose these unconstitutional acts. In 1941 President Franklin D. Roosevelt committed American forces to the defense of Greenland and Iceland and authorized American naval vessels to escort convoys to Iceland provided that at least one ship in each convoy flew the American or Icelandic flag. By the time Germany and Italy declared war—in the wake of the Japanese attack on Pearl Harbor—President Roosevelt had already committed the United States to an undeclared naval war in the Atlantic.[10]

This trend continued and developed during the Truman, Eisenhower, Kennedy, and Johnson administrations. It became widely believed that the president, in his capacity as commander in chief, had the authority to use the armed forces in any way deemed necessary. In 1950 President Truman committed forces to Korea without congressional authorization and made no public explanation of his use of the war power. A Department of State bulletin, however, asserted that there existed a traditional power of the president to sue the armed forces of the United States without consulting Congress,[11] a right that had never been claimed by previous presidents, but whose explanation would be heard again in later administrations.

In the case of the 1954 Formosa Resolution, President Eisenhower asked for authorization rather than mere approval of support. Under the resolution adopted by Congress the president was "authorized to employ the armed forces." Later resolutions involving the use of armed force abandoned the authorization principle. The Middle East Resolution of 1957, the Cuba Resolution of 1962, and the Gulf of Tonkin Resolution of 1964 dropped the concept of congres-

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[4] Jacob F. Cooks, ed., *The Federalist*, No. 69, Alexander Hamilton (Cleveland: World Publishing Co., 1961), 465.

[5] *Public Interest Report*, journal of the Federation of American Scientists (September 1984): 3.

[6] Cited in Jacob K. Javits, "The War Powers Resolution and The Constitution: A Special Introduction," from *The President's War Powers*, Demetrios Caraley, ed. (New York: The Academy of Political Science, 1984), 2.

[7] Gerald Gunther, *Cases and Materials on Constitutional Law*, tenth ed., (Mineola, N.Y.: The Foundation Press, 1980), 418.

[8] Letter from James Madison to Thomas Jefferson, 2 April 1798, cited in *Public Interest Report*, op. cit., 4.

[9] Cited by Senator Robert Byrd, in *Congressional Record*, 14 September 1983, S12171.

[10] Gerald Gunther, op. cit., 418–19.

[11] Ibid., 419.

sional authorization and used terminology that seemed to accept the view that the president already had the power to use armed forces in the ways proposed.[12]

The war-powers role of Congress probably reached its lowest ebb when Congress abdicated its constitutional responsibility regarding the commitment of troops in Vietnam. The Gulf of Tonkin Resolution was, in essence, a blank check with which Congress ceded its responsibilities to an extraordinarily popular president (at that time), who, in the summer of 1964, was pledging to keep U.S. troops out of the localized conflict.

The Gulf of Tonkin Resolution was couched in very broad terms. It did not find it necessary to authorize the action of the president, stating instead: "Congress approves and supports the determination of the President, as commander in chief, to take all necessary measures to repel any armed attack." It went on to say that "the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force." The resolution was to expire only "when the President shall determine that the peace and security of the area is reasonably assured."

In 1973, after the Vietnam ceasefire had been negotiated, the Case-Church amendment stated that no appropriations, past or future, could be used to finance the involvement of American forces in Indochina "unless specifically authorized" by Congress. The Case-Church amendment was adopted by the Senate in June 1983. In the same month, Congress took final action on an amendment cutting off all funds for American combat activities in Cambodia and Laos, in response to ongoing American bombing in Cambodia. President Nixon vetoed that provision but signed a compromise on July 1, 1973, with a fund-cutoff provision dated August 15. Later President Nixon agreed to seek congressional authorization for any military action in Indochina. A lasting outcome of Vietnam—and of the Watergate scandal that followed so closely on its heels—was the drastic loss of trust in the executive branch by both Congress and the public at large. Trust, like integrity, is easily lost and only slowly regained. Even today that trust has not been restored. As a result, nine years after the Gulf of Tonkin—years in which the country endured the trauma of costly and ultimately unsuccessful conflict—Congress in 1973 passed the War Powers Act, after it overrode President Nixon's predictable veto.

In rediscovering the wisdom of the Founding Fathers that no president should be entrusted with the power to decide when to go to war, Congress sought through this legislation to circumscribe the president's authority to use U.S. forces abroad without congressional authorization. However, in the same spirit that moved Madison and Gerry to change the phrase "make war" to "declare war" in the Constitution, Congress provided sufficient flexibility to deal with emergencies and other situations where quick response is necessary.

Briefly, the War Powers Act requires the president to consult whenever possible with Congress before sending U.S. forces into hostile situations, and to continue consultation for as long as the forces remain. Of particular importance is the requirement that the president notify Congress within forty-eight hours whenever U.S. troops enter a combat zone or face imminent hostilities. The troops must be withdrawn within sixty days unless Congress authorizes their continued presence in the area. The sixty days can be extended for thirty more days by the President if he certifies the need to do so.

The charge that the War Powers Act was in effect an assault on presidential power is to some extent true, but it came only after repeated and successful assaults on congressional power by the executive branch over the years. The assaults gave rise to what Senator Jacob Javits, the chief sponsor of the legislation called "an age of undeclared war, which has meant Presidential war."[13]

Executive-branch opposition to the War Powers Act was and is understandable, since it does restrict presidential prerogatives to some extent. Yet the constitutional case for a strong legislative role in the decision to commit U.S. forces is compelling. In fact, the real trouble some critics have is probably not so much with Congress as it is with the Constitution and the Founding Fathers.

The enactment of the War Powers Act did not, however, herald a new age of activism by Congress, yet it provided an important tool for doing so. It would be ten years before the Act would be used to require congressional authorization for U.S. troops to remain abroad. At the same time, it did not shackle the president's ability to act in emergencies, as both the 1975 Mayaguez incident and the 1980 Iran hostage rescue attempt demonstrate.

The only major thrust against executive power in foreign policy made by Congress in this period was Congress's cutoff of funding for pro-Western guerrillas in Angola in 1975, which was bitterly critisized by Secretary Kissinger and others at the time. Even that show of backbone by Congress was due mostly to the intense memories of Vietnam that were still fresh. Congress has only now begun to act decisively in the somewhat similar situation of Nicaragua after several years of support for covert activities.

The first real confrontation between Congress and the executive branch over war powers occurred over Lebanon, a decade after the act was passed. Even here, the issue did not really arise until almost one year after U.S. troops had been introduced there without so much as a "by your leave" to Congress. This further illustrates that Congress is not usually seeking excuses to tie the president' hands. While many senators such as Henry Jackson and Barry Goldwater objected to the introduction of U.S. troops into Lebanon, Congress acquiesced in the hope that the action would help to bring about peace in the area. Had the United States maintained its status as a truly neutral third party in the conflict, our forces might not have come under attack and Congress might never have challenged the president in this issue. However, the Reagan administration adopted a policy of training and supplying the Lebanese Army, which was increasingly viewed by the Moslems as supporting the status quo of Christian minority rule. This led to the unraveling of all the assumptions on which our original introduction of troops was based. Sniping and shelling incidents began to occur in early 1983, and by the summer they increased in intensity, along with U.S. casualties. The Reagan administration's persistence in pursuing a policy that clearly ran major risks for U.S. security interests for fairly small potential gains aroused bipartisan opposition in Congress, which led in September 1983 to a major war-powers debated. In a compromise that was more in the nature of a congressional cave-in, the administration agreed to comply with the law in return for congressional authorization to permit the U.S. Marines to remain in Lebanon for an additional eighteen months.

The administration accepted this only grudgingly,[14] and even then complained over congressional interference. Yet with explicit congressional authorization for U.S. troops to remain in Lebanon for at least eighteen months, the president's hand was only strengthened. Finally, the tragic and entirely avoidable bombing of the marine barracks, followed by the removal of U.S. troops from the Beirut International Airport, brought down the curtain on one of the clearest failures of U.S. foreign policy in years. Had Congress tied the president's hands on this issue more quickly and forcefully, this debacle might have been avoided.

If anything, the Lebanon crisis demonstrated that the War Powers Act needs to be strengthened. The sixty- to ninety-day limit in the act was intended to be self-activating, yet Congress found itself compelled to establish that the time limit had been triggered not when troops were introduced, but when it granted an eighteen-month authorization for U.S. troops to remain. Congress might well want to consider amending the act so that the courts can quickly adjudicate disputes over time limitations, the presence of hostilities, and other issues.[15]

In the past year Congress has also spoken up more forcefully on U.S. Central American policy, but only after the existing policy had caused serious concern about the possibility of direct U.S. combat involvement. In El Salvador, political pluralism and continuing bipartisan congressional pressure on human rights helped convict the murderers of the four U.S. churchwomen who had been killed three years earlier. In addition, increasing congressional and public criticism of administration policy for being oriented too much toward military instead of political solutions seems to have resulted in policy changes that encouraged an environment in which President Napoleon Duarte took office by way of free elections rather than by military force. At the same time that Congress was pushing for such changes in U.S. policy, it was also providing most of what the administration requested in the way of military assistance for the Salvadoran government. Support for this two-track policy was strengthened considerably by Duarte's election, which assured Congress that it was not funding another lost cause.

The House of Representatives has tried very hard to cut off the administration's program for funding the contras in Nicara-

[12] Ibid., 419-21.

[13] Senator Robert Byrd, op. cit., S12172.

[14] In signing the Lebanon War Powers Resolution on 12 October 1983, President Reagan stated: "Nor should signing be viewed as any acknowledgement that the President's constitutional authority can be impermissibly infringed by statute, that congressional authorization would be required if and when the period specified in Section 5(b) of the War Powers Resolution might be deemed to have been triggered and the period had expired or that Section 6 of the Multinational Force in Lebanon Resolution may be interpreted to revise the President's constitutional authority to deploy United States armed forces." (Congressional Research Service), op. cit.

[15] These and other suggestions are discussed in Michael J. Glennon's articles, "The War Powers Resolution Ten Years Later: More Politics Than Law," *American Journal of International Law* 78 (July 1984): 571-81; and "Strenghtening the War Powers Resolution: The Case for Purse-Strings Restrictions," 60 *Minnesota Law Review* 1 (1975-76).

gua because of its belief that such funding is counterproductive to U.S. security interest. Accordingly, the compromise worked out with the Senate in October does tie the hands of the president by effectively blocking all contra funding without further congressional approval. This is one case, however, when tying the president's hands is in our best interest, and it is directly in line with the mandates of the Constitution.

Congressional attitudes about arms control also reinforce the reality that Congress generally is loath to interrupt the foreign policy process except when it perceives that executive branch policies have gone seriously off course. As Justice Cardozo once said: "All history demonstrates that legislation intervenes only when a definite abuse has disclosed itself, through the excess of which public feeling has been aroused." [16]

Throughout the Nixon, Ford, and Carter administrations, Congress gnerally content to debate the merits of specific weapons systems and their impact on U.S. defense and arms control objectives. This congressional acquiescence was the result of broad bipartisan support for the Strategic Arms Limitation Talks (SALT) process and for the efforts of the executive branch in this area. Incidentally, Congress was also fairly quiet on arms control during the first year of the Reagan administration. Congress felt that the new administration deserved time to develop new policies and put them into effect. However, the administration's delay in resuming arms negotiations, its plans for a major nuclear arms buildup, its continuing stream of silly and dangerous rhetoric about fighting nuclear wars, and its collection of unrealistic arms control proposals frightened publics and galvanized legislatures on both sides of the Atlantic. The serious treatment of freeze proposals in Congress was a direct result of the freeze movement that swept the country in 1982, the basic message of which was that the government must slow down or halt the arms race.

As Congress increasingly perceived the administration's Strategic Arms Reduction Talks (START) proposals to be "flawed" and "so one-sided to be virtually unnegotiable," as former secretary of state Alexander M. Haig has described them,[17] Congress began "interfering" in U.S. START policy. Again, this intervention only occurred after the formation of a consensus that the administration's START policy was seriously defective. The build-down proposal was championed by some in the Senate as a way to inject some realism into the administration's negotiating strategy. After intensive study by the executive branch, and serious negotiations between administration officials and key build-down sponsors, the president agreed to adopt a watered-down version of the original build-down proposals.

The real strategy of those in Congress behind build-down was to hold the MX missile hostage in return for greater flexibility in START; the intricacies of the build-down proposal itself were not really at issue. Although the success of this strategy is somewhat unclear, the build-down's major significance was that an important segment of congressional opinion—which could hardly be called liberal on defense issues—was sufficiently troubled by U.S. START policy that it threatened the centerpiece of the administration's arms buildup. Congress only acted in this manner after more than a year of no progress in the arms control talks and hints of still further hardening of the U.S. negotiating position.

Similarly, Congress has acted recently on such issues as antisatellite arms control, submarine-launched cruise missiles, nuclear testing, and the continuation of the U.S. policy of, in effect, abiding by existing SALT agreements. However, Congress felt compelled to do so only after the administration indicated that it might not or would not pursue policies in these areas that Congress believes are in our national interest.

The president has, at times, called for a return to a bipartisan foreign policy:

> We must restore bipartisan consensus in support of U.S. foreign policy. . . . Republicans and Democrats [must stand] united in patriotism and speaking with one voice. . . . Congress must support the practical details of policy, not just the general goals.[18]

Although a broadly supported bipartisan foreign policy is a desirable objective, such a policy is earned, not ordered. If any president wants a bipartisan foreign policy, he must adopt a pragmatic approach that merits the support of both parties. A continuation of the policies of the last four years will see further erosion in his support from both sides of the aisle.

In the last four years Congress has played a much more active role in U.S. Foreign policy than in the past. Although its bark was often worse than its bite, it succeeded in several cases in modifying U.S. policy. Should Congress continue to play this more active role? Will it? And, if so, what are the implications for the executive branch and for U.S. foreign policy?

A vigorous and successful U.S. foreign policy requires a more active congressional role. In virtually every case over the last few years, congressional "interference" in the executive branch's foreign policy was not only proper but required. When Congress was successful in modifying executive branch policy, it did not act until the executive branch had had a lengthy period of time to implement its policies. In each case, Congress responded with restrain in its impositions on the executive branch's policy. However, in some cases—such as Nicaragua and the MX—Congress may have reacted too late and with too little restraint.

The implications of Congress's failure to play an active role in foreign policy are sobering indeed. The entire Vietnam debacle could have been largely, if not entirely, avoided had Congress been more assertive in the mid-1960s. When one considers the casualties, extra defense spending, and civil unrest caused by the Vietnam War, the cost of congressional inaction in the future would be exorbitant indeed. Congress played an important role over just the last couple of years in ensuring that the United States did not become more militarily involved in Central America.

Some people will argue that an increasingly assertive congressional role will limit the power and flexibility of U.S. foreign policy. Of course, an administration that is unaccountable to Congress for its foreign policy would have more flexibility in its options, including the flexibility to pursue dangerous policies. However, such an unfettered administration would perhaps not always have more power in conducting its foreign policy. The president would still come to Congress for funding, and a Congress that withheld its objections to a president's policies during most of the year would be much more dangerous to deal with at appropriations time.

A more active role by Congress does not mean that, on any given day, a President Gulliver would awaken to find himself tied down by 535 congressional Lilliputians. It is important to keep in mind that a vocal Congress can and does provide support for the president when it agrees with his policies, and this strengthens the president's hand and gives him more authority in carrying them out. For example, Congress never wavered when it came time to proceed with the deployment of the Pershing IIs and ground-launched cruise missiles in Europe late in 1983. At a time when Europeans were loudly protesting, Congress firmly supported the president in these deployments. Likewise, the president has received strong support from Congress for a number of strategic weapons programs, including the Trident submarine and missile, the air-launched cruise missile, the Stealth bomber, and the small ICBM.

Certainly Congress is no more immune to bad ideas in foreign policy than is the executive branch, but there is little reason to believe that an activist Congress would behave irresponsibility. The process of debate and deliberation usually weeds out flawed ideas, so that those which survive the congressional gauntlet of committee hearings and markups, floor debate, amendments, and House-Senate conferences usually have merit. Congress often listens to executive-branch comments and reflects them in its legislation when the case has been convincingly made. Furthermore, a Congress that has played an important role in sharpening U.S. foreign policy is not likely to change course and undercut it. Conversely, an irrelevant Congress, free of responsibility for foreign policy, would be more likely to act irresponsibly.

Another reason for a strong congressional role in foreign policy is that it serves, in effect, as an ombudsman for the American people over executive-branch policy and behavior. The presidency is a powerful post, where personal whim or ideology can lead to bad policy (as Vietnam and Lebanon attest), possibly at odds with both the needs and the beliefs of the American people. Congress is in far more intimate contact with the people of this country on a daily basis than is the president or his cabinet, and it usually has a more detailed understanding of their concerns. Relegating Congress to the role of cheerleader and check-writer for the president's foreign policy would do the same to the American people. Any foreign policy based on this philosophy will surely encounter serious problems in the difficult years ahead, when public support will be crucial.

Will Congress continue to play a more active role in foreign policy over the next four years and the years to come? The short answer is that it all depends on the president's policies. If the executive branch tries, or is seen as trying, to involve U.S. forces overseas without congressional authorization, Congress will most likely try to "interfere" with the president's ability to do this. If the executive branch is perceived as trying to pursue unrealistic arms control objectives that have the practical effect of stifling progress, Congress will "interfere" here as well. On the other hand, a pragmatic foreign policy that emphasizes quiet diplomacy as much as military might and is pursued in close consultation with Congress

[16] Senator Robert Byrd, op. cit.

[17] Alexander M. Haig, Jr., *Caveat* (New York: MacMillan, 1984), 223-29.

[18] President Reagan as quoted in the *New York Times*, 7 April 1984, A6.

and will not just acquiescence but strong congressional support. Thus, the degree of congressional "interference" is largely up to the executive branch.

What can the executive branch do to avoid, or at least minimize, congressional attempts to restrict or thwart its foreign policy and security initiatives? There is no substitute for a sound set of policies. Sustained and increasing congressional criticism of a particularly policy, coupled with legislative attempts to change or block that policy, should be viewed as a symptom of a deeper problem, not as the problem itself. While Congress is far from infallible and certainly does not speak with one voice, it is generally safe to assume that, when an appreciable majority persistently voices concern about a particular policy of a president—especially a politically popular president—there is a fundamental problem with that policy.

Furthermore, because Congress is usually slow in responding to problems, when it does finally react, it generally indicates that the problem has become serious. The executive branch's understandably human impulse to decry unremitting congressional criticism of its policies should be resisted. Such criticism should be viewed as a useful distress signal regarding the policy in question, either in its concept or execution.

This does not mean that the specific solution offered by Congress is necessarily the answer for whatever ails executive-branch policy, though such solutions should be examined. Such criticism should lead to a careful reexamination of policy, in consultation with Congress, with a serious eye to modifications.

In short, an assertive congressional role is essential in forumlating and implementing a successful U.S. foreign policy, although this alone cannot guarantee success. The executive branch must also consult closely with Congress and pursue a sound strategy that Congress and the public can support; it must also be secure enough to react positively to the concerns that underlie congressional criticism, and then be able to modify its policies when necessary. Such an executive branch, pursuing a sensible foreign policy, need have little fear of Congress tying its hands. Congress has not, cannot, and should not seek to usurp the executive branch's role in foreign policy formulation and execution. But an assertive exercise of the role assigned to Congress by the Constitution strengthens our ability to pursue a foreign policy that best serves U.S. interests around the world.

WAL-MART'S "BUY-AMERICA" CAMPAIGN

● Mr. PRYOR. Mr. President, for some time now, I have been insisting that American manufacturers, with their incredible ingenuity and energy, can beat anyone anywhere in the world. Yet in spite of our remarkable record, the United States continues to face staggering trade deficits. Last year, our trade deficit with Japan was $37 billion, and estimates for 1985 are that it will increase to somewhere around $45 billion.

I was pleased, Mr. President, to read in yesterday's Washington Post an article about my fellow Arkansan, Sam Walton, the chairman of Wal-Mart Stores, headquartered in my native State of Arkansas. Mr. Walton is a firm and conscientious American who shares a concern over the trade deficit. And he takes the position that what is most threatened in this country is the number of manufacturing jobs that continue to go abroad.

Sam Walton has recently signed a contract with a small manufacturer in Brinkley, AR, for 240,000 flannel shirts. In a sense, he is putting his money on the line, assuring American manufacturers that his 753 stores will buy from them and negotiate for their professional talent and ability. We are seeing in the Wal-Mart effort a new and encouraging Buy-America campaign, and I salute Sam Walton.

At the same time, Mr. President, I should like to point to another story in the New York Times on April 10. This also emphasizes Sam Walton's Buy American campaign, and it is fitting that he be recognized in this way—not only in Arkansas, where we know his contributions firsthand, but also throughout the country.

Mr. President, I ask that these articles be included in the RECORD and that my colleagues in the Senate pay close attention to what they say.

The articles follow.

[From the Washington Post, Apr. 21, 1985]

WAL-MART FLYS THE FLAG IN IMPORT BATTLE—PRODS U.S. PRODUCERS WITH FAVORABLE TERMS

(By Caroline E. Mayer)

Late last year, Sam Walton, the chairman of Wal-Mart Stores, Inc., gave his merchandise buyers an order: Think of a product that American manufacturers have given up on because of competition from cheaper imports.

An apparel buyer suggested inexpensive flannel shirts, virtually all of which are now made outside the United States.

Today, the 753-store discount chain has a $600,000 contract with a small Brinkley, Ark., manufacturer for 240,000 flannel shirts—one-tenth of what the company anticipated it will sell next winter.

"We've set out to prove that American manufacturers can make merchandise we sell on a competitive basis with the same quality and value as products made overseas," said David D. Glass, president of Wal-Mart, one of the nation's fastest-growing and most successful discount chains, second to K mart Corp. in size.

"As a company, we are tremendously concerned with the trade deficit," Glass said. "We see a tremendous erosion of manufacturing jobs in this country as manufacturers accelerate the movement to go offshore to make their goods. None of us will believe what this country will be like five to 10 years from now if we continue to let this happen."

Between 1981 and 1984, an estimated 1.6 million American jobs were lost to imports, Walton recently pointed out in a letter to his suppliers. "In one year [1983 to 1984], non-oil related imports grew $70 billion, an increase of 33 percent. The trade deficit reached $123.3 billion, an increase of 78 percent. Something can and must be done to reverse this very serious threat to our free enterprise system and our great country," he wrote.

Now Walton wants to try to turn the tide. Last month the company officially launched a novel and ambitious Buy-American campaign to prod domestic manufacturers to produce more goods at home. Last year the company purchased about 5 percent of its goods from foreign manufacturers. This year, Walton said he hopes to reduce that to 4 percent through his campaign, with further reductions in the years ahead.

By offering unusually favorable terms—including longer lead times and more advantageous financial agreements—Wal-Mart hopes to prove that American manufacturers can make quality products that will match or beat the prices of imported goods.

"We are willing to work with the domestic manufacturers to a greater extent than we have done before," Glass said.

Also, Wal-Mart is willing to lower its margins to sell the goods at a competitive price, Walton said. "We are asking our manufacturers to lower their margins; in turn, we will lower ours."

However, Walton contended that profitability for the company—which earned $240 million last year on sales of $6 billion—should improve because it will force the company to make better buys. Perhaps even more significantly, the campaign will be promoted in Wal-Mart's stores, creating more "enthusiastic and appreciative customers," Walton noted.

The contract for flannel shirts with Farris Fashions Inc. is the first test of Wal-Mart's resolve.

To help Farris Fashions Inc. be price-competitive, Wal-Mart has helped locate and finance the flannel material it needed to meet the contract. "Without Wal-Mart's help, I would have given up on the project long ago," noted Farris' president, Farris Burroughs. "I kept beating my head to find piece goods and financing," he said, noting that he had called every textile manufacturer he knew, unsuccessfully looking for material. Ultimately, Wal-Mart called manufacturers to find goods and promised favorable financing terms for the goods to help Farris get a start.

Additionally, Wal-Mart "has agreed to pay us a little quicker than normal," Burroughs said,

"If I didn't have that work, I'd be hard pressed to keep my 100 employees busy," said Burroughs. "Without that contract, I'd be out beating the bushes. And with business now very slow in the shirt and blouse business, those bushes are almost all beat out."

Wal-Mart didn't have to make these arrangements, Burroughs said. "People are beating down Wal-Mart's doors to sell them goods," he asserted. "All Mr. Walton has to do is to say 'give me so many dozen.' He doesn't need to worry about" where his goods are being manufactured.

Yet he said Walton does have a direct interest in the import problem: A lot of the Americans who are losing jobs as a result of import competition are Wal-Mart customers.

"If his people are not working, they can't be buying anything. It's as simple as that," Burroughs noted.

Wal-Mart's campaign comes at the same time other major retailers are pressing the federal government to relax its import quotas on apparel. The retailers argue that the quotas hurt consumers by restricting the amount of lower-priced foreign-made goods, while raising the price of those goods that do reach the country.

We're swimming upstream," Glass said.

Wal-Mart's Buy-American campaign was launched in a letter Walton sent to his major suppliers last month. To date, it has resulted in about half a dozen new contracts with American manufacturers, some of which already had been producing goods for Wal-Mart's stores. Most of the contracts are for work at plants in Wal-Mart's selling area in the South.

Julie Girl—which has four plants in the Southeast—has been making ladies sportswear and loungewear for Wal-Mart for the past 13 years. But under the Buy-American campaign, the company has entered into new agreements that, among other things, give Julie Girl more time to meet Wal-Mart's orders.

"Normally, big retailers go overseas and commit their orders a year in advance and then come back here and domestically place their orders closer to their needs" explained Louis Perlman, president of Julie Girl. "Wal-Mart is now making their commitments to us about the same time they make their commitments overseas. The longer lead time enables us to make better deals with domestic piece-good mills. It also gives us better production planning and allows us to become more efficient in our plants, thereby lowering our overhead and our costs."

The new Wal-Mart contracts will create about 200 more jobs for Julie Girl, Perlman said. At the time, he added, it may have a snowball effect on Julie Girl's suppliers as they, too, are given a longer lead time in filling the manufacturer's orders.

Wal-Mart's Buy-American drive comes at a good time, noted Robert Welsh, president of Capital Mercury Shirt Corp., which has been one of Wal-Mart's longtime suppliers.

"A year ago, two years ago, even three years ago, it wouldn't be the right time because the prices overseas were very depressed," Welsh said. Today, higher labor costs and the quotas are pushing overseas prices up, "making it feasible for American manufacturers to be within striking distance," he said.

As a result of Wal-Mart's drive, Capital Mercury, which makes many of its men's shirts outside the United States, decided to bring some production back to this country and even expand some of its facilities in the hope that Wal-Mart's efforts will prod other retailers also to buy from domestic shirt makers.

"With Wal-Mart's advanced commitments as the nucleus of the Buy-American program, we believe we will now be able, on certain items, to equal or beat the offshore manufacturers—but not for all items," Welsh said.

Wal-Mart's drive goes beyond apparel. It also has entered into contracts to buy American-made electric fans and bicycles, and it has signed a $469,000 contract with a Ft. Smith, Ark., manufacturer of casual furniture to make outdoor stacking chairs that will be sold for about $15 each. Wal-Mart had been importing the chairs from Taiwan.

"They've elected to give us the same arrangements they make overseas," said Don Flanders, chairman of Flanders Industries, a company with 100 employes and sales of $7 million a year. "They will make their commitments further ahead and they will pay us faster."

Typically, retailers agree to pay domestic manufacturers 30 days after an order is shipped, while they pay offshore producers at the time it is shipped, Flanders noted. By agreeing to pay Flanders when the chairs are shipped, Wal-Mart is enabling the company to produce the chairs "at less of a competitive disadvantage than an offshore firm." At the same time, the contract has created about 30 more jobs a year, Flanders said.

Until Wal-Mart offered to grant these favorable terms, Flanders said he would not have been able to include them in any of his contracts—even though they are standard provisions for his foreign counterparts.

"There are too many domestic manufacturers who compete with us that are not willing to make demands so they could get the business," Flanders said. "Only if we all went together and said, 'No, we won't do this unless you agree to this," would it work—and that's against the law."

Not all manufacturers are enthusiastic about Wal-Mart's drive.

"One of the disappointing things is when a manufacturer says he doesn't want to participate," Glass said. "Some manufacturers who produce many of their goods offshore say 'why should I have the headaches managing people and running a plant? I'd rather contract offshore and have the goods manufactured by someone else.'"

The Buy-American drive is "more work," Glass acknowledged, "You have to work with a manufacturer—meet with him and visit his plant to inspect it for quality control. But we do it abroad."

The campaign is also a gamble, Glass noted. "Retailers are generally reluctant to commit to longer lead times to guard against economic downturns or changes in fashion. So we are taking some risks. . . .

"It is not a quick fix. Down the road, we may get to the point where we feel we are beating our head against the wall because, by ourselves, we won't make a difference."

Yet manufacturers say Wal-Mart's drive already is beginning to have an impact.

"We're getting rumblings from other retailers," said Capitol Mercury's Welsh. "They won't let Mr. Walton steal the march on them because it's going to catch them."

One of the interested retailers is Wal-Mart's midwestern rival, Venture Stores, a 60-store discount chain owned by the May Co.

"Mr. Walton is absolutely right." said Julian M. Seeherman, Venture's chief executive officer. Buy-American "is the kind of statement we've been making but not getting publicity on," he added plaintively. Nonetheless, he said, Venture is contacting some of the same manufacturers Wal-Mart is doing new business with—and its own suppliers as well.

"We would be willing to help these people," he said. "One way would be to give them a guaranteed order before they buy the first dollar's worth of material."

In addition to retailers, some of the manufacturers also are receiving inquiries from outside investors.

"A New York financier called me to say he would like to get involved in helping me finance my purchases of raw material," said Farris' Burroughs.

So far, Wal-Mart's agreements have been relatively small, considering its annual purchases amount to $8.5 billion a year, noted Arkansas Gov. Bill Clinton, who has played an active role in Wal-Mart's campaign, partly because Wal-Mart is based in his state and partly because of the state's high unemployment rate. Among other things, Clinton was instrumental in linking Wal-Mart with Farris.

"I think this will take off. But it will have to have a slow start—because they need successes at the beginning," Clinton said.

Glass, Wal-Mart's president, said, "We don't think we're going to make a major influence in changing the trade balance in the country, but someone has to start."

[From the New York Times, Apr. 10, 1985]

WAL-MART'S "BUY AMERICAN"

(By Peter T. Kilborn)

WASHINGTON, April 9.—Sam M. Walton, the downhome Arkansas retail executive, is upset about the flood of imports, and he is aiming to do something about it.

As the chairman of Wal-Mart Stores, a 753-unit discount chain that operates largely in rural communities, Mr. Walton, who Forbes has estimated to be worth more than $2 billion, sees his small-town customers losing their jobs as factories close because of imports.

In February, he wrote to 3,000 American manufacturers and wholesalers telling them that the chain wanted to buy more American goods. "Our continued success depends on our mutual reaction to a very serious problem with regard to our balance of trade deficit," he said in the letter. Wal-Mart reports that so far it has written new orders with four suppliers as a result of the 66-year-old Mr. Walton's appeal.

"What Wal-Mart is doing follows in the footsteps of Henry Ford," proclaimed A. Gary Shilling, an economic consultant in New York. "Ford said that if you don't pay your workers enough, they are not going to be able to buy Fords. Wal-Mart is saying that if you don't buy the workers' goods, they're not going to be able to buy your goods. It's all in Wal-Mart's enlightened self-interest."

These approaches, sometimes termed "Buy American" campaigns, fly in the face of conventional economics. They limit competition and usually mean higher prices for consumers. American consumers tend to be price-wary shoppers, and so if imports are cheaper, they go to the stores that sell them.

Also, Wal-Mart is swimming against an awesome tide. Although its sales last year, mostly of American-made goods, were $6.4 billion, which put it behind only the K Mart Corporation among discounters, such a figure pales alongside the ever-rising American trade deficits, and Wal-Mart, by itself, is unlikey to make much of a dent. The only beneficiaries of Wal-Mart's policy may thus be its competitors.

"If you can buy domestically, we would much rather do that, but we're looking for the best value for the customer," said A. Robert Stevenson, vice president for corporate and public relations at K Mart.

"We're for free trade," said Robert Ulrich, president of the third-ranking Target Stores discount chain, a division of Dayton-Hudson. "We're the customer's representative, and we try to get the best deal for that customer."

But Wall Street analysts who monitor Wal-Mart are impressed by Mr. Walton's campaign. "he has a leadership role in American retailing," said Walter Loeb, a retail industry analyst at Morgan Stanley & Company. "He's somebody coming out and saying, 'Hey, we don't have to buy everything from the Far East.' I think this is the beginning of a major drive of American retailers to buy American products."

Mr. Walton did not say that Wal-Mart would pay more for American products or undermine the company's competitive advantages as a discount store. But Wal-Mart executives say that indeed they will some-

times pay a little more for American goods and then shave the markups they put on their goods.

"But that's not the point," said David Glass, president of Wal-Mart. The point, Mr. Glass said, is to look differently at the costs of buying imports and to modify the company's ways of doing business with domestic suppliers to help them keep their costs down.

On April 2, Wal-Mart signed its biggest order yet under its "Buy American" program. It ordered 400,000 portable electric fans from Lasko Metal Products of West Chester, Pa., a deal worth more than $3 million. Lasko will produce most of Wal-Mart's fans in Franklin, Tenn, and Fort Worth, which are in the heart of Wal-Mart's territory.

Wal-Mart previously bought such fans from the Far East, and because of such competition from imports, Lasko had cut back its employment rolls by 30 percent over 10 years. "This order will bring us right back to where we were then," said William Weber, a vice president of Lasko.

Wal-Mart has also ordered men's flannel shirts from Farris Fashions Inc. in Brinkley, Ark., men's printed dress shirts from the Capitol Mercury Shirt Corporation in Manhattan and stackable metal garden chairs from Flanders Industries in Fort Smith, Ark.—all new orders displacing business previously done with the Far East.

Don H. Flanders, the chairman of Flanders, said that upon hearing of Wal-Mart's new policy, he approached Mr. Walton. "A lot of the items that we sell they were buying from Taiwan," Mr. Flanders said, "and Sam has made an attempt to bring that back."●

THE SENATE BUDGET RESOLUTION AND THE CHILD NUTRITION PROGRAM

● Mrs. HAWKINS. Mr. President, when the Senate budget resolution comes to the Senate floor on Wednesday, I intend to offer an amendment to eliminate the proposed cutbacks in the Child Nutrition Program. I urge my colleagues to support this effort.

I ask that a letter from the American Association of School Administrators appear in the RECORD at this point.

The letter follows:

AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS,
Arlington, VA.

The undersigned education associations ask your support for an amendment to the budget resolution sponsored by Senator Paula Hawkins and any other amendments to restore proposed savings in the school, lunch and breakfast programs. The proposed savings in the White House compromise would terminate the cash subsidy for students who pay the full price for school lunches, and eliminate the inflation adjustment for the free and reduced cost lunch program and the breakfast program.

Terminating the cash subsidies for students who pay full price and eliminating the inflation adjustments may have a harmful effect on the school lunch and breakfast program for three reasons. First, losing the cash subsidy means that school districts would have to use local or state funds to make capital improvements or pay school food service employees. This would mean an increase in the cost of meals for all students and would cause an estimated 5,000 to 6,000 schools to drop the federal nutrition program. This is not to say that school districts would not serve lunch, rather they would drop the federal program.

If a school district drops its lunch program, and raises the price of each meal to makeup their lost subsidies, poor students will be hurt more than any other group of students. One need only look at the latest data from the 1980 Census that 40% of persons in poverty are 17 or under to understand the need for nutritious meals and continued federal support for school lunch programs. It is a myth that terminating the cash subsidy for middle class students who pay the full price for meals will not hurt disadvantaged students. Needy students will certainly be hurt if school districts do not have free and reduced meals and raise the cost of meals.

In 1968 the television documentary "Hunger in America" showed poor students watching their classmates eat because they could not afford lunch. The documentary contributed to the establishment of subsidized meals for such students. The needs are no less great today.

Thank you for your interest and consideration. If you have any questions please contact any of the identified individuals in the undersigned organizations for further information.

Yours truly,

Joseph J. Scherer, Ph.D., American Association of School Administrators; Linda Tarr-Whelan, National Education Association; Arnold Fege, National PTA; Michael Casserly, Council of Great City Schools; Amy Peck, The Council of Chief State School Officers; Greg Humphrey, American Federation of Teachers; Marshall Matz, American School Food Service Association; Michael Resnick, National School Boards Association.

CHILD NUTRITION BUDGET CUT

The Senate Republican Leadership-White House budget plan calls for a cut of $400 million in child nutrition (down from $700 million) during FY 86, and a $1.8 billion cut over three years. Most of the savings are attributable to a 100% elimination of the federal cash support paid to schools and institutions for meals served to children from families with incomes above $19,600.00.

According to the Library of Congress, Congressional Research Service, under the original $700 million proposal some 7.3 million children and approximatley 17,900 schools were at "risk of dropping from the program".

The American School Food Service Association estimates that under the new budget plan 3-5 million children and 5,000-6,000 schools will be forced from the National School Lunch Program.

When a school is forced from the National School Lunch Program all children, including poor children, lose access to the National School Lunch Program.

The so-called "high income subsidy" is not a transfer payment to individuals but a grant-in-aid to schools that supports the basic infrastructure of the school lunch program.

The effect of a "freeze" in FY 86 hits the school lunch program very hard in the out years. Since the school year starts in July, a freeze in FY 86 only affects one school month, September, 1986. In effect, therefore, almost the entire $400 million cut in FY 86 is above a freeze. It is also why the out-year cut grows to $800 million in FY 88.

The Omnibus Reconciliation Act of 1981 reduced child nutrition funding by approximately one-third. While the child nutrition programs represent less than one-half of 1% of the federal budget, they shoulder 4% of the cut enacted as part of the Omnibus Reconciliation Act. In short, the child nutrition cut enacted in 1981 was approximately 10 times greater than an across-the-board freeze.

The 1982 Department of Agriculture study on the school lunch program found it to be nutritionally important to children in all income categories. It states that "the superiority of the School Lunch is reflected in higher daily intake of nutrients for the general school-age population and for all the population subgroups that were examined." Hungry children don't learn!●

NATIONAL WATER POLICY

Mr. MOYNIHAN. Mr. President, on Friday, April 19, I had the pleasure of speaking about national water policy to a gathering of leaders of the business and financial communities. The meeting in New York City was hosted by the National Water Alliance, bipartisan, nonprofit organization dedicated to the formulation of rational water policies and to educating the public on our many water-related problems.

The message I conveyed last Friday was one that I have expressed many times on the Senate floor. If we fail to develop a truly national water policy, the current stalemate will continue: no deep ports, no more flood control, no new locks. Senator ABDNOR and I plan to report a water bill out of the Water Resources Subcommittee within a few weeks. I hope this body will take action on the bill.

I ask that the text of my speech be printed in the RECORD.

The remarks follow:

SPEECH BY SENATOR DANIEL PATRICK MOYNIHAN

U.S. News and World Report recently suggested that water, the resource most taken for granted, might well be the focus of our next resource crisis.

There are ample grounds for such speculation right here in New York City. New York City's clean water comes from the Catskills, not from the Hudson, where striped bass are too contaminated by PCB's to be eaten safely. From the Catskills, the water travels to New York and business through an invisible system of tunnels and pipes in desperate need of repair.

The problem is widespread. According to the Water Resource Council's Second National Water Assessment, consumption of water in the United States had doubled since 1960, from 61 billion gallons per day to 121 billion gallons per day. By the year 2,000 daily consumption will reach 135 billion gallons per day.

Three-quarters of this is used to irrigate crops, but this use of our water resources has probably peaked already. Most of the coming increases in demand will be from industry—especially manufacturing and utilities which means we have something to talk about here today.

Is there enough water? The answer varies, depending on where you are. There are 106 so-called "hydrologic" regions in the country, and the Water Resource Council estimates that 17 of these 106 will have serious water supply problems in the next 15 years. According to the U.S. Geological Survey, in the Colorado River basin water consumption already exceeds renewable supplies. There, they can and are making up the difference by mining groundwater. Even our region, which usually gets plenty of rain, has periodic shortages, especially in large cities like this one.

The problems go beyond water shortages. New York city draws its water from surface reservoirs, albeit a considerable distance away; Long Island, on the otherhand, may be said to drink from one well. And that well, the underground water supply or sole source aquifer, is gradually being poisoned by toxic pollutants.

Nassau County has 389 public wells, and toxic chemicals have been found in 119 of them, mainly shallow wells where pollution would first become apparent. The situation is as bad in Suffolk County. The Department of Health there tested the wells in Mastic Beach for five years, and found 19 percent of them tainted with dangerous chemicals. The point is, you don't need a chemical spill or a toxic waste dump to pollute the water supply. Some of these chemicals come from residents' homes, passing through their septic tanks and ending up in shallow wells. Nitrates from lawn fertilizers, chlorides from salts used on icy roads, pesticides used by potato farmers—all can end up in the water supply.

There are water problems across the nation. But may I say, these problems do not make a crisis. We have not run out of water. We do not stand on long lines for water, or pay exhorbitant prices for it. There is no crisis; but there is no national water policy, and that could produce a crisis.

It was not always so. In 1824, the Supreme Court established the Federal responsibility for waterway transportation, in *Gibbons* v. *Ogden*. That same year, Congress passed the first waterway improvement bill—a measure to allow the Army Corps of engineers to carry out "snagging and clearing" operations on the Mississippi and Ohio Rivers. (Now we have snags of entirely different sort, and they had better be cleared away.)

Since then, the Corps and that other great builder, the Bureau of Reclamation, have undertaken a series of monumental tasks, each in response to an identified national need. The line separating California from Mexico is one of the few political boundaries in the world visible from space (excepting those boundaries that coincide with a river or some such natural feature). The croplands of the Imperial Valley are lush and green, because they were irrigated; immediately across the border, dry cotton fields.

All over what was once the "Great American Desert," cities and crops grew, and new regions of the continent were developed. Engineers tamed the Mississippi and the Missouri with a seeming endless series of flood control dams and levees. They dredged great seaports and created a waterway transportation system for the interior.

Recent history has been considerably less glorious. Congress has not authorized construction of a major water project in 15 years. A few studies and small projects were authorized in 1976. The Carter presidency passed without enactment of an omnibus water bill, and President Reagan is well on his way to the same dubious achievement. Even Congressional authorization is no guarantee of action. Congress has appropriated no funds for new projects, even ones long ago authorized, in 5 years. According to the General Accounting Office, the average delay between a project survey and the beginning of construction is a quarter-century.

I have said, we have no national water policy. By definition, such must include the entire nation. Yet, current policies, such as they are, exclude one region of the country: this one. From 1930 to 1980, the four major Federal water agencies spent some $85 billion on water resource development projects. 37 percent was spent in the South, and 36 percent in the West. Seven percent in the Northeast. In those 50 years, the State of Montana received more than $2500 in water resource funds for every man, woman and child there. How much was spent for each New Yorker?—about 3 percent as much, $83.

Is our corner of the continent so endowed with water that we need no water resource development? I think not. It rains more in New York than in Arizona, but the water does not always come at the right time or in the right place.

On February 25 last, the City of New York declared a drought watch. On April 3, this was upgraded to a drought warning. It rained and snowed so little during the past eight months, that the city's reservoirs have fallen to 59 percent of capacity. That should be compared to a norm of 96 percent for this time of year.

Drought is not new for New York. The worst was in 1965. In that year—140 years after passage of the first waterway bill—Congress finally recognized the water problems of our region. The Rivers and Harbors Act of 1965 states:

"Congress hereby recognizes that assuring adequate supplies of water for the great metropolitan centers of the United States has become a problem of such magnitude that the welfare and prosperity of this country require the Federal government to assist in the solution of water supply problems."

The Act directed the Corps of Engineers to study these problems. The Northeastern Water Supply Study completed in 1977—even that took 12 years—concluded that New York City has a water deficit, which means that its supplies would not be adequate in the event of a bad drought. In the year 2000, according to the Corps, the City will need 1.42 billion gallons of water a day; in a drought as bad as the one in 1965, the city could count on 1.29 billion gallons a day. That's a daily deficit of 130 million gallons.

New York City draws 90 percent of its water from six reservoirs in the Catskills, 100 miles away. The water flows by gravity through a network of tunnels, under the Hudson and down in to the city. The system is one of the great engineering achievements of the 20th Century, and it was built without any help from the Federal government.

The City will need more water, and it may be forced to do something it has never done before—"skim the Hudson." Take water from the Hudson River during high flow periods and store it in the reservoirs. For the first time, New Yorkers would be drinking from the Hudson River.

Water has to be delivered. The backbone of the City's distribution system is two water tunnels, completed in 1917 and 1936. That is about 70 and 50 years ago. Neither has ever been inspected, repaired, or maintained. You could not do so without cutting off the water supply of half the City.

A third water tunnel is now under construction. It will backup the two existing tunnels and provide additional flow capacity. The City of New York is spending 10 percent of its capital budget on this third water tunnel, and the total cost could well exceed $5 billion.

Not a penny more of Federal funds has been expended for the new tunnel than for the first two, which is to say, none. Under current Federal policies, the Third Water Tunnel is called a "local responsibility."

Yet, the Bureau of Reclamation today is completing a $2 billion system of dams, aqueducts, canals, and pump stations, called the Central Arizona Project because that's where it is. The project will deliver Colorado River water to the businesses, lawns and swimming pools of Phoenix and Tucson.

That is why we need a national water policy.

In 1979, I was Chairman of the Subcommittee on Water Resources, and I joined Pete Domenici of New Mexico in a proposal to end the current chaotic and idiosyncratic system. Our bill was simple: instead of authorizing water projects on a case-by-case basis, Congress would distribute funds to the states using a formual based on population and land area. In this way, the needs of the States would replace the Congressional seniority system as a driving force behind water policy. Each State would concentrate its share on the problem it considers most pressing—whether they be municipal water supply, flood control, drought, or navigation.

Six years later, nothing has changed. Senator Abdnor of South Dakota and I reintroduced a bill on January 31 that takes a small step toward better water policy. If enacted, it would be the first major water legislation in 15 years.

Our bill, S. 366, would require a fixed level of State and local cost-sharing for water projects—for example, 35 percent for flood control and 30 percent for dredging general cargo harbors. Cost-sharing is sensible not just in view of the budget deficit; it requires that those who would be affected by the project also believe in its economic benefits.

The legislation would create a new program of Federal loans for rehabilitating municipal water supply systems. Over five years, the Corps of Engineers would lend up to $2.7 billion to American cities, loans to be paid back with interest. Priority would go to cities that have difficulties borrowing from other lenders, although any city could apply.

May I mention another piece of legislation, the "Sole Source Aquifer Protection Act". I introduced this in an effort to establish a procedure for cooperation among local, State, and Federal Governments, to protect underground drinking water supplies. A township or a group of towns, with the approval of their State's Governor, could apply for a Federal grant to develop and implement a plan. This plan would evaluate the water quality in a sole source aquifer, identify sources of pollution, and assess what kind of development could be pursued safely on the lands over the aquifer. The bill would authorize $165 million in Federal grants over four years, and up to $25 million could be used for a single sole source aquifer area, such as Long Island.

These proposals would not solve all our problems, or even most. They would intro-

duce greater uniformity in water policy, and establish the first major Federal effort to address the water problems of older cities and communities that depend on ground water.

It is hard for Congress to create national water policy alone. We need help from the Executive Branch. Also, from scientists and economists, environmentalists and businessmen, the people who know the value of water. That is why I joined the National Water Alliance. The Alliance operates on a sound principle: the only way to develop sound national water policy is if those who know most about it will talk—to each other, to the politicians, and to the public. You are major users of water, so you have much to contribute to this process. Do so.●

ARIZONA STATE MEMORIAL URGING STUDY OF NATION'S MONEY SYSTEM

● Mr. GOLDWATER. Mr. President, it is my pleasure today to place in the RECORD the text of House Concurrent Memorial 2002 adopted by both Houses of the Arizona State Legislature recently urging the Congress to make a serious study to examine and consider reform of the Nation's money system.

As one who has long supported the principle of restoring gold backing to the dollar and thereby indirectly putting the Federal Reserve System under control of Congress, I commend the suggestion made by the Arizona Legislature to my colleagues.

The memorial follows:

HOUSE CONCURRENT MEMORIAL 2002

To the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, a sound, stable money system is vital to a free nation to protect the economic and political liberty of the people; and

Whereas, the present money system, the Federal Reserve, was established to end the "boom and bust" cycles, to stabilize the currency, to end farm foreclosures and to provide for expansion of the money supply when needed; and

Whereas, since the introduction of the present money system, the Federal Reserve, our states and our people have suffered recurring recession cycles, a loss of ninety per cent of the purchasing power of the dollar and farm foreclosures of thousands per week during the Great Depression of the 1930's and the 1981–1983 depression; and

Whereas, the Federal Reserve has provided for the expansion of our money supply, but under their system they charge us interest on every Federal Reserve dollar in circulation; and

Whereas, no other issue affects our states and our people as directly because labor, farmers and businesses are absolutely dependent on the nation's money system and may be in grave danger in the near future without major reforms; and

Whereas, serious charges have been made that the Federal Reserve has failed to achieve the objectives laid down when it was established, that the present debt-money system works to the disadvantage of the people and results in ever-higher interest rates for people, business and government, that violations of prudent bank management practice by large United States banks in making loans all over the world have placed this nation, our banking system and our taxpayers in dire jeopardy and that the Congress of the United States has been unwilling or unable to face this issue squarely and take action to protect us from further abuses.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States commence a study and hold hearings to examine the nation's money system and consider reforms of the system which are designed to protect the people and their economic security.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation.●

JOHN W. PATTON

● Mr. HARKIN. Mr. President, I take this opportunity to honor John W. Patton of Independence, IA, who is observing his 80th birthday on April 27, 1985.

Mr. Patton has had a long and distinguished record of public service, having served in the Iowa State Senate from 1965–69 and in the Iowa House from 1971–73. He also was a member of the Iowa Commission on Aging, as well as being a member of the Agricultural Stabilization and Conservation Service. In addition, he was for 20 years a rural electrification cooperative director of the Buchanan County Rural Electric Cooperative and also served as president of that organization.

A life-long farmer in Buchanan County, Mr. Patton recently retired with his wife, Alma Elizabeth, to their home in Independence, IA. Mr. Patton is still active in community affairs serving on senior citizen boards, both local and statewide. He also continues his active role in the Democratic Party.

Mr. Patton's community and public service has been a trademark of his entire life, and I am privileged to take this time to honor an outstanding citizen and public servant.●

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

MONTHLY STATEMENT OF RECEIPTS, OUTLAYS, AND DEBT

Mr. NICKLES. Madam President, each Senator receives on a monthly basis publications entitled the Monthly Statement of the Public Debt of the United States and the Monthly Treasury Statement of Receipts and Outlays of the United States Government. These are periodic reminders of the painful reality that our fiscal situation in this country is worsening.

For the benefit of my colleagues and also my constituents I shall briefly summarize these statements.

For the month ending February 28, 1985, total public debt outstanding was $1,698 billion—that is $1.7 trillion. This compares to $1,458 billion for the same period in 1984, an increase of $240 billion in the last 12 months. For latest census data, this equals $7,335 per person and $19,881 per household. This represents a 16.5-percent increase of total debt over the last 12 months and a 343-percent increase over 1970.

The Treasury Department estimates that borrowing from the public to finance the Federal debt for the year will be $210 billion. Total capital available in U.S. markets is $715 billion, of which Government borrowing takes a 29-percent share. At the current rate, Treasury estimates $1,841 billion in total public debt by the end of this fiscal year. This amount is especially staggering when compared to the total debt of $383 billion for 1970.

For the month of February, we amassed $54.0 billion in tax receipts and $75.1 billion in outlays, leaving a deficit for the month of $21.1 billion for the month of February alone. Fiscal year to date amounts are $290.6 billion in tax receipts and $391.2 billion for outlays, or spending for a deficit of $100.6 billion in the first 5 months of this fiscal year.

Treasury estimates that by the end of the year we will have received in taxes $736.9 billion and that we will spend $959.1 billion and have a net resulting deficit of $222.2 billion.

For the entire year, this translates into taxes of $3,183 per person or $8,628 per household. It estimates spending of $4,143 per person or spending $11,230 per household for a deficit equaling $960 per person or $2,602 per household.

Madam President, I will just make a comment. I think that these figures are staggering. I think they are shocking. To conisder that in the first 5 months of this fiscal year we have a deficit of over $100 billion and it is rapidly growing, that bothers this Senator.

We have some difficult decisions to make and we are going to be making a lot of them in the next week or two, and I hope Congress will show the courage and conviction to say that we need to get these deficits down.

I might also mention that it is estimated that we will be spending this year 24.8 percent of GNP. It is also estimated that tax levels this year will be 19 percent of GNP, and if you look over the last several years an average taxing level has been running at about 19 percent of GNP but the spending level has increased from an average of around 20 percent just in the last few years up to above 24 percent.

This information is aimed at encouraging my colleagues to look hard into making the types of spending cuts necessary to bring down the deficit when they consider the budget resolution, authorizing and appropriating legislation.

REMOVAL OF CARGO PREFERENCE FROM ALL AGRICULTURE EXPORTS

Mr. NICKLES. Madam President, on April 17, I introduced a bill which would remove cargo preference from all agriculture exports. As I state then, a cargo preference is an example of the debris of Government regulations that pollute our trade channels, slowing agriculture exports.

Following my statement was a recent Wall Street Journal article, an excerpt of which hit on the need for Congress to repeal cargo preference requirements. The article stated, "Congress has never had a better opportunity to rid the U.S. of the cargo-preference curse and thereby hand farmers a whopping victory."

Needless to say, I totally agree with that portion of the article. However, the article goes on to say that Congress should go along with the administration's approach to the 1985 farm bill. This is where I part ways with the administration and the Wall Street article. In fact, I have offered my own proposals to the 1985 farm bill.

On March 7, before the first Senate Agriculture Committee hearing on the 1985 farm bill, I outlined my proposals. Madam President, I ask unanimous consent that my statement and proposals presented to the Senate Agriculture Committee be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR DON NICKLES

I thank the committee for the opportunity to testify today at the first of what will likely be a lengthy series of Senate Agriculture Committee hearings on the 1985 farm bill.

Farmers have operated for the past four years under government programs that have failed in a number of areas. They have failed to maintain farm income despite increases in taxpayers' dollars used to finance the programs. They have failed to hold down production and in fact, have many built-in incentives for producing beyond our nation's ability to consume and export.

Oklahoma farmers and ranchers have made it clear to me over the past several months that deficit spending remains their worst enemy. They also agree that no single piece of farm legislation is going to solve all of their problems. However, the 1985 farm bill can be structured to offer much needed help to our nation's ailing agriculture sector while still remaining budget conscious. It can do this by targeting benefits to those most in need—the medium-sized farm owners.

After months of deliberating with farmers and ASCS officials, I have formulated a 1985 farm bill proposal which I am submitting for the record. I would like to expand on a few of the points in my proposal which I feel must be addressed. In particular, the acreage base system and production levels required of farmers in order to maximize program benefits need close attention. This proposal affects the commodity programs for wheat, feed grains, cotton and rice.

Because of annual adjustments from increasing or decreasing planted acreage, the current base system has denied farmers the ability to be flexible and diversify their base. I urge that adjustments in bases cease. Guaranteeing bases will allow farmers to diversify without risking reductions in their acreage base.

Another fault of the farm programs we've been under are that in order to maximize program benefits, program participants must produce on all allowable acreage. Last year, it cost $400 million to store and handle government-owned commodities which have accumulated because of program incentives to produce beyond our needs. To afford flexibility and to stop encouraging excess production, I propose that any participant who produces the program crop on 50 percent of his guaranteed base should be considered eligible for full program benefits. Additionally, when computing program benefits, a stable yield reflecting production levels under normal operating conditions should be used. These changes will permit a shift to planting permanent cover and other crops rather than providing incentives to devote production to surplus crops.

I differ with the Administration on where target price levels should be set. The 1985 farm bill must retain an economic safety net to prevent a collapse of rural America. After 50 years of farm programs and government interference in the marketplace, rapid elimination of income supports could devastate farming communities throughout the nation.

Rather than continuing efforts to control supply through acreage reduction, I favor taking away incentives to produce in excess. I am proposing that ten percent of a participant's guaranteed base be planted to permanent cover. This would allow some of the millions of acres of erosion-prone land to be taken out of production—promoting conservation rather than misuse of our natural resources.

The United States government owns $7 billion of surplus commodities which are uncommitted to food aid programs. I have introduced separate legislation which would facilitate the use of barter, to effectively dispose of unneeded commodity stockpiles. This common-sense approach allows us to use surplus agricultural products to our advantage rather than letting them add to farmers' economic detriment. The National Defense Stockpile comprised of strategic and critical materials not produced in the United States, is $10 billion short of the amount needed in the event of a national emergency. We are currently appropriating nonexistant funds to purchase these materials from other nations—nations that need the surplus food products stored in U.S. warehouses. A little horse-trading between the two inventories would better serve all involved parties.

Again, I thank the committee for the opportunity to testify and would welcome comments on any of the provisions offered in the farm bill proposal I am submitting here today.

FARM BILL PROPOSAL SUMMARY

[Wheat, Feed Grains, Cotton and Rice]

Senator Nickles' proposal is based on the following: the present farm program has (1) failed to maintain farm income; (2) failed to hold down production; (3) many built-in incentives to produce beyond our ability to consume and export; (4) become costly to all taxpayers.

1. Program Bases and Yields

The possible recomputation of crop bases every year based on increases for overplanting or decreases for underplanting, decreasing if not reporting, etc., must cease. Guaranteeing bases will allow farmers to diversify without risking reductions in their acreage base. Additionally, farmers have been encouraged by program incentives to produce on allowable acreage in order to maximize program benefits.

To afford flexibility and to stop encouraging excess production, any participant who produces the program crop on 50 percent of his guaranteed base should be considered eligible for full program benefits. Additionally, when computing program benefits, a stable yield reflecting production levels under normal operating conditions should be used. These changes will permit a shift to planting permanent cover, other crops, haying and grazing, etc.

2. Market-Oriented Loan Rates

In order to compete effectively in international markets and to discourage expansion by foreign producers, commodity loan rates should be based on a percent of an historical average market price. Loan rates for all program commodities should be set at about 75 percent of the average market price over the last three years.

3. Target Prices

The target price program should be continued to provide income support while not encouraging production beyond our needs. Target prices reflecting USDA estimates for cost-of-production should be considered in determining the target price.

4. Targeting Benefits

Program benefits should be targeted to mid-sized farmers by limiting eligibility for benefits to the first $200,000 of production, based on gross sales. Larger producers would qualify for benefits on the first $200,000 of production, as long as they comply with all program provisions, but would have to market the remainder with no government assistance.

5. Set-Aside Acreage

Efforts to control supply through acreage reduction have been largely unsuccessful. Provisions to idle land should be limited to requiring an acreage equal to 10 percent of the cropland base on participating farms to be established to permanent cover (grass or trees) as part of a long-term conservation reserve.

6. Sodbuster Provisions

Farmers who plant new crops on highly erodible land would be ineligible for any

federal assistance for those crops. A strong sodbuster bill, cosponsored by Senator Nickles, has passed the Senate twice, and has been reintroduced in the present Congress.

7. Bartering Surplus

The farm bill should also include legislation to encourage the bartering of surplus commodities for strategic materials from other nations. Senator Nickles has introduced separate legislation to establish the barter system. This would help reduce current commodity stockpiles and enormous storage costs, while replenishing our National Defense Stockpile of strategic minerals.

Mr. NICKLES. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

HOLOCAUST COMMEMORATION

Mr. PELL. Mr. President, as a member of the U.S. Holocaust Memorial Council I had the honor of representing the Senate last Thursday at the national civic commemoration of the Days of Remembrance of the Victims of the Holocaust. This year's ceremony marked the 40th anniversary of the liberation of Europe and the rescue of the Jews from Nazi concentration camps by Allied forces.

Among the participants were Secretary of the State George Shultz, who gave a very moving commemorative address, the Congressman STEVE SOLARZ who represented the House of Representatives. In paying tribute to the American soldiers who liberated the camps, Secretary Shultz reminded us that we are "our brother's keeper" and that we must "never turn a blind eye to the suffering inflicted around the world."

Mr. President, I believe my colleagues would be interested in the excellent and moving words of Secretary Shultz and Congressman SOLARZ. I ask unanimous consent that they be printed in full in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE GEORGE P. SHULTZ BEFORE THE HOLOCAUST COMMEMORATION

As the 40th anniversary of the Allied victory in Europe draws near, we in America remember not only the triumph of our soldiers and the peace-loving nations of the world, but the rescue of the Jewish people from the Nazi evil.

Every year thousands of Americans visit the memorial to the victims of the Holocaust at Yad Vashem. I myself will be going there next month. The images of Jewish suffering at Nazi hands still burn in our memories. We will never forget, and the world must never forget, the inhumanity of which mankind is capable when it disregards the sanctity, the dignity, and the human rights of all men and women. Our nation shared the grief of those who had survived the concentration camps. We mourned for those who had not. And we made one very simple pledge: Never again.

Today we are assembled to pay tribute to the American soldiers who liberated the prisoners of Nazi concentration camps toward the end of the Second World War. Nothing we say here can have much significance compared with the noble and selfless act of those American liberators. When those soldiers walked into the camps and saw the horrors wrought by Nazi fanaticism, they recognized at once the enormity of the evil they had just conquered. And they forced the world to recognize it, as well.

Never has civilization been confronted by such an unmitigated, monstrous evil as Hitler's Nazism. Never have the will and strength of the democracies been so severely challenged. Never has one people been singled out for such grievous suffering at the hands of their fellow human beings.

The rise of Nazism, and most particularly, the ruthless murder of six million Jews, together dealt an almost devastating blow to all our most fundamental hopes for the modern world. Those who prior to the war had maintained their faith in the possibility of human progress, in the idea that with high culture and high civilization would come the end of man's inhumanity to man, those who had envisioned the day when respect for the dignity, the sanctity, and the human rights of every individual on earth would be universal—all of us who shared these dreams were stunned by the Holocaust. We castigated ourselves for the world's collective failure to stop it sooner. And after the war, after the concentration camps had been liberated and the bodies of the dead had been buried, we all promised ourselves that next time it would be different. Never again would we allow a monstrous evil to go unchallenged. Never again would we appease the aggressor. Never again would we lose sight of the fundamental moral principles upon which our free society depends.

The men who liberated the camps in a sense liberated the world, as well. They put an end to the physical tragedy, though they could not put an end to the spiritual anguish. We will never forget the atrocities committed by Hitler, and we will continue to pursue the criminals who carried out his awful designs. We will bring them to justice no matter how long it takes.

But the Americans who liberated the camps four decades ago also gave us hope. They made it possible for us to look forward, to start again, to begin to restore our faith in the possibility of a better world, even while the memories of the recent horrors lived on. They offered a new chance for all peoples in all nations to join together in defense of humanity. These brave men showed that the evil ever-present in mankind can be confronted and eventually defeated by an even more powerful devotion to justice and the will to sacrifice for a greater good.

We must never forget that lesson.

The principles that the rescuers upheld, and for which many gave their lives, continue to animate heroic idealists of our own day, whose consciences will not permit them to acquiesce in injustice.

It is the principle summed up by one of the spiritual mentors of the American Revolution, Edmund Burke, when he said: "The only thing necessary for the triumph of evil is for good men to do anything."

When Andrei Sakharov denounces the systematic denial of human rights by Soviet totalitarianism, and exchanges a position of honor and comfort in the Soviet elite for a life of persecution and exile, he honors the example and the memory of those who have fought tyranny and liberated the oppressed. So do the brave individuals administering the funds provided by Alexander Solzhenitsyn to aid the families of Soviet dissidents. And Anatoly Shcharansky's courageous stand against the Soviet police state is a testament to the human will. He not only endures, he prevails through this example to others.

We have seen the spirit of the rescuers in the mothers of Buenos Aires' Plaza de Mayo, who protested the disappearance of their children week after week, year after year—even after some of their own numbers "disappeared"—until democracy was reborn in Argentina. And that spirit lives on today in the acts of those courageous South Africans, of all races, who have sacrificed—sometimes their privileges, sometimes their lives—to protest and expose the cruelties of apartheid.

Thank God most Americans have never had to face choices like this, but a few of us have. One who did was an American officer who was captured during the Vietnam war and survived an 8-year ordeal in a North Vietnamese POW camp. As Admiral James Stockdale put it:

"From this eight-year experience I distilled one all-purpose idea . . . It is a simple idea. An idea as old as the Scriptures, an idea that naturally and spontaneously comes to men under pressure. That idea is, you are your brother's keeper."

The magnitude of these injustices, I repeat, is not the same. They cannot be equated with Nazi genocide, where was unique in the annals of human depravity.

But the principle applies universally: we are our brother's keeper. We must never turn a blind eye to the sufferings inflicted around the world. We must always draw strength and inspiration from the courage and altruism of the rescuers.

And we must never delude ourselves. Mankind's capacity for evil did not die in the bunker with Hitler.

We see evil in the world all around us, in efforts to impose totalitarian authority on unwilling peoples, in efforts to subjugate, suppress, and sometimes vanquish entire races, classes, and religions.

The legacy of the rescuers admonishes us all to stand up and fight back.

The memory of the American liberators will live on forever, as will the memory of the evil they put an end to. We can only be thankful, and proud, that Americans were willing to make the ultimate sacrifice to defend freedom and the rights of mankind. May we always have the courage, and the vision, to meet such challenges. Only then can the better world we all seek become a reality.

REMARKS BY CONGRESSMAN STEPHEN J. SOLARZ "DAYS OF REMEMBRANCE"—UNITED STATES HOLOCAUST MEMORIAL COUNCIL

Four decades ago, the allied armies brought to an end the most cruel and cold-blooded evil in the long history of man's inhumanity to man.

This is most assuredly a time for both remembrance and reconciliation.

But if it is incumbent upon us to mourn the victims of the Holocaust, it is not, nor can it ever be, appropriate for us to pay tribute to the villains whose service to the Nazi regime made it possible.

The Second World War was not, as perhaps we should have learned from the global conflict that preceded it, the war to end all wars. But it was the war which forever stamped the mark of Cain on the brow of man.

Now we know, as we never knew before, the depth of depravity to which the human spirit can sink.

It was not just the splitting of the atom but, even more, the institutionalization and industrialization of death, in the service of abiding racial and religious hatreds, which has created the shadow and spectre of mass destruction under which we are doomed to live for the rest of time.

There is nothing we can do to bring back to life those whose souls and spirit were snuffed out in the gas chambers and killing fields of Nazi-occupied Europe. We cannot even adequately pay homage to the courage and dignity they displayed on the altar of hate and cruelty.

But we can invest their sacrifice with a redeeming significance, if we resolve to do everything within our power to prevent such an evil from ever happening again.

In the aftermath of the Holocaust, nothing will ever be the same. The memory of the Six Million has irrevocably shaped the consciousness, if not the conscience, of mankind.

Here in our own great country, the indifference with which we once witnessed the attempted extermination of an entire people and the elimination of a flourishing civilization, has been transformed into an emerging willingness to use our influence and our resources on behalf of the noble work of rescue and relief.

Where we once rejected the St. Louis, we have welcomed the boat people.

Where we once turned our backs on the Jews of Europe, we have participated in the rescue of the Jews of Ethiopia.

Where we once were indifferent to the fate of the Jewish people, we now provide the support which makes possible the survival of the Jewish homeland.

This is the legacy of the Holocaust.

This is the obligation of our nation.

From their final resting place, the Six Million call upon us to never forget.

From our earthly abode, we can only respond: never again.

Mr. PELL. Mr. President, I suggest the absense of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BITBURG

Mr. METZENBAUM. Mr. President, I am awaiting the arrival of Senator SIMPSON. I wish to take a few moments to discuss the President's visit to Bitburg and sort of a side issue to that, and that has to do with the massacre of prisoners of war at Malmedy, Belguim, in December 1944, by the SS troops who are buried at Bitburg.

The facts in connection with this matter have not been really totally available. As a matter of fact, only within the last 24 or 48 hours, April 22, were we able to obtain a list, declassified at our request, of those Americans who were killed in one of the 12 incidents that occurred at Malmedy. There were 12 separate incidents of captured American soldiers and Belgium civilians, and the shootings of these captured soldiers and defenseless Belgium civilians started on December 16, 1944, and continued until January 13, 1945.

They were not all shot down on 1 day. They were shot in 12 separate cases, and the numbers are large. The numbers who were killed were 350 U.S. prisoners and 100 Belgians, and one unit was responsible for all the killings, the First SS Panzer Regiment of the Waffen SS, commanded by Col. Joachim Peiper.

In 1949, a report of our own Senate Armed Services Committee describes that unit as follows:

> The regiment had a long and notorious military record on both the western and eastern fronts. On the eastern front, one of the battalions of the combat group Peiper, while commanded by Peiper, earned the nickname of Blow Torch Battalion after burning two villages and killing all the inhabitants thereof. Peiper had at one time been an adjutant to Heinrich Himmler.

Now, the 72 American names that we just received and which were declassified were killed in 1 of those 12 incidents. Seven of those men were medical personnel and were entitled to special treatment as prisoners of war; numerous others were wounded.

I ask unanimous consent at this time that a list of those names be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

(1) Munzinger, John S., 2/Lt., xxxxxxxx.
(2) Reardon, Perry L., 2/Lt., xxxxxxxx.
(3) Bloom, Donald L., Pvt., xxx...
(4) Blouch, Carl H., T/5, xxxxxxxx.
(5) Breon, Charles R., T/5, xxxxxxxx.
(6) Brozowski, Joseph A., Cpl., xxxxxxxx.
(7) Burkett, Samuel P., T/5, xxxxxxxx.
(8) Carr, Paul R., T/5, xxxxxxxx.
(9) Carson, Homer S., Pfc., xxxxxxxx.
(10) Coates, James H., Pvt., xxxxxxxx.
(11) Cobbler, John H., Pvt., xxxxxxxx.
(12) Cohen, Robert, Pfc., xxxxxxxx.
(13) Collier, John D., T/5, xxx...
(14) Davidson, Paul G., T/Sgt., xxxxxxxx.
(15) Desch, Howard C., Pfc., xxxxxxxx.
(16) Dunbar, William J., Pvt., xxxxxxxx.
(17) Fitt, Carl B., Cpl., xxxxxxxx.
(18) Flack, Donald J., Pfc., xxxxxxxx.
(19) Franz, Walter A., Sgt., xxxxxxxx.
(20) Frey, Carl B., Pfc., xxxxxxxx.
(21) Geisler, Donald E., S/Sgt., xxxxxxxx.
(22) Haines, Charles F., T/5, xxxxxxxx.
(23) Hallman, Samuel A., Pvt., xxxxxxxx.
(24) Hall, Charles E., Pfc., xxxxxxxx.
(25) Herchelroth, Sylvester, T/4, xxxxxxxx.
(26) Jordan, Oscar R., T/4, xxx...
(27) Kinsman, Alfred W., Sgt., xxxxxxxx.
(28) Laufer, Howard W., T/5, xxxxxxxx.
(29) Lengyel, A., Jr., T/5, xxxxxxxx.
(30) Leu, Selmer H., T/4, xxxxxxxx.
(31) Luers, James E., T/5, xxxxxxxx.
(32) Martin, Lawrence, Cpl., xxxxxxxx.
(33) McKinney, Robert, T/5, xxxxxxxx.
(34) Miller, Halsey J., Sgt., xxxxxxxx.
(35) O'Grady, David T., Cpl., xxxxxxxx.
(36) Osborne, John D., S/Sgt., xxxxxxxx.
(37) Oliver, Thomas W., Pfc., xxxxxxxx.
(38) Phillips, Peter R., Pvt., xxxxxxxx.
(39) Piasecki, Stanley F., Pvt., xxxxxxxx.
(40) Pittman, Gilbert R., Pvt., xxxxxxxx.
(41) Rosenfeld, George R., T/5, xxxxxxxx.
(42) Ruliman, Carl H., Cpl., xxxxxxxx.
(43) Saylor, Oscar, Pvt., xxxxxxxx.
(44) Schwitzgold, Max, T/5, xxxxxxxx.
(45) Sheetz, Irvin M., T/4, xxxxxxxx.
(46) Shingler, John H., T/5, xxxxxxxx.
(47) Snyder, Robert J., Sgt., xxxxxxxx.
(48) Steffy, George H., T/4, xxxxxxxx.
(49) Stevens, Carl M., Pfc., xxxxxxxx.
(50) Swartz, Luke S., T/5, xxxxxxxx.
(51) Walker, Richard B., Pfc., xxx...
(52) Watt, Thomas F., T/4, xxxxxxxx.
(53) Wiles, Yester H., T/5, xxxxxxxx.

All the foregoing were members of Battery B, 285th F.A. Observation Battalion.

(54) Indelicato, Ralph J., Cpl., xxxxxxxx, Med. Det., 285th F.A. Obsn. Bn.
(55) Mills, Roger L., Capt., xxxxxxxx, Hq. Btry., 285th F.A. Obsn. Bn.
(56) McGovern, William T., T/Sgt., xxxxxxxx, Hq. Btry., 285th F.A. Obsn. Bn.
(57) Wald, Elmer W., Pfc., xxxxxxxx, Med. Det., 200th F.A. Obsn. Bn.
(58) Lindt, Benjamin, Sgt., xxxxxxxx, Det. A, 200th F.A. Bn., V. Corps, MGP Force Bn.
(59) McDermott, Thomas E., 1st Lt., x... xxxxxxxx, Recon. Co., 32nd Armd. Regt.
(60) Iames, Lloyd A., 2nd Lt., xxxxxxxx, Recon. Co., 32nd Armd. Regt.
(61) McGee, James G., T/3, xxxxxxxx, Recon Co., 32nd Armd. Regt.
(62) Klukavy, John, Pfc., xxxx..., Recon Co., 32nd Armd. Regt.
(63) Genthner, Carl R., 1st Lt., xxxxxxxx, 575th Ambulance Co.
(64) Paden, Paul L., Pfc., xxxxxxxx, 575th Ambulance Co.
(65) Scott, Wayne L., Pvt., xxxxxxxx, 575th Ambulance Co.
(66) Burney, L.M., xxxxxxxx, 575th Ambulance Co.
(67) Wusterbarth, Dayton E., T/5, xxxxxxxx, 546th Ambulance Co.
(68) Clymire, John J., Pfc., xxxxxxxx, 86th Engr. Bn. (HP).
(69) Heitmann, Raymond A., T/5, xxxxxxxx, 197th AAA AW Bn.
(70) Cash, Cecil J., T/4, xxxxxxxx, 197th AAA AW Bn.
(71) Johnson, Delbert J., Pvt., xxxxxxxx, Unit designation unknown.
(72) Mullen, Keston E., Pvt., xxxxxxxx, Unit designation unknown.

Mr. METZENBAUM. If you look at the names, they actually read like a roster of Americans across the country, with almost every ethnic group that you can think of included as having been shot down as prisoners of war by the SS Waffen, many of whom are now buried at Bitburg.

It seems to me that there were so many other places that the President could visit. I do not think anyone wants to disturb his visit to Germany but, unfortunately, I think somehow

the choice of location in Bitburg was an inappropriate one.

We are hearing from soldiers and sailors, those who have received medals and who want to turn back their medals because they feel offended that the visit to Bitburg would be made.

The facts are that the President could find so many other areas, so many other places where a first would be more appropriate and would be the right thing to do.

Now, last week, 53 U.S. Senators joined together in signing a letter to the President in which we urged him to find another stop on his trip. As a matter of fact, this afternoon, I heard from one individual who is accepted as an authority in the area of German-American affairs. His father was actually an emigrant from Germany in 1902. He studied as a Fulbright in Germany in 1959 and 1960. He suggested a more appropriate place would be Ploetzensee. Ploetzensee was the prison in Berlin where Hitler caused to have executed his most serious opponents. And there were Jews and Christians and others. There were no distinctions on who felt his wrath and lost their lives in that prison. Many of those who lost their lives in that prison were as fine Germans as you can possibly meet anywhere—Bonhoeffer and Stauffenberg. Stauffenberg and several others were among that group that tried to kill the Chancellor, Hitler, and they were, unfortunately, probably, unsuccessful in that effort. They lost their lives in Ploetzensee. Hitler killed not only the victims of Nazis, but of Germans who opposed him from the earliest period. They were the finest and the cream of the crop of German political leadership. That meant very little to Adolph Hitler.

The unanimous-consent request that I am about to make and will make and I am informed it will be objected to—I am not sure why it will be objected to. I think the Members of this body ought to have a right to express themselves on this subject.

Last week, 53 Members of the Senate did express themselves from both parties. It is only fair to say that a number of Members on the opposite side of the aisles did not sign because they did not have an opportunity to sign. But time was of the essence and it was not possible to obtain the signatures from a logistics standpoint of more than 12 Members from the other side. But since that time I have spoken with a number of Members of the majority party and they have indicated that they would indeed like to express themselves on this issue. It is an issue that will not go away. It is an issue that nobody accuses the President of evil intentions or bad faith or any impropriety. I think it is a mistake of judgment and I think it is a mistake of judgment that the U.S. Senate ought to let the President know how we feel.

I hope that we would have an opportunity to vote on this issue. The matter is in the Foreign Relations Committee. The resolution which is authored by Senator CRANSTON, myself, and Senator KENNEDY does not say much more than the very language that was in the letter that was circulated last week and sent to the President. I hope that we would have an opportunity to vote on it.

In offering a unanimous-consent request, I want to make it clear that if the time that I suggest does not accord with the views of the majority leadership which has the right to set the calendar for the Senate, I would not take issue with them in changing that time, assuming that it was reasonable and it was sufficiently prior to the President's departure for Bitburg.

I am disappointed to learn that someone on behalf of the leadership is going to object to bringing this matter to a vote. I had hoped that we could do it in a cooperative manner. I had hoped that they would recognize that there are many of us who feel that such a vote should be had in the Senate. And if the unanimous-consent request should not be agreed to, I would guess that the Senator from California, the Senator from Ohio, and the Senator from Massachusetts would find some other way to put the issue before the Senate.

I was going to do it in a cooperative manner, in a way that would be acceptable to the majority. I was on the floor earlier in the day, indicated I was going to do this, and indicated that at that time I felt that I could have made the unanimous-consent request, but there was nobody on the floor protecting it. And I did not feel that was an appropriate way in which to proceed.

I am aware of the fact that the Presiding Officer always has the right of any other Senator. But I do not know why the leadership would not be willing to permit this matter to come to a vote. And, if there is objection today, the issue will not go away. Somehow, someway we will try to bring it back and give the Members of this body an opportunity to express their views to the President by Senate resolution.

Under those circumstances, Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of Senate Concurrent Resolution 42, and that the Senate proceed to its consideration upon the disposition of Senate Joint Resolution 106 which is the matter having to do with aid to the Nicaraguan Contras.

The PRESIDING OFFICER. The President in his capacity as Senator from the State of Washington objects.

Objection is heard.

Mr. METZENBAUM. Mr. President, I believe I still have the floor.

The PRESIDING OFFICER. The Senator has the floor.

Mr. METZENBAUM. I find no fault with the action of the Senator from Washington in expressing objection in behalf of the majority. I must say that I do not understand it. If he objects because the leadership has not had an opportunity to be consulted and they are at the White House, I understand that. What is so terrible about giving this body a chance to let the President of the United States know how we feel about a visit to Bitburg where the SS Waffen soldiers are buried? These were Hitler's crack troops. Is there not a better place that can be found than Bitburg for a visit by the President of the United States? There are none among us who do not feel strongly that there should be reconciliation with the Germans. But I point out that there has been reconciliation for 40 years, we have been their allies, they have been our allies for 40 years, and no one in his right mind would suggest that the Third Reich is anything like the Federal Republic of Germany. It is not. And that is an agreed-upon fact. Why? What earthly reason can there be for the President of the United States to go to Bitburg and honor Nazi soldiers who were involved in the massacre of defenseless prisoners of war? Every action has to have some reason or justification. There is more than one place in all of Germany that the President can visit in order to indicate reconciliation, and the President has now changed his plan and indicated he is going to visit Bergen-Belsen. That is fine. But visiting Bergen-Belsen does not correct the inappropriateness of visiting Bitburg.

I wish I could rationally think out the why, the stubbornness, and the insistence by the President in this instance. I wish I could figure out what the reason is.

I have heard something about Chancellor Kohl thinking that a change would be inappropriate, although I am not certain of my facts in that respect. But Chancellor Kohl visited Bergen-Belsen just over the weekend, and acknowledged responsibility and guilt of the German people. And I am not trying to find some way to embarrass or humiliate or shame the German people. As a leading newspaper in Munich said, they know their guilt, they share that guilt , they live with it every day, and that they do not need any gesture on the part of any person, including the President of the United States, in order to make them more comfortable. Visiting Bitburg is not going to make the German people feel more comfortable. If the President visits The Wall, maybe that might be appropriate, particularly in view of the difficulties that we have experienced in our relations with that issue.

Why? The Wall between civilized people is hard to understand.

I feel sad. I do not feel angry. I feel low, and I feel a little bit uncomfortable because I cannot understand my President's actions. No one has accused the President of being an insensitive human being. If that be the case, why in this instance is he so adamant, is he so determined, and is he so resolute in insisting that he will indeed visit Bitburg?

Mr. President, now I speak to the President of the United States. I for one feel that literally hundreds of thousands of veterans in this country, millions of Americans, and millions of people throughout this work will breathe a sigh of relief if he changed his plans. And if you continue on and insist it will not be one of the great days in your tenure of office. It will be like a shadow hanging over your term of office that will be very difficult to shake. The American Legion has protested, the Veterans of Foreign Wars have protested, numerous editorials throughout the country have indicated their disapproval, and the people of this country in my opinion do not want their President to lay a wreath on the tombs of the Nazi SS Waffen. We lost 18,000 boys in the Battle of the Bulge, and there were 87,000 casualties. That says it all. That says enough. I hope—prayerfully hope—that the President of the United States will see fit to change his plans. And I further hope that we in the Senate will have an opportunity before he leaves to express our view on this subject.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMM). Without objection, it is so ordered.

THE BUDGET

Mr. DOLE. Mr. President, the Senator from Kansas has been indicating for a number of weeks that we were going to start the budget process today. I do not want the day to pass without what I call initiating the process, and that would be by a statement that I will make, a very brief statement, which will include a number of responses received from outstanding economists around the country indicating the positive impact this deficit reduction package would have. In other words, if we are able to achieve a $300 billion spending reduction in the next 3 years, most of the economists indicate—it will all be in the RECORD—that if we are going to get a drop in interest, for example, of 1.5 to 2 points short range and maybe 3 points long term, that is significant.

It is another indication, as are other comments from these economists, that we have an opportunity—we all have an opportunity—and I trust that it will be bipartisan. I cannot believe that there are not as many Democrats—and I will not believe there are not as many Democrats—concerned about the deficit as there are Members on this side of the aisle.

It is hoped that we will have a strong bipartisan vote for most of the provisions. Obviously, in some cases, some Members will find it difficult, if not impossible, to support the package.

But I hope that is the exception and not the rule.

We have not been able to begin the debate today because of being in the White House for 8½ hours, six Republicans and six Democrats, myself, and the distinguished minority leader, trying to hammer out some agreement on Contra aid.

I must say we did not succeed. I would also say maybe we did not fail, but we did not reach an agreement. Put it that way.

What I will do at the appropriate time is to enter a motion which will permit me to suspend the rules and offer an amendment so that will protect that right tomorrow.

PROCEEDING ON THE BUDGET

Mr. President, as Members know, it was my intention that on today the Senate would proceed to consideration of Senate Congressional Resolution 32, the resolution reported by the Budget Committee for the fiscal year 1986 budget. Unfortunately it has not been possible to begin that debate today, due to the press of business elsewhere—particularly our efforts to work out a durable compromise on the question of aid to the Contras in Nicaragua.

I want to assure all of my colleagues, and those in the media who may be listening, that the deficit reduction effort remains my top priority and the main item of business for this week. At this time I expect the budget resolution will be laid before the Senate early on Wednesday morning, shortly after convening. We will then, following opening statements and the like, get right into the budget debate.

NEED FOR SPENDING REDUCTION

Mr. President, we need a major spending reduction effort now, and we need a bipartisan effort. I anticipate very solid support for our deficit reduction plan on this side of the aisle, but it may not be unanimous in all areas. At the same, I know that my Democratic colleagues want to make clear to their constituents that they are against deficits, that they support spending cuts, that they want lower interest rates, lasting recovery, and the stronger farm and manufacturing sectors that can result from reduced Federal borrowing and a moderating dollar. They can vote for all these things by supporting our deficit reduction package, and I fully expect that we will have a bipartisan success.

In the time between now and Wednesday, I would like to give all Members some additional information to consider with regard to this spending reduction effort. On April 11 I wrote to leading Wall Street economists to ask their views of how interest rates would respond if Congress enacted in full the budget package that we worked out with President Reagan. We are still getting responses, but so far the message is clear: Interest rates could respond dramatically, and certainly would be considerably lower than they would be in the absence of action. A drop in interest rates of 1 or 2 percent in the near term, with continuing declines over the next 3 years, would make a real, tangible defference to all our constituents—those who want to own homes, operate a business, pay for their children's education, and so forth. That is something to consider when we weigh our loyalties to particular interests in the budget debate against our responsibility to the public interest and to our people as a whole.

For the benefit of Members, I shall insert in the RECORD a summary of the results of our survey of leading economic advisers to date and copies of the letters we have received in response to the survey—which illustrate the real benefits we can claim for our constituents if—I would rather say when—our deficit reduction efforts succeed.

Let me just say very quickly, as I have indicated we do need bipartisan support, and I believe there is potential for bipartisan support.

Tomorrow we will spend the entire day on Contra aid. On Wednesday we will begin discussion of the budget resolution. The President will make a major TV address Wednesday evening where he will tell the American people about the need to enact the budget resolution, the compromise agreement, the $300 billion package, and in my view that will be most helpful.

On April 11 we wrote to leading Wall Street economists to ask their views on how interest rates would respond, if we enacted the full budget package that we worked out with President Reagan.

We are still getting responses, and I intend to refer to these throughout the debate.

As I have indicated, a drop in interest rates of 1 or 2 percent in the near term, with continuing declines over the next 3 years, would make real tangible difference to all of our constituents, those who want to own homes,

operate a business, pay for their children's education, and so forth.

That is something to consider when we weigh our loyalties to a particular interest in the budget debate against our responsibilities to the public interest and to our people as a whole.

Mr. President, I ask unanimous consent to have printed in the RECORD the responses received from some of the economists, and I also ask unanimous consent to have printed in the RECORD prior to their responses a letter addressed to the economists and the information we provided them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, April 11, 1985.

DEAR SIR: As you know, on April 4 President Reagan and the Republican Leadership of the Senate reached agreement on a major budget package that would reduce the deficit to 2% of GNP by 1988. This package is designed to meet the deficit reduction goal set by Senators Dole and Domenici at the opening of the 99th Congress, and to ease the path toward sustained recovery.

We are enclosing a chart that sets forth the projected outlay and deficit levels with the Reagan/Dole budget package, plus some background material. In terms of the credibility of this budget in achieving both short and long term savings, it should be noted that the package would: 1) achieve permanent entitlement savings with medicare reforms, and the reduction of operating subsidies for public housing; 2) implement a three-year CPI-2 formula with a 2% floor for Social Security benefits; 3) impose a 3% limit on this and future year increases in the defense budget; 4) terminate 17 Federal programs; and 5) save $52 billion in FY 86, and $297 billion over FY 86-88.

You will note that this plan involves some very tough choices. However, the Senate Leadership and the President are firm in their belief that this package will have a beneficial effect on the economy, given the reduction of the deficit as a percent of GPN from its current level of 5.5 percent to a level of 2.0 percent in 1988. Indeed, the success or failure of this plan will depend in large part on the expected economic impact of its enactment, particularly on the level of interest rates.

It would be very helpful to Congress' deliberations in the weeks ahead if we had some sense of what deficit reductions of this magnitude would mean for interest rates. To be specific, what range of short and long term interest rates might we expect in the near term and, say, three years from now.

I expect that legislative action on this package will begin the week of April 22. In order to explain the economic effects of the budget package to my Senate colleagues in an effort to enlist their support.

I expect that legislative action on this package will begin the week of April 22. In order to explain the economic effects of the budget package to my Senate colleagues in an effort to enlist their support, I would appreciate your response as soon as possible. Members of my staff will be in touch with you by telephone shortly.

I believe this is the best opportunity we have had in years—and will have for sometime—to get our deficits under control. I would very much appreciate any advice and assistance you may be able to give in making this budget package a reality.

Sincerely yours,

BOB DOLE,
Majority Leader.

Enclosure.

REAGAN/GOP LEADERSHIP PROPOSED FEDERAL BUDGET
1985–88

[In billions of dollars]

	1985	1986	1987	1988
Outlays	949.1	969.0	1,011.4	1,055.0
Revenues	736.2	793.8	866.6	956.2
Deficit	212.9	175.2	144.8	98.8

AS PERCENT OF GROSS NATIONAL PRODUCT (GNP)

	1985	1986	1987	1988
Outlays	24.5%	23.1	22.2	21.4
Revenues	19.0%	18.9	19.0	19.4
Deficit	5.5%	4.1	3.1	2.0

TOTAL SPENDING REDUCTION

	1985	1986	1987	1988
		−52.2	−99.9	−144.8
Defense Savings		−18.5	−32.0	−47.1
Nondefense savings		−31.2	−58.2	−78.5
Interest savings		−2.5	−9.7	−19.2

SURVEY OF LEADING ECONOMISTS ON COMPROMISE DEFICIT REDUCTION PLAN

OVERVIEW

Most of the economists who have responded anticipate significant interest rate reductions in both the short term and the long term if the budget compromise is enacted exactly as proposed. Most of the respondents qualify their predictions in some way: for example, they question whether Congress has the political will to enact the whole package; they see a need for progress on the trade deficit as well; or they need to assume that the Federal Reserve will be more inclined to accommodate continued recovery if we tighten up on the fiscal side this way.

There seems to be no dispute that, other things being equal, interest rates will be lower than they otherwise would be on enactment of this budget compromise. Estimates of the change in interest rates range from ½% to as high as 3% in the near term, and again as much as 3% lower by 1988. In addition, even those who expect only a slight impact on interest rates in the short term believe that if a package like this is not enacted, there is a risk that rates could rise by as much as 150 basis points (1½%).

In addition, all of the economists, even though they might not necessarily endorse all the contents of the budget compromise, felt it was a very positive and indeed necessary to safeguard the health of the economy.

PHONE RESPONSES

Donald Straszheim, Chief Economist, Merrill Lynch. Straszheim indicated that if the package is fully enacted, it should provide substantial help on interest rates: 1 percentage point decline (100 basis points) within 2 to 3 months. He stressed the need to have something on social security in the package; he also qualified his comment by indicating he questioned the Administration's interest rate assumptions and growth assumptions.

Ed Yardeni, Chief Economist, Prudential Bache. Yardeni indicated that this is an excellent budget agreement, and that he put quite a lot of weight on having President Reagan, Senator Dole, and Chairman Volcker on board supporting the same goal. He thought the package would be very good for interest rates, and if enacted would bring a 1½% drop within a month (150 basis points), and an additional 2% drop (200 basis points) by 1987 or 1988. In addition, he pointed out that it was unlikely rates could drop below 10% at any foreseeable point if a package like this is not enacted.

Leif Olsen, Chairman, Economic Policy Committee, Citibank. Olsen indicated that with enactment of the package, rates would be lower than they otherwise would be, but that the amount of the reduction would be difficult to quantify. He thought the reduction might be rather small in the near term, but said he strongly favored the package on other grounds: the need to de-emphasize consumption in the American economy. He also indicated the package is important if you believe that people are still avoiding interest-rate risks because of the roller-coaster experience of the 1978–81 period, and because the high deficit feeds fears of recurrent inflation. He also noted that there is no doubt that homebuying is crowded out by the deficit, and that holders of government obligations now are the single largest recipient of government payments.

Henry Kaufman, Chief Economist, Salomon Brothers. Kaufman thought the budget agreement, if implemented, would have a modest, not dramatic, impact on interest rates: ½% (50 basis points) in the near term on the prime rate, a bit more on long bonds. But he also indicated that failure to act on the package could have a large negative impact on rates: 1–1½% higher.

Allen Sinai, Chief Economist, Shearson-Lehman. Sinai was somewhat skeptical about the political prospects of achieving the actual savings in the budget compromise, and disagrees on the defense baseline used. Even so, if the package is enacted, he would expect long rates to drop by ¾% in the near term and 2% by 1988—and short rates to drop 1 or 2% by 1986.

Ed Campbell, Chief Economist, Brown Brothers, Harriman. Campbell indicated that the budget package definitely would help the interest rate situation, at least in that if something like it is not enacted, rates would rise at least 1% from current levels. He also thought that in the outyears the package would create a much more favorable climate for interest rates. He also thinks that the economy needs lower rates to meet the Administration's growth projections.

Attached are written responses from Leonard J. Santow of Griggs & Santow, David M. Jones of Aubrey G. Lanston, and Sam Nakagama from Nakagama & Wallace.

GRIGGS & SANTOW INCORPORATED
New York, NY, April 15, 1985.

Hon. BOB DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: If the budget deficit in FY-88 were brought down to 2% of GNP, there is little doubt that interest rates would be considerably lower than at the present time. While the degree of the decline is a matter of conjecture, some reasonable guesses can be made. The place to start the analysis is current interest rate levels and how they have come about.

Yields on 30-year Treasury issues in recent months have typically fluctuated between 11% and 12%, while inflation appears

to be running between 3% and 4%. This means an 8% real rate of return. However, investors do not look at these components in this way. Investors place more importance on what inflation is likely to average in the future, not what it is averaging now. Thus, at the present time, given the unknowns of the budget and trade deficits and their adverse impact on inflation, many investors either believe or fear that inflation, over the long run, could well average as high as 6% or 7%.

As for the real rate of return on 30-year Treasury issues, investors must find such issues sufficiently attractive to part with their money. Deregulation has opened up many new investment alternatives; there is a propensity in this country to spend rather than save so that inducements are needed to encourage savings and investment, and finally, there is no scarcity value to the never-ending supply of Treasury issues. Factors such as these place the investor at an advantage over the borrower and it appears that a 5% real rate of return is what can be commanded. So if the fears are that inflation will ultimately run at 6% or 7% and investors can command a 5% real rate of return, the current 11% to 12% yield on long Treasury issues is understandable.

Looking to FY-88, if one were to assume that the budget deficit is brought down to 2% of GNP, the interest rate components, with respect to inflation and real returns, would change. On the inflation side, if price increases are still running at 3% to 4%, the likelihood is that investors would no longer fear a possible 6% or 7% rate in the future. However, since the U.S. has both trade and budget deficit problems, if only the budget problems were substantially reduced, there would still be some upward inflation worries. Assuming that the inflation potential from the budget deficit is greater than that from the trade deficit, one might argue that the budget fear adds about 2% to inflation expectations, while the trade fear adds about 1%. Thus, if the budget deficit were brought under control, inflation expectations would be 4% to 5% compared with the 6% to 7% fear that currently exists.

The budget deficit reduction would also have an impact on real interest rate returns, but here the situation is more complex. Tending to push down real interest rate levels is the fact that the market would no longer be flooded with Government securities and buyers would have a reduced advantage over issuers. The reduced budget deficit would tend to make the dollar more attractive in international markets and strong capital inflows would tend to hold down interest rates. Of course, at the same time, capital inflows would tend to prop up the value of the dollar and could perpetuate the huge trade deficit if other measures are not taken. On balance, the likelihood is that investors' ability to demand a 5% real rate of return would weaken slightly, but would still be sufficient to command between 4% and 5%.

What this analysis suggests is that between now and FY-88, if the economy shows sustained real growth, if the budget is brought down to 2% of GNP and is viewed as being under control, if the dollar maintains its strength and large capital inflows continue, if there are no other factors that cause inflation to jump above its current 3% to 4% range, and if the Federal Reserve errs on the accommodative side, under such circumstances, 30-year Treasury bond yields would likely average between 8% and 10% or about 2% to 3% less than at present. The same size decline would also be likely for shorter-term rates as one can presume a considerable upslope to the yield curve will persist. Obviously, if one or more of the above-mentioned factors turn out differently, the size of the rate decline would be smaller.

Finally, this analysis concentrates on determining the degree of positive occurrances if the deficit is brought down and comes under control. There is, of course, the opposite side and that is if the budget deficit picture deteriorates and many of the factors mentioned above do not materialize. Under such circumstances, bond yields are likely to move higher and not lower than present levels and a range of 12% to 14% would not be out of the question for FY-88. Therefore, the difference in long bond rates between a deficit that moves even more out of control and a deficit that is 2% of GNP could be the difference between having long Treasury rates at 8% to 10% and fluctuating on a relatively modest basis, or having them as high as 12% to 14% and fluctuating in a much more destabilizing manner.

Sincerely,

LEONARD J. SANTOW.

AUBREY G. LANSTON & CO. INC.,
New York, NY, April 15, 1985.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: Your request for my views on the interest rate implications of the budget package recently agreed upon by the President and the Senate Republican Leadership is most appreciated. Please allow me to commend you personally for your fine efforts in shaping this excellent package of Federal deficit-cutting measures. This is by far the most credible and impressive budget-slashing package so far agreed upon by the Reagan Administration and Legislative leaders.

It is significant that this budget package, at the time of its surprise announcement on April 4, was quite favorably received by the financial markets. This was reflected in the fact that prices of U.S. Treasury bonds rallied strongly immediately following this announcement. Moreover, in the event that the entire deficit-cutting package is passed by Congress and implemented with no diluting features, it is reasonable to expect that the interest rate on long-term Treasury bonds might fall by at least an additional 1 percentage point to approximately 10½ percent, from the current level of about 11½ percent. Furthermore, if the budget package were further strengthened with, say, an energy tax designed to raise sufficient revenue to reduce the fiscal 1986 Federal deficit by, an additional $50 billion or so, it could be expected that long-term Treasury bond rates might decline still further, perhaps into "single digit" territory of 9½ percent or lower.

On a more cautionary note, however, I must quickly add that Wall Street is still gripped by considerable skepticism over the chances of the passage and implementation of this budget package. The proposed spending cuts are so severe—particularly in the middle-income "welfare" areas of education, transportation, farm supports and small business—that it would seem highly unlikely that you could attract even the support of many moderate Republicans, let alone Democrats. Most vulnerable is the support for this budget package of those moderate Republicans up for reelection in 1986. Unfortunately, if this budget package fails in Congress, the Administration's fiscal credibility could be damaged beyond repair.

In the final analysis, this budget agreement must be considered as a tough but unavoidable "last-chance" effort to reestablishing spending discipline and fiscal credibility. To be effective, the budget package must be accepted in its entirety, without compromise. And action must be taken immediately. Otherwise, the U.S. economy in the second half of 1985 and 1986 could be headed towards the worst of all possible worlds—weakening real growth, lagging job creation, and rising inflation—or the condition known as "stagflation" (see enclosed article).

Sincerely,

DAVID M. JONES.

[From Standard & Poor's Credit Week, Apr. 15, 1985]

THE DECLINING DOLLAR AND THE THREAT OF STAGFLATION

(By David M. Jones)

Perhaps the most remarkable feature of the current impressive U.S. economic expansion—which is now in its 29th month—is that it has produced an extremely favorable mix of high real growth and low inflation. So far, real gross national product (GNP) has expanded at an average annual pace of 5 percent and has been associated with a record creation of 7.8 million new jobs. At the same time, consumer prices have risen at an annual average rate of only 3.8 percent dramatically below the peak 1979 inflation rate of 13.3 percent.

Fortunately, this eye-catching economic performance has been a special source of attraction to foreign investors. The result at least up until quite recently, has been a strengthening in the U.S. dollar, additional related downward consumer price pressure, and an increasing inflow of foreign funds available to help finance an excessive U.S. federal deficit.

There are, however, emerging signs that this best of all possible worlds—high real growth, strong employment gains, and low inflation—may be starting to crumble. In fact, in the second half of 1985 and in 1986, we may be headed towards the worst of all possible worlds—weakening real growth, lagging job creation, and rising inflation, the condition known as "stagflation."

The key factor in this turnaround is the U.S. dollar. It appears that a strong U.S. dollar may have been the "glue" that held the Reagan economic program together. After rising to unimagined heights through the first two months of 1985, however, the dollar may have started a fundamental, if irregular, downtrend.

The major implication of this projected decline in the U.S. dollar will most certainly be an eventual rise in prices of U.S. imports. For example, it is quite possible that the U.S. dollar may fall 20 percent-30 percent in terms of foreign currencies over the next 12 months. Unfortunately, a dollar decline of this magnitude could, in turn, add two to three percentage points to the rate of increase in U.S. consumer prices. Thus, instead of a 4 percent-5 percent increase in consumer prices in 1986, as might have been expected on the basis of a stable dollar, we could well see a more alarming 6 percent-7 percent or even a 7 percent-8 percent increase in consumer prices.

The prospects for a pronounced decline in the U.S. dollar hinge on three basic factors. First is the relative economic performance in the U.S. and foreign countries. Second,

the recent banking and financial difficulties, and last, prospects for possible Fed easing. Most importantly, over the second half of this year and in 1986, the U.S. economic performance is likely to be relatively weak in comparison with the experience in other industrial economies, particularly that of Britain and West Germany. Continued quarter-to-quarter U.S. fiscal stimulus is likely to be increasingly outweighed by the depressing effects of still high U.S. real interest rates and by the drag from the deepening U.S. trade deficit. Evidencing this latter depressant is the unprecedentedly sharp decline in net exports as a percent of GNP since 1982. The economic drag from net exports was particularly pronounced in the second half of 1983 and, most notably, in the third quarter of 1984. Still more recently, the depressing effect of the U.S. trade deficit has been reflected in the anemic performance of manufacturing employment, particularly in such import-competitive areas as steel, textiles, and leather goods. In the recently released employment figures for March of this year, for example, factory jobs again declined, in line with the pattern of the past six months.

Of course, the prospective downtrend in the U.S. dollar should eventually reduce the U.S. trade deficit. This is because the declining dollar renders U.S. exports less expensive and U.S. imports more expensive. But the full positive economic effects of such a development are unlikely to be felt until 1987. In the meantime, however, excessively high longer-term interest rates are likely to curtail housing activity and capital spending.

Another factor contributing to the dollar's weakness is the recent spate of U.S. banking problems, which seem unlikely to diminish soon. Also, there is the growing perception that because of these financial problems and the possible longer-term weakening in U.S. economic growth, the Federal Reserve will have its hands tied and not be in a position to defend the dollar, even it it wants to do so.

The early signs of renewed inflationary pressures are already evident in rising sensitive commodity prices. For example, the Commodity Research Bureau (CRB) index of prices of sensitive industrial and agricultural commodities has spurted within the month of March to 255.6 in the week ended March 30 from a low of 250 in the week ended March 9. Similarly there has been a bottoming out of precious metals prices in recent weeks.

Another implication of the projected declining dollar and stagflation is upward pressure on U.S. longer-term interest rates. This upward pressure on longer-term rates would reflect, in part, higher inflationary expectations. Also exerting upward pressure on longer-term rates would be a reduction in net foreign investment available to finance the excessive U.S. federal deficit. By way of contrast, U.S. short-term interest rates should remain relatively stable, reflecting weakening U.S. growth and stable, if not easier, Fed pressures on bank reserves. Thus, we may be in for a further steepening of an already sharply upward sloping yield curve.

NAKAGAMA & WALLACE INC.,
New York, NY., April 15, 1985.

Senator BOB DOLE,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: I believe there are solid grounds for being quite optimistic about the interest-rate consequences of your spending-reduction program, especially if it is combined with the tax-simplification proposal. Conversely, failure to act on deficit-reduction is likely to have disastrous effects on our economic and financial future.

As you requested, I have made estimates of the interest-rate consequences of your spending-reduction program. With the adoption of that program, I believe interest rates are likely to trend downward as follows:

[In percent]

	Current	July			
		1985	1986	1987	1988
3-month Treasury bill	8.00	8.5	8.4	8.1	7.8
30-year Treasury bond	11.40	10.9	10.0	9.5	9.0

When combined with tax-simplification (including reduction of the top individual bracket to 35 percent and the corporate rate to 33 percent), I believe that the drop in interest rates would be even more dramatic:

[In percent]

	Current	July			
		1985	1986	1987	1988
3-month Treasury bill	8.00	8.5	7.8	7.2	6.5
30-year Treasury bond	11.40	10.9	9.0	8.0	7.0

Thus, when the spending-reduction program is combined with tax-simplification, the way is opened for an extremely positive interest-rate scenario. Along with the decline in interest rates, the exchange rates for the dollar should also come down in a way that should be beneficial to U.S. business. By lowering interest rates, the enactment of this program will provide major relief for debtors at home and abroad. It will thereby help safeguard our banks and other financial institutions.

On this issue, therefore, the Congress is faced with a choice between lower interest rates and sustained prosperity vs. continued financial instability and possible depression.

Very truly yours,

SAM NAKAGAMA,
Chief Economist.

Mr. DOLE. Mr. President, let me just give you a couple of examples.

Donald Straszheim, chief economist for Merrill Lynch, indicated that if the package is fully enacted, it should provide substantial help on interest rates: 1 percentage point decline—100 basis points—within 2 to 3 months. He stressed the need to have something on Social Security in the package and also qualified his comments by indicating he questioned the administration's interest rate assumptions and growth assumptions.

Ed Yardeni, chief economist, Prudential Bache, indicated that this is an excellent budget agreement and put quite a lot of weight on having President Reagan, and others, on board supporting the same goal. He thought the package would be very good for interest rates and if enacted would bring a 1.5-percent drop within a month—150 basis points—and an additional 2-percent drop—200 basis points—by 1987 or 1988.

That is a 3.5-percent drop in interest rates. I cannot think of a better farm program, a better program for the housing industry, the realtors, the home builders, and all the others who have a direct stake in deficit reduction, and these are estimates from leading economists, but I hope that our colleagues understand that we have this opportunity. We have been asking ourselves and asking Paul Volcker and asking each other what do we do about interest rates. We vote to reduce the Federal spending, and if we do it in the right way, big enough amount—and this is one economist's view—it is going to mean a 3.5-percent drop in interests rates by 1988.

He additionally pointed out that it was unlikely rates could drop below 10 percent in the foreseeable future if we did not enact a package like this.

So that is the other side of the coin. It is one thing if we do it, a positive impact; and a negative impact if we do nothing.

Henry Kaufman, often quoted, the chief economist for Salomon Brothers, thought the budget agree, if implemented, would have a modest, not dramatic, impact on interest rates: maybe a half percent—50 basis points—in the near term on the prime rate, a bit more on long bonds. But he also indicated that failure to act on the package could have a large negative impact on interest rates—1½ percent higher.

So that is again both sides, not aggressive if we enact it, but bad news if we do not enact it.

So I would just think this might be helpful to my colleagues, and I have already asked that it be made a part of the record.

Mr. President, I hope that I have fulfilled my promise that we would initiate some action in the budget on Monday, April 22. That was the opening shot, probably not heard around the world, probably not even heard around the Chamber. But in any event, it is a beginning, and following a little recess tomorrow for the Contra aid discussion, debate, and vote sometime tomorrow evening, hopefully sooner, and then back on the budget in earnest on Wednesday, and I would guess there could be votes on Wednesday, certainly many votes on Thursday and Friday. We hope to come in early on Thursday and Friday. There is a possibility of a Saturday session. In any event we would like to complete action on this package by midweek of next week.

NOTICE OF INTENTION TO SUSPEND A PORTION OF THE RULES

Mr. DOLE. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend that portion of the rules of the Senate contained in Public Law 98-473, precluding an amendment to Senate Joint Resolution 106, for the purpose of proposing to the resolution, Senate Joint Resolution 106, an amendment to be proposed by the majority leader.

Mr. BYRD. Mr. President, reserving the right to object, and I certainly will not object.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Will the distinguished majority leader indicate whether or not any amendment offered by him on tomorrow would be germane and relevant to the subject matter within the resolution so that Senators would have a clear understanding that it would not be a nongermane, nonrelevant amendment?

Mr. DOLE. I can assure the distinguished minority leader that it will be germane. Hopefully, it will be something that the two of us can agree on.

As I have indicated earlier, we have spent about 8½ hours today trying to come together on this issue. We have not made it. As far as I know, we have not given up. Hopefully, it will be along those lines, but it will be germane and relevant.

Mr. BYRD. I thank the distinguished majority leader. I remove my reservation.

NOTICE OF INTENTION TO SUSPEND A PORTION OF THE RULES

Mr. BYRD. Mr. President, I have been advised that Senator BENTSEN would want to give notice today in writing that it is his intention to move to suspend the rules of the Senate so as to allow him to offer an amendment to Senate Joint Resolution 106.

On his behalf, therefore, and in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is the intention of Mr. BENTSEN to move to suspend that portion of the rules of the Senate contained in Public Law 98-473, precluding an amendment to Senate Joint Resolution 106, for the purpose of proposing to the resolution, Senate Joint Resolution 106, an amendment to be proposed by the distinguished senior Senator from Texas.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. DOLE. As I understand it, any Member has a right to file that motion, is that correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. DOLE. As I understand, in response to the distinguished minority leader's question about relevance and germaneness, "Is that a requirement?" I have assured the minority leader that the amendment I will offer will be germane and relevant. But it is my understanding that that is not a requirement. If the rules are suspended, it does not need to be germane or relevant.

The PRESIDING OFFICER. The majority leader is correct.

Mr. DOLE. I guess there is no assurance. But I assume the amendment the Senator from Texas may offer, Senator BENTSEN, would be germane and relevant. But I think that is his option.

Mr. BYRD. Will the distinguished majority leader yield?

Mr. DOLE. I yield.

Mr. BYRD. I have no knowledge as to what the contents of the amendment may be. The majority leader is accurate in suggesting that it not be necessary to be germane and relevant. May I say to the distinguished majority leader that my inquiry was merely to say to those who may read the RECORD over the evening that whatever amendment the distinguished majority leader will offer will be relevant and germane. And I think both the distinguished majority leader and I have had under consideration the likelihood of an amendment that would be offered which would probably serve as a complete substitute. I do not know that this is the intention of the majority leader. I cannot say whether the amendment by Mr. BENTSEN would be relevant and germane. I have a feeling that it might deal with economic sanctions. I know that that is something that has been discussed by the distinguished Senator from Texas. But I am not sure that is what he had in mind. It could involve economic sanctions. I think we would be safe in saying that it will be germane. But I cannot assure the distinguished Senator of that. It will require a two-thirds vote of those present and voting just as would any other motion to suspend the rule.

Mr. DOLE. I thank the distinguished minority leader, and I know that Senator BENTSEN has expressed himself publicly about the need for economic sanctions. I hope that it will be germane and relevant. That is an area I might indicate—if Senator BENTSEN will review the record—which has taken a great deal of time of the day. We have discussed it a number of times in the White House. It was in the package submitted by the distinguished minority leader to me early this morning. The White House staff indicated that the President has that authority. It may be under consideration. I know of Senator BENTSEN's concern. In the spirit in which I would offer any amendment, it would be relevant and germane. I just hope any amendment the Senator from Texas may offer would be relevant and germane.

Mr. BYRD. If the distinguished majority leader will yield, I have inquired of the staff of the distinguished Senator from Texas. And the response is that it will deal with the economic sanctions.

Mr. DOLE. I thank the distinguished minority leader. I know the Senator from Texas is very concerned about this issue.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

NOTICE OF INTENTION TO MOVE TO SUSPEND A PORTION OF THE RULES

Mr. HELMS. In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend that portion of the rules of the Senate contained in Public Law 98-473, precluding an amendment to Senate Joint Resolution 106, for the purpose of proposing to the bill, Senate Joint Resolution 106, an amendment.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF INTENTION TO MOVE TO SUSPEND A PORTION OF THE RULES

Mr. BYRD. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend that portion of the rules of the Senate contained in Public Law 98-473, precluding an amendment to Senate Joint Resolution 106, for the purpose of proposing to the bill, Senate Joint Resolution 106, an amendment sponsored by the minority leader of the Senate.

May I say for explanation, my amendment, which I would offer if I should exercise my right to move to suspend the rules, would be germane and relevant to the subject matter of the basic resolution, or would certainly be germane and relevant to any other amendment which may be offered in connection with any of the

notices that have been entered today in writing.

Mr. DOLE. Mr. President, I believe I can assure the distinguished minority leader that the motion entered by Senator HELMS on any amendment he might offer I understand will be germane and relevant. I believe he has a little different view of today's proceedings than many others who were there have. I think he is thinking about proposing an amendment.

Mr. BYRD. I thank the distinguished majority leader. I may not exercise my rights under the notice to offer an amendment, but I will have fulfilled the requirement of such rule. I thank the majority leader.

ORDERS FOR TUESDAY

Mr. DOLE. Mr. President, by unanimous consent of April 4, the Senate will convene tomorrow at 8 a.m.

Following the recognition of the two leaders under the standing order there will be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Mr. President, I ask unanimous consent that following the Proxmire special order there be additional special orders for the following Senators not to exceed 15 minutes each: Senators WEICKER, DOMENICI, and SPECTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF SPECIAL ORDERS

Mr. DOLE. Mr. President, I ask unanimous consent that any special order not executed prior to the hour of 9 a.m. resume following disposition of Senate Joint Resolution 106.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, following the special orders, if time permits, there will be a period for the transaction of routine morning business not to extend beyond the hour of 9 a.m. with statements limited therein to 5 minutes each.

At 9 a.m., the Senate will begin consideration of Senate Joint Resolution 106, supporting military or paramilitary operations in Nicaragua under a statutory time limitation of 10 hours. A vote will occur on final disposition of Senate Joint Resolution 106 prior to the close of business on Tuesday, April 23, 1985.

RECESS UNTIL TOMORROW AT 8 A.M.

Mr. DOLE. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the unanimous-consent agreement entered into earlier, that the Senate stand in recess until 8 a.m. tomorrow morning.

The motion was agreed to; and the Senate, at 7:52 p.m., recessed until Tuesday, April 23, 1985, at 8 a.m.

NOMINATIONS

Executive nomination received by the Secretary of the Senate after the recess of the Senate on April 18, 1985, under authority of the order of the Senate of January 3, 1985:

DEPARTMENT OF ENERGY

Joseph F. Salgado, of California, to be Under Secretary of Energy, vice William Patrick Collins, resigned.

Executive nominations received by the Secretary of the Senate April 19, 1985, under authority of the order of the Senate of January 3, 1985:

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. William E. Odom, xxx-xx-xxxx U.S. Army.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Crawford A. Easterling, xxx-xx-xxxx/1310, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. William J. Cowhill, xxx-xx-xxxx/1120, U.S. Navy.

The following-named officer, under the provision of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Powell F. Carter, Jr., xxx-xx-xxxx/1120, U.S. Navy.

IN THE MARINE CORPS

The following-named officers of the Marine Corps and Marine Corps Reserve for permanent appointment to the grade of lieutenant colonel, under provisions of title 10, United States Code, section 624:

Abelee, James R., xxxx
Ables, Charles K., xxxx
Adcock, Gayle E., xxxx
Aitken, Alexander J., xxxx
Allison, Kenneth C., Jr., xxxx
Amos, James F., xxxx
Arent, Michael J., xxxx
Babin, Billy T., xxxx
Bailey, Robert L., xxxx
Bakke, Steven T., xxxx
Ball, Robert E., xxxx
Ball, Edward J., III, xxxx
Ball, William F., III, xxxx
Bates, Richard W., xxxx
Batulis, Bryan J., xxxx
Beinhart, Ernest G., III, xxxx
Berle, Jill A., xxxx
Bierly, Jerome F., xxxx
Biggers, Archie J., xxxx
Bird, Margaret E., xxxx
Black, Douglas M., xxxx
Blackman, Robert R., Jr., xxxx
Bourdon, Paul J., xxxx
Bowers, Rodney L., xxxx
Bruch, Stephen E., xxxx
Buckovetz, Dennis M., xxxx
Buescher, Allan S., xxxx
Calderon, Albert R., xxxx
Cameron, Kenneth D., xxxx
Carver, Craig L., xxxx
Casler, James G., xxxx
Chambers, Justice M., Jr., xxxx
Charles, William M., II, xxxx
Church, Jimmy H., xxxx
Ciotti, Anthony J., Jr., xxxx
Clampitt, Richard H., xxxx
Cluelow, Jay M., xxxx
Cole, John H., Jr., xxxx
Comaratta, Leonard J., xxxx
Cote, Richard A., Jr., xxxx
Counselman, John D., xxxx
Cowell, Lawrence G., xxxx
Creed, Jerry L., xxxx
Cruz, Ronald J., xxxx
Davis, Charles E., Jr., xxxx
Devite, Edward A., xxxx
Diggs, Alphonso B., Jr., xxxx
Dokos, Patricia A., xxxx
Dorroh, Jefferson D., III, xxxx
Dryer, Will L., Jr., xxxx
Dudley, Andrew S., Jr., xxxx
Dudnick, Douglas W., xxxx
Duff, Brendan, xxxx
Duff, Charles O., Jr., xxxx
Egan, James B., xxxx
Elliott, Milton V., xxxx
Engstrom, John D., xxxx
Essink, Robert G., xxxx
Evans, Harold W., III, xxxx
Everhart, Richard S., xxxx
Fallon, Michael O., xxxx
Fields, Arnold, xxxx
Fields, Paul R., xxxx
Fischer, Vincent L., Jr., xxxx
Fitzgerald, Jerry W., xxxx
Flaherty, Thomas A., xxxx
Flatley, Peter J., xxxx
Flowers, Thomas H., xxxx
Flynn, James C., xxxx
Foore, Marshall B., xxxx
Forester, Zachary T., III, xxxx
Forrester, Robert A., xxxx
Franks, Michael J., xxxx
Gagliard, Frank A., Jr., xxxx
Gahan, Timothy M., xxxx
Gamble, William N., xxxx
Garner, Robert D., xxxx
Gebhard, Lewis J., xxxx
Gombar, Bruce A., xxxx
Graham, Paul S., xxxx
Greathouse, Daniel G., xxxx
Grubb, William C., Jr., xxxx
Gruehl, John J., xxxx
Guiney, Thomas B., xxxx
Hackett, William H., xxxx
Hale, William M., xxxx
Haley, Stephen D., xxxx
Hall, John B., xxxx
Hammond, James D., xxxx
Harrington, Ronald C., xxxx
Hatch, William M. xxxx
Hawkins, James M., xxxx
Hayes, Roger L., xxxx
Head, Allen T., Jr., xxxx
Henley, Leon F., Jr., xxxx
Hertel, John P., xxxx
Hicks, Frank W. xxxx
Hillman, Kenneth W., Jr., xxxx
Hines, Kennon D., Jr., xxxx
Hoeft, Diane S., xxxx
Holihan, Richard F., xxxx
Hollister, William D., xxxx
Horton, David S., xxxx

Houser, Robert E., xxxx
Hudson, John W., Jr., xxxx
Hughes, Philip E., xxxx
Hughey, Gary H., xxxx
Huly, Jan C., xxxx
Humble, Jerry D., xxxx
Hutton, Joseph L., Jr., xxxx
Isaly, Douglas K., x...
Jensen, Sigurd L., III, xxxx
Johnson, David C., xxxx
Johnson, Maralee J., xxxx
Jones, Rodger L., xxxx
Jones, Thomas S., xxxx
Jones, William R., xxxx
Jones, William K., Jr., xxxx
Kahler, Jerry W., xxxx
Keller, George R., Jr., xxxx
Kocevar, Frank L., xxxx
Kohl, Richard T., xxxx
Kolar, Mac D., xxxx
Kotora, Jeffrey C., xxxx
Kreibach, Henry J., Jr., xxxx
Kyle, William P., xxxx
Langston, Edward R., Jr., xxxx
Larson, Jack D., xxxx
Lee, Jr., Paul M., xxxx
Lehman, Joseph R., xxxx
Lendaro, Valentino L., xxxx
Lewis, Terry N., xxxx
Lindeman, Dennis C., xxxx
Litchfield, David C., xxxx
Lizzo, John K., xxxx
Lunday, Robert K., Jr., xxxx
Lusczynski, Leon S., xxxx
Malone, George M., xxxx
Maloney, Michael V., xxxx
Manary, Gregory K., xxxx
Martin, Terry L., xxxx
Mashburn, Harold, Jr., xxxx
Mauer, Roger J., xxxx
Maxey, William L., xxxx
Maxfield, Keith L., xxxx
May, Richard P., xxxx
McAbee, Jerry C., xxxx
McCormick, Ray M., xxxx
McDermott, John J., xxxx
McDonald, Thomas O., xxxx
McGinnis, Dwight R., Jr., xxxx
McMillin, Billy D., xxxx
Messick, Lonnie L., xxxx
Metzger, Peter T., xxxx
Middleton, John B., Jr., xxxx
Miranda, Raul A., xxxx
Mitchell, Donald M., xxxx
Monigan, Michael F., xxxx
Motley, Robert S., xxxx
Moxley, Patrick A., xxxx
Mullen, Michael R., xx...
Mutchler, Robert S., xxxx
Myers, William N., xxxx
Napier, James H., xxxx
Napier, Rollin G., xxxx
Naylor, James M., xxxx
Neely, William L., xxxx
Newbold, Gregory S., xxxx
Nielsen, Miken J., xxxx
Niemczyk, Ignatius J., xxxx
Niemyer, John J., xxxx
North, Warren W., xxxx
Norton, William R., III, xxxx
Nymeyer, Raymond L., xxxx
Oates, Willard D., xxxx
Ohara, Michael J., xxxx
Okland, Douglas A., xxxx
Orazi, Robert M., xxxx
Osman, Henry P., xxxx
Pannek, Michael D., xxxx
Patrow, Renee., xxxx
Patten, Clarence F., III, xxxx
Patterson, James H., xxxx
Paul, Terry L., xxxx
Pearcy, Ralph E., II, xxxx
Peck, Frederick C., xxxx
Perrault, George N., III, xxxx
Phelps, John F., xxxx
Poling, Sherman A., xxxx
Porter, James J., Jr., xxxx
Potter, Stephen E., xxxx
Pratt, Andrew N., xxxx
Priestly, Kenneth L., xxxx
Pugh, Richard L., xxxx
Quattlebaum, John R., xxxx
Randel, Kerry O., xxxx
Randel, Garrett V., Jr., xxxx
Rayman, Brett D., xxxx
Reeve, James L., xxxx
Rehberger, Louis A., III, xxxx
Reid, James L., xxxx
Rhodes, Harold P., xxxx
Rice, William M., xxxx
Robeson, Edward J., IV, xxxx
Robichaud, Robert S., xxxx
Robinson, Gilford G., xxxx
Rodenberg, Earl C., xxxx
Rubens, Jonathan E., xxxx
Scheferman, Jeffrey E., xxxx
Schmidt, John W., xxxx
Schroeder, Jerauld D., xxxx
Schwenk, James R., xxxx
Seipt, Paul R., xxxx
Selvage, Donald R., xxxx
Selzer, Michael D., xxxx
Seth, Fred D., Jr., xxxx
Sheets, Darrel, W., xxxx
Shively, Albert E., xxxx
Shores, Howard P., II, xxxx
Sickler, Robert I., Jr., xxxx
Simpson, Victor A., xxxx
Sloan, Gregory G., xxxx
Smith, James E., xxxx
Smith, Michael W., xxxx
Smith, Edward D., Jr., xxxx
Smythe, Jon W., xxxx
Sonnenberg, Robert E., Jr., xxxx
Sooy, Craig E., xxxx
Spears, Elmer R., Jr., xxxx
Stahl Mykle E., xxxx
Stahl, Norman S., xxxx
Stanley, Clifford L., xxxx
Stanley, Wayne A., xxxx
Steele, David L., xxxx
Steiner, Jon O., xxxx
Stensrud, Thorys J., xxxx
Stepien, Edward R., xxxx
Stewart, Joe R., xxxx
Stewart, Priscilla L., xxxx
Stockwell, David A., xxxx
Sublette, William J., xxxx
Sulick, Tom E., Jr., xxxx
Sullivan, Alan P., xxxx
Teller, Michael J., xxxx
Thomas, James B., xxxx
Tillett, Coulter D., xxxx
Trapnell, Byron M., xxxx
Tullos, George C., xxxx
Verduci, Alexander C., xxxx
Waldron, Joseph R., xxxx
Walsh, John E., xxxx
Wayne, Michael P., xxxx
Wells, David M., xxxx
Wesley, William J., xxxx
Westfall, William C., Jr., xxxx
Whitham, Paul A., xxxx
Willard, Richard T., xxxx
Williams, Michael E., xxxx
Williams, Norris E., xxxx
Williams, Thomas W., xxxx
Williamson, James H., xxxx
Willie Clarence E., Sr., xxxx
Wilson, Paul E., xxxx
Wilson, Thomas E., xxxx
Wittle, David L., xxxx
Wright, Gary J., xxxx
Wright, John P., xxxx
Young, Randall H., xxxx
Youngs, Brian M., xxxx
Zegar, Richard H., xxxx

IN THE NAVY

The following-named Naval Reserve Officers Training Corps candidates to e appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Bartleman, William M., II	Metts, Willie L.
	Reynolds, Jay A.
Borthwick, Robert P.	Shinkle, James R.

The following-named Naval Reserve officers to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Allen, James D.	Jacobson, Jerry L.
Brown, Paul E.	Landers, Robert B.
Baumgarner, Marc D.	McQuaig, James M.
Caldwell, James H., III	Mingonet, Charles L. Jr.
Camara, John A.	Nelson, Karyn R.
Carlson, Jeffrey L.	Nunnally, Stephens W. Jr.
Chalker, Albert E.	
Crouch, Robert A.	Palmer, Richard C.
Davis, Charles A.	Philbrick, Charles R., Jr.
Doty, Charles A.	
Epple, James E.	Pitale, John E.
Fidrych, Anthony M.	Reichart, Robert A.
Ganci, Charles B.	Shapro, Stephen
Hanson, Steven P.	Shearer, Patrick J.,
Hughes, Robert J.	Storey, Michael T.
Hull, Barry W.	Tarrell, Alvin E.
Hunter, Jeffrey T.	Tilbury, Jeffrey P.

The following-named Navy enlisted candidates to be appointed permanent chief warrant officer, W-2, in the U.S. Navy, pursuant to title 10, United States Code, section 555:

Masters, Ralph E.
Watkins, Harold D.

Jerome Shea, lieutenant commander, U.S. Navy, retired, to be reappointed permanent lieutenant commander from the Temporary Disability Retired List, pursuant to title 10, United States Code, section 1211.

Ward W. Stevens, Jr., ex-Naval Reserve officer, to be appointed permanent commander in the Medical Corps of the U.S. Naval Reserve, pursuant to title 10, United States Code, section 593.

The following-named medical college graduates to be appointed permanent commander in the Medical Corps of the U.S. Naval Reserve, pursuant to title 10, United States Code, section 593:

Haugh, John D.
Smith, George J.W.

The following-named U.S. Navy officers to be appointed permanent commander in the Medical Corps of the U.S. Naval Reserve, pursuant to title 10, United States Code, section 593:

Buckley, Robert L.	Presley, Jimmy C.
Malstrom, Robert H.	Shodhan, Pragna N.

Craig B. Dever, commander, U.S. Navy, to be appointed permanent commander in the Dental Corps of the U.S. Naval Reserve, pursuant to title 10, United States Code, section 593.

Executive nominations received by the Senate April 22, 1985:

DEPARTMENT OF THE TREASURY

Margaret DeBardeleben Tutwiler, of Alabama, to be an Assistant Secretary of the Treasury, new position—Public Law 98-594 of October 30, 1984.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. Herman O. Thomson, xxx-... xxxx FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Jack I. Gregory, [redacted]FR, U.S. Air Force.

The following-named officer under the provision of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. John L. Pickitt, [redacted]fr, U.S. Air Force.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Dale A. Vesser, [redacted], U.S. Army.

IN THE NAVY

The following-named commodores of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral in the line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICERS

Richard Edward Young
Tammy Haggard Etheridge
LeRoy Collins, Jr.
Frederick Peter Bierschenk, Jr.

UNRESTRICTED LINE OFFICER (TAR)

Tommie Fred Rinard

MEDICAL CORPS OFFICER

James Albert Austin

DENTAL CORPS OFFICER

Haruto Wilfred Yamanouchi

SUPPLY CORPS OFFICER

Donald Gene St Angelo

CIVIL ENGINEER CORPS OFFICER

Charles Richard Smith

IN THE MARINE CORPS

The following-named U.S. Air Force Academy Graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 541

Michael J. Piirto, [redacted]
Robert M. Simmons, [redacted]

The following-named Marine Corps enlisted commissioning education program graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10 United States Code, section 531:

Steven B. Beal, [redacted]
Thomas C. Gonter, [redacted]

The following-named Naval Reserve Officers Training Corps Graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, sections 531 and 2107:

Andrew L. Bynum, [redacted]
Mark L. Diedrich, [redacted]
Robert N. Ellithorpe, [redacted]
Christopher D. Heid, [redacted]

IN THE NAVY

The following-named officer for promotion to the grade indicated under the provisions of article II, section 2, clause 2 of the Constitution of the United States of America.

To be captain

Cmdr. Donald E. Williams, U.S. Navy, [redacted]/1310.

HOUSE OF REPRESENTATIVES—*Monday, April 22, 1985*

The House met at 3 p.m. and was called to order by the Speaker pro tempore [Mr. WRIGHT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, *April 18, 1985.*

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, April 22, 1985.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Righteousness exalts a nation, but sin is a reproach to any people.—Psalm 14:34.

We are conscious, O God, of the blessings You have given our Nation. We thank You for the faith of those who have gone before, in their trust in You, and for their vision of a just society. May we be worthy of the responsibilities we have in our day and time to promote those things that bring justice and peace to all people, and may we, in the spirit of mercy be diligent in our tasks that justice will roll down as waters and righteousness like an ever flowing stream. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FRENZEL. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 200, nays 61, answered "present" 8, not voting 164, as follows:

[Roll No. 59]

YEAS—200

Addabbo	Gejdenson	Pepper
Akaka	Gekas	Perkins
Alexander	Gibbons	Pickle
Andrews	Gonzalez	Price
Annunzio	Gradison	Quillen
Anthony	Gray (IL)	Rahall
Aspin	Gray (PA)	Rangel
Atkins	Guarini	Ray
Barnard	Hall, Ralph	Reid
Barnes	Hall, Sam	Rinaldo
Beilenson	Hamilton	Robinson
Bennett	Hartnett	Roe
Berman	Hawkins	Rose
Bevill	Hayes	Roth
Boland	Hertel	Rowland (GA)
Boner (TN)	Howard	Roybal
Bonior (MI)	Hoyer	Russo
Bonker	Hughes	Sabo
Borski	Jenkins	Savage
Boucher	Jones (NC)	Scheuer
Boxer	Jones (TN)	Schneider
Breaux	Kanjorski	Sharp
Brooks	Kaptur	Shuster
Broomfield	Kastenmeier	Skelton
Brown (CA)	Kennelly	Smith (FL)
Bryant	Kildee	Smith (IA)
Burton (CA)	Kleczka	Smith (NJ)
Carper	Kolter	Smith, Robert
Carr	Kostmayer	Solarz
Chappell	Lantos	Spratt
Coelho	Lehman (CA)	Staggers
Coleman (TX)	Lehman (FL)	Stallings
Collins	Leland	Stenholm
Cooper	Levin (MI)	Stokes
Coyne	Levine (CA)	Stratton
Crockett	Lipinski	Studds
Darden	Long	Sweeney
Daschle	Lowry (WA)	Swift
de la Garza	MacKay	Synar
Derrick	Manton	Tallon
Dicks	Martinez	Tauzin
Dingell	Mavroules	Thomas (GA)
Dixon	Mazzoli	Torres
Donnelly	McCurdy	Traficant
Dorgan (ND)	McHugh	Traxler
Downey	Mica	Udall
Dwyer	Miller (CA)	Valentine
Dyson	Mineta	Vento
Early	Moakley	Visclosky
Eckart (OH)	Mollohan	Walgren
Edgar	Montgomery	Watkins
Edwards (CA)	Moody	Weaver
English	Moore	Weiss
Erdreich	Morrison (CT)	Wheat
Evans (IL)	Mrazek	Whitley
Fascell	Murphy	Whitten
Fazio	Murtha	Wilson
Feighan	Natcher	Wirth
Flippo	Neal	Wise
Florio	Nowak	Wolpe
Foglietta	Oakar	Wright
Foley	Obey	Wyden
Fowler	Olin	Yates
Frank	Owens	Yatron
Frost	Panetta	Young (FL)
Garcia	Pashayan	Young (MO)
Gaydos	Pease	

NAYS—61

Archer	Coleman (MO)	Dreier
Bilirakis	Combest	Duncan
Boehlert	Conte	Durbin
Brown (CO)	Courter	Evans (IA)
Carney	Crane	Fawell
Chandler	Daub	Fields
Chappie	Davis	Goodling
Clay	Dickinson	Gregg
Grotberg	McCain	Sensenbrenner
Hendon	McEwen	Shumway
Hillis	Mitchell	Sikorski
Holt	Moorhead	Siljander
Hopkins	Penny	Solomon
Jacobs	Pursell	Sundquist
Jeffords	Regula	Swindall
Kramer	Ritter	Vucanovich
Latta	Roemer	Wolf
Livingston	Roukema	Wortley
Lujan	Saxton	Young (AK)
Madigan	Schroeder	
Martin (NY)	Schulze	

ANSWERED "PRESENT"—8

Dornan (CA)	Mikulski	Tauke
Dymally	Oberstar	Taylor
Gordon	Sisisky	

NOT VOTING—164

Ackerman	Green	Monson
Anderson	Gunderson	Morrison (WA)
Applegate	Hall (OH)	Myers
Armey	Hammerschmidt	Nelson
AuCoin	Hansen	Nichols
Badham	Hatcher	Nielson
Bartlett	Hefner	O'Brien
Barton	Heftel	Ortiz
Bateman	Henry	Oxley
Bates	Hiler	Packard
Bedell	Horton	Parris
Bentley	Hubbard	Petri
Bereuter	Huckaby	Porter
Biaggi	Hunter	Richardson
Bliley	Hutto	Ridge
Boggs	Hyde	Roberts
Bosco	Ireland	Rodino
Boulter	Johnson	Rogers
Broyhill	Jones (OK)	Rostenkowski
Bruce	Kasich	Rowland (CT)
Burton (IN)	Kemp	Rudd
Bustamante	Kindness	Schaefer
Byron	Kolbe	Schuette
Callahan	LaFalce	Schumer
Campbell	Lagomarsino	Seiberling
Cheney	Leach (IA)	Shaw
Clinger	Leath (TX)	Shelby
Coats	Lent	Skeen
Cobey	Lewis (CA)	Slattery
Coble	Lewis (FL)	Slaughter
Conyers	Lightfoot	Smith (NE)
Coughlin	Lloyd	Smith (NH)
Craig	Loeffler	Smith, Denny
Daniel	Lott	Snowe
Dannemeyer	Lowery (CA)	Snyder
DeLay	Luken	Spence
Dellums	Lundine	St Germain
DeWine	Lungren	Stangeland
DioGuardi	Mack	Stark
Dowdy	Markey	Strang
Eckert (NY)	Marlenee	Stump
Edwards (OK)	Martin (IL)	Thomas (CA)
Emerson	Matsui	Torricelli
Fiedler	McCandless	Towns
Fish	McCollum	Vander Jagt
Ford (MI)	McDade	Volkmer
Ford (TN)	McGrath	Walker
Franklin	McKernan	Waxman
Frenzel	McKinney	Weber
Fuqua	McMillan	Whitehurst
Gallo	Meyers	Whittaker
Gephardt	Michel	Williams
Gilman	Miller (OH)	Wylie
Gingrich	Miller (WA)	Zschau
Glickman	Molinari	

□ 1130

Mr. BROWN of Colorado changed his vote from "yea" to "nay."

Mr. SOLOMON changed his vote from "present" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RUDD. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference that had to do with what has happened in the Eighth District of Indiana.

Had I been present, I would have voted "yea" on rollcall 59.

PERSONAL EXPLANATION

Mr. LAGOMARSINO. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference on the McIntyre election in the Eighth Congressional District of Indiana.

Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. PARRIS. Mr. Speaker, I was unavoidably absent while attending a very important conference this afternoon on the future of participatory democracy and I missed rollcall 59. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. HENRY. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending, again, the same Republican Conference dealing with the contested election in Indiana's Eighth District.

Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. BARTON of Texas. Mr. Speaker, on rollcall vote 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference to discuss what action we should take with regard to the Rick McIntyre situation. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. ECKERT of New York, Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the Republican Conference about the developments in Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. McMILLAN. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference on the election results in the Eighth District of Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. SLAUGHTER. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a meeting of the House Republican Conference on the results of the Eighth Congressional District election in Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. BARTLETT. Mr. Speaker, on rollcall 59, I was also unavoidably absent while attending a very important meeting of the House Republican Conference on the McIntyre case in Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. STRANG. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference on the unfortunate McIntyre situation. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. KOLBE. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference. To discuss the future of representative government in this country. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. MONSON. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference. Discussing important constitutional issues. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. DELAY. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference on the meaning of democracy. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mrs. BENTLEY. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference to discuss very important constitutional issues. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. MACK. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. BOULTER. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference dealing with the rights of the people of the Eighth District of Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. CHENEY. Mr. Speaker, on rollcall 59 today, I was unavoidably detained while attending a very important meeting of the House Republican Conference to discuss the pending matter in the Eighth Congressional District of Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. DIOGUARDI. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference on a constitutional issue. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Ms. FIEDLER. Mr. Speaker on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. HILER. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference to discuss the current electoral difficulty in the Eighth Congressional District of Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. McCANDLESS. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. LEWIS of Florida. Mr. Speaker, during rollcall 59 I was unavoidably absent as I was attending a very important meeting of the Republican Conference regarding a constitutional matter in Indiana's Eighth District. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. LUNGREN. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. DENNY SMITH. Mr. Speaker, on rollcall 59 today I was unavoidably absent for the vote while attending a very important meeting of the House Republican Conference on a constitutional matter about seating Mr. McIntyre of the Eight Congressional District of Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. BLILEY. Mr. Speaker, on rollcall 59 today I was unavoidably absent for the vote while attending a very important meeting of the House Republican Conference. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. GUNDERSON. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference on the McIntyre issue. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. ROWLAND of Connecticut. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference on the McIntyre situation. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. LIGHTFOOT. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending an important meeting of the House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. WHITTAKER. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. EMERSON. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. SCHUETTE. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. ARMEY. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. KEMP. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending and chairing a very important meeting of our House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. HUNTER. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. WALKER. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference where we discussed the outrageous performance of the House Task Force on the McIntyre matter where they had seated an uncertified Member of Congress. Had I been present for that particular vote I would have voted "nay."

PERSONAL EXPLANATION

Mr. SHAW. Mr. Speaker, today on rollcall 59, I chose to be absent and instead attended a very important meeting of the House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. KINDNESS. Mr. Speaker, on rollcall 59 today I was absent while attending a very important meeting of the House Republican Conference at which there was discussion of the very unfortunate matter of the House Administration Committee's dealing with the seating of the Eighth Congressional District of Indiana's Representative. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. DEWINE. Mr. Speaker, on rollcall 59 today I was absent while attending a very important meeting of the House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. WEBER. Mr. Speaker, on rollcall 59 today I was absent while attending a very important meeting of the House Republican Conference. That conference was necessary because of the constitutional crisis toward which this body is being pushed by the irresponsible actions of the Democratic majority on the House Administration Committee. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. GALLO. Mr. Speaker, on rollcall 59 today I was absent while attending a very important meeting of the House Republican Conference dealing with a very serious matter, a constitutional matter dealing with the McIntyre vote. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. McCOLLUM. Mr. Speaker, on rollcall 59 today I was absent while attending a very important meeting of the House Republican Conference on the seating question in the McIntyre matter in the Indiana Eighth District. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. O'BRIEN. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending an important meeting of the Republican Conference dealing with the McIntyre matter. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. COBEY. Mr. Speaker, on rollcall 59 today, I was unavoidably detained

because I was on an airplane en route to here. But had I been here, I would have been unavoidably detained in an important Republican Conference on the McIntyre issue. Had I been present here, I would have voted "nay."

PERSONAL EXPLANATION

Mr. BATEMAN. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending and participating in an important conference of the Republican Party for discussion of the unconstitutional implications of the treatment of the dispute with respect to the Eighth Congressional District in Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mrs. MEYERS of Kansas. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference concerning a very important constitutional question having to do with the seating of Rick McIntyre. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. PETRI. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a meeting of the House Republican Conference. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. SMITH of New Hampshire. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference discussing a very serious constitutional question regarding the seating of Rick McIntyre. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. MILLER of Washington. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while attending a very important meeting of the House Republican Conference on the refusal of this body to seat Rick McIntyre. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mrs. MARTIN of Illinois. Mr. Speaker, on rollcall 59 today, I was unavoidably absent while being the vice chair of an important meeting of the House Republican Conference. The only vice I have found is the way that the election in Indiana's Eighth District is being treated. Had I been present for the rollcall vote, I would have voted "nay."

PERSONAL EXPLANATION

Mr. KASICH. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. LOWERY of California. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference on the Eighth District of Indiana. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. McKINNEY. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference. I must say, Mr. Speaker, one of the reasons that I had to stay there is that I wondered if a recent decision in the Eighth District of Indiana had not brought this House to a meaningless conclusion. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. CRAIG. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference on the election issue in the Eighth District of Indiana. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. ZSCHAU. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference on the issue of the seating of Rick McIntyre in the Eighth District of Indiana. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. LEWIS of California. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference regarding the McIntyre matter. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. COATS. Mr. Speaker, on rollcall 59 today I was unavoidably absent while attending a very important meeting of the House Republican Conference. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mr. BADHAM. Mr. Speaker, on rollcall 59 today I was avoidably absent while attending a very important meeting of the Republican Conference on the subject of the McIntyre seat. Had I been present I would have voted "nay."

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, By Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 813. An act to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1986 and 1987, and for other purposes.

ESTABLISHMENT OF NATIONAL TASK FORCE TO ADDRESS LONG-TERM FUTURE OF AMERICAN AGRICULTURE

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, on Thursday, I am going to introduce a concurrent resolution urging the President to establish a national task force to address the long-term future of American agriculture.

A bipartisan group of over 50 of my colleagues will be joining me as original cosponsors of this resolution.

We are genuinely concerned that American agriculture as we know it is rapidly deteriorating and the vigorous farm economy that we once enjoyed is disappearing.

Anticipating this situation, we urge the President to call together expert farmers from around the country, representatives of various aspects of agribusiness, agricultural economists, marketing and forecasting experts, agricultural educators, and others to address the long-range concerns of the American agricultural industry.

We think our agricultural problems can best be handled by a united effort, and I urge my colleagues who are concerned about the future of American agriculture to join me in introducing this legislation on Thursday.

NICARAGUA AND TRADE

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, last Friday, I sent the President a letter requesting that he consider the immediate cutoff of trade with Marxist-Leninist Nicaragua.

Why should America help a government which is exporting revolution to its neighbors and denying basic right to its people?

Why help a country that is shipping illegal drugs to the United States?

An executive order stopping trade with Nicaragua is sound policy. This nonviolent, yet significant pressure, is a step in the right direction.

Should the Sandinistas really want peace and show their sincerity in this area, the trade ban could be lifted.

Last year, our country brought 57 million dollars worth of Nicaraguan exports. We sent Nicaragua over $100 million in U.S. products, much of it, including spare parts, helps to sustain that Marxist-Leninist regime.

I continue to be deeply concerned about that government and its plans for this region. the time for a trade cutoff is now.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 77

Mr. SILJANDER. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 77.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from Michigan?

There was no objection.

PRESIDENT REAGAN'S VISIT TO GERMAN MILITARY CEMETERY

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, as a Democrat who believes strongly in a bipartisan foreign policy, I have supported virtually all of President Reagan's defense and foreign policy initiatives. In fact, I intend, tomorrow, to support his proposal for aid to the Nicaraguan resistance.

I do not, however, believe that the President of the United States—our head of state, the person who is the spokesman for our Nation—should participate in a ceremony honoring troops who committed one of the greatest atrocities in the history of the human race. Furthermore, I do not believe that the American people want him to participate in the ceremony.

This is especially true of the many World War II veterans who fought against Nazi Germany. These are men who saw their comrades killed by perhaps the same men who are buried in that cemetery.

Just this weekend, an English class at Marietta High School in Cobb County, GA—a county that gave 77 percent of its votes to President Reagan last November—sent me a packet of over 60 letters from students, almost all of whom opposed Mr. Reagan's proposed visit to Bitburg cemetery.

Mr. Speaker, I want the President to know that I support reconciliation with Germany, but I do believe that there is a better way than by paying inadvertent tribute to war criminals.

□ 1530

WILL WE HELP THE DEMOCRATIC RESISTANCE FORCES OR THE NINE COMMUNIST COMANDANTES IN MANAGUA?

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute.)

Mr. DORNAN of California. Mr. Speaker, a quarter of a century ago on the steps of the east front of our Capitol an American President forcefully spoke the following words:

To our sister republics south of the border, we offer a special pledge: to convert our good words into good deeds in a new alliance for progress, to assist free man and free governments in casting off the chains of poverty. But this peaceful resolution of hope cannot become the prey of hostile powers. Let all neighbors know that we shall join with them to oppose aggression or subversion anywhere in the Americas. And let every other power know that this hemisphere intends to remain the master of its own house.

Do you still hear the echo of those challenging words, my colleagues? I do.

Are we going to remain the master of our house as President John F. Kennedy suggested that we should? Are we going to help the democratic resistance forces in Nicaragua or embolden the nine pro-Communist Comandantes in Managua?

Now, if you are terrified by the sight of liberation theology nuns picketing your district office demanding that you knuckle under to the Managua nine, then read the front page of today's Washington Times and get your backbone restiffened. On the left side on that front page is a reprint of a warning letter to Congressman HENRY HYDE by one of the foremost Catholic scholars writing today, Michael Novak. I submit for our RECORD Mr. Novak's brilliant and clear advice on why we should help the resistance in Nicaragua. Read his words and then for freedom vote to help the democratic resistance, in Central America or live with the consequences.

Mr. Novak's letter follows:

WARNING TO CONGRESS FROM MICHAEL NOVAK

(Michael Novak, resident scholar in religion and public policy at the American Enterprise Institute, urges Rep. Henry Hyde, R-Ill., to support Nicaragua's anti-Sandinista democratic resistance in the following letter, dated April 18. It is reprinted in full.)

DEAR CONGRESSMAN HYDE: A number of congressmen have expressed to me their doubts about voting to cut off funds to the revolutionaries in Nicaragua, although they feel under pressure from activist Catholic clergy to do so.

Permit me to make four points:

(1) In my lifetime, I do not remember so concerted a political-media blitz by a foreign government and its U.S. supporters to influence the outcome of a congressional vote, such as we are seeing from Sandinist Nicaragua. Whatever their capacities to run an economy, whatever the qualities of their army, the Sandinistas' abilities in public relations are superior to those of the Vietnamese fifteen years ago.

The "lesson of Vietnam" learned by those who study how to bring about revolutions incorporating nations into the international socialist bloc is, clearly, that such wars are not won on the battlefield but in U.S. living rooms and church halls. The magnitude of the effort deserves a measure of attention.

(2) Between 1945 and 1948, analogous efforts were made in Poland, Czechoslovakia, Hungary and other nations of Central Europe to disguise Marxist movements within a "popular front" to seize power with as much "legitimacy" as could be managed. Even notable figures such as the young poet Czeslaw Milosz, recent winner of the Nobel Prize, has described how he naively joined in such efforts, only to be disillusioned three or four years later.

The technique is classic: Claim humanistic ideals in public, while masking as long as possible the hidden logic of totalitarian control. The essential first step is to gain control of the army, the secret police, the media, and the organization of revolutionary cadres in every neighborhood. One can then tighten controls gradually: Upon labor unions, businesses, the church, the universities, and other institutions, as the time for each victim becomes ripe.

Thus, there is typically a period of "public idealism," appealing to Western as well as to domestic idealists and popular aspirations. During this period, the noose is secretly drawn tighter and tighter. Within five or six years, control is total. Only then is the disguise dropped.

In the meantime, the problem for outsiders is acute. Most good persons do not wish to be too cynical. They want to give the new leaders "a chance." This leaves cynical new leaders time to use this grace period for their hidden agenda. During the first five or six uncertain years, they have many historical precedents encouraging them to believe that they will be totally successful.

By now, the precedents are many. To be deceived once may be humane. To be deceived twice may be a sign of caution. But to be deceived over and over again is to forfeit excuses.

(3) The most enthusiastic supporters of the Sandinistas are now more cautious than they were two years ago. They are a little worried by many disquieting signs. But since they are now on record as having accepted the Sandinista point of view, they are reluctant to admit too quickly that they may be wrong. Thus, some at least have become even more passionate about their cause. However, instead of praising the Sandinistas totally, they now concentrate their energies upon discrediting their opposition.

This is parallel to the general tendency of Soviet propaganda for the past decade. Khrushchev once promised rashly that Moscow would "bury" the West. No one believes that any longer, not even the Soviets.

They no longer boast of the glories of Moscow; instead, they concentrate on anti-Americanism and anti-Western accusations. Such negative political campaigns have considerable power.

(4) According to Gallup, 61 percent of American Catholics voted for President Reagan in 1984. It would be incautious to believe that the most activist Catholics of the left represent the opinion of the broad majority of American Catholics. Many of the families of American Catholics have fallen victim to other Marxist regimes in other countries. They do not have illusions about the "good faith" of leaders committed to Marxist revolution. They recognize that such revolutions typically proceed gradually and with duplicity.

Thus, to place one's trust in leaders who claim to be Marxists is to wait until the evidence of their good faith is in. By that time, it is too late.

That is why I urge you and your colleagues to proceed with the most clear-eyed realism. To my mind, it is indispensable that the power of the democratic forces seeking a democratic, non-Marxist Nicaragua be kept as strong as possible. Indeed they should be encouraged to grow as powerful as the people of Nicaragua desire.

The false test is to wait to see how far the Sandinistas, unchecked, will go. The proper test is to see how strong the revolution against Sandinismo can grow. The latter is the proper course for those whose priority is liberty. Our own revolution in the U.S. could not have been successful without outside assistance from France, Poland, and elsewhere. One should always bet on liberty. If those who support the democratic revolutionaries in Nicaragua are wrong, the people of Nicaragua will reject that alternative. If those who support the Sandinistas are wrong, the return to liberty will be immensely costly.

Sincerely,

MICHAEL NOVAK.

MR. PRESIDENT, PLEASE CANCEL YOUR TRIP TO BITBURG CEMETERY

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. President Reagan, friendship with the German people is an essential part of reconciliation and forgiveness. But a visit to an SS cemetery is wrong. It is humanizing the most inhumane and vile perversion of human relationships, a blot on human history that must never be forgotten.

It was the SS that pounded on the doors of Jews and others in the middle of the night and dragged the innocent into the darkness to face a certain and agonizing death.

It was the SS that made the Jews wear these arm bands. It was the SS that took little children who were too young to walk to the gas chambers in their arms and delivered them to death.

The SS was Hitler's elite; they knew the score. They talked and laughed while men and women were stripped of their dignity and their clothes and branded with numbers like cattle.

Mr. President, I believe your staff put the SS cemetery on your schedule but you do not have to follow their orders.

Please, in the name of those victims of the Holocaust and those who live on with the memories and those Americans who fought and died for freedom, please cancel your trip to Bitburg Cemetery.

HOUSE RESOLUTION 125

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, the first measure before us this afternoon will be my Resolution No. 125 which was unanimously reported from the Committee on Foreign Affairs which condemns the Soviet Union for the murder of Maj. Arthur B. Nicholson while carrying out his duties as a U.S. soldier.

Any Member wishing to add his name to this resolution will have the opportunity to do so when I ask unanimous consent during the debate to add their names as cosponsors. You are all most certainly invited to do so.

I thank the Speaker.

IT IS NOW OUR RESPONSIBILITY TO SEAT MR. McCLOSKEY

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the result from the recount in the Eighth District, Congressional District of Indiana, are in and although the final tally was in doubt for months, the reactions of my Republican colleagues to the announcement of Frank McCloskey's victory have never been in question. Our Republican colleagues are crying foul. And at least one of their numbers has threatened guerrilla tactics of even worse if Frank McCloskey is seated. Some even say that a four vote victory for Frank McCloskey is not enough. But there should be no need to remind the body that a one vote victory is more than enough. Candidates for Congress do not have to beat a point spread to be seated.

And neither the Indiana secretary of state's timely Florida vacation, a groundless Federal lawsuit, nor volumes of rhetoric in the CONGRESSIONAL RECORD can deny the fact: The voters of the Eighth Congressional District shows Frank McCloskey as this Congressman and it is now our duty and responsibility to them to seat him without delay.

MY COLLEAGUES, LISTEN TO THE THEFT OF AN ELECTION

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker—

Now listen my colleagues, and you shall hear
Of the theft of an election, in this tragic year.
On the 22nd day of April, in the year after '84
And one elected Member of Congress is not on the floor.
Pay attention, my colleagues, and you shall see
Here in my hand, I have a bag of tea.
"Taxation without representation!" was the Boston Tea Party cry
200 years later, we Republicans wonder why.
Seat Mr. McIntyre, is all that we ask.
He's the true winner; it isn't a tough task.
The ballots were counted—'till McCloskey won
Then look how a partisan election commission went on the run.
Back to D.C., to tell their leadership:
"Let's get a vote; take out the whip.
Seat McCloskey, before it's too late
This has gone on for six months—let's not wait."
When the history books have all been read,
Future Americans will learn how the 8th District got whacked on the head.
How the leadership whipped, and their members bled.
How they stole an election, and then how they fled.
But the country will waken, and listen, and hear
How one lone Republican the Democrats fear.
The leadership is adept at bending the rules—
'Twould have been better to do this three weeks ago—on April Fools.

MILITARY COMMAND STRUCTURE REORGANIZATION ACT OF 1985

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, today I am introducing the first of three proposals to reform and reorganize the top levels of our Defense Establishment. This is a three-step approach, with one bill being introduced at this time, and two others to be introduced in early summer.

A portion of the package that I am introducing today is the Military Command Structure Reorganization Act of 1985, which is a reform of the Joint Chiefs of Staff. It strengthens the military advice given to our civilian leaders and gives the military a stronger commander who has the authority to make tough decisions relating to procurement and mission operations.

The second bill that I plan to introduce is one that would reorganize the Office of the Secretary of Defense. This is unchartered territory for Congress—a first for this legislative body. It would transfer functions now performed by the OSD, such as net as-

sessment of military capabilities, nuclear weapons employment planning, and space planning, to the Joint Chiefs of Staff. It would also reduce the OSD staffs considerably.

The third proposal would change the congressional budget process for the defense of our Nation by putting it on a 2-year cycle. This would allow review of existing programs during even numbered years and authorizations and appropriations in odd numbered years.

These changes are the result of my experience as a member of the House Armed Services Committee. I hope that we can complete the work that we began last year and provide for substantial changes to be enacted this session.

SANDINISTAS STILL OPPRESS MISKITO INDIANS IN NICARAGUA

(Mr. LIVINGSON asked and was given premission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LIVINGSTON. Mr. Speaker, the Communist Sandinista Government in Nicaragua continues to talk peace but make war against its indigenous minorities. As reported in yesterday's New York Times, Miskito Indian leader Brooklyn Rivera has recently accused the Sandinistas of bad faith and broken promises on their peace negotiations.

"The Sandinistas are intransigent and dishonest," Mr. Rivera said. "How can we expect justice of this regime?"

The Times also notes that the Sandinista war against the Miskitos has resulted in the deaths of 800 Indians. More than 20,000 Indians have fled Nicaragua for Honduras. Inside Nicaragua, the repression against the Indians continues. Mr. Rivera said that President Daniel Ortega has broken his personal promise of October 1984 to release some 50 Indian political prisoners held in Nicaraguan jails. Many other recent press reports have confirmed that the Sandinistas are also taking the Indians' homeland in northern Nicaragua and turning it into a free-fire zone. The Indians are being forcibly relocated, their villages burned and bombed.

Mr. Speaker, the Times characterizes Mr. Rivera as the "most moderate" Miskito leader. If he has finally seen the Sandinistas' contempt for justice and negotiations, wouldn't this Congress be foolish not to see likewise?

The Times article, which follows in its entirety, is worthy of our attention, for it illustrates that those who would withdraw from Nicaragua, would likewise doom the Miskitos to repression.

A Rebel Nicaragua Indian Leader Is Pessimistic on Peace Prospects

(By James LeMoyne)

San Jose, Costa Rica, April 18.—A leader of the Miskito Indian rebels says that after six months of talks with Nicaraguan officials, he has become deeply pessimistic about the prospect of reaching a peace agreement between the Indians and the Government.

The rebel, Brooklyn Rivera, is widely considered the most moderate leader of some 120,000 Miskito Indians, more than 40,000 of whom are either in exile in Honduras or are held in Government camps in Nicaragua.

In an interview here today, Mr. Rivera accused the Sandinistas of bad faith and broken promises. His heated comments were in sharp contrast to past statements in which he expressed optimism that negotiations could bring positive results.

"The Sandinistas are intransigent and dishonest," Mr. Rivera said. "How can we expect justice of this regime?"

He added that he also suspected the motives of other Nicaraguan rebel groups who, he contended, have failed to aid the Miskitos.

VISITED NICARAGUA IN OCTOBER

"What I think is that all nonindigenous Nicaraguans want to use the tragedy of our brothers for their own political ends," he said.

Mr. Rivera, 32 years old, traveled to Nicaragua last October in what appeared to be an effort to end the three-year-old war between the Sandinistas and the Indians. The war is believed to have resulted in the deaths of at least 800 Indians.

Mr. Rivera heads Misurasata, one of two rival Indians rebel groups that have fought the Sandinistas since 1981. More than 20,000 Indians have fled to Honduras and the Sandinista Government has forcibly resettled as many as 20,000 others in Government camps deep inside Nicaragua.

Mr. Rivera said he began talks with the Nicaraguan Government last October when Senator Edward M. Kennedy, Democrat of Massachusetts, arranged for him to meet Daniel Ortega Saavedra, the Nicaraguan leader, at the United Nations. Mr. Rivera said Mr. Ortega expressed eagerness to end the conflict with the Miskitos, promised to release 50 Indians jailed in Nicaragua and pledged land and a broad degree of political autonomy for the Miskitos.

After the secret meeting, Mr. Rivera said, he spent 11 days in Nicaragua, visiting Indian refugee camps and villages on the north Atlantic coast. He also agreed to begin formal discussions with Nicaraguan officials in Colombia, he added.

But Mr. Rivera said little progress had been made after meetings last December and in March. The next session was scheduled to begin today in Mexico City.

Mr. Rivera said he was asking for political autonomy, an end to attacks against Indian villages, control of natural resources and release of prisoners.

The Government has not released Indian prisoners, as Mr. Ortega had promised, Mr. Rivera said, but has asked instead for a cease-fire and has offered him a place on a five-member Government commission to study the problems of the Indians.

"To have fought for four years to have one member on this commission," he said, "means the Indians will have to fight 500 years to gain their rights."

MR. PRESIDENT, CANCEL YOUR VISIT TO THE GRAVES OF THE SS IN BITBURG CEMETERY AND HONOR VICTORY OVER EVIL

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, a new and haunting name has entered the American lexicon—it is Bitburg. And it has become a symbol of a wound that has yet to heal because buried within it lies the specter of hatred which this Nation struggled with such heroism to defeat.

Americans remember what they were fighting against 40 years ago—fascism, totalitarianism, and evil. And they remember the force that embodied those things—the Nazi SS. Americans remember that only 40 years ago, not a long time, this Nation mobilized to defeat Nazi Germany and the evil it stood for.

Sixteen million Americans served in our Armed Forces. Over 1 million gave their lives; 12 million Europeans were consumed by the horror of the SS-run Holocaust; 6 million of them were Jews. These memories are still young.

The President's intentions to help heal the wounds and bring our Nation and the German nation to greater understanding are honorable and of the greatest importance. But I urge the President not to undo his good intentions with a visit to the graves of the SS.

For these graves hold the phantoms of a common enemy—an enemy we share with all humanity. There, in the graves where the SS lie, lie also the dark forces that we are as members of the community of mankind struggle to defeat. There in the graves of the SS lie hatred and violence and horror—just as much our enemy as it is the German people's.

And thus, to honor these graves of our common enemy dishonors today's Germany.

Those who gave their lives in the struggle against the evil that the SS stood for, those who fell innocent victim to that evil and those who recognize the evil and still fight against it today deserve the President's and our Nation's honor.

Mr. President, cancel your visit to the graves of the SS in Bitburg Cemetery and honor victory over evil.

□ 1540

TASK FORCE ON INDIANA ELECTION ENDS ITS CAREER IN DISREPUTE

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, it is with extreme regret and complete disappointment that I announce that this morning the Committee on House Administration's Task Force on Indiana Eighth voted Mr. McCloskey as the winner of that election by 4 votes.

In so doing, the task force finished its career as it began it, in disrepute.

First, it agreed to trash the Indiana law and establish its own rules so that its candidates could win. Ultimately, it could not even follow its own rules. It made its final determination before it counted the last 32 votes. It had, of course, already counted many votes that were exactly the same as those 32.

So much for uniformity of standards, so much for voter intent.

The well has been poisoned since January 3 in this House. If the task force's recommendation is accepted, this House is going to be a very difficult place for us all to live over the next year and a half.

It is not possible to operate in an environment of trust and confidence after a decision by the majority which merits no trust.

PRESIDENT REAGAN ASKS FOR WAR BY PROXY

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, the President has requested $14 million from the American people to wage a war that has not been declared, a war that will be waged by mercenaries and led in large measure by former members of Samoza's clique a war that the American people do not want and will not support.

We are not enamored with the Sandinistas and their form of government. They have abused human rights and waited much too long to restore the basics of democracy. And just as in Samoza's day, the press remains a tool of the government. These are severe indictments.

They are not, however, grounds for a declaration of war. And let there be no mistake, the President is asking for war by proxy.

Recently, he has attempted to confuse the public about his intentions through a series of public relations charades. But the American people are not so easily duped. And neither is this Congress. We will not fund Mr. Reagan's military adventures in Central America.

It is time to strike out in a bold new direction—a direction that emphasizes negotiations, that reduces conflict rather than escalates it, that constructs incentives for meaningful peace rather than brandishing threats that propel the Sandinistas down a path no one wants. We can begin tomorrow. We can avoid the temptation to play into totalitarian hands by voting down the President's military aid package.

THE REAL ISSUE: WILL WE ABANDON CENTRAL AMERICA?

(Mr. SWINDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SWINDALL. Mr. Speaker, as this House prepares to consider what will undoubtedly be the most significant foreign policy decision of this Congress, I would like to share with my colleagues the comments of one of the most distinguished journalists in the Southeast; the editor of the Atlanta Journal, Mr. Jim Minter. The comments appeared in his column in yesterday's Atlanta Journal, Sunday, April 21, 1985, at page 2-M.

The article follows:

THE REAL ISSUE: WILL WE ABANDON CENTRAL AMERICA?

(By Jim Minter)

It all seemed so plain you'd think even Tip O'Neill could have figured it out.

Take a look, will you, at exactly what President Reagan was asking Congress to do next week for Nicaraguan rebels friendly to the United States who are fighting a Sandinista government unfriendly to the United States.

President Reagan was asking Congress for military aid for the contras in Nicaragua to the tune of $14 million if the Sandinista government would not negotiate. The battle lines were drawn.

At week's end, it was apparent the president lacked the votes and Congress lacked the will to make this small commitment to a fighting force.

What will $14 million buy? Nearly two Grammy Halls of Fame for Atlanta; one-tenth of the Georgia-Pacific building on Peachtree Street; half an airplane for Delta; half the renovations for the stadium on the low-budget plan; with another $11 million, a new zoo at Grant Park.

When you remember that Delta Air Lines employees ponied up $30 million from their pockets to buy a Boeing 767, a $14 million dollar debate in a Congress accustomed to $900 billion budgets becomes niggling.

Except the debate wasn't about $14 million for military aid or humanitarian aid. Put straightforwardly the question that will remain before us over the next few months is this: Will the United States abandon Central America to whomever or whatever, or will the United States keep its hand in the game? Congress does not often vote an issue so vital.

If we truly believe the Sandinistas are harmlessly dabbling in social experiments, if we truly believe the Domino Theory was John Foster Dulles' hallucination, or that Marxist expansion in our backyard is no threat, or that there is no moral obligation to support freedom fighters, or if we truly believe the good Lord takes care of fools, then we should cut the contras off cold. Believe that, and believe also the eggs on the White House lawn at Easter really were left by a rabbit.

On the other hand, Mr. Reagan's view:

". . . the Sandinista government is communist dictatorship, it has done what communist dictatorships do: created a repressive state security and secret police organization assisted by Soviet, East German and Cuban advisers; harassed and in many cases expunged the political opposition, and rendered the democratic freedoms of speech, press and assembly punishable by official harassment, and imprisonment, or death.

"The Sandinistas have engaged in spreading their communist revolution beyond their borders. They are providing arms, training, and headquarters to the communist guerrillas who are attempting to overthrow the democratically elected Duarte government in El Salvador. The Sandinistas have been caught supporting similar anti-democratic movements in Honduras and Costa Rica. Guatemala, too, is threatened.

"If these governments fall, as Nicaragua has fallen," the president warns, "it will send millions of refugees north as country after country collapses."

If the president is half right, then the Congress by abandoning the contras in Nicaragua, will have issued an open invitation to Marxist revolution in all of Central America. At that point, Tip O'Neill and Jimmy Carter will be proven right, in one respect, because some future American president will surely send American boys to fight. That is the issue, not 14 million dollars.

ELIE WIESEL'S REMARKS TO THE PRESIDENT

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I sent everyone a copy of Elie Wiesel's speech given last Friday. Read it. I cried and I know you will, too.

Wiesel, a survivor of a concentration camp, told the President, face-to-face: "Of course you didn't know the SS graves were there. Now you do." A great speech.

He went on to say:

May I, Mr. President, if its possible at all, implore you to do something else, to find a way, to find another way, another site? That place, Mr. President, is not your place. Your place is with the victims of the SS.

The issue here is not politics, but good and evil. And we must never confuse them.

For I have seen the SS at work. And I have seen their victims. They were my friends. They were my parents.

What a speech. What power.

You know, my mother ought to work at the White House. For 40 years, she has led me to occasionally have the guts to utter those words, those four words that are death for a politician to say: "I made a mistake."

Say it, Mr. President: "I made a mistake." Mom says it will make you bigger, not smaller. She says it will set you free.

FOREIGN POLICY MINDSET OF DEMOCRATS AVOIDS REALITY

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, in a special order on Wednesday of last week, the gentleman from Massachusetts [Mr. FRANK] stated, and I quote from the CONGRESSIONAL RECORD of Wednesday, April 17, 1985:

I am not afraid of the Sandinistas because Nicaragua is a small, rather poor country.

I would be inclined, as a citizen of Massachusetts, to be more afraid of Connecticut than I am of Nicaragua, because they have a better industrial base.

I would ask my colleague from Massachusetts just how many Soviet and Cuban military advisers are in the State of Connecticut? How many North Korean, Vietnamese, East German, Libyan, and PLO are there in Connecticut working to undermine his neighboring State of Massachusetts?

How many Soviet Mi-24 Hind helicopters? How many Soviet T-55 tanks? How many amphibious vehicles? How many extra-long Soviet-built airfields and Soviet-type military barracks?

Mr. Speaker, the comments by my colleague may be witty; it is not funny. Indeed, it is tragic. It symbolizes a mindset in the foreign policy leadership wing of the Democratic Party which simply avoids reality.

This view condemns us to relive a tragic past which we should have learned from, long ago. Reliving the South American counterpart of the remilitarization of the Rhineland is not in the interests of peace.

ALTERNATIVE PROPOSAL ON NICARAGUA

(Mr. BARNES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BARNES. Mr. Speaker, along with my colleagues Congressman LEE HAMILTON of Indiana, Congressman JAMES JONES of Oklahoma, Congressman HAMILTON FISH of New York, Congressman JIM LEACH of Iowa, Congressman ED ZSCHAU of California and Congressman WILLIS GRADISON of Ohio, I have authored an alternative, bipartisan proposal with respect to Nicaragua, and under my unanimous-consent request, I am including it for printing in the RECORD of today's proceedings, as follows:

H.J. RES. 247

Joint resolution to provide United States assistance to foster peace and nurture democratic institutions throughout Cen'ral America

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNITED STATES SUPPORT FOR PEACE IN CENTRAL AMERICA.

The Congress finds and declares the following:

(1) The United States desires peace in Nicaragua and throughout Central America. United States policy toward Nicaragua should encourage all combatants to establish a ceasefire and come together in peace negotiations in order to resolve the internal Nicaragua conflict, nurture democratic institutions in that country, and promote peace and stability, as part of a regional settlement through the Contadora process or the Organization of American States.

(2) The countries of Central America, working through the Contadora process, have agreed to 21 principles (set forth in the Contadora Document of Objectives issued on September 9, 1983) which provide an appropriate framework for achieving peace and security in the region.

(3) Combatants on both sides of the conflict in Nicaragua have expressed in words their goals for peace and democracy in Nicaragua and throughout the region. United States policy should be designed to encourage these goals, including through the resumption of bilateral talks between the United States and Nicaragua.

(4) There are disturbing trends in Nicaragua's foreign and domestic policies, including—

(A) the Sandinista government's curtailment of individual liberties, political expression, freedom of worship, and the independence of the media;

(B) the subordination of military, judicial, and internal security functions to the ruling political party;

(C) the Sandinista government's close military ties with Cuba, the Soviet Union, and its Warsaw Pact allies, and the continuing military buildup that Nicaragua's neighbors consider threatening; and

(D) the Sandinista government's efforts to export its influence and ideology.

(5) The Congress will continue to monitor developments in Nicaragua to determine whether progress is being made to curtail these disturbing trends. Such progress will be a key element in congressional consideration of future economic and security assistance requirements in the region.

(6) If the Congress determines that progress is being made toward peace and development of democratic institutions in Nicaragua, consideration will be given to initiating a number of economic and development programs, including but not limited to—

(A) trade concessions,
(B) Peace Corps programs,
(C) technical assistance,
(D) health services, and
(E) agricultural development.

(7) Should Nicaragua not address the concerns described in paragraph (4), the United States has several means to address this challenge to peace and stability in the region, including political, diplomatic, and economic means. In addition, the United States—

(A) should through appropriate regional organizations, such as the Organization of American States, seek to maintain multilateral pressure on Nicaragua to address these concerns;

(B) should, if called upon to do so, give serious consideration to supporting any sanctions adopted by such an organization; and

(C) should consider the imposition of trade sanctions.

(8) In assessing whether or not progress is being made toward achieving these goals, the Congress will expect, within the context of a regional settlement—

(A) the removal of foreign military advisers from Nicaragua;

(B) the end of Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to the rebel forces fighting the democratically elected government in El Salvador;

(C) restoration of individual liberties, political expression, freedom of worship, and the independence of the media; and

(D) progress toward internal reconciliation and a pluralistic democratic system.

(9) The Congress is deeply concerned about human rights violations by both the Sandinista government and the armed opposition groups.

SEC. 2. PROHIBITION ON FUNDING FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA.

The prohibition contained in section 8066(a) of the Department of Defense Appropriations Act, 1985 (as contained in section 101 of Public Law 98-473) shall continue in effect without regard to fiscal year until the Congress enacts a joint resolution repealing that prohibition.

SEC. 3. ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT AND HUMANITARIAN ASSISTANCE FOR REFUGEES.

(a) IMPLEMENTATION OF CONTADORA AGREEMENT.—During fiscal year 1985, the President may allocate $4,000,000, which shall remain available until expended, for payment to the Contadora nations (Mexico, Panama, Colombia, and Venezuela) for expenses arising from implementation of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems.

(b) HUMANITARIAN ASSISTANCE FOR REFUGEES.—During fiscal year 1985, the President may make available up to $10,000,000 for the provision of food, medicine, or other humanitarian assistance for Nicaraguan refugees who are outside of Nicaragua, regardless of whether they have been associated with the groups opposing the Government of Nicaragua by armed force. Such assistance may be provided only through the International Committee of the Red Cross or the United Nations High Commissioner for Refugees, and only upon its determination that such assistance is necessary to meet humanitarian needs of those refugees. To the maximum extent feasible, such assistance should be provided to those organizations in kind rather than in cash. Assistance may not be provided under this subsection with the intent of provisioning combat forces.

(c) WAIVER OF LAWS.—Assistance under this section may be provided notwithstanding any other provision of law, except that section 531(c) of the Foreign Assistance Act of 1961 (prohibiting the use of funds for military or paramilitary purposes) shall apply to any assistance under subsection (b).

(d) SOURCE OF FUNDS.—Funds used pursuant to this section shall be derived from the funds appropriated to carry out chapter 1 of part I (relating to development assistance) or chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 or section 2(b) (relating to the "Migration and Refugee Assistance" account) or section 2(c) (relating to the Emergency Refugee and Migration Assistance

Fund) of the Migration and Refugee Assistance Act of 1962.

SEC. 4. REPORTS TO THE CONGRESS.

No less frequently than once every 3 months, the President shall submit to the Congress a written report—

(1) describing any actions by the Sandinista government, and the groups opposing that government by armed force, which have contributed to or hindered efforts to establish a political dialogue in Nicaragua, to find a peaceful solution to the conflict, and to nurture democratic institutions in Nicaragua;

(2) describing the status of the Contadora process and United States efforts to begin the political dialogue in Nicaragua and to find a peaceful solution to the conflict;

(3) containing an accounting of any funds used under section 3 for implementation of Contadora agreement or for humanitarian assistance for refugees; and

(4) containing such recommendations as the President deems appropriate with respect to future United States policies regarding Nicaragua.

SEC. 5. PRESIDENTIAL REQUEST FOR AUTHORITY WITH RESPECT TO NICARAGUA.

(a) PRESIDENTIAL REQUEST.—On or after October 1, 1985, the President may submit to the Congress a request for authority to take specified actions with respect to Nicaragua.

(b) CONGRESSIONAL ACTION ON PRESIDENTIAL REQUEST.—A joint resolution which grants the President the authority to take those actions specified in the request submitted pursuant to subsection (a) shall be considered in accordance with procedures contained in section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in section 101 of Public Law 98-473), except that references in that section to the Committee on Appropriations of each House shall be deemed to be references to the appropriate committee or committees of each House. For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced after the Congress receives the President's request pursuant to subsection (a), the matter after the resolving clause of which is as follows: "That the Congress hereby authorizes the President, notwithstanding any other provision of law, to take those actions with respect to Nicaragua which are specified in the request submitted to the Congress pursuant to Public Law 99—.", with the public law number of this joint resolution inserted in the blank.

DEMOCRATS ARE COPPING OUT ON AID TO CONTRAS

(Mr. SILJANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SILJANDER. Mr. Speaker, now there is an excuse to turn our backs on freedom. The Democrats have developed a copout to aiding the Contras. Congratulations. Their plan expects negotiating without real pressure. Do they really believe and expect that Gorbachev, Castro, Khomeni, Qadhafi, and Arafat-backed government to conform to the promises Dan Ortega made before the OAS in 1979? Freedom of speech, assembly, religion, press, elections, and labor union formations?

□ 1550

Did they really expect them to do so because we request them so?

Well, some Members have given themselves an excuse to back out of the issue. They have also given the greatest excuse for Dan Ortega's, the head of the Sandinistas, continued tyranny and Marxist revolution in our own back yard.

VOTING RECORD OF SANDINISTA GOVERNMENT

(Mr. WILSON asked and was given permission to address the House for 1 minute.)

Mr. WILSON. Mr. Speaker and Members, I would just like to make the House aware of some of the votes that the Sandinista government has cast since it has been in power. It has voted against accepting Israel's credentials to the United Nations; the Sandinista government has voted against condemning the Soviet Union for its invasion of Afghanistan; the Sandinistas are one of the few countries in the world that have accepted an ambassador from the Palestinian Liberation Organization, and on and on and on and on. I think some of you who intend to side with these folks ought to think about some of these things a little bit.

MEMBERS URGED TO READ PRESIDENT'S REPORT CONCERNING AID TO CONTRAS

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, tomorrow we will start 10 hours of debate on the question of $14 million military aid to the Contras in Nicaragua. I would ask my colleagues between now and during that 10-hour debate tomorrow, at some time during the day, go up to the Intelligence Committee, where there is the report, the confidential report, sent over by the President as part of his findings and request for the military aid to the Contras. It will answer many questions that you have on your mind as far as humanitarian aid. Humanitarian aid was not part of that report which was sent to the Congress, which is on file, and we will be discussing it tomorrow.

I would ask the Members to please take the time out to go up and read that report.

NEGOTIATIONS IN NICARAGUA

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTER. Mr. Speaker, many people in this body wanted President Jose Napoleon Duarte of El Salvador to enter into a dialog with the guerrillas, the insurgents, the Communist guerrillas, in his own country. They demanded that that take place. They indicated that if it did not take place, it would show a lack of good will on his part. And, in fact, he did, he negotiated with the guerrillas.

Why are not those same individuals demanding that the Sandinistas, the Communists in Nicaragua, negotiate with the freedom fighters in Nicaragua?

If democratic states are expected to negotiate with Communist guerrillas, why are not Communist states expected to negotiate with the democratic opposition?

NICARAGUA

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. Mr. Speaker, I want to enlighten my friend from Pennsylvania, when you are afraid of someone, there are two reasons: One is their ill will, and one is their capacity.

I do not claim that the citizens of Connecticut equal the Sandinistas in their ill will toward the rest of the United States. What I was talking about was the lack of capacity in this poor and disorganized country to frighten the greatest superpower in the world.

The point is that we have one of two reasons for attacking them. One could be moral outrage at the lack of democracy. I share that unhappiness with their lack of democracy. But an administration that is South Africa's best friend in the world is a very unconvincing crusader on behalf of democracy in Nicaragua.

I do not believe that our national security can be put in jeopardy by that society.

And to my friend from Texas, who preceded me, who talked about the terrible voting record of Nicaragua, the People's Republic of China has a voting record not dissimilar. I hope that my friend from Texas is not about to advocate that we launch an armed revolution against the People's Republic of China and everyone with similar voting records. There simply is a great degree of inconsistency in the argument put forward.

My point, which I made the other day and which I repeat, is that I do not regard as a citizen of this great and strong and powerful country that we can be threatened by a government, albeit one I do not like, in Nicaragua.

CENTRAL AMERICA: DOSE OF REALITY—NO. 3

(Mr. GONZALEZ asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, last week I set forth the President's violations of two of the provisions of the War Powers Act. Today, I will continue my discussion.

This is how the act reads:

The term "introduction of United States Armed Forces" includes the assignment of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged or there exists an imminent threat that such forces will become engaged, in hostilities.

Let's look at what we have in Central America. The United States is coordinating and participating and accompanying the military forces of El Salvador, Honduras, and the Nicaraguan rebels. The President has justified the presence of U.S. military aid to this region because of the threat of the spread of communism and the Sandinista regime. He justifies his request for $14 million for the Nicaraguan contras because of this imminent threat.

Mr. Speaker, if the President uses this so-called imminent threat to justify U.S. military presence in Central America, then he has also triggered the War Powers Act which specifically addresses the introduction of U.S. troops into areas where the threat of hostilities is imminent.

We are engaged in our largest military exercise, Universal Trek '85, which gets into high gear tomorrow. The 10th anniversary of the fall of Saigon is next Tuesday. And here the President is asking us to disregard the illegality of our military presence in Central America and to forget the lessons of Vietnam. When a person breaks the law, even if that person is the President, and regardless of the reasons for the lawbreaking, the very moral fiber on which our country was established and has thrived is threatened. The War Powers Act was enacted to protect us, and each day that the lawbreaking continues, we become more and more vulnerable to the consequences—the consequences of an undeclared Presidential war in Central America.

REPORT TO CONGRESS ON DEVELOPMENTS CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-58)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, April 22, 1985.)

ANNOUNCED BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

CONDEMNING THE SOVIET UNION FOR THE MURDER OF MAJ. ARTHUR D. NICHOLSON, JR., AND ACTIONS INCONSISTENT WITH THE 1947 MILITARY LIAISON MISSIONS AGREEMENT

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 125) condemning the Government of the Soviet Union for the murder of Maj. Arthur D. Nicholson, Jr., and actions clearly inconsistent with the 1947 Military Liaison Missions Agreement.

The Clerk read as follows:

H. RES. 125

Whereas, on March 24, 1985, Major Arthur D. Nicholson, Junior, and his driver, Sergeant Jessie Schatz, were on a routine surveillance mission in a clearly marked United States Army vehicle during daylight hours;

Whereas, during this mission, Major Nicholson was shot without warning by a Soviet soldier near Ludwigslust, East Germany;

Whereas, after the shooting, Soviet authorities physically restrained Sergeant Schatz from administering first aid to Major Nicholson;

Whereas, due to the actions of the Soviet authorities, Major Nicholson was denied medical attention for more than one hour, during which time he bled to death from his wounds;

Whereas, the Military Liaison Missions Agreement, signed by the United States and the Soviet Union in 1947, states as point 10, "Each member of the missions will be given identical travel facilities to include indentical permanent travel passes in Russian and English languages permitting complete freedom of travel wherever and whenever it will be desired over territory and roads in both zones, except places of disposition of military units, without escort or supervision.";

Whereas Major Nicholson and Sergeant Schatz had not traveled within or through a restricted area during their mission; and

Whereas the actions of the Soviet authorities during this incident were clearly inconsistent with the terms of the 1947 Military Liaison Missions Agreement: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Government of the Soviet Union be condemned for the murder of Major Arthur D. Nicholson, Junior, and actions clearly inconsistent with the 1947 Military Liaison Missions Agreement.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes and the gentleman from New York [Mr. SOLOMON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I speak in support of House Resolution 125, a resolution to condemn the Government of the Soviet Union for the murder of Maj. Arthur D. Nicholson, Jr., on March 24, 1985, and actions clearly inconsistent with the 1947 Military Liaison Missions Agreement among the nations with forces stationed in East and West Germany.

I want to commend the gentleman from New York [Mr. SOLOMON] for his leadership on this issue. The Subcommittee on Europe and the Middle East which I chair held a hearing on March 27 in which we examined this tragic incident with officials of the Department of State. It is amply clear that, whatever the exact circumstances of the situation, there can be no justification for the killing of an unarmed officer on a routine surveillance mission in a clearly marked U.S. Army vehicle during daylight hours. Furthermore, the Soviets denied Major Nicholson medical attention for over 1 hour during which time he bled to death.

What remains especially unacceptable about the reaction of the Soviets to the incident is their denial of any responsibility whatsoever for what happened. If newspaper reports are accurate, the United States and the Soviet Union are engaged in important discussions regarding this case and regarding how to prevent such a problem from developing in the future. The issue of an apology and compensation for the Nicholson family has been mentioned. We also are hearing evidence that the soldier who killed Major Nicholson has been removed and disciplined. These developments, if accurate, could be important and should be followed closely.

Mr. Speaker, I urge adoption of this resolution and I also urge its prompt transmittal to the Soviet Union so that the unacceptable behavior involved is quickly and unequivocally condemned.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. FASCELL].

□ 1600

Mr. FASCELL. Mr. Speaker, Maj. Arthur D. Nicholson, Jr., was an extraordinary young man. He embodied the best of America: Talented, dedicated to his family and his country, determined to improve the world and make it a more peaceful place. Commemorating the death of a person so young and so promising is doubly bitter.

House Resolution 125, which condemns the Soviet Union for the wanton murder of this outstanding military officer, must become something more than a volcanic outpouring of hate and animosity. Certainly, Major Nicholson would want it to be that. He above all would want his tragic death to be the cause of something positive.

Yes, we condemn the Soviet Union for killing this young officer and for violating the 1947 Military Liaison Missions Agreement.

Yes, we deplore the resort to hostile reaction—just as we did the Soviet shoot-down of the Korean 007 airliner.

Yes, we regret that such incidents only serve to jeopardize progress on other fronts in improving United States-Soviet relations.

But more than anything, we stand today to pay tribute to Maj. Arthur D. Nicholson.

We honor him for the honor he brought his country.

We respect him for his dedication.

We revere him for the memories he left with us.

To his wife and child we extend our deepest sympathy.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 125 is very straightforward. It puts the House of Representatives on record as condemning the inexcusable murder, by a Soviet soldier, of Maj. Arthur D. Nicholson, Jr.

The facts behind the incident are clear and beyond dispute. And these facts add up to a clear indictment of official Soviet policy.

The shooting death of Major Nicholson was not a random act by a trigger-happy guard, but a cold-blooded murder that marks the latest, and most vicious, in a series of harassment incidents by the Soviet occupiers of East Germany.

On March 24, 1985, Maj. Arthur Nicholson, Jr. and his driver, Sgt. Jessie Schatz, were on a routine surveillance mission in broad daylight riding in a clearly marked U.S. Army vehicle.

Suddenly, without warning or provocation, while participating in a legitimate, open, and routine mission, Major Nicholson was shot by a Soviet soldier near Ludwigslust, East Germany.

Major Nicholson was not killed immediately, but instead was left to die as Soviet authorities physically restrained Sgt. Schatz from administering the first aid that could well have saved the major's life.

For more than 1 hour, Major Nicholson was denied medical attention. During that 1 hour, he bled to death.

Every major account of the incident leads to the same conclusion.

While on their mission, Major Nicholson and Sgt. Schatz were well within their authority as American servicemen under the Military Liaison Missions Agreement signed by our Government and the Soviet Union in 1947.

Point 10 of that agreement states, and I quote:

Each member of the missions will be given identical travel facilities, to include identical permanent travel passes in Russian and English languages, permitting complete freedom of travel wherever and whenever it will be desired over territory and roads in both zones, except places of disposition of military units, without escort or supervision.

So the Soviet soldier who shot Major Nicholson was clearly violating this missions agreement.

And the Soviet authorities in East Germany clearly violated every principle of human rights and international morality in allowing Major Nicholson to bleed to death.

But worst of all, there is clear and incontrovertible evidence that this heinous act of savagery was not an isolated incident.

Pentagon records show a long list of similar incidents of harassment by Soviet guards against American servicemen performing their prescribed duties in East Germany. Major Nicholson's death is an incident that may be different in intensity but is no different in kind than these other incidents.

For instance, on March 28, 1983, a Soviet officer fired what were alleged to be warning shots at an unarmed American serviceman because unlike their Soviet counterparts, American servicemen do not carry weapons on these assignments.

On March 23, 1983, just 5 days earlier, a Soviet truck had deliberately rammed an Army sedan carrying American military personnel.

On February 28, 1983, only 1 month previous to these incidents, Soviet soldiers had fired at another American serviceman.

Going back to May 19, 1982, and back again to October 10, 1980, in two separate incidents, U.S. servicemen had been pulled from their cars and brutally beaten.

Earlier, on June 30, 1980, an American car had again been rammed by a Soviet truck.

These incidents, I want to stress, are merely those that have taken place in recent years. The Soviet history of harassment of American troops actually goes back to the fifties, in direct violation of the 1947 Military Liaison Missions Agreement.

The Soviets signed that document, just as they have agreed to various other documents govering international conduct, human rights principles, and arms control. Yet it is becoming clearer and clearer, if indeed it was not crystal clear before, that the Soviets feel no compunction in violating the letter, or even the spirit, of these accords, whenever it is to their advantage.

The advantage can be as great as nuclear superiority, or as subtle as the undermining of allied strength and solidarity. But whatever the motive, there can be question that treaty violations are well within their political philosophy of brute force and the supremacy of the atheistic state.

The murder of Major Nicholson under the circumstances I have just described is disturbing enough to merit condemnation by this House for this one act alone. But it is still more profoundly disturbing to consider the murder of Major Nicholson not as an isolated incident, but as part of a pattern that has continued for many years.

Mr. Speaker, I do not have time now to list the organized, premeditated and official crimes of the Soviet State against its own people, the captive nations in its orbit, or the nations it now seeks to sway by force and subterfuge. But suffice it to say that the murder of Major Nicholson was no aberration. Nor was the brutal shoot-down of Korean flight 007 in September 1983, a sadistic act that took the lives of so many innocent men, women, and children, including our own colleague, Congressman Larry MacDonald.

My colleagues, should we forget that terrible incident? Should we forget the brutal murder of Major Nicholson? For his sake, for his family's sake, for the sake of all American servicemen and indeed all Americans, the answer should be: No.

And we can say we will never forget by standing united behind this resolution to condemn the Soviet Union for its acts of blatant brutality and international lawlessness.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding to me.

Mr. Speaker, I rise to commend the gentleman for his most comprehensive statement. The gentleman has revealed the nature of the enemy for what it is, and it is important for all America to know that.

I simply was compelled to rise and commend the gentleman and I would like to associate myself with his remarks.

I wish to express my support for the pending resolution, House Resolution 125, expressing the condemnation of Congress against the Soviet Union for the murder of Maj. Arthur D. Nichol-

son and for actions clearly inconsistent with the terms of the 1947 Military Liaison Missions Agreement.

I support this resolution for one basic reason which should be considered by all of my colleagues—the Soviet Union has failed to apologize in any shape or form for the coldblooded murder of Major Nicholson.

At this point in the RECORD I wish to insert an editorial from the New York Sunday News of April 21 entitled "An Arrogant Concession."

AN ARROGANT CONCESSION

American negotiators, the State Department said, "obtained agreement from the Soviets that they will not permit the use of force or weapons against the members of our liaison mission in the future." Unless new heat is put on, the curtain closes on the murder of Maj. Arthur D. Nicholson Jr.

If the Soviets could be trusted, and history insists they cannot, the commitment their commander made in Potsdam would be a significant concession and precedent. The U.S. and Soviet forces poised at the tripwire have important roles. They watch each other, as they have since the Soviets' post-World War II occupation of Germany began. More, they watch for signs of activity that could be the prelude to confrontation. Avoiding unexpected military conflict there is a vital deterrent to a wildfire war.

Nicholson gave his life in the service of that security of the U.S.—and the world. American rules prohibit shooting Russians in such situations. The fact that the Soviets now say they have adopted such a rule gives some solace to the brave men who must follow in Nicholson's mission.

In a sense, the Soviets have conceded their slaughter of Nicholson was wrong. But to leave it at that, without apology or explicit concession of wrong, is brutally arrogant.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. I thank the gentleman for yielding time to me.

Mr. Speaker, I am fed up with the Soviet policy of shooting first and asking questions later. I offer my strong support for this resolution which condemns the Soviet Union for the murder of Maj. Arthur Nicholson, Jr. Once again, the Soviet Union has taken the life of an innocent human being.

The facts are clear. The Soviets deliberately murdered Major Nicholson in clear violation of the 1947 Military Agreement. The Soviets also chose to let that innocent man die rather than try to save him.

How can our country trust the Soviets? How can we convince the American people that the Soviets believe in agreements? How can we expect our President to entrust the security of our country to accords which the Soviets may violate on a routine basis?

These are weighty questions that all of us must ask. While I hope that relations between the Soviets and our country will improve, I am angry about this senseless tragedy.

With these concerns in mind, I call upon my colleagues to join me in support of this resolution.

Mr. HAMILTON. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to offer my condolences to the family of Maj. Arthur Nicholson, Jr. They are joined by all other Americans in mourning the loss of a patriotic soldier in service to our Nation.

Major Nicholson's tragic death at the hands of Soviet soldiers points up the unhealed wounds left over from World War II. To this day, the United States continues to protect a fragile peace in faraway lands.

Major Nicholson was carrying out his duties under an agreement signed by the Soviets and the United States in 1947. This agreement allowed each side virtually unrestricted access to the occupied zones of the former German Reich. By mutual understanding, the agreement still serves to allow the Soviets and the Western Allies to observe military developments throughout East and West Germany.

That agreement is buttressed by a system of military-liaison missions designed to ensure that the personnel of both sides are adequately forewarned of the establishment of restricted areas in the territory they are observing.

Major Nicholson was observing tank installations in a zone that was not—I repeat not—so restricted.

He was shot without warning by a Soviet soldier. The same soldier prevented his partner, Sgt. Jesse Schatz, from gong to his aid. A group of Soviet soldiers watched as Major Nicholson died, an innocent victim of stubborn and unthinking violence.

We cannot, perhaps, lay exclusive blame on the Soviet soldier who shot Major Nicholson. He may well have acted from ignorance or commands from above. I am concerned with something far larger than that. I am concerned that this example of bloodshed reflects all too well a callous and inhumane attitude by Soviet leaders. How far up the chain of command must we look to fix the blame for this senseless and illegal killing? How deeply can we trust a military command unable—or even unwilling—to brief its soldiers on the rights of other military groups? How can we trust national leaders who fail to ensure that the organizations they lead will abide by the rules in agreements with other lands?

This question disturbs me in an age when we must pursue negotiated agreements with our adversaries to protect the safety of the world.

It is vital to point out that Soviet military-mission personnel have often been sighted in areas we have deemed restricted in West Germany. But they have never been shot. Our soldiers are well briefed in recognizing Soviet personnel who are observing our military installations under the 1947 agreement. Our soldiers can be trusted to report Soviet soldiers but also to let them live.

This simple fact underlines what may be the real lesson of Major Nicholson's death: that we in the democracies trust our people to do what is right when they are competently led and informed.

I do not believe that the leaders of the Soviet Union come to understand that faith in their people is not only possible but necessary. I pray that one day they will.

Until that day comes, it remains our task to stay alert in the protection of nations who know that only a people who are free can be trusted with the duty of guarding the peace.

□ 1610

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. ROWLAND] who was instrumental in helping me draft the resolution, and is also the Congressman who represents the district of Major Nicholson and his family.

Mr. ROWLAND of Connecticut. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of House Resolution 125. The murder of Maj. Arthur Nicholson has touched many lives. The actions on the part of the Soviet Union were nothing short of barbaric. We are all familiar with the tragic circumstances surrounding the shooting. But unfortunately, the Soviet Union continues to put SALT in the wounds of the American people.

I find the lack of any apology, the refusal to compensate the family or even the acknowledgment of wrongdoing by the Soviet Union to be unacceptable.

We should not take the action we are considering today lightly. Condemnation of another nation by this body is a very serious event. I believe, however, we are taking the only possible course in response to this tragedy, and I hope that this message is heard loud and clear in the Halls of the Kremlin. Major Nicholson's wife said it best during a ceremony recently. She said:

To belong to the military is to belong to a very special family. Perhaps because we are so often away from our loved ones; a bond develops that you can find nowhere else. And that love and concern has opened many doors for Jenny and me and has stood by me this week. Nick is the most patriotic person I've ever known and that's why he made the military his life. He felt that each and every day he did something for his country, for his family, and for everyone he knew. He devoted his life to understanding other people, especially the Soviets, in the hopes that through friendship and knowl-

edge of each other he could contribute to world peace. He didn't want to die and we didn't want to lose him, but he would gladly lay down his life again for America.

Mr. Speaker, there is no reason that any American soldier should have to lay down his life for America in these times of peace. And especially at the hands of the Soviet Union.

Major Nicholson is gone, but the resolve and commitment of this Nation in preserving peace lives on.

I have the high honor of representing this fine family in Congress—I only hope that, through the negotiations in Geneva, the Soviets come to a new understanding of the value and sanctity of human life and that our negotiations serve the double purpose of preventing future tragic deaths like that of Major Nicholson and the passengers of the Korean Air Line flight 007.

Arms reduction is more than just a numerical exercise. It's the realization that we must place a higher value on human life. Like the human life of Major Nicholson.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. I thank the gentleman for yielding.

Mr. Speaker, I rise with a sense of outrage at this most recent example of Soviet brutality. This body and the American Nation is as one in extending our condolences to the family of Major Nicholson.

But the issue goes beyond the cold-blooded murder of an American soldier. What we are dealing with fundamentally is yet another Soviet human rights violation—a human rights violation which is just the most recent in a long, almost endless chain of deprivations of innocent human beings' fundamental human rights.

This particular American soldier was unarmed. He was clearly visible. He represented no threat to anyone. He was killed by the Soviet military and an apology is yet to be forthcoming.

We hear a great deal these days about Gorbachev's public relations acumen. If Mikhail Gorbachev is listening, if Anatoly Dobrynin is listening, this is the time for you, Mr. Gorbachev, to pick up the phone and extend your humble apology to the widow of Major Nicholson. Taking American congressional delegations to the Bolshoi Ballet is no substitute for saying, "Mea culpa, mea maxima culpa. We made a big mistake. We are sorry. We apologize."

No one will bring Major Nicholson back to life. But I want the Soviet Union to know that those of us who are hoping and praying for the success of the arms control negotiations in Geneva have this event sticking in our throat. This is no way for us to come to an agreement with you. This is no way for us to trust you if you continue the murder and the persecution of innocent human beings.

This particular human rights violation is part and parcel of a complex web. That complex web extends to the Pentecostals who are persecuted in the Soviet Union, to the children in Kabul, Afghanistan, who were machinegunned by the Red Army, to Sakharov and Soviet Jews, and now to Major Nicholson.

We are asking you, Mr. Gorbachev, to change course before it is too late.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. I thank the gentleman for yielding this time to me.

Mr. Speaker, this is an important resolution and I particularly note the impassioned plea and statement by the gentleman from California, Mr. LANTOS. It was a very good one.

I remember very well, when I visited West Germany, flying along the border between East and West Germany. I remember climbing one of the towers that were on the west side of the border between East and West Germany.

□ 1620

I looked down, and there was a cross on the ground below, and there are stories behind every one of those crosses. I knew it would not be a pleasant story, but I asked about the story behind the cross I happened to be looking at, and they said, "There was an incident that occurred about 5 years ago." They told me that there was a man and his son who tried to walk from slavery to freedom, tried to walk from East Germany to West Germany—nothing more, just tried to breathe free, to have an opportunity to do what they wanted to do, go where they wanted to go, and pray in the manner they wanted to pray. And they knew that there were antipersonnel mines along the border between East and West Germany, not to keep the West out of the East but to keep the people enslaved in the East so they could not go to the West.

And the story is that a man said to his son, "Follow me every single step because if you step where I step and I step in the wrong spot, I will be blown up, but you will be saved."

In the middle of the night they started to walk, and the man got to the wire fence and started to climb. He was lucky not to step on any antipersonnel mines. But then he heard an explosion in the back, and, sure enough, it was his son that exploded a mine, losing a part of his leg. The father ran back and tried to help his son, and was killed by an East German soldier, and this young boy, about 12 years of age, was permitted to lie there, similar to Major Nicholson, for hours. As a matter of fact, he laid there for 12 hours moaning while American soldiers and West German soldiers pleaded with the other side, saying, "We'll take him to the hospital. We will give him back to you the next day, but let us stop the bleeding." And they callously watched him bleed to death. He died there, and so there was another cross placed there.

The point is that this incident with Major Nicholson is not an isolated incident. It is not the first time this has happened, and as the President said, there is a difference between democracies and totalitarian countries. Democracy has moral imperatives. We know that. We know those imperatives. But not long ago, when he spoke about the importance of giving aid to the freedom fighters, the Contras in Central America, he said also that democracy has advantages that are profoundly practical. He indicated the fact that democracies do not try to destabilize their neighbors.

The SPEAKER pro tempore. The time of the gentleman from New Jersey [Mr. COURTER] has expired.

Mr. SOLOMON. Mr. Speaker, I yield 30 additional seconds to the gentleman from New Jersey [Mr. COURTER] so he may finish.

Mr. COURTER. Mr. Speaker, I thank the gentleman from New York for yielding me 30 seconds more.

The President indicated that there are practical differences in the way democracies behave versus totalitarian countries.

I wish I had time to go on further. I just want to give my sincere condolences to the family, the wife, and friends of Major Nicholson. I congratulate the gentleman from New York [Mr. SOLOMON] for bringing this worthwhile resolution to our attention.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The Chair wishes to advise the gentleman from Indiana [Mr. HAMILTON] that he has 10 minutes remaining and the gentleman from New York [Mr. SOLOMON] has 6½ minutes remaining.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time at this moment.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. ARMEY], who was one of the original drafters of the resolution, along with the gentleman from Connecticut [Mr. ROWLAND] and myself.

Mr. ARMEY. Mr. Speaker, I rise, of course, in support of this resolution.

Mr. Speaker, I remember the shock that I felt when I turned on my TV and saw on the news the reports of the murder of Major Nicholson and the cold, calculating way in which he was left to lie there for an hour without any assistance being brought to him either by the Soviets or allowed to him by his driver.

Then I did what so many of us did; I asked, "What happened here?" and we investigated and waited, and we heard all the explanations. But very little was forthcoming. The fact is that it was not a trigger-happy soldier. It was not any of the explanations that have been given to us by the Soviets. It was another cold and calculated effort on their part to intimidate us, to push us to see how far they could go. It was another instance of their lack of regard for human life, their willingness to take a human life in the interest of testing our political will. This cannot be tolerated.

So as we watched the proceedings and listened for word, we drafted the resolution, and we took it to the Committee on Foreign Affairs and we asked that it be brought to the floor. And even during that time, when addressing this issue, Mr. Gorbachev refused to admit to any complicity on the part of the Soviets. His response to inquiries was that the soldier was in the wrong place, that he deserved to die, that it is not the Soviets who are responsible, it is the Americans who are responsible. This disregard for the principles of humanity cannot be accepted without protest.

So for that reason, we offer this resolution as a protest, as a demonstration of our resolve.

We will not go away, Mr. Gorbachev, and freedom will not go away. We will continue to knock at your door. We will continue to give surveillance to your weapons systems. We will continue to search behind your "Iron Curtain" to look for a way to bring truth to those people, to allow them the opportunity for freedom. We will continue to send good and true, brave, young Americans like Mr. Nicholson to work for the cause of freedom, and we will not be bluffed, we will not be intimidated.

Mr. Gorbachev, the Soviet Union is wrong. It denies freedom. It will not tolerate the search for freedom. It uses the most inhumane tactics to prevent those who would seek freedom for others, and this House will not stand for that.

As my final word, I would like to say to Mr. Gorbachev, as I know this House will agree, that we protest. We demand an apology. We demand that you change your ways, that you deal with greater humanity both with your own people and with others who come to visit you.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, the gunning down of Major Nicholson and the prevention of assistance to him while he lay dying is nothing new. That is perhaps the unfortunate part of the story. It is in the tradition of Hungary in 1956, Czechoslovakia in 1968, the shooting down of KAL 007 with 269 people aboard, including a U.S. Congressman, the ongoing genocide in Afghanistan, the suppression of Solidarity in Poland, and so on, and so on, and so on.

While we work for success in arms control in Geneva, while we consider aiding democratic forces in Nicaragua, let us not just shunt Major Nicholson's murder aside.

How does it seem to the forces of freedom in this world when, in the face of the murder—unapologized for—of a U.S. soldier by the Soviets, this Congress pulls the rug out from under those resisting the imposition of Soviet-backed, Soviet-style communism on the people of Nicaragua. I ask my colleague, the gentleman from California [Mr. LANTOS], and other Democrats who are similarly outraged by Major Nicholson's murder not to reward the Soviet Union tomorrow by voting against assistance for democratic forces in Nicaragua. Please, Mr. LANTOS, put your impassioned outrage into practical use. Help those fighting against Soviet tyranny right south of your own border.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. RITTER] yields back 1 minute.

Mr. GILMAN. Mr. Speaker, I rise in support of House Resolution 125, legislation condemning the Government of the Soviet Union for the murder of Maj. Arthur D. Nicholson, Jr., and for actions clearly inconsistent with the 1947 Military Liaison Mission Agreement. I commend the gentleman from New York [Mr. SOLOMON] and the gentleman from Texas [Mr. ARMEY] for taking the initiative in introducing this measure, and I am pleased to join them as a cosponsor of the resolution.

My colleagues have outlined how Major Nicholson, on a routine surveillance mission, was shot without warning by a Soviet sentry. Compounding this reprehensible action is the fact that the Soviets prevented the major from obtaining medical attention. As a result, he bled to death from his wounds.

Mr. Speaker, it is my understanding that in the wake of this despicable event, U.S. military officials have met with their Soviet counterparts in an effort to obtain from the Soviets concrete assurances that the Soviet Union would not resort to force in monitoring compliance with the military surveillance agreement of 1947. It is my hope that the Soviets can recognize the inherent legitimacy of such a request.

Indeed, the world is growing tired of the Soviet's policy of shooting first and asking questions later. Civilized nations resent the carnage of jetliners packed with innocent civilians being shot from the sky and officials performing their duties in accordance with written understandings being shot and left to die. In an international community governed by law and comity, it is just totally unacceptable and unjustifiable for any nation to act in a manner where common sense and an effective chain of command are overtaken by paranoia and a command structure out of control.

Accordingly, Mr. Speaker, I urge my colleagues to suspend the rules and pass House Resolution 25. Congress cannot remain silent in the face of the senseless killing of Major Nicholson. If the Soviets cannot, on their own, recognize the repugnance of their actions, then it is clearly our duty to continually underscore our outrage at such heinous behavior.

Mr. SOLOMON. Mr. Speaker, before I yield back the balance of my time, I would again like to thank the gentleman from Indiana [Mr. HAMILTON] for his help and the chairman of the full committee, the gentleman from Florida [Mr. FASCELL], for helping to expedite this resolution and to get it on the floor in a timely manner. I thank them very much.

Mr. Speaker, I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. DONNELLY].

Mr. DONNELLY. Mr. Speaker, I rise in strong support of House Resolution 125 which condemns the Soviet Union for the cold-blooded murder of U.S. Army Maj. Arthur D. Nicholson, Jr., in East Germany on March 24. Major Nicholson was fatally shot by a Soviet soldier while on a routine surveillance mission in East Germany as permitted by the Military Liaison Missions agreement signed by the United States and the Soviet Union in 1947. Sgt. Jessie Schatz accompanied Major Nicholson as his driver on March 24. After the shooting, Soviet soldiers forcibly restrained Sergeant Schatz from administering first aid to Major Nicholson who was then bleeding profusely. Major Nicholson died within an hour of the shooting, and in that time the Soviets made no attempt to render him even minimal medical assistance, nor would they allow Sergeant Schatz to come to his aid.

As a people who view human life as sacred, we recoil in horror at the criminal murder of a member of our Armed Forces who was carrying out a legitimate peacetime mission. The savagery of the incident, and the inhumane refusal of the Soviet authorities at the site to provide or even allow medical attention to Major Nicholson, demand the expression of outrage that this resolution embodies. A belated apology from the Soviets will provide little solace to the bereaved family of Major Nicholson. Their loss is irreversible. The family has our most heart-

felt condolences. We share their grief, and will do all we can to prevent similar tragedies from befalling other members of our Armed Forces. The Soviets owe an apology, and an accounting of what steps are being taken to insure that it never happens again.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I take this opportunity to thank the gentleman from Indiana [Mr. HAMILTON], the chairman of the subcommittee, for giving us the opportunity to vote on this very important resolution, and I stand here today strongly supporting the resolution.

A lot of the legwork of getting this resolution to the floor condemning the Soviets for the murder of Major Nicholson was done by the gentleman from New York [Mr. SOLOMON], and I certainly thank him for giving me the opportunity of being one of the cosponsors. I strongly support the resolution.

● Mr. RUDD. Mr. Speaker, the cold-blooded murder of Maj. Arthur Nicholson in East Germany last month shocked the free world, but was by no means a surprise. The incident was just another cruel example of the Soviets' shoot-first-ask-questions-later philosophy.

It was only 19 months ago that the Soviets shot down Korean Air Lines flight 007 with 269 innocent persons aboard, including our colleague, Larry McDonald. Even with their guilt in that incident firmly established, they maintained they did no wrong, and went so far as to threaten further acts of violence against other civilian aircraft which might inadvertently stray over Soviet territory.

In East Germany, both sides regularly collect military intelligence. Major Nicholson tried to do no more than the Soviets have tried many times in the past. However, when our side finds a Soviet, even in a restricted area, we do no more than detain him, take his camera and send him home. We do not shoot to kill. Indeed, Major Nicholson was the first person from either side to be fatally shot.

When Nicholson's companion attempted to administer first aid right after the shooting, he was forced away by Soviet soldiers, and it was not for another hour that a Soviet medic attended to Nicholson. By then he had died. Were Nicholson's companion permitted to tend to him, he may have survived. We'll never know.

The Soviets' conduct is simply unconscionable. Their hair-trigger responses do nothing to encourage stability in our relations. They are a threat to civilized people everywhere.

This resolution before us today rightly condemns the murder of Major Nicholson. I doubt there will be any dissent. But once this resolution is approved and we take up other measures that directly affect our defense posture and superpower relations, let's be sure not to forget the deplorable behavior they have exhibited time after time.●

□ 1630

Mr. HAMILTON. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and agree to the resolution, House Resolution 125.

The question was taken.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

CALLING FOR THE RESTORATION OF DEMOCRACY IN CHILE

Mr. WEISS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 52) calling for the restoration of democracy in Chile, as amended.

The Clerk read as follows:

H. CON. RES. 52

Whereas over the past five years, military juntas in Argentina, Bolivia, Ecuador, El Salvador, Honduras, Uruguay, and Brazil have been replaced by elected civilian governments, but in Chile, the government of General Augusto Pinochet has hindered the restoration of democracy in that country;

Whereas on November 6, 1984, the Pinochet government imposed a state of siege that has resulted in increased press censorship, greater restriction on the right of assembly, and the temporary detention of more than 8,000 people and the internal exile of more than 500;

Whereas the imposition of press censorship and the extensive arrests of opposition political figures during the state of siege impair the movement toward democracy in Chile;

Whereas Amnesty International has noted that in recent years there has been a marked deterioration in the human rights situation in Chile, demonstrated by a consistent pattern of arbitrary detention, political imprisonment and killings, and systematic torture;

Whereas Amnesty International, the International Commission of Jurists, the United Nations Human Rights Commission Ad Hoc Working Group on Chile, the United Nations General Assembly, and the Organization of American States Commission on Human Rights have stated that the regime of Augusto Pinochet has violated basic human rights and political freedoms in Chile since the 1973 military coup in that country;

Whereas the restoration of democracy requires, as first step, a lifting of the states of siege and emergency in Chile, a dialogue between the Government of Chile and the democratic opposition, and an immediate end to human rights violations by the Pinochet government;

Whereas the Chilean people want democracy re-established in their country, and the United States is in full sympathy with the deeply-felt desires of the Chilean people for a return to democratic rule; and

Whereas in order to demonstrate its commitment to a return to democracy in Chile, the United States abstained on Chilean loan requests before the Inter-American Development Bank and the International Bank for Reconstruction and Development in February and March 1985: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the Chilean people in their efforts to end the military dictatorship and bring about the peaceful restoration of democratic institutions and human rights in Chile; and

(2) calls upon the Government of Chile to negotiate with the democratic opposition for a return to democratic rule.

SEC. 2. Until Chile returns to its long tradition of democratic procedures and institutions and of respect for internationally recognized human rights—

(1) the United States—

(A) should continue to deny any and all direct and indirect security assistance (including cash sales) for the Government of Chile unless the President has made the certification described in section 726 of the International Security and Development Cooperation Act of 1981, and

(B) should cease any and all joint military-related activities (including joint military exercises) with the Government of Chile;

(2) the United States should deny all forms of economic assistance to the Government of Chile (except that this paragraph should not be construed to prevent the furnishing of international disaster assistance under section 491 of the Foreign Assistance Act of 1961 or economic assistance which will directly benefit needy people in accordance with section 116 of that Act); and

(3) as mandated under section 701(f) of the International Financial Institutions Act, the United States should continue to oppose all loans and grants to Chile by international financial institutions such as the Inter-American Development Bank, the International Bank for Reconstruction and Development, and the International Development Association, unless such assistance is specifically directed to programs which serve the basic human needs of the people of Chile.

The SPEAKER pro tempore. Is a second demanded?

Mr. ROTH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. WEISS] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. ROTH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 52 is a concurrent resolution calling for the restoration of democra-

cy in Chile. It is a resolution which has been cosponsored by 69 Members and has received strong bipartisan support. It was considered by four subcommittees in the Foreign Affairs Committee and was then adopted by the committee on April 3. In order to expedite its consideration by the House, the Banking Committee waived its jurisdiction.

Mr. Speaker, for the past 12 years Chile has been under a military dictatorship, as were many of its neighbors in Latin America. During the past 5 years, Argentina, Bolivia, Ecuador, Brazil, and Uruguay have returned to a democratic form of government. Unfortunately, this wave of democracy has not been spreading to Chile. At the end of 1984 it became clear that the Pinochet regime had no intention of following the path set by its neighbors. A state of siege was imposed on November 4, 1984, and it was renewed on February 4, 1985. During that time more than 8,000 people were arbitrarily detained, over 400 people were sent to remote detention camps, and close to 300 were internally exiled without due process. There is no freedom of the press in Chile; six independent publications were closed in November. According to the most recent State Department human rights report: "Measures taken by the Government under the state of siege resulted in numerous violations of internationally recognized human rights, and a general deterioration of human rights practices." During the past 3 months the administration, by abstaining on Chilean loan requests before the Inter-American Development Bank and the World Bank, has expressed its displeasure about these human rights violations and the lack of movement toward democracy in Chile.

House Concurrent Resolution 52 was introduced in response to the deteriorating human rights situation and the need to support the Chilean people in their efforts to end the military dictatorship. It calls upon the Chilean Government to negotiate with the democratic opposition. It also calls upon the United States to continue to deny security assistance, to cease all joint military exercises with Chile, and to deny economic assistance to the Government of Chile, except for humanitarian and disaster assistance. These actions will be in effect until Chile returns to its long tradition of democratic procedures and institutions and of respect for internationally recognized human rights. Finally, it calls for the United States to continue to oppose all loans and grants to Chile by international financial institutions.

I urge my colleagues to support this resolution. We always talk about promoting democracy in this hemisphere, but rarely do we get the opportunity to do something concrete. This resolution gives us the unique opportunity to express our concern about the situation in Chile and to support the administration in some of its actions with respect to Chile.

I urge my colleagues to take a strong stand in support of democracy in Chile.

Mr. ROTH. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, this resolution calls on the United States to cease all joint military exercises, including our naval exercises, with Chile and forces the United States to vote against any loan request that Chile may make to any international financial institution.

Mr. Speaker, I am opposed to this resolution for what I think are some very good reasons. All the evidence points to the fact that the way for the United States to effect change is to have access and leverage with the governments we wish to influence. The military will always be a force in Chile. If we wish to have an influence in the democratic evolution in Chile, then it is only logical that we keep open our lines of communication and our lines of influence open.

A good rapport between our military officers and the officers of the Chilean army and navy is a tremendously important channel for influencing change from within. Whatever government Chile has, the military is going to have an influence. Thus, we should encourage our officers to get to know their officers on a firsthand, personal basis, and for their officers to make lasting friendships with our officers.

To recite a litany of grievances that we may have with Chile and then to propose a resolution which essentially eliminates any U.S. policy leverages is foolish. It only weakens our already tenuous ties with Chile and invites the Communist forces in the Latin American region to gain even more control.

This resolution does not put forth a very intelligent proposal, in my opinion. In essence, what we are doing is dealing the United States out and the Soviet Union in—not a very smart maneuver on the part of the United States. It comes down to a question of how the United States can play the most constructive role.

One approach is to engage in public and private diplomacy to bring together the prodemocratic opposition parties with the Chilean Government for the purposes of agreeing to timetables and steps to be taken to bring about an open and fair election by 1989, if not before. Our embassy in Santiago has had considerable success in this approach. At the same time, the United States has publically expressed on many occasions our serious concerns with the human rights violations of Chile. Our position is very clear in this regard. We can avoid identification with Mr. Pinochet's actions on human rights violations by continuing to meet with the opposition, and by continuing to make public statements against such abuses.

The alternative approach called for in this resolution is to isolate further the United States from Chile. The provision has an automatic approach. That is, until Chile is a full-fledged democracy, we will not in any way be involved with the Government of Chile.

Let us not slam the door on avenues of influence in Chile. A peaceful transition to democracy implies the consent of the present Chilean Government. With the limited amount of influence that we now have within the Government, I can't see that this resolution does anything to enhance that influence. In fact, it does quite the opposite. Going back to a Carter policy of isolation is not in the interest of the United States or the Chilean people.

We cannot promote changes toward democracy in Chile by helping to spark the overthrow of the present government. We can only promote a democratic government by helping those forces who are working for a peaceful transition in Chile.

The question comes down to whether we, the United States, want to be inside or outside of the process. It may be easier for us to wash our hands and just walk away. But I believe that our interests in Chile are too important to do that. We all want a peaceful outcome.

Mr. JEFFORDS. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Speaker, several regions of the world are currently in a state of turmoil, whereby democratic governments are struggling against domestic unrest, economic instability, and political subversion. In our hemisphere, the most notable example is Central America, which is of heightened concern for its proximity and close ties with the United States. While our attention is necessarily focused on this troubled area, we must not ignore warning signs and distrubing developments in other regions. This resolution directs our attention to an important area of concern—Chile.

Chile stands out in contrast to positive trends in the southern hemisphere, such as the return to democracy in Argentina, Ecuador, Uruguay, and Brazil. Yet the military government of Gen. Augusto Pinochet stubbornly refuses to honor its own promise of a transition to democracy by 1989. In an effort to quell the growing dissatisfaction with the government's repressive policies and increasing incidents of human rights violations, a state of seige was declared on November 4, 1984, renewed again on February 4, 1985. Yet, the level of unrest continues to rise, and the domestic political situation continues to polarize.

In January, I visited Chile and met with members of the Pinochet government and the opposition. Although the democratic opposition is diverse, I was impressed by the unanimity of support for popular elections and representative government. The Communist movement is quite small and disjointed, but appears to be gaining in strength because of increasing frustration over Pinochet's refusal to allow the moderate opposition to function. The dismissal of Interior Minister Sergio Jarpa, one of the more reasonable voices in the government, has further disheartened those who look to Pinochet to honor his constitutional obiligations.

The legislation before us is a sense of Congress resolution, expressing our support for the Chilean people's desire for democracy and respect for human rights. It also calls upon the Chilean Government to begin negotiations with the democratic opposition. Until such time as Chile ceases its human rights violations and resumes its programs toward democracy, the resolution expresses this body's judgment that the United States should continue to deny all direct and indirect security assistance and should cease all joint military activities. It also calls for implementation of U.S. laws that require opposition to economic assistance for governments with gross patterns of human rights violations. I support the two recent U.S. abstentions on loans to Chile, and believe this policy should be stregthened. Nothing in this resolution prevents Chile from receiving basic human needs loans or disaster relief assistance.

In summary, let me stress to my colleagues that now is the time to express our deep concern over developments in Chile. If we keep silent and allow the current trends to continue, we will be faced with even more limited options than we have now. General Pinochet's government must be made to realize the depth of concern in this country over the direction of these policies and the risk which they pose for the ultimate fate of Chile. I urge all of my colleagues to support this resolution.

Mr. WEISS. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Subcommittee on Human Rights and International Organizations, the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I rise in strong support of House Concurrent Resolution 52, which calls for the restoration of democracy in Chile.

Mr. Speaker, during the past 5 years, several nations in Latin America, including Argentina, have returned to democracy. The change in the political climate in many of these countries was due largely to congressionally mandated U.S. policies which placed an emphasis on human rights and democratic institutions. However, an effective U.S. human rights policy depends on an assertive executive branch. In the case of Chile, where human rights conditions have deteriorated rapidly in the last few years, administration initiatives have been short on substance and confusing in terms of diplomatic overtures.

Recently, Assistant Secretary of State for Human Rights, Elliott Abrams, characterized Chile as the "greatest disappointment" in the Western Hemisphere. But U.S. policy does not seem to reflect this concern. With the exception of two recent abstentions for bank loans for Chile, the administration has voted for millions of dollars in loans for the Pinochet regime. Our support for Chile in international financial institutions, coupled with what is clearly a consistent pattern of gross violations of human rights committed by the Chilean Government, violate U.S. law.

Mr. Speaker, what makes our policy even more confusing is that the United States seems to be the only government willing to defend the Pinochet government in the international community. This past January, in a discussion on human rights at the European Parliament, a member from the United Kingdom commented that it was very difficult for the West to level criticisms against the Soviet bloc for human rights violations when the United States is well known for its support for the Chilean Government. This double standard undermines the effectiveness of U.S. human rights policy.

Mr. Speaker, House Concurrent Resolution 52 is a clear expression of U.S. support for the Chilean people in their struggle to achieve a democratically elected government. As the chairman of the Subcommittee on Human Rights and International Organizations, I believe that the passage of this important measure will put the U.S. Congress on record as speaking out against the present dictatorship in Chile and the repression which results.

I commend the gentleman from New York [Mr. WEISS] for sponsoring this statesmanlike initiative, and I urge my colleagues to strongly support this resolution.

□ 1640

Mr. ROTH. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Speaker, we are going to be discussing a matter of considerable concern in the Western Hemisphere on tomorrow, and the majority of the Members of this body have largely decided that we ought not to be interfering in any of the other countries in the Western Hemisphere. We should not be concerned with what goes on in Nicaragua, we should not be concerned about other areas. But here we have not only a statement which on its face sounds as though it would be quite harmless, we all want to see democracy prevail and we want to see this kind of government in any country that does not have it, but this resolution goes far beyond a statement of a hope that perhaps someday Chile will become a democratic society.

Let me just say that this resolution I think does not pay proper attention to the history of Chile. I can't remember the first time that I visited Chile back in 1960. It was quite obvious that Chile, of all the South American countries, was the one that had the most extensive Communist Party in that Southern Hemisphere. In fact, as you walked along the street, there were book stalls of all kinds in English as well as the Spanish extolling the various virtues of the reigning heros of communism at that particular time.

That was in 1960, and 10 years later Salvador Allende was elected as a leftist President. Whether he was a member of the Communist Party I cannot testify. But under his leadership that is precisely what happened in Chile, and for the next 4 or 5 years we know the turmoil that Chile went through.

So I think we ought not to suggest that this is something that we can separate from that kind of history. And for us to suggest to Chile what kind of government it ought to have I think is a little bit beyond our purview here in the House of Representatives.

But the thing that concerns me most is that on page 3 of the resolution, section 2 says that the United States—

(A) should continue to deny any and all direct and indirect military assistance (including cash sales) for the Government of Chile, and (B) should cease any and all joint military related activities (including joint military exercises) with the Government of Chile;

(2) The United States should deny all forms of economic assistance to the Government of Chile.

What kind of a proposal is that when we are all aware of the intrusion of the Communist menace into the Caribbean and into not only Central America but also into South America? We have been in Grenada exactly in microcosm, exactly what the Communist regime and their satellites are trying to do.

I think since this would propose to eliminate all military assistance it would be well for the House of Representatives, before we vote on this mistake resolution, to read what the gentleman from Mississippi [Mr. MONTGOMERY] and his delegation that went to Chile in 1984 had to say.

The delegation believes, based on its findings while in Chile, that it is imperative to initiate more cooperative military relations with Chile if we are to ensure the protection

of the strategically important sea lanes in the Southern Hemisphere. Furthermore, more cooperative military initiatives with Chile will help to maintain the tenuous balance of power in the region and contribute to the security of the hemisphere, lessening Chile's isolation and encourage its return to democracy. Therefore, renewed consideration should be given to lifting the arms embargo against Chile.

Mr. WEISS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished cochairman of the Human Rights Caucus of the House of Representatives, the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution. I do so having been a student of Chile for many years.

I find the arguments of my colleagues on the other side of this debate singularly inconvincing. I sat with General Pinochet in his private office last December. I urged him, along with my colleagues, one of whom is in the Chair now, as well as the gentleman from New Mexico [Mr. RICHARDSON] to ease up on the totalitarian procedures and practices of the Government of Chile, because here indeed is a country with a distinguished and proud democratic tradition.

If in fact communism is going to advance in Chile, it will advance because of the repressive totalitarian policies of General Pinochet. It is the democratic opposition within Chile, people who if they lived in this country would be occupying seats in this body, who are pleading with us to pass this resolution, people who believe in freedom of press, freedom of assembly, freedom of speech. All of these are denied by the oppressive regime of General Pinochet.

I fully agree with my friend that we need joint exercises with the Chilean military, but not until after the Chilean Government will have ceased its outrageous practices of suppressing human rights.

There is no way that General Pinochet will ease up on his oppressive policies unless we exercise some economic leverage. This resolution does so. And if we are indeed interested in promoting democracy and strength in the hemisphere, we should support the resolution.

Mr. STRATTON. Would the gentleman yield to me?

Mr. LANTOS. I will be delighted to yield.

Mr. STRATTON. Would the gentleman feel it is also desirable to put a little leverage on Nicaragua, to let up with its undemocratic operations?

Mr. LANTOS. I fully agree with that, and I would further say to the gentleman that his comments about human rights violations by the Sandinista government are extremely well taken. The Sandinista government is guilty of human rights violations.

I have very little time and I cannot yield any more. I would like to say finally to my colleagues that just 10 minutes ago several of us stood in the well of this House calling for the approval of a resolution denouncing the Soviet Union for the murder of Major Nicholson.

□ 1650

I spoke on behalf of that resolution. Human rights happen to be indivisible. Human rights violations in Chile must be condemned. Human rights violations in the Soviet Union must be condemned. We cannot pretend that governments that are less hostile to us can proceed with human rights violations in governments which are opposed to us.

I strongly urge the approval of the resolution.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. ROTH. Mr. Speaker, I yield 1 additional minute to the gentleman from California in order to ask a question.

Mr. Speaker, will the gentleman yield to me?

Mr. LANTOS. I yield to the gentleman from Wisconsin.

Mr. ROTH. I do not know if I inferred this, correctly but is the gentleman going to vote tomorrow for aid to the Contras? Judging from his answer to the question of the gentleman from New York, I am unclear on his position regarding Nicaragua.

Mr. LANTOS. I will be delighted to give a very clear and precise and specific answer and I want to thank my colleague for yielding me this additional time.

The question the gentleman [Mr. STRATTON] asked me is whether I believe in placing pressure on the Sandinista government? Yes, I believe in putting effective pressure on the Sandinista government and tomorrow we shall debate what that effective pressure is.

I thank my friend for yielding.

Mr. ROTH. I thank the gentleman from California for his answer.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. ROTH] for giving me this time.

Mr. Speaker, I rise in opposition to this resolution. You know, I would like democracy in Chile like everyone in the House chamber today but by adopting this resolution I am not sure it is the right way to go. I think it will have more effect on not having a democracy in Chile.

I certainly hope the resolution will be defeated for several reasons. In 1984 I had the privilege of leading an eight-member delegation going to Chile. We found that by denying military and economic aid to that country, yet we were giving aid to other countries that have just as many problems as Chile. It disturbed the people who were running that Government and it slowed down moving our hopes of someday having a democracy in this country.

In Chile we met with the opposition party. We thought it was only fair that we meet with both sides. We were surprised that the opposition told us in effect they were not ready to take over leadership of that country; they wanted to have more time.

We then went to the military leaders and the answer we got from them was that "Yes, we would like to run a navy and run an army to protect this country, but we spend too much time with the military handling civic needs and personal needs and we cannot get around to doing the job we are supposed to."

It is going to have to take a little time for democracy to be implemented, but certainly we don't want to push Chile into the Communist column and I thnk it would be a mistake to pass this resolution at this time.

As Mr. STRATTON said in his remarks, we need to support the Chilean defense force. We sold naval ships to Chile. Now under the arms embargo Chile is not able to buy parts to run those ships, run the radar equipment, or work the weapons on the ships because of the arms embargo. That is just not fair. This arms embargo should be lifted.

Mr. STRATTON. Mr. Speaker, will the gentleman yield to me?

Mr. MONTGOMERY. I yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman for yielding.

Mr. Speaker, actually for a number of years the U.S. Navy in its own exercises, in an effort to improve and strengthen the defense of the whole hemisphere, has been running a fleet exercise called Unitas every year. Up until a few years ago the Chileans were major contributors to that exercise. That is exactly the reason that we sold them ships. What we are doing is shooting ourselves in the foot when we try to say that all effort to cooperate in military matters should be eliminated.

I agree with the gentleman that the resolution should be roundly defeated.

Mr. MONTGOMERY. May I mention to the gentleman that as he says now our Navy is having exercises with the Chilean Navy to protect the sea lanes in that part of the world. Some day a foreign country might move in that part of the world and give us problems such as closing the Panama Canal, so we certainly need the Chilean Navy. Right now to have a resolution such as this I think it is just going

to slow democracy, it is going to cause us more problems than we have now and I hope the resolution will be defeated.

Mr. STRATTON. The gentleman is absolutely correct and I commend him on his report.

Mr. WEISS. Mr. Speaker, I am pleased to yield 3 minutes to the chairman of the Hispanic caucus of the House of Representatives, the distinguished gentleman form New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. I thank the gentleman.

Mr. Speaker, first of all I rise in strong support of this resolution which in my judgment is the only conscionable thing to do. I do so recognizing the great respect I have for my colleague from Mississippi [Mr. MONTGOMERY] and my colleague from New York [Mr. STRATTON].

Let me clarify several things.

It is first of all U.S. policy supported by the administration, it is current law that military and economic assistance be denied to the Chilean Government because of gross human rights violations. It was only a month ago that for the first time the State Department abstained on a loan in the Inter-American Development Bank for further loans because of these gross human rights violations that are increasing.

President Pinochet scorns the United States. Several Members of Congress met with him recently. I was in the last delegation to meet with him.

We asked him in a positive tone: "Will you lift the state of siege?" Two weeks later he increased it.

In addition to that we asked him to "Please try to make some semblance of restoring an orderly process of democracy." He laughed in our face.

Lastly we said, "Could you please stop that secret police of yours from contintuing to torture in your own country?" He laughed at us.

I think what this resolution is simply doing is stating that the United States recognizes that it has little leverage in Chile but the price in international public opinion simply to conduct naval exercises which I presently support—I do not have any problem with that—an occasional U.N. vote, is not worth continuing to associate ourselves with a regime that is repressive, that is not democratic. Tremendous unrest is taking place there.

The democratic opposition in Chile is forming, it is emerging. It does send a signal to our State Department which in our judgment has not been as strong in exercising this quiet diplomacy, in telling Mr. Pinochet "Your human rights violations are objectionable." This is almost a restoration of a policy that we have followed for many years. We have denied them military and economic assistance and now we are abstaining. This resolution is not that far from U.S. policy.

Mr. STRATTON. Mr. Speaker, will the gentleman yield to me?

Mr. RICHARDSON. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, would not the gentleman agree that the Soviet Union is also a repressive regime, as the gentleman from California [Mr. LANTOS], indicated with great eloquence just a few moments ago? Are we not associating ourselves with them at Geneva?

Mr. RICHARDSON. Reclaiming my time, if the gentleman will check the bills that were introduced today, and I think I wish to commend the gentleman from Pennsylvania [Mr. YATRON] for being consistent in condemning human rights violations on both the left and the right. Mr. Speaker, if the gentleman [Mr. STRATTON] will check the bills introduced today, I have introduced a bill condemning the human rights violations of the Sandinistas and the Contras. I share the view of my colleague. What I am simply saying is that what is the price we are paying for supporting Pinochet who does not listen to us, who does not care about us, who does not care about our concerns? I do not see what the price in international public opinion is worth if we continue to support his repressive practices.

This resolution simply restates U.S. policy and has the United States come out, the Congress of the United States, on the side of democracy, on the side of the end of human rights violations, the end of the state of siege and the death squads that have emerged since March 31. Mr. Pinochet has dramatically increased the repression in the secret police. More men and women have been tortured and killed in the last 30 days than ever before.

The time to send Mr. Pinochet a signal from the Congress of the United States, a bipartisan signal, and a lot of Republicans are supporting this bill, is now.

I urge support of this resolution.

Mr. Speaker, I rise in support of House Concurrent Resolution 52.

Since the military coup of September 11, 1973, Chile has moved further away from democracy under the Pinochet regime. During the first days of the coup, thousands of persons were rounded up at the national soccer stadium. They were about to celebrate independence day. The systematic torture and murder which ensued will never be forgotten. Unfortunately it has not entirely ceased.

Just 2 weeks ago a 19-year-old student died of gunshot wounds. A Chilean policeman shot him for the crime of exercising what we take to be a fundamental civil right: The freedom of expression. He was gunned down while distributing leaflets critical of the Pinochet regime. The use of torture by police and security agents in Chile has been well documented by private groups such as Amnesty International and Americas Watch and by public international bodies such as the Human Rights Commission of the Organization of American States. Those who protest this practice in Chile have been subject to arrest and assassination by the Chilean police. Recently, the Reverend Dennis O'Mara was expelled from Chile for peacefully protesting the use of torture. Union members, teachers, students, and the Chilean Commission of Human Rights have been the main targets of shootings, kidnapings and relegation by executive order—or to put it clearly—internal exile without a trial.

A new development is the appearance for the first time of death squads in Chile. On March 31, the bodies of a teacher, a sociologist, and a painter were found with their throats cut and knife wounds throughout their bodies. This event followed other kidnapings and shootings by death squads. All the victims were known to have expressed opposition to the Pinochet regime.

On January 15, I wrote the Chilean Embassy to express my concern about the well-being of four national Indian federation leaders arrested during a raid on Temuco by Chilean security forces on January 3, 1985. I also expressed concern about the exile of 26 members of the Human Rights Commission of Arika and Iquique. The U.S. Embassy was able to ascertain that the 26 were relegated for 90 days each to small towns scattered throughout Chile. Just 11 days ago, nine union leaders were banished to distant towns. I ask my colleagues to imagine life in Chile, where those who express disagreement with systematic violations of human rights are arrested or disappear, are tortured and killed, and others are banished.

There are elements of the situation in Chile that allow for comparison with the situation in the Philippines and South Africa. In all three cases the democratic forces, the forces of reform, are steadily eroded by generalized repression, leaving less and less room for a middle ground. The same sort of constructive engagement has failed in all three cases. I think that the U.S. Embassy could be giving more attention to the democratic forces in Chile and provide more access to the Embassy. I realize that it is difficult to provide security to persons who want to visit. Just 2 months ago, on February 21, a group of 30 women were arrested in front of the U.S. Embassy as they were trying to reach the distinguished Ambassador Langhorne Motley, to ask him to intervene in favor of the persons banished to Pisagua.

No, Mr. Chairman, quiet diplomacy, along with numerous yes votes by the

United States on multilateral loans to Chile from 1981 to 1984, has done nothing to bring a political opening to Chile. Many of these loans were not based on basic human needs criteria. While the recent abstention by the United States on an IDB loan was a positive step, it is important for us to continue in this direction.

We also need to express our concern in the international arena. All of the Western European democracies were among more than 90 countries that voted in the U.N. General Assembly last December to condemn human rights abuses in Chile. The United States voted against this resolution. Although the U.S. representative submitted an explanatory note, this was not enough to show our concern. There will be a new vote this year, and I urge a no vote consistent with our record of condemning human rights violations in Poland and Afghanistan.

If we are not on the side of democracy and human rights, we shall be left with just the sort of situation we were trying to avoid. Polarization will lead to a showdown in which it will be too late to urge the existing regime to reform, to leave open social—political space for democratic institutions. The democratic opposition has shown the ability to reach a high level of agreement on three points: The denunciation of human rights violations by the current regime, the need to restore democratic rights, and the demand for a return to democratic rule. It is not our place to make demands. But it is our obligation to promote democratic institutions.

Recently, I led a delegation of members of the Hispanic caucus to different Latin American countries. We met with President Pinochet for 2 hours. It was a long meeting. It was an acrimonious meeting. And it became perfectly clear that at this time Pinochet is not open to lifting the state of siege and restoring democratic institutions.

This resolution will send a strong message to Pinochet that we will not support the further delay of a democratic opening. We shall not remain silent about administrative orders which exile persons without trial for the crime of monitoring human rights or dissenting with the present state of affairs.

I urge my colleagues to take this one step toward improving the human rights situation in Chile. Another step might be a high level meeting with Pinochet to show both congressional and executive resolve in this matter. It is in our national interest to be on the side of reform and democratic institutions. The alternative is further polarization, increasing violence and the destruction of Chilean society.

□ 1770

Mr. ROTH. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I would like to commend the gentleman from Pennsylvania [Mr. YATRON] for the outstanding job he does as the chairman of the Human Rights Subcommittee.

However, on this particular resolution, I do have some questions that I think need to be answered. I did not object to this resolution when it was marked up in the Subcommittee on Human Rights and International Organizations, but I did raise an issue concerning subsection 1(B) under section 2. This subsection reads: "The United States should cease any and all joint military related activities (including joint military exercises) with the Government of Chile."

Could someone tell us what has been the practice of United States/Chilean military activities and exercises?

In other words:

What kinds of activities have we pursued with the Chileans?

How large a commitment of American manpower and equipment do these activities require?

Are any other South American countries involved in United States/Chilean military activities; and, If so, how might this resolution affect these other multilateral exercises?

Finally, how important are our activities with the Chileans to our own security? Could this resolution have a detrimental effect on our own security?

I ask these questions because of my concern that we not cut off our nose to spite our face. I certainly am in agreement with the basic thrust of the resolution, but I also do not want to do anything that could have an adverse impact on our own legitimate concerns. Last, I would ask where are the weapons and bombs coming from that support these terrorist attackers.

I would appreciate any enlightenment anyone could provide on these points before I cast my vote on this issue.

Mr. WEISS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, this resolution, which is very moderate in its scope, gives us an opportunity to not continuously end up in the difficult kinds of situations where we are forced to choose between direct military action or with standing by and watching a situation continue to degenerate, to fall under Soviet control or Soviet domination.

It is now that the United States ought to be taking its leadership, in pressing for democratic reforms in Chile; it is now, and not as that society goes into turmoil and begins to crumble. The United States must play a leading role in pressing the importance of moving back toward democracy upon those that are ruling Chile today.

If we stay as inactive as we have been, we will soon find ourselves in the same kinds of situations that we face in Guatemala, in Nicaragua, and the same kinds of crisis that we saw in Cuba. How long can we sit by the Batistas and Somozas of this world? How many times must American policy fail because we have been unable to take a chance for new opportunities and new directions.

The United States' people and its Government must send a signal to the people of Chile that encompasses the values that we stand for as a nation. The best of this country. What makes this country so different and so much better than other nations is our commitment to human rights and the democratic process; and we need to be a force for that everywhere, in Central and South America; not just in El Salvador and in Nicaragua, not just in the countries that the President chooses to isolate, but in every country in the region, this is a moderate and measured resolution; it puts the United States Congress and the American people on the right side in Chile; it is a country where America has considerable negative baggage.

This is but one small positive step. we ought to pass this resolution today overwhelmingly.

Mr. ROTH. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. ROTH] has 6½ minutes remaining; the gentleman from New York [Mr. WEISS] has 5 minutes remaining.

Mr. ROTH. I yield 2 minutes to the distinguished gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in opposition to this resolution. While I fully concur with the stated intent of the resolution to advance the restoration of democracy in Chile, I believe the approach offered in this resolution is counterproductive to that effort.

The administration has been continually engaged in encouraging the Chilean Government to improve its human rights record and move toward democratic government through a series of diplomatic and political actions. To limit the administration's range of options for influence, as this resolution suggests, only reduces the chance to have any leverage on the Chile Government.

The administration's objective has been to influence those protransition forces in the government and pronegotiation forces in the opposition to reach an agreement on steps toward

implementing a fully functioning democracy.

Our influence in Chile is already severely restricted due to the limited economic, military and political contact we have been permitted to have. Removing almost every last remaining opportunity for cooperation and contact only ensures that our opinion be ignored.

If we are to have any influence at all, we must be able to demonstrate to the Chileans they have something to gain by moderating their regime. Moreover, U.S. security interests are not enhanced by simply cutting off Chile from any cooperation with us.

The rigid restrictions in this resolution, even though it is only a sense of the Congress resolution, leaves the administration little flexibility in its approaches to the Chilean Government and little hope that the Chilean Government would be inclined to consider our views.

If we are truly interested in seeking movement toward democracy in Chile, we should not be making inflammatory gestures that make us feel better but do not accomplish our objectives. I urge my colleagues to defeat this resolution so that it might be considered under a procedure that allows for amendments. It could be amended easily to make it acceptable and practical.

Mr. WEISS. Mr. Speaker, I reserve the balance of my time, and I have no additional requests for time at this point.

Mr. ROTH. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I rise in opposition to this amendment. Jean Kirkpatrick has spoken out forcefully at the U.N. for democracy on every given opportunity, but she is also one who has trusted our embassies around the world.

Here we are again, rejecting the advice of these great public servants of ours at our Embassy down in Chile that say this amendment would be counterproductive.

Here is what Jean Kirkpatrick stated last December while addressing the U.S. General Assembly concerning a human rights resolution condemning Chile; and these are her very words:

> The resolution focuses on three countries: Chile, El Salvador, and Guatemala. Why these three countries? Why they alone? By almost any objective standard, Cuba is a far more repressive country than Chile; it holds many times more prisoners of conscience; Chile's newspapers are far more independent than the state-run press in Cuba, and they feature regularly criticism of government policies.
>
> Why then this totally condemnatory, punitive, unremittingly hostile attitude on Chile, which is involved in a serious, and we believe, hopeful process of liberalization moving toward democratization.

I repeat, why do not we listen to the professionals we have in the field and keep the process moving toward democracy, not setting it backward by an egregious kick in the face to a government that is in far better condition as far as democracy in concerned than Cuba.

Mr. WEISS. I yield myself 2 minute at this point to engage in a dialog, if you will, with the distinguished gentleman from California [Mr. LAGOMARSINO].

Mr. Speaker, if I heard him correctly, the gentleman from California suggested that he would be willing to discuss further modest amendments to this measure and have it brought up on the regular order calendar in order to allow time to achieve possible resolution of the matter to our mutual satisfaction.

Now I know that the gentleman, when the matter was in the Western Hemisphere Subcommittee, indicated that by and large he found this resolution to be a constructive one.

I would have no problem with agreeing with him if it is indeed the request of the gentleman for unanimous consent to put this over onto the regular order calendar to allow us time to work it out, to seek to accomplish a mutual resolution of this important matter.

Mr. LAGOMARSINO. I am not the one handling this. Mr. ROTH is.

Mr. WEISS. Right. Well, I will ask the gentleman from Wisconsin if in fact he supports the gentleman from California in his request.

Mr. ROTH. I would say no. We have gone this far with this resolution and have considered it in three subcommittees and the full Foreign Affairs Committee. So, let us see this legislation through to the end. When we start something, let's finish it, and let the chips fall where they may.

Mr. LAGOMARSINO. Well, in any event, if the gentleman wants me to yield to him, in any event should it not succeed, that would be the status anyway.

□ 1710

Mr. WEISS. I thought the gentleman was making a genuine offer at this point to try to resolve the matter.

Mr. Speaker, I yield myself 3 additional minutes.

Mr. Speaker, this is indeed an extremely modest and, we believe, constructive resolution which cleared four subcommittees of the House Foreign Affairs Committee, as well as the committee itself. It has the support at this point of the chairman of the Subcommittee on Western Hemisphere Affairs, the gentleman from Maryland [Mr. BARNES]; the chairman of the Subcommittee on Human Rights and International Organizations, the gentleman from Pennsylvania [Mr. YATRON]; the chairman of the Subcommittee on International Economic Policy and Trade, the gentleman from Washington [Mr. BONKER]; the chairman of the Subcommittee on Arms Control, International Security and Science; and the chairman of the full Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL]. On the other side of the aisle, it has the support of the gentleman from California [Mr. ZSCHAU] and the gentleman from Nebraska [Mr. BEREUTER], the gentleman from Iowa [Mr. LEACH], all members of the Foreign Affairs Committee. It is, in fact, a modest, constructive approach which seeks to take note of the fact that since the state of seige was imposed by General Pinochet in November 1984, there have been 8,000 people who have been detained, over 600 people have been internally exiled, the right of assembly has been restricted, and no steps have been taken to have the guarantee of elections in 1989 put into place.

Now, it just seems to me that going on record to continue a policy in existence right now not to provide military assistance to that Government is something that makes a great deal of good sense. We are not asking in this resolution to cut off diplomatic relations with Chile. We are not asking to cut off trade relations with Chile. We are not asking to support counterrevolutionary forces against the Government of Chile. We are saying that there ought to be a distancing by the U.S. Government in direct military and economic assistance to that Government so long as it maintains the most oppressive and repressive policies in the Western Hemisphere.

If we do not do that, then all of our talk about concern for human rights anyplace on the globe has a hollow partisan ring which demeans the genuine efforts for human rights that are undertaken in this body and our Nation from time to time.

There has been reference to the recommendation in this resolution—that is all it is, it is a sense of Congress resolution—not to engage in joint military exercises.

The Pentagon has said that it is getting harder and harder to find other Western Hemisphere countries to engage in those joint naval exercises with Chile and the United States because of those other governments' attitudes toward the reprehensible nature of the Pinochet government.

For the sake of the prestige of the United States of America, as well as for the well being of the people who are living under the tyrant's heel, I urge my colleagues to adopt this resolution.

The SPEAKER pro tempore. All time of the gentleman from New York [Mr. WEISS] has expired.

The gentleman from Wisconsin [Mr. ROTH] has 3 additional minutes remaining.

Mr. ROTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are all in favor of democracy in Chile and we want to do everything we can to assist in the effort to promote democracy in Chile. We are also people who can still see and look at the facts. Just what are the facts in Chile?

In 1984 there were 735 terrorist bombings in Chile—principally in Santiago. Seven hundred and thirty-five. Santiago is a city the size of Washington, DC. We had one terrorist bombing in DC last year and today it is difficult to walk from our offices to the Capitol because there are so many policemen, so many guards, and checkpoints. We had one bombing. In Chile, they had 735—that's two every day. Who is responsible for this terrorism? The Manuel Rodriguez Patriotic Front, a guerrilla organization created by the Chilean Communist Party, has taken responsibility for these 735 terrorist bombings.

Chile's Communist Party has said that they are for the violent overthrow of the government. They are responsible for the deaths and murders that have been perpetrated by these 735 terrorists bombings and for a significant number of the human rights violations in 1984.

So I think that we in this Congress, in considering this resolution, are going to look at the facts of the case as we see them.

I thank the gentleman from New York and the other Members who have spoken for or against, and I yield to my friend, the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. The gentleman from New York [Mr. WEISS] said that he detected a partisan ring in this debate. I would point out that the gentleman from Mississippi and myself are Democrats. This is a bipartisan opposition, as I see it.

Mr. ROTH. I thank the gentleman on the other side of this aisle for their courage and their eloquent statements. It is always refreshing to hear eloquence on the floor of this Congress. It gives me renewed faith in our democracy and our Government.

● Mr. ALEXANDER. Mr. Speaker, 2 weeks ago on the afternoon of April 9, 1985, a 19-year-old mathematics student was passing out anti-Pinochet literature in downtown Santiago, Chile. When police approached, the student turned and ran. The police then shot him in the back. Oscar Fuentes Hernandez died the next day.

Mr. Speaker, the resolution before us today states that Congress supports the return to democracy in Chile and calls upon the Chilean Government to negotiate with the democratic opposition for a return to democratic rule. The resolution supports the position already taken by our Government in denying military and economic assistance to Chile and abstaining in support of international loans.

In my opinion this resolution quite properly distances us from a military junta that would shoot down a 19-year-old student pamphleting against his government. But it puts us very strongly on the side of the Chilean people. And it is the Chilean people who will determine the future of their country not the generals who have so ruthlessly controlled Chile since the coup of 1973.

Mr. Speaker, as a cosponsor of House Concurrent Resolution 52, I urge my fellow Members from both sides of the aisle to join with me in urging a restoration of democracy in the Republic of Chile.●

● Mr. CONTE. Mr. Speaker, in an effort to urge the restoration of democracy in Chile, I have cosponsored House Concurrent Resolution 52. Now I rise to urge my colleagues to join me in supporting its passage.

In recent years, we have witnessed an incredible movement toward democracy throughout Latin America. In place of military juntas, civilian governments are now being nurtured in Argentina, Bolivia, El Salvador, Ecuador, Honduras, Uraguay, and Brazil. But in Chile, the opposite is happening. Even though the Chilean people want a democratic government restored, General Pinochet has taken it upon himself to declare that they are not ready for it. The general must be made to understand that neither the Chilean people nor the world are buying this. The reality that exists in Chile is that a military dictator is refusing to yield the power of government to those with whom it rightfully belongs—the people.

The time is now for a reassessment of the Pinochet government and of our relationship with it. The Pinochet regime is one that rules by state-by-seige. It is a government by systematic torture, political imprisonments and killings, and censorship. It is, in essence, the unchecked deterioration of human rights, the snuffing out of the candles of progress that still flicker in Chile's darkness.

House Concurrent Resolution 52 expresses the sense of the Congress that the United States should deny military assistance to, and cease joint military maneuvers with, the Pinochet regime. Additionally, it urges that the United States oppose loans to this regime from international financial institutions—unless, of course, the loan is for the legitimate humanitarian needs of the Chilean people. These measures should continue until the Pinochet regime moves toward the reestablishment of democracy in Chile, as the general originally promised when he assumed power.

Mr. Speaker, this is not a drastic measure, but it is a necessary one. What we are doing is demanding the restoration of simple human justice to a people that are crying out for it. I urge my colleagues to join me in supporting House Concurrent Resolution 52.●

Mr. WEISS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. WEISS] that the House suspend the rules and agree to the concurrent resolution, (H. Con. Res. 52) as amended.

The question was taken.

Mr. ROTH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. WEISS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 52 on which action has been deferred.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

RIGHTS OF GRANDPARENTS TO PETITION STATE COURTS FOR PRIVILEGES TO VISIT GRANDCHILDREN

Mr. BIAGGI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 67) expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution—because of divorce, separation, or death—of the marriage of such grandchildren's parents, and for other purposes.

The Clerk read as follows:

H. CON. RES. 67

Whereas approximately 75 per centum of all older Americans are grandparents;

Whereas grandparents play a vital role in millions of American families;

Whereas an estimated one million children a year experience the divorce of their parents;

Whereas the laws of forty-nine States (1) provide grandparents with certain rights to petition State courts for privileges to visit their grandchildren after the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and (2) allow such courts to grant such visitation privileges if such courts consider it in the best interests of such grandchildren;

Whereas such procedural rights to petition State often do not provide grandparents with adequate opportunities to be fully

heard with respect to the granting of such visitation privileges;

Whereas the factors considered by State courts in determining whether the granting of such visitation privileges is in the best interests of the children involved varies widely among such States;

Whereas the ability of grandparents who have meaningful relationships with their grandchildren before the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents to help satisfy such grandchildren's needs for continuity of care and familial ties after such dissolution is often not fully taken into account in determining the best interests of such grandchildren;

Whereas the lack of uniformity among the laws of States with respect to such visitation privileges adversely affects the ability of grandparents to enforce and exercise such visitation privileges once granted by a court because of the interstate movement of the parties involved; and

Whereas national grandparents' rights organizations have been established for the purpose of focusing national, State, and local attention on the issue of grandparents' visitation rights: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring, That (a) it is the sense of the Congress that the States should develop and adopt a model act which—

(1) provides grandparents with adequate rights to petition State courts for, and to be fully heard in such courts with respect to the granting of, privileges to visit such grandparents' grandchildren after the dissolution (bacause of divorce, separation, or death) of the marriage of such grandchildren's parents;

(2) ensures that such rights extend to cases in which, after such dissolution, such parents remarry and stepparents adopt such grandchildren; and

(3) establishes procedures for the interstate recognition and enforcement of State court orders granting such visitation privileges.

(b) It is the sense of the Congress that the Secretary of Health and Human Services, through the National Center for Child Abuse and Neglect and the Administration on Aging, should provide technical assistance to States in developing, publishing, and disseminating guidelines which—

(1) may be used in determining the "best interest of the child" in cases in which the grandparents of such child seek privileges to visit such child after the dissolution (because of divorce, separation, or death) of the marriage of such child's parents, including cases in which such privileges are sought in situations described in subsection (a)(2); and

(2) take into account the ability of grandparents to help satisfy such child's need for continuity of care after such dissolution.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York [Mr. BIAGGI] will be recognized for 20 minutes and the gentleman from Texas [Mr. BARTLETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. Mr. Speaker, I yield myself such time as I may consume.

As its author, as well as a proud grandparent, I call up House Concurrent Resolution 67 for consideration today. The resolution expresses the sense of the Congress that:

A uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of death, separation or divorce of the marriage of such grandchildren's parents.

First, let me commend both the subcommittee chairman, my distinguished colleague from Montana, Mr. WILLIAMS, and our distinguished chairman, Mr. HAWKINS, as well as the gentleman from Vermont [Mr. JEFFORDS] and the gentleman from Texas [Mr. BARTLETT] not only for their expeditious consideration of this resolution, but also for affording me the unique honor of managing its consideration on the floor today.

It was less than 2 months ago—February 26, 1985, to be precise—when I introduced the measure. It comes before us today after unanimous approval at both the subcommittee and full committee levels. I would also like to thank the 26 of my colleagues who have cosponsored the resolution.

Our approval of this resolution will be both a renewal and a reaffirmation of a commitment to address one of the most important issues in modern family law—preserving the important relationship between grandparents and grandchildren.

It was almost 2 years ago to this very date—April 19, 1983 to be exact—when the House passed a very similar resolution to the one before us today. Unfortunately, that legislation was not acted on in final fashion by the other body before the 98th Congress adjourned, so we must begin again in the 99th Congress.

The issue before us today is what rights or privileges do grandparents have to maintain visitation with their grandchildren following the dissolution of the marriage between the parents of said grandchildren.

We know and are heartened by the fact that 49 States do have laws which afford grandparents the ability to petition a court when seeking visitation with their grandchildren. This, I might note, represents almost a 20-percent increase in the number of States with such laws since the time I first began working on this issue in late 1982.

Yet, despite this impressive commitment on the part of States to grandparents and their visitation privileges, there remains a fundamental problem. There is an overall lack of uniformity among the State laws in a variety of key areas.

These include who may petition the court. Some say it can only be the parents of the noncustodial parent while others refer generally to grandparents. Other issues include different circumstances under which grandparents can petition a court. Still other variations exist as to what warrants the awarding of visitation. Finally, the most glaring of problems is the lack of interstate recognition and enforcement of visitation orders, once awarded.

Let me illustrate in real terms how tragic this particular aspect of the issue can be. In December 1982, in my capacity as chairman of the Subcommitte on Human Services, I chaired a hearing on grandparent visitation. One couple who testified were Harvey and Marsha Kudler of Queens, NY. They related a veritable horror story of how they spent $60,000 in legal fees to gain visitation with their two grandchildren who were living in New York. They were finally awarded visitation. Yet, almost on the very day it was awarded, the grandchildren where moved to Colorado by their father where the New York order was not valid.

The point I am making and the point of the resolution is while there are State laws protecting grandparents, there is a tremendous need for uniformity between these laws. The idea of having visitation privileges threatened is traumatic enough for grandparents without enduring the additional difficulty of navigating a complex legal system to preserve these privileges.

This resolution seeks to build on the common points of the various State laws and to urge that all States develop and adopt a uniform law for grandparents.

Specifically, let me quote directly from the resolution:

That it is the sense of the Congress that the States should develop and adopt a model Act which—

(1) Provides grandparents with adequate rights to petition State courts for, and be fully heard in such courts with respect to the granting of, privileges to visit such grandchildren after the dissolution of the marriage of such grandchildren's parents.

(2) Ensures that such rights extend to cases in which after such dissolution, such parents remarry and step-parents adopt such grandchildren, and

(3) Establishes procedures for the interstate recognition and enforcement of State court orders granting such visitation.

I would like to stress that one of the key elements of most State laws—and one this resolution respects and supports—is the principle that grandparent visitation should be granted by States only when it is in the best interest of the child. All House Concurrent Resolution 67 wants to ensure is that proper recognition is given to the important relationship which can and does exist between a grandparent and a grandchild, as well as the ability of grandparents to help satisfy the child's need for continuity of care after the dissolution of a marriage.

This resolution also recognizes two other basic principles. The first is that we are not blindly advocating that all

grandparents be given visitation. We recognize there are cases where it is not apropriate and that is why we support the "best interest of the child" standard.

The second basic principle recognized is that we are not mandating grandparent visitation as a right. Let me quote from a legal analysis on my resolution prepared by the American Law Division of the Congressional Research Service.

Congress has no general authority to legislate on family law questions. However, there are some indirect approaches which might be utilized to obtain the desired result. There have been occasional "sense of the Congress" resolutions introduced on domestic relations topics. These have no legally binding force or effect but are introduced in the hope that if Congress goes on record as favoring a certain policy, the individual States will be encouraged to adopt legislation advancing that policy.

Such is the content and intent of House Concurrent Resolution 67.

The resolution calls upon the 50 States to develop and adopt a Uniform Grandparent Visitation Act. However, it also calls upon the Secretary of Health and Human Services through both the National Center for Child Abuse and Neglect and the Administration on Aging to provide "technical assistance to States in developing, publishing and disseminating guidelines" which can be used to help determine features of the model State law.

My colleagues should realize how this issue evolved and reached the point it has today. The issue literally began with the receipt of one letter—from grandparents in the State of New Jersey who related their problem in gaining visitation. My Subcommittee on Human Services began to look into the matter and realized that it was, in fact, a national problem. A hearing was called at which time powerful and poignant testimony was received from grandparents about the pain and suffering they endured with the loss of visitation, or the problems of battling a legal system to obtain it.

This hearing produced a resolution introduced in February of 1983 and which passed the House, as mentioned, in April 1983. Today is an extension of that same commitment and the cause remains a just and humane one.

Let me observe for the record the invaluable contributions which have been made throughout this effort by a small but dedicated group of individuals and organizations. First and foremost, recognition should go to Lee and Lucille Sumpter, a wonderful and dedicated couple from Haslett, MI, and founders of Grandparents, Childrens Rights, Inc. Gerrie Highto, a pioneer in this movement from Baltimore MD, who led the fight on behalf of State legislation for grandparents, has also played a pivotal role, as has Dr. Arthur Kornhaber of the Foundation for Grandparenting and author of "Grandparents-Grandchildren: the Vital Connection."

The issue before us, in fact, an intergenerational concern. To the extent that grandparent visitation should be awarded when it is in the best interest of the child—this becomes a children's rights issue. But, this is also an elderly rights, since 75 percent of all persons over age 65 are grandparents. Simply put, the unique and important relationship between grandparents and grandchildren—no matter what perspective you choose to view it—is a relationship worth preserving for the benefit of both generations.

I contend that the unwarranted denial of visitation between grand-parents and grandchildren represents intergenerational abuse. It is a form of abuse that government and the legal community must work in a partnership to combat. I offer this resolution as one dimension of this partnership.

One of the many triumphs of growing old in America is becoming a grandparent. It has been said that when a child is born, a grandparent is created. But it is sad to think that we live in a society where grandparents can also become victims of divorce, and their ability to visit their grandchildren becomes a casualty. Hopefully, by passing this resolution we can show a sympathetic government response which is both positive and limited.

I hope for two results from our actions, today. The first, of course, is the adoption by all 50 States of a Uniform Grandparent Visitation Act. The second will be a greater national recognition and appreciation for grandparents in our society and the pivotal role they play in the lives of their grandchildren and in society as a whole.

I urge passage of this important resolution.

□ 1730

Mr. BARTLETT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. McGRATH].

Mr. McGRATH. I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to congratulate my colleague from New York [Mr. BIAGGI], for his leadership in this effort. I am an original cosponsor of this resolution, and stand in support of this important resolution.

Mr. BARTLETT. Mr. Speaker, I yield myself such time as I may consume on House Concurrent Resolution 67.

Mr. Speaker, I rise in support of House Concurrent Resolution No. 67 which was introduced on February 26 by my distinguished colleague and good friend, the gentleman from New York, [Mr. BIAGGI]. I work with the gentleman from New York a great deal on a large number of subjects, and I have to tell the House that I have a great deal of respect for this gentleman in working on this subject, as he had worked on this subject both this session and in previous sessions, and on other subjects, and I have a high regard and respect for the gentleman. He and I have taken opposite sides and the same side on a number of issues, but I always find him to be knowledgeable on the issues in attempting to secure what is best public policy for the people of this Nation.

Mr. Speaker, in beginning, I would make several points to the House: First, that House Concurrent Resolution 67, the grandparents visitation rights, would be passed at no cost to the Federal Government; second, nor is there a mandate involved to any State that is in any way binding.

What this resolution does is not to require that any State adopt any type of State law or code, but would urge the availability of a model code so that those 49 States who have adopted some sort of visitation rights for grandparents, and the one State that has not, would have the ability to adopt a uniform code if they choose.

Third, Mr. Speaker, I would note for my colleagues that a similar resolution was adopted on a voice vote of the 98th Congress and there was no request when it was adopted in April 19, 1983, for a recorded vote.

Mr. Speaker, the resolution under consideration expresses the sense of this Congress that a uniform State law should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution of the marriage of such grandchildren's parents as the result of divorce, separation, or death.

House Concurrent Resolution 67 specifies that any such uniform State law should insure that such visitation rights extend to cases in which, after the dissolution of a marriage due to divorce, separation, or death, such parents remarry and step-parents adopt the grandchildren in question. In addition, any uniform State act or law should establish procedures for the interstate recognition and enforcement of State court orders granting such visitation rights to grandparents.

House Concurrent Resolution 67 further expresses the sense of Congress that the Secretary of Health and Human Services, through the National Center on Child Abuse and Neglect and the Administration on Aging should provide technical assistance to States in developing and disseminating guidelines appropriate in determining what constitutes the best interest of the child in cases in which the child's grandparents seek visitation privileges after the dissolution of the marriage of the child's parents.

Mr. Speaker, the purpose of this resolution is this: To place this Congress on record in support of the States developing and adopting uniform legislation that will provide grandparents with adequate and equal rights to petition the State courts for privileges to visit their grandchildren following the dissolution of the marriage of the children's parents. Presently, there are 49 State statutes on the books that address the question of grandparents' visitation privileges in very, very different ways across this Nation. Since these State statutes are lacking in uniformity, equal protection is thus denied the grandparents and, therefore, to the grandchildren in similar circumstances from one State to the next.

House Concurrent Resolution 67 does not change any Federal law. It requires no additional outlays of Federal funds.

In closing, Mr. Speaker, I urge my colleagues to adopt this resolution, by way of encouraging the States to take appropriate action to address this important domestic relations issue at the earliest time possible. I again remind my colleagues that a similar resolution, House Concurrent Resolution 45, was adopted by a voice vote of the House during the 98th Congress.

Mr. Speaker, the resolution under consideration expresses the sense of this Congress which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution of the marriage of such grandchildren's parents as the result of divorce, separation, or death.

House Concurrent Resolution 67 specifies that any such uniform State law should ensure that such visitation rights extend to cases in which, after the dissolution of a marriage due to divorce, separation, or death, such parents remarry and Stepparents adopt the grandchildren in question. In addition, any uniform State act or law should establish procedures for the interstate recognition and enforcement of State court orders granting such visitation rights to grandparents.

House Concurrent Resolution 67 further expresses the sense of Congress that the Secretary of Health and Human Services, through the National Center on Child Abuse and Neglect and the Administration on Aging, should provide technical assistance to the States in developing and disseminating guidelines appropriate in determining what constitutes "the best interest of the child" in cases in which the child's grandparents seek visitation privileges after the dissolution of the marriage of the child's parents.

Mr. Speaker, the purpose of this resolution is this: To place this Congress on record in support of the States developing and adopting uniform legislation that will provide grandparents with adequate and equal rights to petition State courts for privileges to visit their grandchildren following the dissolution of the marriage of the children's parents.

Presently, there are 49 State statutes on the books that address the question of grandparents' visitation privileges in very different ways. Since these State statutes are lacking in uniformity, equal protection is denied to grandparents in similar circumstances.

House Concurrent Resolution 67 does not change any Federal law; it requires no additional outlays of Federal funds.

In closing, Mr. Speaker, I urge my colleagues to adopt this resolution by way of encouraging the States to take appropriate action to address this important domestic relations issue at the earliest time possible. I would remind my colleagues that a similar resolution, House Concurrent Resolution 45, was adopted by voice vote by the House during the 98th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. BIAGGI. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York [Mr. BIAGGI] has consumed 10 minutes.

Mr. BIAGGI. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LANTOS], one of the original cosponsors of this legislation.

Mr. LANTOS. I thank the gentleman for yielding this time to me.

Mr. Speaker, before I deal with the substance of this legislation, I want to pay public tribute to my friend, the gentleman from New York [Mr. BIAGGI] who is recognized as the national leader in the realm of grandparents' rights, and rightly so. He has led the way for all of us in the Congress in providing rights for the last disenfranchised segment of American society, grandparents.

The issue we are dealing with is an issue of monumental importance. Grandparents in many instances are the only stable unit in the American family. There are some 12 million children in this country not living with both parents, this meaning, conservatively speaking, that perhaps 24 million or even as many as 36 million grandparents may be denied the right to visit their own granchildren.

□ 1740

Grandchildren are really the focus of this legislation. It is their welfare, it is their ability to connect to their past, it is their ability to connect with their cultural roots that we are talking about.

Grandparents are a national treasure. They are the linkage with the grandchild's past, and the more that linkage is cut off, the more we contribute to the rootlessness of our society. In countless numbers of instances grandparents have grandchildren with whom they had regular loving contact, and as a result of unfortunate family developments, this contact is suddenly cutoff, and while this cutoff represents enormous pain for the grandparents, it is far more painful for the grandchild because the grandchild does not understand why his or her loving grandfather or loving grandmother has suddenly disappeared from his or her little life, from his or her little universe.

This legislation will be a milestone toward rebuilding the American family. It will provide an opportunity for countless grandparents and grandchildren to maintain contact, to have a mutually loving relationship, and to be part of a family which reaches across generations.

There will be many pieces of legislation costing a great deal of money that we will pass in this Congress. I believe no legislation will be more valuable in the fundamental sense than the legislation providing grandparents and grandchildren the opportunity of seeing each other.

Mr. Speaker, I want to commend the principal author of this legislation, and I urge my colleagues to support it.

Mr. BARTLETT. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. MACK].

Mr. MACK. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise to compliment the members of the committee on the work they are doing on legislation for grandparents. Speaking as probably one of the youngest grandparents in the Congress, I want to thank them for their efforts and compliment them.

Mr. BARTLETT. Mr. Speaker, may I inquire as to how much time remains on this side?

The SPEAKER pro tempore. The gentleman from Texas [Mr. BARTLETT] has 9½ minutes remaining and the gentleman from New York [Mr. BIAGGI] has 7 minutes remaining.

Mr. BARTLETT. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. MOLINARI].

Mr. MOLINARI. Mr. Speaker, first let me commend the gentleman from New York [Mr. BIAGGI] for the wonderful work he has done and the intent of his resolution. I, however, do have some questions about it. I am not saying I am opposed to the resolution, but I do have some questions about the implementation of it, and I would like to ask the gentleman from New York or perhaps the gentleman from Texas if they could clear up some of these questions for me.

As I understand it, under this resolution, if the model act proposed were adopted, we would be giving grandpar-

ents or the States would be giving grandparents rights that they do not have as long as both parents are alive and not divorced; is that correct?

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. MOLINARI. I am glad to yield to the gentleman from New York.

Mr. BIAGGI. No. The fact of the matter is that grandparents do have some rights now. They can petition the courts now, but if they do get an award from a New York court, as a matter of illustration, that order would not be respected in another State's jurisdiction.

Mr. MOLINARI. Mr. Speaker, I am a little confused, then, because I am looking at page 2 of the resolution, and it starts off with the first "whereas" clause and talks about providing grandparents with rights for privileges to visit their grandchildren after the dissolution, as they describe it, "because of divorce, separation, or death." I got the impression from reading that that what we are intending to do here is limit the relief of grandparents to these contingencies. That is one of the major questions I have.

Mr. BIAGGI. No, to begin with, they do have the right to petition. They do have a right to petition the courts. The courts in different jurisdictions will grant different privileges. What we would like to do is make them uniform.

Second, there is a question of dissolution of marriages, and we know today that there is about a 50-percent dissolution. We have over a million children who are thusly affected, whether they remain in the same jurisdiction or whether they move out of the State.

Or, No. 3, if there is a death. If there is a death, clearly with the remarriage, we find the surviving spouse would like to forget all about the past, and if they move out of the jurisdiction or stay in the jurisdiction and the new spouse just refuses to get involved with the grandparent, they would like to cut off all connection with the past. However, where there is no dispute, we do not have a problem.

□ 1750

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. BARTLETT. Mr. Speaker, I yield 2 additional minutes to the gentleman.

Mr. MOLINARI. Mr. Speaker, I would like to ask the gentleman another question.

I get the distinct impression that we are dealing with a model act, a uniform act, where we are asking all the States to enact, which would take place upon these events talked about in the first paragraph. What I am trying to do is determine, are we going further than that? In other words, is it the intent of this resolution that irrespective of a divorce or separation or death of the parents, that a uniform act be adopted so that even in those cases where the parents are alive and living together, the grandparents would be granted the right to go to court and seek custody.

Mr. BIAGGI. Oh, no, absolutely not.

Mr. MOLINARI. Oh, I am sorry. I thought the gentleman answered to the contrary before. So it is limited then to these contingencies?

Mr. BIAGGI. That is where the problem is.

Let me talk about this. The resolution, No. 1, is nonbinding. We do not have anything binding in existence.

Mr. MOLINARI. I understand that.

Mr. BIAGGI. We have the State of Nebraska which has not adopted any legislation whatsoever. We are hopeful that perhaps as a result of this sense of Congress resolution and the proposal that we have and the statements that we have offered, that they will undertake to enact a model act.

Mr. MOLINARI. I understand. Because I am running short of time, I will ask the gentleman one last question.

What is the implementation of this act? The gentleman says that it is the sense of Congress that the States should develop and adopt a model act. How do we intend to get the States to come together so as to move ahead? What device are we using?

Mr. BIAGGI. Well, clearly, each State would have the responsibility of responding if they are in good faith. I would have to assume they are in good faith and would like to deal with the problem. Forty-nine of them have legislation.

By the way, when we started this whole understanding, only 34 did, so ofttimes we do by indirection what we do not do by direction; so we are now up to 49, with Nebraska the sole State that has not enacted legislation.

Now, I am sure they will be aware of what we have done. They have their State representatives here. The message will be clear by the act of the Congress. We know that the State legislators in all these States are alert and observant and know the problem and would like to respond to it in a constructive and meaningful way.

In the end it will be the determination of the States through the State legislature and hopefully they will be able to respond and they will respond to a uniform act.

Mr. MOLINARI. I thank the gentleman.

I do have some problems with the resolution. There are a number of other questions I would like to ask, but I do not have the time and I thank the gentleman for his explanation.

Mr. BIAGGI. Mr. Speaker, I yield 1 minute to the chairman of the subcommittee, the gentleman from Montana [Mr. WILLIAMS], who so graciously permitted me to manage this bill today and also who was responsible for the expeditious treatment and consideration of this bill.

Mr. WILLIAMS. Mr. Speaker, I come to the floor today to thank my colleague, the gentleman from New York [Mr. BIAGGI] for his clear, patient and aggressive leadership in pursuing this legislation during these past several Congresses.

I believe the work of the gentleman from New York [Mr. BIAGGI] is close to fruition now and I am very hopeful that this resolution passes both bodies.

It is a very meaningful and significant attempt to clarify visitation rights and to resolve, if the States can see the way, resolve the interjurisdictional disputes between the States.

I really believe, as do the members of my subcommittee and our full Committee on Education and Labor, that the resolution of the gentleman from New York [Mr. BIAGGI] represents a timely and meaningful response to the problems incumbent in today's society's family life.

So I say again to my friend, I want to commend the gentleman from New York for his diligence in pursuing this legislation.

Mr. BARTLETT. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. LUNGREN] and ask unanimous consent that he be permitted to proceed out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE TRAGEDY OF INDIANA'S EIGHTH DISTRICT

Mr. LUNGREN. Now, Mr. Speaker, I thank my colleague, the gentleman from Texas, for giving me this time to speak out of order and it is precisely on the issue of the Republican conference that I wish to speak. This is an important issue that we have before us today, dealing with the rights of grandparents to visit their grandchildren; but, Mr. Speaker, in all frankness, this issue pales into insignificance when compared with that of what has happened to the people of the Eighth District of Indiana. People there, whether grandparents, parents, not married at all, or whatever, have been denied representation in this House. We have had the State of Indiana denied the opportunity to have their laws placed into effect.

We have had one person, Mr. McIntyre, who was elected both on election night and then following that with respect to a recount. Only when the House of Representatives on a partisan basis created a partisan committee which then established a partisan task force, which then established rules on a partisan basis, only under those extreme circumstances, was the result

overturned. That is a tragedy. It is unfair to this House. It is something that ought not to be accepted.

If we have any respect for the Constitution, this decision ought not to be respected.

I would suggest that perhaps it is a manifestation of the arrogance of power in this House.

I noted that on the vote just prior to this, we had one person on the Democratic side who voted yea and about seven or eight people who voted nay. Yet the Chair called a two-thirds vote for that other side.

Now, maybe that is the way things proceed around here. Maybe we have gotten used to that, being the way things proceed around here; but I cannot explain it to the people back home. I cannot explain it to the people in the galleries. I cannot explain it to students who come to talk to me and say, "What is this place all about?" When we see those things happening on this floor, when we see the people of the Eighth District of Indiana denied the very basic rights that they have.

So, Mr. Speaker, this is important. We are talking about the rights of grandparents on this, but it is not nearly as important as the Constitution and the constitutional rights of the people of the Eighth District of Indiana that are being denied flagrantly by this House of Representatives.

Now we understand that push is going to come to shove. We are going to have a vote brought forth on this floor in which we in the House of Representatives are going to be urged to overturn what the people in the Eighth District did.

Mr. Speaker, that is an outrage. It is something that cannot be countenanced in this House. Members of this House ought to be aware of what they are doing. If they are declaring war on the Constitution, then Members on this side of the aisle will declare war on the rules of this House, because those rules are being flaunted. Those rules are being ignored. Those rules are being bent grotesquely to benefit one side.

I thank the gentleman for his time.

Mr. BARTLETT. Mr. Speaker, I yield myself the final minute.

Mr. Speaker, I believe the gentleman from California stated rather clearly and succinctly the main issue facing this House today, and that is the rights of grandparents, but also the rights of all people, parents, grandparents, and children, nonparents, adults, children, and future generations alike to the people of Indiana.

● Mr. McGRATH. Mr. Speaker, I would like to commend my good friend and colleague from New York [Mr. BIAGGI] for the tireless work he has done on behalf of a large disenfranchised group of citizens who have suffered due to a lack of uniformity in State laws regarding grandparent visitation rights.

House Concurrent Resolution 67, which expresses the sense of the Congress that a uniform State act be adopted which provides grandparents with the right to petition State courts for privileges to visit their grandchildren following the disolution of the parent's marriage, is long overdue.

We are all aware of cases of bitter custody battles between divorcing spouses. Although less familiar to most, but equally emotional are cases of grandparents who have been unable to maintain any contract with their flesh and blood, their grandchildren, because of the ending of the parents' marriages either by separation, divorce, or death.

With the dissolution of the nuclear family at unprecedented levels in this country, the relationship of grandchildren and grandparents can become the most stable, healthy, and loving bond between children and adults. The cases of loving and respected grandparents being forced from their grandchildrens' lives, are numerous and tragic.

I urge my colleagues to support this legislation, and again congratulate Mr. BIAGGI on the humane resolution he brings before us today.●

● Mr. TRAFICANT. Mr. Speaker, I rise in support of House Concurrent Resolution 67, a measure that would adopt a uniform law providing grandparents with visitation privileges following divorce or other form of marital dissolution between the parents of the grandchildren. As one who believes strongly in the preservation of the relationship between grandparents and grandchildren, I was proud to cosponsor this measure.

Mr. Speaker, statistics reveal that over 75 percent of this Nation's people over age 65 are grandparents. In addition, over 1 million children per year experience the divorce of their parents. In recent years, the problem of grandparents being prevented from seeing their grandchildren has grown. Presently, 49 out of 50 States do have laws providing grandparents with the right to petition a court for visitation rights. Despite this fact there still remains one serious problem which House Concurrent Resolution 67 seeks to address. That is the problem of uniformity. Presently, there is no uniformity between the State laws, and there is no interstate recognition of visitation orders.

The resolution we are considering today expresses the sense of Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution—because of divorce, separation, or death—of the marriage of such grandchildren's parents. It is also important to note that this resolution stresses that grandparent visitation should be granted by States only when it is in the best interest of the child.

This resolution is a much needed and sensible approach to assisting States in protecting the rights of grandparents. I urge all of my colleagues to lend their support to this resolution.●

□ 1800

Mr. BARTLETT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BIAGGI. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. BIAGGI] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 67).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 800

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 800.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order: H. Res. 125, by the yeas and nays; and H. Con. Res. 52, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CONDEMNING THE SOVIET UNION FOR THE MURDER OF MAJ. ARTHUR D. NICHOLSON, JR., AND ACTIONS CLEARLY INCONSISTENT WITH THE 1947 MILITARY LIAISON MISSIONS AGREEMENT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution (H. Res. 125).

The clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and agree to the resolution, House Resolution 125, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 394, nays 2, not voting 37, as follows:

[Roll No. 60]

YEAS—394

Ackerman	Clay	Fields
Addabbo	Clinger	Fish
Akaka	Coats	Florio
Alexander	Cobey	Foglietta
Andrews	Coble	Foley
Annunzio	Coelho	Ford (MI)
Anthony	Coleman (MO)	Fowler
Applegate	Coleman (TX)	Frank
Archer	Collins	Frenzel
Armey	Combest	Frost
Aspin	Conte	Gallo
Atkins	Cooper	Garcia
Badham	Coughlin	Gaydos
Barnard	Courter	Gejdenson
Barnes	Coyne	Gekas
Bartlett	Craig	Gephardt
Barton	Crane	Gibbons
Bateman	Darden	Gilman
Bedell	Daschle	Gingrich
Beilenson	Daub	Glickman
Bennett	Davis	Gonzalez
Bentley	de la Garza	Goodling
Berman	DeLay	Gordon
Bevill	Dellums	Gradison
Biaggi	Derrick	Gray (IL)
Bilirakis	DeWine	Gray (PA)
Billey	Dickinson	Green
Boehlert	Dicks	Gregg
Boland	Dingell	Grotberg
Boner (TN)	DioGuardi	Guarini
Bonior (MI)	Dixon	Gunderson
Bonker	Donnelly	Hall (OH)
Borski	Dorgan (ND)	Hall, Ralph
Bosco	Dornan (CA)	Hall, Sam
Boucher	Downey	Hamilton
Boulter	Dreier	Hammerschmidt
Boxer	Duncan	Hansen
Breaux	Durbin	Hartnett
Brooks	Dwyer	Hatcher
Broomfield	Dymally	Hawkins
Brown (CA)	Dyson	Hayes
Brown (CO)	Early	Heftel
Broyhill	Eckart (OH)	Hendon
Bruce	Eckert (NY)	Henry
Bryant	Edgar	Hertel
Burton (CA)	Edwards (CA)	Hiler
Burton (IN)	Edwards (OK)	Hillis
Callahan	Emerson	Holt
Campbell	English	Hopkins
Carney	Erdreich	Howard
Carper	Evans (IL)	Hoyer
Carr	Fascell	Hubbard
Chandler	Fawell	Hughes
Chappell	Fazio	Hunter
Chappie	Feighan	Hutto
Cheney	Fiedler	Ireland
Jacobs	Mitchell	Skeen
Jeffords	Moakley	Skelton
Jenkins	Molinari	Slattery
Johnson	Mollohan	Slaughter
Jones (NC)	Monson	Smith (FL)
Jones (OK)	Montgomery	Smith (IA)
Jones (TN)	Moody	Smith (NE)
Kanjorski	Moore	Smith (NH)
Kaptur	Moorhead	Smith (NJ)
Kasich	Morrison (CT)	Smith, Denny
Kastenmeier	Morrison (WA)	Smith, Robert
Kemp	Mrazek	Snowe
Kennelly	Murphy	Snyder
Kildee	Murtha	Solarz
Kindness	Myers	Solomon
Kleczka	Natcher	Spence
Kolbe	Neal	Spratt
Kolter	Nichols	St Germain
Kostmayer	Nowak	Staggers
Kramer	O'Brien	Stallings
LaFalce	Oakar	Stangeland
Lagomarsino	Oberstar	Stark
Lantos	Obey	Stenholm
Latta	Olin	Stokes
Leach (IA)	Owens	Strang
Lehman (CA)	Oxley	Stratton
Lehman (FL)	Packard	Studds
Leland	Panetta	Stump
Lent	Parris	Sundquist
Levin (MI)	Pashayan	Sweeney
Levine (CA)	Pease	Swift
Lewis (CA)	Penny	Swindall
Lewis (FL)	Pepper	Synar
Lightfoot	Perkins	Tallon
Lipinski	Petri	Tauke
Livingston	Pickle	Tauzin
Lloyd	Porter	Taylor
Loeffler	Price	Thomas (CA)
Long	Pursell	Thomas (GA)
Lott	Quillen	Torres
Lowery (CA)	Rahall	Torricelli
Lowry (WA)	Rangel	Traficant
Lujan	Ray	Traxler
Luken	Regula	Udall
Lungren	Reid	Valentine
Mack	Richardson	Vander Jagt
MacKay	Rinaldo	Vento
Madigan	Ritter	Visclosky
Manton	Robinson	Vucanovich
Markey	Roe	Walgren
Marlenee	Roemer	Walker
Martin (IL)	Rose	Watkins
Martin (NY)	Rostenkowski	Weaver
Martinez	Roth	Weber
Matsui	Roukema	Weiss
Mavroules	Rowland (CT)	Wheat
Mazzoli	Rowland (GA)	Whitehurst
McCain	Roybal	Whitley
McCandless	Rudd	Whittaker
McCollum	Russo	Whitten
McCurdy	Sabo	Williams
McDade	Saxton	Wilson
McEwen	Schaefer	Wirth
McGrath	Scheuer	Wise
McHugh	Schneider	Wolf
McKernan	Schroeder	Wolpe
McKinney	Schuette	Wortley
McMillan	Schulze	Wyden
Meyers	Sensenbrenner	Yates
Mica	Sharp	Yatron
Michel	Shaw	Young (AK)
Mikulski	Shumway	Young (FL)
Miller (CA)	Shuster	Young (MO)
Miller (OH)	Sikorski	Zschau
Miller (WA)	Siljander	
Mineta	Sisisky	

NAYS—2

Crockett	Savage

NOT VOTING—37

Anderson	Ford (TN)	Roberts
AuCoin	Franklin	Rodino
Bates	Fuqua	Rogers
Bereuter	Hefner	Schumer
Boggs	Horton	Seiberling
Bustamante	Huckaby	Shelby
Byron	Hyde	Towns
Conyers	Leath (TX)	Volkmer
Daniel	Lundine	Waxman
Dannemeyer	Nelson	Wright
Dowdy	Nielson	Wylie
Evans (IA)	Ortiz	
Flippo	Ridge	

□ 1820

Mr. DELLUMS changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

CALLING FOR THE RESTORATION OF DEMOCRACY IN CHILE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution (H. Con. Res. 52), as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. WEISS] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 52, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 191, nays 206, not voting 36, as follows:

[Roll No. 61]

YEAS—191

Ackerman	Cooper	Gilman
Addabbo	Coughlin	Glickman
Alexander	Coyne	Gonzalez
Annunzio	Crockett	Gordon
Applegate	Daschle	Gray (IL)
Aspin	Dellums	Gray (PA)
Atkins	Derrick	Green
Barnes	Dixon	Guarini
Bedell	Donnelly	Hall (OH)
Beilenson	Dorgan (ND)	Hamilton
Berman	Downey	Hawkins
Biaggi	Durbin	Hayes
Boehlert	Dwyer	Henry
Boland	Dymally	Hertel
Bonior (MI)	Early	Howard
Bonker	Eckart (OH)	Hoyer
Borski	Edgar	Hughes
Bosco	Edwards (CA)	Jacobs
Boucher	Evans (IL)	Jeffords
Boxer	Fascell	Kaptur
Brooks	Fawell	Kastenmeier
Brown (CA)	Fazio	Kennelly
Brown (CO)	Feighan	Kildee
Bruce	Florio	Kleczka
Bryant	Foglietta	Kolbe
Burton (CA)	Foley	Kostmayer
Carr	Ford (MI)	Kramer
Clay	Frank	LaFalce
Cobey	Frost	Lantos
Coelho	Garcia	Leach (IA)
Coleman (TX)	Gejdenson	Lehman (CA)
Collins	Gephardt	Lehman (FL)
Conte	Gibbons	Leland

Levin (MI)	Owens	Smith (NJ)
Levine (CA)	Panetta	Snowe
Lipinski	Pease	Solarz
Long	Penny	St Germain
Lowry (WA)	Pepper	Staggers
Lujan	Perkins	Stark
Luken	Porter	Stokes
Manton	Price	Studds
Markey	Pursell	Swift
Martinez	Rahall	Synar
Matsui	Rangel	Tauzin
Mavroules	Reid	Torres
McHugh	Richardson	Torricelli
McKernan	Ritter	Traficant
Mikulski	Roe	Traxler
Miller (CA)	Roemer	Udall
Miller (WA)	Rose	Vento
Mineta	Rostenkowski	Visclosky
Mitchell	Roybal	Walgren
Moakley	Russo	Weaver
Mollohan	Sabo	Weiss
Moody	Savage	Wheat
Morrison (CT)	Scheuer	Williams
Mrazek	Schneider	Wirth
Murphy	Schroeder	Wise
Neal	Sensenbrenner	Wolpe
Nowak	Sharp	Wyden
Oakar	Sikorski	Yates
Oberstar	Sisisky	Yatron
Obey	Slattery	Young (MO)
Olin	Smith (FL)	

NAYS—206

Akaka	Gaydos	Meyers
Andrews	Gekas	Mica
Anthony	Gingrich	Michel
Archer	Goodling	Miller (OH)
Armey	Gradison	Molinari
Badham	Gregg	Monson
Barnard	Grotberg	Montgomery
Bartlett	Gunderson	Moore
Barton	Hall, Ralph	Moorhead
Bateman	Hall, Sam	Morrison (WA)
Bennett	Hammerschmidt	Murtha
Bentley	Hansen	Myers
Bevill	Hartnett	Natcher
Billirakis	Hatcher	Nichols
Billey	Heftel	O'Brien
Boner (TN)	Hendon	Ortiz
Boulter	Hiler	Oxley
Breaux	Hillis	Packard
Broomfield	Holt	Parris
Broyhill	Hopkins	Pashayan
Burton (IN)	Hubbard	Petri
Callahan	Hunter	Pickle
Campbell	Hutto	Quillen
Carney	Ireland	Ray
Carper	Jenkins	Regula
Chandler	Johnson	Rinaldo
Chappell	Jones (NC)	Robinson
Chappie	Jones (OK)	Roth
Cheney	Jones (TN)	Roukema
Clinger	Kanjorski	Rowland (CT)
Coats	Kasich	Rowland (GA)
Coble	Kemp	Rudd
Coleman (MO)	Kindness	Saxton
Combest	Kolter	Schaefer
Courter	Lagomarsino	Schuette
Craig	Latta	Schulze
Crane	Lent	Shaw
Darden	Lewis (CA)	Shumway
Daub	Lewis (FL)	Shuster
Davis	Lightfoot	Siljander
de la Garza	Livingston	Skeen
DeLay	Lloyd	Skelton
DeWine	Loeffler	Slaughter
Dickinson	Lott	Smith (IA)
Dicks	Lowery (CA)	Smith (NE)
Dingell	Lungren	Smith (NH)
DioGuardi	Mack	Smith, Denny
Dornan (CA)	MacKay	Smith, Robert
Dreier	Madigan	Snyder
Duncan	Marlenee	Solomon
Dyson	Martin (IL)	Spence
Eckert (NY)	Martin (NY)	Spratt
Edwards (OK)	Mazzoli	Stallings
Emerson	McCain	Stangeland
English	McCandless	Stenholm
Erdreich	McCollum	Strang
Fiedler	McCurdy	Stratton
Fields	McDade	Stump
Fish	McEwen	Sundquist
Fowler	McGrath	Sweeney
Frenzel	McKinney	Swindall
Gallo	McMillan	Tallon
Tauke	Walker	Wilson
Taylor	Watkins	Wolf
Thomas (CA)	Weber	Wortley
Thomas (GA)	Whitehurst	Young (AK)
Valentine	Whitley	Young (FL)
Vander Jagt	Whittaker	Zschau
Vucanovich	Whitten	

NOT VOTING—36

Anderson	Flippo	Ridge
AuCoin	Ford (TN)	Roberts
Bates	Franklin	Rodino
Bereuter	Fuqua	Rogers
Boggs	Hefner	Schumer
Bustamante	Horton	Seiberling
Byron	Huckaby	Shelby
Conyers	Hyde	Towns
Daniel	Leath (TX)	Volkmer
Dannemeyer	Lundine	Waxman
Dowdy	Nelson	Wright
Evans (IA)	Nielson	Wylie

□ 1830

The Clerk announced the following pairs:

On this vote:

Mr. Rodino and Mr. Towns for, with Mr. Rogers against.

Mr. Waxman and Mr. AuCoin for, with Mr. Franklin against.

So—two-thirds not having voted in favor thereof—the motion was rejected.

The result of the vote was announced as above recorded.

DEFENSE WITHOUT NONSENSE

(Mr. DICKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DICKS. Mr. Speaker, last Wednesday the chairman of the House Armed Services Committee, LES ASPIN, gave the outlines of a defense policy that one would hope all Democrats could rally round.

Speaking to the Henry M. Jackson Dinner of the Coalition for a Democratic Majority, Mr. ASPIN observed that the Democratic Party today is identified in the public mind as antidefense.

I agree with him that this is a bum rap. But if we are going to continue being identified as anti-this weapon and anti-that weapon, it should not surprise us at all if we continue to be identified as antidefense.

Mr. ASPIN concluded:

"We must shed our Doctor No image.

"We must offer defense without nonsense.

"We must speak of weapons we are for, not just weapons we are against.

"We must respect the uniform, not debase the uniform.

"We must speak of the Soviet threat, not just the nuclear threat.

"We must offer a better defense, not just a leaner defense."

In his speech, Mr. ASPIN outlines some of the ways that Democrats can offer a better defense—some of the positives we can stand for so that we are no longer identified with negatives. I commend the address of my colleagues and ask that it be inserted in the RECORD.

The address by Mr. ASPIN follows:

DEFENSE WITHOUT NONSENSE

(By Les Aspin)

The Democratic party is going through a period of painful soul-searching. We read a great deal about the pain, but the most important thing is the outcome of the soul-searching.

One element of this self-examination is the party outlook on defense. We have commonly been attacked from the right for being soft on defense. That's nothing new. But in recent years, we have come under attack from the middle for being soft on defense. That is new—and harmful.

Speaker O'Neill has been showing around a poll indicating that by a margin of more than three-to-one, America's voters believe the GOP will do a better job than the Democratic party in keeping U.S. defenses as strong as needed. The voters aren't wild reactionaries. The same poll shows overwhelming pluralities favoring lower defense budgets than President Reagan's, and opposing any drive for superiority over the Russians. In other words, the voters are rational on defense—and their positions on spending and superiority are our positions. Yet, they see the Democratic party as incapable of giving us a strong defense. In fact, of 14 issues listed in this poll, the difference between Republicans and Democrats is starker on defense than any other issue. *Our weak point is our perceived weak stand on defense.*

To a large extent, this is, of course, a bad rap. Most Americans—even most Democrats—might be surprised to learn how much defense Democrats *do* support. Take spending. Last year, the Republican-controlled Senate voted for 95 percent of President Reagan's defense request. The Democratic-controlled House voted for 91 percent—a difference of 4 percentage points.

The Democratic defense glass is almost entirely full. But a huge proportion of the public magnifies this difference of 4 percentage points and perceives that there is nothing in the Democratic glass at all.

Yes, this is a problem of perceptions. But in politics, perceptions this stark can be devastating.

Why are these perceptions about Democrats so negative? Quite simply because the public debate on defense has focused heavily on specific weapons. And on specific weapons, Democrats have stood for negatives. Look back over the last 15 years. The big issues have been successively: the ABM, the B-1, the neutron bomb, the MX, and now SDI or Star Wars. Throughout those 15 years, Democrats have been cast consistently in the role of chief "anti." Anti-ABM. Anti-B-1. Anti-neutron bomb. Anti-MX. Anti-SDI. And, thus, in the public mind: anti-defense.

It hasn't always been this way. John F. Kennedy was elected on a pledge to rebuild America's defenses. Robert McNamara became secretary of defense and Democrats were identified as the party that stood for a stronger and a cost-effective defense. Don't spend more than you have to, but spend all you need. Efficient management, and get the job done. But now, that's history.

Today, the American people see a profligate Pentagon—truly a vast wasteland—home of the $700 pliers and the $8,000 coffee pot. Are Democrats identified today as the party that will do away with the

waste, as the party of John F. Kennedy that will give us our dollar's worth? No, we're identified as the party that is anti-defense, the party that will cut defense—muscle as well as fat.

A detached analysis will show that Democrats do not oppose all weapons. The Trident missile sub, the F-15 Eagle, the Spruance-class destroyers, the Blackhawk helicopter—all have enjoyed the support of an overwhelming majority of Democrats. But two points penetrate the public's mind. First, whatever opposition there is to these weapons has come from Democrats. Second, what support we do give seems almost reluctant. We don't appear to support any weapon; we merely acquiesce in some.

Many of our positions opposing particular weapons have been quite reasonable. I don't want to suggest that we should mindlessly support whatever gold-plated gizmo the inventive brain of defense industry can come up with. The B-1 should have been canceled in favor of Stealth. The President's Star Wars program is riddled with holes. And I would be the first to admit that there are fair and reasonable grounds for questioning the MX. But that isn't the point.

The point is that we don't seem to stand for anything anymore. If Democrats want to spend the rest of their careers writing oped pieces and giving lectures at universities, then we can continue to stroke our anti-defense image. But if we want to make defense policy in the White House and the Pentagon, then we had better stand for something. The voters are not attracted to national security nay-sayers.

In the debate that goes on daily in the newspapers and on the television screens, Democrats are not shown being for anything in the defense arena. We are always against. We are the Doctor No of the defense debate. That must change.

It's appropriate then to ask, what should we be for? I don't pretend to have all the answers wrapped up neatly here. But I would like to outline some thoughts and some approaches that could help. At least, I hope they can get Democrats thinking about what they are for in the defense arena.

I think we need to break the issue into two topics. One is the philosophical question of how Democrats ought to approach defense issues. The other is the important political question of tactics. Let me take up tactics first.

TACTICS

I see three tactical propositions that I would suggest Democrats adopt.

First, the Democratic party should not simply oppose a weapon; it should stand for an alternative.

Second, the Democratic party should support additions to the defense budget—though the net of our deletions and additions would still put the Democratic defense budget under the Reagan alternative.

Third, the Democratic party should accentuate the positive—speaking mainly of things we stand for. We must speak of the programs we propose, not just the programs we oppose.

Let me go through these propositions in more detail.

ALTERNATIVES

First, the Democratic party should not simply oppose a weapon; it should stand for an alternative.

This wasn't so important in past decades. It is important now simply because we have saddled ourselves with the reputation of being against every new weapon proposed.

Let's take the example of the B-1 bomber. The problem there was the increasing age of the B-52s. The Republicans offered the B-1 as the solution. Our solution was no B-1. We could have offered a major life extension program for the B-52. And in recent years, we could have offered the Stealth as an alternative. But basically, we just offered the public no B-1. We played the Doctor No role in the debate.

Another example is the MX. The problem here is the vulnerability of our land-based missiles. The Republicans offered the MX as the solution. We pointed to flaws in their solution. But we didn't ever offer an alternative solution to the problem of land-based missile vulnerability. We simply offered on MX. We played the Doctor No role again.

We control the House of Representatives and can therefore lay out the legislative calender as we choose. We can structure votes so they present alternatives—with at least one positive alternative that Democrats can happily embrace—a yes position to counter the Doctor No image.

ADDITIONS

The second proposition is that the Democratic party should support some additions to the defense budget—though the net of our deletions and additions would still put the Democratic defense budget under the Reagan alternative.

In other words, while cutting several billion from the Reagan request, we ought to consider adding a few billions back for programs Reagan has ignored—for defense programs Democrats support.

Let me give you a few example of defense programs Democrats should be able to support.

First, there are programs that fall between the stools of the services. Republican Administrations defer much decisionmaking to the individual service. The services, however, tend to slight spending that helps another service. For example, the Air Force thinks close air support is a bore—though the Army needs close air suppport to protect its infantrymen. Democrats can stand up for programs the service bureaucracies neglect.

Second, the Reagan budget gives its highest priority to modernization—that is, buying sophisticated new planes and missiles to replace older planes and missiles. It gives a much lower priority to sustainability—that is, the stocks of supplies needed if we are to fight a conventional war beyond a few weeks.

One way to avoid a resort to nuclear arms is to make sure our troops have the supplies needed to remain in a conventional mode.

Third, we can support innovative new approaches to old problems. Smart conventional munitions are another major opportunity for avoiding recourse to battlefield nuclear weapons. Smart munitions, are the kind of weapons Democrats ought to be pleased to back. A few years ago, the Israelis showed how to use cheap drones and electronic warfare to win a major battle over the Biqa valley. The Administration has been slow to learn those lessons.

Those are just three examples of the kinds of programs Democrats ought to be able to back, not zealously, but enthusiastically—programs that fall between the service stools; supplies needed to sustain our forces on the conventional battlefield; and weapons and tactics of an innovative nature. I'm not saying you must support any particular list of programs to be a good Democrat; I am saying that good Democrats should look for those key ingredients of defense capability that are now being neglected in the Pentagon.

ACCENTUATE THE POSITIVE

The third proposition is that the Democratic party should accentuate the positive—speaking mainly of things we stand for. *We must speak of programs we propose, not just programs we oppose.*

Many of these are non-budget issues. There's a lot more to defense than what appears in the annual budget. In fact, many of the more important defense issues don't even appear in the budget. Take, for example, the procurement system, the defense decision-making structure, and attitudes toward people in uniform.

The public perceives the procurement system to be a mess. And it's a mess on Ronald Reagan's watch. This Administration let the procurement issue get away from it politically. Ronald Reagan and Caspar Weinberger are in no position to deal with it with any credibility. Democrats have a tremendous opportunity here to confront a core defense issue in a creative and rational way. Perhaps the public is so cynical that it won't believe anything we propose. But I believe the majority is willing to listen—not to flippant or arrogant attacks on Caspar Weinberger—but to rational proposals for reform.

The public isn't dumb. It can tell the difference between the politician who simply points with alarm, and the politician who points with alarm *and* proposes a solution.

This is a real *Democratic opportunity.* We must not let it pass us by.

A second Democratic opportunity lies in the muddled process of Pentagon decisionmaking.

We have an Army policy, and a Navy policy, and an Air Force policy. We don't have much of a defense policy, however. One problem is that the Joint Chiefs of Staff essentially bolt together the individual service policies. The process just doesn't work well—as the last chairman of the Joint Chiefs has made clear in many speeches and articles. The Weinberger Pentagon, however, has come down firmly against any change. It argues that the Defense Department is humming along just fine, thank you. But even strong supporters of the military on the right say that's crazy. The public also thinks the Pentagon is a disaster zone of complexity and bureaucracy. The Democratic party should be out front beating the drum for change, to give the chairman of the JCS and the Joint Staff more authority so they won't always be pushed around by the services. It makes sense politically, because the public is eager for proposals to cut down on service bickering. And it's the right thing to do. It's good defense policy. And it's standing for something positive—not just being anti-this or anti-that.

The muddle in the decision-making process is far broader than the Joint Chiefs. It permeates every corner of the Pentagon. And, frankly, Congress contributes to the problem. Congress has completed action on the defense budget before the beginning of the fiscal year only six times in the 35 years since 1950. How can we demand efficiency of the military institution when it is common practice for Congress to play hide and seek with their budget? Congress needs to clean up its own act, and Democrats should call for that as well.

Third, too many Democrats have taken to demeaning our people in uniform. Many Democrats wallow in crude humor that treats military careerists as Irish immi-

grants were treated in the 19th Century. It's as if we put up a sign on the party's front door: No military need apply. Democrats are against militarism; but we must not be against our own military. We must not blindly oppose the institution George Washington created to win our nationhood. Yes, we can be irate over the Vietnam war of 20 years ago; but that doesn't mean we should demean the institution that liberated Europe from the Nazis 20 years before that. It should be a Democrat standing on the Normandy bluff bringing tears to the nation with praise for the courage of our fighting men. Today, many brilliant young men and women are donning the uniforms of our services. We ought to be encouraging the best to join—including the best of our young Democrats.

The Democratic party's major opportunities for improving the national defense come in standing *for* something. We can—and should—take the initiative to clean out the Augean stable of Pentagon procurement. We can—and should—take the initiative to reform the Pentagon decison-making muddle. We can—and should—embrace the uniforms that stand for defense and deterrence, not aggression and oppression.

It's a common sense approach that I'm suggesting—Democrats should stand *for dee-fense without nonsense.*

If we expect the public once again to give us stewardship of the nation, we must be prepared to be responsible stewards—to give the nation a strong defense. *We must offer a better defense, not merely a leaner defense.*

PHILOSOPHY

As I said earlier, we need to divide this issue into two parts—the tactical and the philosophical. So far, I have spoken of tactics. Let me now turn to philosophy.

Our philosophical debate is dominated by two contrasting world views of the Soviet threat and the nuclear threat.

On the right, we see those who take the Soviet threat very seriously. Their view is epitomized by the President's "evil empire" speech. The Soviet Union is a major military machine driven by ideologues whose principal goal is our defeat. But those same people on the right often take almost a casual view of the threat of nuclear war. To be sure, they don't advocate embracing nuclear war, but they don't quake in their boots at the thought of it either. In the extreme, their outlook is epitomized by T. K. Jones' statement some years ago that we could survive a nuclear war, quote, "with enough shovels." End quote.

At the other end of the political spectrum, we see the opposite view. The threat posed by nuclear war is taken very seriously. Nuclear war means the end of civilization. But the threat posed by the Soviet system and its military machine is treated almost casually. No one any longer embraces the Politburo as good ole boys, as some once embraced "Uncle Joe," but excuses are commonly made for the Soviet Union's more despicable acts, and their propaganda hokum too often is given serious treatment. The Reagan Administration's arms control proposals—whether sound or outlandish—are dismissed on the grounds that they were designed to be rejected by the Russians; on the other hand, Moscow's most outlandish proposals are often said to contain a number of elements that could serve as the seeds for true arms control.

The right fears Moscow—and is too casual about nuclear war.

The left fears nuclear war—and is too casual about Soviet goals.

I would suggest that the correct approach for all Americans—and especially for the Democratic party—would be to start with a healthy respect for the dangers of nuclear war, *and* a healthy respect for the dangers posed by Soviet ambitions. We ought not be *paranoid* about either. But we ought not be *casual* about either.

Scoop Jackson had a healthy view of what the Soviet Union was all about. He was neither paranoid, nor prone to excuse their excesses. Scoop's passing meant the loss of an important perspective to our party.

The response of Democrats is that they do not excuse Soviet oppression. Most liberals, say, in all honesty, "It goes without saying that a liberal Democrat seethes with opposition to the illiberal and anti-democratic practices of Moscow. It goes without saying."

My friends, *it doesn't go without saying.*

Democrats express our deep feeling about nuclear war day-in and day-out. Doesn't that go without saying? But we say it.

Let's start saying a few things about the Soviet system, too.

I'm not suggesting we imitate the extreme right. I'm not suggesting we try to exploit fear of the Russians. I am suggesting that we not abandon the ideological heights of liberal democracy to the GOP with a simple flip of the hand and a dismissing comment that "it goes without saying." In politics, that which is unsaid doesn't count.

As my friends, Jim Woolsey and Walt Slocombe, have pointed out, World War II bequeathed us two insights into a possibly horrifying future—one represented by the city of Hiroshima, symbolizing the worst of modern warfare, and the other represented by the city of Auschwitz, symbolizing the worst of the modern nation state.

The challenge to America is to build toward a future that avoids both Hiroshima and Auschwitz. There is no difficulty averting Hiroshima—so long as you can stomach totalitarianism. Better Red then dead. There is also no trick to avoiding totalitarianism—so long as you aren't worried about total war. There are no commies on a lifeless planet.

Hiroshima and Auschwitz are the pitfalls presented by modern science and the powers available to the modern bureaucratic state. They are the cities to be avoided. But there is another city. The City on the Hill. The vision held up to our Pilgrim fathers. It is the vision of the future that America has always stood for—always striven for. It is the essence of the Democratic party. Ronald Reagan recently sought to appropriate the City on the Hill to himself. Ronald Reagan compaigned on the quotations of Roosevelt, Truman, and Kennedy. We must not stand silently by while he steals the visions and the heroes of the Democratic party.

Americans are always seeking a better future—fuller, fairer, cleaner, richer, safer. The voters will follow those with a clear vision of how to get there from here.

In defense, that means several things:

We must shed our Doctor No image.

We must offer dee-fense without nonsense.

We must speak of weapons we are for, not just weapons we're against.

We must speak of programs we propose, not just programs we oppose.

We must embrace the uniform, not debase the uniform.

We must speak of the Soviet threat, not just the nuclear threat.

We must offer a better defense, not just a leaner defense.

When we do that, we will win elections.

And, more important, we'll be doing what's right for America.

TRIBUTE TO MRS. MAVIS HURT

(Mr. HUBBARD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HUBBARD. Mr. Speaker, I speak today in tribute to and in memory of a longtime friend of mine, Mrs. Mavis Hurt of Kirksey, KY, who died on February 27 of this year at the age of 87.

Mavis McCuiston Hurt was the daughter of the late Thomas Montie McCuiston and Flo Hamlin McCuiston. A native of Calloway County, KY, she was a respected and influential lady in Murray—the county seat—in Kirksey, a small town near Murray, and throughout western Kentucky. I believe it is a tribute to her memory that a scholarship fund in behalf of Mavis and her husband Max B. Hurt has been established at Murray State University.

Mavis and Max Hurt were married 64 years, an accomplishment that is certainly rare these days. Mavis Hurt was a member of the Kirksey United Methodist Church and was active in her community. If all people were as devoted to and conscientious about our country and our future as Mrs. Mavis Hurt, America would be an even better place in which to live.

In addition to her husband Max—a highly respected and influential Calloway Countian in his own right—Mavis is survived by her daughter, Mrs. Van Bogard (Geraldine) Dunn of Delaware, OH; her grandson, Dr. Max Gilbert Dunn of Charlottesville, VA; three granddaughters, Mrs. Stephen (Susan) Hoffius of Charlestown, SC, Mrs. Rande (Sheila) Rutledge of Seattle, WA, and Mrs. Saul (Joan) Solomon of New York, NY; and one great-granddaughter, Anna Hoffius.

Also surviving are four sisters, Mrs. Newell (Esther) Doores of Kirskey, KY, Mrs. Lola Morgan and Mrs. Sonny (Hilda) Parkhill, both of Hazel, KY, and Mrs. Norva (Ruth) Riley of Mayfield, KY. Three surviving brothers are Rupert McCuiston of Kirksey, State Senator Pat McCuiston of Pembroke, KY, and Macon McCuiston of Nashville, TN.

My wife Carol and I extend our sympathy to the family of this outstanding Kentuckians who was an inspiration to those of us who knew her.

□ 1840

AN AMENDMENT OFFERED BY MR. MICHEL TO THE BARNES-HAMILTON RESOLUTION

(Mr. MICHEL asked and was given permission to address the House for 1

minute and to revise and extend his remarks and to include extraneous material.)

Mr. MICHEL. Mr. Speaker, under the rule proposed to be offered on aid to the Contras, the gentleman from Illionis is obliged to place into the RECORD the text of the amendment that would be the subject of that debate tomorrow. That was the reason for my taking the time, Mr. Speaker.

Strike all after the resolving clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any monies in the Treasury not otherwise appropriated, for the Agency for International Development for the fiscal year ending September 30, 1985, namely:

Agency for International Development, for food, clothing, medicine and other humanitarian assistance for the Nicaraguan democratic opposition, $14,000,000, *Provided*, That none of the funds made available by this resolution may be used to provide arms, munitions or other weapons of war to any person, group or organization, directly or indirectly.

SEC. 2. The Administrator of the Agency for International Development shall have such powers as may be necessary and proper to carry out Section 1 of this joint resolution, notwithstanding any other provision of law relating to the administration, disbursement or use of appropriated funds.

SEC. 3. The President is strongly urged and encouraged to take the steps necessary to impose an embargo on trade between the United States and Nicaragua if the government of Nicaragua does not enter into good faith negotiations with the Nicaraguan democratic opposition.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HAMILTON OF INDIANA TO THE JOINT RESOLUTION OFFERED BY MR. BARNES OF MARYLAND

(Mr. HAMILTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMILTON. Mr. Speaker, under the rule to be considered tomorrow on House Joint Resolution 239, I am required to have printed in the RECORD the amendment in the nature of a substitute. I ask unanimous consent that the amendment in the nature of a substitute to the joint resolution offered by the gentleman from Maryland [Mr. BARNES] may be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HAMILTON OF INDIANA TO THE JOINT RESOLUTION OFFERED BY MR. BARNES OF MARYLAND

Strike out all after the resolving clause and insert in lieu thereof the following:

SECTION 1. UNITED STATES SUPPORT FOR PEACE IN CENTRAL AMERICA.

The Congress finds and declares the following:

(1) The United States desires peace in Nicaragua and throughout Central America. United States policy toward Nicaragua should encourage all combatants to establish a ceasefire and come together in peace negotiations in order to resolve the internal Nicaraguan conflict, nurture democratic institutions in that country, and promote peace and stability, as part of a regional settlement throughout the Contadora process or the Organization of American States.

(2) The countries of Cental America, working through the Contadora process, have agreed to 21 principles (set forth in the Contador Document of Objective issued on September 9, 1983) which provide an appropriate framework for achieving peace and security in the region.

(3) Combatants on both sides of the conflict in Nicaragua have expressed in words their goals for peace and democracy in Nicaragua and throughout the region. United States policy should be designed to encourage these goals, including through the resumption of bilateral talks between the United States and Nicaragua.

(4) There are disturbing trends in Nicaragua's foreign and domestic policies, including—

(A) the Sandinista goverment's curtailment of individual liberties, political expression, freedom of worship, and the independence of the media;

(B) the subordination of military, judicial, and internal security functions to the ruling political party;

(C) the Sandinista government's close military ties with Cuba, the Soviet Union, and its Warsaw Pact allies, and the continuing military buildup that Nicaragua's neighbors consider threatening; and

(D) the Sandinista government's efforts to export its influence and ideology.

(5) The Congress will continue to monitor developments in Nicaragua to determine whether progress is being made to curtail these disturbing trends. Such progress will be a key element in congressional consideration of future economic and security assistance requirements in the region.

(6) If the Congress determines that progress is being made toward peace and development of domocratic institutions in Nicaragua, consideration will be given to initiating a number of economic and development programs, including but not limited to—

(A) trade concessions,
(B) Peace Corps programs,
(C) technical assistance,
(D) health services, and
(E) agricultural development.

(7) Should Nicaragua not address the concerns described in paragraph (4), the United States has several means to address this challenge to peace and stability in the region, including political, diplomatic, and economic means. In addition, the United States—

(A) should through appropriate regional organizations, such as the Organization of American States, seek to maintain multilateral pressure on Nicaragua to address these concerns;

(B) should, if called upon to do so, give serious consideration to supporting any sanctions adopted by such an organization; and

(C) should consider the imposition of trade sanctions.

(8) In assessing whether or not progress is being made toward achieving these goals, the Congress will expect, within the context of a regional settlement—

(A) the removal of foreign military advisers from Nicaragua;

(B) the end to Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to the rebel forces fighting the democratically elected government in El Salvador;

(C) restoration of individual liberties, political expression, freedom of worship, and the independence of the media; and

(D) progress toward internal reconciliation and a pluralistic democratic system.

(9) The Congress is deeply concerned about human rights violations by both the Sandinista government and the armed opposition groups.

SEC. 2. PROHIBITION ON FUNDING FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA.

The prohibition contained in section 8066(a) of the Departmnt of Defense Appropriations Act, 1985 (as contained in section 101 of Public Law 98-473) shall continue in effect without regard to fiscal year until the Congress enacts a joint resolution repealing that prohibition.

SEC. 3. ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT AND HUMANITARIAN ASSISTANCE FOR REFUGEES.

(a) IMPLEMENTATION OF CONTADORA AGREEMENT.—During fiscal year 1985, the President may allocate $4,000,000, which shall remain available until expended, for payment to the Contadora Nations (Mexico, Panama, Colombia, and Venezuela) for expenses arising from implementation of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems.

(b) HUMANITARIAN ASSISTANCE FOR REFUGEES.—During fiscal year 1985, the President may make available up to $10,000,000 for the provision of food, medicine, or other humanitarian assistance for Nicaraguan refugees who are outside of Nicaragua, regardless of whether they have been associated with the groups opposing the Government of Nicaragua by armed force. Such assistance may be provided only through the International Committee of the Red Cross of the United Nations High Commissioner for Refugees, and only upon its determination that such assistance is necessary to meet humanitarian needs of those refugees. To the maximum extent feasible, such assistance should be provided to those organizations in kind rather than in cash. Assistance may not be provided under this subsection with the intent of provisioning combat forces.

(c) WAIVER OF LAWS.—Assistance under this section may be provided notwithstanding any other provision of law, except that section 531(c) of the Foreign Assistance Act of 1961 (prohibiting the use of funds for military or paramilitary purposes) shall apply to any assistance under subsection (b).

(d) SOURCE OF FUNDS.—Funds used pursuant to this section shall be derived from the funds appropriated to carry out chapter 1 of part I (relatiang to development assistance) of chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 or section 2(b) (relating to the "Migration and Refugee Assistance" account) of section 2(c) (relating to the Emergency Refugee and Migration Assistance Fund) of the Migration and Refugee Assistance Act of 1962.

SEC. 4. REPORTS TO THE CONGRESS.

No less frequently than once every 3 months, the President shall submit to the Congress a written report—

(1) describing any actions by the Sandinista government, and the groups opposing that government by armed force, which have contributed to or hindered efforts to establish a political dialogue in Nicaragua, to find a peaceful solution to the conflict, and to nurture democratic institutions in Nicaragua;

(2) describing the status of the Contadora process and United States efforts to begin the political dialogue in Nicaragua and to find a peaceful solution to the conflict;

(3) containing an accounting of any funds used under section 3 for implementation of a Contadora agreement or for humanitarian assistance for refugees; and

(4) containing such recommendations as the President deems appropriate with respect to future United States policies regarding Nicaragua.

SEC. 5. PRESIDENTIAL REQUEST FOR AUTHORITY WITH RESPECT TO NICARAGUA.

(a) PRESIDENTIAL REQUEST.—On or after October 1, 1985, the President may submit to the Congress a request for authority to take specified actions with respect to Nicaragua.

(b) CONGRESSIONAL ACTION ON PRESIDENTIAL REQUEST.—A joint resolution which grants the President the authority to take those actions specified in the request submitted pursuant to subsection (a) shall be considered in accordance with the procedures contained in section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in section 101 of Public Law 98-473), except that references in that section to the Committee on Appropriations of each House shall be deemed to be references to the appropriate committee or committees of each House. For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced after the Congress receives the President's request pursuant to subsection (a), the matter after the resolving clause of which is as follows: "That the Congress hereby authorizes the President, notwithstanding any other provision of law, to take those actions with respect to Nicaragua which are specified in the request submitted to the Congress pursuant to Public Law 99- ." with the public law number of this resolution inserted in the bank.

□ 1850

THE ECONOMIC GROWTH ZONE ACT: COST EFFECTIVE AID TO DISTRESSED AREAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

● Mr. COYNE. Mr. Speaker, the administration's proposal to create new tax expenditures to aid distressed areas, popularly known as the enterprise zone initiative, is estimated by the Congressional Budget Office to cost the Federal Government $3.7 billion over the next 5 fiscal years. This $3.7 billion loss in tax revenue would aid a maximum of 75 distressed areas.

In this period of severe fiscal distress for the Federal Government, I believe we have to question every dollar we allocate, whether through the Tax Code or through direct appropriation, to determine if it is money well spent.

Certainly distressed areas of our cities need aid from the Federal Government. On that, there is little disagreement. I would suggest, however, that direct, upfront aid, controlled by the appropriate committees of the Congress, is a more prudent method of providing assistance to designated zones of distress than are tax breaks.

Accordingly, I have introduced the Economic Growth Zone Act of 1985. This legislation would aid in the development of up to 250 areas designated by local governments as "economic growth zones." The authorization over 5 years would not be $3.7 billion, but rather a more realistic $500 million. That authorization, subject to oversight by the appropriate committees of this House, would provide access to capital for businesses which seek to locate or expand in the zone. In addition, it would provide for the establishment of business incubator facilities, help repair local infrastructure, and rehabilitate housing in very depressed areas. At this point, I would like to include in the RECORD a description of the Economic Growth Zone Act of 1985. I would also like to include a recent Wall Street Journal article by John Sloan, president of the National Federation of Independent Businesses, in which he challenges the notion that tax breaks are the primary reason businesses choose to locate or expand in an area. Finally, I would like to include a description of the revenue loss estimates for the administration's enterprise zone bill prepared by the Congressional Research Service, based on discussions with the Department of the Treasury. The Treasury estimates a revenue loss of $3.7 billion over the next 5 fiscal years. The loss for the next 5 calender years would be $4.4 billion.

The material follows:

OVERVIEW OF THE ECONOMIC GROWTH ZONE ACT OF 1985

H.R. 1297, the Economic Growth Zone Act (EGZA) 1985, would authorize the Department of Housing and Urban Development (HUD) to designate between 200 and 250 Economic Growth Zones (EGZs) within a 5-year period after enactment of this legislative proposal. The EGZA would authorize assistance to local governments to aid them in carrying out specific actions intended to attract or retain permanent private sector jobs. The assistance could be used to provide loan guarantees to help finance EGZ infrastructure improvements, to create an EGZ development fund to help finance business development activities, and for related purposes. EGZ infrastructure improvement and business development assistance efforts are components of comprehensive and cooperative efforts by States, local governments, businesses, residents, academia, and labor organizations to address the problems of high unemployment, blight, poverty, and underuse of real property within distressed areas of eligible communities.

Title I of the Act outlines the requirements for nomination of an area for designation as an EGZ. Under this title the State must have passed enabling legislation allowing the nominating State and local government to offer assurances that they will honor certain statutorily mandated commitments. These commitments include undertaking infrastructure needs assessments and funding EGZ infrastructure improvement efforts; funneling, to the extent possible, State procurement activity to EGZ businesses; and coordinating existing State economic and community development assistance targeted to designated EGZs.

In addition to passage of enabling legislation and the submission of written assurances to honor statutorily mandated commitments, the nominated area must meet other requirements including a minimum population of 4,000; location in a community eligible for assistance under the Urban Development Action Grant (UDAG) program; and meeting any one of four standards relating to poverty, unemployment, income, or population decline.

Title I outlines a three-phase approval process consisting of preliminary approval, approval, and final approval for areas nominated for designation as EGZs. In each phase nominating State and local governments would have to present more detailed plans for proposed economic and job creation efforts in the proposed zone. Preliminary approval, phase I, of EGZ designation may be granted by HUD only if the nominating local government has prepared: an EGZ development plan which includes specific development objectives; an assessment of the employment training needs of EGZ residents; an assessment of the management and other training needs of area businesses; and an infrastructure improvement plan.

Approval of EGZ designation, phase II, would require a nominating local government, if it is a Community Development Block Grant (CDBG) entitlement community, to set aside, annually, 5 percent or $1 million, whichever is the lesser amount, of its CDBG allocation for 2 consecutive years for use in establishing an EGZ development fund. The fund is to be used to finance activities under a local government's EGZ developement plan authorized under Title III of the EGZA, including strategies to minimize residential displacement. In addition, a local government must submit an application for the creation of an EGZ infrastructure fund, authorized under Title III, and must include a map of the proposed zone; certifications that public hearings have been held; assessments of the potential impacts of EGZ designation on zone residents; and a listing of incentives intended to promote business development and job creation.

Selection or final approval, phase III, of an area as a EGZ would depend on the extent of economic distress of the nominated area; the extent of State involvement in establishing an infrastructure improvement plan; the extent of involvement by the State, local government, institutions of higher education, neighborhood development organizations, and zone residents in proposed EGZ activities; and the extent to which areas designated as EGZs would be dispersed in a balanced manner nationally.

Title II would require the local government in which the EGZ is designated to establish an 11-member Advisory Neighborhood Council (ANC) composed of local government officials and representatives of zone residents, businesses, and employees.

An ANC is to be charged with the task of advising the local government on all matters relating to activities carried out in the EGZ. ANC administrative costs are to be paid from the EGZ development fund authorized under Section 301 of Title III of the EGZA.

Title III authorizes local governments to establish infrastructure improvement and development funds and authorized additional appropriations or set-asides from other HUD administered community and economic development programs. Local governments, as a condition of designation, must establish an EGZ development fund. The fund is to be used to carry out activities outlined in the local government's EGZ development plan and is to include financing incentives outlined in the development plan's business development program. In order for a business to qualify for EGZ development plan assistance it must meet certain employment thresholds relating to the hiring or retention of persons who are residents of the nominating local jurisdiction, residents of the zone, unemployed for at least 6 months, recipients of public assistance, or whose household income is at or below the statewide poverty level. Business development assistance may include full or partial payment of property liability and property loss insurance premiums, payroll taxes, or management training assistance. For each of two consecutive years, 5 percent or $1 million of a CDBG entitlement community's allocation must be used to finance EGZ development fund activities, with matching funds from a special HUD appropriation of $70 million authorized for each of the fiscal years 1986 through 1990. Five percent of a local government's development fund may be used to cover administrative costs, the cost of formulating an EGZ development plan, and ANC expenses.

In addition, a local government, with the assistance of the State, must establish an infrastructure loan guarantee fund to finance infrastructure improvements. Notes used by local governments to finance infrastructure improvement efforts shall be guaranteed by the United States Government. The Act would, for each of the fiscal years 1986 through 1990, prohibit the aggregate amount of such loan guarantees from exceeding 5 percent of the annual CDBG appropriations.

The EGZA directs HUD to set aside 5 percent of the annual UDAG appropriations for allocation, on a competitive basis, to EGZs. It would give EGZs preference when applying for other HUD programs including Section 202, elderly and handicapped housing assistance programs and Section 810, Urban Homesteading program; and would make available mortgage insurance to eligible properties in EGZs. In addition, the EGZ would allow HUD to sell vacant or underused HUD properties in EGZs to local governments for use in their development efforts; would provide $10 million in annual appropriations for each of the fiscal years 1986 through 1990 to assist businesses newly located in EGZs acquire, rehabilitate, and maintain commercial structures; would amend the Neighborhood Reinvestment Act by adding provisions that would target $7 million in annual appropriations to neighborhood preservation, housing quality, and homeownership efforts in EGZs; and would amend the Section 312 (Rehabilitation Loan) program by appropriating $13 million for each of the fiscal year 1986 through 1990 to carry out the physical rehabilitation of commercial structures in EGZs. The EGZA would prohibit HUD from awarding EGZ related assistance in instances where such assistance would result in the relocation of commercial or industrial facilities and the relocation would have an adverse impact of the community losing the facilities.

Title IV would require HUD to promulgate regulations within 120 days after enactment of the EGZA: and would require HUD to submit an annual report to the Congress identifying areas selected for EGZ designation and impacts of EGZ designation, including those relating to residential displacement, to poverty, and to the employment status of zone residents.

[From the Wall Street Journal, Mar. 26, 1985]

ENTERPRISE ZONES MAY NOT BE THE BARGAIN THAT'S ADVERTISED

(By John Sloan)

With his ringing endorsement of enterprise zones in last month's State of the Union message, President Reagan gave new impetus to a controversial proposal that would use tax breaks to entice businesses to relocate or start up in depressed areas. Despite the president's enthusiasm, enterprise zones have yet to prove on the local level the grand claims their proponents use to promote their use nationwide.

For four years, pro-zone bills have been strangled in committee, victims of doubt about the wisdom of granting huge tax breaks to bankroll an unproven and—ultimately—unpromising concept.

With this dismal record, one would think zone boosters have either armed themselves with new evidence to support their claims of effectiveness or pared back their proposals to blunt objections to the program's cost. Neither is the case.

The 1983 bill, co-authored by Reps. Jack Kemp (R., N.Y.) and Robert Garcia (D., N.Y.), proposed an "experimental" program to set up 75 zones over a three-year period. In-zone companies would have been exempted from all capital-gains taxes and 75% of corporate-income taxes. Their workers would have received individual income-tax credits of as much as $450.

Both the U.S. Treasury and the Senate Finance Committee estimated that the experiment would cost $1.3 billion over the three-year period. For now, the president backs a 75-zone proposal. But administration insiders say that, if they get the early congressional support expected, they may try to raise the ante to a 300-zone bill. The U.S. Conference of Mayors is already on record as supporting a 300-zone bill.

The price tag was a major stumbling block to the earlier, far more modest proposals. So, one would think that supporters have found new data to prove the program's merit. They haven't.

The British experiment with enterprise zones, inaugurated in 1980, has proved to be a dismal failure. Between 1981 and 1983, Britain's 15 zones created only 8,000 new jobs at a cost to taxpayers of well over $500 million.

U.S. enthusiasts blithely dismiss these findings, claiming that the Brits squandered their money on urban-renewal type investments such as property improvements. In fact, only a small portion went for such "old-hat" purposes.

Good old Yankee ingenuity will solve the problems, proponents say, quickly directing attention to a 1983 study of state enterprise zones. The study, conducted by the Sabre Foundation, a Washington think tank, purports to present "hard data" showing that state zones have created or saved "tens of thousands of jobs."

These data are far from hard. For starters, they come from the state officials charged with making a go of the zones. Even taken at face value, the figures make a less-than-compelling case for zones.

According to the study, the "average" zone spawned 1.9 business start-ups and induced 1.1 other companies to expand—or at least stay put—during nine months of operation. Projected to a year, the figures indicate that an average zone can expect to start or "save" only four companies.

That finding, underwhelming though it may be, probably overstates the case. Fully 29% of all new companies found by the study are located in one building—Control Data's business incubator in Baltimore. Mostly one- or two-person high-tech service operations, these 46 concerns account for all but one of the new starts in the Baltimore zone. The study conscientiously notes that incubators "appeared" to be one factor in business start-ups.

It also might have been worth noting that: (1) this zone could not be designated as a federal zone because it is not sufficiently depressed; and (2) high-tech service companies offer little opportunity for the hard-core unemployed intended to benefit from the initiatives.

The employment gains claimed merit equal skepticism. Of the "tens of thousands" of jobs (more specifically, 20,271) credited to the zones, 42% were merely planned. They can be counted as real only if one assumes—as the study did—that proposed office and shopping centers are leased and staffed to capacity, new companies' hopes for future growth are realized and certain other chancy event (e.g. "interested" companies actually get Urban Development Action grants, and one city wins its court fight to annex part of a neighboring community) come to pass.

As for jobs actually in-hand, half of the 4,085 jobs "saved" derive from Spiegel's decision to keep its Chicago warehouse operation open. Granted, the zone's tax breaks were only one of three factors upon which Spiegel based its no-go decision. Still, Sabre gives the zone full credit for this success story.

You would think that, if zone proponents can't come up with better "proof" than this, they would quietly fold their studies and withdraw. Instead, they are preparing to mount a new offensive with strong presidential backing.

Zone advocates come in two stripes: theorists who see the concept as a bold break from the Model Cities giveaways of the '60s in favor of a "less government" approach to urban revitalization, and pragmatists who, noting Mr. Reagan's resolve to slash UDA and community development grants, sadly embrace zones as "the only game in town" for federal urban aid.

Unfortunately, this is a very expensive game and one that taxpayers stand to lose big. The whole concept is based on the erroneous assumption that business location and expansion decisions are made primarily, if not exclusively, on the basis of tax burdens. They are not.

My organization surveyed small-business owners in 85 cities and found taxes to be among the least of the problems for potential urban entrepreneurs. Far more important considerations, especially for the labor-intensive retail and service concerns that zones must attract if they are to cut unemployment significantly, include access to

capital and a qualified labor pool, immediate market viability, adequate police protection and affordable insurance.

From these viewpoints, depressed areas offer companies nothing short of a hostile environment. No amount of "less government" can create money, security or a market where none exists.

Enterprise zones spring from a fundamentally flawed concept. Tax breaks are not an irresistible stimulus to business startups because most new companies don't make enough in the "hostile" environments dubbed "enterprise zones" to be able to use the incentives offered.

Rep. Fortney H. Stark (D., Calif.) has called the proposals "a tax deduction with no strings attached." In days of $200 billion deficits, the zone concept is an idea whose time has come . . . and gone.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, April 10, 1985.

To: Honorable William Coyne, Attention: Brian Doherty.
From: Dennis M. Roth, Specialist in Labor Economics, Economics Division.
Subject: Treasury Revenue Loss Estimates Resulting from Establishment of Enterprise Zones.

This memorandum is in response to your request with respect to the Treasury Department's revenue loss estimates if the Administration's Enterprise Zone bill should be enacted. Unfortunately, no written document has been prepared by Treasury with respect to these estimates. Consequently, the following comments are based on a phone conversation I had this week with Phil Speilberg who prepared these estimates for Treasury.

With the assistance of the Department of Housing and Urban Development, 13 representative enterprise zones (EZs) were identified. (These zones would meet the criteria established in the pending legislation.) The types of industries were indentified in these areas and were then analyzed with respect to their capital and labor usage. Based on this analysis, revenue costs were estimated per type of EZ credit [1] per industry per $1,000 of activity. (Capital/labor ratios were assumed to remain constant as were the proportions of sales to value added.) Thus, estimates were derived to show the revenue loss by type of EZ credit by type of industry. The final value of the loss depended upon the total sales, labor, and capital makeup of the industry in question.

Phase 2 entailed the selection of 25 new zones for each of the next three years as the proposed legislation would create. The labor force and industry makeup of these zones was then analyzed. Based on these findings, economic development and industrial output (sales) were estimated. Revenue losses resulting from EZ credits (based on the findings of phase one) were then calculated per $1,000 of sales on the basis of the type of industries (i.e., capital and labor inputs) that would be established in the zone. Thus, revenue losses were derived for each EZ created.

The key assumptions made by Treasury in their estimates are (1) the level of economic development that would result from EZ designation (primarily the level of sales), and (2) the types of industries that would develop in EZ's.

[1] A summary of these credits can be found on pages 4-9 of the fiscal year 1986 budget.

Since these basic building blocks are based on the industries and labor force that exist in areas that could currently qualify as enterprise zones, the approach appears quite reasonable. It should be noted, however, that the revenue loss estimates are gross figures. No assumptions were made as to the employment effects or industrial generation effects of Enterprise Zones.

If you should have further questions on this analysis, please feel free to contact us or Phil Speilberg at the Treasury Department (566-7552).

TABLE 1.—ESTIMATED REVENUE LOSS FROM ENTERPRISE ZONES

[Dollars in millions]

	Revenue loss estimate	Number of zones
Fiscal year:		
1986	$103	25
1987	465	50
1988	860	75
1989	1,110	75
1990	1,141	75
Calendar year:		
1986	317	25
1987	734	50
1988	1,091	75
1989	1,153	75
1990	1,141	75

Source: Telephone conversation with Phil Speilberg, Treasury Department, April 2, 1985.●

FASCELL LEADS BIPARTISAN OPPOSITION TO BINARY NERVE GAS WEAPONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

● Mr. GLICKMAN. Mr. Speaker, under the leadership of Representative DANTE B. FASCELL, chairman of the Committee on Foreign Affairs and its Subcommittee on Arms Control, International Security and Science, a bipartisan group of 34 Democrats and 17 Republicans last week announced its opposition to the production of new binary nerve gas weapons.

As one of the original 51 sponsors, I would like to place in the RECORD Chairman FASCELL's April 18 release which succinctly highlights the sound foreign policy, arms control, defense, and budgetary objections to the production of binary chemical weapons followed by the text of the legislation. They follow:

Rep. Dante B. Fascell, (D-FL) and Chairman of the House Foreign Affairs Committee, announced today his leadership of a bipartisan effort to stop the funding for the production of new binary nerve gas weapons.

Chairman Fascell stated: "Our country has held to a 16-year moratorium on the production of new chemical weapons and there are no good reasons now why we should break that moratorium. My colleague from Illinois, Rep. John Porter, is joining me in this bipartisan effort to stop this funding request for the production of binary chemical weapons proposed by the Reagan administration." Thirty-three Democrats and 16 Republicans have joined Reps. Fascell and Porter as original co-sponsors of their legislation banning binary production.

Chairman Fascell commented further: "For three consecutive years the House of Representatives has decisively voted to oppose production of binary chemical weapons. The strength of this bipartisan opposition in the House has overcome mixed votes and reluctance in the Senate where Vice-President Bush has even been required to break a tie with his vote in favor of new nerve gas weapons. Since the three-year message does not seem to have been understood by the Reagan administration, we have chosen a new medium to deliver our message—a legislative bill to ban production of these weapons."

Commenting on the reasons why a strong majority in the House has consistently opposed new binary chemical weapons, Chairman Fascell said: "A close examination of the arms control, foreign policy, defense, and cost implications of producting binary nerve gas weapons has led the Congress to conclude that it adversely impacts on major U.S. foreign policy objectives, makes arms control less likely, and is not something we need or the American people want. About the only thing it adds to is the Federal deficit." "Just think a minute," Fascell said:

"Our allies don't want to have those new nerve gas weapons on their soil;

Binary weapons increase the risk of chemical weapons proliferation and use by terrorists;

Bilateral negotiations with the Soviets must be reopened and not doomed by a U.S. decision to resume production of new chemical weapons;

The Bigeye binary nerve gas bomb is still failing tests after 20 years of research;

Chemical weapons don't offer an advantage over conventional weapons either in cost or effectiveness;

Elimination of this unnecessary defense program will save $174 million this year and $2.3 billion over the next five years: and finally

Chemical weapons are repugnant to us, our allies, and our friends."

Fascell concluded: "In short, there are no clear advantages, only disadvantages, for our national security in producing binary chemical weapons."

The text of the binary ban legislation, H.R. 2124, including the 51 cosponsors follows:

H.R. 2124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON PRODUCTION OF LETHAL CHEMICAL WEAPONS.

Notwithstanding any other provision of law, an agency of the Government may not obligate or expend appropriated funds after the date of enactment of this Act for the production of lethal chemical weapons.

SEC. 2. NEGOTIATION OF A CHEMICAL WEAPONS AGREEMENT WITH THE SOVIET UNION AND OTHER COUNTRIES.

It is the sense of the Congress that the President should intensify ongoing efforts to achieve an agreement with the Soviet Union and other countries establishing a mutual and verifiable agreement to stop the production, proliferation, and stockpiling of lethal chemical weapons.

SEC. 3. PROTECTING UNITED STATES ARMED FORCES AGAINST CHEMICAL WEAPONS ATTACKS.

It is the sense of the Congress that the Department of Defense should, on a priority basis, improve the capabilities of the Armed Forces to detect, and to protect members of the Armed Forces against the effects of, the use of lethal chemical weapons in attacks upon the Armed Forces.

SEC. 4. AGREEMENTS WITH NATO ALLIES CONCERNING PREPOSITIONING OF ANY NEW CHEMICAL WEAPONS.

It is the sense of the Congress than any new lethal chemical weapons must be stockpiled and available in those areas where land attacks would most likely occur in order to present a credible deterrent. Therefore, an agreement with the governments of the other countries of the North Atlantic Treaty Organization must be concluded before the Congress will consider repealing the prohibition contained in section 1 of this Act.

SEC. 5. FEDERAL BUDGET DEFICIT.

It is the sense of the Congress that funding for the production and procurement of new lethal chemical weapons and related facilities is unwarranted in light of the Federal Government's large budget deficit.

SEC. 6. DEFINITION OF LETHAL CHEMICAL WEAPON.

As used in this Act, the term "lethal chemical weapon" means—

(1) any toxic chemical (solid, liquid, or gas) which, through its chemical properties, is intended to be used to produce injury or death to human beings, and

(2) any unique device, instrument, apparatus, or contrivance (including any components or accessories thereof) which is intended to be used to disperse or otherwise disseminate any toxic chemical.●

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, my advice to the privileged orders, in terms of 1985, ironically is very much in keeping with the spirit in which Joel Barlow addressed his advice to the privileged orders along the lines of the need for the European kingdoms to consider the question of revolutionary changes. Joel Barlow was a true revolutionary. America was truly revolutionary, and today, in 1985, it seems quite contradictory for us to be very much acting as the kingdoms of George III and the others in suppressing bona fide, indigenous, native civil wars or revolutions.

We are here today on the eve of the consideration of some matters that are awesome in importance and foreboding for the future of our country. I know that at this precise moment one of the questions has to do with an electoral contest in the Eighth Congressional District of Indiana and, of course, it is of a serious nature, the most important, and I think the House of Representatives has quite properly included it in its agendas ever since the issue came up on January 3 at the outset or the initial period of the organization of the House.

But I think that history will show that this will be far overshadowed by the other developments that have been engrossing from time to time the attention of the Congress, particularly since the advent of Presidential wars. As I have said before, the men who wrote the Constitution in the convention feared more than anything else the advent of an office such as we have today called the Presidency of the United States.

The first 10 years of our national existence as a Nation the people then thought so little of such an office that for 10 years in the very beginning such an office was not even considered or thought of, so that we had the constitutional Congresses or the Continental Congresses, we had the Articles of Confederation, but never the thought that such an awesome office such as the Presidency is today would have seriously been conceived of or thought of, for the men were, for the first time in the history of mankind, saying that sovereignty and power emanated only from the people. These were more revolutionary words. They still are today.

But part of the reason for the revolutionary concept that the people actually are the ones who have the true sovereignty and that all power emanates from the people was that they considered as a basic tenet that no government was worthy of its institution and its sustainment if it did not represent the consent of the governed, the just consent of the governed.

Today our leaders speak, and many Members of the Congress, as if we could impose a democratic institution on people who have no such historical heritage or experience in the parts of the world where not one day in the history of these sad nations have they experienced one day of democratic regime; that is, governments by the just consent of the governed.

□ 1900

We have not hesitated to use all the practices to suppress that kind of an expression that all of the kingdoms of old and the totalitarian powers of today in the 20th century have used, whether they were the so-called corporate Fascist States or those of the other side, the obverse side of the medal, the so-called all-socialistic or communistic States in which, in the name of the people, governments have been instituted in which you have in effect the tacit admission of authoritarian or dictatorship government. We have in the case of the fascist oligarchic a sort of a hierarchal order that is nevertheless authoritarian and which is reflective of one of the two mainstreams of thought as man has developed his concept of government. And that is the one statement of thought that feels that unless one has some chosen leaders, some select men and women who are above the common herd to lead the rest of hapless mankind, man is not smart enough to know what is good for himself; and then we have the other, which I think is the basic tenet involved in American democracy, and that is that no matter how disorderly or how much in the long or in the short term it looks as though people cannot govern themselves, actually in the long haul only the people are the better judges as to what is best for them.

But in our actions today, in our desire to impose our will, because of a misbegotten notion of what our true national interests are—and these, I might remind my colleagues, have been variously confused throughout the 20th century—I think that even though history will show that we were given relative margins of error in the past, we will not be from here on out and we cannot afford even the slightest margin of error in our dealings with those nations that fate has conspired to eternally share this New World with us. But as fundamental and obvious as this may seem to us, in our actions we have been oblivious of this.

If we take the isolated case of Nicaragua, our history there is abysmal. Eleven times we have invaded Nicaragua. In the 20th century alone, we have invaded it six or seven times. Between 1913 and 1929 we possessed control of Nicaragua 14 out of those 15 years. We imposed the regimes that now have crumbled and fallen over, even though we shored them up for four decades with all the power we could muster, but because of their corruption, because of their rottenness, because of their despotism, even in those benighted countries the people finally rose.

What I am saying is that we are on the eve of what is supposed to be a debate of a Presidential request, a request that, like many this President has presented to us, is ultimately confusing, mixed up in a sort of a misshapen form from its original announced shape and form.

In the case specifically of Nicaragua, under my unanimous-consent request, I am placing into the RECORD the remarks made by the Secretary of State, Frank Kellogg, in 1929, during the regime of President Calvin Coolidge, who was the last President to order the Marines into Nicaragua. The reason is that it is startling, haunting, and a duplication of the words of the present Secretary of State, Mr. Shultz, not only before congressional committees but in speeches he has made as late as yesterday in Indianapolis, IN. I would ask that the RECORD show as much as allowable under the rules the excerpts beginning with the first remarks made by the Secretary of

State—and as I said, that is Frank Kellogg—before the Senate Committee on Foreign Affairs, January 27, 1927. And it followed a message that President Coolidge found necessary to send to the Congress just immediately before, on January 10, 1927, in order to rationalize his action in ordering the Marines for the second time into Nicaragua.

I urge my colleagues to seriously study these documents. The only difference will find in reading this is if we were to change the dates and instead of "Russian, Cuban, Marxist, Leninist communism," we put "Mexican bolshevism," you could see that Secretary Shultz could present those same remarks today.

In his letter of transmittal to American diplomatic officers in Latin America, he says:

The Department encloses for your information a copy of a statement respecting Bolshevik aims and policies in Mexico and Latin America, left by the Secretary of State with the Senate Committee on Foreign Relations on January 12, 1927, together with a memorandum indicating the sources of the various documents cited therein.

And then there are instructions that these diplomatic officers forward any information to the Department of State. The Secretary, in the message he left, as they put it, on January 12, 1927, to the Senate Committee on Foreign Relations said as follows: "Bolshevik Aims and Policies in Mexico and Latin America," and there was what was referred to later as the "exportation of bolshevism from Mexico into the rest of Latin America."

Mr. Speaker, I include with my remarks at this point in the RECORD the materials to which I have just referred:

DEPARTMENT OF STATE,
Washington, DC, January 27, 1927.
To American Diplomatic Officers In Latin America.

SIRS: The Department encloses, for your information, a copy of a statement respecting Bolshevik aims and policies in Mexico and Latin America, left by the Secretary of State with the Senate Committee on Foreign Relations on January 12, 1927, together with a memorandum indicating the sources of the various documents cited therein.

It is desired that you forward to the Department any information which may come to your attention with respect to the Communist activities referred to in this statement. The Department would be glad to have copies of pamphlets, circulars, handbills, et cetera, which may be distributed by the All-America Anti-Imperialist League or other Communist organizations.

I am, Sirs,
Your obedient servant,
For the Secretary of State:

——— ———.

JANUARY 12, 1927.

(Following was left with the Senate Committee on Foreign Relations as part of the records of the Department of State for the information of the Committee. The Secretary informed the Committee that it was not confidential:)

BOLSHEVIK AIMS AND POLICIES IN MEXICO AND LATIN AMERICA

The Bolshevik leaders have had very definite ideas with respect to the role which Mexico and Latin America are to play in their general program of world revolution. They have set up as one of their fundamental tasks the destruction of what they term American Imperialism as a necessary prerequisite to the successful development of the international revolutionary movement in the new world. The propagation of communist ideas and principles in the various countries of Latin America is considered secondary to the carrying on of propaganda against the aims and policies of the United States. Thus Latin America and Mexico are conceived as a base for activity against the United States. Communists in the United States have been repeatedly instructed to devote special attention to the struggle against "American Imperialism" in Latin America and to the organization of resistance to the United States. Bolshevik aims in this respect were succinctly set forth in a resolution of the Third Congress of the Red International of Trade Unions, July 8-22, 1924, as follows. It was resolved:

"* * * 4. To unite the national struggle against American Imperialism in individual countries in a movement on a scale of the whole American continent, embracing the workers of all countries of Latin America and the revolutionary forces of the United States. Mexico is a natural connecting link between the movement of the United States of North America and Latin America, therefore Mexico must be the center of union.

"* * * 5. In the name of the Trade Union Educational League of the United States, to appeal to the toilers of Latin America with a call to create a united front against American Imperialism. * * *

Similarly, a representative of the American Communist Party, speaking at the VIth Session of the Enlarged Executive Committee of the Communist International on February 24th, 1926, declared:

"The last and most important task of our party is the fight against imperialism. The Communist Party of America must become the defender of the oppressed peoples of Latin America. The time is not long distant when Latin America will become the China of the far west and Mexico the Canton of Latin America."

In the theses approved at the VIth Session of the Enlarged Executive Committee of the Communist International it is stated, with respect to Latin America,

"Latin America also can and must become a basis of support of the liberation movement against imperialism (against the imperialism of the United States). In the present state of things the nations living in Latin America are as a majority oppressed nations which sooner or later will be drawn into the struggle against the imperialism of the United States."

During the past few years the Bolshevik leaders have been giving more and more attention to anti-American activities in Mexico and Latin America. The Communists in the United States have been criticized for not displaying sufficient energy in this sphere. Very specific instructions in this regard were issued to the Communists in the United States in the "Resolution on the American Question" adopted at the VIth Enlarged Plenary Session of the Executive Committee of the Communist International at Moscow on March 15, 1926. It pointed out

"to the American Communist Party the tremendous importance which the labor movement (and the movement for independence) is assuming in the countries of South America. There is no doubt that in the future struggle for the overthrow of the yoke of the bourgeoisie of the United States, the working class and the peasantry of Latin America will play a tremendous role. The American Communist Party must not be a party of self-centered interests but must become a party which understands how to raise the question of the hegemony of the proletariat in the whole movement for freedom which is directed against the imperialists of the United States. Moreover it is necessary that the workers (Communist) Party maintain the closest contact with the labor movement in the colonies of Cuba, the Philippines, etc., and support them in their fight against American imperialism.

In view of this the Executive Committee of the Communist International instructs the Central Committee of the American Communist Party to devote the most serious attention to the tasks cited and above all to appoint an earnest group of Party workers to participate in the current work in Latin America in agreement with the Presidium of the Executive Committee of the Communist International."

In accordance with Moscow's instructions the American Communists during the last two years have been placing special emphasis on their anti-American work in Mexico and Latin America. Considerable attention was given to this matter at the Fourth Convention of the Workers (Communist) Party in Chicago, August 21-30, 1925. A special organization known as the All-American Anti-Imperialist League has been created by the American Communists to carry out the instructions of Moscow in the matter of organizing Latin America against the United States. The following is taken from a report on "Anti-Imperialist Work" delivered at the Fourth National Convention referred to above:

"The Fifth Congress of the Communist International severely criticized nearly all the Communist Parties in the imperialist countries for not carrying on a sufficiently energetic campaign against imperialism.

"Under the present Central Executive Committee, the Workers Party of America has for the first time made anti-imperialist work one of its basic activities. The outstanding feature of our work against American imperialism is that it has entered the field of active practical cooperation with the oppressed peoples of American imperialism, the most important step in this connection being the successful organization of the All-America Anti-Imperialist League.

"In January of this year 1925 a sub-committee was elected by the Central Executive Committee which assumed charge of all the anti-imperialist activities of the Party. This committee prepared material for campaigns, furnished articles on imperialism for the party press, drew up manifestoes and leaflets, and was the medium through which the party cooperated with anti-imperialist organizations in Latin-America. Manifestoes were issued to the Cuban Labor Congress held at Havana, to the International Marine Transport Workers' Convention held at New Orleans, several manifestoes to the Mexican workers and to the Filipinos, a special May Day manifesto to the workers of Latin-America, a manifesto in connection with the Tacna-Arica affair and other manifestoes and leaflets which will be referred to later on.

"Direct contact with Mexico was maintained throughout the period, through the visits of Comrades Johnstone, Gomez and Lovestone of Mexico and through steady correspondence. Comrade Wagenknecht visited the Philippines and established connections there. Correspondence connections were also established, with greater or less success, with practically every country in Latin-America, as well as with Hawaii and the Philippines. Through our activities five Filipino delegates were secured for the International transport Conference in Canton, for which our Party was commended by the Communist International.

"Our party has carried on a consistent campaign, both in this country and in Latin-America, against the (labor imperialism) of the so-called Pan-American Federation of Labor. Comrade Johnstone attended the convention of the Pan-American Federation of Labor at Mexico City, in November of last year, (1924) and cooperated with the Mexican Party in its strategy in connection with this convention.

"Comrade Gomez was sent to Mexico in April of this year (1925) and attended the convention of the Communist Party of Mexico as fraternal delegate from our Party. During this visit plans for joint action of the Mexican, Central American and United States parties against imperialist policies of the Pan-American Federation of Labor were adopted.

"Our Party was largely instrumental in the establishment of the All-American Anti-Imperialist League, which although organized only a few months ago and still in its initial stages, has aroused a real response in Latin-America, despite the miserably small funds which we were able to put into this work. The All-America Anti-Imperialist League was endorsed by the Communist International and the Red International of Labor Unions.

"The League is a non-partisan international organization admitting to affiliation all groups in the Americas willing to take up the fight against American imperialism. It aims to give driving force and centralized expression to the national liberation movements in Latin-America, Hawaii, and Philippine Islands, etc., in alliance with the movement of this country.

"The All-America Anti-Imperialist League has a special secretariat located in Mexico City, under whose supervision the monthly Spanish language organ or the league, which has now published five issues is edited, as well as special manifestoes, leaflets, etc. Our party has contributed towards defraying the expenses of the monthly magazine *El Libertador* and towards other expenses of the Mexico City secretariat, but lack of funds has made it impossible to give adequate support in this respect. "A regular section of the All-America Anti-Imperialist League has been formed in Cuba, with Julio Antonio Mella as secretary, and is extremely active, holding mass meetings, lectures, etc. Labor, peasant, and student organizations in Costa Rica, Panama, Salvador, and Peru have affiliated with the League, but no regular sections have been formed in those countries as yet. Contacts have been established with some of the foremost intellectuals of Latin-America, who are supporting the league and writing for its monthly organ.

"At the suggestion of our Party, the League sent out the call for the observance throughout America of 'Anti-Imperialist Week' (June 29 to July 4), calling upon all anti-imperialist organizations in special literature, to conduct mass meetings, hold demonstrations in front of American consulates and embassies, etc. Our Party published a special leaflet for Anti-Imperialist Week and actively co-operated in its observance.

"Tentative plans are already being laid, also at the suggestion of our Party, for an All-America Anti-Imperialist congress to be held at Buenos Aires some time next year."

* * * * *

The Fourth Convention listed among the concrete tasks of the Party

"To carry on a systematic and active agitation against American imperialism, particularly in Latin America. To demand the withdrawal of American armed forces from foreign lands. * * *

"To give active support to the activities of the All-America Anti-Imperialist League."

The same Convention adopted a lengthy resolution with respect to the struggle against American imperialism. This resolution pointed out that: "There is sufficient homogeneity to permit the building of a powerful continental movement of workers and farmers against American imperialism, and sufficient resentment due to the occupation of the Central American and Carribean countries, the sustaining of autocracies such as those of Venezuela and Peru by United States aid, the interference in the internal affairs of all of the countries, the system of financial and military advisors, the monopolistic Monroe Doctrine and the robbery of the tremendous natural resources of Latin America."

The resolution declared that there were "millions groaning under the American imperialist rule" in the Philippines, Puerto Rico, Cuba, Mexico, Haiti, etc., and that it was the task of the Communists to give active support to the anti-American movements in the various countries in Latin America. The resolution continues:

"42. There is a strong tradition of Latin-American solidarity which is a historic force for the unification of the anti-imperialist movements of the various Latin-American countries. This will be an important weapon in the struggle against Wall Street. The All-America Anti-Imperialist League was created as the expression of the liberating movement of all the exploited peoples of the continent. The Workers Party took part in the creation. Represented in the League are also the Communist Parties of Mexico, Central America, and South America, as well as student groups, labor organizations, peasant leagues and national societies in various countries.

"43. For us, the League constitutes an organizational expression of our determination to fight side by side with the exploited peoples of America's colonies and semi-colonies. While we strive to make the groups affiliated to the All-America's Anti-Imperialist League recognize in the Communists and the Communist International, the leaders of the world struggle against imperialism, we must work conscientiously to build up the league itself to push it into activity and to make of it a powerful driving force for the overthrow of Amerian imperialism.

"44. The following is our concrete program of joint action with the exploited peoples for the struggle against American imperialism.

(a) Expose the purpose and methods of American imperialism everywhere.

(b) Demand independence for all American colonies and unconditional withdrawal of American troops from Latin-America, Chinese and other foreign soil.

(c) Actively support Latin-American strikes against American concerns.

(d) Ideological and practical struggle against the doctrine of Pan-Americanism.

(e) Expose and struggle against the so-called Pan-American Federation of Labor as an agency of American imperialism, and the Mexican and American Parties shall work out joint plans for exposing the true character of the Pan-American Federation of Labor and propagate the idea of the formation of Latin-American Labor Federation with anti-imperialist tendencies.

(f) Interchange of delegates at conventions and close cooperation with the Communist Parties of Latin-America; fraternal relations with the parties of the Far East.

(g) Help build the All-America Anti-Imperialist League into a powerful organization for the overthrow of American Imperialism.

(h) Immediately strive to build up sections of the All-American Anti-Imperialist League in parts of the United States, through affiliation of resident organizations of Mexicans, Filipinos, Chinese, etc.

(i) Support the proposed plan of the All-American Anti-Imperialist League for an All-American Conference against imperialism.

(j) *The Machete*, organ of the Mexican Communist Party, and *El Libertador*, organ of the Anti-Imperialist League (published in Mexico) should be circulated among the Spanish-speaking workers of the United States."

The activities and plans of the American Communists as regards the organization of opposition to the United States in Mexico and Latin America are summed up admirably in a resolution passed by the Central Executive Committee of the Workers (Communist) Party on November 12, 1926. This resolution reads as follows:

"The tasks of our Party at the present time, as set forth in the resolution of the political committee, are those presented by the conditions of imperialism. American imperialism is able to win over large sections of the American workers by sharing with them a small part of super-profits and continues to extend its hegemony in foreign fields. However, the steady expansion of American capitalism upon an imperialist basis is accompanied by the enormous extension of the vulnerable surface which it presents to attack. Recent months have furnished striking evidence of the widespread movement for Latin-American unity against Wall Street. We cite particularly the present attitude of the Calles Government in Mexico—its general Latin-Americanism, its policy in Central America, its tendency toward cooperation with the All-America Anti-Imperialist League, and the decision of President Calles to send a personal representative to the Brussels world conference against imperialism.

"The comintern has repeatedly indicated that a basic task of any party situated in an imperialist country is to stimulate and give aid to the nationalist and national revolutionary movements in the colonial and semi-colonial countries under the heel of imperialism. This, together with the work among the American masses, form the basis of our party work. While our party has made considerable progress in anti-imperialist work, it is still far from a proper realization of the importance of this work. A far greater proportion of the party's resources must be utilized in anti-imperialist activities. District executive committees must have standing subcommittees on anti-imperialist activity, and these must be directed by capable com-

rades. The party machinery on a district as well as a national scale must be drawn into this work.

"The anti-imperialist work has been greatly hampered by lack of sufficient comrades. The party must take measures to create and train a corps of comrades engaged directly in anti-imperialist work.

"In spite of many handicaps, we have done much to build the All-American Anti-Imperialist League into an organization engaged in actual struggle against imperialism. We have carried on systematic work inside of the Pan-American Federation of Labor and have achieved some valuable results there. We have participated in work against United States imperialism in a number of Latin-American countries, notably Mexico, Porto Rico, Cuba, Panama and Peru. We have also established some contact with the Philippine independence movement, altho we have yet to establish our own nucleus there.

"The main task for the period immediately ahead is the building of a substantial section of the AAAIL (All-America Anti-Imperialist League) in the United States itself. This will be accomplished thru the affiliation of groups organized around specific issues, such as hands-off-Mexico committees, etc. The Workers (Communist) Party must remain in central factor in the United States section of the AAAIL, grouping around itself as closely as possible other working-class organizations."

The significance of Mexico in the eyes of the so-called Soviet government is revealed in the following extract from the report of Chicherin, made at the III Session of the Union Central Executive Committee in March 1925:

* * * * *

"Resumption of Diplomatic Relations with Mexico

"In America, in this manner, we still stand before a question mark. But in this time we have succeeded in re-establishing diplomatic relations, which give us a political base in the new continent, with the neighbor of the United States, Mexico. The Mexican Government is based on the Right trade unions and the radical small bourgeoisie. The Soviet Republic is extraordinarily popular in Mexico. Our plenipotentiary representative, Pestkovsky, met in Mexico the most enthusiastic reception, receiving constantly from all sides expressions of the most friendly, even enthusiastic, attitude toward the Soviet Republic. Mexico gives us, thus, a very convenient political base in America for the development of our further ties."

As respects relations between the Soviet Legation in Mexico City and Communist activities being carried on in Mexico there is the following evidence:

(1) Statement by Mexico Labor Deputy, Ricardo Trevino, in the Mexican Chamber of Deputies on September 9, 1925:

"I can not say which are the better elements whether ours or the Reds or those whom the Russian Minister brought. And on this point I must say that there are documents in which it is established that certain Red and Communists elements receive money from the said Minister and from the Communists in Mexico against the United States whereby they would provoke an international conflict."

(2) Communication addressed to the Soviet Minister by the Central Committee of the Mexican Federation of Labor by direction of the Seventh Congress of that organization:

"To the Minister of Russia in Mexico City:

* * * On the other hand there was also considered by the Convention the report referring to the fact that in the diplomatic mission in your charge moral and economic support is lent to so-called Communist radical groups, the enemies of the Mexican Federation of Labor and of our government.

"This Central Committee was ordered by the Convention to inform you in your character as representative of Russia in Mexico that the Mexican labor movement represented by this confederation maintains the principle that the workers of each country must be organized in accordance with their opinions and necessities and that no nation has the right to impose nor to lay down for another the doctrine which must control its activities."

(3) Resolution adopted March 6, 1926, at the Seventh Annual Convention of the Mexican Federation of Labor:

"* * * 3. That a courteous invitation be extended by the Central Committee to the diplomatic representative of Russia accredited to Mexico so that his office may abstain from lending moral and economic support to the so-called radical group, enemies of the Mexican Federation of Labor and of the government."

Now, today these messages sound ludicrous. In that day and time in which communication was far slower and meager, it was easy then to paint the Mexican Revolution or the series of revolutions and counterrevolutions which extended for a period of 30 years, but which I noticed never once, even in the discussion of the immigration amendment proposal, was any mention ever made of the history of this era, which I consider to be a crass error.

But in that day and time the Mexican Revolution had aroused quite a bit of concern, in fact so much concern that it was very similar to what we hear today on the part of those attempting to paint the dangers of a takeover by the revolutionary forces in El Salvador—forget about Nicaragua—El Salvador, the smallest country in Central America.

I am going to quote just a couple of lines, because, as I said, instead of "Bolshevik," we could substitute the words, "Marxist, Leninist, Russian, Cuban communism" or "leaders," and here is what he said: "The Bolshevik leaders have had very definite ideas with respect to the role which Mexico and Latin America are to play in their general program of world revolution."

This is in blissful ignorance of the fact that the Mexican Revolution preceded the Russian Revolution by at least 7 years.

□ 1910

As a matter of fact, some of the Russian leaders time after time, Lenin, Stalin, and the rest, Bukharin, all made references as inspiration to the Mexican revolutionary leaders. In fact, they even appealed to the memory of Benito Juarez, who I would like the record to show was a close and personal friend of my grandfather, who fought with him in northern Mexico to expel the French invaders 120 years ago.

So that blithely our leaders then in 1927, the Secretary of State and the others, overlooked the fact that rather than Mexico having been inspired by a revolution that had not even happened, it was the other way around. This is a fact that is still not learned in American history books, which totally blanked out any of the historical developments to the south of us. In fact, we even blanked our very much of what has happened to the north of us. Every time we read an American history book, we think there were only 13 colonies. Well, originally there were 37. They were contiguous. They were linked, but then with the peculiar development south of what we call the Canadian border today, those other 24 or so now constitute the areas of Nova Scotia and parts of Canada.

But before the Pilgrims landed on the eastern shore of what is the United States today, Mexico and Cuba had universities and printing presses for over a hundred years.

The cultural ties and capitals of these nations have been and continue to be not in the United States, but over in Europe.

As a matter of fact, the invasion by Napoleon the Third of Mexico and the imposition as temporary and transient as that regime was, culturalwise it had vast impact.

I had an uncle, for example, who was a doctor. He was a graduate of the faculty of the University of Mexico School of Medicine and every one of the texts that he studied all during the time he was in school in Mexico City were in French, because when I was growing up, the great leader in science and all was Germany; but in that part of the country it had always been France, especially after 1860.

So that if we ignore that, we are going to make very serious mistakes in understanding the policies and practices that ruled the day among those leaders and those countries.

But let me go back to the opening line of Secretary Frank Kellogg:

> The Bolshevik leaders have had very definite ideas with respect to the role which Mexico and Latin America are to play in their general program of world revolution. They have set up as one of their fundamental tasks the destruction of what they term American imperialism as a necessary prerequisite to the successful development of the international revolutionary movement in the new world.

I read and I saw the white paper that the State Department put out recently with respect to Grenada. Change the names, change the dates, the rationale and the rationalizations are the same.

What I am saying today is we can no longer afford the luxury of that error

in judgment, the reason being very simple. It is another world.

The multitude of peoples that for the first time in about the last decade and a half south of us now outnumber us by over 60 or 65 million is no longer going to continue to take the oppression, the tyranny that they have suffered for 300 years.

The question in my mind is not as complex as some would make it. The question is whether we as a revolutionary founded country, based on governments instituted by the suffrance and the will of the people would take the side of the people or whether we will continue to try to shore up the oppressors, the tyrants, those who to their own people offer nothing but exploitation and sustained tyranny, or whether we recognize the fact that we must develop a policy on a national basis, short term, long term, to differentiate between the indigenous, that is, a native civil war, not imposed, not led, not initiated by external forces, or whether we will continue not to do so to the cost of blood and treasury, as we have paid dearly in other parts of the world, whether it is Southeast Asia or whether it is the Middle East.

We have the same situation confronting us today as it will develop and as I have painfully attempted for 15 years to point out is the rising question in even middle Europe. Today you read a lot, and this was triggered by the President's rather inexplicable obtuseness in not recognizing the difference between what the fight was all about in World War II and what the question is today confronting the United States with respect to that part of Europe known as Germany.

I have been saying for almost 20 years that the real issue is Germany, the question of German reunification; but just like in the case of Latin America, our perceptions of the world are based on mind sets of 1945–46.

The perceptions of our present President who has opted, without any trial whatsoever, unilateral military intervention, abrogating by these acts and violating the three basic treaties that we so solemnly entered into with our brother and sister countries that share the destiny with us in the Western World. In middle Europe, in the case of Germany, we have learned nothing. We are like the Bourbon kings who forgot nothing and learned nothing.

We have failed to see that there has been no end to World War II. There is no peace treaty formally terminating World War II.

We have gone willy-nilly into an exponential taxing of our people and their resources for war making, for war preparation, on the basis that the world is structured in middle Europe as it was in 1946.

We had armies of occupation. We changed their designation sometime not too long ago to defense, but we have got to look at it from the standpoint of the people who occupy those countries.

I doubt seriously there is a German who honestly would say that he really considers us anything but occupation troops.

Why should we wait until this fulfillment of a reunited Germany, done at the expense of a confrontation between Russia and the United States?

We insist on overlooking and the recent events, the shooting down of the Korean airliner, the murder of our soldier in East Germany; of course, we cry out for these outrageous acts, but we should also ask ourselves why, why this sensitivity at this moment?

We cannot overlook the contributing factors. We cannot overlook the fact that in Russia we have a state of near paranoia on a sustained basis for 3½ decades. But where would we be?

Let us assume, as in discussions I had with my colleagues, that Guatemala which is one jump over from our next door neighbor, Mexico, had invaded the United States and in the course of that invasion it had killed every inhabitant of the State of Texas.

□ 1920

And everyone in New Mexico, and everyone in Oklahoma, and everyone in Arkansas. That is 20 million or better.

What would we do if through the help of allies across the seas we turned that tide back and forever determined that would never happen again.

Let us assume further that instead of a friendly country to the north we had a hostile nation with whom we had been at war off and on for over 230 years. Would we not be also semiparanoid if after we had rolled that invader back one of the allies across the sea said, "Hey, look, we don't like the way you govern yourselves. We distrust your government and we don't like the plans you have to keep these nations, and we are going to rearm one part of Guatemala that we have fractioned off"?

Now, that calls for a little bit of not only introspection but a little bit of retrospection. But the truth is that these are the facts. And if we think that when we continue to enter into, for instance, secret military agreements which President Reagan has entered into with Mainland China, which, as I say, has been at war with Russia or the Soviet Union over 200 years, in which Russia has along the eastern border more divisions than it has along the western border, if we overlook the fact that by then implementing unilaterally and continuing with the mirage that a virile, strong, cultured people such as the Germans are forever going to tolerate division, then we had better start reexamining these premises because they are no longer valid.

All we have to do is read what it is the thinkers, the poets, the philosphers—these are the real leaders of a nation—are saying in Germany. What do we see when we see the election results, the recent state or provincial results in Germany? What are we to interpret when those in one of those states are demanding of the present German Premier, Kohl, that he do something about restoring to Germany the Siletian province now in Poland?

These are all pretatite, ancient rivalries, hatreds upon which we have had multiple wars. What are we going to do after we have a President who, as Commander in Chief, not over a period of 4 days or a month or a half a year, but 14 months ignores and sets aside the unanimous consent advice of the professional military, the Joint Chiefs of Staff, in the case of the Marines in Beirut? To what avail was it to some of us talking out here to empty Chambers night after night asking the President what is the mission of the Marines in Beirut.

Mr. President, they are in the shadow of death or serious bodily harm. What good did it do to do that for 14 months if they ended up in being murdered, 241 Marines?

The President cannot blame Jimmy Carter for that, and he certainly cannot blame the Joint Chiefs of Staff for that.

But this is the kind of approach and obduracy that I also see in the case of the relations with these nations to the south of us and with respect to the relations of the nations in middle Europe. Forget about Korea, which is also a powder keg that is temporarily just quivering there.

I say to my colleagues the question is not simple as to whether or not we are going to OK x number of dollars for any particular kind of rebel group to the south of us. That is not the issue. The issue before us should be the fact that the President has been illegally conducting war in Central America, not only in Nicaragua, in El Salvador, contrary to what this Congress said was the law since 1974, and that is that Presidential wars should be hemmed in by seeking some accountability while there was still time from the Commander in Chief.

Yes, the President is the Commander in Chief. But it is the Cogress that raises the armies under the Constitution. And under the Constitution, it is only the Congress, the body that can declare war.

And I say in my resolution, which I have introduced not once but twice in two Congresses, "Mr. President, the Congress has not declared war, so you stop making war."

But what do we find here among us? Instead of, as at least some Senators like Senator Borah in 1927 had the fortitude to do. He challenged Secretary Kellogg's veracity and accuracy of presentation and called it what it was: an invasion, a take over, a dominance. Call it imperialism, call it what you will, it was raw exercise of a powerful nation over a weaker one.

We did not give a hoot about imposing a government that would express the will of the people. But look at the price we are paying now.

So I say to my colleagues, if you think the item is one of multiple million dollars, I appeal to the future. If you continue to abdicate under the War Powers Limitation Act your responsibility, and you will see that what we are doing is creating in the new world a recreation, a recreation of these ancient wars and wounds and rivalries that have not even healed in Europe after 500 years, forget about 100 years. We find, I see at least, that aspiration rising in German breasts yearning for a second Bismark that will reunite the fatherland. I see south of us a people that no longer will tolerate oppression and they will fight for their revolution.

Mr. President, the Nicaraguan Government, what you call the Sandinistas, but which after the election last November is a truly elected government—I might point out to my colleagues we are the ones that give credit to communism, just like Secretary Kellogg was giving credit to Mexico for credit it could never have been entitled to, because Mexico had no more power over Nicaragua than the next door neighbor, Honduras. But we were raising this phantom of Mexican bolshevism in order to rationalize our invasion, occupancy of Nicaragua.

We are doing that today. Grenada. Grenada, why the scheduled invasion was supposed to have happened after, but with the shocking castastrophe of the death of 241 Marines, that date had to be moved up for less than 40 hours after the death of the Marines. Playing the game like the ancient European kings, to lull the people into oblivious ignorance, and sitting calmly by. I say the time sequence is a lot shorter today. We will not be allowed the luxury of time on this occasion.

But what we can do is irrevocable, and this President has set an irreversible course, and the only power which under the Constitution was intended to be there that can stem that and divert it from this catastrophic course is the Congress of the United States.

□ 1930

And I appeal to my colleagues to rise to this occasion. It is not us who should be on the defensive about granting this kind of untoward aid, it is the President that ought to be here before us explaining why he is illegally conducting war in this part of the world.

I appeal to my fellow Congressmen to consider it in that light and in that retrospect.

I say that, otherwise what we are doing is forever proscribing not only our children, our grandchildren and our great-grandchildren to an eternal enmity and hatred reminiscent of these ancient feuds and wars and fears and hatreds of these countries.

Even today we base our so-called defense posture on a very, very inadequate predicate. Ask ourselves a question: Is France an integral part of our allied system? Why is it not in NATO? Does it not go back into these ancient fears an rivalries and hatreds? Yes, up to a point.

Now there will be union, these countries will unite when it comes to getting Uncle Sam to pay the piper, as they will next month when our President goes to the economic summit meeting on Bonn in May. Remember that I got up in this well not last year, not the year before last, but 1980, on April 1. It was not President Reagan who was President. I forewarned that events that today are taken for granted would be happening.

I remember some of the ridicule that was thrown my way. I am saying today, in like vein, and I hope I am dead wrong but this is what I said on April 1 and I hope, indeed, I am wrong, dead wrong, but everything that I see is a matter of adducible evidence indicates that there is imposed, or at least I feel imposed upon me, the need to voice these concerns and to plead with my colleagues to at least discuss the concerns from the point of view of what appears to me the real world today to the south of us and across the seas.

I ask my colleagues: Is there among you any who feel that if we and our leaders had had the correct perception of the world as it was in the fifties when we went into what is known as Southeast Asia, would we have lost 50,000 men? I do not think so. I really do not think so.

I think if we had even realized a history of those areas, not a monolithic communistic type of structure, but the myriad of ancient rivalries and hatreds, that is the Vietnamese, the Chinese, those on their borders, the Russians on the other side. We blithely ignored that and blithely ignored the fact that we were risking our heritage.

For what? for a mirage, for an illusion or a delusion.

I say to my colleagues, we are on the verge of doing the same thing with respect to the New World. These countries that fate has said will share this New World with us. How do we want to share it? Do we still want, and I appeal to the President and continued to appeal, because every time I have raised criticism I have offered an alternative, and in this case I am still appealing to the President. If he acts in a bona fide faith, we can still, because there is a strong reservoir among the masses to the south of us, and respect and even liking of this thing called North America, as they call it. But they are looking for moral leadership. They would much rather have direct assistance instead of an M-60 tank or a British Scorpion tank, which we introduced for the first time last month along the Nicaraguan borders, instead of the killer helicopters that we have introduced in El Salvador and some of the pictures I have seen in the Latin American press of these peasants and this hostile helicopter above them, is no different from the pictures I have seen of the Russian helicopters hovering over the Afghanistan peasants, no difference. In fact, if we were to see ourselves as others do we would see there is no difference in world opinion. I say to my colleagues, let us tap this, if the President refuses, let us afford this leadership in reawakening and still capitalize on the last vestiges of our moral leadership which we can use in order to be the real leaders, collectively, in the New World.

These countries, believe it or not, aspire to that. They hope for that. That is what they want; rather than the M-60 and Scorpion tanks, they would rather have a water tank, rather than soldiers or bayonets they would rather have medicines, food, doctors and nurses.

Why should we preempt that to the Communists? In the recent election, what I started to say a while ago, both in El Salvador and in Nicaragua the Marxist-Leninist Party candidates did not even get 6 percent of the vote. But we will compel them if the devil himself comes down with pitchfork, tail and horns and says, "I will help you" and they say that we are saying, "We are going to kill you," of course they are going to take the hell from the devil.

But the headlines, I am afraid, my colleagues, are in the making now. I can see them. It will not be that we are invading Nicaragua, no. It would be that we are going to the help of a friend, a sovereign nation known as Honduras, to prevent a Nicaraguan invasion.

But, my friends, when we do, it is going to take, and any professional military will tell you, not less than 100,000 of our men. And even if we succeed in knocking out that government, we will not be able to impose one that will govern unless we remain like we did with the marines, year after year.

But we will see that entire area; in 1929 the marines could go into Nicaragua, and that was it; we could compel

the leaders of these surrounding countries to come in or remain neutral on our side.

This time that entire area will go up in flames, as it is already, and we will have eternal sniping and guerrilla fighting against our occupation troops.

It will take, to start with, 100,000 men. When the casualties start coming in, any military will tell you he has to have his reserves. You call the reserves, you have to pull troops from somewhere, and you are gong to have to get some kind of draft call.

I am saying that will be a historical chain. History will record it as one more of those instances like Barbara Tuchman in her recent book, "The March of Folly" as so dramatically illustrated and asked the question, which she cannot answer:

> Why, since back in the time of the Greeks and clear through Vietnam, have great nations and their leaders insisted on a course of action that was obviously, given all the facts involved, catastrophic to the best interests of that country?

□ 1940

I say that my hope resides in this body. That it will have the seriousness of obligation under the Constitution to rise to its solemn discharge of duty. Stand up to the President. Take the consequences. Do not be fearful, as I hear—well, suppose the Communists take over, then the President will blame us.

My friends, I say to you: Fear not. Arise, my colleagues. You have nothing to lose but your seat.

I yield back the balance of my time.

THE GREAT ELECTION ROBBERY IN INDIANA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. FRENZEL] is recognized for 60 minutes.

Mr. FRENZEL. Mr. Speaker, I take this time this evening to discuss with an empty House the problem of the great election robbery in Indiana, and in so doing, I am going to be assisted by certain other Members of Congress, notably my distinguished colleague from California [Mr. THOMAS], who was the lone Republican member of the task force which voted 2 to 1 on a straight party line ballot to declare Candidate McCloskey the winner of that particular election.

Before I do so, Mr. Speaker, I would like to yield to another one of my colleagues, the chairman of the Republican Policy Committee, the distinguished gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. I thank the gentleman for yielding, Mr. Speaker, and I find this a very difficult subject to address, because the debate that will proceed here tonight is going to be extensive; the number of my colleagues who are extremely knowledgeable about the subject; Mr. THOMAS of California who has spent months on it, have persuaded me that in fact a great fraud is about to be perpetrated on the American people and this House.

I do not give special orders; I do not do 1 minute ordinarily; it is not my style. I refrain generally from lobbying partisan bombshells to the other side of the aisle, because I do not choose to operate in this body in that fashion.

What I see happening in connection with the Eighth District of Indiana is of sufficient concern so that I have broken with my own practice in the past and in effect wanted to come here tonight to express my deep concern for what I see happening.

Most especially, I am concerned not only from an institutional or constitutional standpoint, but also from the standpoint of some of the individuals on the other side of the aisle, Members of the other party, who appear to be prepared to compromise their basic integrity on the basic question of who ought to represent the Eighth District of Indiana.

Most specifically I woud refer to my good friend and colleague, LEON PANETTA from California, a man I have known for many years, long before either of us came to this body.

If in fact the House Administration Committee and the majority party, the Democrats, proceed to stuff, in effect, upon the minority, this violation of the constitutional proposition that the voters ought to get to decide who represents them, then those of us who have enormous respect and admiration for the integrity and the reputation of Mr. PANETTA I think will be forced to reconsider our long-held esteem for that gentleman.

I thank the gentleman from Minnesota for yielding, and want to congratulate him for taking this time.

Mr. FRENZEL. I thank the gentleman for his contribution, and I know we will be hearing more from him in the future on this matter, because he and I and all Republicans do not think this is mere petty partisan thievery; we think this is an outrage that goes far beyond that, and we are not prepared to let it die.

Mr. Speaker, at this point, I yield such time as he may require to speak out of order, the distinguished gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. I thank the gentleman for yielding, and Mr. Speaker, I want to commend the gentleman from Minnesota for taking this special order, and especially for his efforts in behalf of the cause that we are so interested in here tonight.

I would like to also commend my colleague from California [Mr. THOMAS], who has fought a valiant fight, but unfortunately has been outvoted in the straight partisan vote all the way along the line, as he will be explaining exactly how that has occurred.

Mr. Speaker, the right to vote is the most precious right our Government can afford to any citizen. In fact, denial of the right of voting, the right of voting representation in Parliament was the basis of the American Revolution which led ultimately to the creation of this body, the greatest deliberative body in the world.

Therefore, it is particularly ironic that the leadership of this body is right now contemplating abrogation of that right for the residents of the Eighth Congressional District of Indiana.

Make no mistake, my colleagues, about the seriousness of the action that is being contemplated here, the precedent that is being set. If the votes of the citizens of the Eighth District of Indiana can be disregarded, if the laws of that State can be ignored for partisan convenience, then none of us are safe in our seats in the future.

More important than that, no one who ever runs for or holds a seat in this body will be safe in the future. Because if it can happen in Indiana, it can happen in California and in New York and even in Massachusetts.

In unsheathing the sword of partisanship, in resorting to tyranny by majority, you are risking retaliation and chaos by other majorities, by other bodies, by the States, by the voters themselves, who do not take their voting rights lightly.

I urge my colleagues on the other side of the aisle to seriously ponder what they are about to do. Are you willing to risk the consequences of your actions? The undermining of faith in freely cast ballots, the integrity of this House.

If so, you may one day find yourself in the same position, the holder of an election certificate with no seat to sit in.

Mr. FRENZEL. I thank the distinguished gentleman for his contribution.

Mr. Speaker, I took a 1-minute speech today to describe what I called, was my deep feeling of disappointment and my regret, and in fact my outrage about what the task force of the Committee on House Administration on Indiana's Eighth District had done to the Republic and to the spirit of representative government.

Just let me recap quickly: It refused to consider the man who was certificated and declared the winner by the State of Indiana. Instead, it threw out the Indiana law, established a whimsical and arbitrary set of standards of its own, then commenced a recount of the vote, and when they got down to the end of the recount, the task force violated its own rules and stopped counting just in time to elect its man.

Obviously a perversion and a theft in our system.

But the man who represented the minority on the task force, and who spent a great deal of time in Indiana and working on the task force in Washington, and who is probably more intimately familiar with the details of this outrage, is the distinguished gentleman from California, and there he is.

I would like now to yield to my distinguished colleague, BILL THOMAS, who has struggled so valiantly under 2 to 1 odds, and been outvoted every time on the basis of a partisan vote.

I yield to the gentleman from California.

Mr. THOMAS of California. I thank the gentleman from Minnesota for yielding to me.

Mr. Speaker, as we begin a series of discussions about the task force and the circumstances surrounding the failure of this House yet even today to seat an individual to represent the Eighth District of Indiana, I think we ought to return to the opening session, the opening day of the first session of the 99th Congress, in which most of us experienced that somewhat unique pleasure of being sworn in as a Member of the House of Representatives.

□ 1950

There were several individuals who were not allowed to stand with the rest of us and raise their hands and be sworn in. In fact, when the day had ended, there was only one gentleman who held a valid certificate of election who was not allowed to be sworn in. That was Rick McIntyre of the Eighth District of Indiana.

The majority party, the Democrats, in offering a resolution to not seat either Mr. McIntyre or the former Representative in that district, Mr. Frank McCloskey, offered a resolution with an explanation, and the maker of that resolution was the majority leader of the House of Representatives, Mr. WRIGHT of Texas. And I would like to share with you some of the statements that Mr. WRIGHT made on January 3 when he asked the House to weigh the solemn question of denying a certified Member of the House the opportunity for being sworn in. Mr. WRIGHT said on that day, in part:

> The House will reject a certification only under the most exceptional circumstances, where the very ability of the State election procedures to determine the outcome accurately is put into serious question.

He went on to say:

> The election procedures employed in the 8th Congressional District have been neither timely nor regular, and serious questions have been raised with respect to their fairness.

He went on, asking, perhaps rhetorically, since it was never answered at any time by the Speaker or by the task force or by House administration—he felt that "neither has the State procedure been regular in its application."

The majority leader said:

> Fifteen separate counties are participating in the recount. Each such county is operating under its own set of rules. As a consequence, ballots bearing identical minor flaws are counted or not counted, depending upon the individual county involved. There is no uniformity of rule or application.

He then went on to say:

> Questions have been raised, additionally, about the extent to which the certification and recount procedures may have been subject to partisan pressures, and this puts into question the impartiality and the fairness of the process.

The upshot was that the majority leader asked this House, and on a straight partisan vote this House gave the majority leader what he wanted, and that was the House administration was to create a task force to investigate the supposedly unseemly conduct of the officials carrying out the election in Indiana's Eighth District.

The task force was chaired by Mr. LEON PANETTA of California, and the additional majority Member was Mr. WILLIAM CLAY of Missouri. That was two majority Members. This gentleman from California was the lone minority Member of the task force. There were two Democrats and one Republican, to examine an election, the question of which had been brought to House administration by a straight partisan vote on the floor of the House of Representatives. And their job was to get at the bottom of the "mess" in Indiana's Eighth.

The task force proceeded to create a series of rules by which we were to count ballots. A number of those rules directly violated Indiana law. But the claimed intent for the use of those rules was to make sure that we got at voter intent and we did not get hung up on technicalities or procedures.

Let me quote from a "Dear Colleague" letter sent out by the chairman of that task force, Mr. LEON PANETTA, as a matter of fact, today, April 22. Mr. PANETTA claimed that the task force brought uniformity to the process and remedied the disenfranchisement by adopting counting rules which gave primary emphasis to voter intent. Under these rules, a technical error on the part of an election official was not to serve as the basis for disallowing a vote. Very noble sounding. Unfortunately, it simply was not true.

As a matter of fact, we carried out a procedure in Evansville, IN, the major population center in the Eighth Congressional District, in which the task force on a number of 2 to 1 votes, both of those 2 being the majority party, the Democrats, and the one vote being myself as a Member of the minority, in which we took like ballots, ballots that were identical, counted some one way and did not count the others at all.

I will get into some specific details in terms of just exactly how the task force performed that, that is, saying that the reason we were to investigate the election was to provide uniformity where there was none and that in fact the end result was the task force not being uniform itself.

The majorty leader and Mr. PANETTA said that they entered that ticket to try to sort it out because there was disenfranchisement, that some folks did not get their votes counted.

Let me tell you that today, after the task force adopted its counting as to what the ballots were in Indiana, there are still some people in Indiana's Eighth District who have not had their ballots counted, otherwise valid ballots under the rules. Some folks are still disenfranchised in Indiana's Eighth Congressional District, and that is one of the primary reasons I am here.

It seems to me that after the very noble-sounding words of the majority leader and the eloquent pleading on paper of the chairman of the task force about what they did, Members of the House and those who are out there listening to my voice ought to really know that those noble-sounding words are in fact flawed, they did not do what they said they were going to do, and they did what many of my colleagues said was going to be done and that was they were going to make sure that no matter how they had the rule structured, they were going to argue Indiana law or they were not going to argue Indiana law, but the outcome, the goal, was never to be changed, and that was Frank McCloskey was going to be seated, as we say, come hell or high water. High water is here, and so is hell, and Frank McCloskey apparently is going to be seated.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. Certainly I yield to the gentleman.

Mr. FRENZEL. Does the gentleman mean to tell me that, after all of this talk on the floor of this House by the majority leader about uniform standards, this task force had the unmitigated crust to count some similar votes and not vote other similar votes, after all of the pious statements that were uttered here about how, by golly, only the House can make a uniform count, and that really happened, as reported in the Evansville newspaper?

Mr. THOMAS of California. I would tell the gentleman from Minnesota that as we were counting ballots, attempting to determine voter intent and not to be hung up on mere technicalities, there were a number of ballots which were absentee ballots. In Indiana's Election Code, absentee ballots are required to be notarized to be ac-

cepted. There were a number of absentee ballots that were turned in that were not notarized. In addition, if a voter wishes to vote away from the polling place, they are confined, for example, in a rest home or a hospital, under Indiana law they are required to have two witnesses, one from each party, sign that absentee envelope, and if that is not done, that also makes that ballot invalid under Indiana law.

The clerk of each county, as they receive these absentee ballots, are supposed to examine them, and if they violate Indiana law they are to be retained by the clerk.

What happened in this election was, as happens in almost any election, there was not a complete and universal following of every specific election code provision. In some of the counties, and there were 15 counties involved in Indiana's Eighth Congressional District, in some of those counties the unnotarized absentee ballots and some of the unwitnessed absentee ballots were sent to the precincts, along with the valid absentee ballots. And in some of the precincts those unnotarized absentee ballots and unwitnessed absentee ballots were opened and counted as though they were valid.

In other precincts in some of the counties some of them were opened but not counted.

And yet in other precincts some of those unnotarized, unwitnessed absentee ballots were noted as having been received but were left unopened.

Now, as we began the process of trying to play Solomon on the various ballots, we realized that those unnotarized and unwitnessed absentee ballots that had been in the precinct and were now returned to the county clerk's office, since after the election all of the election materials were brought to the county clerk's office and were given some degree of security, that as the task force counters began examining ballots to determine whether or not they were counted, they noticed that they had in their possession, having retrieved those election materials from the county clerks, some absentee envelopes that were unnotarized and/or unwitnessed that did not have ballots in them. Obviously, those had been counted.

They had some that were opened but not counted. The question was: Should we pull out the ballots and count them? The task force's decision was, yes, pull out the opened but uncounted absentees and count them.

Now we come to the third category, unopened, unnotarized and unwitnessed that had been in the precincts but were now in the hands of the county clerks. What do we do with those? The feeling of the task force was 2 weeks ago that voter intent is the primary guide and that what we need to do, since the name of the voter is on the ballot, is to decide that perhaps this person ought not to be disenfranchised and in fact we ought to count their ballot. We opened previously unopened, unnotarized absentee ballots and unwitnessed ballots, and we counted them.

□ 2000

Last Thursday night, as the task force went out to Evansville for the last time, the staff had been told to go out and determine from the county clerks how many additional, unnotarized, and/or unwitnessed absentee ballots were in the possession of the clerks. And if they had any in their possession, the staff was to ask the county clerk to fill out an affidavit in terms of the security that had been provided those otherwise valid ballots that had not been notarized or witnessed.

We examined the affidavits from six counties that fell in that category. In two, especially, and in perhaps four, there was general agreement by the professional recount director that security had been virtually identical for those unnotarized and/or unwitnessed absentee ballots that had been retained by the clerk. This time the task force decided on a 2 to 1 vote not to honor voter intent. But to let a mere technicality disenfranchise a number of voters.

The argument that was provided was that since some ballots had gone to the precinct and come back, while other ballots and been retained under secure lock and key by the county clerk, that there was a difference between the two ballots. The concern I had was that there is a distinction but no difference. The security was the same for both. But with like ballots, unnotarized and/or unwitnessed absentee ballots, the plain fact of the matter is that in the House task force recount procedure, some of those unnotarized and/or unwitnessed absentee ballots were counted, and with like security, some were not.

Mr. FRENZEL. As I understand those kinds of ballots, they either bear the name of the voter, or they are within an envelope which can be opened to reveal the name of the voter. It can be readily checked whether that voter is registered; whether that voter in fact lives at the address stipulated. These ballots among all that we handled are about the only ones that can really be authenticated. Is that true?

I yield to the gentleman for his response.

Mr. THOMAS of California. I would tell the gentleman from Minnesota that we counted a number of ballots which in no way could be tied to the election day voting precinct in any way. That under Indiana law there is an initialing requirement and a precinct designation requirement, and we counted votes that in no way could be tied to any particular precinct on election day. In fact, we counted vote when there were more ballots than people in particular precincts. None of those ballots can afford us the same degree of certainty that a live and registered voter at Indiana's Eighth District actually cast them.

I can read you the names of those individuals who are registered voters who have been disenfranchised.

Mr. FRENZEL. Why do you not read them?

Mr. THOMAS of California. I thank the gentleman.

In Greene County we have 17 unnotarized absentee ballots, and I would say that perhaps there may be some embarrassment on the part of these individuals because they did not comply totally with Indiana law; that in fact on election night and recount night their ballot was not counted, but under the task force, some other individuals in exactly the same circumstances had their ballot counted. I think the minor embarrassment of not narrowly following Indiana law is certainly and ought to be replaced with a farily heavy degree of indignance over the fact that if other people had their votes counted, why have these people not? I am referring to Elizabeth Thompson, Robert Allen, Pamela Wilson, Cyril Willin, Mark Barkley, Margaret Forsdick, Lana Elrod, Laura Shake, Ethel McCombs, William McCombs, Tomothy Glenn, Angela Barlick, Amanda Heath, Robert Bradford, Laurie Ann Blaker, Rosalie Mark, and Anna McCain.

I might add additionally that there are even more ballots than just the unnotarized and/or the unwitnessed. There are in Greene County alone 13 ballots that were not presented to the House recount task force because of possible signature disputes. We know of one particular instance in which a ballot was examined by one of the local people they said, "Oh, well he had a stroke last October, no wonder his handwriting has changed." The point being the locals knew these people; knew them to be real voters, and in fact the task force disenfranchised them just as if they had been a ballot in which we never had the ability to tie it to the precinct place.

Mr. FRENZEL. If the gentleman can stop there, and I would like to ask a question. When, in all of our districts, the volunteer voting judges and often professional county employees go about the town on election night, they are pretty well trained in the local laws and they know local people, and they know what condition in which they receive the ballots, and they have a pretty good idea of what to count and what not to count.

What is the gentleman's opinion of a bunch of ballots delivered to the task in gunny sacks and feed bags 6 months after the election, after we have been through one count and one recount. Does it strike the gentleman that is a good environment in which to get an accurate count of any election?

I yield to the gentleman.

Mr. THOMAS of California. It seems to me that one of the criteria that we should have established early on and we could have done that by interviewing county election officials, was the condition under which the ballots were being held.

It seemed to this gentleman from California that before we could write any rules, we had to know the universe over which we were dealing with in writing those rules. However, it seemed appropriate to the majority that there was no need to interview either the candidates or county electiond officials in Indiana's Eighth Congressional District or State election officials. That seemingly it was easier and in fact better to write rules for the recount without having any firsthand knowledge of what is going on.

Several phone calls were made and the folks were in; they talked over the phones for a few minutes. If they were not, we passed on. What finally greeted us out there was something that I think sobered up a lot of people. That is that it is easy to stand on the floor of the House, as the majority leader did, and make pious statements about how unseemly the folks in Indiana's 15 counties of the Eighth Congressional District carried on their activities. When, in fact, if you will examine what the task force did, it was no more unseemly than what went on election day. Those folks knew the territory; they knew what they were doing, and if you will compare election night results with the task force's so-called final result, and understand that the task force was going to count ballots that were illegal and invalid under Indiana law. That they did a remarkably good job. As a matter of fact, they did as good a job, if not better, than the task force.

Mr. FRENZEL. Is there anything in the gentleman's experience that would lead him to believe that the judges and clerks in Indiana's Eighth District were any more or less competent or incompetent than election judges all over the United States, including the gentleman's own district?

I yield to the gentleman for his response.

Mr. THOMAS of California. I would tell the gentleman we saw quite a cross-section of individuals as we interviewed them finally after we had established the rules out in Indiana. I would say that there were several of them, one in particular that is as incompetent as anybody's county clerk anywhere in the United States.

There were others that were very professional in the manner in which they ran their county. I would say to the gentleman that the names that I read from the county clerk's office in Greene County, Greene County happens to have a Mr. Al Inman as its county clerk, interestingly enough, he is a Democrat, and he signed an affidavit in terms of his ballot security which would be a model in terms of the way in which those ballots were treated.

Ballots which were invalid under Indiana law were accorded maximum security and treated as any other valid ballot. He was very proud of the way in which he ran his clerk's operation and very well he should have been. Even the professional recount director, Mr. Shumway, indicated that the way in which ballots were handled in certain counties afforded them equal security.

□ 2010

So what you have, I would say to the gentleman from Minnesota, is what you usually get when you examine a cross-section of election officials and county clerks, and that is, you found some that were very, very competent, you found some that were less competent, and you found one or two individuals that no one wants to pattern as a role model.

But I would tell the gentleman from Minnesota that it was a very typical experience; that by and large those individuals offered an honest effort in counting the votes, and by and large they did as good a job, if not better, than most Members' counts in their own districts.

Mr. FRENZEL. Does the gentleman have a comment on the recount team? Were they in a position, being 6 months in arrears, or 4 months, whatever they were, and having ballots that had been picked over twice, were they in any better position to evaluate ballots, particularly from the standpoint of hanging chads on punch cards, or of spoiled ballots, or of distinguishing marks to make decisions than the judges and clerks on the spot on election day were able to make the same decisions?

Mr. THOMAS of California. If the gentleman will yield further, I think we have to understand that the only virgin count that occurred was, of course, the one that occurred election night, and that without knowing that it was going to a close election, those individuals engaged in a counting effort that I have to say was very commendable. The decisions they made were reasonable and rational.

On the recount, we were now getting the second rehash of the ballots, and as the gentleman well knows, there were a multiplicity of voting procedures in those counties, hence I would assume the majority leader's concern about confusion in the various counties. I am quite sure he was not privy to the fact that in those 15 counties they voted a combination of machine, that is, lever-pulled ballots; they also had punch-card ballots which operate a machine which punches a hole in a nonperforated ballot; they also had punch-card ballots in which you poke out a perforated spot; they also had paper ballots. When you take a combination and mix those within a county, you do have difficulty in terms of trying to be consistent because the ballots themselves are not consistent.

But after the recount night and the bags were sacked again and then the task force pulled them out and began examining the ballots, I can assure this gentleman that when you take something like a perforated card and give it the treatment that it had, and then you are required to make a decision is that particular chad, which is the center of the punch that is supposed to be out, is that hanging by two threads or three threads? When you get into that kind of a discussion based upon the way some of these ballots were handled, it gets to be a little ludricrous in terms of voter intent.

Mr. FRENZEL. I thank the gentleman. I hope the gentleman can remain a while, because I would like to ask about distinguishing marks and spoiled ballots and ballot security and antifraud statutes which were dismissed by the task force, but I would like to yield now to my distinguished colleague from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman for arranging this time for us this evening to discuss this very critical issue and commend the gentleman from California [Mr. THOMAS] for his extensive effort in trying to bring some order to this problem that really goes to the very heart of our constitutional process.

Mr. Speaker, it is regrettable that in the last 6 months, we have witnessed a barrage of verbal volleyball over which candidate is the winner of the election in the Eighth Congressional District of Indiana. Many of us have refrained from commenting during this time, since all of us are not experts on Indiana election law, although I had some misgivings over the treatment the minority would receive during the recount process as directed by the House task force.

Having reviewed all the pertinent information that has been made available to us, as well as discussing this issue with my colleagues on both sides of the aisle, I have come to the conclusion that indeed the voters of the

Eighth District of Indiana have been disenfranchised.

The minority membership of this House has once again become a victim where representation in this body is concerned. Previously, in this Congress, we have debated the serious problems which arose over inequitable ratios in our committees, and the unfair fashion in which the Republican minority has been treated. It saddens me, as a Member of the greatest constitutional body in the world, that in these vital issues of representation the majority party in the House rides roughshod over the rights of our constitutents.

The issue that has held our attention these past months is whether or not Indiana election law was legally carried out in the Eighth District of Indiana, where twice the Republican candidate, Rick McIntyre, was certified the winner. At the beginning of this 99th Congress, the Democrats proposed a motion, which was adopted due to their majority status here, that required Mr. McIntyre to step aside as we were being sworn in. What was subsequently adopted and carried out, was a recount which swept aside the requirements of Indiana election law. Many of us believe that this was done because the majority party knew it could not win this election without writing the rules by which the recount procedures would be carried out.

I find this arbitrary result of the long disputed election in Indiana personally repugnant, and feel that the outcome as announced by the task force, that is, a four-vote advantage for Mr. McCloskey, has been appropriately characterized by the Wall Street Journal, in today's editorial, wherein the Editor states:

> There is simply no way the Democrats can look good saying a Democrat's four-vote victory is valid after they said a Republican's four-hundred vote victory was invalid.

I regret that the bipartisanship with which we approached so many critical issues has greatly deteriorated; the losers in this issue are the voters of our Nation, who now will have reason to question the integrity of the decisions of this body.

Mr. Speaker, I urge the leadership of the majority party in the House, and my colleagues on the other side of the aisle, to join with us in setting aside the Indiana congressional election and ordering a special election, returning to the voters of the Eighth Congressional District of Indiana their right to select their congressional representative in this honorable body.

Mr. FRENZEL. I thank the gentleman for his contribution. I think what he said is dead right. Under the laws of Indiana, strictly applied as in the recount, the only winner can be McIntyre. Under the laws loosely applied as in the general election, the only winner could be McIntyre.

And so the Democrats on the task force rewrote the rules so that the only winner could be McCloskey, the Democrat, and when they got down to the end they found that they could not even follow their own rules, so after trashing the rules of the State of Indiana, they trashed their own rules because that was the only way they could make their man a winner.

Mr. Speaker, I now yield to my distinguished colleague from Virginia, [Mr. BLILEY].

Mr. BLILEY. I thank the gentleman from Minnesota for yielding.

Mr. Speaker, I want to congratulate him for securing this time. It is a shame that we have to be here to discuss this matter. I want to commend the gentleman from California for what must have been a very onerous job in trying not only to defend the rights of Rick McIntyre and the 500,000 citizens of Indiana, but indeed the Constitution and the very fabric of this body.

I would like to ask a couple questions of the gentleman from California if the gentleman will yield further.

In the history of this House, has it not always been the practice to seat the certificate winner unless there was some dispute about the certificate, but if he had a valid certificate that the secretary of state of the State in question issued, they were seated?

Mr. FRENZEL. I yield to the gentleman from California [Mr. THOMAS] for a response.

Mr. THOMAS of California. I would tell the gentleman from Virginia that there has been an attempt to create some historical precedent that, in fact, a certificated candidate has not been seated. There were some 19th century cases which, when you examine them on their particulars, have unique and conditioning circumstances around them, and that if you take a look at modern history, the gentleman is correct.

If an individual has had a valid certificate, and it has not been challenged, and there is no confusion over it, that individual has been seated.

Mr. HUNTER. Mr. Speaker, will the gentleman yield on that point?

Mr. FRENZEL. I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

As I recall, to speak directly to that question, there was one other case that was cited, and strangely enough it was an Indiana case, where supposedly a certificate was issued and yet the individual was not seated, but in that particular case, the secretary of state himself sent an affidavit to Congress saying: "I made a mistake. Disregard my certificate." So in that case you had the State officer saying the certificate is no good, but if you are talking about a situation in which a certificate is held out by the State to be valid, then in fact there are no modern cases in which a certified candidate was refused a seat.

□ 2020

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it appalls me, it surprises me, and it hurts me a great deal. We have a case in which a candidate was certified and won on the night of election. There was a recount, he was certified again, and then we were told in this House that all the ballots were not counted, and that all the ballots were going to be counted.

Yet I heard tonight from my distinguished colleague, the gentleman from California, that indeed all were not counted, that when they actually asked the clerks to send the votes one week, and then when McCloskey, the Democrat, moved ahead, they decided not to count the votes, and that there were some votes from the citizens there in Indiana that were not counted. There were also military votes, votes from the military that were mailed before the election and were not counted.

Does the gentleman mean that with all that we have fought for in this country to have elections and with all that we have sacrificed, we send people to the military, we encourage them to participate in the process, and yet we did not count their votes, and yet the votes of other people we counted? If the gentleman does not mind me trespassing on his time and patience, may I ask, how did the committee rationalize not counting military votes?

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Speaker, I would say—and I think it is worthwhile to engage in this rather technical explanation of the way in which the task force did not count votes—that I can assure the gentleman from Virginia that as I was participating in the disenfranchisment of individuals, I was not as calm and rational as I am now, because I think those folks had every right, if it was an otherwise valid ballot, to be counted.

The argument that was given by the majority for not counting military ballots that were postmarked prior to the election was that they were received after the election, and that under Indiana law they were invalid. We even had one instance of an individual in Europe who mailed his ballot in October and it did not get there until, I believe, November 8, and the election was on the 6th. For this person, the

majority voted on a 2-to-1 vote that that ballot would not be counted because of Indiana law, the task force again moving to Indiana law when it served its purpose and moving away from it when it did not.

Mr. BLILEY. Mr. Speaker, will the gentleman yield further?

Mr. FRENZEL. I yield to the gentleman from Virginia.

Mr. BLILEY. But we were told and we were promised on this floor by the Democrats that Indiana law is confusing, that Indiana law differs, and that there are 15 counties with different procedures and there is no uniformity. They said we were going out there and count all the ballots, and now we learn tonight that when their man moves ahead, we stop counting and we disenfranchise those people whose votes were not counted, but we gave the vote to others simply, I guess for no other reason than because McCloskey was behind, so we had to get more into the mix to get it back up to snuff.

Mr. FRENZEL. The gentleman is correct. The only thing that was confusing about that election to the House Democrats was that a Republican won. And if you go to any district in the United States, mine or yours or BILL THOMAS', you will find people at the precinct level and often at the county level making subjective distinctions between ballots with distinguishing marks, blank ballots, spoiled ballots, et cetera.

There was nothing confusing. Nobody was confused about that election except the House Democrats. They read their own press releases. But now there is confusion because they have counted the ballots in a different way so as to elect their own man.

Mr. BLILEY. Mr. Speaker, will the gentleman yield for one last time?

Mr. FRENZEL. I yield to the gentleman from Virginia for the last time.

Mr. BLILEY. Mr. Speaker, if this goes forward and they allow the seating of this gentleman from Indiana, never again will anyone be safe because the majority might come in and decide in any future election that the voters of the Third District of Virginia do not count, that we decide who represents the Third District of Virginia. This is tyranny of the majority at its worst.

Mr. Speaker, I thank the gentleman for yielding.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for his contribution. I think he has helped to reinforce a very important point.

If the Democrats of the House of Representatives can overthrow the will of the voters and the law of any one of our States, they can do it for every one of our States and for every one of our voters. And what we see here is the first step—rather, we saw the first step 2 years ago in the Hendon case. This is the second step, and it is more blatant. Usually grand theft and outrage and rape and conspiracy are perpetrated in the dark of night. The shame of this one is that there is no shame. They did it in broad daylight.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the distinguished gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I thank my colleague, the gentleman from Minnesota, for yielding.

I, too, would to like to congratulate the two "Bill's" of the House Administration Committee, BILL FRENZEL of Minnesota and BILL THOMAS, my colleague from California, for the yeoman work they have done in this matter. I know it is not a pleasant task.

Particularly, I want to commend to the people of California the rather incredible job that my colleague, BILL THOMAS, did in carrying out this responsibility. He has handled himself professionally, he has done his homework, and he has handled himself as reasonably as one could expect until we reach the stage of outrage.

I must say that never in my experience in public life have I been one to want to emphasize partisan politics for the sake of partisan politics. Ofttimes I have come to the floor to suggest that one of the difficulties of this House is that we do find ourselves too often in partisan harangues. The fact is, however, in my years of public service I have never seen such an outrageous exercise of partisan political power by those people who happen to control this House. It is a totally unacceptable outrage that indeed fundamentally violates those portions of our Constitution that have to do with the people's right to franchise.

It is important that the American people realize the path that the leadership of the House has us upon at this moment. It is fundamental to recognize the history and the tradition of the States in running their elections and of individual districts through their counties having significant control over their elections, and that that is basic to that local government control and the people's ability to affect themselves in their own right to the elective process.

We find ourselves now on a different path because it appears that the partisans in the majority, that is, the Democratic majority around this place have found a new means of securing their position of power and control in the House. If you have close elections throughout the country in the future, if they are successful in this effort, if you have close elections in California or in Nevada or in Virginia, in any number of our 50 States, then the majority can see fit, if they wish, to supplant the election laws in those individual States and in turn can set the rules in a fashion that can make sure their person, once they get ahead, finally wins the election.

I must say that we have enough of cynicism, but the gentleman from California [Mr. THOMAS] will recall that on more than one occasion, in conversation with him, I said that it would appear that the people who are in control over on the other side "are just that cynical, they have gone this far, and they are not likely to let their person come away without winning."

Mr. Speaker, I say to my colleagues, those on both sides of the aisle who are willing to apply some reason to this process, please, I plead with you, look at the path we are putting ourselves upon. We can, through this process, destroy our history of democracy. We literally can undermine our Constitution by those who are willing to wield power in a fashion that is so arbitrary and so against American tradition.

Once again, Mr. Speaker, let me say that I appreciate the gentleman extending this opportunity to me to speak.

Mr. THOMAS of California. Mr. Speaker, will be gentleman yield further?

Mr. FRENZEL. I yield to my colleague, the other gentleman from California.

Mr. THOMAS of California. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentleman from California [Mr. LEWIS] for his kind words.

The gentleman is absolutely correct. This gentleman actually thought that our colleague, LEON PANETTA, the gentleman from California, No. 1, would be his own man and, No. 2 would be relatively objective and fair in the process because it was incredible to this gentleman to believe that we could take a candidate who filed under a State law, ran for election under that State law, was elected under that State law, and then say, "No; we don't accept the certificate from that State," but say that the task force under the majority party will set up its own rules and then, in the process of counting those votes, change its rules so that they could in fact come out with the result that they desired.

And the gentleman from California is again correct because he said they would not have started this process if they were not going to finish it the way he said they were going to finish it, and that is that the Democrat was going to win. But my belief is that along the way all of the minority got an education, but I think some Members of the majority party also got an education.

□ 2030

They thought they were going to have an opportunity to be somewhat objective in the process. My belief is now that cynicism is rampant, that arrogance is rampant and that what we want to underscore to everyone listening now is not the argument that it is just one seat. The Democrats do not need another Democrat seat. The Republicans would like one, but it does not make any difference in terms of the relationship of the House.

The reason this individual and I think my party is outraged at what occurred is because of the fundamental constitutional challenge that we are faced with and that I could not, and I will admit it, I could not as we began the process believe that the majority party through its Democratic Campaign Committee chairman, TONY COELHO, directing behind the scenes as he usually does, or Mr. LEON PANETTA out front with Mr. COELHO pulling the strings for LEON to make or not make particular positions, that they would not affront the Constitution and the comity of this House in the way in which they have.

I will just end by telling the gentleman from California that being a little bit older than this gentleman, he probably was a whole lot more realistic about the way the world works. It was a very, very expensive education.

Mr. LEWIS of California. I wonder if the gentleman would yield further.

Mr. FRENZEL. I yield to the distinguished gentleman from California.

I am sorry, I should say, he referred to the gentleman's age. I happen to be just as old as the voting machines in one of the counties of Indiana's Eighth District, so I creak a lot, too, when I punch holes in cards.

I yield to the distinguished gentleman.

Mr. LEWIS of California. I am not nearly so sensitive as some might think about age since I did not have any gray hair when I arrived at this place 6 years ago.

Watching the processes has caused no small amount of that.

I might mention that one of the difficulties the leadership of this House is having on the Demoncrat side of the aisle is that they are very concerned with what they are reading on behalf of the public out there, what the public attitudes are about our two party system.

The polling indicates a distinct move in the direction of more and more people recognizing that this House has been run by a combination of two factors. The first, for too long now it has been run by a party of old ideas. On the other hand, for too long now it has been dominated by people who are just as cynical, who for purely partisan purposes are willing to override our Constitution in this fashion.

I must suggest if that pattern and attitude continues, if they take us on this path next week by seating their candidate, by literally stealing the election, if you will, they are just laying the foundation for more reaction on the part of the public.

I certainly hope that those in the land who are concerned about our Democratic history, about our two party system, will recognize that if they take their election controls away from them in this fashion, it will not be long until it will affect every State in our country.

I thank my colleague for yielding.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for his splendid contribution.

The reason that I took this time and the reason that I headed this discussion "The Great Election Robbery" is because this is more than the normal political mischief.

I think that many of our Democrat colleagues, and we will probably hear from them later on, many of them believe that this is just some ordinary bipartisan byplay and that if they follow their leaders, the public is going to forget about it and the Republicans are going to forget about it and by the next election they will be reelected and can do it again. I think nothing could be farther from the truth. We do not intend to let this matter go. There are going to be many nights on which this is discussed in the future. There are going to be many votes on this and we are going to remind the folks who believe that the people of a congressional district do not have the right to elect their representative, but they are going to be called to account.

This country has been blessed over the years with two centrist parties. This kind of election thievery is going to take those parties apart. As somebody indicated, how can we believe in a bipartisan effort anywhere if we cannot have trust in our Democrat majority even to follow its own rules.

There are none of my colleagues here to engage in this debate, none of my Democrat colleagues. I hope they will take their own time later and we will try to discuss it with them.

As I said before, we intend to discuss this at regular intervals for the rest of the year or until such time as Congressman-elect McIntyre is seated.

I would like to yield again to my distinguished friend, the gentleman from California, who suffered the abuse of serving with this task force, and I must say, I sat in on the last meeting of the task force this morning and found the gentleman was not even able to ask questions without being abused by its chairman. In fact, the chairman tried to answer the questions that the gentleman was putting to our election monitor and in many cases the chairman interrupted and tried to rephrase the gentleman's questions.

If that is the way the task force operated, I think everybody in America should be seeing films about how it did. I hope that we will have that opportunity.

I yield to the gentleman because I know he has other things to tell us, and if he does not, I would like to talk about distinguishing marks.

Mr. THOMAS of California. Mr. Speaker, I thank the gentleman for yielding.

I will only briefly say that the process he observed only partially had occurred a number of times in Evansville, as the task force went out to the Eighth District, and although he was not able to share firsthand the experiences, there were a number of individuals in Indiana's Eighth Congressional District who did; among them, representives of the League of Women Voters. They have since sent a letter, reaffirmed recently, that the League of Women Voters of Indiana feel that the only reasonable call in the Eighth Congressional District election is to have another election, to have a special election, because of the confusion surrounding this.

I might add that there have been members of the Democrat Party who have taken the well under the 1 minute who have been concerned about another portion of the task force rules and acceptance of ballots, so-called ghost voting, and they were concerned about it as well; so I might say that it is not just the Members on our side of the aisle, but other Members of the House and other responsible bodies who have examined and said, "Enough. Enough is enough. We do not think that we can really determine who won in Indiana's Eighth Congressional District, because it really was probably the closest election in this century and unless and until we count all the ballots, we will not know."

The task force by its decision today said, "We are not going to count all the ballots," and so I think the only fair conclusion then is to let the Eighth District of Indiana take another shot at it.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for that statement as well.

I note that the task force and its counters had trouble with hanging chads on machines. I note it had trouble determining which distinguishing marks would invalidate a ballot and in some cases they decided ballots were OK, that an election clerk would not pass.

In other cases they decided that ballots were OK that were not passed and in the opposite case as well.

The same is true of spoiled ballots. I understand that some ballots marked

"Void" presumably because they were duplicate ballots, were actually counted in the recount.

Can the gentleman comment on those two items?

Mr. THOMAS of California. There are a number of ballots that were marked "Void." Some were rejected after we attempted to discern their history and that in fact they were duplicates.

Under Indiana law, ballots must have a tab as they are submitted. If there is no tab attached to them, which is a corresponding number to a position in the poll book, they are considered invalid.

We had one just last Thursday night, a ballot which was marked "Void." It was assumed, there was no certainty to the assumption, but it was assumed that it was marked "Void" because it did not have a tab and it was therefore classified as an otherwise valid ballot and we counted a ballot which had "Void" written across it.

Mr. FRENZEL. Which may well and most probably likely was a duplicate ballot?

Mr. THOMAS of California. It may or may not have been. The assumption of those folks who were trying to define what the bag contained assumed that it might have been a ballot without a tab, but that was not with certainty determined.

Mr. FRENZEL. So while the task force refused to count those absentee ballots held at the county courthouse, which we discussed earlier, while the counted ballots with hanging chads, which may or may not have been legitimate ballots, and while they counted ballots with distinguishing marks, which the gentleman or I might take a different point of view, and threw out many and accepted many, they really violated the antifraud statutes of the State of Indiana when they counted hundreds of votes that had no marks on them whatsoever, punch card votes, which under the laws of the State of Indiana were required to have precinct markings on them at the very least; also some authenticating initials.

I presume that this was in the first rule that the Democrats wrote so that they could catch up as quickly as possible; is that correct, I ask the gentleman?

Mr. THOMAS of California. Mr. Speaker, if the gentleman would yield.

Mr. FRENZEL. I yield.

Mr. THOMAS of California. The gentleman might recall the moral indignation on the part of certain Members who discussed the fact that certain voters in Indiana's Eighth Congressional District, and in fact certain precincts, were disenfranchised by the uniform application of Indiana law during the recount provision.

□ 2040

And that, as a matter of fact, the individuals who applied the uniform Indiana recount law consisted of two Democrats and one Republican making up a three-member recount commission. And that the Democrat majority recount commission felt that given Indiana law, that is there was a requirement of two initials, one from each opposite party of poll clerks not on a ballot, they could not count it.

The task force rushed to count those. And let me underscore the fact that because of the recount the majority knew exactly where the ballots were and where they had not been counted, and they constructed rules that made sure that they counted those ballots. Some of the decisions were not known beforehand; hence, I believe the decision to count those unnotarized absentee ballots. But once you realized the predicament you were in, that we had additional ballots that showed the same security, but which put at risk your three or four vote margin, the only thing you could do at that point was to punt, bail out, reverse yourself and, in fact, contradict yourself, except for the rationale that those ballots were somehow different because one unnotarized absentee had been sent to the precinct and brought back for security of the clerk. The other one had been retained by the clerk. Both had had similar or equal security. That is the only rationale that the chairman has hung onto with both fingers turning white at the knuckles to make sure that these ballots that may in fact prove that Frank McCloskey won the election were not counted.

Mr. FRENZEL. I thank the gentleman.

Our time has expired so I will summarize by saying there was no fraud in Indiana and the odor hangs over this House.

Mr. THOMAS of California. Mr. Speaker, I ask unanimous consent that I be permitted to be taken out of order on my special order for this evening.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from California?

There was no objection.

THE GREAT ELECTION ROBBERY IN INDIANA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. THOMAS] is recognized for 60 minutes.

Mr. THOMAS of California. I thank the Speaker.

Mr. ECKERT of New York. Will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from New York.

Mr. ECKERT of New York. I would say to the gentleman from California after we had our session today and I was walking back to my office in the Cannon House Office Building, I happened to be walking along with a senior member of the Democratic Party. He said to me that it was kind of easy this afternoon to vote on some of the resolutions we had voted on. We all, after all, voted in favor of grandmothers, and we voted against murderers. And we joked about that and he is one of the humorists of the Democratic Party and one of their national leaders. And I said to him, "Well, we are going to vote on some serious constitutional matters in a couple of days, the situation in the State of Indiana." And he said, "Yes, that was a serious constitutional issue." And we discussed it briefly.

He is someone that I do not know well, and I am a new Member. And he said, "I wish that there was some way, in light of all of the controversy that surrounds us, that we could go back to the beginning, maybe, and admit that maybe we have all been wrong. Maybe we should just go back and vote in a special election, but I don't think we can do that."

I said, "Well, I think we can by simply voting not to seat either one."

He turned to me and he said, "Well, do you have any evidence that would indicate that there has been some serious questions?

I mentioned to him that I had watched the tape of the proceedings and I asked him if he had seen the tape of the task force and he said that he had not. I said that I had. And I said that I thought that the gentleman from California [Mr. THOMAS] had raised some very incisive questions, and the gentleman made a point, as I recall, in watching that tape, of the differences in how some of the procedures have been applied.

I wish if the gentleman could he would answer for me how you feel that there were differences in the application.

Mr. THOMAS of California. I would say to the gentleman from New York that one of the ongoing concerns that this gentleman had was that it was a lot more complicated out in Indiana than someone thought. Somewhat complicated in one way and very simple in another. And that is that when the majority leader said on the floor that it was very confusing, and there was an unequal application of the law, that, in fact, once we got out there and began investigating what occurred on election night, there was not that much confusion and there was not that much difficulty in terms of the way in which the law was applied.

There are differing sections of the election code based upon the differing kinds of ballots that are used. And when you take those 15 counties and they have a different mix of ballots, sometimes paper for the absentee and paper for the regular same day voters, punchcards for the same day voters

and punchcards for the absentees, machine voting for the same day and by paper ballot for the absentees, you have to understand that you have to deal with the different sections of the law based upon the kind of ballots that you have.

So a very cursory examination might lead someone, like the majority leader, to mistakenly think it appeared to be very, very confusing when there was regularity. Once the task force got into its examination we found out there was a high degree of uniformity and regularity applied. And, as a matter of fact, if you look to election night, not the recount in which a very strict application of Indiana law was applied, but if you looked to election night they virtually counted all of the ballots. And under the task force rules, using voter intent as a criteria, and not disenfranchising someone for a mere technicality, we wound up counting a number of ballots that were clearly invalid under Indiana law.

But in the process of examining that universe of ballots that had not been counted election night, had not been counted recount night, but were now presented to the task force, it was clear that there was a difference between counties in the way in which they handled the unnotarized absentee ballots.

What I thought the task force was going to do was to apply some uniformity to the way in which we dealt with those ballots, that if they had adquate security, that if we felt comfortable about the fact that he had not been added later or they could have been tampered with sometime during the process, if they had adequate security, that notwithstanding those technicalities we would go with the voter intent and we would count the unnotarized or the unwitnessed absentee ballots.

We did that initially, and then we stopped counting them. The rationale that was offered by the chairman of the task force was that in his mind he could see a difference from those ballots that were sent to the precinct and then returned to the county clerk unopened, and those that were retained by the county clerk unopened, even if they had equal security. And what I began to see unfold was an attempt to find an excuse not to count certain ballots.

It was this excuse not to count certain ballots that so incensed this gentleman from California, because it seemed to be motivated by the fact that the previous week when we counted those unnotarized ballots the Democrat was behind. But last Thursday night with the Democrat ahead by three votes, we did not want to pursue the unknown of these additional ballots. They were comfortable with the known results and they therefore changed their position.

Mr. ECKERT of New York. Will the gentleman yield further?

Mr. THOMAS of California. Certainly.

Mr. ECKERT of New York. The gentleman from California now I confess has far more years of experience in the House of Representatives than I do. I am a new Member. Before my service here I was the U.S. Ambassador involved in diplomacy on behalf of the United States. Before that I was a New York State legislator. Before that I was a leader in local government.

Some of the things that I have learned here since the first of the year in listening to the gentleman and to my colleagues are hard for me to understand. But I think it is harder for the American people to understand if it is hard for someone who has had the privilege of representing them in different capacities to understand. But is it a fair characterization to say that there have been three counts in the State of Indiana, one on election night which showed that the Republican candidate prevailed and the Democratic candidate did not, the incumbent did not prevail; then there was a recount, and that showed that the Republican prevailed by an even greater margin than was originally thought, and the Democrat lost by an even greater margin than was originally thought; and then you have had a recount again by a majority party of this House, the Democratic leadership, by a two-to-one margin.

□ 2050

And they showed that it is 4 as opposed to 400 the last time the people of Indiana counted, when the Republican won by more than 400 votes. But when people from Washington counted the Democrat won. So you have had three counts.

My question: I would think the average American looking out there would say how many times do you count? I mean if you have one count and the Republican wins and then you say well there is a doubt so you have a second count and the Republican wins. Well, they do not like that. Then you have a third count and the Democrat wins. And then they say well, you stop at a part of it. The gentleman is saying they did not count all of the votes; is that correct?

Mr. THOMAS of California. They did not count all votes that were like votes that we had already counted.

Mr. ECKERT of New York. Well, in the gentleman's superior experience in this body is there anything he has ever experienced which is similar to this?

Mr. THOMAS of California. I would tell the gentleman that there are a number of experiences which come fairly close.

Mr. ECKERT of New York. In the United States?

Mr. THOMAS of California. Never have I seen in this body in the short time that I have been here, never have I seen the sheer arrogance as displayed here. Let us remember that the majority leader said the reason we have to thrust the House into this election procedure is because of the disenfranchisement in Indiana's Eighth Congressional District and because there was no uniform application of the law. Ironically to achieve that four-vote victory for his man, voters were disenfranchised and like ballots were treated dissimilarly. There was lack of uniformity and there was disenfranchisement and they did not complete the process.

Mr. Speaker, I yield to the gentleman from New York.

Mr. ECKERT of New York. I say to the gentleman from California that my first knowledge of him, observing him as a Member of Congress and I was impressed by his decorum, his intelligence, his articulation of the issues. And also by his moderate statements of issues and their factual presentation.

I read in the newspapers where the gentleman described his experience in pretty harsh terms. He called it a rape and said some pretty harsh assessments that frankly were contrary to my first impression of his generally moderate, cautious assessment of issues as generally perceived from my experience, previous experience as a diplomat, as being diplomatic in tone and cautious. Yet I saw those comments and knowing the gentleman and respecting his intelligence and his views and his articulation, I walked into my office this afternoon and talked to my administrative assistant who had spent 20 years in this Congress as an administrative assistant to my predecessor, Congressman Barber Conable and before that a few years to Congressman Conable's predecessor. He commented to me about the same observations I made about the gentleman that I have just expressed and he said that things must be pretty extreme, pretty severe for the gentleman from California to make those strong statements.

I would ask the gentleman to expand a little bit on the strength of that conviction because it is stronger than I have known the gentleman in the few months that I have known him, strong in its force, stronger than that of many people who have known him for many more years than I have.

Mr. THOMAS of California. First of all, I thank the gentleman from New York [Mr. ECKERT] for those very kind words. I tend to try to operate in a rational fashion. I think logic ought to be applied, I think reason is the tool that we use. And you try to compel persuasion in the marketplace of ideas. That has always been my motto

in attempting to carve out a career. Prior to coming to this body I was in the State legislature for a brief time but really my vocation is that of college professor.

I have tried to present choices before people in a kind of rational way and I tried to do that again today.

But I do want to share with the gentleman from New York the very deep feelings that I have about this process. I would tell the gentleman that in an attempt to function as a thinking member of this task force that this gentleman from California was radicalized. That as I sat there and noticed that no matter how persuasive my arguments, no matter how factual the presentation I need merely wait and I was going to be defeated, if it was a substantive point, on a 2-to-1 vote.

After you go through that for the weeks that I have gone through, you begin to better appreciate some of those individuals who have said that there is no recourse under the law and that as a matter of fact we had to take physical action to correct wrongs that we knew to be wrong. I better understand now some of the conversations that I had with some blacks, elderly blacks who were involved in some of the activities in some of our Southern States some decades ago.

So when the gentleman has seen me in the light in which he was not familiar in seeing me, I would tell him only that it was a reflection of the process that I found myself in when I realized that I had no recourse to logic, I had no recourse to facts; that what I was going to be was run over by a majority that had a preconceived notion of where they wanted to go and no amount of facts, no amount of logic, no amount of presentation of how inconsistent they were was going to slow them down.

And when you find yourself in that context, you ask yourself what is going on? Why? The absolute arrogance of these individuals for a seat that does not mean anything to them? They did not need it. Why are they doing it? I will tell the gentleman I came up with the conclusion that what was happening to me and therefore to my party was rape. Now this is a very, very harsh term. But the more we studied the psychological set of rapists, we find out that it is not the mere physical act, that in fact it is the attempt psychologically to dominate an individual, to take control of that individual, and to show that individual that any time the rapist wants to they can humilate that individual.

The process that I saw as a direct participant day by day was the fact that I believe more and more what the majority party wanted to do was to basically let us know that they totally control us; that when they want to they can turn it on and when they want to they can turn it off, even extending to the point that they can take a member of our party who had a valid certificate of election and say, "No." Then drum up charges as to why you can go into that district, ignore the laws under which that candidate ran and was elected, set up your own rules, and then in process of trying to get the outcome that you had predetermined, change the rules whenever you wanted to, to make sure that the results came out the way you wanted them to. After you undergo that process you become a bit more radicalized than you ever thought you could have.

I am going to speak out tonight, I am going to speak out at every opportunity to let my Members know but also to let other people know that what we are dealing with is a group of people who claim to be Democrats but who have not followed the democratic process.

I yield to the gentleman from New York.

Mr. ECKERT of New York. As I mentioned earlier, the gentleman from California has considerably more experience in this body than I do.

When you first get elected to Congress it is a great honor. It is a great honor to be able to represent the American people as a Representative in Washington, being the one body in which you must be elected to speak.

You can be appointed, as has been seen in recent American history, to Vice President; you can be appointed to the U.S. Senate but in this body, the House of Representatives you can only get in if you are elected. It is a great honor. I remember when I was first elected, cognizant of that history and that sensitivity to the concerns that I have as an American and the people that I represent have, and I have watched this experience.

I was in Washington at a meeting and a Member who had served previously but had been defeated and was coming back took me aside and said, "Fred, one of the great thrills that you will have under the rules here is that if you have a child under 12 you can take that child into the Chamber and as you raise your hand to take the oath of office your child can stand next to you and for as long as you live that would be one of that child's fondest memories."

□ 2100

I thought about that, and that I should do that, and my 12-year-old whom I brought in has had some high honors in her brief time in life, she has had the privilege of coming in with her other two siblings to the Oval Office of the President of the United States when I went overseas as U.S. Ambassador; she has had the privilege of having lunch with the gentleman who now serves as President of the United States.

She walked into this Chamber as someone who knew some of the leaders of this body, and I thought what a special privilege that is for a child.

The next day, my wife and my three children went back to Rochester, and I went to a seminar for new Members of Congress held in Williamsburg, VA. At that session, we talked about the great issues facing America and we debated them, and one of the persons participating was Rick McIntyre. Rick and I sat in on some sessions; we thought a lot alike on some issues. I was very impressed by him; a bright, articulate young man.

Late one night we were talking about his situation, and we went into historic Williamsburg, a place where the Founders of the Republic had frequented. Rick and I did what some of the Founders did; we sat down in Williamsburg and we had a beer together, and we talked.

I asked him about his experience. I told him about mine, what it meant to my family, what I heard is one of our current colleagues and then former Representative of this Congress. I told him about how carefully I had listened to those comments; how I had taken them; how much they meant to me.

I told him as I had told that former Representative now serving with me, how much that meant to me. I said to Rick McIntyre, did they tell your family before you came here that you might not be seated? He said no.

I said, "You had no idea?" He said, no. I said, "Well, what was that like?" Rick is considerably younger than I am. He said, Well—his wife, who is an attorney in Indiana and had done an enormous amount of work in his campaign, and is very supportive to Congressman McIntyre—and I say Congressman McIntyre, because I think he belongs in the Congress.

He said, "No." He stood on the floor. We all saw that picture where we all raised our right arms but he couldn't. He said that his child was up in the gallery. Tonight, I must tell you, I have friends of mine from Rochester, NY, who are watching as I speak. That's different than having your wife and child there.

I said, did they understand? He said his son was a year and a half, maybe 2 years old. I said, "Well, at least he didn't understand." He said, "No, Fred, he understood. He looked down from the gallery and he tapped his mother and he said: Mommy, when they're through speaking, are they going to be mean to daddy?"

Well, on a personal basis, and to the McIntyre family, they were mean to daddy. But more important, to Rick McIntyre, to his son and family and to Members of the Congress, and to the American people, they were mean to more than Rick McIntyre; they were

mean to the constitutional system of the United States of America.

I came here with a determination to preserve and protect the Constitution of the United States. We all swear an oath to it. That means, too, to preserve and protect the values that we all fight for, on the floor, off the floor, for America, and I have seen those values trampled since I have been there.

I think the sensible thing to have done on the first day would have been to have said, as has often been done, that you seat a Member on the basis of the election returns in contemplation of the outcome. If he wins, so be it; if he does not, so be it. That was not done.

We have had a deviation from that since. Again, as I say, I am a new Member. As we walked out of the Chamber today, I walked with a senior Democrat, and he said he wished they had an out. He wished there was another way.

I think there is. I think the first time you had a count of the votes in Indiana in the Eighth District it showed Mr. McIntyre won. They had another count. It showed Mr. McIntyre won. A third count shows he did not win. I think what we ought to do is if Mr. McIntyre has won two; Mr. McCloskey has won one.

I think as a minimal standard of fairness, if we cannot resolve it, if we are going to argue over technicalities, and put it back to where it belongs, let the people of Indiana, in the Eighth District of the State of Indiana decide once and for all who is their Member of Congress. Let them go out and once again vote and tell us who they want to seat; whether they want to seat someone on this side of the aisle; the other side of the aisle, but let's not have a partisan committee that is 2 to 1—that side of the aisle decide who is going to be seated.

Let the people of the State of Indiana decide. I will abide by their decision. They have made their decision twice; and it was for McIntyre. Others have made the decision once, against McIntyre. Then let us make another one, once and for all, that Indiana be Indiana—let Indiana decide who represents Indiana.

As a New Yorker, I will take the wisdom of the people of Indiana, but I do not like the wisdom of someone from Boston, MA, or a narrow district of California telling us who ought to run Indiana's representation.

I would like to see Rick McIntyre here, but let it go back to the people of Indiana; let them decide again, as they have before, who they want to send to the Congress of the United States, but let not the Speaker dictate who is going to represent Indiana any more than he ought to dictate who is going to represent the 30th District of New York or your district in California, or someone in Rhode Island or someone in Massachusetts.

We are a confederation of 50 States, let the voters of those States decide, and let not Mr. O'NEILL dictate who is going to represent everyone in this House.

Mr. THOMAS of California. I thank the gentleman for his very heartfelt statements, that were clearly personal, and from the heart.

Mr. KANJORSKI. Will the gentleman from California yield?

Mr. THOMAS of California. For what purpose?

Mr. KANJORSKI. I would like to inquire into whether or not the gentleman from California raised any questions as to the count in the McIntyre election and how it was carried out.

Mr. THOMAS of California. I will yield for a question. We have been talking about that for nigh onto 2 hours now.

Mr. KANJORSKI. Mr. THOMAS, I am a freshman Member of Congress, so I have not had the opportunity to know you personally, but I have heard of your reputation, and I have a great deal of respect for what I have heard.

On my side of the aisle, a Member of Congress from California, LEON PANETTA, I think you feel that he has an engaging integrity and personality and reputation. Is not that correct?

□ 2110

Mr. THOMAS of California. I did not hear the end of the question.

Mr. KANJORSKI. I said, do you have any question as to the integrity of Mr. PANETTA?

Mr. THOMAS of California. I will tell the gentleman that I have known Mr. PANETTA for some time, he shares the district next to me, and that up until the direct relationship that I have had with the gentleman, as he chaired this task force, I had a great deal of respect for my colleague from California.

Mr. KANJORSKI. You no longer entertain that respect for his integrity?

Mr. THOMAS of California. I would say that my ability to relate to the gentleman from California [Mr. PANETTA] has been altered significantly, in that I honestly believe that Mr. PANETTA was not his own man, that in fact the outcome was dictated by individuals who, let us say, assisted Mr. PANETTA in coming to the conclusion that we should not count otherwise like ballots, that that was not Mr. PANETTA's own decision, that in fact he was put in a pressure situation which in part was unfair to him, but I would have to say that he could have made a decision different than the one he did, and he did not.

I am reminded of the Nuremburg trials, when the question was put to the various Germans who were involved in the Nazi operation, saying, "All we did was follow orders." My belief is that Mr. PANETTA followed orders.

Mr. KANJORSKI. Do you feel that he gave up his personal integrity to in some way make a misjudgment and an improper calculation as to this election?

Mr. THOMAS of California. I would say that he has been very able to rationalize the way in which he separated the ballots, but to an objective person there was in fact no difference in those ballots, and if you counted the one set, you should have counted the other. I have no doubt he has been able to rationalize in his mind why he counted some and did not count others. I believe he can rationalize that.

Mr. KANJORSKI. Well, Mr. THOMAS, is not the case that the ballots were counted by the General Accounting Office?

Mr. THOMAS of California. No, the General Accounting Office did not count the ballots. Auditors under task force control counted the ballots.

Mr. KANJORSKI. Well, were you part of that task force, sir?

Mr. THOMAS of California. Yes, I was a member of the task force.

Mr. KANJORSKI. Did you register any objection on the record of this House during the counting of those ballots which indicated you were not satisfied with the integrity of that task force?

Mr. THOMAS of California. If you will examine the record of the testimony taken in Indiana and here, you will find repeated indignations by the gentleman from California. If you will examine the CONGRESSIONAL RECORD, I have taken the well under 1 minute, I have taken the well in special orders and I have indicated several times in both documents, task force, committee testimony, and in the CONGRESSIONAL RECORD, starting from January 3, 1985, the first day of the first session of the 99th Congress, that this process stunk.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield to me?

Mr. THOMAS of California. Certainly, I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Speaker, when the Democrats voted by a party line vote not to seat the Congressman-elect from the district, they referred the matter to the House Administration Committee. As ranking minority Member, I had to appoint somebody to a task force to do something that we did not believe in, that we believed was unprecedented, was fraudulently created and was, as we described it, an abuse of raw power by an arrogant majority.

We indicated our objection to that vote, to the reference of the matter to the House Administration Committee.

And when I appointed Mr. THOMAS to that task force, he was reluctant to take it because he said the deck is stacked against him.

When the task force had its first meeting in Washington and established the rules under which they would count the Indiana votes—and I will remind you, if you were not present, that those rules absolutely threw into the trash can every election law of the State of Indiana and superimposed some arbitrary, wanton and capricious rules designed in the House Administration Committee by our majority. When they did that, BILL THOMAS walked out of that task force. That is a matter of record. He said, "Forget it, I am not coming around anymore. This deal is crooked." And it was.

Now, I prevailed upon him and said, "Go back into that task force, you have got to defend us. The Democrats can count everything in the world, at least hold them to their own rules, at least make sure they stick with the rigged rules of their own invention."

And Mr. THOMAS went back in and he observed the rules. He was outvoted on nearly every controversial vote by 2 to 1 majority. The record is replete with his protestations. You can see him on television at the 6 o'clock news and the 10 o'clock news objecting, he continues to object, he came back and he objected this morning. I sat through a whole task force meeting where, when he tried to ask a question of the monitor of our election contest recount, he was not even allowed to, by Chairman PANETTA, who continued to interrupt him, to try to interpret his questions and to ask them.

So if you ask the gentleman if he has protested, if you have not heard his screams of pain, you must be well insulated.

I thank the gentleman for yielding.

Mr. KANJORSKI. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. Certainly, I yield to the gentleman.

Mr. KANJORSKI. Is it not correct, Mr. THOMAS, that you had a set of rules by which you wanted these ballots counted?

Mr. THOMAS of California. I believe it is correct to say that as we entered into the task force proceedings, we attempted to write a set of rules. There was an attempt to provide us with rules from the Democratic majority. I asked our staff to examine what options we had for alternate rules. There was a statement made by the chairman that we would try to come up with jointly agreed upon rules. On those minor points where we found agreement, there was a general acceptance. For example, under Indiana law there is a requirement that in the box on a paper ballot you put either a check or an "X." We were under agreement, obviously, that if there was a clear voter-intent mark there, it did not necessarily have to be an "X" or a check and they did not necessarily have to use the blue pencil, as stipulated by Indiana law. But when you got into fundamental rules, such as, do you count a ballot that has nothing on it to tie it to the precinct polling place of that day, do you count the ballot? I said no, we can count it if it has something on it that ties it to the polling place. The majority said no, we are going to count it if there is no way whatsoever to tie it to the polling place. There I objected to the rules, and on a 2-to-1 vote those ballots were to be counted and, in fact, they were counted.

Mr. KANJORSKI. Listening to your argument now, I have to tell you, quite frankly, I have not been involved in the task force accounting. I feel that the opportunity and the honor of sitting in the House of Representatives is quite unique, as we have heard discussion tonight. I suspect we do have to have someone to determine who can sit in the House of Representatives, and ultimately that decision has to be the House itself. And I suspect that when we have a close contest such as we have here, that is actually decided by a few votes, in this instance, four, as I understand it, there has got to be a winner and a loser. Are we interminably going to yell fraud, deception, deceit, if one side or the other is disappointed in the results?

Now, I have to say this, that I have met with the Members of the freshman group of the Republican side. I have assured them that I would listen to their argument and that anyone who could convince me that they were right, that is the side I would support. I had the pleasure of seeing Mr. PANETTA from California being appointed to the chairmanship of this task force. I have the highest regard for his integrity. During the course of his counting these ballots, I talked to Leon on several occasions, and I reassured him that those of us on the Democratic side who were looking forward to getting this seat resolved wanted him to respond in accordance with his integrity, and he had at all times assured us.

I am rather surprised and shocked and disappointed that because the count is so close we now have again this question.

Could I suggest: Why don't you bring those ballots in and count them here on television? I mean, are we going to go interminably for this whole session of the first session of the 99th Congress, or is it only the resolve now that after the count has been made, after we have established rules and have held to those rules, whatever they may be, that either side which is disappointed, and your side apparently is disappointed by a count of four, yells fraud, deception, and wants to have a recount or a new election——

Mr. THOMAS of California. Reclaiming my time to respond to the gentleman, because I believe he is doing it very sincerely and I will give him as sincere a response as I possibly can, it was the gentleman's side who yelled irregularities, disenfranchisement, and lack of uniformity about the people of Indiana on January 3. It was your side that refused to seat Mr. McIntyre after the recount was carried out under Indiana law.

And I will tell the gentleman that I shared initially his enjoyment that Mr. PANETTA from California was named chairman of the task force, because I said to myself and to others that maybe the leadership is going to allow a fair contest in Indiana, maybe we have a chance for an objective resolution, because if anyone can give it to us, it is probably the distinguished gentleman from California [Mr. PANETTA].

□ 2120

Mr. KANJORSKI. And now you cast aspersions on him.

Mr. THOMAS of California. Let me tell you, I went through that process with the gentleman from California, and I think the gentleman from California [Mr. PANETTA] suffered just as much or even maybe more than I did because the gentleman from California [Mr. PANETTA] had an experience that I would not want to offer anyone.

It is my firm belief that the gentleman from California was basically told what to do. The test of an individual's merit, as far as I am concerned, is that when they come upon that challenge, do they want things more than they want to listen to that inner voice? Do they want to have those things that other people look at to realize that other people think you are a success? Or do you have to decide that if you want them you have to sell your own soul just a little bit.

My belief is that in that moment of truth, the gentleman from California looked toward and not inward.

I yield to the gentleman from Minnesota.

Mr. FRENZEL. I do not mean to be participating in beating up on a questioner who is asking questions in order to improve his information about a subject. I do have to say, however, that you and your colleagues put us into this pickle. It is now said that my goodness, why do we have all this terrible complaint; why do we have this great problem before us. We did not have to have it; the people of Indiana did not bring it here; the Democratic Caucus of the House of Representatives brought it here. All we did was try to have the Congressman-elect certificated by the State seated. But, no, the Democrats' wisdom was greater.

They said that the Indiana law which elected every other Congressman in Indiana, was just perfect for them, but in this one case, it was no good.

Well, let me tell you what you did when you voted to do that. You voted against the Pennsylvania law because your State may be next. Then Minnesota, and then California, and then Arizona. So whatever questions you are asking, may I say that in my humble judgment, you brought them on yourselves.

Mr. THOMAS of California. I yield to the gentleman from Arizona.

Mr. KOLBE. I thank the gentleman for yielding.

I asked the gentleman to yield because I am wondering if the gentleman from Pennsylvania has had the opportunity to either read the testimony of the hearing, the transcript of the hearing on Friday that took place in Evansville, or whether he has had an opportunity to see any of the tape of that hearing which is all on tape; all 6 hours there. I have had the opportunity to watch that, and I can tell the body here tonight that I was physically revolted by what I saw in the way that hearing was handled.

It was an outrage; it was a travesty; it was a disgrace; it brought shame on this body.

Mr. THOMAS of California. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. I thank the gentleman.

All I hear is the final results. Quite frankly, as a Member of Congress and a new Member of Congress; I have got hundreds of issues to familiarize myself with and little time to do so. I may say that there are some Members of the minority party that see fit to drive us out of our committee hearings at most inopportune times, and make us come over here to answer rollcalls when we could least afford it so that we could get the information necessary to make some of the judgments we have. But it seems to me that we always hear this call of "wolf."

It seems to me for 2 months—I have only been here 100 days myself and I do not consider myself a wolf. If the minority party is casting aspersions on the entire majority of this House, I do not know whether there is a political advantage in that, gentlemen, but I tell you, I am grossly disappointed in that because I spent many an hour meeting with your freshman group to assure them as a representative of the freshman group on this side of the aisle that we were willing and able to vote this question as our conscience would see it.

As a matter of fact when the first occasion occurred here in the House, my suggestion was that rather than all of us take that break and go home and we sit here that weekend and the following week, if necessary, and count those damn ballots right here in the well of the House, and decide who was the elected Member of that seat in Indiana once and for all.

There is no way that the House of Representatives can afford to stop the legislative activity in the United States for 3, 4, or 5 months, and to address itself to chairs that I see appearing on signs on Members' doors, castigating that this chair should be filled by some Member or another

I think we had to resolve this question, and I quite frankly have not heard yet a sound proposition or role as to properly address the question of a contested seat or a contested election. I do not know a great deal about Indiana, but I do know that it has been in the court system for a number of years as to how they gerrymandered the districts in that State. I do know that we have winners and losers declared in this particular race innumerable times, and certifications accordingly. I do know that there has been a lot of castigation on the subject.

If you have this testimony that is shocking, why not bring it down here and play it? If you feel so strongly on this issue, I think that if we are going to stay here all night tonight, why not stay for the next week and retry this issue that was tried in the committee so that you and the minority and the majority and the American people can see it.

Why do we have to interminably go on and cast aspersions on reputable Members of this House and particularly of the majority party and particularly a Member of the delegation from California, which I have only known for 100 days, but have been highly impressed with his integrity.

I dare say, not only speaking for the Members of my side, but I would think that the Members of the Republican side if put to a test would not cast the aspersion, Mr. THOMAS, that you are casting on Mr. PANETTA, but would in fact say that they have a high regard for his integrity.

Mr. THOMAS of California. I would tell the gentleman from Pennsylvania that we can poll the delegation any time he wants to.

I would ask the gentleman if he would join me in seeing if we could ask the Speaker and the appropriate individuals if we could utilize say, channel 6 on the closed-circuit television to show the entire 5-plus hours of the hearings that took place last Thursday in Evansville, IN, so that anyone who wishes to see it, a Member of the majority or a Member of the minority, can in the leisure of their own office, take a look at a 5-hour performance as to what went on in Indiana and a typical example of the decisions that were before the task force and the way in which they were decided.

I would also tell the gentleman that even though he has only been here 100 days——

Mr. KANJORSKI. Mr. THOMAS, you do not have to go on and convince me, I will join you in that.

Mr. THOMAS of California. I appreciate that. Let us see if we can get enough to make it happen. I appreciate the single individual making the offer.

I would also tell the gentleman he has only been here 100 days, and he also happens to be a Member of the majority. I do not think he fully appreciates the feeling on this side of the aisle of some individuals who have been here for a quarter of a century and because of the rules of this House and the way in which they operate, they have never had a chance to chair a subcommittee, they have never even had a chance, as freshman Members do on the Democratic side, to come up and preside over a session such as this.

We have been told repeatedly in a number of ways, that we do not count. But when you come to the point that a State certifies you as a winner and you come to this floor as a winner and you and your party, because on January 3 there were no Democrats that supported us. None whatsoever. You can talk and talk is cheap. But no Democrat put a vote up there and said that maybe the State election law has some sanctity; maybe we ought to give the benefit of the doubt to the guy who carried the certificate, as we have done in every other case.

I would have looked for one soul on your side not to use words, but to use action and say maybe we ought to seat, at least conditionally, the guy who had the piece of paper. No. What we were told, unequivocally, by a straight partisan vote, is that Rick McIntyre did not count, and by implication, every other Member on this side of the aisle did not count.

You have only been here 100 days; you have been a Member of the majority. Let me tell you: What you have operating on your side, and it is difficult for you to see it, is an absolute arrogance of power, as witnessed by what occurred in the Energy and Commerce Committee in terms of subcommittee assignments. What occurs every day to a Member of the minority in the way in which they are treated in subcommittee, committee, and on the floor of the House.

□ 2130

What has happened is that all of those concerned about small "d" democrats——

Mr. KANJORSKI. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. No. I want to finish my statement.

What concerns me is that you feel that we somehow should allow what

has happened to us to happen because somebody supposedly has some integrity. Let me tell you, the basic integrity of this House has been challenged by what you and your party did beginning January 3.

I appreciate the kind words that the gentleman has said in terms of the way in which he has heard that I have tried to operate, and I will tell you that the process that I went through as a member of that task force has radicalized me far beyond any point I thought I could be radicalized because I saw firsthand what your people do, and what they did was to be arbitrary, capricious and, in fact, reversed themselves as long as the outcome that was predetermined by their leadership was achieved. I was embarrassed for people on that task force in terms of the way they had to operate.

I will tell you that on the basis of having gone through it, my respect for Members on your side of the aisle from the person who is the Speaker on down is that you are arrogant partisans, you have been in power too long, you do not understand what democracy really means, and that you always think you are right. You can never be wrong. We are always wrong.

I will tell the gentleman from Pennsylvania that once in a while you are wrong. You came to the floor looking for information, and I will provide you with transcripts from the task force hearing. I will explain to you the way in which some like ballots were counted and others were not. And you will leave that session saying that folks on your side of the aisle are objective and they are right; people on our side of the aisle are not objective and we are wrong. What we are trying to tell you and those like you who have not been here long enough to be fully infested with the arrogance of the majority is that you do not understand the way in which you people treat us, and we are going to have to communicate it, verbally and otherwise if necessary.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding.

Mr. Speaker, I would just like to ask the gentleman from California, since we are talking about this issue now coming forth from the committee on which he serves, what is the ratio on the full House Administration Committee?

Mr. THOMAS of California. We are trying to get an exact number. On House Administration it is a 6-to-4 ratio.

Mr. LUNGREN. 7-to-4, I believe.

Mr. THOMAS of California. Sixty-four percent Democrat.

Mr. LUNGREN. Sixty-four percent. Does that reflect the representation of membership here in the full House?

Mr. THOMAS of California. It does not.

Mr. LUNGREN. And the task force that was established, what was the ratio of that task force?

Mr. THOMAS of California. It was two Democrats and one Republican.

Mr. LUNGREN. Does that reflect the ratio of the House?

Mr. THOMAS of California. It does not.

Mr. LUNGREN. I would just hope the gentleman from Pennsylvania would understand the concerns that some of us have on an issue such as this. If the gentleman knows, on the question of ethics in this House, we are determining the fate of a Member who is already seated. We have established a 50-to-50 proposition with respect to the committee that judges that Member, as well as the subcommittee that initially deals with it, and we have done that why? Because we want to have the ultimate fairness. Not only actual fairness, but the appearance of fairness.

Yet on this question, when it is the question of whether someone will even be seated here, we are not treated the same way. Then rules are established by which the counting is to take place. They are established by a 2-to-1 vote, and on every controversial issue it was a partisan vote 2-to-1. So when the vote comes out that favors the majority by four votes when they decide not to then count 32 more ballots that are like or similar, similarly situated to ballots that were counted, the gentleman should not be surprised that we are concerned about it and that we cannot see ultimate fairness.

I was a trial atttorney before I came to this House, and at least in the courtroom I felt that I got an even break because everybody was operating under the same rules, no one got to fill up the jury box with their advocates over somebody else. But what we do is, we go before a jury that is skewed against us from the beginning, and we go before a subcommittee task force that is skewed even worse, even worse.

Mr. KANJORSKI. Will the gentleman yield?

Mr. LUNGREN. I do not have the time. The gentleman from California has the time.

The only thing I am trying to convey to the gentleman is, if you have been in the legal process in the practice of your profession and you come to this House, you are astounded by the lack of either fairness or the appearance of fairness, and when we are talking about the fundamental question of whether one ought to be seated here, and whether what the people intended from the district ought to be carried out, when the appearance of fairness is gone, and then on decision after decision apparently there is no fairness, we cannot mildly sit here and say, "Well, it has been 2 months. It has been 3 months. Why do we have to keep talking about it?"

Mr. KANJORSKI. May I suggest to the gentleman from California I am outnumbered about 8 to 1 here.

The SPEAKER pro tempore. The gentleman from Califonia has the time.

Mr. THOMAS of California. I yield to the gentleman from New York [Mr. ECKERT].

Mr. ECKERT of New York. I appreciate the gentleman from California yielding.

Mr. Speaker, in the press there has been considerable talk about the counting done by the General Accounting Office, but I think there is a clarification in order and I wish that you could explain.

Is the General Accounting Office doing the actual counting independently or is it auditors who otherwise work for the General Accounting Office who are now working for the task force doing the counting, and to whom are those auditors reporting, to their normal, independent auditing responsibilities or to that 2-to-1 majority of the majority party here?

Mr. THOMAS of California. I would tell the gentleman from New York that although the chairman of the task force and others on the majority side have continually referred to the counters, those clerks carrying out the mechanical functions under the task force rules as GAO auditors, they are not. They are not functioning in the capacity of General Accounting Office auditors. There will be no independent report from the General Accounting Office.

Mr. ECKERT of New York. They are, in fact, then if I take it right, the employees of the majority party.

Mr. THOMAS of California. They are being paid by the task force, and they were recruited from, I believe it is, the Cincinnati office of the General Accounting Office, but they are in no way affiliated with the General Accounting Office as they proceed on the recount under the task force rules. They are functionaries of the task force, and as the gentleman well knows, the task force is controlled 2 to 1 by the Democrats and, therefore, the decisions that they are provided with in terms of how to count are a function of the 2-to-1 Democratic majority.

Mr. ECKERT of New York. Will the gentleman yield so I can ask the gentleman from Pennsylvania a question?

Mr. THOMAS of California. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Guys, you know I appreciate your problem.

Mr. ECKERT of New York. It is our problem.

Mr. KANJORSKI. I have been in the minority at times and I have been in the majority at times, but I have to

say there are eight of you and there is one of me. If you keep talking 8 to 1, you are just serving a perfect example of the problem you are complaining about. If we want to talk about this thing, just because I happen to be 1 and there are 8 or 10 of you over there, why do we not talk? But if you are going to take 8 minutes or 10 minutes and drive your points into the ground ad nauseum and not give me an opportunity to respond to some of these points, I might as well go back to my office or go back to my apartment and let you have the rest of the night.

I really watched your debate. It disturbs me. I would like to talk about it. I am here on the majority side because a lot of our Members are tied up at other functions and they cannot be here. I am willing to have a bit of a discussion, and I see my good friend from Missouri has shown up, and I think we ought to have a discussion back and forth, but if this is the purpose, to filibuster for the next 24 hours on national television to prove some political point, tell me and I will go home.

If it is the purpose of arriving at some fair solution of the rules to seat a Member of Congress, I will stand here all night and talk about it.

Mr. THOMAS of California. I would tell the gentleman that I have difficulty understanding the point of the gentleman from Pennsylvania, because beginning on Day One, his majority leader laid out the reasons why we had to overturn the election in Indiana. Following that, we created a task force. There have been three or four votes on the floor of the House.

Mr. KANJORSKI. Mr. Thomas, if you will yield, I will try and tell you some of my points.

Mr. THOMAS of California. Let me indicate that I will be more than willing to yield if one of the reasons you are here is to ask questions, because clearly you do not understand the minority's point. But what I just heard a minute ago was a minifilibuster on your part, and we rarely have the ability to control the situation, so it is kind of exciting for us, I guess. We get carried away. I would apologize to the gentleman.

Mr. KANJORSKI. If 3 minutes is a filibuster in this House, I should go home.

Mr. THOMAS of California. I would yield to the gentleman for purposes of clarification, of asking a question, of making a point, of inquiring about the process.

I would yield to the gentleman from Pennsylvania.

□ 2140

Mr. KANJORSKI. Mr. Speaker, I appreciate that. I think I can appreciate the frustration that a party that has been in the minority as long as your party has been in the minority in this House has.

I have a very personal friend standing there. We go back to when we were walking around these halls as pages 32 years ago, and the party on your side of the aisle has not been in the majority that often. To expect chairmanships of subcommittees, I suspect that Members like Barber Conable of New York would have liked to have been chairman of the Ways and Means Committee, and God only knows I sat and talked with him enough. And I know you succeed him, and he had all the ability in the world to be so. But the breaks of the political reality did not afford him the opportunity to be so. That is not my fault or the fault of the majority on this side of the House. That is the reality of politics.

But let me point out that for that unfairness to you on the minority side of the House that you seem to feel, how about those of us that have to deal with your President? I was there today because there is a very important issue coming before the House tomorrow, and at the request of—I guess you would say of the minority President, but I think he is clearly the majority President, I gave up most of my day and traveled over 300 miles overnight to be here so I could come and hear his words of wisdom. So I appreciate it, and I spent 40 minutes with him, and I had five colleagues on my side of the aisle with him.

But we have had problems in politics with the administration. I have a candidate that will be running against me for office that has the Director of the CIA at his campaign functions. Now, that is politics. That is not the issue here before the House.

What I want to say is that the issue here in the House is the seating of a Member. We have only 12 new Members on this side of the aisle this year. All of them have made themselves available, and I have met with one of our freshman Members on your side, Mr. JOE BARTON from Texas, with a willingness to hear whatever arguments JOE has, because I have a great deal of respect for him and his integrity.

Mr. THOMAS of California. Mr. Speaker, I would tell the gentleman that I have only a minute left out of my time, and I would like to tell the gentleman that our reaction is not just in frustration, but that if we honestly thought we had a chance to participate, if we thought we could be a part of the system, if we thought our ideas counted, if we thought our presence meant something here, we are more than willing to play a role because we thought it was a coming together in an attempt to write policy. We have been told we do not count. We have been told in no uncertain terms that we do not count. We have been told that we win only if you folks decide we win. That is the stem of our frustration. That is the reason we are reacting the way we are. You folks have told us in no uncertain terms that we do not count. What we are trying to tell you is that you are wrong.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. THOMAS] has expired.

ORDER OF BUSINESS

Mr. LUNGREN. Mr. Speaker, I ask unanimous consent that I may take my 1 hour now for a special order and proceed out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE GREAT ELECTION ROBBERY IN INDIANA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 60 minutes.

Mr. ECKERT of New York. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from New York.

Mr. ECKERT of New York. Mr. Speaker, let me respond to that point made by the gentleman from Pennsylvania. We are new here together. We spent many hours and attended many seminars preparing for the Congress together. He is a very sincere gentleman, and he makes the point that he is on the floor tonight outnumbered. That is true. I would suggest that it is because many people would feel uncomfortable defending some of the actions that have transpired since January 1 of this year.

I would appreciate it if the gentleman could explain this, and I would ask if he can think of any comparable examples of what we have experienced this year, any samples in which we would have a situation in which you had an election and a State would certify a winner and the Congress did not do other than seat the declared winner.

Now, admittedly there may be questions. There could be in some circumstances questions, and the Congress would tend to seat conditionally. Why was that not done?

And also let me take you back to the memory of the civil rights issues in the United States and to some of those debates. In this Congress—and I remember reading about it when I was a student—there was a question about the State of Mississippi having a dispute about which delegation to seat. When I was a student reading about it, I can remember the Member who is now the majority leader of this House taking the floor and arguing that we must honor the election of the duly elected

officials of the State of Mississippi, and much to my surprise, as I stood here or sat here moments after taking the oath of office, I watched that very same Member argue that the people of the State of Indiana ought not to have the same States' rights protections.

How do you square that? That is what I cannot understand. If I were in your shoes, I would be defending the indefensible. How do you defend that?

Mr. LUNGREN. Mr. Speaker, if the gentleman would like me to yield to him, I would be happy to do so.

Mr. KANJORSKI. Mr. Speaker, I thank the gentleman for yielding.

All I can say is that we have spent times together, and you may recall some of the weekends we spent in seminars were tough weekends. We tried to do something, and that is why I came over tonight.

I have to deliver a message that I did deliver to the President today. I think America needs some bipartisan responses to some issues. I do not want to castigate you because I can appreciate and sympathize with what it must be like to sit in the minority and feel you have been wronged. But I think the point and the example you are making out of this case will be far more destructive to the minority position than what will ultimately result from what we will attain on the seating of one Representative from the State of Indiana.

We have seen ourselves torn as a newly elected class trying to put bipartisanship together, and now we have been here a hundred days and we get—I guess it is a matter of perception. I had to leave a meeting with the President today because we had a vote called on the record, and I assumed it had been called by our perennial vote caller on that point on your side of the aisle.

Mr. ECKERT of New York. With all due respect, it was not my colleague from the State of Pennsylvania——

Mr. KANJORSKI. It was not. No; it was not. I was pleasantly surprised, I might say.

Mr. ECKERT of New York. Mr. Speaker, my question was, Could you cite any examples? I have two questions to my friend and fellow freshman and fellow colleague from Pennsylvania. My first question is: Can you cite any comparable example of what you and I as new Members are now experiencing versus what occurred before we were here?

Second of all, how can you possibly square what the majority leader of your party stood up on your first day as a Member and advocated, as opposed to what he did in another region of the country? How do you square those two? What is the comparable example, and why is it that what is good for Mississippi is not good for Indiana?

Mr. LUNGREN. Mr. Speaker, I would be happy to yield briefly again to the gentleman from Pennsylvania, but I would like to get in on my own hour at some point in time.

Mr. ECKERT of New York. I would like to hear the answer to my question.

Mr. KANJORSKI. Mr. Speaker, I will tell you very frankly that I have had the highest regard for the members of the task force, including Mr. THOMAS and certainly Mr. PANETTA. I am very disappointed that the gentleman concluded that his integrity is worth nothing.

Mr. ECKERT of New York. I am not passing judgment on anybody's integrity.

Mr. KANJORSKI. Mr. Speaker, I have to assume, I say to my friend, the gentleman from New York, that Mr. THOMAS has concluded that a free and independent will with high integrity was not carried out by Mr. PANETTA, and I find it unreasonable to conclude that.

I do not know all the facts of the case of the Eighth District of Indiana, and I have no intention of spending the rest of my term in the 99th Congress of the United States being the sole trier of those facts. And I should think if the other 434 Members of this House have any reason left in their minds, they are not going to spend the next year and 8 months to conclude that fact.

□ 2150

I think we have a procedure here in the House that we have put the issue to. They are to make a report back to this House. To my knowledge there is no report back at this moment. Am I mistaken? Are we not anticipatory or is there a decision by the House Administration Committee now before the House?

Mr. ECKERT of New York. The judgment is on the facts; but I yield to the gentleman.

The SPEAKER pro tempore. The gentleman from California has the time.

Mr. LUNGREN. I will be happy to yield, but it is going to be very short.

Mr. ECKERT of New York. Mr. Speaker, will the gentleman yield to me for just a second?

Mr. LUNGREN. I yield to the gentleman from New York.

Mr. ECKERT of New York. Mr. Speaker, I would trust that the gentleman did not take anything I said to question other than the judgment of people based on the facts. I would trust that is so, is it not?

Mr. KANJORSKI. Excuse me. I am sorry.

Mr. ECKERT of New York. I say, I would trust everything I have phrased, I have been careful to phrase in a question of judgment of persons based on facts. Is that a fair assessment?

Mr. KANJORSKI. I am sorry. I still have not been able to get it.

Mr. ECKERT of New York. Well, I will restate it for the third or fourth time.

I would trust that the gentleman——

Mr. KANJORSKI. Mr. Speaker, can we have a little order? I cannot hear the gentleman.

The SPEAKER pro tempore. The gentleman from California has the time and yielded to the gentleman from New York.

Mr. ECKERT of New York. I say to my colleague from Pennsylvania, perhaps the gentleman misunderstood something, perhaps the gentleman did not understand me, but I want to clarify something before I have to leave.

I would trust that it is a fair statement to say that each of my questions to the gentleman was phrased on a question of judgment, on conclusion of fact by persons other than the gentleman from Pennsylvania, but in no sense ever questioning their integrity. Is that a fair statement?

Mr. KANJORSKI. I respect that.

Mr. ECKERT of New York. Then the gentleman did not mean in his previous statement to suggest that it was otherwise.

Mr. KANJORSKI. No; I am responding that I heard the gentleman from California [Mr. THOMAS] indicate that he had lost some respect for some of the Members.

Mr. ECKERT of New York. Well, for the gentleman from California [Mr. THOMAS] is that not also true, his question was phrased in the same manner?

Mr. KANJORSKI. I understood the gentleman from California [Mr. THOMAS] to say that he had lost his respect for the integrity of the gentleman from California [Mr. PANETTA].

Mr. LUNGREN. Mr. Speaker, I reclaim my time.

I just want to say, it was an interesting line of questioning the gentleman from Pennsylvania had, because he phrased his questions to the gentleman from California [Mr. THOMAS], where he had to either ignore the question or he had to answer it with respect to what he thought the position of the gentleman from California [Mr. PANETTA] was.

I do not think that ought to be what we are arguing here, nor do I think that we should be arguing about whether or not Members on the minority side ought to be chairmen. We would all like to be chairmen. That is really not the point. The point here is fundamental fairness. The point here is the Constitution.

I can understand the gentleman from Pennsylvania's desire not to be dealing with this from now until the end of the Congress and I can tell the gentleman that we share that desire, but I cannot say with any assurance that this will not be what we deal with from now until the end of the 99th

Congress, because this is fundamental to the Constitution. This goes to the question of whether the Constitution is going to be so trivialized, frankly, that all it means is whoever has the majority of votes in the House of Representatives can call the tune to which everyone dances, including the constituents of any particular congressional district.

This is offensive because this procedure has been without precedent. This procedure has been from day one different than anything ever done by this House before. Over a 200-year period of time we have always seated the person with the certificate, with two exceptions. One was the Adam Clayton Powell case, in which the Supreme Court said that we must seat a person who meets the three qualifications. We can then oust him or discipline him. That is not the claim in this case.

The other one was the famous case in the early 1960's, I think it was 1960 in Indiana, in which the Secretary of State certified two winners and in that case this House said that since we have "two certified winners," we will exercise our discretion to not seat anyone and we will investigate.

Absent those two extraordinary circumstances, the practice of this House has always been for 200 years to seat the individual who was the presumptive winner and during the course of the investigation allow that person to be seated and if the investigation showed that he or she should not be seated, then that person would no longer serve and the other person should be seated. That was not followed here.

Arising out of the case in 1960, the House considered the question of how to deal with contested elections. The House amended the Federal Contested Elections Act in which it said that henceforth anyone who has a claim of contest must proceed under this act, but what it said was that the presumptive winner will be seated pending that.

Now, I will tell the gentleman from Pennsylvania that Mr. McCloskey never proceeded under the Federal Contested Elections Act.

No. 2, Mr. McCloskey to this point never made a claim that there was any fraud, deceit, or in any way, shape or form, was there an irregularity in the proceeding itself. He allowed the time sequence to go by during which time he could in fact make such a filing before this body.

So in those instances, this whole thing was exceptional and it suggested that somehow we were not going to treat this as we had previous elections.

We have I believe it is four or five Members on our side of the aisle who were elected with a smaller margin than the recount margin that seated Rick McIntyre.

Is there any wonder why Members on our side of the aisle would be perhaps a little sensitive about when the majority rams something down their throat, when instead of saying that since this is an extraordinary circumstance, we are going to proceed in an extraordinary manner, but to insure fairness we are going to proceed in the same manner that we proceed on questions of ethics. We are going to set up a task force made up of one Member on the Republican side and one Member on the Democratic side.

The gentleman keeps referring to the gentleman from California [Mr. PANETTA] and the gentleman from California [Mr. THOMAS]. I have yet to hear the gentleman talk about Mr. CLAY. There was another person there and what it meant was whatever they decided on the Democratic side was the way it was going to go and—well, we cannot use the words I wanted to say at this point—but the heck with Mr. THOMAS' ideas or positions.

Time and time again on every particular controversial call the vote was 2 to 1, 2 to 1, 2 to 1.

Mr. KANJORSKI. Mr. Speaker, if the gentleman will yield, does that presumptively prove that it was an improper vote?

Mr. LUNGREN. No.

The next point that I would like to make is that proceeding under those 2-to-1 rule decisions, under the rules established, the task force then failed to follow the very rules that they had established and they created an exception to those rules, when perhaps it is by coincidence, I am not going to cast aspersions on anybody's motivation here, perhaps it was mere coincidence that on those occasions when they set aside the set of rules that they had established overcoming Indiana law, it happened to go to the benefit of the Democratic candidate.

Now, the point is that we have somewhere between 25 and 32 ballots that are nonnotarized, nonwitnessed, absentee ballots. Those remain in controversy.

Similarly situated ballots were accepted as the vote took place and Mr. McCloskey finally, finally, finally got a lead; but the ballots in the predominantly Republican counties, either four or six counties, from which these ballots came, those ballots are not being counted.

Additionally, we have I believe it is at least 10, somewhere between 10 and 20 ballots cast by members of the military in which the postmark was prior to the date of the election, but because of the postal service they did not arrive until after the election. They are not being counted because under Indiana law they would not be counted.

We set aside Indiana law under other circumstances, but not here.

What are some of the things we set aside under Indiana law? Characteristics that are marked on ballots. People say, "Why worry about that?"

Because if you have any knowledge of electoral procedure, one of the ways you make sure that you do not have a corruption of the system is that you do not allow identifying marks. Why? Because somebody can get paid to go in and vote and how do they make sure they get paid? They make a characteristic mark on the ballot and the person who happens to be part of that corruption sees it and makes sure they are paid.

In one circumstance, we had three such ballots that were counted for Mr. McCloskey—three such ballots that had identifying marks for Mr. McCloskey that were allowed in, but one that happened to be for Mr. McIntyre that had a number on its back, even though there was a strong argument that the number had been made by poll clerks in counting ballots, not by the voter, that was not counted.

One of the very ballots that was counted for Mr. McCloskey was marked by the voter with a star that Mr. Shumway, the person that was hired by the task force to establish the rules, had earlier used as an example of the ballot with the distinguishing mark in training the GAO recount auditors not to count.

□ 2000

So in the circumstances in which we were confronted with the questions on 2-to-1 votes, on 2-to-1 votes on the task force to decide whether the ballots in question ought to be adopted, we lost. We lost.

Now we have somewhere between 23 and 50 ballots that are still out there and we have been told by the task force they will not be counted because they are substantially different. The testimony, the testimony of the individual who was given the responsibility of establishing whether or not there was security that was presented around those ballots; that is, were those ballots secure from the time they were handed in until the time now, answer: yes to the question posed to him in this morning's task force meeting. He said there was similar security with respect to those ballots that the Democratic majority is refusing to have counted as those ballots that have been counted.

So the question is first of all you have a man who has been certified as the winner on election night. Then a recount is called for by both sides, and the result of that recount is that he establishes a victory margin that is well over eleven times as large. And then you say no, no, that is not good enough; we are going to set up rules. And we have set the rules up and then the rules are not even followed. There

are exceptions created to the rules that just happen to benefit the Democratic candidate.

Mr. KANJORSKI. Will the gentleman yield?

Mr. LUNGREN. If that sounds like fairness, if that sounds like fairness, then the Soviet Union happens to be the best spot for anyone to exercise their ballots on election day.

Mr. KANJORSKI. I do not think a Representative of the U.S. Congress means that.

Mr. STANGELAND. Will the gentleman yield?

Mr. LUNGREN. I will be happy to yield to the gentleman from Minnesota.

Mr. STANGELAND. I appreciate the gentleman yielding, and I would like to visit just briefly with my colleague from Pennsylvania because I think he is here to try to discern something. And I sat in my office and I heard him infer that because now the recount had gone against Republicans that we were crying and we were crying foul.

Let me walk the gentleman through a few instances. And I do not know your background, sir, and I apologize for that. But I served 8 years in the Minnesota Legislature and I have served 8 years here. In any legislative body the first law is the Constitution of the United States. In the State legislature the second law is the State Constitution. The third law is the rules established by the legislative body. In Minnesota we had Mason's Rule of Order backing our rules.

But the fourth rule is the rule of precedent, precedent meaning things that have happened, taken place without challenge consistently.

In this case it is not Republicans crying because we have lost the third recount. It was the gentleman's side crying because the wrong man came with an election certificate. And the precedent of this House has always been to seat one man with one certificate from one district from one State.

Mr. KANJORSKI. Will the gentleman yield?

Mr. STANGELAND. My colleague from California elucidated where that had been transgressed. And it was in the Adam Clayton Powell case, and it was in Indiana when not the Secretary of State, but the Secretary of State issuing one certificate and the Governor another.

But never before had any Member ever been denied his seat when he had the valid certificate from his State, his certificate of election. But in this case the majority chose to exercise unprecedented power not to seat that man, to say that he is not qualified.

Now, the precedent has always been to seat him, allow his opponent to file the election campaign charge to claim whatever, and then the House judges. And so we are not crying crocodile tears, we are not the first, but we are defending a system.

Let me tell the gentleman the system we are defending——

Mr. KANJORSKI. Will the gentleman from California yield so I may respond to the gentleman from Minnesota?

Mr. STANGELAND. Let me finish and then my friend from California will respond, or someone will respond.

Let me tell you that what we are doing here is the essence of democracy. But we are not a democracy; we are a republic. And there is a difference, and a very distinct difference. In a democracy majority rules and the power holds. But in a republic we are established by law and the law holds. And the law is the Constitution, and the law and the Constitution give to a sovereign State the right to set its laws. And in this case we have set aside the laws of the sovereign State of Indiana to suit our own purpose.

Mr. KANJORSKI. Will the gentleman from California yield so that I may respond?

Mr. LUNGREN. I will be happy to yield to the gentleman.

Mr. KANJORSKI. I most respect the gentleman's 8 years in the House of Representatives, and anyone that can tolerate that long to be a good man.

Mr. STANGELAND. And 8 years in the Minnesota Legislature, by the way. That is 16 years.

Mr. KANJORSKI. I have to go back to what the gentleman said. Am I properly informed that there is not presently before the House a decision of the House Administration Committee on the results of the election in the Indiana Eighth District; is that correct?

Mr. LUNGREN. I believe that is correct.

The task force has made its report. We have yet to have it confirmed.

Mr. KANJORSKI. And I assume that all day today we have had some assumptions that that decision has been made. But let us assume that it has not been made and we now have some strong evidence that it has not. Let me just turn it around. Let us assume tomorrow the decision of the House Administration Committee is that Mr. McIntyre of the Eighth District of Indiana has won the election by four votes. Are you now telling me that you do not want to respect that decision?

Mr. LUNGREN. If I may reclaim my time, I would say that if all of the votes were counted under the same rules, I would say we ought to respect that decision.

Mr. KANJORSKI. I would say to the gentleman from California, please do not ask to find out what the results are before you are going to decide on the rules.

Mr. LUNGREN. No, no, that is not what I said. That is not what I said to the gentleman. I will reclaim my time.

I said to the gentleman if all of the ballots were counted under similar rules and if the decision had been made that we are going to ignore Indiana law, then I would say whoever is the winner ought to be the winner. But that is not what happened here. We have had set aside Indiana law and we have not even counted all of the ballots.

Mr. KANJORSKI. We have made a fundamental mistake, if the gentleman from California will yield. We should have appointed a task force in a committee of this House to write in the details and the unmistakable terms of what the rules are. We need another 25 volumes of paperwork, I will say to the gentleman.

Mr. LUNGREN. I will reclaim my time.

I would say to the gentleman if the gentleman were here a couple of years ago, and Mr. HENDON, who was a freshman Member was up for reelection, and was defeated in a case in which the Federal court found grounds of massive fraud in the election process and in fact unconstitutional action, but said his recourse was either to the House or another election. And under those circumstances this very same august body, this very same House Administration Committee, with some different Members at that time said, "Wait a minute, we must follow the law of the State of jurisdiction, North Carolina." That was good 2 years ago but it is not good now.

So it leaves us a little less than standing on solid ground to say yes, we will rely on what the House Administration Committee comes up with, because what the House Administration Committee comes up with depends on what the result is. It seems, anyway.

Mr. KANJORSKI. It seems to me that we do not have a position of the House Administration Committee.

Mr. LUNGREN. I appreciate the gentleman's remarks. I would just say if you think a 7-to-4 House Administration Committee is going to act more objectively than the 2-to-1 task force, then I will say to the gentleman that I hope the next week that I can say to him, "You are right." But based on what has happened thus far, I have some strong doubts about that.

Mr. KANJORSKI. Is the gentleman from California telling me that he feels that the mathematical makeup of a committee in this House means the result of that committee?

Mr. STANGELAND. Yes.

Mr. DORNAN of California. Yes.

Mr. LUNGREN. If the gentleman asks that, I am in my seventh year in the Judiciary Committee, and we are known as the Bermuda Triangle. We are tough on law enforcement legisla-

tion. But we are not known as the Bermuda Triangle where you send a bill in and it just disappears off of the radar screen, never to be seen again. We are also the graveyard of constitutional amendments, and it is not because of the way the people in this House feel; it is because of the way that committee is constituted, overwhelmingly Democratic, far out of proportion to this House, and it has been in subcommittees until we fought this year. But ideologically, no way does it reflect this House.

Mr. KANJORSKI. May I ask the gentleman to yield so that I may ask the gentleman a question?

Mr. LUNGREN. Sure.

Mr. KANJORKSI. Has there ever been a piece of legislation that has passed this House that has been introduced by the minority and has become a piece of legislation with a majority vote in this House?

□ 2010

Mr. LUNGREN. Maybe we could find one, probably a commemorative day. But by and large that is what happened.

Mr. KANJORSKI. Well, I do not know, I just lost a vote a week ago on the MX when I was in the minority and I am sitting on the majority side of the House.

Mr. LUNGREN. I appreciate the gentleman. I thought LES ASPIN was a member of the majority. I would have to find out which party he is in. Although it is interesting, you ought to watch what happens in my committee; if it is a good idea on our side of the asisle it usually is voted on but it has a Democratic Member's name on it.

I would also instruct the gentleman that it is too bad he was not here in the last Congress when the Senate, on a bipartisan basis, overwhelmingly passed the Comprehensive Crime Control Act. They passed it in two Congresses. We could not get it out of subcommittee. It was only because I attached it on a motion to recommit, to a spending resolution, a 655-page bill on a spending resolution, that we ever got it on the floor and it was ever voted on. We spent 52 weeks after the President called us into the Oval Office asking us if we would work on it. And it was worked on on a bipartisan basis in the Senate 52 weeks before it was ever broken up and sent to the appropriate subcommittees.

So, yes, very definitely, committees and subcommittees play a role in stopping legislation from getting to the floor and determining the outcome.

I yield to the gentleman from Ohio.

Mr. KASICH. I appreciate the gentleman yielding to me.

I would like to engage briefly in an exchange with the gentleman from California [Mr. THOMAS] because the gentleman from California [Mr. LUNGREN] very eloquently talked about the fact that on election night, and this is really for the American people and not to continue a debate that we clearly know the answers to here within this House and to argue whether the makeup, Democrat or Republican makeup of a committee has any impact on the resolution of legislation before this House. The gentleman from Pennsylvania clearly knows the answer to that.

Mr. KANJORSKI. Is the gentleman suggesting that I leave?

Mr. DORNAN of California. No, sir.

Mr. KASICH. Let me say we know if has been established that our candidate, Mr. McIntyre, won on election night, he received his certificate. When the recount was conducted and completed his vote total increased. We have already heard Mr. THOMAS talk earlier tonight, and Mr. LUNGREN, about the absentee ballots and the fact that some absentee ballots were treated differently than others, that ones that were accepted were ones that gave votes to Mr. McCloskey and the ones that were rejected presumably would have given votes to the Republican candidate or at least it was presumed enough that those ballots were never counted.

We know there were distinguishing marks, as Mr. LUNGREN clearly pointed out. In fact, they counted McCloskey ballots that actually had erasures on those ballots. There are, however, several other examples of irregularities in the process of this particular task force and I would like Mr. THOMAS first of all to touch additionally on the question of reconciliation. If he could explain to the American people what reconciliation means, what is the impact of this reconciliation?

For those that are watching and trying to understand this you have to understand that this task force is now saying that Mr. McCloskey has won by four votes. By four votes. And we face all these irregularities.

Would the gentleman tell us about reconciliation?

Mr. LUNGREN. I would be happy to yield to the gentleman from California.

Mr. THOMAS of California. I thank the gentleman for yielding.

Reconciliation is a term that we use around this House when we normally talk about the budget process as an internal piece of jargon.

For want of a better term, reconciliation was the term that we used as the task force attempted to reconcile the number of ballots in a precinct with the number of names on a voter poll list. There were situations in some counties in which the poll list showed more names than there were ballots and in other counties and precincts there were more ballots than there were names.

Mr. LUNGREN. Reclaiming my time, in other words, as most voters understand when they go to a particular polling place they normally identify themselves and at the time they identify themselves they check or a line is drawn through their name and they sign, indicating that they have taken a ballot. That is the type of polling list the gentleman is speaking about?

Mr. THOMAS of California. Yes, although it is done slightly different in States. They are basically the same. That is a sign-up sheet is there, you are then given a ballot after you sign up, and you vote. At the end of the day the ideal situation is that the number of ballots in the ballot box equal the number of people who signed in. That is the objective.

Mr. LUNGREN. That is fundamental, I would think?

Mr. THOMAS of California. I would think that it is fairly fundamental.

When you examine the 15 counties, what we came up with were discrepancies numbering 103 in total of either too many names for ballots or too many ballots for names. When determined county by county whether that was a surplus of ballots or a surplus of names, it nets out in the Eighth Congressional District; that overall there were 32 more ballots that were cast in the Eighth Congressional District than we can find names to attribute to them.

In other words, to respond specifically to the gentleman from Ohio [Mr. KASICH], we could not reconcile the numbers. They did not fit.

What the task force did on a 2-to-1 vote, two Democrats and one Republican, was to simply accept the numbers and ponder about why they came out the way they did.

Mr. LUNGREN. I yield further to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. I thank the gentleman for yielding.

Is it not true, I ask the gentleman from California [Mr. THOMAS] that in Crawford County the task force added two disputed McCloskey ballots even though the ballot count exceeded the number of voters in the poll books?

In other words, McCloskey got two more votes. That meant, in effect, there were two more votes than there were people who could possibly have voted in the precinct. Is that in fact the case?

Mr. THOMAS of California. It was the case, but we had already examined several counties in which we could not reconcile again the number of ballots and the names. The question at that time at least, among the majority members of the task force, was that it was more important to take voter intent than to worry about having the number of ballots equal the number of names on the roll. So if it looked like an otherwise valid ballot we ought to

count it. But, of course, that was fairly early in the process.

Mr. KASICH. One other issue if the gentleman will yield further, and that is the issue of spoiled ballots. Another issue, in addition to absentees and distinguishing marks and the question of reconciliation, what about the issue of spoiled ballots? Could the gentleman explain to us how those were handled and what the implications of that fact were?

Mr. THOMAS of California. We have a number of categories in which there are classified ballots. Normally a spoiled ballot in which a voter, and this very often a paper ballot, but it can also be punchcard ballots, that when a voter intends to mark the ballot a certain way, and they make a mistake on the ballot, what they are supposed to do is then return it to the election officials and receive a clean ballot. The election officials then indicate on the ballot by writing "Spoiled" on it, "duplicate issued" or some other notation and initial it or sign it so that when they begin counting the ballots they realize that more than likely this spoiled ballot was a duplicate ballot and that a valid ballot was counted.

Now, we know that at times individuals did not bother to try to exchange a ballot when they made a mistake, they simply crossed out or earsed it or did something else to it. Those would tend to fall into the distinguishing mark category for decision.

Mr. KASICH. If the gentleman would yield on that further, is it then not possible that an individual could possibly have cast two ballots in the same election?

Mr. THOMAS of California. Well, if they had a spoiled ballot and went and cast a second ballot and the task force in examining the spoiled ballot bag containing spoiled ballots and void ballots, felt that it was an otherwise valid ballot and there was no way to fully determine why "Spoiled" was written on it, it may very well have been counted. I know of one instance in which "void" was written across a punchcard ballot and because it was determined that it did not have a tab and that it was voided on election day by the election officials, then under Indiana law we wound up counting the ballot that said "void" across its face.

Mr. LUNGREN. Reclaiming my time for just 1 moment, because I think this is extremely important. In any election that you have mistakes are going to be made. I is a human institution, but it tends to do the best that it can.

Individuals at ballot places all of us know are normally volunteers or get paid a very, very small amount of money. Yet from what the gentleman for California has said, there does not appear to be evidence that the recount under the rules established by this task force are any better, are any safer, eliminate any more fraud than the rules followed by the people in the State of Indiana.

Mr. Speaker, I would ask the gentleman to comment on that.

□ 2020

Mr. THOMAS of California. I would say to the gentleman that we have to remember that on election night, as the ballots were counted, no one knew that this could very well be the closest election in the history of the House. That those individuals simply carried out the task of counting the ballots in the Eighth Congressional District of Indiana, to try to get it done in a reasonable period of time so that the voting constituency can find out what the result was, and the media, and the rest.

In hindsight, they did a fairly decent job. I would say to the gentleman that I have a 16-year-old son who was involved in an accident in which he had to go to the hospital, and he told me afterward that if he had known he was going to get into that situation, he would have worn a better pair of socks. He would not have worn a pair of socks that had holes in them.

I would tell the gentleman that on election night, no one knew that their socks were going to be examined. They just went ahead and carried out the procedures of the election as best they could, and they did a very good job of it.

In comparison to the task force that had the ability to know what was in those ballot boxes by virtue of election night and the recount. And then they went ahead and wrote rules based upon what they knew to be in the boxes, and attempted to write rules to count enough ballots to win, and when they got in the process, they found out that their rules had holes in them and that they had to change the rules in the middle of the stream.

Mr. LUNGREN. Further directing a question to the gentleman, I just wonder whether anyone could assert—and this is the gentleman's objective opinion I am asking for—that there is any more fairness in the count that has been established by this task force than there was in the original count or the recount by the State of Indiana.

Mr. THOMAS of California. I would say that if the objection in this House by some Members to the Indiana count was because of disenfranchisement and failure to apply standards uniformly, that the task force is flawed on those same points. That people were disenfranchised, and that there was not uniformity applied to like ballots.

Mr. LUNGREN. I would also direct a question to the gentleman, and that is I have seen on tape the chairman of the task force, Mr. PANETTA of California, stating as a preface that there is no evidence or allegation of fraud or intentional vote irregularity with respect to this election.

Is that a correct representation of the gentleman from California's statements to the task force?

Mr. THOMAS of California. That is correct. There was no statement of fraud filed by the candidates under the Contested Elections Act, as the gentleman from California has previously pointed out.

Under the task force rules, we provided for a window of opportunity for not just candidates, but any other individual to step forward with an indication that there was or was not a fraudulent activity in this particular election, and none came forward.

Mr. LUNGREN. So one of the things that we ought to keep in mind as we go forward in discussing this is that this whole exercise is not an exercise, or was never presented to be an exercise to root out some sort of evil intent on the part of anybody; it was never an exercise to try to decipher the existence of fraud in the electoral process.

In other words, this process that was engaged in was not for the purpose of overcoming fraud or corruption in the electoral outcome in the Eighth District of Indiana.

Mr. THOMAS of California. That is my understanding. It was an attempt to make sure that some folks were not disenfranchised and that uniformity was applied. Fraud was not the question.

Mr. LUNGREN. One other question I have for the gentleman. That is, as I understand the rules that govern the counting, that ballots that were in unsealed envelopes; I guess these would be absentee ballots which, as I understand under the rules of Indiana would not be counted if the envelope in which they were obtained was unsealed, were in fact counted. Is that correct?

Mr. THOMAS of California. That's correct?

Mr. LUNGREN. And is it not true, in our home State of California, that a requirement for an absentee ballot is that it be received—by mail, at least—be received in an envelope that is sealed?

Mr. THOMAS of California. That is correct, but we are really not focusing on the ceiling of the ballots. We are focusing on, at least the universe that I am aware of in terms of options in Indiana's Eighth, were whether or not the signature was notarized, and whether or not the signature was witnessed, depending upon the category.

The opened envelopes, it is assumed, were opened by poll clerks, but the election ballot materials and the application were still inside. So the assumption was that they opened it, and then on examination and reflection, decided

not to count it. Not that it was received in an unopened fashion.

Mr. LUNGREN. That is the assumption. Do we have any proof one way or the other on that?

Mr. THOMAS of California. I am not aware of direct testimony that would indicate which condition it was.

Mr. KASICH. I appreciate the gentleman yielding to me. If I could just summarize my comments and I do appreciate the gentleman giving me the time.

I think Mr. THOMAS would have to agree when—again, to summarize—when you have a gentleman that is elected or is certified the winner after election night, Mr. McIntyre, you have a recount; he comes out even farther ahead. Then we set up a task force, 2 to 1 with the majority party ruling that decides what kind of ballots we are going to count and what category.

We have problems with counting absentee ballots, we have got problems with distinguishing marks and bypassing those rules; we have problems, as Mr. FRENZEL said earlier, with ballots showing up that had never been counted election night or the night of the recount in feed sacks and just showing up that were in the basement of some courthouse somewhere in Indiana.

We have got the problem of spoiled ballots, and reconciliation, and we have every major newspaper in America, every single major newspaper in this country that has analyzed this case, has said, "They're taking the election away from the winner." Let Mr. McIntyre be seated.

The Wall Street Journal today—not the remarks of the Republican Party; not the remarks of anybody who has a vested interest in this race; the Wall Street Journal said today:

> Throughout all the partisan contentiousness over this dispute, nearly all had agreed that if the outcome of the recount in this admittedly close election came down to a handful of votes, there would be a new election. What no one took into account, but probably should have, was that this whole show has been run by arguably the two most partisan Democrats in the House—Tip O'Neill and Tony Coelho.
>
> From where Mr. O'Neill and Mr. Coelho sit, Mr. McCloskey's new, four-vote win is mainly an opportunity to stick it to their nemesis in the White House by staging a straight party-line vote on the seating. Such victories may afford the Speaker some pleasure as he battles toward the sunset, but we wonder whether younger House Democrats might not be wondering if that loud sound they hear is their party crashing into the rocks at the bottom of the falls. There is simply no way the Democrats can look good saying a Democrat's four-vote victory is valid after they said a Republican's 400-vote victory was invalid.

I do not think it can, frankly, be said better than that, and this is not just the opinion of the Wall Street Journal, but the opinion of every single major newspaper in America that has judged this issue on the basis of the facts and fairness.

Mr. LUNGREN. I appreciate the gentleman's remarks. I would just like to direct one more question to the gentleman from California, and that is this.

As I understand it, then, some spoiled ballots were counted; spoiled ballots including one that had "void" written across it. Some ballots were counted that were not even in—or were not known to be in existence, at least by the official counters on election day, as Mr. FRENZEL made reference to, exceptions were made on absentee ballots that were not notarized and not witnessed, and yet there are at least 10 ballots cast by members of the military which had postmarks on them before the election, although they arrived after the election date. Is that correct?

□ 2230

Mr. THOMAS of California. That is right. I would say to the gentleman from California, if he will yield, that anytime you go out and look for ballots in an election, as the task force did, and search every bag and search every protective envelope, that you may find several that were not counted election night, again the haste to get the vote out you have that circumstance. That was not this gentleman's primary concern, about the fact that we actually discovered ballots that had not been counted. I want to underscore the fundamental concern that this gentleman has, and that is that once we discovered a category of ballots, those unnotarized and/or unwitnessed absentee ballots, in which some had been counted and some had not, that we had to determine whether or not all of them shared a degree of security. And what we discovered was that some did not but many did. And out of that group that shared the same security, some were counted and some were not. And that decision was made on a straight partisan vote, to count some and not others. And if the whole purpose of this exercise was to make sure that people were not disenfranchised, we have ballots with names on them, of individuals who, under other circumstances, through no fault of their own, had those ballots been sent to the precinct, they would have been counted. Equal security, a different circumstance which really made no difference whatsoever, and they were disenfranchised.

We had a rule which was not applied uniformly, and the majority leader came to this floor and said that we have to do the job, the House has to do the job, because the folks in Indiana did not apply the laws uniformly.

I am here to tell you that the task force did not apply its own rules uniformly. And if the requirement was to have another group count the votes because of disenfranchisement and failure to have uniformity and that group was this group, this count is flawed the same way. And it seems to me that at this point, to say that Mr. McCloskey won by 4 votes, when there are between 30 and 60 votes still on the table, some of them in an identical like security condition to those that were counted, to honestly say that it is time to quit, let us roll up the operation, let us announce a winner, is, to me, one of the classic heights of hypocrisy, and at the very least what we ought to say is that we do not know who won that election.

I am not here to say that we ought to seat Mr. McIntyre. But I am certainly also here to say that we ought not to seat Mr. McCloskey. Either we count those votes or we admit that we do not want to count them because we do not want to know the outcome, we were satisfied with the four-vote win. That is unacceptable to me, and at the very least we can let the folks who are most affected decide, and that is the people in the Eighth District of Indiana.

Mr. LUNGREN. I thank the gentleman for his remarks and for his service. I just find it somewhat ironic that in many cases what has been a driving force of the decision by this body, and that is basically the majority, both in the full body and the committee and the task force, has been some suggestion that the State of Indiana did not act in a perfect manner and, therefore, it required Federal intervention. In the case of those military folks who happened to have their ballots sent by a quasi-Federal agency, the U.S. Post Office and, therefore, those ballots, for whatever reason, did not get in on time, even though they were postmarked appropriately, we do not make exceptions under those circumstances, we do not change the rules there, when we have changed the rules all the way along and trampled on the rules as they were established by the sovereign state, or at least prior to this time what we had assumed to be the sovereign State of Indiana. When I went to school there at the University of Notre Dame, we thought it was a sovereign State. I guess times have changed. It either has been made an exception in this case or every other State in the Union, every territory, had better look to its own procedures, because you may not see them very long. We have established a precedent in which the U.S. House of Representatives, under whichever party happens to dominate—and maybe this is a precedent for the Senate, maybe there will be a close election in the Senate the next time and maybe the Republican Party will be the party saying, "Hey, maybe we ought to count this again and do it under our rules, and we will give ourselves every benefit of

the doubt." I would hope that our party would not do that, but I will tell you, when you establish a precedent like this, it is not good for the country no matter who is involved and no matter which party happens to be in the driver's seat.

Let me yield to the gentleman from Minnesota, who has been waiting patiently.

Mr. STANGELAND. I thank the gentleman for yielding, and I would just like to engage the gentleman from California [Mr. THOMAS] in a few questions, if I may.

Just to give a better clarity to this, when I vote in my precinct, which is a rural precinct, and I go to my town hall, I check my ballot, and it is all paper ballots, and I have at least two election judges to have to initial that ballot. Without that initial, that ballot is not official. I would anticipate that the requirement in Indiana of the tab on the ballot is somewhat that kind of a certification that that person did indeed cast that ballot; is that not so?

Mr. THOMAS of California. If the gentleman will yield, I will tell the gentleman from Minnesota that the requirement that he apparently has in Minnestoa is virtually identical to the one in Indiana. If it is a paper ballot or a punch card ballot in the voting place, there is a requirement under Indiana law that there be an initial of each of the poll clerks from an opposite party. And absent those initials, that ballot is not to be counted, because obviously it is a question of ballot security, ballot validity.

But the task force waived those rules and counted those ballots, notwithstanding their failure to comply with Indiana law.

Mr. STANGELAND. And so what the task force has done is establish a precedent that some local officials does not have to certify to the eligibility of the voter in an election, and so what they have done, in effect, is establish a precedent where people can come in and steal an election, something similar to what may have happened a few years ago in electing a Senator from Texas, and a number of years electing people from Chicago, where there was not that kind of verification of the actual voter establishing and voting his conscience and his ballot; is that not true?

Mr. THOMAS of California. If the gentleman would yield, I would tell the gentleman that there are a number of election officials in Indiana who came to me and said:

If we feel that we don't have to worry about honoring those requirements set up under law by the people of Indiana through its legislature and upheld by the courts, that if we know that someone is going to come in and count, notwithstanding those rules, there are an awful lot of things that could go on in an election, and that the reason we put those provisions in there was to make sure that those kinds of activities did not go on, and that certainly it is an invite in the future for someone to realize that they can do just about anything they want to do and if the House task force came in under the same rules by precedent, that virtually all of those ballots would be counted.

Mr. STANGELAND. If I might make one more point, what we are fighting for here, as much as anything else, is the sanctity of each individual citizen's ballot to comply with the election laws of his State and his county and his congressional district, because if we throw out the sanctity of those laws and determine that we will count whichever ballots we choose to count, laws notwithstanding, we can have elections stolen, we can have candidates defeated, not at the will of the people but at the will of a majority or a power base, is that not true?

Mr. THOMAS of California. If the gentleman would yield, I would say that the gentleman from Minnesota states the extreme case, but whenever we begin to move down the path, I think it is useful to examine the extreme case to understand where we can very well wind up.

Mr. STANGELAND. I thank the gentleman very much.

Mr. LUNGREN. I thank the gentleman for his comments. I think it is important for us to know that each State of the Union—and some have given this responsibility in certain ways, delegating the responsibility to subdivisions or political subdivisions of those States—have established procedures whereby they believe they can protect against fraud imposing itself and corrupting the electoral process. And that is the reason for the signatures, that is the reason for certain procedures that are used in each and every occasion.

And the gentleman made reference to Chicago. That is my mother's hometown. I still have a number of relatives who have found immortality in that State or that part of the country. It seems we put them in the ground several decades ago but they have been voting ever since. It was a remarkable place. It is the only place where you can reach immortality I think in this world. The whole reason for us attempting to set up these procedures in the various States is to eliminate that sort of thing, as they have done in Illinois or attempted to do with their procedures and as they have done in the State of Indiana. And what we have said here is, irrespective of the reasons for establishing those rules, we are going to forget about those rules because we, the House of Representatives, somehow have a superior ability to elicit the determination of the people of a particular congressional district. And that may be well and good in a centralized governmental scheme. That is not the way this place is supposed to operate, this governmental system is supposed to operate, or this country is supposed to operate.

If the gentleman from Arizona would like me to yield, I would be happy to.

□ 2240

Mr. KOLBE. I thank the gentleman for yielding.

I listened earlier as the gentleman from California [Mr. THOMAS] outlined the procedures that were followed on the task force and the votes that were cast on Friday and on previous days as the rules were adopted. I am wondering if he can tell us just roughly how many votes were cast by the task force in adopting the rules and then perhaps during the course of the meetings and deciding on specific ballots to be counted or not counted.

Were there, was it in the hundreds or the dozens?

Mr. LUNGREN. I yield to the gentleman from California for his response.

Mr. THOMAS of California. It was clearly over 100 and may have approached 200.

Mr. KOLBE. What number of those were cast on the basis of 2-to-1 votes versus unanimous votes?

Mr. THOMAS of California. I would tell the gentleman from Arizona that a quantitative analysis there probably would not yield as significant information as would a qualitative analysis of the 2-to-1 votes.

There were a number of votes in which there were times that the staff out in the counties examining the ballots would react to each other in terms of what they considered an unfair call being sent up so they were going to get another ballot for the other candidate and send it up. There was some gamesmanship on both sides being played.

So that a number of decisions that were made were clearly ones that should not have been made by the task force, and the ballots should have been retained in the respective counties and counted in the county totals. So there were a number of votes in which there were 3-to-0 votes, because there was no reason not to do otherwise.

On qualitative analysis, I think the gentleman would find that on virtually every vote, save maybe two or three, that the decision that was made was a 2-to-1 majority decision, to the point that finally last Thursday night, this gentleman from California simply said: "You folks figure out where you want to be, and if you need me, I will vote." Obviously, if the two Democratic members of the task force agreed on the dispensation of a ballot, this gentleman from California had no role to play. So he simply waited until there was a disagreement between the chairman and his colleague on the majority side, and then was allowed to partici-

pate in the decision and I would have to then decide one way or another.

So from a qualitative point of view, I think you will find out of those several hundred votes there were probably no more than a dozen to a dozen and a half that were truly meaningful and out of that dozen to a dozen and a half, off the top of his head, the gentleman from California recalls perhaps two in which he participated as part of the majority on a 2-to-1 vote.

Mr. KOLBE. If the gentleman would yield further, I think, as I understand what the gentleman from California, Mr. THOMAS, is telling us is that on all of the substantive issues, on the really basic, gut issues where decided whether or how we were going to rig this election to come against Mr. McIntyre, on all of those basic decisions, the vote was a straight 2-to-1 and two Democrats, one Republican on those substantive issues; is that correct?

Mr. THOMAS of California. On those key, cutting-edge votes which would have had a significant impact on the outcome of who had how many votes the answer is "yes."

Mr. LUNGREN. Mr. Speaker, I yield back the balance of my time.

ORDER OF BUSINESS

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that I be allowed to proceed with my special order at this time, out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KOLBE] is recognized for 60 minutes.

THE GREAT ELECTION ROBBERY IN INDIANA

Mr. KOLBE. Mr. Speaker, we have listened this evening to a number of comments that have been made by our colleagues in a very long and lengthy colloquy that we have engaged in, and I cannot help but come to the floor this evening with a deep foreboding. What we saw last Friday in Evansville, IN, on the task force was a dark day in the long and largely glorious history of this heretofore distinguished body.

Again, today as that task force ratified its decision and made its recommendation to the full Administration Committee, I think we have seen a dark day in the distinguished history of this body.

I think we see today a very dark day in the history of this country. I listened earlier this evening to the remarks of my colleague, the gentleman from California [Mr. THOMAS] and I listened to the remarks of the gentleman from Minnesota, the ranking Republican on the House Administration Committee, Mr. FRENZEL, as they described a procedure; as Mr. THOMAS described what had happened in Evansville, IN; what had happened here in Washington, DC, leading up to that climactic meeting last Friday in Evansville.

All the votes that were taken by the task force to establish the rules under which this count by the House would be rigged to come out the way that they wanted it to come out, I listened to all of that, and I listened to Mr. FRENZEL as he described the procedure that was taking place in the House Administration Committee.

I cannot help but think, Mr. Speaker, as we listen to these arguments that are put forth here, and we have listened to all of them as Mr. THOMAS has elucidated very clearly, the very technical issues that are involved here.

But those are not the issues that are at stake here today, this evening, on this floor, in this body. The issue is not reconciliation; the issue is not chads, as they are called; the issue is not hanging threads; the issue is not notarization of absentee ballots; the issue is not absentee ballots themselves; the issue is not the tabs on the ballots. The issue, Mr. Speaker, is fair play. The issue is justice. The issue is representation in our Government.

I watched earlier today, some several minutes of the film of the hearing in Evansville, IN, last Friday of the task force, and as I said earlier this evening in part of a colloquy with my colleague from Pennsylvania [Mr. KANJORSKI], I came away from watching that with a sense of literally physical revulsion at the way that the majority on that task force demonstrated the sheer arrogance of their power of overwhelming fair play and of overwhelming the minority.

That task force, Mr. Speaker, brought shame on this body. Their action was a disgrace to every Member of this body. Let us be very clear about the issues that we are talking about here tonight. That task force never had any intention of counting all the votes; that task force never had any intention of being fair; that task force never had any intention of fulfilling its sworn responsibility to abide by the rules of this House and uphold the law of this land.

No, that task force had its marching orders and they were to seat Mr. McCloskey. They abided by the rules that they were given. To heck with the truth, disregard the facts; steamroller the rights of the minority. Toss out the Constitution of the United States.

Mr. Speaker, this is a tragedy; Mr. Speaker, this is a travesty. But the issue, the issue is far larger. The issue is far larger than Mr. McIntyre. The issue is much larger than the individual who is at consideration here in the Eighth District of Indiana. The issue is much larger than who will represent the Eighth District of Indiana. The issue is much larger than the rights of the minority in this House, as important as those are. The issue is much larger than the rights of all Members of this body, as important as that is to all of us who believe in the importance of this body, and believe in the rule of law; who believe in the precedents of this body.

No, Mr. Speaker, the issues are much larger. The issues that are at stake here are our rights as Americans. Our rights to elect our representatives to represent us at the court house, in the city councils, and in the legislative chambers. And, yes, in the Hall of this body, in the House of Representatives of the United States.

The issue that is at stake here is our right as citizens of individual States to enact laws at the State level that governs our elections. There have been suggestions made and I have heard them from some of my colleagues in our meetings and in private discussions that we have had, that we need to take very strong action to register our utter contempt for the way that this issue has been handled by the majority in this body.

□ 2250

There have been suggestions that we need to shut down this House. There have been suggestions made that we need to disrupt this House, and, yes, there have even been suggestions made that we need to engage in civil disobedience if we are to make our point known.

Mr. Speaker, these statements that have been made are not trivial statements and I do not believe that the members of my caucus who made those suggestions do so lightly. They have been around many, many years than I have been here.

I think tonight as we consider this issue, we have to each search our souls and ask, Is there a higher order? Is there a greater morality? Is there an overriding rule of law? Do any of these things, does that higher order, does that greater morality, does that commitment to the rule of law, do any of these things cast against our solemn oath to uphold the Constitution of this country? Do any of those things mean more than simply our role in this House of Representatives?

We are not the first to ask this question, we are not the first. Men and women through history have asked it.

There were individuals who stood on the campus of a German city during the Nazi era and distributed leaflets with the sure knowledge that they would go to a concentration camp for that, but they felt they had to do it to make a statement about their contempt for that regime.

There were opponents of Soviet tyrants in Hungary and Czechoslovakia who stood against those regime and today there are men and women who die every day in Afghanistan because they believe in freedom and they intend to make their point.

Do I cast these things too harshly? Do I speak of them too strongly? Mr. Speaker, I think not. You might have seen the column by David Broder in the Sunday Washington Post where he spoke as he left for a trip to Europe with a greater foreboding for this country than he had seen in a long, long time, and when he discussed that foreboding, one of the things that he was particularly concerned about was the growing contentiousness in the House of Representatives, a dark cloud of contentiousness that has been cast over this House and I think in large measure by this issue.

Mr. Speaker, we are facing, in my opinion, a constitutional crisis on this issue. I implore the majority if there is any sense of decency left, if there is any sense of fairness, if there is any sense of objectivity, if indeed there is any integrity, do not trample on the sacred right of Americans to elect their representatives to public office. Do not refuse to seat the winner of the race in the Eighth District of Indiana simply because and only because you have the votes to say you will not seat him, that you are going to seat somebody else.

Mr. Speaker, the Constitution is too sacred for that. The honor of this House is too important. In the name of God, now is the time for us to turn back while we still have the opportunity to do so from committing this great travesty.

Mr. GUNDERSON. Mr. Speaker, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Speaker, I want to commend the gentleman for the outstanding and heartfelt remarks which he has just made. I hope if they say nothing else, they indicate to those who are paying attention to this discussion and this debate the intensity of the feeling on this side of the aisle.

I think it is fair to my colleagues on both sides of the aisle to describe me as one of those people who is not in the leadership, a partisan activist on our side. I try to be bipartisan in almost everything I do. I come from a very swing congressional district. I want that perspective and that image known, and yet this issue perhaps more than any issue in the 5 years I have been in Congress could be called the issue which is the radicalization of the Republicans in the U.S. Congress, not because we want to defend the Republican Party or because we are concerned about whether or not we have another Member, but because we want to defend, frankly, the Constitution of this Republic. That is what we see as the issue. We see it from so many different perspectives, as the gentleman has indicated in his remarks.

I think it is absolutely hypocritical what this Congress is going to do this week. On the one hand we are going to spend all day tomorrow debating how we provide the opportunity for freedom and democracy and self-determination in Central America and then we are going to turn around probably less than a week later and we are going to make sure that freedom and opportunity and self-determination have nothing in terms of meaning and existence in the Eighth District of Indiana, or frankly in the Congress of the United States.

Just this past week we have seen many, many commemorations of the Holocaust, of people who frankly stood up for the rights of individuals.

We are not following any commitment we made to people regardless of their ethnic background or religious heritage now as we look at where we are proceeding in this Congress, because the inconsistencies used by the task force in counting these ballots can be nothing more than deplorable, can be nothing more than morally repugnant.

You know, it used to be in this country that we gave the States the right to handle their own elections. I came to this Congress in 1980. I came with BILLY HENDON. BILLY HENDON was defeated in 1982 in a very close, very contested, very controversial election. They brought that election to the U.S. Congress. They brought it to the same committee that is handling the present contest in the Eighth District of Indiana, and do you know what, the committee at that time decided that they could not get involved. They could not get involved, because after all, this was a States rights issue. The State has the jurisdiction to set the rules by which they handled and proceeded, not only with the election, but with the recount process.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, on that point, that election was so extraordinary that in that election you had voters who went to the polls and polled the straight Democratic lever and then they went over to BILLY HENDON'S name, the Republican's name, and they marked an "X" next to his name and that was counted as a vote for his opponent. In fact, it held in the Federal Courts to have been an unconstitutional procedure, an unconstitutional calculating of the ballots, and yet when it came to the House floor, when they had a Federal Court decision behind them saying that this is unconstitutional to count that vote as a vote for the Democrat, when the "X" was marked next to the Republican's name, this House said no, the certificate rules. The guy who has got the certificate from the State is the guy who should be presumed, strongly presumed, to be the winner and we are going to seat his opponent, and they did seat his opponent. Mr. HENDON is back with us now, but for 2 years his opponent was seated in an election in which Mr. HENDON got the majority of the votes.

Mr. GUNDERSON. Exactly, and I think the gentleman from California will agree, while BILLY HENDON is a personal friend of both of us, that is not the issue. The issue is whether or not we are going to abide by the laws we have established, the precedent this Congress has established, which is that the States shall set the conditions by which they judge their elections. In the 98th Congress, that was the rule of law.

Now, however, we have decided that ought not to be the rule of law in the 99th Congress. We ought to change the law. So what do we do?

First of all, after the initial certification and the recount came back from the State of Indiana, done by the law of Indiana and by the election clerks of Indiana, we say it is not good enough, so we are going to set up our own. The task force gets together and mainly on two to one votes they set up this whole new set of laws and regulations by which they are going to govern their count of the election in November 1984 in the Indiana Eighth District.

That goes along fine and then all of a sudden something happens and they decide that they ought not to be consistent, because you see, Indiana election law says that you are supposed to take ballots, absentee ballots mailed in to the county clerk, which are not opened, which are not notarized, which are not certified, and you are supposed to keep them in the county clerk's office.

Well, that happened in most cases, but in a couple cases they decided no, they were going to send them on to the precincts. They sent them on to the precincts and they were counted.

Now, you are going to hear in the debate when we get to this issue that the Congressman from California, who was chairman of the task force, say, "Well, what could we do? They are already in the pool. We could not just count every vote in that particular precinct."

No one is suggesting that those ballots should have been rejected, but as the official counter hired from the GAO by the task force admitted under questioning, if you look at the transcripts, if you look at the review of the proceedings, there were all kinds of unopened, uncertified, unnotarized

ballots, that were opened and counted if they had been sent to the precincts, but if they had not been sent to the precincts, as in Indiana election law said they should not, they were not counted.

□ 2400

That is the kind of inconsistency that we see in this particular issue.

And you add to that a number of military absentee ballots mailed long before the election, but because these young men and women happen to be serving overseas perhaps did not arrive on time. They were not counted.

If the intent of the task force was, as it was originally stated, to determine the intent of the voters of the Eighth District of Indiana, then, folks, I must admit the task force failed, and it failed miserably. And that is why Members of this body and Members of this side of the aisle, whether they be liberal, conservative, moderate, partisan or nonpartisan, are more united and are more up in arms about this issue than any issue this Congress has faced in a number of years.

Mr. KOLBE. Before I yield further, I would like to just respond to the gentleman from Wisconsin on a couple of points he made, and then I will be happy to yield to the gentleman from Pennsylvania.

The gentleman from Wisconsin made the point, and I think it is a good one, with regard to the question of Central America, and that is we are going to be debating a very important issue as to how we can support democratic forces in at least one country, or in that region, and that will be the subject of our debate tomorrow, almost today, in this body.

I had the privilege a few weeks ago of serving as one of the official observers for the delegation for the elections in El Salvador, and I think those elections were, by and large, very straightforward and very clean and very simple in the way that they were conducted, and very efficient.

But I can tell you, I certainly saw nothing, nothing that would compare to the kind of travesty that has been perpetrated upon this body in this issue as we are clearly rigging an election to steal an election from the elected Representative in the Eighth District of Indiana.

Now that is why I said earlier that it is a very central constitutional question. It is very easy for us, I think, to get trapped into being sucked into the trap of talking about all the technicalities that are involved here as to how this vote should have been counted, or whether this vote should have been counted, and yes, that of course is exactly what the task force had to do. They had to go through all those processes and consider each of those ballots, consider each of those issues.

But that is not the fundamental issue that is before this body. The fundamental issue that is before this body is whether or not we are going to seat the individual who was elected and certified in the Eighth District of Indiana, whether we are going to abide by the law of Indiana, which no one has questioned in this body or in this task force. There has never been an allegation, never been a court suit filed. No one has brought a charge before anybody of this House, and yet we have decided, this task force and this body is about to decide to substitute its own law, its own election law, which is written out of whole cloth, decided to substitute that for the Indiana law.

So I think we need to keep that fundamental central question before us as we discuss this issue.

Mr. WALKER. Will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I was interested in his point that he had been an observer in the El Salvador elections.

It occurs to me that the same people who are perpetrating this horror on the House of Representatives are the people who on tomorrow intend to come to the defense of the Communists in Nicaragua, who have their own election system which is surprisingly similar to the one that is being perpetrated in the Eighth Congressional District in Indiana.

But the point that I wanted to make originally, and I think that is important to get across here, is we have been hearing now for weeks from Democrats who were telling us we want to count all of the ballots, and they put up posters, they have come to the floor in 1 minute speeches and they have said they wanted to count all of the ballots. And now it turns out that that is not really what they meant. It turns out that they wanted to count all of the ballots that they needed in order to win the race. And then they were going to set aside some other ballots because those might jeopardize their chances of having the count that they wanted. And in fact, from what I understand, they even went into the spoiled vote bags in order to pull votes out which in effect means that despite the fact that some military men, active duty military men did not have their votes counted, there are some people in Indiana's Eighth District who had their votes counted twice under the procedures used by the task force, and in fact what you ended up with was a process where in some precincts you actually had more people voting than people who signed up on the poll sheets.

Now you know, that is counting all of the ballots, but it is counting all of the ballots in a way that is outright fraud. I mean the gentleman said that this election was stolen and he is absolutely right. We are dealing with outright fraud here. We are dealing with the kind of thing that the task force did, that is simply conducting a fraudulent election in the name of doing it right.

And here these people who have for months told us that the Indiana laws were a horrow show, then they come up with this kind of a procedure. I think that it is an outrage that the American people will thoroughly understand once they begin to understand just the lengths to which the Democrats went to steal this election.

Mr. KOLBE. I thank the gentleman from Pennsylvania. He is absolutely correct. There is an issue of fraud in this election, but the issue of fraud is not and never has been raised in Indiana or in the Eighth District of Indiana. The issue of fraud is in this body. The fraud that is being perpetrated in this election is right here. It is the fraud that has been begun by the House task force from the day it started its work, and it adopted rules which were designed specifically to rig the election to come out the way they wanted it to come out. That was the beginning of the fraud.

And even that was not going to be enough. So they had to, as they proceeded through the counting of the votes, they had to shut off the counting at some point. They waited until they got ahead and then they had to shut off the counting, change the rules right in the middle of the counting, and decide not to count any more ballots because Indiana law now applied to this matter. That is the fraud and that is the fraud which will be perpetrated, continued tomorrow when the House Administration Committee continues this. And it will be continued most likely next week when this body votes on this issue.

Mr. WALKER. Will the gentleman yield again?

Mr. KOLBE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Let us make the point that the reason why they were able to do this is because they established the House Administration Committee in the first place on the opening day when they passed their rules then, and started this process, and they stacked the House Administration Committee in ways that are totally different from what that committee should be in terms of ratios in this House. They started there and then they stacked the task force 2-to-1 and the fraud to which the gentleman refers was passed time after time after time on 2-to-1 votes, 2-to-1 votes by a Democratic majority that was artificially created

to perpetrate exactly the kind of actions to which the gentleman referred.

I think it is absolutely essential that we understand that this is the kind of dictatorship of the majority that we see not only in this case but we are seeing in a lot of instances around here. This is not the first time we have had this kind of practice go on. But it is a total outrage and an aberration of such magnitude that I think that virtually the entire minority now recognizes that the dictatorship of the majority here is in fact real and it is in fact a direct attack upon the constitutional system that this country has known for 200 years.

I thank the gentleman again for yielding.

Mr. KOLBE. I thank the gentleman from Pennsylvania for his remarks.

Again, you know it is very easy for us to find ourselves very outraged at what is going on here because it is being done to us as minority Members of the House of Representatives, and it is being done to us as a Member of the House of Representatives.

What we need to keep very clearly in mind is we are not talking about our rights. I am not talking about the rights of one individual who sits here in this body. We are talking about the rights of the American people, fundamental, constitutional, legal rights which are guaranteed in the Constitution and written into the laws of our land. We are talking about the rights of Americans to select their Representatives in this body and in every other body which are being trampled on by an abusive majority in the House of Representatives.

We are talking about fundamental rights of fair play, justice. Those are the rights of the American people that are being trampled on.

Let us not forget that. Let us forget that we are not defending something that is being done to the Republican minority in the House of Representatives of the U.S. Congress of the United States of America. We are talking about the people of the United States. We are talking about what is happening and how their rights are being slowly stolen away from them by the majority in this body.

Mr. SWINDALL. Will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Georgia, and then I will yield to the gentlewoman from California.

Mr. SWINDALL. Just very briefly, I was somewhat alarmed by what I heard you mention. If I heard it correctly, that is, if I understood correctly, you are saying that the rules were originally established by this task force at the outset, and then those very rules were changed midstream as they began the process of counting the votes. Is that correct? Did I hear the gentleman correctly on that?

Mr. KOLBE. Mr. Speaker, that is correct. They were changed essentially last Friday when they got down to the final decisions that had to be made. At that point they had, after all of the machinations they had gone through, they had managed to rig through the fraud they were perpetrating, they had managed to rig the election so that they were four votes ahead.

□ 2310

And so they changed the rules at that point and stopped counting any other votes.

Mr. SWINDALL. The reason I am concerned about that is I heard time and time and time again, as I came down and listened to the floor debates on this issue, the point being made that this task force was going to set up fair and equitable procedures whereby every vote would be counted, and it just seemed eminently clear to me that if you wanted to be fair and equitable that at the very outset you would establish the rules before any of the votes were personally known to the task force members, and that they would then, using those results that were predetermined, go through each and every one of the ballots, using the same rules so that they would not fall into the trap that they basically had accused the very State of Indiana of having fallen into.

Is that a fair assessment of that situation?

Mr. KOLBE. The gentleman from Georgia is essentially correct. In this case what they did is they had opened some of the votes so they knew how those votes were going to stack up. In that case they decided to count them. Thirty-two votes that they did not count had not been opened, those ballots, or envelopes are still to this day sealed, and rather than take any chances, since they were ahead at that point, they changed the rules and decided not to count those.

Under a rule that they had previously adopted, they would count those ballots. They just changed it, they just stopped and did not count it.

Mr. SWINDALL. If the gentleman will yield further, am I correct that I have heard repeatedly the assertion that all of the ballots would be counted, and am I further correct that I heard that the House Administration Task Force this day said that they would not even count those ballots, much less reveal the contents of those ballots so that we might at least know speculatively what would ultimately come from the counting of those last ballots? Is that true?

Mr. KOLBE. Mr. Speaker, that is essentially, as I understand it, correct. I am obviously not a Member of the Task Force. I was not there. I listened very carefully as the gentleman from California [Mr. THOMAS] elucidated the outrageous fraud that was perpetrated on the task force and the way they handled this case. I think that is an essentially correct statement.

Mr. SWINDALL. Having heard that, I understand the gentleman from Arizona's outrage.

Mr. Speaker, I yield back, having made the point that I was outraged when I came in about what I thought to be the case, but after having heard the gentleman's reaffirmation of what I just suspicioned was true, I understand the gentleman's being here even at this late hour talking about this situation, and I commend the gentleman for it.

Mr. KOLBE. I appreciate the comments of the gentleman from Georgia.

I thank the gentleman. Those are the details of how, to use the word that Mr. THOMAS of California used, how this rape was perpetrated on this body. Those are the details. But let us no forget that the fundamental issue is that the right of Americans to have their votes cast and counted is what is being trampled on here today.

Mr. Speaker, I yield to the gentlewoman from California.

Ms. FIEDLER. I thank the gentleman very much. Listening to the debate, I just simply want to say that this is probably one of the most important issues that we as Members of Congress will deal with in a very long time. As a matter of fact, I got on an airplane a little less than 24 hours ago, and still have not yet had a chance to get any rest over those long hours. But I felt it was important to come to the floor and support the statements the gentleman was making. Long ago I realized, as an elected official, that the most important task that I have is to try to preserve the protections that exist in the Constitution. Those protections, once taken away, will never be returned.

It seems to me that when a process of this kind tries to deny the American people the right to their representative Government that it is something that not only a Republican, an independent or a Democrat has to stand up and yell about, but people all across this country, to appreciate and who are a part of the democratic process that we enjoy, because what essentially is happening here and what we are saying is that if a majority has control over the rules and regulations, they can take away the rights of a minority. While today it may be a Republican Member of Congress who is losing his rights to sit and serve his people, on another day it might be a Democratic Member of Congress or it might be an independent Member. It is a very, very important issue, critical to all of us, something that is worthy of public attention.

So, Mr. Speaker, I want to commend the gentleman and the other Members who have taken their time to be here

this evening to try to really protect the rights of all Americans. The Constitution provides us with the rights to representative government, and if we simply give that up because of convenience, because somebody happens to vote in a majority today, tomorrow it is not just going to be someone else's rights, but it is going to be ours that we lose. When you think about what most of the battles are that take place here in the House and between the various powers across the world, the only fundamental difference between our form of government and that of, let's say, the Soviet Union, is the fact that we have the freedom to express our opinions, to say them publicly, to see them in the press, to express them here on the floor in the public arena, where they can hear us all across the country through the benefits of television, and we have got to make certain that our views are heard and that our rights are protected as a part of this effort. Otherwise, one of these days it is going to be you or me.

I would like to share a little experience that I had: When I was elected to Congress I won by 472 votes, not a very large margin. There was a recount, and I was duly seated.

That kind of a close election would be under threat if this process is permitted and it would be under threat whether it would be in the House or in the Senate when this kind of tactic worked.

Interestingly enough, in my last election I faced 2 opponents in the Democratic primary, and the one who won that primary won by only 10 votes. Well, that was challenged as well. Ultimately, the winner was the other opponent, and he ended up winning by 18 votes.

That kind of a process often happens where there are close elections. But it is important that the fairness and that the equity and that the even-handedness of the decisionmaking is something that is applicable to both Democrats and Republicans alike. And when you see this kind of a process take place, all you know is, there but for the grace of God go I, because in fact we never know who is going to be next. If we permit this to happen, and permit it to happen in silence, you know the old saying is, "All that is necessary for evil to triumph is for good men" and, hopefully, "women, to remain silent."

Well, this is one thing we are not going to be silent about.

Mr. KOLBE. Mr. Speaker, I thank the gentlewoman from California for her remarks. I want to respond to the gentlewoman from California because I also flew in last night on a Red Eye and have not been to bed. I canceled several important engagements that I had this morning in my district in order to be here today, because I felt it was important that we be here.

As the gentlewoman from California has said, we have a constitutional responsibility and I think most of us take that very seriously. I stood on the floor of this body on January 3 and took an oath of office to uphold and defend the Constitution of the United States. I do not take that oath of office lightly. I do not think most of the Members of this body do. But I think it is one that each of us now needs, and I implore, as I did earlier, my colleagues on the other side of the aisle in the majority, to look, to search deeply into their hearts and remember that oath of office that they have taken, and ask themselves, indeed, are they upholding the Constitution of the United States when they do indicate this kind of a travesty?

The gentlewoman from California also spoke about the closeness of her election. I also had a close election in 1982 when I was on the losing side of that election. And again in 1984 when I won my election.

I have to ask myself if it can be done to one person in the Eighth District of Indiana who came, just like me, with a certificate of election from the secretary of state unchallenged by anybody else, if it can be done to that individual and he can be not only told to stand aside but then denied ultimately the seat from the floor of this body, then who is next? Which among us is next? Who is safe?

□ 2320

Mr. SWINDALL. I thank the gentleman for yielding to me.

Mr. Speaker, I ask unanimous consent to move the special order that I have requested, to come up sometime soon in the list, and move it to the end of the special order list.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. KOLBE. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I appreciate the gentleman yielding, and I, too, want to respond to the eloquent and excellent remarks of our colleague from California.

She was talking about the difference between elections in the Soviet Union and elections here in the United States. I must tell you in all honesty that if I were part of the propaganda machine in the Kremlin, I would certainly take the Eighth District election of Indiana, and make this a prime example of what does go on in the United States.

I would hope that everyone would understand the absolute level of frustration that many of us feel on this whole issue. There is an election in November; there is a certified winner; there is a recount, and when this House convenes in January, we decide that none of that is good enough.

We are going to throw out all of the election laws of the State of Indiana, where no fraud is allegated on either side, where there is no official contest of the election filed, we are going to throw all of that out. We are going to decide not to seat the duly elected and certified winner of the Eighth District of Indiana.

You wonder why Members on this side are upset? So then what happens? Then we decide that we are going to have this task force, and we are going to set up rules by which the task force is going to count the ballots, and then when in the process of counting the ballots by the rules the task force has set for themselves, they decide—seven-eighths of the way through, to change the rules, and change the counting process.

Then you wonder why some of us are standing here tonight at this late hour. And I have paid my respects and my apologies to the staff who is forced to endure this with us, but it is that important.

Why are we here today? Why are we in exasperation saying, OK, a special election, a new election; because there are probably more contested ballots and there is a difference between the two candidates.

If anybody would have asked me 3, 4 months ago if I would ever even support the concept of a new special election in the Eighth District of Indiana, I would have said, "You're crazy."

But there is one thing worse: There is one thing worse than even a new election, and that is for the wrong person to win. That is for this election to be stolen, and that is for the Constitution of the United States and the laws of the State of Indiana to be set aside for partisan political purposes, and that is what we see being thrust upon this Congress today and tonight and in the next week.

Ms. FIEDLER. Will the gentleman yield?

Mr. KOLBE. I thank the gentleman from Wisconsin, and I yield to the gentlewoman from California.

Ms. FIEDLER. I think that you raised the real issue. It is very easy to get lost in a discussion, get lost in a concept of an abstract election, but what we are really saying is that there are a group of citizens whose votes were simply cast aside because they voted, in the opinion of a certain individual or group of individuals, the wrong way.

Now when you think about that statement, we are talking about a very, very important issue. If you or I vote a certain way, and the people in power decide that that way is the wrong way, then our votes do not count.

We in essence have no stake, no involvement in the political process, because we are not a part of the anointed few; that group who is voting the

way that the majority wants, or the people who are in control want.

As citizens in a free society, we are totally negating and giving up our rights to participate as equals in the system, and that really is the only difference between us and other forms of government, and that is that we do have an equal share of the system if we choose to exercise it.

But here comes along a process whereby certain individuals who happen to be members of the majority of this body, have the authority and the power to cast aside our existence and our presence in the political process, and that is something that none of us can afford to tolerate, regardless of the detail, the minutiae behind all of it, all of the rational behind it.

That's something that we cannot afford to do ever, is to say that one American has validity in the political process and that another one does not.

There was a time not so long ago historically when there was a certain group of citizens in this country who were not permitted to vote, because they couldn't afford a poll tax. Now, that was deemed to be unconstitutional, because it was segregatory; it segregated out a certain group of citizens and denied them rights that other citizens of this country enjoy.

And this is exactly the same kind of thing. We are saying that one group of citizens, because they happen to think the way a particular group who happens to be dominating in the majority think that their votes count and are meaningful, but others in the process do not.

That is something that can be turned at any time on any one of us, and on, in fact, the people who sit as a majority here today. It is possible that sometime in the future, and I certainly hope that the Democratic Party does not represent a majority in this House.

Does that mean that they should lose their rights as sitting incumbent Members of Congress? Any more than their constituency should lose their rights to participate in the process as equals?

We are really talking about equal protection under the law, and I do not care who sits over there in the Speaker's chair. Those rights are protected under the Constitution. It is up to us as Members of Congress, and it is up to each and every citizen watching this debate today to make certain that they are heard in this process, because if they are not, then this democracy cannot work, and I will not accept that, as one citizen of this Republic.

Mr. KOLBE. I thank the gentlewoman from California. I do not think that the words could have been put any better.

I will yield in just a moment, just to respond to what she said. I think it is entirely accurate to suggest that the issue here is what is happening to an individual who happens to be a member of the minority, that the tables can be turned, and the rights that accrue to any Member of this body are the same, the rights to be seated in this body; the right when you come with a certificate to be given the presumption that you represent that district.

That has always been extended to a Member of this body who has been elected. It has been extended to the others of us. Why? Why has this one individual been singled out? There has never been a suggestion that his certificate was improperly issued; there has never been a suggestion that there was fraud in the election; there has never been a suggestion that there was anything wrong in the way, in the conduct of the election; it was just that the election was close. And, "We've got the votes, and we're not going to seat that individual."

If that can happen to one Member on this side of the aisle, Mr. Speaker, I suggest it can happen some day to some Member on the other side of the aisle.

I yield to the gentleman from California.

ORDER OF BUSINESS

Mr. DORNAN of California. I thank the gentleman for yielding.

I want to make a unanimous-consent request, because my name came up on my special order that I signed up for last week, and I was in the Cloakroom and unable to take it and defer it to you.

I ask unanimous consent that I be replaced in the order of the special orders tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There ws no objection.

Mr. KOLBE. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I thank the gentleman for yielding again. I would like to take a moment, now, if I could to respond to a couple statements that were made by our distinguished colleague from the other side of the aisle from Pennsylvania [Mr. KANJORSKI] who was down here participating in this whole discussion earlier this evening.

He made a statement that while he was willing to support the counting of all of the ballots on TV. And you know, he is not all wrong. That is where we are coming from, folks. What we are saying is, if we are going to count the ballots, and if you are going to have these signs up in your offices that say "When all the ballots are counted, our guy wins," whoever our guy may be; whether he be a Republican or Democrat.

If you are going to count all the ballots, and that is going to be the basis for the recount, follow the intent of the legitimate voters of the Eighth District of Indiana, then count all the ballots. It is that simple: Count them all.

But do not randomly count certain ballots and ignore others, all by the same standard. Do not decide that military ballots from active duty men and women voted, cast, mailed, dated, all before the election, but because the U.S. Postal Service, or perhaps the Middle East postal service or some other postal service did not get them there on time, if our intent is to follow the intent of the voters of the Eighth District of Indiana, then let us count all the ballots.

□ 2330

The second thing the gentleman from Pennsylvania suggested was that we need to find a different way to properly handle contested elections.

Brother, you are so right. And we told you that back in January. If we are going to deal with a contested election, where we do not have a winner, then let us deal with it in a fair and impartial manner. We have other methods by which we deal with these kinds of delicate issues. We have our ethics panel, absolutely bipartisan in terms of numbers and in terms of representation. Why did we not start that same process? Think what would happen tonight, where we would be tonight and the different tone of this issue if when we had started this whole process we had had a task force made up of an equal number of Republicans and Democrats to go in and to look at the issues and to try to resolve them in fairness and to properly reflect the intent of the voters of the Eighth District of Indiana.

These are just some of the many, many reasons that we are so concerned and I guess we are so abhorred. It gets back to what I said earlier. There are many of us who are not very radical, we do not like to call ourselves radical, but I would suggest that history will look upon this event and say it was the radicalization of the Republican Party, not in defense of the Republican Party, but in the defense of the Republic and the Constitution which has guided this Republic for almost 200 years.

Mr. KOLBE. I thank the gentleman from Wisconsin. The gentleman has made a point that I think is an important one, that there are other procedures for dealing with this kind of delicate issue. There is also another one that he did not mention, and that is the Federal contested elections law, a law that this body put into place one of the times it dealt with this kind of an issue, when they were faced with a very difficult issue, and it was decided

there ought to be a law to govern how these questions would be considered. That Federal contested elections law is in place, but it is not being used in the Indiana Eighth District. There has never been anything filed under that.

The loser in that election, Mr. McCloskey, has never filed anything suggesting that there was some impropriety in the election, that there was some reason that the Federal contested election law should be brought into play which should bring him before the bar of this House to be seated. He has never suggested that. He has just come to the majority of this body and said: "You have more votes than they do. Seat me and not the other individual, because this election was close, and I want you to seat me."

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Florida.

Mr. MACK. I would just like to respond to a comment the gentleman from Wisconsin made just a few minutes ago in reference to not counting all of the votes. I am not sure I have the exact number of votes that were not counted, but is that somewhere in the neighborhood of 30 or 32?

Mr. GUNDERSON. Thirty-two is what I usually hear is the number.

Mr. MACK. Thirty-two.

I heard during some of the discussion earlier today something that I think sheds a little light on why those votes were not counted. I understand that they are all absentee ballots; is that correct?

Mr. GUNDERSON. That is correct.

Mr. MACK. And the absentee ballots have the names and the addresses of the individuals who cast those votes, and one could very easily go back and determine whether those individuals were registered as Democrats of Republicans.

What I am suggesting to you is that I think when you look at those you are going to find that those votes I believe were 17 registered Republicans, 6 were registered Democrats, and the balance were independents. So if you were trying to determine the outcome of the election and you finally got yourself to four votes, I would suggest if you had that information, which I assume that they did, that that might be a convenient place to stop.

I thank the gentleman for yielding.

Mr. KOLBE. I thank the gentleman from Florida for that comment, because I think it is an appropriate one and certainly highlights one of the issues here.

I suppose that if they had looked at those 32 ballots and found that 31 of them were Democrats and 1 was a Republican, they might not want to roll dice either, as long as they were 4 votes ahead. And they might still have discounted them. But under the circumstances, you are absolutely right, you are rolling the dice with them stacked against you or perhaps stacked against you.

The fact of the matter is, Mr. Speaker, in the course of this aborted recount which has been taking place by the task force in Indiana, during the course of that recount the absentee ballots have split remarkably close, even though the majority of the absentee ballots are Republicans, they have split right down the middle, a testimony to the very good job that the Democrats and Mr. McCloskey did of getting the absentee ballots on their side.

So one could look at those ballots and say they are going to come out just about down the middle and we will still end up with four votes.

But the fact of the matter is, once they got to the point where they are four votes ahead, they stopped. They just changed the rule. They said:

> Oh, Indiana law now applies here in these cases, these absentee ballots were not sent out to the precincts, and so therefore we will not count them, even though we have affidavits from the clerks of each of those counties saying that the security on those ballots is exactly identical to the security of those absentee ballots that had been sent out to the precincts and which were counted by the Task Force.

They were treated, although they were identical in the kind of ballots, identical in the fact that they had not been notarized or signed, identical in the way the security had been provided, they counted 19 of them and they decided not to count the next 32 because they were ahead. It was just as simple, as blatant, as outrageous as that.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Florida.

Mr. MACK. What you are saying to me is that—I got the impression during this discussion earlier that there were a certain number of absentee ballots that apparently were not notarized, and I got the impression that those that were not notarized had not been counted. Are you telling me now that there were some absentee ballots that were not notarized that were actually counted by the task force?

Mr. KOLBE. Absolutely. Those that were sent back in violation of Indiana law to the precincts and were put into the precinct ballot box, those were opened and counted. They went back to the precinct, the precinct realized they had not been notarized, and so they said: "Even though we received them back from the clerk, we are not going to open them and count them." They put them in the box. They did not count them. The task force opened them and counted them. They were not notarized, they were not signed.

But in this case the ballots had not been sent from the clerk because the clerk spotted the discrepancy that they had not been notarized or signed and so the clerk put them in the safe in their country courthouse and stuck them there and certified with an affidavit that they had received the same security as any other ballots. They did not open those and count them. Exactly the same kind of ballots. And to compound the grossness of this, they then said: "Because the clerk had complied with Indiana law we will not count them. Now, those that did not Comply with Indiana law, we will count them." Some kind of discrepancy, one might discern in all of that.

I yield to the gentleman.

Mr. MACK. I am standing here in almost total disbelief. What you are saying to me is that the ones that violated Indiana law were counted?

Mr. KOLBE. Were counted.

The ones that were sent back to the precincts in violation of Indiana law because Indiana law says that if they are not notarized or signed the clerk is supposed to hold onto them and not send them back, they were sent back in violation of Indiana law, and they were counted by the task force. The ones where the clerk complied with the law and did not send them back, there they decided not to count them.

Mr. MACK. Well, I certainly wish that Mr. PANETTA could be with us tonight. I am sure he would have some explanation as to why they would change the rules. Of course they change the rules around this place all the time, so I guess it would be something that we would expect them to do during this recount. But it sounds to me what you are saying is that they changed the rules as they went along.

Mr. KOLBE. They changed the rules as they went along. I certainly wish that the gentleman from California was here to explain to us how he managed to justify this change, how he managed to rationalize this change, but I think it is very clear why they did it. They did it because he had his orders from the leadership to make sure the election came out in behalf of the Democratic candidate in the eighth district.

Mr. MACK. Possibly the reason he is not here tonight is that this is too open a session, I mean it is too much of an opportunity for people to question him as to what happened during that discussion.

Mr. KOLBE. That may well be. I certainly wish we could get the gentleman.

Mr. GUNDERSON. Mr. Speaker, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I think it is very, very important that we understand around here that it is not simply a number of us here in Congress. Members who are concerned about this

issue. I would like to read from a printed document, if I might, and I would like to read from an editorial in the Evansville Press of last Saturday, talking about this whole issue of uncontested ballots. It says:

The recount appeared to be a fair one. It simply stopped 25 votes short of the end. Since the rationale for a Federal recount was based on obvious major inconsistencies in the earlier local recount of votes, there should be no tolerance for smaller but equally obvious inconsistencies where an election is being decided by a handful of votes. Unless those votes, all of the votes, are counted, those shouting for a special election, a costly adventure that could set the State back as much as a half million dollars and possibly still not clear up this mess, may more and more begin sounding like the voice of reason who have the candidates' best interests at heart.

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Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding because I think the point that was made here just a couple of minutes ago is an important point. Watching the proceedings on my office television a little bit ago, I noticed we did get one Democrat out here who participated in the exercise and so on and who seems to have left the floor since.

The Democrats seem strangely unwilling to come out and engage in this kind of debate.

PARLIAMENTARY INQUIRY

Mr. MACK. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MACK. Mr. Speaker, there was a reference by a colleague that maybe I violated the rules of the House, and suggested that maybe my words ought to be taken down.

Is that an idle threat that is being posed, or did I in fact violate the rules? I certainly have no intention of violating the rules of the House, but it would be helpful to me as we continue our debate tonight for me to know the parameters in which I can deal.

The SPEAKER pro tempore. The Chair has received no request from the floor to have the gentleman's words taken down.

Mr. MACK. So as far as the Chair is concerned, anything that I have said so far this evening certainly would be within the rules?

The SPEAKER pro tempore. The Chair would caution the Members not to question the integrity of other Members or to impugn the motivation of individual Members.

Mr. MACK. Mr. Speaker, when you say the "motivation" does that mean a negative or a positive motivation? If I make a statement about the positive motivation on the part of the Members, does that certainly fall within the rules, I would take it?

The SPEAKER pro tempore. The Chair would rule as each particular incident is brought to its attention. We ought to be cautious as to our personal comments about our colleagues.

Mr. KOLBE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding because this point may well be going along with what the gentleman from Florida was just inquiring about. It does seem strange that we do not have very many of the Democrats out on the floor this evening defending the actions of the task force. This was a task force created by the majority side. They did it on a purely partisan vote. They stacked a committee of the Congress, the House Administration Committee, and then further stacked the task force itself, and now not seem very willing to come to the floor to defend the actions that turned out to be an outrage.

It seems to me that we ought to probably be hearing from some of them because while many of us are disturbed enough about what has taken place to show up on the floor even at this late hour, the fact is that we are not hearing very much from the other side. Perhaps it is just indefensible, what they have done.

Mr. KOLBE. I yield to the gentleman from Minnesota.

Mr. SIKORSKI. I thank the gentleman for yielding. I do not absolutely want to intrude upon your proceeding this evening, although two points should be made for the record, as long as the issues were raised.

The first is that certain people are not here in part because this matter was raised and kept secret until very late in the legislative day, and were not given the lead time notification.

Second, that when people have attempted to participate in these discussions this evening, the time was withdrawn from them; they were cut and others. That is all I care today and I thank the gentleman for yielding.

Mr. KOLBE. I thank the gentleman for his comments. I would point out that I do not know of any secrecy that is involved in this. The special orders for tonight are promulgated at the same time that they are every day; there was nothing that was secret about this.

I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I would like to answer the gentleman's question because I have scheduled most of the people who are speaking now and will speak later on tonight. A member of the Democrat staff came over and asked us shortly after the Republican conference broke up if we were planning an all-night session, and one of our staff people came over and said what should I tell them, and I said you go back and tell them we are going to plan an all-night session and ask them if that is OK with them.

In doing that also, several members of the staff for the House came out and asked me if in fact there was going to be an all-night session, and if so, they needed to plan for it so that they could be accommodated in there schedules, and I said absolutely.

Then several people called up and said can we tell the newspapers that their is going to be an all-night session and I said "absolutely." This was not a secret session; this was an idea that was brought up during the Republican session today, and we needed to get enough people on board to see if we could get enough people to make the thing go. But once it went we did exactly that.

I would like to hear Mr. PANETTA give an explanation, and I hope it is a better explanation than the one that he made in the hearing in Indiana. So I would welcome his participation. I would welcome the majority leader, Mr. WRIGHT, coming before the full House and explaining to us how we fulfilled his uniformity requirements that he said we must impose on the State of Indiana when we went there and we counted absentee ballots until the Democrats had a 4-point lead and then we quit counting absentee ballots.

So, let me just say to the gentleman if he thinks there is some kind of a surprise that has been sprung on the world by us going on television and apparently no Democrats knowing about it for many, many hours, I would welcome the Democrat leadership to come down here tomorrow morning and confront this issue and explain why they had to impose this uniformity that really was not very uniform on the State of Indiana and on the people of the district which elected Mr. McIntyre to a seat in the House of Representatives.

Ms. FIEDLER. Mr. Speaker, will the gentleman yield?

Mr. MONSON. I am happy to yield to the gentlewoman from California.

Ms. FIEDLER. I thank the gentleman for yielding.

I would just simply like to ask the Democratic representative how he happened to find himself here on the floor of the House of Representatives? How do you know about this special order and how did you get here?

Will the gentleman please respond to the inquiry?

Mr. SIKORSKI. Mr. Speaker, will the gentleman yield?

Mr. MONSON. I yield to the gentleman from Minnesota.

Mr. SIKORSKI. Will the gentleman from California answer for the fourth time now my question as to the time frames and second, the question he

raised Mr. PANETTA's name several times now, did you have conversations or anyone from your staff have conversations with Mr. PANETTA upon his presence here—your request for his presence here?

Mr. HUNTER. Let me answer the gentleman's question if the gentleman will yield. I will tell you what. I have not raised Mr. PANETTA's name here. I did not contact Mr. PANETTA, but I will tell you what I will be happy to do for the gentleman, let me call Mr. PANETTA's office right now and let me call him again tomorrow morning and ask him to come down here and explain to use why he did not count those last 29 ballots. I think that is the whole question.

Now as far as timeframes go, it usually takes you about 3 days to put together a special order that has a lot of Members participating in it, at least it took at least that many last time. I do not know when we had our full conference, but I think it was about 4 o'clock in the afternoon. And by about 6 o'clock we had the thing basically together. That means going out and getting a lot of people, sometimes from your side of the aisle as well as ours, but this time obviously it is a partisan thing, getting maybe 30, 35 Members together, and as soon as we got enough people together where we knew we could go ahead and have the thing, the staff people came over and said that your staff people were inquiring about whether we were going to have something, I said go ahead and tell them of course we are going to have something.

So let us say that was 4:30 and I think that inquiry was made to me by your staff folks about 6:30 or so. I think we went out of session about 7 o'clock, did we not, out of regular session.

Ms. FIEDLER. If the gentleman will yield further, I think that the gentleman from California has answered your question, now I would like you to answer my question. How did you find yourself on the floor if it was such a big secret?

Mr. SIKORSKI. Will the gentleman yield?

Mr. MONSON. I yield to the gentleman from Minnesota.

Mr. SIKORSKI. The gentleman has not answered my question. He has not put a timeframe on the conversations with regard to this. No comment was made. No request was made of Mr. PANETTA. Yet several times this evening his lack of presence here was constructed to be an affront to the truth process and indicated that somehow that there was a lack of substance on his side of the argument. I think that that is outrageous. I think that is not appropriate debate, nor is it especially instructive.

If you want to restrict yourself to the facts, go ahead, use the facts.

I thank the gentleman for yielding.

Mr. HUNTER. Let me be as precise with my friend as I can be. I think the conference was finished about 4:30 and I think we had this thing together about 6:30 and that is about when the staff people came over and said the Democrats want to know what is happening and I said you go tell them we are going to have a special order all night. So, 4:30, 6:30 approximations for my friend and I hope we did not surprise the world with this special order.

Mr. MONSON. And I would like to point out to the gentleman from Minnesota that the gentleman from California answered that question several times in the process. Each time it went unacknowledged for whatever reason, probably to raise more partisan arguments.

Ms. FIEDLER. If the gentleman would yield further, I would like to ask the gentleman again how he found out about this session. Everytime that I have asked that question he has again reiterated his questions to the gentleman from California indicating he was not satisfied with his answers.

Well, you may not have been satisfied, but at least you got an answer. That is more than you have extended to me. How did you find out about this session if it was a secret?

Mr. SIKORSKI. If the gentleman will yield, I thank the gentlewoman for raising the question. I learned approximately at 7:30 this evening or 7:15 that this special order was going to be participated in this evening and was requested to sit here and to guard against certain tactics that have been utilized in the past. In fact, the very thing that caused me to ask the gentleman, the previous gentleman, to yield. That is why I am here.

My concern, of course, was that a particular person was spotlighted as an individual with an incredible amount of information and a story to tell and yet his lack of presence here was used as some kind of admission of guilt or used as some kind of constructive evidence as to the weakness of his argument.

I simply suggest that that is not appropriate or fair, especially in light of the approach that was taken in planning and scheduling it and the fact that the gentleman—at least I am not aware that the gentleman from California [Mr. PANETTA]—was not even requested to be here to present his side of the argument.

Mr. MONSON. May I just comment. I think that the comments that were being made were more as an invitation to the gentleman from California to come and engage in conversation.

Mr. SIKORSKI. If the gentleman would yield, that certainly is a legitimate request, but it was not made as a request for a time in the future, it was made for the time present and it was not a request, it was a comment upon his absence here in other Members' presence.

Mr. MONSON. As long as we are in session, I think it is incumbent upon the Members to know what is going on on the floor.

Mr. SIKORSKI. And does that include votes this afternoon as well?

Mr. MONSON. Please it is my time.

And as we know what is going on on the floor, we have an opportunity to participate.

I think we were pointing out the fact that there was no one here representing the other side. An invitation was being given to attract those Members here so that we could carry on this conversation.

I will yield to the gentlewoman from California.

Ms. FIEDLER. I think what we are hearing here is the fact that the gentleman on the other side of the aisle does not believe that the process is fair. Well, that is what this entire issue is about, the fact that there is not a fair process taking place. Only in this particular case there is nobody who is telling Mr. PANETTA that he cannot come to the floor. He simply is choosing not to come to the floor and participate in this particular debate.

In the case that we are talking about, there is no choice on the part of the minority party. As you can see, it is not very nice to be on the other side as a member of the minority, even here today. But at least under these circumstances, your party controls the rules and we are working under the rules and if other Members from your party would choose to come and participate in open, valid discussion here, we are prepared to have that discussion.

Unfortunately, our Member of Congress who is duly elected, was not given the same kind of equity. I think that is the whole reason why we are here today, the fact that there has not been equity in the electoral process.

If your party members who are involved in the process do not feel that they have had fair opportunity to discuss the issues, then we invite them all to come to this floor and continue this discussion. But what we are looking for is more than just a discussion, but equity in the final outcome of the debate itself.

Mr. MONSON. I thank the gentlewoman for her comments.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MONSON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I spend a good deal of time around the House floor. I must say that it is absolutely incredible to have the argument made that the problem was the Democrats do not have leadtime.

Good heavens, over the last several weeks not even the Republican leadership was informed about legislative scheduling around here. We have had major bills pulled off the calendar arbitrarily without even consulting with the Republican leadership. Just today we got less leadtime with regard to the rule that was pulled on Nicaragua this afternoon than the gentleman's party got with regard to this special order.

Now there is all the time around here, the actions by the majority side, which simply violate the entire legislative process with regard to scheduling.

And to come on to the floor and suggest that somehow the Democrats are being abused by not giving them adequate time to respond is just plain clear nonsense. Then to suggest further that the problem is that no one would yield to them when they come out here, I think we have been awfully conscious of the need to yield to Democrats when they are out here debating with us. I would defy anyone to suggest places where they have not had adequate opportunity to discuss these issues.

I would also point out that there was a member of the Democratic leadership, the deputy whip, was out here on the floor while this whole action was going on a little bit ago. He knew doggone well we were not doing it in secret. He was out here on the floor. He could have participated right then. That is the kind of participation that I was referring to. I do not think we have to have the chairman of the task force. What I am suggesting is that there are a lot of Democrats who have voted on this issue time and time again who have gone to the well of this House, cast votes, supposedly understanding what it was their leadership was asking them to do.

The fact is that when it comes to debating the issues out here on the floor, they refuse to show up because they do not have a case to make. It has nothing to do with the process that is being used around here. The fact is they are afraid to come out here and debate this issue because they know what has been done already by the task force that they empowered is just absolutely crummy. There is no way that they can defend that kind of fraudulent practice out here on the floor.

Mr. MONSON. I yield to the gentleman from Arizona.

Mr. KOLBE. I thank the gentleman for yielding.

The comment of the gentleman from Pennsylvania reminded me of something when he talked about the time that was taken, given by the majority to the minority and certain notification.

I recall a colloquy on this floor last Thursday between the majority leader and our minority leader about the fact that the Rules Committee was at that very moment meeting to consider the resolution introduced by the gentleman from Illinois, our distinguished minority leader. And the Rules Committee, even though it was his resolution, the resolution regarding Contra aid, the gentleman from Illinois had not even been given the courtesy of being notified that his resolution was being considered in the committee.

Mr. WALKER. If the gentleman would yield to me for 1 moment, I just wanted to reemphasize the point that the gentleman from Arizona was making.

The gentleman from Illinois [Mr. MICHEL] was the chief sponsor of the resolution that was being considered by the Rules Committee, he had not, as the minority leader, nor as the chief sponsor of the resolution, been informed. In fact, the minority members of the Rules Committee had not been informed. And I understand at that meeting we only, because of the notification procedure, were able to find one Republican who could get to the meeting. This was on one of the most important votes that we will cast this year because the Democrats decided they did not want Republicans there to participate and so they used the short notice time in that case to their advantage.

Now, the fact is that this special order that is being engaged in now was decided upon in a Republican caucus that was held this afternoon and we came to the floor, I think everybody acknowledged we were going to go ahead with this, anybody who wanted to ask, after that conference. I think they got far more notification than they normally give the minority party.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. MONSON. I yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding.

I just want to make one comment. I think that what you see happening here is the typical type of situation that the Democrats are very good at. We were carrying out a discussion about what was happening with McIntyre and McCloskey and what was happening with the election and the various procedures for counting and then all of a sudden the smokescreen appeared out of nowhere. All of a sudden now for the last 20 minutes or so we have been responding to these meaningless points that have been raised by the opposition.

I would suggest that we get back on to the issue that we are here tonight to discuss.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. MONSON. I yield to the gentleman from New York.

Mr. GREEN. I thank the gentleman for yielding.

I would love to pick up on that because that is precisely why I came over to the floor from my office because I think we are dealing with an important constitutional point.

I think the willingness of the Democrats to disregard the Constitution of the United States is something that ought to be brought to the attention of the House and the country.

I would like to go back to some very basic constitutional law and call the attention of my colleagues to article 1, section 4 of the Constitution of the United States.

Article 1, section 4 of the Constitution of the United States provides, "that the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time, by law, make or alter such regulations."

As the recent Chadha case in the U.S. Supreme Court makes clear, action other than an act of Congress cannot enact a law of the United States. Yet the Democratic leadership in this House, in total defiance of article 1, section 4, is seeking to change "the manner of holding elections for Representatives," in the Eighth District of Indiana. It is saying that it will count ballots in total defiance of Indiana law, at least until the very moment the Democratic candidate comes ahead and then it will stop counting still other ballots that would previously have met its standards.

I think that really presumes too much because I think the Democratic Party is saying it is prepared to defy the Constitution of the United States, to defy the rights of the States under article 1, section 4 of the Constitution of the United States, to provide the time, places, and manner of holding elections for Senators and Representatives until the Congress of the United States changes that by law as we have done in certain cases, the Civil Rights Act, and other changes, constitutional and statutory.

It will do that up until the very minute when it moves ahead and then it is going to throw down those same requirements of the laws of the State which it has totally disregarded for months, and then at that last minute in accounting when there are just scores, not hundreds of thousands, but scores of votes remaining to be counted, suddenly it says, now we are going to throw down that same mantle of laws that we totally disregarded for months and that is what is going to decide the outcome.

I would suggest that this is a plain violation of a constitutional provision in article 1, section 4 of the Constitution as to how the elections for Members of the other body and this body are to be conducted and that that is a very dangerous thing.

I would suggest that the Founding Fathers, in providing that the laws of the States are to be disregarded only when there is an act of Congress that has changed the provision in that State for electing Members of this body were very much concerned with our Federal system and they did not want to permit the tyranny of a majority in either House to do the kind of thing that we have seen in all too many other countries which can override the will of the people. That is why we have the Federal system in this country. For the majority of this House, the Democratic Party, to insist on overriding State laws which they plainly did by the resolution with which they started this count and to override that law consistently day after day, week after week, month after month, and then only when they had gotten ahead, to pull down the curtain on the last score or two of ballots, that, I think, is a shameful thing in the annals of this country and a very dangerous constitutional precedent, one I hope that this House will not countenance and will reverse when this issue comes to the floor.

Mr. MONSON. I thank the gentleman from New York for his comments.

I came to this House on January 3 like many other Members for my first time. And on that day, there was a lot of excitement within me as I anticipated the next 2 years and anticipated the important decisions that we would be making.

I listened intently because everything was new to me on that day, the things that were being said. I was reminded today of one of the arguments that was used in getting us into this situation in the first place. The majority leader of the House said that we needed to take control of this election process in order to avoid a partisan confrontation. I think what has happened is far more partisan than we ever would have had, had we gone ahead and done the right thing on January 3.

I was very discouraged as I watched the events that began to take place after that. Having left a position as a chief election officer in the State of Utah and coming to the House, I assumed that the procedure that would be followed was that we would ask for a recount of the votes under the Indiana law, and that we would watch over that recount to make sure that the rules that were in place in Indiana were adhered to, but we would just go ahead and verify the events that had transpired there and make sure that they had taken place in a way that was fair and honest and just. I was surprised, disappointed, and a lot of other things when we found that we all of a sudden were in the process of creating a bunch of new rules.

I just could not believe that after an election had been held, we would say there was something wrong with those rules, making it sound like they were the only State in the country that had rules that were bad, and then say that because those rules were bad, we could not live with them, and so we would create our own set of rules to hopefully change the outcome of the election, which I think is the only reason that they could possibly have wanted to change those rules.

Mr. Speaker, I yield to the gentleman from New York.

Mr. GREEN. I thank the gentleman for yielding.

I think the simple point is that we can only change the rules under the Constitution, under article 1, section 4, by act of Congress. We have done that. We have done it in the Civil Rights Act, we have done it through constitutional amendments. But we certainly have no right to change the rules to a task force of a committee adopting some procedure. I think if the Chadha case stands for anything in terms of how Congress has to act, it is very clear that under article 1, section 4, there is no authority for some little segment of the House to change State law on how elections are to be run, the time, place and manner of electing Members of Congress. It seems to me that is the vice here.

Obviously, it has been aggravated by the fact that, having changed the rules, the Democrats will now no longer even live by the rules that they themselves have established, and now insist on trying to swing back on the final couple of score of votes on the rules which they themselves eschewed earlier on in the process. That makes the thing obviously far more scandalous than it had been up to this point. But certainly there was never a constitutional right in the first place for that committee to say that it was going to change the time, place, and manner of holding congressional elections, something that article 1, section 4 of the Constitution very clearly says can only be done by an act of Congress. But obviously it can also be done by a constitutional amendment, but neither of those occur in this case.

Moreover, I would point out there has been no suggestion of fraud, no suggestion of impropriety, no such claim has ever been filed in this case. So we have a case where it is simply the majority in this House has decided that it will disregard the laws of Indiana, disregard article 1, section 4 of the Constitution, and try to run this election under its own rules up until the moment when it gets ahead, and then it is going to figure out everything it had decided to do earlier, and just ram its candidate through. If there is anything the Founding Fathers were trying to do, it was certainly to try to stop that sort of conduct.

Mr. MONSON. I think, as the gentleman pointed out a little earlier, too, the Constitution provided that the States would be responsible for establishing how the people from within their States would be elected. So even if a small task force from a committee in the House shouldn't do it, I don't think the whole House should do it either. We especially shouldn't do it after the election has been held to apply to that election. If they are that bad, maybe we could create rules that would apply to future elections, but we certainly shouldn't try to impose them on an election that has already been held.

Mr. WALKER. Would the gentleman yield?

Mr. MONSON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I think it is important to point out here that the point made by the gentleman from New York is extremely vital in all of this because, on January 3, which the gentleman reflected on as his first day in the Congress, when the majority leader came to the floor and suggested to us that there was a need for this particular election to be put aside, you may remember that the majority leader said that only happens in very, very limited cases, that there are only a narrow group of cases that would take place, where we have a certified Member and we decide to put aside that certification.

What he suggested was, in this particular instance, the reason we ought to try to set it aside is because there had been questions about the vote in Indiana, implying that there might be some questions about the nature of that election and that it might have even contained some fraud.

The fact is that the task force, in doing its work, has now come back and said that there is absolutely nothing on the record that would suggest that any such condition existed in Indiana. So the task force has itself said now that the whole reason for setting this election aside on January 3 was wrong. The majority leader just was plain wrong in the representation that he made as to say we should not seat the certified Member from Indiana.

Now the task force has also come back and said, yes, but regardless of all of that, the fact that our mandate may have been a phony doesn't make any difference because we have these procedures that we are going to follow right up until the time that those procedures no longer work, doing what we want to do, and that is seat somebody who is uncertified, and then we are going to abandon even our own procedures.

What they have done is, they have just disregarded the things all the way along. They disregarded Indiana law, they disregarded the Constitution, and now they are even disregarding the

rules that they made themselves in order to do that which they really set out to do on January 3, and that was to seat someone who did not carry the certification to this Congress.

When you go back and you realize and you trace this whole process back, it is clear now that the whole process was aimed at seating Frank McCloskey in the Congress. The process was not aimed at fairness, it was not aimed at doing anything in terms of protecting the Constitution, it was not aimed at trying to create a situation whereby this House would be the judge of this election. It was aimed at doing one thing, and that was seating an uncertified Member in this body. That is what they are trying to do, and that is what has got to be stopped.

Mr. MONSON. I think, too, that we need to remind ourselves again that 34 votes wasn't good enough on January 3; a few weeks later, 418 votes wasn't good enough, and now they are saying four votes is good enough. The questions that have been raised with getting us down to the point where there are four votes, I think, are far more serious than those that were ever facing us with 34 or 418.

Mr. Speaker, I will be happy to yield to the gentleman from Texas.

Mr. DELAY. I thank the gentleman for yielding.

If my colleagues will be so good to give me a little time, I would like to express my views. I had been in the Texas Legislature for 6 years, and have just recently arrived at this body. I have heard in my State legislature and also on this floor the Constitution being bandied about, more rhetoric about what is unconstitutional, what is constitutional, what was the intent of our Founding Fathers, and what we are operating under is article 1, section 5, subsection (1), whereby this House has the right, according to the Constitution, to seat its own Members. In all the rhetoric that has been kicked around since January 3, our colleague, Rick McIntyre from Indiana, has not been seated by this body.

I started thinking what was the intent of our Founding Fathers. So I went back to the Federalist Papers. I think that the Federalist Papers expressed by Hamilton and Madison what the intent was of the Convention when they drafted one of the greatest documents of mankind. That seems to have been forgotten by this body for probably the last 30 or 40 years, at least ever since 1936 in the Butler case, whereby it was the opinion of the Supreme Court at that time that the general welfare clause meant that anything this body, this Congress, does is in the general welfare of the United States and, therefore, we can do anything.

It is obvious to me that the tremendous abuse of power that had been perpetrated on the people of Indiana Eighth is one more example that the Constitution has just been once again completely shredded and thrown out of this great Hall, a Hall that I was more than proud to walk into on January 3 and be sworn in. But at this point in my very brief congressional career, I am embarrassed to be a Member of this House because of the actions of some Members of this House.

I must say that this has sometimes been denigrated down to a partisan battle. We must remember that there are five Democrats that have voted consistently to seat Mr. McIntyre—five Members from the other side of the aisle who looked at the situation, knew it was unfair, and voted, I think, two or three times to seat Mr. McIntyre.

But I would like to get back to the Federalist Papers. To me, these are the intent of our Founding Fathers. If my colleagues and the Speaker will permit me, I would like to read from No. 59, Hamilton, from the Federalist Papers.

The natural order of the subject leads us to consider in this place that provision of the Constitution which authorizes the national legislature to regulate in the last resort the election of its own members. It is in these words: "The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators."

That is the quote form the first clause, fourth section of the first article.

This provision has not only been declaimed against by most of those who condemn the Constitution in the gross; but it has been censured by those who have objected with less latitude and greater moderation; and, in one instance, it has been thought exceptional by a gentleman who had declared himself the advocate of every other part of the system.

I am greatly mistaken, notwithstanding, if there be any article in the whole plan more completely defensible than this. Its propriety rests upon the evidence of this plain proposition, that every government ought to contain in itself the means of its own preservation. Every just reasoner will, at first sight, approve an adherence to this rule, in the work of the convention; and will disapprove every deviation from it which may not appear to have been dictated by the necessity of incorporating into the work some particular ingredient with which a rigid conformity to the rule was incompatible. Even in this case, though he may acquiesce in the necessity, yet he will not cease to regard a departure from so fundamental a principle as a portion of imperfection in the system which may prove the seed of future weakness, and perhaps anarchy.

It will not be alleged that an election law could have been framed and inserted into the Constitution which would have been applicable to every probable change in the situation of the country; and it will therefore not be denied that a discretionary power over elections ought to exist somewhere. It will, I presume, be as readily conceded that there were only three ways in which this power could have been reasonably modified and disposed; that it must either have been lodged wholly in the national legislature, or wholly in the State legislatures, or primary in the latter and ultimately in the former. The last mode has, with reason, been preferred by the convention. They have submitted the regulation of elections for the Federal government, in the first instance, to the local administrations; which, in ordinary cases, and when no improper views prevail.

I think that is important—

which in ordinary cases, and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety.

Nothing can be more evident than that an exclusive power of regulating elections for the national government, in the hands of the State legislatures, would leave the existence of the Union entirely at their mercy. They could at any moment annihilate it by neglecting to provide for the choice of persons to administer its affairs. It is to little purpose to say that a neglect or omission of this kind would not likely to take place. The constitutional possibility of the thing, without an equivalent for the risk, is an unanswerable objection. Nor has any satisfactory reason been yet assigned for incurring that risk. The extravagant surmises of a distempered jealousy can never be dignified with that character. If we are in a humor to presume abuses of power, it is as fair to presume them on the part of the State governments as on the part of the general government. And as it is more consonant to the rules of a just theory to trust the Union with the care of its own existence than to transfer that care to any other hands, if abuses of power are to be hazarded on the one side or on the other, it is more rational to hazard them where the power would naturally be placed than where it would unnaturally be placed.

Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power or as a premeditated engine for the destruction of the State governments? The violation of the principle in this case, would have required no comment; and, to an unbiased observer, it will not be less apparent in the project of subjecting the existence of the national government, in a similar respect, to the pleasure of the State governments. An impartial view of the matter cannot fail to result in a conviction that each, as far as possible, ought to depend on itself for its own preservation.

It goes on to talk about the Senate or the other body, excuse me, Members, the other body, which I think we can leave out.

It goes on to say:

It may easily be discerned, also, that the national government would run a much greater risk from a power in the State legislatures over the elections of its House of Representatives than from the power of appointing the members of its Senate.

But with regard to the Federal House of Representatives, there is intended to be a general election of members once in two years. If the State legislatures were to be in-

vested with an exclusive power of regulating these elections, every period of making them would be a delicate crisis in the national situation, which might issue in a dissolution of the Union if the leaders of a few of the most important States would have entered into a previous conspiracy to prevent an election. I shall not deny that there is a degree of weight in the observation that the interest of each State to be represented in the Federal councils will be a security against the abuse of power over its election in the hands of the State legislatures.

But the security will not be considered as complete by those who attend to the force of an obvious distinction between the interest of the people and the public felicity and the interest of their local rulers and the power and consequence of their offices.

The people of America may be warmly attached to the government of the Union, at times when the particular rulers of particular States, stimulated by the natural rivalship of power, and by the hopes of personal aggrandizement and supported by a strong faction in each of those States, may be in very opposite temper.

This diversity of sentiment between a majority of the people and the individuals who have the greatest credit in their councils is exemplified in some of the States at the present moment on the present question.

The scheme of separate confederacies which will always multiply the chances of ambition, will be a never failing bait to all such influential characters of the State administrations as are capable of preferring their own emolument in advancement to the public will. With so effectual a weapon in their hands at the exclusive power of regulating elections for the national government, a combination of a few such men, in a few of the most considerable States where the temptation will always be the strongest, might accomplish the destruction of the Union by seizing the opportunity of some casual dissatisfaction among the people, and which, perhaps, they may, themselves, have excited, to discontinue the choice of members for the Federal House of Representatives. It ought never be forgotten that a firm Union of this country, under an efficient government, will probably by an increasing object of jealousy to more than one nation of Europe, and that enterprises to subvert it will sometimes originate in the intrigues of foreign powers and will seldom fail to be patronized and abated by some of them.

Its preservation, therefore, ought, in no case, that can be avoided to be committed to the guardianship of any, but those whose situation would uniformly beget an immediate interest in the faithful and vigilant performance of the trust.

No. 59 in the Federalist Papers speaks solely about States and the reason they put this in the Constitution was to protect, to make sure that States do not refuse to hold elections to send members to the House of Representatives, or States to conflict amongst themselves and create unrest in another State that would cause someone for not sending a member to this body. But you cannot talk about No. 59 without not talking about No. 60, by Hamilton.

We have seen that an uncontrollable power over the elections to the Federal Government could not, without hazard, be committed to the State legislatures. Let us now see what would be the danger on the other side. That is, from confiding the ultimate right of regulating its own elections to the Union itself. It is not pretended that this right would ever be used for the exclusion of any State from its share in the representation. The interest of all would, in this respect, at least, be the security of all. But it is alleged that it might be employed in such a manner as to promote the election of some favorite class of men and exclusion of others.

I wonder if a favorite class of men would be a political party. By confining the places of elections to the particular districts and rendering it impracticable to citizens at large to partake in the choice. Of all chimerical suppositions, this seems to be the most chimerical. On the one hand, no rational calculation of probabilities would lead us to imagine, on the one hand, no rational calculation of probabilities would lead us to imagine that the disposition which a conduct so violent and extraordinary would imply could ever find its way into the national councils; and on the other it may be concluded with certainty that if so improper a spirit should ever gain admittance into them, it would display itself in a form altogether different and far more decisive.

The improbability of the attempt may be satisfactorily inferred from this single reflection, that it could never be made without causing an immediate revolt of the great body of the people, headed and directed by the State governments.

Let me repeat that one phrase:

The improbability of the attempt may be satisfactorily inferred from this single reflection, that it could never be made without causing reflection, that it could never be made without causing an immediate revolt of the great body of people, headed and directed by the State governments.

It is not difficult to conceive that this characteristic right of freedom may, in certain turbulent and factious seasons, be violated—

And this seems like a turbulent and factious season—

be violated, in respect to a particular class of citizens, by a victorious majority—

It is not, and I will read it again:

Sit is not difficult to conceive that this characteristic right of freedom—

The freedom to vote—

may, in certain tubulent and factious seasons, be violated, in respect to a particular class of citizens, by a victorious majority; but that so fundamental a privilege; in a country so situated and enlightened, should be invaded to the prejudice of the great mass of the people by the deliberate policy of the government without occasioning a popular revolution, it is altogether inconceivable and incredible.

You would think that Alexander Hamilton was here tonight. I can't believe that his words have been spoken over 3 months time many, many times on the floor of this House.

In addition to this general reflection, there are considerations of a more precise nature which forbid all apprehension on the subject. The dissimilarity in the ingredients which will compose the national government, and still more in the manner in which they will be brought into action in its various branches, must form a powerful obstacle to a concert of views in any partial scheme of elections. There is sufficient diversity in the state of property, in the genius, manners, and habits of the people of the different parts of the Union to occasion a material diversity of disposition in their representatives towards the different ranks and conditions in society. And though an intimate intercourse under the same government will promote a gradual assimilation of tamper and sentiments, yet there are causes, as well physical as moral, which may in a greater or less degree, permanently nourish different propensities and inclinations in this particular.

But the circumstance which will be likely to have the greatest influence in the matter will be the dissimilar modes of constituting the several component parts of the government: The House of Representatives being to be elected immediately by the people; the Senate by the State legislatures; the President by electors chosen for that purpose by the people—there would be little probability of a common interest to cement these different branches in a pre-election for any particular class of electors.

And he goes on to talk about the other body. Now I will skip over to the very end and with this I will finish.

Let it, however, be admitted, for argument sake, that the expedient suggested might be successful—

The expedient being that Federal Government would set rules and laws and election laws for the States—

and let it at the same time be equally taken for granted that all the scruples which a sense of duty or an apprehension of the danger of the experiment might inspire were overcome in the breasts of the national rulers—

Something I tend to wonder about—

still I imagine it will hardly be pretended that they could ever hope to carry such an enterprise into execution without the aid of a military force sufficient to subdue—The improbability of the existence of a force equal to that object has been discussed and demonstrated in different parts of these papers; but that the futility of the objection under consideration may appear in the strongest light—

And I am not trying to take light of it either—

it shall be conceded for a moment that such a force might exist and the national government shall be supposed to be in the actual possession of it. What will be the conclusion? With a disposition to invade the essential rights of the community and with the means of gratifying that disposition, is it presumable that the persons who were actuated by it would amuse themselves in the ridiculous task of fabricating election laws for securing a preference to a favorite class of men? Would they not be likely to prefer a conduct better adapted to their own immediate aggrandizement? Would they not rather boldly resolve to perpetuate themselves in office by one decisive act of usurpation, than to trust to precarious expedients which, in spite of all the precautions that might accompany them, might terminate in the dismission, disgrace, and ruin of their authors? Would they not fear that citizens, not less tenacious than conscious of their rights, would flock from the remotest extremes of their respective States to the places of election, to overthrow their tyrants and to substitute men who would be

disposed to avenge the violated majesty of the people?

I submit, Members, that what the Founding Fathers were talking about were extreme examples of abuse of election laws, were extreme examples of the Federal Government taking over the laws of States, and vice versa. And nowhere, as has been said many times on this floor, has there been extreme examples in this case. This is a clear violation of the Constitution as it was intended by our Founding Fathers and as expressed in the Federalist Papers.

What we have here is a complete abuse of power in taking no, absolutely no, claim of fraud, election fraud, by the States. We have a task force that has been put together and has actually set their own rules, disregarding Indiana law, and when all of a sudden they got the votes for McCloskey, they changed the laws and had this great respect—changed their rules and had this great respect for Indiana law.

It just amazes me, Members, that we would have such an abuse of power on the floor of this House, and we would have a complete disregard for the greatest document in mankind.

Mr. MACK. Will the gentleman yield?

Mr. MONSON. I yield to the gentleman.

Mr. MACK. During your readings of the Federalist Papers, one of the things that you referred to was the Constitution, and the violation of that Constitution, and I wonder if I could involve the gentleman from New York in a colloquy here.

This is reading from the majority leader's comments on January 3 where he referred to, and I quote:

> This House, Mr. Speaker, has been invested by the Constitution with responsibility to judge the qualifications, returns, and elections of its members. And earlier on I think you implied that in essence that this House was overstepping the constitutional rights and/or obligations. I wonder if you would just expand on that again.

Mr. GREEN. Would the gentleman yield?

I think the section of the Constitution that the gentleman from Florida has read is, of course, accurate.

On the other hand, the Supreme Court in the Powell case did indicate that there was some limitations on the extent to which the House could rely on that without running into consitutional difficulties of its own.

But let us assume for the moment that this is a matter totally beyond the control of the courts and one totally within the jurisdiction of this House. Nonetheless, I would suggest that this House, in passing on constitutional matters, is nonetheless supposed to use its best judgment as to what the Constitution of the United States provides. And I think this House, in passing on election contests, itself must bind itself by article I, section 4, the time, places, and manner clause which requires that the time, places, and manner of holding elections, the Senators and Representatives shall be prescribed in each State by the legislature thereof, but Congress may, at any time, by law, make or alter such regulations, but only by law. And we have been told by the Supreme Court that the law is something that must be passed by the House, must be passed by the Senate, and then must become law either with or without the signature of the President as the Constitution prescribes.

Plainly, there has been no charge anywhere in the course of these proceedings that anything that was done in this election in the State of Indiana violated any of the amendments of the Constitution relating to civil rights or voting rights; there was no charge that anything was done in the State of Indiana that violated the Voting Rights Act; there was no charge anywhere in the course of this discussion, either on the floor, or as I understand it, in the task force of the House Administration Committee. There was never any charge that there was any irregularity of fraud in the conduct of that election in the State of Indiana. And what I think is plainly incompetent for this House to do under article I, section 4, and does plainly risk a judicial challenge. But, in any event, even if no judicial challenge is possible, if this House is to show its respect for the Constitution it must live up to, and that is, that we cannot ignore the plain language of the Constitution as to who has the right to set the terms of how congressional elections are held.

And here one task force, three people, a two-person majority out of the three people, has originally voted to override the whole set of election laws of the State of Indiana. And to say that we will take in any ballot cast by any means in order to give the widest scope to the franchise—something plainly contrary to article I, section 4, but then compounding the felony, in essence saying when we got four votes ahead, we are going to change the rules again, and as to the last couple of score votes, we are going to ignore the very rules that we set up and we are not even going to try and count them.

Now, it seems to me that that is plainly wrong, whether there is a redress in the courts, I don't know because, frankly, the Constitution does seem to give this House the power to be the judge of the election of its own Members. But as I point out in the Powell case, there was a limitation imposed on them.

The SPEAKER pro tempore. The time of the gentleman from Utah has expired.

ORDER OF BUSINESS

Mr. STRANG. Mr. Speaker, I ask unanimous consent to take my special order out of order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

THE INDIANA ELECTION DISPUTE

The SPEAKER pro tempore. Without objection, the gentleman from Colorado [Mr. STRANG] is recognized for 60 minutes.

Mr. STRANG. Thank you, Mr. Speaker. I would be most happy to yield to the gentleman from New York, with one initial comment.

Mr. Speaker, the issue we are faced with, if justice is our bride in this body and in this Nation, we are unwittingly playing the cuckold. This is not a happy experience. I would be glad to yield to the gentleman from New York.

Mr. GREEN. I thank the gentleman for yielding.

I would just like to conclude the observation that I am making. But even if there is no recourse in the courts in this situation, even if the Powell case does not offer us a precedent for this situation so that there is no recourse if there is an abuse of majority, I do think that the majority ought to understand that from the point of view—and I think I can say after the conference of the minority this afternoon, the unanimous point of view of the minority—an abuse, and a constitutional abuse, is taking place here. And I think the majority in this House ought to understand that the minority, while it is used to being rolled by the majority with frequency, is not prepared to take this kind of constitutional abuse lightly. And this House does, for the sound conduct of its business, depend on a certain comity among Members. And lots of things are done here by unanimous consent. There are many other occasions in which the minority does not use the full panoply of opportunities that the rules offer the minority in order to make the minority's case, because we do depend on each other's sense of fair play.

But I think I ought to say, in light of the question that was propounded by the gentleman from Florida in the previous special order as to what the consequences are, if there is in fact no appeal to the courts, and in fact we are thus left to a situation where a majority can ride roughshod over the Constitution, then I think I have to say that the minority in this House in its conference this afternoon had reached the conclusion that it simply was not prepared in this case to turn the other cheek. And I think the ma-

jority should understand that we feel there is a constitutional issue and we are prepared to continue to fight past whatever action is taken by the majority on the seating in this particular case, and that the comity which permits the business of this House to go forward in a relatively harmonious way will have been destroyed if the majority acts in this highhanded fashion.

And I think I ought to say to the Speaker that I would hope he would like to see his final Congress one of accomplishment, one which would bring honor to this term as Speaker of this House of Representatives. And that if he and the majority are going to ride roughshod over the minority in a way that the minority at least feels is constitutionally wrong, then this is going to be a very unhappy Congress, indeed, and one which will not give much credit to his final few years of his speakership.

□ 1250

Mr. STRANG. I thank the gentleman from New York.

Mr. MACK. Would the gentleman yield?

Mr. STRANG. I would be happy to yield to my colleague from Florida.

Mr. MACK. I would just like to follow up on the comments of the gentleman from New York. I appreciate what the gentleman just said.

I know that a number of us during the past maybe 18 or 20 months or so have been somewhat confrontational in the way that we approached the last session, not because we wanted to embarrass anybody, but we thought it was our only way to bring many issues to the floor of the House that we thought our constituents back home wanted us to do.

I sense from what you are saying that there are things that are happening in this particular Congress now that are once again making it very clear that the majority party in this House has very little regard for the rights of the minority and that if, in fact, they don't back away from that and rethink their position, we are prepared to go forward with things that probably will require a little bit more involvement on our part during the balance of this Congress than we did in the last Congress.

Mr. STRANG. I appreciate the comments of my colleague from Florida.

I would yield now to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

I would just like to say, speaking as one Member of the majority who has not decided how he is going to vote on this particular issue, that I am a little surprised to hear my colleague suggest that you have previously been allowing the House to function almost as a favor to the majority. I don't think anyone on this side regards it as that. There seems to have been in the last couple comments—the gentleman from Florida, I guess, we have to differentiate. The gentleman from Florida was being quite candid, and he was saying he has already been confrontational, and the gentleman from New York has now decided he is going to be confrontational. I am not sure exactly what that means.

If it continues to mean subjecting the American people to the reading of the Federalist Papers at 12:30 at night, I am not sure how popular that is going to be. That may come under the heading of cruel and unusual punishment if they have to listen.

But to go beyond that and to suggest, as I think the gentleman was suggesting, that refusing to agree to a unanimous consent agreement, et cetera, will somehow be hurting the majority, I think you are wrong. I guess I want to say that if you are suggesting that you have somehow been doing us a favor by allowing the House to transact legislative business and now, because you are angry, you are no longer going to allow that to happen, I don't regard that certainly as anything that is going to reflect discredit on the Speaker, but as anything that is a threat to the majority to the extent that anybody suffers. It may be the President's program, it may be legislation in general. Members are entitled to be angry and to do whatever they want. I would simply advise him as one member of the majority, I don't know anyone who is going to be intimidated by the suggestion that people are going to stop agreeing to unanimous-consent requests or whatever else the gentleman means. We have a lot of those. The gentleman from Colorado just made one and no one objected. If it is going to be the rule that we object to each other's unanimous consent requests, we will object to them. If the suggestion is that this is now going to result in slowing down the process of legislation, I don't understand why anyone would think that that is something that the majority in particular is going to be penalized by to the exclusion of the minority.

President Reagan has, for instance, felt that he has done pretty well legislatively. He hasn't gotten everything he wanted. If you are suggesting that the House is not going to function very well, does that mean that the President does not get a chance to get much of his program acted on? Presumably it does. Members are free, if that is what they want to do, to provoke it, but I don't understand why anyone would think that that is a particular threat that Members on the majority side are going to be particularly concerned about.

Mr. STRANG. I thank the gentleman for his comments.

I would be happy to yield to the gentleman from New York.

Mr. GREEN. I am rather startled that anyone would think that hearing the Founding Fathers in the Federalist Papers at any hour of the night or day would be a trial to the American people. In fact, I would think the way the majority has been acting in this case, perhaps the Federalist Papers ought to be read more often aloud in this House so that we would not have the kind of high-handedness that we are seeing in this particular case.

I can only say that there have been many times when it has been possible in the face of the wishes of the majority to do certain things when it would have been possible for the minority to use the House rules. It is possible, as I am sure the gentleman is aware, to put into the CONGRESSIONAL RECORD untold amendments to bills which many Members of the majority want to speed through this House, and each of those bills, even after a cloture vote—which is possible in this House, unlike the other body—each of those amendments is then entitled to have 5 minutes of debate pro and 5 minutes of debate con, and then, if there are enough of us on this side who are present and wish to do so, to have a recorded vote. I would guess that it is mainly the Members on the other side of the aisle who are trying to fill the United States Code with still more laws and still more regulations.

So I would ask the gentleman just to ponder a little bit. I would simply suggest to the gentleman that even if there is no recourse to the courts—and I am not suggesting that there is no recourse to the courts—there is an ability on this side of the aisle to keep taking this case to the American people, and to have our two parties judge in the election a year and a half from now on whether we have been dealt with properly by an overwinning majority.

Mr. FRANK. Would the gentleman yield?

Mr. STRANG. I thank the gentleman from New York and I would be happy in one moment to yield to the gentleman from Massachusetts.

I would like to associate myself with the remarks, Mr. Speaker, of the gentleman from New York, in pointing out that anybody who finds the comments in the Federalist Papers either amusing or boring clearly hasn't read them. The Federalist Papers were an attempt on the part of three of the architects of our Constitution to explain the document to people who didn't understand it, who might have found it boring. Those articles are written for newspapers in order to try to persuade the citizens of the proposed State of New York, from which the gentleman comes, that it was in their best interest to vote New York into the Consti-

tution. That is what the Federalist Papers were. They are political tracts. They are the most readable, fascinating, even in a Texas accent, document you could ever find. They are so critical to this because they tell us what was the intention of the architects of the Constitution. I am saddened by anybody who finds them boring.

I came to this body with an abiding faith in this country, in its people, in its institutions, in fair play and, on January 3, this Member from Colorado received a rude shock. This Member saw the Constitution and the practices of fair play tattered, dragged in the muck, and that has gone on for over 90 days.

I read the Federalist Papers. I keep a copy of that book on my desk, Mr. Speaker. I treasure that volume.

Mr. FRANK. Would the gentleman yield?

Mr. STRANG. I would be happy to yield to the genetleman from Massachusetts.

Mr. FRANK. I thank the gentleman.

I want to just talk a little bit about the Federalist Papers. I would say to my friend from Colorado that if he is really upset with those who found the reading of the Federalist Papers amusing at this time, he better reconvene his party caucus, because those who were giggling included a certain number of Members on both sides. It is not the fact of the Federalist Papers that I had any question about, it was the rather lengthy reading. I found that a rather inefficient method. I would recommend to people that if they really wanted to understand the Federalist Papers, they probably ought to read them. I would not recommend that they borrow the gentleman's copy because, treasuring it as he does, he would probably be a little nervous about lending it out to people.

But I would recommend that there are better ways to get the information from the Federalist Papers than listening to them being read for the first time at 12:30 to 1 o'clock in the morning. Some Members on the other side agreed with me on that.

One of the things I would say about the Federalist Papers is the spirit of the debate that they had. I thought it was kind of a useful one. I do not remember reading anywhere in the Federalist Papers threats to filibuster, such as we heard from our friend from New York. The Federalist Papers said we have these very serious disagreements and let us debate them. I think that is reasonable. I think it is reasonable for people to debate these things. I want to commend the party on the other side because I, for instance, have thought that they didn't care much about the homeless. I think keeping the House open all night, night after night, is probably the first genuine step on behalf of the homeless the Republican Party has taken. I commend it. Those who don't have air-conditioning probably can get a little bit of relief from the heat here tonight.

But the point I wanted to express was that, while debate is perfectly valid and resonable and I invite Members to join in it, the notion that threatening to filibuster by amendment or deny unanimous consent requests is going to coerce anybody into doing anything simply misfires. I think that the whole process might suffer. If the gentlemen want to file amendment after amendment to the authorization process and make it less likely that bills will be passed in a timely fashion to let the Government function, they are right. I just want to assure them that I do not think anyone is going to be influenced by the threats of a filibuster.

Mr. STRANG. I thank the gentleman from Massachusetts.

I would hope that, in our efforts tonight to spend our time on this floor through the night, it should perhaps become clear, as it apparently has not, that we are as a body, as the minority body, consumed with a sense of outrage, a sense of the violation of all the precepts of fair play, and the precatory language which seems to be the province of attorneys will not wish this problem away. We are here tonight because we think the American people have been dealt a raw deal. We think that all the things that we stand for in this country are being dragged in the muck. We know perfectly well that this body will be in session tomorrow for probably 15 hours, but we feel it is important for our colleagues to understand that we have finally gone far enough. This body is eviscerating the laws of the State of Indiana, and it has abandoned the constitutional right to vote and be represented by 500,000 American citizens. This is an abdication of fair play and sarcasm and humor, and all those kinds of talks will not wish it away.

The majority party has made a disastrous error and we intend to see that that error is brought before our body, our Members.

I would be happy to yield to the gentleman from Iowa.

Mr. LIGHTFOOT. I thank the gentleman.

I came here from a background in the media. We were charged with going through very complex issues, cutting through the double-talk and rhetoric to try to get down to the truth, and to condense volumes of foreign policy into a 90-second statement you could put on the air. It was quite an obligation to me.

As we spoke on this issue, ever since the third day of January basically, when it all began, and digging through what has been said and the rhetoric that has been going on and on and on and the smokescreens that have been put up, I have tried to couch it in the terms of how would I put this on the air if I were still in the broadcasting business and do it quickly and concisely in a manner that people could understand, cut through all the double-talk and that type of language. Basically it comes down to two sentences: The Democrats got the mine. The Eighth District of Indiana got the shaft. That is about the only way you could describe it, because that is exactly what has happened. You cut through all this garbage, and that is really what it boils down to.

I think it brings us to the most important question of all: What does this mean to the housewife, to the farmer, to the businessman, the college kid who is ready to vote? What does all this mean to them as individuals? Are we basically saying if we follow through and McCloskey is seated, your vote in the United States of America means absolutely nothing unless you are a member of the majority party? Is that not, in fact, the statement that is being made by the so-called task force? How do you explain to the civics class or to anyone else who is trying to learn about this country of ours?

We also are talking about free elections in Central America. How can you have a free election in Central America when we can't have one here? Basically this is what is happening.

We can go back through the thing step by step by step, and the points can be made, the smokescreens can be thrown up, but that is really what the whole thing boils down to, regardless of what my colleague from New York was talking about a moment ago, what will the reflection be.

As an outsider before getting into politics, there tends to be a bit of a tinge to the word "politics." It is not the kind of a thing that a lot of people look up to. I had a little trouble wrestling with it in my own case personally. It is these kinds of things that give this business a bad name. It is an honorable business. We are doing the business for the greatest country on the face of the Earth, and yet we get into this kind of thing. It is incomprehensible.

Mr. STRANG. I thank the gentleman from Iowa for his comments.

Mr. Speaker, I would bring to the attention of my colleagues that this country's origins stem from methods to avoid tyranny. That is why our forefathers came to these shores, and that is why we crafted a document which is designed to prevent tyranny, tyranny of the legislative, tyranny of the judicial or tyranny by the executive. In order to strike that sensitive balance, we thought, and our forefathers thought, and the people who wrote the Federalist Papers thought that they had arrived at a mechanism which would prevent that.

But what has happened in this body, Mr. Speaker, is that 30 years of power, 30 years of egregious exercise, careless exercise, of power has built a kind of complacency, an easy complacency which will tatter the Constitution, a sad travesty of justice, a tawdry display of power which is a shocking example for the citizens of this country.

What are we going to tell our grandchildren, Mr. Speaker, when we deprive 500,000 people in a congressional district of being represented by the man they sent to Congress? How do we explain legislative apartheid, Mr. Speaker, enacted by the very majority which decries that policy in Africa? A slow and sickening corruption of power has finally brought this thing to a head.

I hope, Mr. Speaker, that we can take the message to our colleagues across the aisle and beg them to join us in resolving a great and sad injustice.

I yield to my colleague from New York.

Mr. DIOGUARDI. I thank the gentleman from Colorado for yielding.

I cannot think of a worse time for the majority party to pick to impose this kind of outrage on the House, at a time when we should be working toward bipartisan solutions for the most critical issues facing this country. Certainly the deficit is one of the most critical issues facing this country.

I came here after a career of 22 years as a certified public accountant—I found, by the way, that I was only one of three certified public accountants to come to the House in its history—to deal with the most critical issue facing this country today, which is the deficit. The issue cannot be solved by partisan politics. If we don't resolve this issue of the deficit and the waste that is consuming this country and the mismanagement that could start with this House, by the way, which has grown 1,600 percent, while the rest of this country has only grown 400 percent in the last 30 years, we will all be held hostage to the waste that we seek to get rid of. But now, at a time when we are trying to focus the efforts of this House on some of these most critical issues—tax reform, the deficit, aid to Democratic fledgling nations around the world and in Central America—we are faced with the onerous proposition of dealing with the nonsense that we have heard today.

I am as outraged as you are, my colleague from Colorado, at what is going on. It just seems to me that we are dealing with some of the most fundamental aspects of this country's history, the Constitution. I guess it is best epitomized, my outrage, by the Wall Street Journal today in an editorial called Tip's Gold Watch, dated April 22, 1985. If you would permit me, I would like to read this editorial, because I think it points out better than I can what the situation is at this point.

It's nice every now and then to be able to write about one of those events held dear in American culture. In this instance, it's the traditional retirement party. If things go according to plan, the Democrats this afternoon will kick off the official beginning of the festivities surrounding the announced 1986 retirement of House Speaker Tip O'Neill. The keynote speech on the House floor today will go something like this: "And so, Mr. Speaker, in honor of your more than 32 years of service to the House and to the U.S. system of electoral politics, we present you with a small token—the Eighth Congressional seat of Indiana." At this point the Speaker will be handed his human gold watch, a shiny new Democratic Congressman named Frank McCloskey—

Who, by the way, I have never met—

On Friday, two other Democratic Congressmen decided that Mr. McCloskey won that long-disputed election in Indiana by a margin of four votes. While this gives the Speaker a chance to celebrate by finally winning one, don't expect much applause from the Republican side of the aisle. It is much more likely that what will occur on the floor of the House of Representatives today will less resemble a victory party than a bitter and bloody put fight. Here's why:

For the past few weeks a group of official vote counters created by the House Democrats have been out in Indiana's Eighth District recounting the ballots cast there last November. The House Democrats didn't like the November outcome because a Republican named Richard McIntyre won the election by something over 400 votes, and his opponent, the incumbent, Mr. McCloskey, complained about the results and about how votes were counted in several counties.

This was the first time in 24 years the House ordered a recount instead of accepting State certification, though at no point in the affair has anyone raised charges of fraudulent procedures. The House Democrats voted twice to refuse to seat Republican McIntyre, which means that the people of Indiana's Eighth District have had no vote in the House for nearly four months.

The Democrats set up a "task force" to recount the vote in Indiana. Last Friday, the Democrats' designated counters finished poring through the ballots and announced that Mr. McCloskey had won the election by vote of 116,645 to 116,641. In the end, the great Indiana recount came down to judging several dozen disputed ballots as for either McIntyre or McCloskey. This task fell to the special commission's three House Members, Democrats Leon Panetta—

Who, by the way, called for bipartisan help in this House many times—

and Bill Clay and Republican Bill Thomas. Ironically enough, the Members judged the ballots by voting for Mr. McCloskey, Republican Bill Thomas quit voting—

As any decent Republican would do—

Throughout all the partisan contentiousness over this dispute, nearly all had agreed that if the outcome of the recount in this admittedly close election came down to a handful of votes, there would be a new election. What no one took into account, but probably should have, was that the whole show has been run by arguably the two most partisan Democrats in the House, Tip O'Neill and Tony Coelho. At 3 p.m. this afternoon, the Democrats will most probably vote to seat Mr. McCloskey based on this four-vote "victory." The lively proceedings will be televised on C-Span—

Thank God—

From where Mr. O'Neill and Mr. Coelho sit, Mr. McCloskey's new four-vote win is mainly an opportunity to stick it to their nemesis in the White House by staging a straight party-line vote on the seating. Such victories may afford the Speaker some pleasure as he battles towards the sunset, but we wonder whether younger House Democrats might not be wondering if that loud sound that they hear is their party crashing on the rocks at the bottom of the falls. There is simply no way the Democrats can look good saying a Democrat's four-vote victory is valid after they said a Republican's 400-vote victory was invalid.

But then, the Speaker doesn't have to worry about the future, since he won't be around. If making a mockery of the democratic process will give him fond memories for his golden years, we believe he should by all means go ahead.

Again, my colleague from Colorado, it seems to me that we must reflect on what was said here. We had Mr. McIntyre ahead by 400 votes, and the majority felt that that was an election too close, so close that it had to be recounted. After recount, Mr. McIntyre won once again. After two recounts, we then went back to Indiana. Now we are here, incredibly, looking at a situation where, with only a four-vote margin of victory, the majority will try to seat McCloskey. I think that is an outrage. It just goes to the fairness issue again, not only to who should be our colleague, Mr. McIntyre, but fairness to Indiana, fairness to the tradition of this body, fairness certainly to the Constitution of the United States, and I, for one, will not stand for it.

Thank you.

Mr. STRANG. I thank the gentleman from New York for his comments.

Mr. Speaker, it has always been the intention of the majority party in this body not only not to seat Mr. McIntyre, but to seat Mr. McCloskey. How did they do it? They finally did it by violating every election law in the State of Indiana. When they finally got to a place where they could not figure out how to get ahead, they violated their own specious rules. That should terrify, Mr. Speaker, any Member of this body, any American who likes to think that his vote counts, not just the 500,000 people in the Eighth District of Indiana who have been robbed of their right to be represented in this body, but all Americans, all congressional districts. This issue is going to hang about the neck of this body like a millstone, not just tonight, but tomorrow night, and in 1986 and in 1988 and 1990 and 1992, because it is an issue that threatens the very constitutionality of this country, it threatens our beliefs in fair play, it threatens our serious concern about tyranny within our process.

Mr. Speaker, I, for one, am appalled. I would welcome the majority party coming to grips with this thing, and getting themselves out from under what must be a staggering load of guilt, a horror when they wake up at night and realize what they have done, not just to themselves, but what they have done to the process. Guilt is hard to live with, Mr. Speaker, and there has got to be an abundance of it on this issue among the majority party.

I came here hoping that the many years that I have studied history and the history of this country would bring me to a body which had as its very basis an understanding of the Constitution, and that that would be the underlying fabric under which we would all operate, even in our disagreements. I looked up here one time on the floor of the House and I saw "E Pluribus Unum" and mentioned the fact that out of many, one was the overriding principle which governs not only this body, but our Nation. We have taken those ideals that I hold dear, that I cherish, and I think that most Americans cherish, and this body has made a mockery of those ideals. The American people have been slapped in the face.

I would hope that, before this has to go on—and it will go on for years if it is not resolved—before it goes much further, that we can get together in true comity on both sides of the aisle, deal with this issue, and reassure the American people that we will not again attempt to eviscerate the Constitution of the United States or the laws of any of the sovereign States as we have in the State of Indiana. We have said to the State of Indiana we don't care what your laws are, we don't care who you send to Congress, we are going to get our man in here if we have to corrupt our ideals and our oaths of office to do so. That is what this body is doing, make no mistake. We are indulging in an orgy of corruption. There is no other word for it. We are fraying the Constitution. Sometimes perhaps we are forgetting that the American people demand above all else fair play, a sense of fair play, a rightness. The arrogation of power for over 30 years, unfortunately, appears to have dealt a slow and sickening corruption onto the floor of this House. I am dismayed, Mr. Speaker.

I think at this point I would yield to my colleague from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Speaker, I have served in this body for more than 16 years at this time and, in all of those 16 years, this is certainly the most flagrant example of arrogance of power and arrogance of the Constitution that I have ever seen.

The Speaker of the House, Mr. O'NEILL, is a genial man. The majority leader of the House, Mr. WRIGHT, was at my wedding. But perhaps they have served too long in these positions of power, because they have indeed learned to abuse that power.

This is what we fought a Revolution about, as my friend has pointed out. We fought a Revolution about having a constitutional process, a Constitution that guaranteed that every voter's rights would be respected, a Constitution that indeed imposed limits on the power of any individual in this country, a Constitution that has served us well for these 200 years.

I think in ignoring that Constitution, this process, and ignoring the right of the voters of the State of Indiana to have Mr. McIntyre serve them, as was duly certified by the secretary of state of Indiana, is the kind of arrogance of power that indicates that there have been people who have served indeed too long in the Halls of Congress and in the halls of power.

This is a great institution, Mr. Speaker. It's one that I'm proud to have served in. It is one that has served the United States and the people of the United States well over many years. It is one that has gone through constitutional crises before. Indeed, I served here, as many of the Members did, during the constitutional crisis of impeachment of a President, during the constitutional crisis of all different types and kinds where Members of this House were called upon to vote on very critical issues.

But in this issue, where the rights of the people of Indiana have been ignored, where the Congress has taken away from the people of Indiana the right to have their representative seated here, or where the Congress seeks to take away from people of Indiana the right to have their representative taken here, that indicates an arrogance that goes beyond anything that I have seen and an ignorance of the Constitution that goes beyond anything that I have ever seen.

Now, we in this great body, as we work on a day-to-day basis, have to rely on a certain amount of comity between the majority and the minority parties. We rely on that to get things done that are in the best interests of this Nation.

We have very critical issues ahead of us that are important to this Nation, and Congress has always risen to the occasion, sometimes after very difficult and protracted, and lengthy discussion, because the issues are not always easy; they are very often difficult; but we have been able to go through them because of a certain amount of comity between the majority and the minority parties in this Congress.

This particular majority party, the Democratic Party, may not always be a majority party in this Congress. Indeed, in the last election, it was indicated that they were not necessarily a majority party in these United States, because the voters of these United States indeed elected a Republican President, and indeed many more voters voted for Republican Members of Congress than are represented by Republican Members of Congress in this body, because of the vagaries of the way the congressional seats are distributed among voters.

But I think if we are to ignore the will of voters, and if we are to take into the hands of the Congress the power to ignore the will of the voters and the will of the people of the United States, then we are indeed entering into an era that I do not care to see us enter into.

When Mr. McIntyre was certified as elected, and duly certified on two separate occasions by the State of Indiana, that was the legal requirement for his election and his swearing in to this great body.

Then the majority party in this body took matters into their own hands. They decided that they, and not the State of Indiana, would make the decision as to who was elected to this body. They decided that they would make the judgments on individual votes and absentee ballots and other provisions of Indiana law.

They not only did that, but they used them as they saw fit to their own ends. Where it served their purpose, they counted votes. Where it did not serve their purpose, they did not count votes, just for the only and sole purpose of having their candidate elected to this body.

Mr. HUNTER. Will the gentleman yield on that?

Mr. STRANG. I would be happy to yield.

Mr. COUGHLIN. I would be happy to yield, too.

Mr. HUNTER. I appreciate both gentlemen yielding.

I appreciate all of my articulate colleagues who have come out today to talk about—and tonight—to talk about one of America's most critical moments, which I think is this moment that we are approaching when a Democrat majority will try to seat the guy who did not win the election.

You know, something that you brought up, Mr. COUGHLIN, I think is the whole heart of this argument, and that was when you mentioned comity.

As I interpret comity—and that is the relationship between minorities, majorities; between the Federal Government and the State governments—this cooperation—I guess it is really respect. I think that is really what comity is. It is respect.

You know, the Democrat majority, and the Democrat majority on this team did not act with respect toward the Republicans or toward the American people. If anything, they should have gone out of their way when they counted these ballots to have counted

them in a way that would be very, very fair to the minority. They should have bent over backward to avoid the appearance of impropriety.

For example, when Mr. McIntyre's home county and also the counties of Orange and Davis and Green and Lawrence, which is his home county—when those clerks gave sworn affidavits to the task force that they had 29 absentee ballots that had names and addresses on them—we are not talking about any of these so-called ghost votes that have been talked about before—when they presented those affidavits to the task force and said these ballots were secured, they were not messed with by anybody, and they represent real living people who tried to vote in these districts, that task force should have immediately said, "We are going to accept that," and even though they came from Republican counties—they came from counties in which Mr. McIntyre did very well—they should have gone to great lengths to avoid the appearance of impropriety and to show some respect to Republicans and to the voters, and they did not show any respect.

You know, I have listened to some of my Democrat friends act mystified that the Republican conference is outraged at this action. How could we be anything but outraged?

How does it look when, after two recounts, when we won, they come out, and they refuse to count, after they have counted absentee ballots that were improperly sent out to the precincts that, by definition, had less security than the ballots who were actually kept in the county offices, when they refuse to count the ballots that came from the Republican counties, how could they expect the Republicans to be anything but outraged?

I think they have not done anything to avoid the appearance of impropriety, and that comity that you have spoken about is what is missing, and I think that is the thing that disturbs all of us very, very much.

You know, I was thinking about it. Somebody mentioned that when the Ethics Committee rules on things, they do not rule with two Democrats and one Republican. Theoretically, Ethics Committee task forces should be 1 and 1, because ethics are not matters for political dispute; they are ethics; and voting should not be a matter, and the standards for voting should not be a matter, or politics. They should be a matter of bipartisanship, and that should have been a 1-and-1 committee; it should not have been a 2-to-1 committee.

You know, when Mr. WRIGHT said that they need us in the Federal Government out there in Indiana deciding who won that election, what he really said is, they need the Democrat majority from this House out there to decide who won that election, and that is really what he was saying.

I thank the gentleman.

Mr. STRANG. I thank the gentleman from California, and I would be most happy to yield to my good friend from New York.

Mr. GREEN. First, I want to thank the gentleman from California for that last point, which I think is very interesting because, of course, the Federal Election Commission which this Congress itself established to look at electoral politics and review a variety of matters under the election laws, is, of course, an evenly balanced commission, and yet the majority in this House, the Democrats, will not do for elections in this House what, by law, the Congress and the President have done for the elections nationally, and I think that, in itself, is a reflection on the partisanship that has been so blatant in this review of this election and the reason why this side of the House is so outraged and really feels that the Constitution of the United States has been abused.

I also want to say to the gentleman from Pennsylvania, with whom it has been my privilege to serve on two subcommittees of the Appropriations Committee, that I really appreciate the way he has laid this thing out to the House. He is certainly a gentleman of temperance and judgment, and I think that someone who, in this House, has such a reputation for looking at things in such a thoughtful and nonpartisan way would reach the same conclusion that all the rest of us have, that this is really an outrage, that it is a stolen election on the part of the majority party.

I think that that ought to weigh heavily, and I would again get back to the fact and simply try to make the case that we are trying to make to the majority as we are heard here this evening and as we are going to be heard throughout this Congress, because we are not going to stop this evening, that we simply are not prepared to have this election stolen. We think this iussue is not just a question of the Eighth District of Indiana and whether a Republican or a Democrat should represent the Eighth District of Indiana. We think this election is an important constitutional issue, and that is the issue of whether the basic premise in the Constitution that the States determine who is eligible to vote, what ballots ought to be counted, the time, place, and manner of holding elections, unless Congress, by law, changes the rules is one that ought to apply here, and that given this election, where there has been not the slightest suggestion of the legality on the part of Indiana people, not the slightest suggestion of fraud, not the slightest suggestion of any impropriety, for the majority party to come barging in, ignoring the count, the recount, the certification, the recertification, and to go in and apply a new set of rules, up until the moment when they inch four votes ahead, and then suddenly to say their own rules are going to be ignored, and they are going to impose a second set of rules, that that is an obscenity, and that we are not going to stand for it.

Mr. STRANG. I thank the gentleman from New York.

Mr. COUGHLIN. Will my colleague yield?

Mr. STRANG. I will be happy to yield to the gentleman from Pennsylvania and then to the gentleman from Texas.

Mr. COUGHLIN. I thank my distinguished colleague from Colorado.

I just want to say that I respect very much and thank the gentleman from New York for his very kind words. He is the ranking member of a subcommittee of which I was formerly the ranking member.

I know the great amount of time and energy that he spends in devotion to this body, and I think that what we are all looking at is seeing this body, which we all respect and revere, defiled—defiled by an arrogance of leadership and that ignores the Constitution, that ignores the wishes of the people of Indiana, and that indeed takes on to itself an issue of power that it does not have and it does not have the right to do.

I thank my colleague.

Mr. STRANG. I thank the gentleman from Pennsylvania, and I yield to my distinguished colleague from Texas, [Mr. ARMEY].

Mr. ARMEY. Thank you.

I have listened with considerable interest at the tone and temper of the debate for the last several minutes, and I must say, gentlemen, you are gentlemen indeed. You show such restraint, such scholarly composure regarding what, in my estimation, is just plain darn thievery.

I grew up in the West, and in the West we call a spade a spade, put our gun on the table and say, "Deal the cards."

Gentlemen, America is being cheated here. There is lying, stealing, and cheating going on, and I think we ought to get right down to it.

You know, I engaged myself in a campaign. It was a lengthy campaign. I campaigned at great length in a college town, and college professors are very articulate folks, and they generally speak on behalf of the Democratic Party, and they are always telling me how this is the party of fairness, this is the party of respect for civil rights, the party of minority representation, and the Republicans are the party of greed.

Well, gentlemen, they ought to spend some time in this House. I see no respect for the minority's rights in

this House. I see no respect for fair play in this House, and greed, as I define it, is the desire to have something you have not earned.

I see a great desire for something they have not earned here and a willingness to break the rules, to make the rules, and then break the rules they have made in order to have something they have not earned.

I think we ought to start talking very plain about this. We are getting robbed. The Constitution is being violated.

A young man who campaigned his heart out, whose family put themselves into this campaign, is being left out of the House, the seat that he won fair and square, and for one simple reason, gentlemen. Despite the overwhelming majority they have in this House, despite the way that they can have their way because they have got the vote and they have got the gavel, whether it be on the floor of the House or in the committees, despite the fact that they set the committee ratios overwhelmingly in their favor, they set the agenda on the calendar for the day's business and tell us when they feel like it, despite all that, because they have that overwhelming majority, they have the pure unmitigated gall to express the greed to steal one more seat.

I think we ought to be outraged, and I think the people of this Nation ought to be outraged, and I think that is exactly the kind of language we ought to use to express that outrage.

Having said that, gentlemen, having gotten that off my chest, let me again commend you for the composure you have demonstrated here in this House. I know the intensity of your feelings. Nobody sits up until 1:30 in the morning on a busy day to come down here and speak casually, and I understand.

It is a matter of style perhaps, a matter of perhaps experience. I am a newcomer to the House of Representatives. I have never been in politics before. I do not fancy myself a politician. Perhaps this game is too one sided. Perhaps it is too insensitive to the principles of fair play that we practice on the playground as children we instinctively understood.

Perhaps we are not politician enough to understand a game that can be played where the people who make up the rules can then, at liberty, feel free to break the rules.

Mr. HUNTER. Will the gentleman yield?

Mr. STRANG. Thank you very much.

I will yield to the gentleman from California in one moment.

I would like to summarize, if I may, Mr. Speaker.

Our forefathers who came to this country came here not because they could not have enough to eat, not because their living conditions were necessarily intolerable, but because there was no liberty.

If I may indulge in a personal anecdote, my father's family came to this country in 1685. They were Huguenots, and Huguenots were being persecuted. They came to this country, an alien land, a harsh land, because they thought they could find liberty, and they did, and my mother's family came in 1635 for the same reason, from England.

Now, Mr. Speaker, those peoples who came to this country and have continued to come to this country on up into the 20th century came to this country because we forged a set of agreements among ourselves which we thought would guarantee fairness, and liberty, and absence of tyranny. That is what this country is all about, Mr. Speaker, and if we forget it, we are letting ourselves down; we are letting the American people down.

The American experience is unique in the history of the world, Mr. Speaker, because it is a history forged on a commitment to avoid tyranny and to preserve liberty for all our citizens, and when we indulge in the kind of savage action on the body politic, when we attack the citizens of the 500,000 citizens of the Eighth District of Indiana, we are attacking every American. We are attacking the process. We are saying that our experience with liberty is counterfeit.

Mr. Speaker, I, for one, will take up the mantle that was sent to us by our forefathers, and I intend to carry this fight as far as I can as long as I can breathe.

I will yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding, and I appreciate very much his statements, and I appreciate the statements of the gentleman from Texas also, and in response to his statement that he thinks we have—perhaps some of us have treated the other side lightly or been a little too easy on them, you know, I think reflecting on the gentleman from New York's statements and the gentleman from Pennsylvania, Mr. COUGHLIN's statements, I think that their statements reflected what a lot of Members of this House feel, and that this, in a way, is not just something that should outrage us. It is really tragic.

I think there was some tragedy, and I think anybody watching that film of the chairman of the so-called bipartisan committee, the 2 to 1 committee, making that last vote, when he had voted time and again to count absentee ballots, and then when his man had pulled four votes ahead, and he said, "I think maybe the State is right on this one, and we are not going to count these ballots," and in watching the interchange between him and the outraged Mr. THOMAS, I think it was a tragic sight to view, and I think that this is a sad day for America. It is not just a day that we should be outraged about.

I think we should be outraged, because we are supposed to be protecting this Constitution for the people we represent. But it is also a very sad day, and I think there are a lot of Members on that side of the aisle that feel that way, and I hope that when we bring this thing down to a vote, when and if the Democrat leadership attempts to seat the fellow who did not win the election, that some of those people on the other side of the aisle are going to stand up and speak for the integrity of the constitutional process and speak for true representative government and speak for the comity that Mr. COUGHLIN talked about, and I hope perhaps we will have more help from their side of the aisle and maybe get a few more votes than the five that we have been getting so far, although God bless them, I think we appreciate every one of them to a large degree.

I appreciate the gentleman yielding.

Mr. STRANG. I thank the gentleman from California.

In fact, if I may indulge in a personal anecdote, Mr. Speaker, I was discussing this problem with a colleague from the Democratic side of the aisle this evening.

When we were sitting here for a vote, this gentleman said to me, "What are you going to do about the Eighth District of Indiana?" I said, "We are not sure, because we are not sure what you are going to do, but I will tell you this. If you attempt to seat McCloskey after this savage outrage to the Constitution, all hell is going to break loose," and this gentleman—a Democrat—said, "I don't blame you."

He is as horrified as I am, as fearful of the precedent we may be setting with a document which is the envy of people the world over, not just free people, but oppressed people.

The Constitution of the United States is the one document, the one process, that is emulated by every emerging country, and even those countries which adopt tyranny as their mode will often do it under the guise of a constitution adopted after the fashion of our own. This happened after the French Revolution, it has happened in Central America, it has happened in South America. What is the model? The Constitution of the United States of America.

I would be happy to yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I think the gentleman's point is very, very important.

I have listened time and again to the majority leader and representatives of the majority party in this House saying this is a country in which the majority rules, and indeed the majority does rule, but it rules under a Con-

stitution. It is limited by a Constitution. It is limited by a Constitution that decrees that the States will determine the rules under which Members of the House of Representatives are indeed elected.

So it is not a prerogative of the majority to simply determine the rules for themselves, because those rules are made under a Constitution that has indeed endured the test of time, has indeed endured the test of trial and error and court tests and all sorts of legal tests through the course of time, and you ignore that Constitution as a majority, which they have clearly done in this case.

Clearly, they have usurped the power of the people of the United States who proposed that Constitution, who ratified that Constitution, and that says something that a majority cannot do even in the arrogance of power that they believe that they can take and do as they please in this House of Representatives.

Mr. STRANG. I thank the gentleman from Pennsylvania.

Mr. Speaker, I would point out indeed that if it is the duty of every Member of this body who takes an oath to uphold the Constitution of the United States, then every Member who does not follow that duty is derelict in his duty, and that is exactly what is happening in this issue with the Eighth District of Indiana—dereliction of duty when you have sworn to uphold the Constitution of the United States.

I fear for this country; I fear for all of us. I shall pray for us, and I hope, Mr. Speaker, that as we follow these deliberations through, we have the strength and the courage not to falter, not to stop, but to follow this through until this process has reached its logical and correct conclusion.

Mr. LIGHTFOOT. Would the gentleman yield?

Mr. STRANG. I would be happy to yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Thank you.

I have one basic question I would like to really ask the opinion of my colleagues that are here this morning.

As we analyze this entire situation from beginning up until our present point in time, we have seen what I think we agree is an abuse of power. Yet they are talking about gaining one seat when they already have many more than the minority party holds.

In the process of doing this, and looking at the films and the tapes of the hearings, and so on, the question comes to mind, do those that are behind this feel that the American public is so stupid and ignorant that they cannot see that rules are being changed, that this is an unfair situation, and in fact then jeopardizing the integrity of their party?

The SPEAKER pro tempore. The gentleman's time has expired.

ORDER OF BUSINESS

Mr. BATEMAN. Mr. Speaker, I ask unanimous consent to take my special order out of order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

THE INDIANA ELECTION DISPUTE

The SPEAKER. Without objection, the gentleman is recognized for 60 minutes.

Mr. BATEMAN. Thank you, Mr. Speaker.

Mr. LIGHTFOOT. Would the gentleman yield? I will finish my statement.

Mr. BATEMAN. I would be happy to yield.

Mr. LIGHTFOOT. Thank you.

I guess the thing that bothers me about this entire situation beyond the constitutional things which we are all very, very concerned with and outraged, what is the motive? Why has this been done? I see no logic in it. If I were a Democrat, I would be very nervous, because it would reflect poorly on my party.

We already have a majority on that side of the aisle. What is the motive? I guess that is the question I would like to ask my colleagues here, if they have an opinion, and anyone from the other side of the aisle who would wish to offer something on that line.

Mr. BATEMAN. I thank the gentleman for the question, because it is of the essence of really why I came here at this late hour, or early hour, depending upon your perspective, to try and address.

I am in very large, virtually total, agreement with my colleagues on my side of the aisle who have spoken to this question this evening.

The one exception to my agreement is those of us who have taken the point of view that we should assume that when the last chapter of this novel has been written, the conclusion will be that the election in the Eighth Congressional District of Indiana has been stolen from us. I fear that may happen. I will not assume it will happen.

I cannot believe that men and women of good conscience, properly informed as to what the genuine issues involving this disputed or so-called disputed election are, will violate the oath they have taken to uphold and defend the Constitution of the United States, that they will violate that comity that has been so often spoken of this evening and which is the very essence of the legislative process.

I have served in the House but one term before this present one. I have served in a legislative body prior to coming here for 15 years. I can add to that somewhat unique experience of having served as a member of a majority party, a chairman of a committee; I have served also as a member of the minority party, having changed political parties.

The legislative process does not function well; it will not serve any constituency, except through recourse to simple, elementary notions of comity between Members of the body, whichever side of the aisle they happen to sit.

I will not assume that my colleagues on this side of the aisle will have callous disregard when this ultimate question comes before us.

If I may, I would like to address what I have perceived to be how we got to where we are and the question of, are we on this side of the right aisle correct when we say that there is a potential of an outrage being continued? Because if you approach it without having prejudged it, we need to reinforce, we need to persuade why we are saying that there is an outrage.

The gentleman from Iowa pointed out that this seat cannot be vital to the majority party in the context of assuring their status as a majority party. They have it whether or not Mr. McCloskey is seated or Mr. McIntyre.

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By the same token, why is it so important to us on the Republican side of the aisle who is seated? We will not be the majority. It will not give anyone any more favorable committee assignments or any other prerogatives. Why, then, are we saying outrage? We are saying outrage because on January 3, 1985, the House was importuned, or the majority thereof, by the leadership of the majority party to disregard the long-standing precedents of this House, that anyone who had been elected and certified as having been so elected by the appropriate electoral officials of their State was entitled to be seated, even if there were a question that he should be seated, having been certified conditional upon the recount or whatever legal procedures would then be had.

Mr. McIntyre on January 3, 1985 had been certified as the winner. He had been certified as the winner by the same official and under the same law as all other members of the Indiana delegation who presented themselves in this body on that date for purposes of taking the oath of office. Whether or not they were Democratic members of that delegation or Republican members of that delegation, they were all here and certified by the same authority under the same law.

We were told, however, by the Democratic leadership, don't worry about the fact that the precedents say you seat at least conditionally anyone certified as being validly elected be-

cause there are some questions that have been raised and, oh, yes, we know there has been a recount under Indiana law, but they didn't recount all the votes, it was a selective recount. Don't worry about the fact that the Supreme Court of Indiana had asked to intervene and mandated that certain votes counted twice, and admittedly counted twice, should not be counted twice, and which led to the majority for Mr. McIntyre and his certification. Now we were told there were problems about Indiana and the way they go about recounts, and so we should not do that. Further recounts were had a second time. The secretary of state of the State of Indiana reaffirmed his original certification of Mr. McIntyre as the winner. We were again told, no, that was not based upon a complete recount where all the ballots were counted. Only certain ballots were counted in certain jurisdictions, but not all the ballots. So, please, House of Representatives, please, Members on my side of the aisle, don't vote to seat Mr. McIntyre, let us have the House Committee on Administration conduct a federally supervised recount of all of the ballots.

That was, to my mind, a very significant error. I think our precedents in this House should have been followed. There was certainly much better reason to follow them here than in the case in 1982, I believe it was, of the disputed election in North Carolina, where the same majority leader importuned the Members of this body to seat the Democratic candidate who had been certified, but certified on the basis of ballots counted pursuant to a statute of the State of North Carolina held unconstitutional and which was patently and flagrantly unconstitutional. But in 1982, in the mind of the majority leader, the precedents of the House to seat the person with the certificate was so strong that you did so, or it was done, notwithstanding, it had to be done in the teeth of a binding adjudication that the certificate had to be invalid because it rested upon an unconstitutional statute.

Certainly I think it should be more than a matter of disappointment to all of us that, on January 3, and again some weeks later, we have twice refused to follow the precedents of the House and refused to seat Mr. McIntyre and went forward with the recount.

But I know in the life that we live here as Members of this body, we can't be as fully informed on anything and everything that comes up at any point in time as many of us would prefer to be. So I do not say that my colleagues on the other side of the aisle have been guilty of some flagrant and calculated, deliberate acts that represent improper conclusions or judgments. I do say that they owe it to themselves, to their constituents, to this body, to this country to no longer be uninformed on this question.

We on our side of the aisle have an enormous responsibility to make sure that the issues in this matter are fully understood, and that when they are understood, and when there is no excuse for no longer understanding them, either Mr. McIntyre is seated, as is the due of the people who elected him or, if he is not, that the people in this body who refuse to seat him are held accountable to the people of their districts throughout America for their failure to have done so and to have violated the precedents, and as we see it and, I believe can more than adequately defend the proposition, have violated the Constitution of the United States.

Let me move on to the point where we twice failed to seat the holder of the valid certificate of election. It was determined by the then wisdom of the House that there should be the federally supervised recount through a task force directed by the subcommittee of the House Committee on Administration. The slogan that evolved through all the political rhetoric that was being exchanged then and up until recent days from the majority party was, "Cut out the rhetoric, count the ballots." Not bad rhetoric in itself if it were apposite to the actual facts and circumstances of the law and the precedents. But having violated the precedents of the House at the outset, having prevailed in obtaining what was to be a recount where all ballots would be counted, what then transpires? Over a period of weeks, meticulous counting of ballots and counting of ballots and counting of ballots and, finally, at a point through the recount procedures, the Democratic candidate has a four-vote majority. You stop counting? You stop counting in the teeth of all that has been said? You stop counting short of ballots which could well be the critical difference in who was and was not elected under the premises of the recount, ballots not counted which differ in no material, rational basis for not being counted from those which were insisted must be counted.

The patent inconsistency of that reflected upon by fair Members of the majority leave me to a hope that when this issue is dealt with on this floor finally, that it will be dealt with on an informed basis by the Members on both sides of the aisle, and that we will do justice to our body, to our constituents and to all Americans. They should expect no less of us.

You know, the Constitution has been very, very frequently invoked here this evening, and all of us, I am sure, take our oath to uphold and defend it very seriously. There is one provision of the Constitution among all those that have been cited that I haven't heard reference to. It is very short, and I would like to read it. It is article IV, section 4. "The United States shall guarantee to every State in this Union a Republican"—and I emphasize that is a capital "R"—"form of government." The very essence of Republican government is the right to vote and, having the right to vote, to have that vote counted, and without regard to for whom or what party the vote was cast. We do in this Congress have a mandate from the Constitution to guarantee a Republican form of government in all the States of this Union, and that most certainly includes Indiana and the Eighth Congressional District of Indiana. That election is as sacrosanct—or should be to us—as any other election in any other State or congressional district in America.

I will yield after one other reminder that I think should weigh very heavily upon all of us as Members of the House. I guess when you get a Member from Virginia who represents the First Congressional District, and the site of the first permanent English settlement in America, of the colonial capital of Virginia and so much the part of the intellectual leadership of the Revolution, the birthplace of George Washington, and who was sent to the First Congress of the United States, the Father of the Constitution, James Madison, you have to expect me to do things somewhat like this.

I want to quote from Jefferson's Manual, which is part of the rules of the House and governing on the House in all matters not otherwise expressly provided for to the contrary. In the preface of Mr. Jefferson's Manual, he states a maxim as certainly true. Quoting the maxim:

> It is always in the power of the majority by their numbers to stop any improper measures proposed on the part of their opponents. The only weapons by which the minority can defend themselves from similar attempts by those in power are the forms and rules of proceedings which have been adopted as they were found necessary from time to time, and have become the law of the House by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities. And whether these forms be in all cases the most rational or not is really not of so great importance. It is much more material that there should be a rule to go by than what that rule is, that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of the Members. It is very material that order, decency and regularity be preserved in a dignified public body.

I would suggest that it is incumbent upon all the Members of the House to reflect upon these very meaningful words in Mr. Jefferson's Manual and to make sure that when we have ultimately concluded with this issue, we do so in keeping with the rules, the

precedents, all of which are a part of that great design of constitutional government in the United States, the assurance of a Republican form of government for our Nation and for all the States within this Union.

I will be happy to yield to the gentleman.

Mr. KANJORSKI. I thank the gentleman from Virginia.

I was a hard working young legislator in my office in the early hours of this evening and I saw this momentous debate ensuing, and I thought I would come over and join the issue.

In the early part of the evening, as I recall now, I thought that the party that I am a member of had their paternity in question. From the speech that I just heard from my friend from Virginia, I now realize it is not only the paternity that is in question, but, in fact, the maternity. I don't think that you wish to color the majority party all inclusively as being inhuman, yet that seems to be the tenor of your words.

The fact, as I understand it from the early part this evening, is I don't think we yet have an issue before the House, or am I incorrect?

Mr. BATEMAN. There has been, I believe, and remains a continuing issue since Janaury 3 when the 99th Congress convened as to whether or not the person certified by the State of Indiana under the laws of Indiana would be seated as it is our contention. So he is entitled to be seated.

Mr. KANJORSKI. Am I to understand this is the continuing argument that has been pursued in the House of Representatives these last hundred-and-some-odd days?

Mr. BATEMAN. I suspect it has been pursued as a topic of conversation, a subject of 1-minutes, a subject of special orders, and of at least two votes on the floor, and with a certainty that there would arise an additional and ultimate vote. We approach that ultimate vote as I understand the procedures that we can expect.

I would suggest further to the gentleman that I have not questioned all or any percentage of the Members of the majority party. As a matter of fact, I have taken issue with those in my party who have assumed that when this vote comes, Members of the majority party will not do what in conscience—if they would simply study the issues, ascertain the full facts, I cannot believe that there will not be more than a sufficient number of those on your side of the aisle who join with us in making sure that an injustice has been done to the people of the Eighth District of Indiana, and it will indeed be rectified.

Mr. KANJORSKI. How would we frame the issue? Are we to suggest that the objection is that we carry the issue of the election of the Eighth District of Indiana to the House Administration Committee? Was that improper and wrong?

Mr. BATEMAN. I am not sure I understand the gentleman's question.

Mr. KANJORSKI. We have had a procedure that has been followed, and the procedure, as I understand it, has been to submit this question to the House Administration Committee to investigate and to report back to the full House and, as an adjunct to that committee, I understand further there was a task force. Was there objection at the time this was made?

Mr. BATEMAN. Indeed, there has been objection from this side of the aisle to anything other than the seating of Mr. McIntyre according to the precedents of the House, having been validly certified as the winner under Indiana law.

Mr. KANJORSKI. So we could conclude that, regardless of the ultimate result of the House Administration Committee or the task force, the minority party would object to the findings regardless of what they may be; is that correct.

Mr. BATEMAN. I will be very happy to make myself very clear on this point. Yes, this Member, speaking for none other, does object to the fact that Mr. McIntyre was not seated on January 3 as he was duly entitled to be seated on behalf of his constituents.

But going beyond that, because that is immutable—we cannot erase what was not done or we cannot undo what was not done in January 3—grant your point that the House, in its wisdom, did send this matter to the House Committee on Administration, that committee, on a purely partisan basis, has chosen to stop doing the one thing which it made its whole case for existing on, and that is to count all the ballots.

Mr. KANJORSKI. There are still uncounted ballots?

Mr. BATEMAN. There are indeed uncounted ballots, and the ones uncounted, and refused to be counted on a 2-to-1 vote, were refused to be counted only at a point where the Democratic candidate was ahead by four. Those ballots not counted, there is no legal, rational basis for not counting when they had agreed, contrary to Indiana law, to count other ballots which are certainly totally analogous to the ones they now refuse to count.

This is the issue that Democratic Members of Congress must face up to. You must demand an explanation from your Members of the House Administration Committee, why did you count up to the point where McCloskey was ahead by four, and then refuse to count all the ballots, and what is the basis for your refusal to do so.

Mr. KANJORSKI. Could the gentleman tell me how many ballots remained uncounted?

Mr. BATEMAN. The estimates that I hear are not less than 32 and probably something in the neighborhood of 50.

Mr. KANJORSKI. These ballots are located where?

Mr. BATEMAN. These ballots not counted were located and secured in the county clerk's offices in certain counties and were kept and maintained there rather than being sent to the precincts to be counted because they were not properly signed, notarized, and so forth, as Indiana law requires. So the clerks, seeing that they were in violation of Indiana law, did not send them to the precincts to be counted. Other clerks in other counties did send such ballots, and they were in the hands of the precinct officials, and those ballots, though not notarized, not signed, were counted. That is how Mr. McCloskey got to a full-vote majority. Having gotten there, ballots in exactly the same category with equal or better security and for greater, at least equal or greater, logic should be counted by a 2-to-1 vote, and they said no, that is enough and, from now on, we are going to adhere to Indiana law which, throughout their recount, they chose to disregard until the point where Mr. McCloskey was ahead.

I was watching C-SPAN when my colleague, whom I am very happy is back and I will yield to, was making earlier inquiries. I was a little bit embarrassed, frankly, that you did not get as much as I thought you were entitled to in terms of "Where is the beef?" I have some beefs going back to January 3. But the real beef is, given the error and the failure to follow the precedents of the House to respect Indiana law, as you would want the laws of your State respected and I want the laws of the Commonwealth of Virginia respected, you did not even respect your own rules, your own gravamen of what you were doing, which was let us count all the ballots, and Indiana cannot be trusted to follow the procedures of Indiana law in this matter. You disregarded that.

Mr. KANJORSKI. Who disregarded that?

Mr. BATEMAN. The House, by sending the matter to House Administration and letting them adopt their task force rules, chose to disregard provisions of Indiana law and to proceed on the basis that we will count all ballots whether or not Indiana law would have it so, as long as you can ascertain the intent of the person who cast that ballot. You proceeded under that logic to undo the official State-certified result of Mr. McIntyre by 400 votes until Mr. McCloskey was 4 votes, and then immediately your members of the subcommittee abandoned that proposition and said we will now

follow Indiana law, and we will not count the remaining ballots.

I think you need to inquire very directly of people on your side of the aisle as to whether or not what I have stated to you is fact. I have listened only to a partial tape of the proceedings in which Mr. THOMAS questioned this remarkable flip-flop on the part of your chairman and your party's second member in suddenly saying no, we should follow Indiana law, we shouldn't count the rest of these ballots. When questions were asked why by Mr. THOMAS of the staff director of the task force as to whether or not the the factual assertions he had made were correct, and the staff director verified that yes, what he had said is correct; but notwithstanding that, on this shallow, flimsy and, I think, artful assertions that well, these ballots uncounted were in the clerk's office and the other ballots were in the precincts. If the ballots are of the same in nature and kind and you have determined Indiana law is to be disregarded, why—other than Mr. McCloskey is ahead—do you stop counting all ballots as long as you can ascertain the intent of the citizens who cast them. Bear in mind, if you will, Mr. McCloskey, no other person in the Eighth Congressional District of Indiana, has ever made an allegation of fraud or any impropriety in the conduct of this election. There has been no charge before the Federal Elections Commission, there has been no challenge in the courts by anyone on behalf of Mr. McCloskey. Nothing has been challenged. We finally go through an exercise that spends out in the process up to this point where, suddenly, that which was the overriding philosophical basis for what was being done is reversed when Mr. McCloskey is ahead, and without any justification for that reversal.

Mr. KANJORSKI. Does the gentleman know if the additional ballots were counted, what the final result would be?

Mr. BATEMAN. I certainly do not.

Mr. KANJORSKI. So I can assume, therefore, that you are not impugning to the majority party's members of the task force any improper reasons for not continuing on, or are you?

Mr. BATEMAN. I will couch my words, as I try to do always, very, very carefully here.

Mr. KANJORSKI. If I may say to the gentleman from Virginia I think perhaps since I have come to this House and served on its committees, the one thing that has offended me the most is how we have a tendency to pat each other on the back and give ourselves such gracious compliments with absolutely no intentions of our words meaning what we say. Why don't we stay here tonight—it is now 2:15 in the morning, and I am sure that the audience watching this proceeding is minimal in number—and why do not we just forget couching our words and call a spade a spade. What are we talking about? Are we casting aspersions on the members of the task force and, if so, what would you have us do?

Mr. BATEMAN. You asked me a question, and I certainly do not want to avoid or evade the answer. I do want to stay within the confines of the rules of the House. I am not here to question the motives, to delve into people's minds, and to play God-like that I know why they did what they did. Your question was: Is what they did improper? Yes; I think it was improper. I think it was markedly, significantly, arrogantly, and plainly improper.

Do not ask me to delve into their minds or conscience as to why they did something improper, but it was an improper result based on unsound reasoning to justify only a conclusion that they were asked to arrive at.

Mr. KANJORSKI. What would you have had them do?

Mr. BATEMAN. What would I have had them do? If we were, as I have tried to make the point repeatedly, not going to follow the valid, sound precedents of the House which would have avoided our being in this morass, then I would have had them do that which they said they were going to do, and that is count all of the ballots where the intent of the voters of Indiana's Eighth District could be ascertained, not to stop short at a point where their man is four votes ahead.

I think that is an elementary conclusion.

Mr. MACK. Would the gentleman yield?

Mr. BATEMAN. I would be happy to yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding.

I want to say to my colleague that I think that you have outlined as clearly, as specifically, and logically as one possibly can. And I think that anyone who has listened to you for the last 15 or 20 minutes has got to clearly understand what the issues are.

Second, I would like to go further to say, despite what I would couch as to may be an attempt to trick or to trap you, you have done an excellent job in specifically answering the questions posed to you.

Mr. BATEMAN. Let me, if I may, reclaim my time.

I do not subscribe to the gentleman who made inquiries that he is trying to trick or trap me. It is my hope that he is here, and I genuinely think that he is, seeking to be further enlightened on what the issues are, what the facts underlying those issues are in order that he may properly resolve them.

It is in that spirit that I am here. It is in that spirit that I am offering what I have offered based upon my study of the legal and factual issues involved. If I have misstated any, I am certainly going to be very surprised to be corrected.

I think, if you will reflect upon what I have done in trying to outline the issues, that you cannot in conscience say that the failure to count the remaining ballots can be logically or fairly justified.

Mr. KANJORSKI. Will the gentleman yield?

Mr. BATEMAN. I would be happy to yield.

Mr. KANJORSKI. If the remaining ballots are counted, and if the results remain what apparently are the results now, then is the gentleman satisfied that the seat should be secured to Mr. McCloskey?

Mr. BATEMAN. I cannot tell you who will or will not win if you permit your own ground rules to——

Mr. KANJORSKI. Making the assumption now that we count the remaining 32 to 50 ballots, if the result remains that Mr. McCloskey entertains a majority, whether it be 1 or 5 or 50, are you then satisfied that we can put this thing to rest and seat Mr. McCloskey?

Mr. STRANG. Would the gentleman from Virginia yield?

Mr. BATEMAN. May I first respond to this? It is to me a very important one. But it has nothing whatever to do with any other Member of this body except my own personal views. Will I be satisfied? No. But let me tell you why I will not be satisfied.

The issue will have been concluded, and I will not like the way it is concluded if that is what happens, because I happen to feel very strongly that this House fell into error on January 3, 1985. Legally and constitutionally we should have seated Mr. McIntyre then, pursuant to the provisions of the election laws of the State of Indiana and the certification of that State, when there is no claim of any fraud or electoral abuse. So, no, I would not be satisfied with that result.

Given the fact, however, that I cannot rectify the error made by the House on January 3, 1985, I personally, save for the reservations just expressed, would expect the result that obtains from counting all the ballots. But in conscience may I ask you the question, Can you justify, defend, or support the conclusion which says we will count all the ballots except at that point where our man is ahead and not count other ballots which logically, reasonably, legally ought to be in the very same category as those they chose to count?

I will be happy to yield to the gentleman from Colorado.

Mr. STRANG. I thank the gentleman from Virginia. By way of response to the question from my good friend

from Pennsylvania, I would point out to the gentleman that what he is asking the gentleman from Virginia is, Does he approve of a process which from the very first has been in contravention to the laws of the State of Indiana. So that, no matter how far this procedure goes, the processes adopted by the House Administration Committee Task Force have been in violation of the laws of the State of Indiana.

Now, if this body feels it has the right to evaluate the laws of the several States as regards elections, then that means there is no point in the States having elections. The laws of the State of Indiana are quite clear. For example, we talk about ballots that are to be counted. As the gentleman from Virginia quite correctly observes, what is galling at this moment is the failure of this committee to carry out its own procedures. And those procedures are in contravention of the law, but at least they are not following their own rules.

Now, if this body is going to say to Indiana we do not like your laws, we are going to substitute or we are going to impose our own views upon you, they can do that on any other State.

In the State of Indiana, for example, absentee ballots are required to be kept at the county level and not sent to the precinct. Ballots that are sent down to the precincts are invalidated. In this case, this committee, this task force has by a 2-to-1 vote decided to count the illegal ballots, the ballots that should not be counted, has decided not to count the ballots that are required to be counted under Indiana law, that is to say, the ballots at the county level. That is the kind of procedure that this body is engaged in since January 3.

So, when you ask a question, when the member, Mr. Speaker, asks a question about whether or not we will be satisfied with the outcome no matter what, I for one—and I can only speak for myself, Mr. Speaker—say absolutely not, no matter who wins, the count, because it has been done without any regard to the laws of the sovereign State of Indiana. And the gentleman from Virginia is quite correct when he points out that the real violation results from the fact that on January 3 this body failed to honor the certificate of the truly and duly elected Representative from the sovereign State of Indiana, the only elected winner, the one who never was contested, the loser never contested it. Nobody contested it. Nobody in Indiana contested it. This was the winner in Indiana.

I thank the gentleman from Virginia for yielding.

Mr. BATEMAN. I am delighted to have done so. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I want to congratulate the gentleman from Virginia on a very, very clear exposition of where we are and what the facts are in this case.

I want to turn to one thing that he pointed out and, I think, very appropriately that has not been discussed at great length. That was the comments of Jefferson in his rules saying that we in this body have rules to go by for order and decency and regularity.

Let me say to my colleague from Pennsylvania. He represents my hometown, the town where I was born and raised. He had a distinguished predecessor, the Honorable Daniel Flood, who represented that district for many years, who understood, I think, as no one else understood, or few people understood, the need in this body for order and decency and regularity. And to get things done, it took people on both sides of the aisle. It took working together. And just the things that we do on a day-by-day basis take the question of Jefferson and rules and order and decency and regularity.

For example, every day Members of this House stand here and ask unanimous consent to revise and extend their remarks. That unanimous consent is only given by the rules of comity and decency and regularity. It does not have to be given. It does not have to be given at all. Every day we have requests for unanimous consent not to read a bill. Unanimous consent does not have to be given. It is given because of rules of decency and regularity and comity that we have discussed before.

I go back to a time in the Congress when there was a group called Rumsfeld's Raiders. It was at a time when the majority party was trying at that time to run roughshod over the minority party in this House of Representatives. And believe me, if we try to forget the rules of comity and the rules of decency and order and regularity that were mentioned by Jefferson, we can tie this House up in knots for days on end. There is no question about that.

I am just saying that, all right, if you are not going to have comity that Representative Flood understood, that distinguished predecessor of yours understood, that we can just go by the book. And we can avoid having that comity and that regularity and that decency as well as anyone else. But that does not make for a good thing for the United States of America. It does not make for a good thing for the 13th Congressional District, which I represent. It does not make for a good thing for my old hometown, which my friend from Pennsylvania represents.

It makes for a process in the country that is one of animosity that is certainly undesirable in the Halls of this Congress.

So, I appreciate very much my friend bringing up the comments of Jefferson because I think those rules are tremendously important in just the good operation of this House of Representatives.

Mr. BATEMAN. I thank the gentleman from Pennsylvania on the Republican side of the aisle. I thank the gentleman from Pennsylvania on the other side of the aisle.

It is my fervent wish and belief that you are genuinely interested in what are the facts, what are the issues, in order that you may know how you as a matter of your conscience should address that issue in whatever form it ultimately comes before the House. It is in that spirit, and certainly with no assumptions, that people on this side of the aisle will follow what I think has been a very significant, a very demeaning exercise in pure sophistry in an effort to justify a preordained or predetermined desirable conclusion, no matter by what route they arrive there. That is my concern.

Now, if you have issue with those things which I have said which are factual, with those things which I have said have an appeal to reason as being—my reasoning being flawed, then that is what reasonable men disagree about from time to time. But unless you on our side of the aisle are willing to engage in a meaningful debate, having prepared yourself to do so, on the facts and the rationale of what you counted up to a point and what you then failed to count and why you did not count it, we cannot get very far.

I am here this morning, at this very early hour, because I want to believe that this body will accommodate itself not in a sense of comity of one Member to the other, not in a sense of you do me a favor I will do you a favor, I want a sense of comity for the Constitution, for regularity of procedures, not for the benefit of Members but for the benefit of the body politic of America. They are entitled to have that of us.

Mr. KANJORSKI. Will the gentleman yield?

Mr. BATEMAN. Certainly.

Mr. KANJORSKI. I join the gentleman in his desires, but I cannot understand. As I understand it, the fatal error that was performed on January 3, and that is an irreconcilable error or mistake that was made. Is that what I am to understand?

Mr. BATEMAN. I think the gentleman is making over much. I would ask him to evaluate the precedent of the House, the provisions of the Constitution, which do provide that elections to this body and to the other body shall be under the laws of the States wherein Members of Congress are elected, in the absence of any Federal law. I would ask you to go through the legal analysis as to whether or not under the Constitution the absence of Federal law, the presence of Indiana

law, the lack of any contest or charge that Indiana law was violated, and the precedents of the House to seat people who have been certified as the winner. And if you come to a different judgment than I as to whether or not an error was made on January 3, 1985, so be it. We will have strong disagreement.

But as I have said repeatedly, even if you agree with me upon reflection and further study that we made an error in this House cn January 3, 1985, it is beyond your power or mine to rectify the injustice done to the people of the Eighth Congressional District of Indiana, who have been unrepresented all this nearly 100 days or more. We cannot undo that. The next best thing we can do, having failed to do that which we should, is at the very least to follow consistently and to the end, wherever it leads us, the ground rules established by your task force, or the task force controlled by you, directed by your side of the aisle. At least let us follow it to its conclusion. That represents at least some improvement over the error made on January 3, 1985.

Mr. KANJORSKI. As I understand the gentleman, if the conclusion were made by the task force of all the votes being counted, and if the result were to remain the same as the gentleman indicates, you would not be satisfied with that result.

Mr. BATEMAN. Well, you know, I am glad you make such a thing over whether or not this gentleman is going to be satisfied, because it is one of the few instances in my experience in this body that anyone has been largely concerned with whether or not I personally was satisfied. I hope you understand my point. I am not here to receive satisfaction for myself on any account. I am here urging a logical determination based upon where we are now and where we will shortly be as this body determines ultimately the issue of this contested or disputed election.

Mr. DELAY. Will the gentleman yield?

Mr. BATEMAN. Certainly.

Mr. DELAY. I would like to answer the gentleman from Pennsylvania on whether I would accept the results of the recount as established under the rules of the task force if we went ahead and counted the ballots that were left. Let us go back to the mistake of January 3 that you alluded to.

Mr. KANJORSKI. I would not want the record to indicate in any way that I accept January 3 as a mistake. I said assuming if that were.

Mr. DELAY. I understand the gentleman, but you did say that assuming that that was a mistake. I feel that it was a mistake. It was predicated on the whole argument that all the ballots were not counted, or there was some sort of irregularities going on in Indiana, and everybody was talking about we have got to count all the ballots, we have got to count all the ballots. Well, we all know, and we have talked about it for over 100 days. We all know that in election contests you just do not count every piece of paper that happens to have the race written on it. You have to go under some sort of security and rules in order to protect the security of those ballots. Every election contest across this Nation, whether it be in this body or on a statewide race or down in a State legislature area, or down on a city council, when you recount ballots, you have to follow some sort of rule to protect the security. Or you will have what happened in Texas, down in box 13, where you have ballot boxes stuffed so that we can come out with 250 extra ballots to elect a Senator to the other body. You have to have those kinds of rules.

So, the whole idea establishing the task force was because Indiana and certain counties in Indiana use different rules, by the way, under Democrat judges' direction and a Democrat majority election, judges and panels in those counties, developing the rules as to which ballot would be counted and would not be counted. And McIntyre ended up with 400-and-some-odd votes to the better of McCloskey. Then all of a sudden we have a task force, and everybody is rallying around the cry: let us count all the ballots, let us count all of the ballots. So, they develop rules to count all of the ballots, damaged ballots, all kinds of ballots, ballots that were unnotarized, unwitnessed, unsigned, all kinds of ballots. Anything on a piece of paper that had McCloskey and McIntyre's name on it was counted. Then all of a sudden when we got four ahead, we decided we are not going to count them anymore.

The reason I say I will not accept whoever wins from this task force is that they never had a set of rules to determine whether that is a real ballot coming from a real voter who really sat down and voted for McCloskey or McIntyre. They just said, let us count all this paper flowing all over the place.

You have to have some sort of rules to go by.

Mr. KANJORSKI. Will the gentleman yield?

Mr. DELAY. I yield.

Mr. BATEMAN. I will be glad to yield to the gentleman from Texas in order that he might respond.

Mr. KANJORSKI. Do you suggest that we recommission the task force to go back down and write the rules that would cover every individual instance of counting these ballots?

Mr. DELAY. Well, you would think they would have done that in the first place.

Mr. KANJORSKI. My impression in the House—and I think the gentleman from Virginia properly observes my problem for what I came over this evening. I thought there was great urgency to get this job and this task over. I would not have proceeded the way that it has been proceeded to at this date, knowing full well that there were hot feelings. And I seriously feel that there is absolutely nothing the majority party or that task force could do at this moment or in the future that would adequately satisfy my friends in the minority party.

That is an unfortunate thing——

Mr. BATEMAN. Excuse me, pardon me. I want to reclaim my time. I have grown, frankly, weary of this business of satisfying me, satisfying them. I am not in this well tonight even asking you or anyone to satisfy Rick McIntyre. I am asking as an elementary principle of fairness that this matter be addressed on the basis of the facts, and some elementary modicum of reason and fairness. And let the chips fall where they might have fallen. I am not asking satisfaction.

Mr. KANJORSKI. I am not suggesting satisfaction of your personality. I am suggesting satisfaction of casting your vote. And that we are sworn to do. That is, you are satisfied with the intelligence that you receive, the facts, and the conclusions, and the judgments.

Mr. BATEMAN. Well, if I may reclaim my time, and I think it is running out, I want to try and make this point. And I hope the gentleman from Pennsylvania, who has been assiduous enough in his duties to be here for so many hours tonight, I want him to at least make a further assumption. Assume for the moment that our point is correct, that there is something remarkable on January 3, when you do not see the certificate holder in this election, when in 1982 you accepted a certificate even though bottomed on an election and a count of ballots which a Federal court had finally adjudicated to be unconstitutional. Yet, your majority party, your majority leader was able to convince the majority of this House that they must under the precedents of the House accept that certificate because it was issued under the laws of the State of North Carolina. Assume. Well, I hope you do not need to assume that is a fact, because that is history.

Would you please address for us why on January 3, as you reflect back upon it, we should have violated that precedent even though it is of dubious correctness, for all the previous precedents, and have denied a seat, even conditionally, to the man certified under State law who has won?

I ask you to make another assumption. Assume what we have said is correct, because you have ways of verifying the correctness of what we have said on the facts. Assume the correct-

ness of our statement, is that you counted and counted and counted in disregard of what the laws of Indiana said as to whether or not ballots could be counted, until a point where McCloskey has a four-vote lead, and then fail to count any further. Assume those facts and put yourself in my position in the well.

Mr. KANJORSKI. And I would join you in your position. That would be improper. But I would go one step further. If we were to say that that would be improper, we would have to say that, if the ballots were counted, we would conclusively accept the result and be satisfied. But you will not go that step with me. You are reserving the right that, if we had that task force complete the tasks that you asked of them and charged them with, if they go back and complete it and if the result is not satisfactory to you, you will not be satisfied.

We are in a no-win situation, not in a party no-win, not a minority or majority party no-win. We cannot satisfy those elements of this House——

Mr. BATEMAN. I appreciate the horns of the dilemma that I perceive you feel you are operating under. I wish I knew a better way for you to resolve your dilemma. It is, frankly, a dilemma of your side of the aisle. You have two ways. You can rectify at least in part the wrong which was done on January 3. One is to at least abide by the rule you adopted when you failed to do what should have been done on January 3. If you will not do that, then let us have a special election in the Eighth Congressional District of Indiana and let the people speak again.

THE INDIANA ELECTION DISPUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. ARMEY] is recognized for 60 minutes.

Mr. ARMEY. Mr. Speaker, I would like to take a few minutes to reflect on my personal experience here. Some of the Members know I am not a politician, I have never run for public office before this election. As I contemplated the idea that I might run for the U.S. Congress, I reflected back on all that I knew and understood about the political process. It seemed very clear to me that one could offer himself for election, follow the proper procedures to get yourself on the ballot, then contest the election, go out and ask for the votes of the public, present yourself, your positions, your arguments. And if you should receive more votes than the other person, you would be seated in the House.

I remember I called a press conference. During the question and answer period, a reporter from Fort Worth named Jack Smith asked me what I thought at the time was a rather peculiar question. He asked me if I had contacted any Members of the House to see if they wanted me to join them in the House. Quite frankly, I was perplexed by that question because I did not know any Members of the House. It never occurred to me that I should contact them to see if they wanted me to join them in the House.

I told Mr. Smith, well, I reckon I will go out there and campaign. If I get more votes than the other guy, the Members of the House are going to have to take what they get.

I could not believe it, to come here on January 3 and find out that was not the case. If the Members of the House did not like what they saw, did not like the vote margin, all they had to do was make a motion that I stand down and that, if indeed they had more votes in the House that were against me than were for me, it did not matter about all of those voters back in my district and what they wanted.

So, I watch that process with great interest. Indeed, as I went through my campaign, I had another experience related to my son Scott, who worked with me for many, many days. We talked about what will happen now as we do this and that. And I explained to him that, if I did indeed have more votes than the other fellow, that I would be issued a certificate of election by the secretary of state. And once I had that certificate of election, then that would be sent to Washington. And once it arrived here, the House would be duly notified that I had been duly elected. And then I would be seated.

Well, I watched that day as two gentlemen who showed up with their certificate of election in hand had their right to be seated challenged. It was a rather interesting contrast.

In one case we had a Republican candidate who was the challenger, who had a certificate over that of a Democrat incumbent. In this case it was Mr. McIntyre's certificate announcing that he had defeated Mr. McCloskey. And in the other case we had a case in Idaho where the incumbent, Mr. Hansen, had apparently lost his seat because a Democratic challenger showed up with a certificate.

Both cases were put to a point. I think this is important. I always wonder why we do not remember this part of the day's events.

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In the first case, on a strictly partisan basis, with every one of the Democratic Members voting not to seat Mr. McIntyre, the man with the certificate, and every one of the Republican Members voting to seat Mr. McIntyre, the man with the certificate, because he had the certificate, that seemed appropriate to me. I couldn't quite understand what might be the reasoning of the folks on the other side who voted so uniformly not to seat the man with the certificate, but I felt quite comfortable with the logic that I saw exhibited on our side of the aisle as we voted to seat the man with the certificate. Mr. McIntyre was not seated that day. I recall him sitting as the rest of us took the oath of office. But at the same time, there was a challenge raised to Mr. Hansen of Idaho on the grounds that he did not have a certificate of election. He was asked to sit down in favor of the Democrat challenger who had the certificate of election. In this case, a rather peculiar thing happened. All of the Republicans, save two, voted for the fellow who had the certificate of election, that being in this case the Democrat challenger, and all the Democrats voted for the fellow with the certificate of election, without exception.

Again, I could not quite see the logic in this. In one case, they were perfectly willing to vote uniformly and unanimously for the fellow with the certificate; in the other case, they uniformly and unanimously voted against the fellow with the certificate. The only thing that was consistent was that they voted for the Democrat in both cases. Then having done that, they raised the proposition that we should have a bipartisan committee to resolve this question—that is to say, a committee where they would allow both Democrats and Republicans to sit on the committee in unequal numbers.

Mr. Speaker, I watched this process with great fascination. Not having been in politics before, not having seen the way these things were operated and the way things were done, it seemed very interesting to me that having already uniformly demonstrated their willingness to use their larger numbers to vote uniformly and unanimously for the Member of their party under all circumstances, that they should consider a fair bipartisan committee stacked with Democrats to be the solution to their dilemma.

Mr. COBEY. Would the gentleman yield?

Mr. ARMEY. I would be happy to yield.

Mr. COBEY. I appreciate the gentleman yielding.

I am glad you are focusing on January 3, because I think that it is important that we get back to that date and realize that Mr. McIntyre had a valid certificate from the secretary of state of Indiana, a valid certificate to be seated in this House, and 82 out of 82 times in the 200 years of our Government, of our country, the duly elected and certified person has been seated. It is important that we focus on that. I have voted on this issue three times, just as the gentleman from Texas has, and all three times I voted not to refer

this to the House Administration Committee. I have not been in favor of this entire process. I think that, in this debate tonight or this discussion tonight, we have not pointed that out enough.

I am not going to be satisfied until this unprecedented situation is totally corrected, and I mean from the standpoint of the rights of the citizens of the State of Indiana, and specifically of the Eighth District. I am not going to be happy until the Governor of the State of Indiana, on behalf of the people of Indiana, and Mr. McIntyre can settle this before the Supreme Court, that this body, the majority party, acted in an unconstitutional manner. So when people say if we counted all the ballots and McCloskey was still the winner, would you be satisfied, I personally would not be satisfied, and I do not think anybody here should be satisfied, because it still would be unconstitutional.

We can't be happy with this situation. It has got to be corrected right back to January 3.

Mr. ARMEY. I agree with you.

The questions that are being raised here are really, I think, quite frankly, trivial questions. The question you raise is the question, that this body refused to seat the man with the certification, refused to honor the State of Indiana, as they did honor it with respect to every other congressional race that was certified. Why not throw out all the Indiana certificates? Why not throw out all the Florida certificates or the Texas certificates? Why this one seat?

I would have to say in all candor that, as I watched this process, as I watched the bipartisan committee appoint its bipartisan commission always with unequal numbers, Democrats two to one to the Republicans, as I watched the votes come down two to one every time—every ballot that came up, the vote was two for, one against; two for, one against; two against, one for—always that same uniformity.

Mr. COBEY. Would the gentleman yield?

Mr. ARMEY. Yes.

Mr. COBEY. You are pointing out how unfair this whole process has been, but focusing back on the fact that we voted against it ever being referred to the House Administration Committee, against ever a task force being formed.

I appreciate what you just said. We have trivialized this whole thing by even talking about that. What right does this House have not to seat the certified candidate from a State and leave the people of the Eighth District of Indiana unrepresented now for, I believe, 111 days? It is absolutely unprecedented, it is wrong and it is unjust. The people of the Eighth District of Indiana are being denied their rights under the Constitution.

Mr. ARMEY. I agree with you.

Again, my point is that it is the pretention that justice is being done by this fabricated process that I find even more offensive. We continue to compound the felony. We continue to try to hoodwink the public. I often wonder how far do they think they can go by way of pulling a charade against the American public's conscious awareness. The American public will see what is happening.

Mr. MACK. Would the gentleman yield?

Mr. ARMEY. Yes; I yield to the gentleman from Florida.

Mr. MACK. Let me try to put this in context or in perspective by reading again some of the remarks of the majority leader during the discussion on January 3, because it addresses the point that you both have been referring to.

He says:

> The House has created a general presumption in favor of the candidate who is certified by the appropriate State election official as a Member-elect. That certification carries with it the presumption that the State election procedures have been timely, regular and fairly implemented. The House will reject the certification only under the most exceptional circumstances where the very ability of the State election procedures to determine the outcome accurately is put into serious question. Regrettably, the election in the Eighth Congressional District of Indiana falls into the most narrow exception.

I guess the point that I want to raise is that, at least the part of the proceedings that I saw, the task force chairman clearly made statements that there was no fraud, and I did not hear him make any statements that there was any wrongdoing. That says to me that those comments basically undercut the position that was made by the majority leader on January 3 when he implied that our only choice now was to turn this over to a task force.

Mr. ARMEY. Indeed there was no allegation, was there? In the State of Indiana, the Democrat incumbent who had lost his seat didn't even call for a recount, as I recall, at that time. Am I correct that there had been no call for a recount by the defeated candidate in the State of Indiana?

Mr. MACK. I believe he did make a call for some recounts.

Mr. ARMEY. Prior to it being brought to the floor?

Mr. COBEY. We did have a recount, and Mr. McIntyre won by 418 votes.

I don't understand why when the task force was formed, without any investigation, without any hearings, all of a sudden they decided they were going to go out there and count all the ballots. I don't know what they were doing other than bringing in question the ability of the people of Indiana to count ballots.

Mr. ARMEY. I agree.

I will yield to the gentleman from Texas.

Mr. BARTON of Texas. On the question of whether the Democratic candidate asked for a recount, he did ask for a partial recount in some of the counties. In the initial recount, after Mr. McIntyre won by 34 votes, both candidates went in and Mr. McCloskey requested in some of the counties and Mr. McIntyre in some of the counties. Between them, they requested a recount in all 15 counties.

Mr. ARMEY. Thank you. I will have to stand corrected on that.

I still think the point remains. I would like to go back to this saga as I watched it unfold as a novice in this political world that we find ourselves in. Later in the year, we brought this thing to a vote again, and it became a very close vote. We had a vote again that followed a very partisan line, in this case with five Democrats voting with all the Republicans to seat Mr. McIntyre, and the remainder of the Democrats voting again not to seat McIntyre. We brought this issue to a one-vote margin. In that one-vote margin, the gentleman from Idaho who had been seated earlier because he had the certificate of election cast a vote not to seat McIntyre, despite his certificate of election. I have always been puzzled by that vote. I still cannot understand what principle or by what practice a decision like this can be made. It seems to me there has to be some consistent principle by which we can hang these votes.

I saw in the earlier vote, the original vote, a great many Members—we are all capable of being partisan in our politics, especially that soon after a election. Elections or campaigns are partisan and you get into sort of a partisan mood. Then we come to the floor and we are asked to be bipartisan. When the question of voting against seating a Republican in favor of voting to seat a Democrat came up in the case of the Idaho challenge, it was difficult for me as a Republican to vote to seat a Democrat, but the principle was there, as it was for most of us. The principle was you vote to seat the man with the certificate.

I think you might raise the question: Why should we have been voting at all? Maybe that is the larger principle we should have been addressing. But the point was it came on the floor, by reasons I can't understand. What I don't understand is by what principle do people cast their votes. There seems to be only and clearly a partisan principle, that if you are in the Democratic Party, unless you are one of the five exceptions, you vote to seat the Democrat under each circumstance. Whether it be here in the House or whether it be in the subcommittee or in the task force, you vote always in

favor of what action will seat the Democrat Member. That, to me, is partisan politics. Can none of those ballots that were opened and examined and challenged, can none of those have been one that might have precipitated a Democrat member of that panel to vote in a manner that could have been favorable to the Republican?

Mr. BARTON of Texas. Would the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Texas.

Mr. BARTON of Texas. To go back to your original question of which candidate should we seat, I would assume that we would seat the candidate who won. We have gone on the presumption that the certificate of election issued by the secretary of state of Indiana would indicate who held that certificate had, in fact, won the election.

The majority party in this House, for whatever reason, has decided they do not necessarily feel that they should seat the candidate who appeared to have won. They got about halfway into that process and decided that, lo and behold, maybe they had better try to make sure that their candidate did, in fact, win something. So they came up with a set of rules. The task force that we heard so much about tonight was supposed to investigate the election and investigate the recount in the Eighth Congressional District of Indiana. They didn't conduct any investigation at all. They decided that the only chance for their man to win was to come up with a set of rules that no one else had ever conducted an election under. They were not looking to find the truth, they were looking to find a result. As soon as they appeared to have obtained that result—which, in this case, was a four-vote margin—with votes yet still to be counted, they called it off.

The House Administration task force has held a hearing—not this morning, but yesterday morning actually, because we now have crossed into a new day—and it is my understanding that they are going to continue that hearing tomorrow, at which time they will report out the fact that the election contest is completed and, lo and behold, their man has won. They will then bring a report before this body, I would assume, suggesting that Mr. McCloskey be seated. They have looked for a result since January 3. When, finally, on the night, I believe, of April 18, it appeared that they had obtained that result, in whatever fashion, they shut it down.

It is our obligation as U.S. Representatives to make sure that we do go back to the original intent, which is to find out who, in fact, did win the election and seat that gentleman.

Mr. ARMEY. I thank you for that observation.

Let me take another look at this. Representing a solid Southern State and a rather independent and strong State like Texas, I have a natural bent for what we refer to as the State rights position. One of the things that has bothered me about this whole process is the presumption that somehow we should in this body overrule the right of the State.

In the State of Indiana there was a recount. The State of Indiana examined that election and those election results. It came out with a 400-plus-vote margin in favor of Mr. McIntyre. But this House continues to be unwilling to accept that the State of Indiana is capable in this one district to determine the outcome of the election.

I might go back to that same question: Why not the other districts in Indiana? Why only in this one district are we unwilling to accept? The secretary of state in Indiana or the Attorney General, or whoever, issued those certificates for the other Members. Why in that one district? Take a look at the history of the Eighth District. This has been rather an elusive seat in Congress. It changed hands rather frequently by close votes. It is very hard to escape the proposition that in this district they see an opportunity where the votes will be close, the history of the district is one where it changes hands frequently, that this is an opportunity, especially with the close vote from the original count of 32 to raise the question, obtain the initial vote on the floor of the House, acquire the jurisdiction, as it were, and then to simply go in and force their will on the State of Indiana. It seems almost clear to me that the people of Indiana are not given their right to control their election, to determine their election results, and to seek their chosen Member of Congress in this one district.

I come from a place in Texas where people speak rather candidly, if I can go back with my saga. I did not always appreciate the importance of this. I remember I was back in Fort Worth, TX, and I was talking about the business of the House and I had made the observation that things had not gotten very exciting around here, we had not moved on to business, it seemed to me, and we had not been talking about the balanced budget amendment and many of the other issues. All of a sudden in this meeting an older gentleman stood up and said, "Young man," which I appreciated, "don't you believe in the Constitution?" Of course, I was taken back, and I said, "Certainly, I do." His response was, "Then why do you say there is nothing going on in the House when the Constitution of the United States is being violated by that same House?" He brought back to me that we are dealing here with an essential constitutional question here: Who should determine the outcome of election? Should we use the principle of one man, one vote? Should the electorate determine that, and should then the judgment and evaluation of those election results be handled within the State as opposed to the House of Representatives? I was challenged by this fellow to come back to the House and to fight for the Constitution, not for Rick McIntyre, not for the Republican Party, but for the constitutional principles of one man, one vote, and local determination of election results.

This is what I think this fight is all about, that a major trespass against the Constitution was committed on January 3. What has transpired since then has been only a compounding of that felony, only a continuation of it.

This older gentleman was a rather candid sort of fellow, and he used the expressions I used earlier. He said:

> Young man, there's lying, stealing and cheating going on in that House, and when are you going to do something about it? There's greed going on in the House. People are trying to obtain for themselves something they haven't earned. They are trying to get it by trickery, by deception, by just plain bullying because of their larger numbers. They are trying to get an additional seat, and it's not fair.

I reflected on that especially in light of the campaign rhetoric that we see, and I understand about campaigns being partisan affairs. But one of the dominant themes of the 1984 campaign was that the Democratic Party was the party of fairness, the party that plays by the rules, that party that affords equality and freedom and dignity and fair play to all people. They held these claims with a great deal of self-satisfaction. By implication, the Republicans were not fair. But, again, I go back to that first day of January 3. The only one of the two parties that seemed to be able to demonstrate a uniform tendency to vote for a principle, irrespective of party lines, was the Republican Party, who voted for the man with the certificate in both cases. The party that seemed to be able to vote only on partisan grounds, irrespective of the principle, was the Democratic Party that voted for the Democrat in both cases.

I go back again to those basic points that seem so clear to me when I told Jack Smith that I would go through the normal election process, I would campaign, I would work hard, I would present my story to the voters and, however the vote turned out, if I had more than the other fellow, the people in this House would have to take what they get. But they do not take what they get, they take what they want. That, to me, is what greed is all about. So I am tired of hearing that we are the party of greed. We are willing to go out and work for what we have, to work for our right to take our seat. That wasn't the case in this episode.

I don't know what other words I can use to express my concern here. I am disappointed. Maybe I can talk in those terms. I am, frankly, disappointed that there are so many people who seem to me so clearly to be willing to throw any priniciple to the wind in order to exercise a blatant partisan will, the will to indulge their greed to get that one more seat, not because they need it to exercise their majority will, flagrantly throughout every bit of the business of this Congress. I am reminded of the words that were used during the proceedings of the bipartisan commission, when out of frustration, the one Republican member said, "I was raped in this commission." I remember reflecting then on what does that word mean. This is the physical forcing of one's power to control another party, to make that other party helpless by the sheer strength of your number, the magnitude of your size. This is what this is all about, in my estimation, an effort to exercise the power. Certainly that one seat isn't needed in order to obtain the power, the power is already clearly there in the numbers. But to make it clear to us that that power is there and that that power is real, they simply take what they have rather than earning it through the normal election procedures.

I would be happy to yield.

Mr. BARTON of Texas. I just wanted to point out to my distinguished colleague from Texas that some of the language that you used just recently and earlier this evening is fairly explicit. I would hope that we could agree that, instead of making a declarative statement that our distinguished colleagues on the Democratic side are actually in the process of doing those deeds, that we would state that it could be deduced by honorable men and that appears to be what they are doing.

Earlier in this debate, approximately 2 months ago, when the word "steal" was used in this debate, quite a debate erupted around that verb and how it was to be used. I understand what you are talking about, but I would hope that we would reserve judgment.

Mr. ARMEY. If I might reclaim my time, I would hope we would not be using this kind of language, too. Indeed, I have been hoping that ever since January 3. But the time comes when the evidence becomes overwhelming. I am describing behavior that is consistent here. I don't know the reasons for that behavior. I watched that process. Time and time again as the ballots were examined and the vote was taken, it was 2 to 1, 2 to 1, never any deviation from that. It was so uniform, so clearly uniform, in that partisan approach. That is a behavior pattern that is not disputable. It was there. It is a matter of the record. I am baffled by that, as I said. I am baffled by that. I don't understand that.

Mr. BARTON of Texas. Would the gentleman yield on that point?

Mr. ARMEY. I would yield to the gentleman.

Mr. BARTON of Texas. To your knowledge, has there ever been an occasion in the task force where a member of the majority party sided with a Member of the minority party at all?

Mr. ARMEY. To my knowledge, there has been no time other than on two instances where we had a vote on the floor where we had five Members of the majority party who voted with the minority party.

Mr. BARTON of Texas. I was referring to the task force.

Mr. ARMEY. In the task force, to my knowledge, the pattern has been consistent and uniform, and this is what I am talking about.

I would have loved to have been able to tell the old gentleman in Fort Worth, TX, that he was not seeing what he thought he was seeing. But the pattern is there, and it is indisputable, and it is uncompromised. It is always consistently there. The old gentleman sees clearly partisan politics, and he had the candor to describe exactly what he saw in the most colorful language.

Mr. DORNAN of California. Would the gentleman yield?

Mr. ARMEY. I yield to the gentleman.

Mr. DORNAN of California. I have a point of information on the query of the gentleman from Texas.

I spoke in this first row down here earlier this evening, or yesterday, to Mr. THOMAS of California. I asked him if after they gave up the process of voting on the task force, because it was incessantly 2 to 1, 2 to 1, 2 to 1, did he ever vote. He said that one time, to force him to vote, they deliberately split their vote on a ballot that he could see they agreed on. He said that because they split their vote on that one, then he voted. But he said they just wanted to get him on the record voting once. He said that, after that, they went right back to the pattern of 2 to 1, 2 to 1, 2 to 1.

So they realized that they were establishing a precedent with Mr. THOMAS just sitting there not voting. So they played this little game, as Mr. THOMAS put it, to force him to vote once and that was it. That was days and days ago.

□ 0320

Mr. ARMEY. You know, I am standing here, I am looking at my watch. I got out of bed at 5 o'clock yesterday morning. I have not been to bed. I know you gentlemen have not been to bed for a while. We are sitting here at 3:20 a.m. It seems a rather peculiar thing for grown men to be doing.

I might also point out the Democrat Members are not sitting here. They have not been here engaged in this debate and I think the reason is very clear: They do not have to debate the issue. They have got the gavel and they have got the votes. They know they can sleep through the night, because when the vote comes, they will have the votes; they have had them every time.

Why do we sit up this way in what seems could be a futile effort?

Mr. BARTON of Texas. Why?

Mr. ARMEY. Because this is a critical matter. We need to make it clear what we perceive this to be. This is not a question of Rick McIntyre. It is not even a question of the people of Indiana's Eighth District. It is a question of the American Constitution and the extent to which it will be honored and upheld by the U.S. Congress. It is a question of whether or not on an ad hoc basis the U.S. House of Representatives can select a political race and election results, and on that basis make a determination that the outcome will be something other than that which has been determined in the State in which the election has been held.

Mr. DELAY. Will the gentleman yield?

Mr. ARMEY. Yes.

Mr. DELAY. You ask the question why we are staying up all night debating this issue. Do you think this is a precedent in itself? Do you think in other election contests over the history of this body that people have been so outraged over a seemingly insignificant thing as an election contest? There have been many election contests in the history of this body, and I fail to see in reading the different contests and the different cases that have been brought up again and again this outrage, and this outrage that has been going on and on and on, Members spending their valuable time day in and day out over the last 100 days debating this issue, trying to convince not only our colleagues on the other side of the aisle but the American people of the importance of this issue.

It seems to me that I keep asking myself the question, "Why are we doing this? Why is the leadership across the aisle doing this?" There does not seem to be any reason whatsoever to do this, "this" being the investigation in the election contest.

There has been no fraud alleged here. Even McCloskey, who was the obvious loser in this race, has not alleged any election fraud in this case. The only inconsistency was that McCloskey got—the press reported on election night that McCloskey got 72 votes on election night and then there was found two precincts that were counted twice, and when that was corrected, McIntyre won by 34 votes and

was certified by the secretary of state. The only other allegation was in the recount, the subsequent recount whereby McIntyre won by 400-and-some-odd votes, there was the contention that there were ballots thrown out, arbitrarily thrown out, for no reason whatsoever and were not counted and we must come back to this body to count those ballots.

If that be the case, if the leadership on the other side of the aisle are so right in what they are doing, and the task force is so right in what it has done, then I am asking you, the great gentleman from Texas, why are we doing this?

Mr. ARMEY. Well, you know, I am not sure I can give you an answer, but you have here something that we have seen before in this great country, and across history. You have here a tenacious minority that seems to be overwhelmed. If it comes to a vote we are going to lose; we know that. If they bring this to a vote, we lose. The point of view we are trying to argue here loses. Why do we not have the good sense to leave it alone and go about the other work that we do? We certainly have other things we are concerned about. Initiatives. I had initiated a House resolution that I almost did not get here to the floor to speak on today because I was in a caucus discussing this problem. And others have put off other kinds of work.

That to me tells something of the test of the idea. We will not give up on it. Now the Democrat Party has taken great pride historically of being on the side of such tenacious minorities who believe so strongly in the point of view that they will not give up on it even in the face of what seems to be overwhelming odds.

Mr. DELAY. If the gentleman will yield, I would submit that the reason that we are here and that we have been so involved in this issue ever since January 3 is that there are no precedents for what is happening here, that the importance of this, certainly McIntyre and McCloskey, it is important to them, but the real importance of this is democracy, a republic, a system where one man, one vote, the vote is precious to us. That is the reason that this country was founded, that is the reason that it has done so well is that votes would be counted, and votes are important to us, and to just arbitrarily say, "Whoops! McIntyre won, but we don't particularly like that, so we're going to have an election contest" is not good enough, is not good enough, to do what has been done over that last 100 days. And that is what outrages us, that is what outrages Members on the other side of the aisle. Because I submit to you that there are Members on the other side of the aisle that are embarrassed by this, that understand that this is terribly unfair and that a seat is trying to be stolen, but they are—for some reason or another are following like sheep and are not standing up with courage in doing the thing that is right. And that outrages those of us that understand what significance this has for the future of this Nation.

Mr. ARMEY. Well, I agree with you, and it is the principle, we go back then to the principle we cannot walk away from. I do not think there are very many of us who are still up this time of the morning who would not agree it would be easier for us knowing that if indeed we are held to strictly a partisan vote that we will lose. It would be easier for us to be tending to other business. But the principle is so compelling that we cannot leave this principle alone. We cannot walk away. We have to stand and fight, because if we do not, then we will default on the very basis for our American democratic system.

Mr. DORNAN of California. Will the gentleman yield?

Mr. ARMEY. Yes.

Mr. DORNAN of California. I think that one of the more frustrating aspects of this whole thing is that many of us in the freshman class of the 99th Congress on this side of the aisle felt what was happening here was a delaying tactic to cover up some bad moves in January that was going to cost Mr. Rick McIntyre 4 months of the honor of being part of this body with the legitimate seniority that he would have been entitled to for those 4 months.

I tend to be an optimist, and I sat over here in one of these rows back in January and I said "Well, I think the Speaker is basically a tough politician who likes to see things settled in the precincts, and that he has gotten himself with bad advice into a position here and they are just buying some time and trying to get their way out of it through the House Administration Committee." And a Member who is in his 9th year now, no, 11th year, he came in 1974, he said, "You weren't here the last 2 years." For anybody reading this RECORD who does not know my background, I had a break in service due to being gerrymandered out of my seat and opting to run in the Senate primary in California. He said, "You weren't here the last 2 years. Things have hardened; they've gotten terribly more partisan. They are ruling by sheer might of power on the other side, and I don't mean to sound so cynical, but Rick McIntyre is never going to be seated in this Congress."

And I said, "There is no way the majority here is going to roll over the State of Indiana." I said, "I am telling you, this is bad advice from one or two of their Members to the Speaker and to their majority leader, and this is a nice, decent way to get out of this fix. They're picking honorable men to serve on this task force."

And he said, "Well, you people in the freshman class better fight this whole task force idea, because all it's doing, all that's going to happen is it's set up merely to insure that by whatever means possible Frank McCloskey is not going to lose this seat."

Well, I rejected all of that advise and I think because the freshmen class like new people in any body felt that they would have to defer to the leadership, we did not take a stand over this small, little task force of three people. I had great faith in our California Member, BILL THOMAS, that he would fight hard for the rights of the minority, but I have seen here in the last couple of days that my optimism was poorly placed in the process in this House that had been chosen to override the State of Indiana. And I began to think about committees around this city that by design have an odd number, so that there will never be a tie. The Supreme Court is such a body, the Federal Trade Commission has five, the FCC has seven, our supreme court in California is odd-numbered, as most of the States are. There are two or three entities or commissions in this city that by deliberate design have an even number. And I do not know whether it is out of respect for our party system or by design they are structured to cause ties and therefore nothing will be done, but it is interesting to look at the committees or entities that are set up with an even number.

One such is the Federal Election Commission, six people. And this one Commission in this city, with a budget of multimillions of dollars, is not only one of the few commissions where there is a test of loyalty, but it is a test based on party affiliation. It must be three Democrats and three Republicans. And because of it being an even number, six, and no way to break a tie vote or to even have what we refer to with close Supreme Court decisions, 5–4 decisions, as an "unclear majority," what has happened with the FEC is every time there is a difficult case they vote 3–3, three Republicans and three Democrats, and everybody throws up their hands and says, "Well, what can you do about it?" And nothing is done. And there have been some serious abuses that have gone unlooked at because of this built-in tie.

Now there are some others. An interesting one is the Franking Commission in this House, that is supposed to take a look at our newsletters. First of all, I found out as an outsider looking in, a former Member but not an incumbent last year, that if someone chooses not to send a newsletter by the Franking Commission, and is willing to take the political heat in the district, and I found out the hard way that newspapers are bored with the whole issue of newsletters, as powerful as they are

notwithstanding, that if you even bother to take it before a commission designed for 3-3 tie votes, that even if they vote in something other than a 3-3 tie, they will put if off until after the election is over, making me very cynical about the structure of the franking committee to really set itself up to do nothing of any damage to either side of the aisle where the incumbency was involved.

There is another commission set up in this House that again has a tie-vote situation so that again they can overlook discrepancies, a little arrangement maybe that the power of the incumbency will be enhanced some more. I can only find like three or four commissions in the whole city, and they are all designed by politicians, and that can be a dishonorable or an honorable word depending on how you are using it, to create no problems for incumbents.

Now, I wonder if it had occurred to anybody back in January to set up a tie commission like the FEC or the franking commission, of three Republicans and three Democrats, so you would not have one lone minority member, BILL THOMAS of California, sitting there, making decisions on every strange piece of paper that had anything to do with this election in the Eighth District of Indiana, and go back and forth and back and forth instead of with one man being voted down consistently by two, if you had three Republicans and three Democrats so that you would get consistent tie votes, and suppose we had set up this commission—with brilliant hindsight now—to say that if you got six men of integrity, each three chosen by each side of the aisle, where you got these tie bloc votes, then as with the FEC nothing would happen, and that ballot would have to be set aside, because six decent men and women could not make up their minds on this ballot.

I think if we had set up even that kind of a flawed system designed to do nothing by tie vote, that we would be seating Rick McIntyre here in a very few days. I think that the freshman class got rolled on this one in January, and I did not want to speak out any more than I did because of prior—6 years—I was trying to go through the whole process again and go to as many seminars as I could to start over, which is certainly what happens to you with your seniority except this peculiar thing of office selection. And again being an optimist rather than a cynic, because I have not been around here long enough, I thought, "Well, I guess with good men on this commission, with the whole world looking at them and with the GAO counting the ballots, we are probably going to get a fair shake."

I did not find out till this evening, or yesterday evening, on this floor, that they were not GAO employees that were counting these ballots as some sort of Government official entity that was pluperfect, but rather they were people hired out of some Ohio office who were GAO employees or something and hired under a separate majority contract to just do this vote-counting under the rules of whatever was laid down by the this 2-to-1 commission.

So I think what we have ended up with here, and I am going to elaborate on this more during my hour, is a tragic situation that is going to hurt the House, it is going to hurt the whole Congress, the other body is going to have to start looking at this after a while. The White House is already looking at us with great perplexity: "What's happening down there?" I think that some sincere Members from the other side have come by tonight to try and learn some more about this, because they feel it is reflecting badly not only on their side of the aisle, or ourselves for staying up all night, but this word that is being kicked around a lot in the news magazines, the "comity" of the House, the decency of the House, and I think that if a lot of fair-minded people on the other side of the aisle could roll back the clock, they would have seated Rick McIntyre and gone ahead with the investigation into first, the election, which has never been done; second, the recount, by the State of Indiana, which has never been done before they began to go into their own count on a set of rules that were imprecisely and unfairly applied, that you would go by the rules of the State of Indiana when it suited the 2-to-1 majority, or not by the rules of Indiana when it did not suit them.

So I envision right now many nights like this when we discuss this over and over.

Mr. ARMEY. If I can reclaim my time, because I am sure it must be running short, I do want to make this observation, because in 1986 I think it is quite possible and I think it would be only right that if some young Democrat should want to challenge me, perhaps a young man who had never run for public office, before, and only had his own aspirations, his own faith, his own confidence to go into an election against an incumbent despite all the advantage I might have as an incumbent, and when that young man announces his candidacy, I expect Jack Z. Smith to raise his hand and ask that young fellow if he has asked any Members of Congress if they would like him to run. And I would like that young man to know that history will prove that he can say that I will subject myself to the voters, and if the voters of my district give me more votes than they do the other fellow, then I reckon the people in Congress will have to take who they get, because I do not think any candidate should first have to contact the U.S. House of Representatives.

Can you imagine if a person speculating about the possibilities for running for Congress thinks what he has to do is go get 50 percent plus one Member of the sitting House, or that House that may be sitting on election day to commit to him that they would be willing to vote to accept his right to take his seat should he win his election and be certified, that might damage the tendency of people to put themselves out on that line, which many of us did in this freshman class, from all walks of life, who were concerned, who were interested, who wanted to be part of the process by which we could hopefully make this a better family, a better life for our children.

To think that we might have to go find the Members of Congress who might be seated at the time we get here and to get their permission to run on the basis that they will be willing to accept us when we get here I think is asking too much of any American citizen.

Mr. DORNAN of California. Would the gentleman yield further?

Mr. ARMEY. Yes.

Mr. DORNAN of California. One of the other entities, this time a committee in this House, that is structured with even numbers of people on it is one of the most important committees of this House because it sits in judgment of the Members when any alleged scandals arrive, and that is, the short-form name is the ethics committee, its formal name is the Committee of the House on Standards of Official Conduct.

That committee has an even number of Republicans and Democrats. And when all of the furor was going on earlier in the year about the important Energy Committee of this House, not even having the same ratio of majority to minority members as did most of the other committees, which still was not reflective of the percentage of votes in the election when taken in the aggregate or of the percentage of Members that sit on the minority side of the aisle, noboby ever questioned that the Standards of Official Conduct Committee, the ethics committee, should ever have anything but an even number.

And I just wish that I individually had paid closer attention to how this commission was being structured. Some of us should have looked downstream just—we thought we were going to be dealing with March 31, as I recall, or March 30—and seen that one Republican, no matter how studious and high in intellect, and Mr. THOMAS certainly is that, or how hardworking, and he certainly has been a hard worker, that one Republican alone

representing the interests of one other Republican, Rick McIntyre, and the decency that the minority has a right to respect in a republic form of government—I wish we could have seen that one man alone could not have dealt with this Herculean task of all of the pressures that were being put on the two Democratic members to make this thing come out a fait accompli, to follow an old political rule that may not be too critical at a small townhall meeting, if you count the votes, you count the votes, you count the votes till you are ahead and then you stop counting. And that seems to have been what has happened here.

Mr. ARMEY. Well, I too, failed to look forward and question this, and I think it is probably understandable. Naturally we assume and we always operate on the assumption that the House is made up of honorable men. And we certainly believe that they are honorable, and that they do the best they can. And that is why I come back again to the question, you know, asking for reasons, because the actions that are a matter of record have been consistently and uniformly and unanimously partisan. That I do not understand. It does not square up with our presumption which we are indeed all entitled to and which we all give honor to, that everybody is here with the best of all intentions, and the greatest sense of personal honor and dignity.

Someplace between the cup and the lip in this case, between the motive and the personality and the action, someplace we are getting our gears ground, and something is going awry, because you cannot dispute the facts that are exhibited in the behavior that is coming out at the other end.

In the final analysis we missed the point on January 3. The point was that the people in Indiana had counted their votes, had certified their winner, and had a right to expect that this House would do honor to that certification and seat their Congressman as they did in the case of Idaho, where the person with the certificate, certified by the people of Idaho as the winner of that election, was duly seated.

There have been ongoing concerns and questions and investigations in Idaho, but that certified Member has had his seat. He took it on January 3; he has it today. That did not happen in the case of Indiana. We missed the boat. We put the Constitution in jeopardy. I do not know why that can happen. I do not know how that can happen. The question that we have to address now is, Have we gone so far now that we cannot go back? Can we not make right that, this trespass against the Constitution, against the responsibility of the U.S. House and its Members to uphold the Constitution as we swore to an oath to do so even on that day when we so badly missed the boat on this issue? How could we have had two votes on the same day, one so right, one so consistent, and the other one so far off the mark?

Mr. DORNAN of California. Would the gentleman yield?

Mr. ARMEY. Yes.

Mr. DORNAN of California. There is one point here that has been discussed several times during the course of the evening and the early morning hours here and I think it should be discussed over and over again, and that is ballot security. The task force count included hundreds of ballots with no authentication by poll clerks to prove validity and guarantee ballot security.

When an election is decided when there are tens of thousands of votes involved by four votes, and it was only three until the day before yesterday, and they are counting hundreds of ballots that have no authentication whatsoever, it is not just jeopardizing one man's, one woman's dreams and aspirations and maybe years of planning and months and months if not several years of hard work and with Mr. McIntyre's case because we have all gotten to know him just as if he were a classmate serving here with us, this was a family effort in his place, but as we look back over the history, and I am going to mention this in the morning hours again, there were votes in this House decided by just one vote, and one of the reasons that a little bit of history disappeared when a Democratic Congressman who served his country well for decades, Jennings Randolph of West Virginia retired, a big chunk of history went with him, is I had the pleasure of riding on the Senate train once with him, the underground train over to the Russell Building, and I asked him to relive for me a vote in this House in 1940 when he was in the Congress, not in the Senate, when by one vote we reinstituted the draft. And that one vote turned this country around in those years of lack of preparation for what turned out to be the most horrible war in all the history of mankind.

The vote being so close anyway inspired the Japanese as is written in the memoirs of Admiral Yamamoto and others that that is what caused them to attack Pearl Harbor anyway, but at least the vote had awakened the sleeping giant. One vote in this House and we began to prepare ever so slowly for World War II.

The SPEAKER pro tempore. The time of the gentleman from Texas [Mr. ARMEY] has expired.

ORDER OF BUSINESS

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take my special order out of order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE INDIANA ELECTION DISPUTE

The SPEAKER pro tempore. The gentleman from Texas [Mr. BARTON] is recognized for 60 minutes.

Mr. DORNAN of California. Would the gentleman yield, and I will finish my point?

Mr. BARTON of Texas. I will be glad to yield to the distinguished gentleman.

Mr. DORNAN of California. In my district in this last race half of my district in Orange County, CA—a little bit more than half is most of an assembly seat in Orange County, CA—the challenger who was challenging a majority party member who holds that assembly seat, and it is the last Democratic-held seat in my district, the Republican challenger lost by one single vote per precinct. He lost by 262 votes, and there are 232 precincts in that almost more than half of my district. And he lost by 1 vote per precinct plus 30 votes.

One vote is important in every precinct, and sometimes one vote is important in an election. No matter how people feel on either side of the aisle, and we had 24 Members on our side who disagreed with the President of the United States on the Peacekeeper missile, that election or that vote was won by only 3 votes on our side of the House than could have turned it. We had a lead of six, but if I had not made a comeback, if HELEN BENTLEY had not won in her third try in a Maryland district, and if BILL HENDON of North Carolina had not made a comeback, those three elections alone could have turned the entire Peacekeeper vote around.

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As a matter of fact, maybe even if we got to a one-vote spread, where we were winning by one vote, the Speaker, who is a powerful politician here, or the majority leader, they have built up many years of friendship and many legitimate, ethical IOU's who knows what political pressure they would have put on to just turn one Member. But with a six-vote spread and a requirement to turn three, the vote was left to stand. In my first 6 years, I saw many times when the Speaker saw fit to do what Sam Rayburn never did in this House, the longest-term Speaker we have had in this century, who only came down out of his chair once, I have been told by the historians who followed the action of this House over the years, but I have seen the distinguished gentleman from Massachusetts, who is our great Speaker, come

down many times in these close votes where one vote was probably the difference to move him to leave the chair and come down and try to turn two or three votes, which he always did successfully whenever I saw him apply himself to that task. So it is important to have just one Member here on our side, even if you depersonalize it.

With the majority lead they have on the other side, I think they could have been magnanimous, and not only respected the Constitution—and I think what I will elaborate on in my special order, and I want to let the gentleman get busy with his, is that it has unnecessarily poisoned the feeling of good spiritedness around this House. I hope that tomorrow morning when the leadership comes in, there is the spirit of them saying, "What were our colleagues on the other side upset about? What were they speaking about all night?" I hope that my worse fear is not going to come true that, when they come together, they will say, "What do those guys want anyway?" That is the danger of what is happening here, is we are destroying this spirit of collegiality, and it was not worth it for the majority when they have such a separation of Members between our little 182 and what they have in this body.

Thank you.

Mr. BARTON of Texas. I thank the gentleman for his comments. I agree that one vote is important, and it is very important that we uphold the Constitution of the United States and make sure that every individual's vote does count.

We have talked much tonight about the historic date of January 3, when all of us, except one, were sworn in to be new Members of the 99th Congress. I would like to mention another date that occurred approximately 3 weeks later, and that was the date that our great President, President Ronald Reagan, was sworn in for his second term as President of these United States.

As the Speaker will recall and the Members in the Chamber will recall, because of the inclement weather, the ceremony was held in the great rotunda of this Capitol. I was able to actually stand in the rotunda as the President was sworn in, and I noticed that the great American actor, Jimmy Stewart, stood behind the President of the United States as he took the oath of office. That made me recollect on some of Mr. Stewart's great roles in the movies. One of his greatest roles was in a movie called "Mr. Smith Goes to Washington." Jimmy Stewart played Mr. Smith in that movie and, as we will all recall, he came from the great State of Indiana, I believe, and he was nominated—not elected, but nominated—to take the place of a Senator from Indiana—not a Congressman, not a Representative, but a Senator—and he was nominated because he was kind of a rube, and the great powers of that day in that movie felt that he could be manipulated and controled and would not be a concern. They were trying to get a dam called the Willow Creek Dam on Willow Creek passed, and they felt that Jimmy Stewart would not be a problem for them. So Mr. Smith got to come to Washington. They tried to show him the monuments and fix him up with a young lady as a girlfriend, but Mr. Smith got it into his head that he wanted to so something for America, that he wanted to build, as I recall, a boys ranch on Willow Creek, and that didn't set too well with the powers that be. They tied to break him. They tried to grind him into the dirt. They did everything that they could, but Jimmy Steward would not stand for it.

He made an ultimatum to himself that if he was the only Senator in the U.S. Senate who really cared about what was right for America, he was going to stop that dam and not let it come about. As we all know, in the movie, he won. He won because he did what he thought was right.

We are not trying to stop a dam on Willow Creek, and we are not trying to build a boys ranch for the boys of Indiana. But I think all of the Members of this body, of the U.S. Congress, the House of Representatives, do want to emulate that great actor Jimmy Stewart in that movie and do what is right for this country.

We are in a situation here where, in the Eighth Congressional District of Indiana, we have to make a decision. Since January 3, the decision has been that the apparent winner, the certified winner, shall not be seated. That man's name is Rick McIntyre. The second recount that has just been completed—although completed is not the right verb—that has just been prematurely ended, I guess, would be more correct. At this point in time, the person who has the lead is Mr. Frank McCloskey. At some point in time, this week or next week, there is going to be a motion made for the majority party, more than likely, that Mr. McCloskey should be declared the winner and should be seated.

I don't happen to think that that is right. I don't think it is right for many reasons. In the short hour that I have, I am not going to be able to go into all those. I brought part of my file with me, and I could just begin to pull documents out and read from those, but I don't think that would get to the heart of the matter. But the main reason I do not think it would be right for this body to seat Mr. McCloskey is because, in fact, he has not won the election. He has not won the election because the lead that he now has come about through a set of circumstances and a set of recount procedures that are nowhere codified in the law, in any election rules in this United States of America.

How has he gotten to the point that he has, as it stands tonight, a four-vote lead? First, they had to discount the election, the original election on November 6. The majority leader of the body, the distinguished Congressman from my home State of Texas, Mr. WRIGHT, said on January 3 that they could not vote to seat Mr. McIntyre because the procedures involved in his election had not been timely, had not been regular, had not been fair. We could pose the same question this evening. The procedures that have been involved in the latest recount in Indiana have not been timely, they certainly have not been regular, and they most certainly have not been fair. So we have gotten to the point where we have got to decide what to do about this.

As one Member of this body, I would say that the thing that we should do would be to move immediately to seat the certified winner, which is Mr. McIntyre, and then, if we really are serious about this and want to conduct an investigation, let us conduct an investigation. We have not conducted an investigation yet. In the Federal recount that has been prematurely ended, what we have done is set up an entirely new procedure. But there was no investigation of the original election, and there was no investigation of the recount. They came up with a new set of procedures and began from there. So let us seat Mr. McIntyre tomorrow, and then if we want to get to the bottom of it, let us conduct the investigation.

That is not just my opinion. There have been numerous editorials that relate to that. Some of the editorial boards in this country that have stated Mr. McIntyre should be seated are the Wall Street Journal three times, the New York Times, the Washington Post, the Chicago Tribune, the New York Post, the Washington Times, the Dallas Morning News, the Houston Post, the Detroit News twice, the Houston Chronicle, the Arizona Republic, the Baltimore Sun, the Chicago Sun Times, the Richmond Times Dispatch, the Denver Post. That is just a few. In the State of Indiana we have the Indianapolis Star, the Muncie Star, the Evansville Press, the Madison Courier, the Goshen News, and the Franklin Daily Journal. And that is just a few. To my knowledge, there has been no editorial support, at most, maybe one newspaper—I believe a newspaper in Louisville came out and said that perhaps Mr. McCloskey should be seated. I am not sure about that, but I think that is the only one. So we have this vast range of opinion stating that Mr. McIntyre should be seated.

In all these newspapers that I just read off that have editorialized that Mr. McIntyre should be seated, I left out one, and I left it out for a very special reason. I happen to represent part of Fort Worth, TX. My distinguished colleague who is in this Chamber this evening represents part of it, Mr. DICK ARMEY, and my distinguished colleague on the majority side, Mr. JIM WRIGHT, represents part of Fort Worth. The major newspaper in Fort Worth, TX, is the Fort Worth Star Telegram. The Fort Worth Star Telegram has historically been a tremendous supporter and friend of our distinguished majority leader, Mr. WRIGHT. Two weeks ago, the Fort Worth Star Telegram editorial board, in an editorial written by Mr. Kyle Thompson, it was stated that Mr. McIntyre should be seated.

I would like to read that editorial. The headline, the name of the editorial, is "Power Abuse—Democrats Refusal to Seat Winner is Disgraceful." I will quote from that editorial:

The Democratic leadership of the U.S. House of Representatives is now in its fourth month of denying a duly elected Member from Indiana his seat in Washington, DC, and, by so doing, has set a very dangerous precedent of displaying crude political power. It is the first case in the history of the Congress where a ruling majority denied a seat to a legally elected and certified Member. This act is clearly a gross abuse of power by those attempting to supercede constitutional election laws of any State. The case involves Republican Richard D. McIntyre who, since election day last November, has been twice declared the winner of the Eighth Indiana Congressional District seat over one-term incumbent Democrat Frank McCloskey.

On election night in November, McIntyre, a lawyer and State Legislator from Bedford, would end up 72 votes short of his Democratic opponent, but there was an admitted error in one county and, when it was corrected, McIntyre held a 34-vote lead. A complete ballot recount was held by a special county commission in each of the 15 counties, and McIntyre's victory margin was expanded to 418 votes. Congressional democrats complained that some 5,000 ballots were tossed out on technicalities, but the vast majority of those were disqualified by commissions dominated by Indiana Democrats. After the recount, Indiana Secretary of State Edward Simcox, who just happens to be a Republican, issued McIntyre an official certificate of election. Since the 99th Congress convened January 3, the House has twice voted on partisan lines to seat neither McIntyre nor McCloskey. Both are being paid a Representative's salary while the dispute goes on.

I would like to point out here that Mr. McIntyre, several weeks ago, refused to accept his salary since he was not being allowed to serve the people.

In the past 200 years of our history, there have been about 80 similarly contested elections for House seats, and always the House allowed the certified winner to serve until the dispute was settled. McIntyre's case is the first in which a certified elected Member was denied a seat and, as a consequence, about 500,000 Indiana voters have been disenfranchised for three months. What makes this incident worse and what really points to the Indiana case is a brutal use of partisan political power is the fact that, on the same day McIntyre was denied a seat, the House voted to seat another certified winner, Idaho Democrat Richard Stallings, despite the fact that his election was being contested by Republican George Hansen. This blatant misuse of political power came about at the insistence of House Speaker Thomas P. "Tip" O'Neill of Massachusetts, the Majority Leader Jim Wright of Fort Worth, and the even more partisan, if possible, Representative Tony Coelho of California, Chairman of the Democrat Congressional Campaign Committee. These House leaders did not like the way the ballots were counted and recounted in Indiana, so they pushed through House Resolution 1, the very first action of the new Congress on January 3, that essentially gave the House Administration Committee, and not the people of Indiana, final say about the election. Wright said that on that occasion, the House should reject the certification of McIntyre because the election procedures employed in the Eighth Congressional District have been neither timely, nor regular, and serious questions have been raised with respect to their fairness. It is especially disappointing to some that Wright has taken such an open and partisan position in this instance, since there must be literally millions of Americans across this land hoping that if we ever can get rid of O'Neill, then Wright, who is in line to be the next Speaker, will at least return a modicum of sensible and balanced leadership that has been so lacking under O'Neill. When Congress rejected him, McIntyre rightfully petitioned the Federal District Court to force the issue, but that court rejected the seat on the constitutional provision that each House shall be the judge of its Members. This ruling was appealed to a higher court, and probably will end up in the Supreme Court. While the constitutional provision of seating a Member cited by the Democrats sounds impressive, the Supreme Court itself showed that it was not so impressed when it had to act on the issue in 1969. That case involved flamboyant Harlem Democrat Adam Clayton Powell, Jr., who was routinely reelected by his constitutents despite all of his troubles that led to his ouster by Congress. The Supreme Court ruled in that instance that the House had the right to kick Powell out of Congress. But until such formal action was taken, it did not have the right to deny a seat to an elected Representative. All of the past history of congressional seating squabbles cumulatively points an accusing finger at House Democrats for having illegally denied McIntyre a seat in Congress. Another bit of evidence against the Democrats is the fact that the apparent loser, McCloskey, never formally challenged the final vote tally in his home State. Instead, he waited until Congress convened and went to his partisan colleagues for redress. Naturally he found sympathetic ears among his peers, many of whom had proven in past actions that partisanship is their prime interest. The implications of this action for the future are grim indeed. The majority party, whether Democrat or Republican, simply may refuse to seat Members from the minority party rendering constitutional elections meaningless. If left unchecked, this will be a pure and simple case of the Democrats stealing a seat in Congress. It is a dirty blot on one of our proud and historic arms of government, and it never should have been allowed to happen.

This is the editorial board of the Fort Worth Star Telegram. I would point out that the Fort Worth Star Telegram endorsed my opponent in the primaries, so they are hardly a friend of mine. And if we can get this kind of an editorial from a newspaper in the majority leader's hometown, then I think a case can be made that there is a serious question here about the constitutionality of what has transpired and what may transpire. So it is our duty as Congressmen in this body in the next week to fully air this issue, which is why we are here this morning. We want to get the facts out to the American people.

Mr. MACK. Would the gentleman yield?

Mr. BARTON of Texas. I would be happy to yield.

Mr. MACK. I have just a couple of points that I think might be helpful because you have mentioned them several times.

There were three points that I believe you referred to that the majority leader made during his statement on January 3: timeliness, irregularity, and serious questions about the fairness of the election.

Do you have any concept of what he was referring to by the words "fair" or "timely"?

Mr. BARTON of Texas. With respect to timeliness, on January 3, the State-certified recount was still in progress. Although it was against precedent, one could argue that since a recount was in progress, it was untimely to seat the certified winner. But in point of fact, in past occurrences, if there were no questions about the validity of the certification, the Congress had seated the winner, and then allowed the recount to transpire or the investigation to transpire, as the case may be, and timeliness had never been an issue before.

Mr. MACK. If the gentleman would yield further, one of the comments that I had heard with reference to timeliness was reference made that, since the certificate had not been issued within a 10-day period or something similar to that, it was not timely. Had you heard that argument before?

Mr. BARTON of Texas. Yes. The argument there was that the Secretary of State of Indiana was required by law to issue a certificate within 10 days of the election. In point of fact, that was false. He was required to wait at least 10 days before issuing the certificate. The other Members of the Indiana congressional delegation, their certificates were not issued until, I believe, November 20. Mr. McIntyre's certificate was issued even later than that because of some of the problems in getting one of the county clerks in the counties to issue a correct certificate.

Mr. MACK. If the gentleman would continue to yield, was not the delay also because of certain requests of the courts to make rulings about different aspects of the election?

Mr. BARTON of Texas. That could be true. I am not sure about that.

Mr. MACK. Let us move on then to the regularity that was referred to by Mr. WRIGHT. Do you have any idea what they referred to?

Mr. BARTON of Texas. It would be nice if our distinguished majority leader were here to enlighten you on that point. At this hour, he is probably home safe in bed.

Mr. MACK. Probably where many people think we ought to be at this particular point.

Let me read to you what he said on January 3:

Neither has the State procedure been regular in its application. Fifteen separate counties are participating in the recount. Each such county is operating under its own set of rules.

I thought it was rather interesting that some of the material I read through indicated that the counties in Indiana, some of them had different methods of voting. Some were by computer voting, others were by machine, and others were by just paper ballots. Is that correct?

Mr. BARTON of Texas. That is correct. That is not unusual. In this day and age, almost all congressional districts, the balloting is by combination.

Mr. MACK. Is it not also true that, under Indiana law, there are different procedures for ballot procedures, depending on whether it is computerized or whether it is machine?

Mr. BARTON of Texas. That is correct.

Again, I had conducted some research into the election codes of the 50 States, and the majority of States have different procedures for recounts and for conducting elections according to the type of ballot in that particular county, whether it be paper ballot or machine count or a tab card ballot.

Mr. MACK. If the gentleman would yield further, what you are saying is that if there were a number of different counties with different ballots—machine, paper, computer—therefore, it is reasonable to expect that they would have different procedures for the recount.

Mr. BARTON of Texas. That is correct. I would point out to the distinguished gentleman from Florida that in the 15 counties that make up Indiana Eighth, a circuit court judge in each county, who is elected by the people of that county, gave each recount committee its specific instructions as to how to recount the ballots in the State-certified recount—that is not to say that the Federal recount that transpired last week.

Mr. MACK. Would you say that for me again?

Mr. BARTON of Texas. I am saying that there are 15 counties in the Eighth Congressional District in Indiana. In each of those counties, there is an elected judge, a circuit court judge, who, by Indiana law, when there is a recount, that judge is required by law to give the instructions to the recount commission as to how to recount those ballots. That was done, to my knowledge, in all 15 counties.

Mr. MACK. So it is possible that the majority leader was referring to the fact that, under Indiana law, to be regular, one would have to follow the orders of the 15 different judges who made decisions about how the recount should take place.

Mr. BARTON of Texas. That would be a reasonable assumption.

Mr. MACK. Let us just move on, if we could, to the third point, and that is the point about the serious question about fairness.

I don't want to put words in the mind of the gentleman from California who was in charge of the task force, but I certainly got the clear impression from him that there was no question about fraud, and no question about the orderly manner in which the votes were cast and counted.

Mr. BARTON of Texas. That is correct.

Mr. MACK. So I would raise this question: Where is the serious question about the fairness then that has been raised?

Mr. BARTON of Texas. In my mind, at least, there has always been a question as to how individuals could question the fairness of the original election. It was done in conformity with Indiana law in existence at that time. Neither party made any allegations of fraud or abuse. I would point out that the loser in the election, Mr. McCloskey, never invoked the Federal Contested Elections Act of 1969, which was passed specifically for this type of case. In a Federal election where there was some question about the outcome, that was the remedy that Congress had enacted into legislative law to take care of it. Mr. McCloskey to this day has never invoked that.

Mr. MACK. So if we take the three major points that the majority leader made on the opening day of this Congress, January 3—timeliness, regularity, and the serious question about fairness—all three of those points have been undercut.

Mr. BARTON of Texas. I think that reasonable people could accept that as a reasonable solution.

Mr. MACK. Again, we go right back to the main point which many of us have talked about. It is really November 1984, in which the election was won by Mr. McIntyre, won again with a recount, and it now has been taken away from him.

Mr. BARTON of Texas. I would agree with that.

Mr. MACK. I thank the gentleman for yielding.

Mr. BARTON of Texas. It is always a pleasure to discuss the issues with the distinguished Congressman from Florida, who has enlightened me on a number of occasions about matters of importance before this body.

I would like to continue my comments on the situation in Indiana Eighth by pointing out some facts that have occurred in the latest recount that was just completed.

On election night, November 6, 1984, Mr. McIntyre was recipient of 116,490 votes. Mr. McCloskey was a recipient of 116,456 votes. So that gave Mr. McIntyre an apparent 34-vote victory. In this latest recount that has been prematurely ended, Mr. McIntyre received 116,641 votes, and Mr. McCloskey received 116,645 votes. If you will subtract the results on the original election from the results that we have just tabulated, you will make an interesting discovery, that there has been an additional 340 votes.

I guess it is possible that they reopened the polls and let an additional 340 voters who intended to vote on election day actually vote. That is a possibility, but it is probably not a probability. It appears that, through the magic of the Federal recounting procedure, they have given Mr. McCloskey an additional 189 votes and Mr. McIntyre an additional 151 votes.

Mr. ARMEY. Would the gentleman yield?

Mr. BARTON of Texas. I would be more than happy to yield to the gentleman.

Mr. ARMEY. You used the expression "Federal recount procedure" which leads me to wonder, is there indeed a procedure that is a standing procedure, or were not the procedures followed in that process those that were adopted by the committee itself?

Mr. BARTON of Texas. There is the Federal Contested Elections Act that has never been invoked. It has a formal procedure in it.

The procedure that was used in this recent Federal recount was a procedure that was evidently determined by two Members of this body, Mr. CLAY of Missouri and Mr. PANETTA of California. They evidently met in the coffee shop and determined what they felt would be reasonable rules and, since they controlled the majority on the task force by 2-to-1, those are the procedures that were used.

Mr. ARMEY. Would the gentleman yield?

Mr. BARTON of Texas. I will yield to the distinguished gentleman from Texas [Mr. ARMEY], and then the distinguished gentleman from Houston.

Mr. ARMEY. It might be more accurate to call this the Clay-Panetta procedure.

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Mr. BARTON of Texas. You could call it that. If you would wish to, I would be more than happy to refer to it that way.

Mr. ARMEY. Thank you.

Mr. BARTON of Texas. Now, I yield to the distinguished gentleman from Houston, TX.

Mr. DELAY. I thank the gentleman from Texas for yielding.

You have just raised the question by the other gentleman from Texas about—were there any hearings held before these rules were adopted by the task force?

Mr. BARTON of Texas. There was a meeting, or perhaps two meetings, held before the rules were adopted, but no testimony was taken, no witnesses were called from Indiana, no witnesses were called that had been involved in previous recounts before the rules were decided upon.

Mr. DELAY. So, there was no public testimony whatsoever about the types of rules. They were not even laid out for public comment or comment from this body.

Mr. BARTON of Texas. To my knowledge, there were no public proceedings to determine the rules and public testimony was not taken.

Mr. DELAY. I beg the gentleman's indulgence. You caught my attention on the specifics you were pointing out just prior to the gentleman from Texas' interruption. If you would go back and start that again, it would be very interesting to me because that is the first I have heard of those particular issues.

Mr. BARTON of Texas. Are you talking about the number of votes that were cast?

Mr. DELAY. Yes.

Mr. BARTON of Texas. OK. On election night, last November, Mr. McCloskey, the Democrat, received 116,456 votes; Mr. McIntyre, the Republican, received 116,490 votes, which was a victory margin of 34 votes.

On the election recount, the Panetta-Gray recount procedure that was ended last week, Mr. McCloskey, the Democrat, received 116,645 votes, which is a gain of 189 votes over election day. Mr. McIntyre, the Republican, received 116,641 votes, which was a gain of 151 over election day. The two candidates together received an additional 340 votes more than their combined total on election day.

Something even more interesting than that is the fact that in spite of this growth in the vote there are still apparently votes that have not yet been counted. Depending on whose numbers you believe, there are anywhere from 29 votes to approximately 50 votes that have yet to be counted. Now, these additional votes that have not yet been counted are absentee ballots that were received on time, but were evidently not properly notarized and were kept by the county clerks in four counties and not sent to the precincts to be counted, and some military ballots that were postmarked on time but evidently not received in the election clerk's offices by election day.

Mr. DELAY. Would the gentleman yield?

Mr. BARTON of Texas. I will be more than happy to yield.

Mr. DELAY. Are you going to speculate on where those 340 extra votes came from?

Mr. BARTON of Texas. Well, I was prepared to offer some preliminary speculation, and I would be happy to if the gentleman would like me to.

Mr. DELAY. It would be very interesting to find out where those 340 extra votes that all of a sudden came up that had not even—they were not counted also in the recount, the first recount, were they?

Mr. BARTON of Texas. No. That is correct.

Well, that is an interesting process in mathematics and logic to go through and try to arrive at where these additional votes came from. There are 103 of these votes which have been referred to even by the majority party as phantom votes. We do not know where they came from.

The other votes, some of them were in what we call the "spoiled ballot bag." In other words, on election night the election clerks decided for reasons that they had "void" written across them or "duplicate" written across them that they shouldn't be counted.

But in several of the counties as they were going through the Panetta-Gray recount procedure, they discovered that there were more cast let us say for the Presidential race than in the congressional race, and in order to eliminate this discrepancy, they reached into the spoiled ballot bag and pulled out votes and counted them.

Mr. MACK. Would the gentleman yield?

Mr. BARTON of Texas. Yes.

Mr. MACK. Are you saying that there was an assumption that everyone who voted in the Presidential race therefore voted in the congressional race?

Mr. BARTON of Texas. Well, we have all heard of a term called "situational ethics," and it appears that one of the unwritten rules of the Panetta-Clay recount procedure was that if it appeared the situation required it that the task force could spontaneously invent a rule allowing them to do whatever they wanted to without regard even to the written down rules of the procedure.

And it appears in certain of these cases that situational ethics made it apparent that the thing to do was to reach in the spoiled ballot bag and count some additional ballots.

Mr. MACK. Was there a separate vote by the task force at that time to determine whether those ballots, those spoiled ballots should be counted?

Mr. BARTON of Texas. Well, it is my understanding that there was, although I was not out in Indiana when the recount was conducted, so I couldn't swear to that. But it is my understanding that the task force did rule.

Mr. MACK. Let me ask one other question. Were both McCloskey and McIntyre treated the same? I mean if there were spoiled votes counted for one individual were they counted for the other?

Mr. BARTON of Texas. Apparently not. It is my understanding that ballots that were counted for McCloskey in spite of certain spoiled aspects. In similar circumstances, similar ballots spoiled in a similar fashion were not counted for Mr. McIntyre.

Mr. DELAY. Would the gentleman yield?

Mr. BARTON of Texas. Yes.

Mr. DELAY. This boggles my mind, so I apoligize for asking you to go over it one more time. Specifically on the spoiled ballots, these are the trash ballots. Did I hear you right, the ballots that had "void" written across them?

Mr. BARTON of Texas. It is my understanding. Again I would have to point out that I was not there and I am going on what I have read and what I have been told by my people that were there.

Mr. DELAY. And duplicate ballots?

Mr. BARTON of Texas. There evidently were ballots in the spoiled ballot bag. They were marked "void." They were marked "duplicate." And they were pulled out and counted.

Mr. DELAY. Now, were there any extra little notes attached to each one of these ballots as to why they were voided? Did they have at the time the election clerk that voided those ballots sitting there explaining each ballot why they were voided, or why they were damaged, or why they were spoiled?

Mr. BARTON of Texas. Well, it is my understanding that in the Panetta-Clay recount procedure that they did not ask the original election clerks to return to the recount and enlighten them on the questions like you have just asked. So, it is my understanding that that was not the case. That they did not know.

Mr. DELAY. So you are telling this House that they just went down into—I am sure if it is anything like in Texas it is a separate ballot box that they throw these damaged and spoiled ballots into, but we call it the trash box. And they just went down and grabbed these ballots that mean nothing, that have been destroyed and voided, and counted those as legitimate votes from somebody in Indiana?

So, the theory could be that they took a ballot that was voided and counted it, but it could also follow that there is another ballot by that same person in Indiana that they counted also.

Mr. BARTON of Texas. That is quite correct. I would hesitate to use the terminology that they reached down and grabbed them. I would think that due to the odor emanating from the spoiled ballot bag that they gingerly reached and plucked them very carefully.

Mr. DELAY. And then when they didn't have enough of these spoiled ballots, they went and opened illegitimate absentee ballots and counted them, too, up until they got a four-vote lead?

Mr. BARTON of Texas. Well, again some of the terminology that the gentleman from Texas uses, in a procedure in which there is no procedure the use of the word "illegitimate" has no meaning.

Mr. DELAY. Well, it is illegitimate to Indiana law because Indiana law says you cannot count a ballot that is not notarized or witnessed or signed.

Mr. BARTON of Texas. That is correct. But Indiana law had no place in the Panetta-Clay procedure.

Mr. DELAY. I am not trying to be argumentative with the gentleman from Texas, but it seems to me that Indiana law had no validity to the task force up until they were four votes ahead, and then all of a sudden it did have validity, did it not?

Mr. BARTON of Texas. Well, apparently it began to generate more substance after the Democratic candidate began to take the lead.

Mr. DELAY. So, all of a sudden the Indiana law surfaced to the top like cream, and all of a sudden we started thinking about Indiana law when we got four votes ahead for McCloskey.

Mr. DORNAN of California. Would the gentleman yield?

Mr. BARTON of Texas. I would be more than happy to yield to the distinguished Congressman from California.

Mr. DORNAN of California. As our country grows in population, there are people who will collect anything and everything. As a matter of fact, I am reading all the time in magazines now about how our Nation is 235 million people when, in fact, we just passed the number 238 million, just a few days ago, on that population clock down at the Commerce Building.

In a Nation that size there is somebody that is going to find great intrinsic value in the 32 to 50 ballots that have not been counted. Now, they still exist, they are still in a secure situation, and they are still locked away. You think it would serve history some way or other if we could somehow or other, no matter how this comes out this year, or next year, subpoena those ballots in their pristine unopened stage to put them on display as in the manner of a time capsule, only one that is exposed, over in the American History Museum at the end of the Mall for maybe 50 years or 100 years, and then at some point in the future young Americans terribly disillusioned at this rape of the Constitution and this block upon the escutcheon of the House of Representatives could open those ballots up and find out under the Panetta-Clay rules who really won the race.

Before the gentleman's time is up, could I ask permission to read on your time the dictionary definition from this giant Webster's Dictionary that I have looked at for 8 years sitting down here on the House floor of this word "comity" which is being used so much in relation to what is being destroyed around here? I think most people who watch the proceedings of the House like myself would settle for the word "friendship." But it is really interesting to see, in the manner of the thickest of the Webster dictionaries, how they break this word down.

The root word in Latin, and I had to study this for 4 years, there were no if's, and's, or but's when I went through high school, so it gives me a chance to look at a little Latin here—is "comis" or "courteous" in Latin. The first definition is "kindly, courteous behavior; friendly civility; mutual consideration between or as if between equals."

That is an important thing. The courtesy as if between equals, as if both sides of the House were equal. Sort of like the great tradition of the State of Arkansas, which has always treated all groups in their legislature as equals, no matter which party happened to be in the majority at that time.

The management should constantly point up every group activity until it actually promotes comity. Then it gives you an A, B, C breakdown: "(A) Courteous and friendly agreement and interaction between nations." This is how wars start, when comity is destroyed between nations. "(B) The informal and nonmandatory courtesy sometimes referred to as the set of rules to which the courts of one sovereignty often defer in determining questions as of jurisdiction or applicable precedent where the laws or interests of another sovereignty are involved, as when big countries who have a majority in numbers treat as an equal, because of comity or courtesy, the rights of smaller nations."

"(C)," this is a fascinating one, "The custom among Protestant churches of the United States of avoiding direct or indirect proselytizing of one another's members." I wonder if there is an open season here now, I ask the gentleman from Texas, that since one of our numbers, before they are even seated, have been raided if the White House might offer a situation that could not be turned down to one of the Members of the other side to come over to our Republican Party, as four of them have already in my short 8 years on this Hill—6 elected and 2 hanging around the halls expressing my opinions on star wars, otherwise known as high frontier?

And here is the second and final major definition: "Association, especially for common and mutually pleasing purposes." That is worth repeating in this Chamber. Comity between the Members, our colleagues here, on both sides of the aisle, all of us distinguished, "association, especially for common and mutually pleasing purposes."

It gives an example: "The honorable comity of scholars in Phi Beta Kappa." And it goes on then to talk about the comity of nations, the friendly code whereby nations get along together. The comity nations give effect to within their own territory.

I think that we are going to read a lot more about that word in news magazines and in editorials across this country. I prefer the much more simple and more commonly used word, "friendship."

There has been much discussion, some of it heated, among friends here that were the roles reversed, were we not the majority in this great Chamber as we are in the other body on the north end of this building, would not we have done the same? And I do not think it is naive on my part. I used this example many, many times during the butchery of our State assembly, Senate and congressional lines following the 1980 census. The butchery of so-called reapportionment in California that gave new depth and dimension to the word "gerrymandering." Would my party have done to the other party what was done to us, the way our seats were chopped up? And I think the answer is an absolute no.

I don't think, even given the exact example of Idaho, that if the roles had been reversed and somebody had been certified not twice, but just once, from the State of Indiana with only 32 votes, I do not think we would have done the same thing or acted in the same way as the majority did toward us.

I can remember arriving for our conferences at the end of my first freshman year in 1978. It was December. It was a sad day. The flags were at half mast. One of the younger minority Members, only at age 40, had passed away. And I ran into a friend of mine from years before. I had met his wife before I had met him, while he was a POW in Hanoi. He had won the Medal of Honor. He flew the most difficult mission in Vietnam; it was called Wild

Weasels. They were two-seat, F-105 Thunder Chiefs that would go in and literally hunt down Soviet SAM missile sites in North Vietnam. And he had had a friend shot down, a wing man. And he in his backseater, I am speaking of Col. Leo Thorsness, went in again and again, back from the refueling airplane, back to cover his friend on the ground, and he was finally shot down. It cost him 6½ years out of his life. And he arrived at the caucus, to go through the seminar and then the caucuses of those early weeks of December 1978, and I said, "Leo, are you the certified winner?" And he said, "No; the other fellow"—now our distinguished colleague, Mr. DASCHLE of South Dakota—he said, "The other guy is winning by 18 votes but that is too close to call."

There was a recount, and that 18 whisker-thin margin increased for Mr. DASCHLE to 100 and some votes. The thought never crossed my mind, as much as I wanted to see an F-105 Weasel pilot serve in this House, a holder of the Medal of Honor and one of these great POW's—it would have been the first one elected to either body—as much as I wanted to see that happen, it never crossed my mind to question the State of South Dakota and the election process that they went through in their recount to up a whisker-thin 18 plurality to the 100 and some votes that Mr. DASCHLE won by.

It just never occurred to me that either party would question the honesty or decency of the State of South Dakota. And that thought has come back to me several times over the last 4 or 5 months that this body just arbitrarily told Indiana to get lost. And now as their Governor is on a well-deserved vacation in Florida, and we are all desperately trying to reach him, I think we are going to come down to a real constitutional crunch here between the State of Indiana and the House of Representatives of the United States.

I thank the gentleman for yielding. More than comity is being lost here.

Mr. BARTON of Texas. I thank the distinguished gentleman for his comments. He shall never be accused of whimping out whether it be with regards to reading from the dictionary or upholding the Constitution of these great United States.

In the remaining time that I have I would like to very quickly go to a letter that I recently received from the secretary of state of Colorado, Mrs. Natalie Meyer. This was dated March 29, 1985, and I quote as follows:

As Natalie Meyer, the Secretary of State of Colorado, I serve as the chief election official of the State. I take very seriously the responsibility of fairly and impartially carrying out our election laws. For this reason I am distressed that the United States House of Representatives has removed Indiana's Secretary of State's authority in the election process under the laws of Indiana.

These are the facts: On November the 6th in the Eighth Congressional District of Indiana, Rick McIntyre, Republican, defeated incumbent Frank McCloskey, Democrat. The Honorable Edward Simcox, Indiana's secretary of state, certified McIntyre winner by 34 votes. This certification entitled Mr. McIntyre to his seat in the Congress on January the 3rd. Mr. McIntyre was seated and cast his ballot for Speaker. Before being sworn in by the Speaker, however, the Democrats on a straight party line vote denied him the right to his seat.

At that time there was no contest of McIntyre's certification in Indiana. No one had filed a sworn statement to any governmental body. Mr. McCloskey had not entered a protest, as he is entitled to do under the Federal Contested Election statutes. There was no allegation of fraud or mismanagement. Nevertheless, Congress refused to seat Mr. McIntyre.

On February 7th, after the completion of a recount, Mr. McIntyre was again certified the winner, this time by 418 votes. The House voted again, largely along party lines, not to seat the certified winner.

Throughout the proceedings Republicans in Congress have asked that McIntyre be provisionally seated following an investigation of the election procedures is conducted. All precedents of the House require that. In the absence of a dispute over certification, the House must seat its members.

The House is refusing to seat a member that has been certified by his State. If this precedent is set, what is to keep the House from denying a seat to a member from Colorado? The Democrats know that to leave the Eighth District without its Congressman is, in effect, taxation without representation, and is therefore unconstitutional. They promised to proceed expeditiously in the investigation, and guaranteed that the issue would be resolved by March the 25th. It has not been resolved, and the Democrats now say that it may take several more weeks.

Studying the matter is an investigative committee consisting of two Democrats and one Republican. Both of the Democrats on the committee have voted against seating Mr. McIntyre on three occasions. Over the strong protests of the Republican member, the committee has agreed to disregard Indiana law in its investigation. Democrats on this committee investigated all of the votes in this contest for many weeks and then independent of Indiana law determined the procedures for recounting the votes. This gave them the advantage of hindsight and the opportunity to set the recount procedures in favor of their candidate.

As the Secretary of State of Colorado, I am concerned about the unfairness of Congressional intervention in the vote-counting process of the individual State. Congress is violating the rights of a sovereign State in an unprecedented usurpation of power. I urge the people of Colorado to contact their Members of Congress, especially Democrats, and convey their sense of outrage over this matter.

Now, that is only one of several letters from various secretaries of state around the country that I have received, and they basically say the same thing. That under the Constitution the States of this great Nation have the right to conduct the elections.

Unless there is reason to suspect the validity, fraud, mismanagement, or abuse, this body has historically accepted that State certification of the validity of the election and received the member that held the certification.

We have not done that in the McIntyre-McCloskey case, and it is very conceivable that within the next week we will seat again on straight party line vote the member who has the least winning margin. Keep in mind that Mr. McIntyre won once by 34 votes, he won the second time by 418 votes, and in this latest procedure that we have referred to as the Panetta-Clay procedure, Mr. McCloskey at this point in time has got a 4-vote margin. Hardly a mandate from the people.

So, with this in mind I would suggest that before we vote on whether to seat Mr. McCloskey that every Member of this body ask himself this question: Would we be willing to risk our elections in this body under the same procedures that have been used in the Panetta-Clay recount procedure?

And I believe that if we ask ourself that question, all of us without exception will refuse to do so. We should revert back to the election laws that the State, the individual States have. And if we do that, there is no doubt, there is no question that the certified winner is Rick McIntyre, the Republican.

Mr. DELAY. Would the gentleman yield?

Mr. BARTON of Texas. I would be more than happy to yield.

Mr. DELAY. The gentleman from Texas, and all of the discussion that has gone on all this evening, all last evening and now this morning, there has been a lot of talk about the Democrats on that side of the aisle doing all this. I do not think the gentleman from Texas is suggesting, as I am not suggesting, that all Democrats are falling in line, especially on this upcoming vote probably next week. That there are Democrats on that side of the aisle that are looking at this in a bipartisan manner and trying to evaluate what is going on. That most of our discussion has been directed at those mainly in the leadership and on the task force that seems to have been leading this whole scenario along the line and confusing their fellow colleagues. Because some of their fellow colleagues may have had other pressing business to attend to over the last 107 days.

I, for one, and I am sure the gentleman from Texas would agree, that we are pleading with those Members on the other side of the aisle to join your five colleagues that have been evaluating this issue and know the unfairness of it and the dangerousness of it, and pleading for those Members on the other side of the aisle to sit down and evaluate what is going on and listen to

what we have been saying for 107 days, finally. Because we are coming down to a vote probably Tuesday of next week, and we are just asking them to look at it and try to be as objective as they can. Because if they do, they will find that this whole forest has been perpetrated on really no foundation whatsoever.

Mr. BARTON of Texas. I do not think there is any question that there are a large number of Democrats of conscience who are very uneasy about what has transpired. And I know from personal conversation that any number of them in private conversation feel that what has gone on is very improper and should not have been allowed to transpire.

But that is not on the record, obviously. When we have asked for the record votes for whatever reason, they have not voted in public as they have conversed in private.

□ 0450

Mr. DELAY. Maybe they thought the two previous votes were not the real crucial votes that they are going to have to cast next week. The crucial vote next week will probably, if it comes the way that we expect it to, be to seat Mr. McCloskey until reelection time for the 100th Congress.

Mr. BARTON of Texas. I would certainly suggest that there will be ample opportunity in the next week for redemption, that those Members who wish to redeem themselves will have that opportunity.

Mr. DELAY. I would hope so. I am sure they will because I have the greatest faith of this body and its Members to stand up and do what is courageous and not follow, like some people in America think we do, follow like sheep without any regard whatsoever for the truth.

Mr. BARTON of Texas. I thank the gentleman for his comments.

I will now yield to the distinguished gentleman from Denton, TX, Congressman DICK ARMEY.

Mr. ARMEY. I thank the gentleman for yielding.

I was just sitting here watching the debate and I realized we had four Texans here.

The SPEAKER pro tempore. The time of the gentleman from Texas [Mr. BARTON] has expired.

THE INDIANA ELECTION DISPUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BOULTER] is recognized for 60 minutes.

Mr. ARMEY. Would the gentleman yield so I could finish my point?

Mr. BOULTER. I would be happy to yield to the gentleman.

Mr. ARMEY. I was observing that we have four Members from Texas here at 4:50 in the morning discussing a seat in Indiana. I find that rather significant. Obviously, for four of us from Texas to still be here after a long day yesterday, we must see something that is larger than the question of whether some Yankee gets a seat in Congress. What do you suppose could be the question that could keep four good Confederates like us up so late in the evening?

Mr. BOULTER. We all came here on January 3 prepared to take the oath of office. As I heard you say, Congressman ARMEY, you campaigned very hard with your son. I was aware of your race. We were friends even back then. I did the same thing with my son and, like you, I always told Matt that we are going to have a close race, but if we win by one vote, your daddy is going to get to be a U.S. Congressman. So here we were in the context, and we saw this young man, Rick McIntyre, with his young family and expecting a baby, and our sympathy goes out to this young man.

But there is a greater principle involved. I think that principle is simply this: one man, vote, and majority rules. It is not a Democrat versus a Republican issue, or shouldn't be; it should be an issue that and, I think, is an issue that every American who knows about this clearly understands what is involved here. What is involved is democracy itself.

I have been amazed at the unmitigated assault on democratic principles that has occurred here in this very case.

Mr. ARMEY. I thank the gentleman for yielding. Obviously, we have all these from other States as well, but I guess I, for one, am proud to be able to say that Texas made its mark at 10 minutes to 5 on this morning, and we will continue to be here for the remainder of the time. Thank you.

Mr. BOULTER. I do thank the gentleman for his remarks because I do think the gentleman points out something that—and I don't know what has been said all night—but the thing that concerns me most about the situation that we are in is the dangerous precedent that is being set by refusing to recognize the certified winner in the Eighth District of Indiana. Based upon election results, when Rick McIntyre won by 34 votes and then later won a recount by 418 votes, the Democrat leadership has, in effect, disenfranchised over half a million people for about 4 months now. It is obvious to some of us, and I think obvious to more and more people, that they left this seat vacant until they could come up with a formula to throw the election to their man. In doing so, the Democrat leadership has blatantly ignored the election laws of the State of Indiana.

If you think about that situation, it could happen to any of us or it could happen to any of our colleagues on the other side of the aisle. It could happen to any 1 of our 50 States. If they have done it here, they could go into any 1 of our 50 States—Texas, North Carolina, any one of them—and declare the election laws of that State invalid. I just think this is a precedent which we must not allow to be set.

Rick McIntyre was the certified winner. He deserves his place in the 99th Congress.

My fellow Texan, Majority Leader JIM WRIGHT, and the Democratic Congressional Campaign Committee Chairman TONY COELHO, started all of this on January 3 by professing to be confused as to who won this election on election night. I honestly believe that most of our colleagues on the other side of the aisle, in the Democratic Party, sincerely bought that line. I think many of them still believe today that there was some confusion about who won on election night. Obviously, it was a very close race, one of the closest in our country's history, and the lead changed back and forth throughout election night. There were press reports on the morning after the election indicating that Mr. McIntyre was leading Mr. McCloskey by over 100 votes. Then some tabulation errors were discovered. Early press reports, however, and unofficial returns do not normally determine who wins elections. If you don't believe that, just ask President Dewey. These early election reports generally do not carry with them many presumptions. Certainly they do not ordinarily trigger the need for any scrutiny of the election by this House. Generally speaking, close elections and erroneous election reports in the morning newspapers the day after the election generally do not call into question or invalidate the real winner certificate.

The perception of who won at any given time during these very emotional hours and days after the polls close should have no bearing on who actually won. Yet, the Democrats continue to promote the falsehood that there have been three different official outcomes in Indiana Eighth, with McCloskey first declared the winner based upon the first count of the votes, and then McIntyre later winning on a partial and then complete recount.

The point is, the first point that I wish to make, is that Rick McIntyre won in the only official tally. He won the election. The corrected election day returns upon which the Indiana secretary of state issued the certificate of election showed that Rick McIntyre won.

Let me briefly describe the events following election day. First, errors were corrected in Vanderburgh County the day after the election day giving McCloskey an unofficial lead of 72 votes. That is an unofficial lead of

72 votes after some errors were collected in Vanderburgh County. Second, errors were discovered 3 days after the election in Gibson County, but these errors were not immediately corrected, they were just tabulation errors, too. When they were corrected, they gave McIntyre an official lead of 39 votes. Therefore, McCloskey appeared to be in the lead for about 2 days during the week after the election because of mistabulated returns in Gibson County. The Gibson County clerk refused to correct those erroneous totals submitted to the Indiana secretary of state until Rick McIntyre brought a mandamus action in district court, where he eventually succeeded.

Mr. MACK. Would the gentleman yield?

Mr. BOULTER. I would be happy to yield to my distinguished colleague from Florida.

Mr. MACK. It might be helpful if you were to identify the kind of errors that you were referring to in Gibson County. Was it an addition error, was it transposition, was it double counting, what was it?

Mr. BOULTER. Basically, they added some totals in twice, just purely a mathematical error. I am certain that it was honestly made. In a couple of precincts, as I recall, the totals of those two precincts were added into the county total twice.

Mr. MACK. It was very clear, I guess, from the records that, in fact, the precinct had been marked down on two different occasions.

Mr. BOULTER. Yes; you can see it on an adding maching type.

Mr. MACK. Yet, as I understand it, it took a court order to get the Gibson—or am I getting ahead of you.

Mr. BOULTER. No; you are exactly right. The Gibson County clerk refused to correct those errors.

Mr. MACK. So it took a court order to get those totals corrected. It was not a recount, as I understand it.

Mr. BOULTER. No; it was not a recount.

Mr. MACK. Is that the area in which our friends on the other side of the aisle keep trying to imply that there actually was a recount in which McIntyre indicated as the winner?

Mr. BOULTER. Yes.

Mr. MACK. What they are really referring to is just a correction of the ballots that were counted?

Mr. BOULTER. Yes.

What they do, Congressman MACK, is based upon that mathematical error—this is not an error involving any discretion or anything. We are talking about a clerical function. Based upon a clerical error, they have bootstrapped themselves up in the position that we find today by claiming that there has been confusion in who actually won on election night.

Mr. MACK. I raised the question with the gentleman who had the previous special order about the majority leader on January 3 talked about whether the election—in essence, were they treating the votes regularly, was it timely, and there were serious questions about, I guess, the way the election was run. I raised the question about the timeliness, that someone implied that it took the secretary of state too long. That was one argument. Then there was another one that said that he didn't act fast enough. But was it, in fact, necessary to get a court order to change the tabulation—not the recount—but to change the tabulation, that, in effect, delayed the ability of the secretary of state to issue a certificate prior to that time?

Mr. BOULTER. That is right. It was following that court order that the Gibson County clerk, and it was pursuant to that order, that the county clerk sent a corrected certificate to the Indiana secretary of state verifying the original tabulation error.

Mr. MACK. I thank the gentleman.

Mr. BOULTER. These corrected totals also reflected the results of the recount which was then completed in that county. That is why we have the reduction from 39 to 34 votes. So the results of the election, as finally completed, and after the mathematical errors were corrected, showed Rick McIntyre to be the winner by 34 votes.

Mr. MACK. There was a difference there. Let me get those numbers again. Thirty-nine votes?

Mr. BOULTER. Yes. When they were retabulating then the corrected totals further reflected that the results, when tabulated county by county, showed that instead of McIntyre winning by 39 votes, he won by 34 votes.

Mr. MACK. Is that because there was a recount in that particular county?

Mr. BOULTER. I do not think there was any recount—not a recount as we understand a recount, not a recount as there was subsequently a recount.

Mr. MACK. I thank the gentleman.

Mr. BOULTER. When the Indiana secretary of state received the corrected Gibson County totals on December 13, then he immediately issued his certificate naming McIntyre the winner by 34 votes. But as the gentleman has been pointing out and discussing here, ever since then, the Democrats have argued that Mr. McCloskey a 72-vote lead up until the Gibson County clerk was forced by the court to correct his clearly erroneous vote totals. Yet, those were errors which the clerk had been aware of for a long time and refused to correct for a month.

Mr. MACK. In one case we have a correction of votes in McCloskey's favor; in another case, we have a correction of votes in McIntyre's favor. But it is interesting that in the correction of the votes for McIntyre, this is called a recount, but not in the case of McCloskey.

Mr. BOULTER. That is what they call it in the case of McIntyre.

Mr. MACK. I thank the gentleman.

Mr. BOULTER. They claim that the separate county vote certifications received by the Indiana secretary of state's office, including this document submitted by the Gibson County clerk, which was known to be incorrect, constituted an official return for the Eighth District, even without the secretary of state's action.

Then last November, they even asked that the Federal district court in Evansville issue an injunction to force the secretary—now listen to this—to force the secretary to certify Mr. McCloskey based upon those totals that the secretary of state knew were mathematically incorrect. In the district court's open—I mean the secretary of state refused to issue a certificate upon totals he knew were mathematically incorrect.

Mr. MACK. I apologize for continuing to interrupt the gentleman from Texas, but let me just ask one other question.

Mr. BOULTER. I would be happy to yield.

Mr. MACK. I think it may have been implied in your statement, but I am not sure. What you are saying is that the secretary of state had been asked to certify McCloskey with the secretary of state having full knowledge that the totals he had been given were incorrect.

Mr. BOULTER. Yes; so he would not certify McCloskey because he knew, based upon conversations with the Gibson County clerk, that the totals were incorrect. The Democrats then filed an action in district court to mandamus the secretary of state to certify Mr. McCloskey the winner based upon those incorrect totals.

Mr. MACK. I have one further question. Do you have any knowledge that either Mr. McCloskey and/or his agents were aware of the error in favor of McIntyre at the time they made this request to the secretary of state?

Mr. BOULTER. Of course, I wasn't there, but it is inconceivable that Mr. McCloskey did not know. Certainly the people who were involved in the controversy, both on our side and on the other side, certainly did know.

Mr. MACK. I thank the gentleman.

Mr. BOULTER. I am certain that Mr. McCloskey also knew. I know that Mr. McIntyre knew.

I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I think one of the most important areas in this whole scenario is the absentee ballots. I am absolutely astounded—and I recall that movie that was shown, the filming that was taken of the hearing in Evanston when the

chairman of the task force voted with the other Democrat 2 to 1 over the Republican not to count those absentee ballots, that they had been counted before that, before Mr. McCloskey pulled ahead.

Mr. BOULTER. Are you talking about the 32 absentee ballots?

Mr. HUNTER. The 32 ballots, absolutely.

I keep thinking of the statement that the majority leader made on the House floor when he said that it was important for the House to interject itself into this battle because we needed to put some uniformity into the process. I reflect on how uniform that particular action was. I think that is, at least in my estimation, the point in this whole sequence of events that is most disturbing, and I think most disturbing to Members of the House, because it really was the point in which the Democrat majority broke comity, if you will, with the Republican minority when they stopped being a force for fairness and for equal treatment, and simply imposed a political solution in a situation that cried out for fairness.

Mr. BOULTER. I think the gentleman is correct. The confusion was self-imposed. That is what I am attempting to demonstrate now, that the self-imposed confusion started because of a known mathematical error which incorrectly indicated that Mr. McCloskey was the winner, but it was known to be a mathematical error. That gentleman is absolutely correct that, based upon that, the majority leader asserted, with no evidence that any of us has ever seen or that the American people or the people in Indiana Eighth have ever seen, that there was anything to that assertion.

But back to the mandamus action that the Democrats filed in Federal district court in Evansville when they were asking the secretary of state to certify McCloskey. The judge wrote an opinion which recognized and acknowledged the right of the Indiana secretary of state to exercise discretion in waiting to certify a winner where the county results contained an obvious mistake or miscalculation. In other words, the Federal judge who, incidentally, was a Democrat, wrote in his opinion that he could not force the Indiana secretary of state to do something which he knew to be wrong, based upon a mathematical error.

I guess that point No. 1 is that Mr. McCloskey's "official lead" never did exist. It never existed. Either the majority leader knew that or is blatantly ignorant of the facts, and the confusion was self-imposed, not only upon his side of the aisle—and many Democrats, I believe, regret this whole situation very much—but really on this House as a body.

Mr. DELAY. Would the gentleman yield?

Mr. BOULTER. I would be happy to yield to my distinguished friend from Texas.

Mr. DELAY. As the gentleman from Texas knows, last Sunday was San Jacinto Day in Texas. That was the day that Texas won its independence by a very significant battle in San Jacinto. It was generated from a massacre at the Alamo in San Antonio, killing many men who came from all over the United States at that time to fight for freedom in Texas, because Santa Anna, a dictator in Mexico, was oppressive to his people. There were no votes in Mexico. There were no votes in what was Texas, part of Mexico at that time. No one was allowed to vote. No votes were counted. There were no election contests. Santa Anna disapproved of all those kinds of things. So Texans and Americans from the United States and men from Germany with support from England and France, came in much like we are trying to do probably today sometimes in Nicaragua to defend freedom. The Texans stood up with their lives and were counted at the Alamo, counted with their lives at Goliad, and then Sam Houston led a small band of men across the mud and the rain and the cold to what is now called San Jacinto Battleground and caught Santa Anna napping and fought and captured Santa Anna, which was a very significant battle in America because, at that particular time, Texas went all the way to what is now the Canada border, splitting the west coast from the east coast with that battle, and the subsequent Republic of Texas and America was brought together for freedom.

I wonder what Sam Houston would think of this process as it progressed from January 3 to today. He was a man who has put his life on the line and subsequently created one of the greatest States in this Union because of freedom.

On Sunday, if I may use a personal anecdote, I met Sam Houston IV. Sam Houston IV votes in Texas. His vote is counted. He has deep feelings for his father's fight for freedom. Sam Houston probably, if he looked upon this body today, would be thoroughly disgusted at the attempt to jerk the freedom of the vote and the freedom to have your vote counted away from them.

Mr. BOULTER. I think that is definitely true. I think that is true of any freedom-loving person.

Our democracy really is unique, and our system of government is really unique. We are really departing from that system right now.

Mr. MACK. Would the gentleman yield?

Mr. BOULTER. I would yield to the gentleman.

Mr. MACK. This is getting back to the point that you and I were discussing a few minutes ago about whether Mr. McCloskey or his agents were aware of the error in the counting.

I would just like to indicate a couple of things, at least according to this record. You referred to the mandamus that McIntyre filed. What this says is McCloskey opposed the Gibson County mandanus action on the grounds that only a recount could correct the mistake. The judge in Gibson County dismissed the mandanus action in order for the recount to begin. McIntyre appealed the dismissal.

I could go on, but what I am saying there is it is obvious that, because of the action taken by Mr. McCloskey, he clearly knew that there was an error and that it was strictly a mathematical error which, when corrected, made McIntyre the winner.

I would say to you that, on this evidence, it is clear to me that there was the intent to confuse, there was the intent to come to the floor of the House on January 3, 1985, and confuse the issue, which I will say that they did very well.

Mr. BOULTER. I thank the gentleman for clarifying that and making that clear.

As I said, it is inconceivable that he did not know, and I thank you for pointing out the evidence that he did know.

The fact is, is that, for whatever reasons, clearly partisan reasons, the Democratic leadership ignored the known election night results.

Mr. DORNAN of California. Would the gentleman yield?

Mr. BOULTER. I yield to the gentleman from California.

Mr. DORNAN of California. The thing that is coming through more clearly as each week passes on in this torturous process is that there are people in this distinguished body who believe that might does make right and, if you have the power, you can roll over the minority.

Did the gentleman happen to see the excellent historical film "Nicholas and Alexandria" about the last days of Czar Nicholas II?

I notice the Chair is nodding. I am glad someone in the Chamber has seen that.

Mr. BOULTER. I saw it, Mr. DORNAN, but I don't remember it.

Mr. DORNAN of California. There was one scene in that film that was gripping. I noticed when I saw the film with many young people in attendance, they were shocked. There was actually an audible gasp at a scene where Lenin was making an appearance before one of the last surviving newspapers in Leningrad. He gets into an argument with the editor of the paper, and the editor says to him as forcefully and as passionately as he could, "Look, Mr. Lenin, we have a right—I have a right—to disagree with

you. This is my right." Lenin looks at him very calmly, deadly fixes on him, and says, "I agree. You have your right to disagree, but I have my right to kill you for disagreeing." There was a chilling silence at the end of that scene and, of course, as history showed, Lenin did go on to kill anybody who disagreed with him, and Stalin showed the world that might can sometimes determine what is right.

I don't mean at all, by the wildest stretch of the imagination, to compare my distinguished colleagues on the other side of the aisle—even though we began this debate last night on the 115th birthday of Vladimir Ilyich Ulyanov, otherwise known as Nikolai Lenin—and maybe we should continued this debate for 8 days in honor of the Eighth District of Indiana, and we would end on the death date of Adolf Hitler on April 30. But, no, we will not draw any comparisons to that ultimate use of right, but since some of us have gone back to the dictionary to analyze the word "comity," I think that it does bear saying over and over again in this House that the majority should have been gracious. They should have been civil.

I remember in watching the great television series by Lord Kenneth Clark of Great Britain. A more educated and urbane man has never existed. When the 13 hours of great television discussion of art and culture had reached its end, Lord Kenneth Clark turned into the screen and he said, "When people ask me what is the hallmark of civilization, I say just one word."

Mr. BOULTER. Comity?

Mr. DORNAN. of California. "Civility." Close. Close.

□ 0520

The gentleman is from Texas; the word comity is big in Texas, has been ever since the battle of San Jacinto when Sam Houston and his Texicans showed Santa Anna, driving him off to exile, to Charlotte Amalie in the Virgin Islands, where he lived out most of his years, that they showed him what a little comity meant.

Back to Lord Kenneth Clark, he said, "civility." After all, what is the root word of civilization? What is the root word of civilization? Civility. That is what we were asking on January 3, to be shown a little civility by the majority, to follow the precedent, the case law, the rules of decency on which this House had existed for almost two centuries.

Are we going to go into the 100th Congress and celebrate the signing of the Constitution of the United States in that 100th Congress without Rick McIntyre seated? I can guarantee, by every single bone in my body that Rick McIntyre will be here, with all of us, in this Chamber in September 1987, when we celebrate the 200th anniversary of the signing of the Constitution of this great country of ours.

But is Rick McIntyre going to have to readjust his life and go through an election process for the next year and a half, until that first Tuesday following the first Monday in November of 1986 to justifiably take this seat that he won fair and square in November 1984? I hope not.

I know not what others may do in this Chamber, but as for me, I say to the majority: Let justice be done. Give me Rick McIntyre, give me my fellow freshman colleague, or give me a new election.

I am willing to go that far. I know the Governor of the great State of Indiana came to the Rayburn room in 2318 and told us that he does not want to hear of an election in that State that he has certified twice, the election of his people on that one given night on November 6, 1984, and that he does not think a whole new set of circumstances, months later; changing economy—who knows what can happen in the history of our country in the next few months if we call for a special election?

My feet were in concrete then, and over the months, too, that we should certify the winner of that election and see his constitutional rights and our constitutional rights in the minority respected, and see Rick McIntyre join us as a colleague.

But now looking at the destruction of civility and the comity in this House, I am willing to go back to square one and say to Mr. COELHO, the distinguished majority leader from Fort Worth, TX, and our great Speaker, who is a living piece of American history, rising from the tiny little parochial schools of a poor Irish-American neighborhood in Boston to be virtually the prime minister of what is the mirror image of the mother of parliaments, the House of Commons in England to be our great leader and to show both sides of the aisle that he can reign over this House with fairness and decency and civility.

I say to the Speaker, rather than poison the well—and what a term to use here with its double meaning, since we refer to this great area of oratory in this House as the well of the House of Representatives. Rather than poison the well of this House and destroy the civility and the comity that we have here, I say, call a new election, let the magician of the other side, TONY COELHO, work his skills on his 30-second commercials. Our guy, VANDER JAGT, will work his skills.

I know the gentleman, Mr. SYNAR, will go up there and walk precincts. I will. I know every Member, if he is willing to spend all night here away from his little trundle bed will graciously get on an airplane and fly up there and walk precincts in Indiana. I know I will; I've walked precincts in the San Francisco area. I would walk precincts anywhere after doing that to get a Member seated in this House on my very birthday—April 3, 1979, I went up there to walk precincts in the southern end of the great bay area of San Francisco.

I promise. I give my word of honor in this House to both sides of the aisle; I will go walk precincts in Indiana. It will be a great catharsis, as the gentleman from Texas knows, to end this ill feeling and this poison that has been building up in this House to call a new election.

And if it costs the American taxpayers, as bedraggled and crushed and oppressed as they are in a nation that is overtaxed, not undertaxed, I know the American people, when they listen to this tomorrow night and the next night, and as many nights as we can go, getting the truth out to the American people, I know they will say, "Yes, we will bear the expense," and they will beg the indulgence of the great Governor of Indiana to have another election.

When we have that new election it will return some of the civility and gentlemanliness and ladiness and good feeling to this House of Representatives, because right now we are moving into a very sad period.

Do you know it was that vote where we lost by one vote to seat Rick McIntyre that caused an incident over there in that dark corner of the House where people were questioning the repertorial splendor and the satorial splendor of other Members, that was within 5 or 10 minutes of that vote on Rick McIntyre; that already had begun to poison the good-spiritedness in this House.

I say before this goes any further, pull back, Mr. Speaker, take a look at this situation, ask the majority leader to look in a mirror and ask himself if he feels good over the McIntyre-McCloskey affair. Any decent person will have to say: We've erred. Seal the 32 votes; put them in the Smithsonian Institution to be opened in 50 or 100 years to see that the rape of the Eighth District really did take place, but let's not open the 32; let's pull back from this thing and call for a new election. It is the only fair way to approach this. At least that is my decision; I may be wrong. If the gentleman disagrees with me, go ahead.

Mr. BOULTER. I thank the gentleman.

I do want to ask the gentleman something. Have you always believed that there should be a new election?

Mr. DORNAN of California. No. I have not. Quite seriously, I think, after listening to the secretary of state of Indiana and the great Governor of that State, I felt it was not my place to tell the State of Indiana: "Go on, get

out of here. I mean it, get out of here, Indiana." That is what we have been saying to them for months, and I did not feel that was my place.

Given the poisoning of the attitudes of Members in this House, it is not worth it over one seat.

Mr. BOULTER. And that is the point you are making, right? That we need to—again.

Mr. DORNAN of California. Yes, go back to square one, looking at the traditions and the great institutions of this House, and looking at the heavy historical issues that the 99th Congress has to face up to. After all, I gave up my hour special order tonight to talk about decency in this House when I had planned to talk about whether or not we are going to take 15,000 freedom fighters, men and women, and some very young boys and cut their legs off in the jungles and hills of Nicaragua after we had inspired them to fight on, told them to fight on; given them uniforms, boots, weapons and a certain amount of ammunition, and then tell them, "We're through with you; talk to our INS services, maybe you can emigrate to the United States" because we are going to feel guilty, as we did with the boat people about leaving you to just float around until Soviet gunships flown by Cuban pilots cut you down.

I wanted to talk about that great historical issue, but I spoke on this tonight first because until we settle this, once and for all with some sense of fairness or decency, we are not going to be able to discuss anything in this House without this ill feeling and without some Members taking to the dark corners of the House to criticize the apparel of other Members. That is how bad it can get.

Mr. MACK. Would the gentleman yield?

Mr. BOULTER. I would be happy to yield to my friend from Florida.

Mr. MACK. The gentleman from California, if I might engage him in just a discussion for a moment.

I gather from what you have said that you think that mayble our position ought to be the acceptance of a special election in Indiana.

Mr. DORNAN of California. I do. If the gentleman will yield further——

Mr. MACK. Let me, if I could, just make one comment about that.

I understand the reasoning behind it and the attempt, in essence, to put this all behind us and allow us to go on with business here in the House.

Frankly if we do that, we have in essence, you know, given up the position that we staked out in January, January 3.

Mr. DORNAN of California. Agreed.

Mr. MACK. We said in January that Rick McIntyre won that election fair and square. He not only won the election, he won the recount.

Now what has happened in the interim is that the Democrats basically have confused the issue sufficiently, that they have been able to convince many people to say, either they ought to allow the seating of McCloskey, or that there ought to be a special election.

I do not think that really is our position. I think our position should in fact be to say "No," seat Rick McIntyre. He won the election and he won the recount, and that we should not settle for anything less than that.

Mr. DORNAN of California. Well, without divulging any of the private discussions that went on in our conference today, the very gentleman who controls the time in the well, who has worked as hard on this issue as any Member of this House except possibly other Members from Indiana, as you graciously conceded today.

You brought up something, if I may divulge just a part of your presentation before the conference today, is that it was beginning to tear you in two different directions. One direction was your loyalty to our classmate and colleague, Rick McIntyre, and the other direction you were being told is that you were sent here to serve the people of the fantastic 13th——

Mr. BOULTER. If I may reclaim my time for 1 second——

Mr. DORNAN of California. Thirteenth of Texas, and I think that since that is why we were sent here, that the only way maybe for us to return to the business of this House is to let the people of the Eighth District exercise their will again.

You know, the people from the State of Ohio, both sides of that delegation; this great State that actually took the title, Land of the Presidents, away from Massachusetts and Virginia, this State of great generals in the Civil War, that has given us so much history; the people of Ohio understand because of their proximity to Indiana that that great State would not want their Governor treated in the rude manner that this Congress has treated the Governor of the adjoining State of Indiana.

Suppose we said to the Governor of Ohio, "Get out of here. Go on. Get out of here, we mean it. We'll decide the rules of your State." I do not think the people in Ohio or Illinois on the other side or Kentucky to the south, would ever stand by for what has been done to Indiana.

I expect to see more and more people coming to this Congress from Indiana saying to us, "How could you do this to our State?"

I may be all wrong. Maybe I am beaten back; maybe it is the early hour of the dawn—it is just dark—it is darkest before the dawn. Maybe I am wrong and you can talk me out of this, but I think to get on with the business of this House for the next year and a half that we need to battle this out, party against party in the precincts of the Eighth District and that this is the only way that decent people on the other side of the aisle can fight their way out of this trap that they put themselves in where they are getting rapped in one editorial after another across this country, particularly in the liberal papers like the New York Times and the Washington Post and the hometown paper of the distinguished gentleman from Texas, Mr. JIM WRIGHT, our great majority leader.

Mr. MACK. Will the gentleman yield?

Mr. BOULTER. Yes.

Mr. MACK. I would just say that, you know, we have fought the battle. We have fought the battle, precinct by precinct. And we won it.

My question to you is, where do we draw the line in the future? What Cuba, what Nicaragua is next?

Mr. DORNAN of California. Well, people, decent people, do learn by experience. After all, one of the great traditions of this House is to refer to one another as "distinguished" unless we have really been kicked in the face, and then I think the people that have been watching the conduct in this House realize that occasionally we just refer to one another as the Member from such-and-such State.

If we are really to refer to one another as distinguished in this body in our colloquies and dialogs back and forth, maybe we just have to go back to square one and tell the people of the Eighth District of Indiana that this House made a mistake; we did not accept your judgment, your State's elections laws, the double certification, and we would like you please to get us out of the mess we have gotten ourselves into, and will you do it all over again.

I have no doubt, given the way the editorials have been running across the country, particularly in the liberal papers, particularly the papers that we refer to in some of our major cities as the paper of record, like the great New York Times: "All the news that's fit to print."

I think that the people of Indiana are going to rise up when they realize how they have been ridden roughshod over by the majority party in this House, but maybe Indiana will take mercy on us and the Governor will take back what he swore he never would, in our presence; and that is call for an election when they have already run an honorable election and certified it twice, and in the second occasion they did it after an honorable recount, and I think that we should keep mentioning in this House over and over again, particularly when our great, distinguished Speaker is in the chair, is that nobody has investigated the election results on the first go around, and nobody in House Adminis-

tration or task force of this great deliberative body has seen fit to investigate the recount by the State of Indiana.

Mr. MACK. Absolutely right.

Mr. DORNAN of California. They just went in there and said, "Let us write our own rules, so we go along—we will do it all over again."

Mr. BOULTER. Absolutely correct. And I personally have never heard the gentleman be more cogent.

Mr. DORNAN of California. Thank you. It is early in the morning.

Mr. WALKER. Will the gentleman yield to me?

Mr. BOULTER. Happily.

Mr. WALKER. I thank the gentleman for yielding, and I think the gentleman from California makes an excellent point as to why we ought to proceed with the special election.

I must say, though, that I, too, as my colleague from Florida has said, I have reservations about going that route and in fact find it somewhat strange that we would consider going that route.

Because the one thing that really bothers me about this process is, you have one person who has been certified twice as the winner from Indiana, and yet the one option that we will not be considering in the House of Representatives; anybody, if we move toward a special election, the one option that we will not be considering is seating that Member.

We will have two options. We will be considering on one hand taking that Member and throwing him into a special election and forcing him to run again for the seat that he has already won—that will be the one option.

The other option will be to certify or to give the seat to someone who has never received the certification from the State. Those are the two options before us.

It tells us something very, very sad about this body to which the gentlemen has referred as a great deliberative body. In other words, our deliberations will be around two options that should have been regarded as totally unacceptable by this body when you already had a certified Member from the State of Indiana.

Mr. DORNAN of California. Let me ask the gentleman about his own State. Your Governor prides himself on being a tough politician, that word in an honorable sense. Would he call another election in the great State of Pennsylvania if he had certified a winner in one of his congressional districts, twice certified a winner?

Mr. WALKER. I have no way of knowing what they would do. It would depend upon the circumstances. I am sure it will depend upon the circumstances in Indiana. But the problem is, of course, that Governors, the Governor of Indiana and the Governor of my State in similar kinds of circumstances would be stuck with a decision made by this House, which bears no relationship to whatever the laws of my State, whatever the laws of your State, whatever the laws of Indiana are.

We are running roughshod over those laws, and putting the Governors of the States, putting the State legislatures in impossible positions. We have in this instance created a national voting law, and that in itself is disturbing. It is extremely disturbing because if just flies in the face of our entire constitutional system for that to have happened. That puts the Governors in a very, very difficult position because if this House, for instance, declares the seat vacant, which is something we can certainly do, and the Governor of the State would not call a special election, you in fact are denying your State appropriate representation in the House of Representatives for who knows how long? At least through the rest of this term of Congress.

It does not matter how tough a politician you are, you have disenfranchised vast numbers of people in your State if, in order to make your point, you decide to leave certain numbers of people outside the representative system.

Mr. DORNAN of California. I wonder if the Governor of Oklahoma or Ohio would want to be put in the position of calling another election. I do not even have to ask the gentlewoman about her Governor or our Governor Deukmejian in California, and we certainly know, having seen the pictures of the proud Governor of Texas down there in Honduras bringing jalopena beans to his men from the Texas National Guard digging wells and engaging in civil action programs in building a real brotherhood between the nation of Honduras and ourselves.

I know what the Governor of Texas would say to any task force from the House of Representatives if they met, particularly on Texas turf. He would say, "Get out of here. I mean it. Get out of here. Our elections stand as our voters voted for them in November 1984."

Mr. BOULTER. Let me at this time yield to our distinguished colleague from California. I really do thank you, Congressman HUNTER, for organizing this special order tonight.

Mr. HUNTER. I thank the gentleman for yielding, and I thank everybody who is participating and has really defined this argument.

Let me ask my two colleagues who have brought this question to light. What are we going to do? If, in fact, the House, the Democrat majority, should move to seat Mr. McCloskey based on principles and regulations and a new law, essentially a national voting law that the State of Indiana is not in agreeement with. Does that mean that all the other Congressmen who run for Congress in Indiana and who are presently incumbents will run in their seats under the Indiana law from here on out but that this seat, the McIntyre/McCloskey seat, shall be governed by different rules?

Does the Federal Government at that time basically preempt the State law? Maybe the gentleman from Pennsylvania could speculate on what is going to happen.

Mr. WALKER. If the gentleman would yield, my concern is that we are not just dealing with Indiana here; that we have in fact set a practice that could require all of us to run under that national voting law in this sense: that each time that you run, you would literally have to face two elections around here, one election where the people of your district sent you here and then another contest where it would be decided in this House whether or not they are going to accept your certification from your State, and if in fact they did not accept that certification, you would be forced to run in yet another election under laws created by this House.

I think that just turns the Constitution on its head if you start that kind of practice. What we are doing, we are setting into place a precedent that would allow that kind of a scenario to develop any time there was a close election, and that is something which goes against the concepts of the Constitution.

I think most people in this country have always understood our system of government to mean that if you win by one vote, you have won the election. Now that does not mean one vote that was jerry-rigged by a group of Washington politicians who get together to figure out how to keep one of their friends here. It means one vote on election day when everybody in the district gets out and votes their conscience and the people make a decision.

What we have here is a system where the people made one decision and the Washington politicians made another decision, and this House is on the verge of accepting the decisions of the Washington politicians rather than the decision of the people.

I think that we are on very, very dangerous ground for the future, not only for the people of the State of Indiana and for the Eighth District of Indiana, but setting a precedent that will have massive implications for everyone who runs for a seat in this body.

Mr. BOULTER. Clearly, what the gentleman from Pennsylvania is saying is true. Clearly true.

I come back, also, to Congressman DORNAN'S remarks, and certainly, you know, we all recognize that nobody needs to take a back seat to the Hon-

orable BOB DORNAN from California when it comes to fighting in elections and fighting for the rights of people to be heard.

Yet I think Mr. DORNAN's point is this: What do we do now? And, you know, how do I as a freshman Congressman from Texas act as a responsible minority member? That is a serious question for all of us. I feel it very deeply.

In the 13th District of Texas, I have got farmers who are going broke. Times are really hard out there. We have got the Nicaragua debate today. I think there is nothing more important than to fully debate this issue, and it does require good will and mutual respect, and I really do yearn for that, and that is why I was expressing deep feelings earlier this morning in our conference.

I think what has been said here is extremely important. How do I act, what is my role, when, to quote the Honorable BILL THOMAS, the Republican member of the task force: "Democracy has been raped because it is very difficult to act reasonably and with good will when you have been raped.

Mr. ARMEY. Will the gentleman yield?

Mr. BOULTER. I yield to my friend from Texas.

Mr. ARMEY. I would like to respond to the question you raised, how do you; indeed, how do I act as a responsible member of the minority party.

The fact is the majority party has got us between a rock and a hard place. They have got the gavel and they have got the votes. They know and we know they do not have to be here to be involved in this debate; all they have to do is call the question, and the fact is, we will lose.

Now, we have a simple choice: We either fight or surrender. If we are going to lose, let us at least lose fighting for what is right. What is right is seating Rick McIntyre because he won the election.

The people of Indiana certified him; he won the election, he won the recount; that we can at least stand for the principle that the Indiana folks have a right to decide their own election; that it cannot be decided in this House on a strict partisan vote.

We may lose, but at least we will not lose our pride. We will not have to surrender. And Rick McIntyre will know and we will know that we stood for the Constitution, we stood for his right to be elected in a free land as a free man who put his faith in the one man, one vote principle, put his faith in the electorate and in his State, and if those other Members or any other Member in this House does not want to vote for those principles, let him then live with that.

But as for me, I am going to fight for that principle. I do not want a reelection; there should not be a new election. We won, or Rick won the election on November 6.

He has been certified the winner. This House was wrong not to have honored that certification at the time. It will not make that right if we acquiesce now to an overpowering and overbearing majority that will have a disregard for the Constitution, have a disregard for what is fair, and it is simply work their will for no other reason than if they have got the power to do it.

Mr. SHAW. I thank the gentleman for yielding to me.

Mr. Speaker, one of the things that I think is going to be most interesting, out of this is how are some of the majority party members going to react to the marching instructions that they are given to their leadership.

I am particularly thinking now about those Members from the Southeast and Southwestern United States. How will they go home and explain that they let the House of Representatives' majority party, the Democrat Party, decide on who is going to represent a seat in Indiana?

I think that is a very serious question. Traditionally, States rights have been extraordinarily important to that part of the country, and I might say to people throughout the country—and I think that is a very serious question here: Can the House of Representatives impose its will upon 500,000 people in Indiana to decide who is going to be representing them here in this Congress? That is a fundamental question.

I think that the Members who are from the Southern States are going to find this to be a very tough election issue.

I know that some of the Members had a tough time going home and explaining how they voted for the Speaker. The Speaker has constantly come to this Congress with very partisan ideas, and some ideas that are very hostile to many Members of that region of the country.

It has become a campaign issue, just that one vote, as to who they voted for for Speaker. Now we are going to be faced with another situation, and these Members had better look at the political ramifications.

Are they going to put their party before the Constitution? Are they going to put party politics before the very fabric of this Nation? And what is set forth, and what is set forth in the Constitution and all of the other papers associated with it from that time?

The gentlemen who drafted the Constitution of this United States apparently never anticipated that there would be a dominant Speaker of the House at one time who would try to decide who the Members of the House were going to be; who those people were going to be from throughout the country.

I think already the political heat is being felt by some of the leadership in the Democratic Party, and I think that it is going to be felt even greater.

So I think that all the Members should look at themselves as to their representation of their people and how their people would want them to operate.

I think also the leadership of the Democratic Party had better be very careful in treading on this issue. I am reminded, when we talk about the question of seating and what the Democrat Party is talking about is what the President says; "Make my day."

I think politically, politically, this would be a real issue that the Republican Party can grab hold of and run with, and I think it is going to change many seats in this House beyond Indiana. This thing has ripples that go on far from right here in this House and this vote.

Mr. BOULTER. The gentleman is correct.

I thank the gentleman for those remarks, and you remind me, Mr. SHAW, that of the five Democrats who have put the interest of fairness and justice above partisan concerns on this issue, three of those are from Texas.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

□ 0550

ORDER OF BUSINESS

Mrs. MARTIN of Illinois. Mr. Speaker, I ask unanimous consent to take my special order out of order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

THE INDIANA ELECTION DISPUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. MARTIN] is recognized for 60 minutes.

Mrs. MARTIN of Illinois. Mr. Speaker and Members, it is perhaps wise, having listened to the westerners and southerners speak, to hear from the Midwest. I happen to come from an area where elections are not always as direct as they should be. I was raised in the 41st ward of the city of Chicago, and we used to say that something was stolen fair and square.

What has happened here, though, has gone beyond that. It used to be done with a degree of efficiency. It was done with a degree of kindness. It was done with a degree of honesty, and somehow it was felt that that was acceptable on a local level. It didn't

make it right, but we expected more from a national figure, and we expected more from national elections.

So what we have instead here is not as it used to be done under the expert hands of Mayor Daley when the election was won before the polls closed, or it was won before the next morning, so that there wasn't this ludicrous, ridiculous time loss. But we have now a winner, a recount winner, and then a funny kind of recount until you get another winner. I believe that is beyond the ability of the American public to accept.

I might add that this is no longer a township or a city or the famous county of Cook; this is supposedly the Congress of America where people have, through the years, supported governments and opposed governments purely on the issue of the freedom to vote. Now we have within this very body a question about the freedom to vote, who or what vote will be counted, what vote will not be counted, and can a majority so dominate a minority that, indeed, no longer can one talk about democratic government.

The reason I took out this special order is because it seems to me appropriate as a minority, as defined by the Federal Government, to talk about the rights of the minority and what it is like to have imposed upon that minority shackles so heavy that the very ability to function as that minority, and to function as a loyal minority with the majority, is being destroyed in this House.

I believe that unless we move, and unless the majority recognizes the depth of the feeling within the Republican Party of the House of Representatives, the chance for not just comity, but collegiality, is gone for this session. At the end of that, no one benefits. It is not as if the minority party will benefit, it is not as if the majority will benefit; in fact, the only people ultimately that will suffer are those who believe government should work together. But when a minority is so stepped on, so down-trodden, so lashed, there comes a point at which it must say this must stop. The very things we were sent here to stand for, the very belief we have in the right to vote, the very belief in the Supreme Court's view that there will be one vote for each human in this great Nation, at some point we have to stand up for that, too.

So I am asking as someone who has always been a minority as a woman, has always politically served in the minority—except for one brief, shining moment, from 1972 to 1974, at a little county board, just that one brief moment—that the majority recognize that they have gone too far, that we may behave rather well, that we are pleasant, that we can eat lunch together. But the string has been stretched too tight on this one, and there will be little chance for the reconciliation and accommodation that we must have to achieve government, and it will be the fault of the majority.

I share, having arisen from my trundle bed to come over here, with the gentleman from California the belief that, regrettably, the answer is a special election. I happen to believe McIntyre won fair and square. I happen to believe it was recounted fair and square. I happen to believe it was stolen unfairly and unsquarely. It was stolen so obviously that I suspect that the gentleman from California who led the task force is a wee bit ashamed, because he is a smoother person generally than that. If it was so fair and square, why was it two to one? If, indeed, it was going to be perfectly honest, why would not you say we will have equal representation as we do in this House on the Ethics Committee? Then you would say if they come up with an answer, but if they come up with 2-to-1 party votes, 2-to-1 party line votes, one has got to ask the question: Fair for whom? If it had taken another week, would they have gone to the highways and byways and purchased some more people to vote to finally get the answers they wanted?

Mr. WALKER. Would the gentlelady yield?

Mrs. MARTIN of Illinois. Indeed, I will to the gentleman from Pennsylvania.

Mr. WALKER. At one point they were thinking about counting votes that were cast in adjoining congressional districts. I understand that they decided not to do that, that ultimately they ruled that out. They thought that even that was a little too flaky for this task force. But at one point they considered taking a vote that was cast in a district next door, for the Congressman next door.

Mrs. MARTIN of Illinois. For what election?

Mr. WALKER. They had a ballot that had been cast for the gentleman from Indiana [Mr. HAMILTON]. It was a ballot that was voted straight Democratic. At one point, there was a recommendation to the task force—I think it came essentially from staff—that they count that ballot because that, even though the ballot showed Mr. HAMILTON's name on it, he really meant to vote for Mr. McCloskey. That takes a little bit of interpretation, the gentlelady understands, and, ultimately, the task force decided not to do that.

There are some other just as strange votes that they did accept. But she is absolutely right, the exercise we went through here is just positively absurd.

Mrs. MARTIN of Illinois. Just taking back my time momentarily, I come again from an area where we believe in political involvement. Heaven's sake, we don't even let little things like dying stop our right to vote. Our cemeteries are filled with voters on a yearly basis. But we generally keep them in the same county or the same district or the same State.

I am still little bit unclear. Do you mean now that the majority has achieved the ability to read people's minds and, therefore, from any part of the State they could pick a vote and say it was really meant for Walter Mondale, it was really meant for LEE HAMILTON, or it was really meant for Frank McCloskey? Is that what you are saying?

Mr. WALKER. That was at least one option that was given to the majority. As I say, they decided not to take it.

I understand what the gentlelady is talking about. We have the same problem in Philadelphia. There is a story about Philadelphia about the fellow who said that his uncle had voted—was a very, very staunch Republican and had voted Republican right up until the day he died, and he has been voting Democratic ever since in Philadelphia.

The fact is we have those kinds of situations around the country, and I think it would be interesting to note that I think Chicago is one of the examples of this, that, typically what has happened when the Federal Government has stepped in, we have stepped in because an election was fraudulent, because there had been all kinds of shenanigans, and the Federal Government steps in to protect the rights of the voters of particular areas. I think that has happened in Chicago, I know it has happened in Philadelphia. We have even sent in Federal marshals from time to time to protect the integrity of the process.

This instance is very different from that, because it is us who are going in and doing away with the integrity of the process. We are the people who are stepping in, overriding State laws, setting up our own laws, and we are the ones, the Federal Government have become the ones who are undermining the integrity of the electoral process and moving away from the one-person/one-vote concept. In fact, it is my understanding that we have now—if you want to get to the realities of what the task force has done—we have now in some precincts counted more votes in those precincts—this sounds really like Chicago—we counted more votes in those precincts than there were people who signed up on the poll sheets.

Mrs. MARTIN of Illinois. That I truly can understand. That happens—I grew up with that.

But I assumed that was something that, in general, even with new math, was considered inappropriate, that generally you like to have ballots and the people have a vague relationship to one another.

Mr. WALKER. In most instances, I think that is the case. It is interesting that at least in some of these places where we end up with more people voting in precincts than you have actual people signed up at the polls, in most cases, they at least had the good sense to put a tombstone or something with it. In this case, it is interesting that what they did is they went and they reached into the spoiled ballot bag—in other words, the ballots that were thrown out for some reason, generally because the voter says he made a mistake and had his ballot taken away, and that was put into the spoiled ballot bag. When they couldn't find enough legitimate votes, the task force reached into the spoiled ballot bag and pulled out a vote and said, oh, here is one. What that means is that, in some instances, if you were for Frank McCloskey, you got to vote twice. You voted once in the ballot that you took the second time, and then you had your ballot counted in the spoiled ballot bag as well. In some instances, that particular process has given us more voters in a congressional district than people who signed up on the polling sheet.

Mrs. MARTIN of Illinois. Voting earlier and often is still alive and well.

Mr. WALKER. Voting early and often is alive insofar as the task force as formed by this body is concerned. I mean that has evidently become an option which is totally acceptable to at least some elements of this body, because that is precisely what we had happen in terms of getting that four-vote lead that they are now about to foist upon the House as being the only count that makes any sense.

Mrs. MARTIN of Illinois. The gentleman is probably very aware that we are starting to reach a point in this new technology where we may not have to bother with elections anymore. We can just allow the majority to say they are the majority and, if they want a seat, to just suggest that our people don't have the wisdom to choose and, therefore, it is someone else that was elected. After all, everyone knows that when a majority starts getting dictatorial, the first thing to go, in the majority's view, is really the right of the people to make choices. I think that is what we are seeing.

I first will yield to the gentleman from Minnesota.

Mr. WEBER. I just want to thank the gentlelady for taking out her special order.

I wanted to comment on what the gentleman from Pennsylvania said a minute ago, because he touched on an important point, which is that they have taken certain precautions in Philadelphia and the infamous Cook County and elsewhere to safeguard the integrity of the process. As the gentleman and many other speakers in the course of this evening have pointed out, the violations of those safeguards are taking place now—not out in the polling places—but here in the House of Representatives.

The interesting thing is, what are the latest safeguards that are being violated, precisely the safeguards put in place not even by the minority Republicans, but by the Democrats themselves? If you go back through the task force hearings and the questioning, particularly on that final night, the validation of our case is made by the staff person appointed by the Democrats. If you were a member of the debate at the time, the Democrats went to the General Accounting Office to get personnel to conduct the recount, and they made a great ballyhoo about this was going to guarantee the integrity of the process because the GAO is an independent entity and they could be trusted to conduct this recount honestly and fairly. Many of us who were trying to object on principle of the whole idea of Federal recount didn't make much of that, but was supposedly, in the minds of the Democrats, the great reason why this whole procedure was high-minded and above reproach.

Well, in the last night's hearing, the gentleman from California, Mr. THOMAS, in arguing with the chairman of the task force, Mr. PANETTA, specifically asked questions of the head of the recount committee, or whatever they called it, the guy from the GAO, the Democrat they hired to do this, and he validated every point that Mr. THOMAS had made, and the Democrats went ahead and voted him down anyway. So it is safeguards that they themselves put in place to guarantee against fraud that they are now denying.

Mrs. MARTIN of Illinois. Reclaiming my time briefly, you can see how powerful the majority is. They are not here to answer. They don't feel they have to. Do you realize how sad that is? I grant you that this is a difficult hour. It is not fun being up for some people. We are talking about the ultimate right in a democracy.

The gentleman is aware, for instance, that I have a little bill that puts the Congress under the civil rights law. The majority part is opposed to it. It seems to me it is the same kind of thing. A democracy, law, order, as long as it doesn't affect them, should be imposed on others. But when it affects them, then they—and as soon as you have people who work under a different set of standards, in effect, and it was the lesson of Watergate, no one can be above the law of this Nation. And it is happening here.

So I will tell the gentleman that, although both of them seem like nice people to me, both Mr. McCloskey and Mr. McIntyre, I really don't know them terribly well, and I don't think it is that election that is the important issue here. The issue is how it is happening, because that process could be the destruction of what 200 years has produced around here.

Mr. WEBER. Would the gentlelady yield?

Mrs. MARTIN of Illinois. I would be happy to yield to the gentleman.

Mr. WEBER. Beyond that, as many people have mentioned throughout the night, there is a genuine constitutional question involved here. All us stand up here on the opening day, put our hand up, and we take an oath of office. We are supposed to uphold and defend the Constitution as part of our responsibilities. The Constitution specifies how we shall judge elections and, indeed, establishes that the House is the ultimate judge of its own membership. But part of upholding and defending the Constitution means defending the integrity of that process and not abusing it to undermine democratic principle. So the question here is fundamentally our willingness to stand up and maintain our integrity as Members of Congress and our duty as people who have taken an oath of office to uphold and defend the Constitution.

Mrs. MARTIN of Illinois. It is a special obligation, I must tell you, of a majority, even more so than a minority which, by its nature and definition, does not have to worry about any chance of oppression. And this majority, with this Speaker, must react, or I believe they are putting in jeopardy the concepts that they believe in, too, and that make this House possible.

I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentlewoman from Illinois for yielding.

I want to reflect back to the comments of the gentleman from Pennsylvania [Mr. WALKER] who was indicating a little while ago that now it is us, now it is the House of Representatives, that is involved in the election process or the corruption of it.

I feel a great concern that maybe some people may indeed look upon this House of Representatives and say, yes, Mr. WALKER from Pennsylvania is right, it is the House of Representatives that is lousing up the election process in the Eighth District of Indiana. I don't feel any responsibility for that. As a matter of fact, I feel opposition to it, and I think all of us do. I think the gentleman from Pennsylvania does. In fact, I think there are those of us who feel quite rebellious about being included in the functioning of a body that is so autocratically operated as to bring about this dire result in one congressional election. It is only one. It is like being a little bit pregnant, I suppose.

Mrs. MARTIN of Illinois. The gentleman may not know as much about that as I do.

Mr. KINDNESS. I defer to the expertise of the gentlewoman from Illinois in that respect.

But I do wish that the gentleman from Pennsylvania might be yielded to in order that he might clarify the point that when he was speaking of "we" being involved, we are really talking about a rather small group, a minority of the House of Representatives being involved at the core of this corruption.

Mrs. MARTIN of Illinois. I would be happy to yield.

Mr. WALKER. I thank the gentlelady for yielding. I think we need to define our terms here a little bit. I guess I was using the royal "we." Since this place is an autocracy at this point, the royal "we" seems suitable.

But I would say to the gentleman that you have to define it in a couple of ways. There are a majority of Members of Congress who have voted to allow this process to go forward. The gentleman from Ohio, the gentlelady from Illinois, and the rest of us here are not a part of the majority who has cast our votes that way, but they have to be held responsible for the fact that their vote is what has brought about this situation.

Thank goodness, on our side of the argument throughout most of this, there has been a bipartisan coalition on our side of the argument. There has not been a majority coalition. The only bipartisan consensus that has existed on this matter is our side of the argument. There have been both Democrats and Republicans who have supported our point of view, albeit a small group of Democrats.

The problem, as the gentleman puts it, is inside the vote that brought about that majority that, in fact, raped the process, you have a very small leadership group that is foisting this kind of power upon the House of Representatives. They are the group making these kinds of decisions, the internal group, and some of them have been mentioned out here in the course of the evening. It has been the majority leader, it has been the chairman of the Democratic Congressional Committee, and a few others who are the ones who are making the decisions that are in this direction of autocracy and dictatorship. They are the ones who have fundamentally made the decision to move ahead, despite the wishes of the people of Indiana, to take this seat for their friend, Frank McCloskey. That, in fact, is the problem. That is a very small group, even within the majority.

One of the things that concerns me, I must say to the gentleman from Ohio, is the fact that time after time when given a chance on this floor, the majority party has, in fact, ratified the decisions of those leaders rather than reject the leadership which is taking them in the wrong direction.

Mr. KINDNESS. Would the gentlewoman yield on that point?

Mrs. MARTIN of Illinois. I would be happy to yield.

Mr. KINDNESS. I would say that the gentleman from Pennsylvania has correctly described the situation. But I am wondering whether things have been too comfortable for those on the other side of the aisle who have been willing to cast their vote to support this ungodly thrust by their leadership, whether things have been so comfortable that they ought to be made uncomfortable, not only the light of attention publicly, but the scorn of the American public ought to be somehow focused upon this deed that is being carried out to the detriment of the people of the Eighth District of Indiana and to the detriment of everyone who votes or cares to vote in the future of our country.

Mrs. MARTIN of Illinois. The gentleman is right.

What I must add here is we have a difficult problem, because people are used to elections being stolen, so they say, aha, all this is is business as usual. One of the purposes for people being here is trying to show, in small ways granted, this is beyond that. This has moved beyond simple larceny, if you will. We have gone into now major criminal felonies that are crimes against the State itself. It is not simply who got what votes and how they managed to win 2 to 1 to get that vote, but that by doing so, this election has again really made obvious to those of us who have to work within this body the increasing autonomy and autocracy and almost czaristic tendencies of the majority party. That is dangerous for Democrats in America as well as Republicans.

Mr. WALKER. Would the gentlelady yield?

Mrs. MARTIN of Illinois. I yield to the gentleman.

Mr. WALKER. I thank the gentlelady for yielding.

I think the gentleman from Ohio may be one who, amongst those of us on the floor this evening, would be the one best qualified to comment on the kind of things that were said at the time of Watergate. I think the gentleman served on the committee of jurisdiction at that point. As I recall, the exact kind of words used by the gentlelady a moment ago were used at that time, words about crimes against the state, political crimes against the state, and arrogance of power had led to crimes against the state.

The fact is that that is precisely what we are dealing with in this instance. It goes far beyond the individual instance of the matter at hand, just as Watergate far transcended the burglars who showed at Democratic headquarters. What we have building here is a massive arrogance of power that has led people to engage in activities that can only be seen as crimes against the Constitution and, thus, crimes against the state.

It seems to me that we need to begin to focus on this matter as being in that league of seriousness. As I say, the gentleman from Ohio, having had some experience with that issue, it seems to me, might reflect upon the applicability of this particular issue as well.

Mrs. MARTIN of Illinois. He will be.

But first, I would like to yield to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentlelady for yielding.

I have been waiting here some time, but that only stands to reason because we have some 15 Members here on the floor waiting to speak on this issue. I want to congratulate the gentlelady for helping. I also want to thank the people who organized this educational program today so that the American people know what is going on on the floor of Congress.

I don't think it is anything new to us here on the floor what is taking place, as far as arrogance of power is concerned. I mean, we have 182 Members in this House, the majority party has 252, and they have ruled this House since 1954, and never has there been equality in this House because they have always had the upper hand and they have always had the votes.

But I think something is taking place that goes even beyond the Eighth District of Indiana, and that is that the people on our side of the aisle, for a change, are saying no, we are not going to take it anymore. I think that that is a healthy sign, not only for this body, but for our democratic institutions and for this House.

So I want to congratulate the people who had the initiative, the gumption, to get up and go and to say, no, we are not going to take it anymore, we are going to speak out. I think that is a healthy trend.

You know, Mao-tse-Tung said that power goes out of a barrel of a gun. That may be true for China, but in this country we have always felt that power grows out of the precincts. Once we lose that, we are going to lose our democratic institutions and our democratic government. So what we are going to have to do is redouble our efforts in our precincts and work even harder so that we can make our voices heard.

Spinoza, the great philosopher, said that decline of power is never pretty. I think we can see that now with what is taking place on the other side of the aisle.

So I want to congratulate you and all the others who have worked to make this issue not only an issue that we have been aware of here in the House, but an issue that the entire

country should know and has to hear about.

Mrs. MARTIN of Illinois. I thank the gentleman from Wisconsin. Certainly, I must say generally I am not discussing Spinoza at 6:15, and it, quite frankly, is rather wonderful.

You made a point—and you know this—not for me, but for others, this does take courage. For anyone listening, there can be retaliation. I suspect some of us will have the Democratic Campaign Committee more excessively in our districts with some of the stranger stories of all times. So you take that risk. Suddenly bills don't move through committee. Suddenly you can't get appointments. So, for years, as a minority, we said we really have to get along. They don't have to, we do. What you are saying is absolutely right.

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Mr. ROTH. I somewhat hesitate to interrupt your very eloquent remarks, but I just want to make this point.

When I came to the House here, everyone—and you were told the same thing—Sam Rayburn is revered by Democrats and Republicans alike. I was told, like you were told, to "get along, go along."

I want to say something to the people that started this, COS, the COS group. We have had one import in this country that has been important, and that is a little steel in our backbone. I think that is what COS gave this body, especially people on our side of the aisle, a little backbone. We are no longer going to sit back and let people come to us. As well-meaning as they are, people who have been around here a long time, they do not speak out, to "get along, go along." There are some people in this body who are not here today that have said, "No, we are not going to go along any more. It is not good for us; it is not good for the country; it is not good for this institution; and thanks be to God, we have got them." That is why I am working here in this body and why I go into all these precincts other than my own, because we need more Republicans like that, so that we can again have a two-party system.

We have not had a two-party system in this House since 1954, although we have been led to believe we have. But we have not had a two-party system because the Speaker, every single Speaker since 1954, has been from one party. And we know what a Speaker can do. He sets the calendar.

Well, if you can set the calendar, you can run this House. Every single chairman has been from that side of the aisle, has been Democrat. Every single subcommittee chairman has been Democrat. We have just been here saying "yes." We have just been water carriers.

I want to again say this to the people of this country, that there is a group like COS that has had the nerve, has had the intestinal fortitude, to say "No, we are not going to take it any more." My hat is off to them.

Mrs. MARTIN from Illinois. As the gentleman from Wisconsin so appropriately points out, it might be wise to add for the people, too, that under this Democratic reign we now have 42,000 subcommittee chairmen, at incredible cost. There is not question—no one has ever suggested that the legislation is any better than it was 20 or 30 years ago. But the taxpayers get to pay more for it, because to pay off for some of these votes, in effect, you make subcommittee chairmen.

The Democratic Party was able to say in the seventies that they reformed, and actually people started to believe that, except if you look at what this "reform" means. I must say that objective, historic perspective, people working from empirical evidence, also suggest that the speakership has regrettably become more and more partisan, so that instead of a Speaker of the House, we are seeing the errors and the continuing diminution of that to the Speaker of the Democratic Party. And I like the Speaker. He and I share kind of the way we were raised, ethnic background, and I hope—he's in bed sleeping right now, and that is fine, too. But I hope that he understands what is happening, that decent people, not bomb throwers, not firebrands, people that don't have tempers, legislative temperaments, have had it. Enough, enough.

Treat us the way we are asking for the people in El Salvador and Nicaragua. Does not that seem funny, that in the House of Representatives we have to ask that from the majority party? We have got to stop. We have got to demand it for the people we serve.

The gentleman from Minnesota.

Mr. WEBER. I thank the gentlelady for yielding.

I think the gentlelady raises an important point. You know, is it not interesting, that the Speaker is going to retire this year, and so this session of Congress, probably more than any other, is going to write the legacy that Speaker O'NEILL will leave behind him.

Already we have some bad indications of what that legacy might be, simply because—and I don't blame this entirely on the Speaker—but the fact is, according to every public opinion survey taken, the reputation of the Congress as an institution is at its lowest point in all of history. We can argue about why that may be.

I think it has a lot to do with the functioning of the House of Representatives. I think it has a lot to do with people's perception that this House is no longer receptive to the will of the people on a whole range of issues.

But would it not be tragic for this man, who has put so much of his life into the House of Representatives, if really the sort of cap of his career as he got ready to retire and go off to be Ambassador to Ireland or whatever he is going to do, was marked by this massive, massive rebellion of the minority party because of a blatant violation of the Constitution. That would write really a dark history of this speakership of the Speaker and who the gentlelady holds in such regard.

Mrs. MARTIN of Illinois. I think what the gentleman from Minnesota is saying, "Oh, we do not want this." You look at the bipartisan mission to the Soviet Union, with the Republican leader, ROBERT MICHEL, and the Speaker of the House, THOMAS O'NEILL, and that is what you want, that kind of working together for America. So what we have now, and what you are saying, is do not let his history be written as the revolt for freedom on the other side. Have his heritage and his history be written at a time that the House started on a path and he corrected it, so that the freedoms of the minority and the majority were both recognized.

The gentleman from California.

Mr. DORNAN of California. Yes. I want to thank the gentlelady for yielding.

I want to go out on a limb and make a prediction here.

Mrs. MARTIN of Illinois. Oh, no.

Mr. WEBER. The gentlelady warned us against firebranding.

Mr. DORNAN of California. The same blood courses through my veins as courses through the veins of the great Speaker of this wonderful deliberative body. I do not think he wants to return, after 32 years of service to his country, and run in the Boston Marathon, and have little Irish children screaming from the sidelines, "Is the race fixed, Tip?" He doesn't want that. This great American does not want to go down to New York and walk along that beautiful Fifth Avenue with the center divided line painted green for St. Patrick's Day, and pass St. Patrick's Cathedral where I was baptized, and have the Gay Rights Task Force standing on the steps of St. Patrick's saying, "Atta Boy, Tipper. You got your gold watch." The gold watch, of course, referring to the Wall Street Journal article of yesterday, saying that instead of getting a gold watch, someone is going to bring him the head of Rick McIntrye and say he will not be seated during your last 2 years, Mr. O'NEILL.

Now, there is a great event in Indiana that I went to on my honeymoon 30 years ago. There was a Californian actually from TONY COELHO's district, the gentleman from the central part

of the San Joaquin Valley in California, the great racer, Bill Vukovich, had won the Indianapolis motor speedway race in 1953 and 1954 and he was going for the triple crown in 1955. I had been married a few weeks. I took my bride up there to Indianapolis. Dinah Shore sang "Way Back Home in Indiana."

Now, it is truly "goose pimple" time when one of the great owners of "The Brickyard," the Indianapolis Speedway, says—and if the lady will forgive the chauvenist challenge I am about to repeat; some day it will be changed—he says, "Gentlemen, start your engines." It is goosepimple time. There are 33 cars lined up, and there are supposed to be 33 Members on the Republican side of this aisle, in this freshman class. We will never be satisfied with 32.

But when those 33 cars are lined up and that challenging voice rings out, "Gentlemen, start your engines," is it not possible that next month there should be a little epilogue to that challenge, and it should go something like this:

> Gentlemen, start your engines; but if you happen to cross the finish line first, do not think you have won the race, because the majority party in the House of Representatives may send a task force to Indianapolis to retime all of the pit stops and decide really if you finished second in this race.

We don't want that in the great State of Indiana. We don't want anybody singing "Way Back Home in Indiana" where the House of Representatives rides roughshod over the rules of that fine State, telling their Governor to get lost when he asks to appear before this task force in the House Administration Committee, to merely suggest to them that the process was decent and honorable in that great State's recount. No.

We have poisoned the well of this House, and I appeal to a gentleman who has served his country so well over three decades to take a look in the mirror this morning. I have a feeling in my bones that he is up. He has got C-SPAN on. He is watching what is taking place here. I ask you, Mr. Speaker, let justice be done. Seat Rick McIntyre.

I caught you looking down at Rick the day we were all sworn in. He was sitting in the middle of the fourth row back here. He was seated while the rest of us were raising our hands as you swore us in, to protect the Constitution of the United States. I caught you looking at him. A more decent looking young man or woman has never had the honor of winning an election to this House. Don't send him and his young beautiful wife back to Indiana to have to do it all over again for a year and a half.

You know this is a Republican seat. This seat has changed five times since the tragedy of Watergate. It changed in 1974, again in 1976, and then a colleague I had the honor of serving with, Joel Deckert, won in 1978, when fresh blood was injected into this House. These walls still reverberate with the great oratory of the class of 1978.

When I came here and spoke in this well on August 22, which is when we started making our case for justice here last night, I was told that I was impudent for speaking so soon. I said, "Lenin's birthday wasn't early enough, August 22, to make my maiden speech?"

But within 2 years, when the class of 1978 hit here, I remember the distinguished gentleman from California, BILL DANNEMEYER, taking this well within 5 minutes after he was sworn in to make a case about the disparity of balance on the committees in this House, and he has made a compelling case for 8 years ever since. No, that class of 1978 came in here, and Joel served 4 years honorable. And then, during the end of this election, the election period of 1980, he was 60 percentage points ahead in the polls. In driving home from the relaxation of a card game, he fell asleep at the wheel of his car—he was alone—and crashed his automobile.

Because he told the truth—and this is what hurts—that he had a couple of rum and cokes—if he had lied, nothing would have happened to him; he would have probably held that seat. But he told the truth. He went from 60 percent down to a close loss, 48 or 49 percent, and Mr. McCloskey took over his seat.

Mr. McCloskey knew he was serving in a Republican seat. He worked hard to hang on to it, and he didn't make it. Now the seat went back to its Republican column where it has switched back and forth since the tragedy of Watergate, and because I understand—if I am wrong, the gentleman from California [Mr. COELHO] can correct me—but I understand his wife comes from this district, that the great majority party max'd out and put the maximum amount of money, $25,000 or more, into the seat. Mr. COELHO himself went out to that district, appeared at campaign gatherings and spoke—in other words, he felt a visceral feeling that he has a piece of the action out there. And because of that, when they looked at Mr. MacMillan's seat in North Carolina, and then looked at this contest in Indiana, and went back and forth deciding where they could do some interesting work in challenging an election, because of the Coelho interest in the seat, they chose the seat of Mr. COELHO's wife to work their mischief.

I think that it is about time that the leadership on the other side stepped back, look at the brandnew editorial that I see they have been reading up at the Speaker's Chair all this morning, and take the advice possibly of the Washington Post.

I am going to back up from my position of about 3 hours ago because it was the darkest part of the night and reconsider that I said possibly we should call for a reelection. I don't know if I am ready to ask the voters of Indiana and the whole country to pay for another election. But something has to be done here to unpoison this well and to return some decency to this House.

I yield back the time because I see the gentleman from Minnesota is on his feet.

Mrs. MARTIN of Illinois. Just one moment. And we thank the gentleman from California. I think he is absolutely right, that after 32 years' of service, the Speaker should not be remembered as someone who destroyed the rights of the minority, although thinking about the Speaker and the Boston Marathon, is a bit more than I can manage, even if he comes down in the right way on this one.

The gentleman from California.

Mr. HUNTER. I thank the gentlelady for yielding.

I think the point that has been made time after time over the last 12 hours or so by all of our colleagues who have been engaged in this marathon, is that what happened in Indiana was basically unfair and it was a situation in which the majority party did something in a political way that should have been done in a very bipartisan way.

You know, that last meeting in which Mr. PANETTA and Mr. THOMAS took different sides of the issue on whether or not they should count the last 29 absentee ballots, after the absentee ballots had been counted to that point, to give Mr. McCloskey a four-point edge, and at that point the Democrat majority changed their strategy and said "Here, although we have done something other than Indiana law up to this point, we are going to go along with it because our guy is ahead." I think at that point the Nation and this party decided that they had been dealt with in a very political manner and a very unfair manner.

I think it is appropriate that the gentleman, Mr. DORNAN from California, should be here making this point and talking about it, because here is a gentleman who has been the subject of a political fight. We all acknowledge that politics is very much a part of this House, in gerrymandering and reapportionment. Politics is the dominant issue and is what essentially evaporated the gentleman's district up in North Hollywood. He didn't complain about it. He said gerrymandering is part of this United States.

But when you are talking about counting votes—and we are counting

votes in Indiana—politics has no place there. That is what we have been complaining about and that is what we have been talking about for the last 12 hours, the fact that the Democrat majority ran roughshod over not only the Republican Party but over the State of Indiana and over those people who voted for Rick McIntyre.

Let me just sum up by saying that they had counted nonnotarized absentee ballots. These are ballots with people's names on them. They are ballots that have people's addresses on them. They are ballots that can be readily identified with living, breathing voters in Indiana. They counted those ballots up until they came to the last 29 ballots, that were well secured—the clerks of the court said they had kept those ballots under security, nobody had bothered them, nobody had messed with them. But they came from Mr. McIntyre's counties. They came from the counties in which he was strong, including his home county. When they got Mr. McCloskey four points ahead, they stopped counting.

The Democrats ask, "Why are you so outraged at this?" I think the gentleman and the gentlelady have brought up in their arguments the implicit theme that comity, respect for the minority, respect for the process, for the democratic process, is what this country is all about. It is what this House is all about. That respect was absolutely absent. There was no respect from the Democrat Party for the democratic process, the people of Indiana, or the Republican Party.

Mr. McIntyre won that election. He was certified twice to be the winner, once by 34 votes and once by over 400 votes. And now, after having a 2-to-1 majority on this team, they have worked the thing and turned it every which way but loose, and they have finally gotten a 4-vote lead without counting the last 29 votes.

We want to see those last 29 votes counted. I think that is the feeling of most people on this side of the the asile, and perhaps a lot of the people over on this side of the aisle. But I hope the Speaker of the House will reconsider his position.

I want to thank everybody who came out here and left their families. Many people stayed up all night discussing this issue, taking valuable time away from their homes and from other issues and other items that were very important to them. I think it perhaps is one of the most important things that we will talk about this year, and I hope that the majority reconsiders before they make an attempt to seat the guy who did not get 50 percent of the vote in that election in Indiana.

I thank the gentlelady for yielding.

Mrs. MARTIN of Illinois. The gentleman from Minnesota. I thank the gentleman form California.

Mr. WEBER. I thank the gentlelady form Illinois for yielding.

Something struck me as the gentleman from California was talking, because indeed, the gentleman in the well, Mr. DORNAN, was victimized by a process that many of us consider to be very unfair, that being to gerrymander congressional districts in the State of California after the last census.

We raised a great many questions about that and objected to it and tried to change it.

But the interesting point, as unfair as that was—and I think commentators across the political spectrum were critical of the gerrymandering of congressional districts in the State of California—as blatant as that abuse of power by the Democratic legislature was, the Congress never came in and changed the district lines in the State of California. Those lines remain in place today, even after most fairminded observers have said that they are unfair, that they are gerrymandered to the benefit of one political party. In fact, the author of that plan, the late Mr. Burton, who was a Member of this body, was fairly candid in joking with the press about how he had drawn the lines to the benefit of his friends and relatives and other people. But this Congress never came in and overruled that plan and imposed a set of boundaries in the State of California because they respected the basic principle that the Constitution sets forth, which is that the States guarantee these matters.

And yet, in that district in Indiana, the Eighth Congressional District of Indiana, we have thrown out all of this precedent, we have thrown out the Constitution, and we have thrown out 29 ballots, as the gentleman from California points out, that truly decide this race, and decided in this one instance we're just going to wipe out all of the precedent and all of the law and all of the history that decides how we should judge the membership of this House. We are just going to impose somebody.

That is why what we are discussing here is truly a historic issue. It is not just an issue of who is seated. After all, the point that should be made is that this seat is not going to determine the control of the House of Representatives. This seat is not even going to change the ratios in the committees, which are unfair to begin with. This is basically a question of constitutional principle, of the honor of the House of Representatives, of our capability to stand up and defend our oath of office to uphold and defend the Constitution. That is what is genuinely at issue here, I think.

I thank the gentlelady for yielding.

Mr. DORNAN of California. Will the gentlelady yield for one more second?

Mrs. MARTIN of Illinois. Yes.

Mr. DORNAN of California. Although the importance of the constitutional aspect cannot be overemphasized, I believe there will be some votes coming up in the remainder of this 99th Congress that may be decided by one or two votes.

Now, you may not see that reflected on the front pages of the morning papers, because when a vote gets very close around here, sometimes Members, in their own knowledge of their district, will begin to "jump ship" on both sides of the aisle and start changing their votes and saying to their various whips "I was with you, but now I have to exercise my political judgment for the election coming up in 1986." You will see a reshuffling of votes and a disparity of five or six or seven that may develop.

But many times we have seen on this House floor, when all the people are seeing across America on C-SPAN, or even our staff in our offices looking at our closed-circuit television, will only hear the lovely classical Chamber music and just see the screen with the numbers dancing for a few moments, we will see down here on the House floor, that some Members occasionally in frustration will yell out "regular order, regular order." Some of the majority people are asking for commitments from some of their people, and a few votes will change. We will see that 1 or 2 votes will make the difference and it will be reflected in the morning paper as 8 or 10 votes. I believe that when the Michel-Broomfield amendment comes up, our third opportunity to vote for some financial assistance to the democratic resistance forces in Nicaragua, that that third vote is so close to call right now that nobody is making predictions on the other side. Those people have got a little bit burned making predictions on the Peacekeeper missile certainly aren't saying anything. Nobody knows how that third vote is going to go.

It is quite possible that if Mr. McIntyre is not seated—because he has already expressed an opinion about whether or not we should assist the resistance forces—it is possible that we could cutoff a fighting force in the field, in Nicaragua, vis-a-vis its pro-Communist Government in Managua, could be so embolden that they would unleash their Soviet Hind helicopters with Cuban air crews to just tear up the freedom-fighters in the recently cleared, so-called free fire zones of the north. One vote can turn a lot of history in this House.

So with all due respect to the constitutional arguments, which we were making powerfully here while you were nurturing your bodily energies and catching some well-deserved rest, which some of us have not had an opportunity to do—while we were making that constitutional case for

you so strongly, and as much as we appreciate you coming in and powerfully with your constitutional knowledge crossing our T's and dotting our constitutional I's, never forget that in 1940, by one vote, we reinstituted the draft in this House.

Do not forget that 19 of our Members were unfortunately caught in the air, in blizzards, in their districts visiting with their constituents, on that day last month when, by one vote, we fell short of seating Mr. Rick McIntyre.

I will gladly yield back the time to the gentlelady from Illinois.

Mrs. MARTIN of Illinois. I thank the gentleman from California. The sleep that is so necessary for normal human beings is unneeded by this spectacular gentleman from California. He just gets better as the evening wears on.

When the gentleman was speaking about Nicaragua, I still have to come back to—I mean, we are asking to be treated for the same things we are asking for the people of Nicaragua and El Salvador. We are asking in our own Nation that a majority doesn't override a minority when the majority is wrong.

I find it fascinating that the same people on one side of the majority side who argue about the rights for minorities, for women, for blacks, for Hispanic Americans, will ignore the rights of another minority to which women, blacks, and Hispanic Americans belong, and that is the Republican Party.

I just want to keep coming back to that, that this is not just a question of today's vote or tomorrow's vote. This has the effect, and can have the effect, of literally ungluing the necessary adhesive that holds this House together.

The Democratic Party can pass everything without it, but they really shouldn't want to, because that is not the way to run a Government and that is ultimately not the responsibility they must have. Ultimately, that is not what the Speaker should be the leader of, not a rebellion, but a disintegration of the idea of Government that works together. So I feel so strongly about this that the fact there are now 20 of us here, this is going to continue, and it is going to continue tomorrow and the next day and the next day and next day and the next day, because these feelings aren't going to end. These feelings aren't going to end.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

ORDER OF BUSINESS

Mr. KINDNESS. Mr. Speaker, I ask unanimous consent to take my special order out of order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE INDIANA ELECTION DISPUTE

The SPEAKER pro tempore. Without objection, the gentleman from Ohio may proceed and is recognized for 60 minutes. The gentleman from Ohio [Mr. KINDNESS].

Mr. KINDNESS. Mr. Speaker, no person who serves in the House of Representatives can avoid feeling from time to time emotions in the consideration of issues that come before this body. We all have to admit to our human frailties, our feelings that involve human emotions influencing our judgments on some pretty important matters. Sometimes the more important the matter, the more emotion involved.

The time for reason has ended. The time for emotion is here. Anger at the injustice that is sought to be perpetrated on the people of the United States by the task force and the following of the recommendation of the task force by the House Democrats is uncalled for, unjustified, and history will brand as thieves and scoundrels those who support the effort to corrupt our Constitution.

So what? Some will justify what they do on the basis of some kind of logic. Some emotion. Put it all together and there is no way that you can justify corrupting our Constitution. Anger rises within all of us at times. Some are considered infrequent speakers on this floor. The gentleman from Wyoming [Mr. CHENEY] in the beginning of the special orders last night, indicated it is not his practice, as it is not mine, to request special order time. He very seldom requests the opportunity to speak for 1 minute out of turn at the beginning of our sessions, as I very infrequently do, too.

□ 0650

But there are a bunch of us who are very much outraged by what is sought to be perpetrated upon this House. It is time for rebellion. There are thoughts that run through my mind like how to being the attention of the American people sufficiently to this subject that they will provide the necessary pressure upon Democratic Members of this House of Representatives to do what is just and what is right, rather than to do what is politically convenient.

I feel sympathy, pity, for those who are involved in this travesty. The Speaker of this House has been mentioned, and some are inclined to pity his situation. Nearing retirement, this blot is about to occur on his long record of service to the United States and to his State of Massachusetts.

The gentleman from California [Mr. COELHO] has been mentioned, the chairman of the House Democratic Campaign Committee, and I have not heard anyone express sympathy or pity up to now and, indeed, I pity him.

All of the leadership on the Democratic side has to be pitied, the political staff of the Speaker in the Democratic House Campaign Committee, and of other Democratic leadership offices. I pity them.

Even more, I pity the Democrats who have gone along with this travesty through lack of attention or partisan loyalty or misunderstanding as to the false information that has been provided to them and to all of the foregoing. But perhaps most of all, as was mentioned last night, I pity the gentleman from California who has headed the task force of the House Administration Committee. His standing and reputation among his fellow legislators crossed party lines. I cosponsored legislation that he has authored or sponsored. I had some confidence in his integrity and ability to fairly conduct the functioning of that task force.

Today I stand here bared of all that trust and innocence. I have lost any trust. All of us, I think, have lost any trust, no matter who the person might have been and how great the integrity that person may have had or the respect that person may have enjoyed.

What has happened in the conduct of the examination of this election in the Eighth Congressional District of Indiana by the task force from the Committee on House Administration has stripped us of all trust, and in the process, there is a loss of respect. I pity him.

Who believed the lies? Who believed the process was going to run fairly? I am afraid cynicism infected most of us from the beginning, and in the beginning I felt OK with cynicism in heart and cynicism in mind. Perhaps the best that the Democrats could hope for would be to get a special election in the Eighth District of Indiana. Well, maybe that is what could happen, but I hear people on our side of the aisle now saying maybe we ought to have a special election; it cannot be called any other way. Yes, it was a close election no matter how you slice it, and there is one winner in every election and the difference in the votes counted under the law of the State of Indiana is all that should matter in the seating of someone who is to represent the Eighth Congressional District of Indiana, as long as that law was complied with.

No. The task force had to undertake to make its own law. That is something close to anarchy. When the Democrats in control of the House of Representatives seek to assert and to act in an anarchistic manner, that in-

vites anarchy, that invites rebellion, that invites every kind of opposition to everything that might happen in this House of Representatives. Some of us feel rather strongly about that.

The invitation has come clearly, the gauntlet has been thrown down on January 3, 1985, when Rick McIntyre was not seated upon the certification of the secretary of state of the State of Indiana. The gauntlet has been there on the table ever since. The challenge has become stronger and more corrupting. It is time to accept the challenge of rebellion in an orderly manner, perhaps, with the respect that is due to this House of Representatives institution which has been corrupted, but if we are to correct that corruption, perhaps we must take very strong action.

I would yield to the gentleman from Ohio [Mr. DEWINE].

Mr. DeWINE. I thank the gentleman for yielding.

I thank my colleague from Ohio and the rest of the Members who have been here all night. I was one who got a little sleep and appreciate that very much, but I appreciate what they have been doing all night, what the Members of the House have been doing.

The gentleman from Ohio was talking about the application of Indiana law. I have been thinking about this and been thinking about it, I guess, more intensely the last 24 to 48 hours. I have been trying to summarize in my own mind what this really means.

What it means to me when you really study the facts is that in any close election, any close election, 300, 400, 500 votes, maybe 1,000 votes, that whoever writes the rules can decide who wins the election. I think that is very evident and very clear, particularly when you write the rules after the fact, after the ballots have been cast.

What happened in this case, and my colleagues have been outlining very, very eloquently, my colleague from California started last night and gave us what the basic facts were, but if you try to summarize, and I am not as familiar with the facts, of course, as my colleague on the task force was, but the basic facts are these: that the application of Indiana law was made by the Indiana officials and Rick McIntyre won.

The application of law was again made, and Rick McIntyre won. The law was applied once more loosely, once more strictly, and he won both times.

What did our colleagues on the other side of the aisle do then? They then went in with a special task force on a partisan vote, a task force that was not constituted like our Ethics Committee is, on an even split between Republicans and Democrats. That is not how they did it. They set up a special task force with a 2-to-1 Democratic majority.

That should have been some tipoff to all of us at the beginning. We should have had some idea what was coming. Maybe some of us were naive. Maybe some of us still thought that there was some amount of fairness left in the majority that has ruled this House since I was 7 years old. The arrogance of power is very, very clear.

But what did they do? They wrote their own rules and they wrote them after the fact and they disregarded Indiana law. What they really said was, those election officials in Indiana have no business deciding how their law is applied; that Indiana as a sovereign State has no business deciding the qualifications of its electors or the qualification of those who it sends to Congress.

So they went back and rewrote the law. So they have this whole set. We have it here. I am sure it has been referred to during the night and early this morning, the whole set of rules that they wrote. They went back and applied those rules, and then they found that even by applying those rules, they still were not guaranteed of winning and they went through and they got down and they had a 4-vote margin, 4-vote margin, with 29 votes to go.

At that point, they decided again to bend or change the rules, or at least the application of those rules. Ballots that had been in a similar situation, in a similar security situation, merely because of one very, very small difference, a distinction without a difference, they did not count them and did not want to take the chance of going ahead.

Mr. KINDNESS. Would the gentleman yield back on that point?

Mr. DeWINE. I would be more than happy to yield back to my colleague from Ohio.

Mr. KINDNESS. I thank the gentleman.

In fact, those ballots not counted were in one place the whole time, were they not, and they were indeed more secure than the ballots that were counted which had gone out to the precincts and then back in to the clerk's office.

Mr. DEWINE. That is absolutely my understanding of the facts, and it is further my understanding that there were affidavits filed by the county election officials which really no one was contesting, no one says the affidavits are not right, no one is claiming that the security was not there.

So you have a situation that is identical and yet our colleagues again, not being satisfied just to not apply Indiana law, but then they setup their own rules, and then not being absolutely sure that they were going to win under their new rules, then had to change those rules.

We talk about the arrogance of power. That is the only term I can think of. When you are in power for years and years and years, there is a corrupting influence apparently with that power and you take things for granted, and you ride roughshod over the opposition.

Do they need this seat? They do not need this seat. My colleague from California [Mr. DORNAN] has pointed out that we are going to have a close vote today. Votes do count. We have seen them decided just in this Congress by one or two votes, so yes, this seat is important, it is important that Rick McIntyre be here. But it goes beyond partisan politics. It goes beyond whether or not the Republicans have one more seat and the Democrats have one less seat. They run the House. They control things. They set the agenda. They tell us when bills are coming up. They have every committee chairmanship in this House. They have every subcommittee chairmanship. They decide if bills come out.

We had a special order last year about school prayer. Do they bring that out? Do they let us, the people's representatives, vote on that? No, they do not bring that out.

It is an arrogance of power, and it is the utter disregard for this institution that causes them to act that way. It is just absolutely, absolutely unbelievable.

Mr. KINDNESS. I want to thank the gentleman from Ohio for his analysis and his comments and his contribution to this discussion. It is very important, I think, for us to bear in mind that what we are dealing with is a very arrogant use of power which historically always has invited rebellion.

Mr. SMITH of New Hampshire. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from New Hampshire.

Mr. SMITH of New Hampshire. I thank the gentleman for yielding.

Mr. Speaker, in the comments of my colleague also from Ohio, we almost have an instant replay here of this. We do have an instant replay of this election. We had a vote, we had a recount, replayed it, and in both instances Mr. McIntyre was the winner. Now we have a third party, a third instant replay, if you will. We have changed the cameramen, we have changed the angles of the camera, and we have changed the referrees.

Mr. KINDNESS. Do not forget the program director.

Mr. SMITH of New Hampshire. And the program director as well. That is correct.

There is one point that I believe the America people, though, are going to judge us on. It is not a football game. It is not a baseball game. It is the Constitution of the United States of America.

There are times in this body, and we were all subject to it on both sides of

the aisle, when we become, if you will, the victims of the whip in the sense that we need to respond to the party leadership on key issues and we try to do that. But this is not a whip issue, and I would like to share a couple of thoughts with my colleagues on the Democrat side.

The Constitution is not, should not, should never be a party line vote, ever, and that is what you are making it, because not one of you had the courage to break ranks on the first couple of votes that we had on the seating of Rick McIntyre, although to their credit four or five have done so since. But the Constitution is not a party-line vote.

I think earlier in the evening, listening to my colleague, BILL THOMAS, who has suffered through the frustration that some of us have not had the opportunity to do, of watching this hypocrisy take place, made a very impassioned statement, and I think it was one of the best things that I have heard on the subject since I have been here. He used the analogy of the number of individuals who have sat up in that chair. Just in the 3 months that I have been here, I have seen it, individuals who are much junior to many of us are here, Members like our leader, BOB MICHEL, who have been here for some 20-odd years, never had the opportunity to even share in that simple pleasure, if you will, of being there and sitting in that chair, not for 5 minutes.

That is arrogance of power. It really is arrogance of power. We are messing with the Constitution of the United State of America and I think that the American people know that. I think when you take all of the rhetoric away, and I know it is difficult and there are people out there watching now who are trying to figure out what in the world is going on here; we have Republicans saying they won the seat; we have Democrats saying they won the seat.

The position is so obvious. Anyone can change the rules of a game and win the game, in the middle of the game. If a person comes up to bat and hits a line drive to right field and it is a base hit in the first inning, and in the fifth inning he hits a line drive to right field and the ball is picked up and thrown to second and the umpire says "Home run," it is pretty easy to determine who is going to win the game.

That is the issue here. That is the issue. It is arrogance of power. It is disrespect for the Constitution. I taught the Constitution for 6 years. I am not an attorney. I am a businessman and a former schoolteacher, and I was taught to respect that document by my family. My father died in the service of his country, and I was taught that he died for something.

If you do not stand for something, you stand for nothing. If you do not stand for something, you stand for nothing, and that is exactly where we are at in this particular argument. We should stand for something. We should strip aside the party arguments. We should strip aside all of that and we should say the fact is very clear. We have changed the rules in this recount so that one party could change the result, and that is what has happened here.

I ask the American people to judge those who have done that. Somebody made a statement earlier, Mr. COELHO will probably take it upon himself now to come after some of those who have been here all night doing this special order, and I say, "Come on."

Mr. KINDNESS. I thank the gentleman for his contribution. I think there are a few of us who would like to find TONY COELHO in our districts.

Mr. SHAW. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Florida.

Mr. SHAW. I thank the gentleman for yielding.

Mr. Speaker, I also would like to compliment those who have spent the night here, joined by some of us as early as 4:30 and 5:30 this morning. I think that certainly underscores the importance of what we are doing and the reason that we are doing it.

The expression has been used by the three previous speakers as to the arrogance of power. I think we ought to also talk about the corruption of power. There is no question but that this was a conspiracy, in my opinion, that originated when the vote started. They tried to figure out how they were going to make it come out the way it did, and that is exactly what they have come up with.

I think it is going to be very interesting if this does make its way into court as a deposition as to what backroom conversations did transpire.

The Government's business should be done under the eyes of the American people. We have a law in the State of Florida called the sunshine law. I will tell you this: In my opinion, if the sunshine law and the principles of the sunshine law were adhered to, this deal would never have been cut. I say it was a deal, and that is exactly what it was, and it was done by certain members of the leadership of the majority party of this House. I think it is quite disgraceful.

We have talked this morning about what the Constitution says, and I think it would be appropriate at this time to read a couple of excerpts that will just take a minute.

Article I. The framers of the Constitution put this into article I, because that is where the importance lies. It says:

> The House of Representatives shall be composed of members chosen every second year by the people of the several States.

It then goes on further down and says:

> When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancy.

The only writs of election that I know of that have come out of Indiana have said that Rick McIntyre is the winner. Now, the House is proceeding under section 5 of the same article, which says:

> Each House shall judge the election returns and the qualification of its own members.

It does not, however, say that the House of Representatives shall certify the winner, and there is nowhere in the Constitution where that is said. It simply gives to the House of Representatives a sacred trust, and that is to figure out the qualifications of its own Members, and in doing so, judge the elections.

I quite frankly do not know under what authority the majority party could possibly seat their candidate. It just does not exist within the Constitution itself.

I am also not totally convinced that the majority party is going to have the necessary votes in order to pull this off. I think there are some very good Members over there who are going to be searching their own consciences and are going to put the Constitutions before party politics. I think any Member who puts either the Democrat or the Republican Party ahead of the future of this country and the Constitution is not fit to sit in this body.

I would certainly hope that the majority of these Members would certainly requalify themselves by adhering to the results as certified by the State of Indiana and seat Rick McIntyre.

Mr. KINDNESS. I thank the gentleman from Florida for his contribution to this discussion and would indicate that I agree. I believe that there are going to be more of the Members of the House on the Democratic side who will not want to be branded by history as thieves and as corrupt, and they will, indeed, think much more carefully than they have on previous votes about whether to seat someone unjustly and in violation of the laws of the State of Indiana.

Mr. SHAW. Will the gentleman yield on that point?

Mr. KINDNESS. I would be happy to yield.

Mr. SHAW. I think that this next vote, how it is framed, might not be inconsistent with the first vote. The first vote was not a disqualification of Rick McIntyre, a negative vote on that; it was simply a wait-and-see. Now they are going to be faced with the issue as

to whether it is the Members of this House who vote on the qualifications and certify a candidate, or whether it is the people of Indiana, and those same standards can very well be turned on them in their district and the 500,000 people that each Member of this House represents.

Mr. KINDNESS. I thank the gentleman.

Mrs. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentlewoman from Maryland.

Mrs. BENTLEY. I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Florida brought up a very interesting point when he read article I, section 2, of the U.S. Constitution.

When our Founding Fathers wrote the Constitution, they put their ideas in deceptively simple terms, and that particular article is a perfect example of such simplicity, and let me repeat what he said: that the House of Representatives shall be composed of Members chosen every second year by the people of the several States. This House shall be composed of Members chosen by the people of the States.

That was simple in 1787 and it is simple today. Yet in these past 3½ months, we have seen this very ferocious effort in this very House to cloud that simple idea of our Founding Fathers.

We are called by the Constitution the House of Representatives. We are officially called Representatives. And yet again I have to point out that a substantial number of Members of this House have worked these several months to take away that proud title.

I think we all have to question how proud we are. If we do not represent those people of the several States, whom do we represent? That question remains to be answered.

If one is to listen to the leaders of the majority party, we represent only this body itself. These leaders have simply announced that another section of article I, section 5, changes section 2, and places, instead of the people, the Members of the majority party of this House. What does this magic section say to so easily convert this House from a representative body into a ruling clique, I ask you, sir?

Mr. KINDNESS. I thank the gentlewoman from Maryland for her very valuable contribution to this discussion, and I wonder, too, whether those who are in the driver's seat, that small clique in the Democratic leadership or Democratic Party in this House, if they have some notion that judging elections of Members of the House of Representatives or judging qualifications of people elected to the House of Representatives is entrusted to them solely on a partisan basis, and if it is, in fact, the right to control the seating or only to judge whether there has been any problem, any disqualification, any lack of compliance with election laws in the election of someone to a seat in the House of Representatives.

I think there is a great misunderstanding on the part of those who are in the driver's seat and whom we would like to see out of that seat in regard to this matter, as to what judging means in that part of article I which says that each House shall be the judge of the election qualifications of Members.

Mr. DENNY SMITH. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Oregon.

Mr. DENNY SMITH. I thank the gentleman for yielding.

Mr. Speaker, I think it is an interesting situation. We all sort of look at our own situation in regard to this seating of a Member in the House of Representatives because if we can deny, through the misuse of power in the Speaker's hands, the seating of a Member from Indiana, then they could certainly deny this Member his opportunity to serve in this House, having been duly elected by the people in my district in Oregon.

I thought it was an opportunity to look up what Oregon law would do in this instance, and in Oregon law, Rick McIntyre would have been seated if he had been treated fairly and equitably by the majority party in charge of this House of Representatives.

I would just like to run down them for a second. First off, a certificate of election is sent to the individual elected, and I think Rick McIntyre certainly was issued a certificate of election.

Following that, a letter is sent to the Clerk of the House from the Oregon secretary of state listing all of our district certified winners, and the next procedure is that the secretary of state of the State of Oregon issues a proclamation of election listing the winners, and this document is filed in the public records of the State.

Finally, the secretary of state prints and distributes the official abstract of those, breaking them down county by county.

The thing that really bothers me about this situation is that it would appear in my initial election three terms ago, in 1980, I could easily have been denied certification by the House of Representatives based on the same situation under which Rick McIntyre was denied. He was given a certificate of election. He was told in a recount that he had had a sufficient number of ballots to be the winner, and we now have seen a warping of rules so badly that he is no longer the winner according to the House of Representatives. But the secretary of state of Indiana, if I am to understand the facts, is still saying that Rick McIntyre is the winner in the Eighth District of Indiana.

So I fail to see how we, in this body, in the majority party, can fail to seat Rick McIntyre in this seat in the House of Representatives. It is just too bad for all the people in this country, not just for the Eighth District of Indiana.

□ 0720

Mr. KINDNESS. I yield to the gentleman from Ohio, and then to the gentleman from New York.

Mr. DEWINE. I appreciate the last three or four speakers' comments about the Constitution, and that the Constitution does not mean what the majority seems to think it means. That they can arbitrarily deny a seat.

There is a separation of powers, but that is not what was intended at all. Let no one make a mistake about what we are talking about today or what is going to be next. If they can deny Rick McIntyre's seat under a new set of rules, brand new set of rules, they literally drew themselves, took out of the air, superimposed on this election, after the fact—if they can do it to Rick McIntyre, they can do it to any of us. Any of us.

Any of us who are in a marginal district or anything that is even close to being a marginal district, they can do that. I guess it is maybe not so important what they do to MIKE DEWINE or what the do to TOM KINDNESS, CLAY SHAW, CONNIE MACK, but what is important is what they do to the people we represent.

I think when the American people begin to realize, and this story, frankly, is just starting to get out, just now starting to get out, the American people are not, unfortunately, going to be so upset about Rick McIntyre, nor would they be about MIKE DEWINE; one congressional seat. But what they are going to be incensed about is that a majority can tyrannize the House and take their votes away from them. That is what they are going to find is just intolerable; that their own vote can be taken away from them. It is the one thing that we hold so precious in this country is the right to vote.

Basic things of democracy; the right to vote and the right to have your vote counted, and the right to have a free election. Those are basic things. When the American people come to understand that in this particular case, the rules have been redrawn, superimposed after the fact by the majority, they are going to understand the arrogance of it, and they are going to be very upset about it. I think the majority party in this House is going to pay a very, very heavy price for this.

Let no one make a mistake that those of us who are on the floor today are going to stop this battle today. We are going to continue to speak out; we

are going to continue to do what we have to do on the House, on the House floor, to bring this issue to the attention of the American people. Thank you.

Mr. KINDNESS. I thank the gentleman from Ohio and I yield to the gentleman from New York.

Mr. MILLER of Washington. Thank you.

Mr. Speaker, here we are at 7:20 in the morning in Washington, DC, and I thought it might be helpful if the gentleman from Ohio would yield to go back to the facts of this dispute.

I am a new Congressman from the State of Washington, and I have found the facts of this case fascinating. I did not know something like this could go on. I think the American people, with all the rhetoric back and forth, may not yet understand all the facts. So if we could just go back to the beginning, and if the gentleman would be so kind to yield to some questions.

As I understand it, there was an election in the Eighth District of Indiana last November.

Mr. KINDNESS. But not subject to a majority vote.

Mr. MILLER of Washington. What was that, please?

Mr. KINDNESS. Not subject to a vote in the House of Representatives, apparently.

Mr. MILLER of Washington. Right. But there was an election between a Democrat, Frank McCloskey, an incumbent; and a challenger, Rick McIntyre, and after that election, there was a count. And what did that count show?

Mr. KINDNESS. At first, it showed that the winner was the gentleman from the eighth district, Rick McIntyre.

Mr. MILLER of Washington. It showed him ahead, it was 34 votes, something like that? And then, in my State, after there is an election and a count, the secretary of state certifies the election. Did that happen here?

Mr. KINDNESS. Rick McIntyre was certified.

Mr. MILLER of Washington. And he was certified. Then, was he seated in this Congress?

Mr. KINDNESS. Well, first there was a recount.

Mr. MILLER of Washington. But in January we came here, Mr. McIntyre had won the election, he had been certified, but this House did not seat him.

Mr. KINDNESS. Right. He had been certified twice by that time. Even in the recount, he was certified the winner.

Mr. MILLER of Washington. What was the reason for not seating the winner of a congressional race certified by a secretary of state?

Mr. KINDNESS. Now, I would not be among those who would say that it was the work of a bunch of thieves and scoundrels. Some might say that; but it was a majority vote along strict partisan lines.

Mr. MILLER of Washington. And this majority, they called for an investigation; is that correct? But while this investigation was going on, they refused to seat Mr. McIntyre who had been certified the winner by Indiana's secretary of State.

Had this ever been done in the history of this House, to refuse to seat somebody who has been certified by the secretary of state while an investigation was going on?

Mr. KINDNESS. No, this was, there was some smoke blowing in the ears of the Members. There was some sleight-of-argument that indicated that this was just like another case from Indiana, in which there were actually two people certified. So it was not an analogous case at all. But this is the first time, to my knowledge, that the House refused to seat either of the contestants while the matter of the election was being examined.

Mr. MILLER of Washington. So that the House decided to disregard Indiana law, and conduct its own investigation. Now, I recall last January, there was talk about that investigation being completed expeditiously, in a few weeks, and that did not happen, as I understand it.

But then there was another recount, was there not? After that first, after the refusal to seat Mr. McIntyre, the beginning of January, Indiana conducted a recount; they were in the middle of conducting a recount is that not correct?

Mr. KINDNESS. Yes, you are correct. My impression earlier was incorrect. The recount was going on at the time, but the result of that was again the certification of Rick McIntyre as the winner.

Mr. MILLER of Washington. And then when they, when Indiana finished the second recount, what did that show?

Mr. KINDNESS. Rick McIntyre again.

Mr. MILLER of Washington. Again. And the House then, did the House seat Mr. McIntyre after a second recount?

Mr. KINDNESS. By this time the argumentation was going along this line: "Well, we have already decided to look into this, so the recount does not matter, and we are going to go ahead and determine this election in our own partisan way."

Mr. MILLER of Washington. So this House investigation continued. Now, when this investigation continued by the House Administration Committee, could the gentleman from Ohio tell me, did this House Administration Subcommittee follow Indiana law in looking at this election?

Mr. KINDNESS. No; the gentleman misunderstands.

This subcommittee or task force decided that it was above the law of Indiana or any other law. You have got to understand that in order to understand the rest of the process, so let me emphasize that.

Mr. MILLER of Washington. You are telling me that they just decided the State of Indiana law and all those previous recounts and the Secretary of State certification did not count? Is that what you are saying?

Mr. KINDNESS. That would have required a lot of reading; that is another thing. They could not be bothered with that. It would have required the use of time in order to hear witnesses who knew something about it.

Mr. MILLER of Washington. And the committee did not want to hear witnesses?

Mr. KINDNESS. Well, no, that would be time-consuming, and they wanted to proceed expeditiously in their partisan manner.

Mr. MILLER of Washington. So, if they were throwing aside Indiana law, could the gentleman from Ohio tell the Members of this House what rules did they follow? Where did they get these rules?

Mr. KINDNESS. Ah, sweet mistery of life.

I yield to the gentleman from Ohio.

Mr. DEWINE. Well, they literally made them up. Again, I am becoming a little redundant. I appreciate this colloquy between my two colleagues. I would just like to insert this again, that those who write the rules control the results. I guess those of us on the House floor on the minority side were a little naive about this whole situation. At least I was a little naive.

I thought we were going to get a fair count. The key is when you write the rules. If you write the rules before the game starts, then everybody knows what the rules are, and then we proceed accordingly. I guess you can write them, as you do, when the Democrats gerrymandered California, for example, to my colleague's loss, at least you know what the rules are when you go in. What they did is they got the rules literally out of thin air.

Mr. MILLER of Washington. So they wrote the rules, were these rules unanimously agreed to by this subcommittee?

Mr. KINDNESS. Unanimously 2-to-1. That is, the Democrats agreed unanimously, there are two of them, and the Republican disagreed unanimously, and there was one of him, so he lost.

I yield to the gentleman from California.

Mr. DORNAN of California. I appreciate my distinguished colleague from Washington at this point in the morning, reelucidating some of these facts. He asked a very cogent question, he said: "Did this majority-run committee, the House Administration Committee, start to investigate the elec-

tion." You used the important word "investigate." The facts are there was not a single, solitary effort made to investigate the election of November 6, or to investigate the efficacy of the recount, which resulted in the second certification. They merely proceeded to set about a recounting of the ballots on their own under this miniscule task force of three Members; two majority, one minority.

Mr. MILLER of Washington. And you cannot judge an election if you do not look at it, can you?

Mr. DORNAN of California. Exactly.

Mr. DEWINE. How can you judge an election by running your separate counts?

Mr. MILLER of Washington. Do you mean to tell me that they set up their own rules; they disregarded Indiana law? Had anybody charged that there was fraud or irregularities in this election to justify this.

Mr. KINDNESS. I would respond first to that point. That is one of the most telling points in this whole matter. That there is a procedure established in Federal law. The Federal elections law allows specifically for election contests to be brought to the attention of Federal courts. There was no such complaint; there was no complaint to the appropriate administrative authorities either. Mr. McCloskey did not, at any time, allege that there was anything wrong with the election.

I yield to the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. McCloskey never at any time made any charge that there was any fraud or any question on the election?

Mr. KINDNESS. Not in any official way that has been recorded. He may have whispered it in a dark closet.

Mrs. BENTLEY. In a real dark closet; somewhere where nobody heard it. And yet we are going on with this charade. They are taking or stealing an election. There was never any charge, there was never any implication of any wrongdoing whatsoever at any time.

Mr. KINDNESS. Let me reiterate here just for the sake of clarity that this was not a matter of judging the qualifications or election of Rick McIntyre. It was a matter of running a separate kind of a procedure which is a count of ballots, some of which came out of the waste, the spoiled ballot bag.

Mrs. BENTLEY. You mean that they picked up ballots that had been thrown away, and they counted those?

Mr. KINDNESS. Well, everyone makes mistakes, but the spoiled ballot bag contains those ballots that have been mismarked or have been, somehow they were damaged or that sort of thing, so that the elector, the person voting, gets a new ballot.

It is a void piece of paper; it is not to be used in any election in the country, ordinarily.

Mr. DEWINE. Is it my understanding that ballots could have been counted twice, or people could have voted twice? There could have been a ballot thrown away, and voided, and the person could ask for a second ballot. That would have normally been counted; then when they went back on this special, special recount, so that person actually would have voted twice; is that my understanding?

Mr. KINDNESS. That is how they came up with more votes than they had voters in some precincts.

Mr. DEWINE. And there were precincts like that; were there not?

Mrs. BENTLEY. Yet they included all of those in their count? I am not going to say recount; it is their count.

Mr. KINDNESS. That is the point; it is a new election. It is not a recount, and it is not the judging or the examination or investigation of the election that was conducted. That is indeed the sort of procedure that did occur.

Mr. MILLER of Washington. I just want to make sure I understand this. You are telling us that Mr. McIntyre won by 34 votes in the November election. That that election was certified not once but twice by the Indiana secretary of state; that this House refused to seat Mr. McIntyre, an unprecedented action. That another recount showed Mr. McIntyre ahead by over 400 votes, and this House still refused to seat Mr. McIntyre. That a subcommittee appointed by the House majority then set up its own rules to judge this election; disregarded Indiana law; and you are telling me that they counted ballots in a way that there were more ballots than people—voters from certain areas?

Mr. KINDNESS. You get down to a point of close decision and you lack a few marbles, you have got to find some more. So, we started counting, or the task force had counted ballots that had not previously been decided to be included in the count. Then, those were some of the absentee and disabled voters' ballots that were identified on the outside; you knew whose they were, and they were then in two categories.

Some were originally sent to the clerk of the county, and on election day were sent out to the precinct polling place even though they were not properly qualified ballots. Because of the mishandling on the part of the voter of the envelope which had to be notarized or witnessed.

Others of those stayed in the offices of the county clerks and were not sent to the precincts, but they stayed in the offices of the county clerks under courthouse security; appropriate security.

Now, the task force decided we need to find some more marbles, so we will count these ballots that would not have been counted under Indiana law because they were improperly prepared or packaged without notarization or witnessing. But, only the ones that had gone out to the precincts and come back. Ah! We found enough marbles; let us quit right there! That is what happened.

Mr. DEWINE. I would ask was there a distinction as far as the security applied to the ballots that were counted versus the ballots that were not counted? In other words, if the security is different, then maybe there is a reason for the distinction.

Mr. KINDNESS. Well, that is it. The ones that stayed in the courthouse all along might have been too secure for all I know. Which would count, but they were not counted.

Mr. DEWINE. They were not counted.

Mr. KINDNESS. The ones that went trammeling out to the precincts and come back were counted.

Mr. DEWINE. It is my understanding in fact that there were affidavits and in fact the committee, the special task force, had affidavits from each county saying that the security was good on the ballots they threw out.

Mr. KINDNESS. Well, at least with respect to four counties. It appeared from the affidavits that they were, that the security was at least as good or better than the security afforded any of the other ballots in the election that were counted, and those four counties happen to be counties that might be expected to be favorable to Rick McIntyre. So they do not count those.

I yield to the gentleman from Connecticut.

Mr. McKINNEY. While you are talking about security on the ballots that were counted, the security was so great on some of the ballots that were counted that they were sitting in two cardboard boxes in the hallway of a county courthouse. Now that is amazing security.

I think in New Haven, CT, where a car got caught in a wreck, got rearended, at least there the ballots that were stolen were locked in the truck of a car. These ballots,which were counted, under this great security, were actually in a box, a cardboard box in a hallway. Now, that is amazing security. I think that is just a good point to bring up.

Mr. KINDNESS. I thank the gentleman. I know of courthouses in our area even where ballots stored in that manner can be desecrated by a dog coming down the hall. That is a terrible way to treat ballots.

I yield to the gentlewoman.

Mrs. BENTLEY. The gentleman said, as I understand it, that some ballots that had the word "void" written

on them were counted. Did I understand you correctly?

Mr. KINDNESS. No; let me clarify that point. Some of these ballots were not ballots that would be counted under Indiana law; they were void because they lacked either the notarization or the witnessing that is required under Indiana law for absentee or disabled voter ballots.

Mrs. BENTLEY. Under Indiana law. Now, as I also understood it, not from you this morning, but I have heard in the past that there were some ballots sent in by military personnel, the men who are out serving the country, and although these were postmarked before election day, these ballots were not permitted by the task force to be included in their count. Is that correct?

Mr. KINDNESS. I will yield to anyone that has a more exact reading on that.

Mr. SMITH of New Hampshire. I thank the gentleman for yielding. The gentlewoman is correct; this testimony was given before the committee, and that there were at least somewhere between 10 and 20 ballots from military personnel that were mailed in some cases as early as October. It did not arrive until a day or two after the election, which were thrown out in this process that my colleagues were so eloquently going through step-by-step in the slogan that the Democrats have used, "count all of the ballots."

Even when their own rules, which they made up on the third election, the term that you used was not a recount, but their count, which is very appropriate. When that was applied, when the four-vote lead for their man came in, they stopped. I think it is important because this shows not only the importance of the fact that they stopped the count, but now you have stopped, in the case of military personnel, who voted obviously, clearly, way ahead of time. The Postal Service did not get the ballot there on time, and under the old rules they were not counted.

But under the new rules of counting all the ballots, their rules, they should have been counted. That process stopped. It is a process that is so insulting, Mr. Speaker, to the intelligence of the American people and such a discredit on this institution, it is a shameful, shameful act. It really is. As tired as we all are, and as we have gone through this process, over and over again, think of it; it has come down to this: There are now approximately 42 maybe 45 ballots lying there that have not been opened and have not been counted that are clearly, were clearly the intent of the voter who voted way early, early enough, that are simply not being counted.

Mr. KINDNESS. I yield to the gentleman from Washington.

Mr. MILLER of Washington. I am just trying to understand this whole thing from the beginning. Now, what you are telling me is that in November there was an election. The Republican, Rick McIntyre, in a count at that time, was ahead by 30-odd votes.

The secretary of state for Indiana, you are telling me, certified the election, not once but twice. This House refused to seat him in an unprecedented move; then you are telling me a recount showed he was ahead by even more, and this House again refused to seat him, and then you are telling me that this subcommittee of House Administration, disregarded Indiana law, set up its own rules, went into Indiana and starting counting ballots, we set up these rules on straight party-line votes. You are telling me that they did not apply their own rules consistently, you are telling me that in some cases there were more ballots than people in their counts? You are telling me they did not count the votes of our servicemen that were postmarked before the election? And you also have just been telling me as I understand it they counted some absentee ballots and they did not count others. Then they came up with the result where Mr. McCloskey was ahead by four votes and you are telling me then they stopped counting?

Mr. KINDNESS. That is correct. And we are supposed to think it is fair now.

Mr. MILLER of California. And now are they suggesting to this House that we not seat Mr. McIntyre, and we seat Mr. McCloskey? Is that what they are saying?

Mr. KINDNESS. That is the way we are heading; that is the task force recommendation.

I yield to the gentleman.

Mr. DELAY. In the process of the debate, and I think you are almost out of time, there was a Democrat who showed up on the floor to ask the question: If you count all the ballots——

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. KINDNESS] has expired.

Mr. MCKINNEY. Mr. Speaker, I ask unanimous consent to take up my special order out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

THE INDIANA ELECTION DISPUTE

The SPEAKER pro tempore. Without objection, the gentleman from Connecticut [Mr. MCKINNEY] is recognized for 60 minutes.

Mr. DELAY. If the gentleman would yield to let me finish my point, I would appreciate it.

Mr. MCKINNEY. I can think of nothing that would please me more since I expect we will be here for several hours, and if the gentleman would like to take 15 or 20 minutes to finish his remarks, go right ahead. We are all members of the Insomniac Club of America. What the heck, our Forefathers died for our Constitution; we might as well stay awake for it, because that really is the issue, is it not?

Would the gentleman continue, please.

Mr. DELAY. I appreciate the gentleman yielding.

Mr. Speaker, as I was saying, to continue the dialog about where we are today, reaching four votes for McCloskey and stopping counting the ballots, and of course, we have heard all these some 107 days that they want to count all the ballots.

There was a question raised on this floor about 2 o'clock in the morning, I believe it was, that if they counted all the ballots, would you accept the results? That is their new ploy. Now, we have moved the discussion from McIntyre winning outright, winning a recount and not being seated to count all the ballots to a task force that created rules that they absolutely did not adhere to, to now, if we do count the rest of the ballots, will you accept the result?

□ 0750

That is not the point here. And then they would probably throw us a bone if they are going to be very fair with us and not bring a resolution to this floor to seat McCloskey and offer us a special election. That is not the point. The point is this should never have happened in the first place, that the "investigation"—the investigation should never have happened——

Mr. MCKINNEY. Amen.

Mr. DELAY. Should never have happened in the first place. And it has been asked many times on this floor do we have—don't you think that the House has the right to seat its own Members. And I hope we will get into that sort of debate at a little later date.

I appreciate the gentleman from Connecticut yielding.

Mr. MCKINNEY. I want to tell the gentleman I deeply appreciate his finishing his remarks. But I find myself in a strange position here. MCKINNEY has been called everything, I think, by his Republican friends back in his district; mostly I have been called a traitorous rat fink. I think that's legal, Mr. Speaker.

I have been very independent because I felt I came to the Congress to do something. You know, it's strange. I felt that in my forties and now in my middle fifties that I came to the Congress of the United States to uphold the Constitution of the United States

and try to make this a better place for my five children and now two and a half grandchildren. I have never bothered with what is known as partisan rhetoric.

You know, it is an interesting thing that I took my first 1-minute speech—I let you guys take care of those things—in 15 years just a few days ago. I have never in fact stood up and talked in a special order because I have always figured out as long as I can write it out on a piece of paper and make it part of the RECORD of the United States that my thoughts are in fact determined there on record and really why keep the staff here sort of standing around waiting for me to finish feeling my self-importance on the floor of the House.

But here I am. And I am going to tell you that I am here in a really totally partisan fashion. I have worked for 15 years with moderate Democrats to do what I thought was right for the United States of America. That's why I am here.

All of a sudden I find out that this House and my colleagues and my friends—and if anybody out there is watching C-SPAN—it is only about 5 o'clock in California—if anybody is watching C-SPAN out there, I suddenly found out that my Democratic friends, the people I have worked with, the people I have compromised with, have decided out there, Mr. and Mrs. America, your vote doesn't mean a damn thing. Not one single thing. Don't bother to vote. Stay home. Really, don't bother. I mean it is crazy. Particularly if you are in California—we are arguing about poll closing times and all that other good stuff—you know, don't bother. Because really they don't care. They don't care, in the Democratic Party, about your vote. They have decided that in their little star chamber that they are going to take over the electoral process of the United States.

Now, you know, a lot of my Republican friends, ladies and gentlemen, just so I can be equally critical of both sides, want to push this thing and we are going to seat our guy.

I want to seat him, too. But I want the people of Indiana to seat him. I don't think the gentleman from Connecticut, myself, or the gentleman from any other State, or the gentlelady, has the right to turn around and tell the people of Indiana who is going to represent 500,000 of them.

The Constitution may say, and in fact this House in the 1800's used to spend days and weeks and months arguing about who belonged in what seat. The Constitution says sure, the power is here, but it is implicit in our entire set of beliefs that we are here not to impose the will of the House of Representatives, but to prove that the will of the people of that congressional district has been lived up to.

You know, I like to be rational. I read rational editorials. The Washington Post is so rational this morning I can't believe it. The Washington Post. There is always an amazing shock once in a while. And even the Washington Post says you know, let's give the people of Indiana a chance once more to express their will.

I am quite sure that strange happenings in different counties in Indiana will in fact cease if the entire body of the press in the United States and if the entire body of public opinion in the United States is watching that congressional district.

Mrs. BENTLEY. Will the gentleman from Connecticut yield?

Mr. MCKINNEY. I can't think of anything I would rather do than yield to the beautiful lady from Maryland.

Mrs. BENTLEY. Thank you.

Mr. MCKINNEY. Who fought, by the way, three elections to get here and the people of Maryland sent her here and nobody said she shouldn't be here. She won.

Mrs. BENTLEY. And even when there was a close election on the second time around, I——

Mr. MCKINNEY. And, boy, was there one.

Mrs. BENTLEY. I didn't challenge it.

Mr. MCKINNEY. You didn't come crying down to the Speaker, did you, and ask him to change the thing?

Mrs. BENTLEY. That's right, sir.

Now, you mentioned that the Washington Post suddenly may see the light a little bit. I would like to point out that yesterday the Baltimore Sun wrote an editorial on this and the headline is "Vote Again in Indiana." And down in—it relates a little bit about what had happened and it says "Don't be surprised if the task force and then the House vote to seat Mr. McCloskey. A study of contested elections shows that in only 47 of 547 instances has the minority party's candidate been awarded a contested House seat. Seating either candidate would be a mistake. We say that even though the task force count may be more exact than the earlier one, but most people in and out of Indiana probably believe this count reflects bias if not fraud."

Mr. MCKINNEY. You bring up an interesting—by the way, I congratulate the Baltimore paper. I had lost hope in it for a while, too. Even the New York Times has joined the fray. You know, it makes an old man like myself feel that there is life after death and there is maybe some common sense spreading through the press of the United States—it is a wonderful thought.

What you are saying is really interesting. Doesn't it degrade your seat, doesn't it degrade the people of Maryland in your district, doesn't it degrade my seat and the people in the Fourth Congressional District of Connecticut when in fact we turn to the American people and say, "See all these seats here; some of those seats are not properly filled."

Perhaps there is a chance that someone in one of those seats shouldn't be here.

Shouldn't we, as the House of the people, be turning around and saying in fact that we want to make sure? We fuss and fume about one man/one vote. In reapportionment we worry about half a percentage point, a half a percentage point, and here we are turning around and saying that nobody can really figure out what happened in this election but because I own this place I am going to seat that person. Isn't that what we are doing here, really?

Mrs. BENTLEY. You touched on a very sensitive point, and that is, what do the people of America think of this body, and you know we have—this body has gone through some very questionable periods in recent years, and there have been charges out in the public of corruption and of fraud and of just everything disreputable. And, you know, there were times when I was running people said, "What do you want to go there for? I mean those people aren't honest."

Now, I didn't believe it. I didn't believe it. I ran again because I wanted to come here because I felt that this House, this body, was something that was going to lead the country properly and that we were going to do good things for the people, just like you said.

Mr. MCKINNEY. I really thank the lady from Maryland.

Mr. DEWINE. Will my colleague yield for a question?

Mr. MCKINNEY. Yes; I yield for a question.

Mr. DEWINE. The gentlelady has brought up I think a very significant point and that is the public confidence in this body, and I wonder—maybe I can just ask my colleague who has the time, who has been here a lot longer than I have, if he could maybe shed some light on something that I have been thinking about for the last few days and that is if you were going to try—if you were the majority party—I know that is a thought that is very foreign to us, to be the majority party, but if we were the majority party and we were going to try to construct a scenario where we would give confidence to the American people as far as the results of a special task force that was looking at the results of an election, wouldn't you want to construct it so that you could have a bipartisan basis for that inquiry? Just like we do on the Ethics Commission.

There is a reason, it would seem to me, that there are an even number of Republicans and Democrats on the

Ethics Committee. But on this particular investigation it is 2 to 1.

Does my colleague have any reason or can he think of any logical reason why they would do that?

If public confidence is what we are interested in.

Mr. McKINNEY. I can't imagine that the party of the people would do something like this. I'm shocked.

Look, when this House gets into trouble, when there is someone that we think has disgraced all of the House, in a bipartisan, nonpolitical fashion we address that problem. And we either answer it with a "guilty" or an "innocent."

In this instance we are politics. We will have twice as many Democrats as Republicans because we are going to disenfranchise the people of Indiana.

Mr. DEWINE. What does that do to the public's confidence in whatever the result is?

Mr. McKINNEY. I didn't want to depress my good friend from Maryland by saying to her that after 15 years they are still asking me that question. "Why do you want to go down there with that bunch?" It makes the public perception of what we are pretty bad.

Now, let's stop for a minute and just think. We have a $200 billion deficit. Correct? At least. We have a communist government in Nicaragua. And I don't agree with the President of the United States. I am going to vote against him. He knows that. He is not very happy with me. But he hasn't been happy with me so far this spring. Maybe things will improve as we go on into the hot days of summer. But still in all it is an issue that affects the future of the country.

We have all kinds of problems and yet the leadership of this House is more concerned with seating one Democrat and destroying the credibility of this House which is in fact going to make all these decisions once it gets to work and stops with this nonsense.

Mr. DAUB. Will the gentleman yield on that point?

Mr. McKINNEY. I would be delighted to yield.

Mr. DAUB. I haven't been here throughout the night. I want to commend all of my colleagues who have been participating in this vigil. But how much will it cost me to keep my seat next election?

I just want to say very briefly that this, to me, is an abortion of the Constitution. And I am sad that the Members of the other side of our aisle feel that they want to conduct themselves and jeopardize the constitutional tests that have for so long given us a position as a parliament in the world of parliaments above parliaments.

Mr. McKINNEY. Let me tell you something, my good friend. I agree. When my hour of this is over, and I certainly hope this will just continue right on, since we seem to feel in the leadership on the other side of the aisle that nothing else is important except seating that one Democrat—don't worry about the world, war, peace, famine, et cetera. I am leaving here to speak to the Washington Work Shop Group, young Americans from all over the 50 States of the United States. After I finish speaking to them I am going to speak to a group from the King School in Stamford, CT, where my oldest son teaches. What do I say to them?

I go in and I have this impassioned plea, my staff and my constituents call it McKINNEY's sermon on the mount. I have made it so many times I just can hold up my finger and they say there he comes again, speech No. 1.

In that speech I say "You do make a difference." I say John Kennedy was elected by less than one vote in each voting precinct in this country. I turn around and tell them we elected the first Republican mayor in the city of Bridgeport in 48 years with three votes. Because we worked.

I turn around to them and say "Young kids like yourself stopped the Vietnamese war. Young kids like yourself made the Congress of the United States figure out for the first time that the word 'men' in the Constitution was generic and not physical." So it does make a difference. Yeah. That's my sermon.

How do I give that sermon this morning? How do I go in and give that sermon this morning when this House is being raped by a political decision? What is it that gets STU MCKINNEY, moderate, get along, easy go, so damn mad that he is here? And I will tell you something: If they do seat the gentleman from Indiana, I will vacate this room when he speaks, because he has no right to be seated, unless reelected in a new election by the people of Indiana.

Mr. DAUB. I applaud the gentleman.

Ms. SNOWE. Would the gentleman yield?

Mr. McKINNEY. I would yield to the gentlelady from Maine who is here missing an appointment because I asked her to come on over. It is always nice to have someone good looking instead of you gentlemen, and I am sure the American public is delighted that the television screen is changing for a bit.

Ms. SNOWE. Mr. Speaker, I greatly appreciate my colleague from Connecticut for yielding to me, and would like to commend him and my Republican colleagues as well for their perseverence and determination throughout this unfortunate, inexcusable situation. The marathon of special orders that is now winding down is testament to our belief in the processes that comprise our Republic; and in the awareness that those processes are coming under fire and are imperiled by the handling of the Eighth Congressional District seat.

Mr. Speaker, I want to address myself for a few moments to the notion of process in our Government and in this Chamber. It is a subject, quite frankly, of minimal concern in the day-to-day lives of the American public, and often not of substantially greater concern to Members of Congress. I believe that is the way it should be, though, for a process is functioning best when it is least noticed. We hear about the budget process these days, for example, precisely because it does not function well.

But process was at the core of one of the most critical moments in American history. I refer to the testing of the constitutional procedures and institutions during the waning months of Watergate. What was most frightening at that time was the ominous prospect of losing the shape, order, and structure that had allowed America to grow and prosper since 1789. It is important to remember, however, that the days of Watergate, considered some of the darkest in American history, were some of the greatest as well: For we found out, under the most trying of circumstances, that the system worked.

Again today, the House is faced with a procedural question that would usually be considered arcane at best, but that is of critical importance to this institution of the House, which we all cherish so deeply. The handling of the Indiana Eighth vote will forever color the character of the House and the ability of the Representatives to discharge their duties successfully in the years ahead.

As the Speaker said in his maiden remarks after having been elected as Speaker for the first time:

> The House is greater than any one of us. Its greatness is the product of 435 human beings collectively contending with extraordinary problems.

But, while the House is greater than any one Member, it is no greater than any one action we take. The greatness of this institution can be diminished by one action in a way that no one Member could ever do.

Mr. McKINKEY. If the gentlelady would yield for just a moment.

Ms. SNOWE. Be glad to.

Mr. McKINNEY. Wouldn't the—by the way, that is a marvelous quote, and it is an incredible statement, and I agree with it, and I would guess that the House is greater than any one political party, too, isn't it?

Ms. SNOWE. Absolutely.

Mr. McKINNEY. Thank you.

Ms. SNOWE. Mr. Speaker, in that first speech as Speaker, the gentleman from Massachusetts quoted from Henry Clay's principles to guide future Speakers. He cited the—

pledge to remain cool and unshaken, guarding the permanent laws and rules of the House from being sacrificed to temporary passions, prejudices or interests.

We ask no more than that in this instance. A zeal to lay claim to the Eighth District seat threatens not just to mock the votes cast last November in Indiana, but to cast doubts on certain fundamental understandings of what this Chamber is and how it must operate.

On that day the Speaker was first elected to his post, he told the Members gathered that "as a nation, we must demonstrate that democracy does work," That was and remains a sound prescription for our country in the world today.

I would submit, however, that as a legislative body, we here in the House must demonstrate to the Nation that democracy does work. We more than any other part of the Government, we who sit in the People's Chamber, cannot be selective in our commitment to the processes of democracy. The question that will come before the House is not solely a challenge of election results, it is a challenge to the American democracy, to the democracy that is founded on a faith in institutions and procedures.

The perception of how we address the question is central to the manner in which the American people eventually see their Congress at work, and thus is key to maintaining the faith and belief without which this Government would flounder.

Mishandling of the situation in Indiana, which I fear the majority in the House is preparing carefully to do, will provide rich fodder for those in our country who have become jaded and cynical about the real value of casting individual votes in elections today. We have all been dismayed in recent years by the dwindling percentage of people who actually get out and vote, and by the attitude about elections and government that is expressed in those percentages. Through a misguided handling of the question before us, however, the attitude that produces 50 percent voter turnout will only be strengthened.

What will potential voters think in years to come if the House fails to do justice to Rick McIntyre and the Eighth District voters? Imagine if you will a tight election scenario, which is usually considered a reason for increased voter turnout. We may see it turned into a reason not to vote—why waste time voting if the House will take its pick of the candidates anyway? The right to vote will not be endangered, but the right to have it counted will be very much in doubt.

That is ultimately what separates our system of voting from that of the Soviet Union and others such states. People vote in the Soviet Union without any problem; the value of the vote, however, is nil. Our country has spent 200 years ensuring that the votes cast by individual citizens are the only ones that count, and now we are faced with a serious erosion of that concept.

The House is on the brink of creating a hideous symbol of Washington arrogance, of Federal callousness toward the rest of the Nation, to the point where votes cast inside the beltway count more than those cast outside the beltway. A message that exudes political power plays, and back room manuevering will reach across the country at a time when we are grappling with enormously important economic and international issues. Our credibility is on the line with this issue, and the House will give little cause for the American public to trust that we will handle the complex problems of the day with any degree of forthrightness or fairness. "Politics as usual" will have taken on a grimier and more disturbing meaning, and it will taint our work as individual elected officials and as a legislative body as a whole.

Mr. Speaker, I have a constant reminder of the immediacy of the current situation right around the corner from my office in the Cannon Building. There is an office which is designated only as the "Eighth Congressional District Indiana." That sign, by the office door which always remains closed save for the occasional visitor, is an odd sight, an unreal one, and an unfortunate one. I also believe that it might be proven inaccurate.

If the majority party in this House decides to seat Mr. McCloskey, it will be their office, not the Eighth District's. The gentleman who will then occupy that office will have 252 constituents here on Capitol Hill of much greater importance than the 500,000 back in Indiana. I suggest that that would be a horrible perversion of the process of governing.

It is on behalf of that process that I appeal to the Members on the other side of the aisle today. Examine the events which have taken place, and the position that you will be asked to take. Place that within the context of the American governing experience, within your own experiences as a Member of this body. How will the events in this instance compare with our history? More importantly, how will these events compare with our hopes for the future?

I want to be able to answer this question proudly and with assurance that I have served well not my party, not my colleagues, but rather this institution. And when the time arrives to vote on the final disposition of this seat, I would like you to keep in mind these words of Winston Churchill:

History with its flickering lamp stumbles along the trail of the past, trying to reconstruct its scenes, to revive its echoes, and kindle with pale gleams the passion of former days. What is the worth of all this? The only guide to a man is his conscience; the only shield to his memory is the rectitude and sincerity of his actions. It is very imprudent to walk through life without this shield, because we are so often mocked by the failure of our hopes and the upsetting of our calculations; but with this shield, however, the fates may play, we march always in the ranks of honor.

Mr. Speaker, I urge my colleagues to vote for the honor and integrity of the House when we vote to seat Rick McIntyre, and I again thank my distinguished friend from Connecticut for yielding this time.

Mr. McKINNEY. I would like to tell the gentlelady from Maine with every sincere word that that is one of the most beautiful and impressive statements I have heard on the floor of this House in a long time because it is so true and it is so right and I am just sorry that every American can't hear it because you have stated succinctly, clearly, and very beautifully I think what the issue is here.

Ms. SNOWE. I thank the gentleman.

Mr. PACKARD. Will the gentleman yield?

Mr. McKINNEY. I would be delighted to yield.

Mr. PACKARD. I, too, wish to compliment the gentlelady for that excellent statement and would hope that the majority and the Speaker and those who are involved in this process would carefully read it.

I came at 6 o'clock expecting my time at the well and have listened since then to some remarkable statements, and I don't believe that there is anything that incenses the people of America more or there are few things that are more priceless to the American people than their right to be represented through fair and honest elections.

We fought our first war over that very issue. It was the right to be represented fairly and honorably that brought about the Revolutionary War.

I don't know of anything that bothers the American people today more nor the Members of this Congress more than the inability of the people in Nicaragua, the people in El Salvador, the people in Cuba, and multitudes of nations around the world to have free and fair and honest elections.

We hear almost daily from the other side of the aisle a plea for honest and fair elections in some of these countries. And it is somewhat of an irony that right here on the floor of this same Chamber those very same people are willing to rape the system and prevent a fair, honest, and free election from taking place.

Mr. McKINNEY. If the gentleman would yield for a minute, isn't that the truth. You know, they have designed a whole new way of counting. It is called you count until you are ahead. And

then once you are ahead you stop counting.

Mr. PACKARD. That is the rape, my friend; that is the rape of the system.

Mr. McKINNEY. And you know, you count absentee ballots when they come from Democratic districts and declare them secure, and when they come from Republican—even though they were stored in a hallway, as I pointed out earlier, in a paper box. Then when you come to Republican districts, obviously they are not secure. In other words, really, the gentleman brings it out. What is the difference, you know, between the minority party and Nicaragua and what is looking to be the minority party in the United States when there in Nicaragua I gather they use guns; here they use subterfuge and they invent a new way to count. But isn't the end result the same?

Mr. PACKARD. If the gentleman would continue to yield, when you and I and every Member of this body took our oath of office we stated in that oath that we would uphold and defend the Constitution against all enemies, foreign and domestic.

I never dreamed at the time I raised my hand and took that oath—I even wondered at the time what kind of domestic enemies would we have to deal with here that might rape, that might totally disregard and perhaps to some degree through their actions destroy the Constitution. And then to find at this stage that some of those domestic enemies might be right here in this body trying to take away or disregard such a fundamental process as the Constitution, to me that is inconceivable that there would be that kind of disregard for such a fundamentally valuable document and process to the United States people.

Let me recount briefly, if the gentleman would yield further, let me recount briefly some of the effects of my own election a litle over 2 years ago.

There was an attempt at that time to steal an election. It was done through a multitude of processes. One was by money, by trying to buy it, but also by trying to deceive the people of my district into believing things that were not true in regard to candidates.

Well, it worked. I was finally declared the winner of the primary. There were 18 Republicans running and three Democrats, which certainly confused the electoral process, but I was declared the winner for the first 3 days after the election and then they found some uncounted—two bags of uncounted absentee ballots within the home town of the most despicable of candidates and when they counted those it obviously changed the election, and where I was * * *

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Well, it worked. I was finally declared—I was declared the winner of the primary. There were 18 Republicans running and 3 Democrats which certainly confused the electoral process, but I was declared the winner for the first 3 days after the election and then they found some uncounted, two bags of uncounted absentee ballots within the hometown of the most despicable of candidates and when they counted those it obviously changed the election and where I was then declared to have lost by 92 votes. The process of not only trying to buy the election, but the process of trying to deceive the people in that campaign so incensed the people of that district that they called for an unusual procedure—that of a write-in, and I was encouraged to run in the general election as a write-in, an impossible task in normal political processes.

But the people were so concerned that they would have the right to choose who would be their Representative and that Representative would represent them with honor and integrity that they overwhelmingly voted for the write-in. I don't believe the American people want their seats or their Representatives to steal districts or to steal their representation; I don't believe that they want the system to be raped; I simply believe that they want to have the right to honest, fair elections.

Mr. GALLO. Will the gentleman yield?

Mr. McKINNEY. I will be happy to yield.

Mr. GALLO. I want to congratulate you and the rest of our colleagues who are carrying this fight throughout the night to allow the public to understand what is really happening. Going back about a month ago, model Congresses, our young people were all over this country, they were out trying to find out how the system works and I am sure many of my colleagues had the opportunity to speak before our young people while they were forming this model Congress and going through legislative bills and the process itself and I thought and I heard, and it has been mentioned but I think it is worth reiterating that when we talk about the process, the constitutional process, you talk about our young people that every so often, everyday, are up the balcony listening to what's happening. I talked to one model Congress, I guess it was 3 weeks ago right in the Capitol, and I was remarking to them as to what was happening with the Indiana Eighth and told them that in fact Rick McIntyre has been certified by the secretary of state of Indiana and yet wasn't seated and there was this look of puzzlement, question, why wasn't he seated. Now these weren't Republicans or Democrats, these are young, future laeders, and they were concerned and couldn't understand how this process could be allowed by this House, and I indicated to them that the Constitution guarantees the States the right to be able to formulate their own election laws and, yes, in fact, this Congress, the Democratic majority saw fit to disregard Indiana law and have their own so-called recount.

Now, until the last few days I thought and was hoping that there was going to be an honest attempt to come up with a count that would represent the voters of Indiana and I witnessed, as many of my colleagues did, TV tapings of those hearings and I think I was shocked and dismayed as much as my colleagues when we saw blatantly a political steal that is being referred to as the rape of the system, that it was a political steal, not only affecting Rick McIntyre, who should have been seated, but it was a steal in the way of taking votes away and the ability of the Indiana Eighth District to put their votes and have them count as they voted. To see some of the statements that were made, the blatant disregard for any kind of fair play, I think when the public sees this the awareness level will rise considerably.

But let me get back to the people as I see it that are really hurt by this whole thing.

Mr. McKINNEY. If the gentleman will yield for just 1 second on that, I want to just say to you that first off I haven't been here all night. I guess by being of a little seniority around here I grabbed a later hour, but I admire all of my friends who have, and I agree—you know, if I think the American people really got a chance to see this. I was surprised that the Washington Post allowed it to get on the front page, but then I decided around 6 that I would wander through the morning news shows. As far as the television media of the United States is concerned, this isn't happening. It is not here. I saw weather reports, I saw maps, I saw Nicaragua, I saw a cemetery that we all heard too much about in Germany; I saw all kinds of things, but this isn't happening. You know, I have to say to the gentleman, I have loved this body for 15 years and before I got here I wanted to get here pretty badly and I really can't believe that the national television media doesn't realize the importance to our Nation that you have expressed so well, that Ms. SNOWE expressed so well, that everyone here all night long has expressed so well. I really can't believe that they haven't bothered to concern themselves with the fact that some very intelligent duly elected Representatives have bothered to go without sleep, without rest, to keep this House open to make a statement of the unfairness of the political decision, or as

my good friend from Maine said, government from within the Beltway rather than within the Eighth District of Indiana. And I hope the gentleman is right. I hope that the media that I trust and love, I think that a free press is basic to the entire Nation, also basic to some of our problems, too; but, without it we are just like the rest of them. And I just am appalled to see that when 35 to 50 million Americans this morning with their coffee and crumpets on their way to work turned on the tube that nobody producing those shows decided that in fact the disenfranchisement of 500,000 Americans in the Eighth District of Indiana is perhaps a little more important than some of the other things they bothered to show.

Mr. GALLO. If I can just close on that, and I commend you for those statements because the press is the vehicle that is needed to alert the people of this country. With all of our abilities as Congressmen and House Representatives we do not command the entire ability to get this message out. The press has that and I hope they use that, but let me say that I hope from what has transpired yesterday and last night and early this morning that some of our colleagues on the other side of the aisle recognize the injustice that will take place if in fact they go to seat the candidate, Representative McCloskey. I think it is imperative that they understand that this is not a partisan issue anymore as far as Democrat versus Republican. This is an issue as to a blatant disregard to the Constitution and I would hope my friend from New Jersey on the other side of the aisle takes a hard look at this issue before they vote in favor of seating McCloskey.

Thank you very much.

Mr. McKINNEY. I appreciate the gentleman. The gentleman has been extremely patient standing there and I would be delighted to yield to him.

Mr. RUDD. I would simply like to dovetail something that you said earlier. I appreciate my distinguished colleague for yielding and I empathize with your dedication and your concern on this. Let me just recap so that we will understand exactly what is happening here. Rick McIntyre was certified twice by the State of Indiana and by the officials of the State of Indiana as having won the District Eight election to be seated in Congress and four times he was denied that seat here in this House, this body here. Instead of agreeing to that or even a new election, the House leadership in its wisdom decided to send a task force out there to conduct its own count of the election which had already been certified. When the facts are all in, when they continued the count until their candidate won and they stopped and they didn't count the remainder of the ballots. Now, it isn't a matter of whether it is Rick McIntyre or not, that is not the outrage. The outrage that the American people will grow to understand when this story is told and retold, again, is that that is not the really important thing. The important thing is that the vote of the people was denied, the Constitution was shredded by this action. There will be people who will say, what are we doing talking about this, about a vote election, we have got a Contra vote coming up today, we've got all sorts of budgetary problems that we must take up, why don't we take a look at that. But that is not the important issue here today. The issue is, of course, as you have stated, the concern of all us is that if we allow this to happen then the vote will be denied to the people time and again if the House decides to go in on a close election anywhere in this country in the future and decide to conduct their own election, in effect we've got a revolution so that the people of this country would have a vote and would have some say so in who their Governors would be and how they would run their Government, this is being denied, and that's the process that should be of importance to the media, to every citizen in the country in this issue.

I thank the gentleman.

Mr. McKINNEY. I appreciate that and, you know, the gentleman's statement about what this implies for all of us in our system, it is good that we bring it up at this point and I won't quote this properly, and it is so beautiful I really should, but we just remembered the Holocaust in my district and all of those millions of people that died and there was an inscription written on the wall of the concentration camp and it said, first they came and got the Communists and I didn't object because I wasn't a Communist, then they came and got the labor unions' members and I didn't object because I wasn't a labor union member, then they came and took the Pentecostals and I didn't object because I wasn't a Pentecostal, and then they came and took me and there was no one to object. And what you are really saying is if we in fact allow this absolute destruction of the basic values of the House of Representatives of the United States of America to take place, if we remain silent, when does it happen to us, when does it happen to us.

Mr. RUDD. Let me just congratulate you, let me congratulate all of the Members of this House on our side, the Republican side of the aisle, who have spent the night here, let me congratulate BOB THOMAS, Congressman from California, BILL FRENZEL, Congressman from Minnesota, who have spent hours and weeks and even months working on this project and let me commend all of my colleagues here who have gone far beyond what they should have—might be expected to do in order to bring this issue to the floor.

Thank you very much.

Mr. ROWLAND of Connecticut. I thank the gentleman for his participation and I would like to welcome the gentleman from the Fifth, Fourth, Third, Second——

Mr. ROWLAND of Connecticut. You're the Fourth.

Mr. McKINNEY. No, my neighbor——

Mr. ROWLAND of Connecticut. I'm the Fifth.

Mr. McKINNEY. My neighbor from Connecticut, Fifth Congressional District, Mr. ROWLAND, a new Member of the body who I am sure did not expect to come to Washington to find this kind of shenanigans taking place.

Mr. ROWLAND of Connecticut. I thank the senior Member of the Connecticut delegation for yielding.

Mr. McKINNEY. And again rapidly.

Mr. ROWLAND of Connecticut. Especially during this process. The last 4 months many of us have been conducting special orders, especially the freshman class, trying to speak out to the American people and let them know what has been happening here and fortunately or unfortunately, depending on how you look at the situation at this point, the Democrats have narrowed the whole issue down to quote, unquote, count all the ballots, and I had the pleasure of conducting and getting involved in many of the special orders over the last 4 months, and as a pet project last night while my colleagues were staying up all night speaking out on this very important issue, I decided to look through the CONGRESSIONAL RECORD, and just glance back at the comments made by Members on both sides of the aisle with regard to the McIntyre situation and with regard to the sign, the poster that has been placed throughout the Capitol saying, count all the votes. I think it is pretty interesting and I think as I look at the comments made by some of our colleagues on the other side of the aisle, I think we are going to realize that they are on our side, and a few comments come to mind immediately. Back in March, March 28, during the special orders, my colleague, or our colleague from Massachusetts said an interesting thing, and I want to quote him. He said, we believe that voters who in good faith showed up at the polls and voted should not have their ballots disregarded in large numbers because of a failure of the election officials and then during the debate on April 2 the gentleman from Indiana said that guidance is summarized in the principle that when there is no fraud all ballots should be counted or it is possible to learn the intent of the voter, and he said in short count all the ballots.

Now, we have listened to this rhetoric for the past 4 months and many of us on this side of the aisle made a number of attempts to seat Mr. McIntyre provisional and allow the investigation to go on, to allow the special recount to go on, and we all know there have been three recounts at this point and we said, OK, let's count all the ballots, let's get past the rhetoric. Now, we have done just this and I think that our friend, our colleague from Maine made an excellent——

Mr. McKINNEY. Will the gentleman yield for a minute?

Mr. ROWLAND of Connecticut. Certainly.

Mr. McKINNEY. I guess they were really saying, let's count all the ballots from the Democratic counties.

Mr. ROWLAND of Connecticut. Let's count all the ballots until we end up——

Mr. McKINNEY. And let's forget some of those from the Republican counties.

Mr. ROWLAND of Connecticut. In my opinion, I think he, I think they counted until they were ahead and said, OK, this is a convenient time to stop and see where we stand, and I think our colleague from Maine said it very, very well, and I wrote down her remark when she made it, she said "the votes inside these Halls seem to matter more than the votes in the Indiana Eighth District," and I think that is a great comment.

Now, another gentleman from Dakota, North Dakota, on April 4 during special orders said he was very concerned with the partisan outcome and he said, let me quote his comments on April 4, he said "now my interest is to see that all the people who voted in that election have their ballots counted." And I was talking about having Mr. McIntyre seated so that there is some representation, it's been 4 months and Mr. McKINNEY made some great comments about the fact that we have had some important votes here, we've got important votes today, we've got the budget, we've got the deficit, very important votes not only to you and I and our constituents, but important to the people in the Eighth District in Indiana. And he questioned me. He said, "when you talk about all the voters, are you talking about all the voters, including the ones that have been thrown out?" So now I think he is going to ask that same question of himself and of the task force back in April 2. The chairman of the task force said our goal is to determine the intent of the voters in the Eighth District. And then again on April 2, the gentleman from Indiana said, "Mr. Speaker, let us see to it that all the ballots are counted. If we do, we will be following basic principles of fairness, we will following the precedence of the House, we will doing what Indiana did last November in virtually every other April election contest." Then the majority leader said on April 2, what is, then, the basic issue at stake. The basic issue is quite clearly whether voters are to be permitted to have their votes counted or whether they are to be disenfranchised. Just stop and think about it a moment, he said. If a straight party line vote was all that mattered, we easily could have seated Mr. McCloskey. We've got to wonder whether that is exactly what he wants to do. Another gentleman from Illinois, February 7, I believe that this act of disenfranchisement is more important than even the final disposition of the House seating question, for it does not matter who serves in the Congress if all the people are not permitted their constitutional right to vote. Haven't we learned that we cannot take away any citizen's vote without threatening every citizens' vote. That was February 7, one of our colleagues from the other side of the aisle from Illinois.

Another gentleman from Indiana, he said we should not favor election procedures that ignore the clear intent of the voter or otherwise compromise the electoral process. I am listening to these comments and I am starting to wonder whether we said them. First, fair and reasonable recount rules should parallel Indiana law and practice as closely as possible. And I think the lone Republican member of the task force will tell you all about that and I think he can tell you when Indiana law is used and when it is not used. Usually at the convenience of the Democrats on that task force.

Another gentleman from Indiana said, but surely, in a constitutional democracy, such a provision could not be interpreted to confer upon a legislative body unlimited power to abrogate a decision by the electorate, or could it. And then again on January 3d the majority leader said what we are attempting to do is to fulfill our constitutional responsibility to make certain that an election has been duly held, that is result has been timely and regular and that the procedures have been fair, and then finally on January the 3d the majority leader said, had we attempted to exercise the raw power of a ruthless majority, I suppose we would have asked that the gentleman from Indiana, Mr. McCloskey, be seated on the basis of partial returns which we are informed at this point back on January the 3d, the gentleman made a 44 vote margin. Of course, we could have not been justified in doing that, and so we did not seek to do that. Well, I would like to ask the majority leader what the difference is 2 or 3 months later in taking a partial recount and being a ruthless majority, we still have partial returns, there are still ballots that aren't counted, so I think we've got a lot of support on the other side of the aisle and I think the ruthless Democrat majority is going to be hard pressed, very hard pressed in telling the American people and convincing everyone in this House that indeed all the votes have been counted that it has been fair and impartial, has been nonpartisan, and that they're not exercising pure, brutal political strength.

Mr. McKINNEY. Will the gentleman yield back to me for just a moment?

Mr. ROWLAND of Connecticut. Certainly.

Mr. McKINNEY. You know, one of the—I think that you have made some excellent points and there is really nothing that skewers us more firmly in the fires of eternal damnation than our remarks of yesteryear, I think somebody said something like that; but, anyway, would anybody, is there any American out there that really is going to believe at this point after all those remarks and what's happened anything we decide about that election. Isn't it really only fair to turn around and let the people of the Eighth District of Indiana tell the Congress the beltway—inside the beltway crowd—I love that one—what they feel. You know, thank God in the 15 years I've been here I go home every weekend. I, too, might have gotten caught up in the majority's cynicism about what counts and who counts. Frankly, I know Mr. ROWLAND has told the Fifth District of Connecticut as I tell the Fourth District of Connecticut that they are the things that count. But no matter what—even if in fact Mr. McIntyre had been seated in this process, which we knew wasn't going to happen from the very moment we saw the committee start to function, would anyone in the Fifth District really believe what came out of that. No, they want to see an election by the voters, not by the star chamber of two Democrats to one Republican.

I thank the gentleman for participating and I yield for a moment to the gentleman from Pennsylvania.

Mr. CLINGER. I thank the gentleman very much for yielding and permitting me this time.

I have to say at the outset that I have not been involved in this issue as I should have been and I am ashamed of that. I think that the reason I was not involved, because I didn't think it really affected me very much, it didn't affect my constitutents, and more importantly, I didn't really think there would be an effort to steal this seat. So I haven't been involved and that was a mistake, because I think what has happened here affects not just we who are Members of this body, but it affects all of our constitutents because if we have diminished one vote, we have diminished the entire process. I think it is ironic that we are preparing

to celebrate the Bicentennial of the Constitution. We are going to do obeyisence to that sacred document and at the very time that we are planning for the celebration of the Bicentennial of the Constitution we are seeing this kind of charade which takes place and undermines and really casts question, casting the doubt, the document itself.

There is an arrogance of power that I think is palpably evident in what has been going on here for the last month. Lord Acton, the famous cliche, power corrupts, absolute power corrupts absolutely, and I think we have seen that demonstrated time and time again. But I would just plead with our colleagues on the other side of the aisle that what is being attempted here is going to poison the well for a long time to come, the spirit of comity which is absolutely essential for this body to function I think is being cast into jeopardy. It is going to make it more and more difficult for reasonable men to reason together for the good of this country.

So I think that they should consider well what they do, that they really are poisoning the well to the extent that it may make it difficult for us to govern.

But more importantly, also I think what we have seen here is going to undermine the public confidence. Once this word gets out, and I agree with you that we have not seen this message really being transmitted to the American people, but it will be and if this is only a start, then thank God for that. But I think it ultimately is going to become clear to the American people that their rights, their votes, are affected by what is happening here and what is going to be called into question, then, in their minds, is what about this process, is this democratic process really, really going to be a fair one.

So I think what you have suggested is the only fair solution. The Washington Post this morning endorses that solution and says that when you have an election like this clearly the procedures that were employed in this recount were quixotic at best and in my mind highly suspect, but at this point it seems to me that the only fair solution is a special election.

So, I hope that this effort, and the effort of all of our colleagues here over this long night will, I hope, convince the majority not to proceed with this real charade. This, as I said, diminishes not just we as Members, but it diminishes everybody and perhaps a line from John Donne, although not totally relevant, might apply, ask not for whom the bell tolls, it tolls for thee.

Mr. McKINNEY. Very well said, and I think that is what we are bearing witness to and that is that this is an institution of the American people, their thoughts, and we were sent here to defend it and to live up to our oath and it certainly is made very difficult by the actions of the majority.

I would yield to the gentleman from Maine.

Mr. McKERNAN. I thank the gentleman. Especially to thank him for participating in this all night vigil. It is really a vigil, I think, for the preservation of our Constitution and for the protection of the minority from the tyranny of a majority, as well as the very foundation on which this country was built, and that's the rule of law.

Unfortunately, sometimes majorities forget that the most important right that they can preserve is the right of their minority in a particular legislative body.

I would just like to read a couple of comments that have been made by people in the past—John Calhoun, Senator from South Carolina, said the government of the absolute majority instead of the government of the people is but the government of the strongest interest, and when not efficiently checked, it is the most tyrannical and oppressive that can be devised. What we have been trying to do over these past few hours is to check that tyranny, make sure we bring to the public's attention the fact that we have a tyrannical majority, at least on this particular issue, and it needs to be checked for the good of democracy, for the good of this institution.

What I would like to do for just a second before I yield back to the gentleman from Connecticut is to just try to bring this issue out of the Halls of Congress and into the hinterlands throughout this country, look at some of the objective sources, look at what people have said. I would ask that——

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. McKERNAN. I apologize to the gentleman, my time has expired.

ORDER OF BUSINESS

Mr. SHAW. Mr. Speaker, I ask unanimous consent to take my special order out of order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

THE INDIANA ELECTION DISPUTE

The SPEAKER pro tempore. Without objection, the gentleman from Florida is recognized for 60 minutes.

Mr. SHAW. I yield back to the gentleman from Maine to continue his very fine statement.

Mr. McKERNAN. I thank the gentleman from Florida. I think it is important that we realize that we are not just talking about the views of those of us in the Repbulican Party and the minority here in the House of Representatives, we're talking about the views of people throughout this country. What better way to see those views expressed than on the editorial page of newspapers throughout the country representing Republican and Democratic areas alike. The Indianapolis Star, the home State of the gentleman from Indiana, Mr. McIntyre, was having his seat taken through the oppression of the majority. That paper states yet McIntyre is miffed, and justifiably so at the House's partisanship. The Washington Times under a headline entitled "Indiana McIntyre in the House of Doom," says the behavior of the House Democratic majority over Indiana's disputed House seat suggests a retched kind of partisanship.

The Wall Street Journal, under a headline "Trashing Hoosier Votes" says the Democrats in the House have gone into the business of declaring Federal elections irrelevant.

The Houston Post, under an editorial entitled "Do Voters Count?" says "No one is alleging fraud in McIntyre's election. The recount which substantially increased his margin was conducted with Democratic election judges. And now we have had the House of Representatives try to take that vote away from Mr. McIntyre."

The Baltimore Sun, "Indiana Disenfranchised." This editorial says that this is a textbook case of partisan congressional politics at its ugliest.

And the New York Times, "Seat Richard McIntyre. With a margin of 70 seats, Democrats in the House would hardly seem threatened by one more Republican, yet that's how they are behaving in refusing to seat Richard McIntyre."

Mr. Speaker, I just think that the point that needs to be made in this discussion is that we are talking about the very fabric of American society, we are talking about the very fundamental concept of representative democracy. So the Democrats, the majority party, can just pause and consider some of the words of their forefathers. Franklin Roosevelt said, "Inside the polling booth every American man and woman stands as the equal of every other American man and woman. There they have no superiors." That may have been true back in the 1930's. Apparently now American voters do have superiors, and that is the Democratic majority in the House of Representatives which wants to reverse the views of the voters of Indiana's Eighth District.

And finally, not by way of warning but by way of citing history and trying to bring this matter to the attention of the majority, let me just quote another American President, one of our party, Abraham Lincoln. These words I hope are not prophetic; they certainly bear keeping in mind. Abraham Lin-

coln once said that "If by the mere force of numbers a majority should deprive a minority of any clearly written constitutional right, it might in a moral point of view justify revolution." It certainly would, if such a right were a vital one. What right is more important than making sure that the will of the majority, the electorate in this country is represented in the House of Representatives.

Again I want to commend both the gentleman from Connecticut as well as the gentleman from Florida for participating in these special orders, and I thank the gentleman from Florida especially for allowing me to continue my statement.

Mr. SHAW. We thank you for a very, very fine statement. The Members on the Republican side have now gone through the evening. I think it is particularly encouraging to see so many of our freshmen and younger Members that are participating, that know that the importance of this issue that is before us.

I yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding.

I would like to talk a little bit with the gentleman about perhaps something we really have not brought to the attention of the body here, and that is how the Congress normally tries to handle sensitive matters where you want to try to get away from partisanship. We have one committee within this body which is formed for the purpose of handling these kind of sensitive matters, and that is the ethics committee. And that committee is one that has to deal with the difficulties that Members may get into with respect to ethical problems. And in order to insure that that committee does not get involved in partisan politics and that its decisions when rendered are considered as nonpartisan, that committee consists of an even number of Republicans and Democrats. Now I bring that out because I think it is important to point out that in this case this decision of this committee that was set up, this task force, was doomed from the start to be partisan, unless at the conclusion they came to the conclusion that the Republican was the victor. No other way could they come out with any credibility. So I think that what happened here was doomed, because once you set up a task force to handle a sensitive matter which should not be handled in the sense of any way looking partisan, that should have been a 2-to-2 task force or an even number on either side, such that you could presume, as I hope you would in this body, that the Members will act responsibly and that their goal will be to determine as to what the real will of the people of Indiana was.

But what we saw here when they set it up by a 2-to-1 majority was this: Unless there is no way that we can find a way to determine that the election was made in favor of our candidate, unless we cannot do that, then we are going to come out in favor of our candidate. That is the way it was set up. And so right from the beginning it was doomed unless they came out in favor of McIntyre to be tainted with partisanship. There is no other way you could come to a conclusion when a body is set up that way and not only that, but then when it continues to act that way. If the Republicans had, after all of the ballots had been counted, had agreed to it, that is the only other way they could have come up and said that McCloskey was that winner.

So I would agree with those that say that having doomed themselves from the beginning, it is only fair that we give them the kind of result that it ought to be, and that is that we turn it back to the people of Indiana and let them make the decision which this body was unable to do unless under those two rare circumstances, that it would be so unanimous that all the task force would agree, or that it was so overwhelmingly or so untainted in favor of McIntyre that the Democrats had to declare it that way.

I think logically as the editorial writers and all reasonable people are saying now the only answer here now is to let the people of Indiana determine who the winner really was.

I thank the gentleman for yielding.

Mr. SHAW. I thank the gentleman for his very fine statement. I think at this point it is only appropriate to also add to your statement by reading a portion of article I of the Constitution of the United States which says, "When vacancies happen in the representation from any State, the Executive Authority thereof shall issue writs of election to fill such vacancies."

I doubt very seriously whether the executive authority of the State of Indiana will issue a writ based upon a congressional hearing rather than based upon what the people of that district said in Indiana law.

I yield to the gentleman from Michigan.

Mr. PURSELL. Thank you. I want to congratulate the speaker for holding a long vigilance with others who are speaking to address a central issue in this Nation, and I think it is really the central issue of the concentration of power. And I think it is inappropriate and I hope that the Democratic Caucus would reconsider this major thrust of encouraging the additional effort of concentrating more power in the hands of the few.

The Democratic Party and the Republican Party is broad based throughout the Nation, and here we have a committee 2 to 1, two members deciding, making a recommendation on a strong constitutional issue that is fundamental and written in our Constitution by our Founding Fathers.

This is a sacred issue and a solid issue of challenging the power that is concentrated here in Washington. And so beyond the technical problems, we see that there is no fraud, it was a clean election, McIntyre was duly certified by the State of Indiana. And so we have a course of history since November 6 of an honest election that has been taken away from the people of Indiana, and constitutionally our Founding Fathers would turn over in their grave to see a few people in Washington abuse the privileges and honor and the integrity of serving in public office irrespective of political party.

And so the Republican leadership here is challenging the Democratic Party and the caucus to reconsider this issue and to lay it on the table and if need be hold a special election and let the people of Indiana make a decision as to who their Congressperson should be. And so I congratulate those who have spent long hours looking at this issue fundamentally, one of the great abuses of power that I have seen in my 16 years of public life.

I yield back the balance of my time.

Mr. SHAW. I thank the gentleman for a very fine statement. Before I yield to the gentleman from California, I would like to say to our Democratic colleagues that might be watching this proceeding from their office that they are certainly welcome to come to the floor and participate, and I can assure them they will get a much fairer hearing here than Mr. McIntyre received before the hearing committee.

I yield to the gentleman from California, a member of the committee.

Mr. THOMAS of California. I thank the gentleman very much for yielding, and I thank him for taking this special order, as I thank all of my colleagues who throughout the night took special orders. This gentleman from California started last night in discussing this problem, and I think that when we started many people thought that this was some kind of a stunt, that in fact it was freshman Republicans once again looking for some kind of a project. But I think if anyone watched and listened to who spoke, that what they saw was not just a cross section of the Republican Party, but the heart and soul of the Republican Party, and that no one can deny the depth of the feeling of those who spoke. And if we ever felt that we have been isolated and alone, this is always the concern I believe of the minority, and that is even though you know you are right. Is anyone listening?

I want to assure my colleagues that their efforts were not in vain, that in

fact a number of people have been listening.

The Evansville Press has editorialized, under the heading "Once Again, Who Won?" The Evansville Press in Indiana, in the Eighth Congressional District, rightfully could be and is much more particular in its editorial discussing what did and did not happen in front of the recount task force. The point that the Evansville Press editorial makes is that in nine counties for a variety of reasons too complicated to rehash here, the task force did count technically flawed absentee ballots. In two counties, Vanderburgh and Crawford, similarly flawed absentee ballots were not counted because they had not been kept under lock and key since election day. Their integrity could not be guaranteed, so the ruling not to count them seemed reasonable. But in the four remaining counties, the integrity of the absentee votes was not in question, yet the task force still refused to count them.

That was the fundamental point that we made at the beginning, the fact that we went to the task force to investigate the election in Indiana's Eighth District under the cry of the majority leader that there had been voters disenfranchised and there had been an uneven application of law. And what we have seen through the many hours of the discussion of the election in the Eighth District and the task force's recount has been that the task force indeed did not improve upon the people of the Eighth District's performance. Individuals still are disenfranchised, and there was still an uneven application.

□ 0900

Individuals still are disenfranchised, and there is still uneven application.

Then yesterday the Wall Street Journal, in editorializing under the heading, "Tip's Gold Watch," I think, drew a basic bold line under this contest, that while we are talking about constitutional rights, there are folks out there who believe that "What no one took into account," the editorial said, "but probably should have, was that this whole show has been run by arguably the two most partisan Democrats in the House—TIP O'NEILL and TONY COELHO.

"From where Mr. O'NEILL and Mr. COELHO sit," the editorial goes on to say, "Mr. McCloskey's new, four-vote win is mainly an opportunity to stick it to their nemesis in the White House by staging a straight party-line vote on the seating.

"There is simply no way," the editorial concludes, "the Democrats can look good saying a Democrat's four-vote victory is valid after they said a Republican's 400-vote victory was invalid."

Then this morning, after we have labored all night, the premier newspaper in the Nation's Capital City, the Washington Post, under the heading, "A Special Election for Indiana," I think, sums up most of our feelings. I do not think anyone can say that the Washington Post is a Republican newspaper. I think its editorial position, though, clearly reflects the minority point of view, because in editorializing this morning in the Washington Post, they said they felt that "The controversy now rapidly coming to a conclusion in the House over who actually won last November in the Eighth District of Indiana inevitably raises one question. Can it ever be determined with certainty who won in such a close election? The proceedings before the three-member task force, which has concluded, 2-1, that Democrat Frank McCloskey beat Republican Richard McIntyre by four votes, suggests that the answer to this question is no. In an election so close, neither contestant should be seated. The House, embroiled in an ear-splitting dispute over the outcome, should in fact declare the seat vacant and let Indiana hold another election."

And in concluding, the editorial also said: "But when the margin is so close, doubts inevitably remain, and the candidate who is declared the winner will hold the office, so far as some of his colleagues and constituents are concerned, under a cloud. In these circumstances the by no means unusal or cumbersome remedy of a special election is in order."

I might tell you that, having traveled to Indiana's Eighth Congressional District a number of times and talked to the folks out there, I think that if someone were to conduct a poll today in Indiana's Eighth Congressional District, you would find the sentiment of the voters there, Democrat or Republican, is overwhelmingly that the task force did not do any better job than the folks in Indiana did on election night, and that if you are going to leave uncounted votes on the table, if you are going to disenfranchise people, if you are not going to be consistent in the application of your rules, then you should not criticize us if you are going to do the same thing.

The only thing that we can do now to work our way out of the problem that has been created in large part by a straight partisan vote is to agree on a bipartisan vote that the people of the Eighth District of Indiana ought to do it again. It is by no means cumbersome. It is not the awkward choice. I agree with the Washington Post when they say: "a special election for Indiana's Eighth Congressional District."

I want to compliment my colleagues once again. I do hope that the majority party understands that this all-night vigil, with a cross section of the Republican Party, is a true reflection of where this party feels it has to go to be able to get what it considers minimal justice out of the majority.

Mr. Speaker, I thank the gentleman for yielding.

Mr. SHAW. Mr. Speaker, I thank the gentleman for a very fine statement and also for his very courageous work, I might say, on the task force going out to Indiana.

I could not help but think, while you were going over the history of what has happened, that I question whether Mr. McCloskey would want to receive the seat under these circumstances. And why would it not be he that would call for a special election in Indiana. That would be a courageous act and would certainly be one that would be in keeping with the situation that he finds himself in right now.

Mr. Speaker, I see that one of our colleagues from the majority party has come to the floor. I refer to the gentleman from Indiana [Mr. JACOBS], and I am glad to yield to him at this time.

Mr. JACOBS. Mr. Speaker, I thank the gentleman for yielding.

I simply want the record to show that the opening prayer for April 23, 1985, was scheduled to be given by the dean of Indiana ministers, the Reverend Andrew Brown of Indianapolis. But because of the all-night session, there will be historically no opening prayer for the first day, and I am sure that particularly my House of Representatives colleagues hope that Reverend Brown will return on a subsequent date.

Mr. SHAW. Mr. Speaker, I would point out to the gentleman that I believe that the parliamentary situation would be that the opening prayer could be called for at the opening of the session.

Mr. JACOBS. Unfortunately, that is not true. The Parliamentarian has just ruled that it is impossible to have an opening prayer unless there is an adjournment and then a convening of the House.

PARLIAMENTARY INQUIRIES

Mr. SHAW. Then, Mr. Speaker, I would ask the Chair if he would entertain a parliamentary inquiry. I think that by unanimous consent I could yield to the gentleman from Indiana who is going to give us the prayer. We certainly need that at this particular time, and I can certainly say that the people of Indiana would be grateful for that.

The SPEAKER pro tempro. [Mr. WEISS]. The Chair will state that if the House were to adjourn or recess by unanimous consent, then there could be the opportunity and the occasion for prayer under the rules and precedents, but as the situation prevails right now, the House is in continuing session. This is still the same session

without interruption that commenced yesterday afternoon.

Mr. SHAW. Then, Mr. Speaker, I would certainly hope that the gentleman who is scheduled to give the opening prayer today would be able to stay with us until the appropriate time when we could adjourn.

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman yield for a parliamentary inquiry?

Mr. SHAW. I yield for a parliamentary inquiry.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

My parliamentary inquiry is this: Is it not true that the House by unanimous consent could give permission to the Chaplain to deliver the prayer at any point during the proceedings here?

The SPEAKER pro tempore. It is theoretically possible that what the gentleman requests may be accomplished. However, it is not possible for this Member holding the seat temporarily for the Speaker to entertain that request and would have to take it under advisement.

Mr. WALKER. Mr. Speaker, then I have a further parliamentary inquiry.

I do not understand the difference between theory and practice here. The fact is that we can modify our procedures by unanimous consent, and I would assume that we would not have objections.

Is the Chair ruling that if a unanimous-consent request is made, in fact the prayer could be delivered, and that we would not have a problem then in proceeding forward from there?

The SPEAKER pro tempore. First, the gentleman from Pennsylvania, who is an apt student of the parliamentary procedures of this body, knows that in fact there is an order of events that is prescribed by the rules and precedents for this House. The gentleman also knows that the House has been in continuing session since yesterday. There is not a new session here because the Sun has risen on a new day. We are still in the same continuing session.

Now, it is theoretically possible, were the House to complete the nonlegislative business and proceed with legislative business so that the House would be, practically speaking, at the beginning of a new legislative process, that what the gentleman requests could be accomplished by unanimous consent. At an appropriate time, if the request were to be renewed, hopefully the Chair could entertain a request that would satisfy the gentleman.

Mr. WALKER. Mr. Speaker, I have a further parliamentary inquiry.

If I understand the Chair, then, at a point where we desist from special orders for legislative business, it would be in order for some Member to make such a unanimous-consent request at that point?

The SPEAKER pro tempore. The Chair could at that point entertain that request.

Mr. WALKER. I thank the Chair.

Mr. SHAW. Mr. Speaker, I would at this time ask unanimous consent that the House recess for a period of 2 minutes for the purpose of hearing the prayer.

The SPEAKER pro tempore. The Chair really is under an obligation to consult with the Speaker before that kind of decision can be made, and the Chair would again repeat what was stated in the dialog with the gentleman from Pennsylvania. There has been no indication from the gentleman that this is in fact the termination of nonlegislative business, and in order for the prayer request even to be considered, the House should know that in fact it was about to begin the normal legislative business process of the day.

Mr. SHAW. Then, Mr. Speaker, I will withdraw my unanimous-consent request until the Chair asks permission of the Speaker for the House to pray.

□ 0910

I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Florida for yielding.

I think I would like to start off by saying this is the first time I have seen such concern about the opening prayer. I, too, like my colleagues, would like to see the opening prayer given at this time and I would hate to see a minister who came all the way from Indiana to give that prayer not be allowed to do it; however, I would like to add that I wish the same concern was shown for our school children throughout the country who have been without the liberty to have voluntary prayer in public schools for a long time. I wish my colleagues would pay a little bit of attention to their needs as well.

Mr. Speaker, I would like to thank my colleagues on behalf of the people of Indiana for providing this all night debate and vigil concerning the tragedy that is occurring or has occurred in the Eighth Congressional District of Indiana. I think the people across this country have seen that brute force by the majority has been used in stealing this seat, at least I consider it to have been taken unethically.

It appears to me, as has been stated earlier, that votes here count more than the votes cast by the people of Indiana in the Eighth Congressional District.

It has been pointed out time and again that 93 percent of the votes that were thrown out in the recount were thrown out by the Democrat-controlled commissioners. Sixty percent of the 15 counties were controlled by Democrat recount commissioners and yet the third time has proven to be the charm. The Democrat majority has in fact been able to change the scene and it appears as though they are going to attempt to seat Mr. McCloskey even though he did not, in my view, win that election.

Mr. HILER. Mr. Speaker, will the gentleman yield at that point?

Mr. BURTON of Indiana. Yes, I would be happy to yield to my colleague.

Mr. HILER. The gentleman from Indiana makes a telling point, that was a recount conducted under Indiana law. Is the gentleman familiar, is Indiana law materially different from other State laws in this country relative to elections?

Mr. BURTON of Indiana. No. As I understand it, there are a number of States that have identical election statutes to that of Indiana.

Mr. HILER. So that Indiana law is similar to maybe 19 or 20 or 25 or all 49 of the other States in this regard as to how we treat the recount of a contested election?

Mr. BURTON of Indiana. Yes.

Mr. HILER. Well, would the gentleman maybe tell me further from his knowledge, is it the gentleman's understanding that the task force decided to throw out all of Indiana law until the point where the gentleman from the Eighth District, Mr. McCloskey, became four votes ahead and they started to abide by Indiana law; is that the gentleman's understanding?

Mr. BURTON of Indiana. That is absolutely correct and I hope at the conclusion of the gentleman's remarks to read into the RECORD exactly what happened with the absentee ballots.

Mr. HILER. I am sure that the House would appreciate hearing that information.

I thank the gentleman for yielding.

Mr. BURTON of Indiana. I think that is one of the most telling points in the recount, what happened with the absentee ballots. I want to read exactly what occurred.

The task force voted in its final hearing yesterday—

This was right after the votes were counted—

on a two to one party line vote not to count 29 non-notarized absentee ballots held by county clerks in four counties that Mr. McIntyre won. The county clerks in Orange, Davies, Green and Lawrence, McIntyre's home county, swore in affidavits requested by the task force that the absentees had been properly secured in their offices since election day. James Shumway, the recount supervisor appointed by the Democrats, publicly stated before the task force vote that the ballots had been properly secured by the county clerks; however, some non-notarized absentees, also not previously counted on election night or in the State recount, were counted by the task force if they had

been improperly sent from the courthouse to the precincts on election day, but not counted there. These non-notarized absentee ballots were counted by the task force even in counties where some were not counted because they were held back at the courthouse.

So there is a double standard here. The task force had organized an elaborate procedure for collecting the affidavits of the county clerks regarding these uncounted absentees at their second to last meeting.

When Mr. McCloskey was behind in the running count by 12 votes and needed more ballots in the mix, so when it was to their advantage to count absenteee ballots, they did.

At the last meeting when McCloskey had gained a two vote advantage, the task force summarily voted down counting the ballots, disregarding the affidavits guaranteeing their security.

The task force also chose not to count 11 absentees in the possession of county clerks for which the carrier envelopes were unsigned by the voters, but counted identical ballots that had improperly been sent to the precincts.

Ms. FIEDLER. Mr. Speaker, will the gentleman yield

Mr. BURTON of Indiana. Yes, I will be happy to yield.

Ms. FIEDLER. What the gentleman really is saying then is that Mr. McIntyre is being denied his seat because of his personal political viewpoint. That is essentially what the gentleman is saying is it not?

Mr. BURTON of Indiana. Because he is not a Democrat.

Ms. FIEDLER. Because he is not a liberal Democrat, and therefore the liberal Panetta task force refused to seat him. Had he been a liberal Democrat, he would have been seated; is that essentially what the gentleman is saying?

Mr. BURTON of Indiana. I think the gentlewoman is a very discerning Member of Congress.

Ms. FIEDLER. Well, it seems to me what we have here is more than just a failure to seat a Member, but a failure to seat him based upon political philosophy and viewpoint and essentially what we have got here is a situation where not only is there a constitutional violation based on due process, but also the fact that his free speech is being limited and his free exercise, the ability to practice his political viewpoint, is being limited based upon his viewpoint. There is a complete obstruction of his free speech rights.

Is that not essentially what the gentleman is saying?

The SPEAKER pro tempore [Mr. WEISS]. May I remind the Members that the time is controlled by the gentleman from Florida [Mr. SHAW] and for any Member to speak at all, that Member must get permission from the gentleman from Florida.

Mr. SHAW. I thank the Speaker, and the gentlewoman certainly has permission to proceed.

Ms. FIEDLER. Is that not essentially what we are saying here, is that were he from a different political viewpoint, he would have the right to sit in this House today because he would have the mechanics, the authority, the power through the majority to win this process, but because he happens to be a Republican and not a liberal Democrat, his right to sit here has been denied him through the manipulation of the process.

Mr. BURTON of Indiana. I think the gentlewoman is absolutely correct.

Ms. FIEDLER. Well, I think this is something that every American has to be deeply concerned with.

The SPEAKER pro tempore. The Chair must admonish Members that they must request permission from the person who is controlling the time on each occasion that the Member wants to speak, other than the person controlling the time, and must request the gentleman from Florida to yield time for that purpose.

Ms. FIEDLER. Mr. Speaker, the gentleman from Florida yielded to me.

The SPEAKER pro tempore. Not on a permanent basis to two Members at the same time. If there are two Members other than the Member controlling the time, specific yielding must be requested from the Member who controls the time.

Mr. SHAW. Mr. Speaker, I continue to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. If I might conclude then, Mr. Speaker, I want to read the rest of this summation of the recount of the absentee voters.

Therefore, the Task Force counted some, but not all absentees, in strict compliance with Indiana law in a manner that was inconsistent between counties and even between precincts within the same county, despite absolutely no difference in their security. Ironically, the Task Force counted flawed absentee ballots sent to the precincts contrary to Indiana law and refused to count those ballots properly withheld and secured by the county clerks. At its final hearing when McCloskey appeared to be ahead by two votes, the Task Force also voted two to one not to count eight military absentee ballots, despite the fact that the envelopes were postmarked prior to election day.

Mr. Speaker, I would just like to conclude by saying that Mr. Thomas in the Indianapolis Star said that he felt the people of Indiana had been raped by the recount commission appointed by this House. I think his statement was absolutely accurate.

Mr. SHAW. Mr. Speaker, I yield to the gentlewoman from Nevada.

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman.

I think many of us on this side of the aisle seldom speak out in this Chamber unless we serve on a particular committee or have a particular interest for our districts.

I want to say that I remember the feeling of pride and honor when I was sworn into this House. I can remember thinking that I was going to be able to serve in such a prestigious body with such prestigious colleagues. I knew that, of course, we would have partisan differences as well as differences because of the diversity of our districts that we all represented; but I never could have visualized that our Democrat colleagues would have failed to live up to their oath of office which is based on the U.S. Constitution.

□ 0920

I really would like to thank the gentleman from Florida [Mr. SHAW] and all of the others who have kept this vigilance with special orders tonight. They have spoken out for fairness and ethics in this body and I am saddened by this display of arrogant power by the Democrat majority, and can tell you that my respect for my Democrat colleagues has been tarnished.

My feeling of pride and honor of serving in this body has been diminished because of the actions of the partisan Panetta liberal task force who have declared Mr. McCloskey the winner of the Eighth Congressional District contest.

I would like to thank the gentleman from Florida [Mr. SHAW] and the rest of my colleagues on this side of the aisle.

I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, at this time I would like to renew my unanimous-consent request that the House recess for 2 minutes for the purpose of receiving the gentleman from Indiana for purposes of prayer.

The SPEAKER pro tempore. The Chair will entertain that request at the end of the special orders.

Mr. SHAW. At this time, then, I would recognize the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I heard a Member speaking earlier in the day talking about the people outside of the beltway in the Washington, DC, area and in this Nation wanted a special election.

I want to also tell the Members of this body and the press and everyone else that the people inside the beltway, in Washington, DC, also want a special election.

Today the Washington Post, which earlier came out for the seating of Mr. McIntyre on a temporary basis, came out with an editorial. I hold it up. It says, "A special election for Indiana." I will just read a portion of this editorial, Mr. Speaker.

It says:

The controversy now rapidly coming to a conclusion in the House over who actually won last November in the 8th District of Indiana inevitably raises one question: can it ever be determined with certainty who won in such a close election? The proceedings before the three-member task force, which has concluded, two-to-one, that Democrat Frank McCloskey beat Republican Richard

McIntyre by four votes, suggests that the answer to this question is no.

The Washington Post is clear that the answer is no. It goes on to say that "in an election so close, neither contestant should be seated."

The Republican should not be seated, nor should the Democrat be seated. It is not enough.

Then it goes on to say:

In an election so close, neither contestant should be seated. The House * * * should in fact declare the seat vacant and let Indiana hold another election.

I think most fairminded people inside the beltway as well as outside the beltway may very well be confused about the merits and demerits of this case, but would say in fairness, since we had a close election, we should have a new, special election.

The Washington Post in today's editorial goes on to say, "* * * when the margin is so close, doubts inevitably remain, and the candidate who is declared the winner will hold the office, so far as some of his colleagues and constituents are concerned, under a cloud." No one wants to hold the office under a cloud.

"In these circumstances the by no means unusual or cumbersome remedy of a special election is in order."

Mr. Speaker, The Washington Post and just about every major newspaper in the country, and I think the important part about the Washington Post editorial is that it is from a newspaper that is within the beltway, part of the Washington complex. Secondly, it is the latest editorial to be published since the House Administration Committee came out with their recommendation.

Mr. Speaker, I think with all of the confusion and all of the doubt, and if each Member could put themselves in the role of Mr. McIntyre, and the pain and the hurt and you know how it is to go through an election to find out on election night that you were the winner, the letters of congratulations, the feelings of your wife and your children and your family, and then to go through this whole process and to have it taken from you has to be a tremendous hurt.

Frankly, obviously my position would be that Mr. McIntyre ought to be seated. The Washington Post, the New York Times, the Wall Street Journal, all of the newspapers have said that.

But I think we have passed that point now. What I think is the fair and honest and the decent and ethical and right thing to do, although I think some people may be amused by putting it this way, is to have a special election. Let both candidates go back, give them 60 or 90 days, and let the winner of that be seated.

So I rise in support of this effort, and that being the case, I thank the gentleman from Florida for yielding the time and commend my colleagues who have supported Rick McIntyre so much. I think he should feel particularly good about the way the freshman class has hung with him. And everyone cares about this.

Again I just urge, Mr. Speaker, do the right thing. Let us have a special election.

I yield back.

Mr. SHAW. I thank the gentleman from Virginia for a very fine statement in pointing out to this House that there are fairminded, ethical people inside the beltway. Hopefully that sense of fairness will rub off on the majority of the Members of this House, and they will do the right thing.

Mr. WALKER. Will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Pennsylvania for the purposes of making a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

Mr. Speaker, I heard you say a moment ago that we were going to have the recess at the end of special orders. Now I understand that there are still about 24 hours of special orders.

The SPEAKER pro tempore. Let the Chair correct the gentleman from Pennsylvania. It will be at the end of the special order of the gentleman from Florida [Mr. SHAW].

Mr. WALKER. It is my understanding, though, that at that point, the legislative day in which we presently are engaged will still continue, and that the special orders scheduled at that point will be continued over despite the fact we are going to revert to legislative business; is that correct?

The SPEAKER pro tempore. The gentleman from Pennsylvania is correct.

Mr. WALKER. And I also have a parliamentary inquiry. It was my understanding that we have an informal agreement around here that we would not, we would not move to legislative business once we had become engaged in special orders. Do I now understand that we are going to reverse that precedent that I understood that we typically operate under?

The SPEAKER pro tempore. This is not a reversal. Under the procedents, where legislative business had been previously announced the House may move forward as scheduled, and as announced.

Mr. WALKER. I have a further parliamentary inquiry. Is it my understanding that this legislative business we are going to be engaged in, however, had been announced for the next legislative day?

We are in fact proceeding on a calendar schedule rather than on a legislative schedule?

The SPEAKER pro tempore. No; the schedule, as was announced, was a schedule that was announced for Tuesday, for the calendar day of Tuesday. The calendar day.

Mr. WALKER. Yes; so we are proceeding on the calendar day because we are still on legislative Monday; is that not correct?

The SPEAKER pro tempore. Would the gentleman please repeat his question?

Mr. WALKER. The legislative day that we are presently engaged in is legislative Monday, is that not correct?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WALKER. And we are going to now revert to the calendar schedule rather than a legislative schedule?

The SPEAKER pro tempore. As announced.

Mr. WALKER. I thank the gentleman.

Mr. SHAW. I thank the Chair for the clarifying ruling and I might say a very clear ruling.

Mr. HILER. Will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Indiana.

Mr. HILER. I thank the gentleman for yielding. I guess the point I would like to address in this concerns these uncounted, nonnotarized absentee ballots that remain with the county clerks.

My understanding of the reason that the majority party decided not to seat Rick McIntyre, the certified winner of this election, was that there was a recount going on. That goes back to January 3. Then after the recount was completed, the gentleman from Indiana, Mr. McIntyre, had won the election by some 400-odd votes.

The majority party then said that the recount had not been held consistently and that there were changes within the application in the 15 counties there in the State. At that point, McIntyre was not seated and the task force began its work. And the task force basically threw out all of Indiana law saying that Indiana law is not good law, even though it is the same law that governs quite a few of the States in the country. But that Indiana law would not be sufficient law to determine who won the election. Is that the gentleman's understanding?

Mr. SHAW. That is correct. It is my understanding that what has happened here is that at a period, that at the beginning of the hearing, the decision was made to count all of the votes, and some of them that would have been disqualified, and probably quite correctly, under Indiana law were counted. Then when they got toward the end of the vote and found that the Democrat was four votes ahead, they decided not to continue that practice and changed the rules

and reverted back to Indiana law at their convenience, and as a result, came up with a result that is not what the people of the Eighth District of Indiana has voted for.

Mr. HILER. If the gentleman will yield further, I think that is a significant point, that after having trashed Indiana law and come up with a new law, kind of a Federal election law, that law was not applied consistently.

Now the matter concerns 29 non-notarized ballots that under Indiana law an absentee ballot needs to be notarized. If it is not notarized, that ballot should be held by the county clerk pending whatever happens following the election.

□ 0930

Some county clerks, in fact, four county clerks certified that, yes, we held those nonnotarized ballots and, yes, we held them in a secure fashion so they could not be tampered with or added to or subtracted from.

Other county clerks, however, sent those nonnotarized absentee ballots to the individual precinct where they were held without being counted. Now the task force voted to count those nonnotarized absente ballots that had been sent to the precinct and yet had not been counted either election night or in the original independent recount—they counted those.

Then when Mr. McCloskey went ahead by two votes, the task force then voted by a 2-to-1 margin not to count those nonnotarized absentee ballots that had been held by the county clerks under the guise of conforming with Indiana law. Now this seems absolutely ludicrous to me that a task force of this Congress would criticize Indiana law as not being consistent, throw out Indiana law, come up with new law and then only apply the new law until such time as their man has more votes than Mr. McIntyre had and then revert back to Indian law for those last 29 ballots. It seems to me just totally inane that this kind of process could take place in this House. I think if ever there was a tyranny of the majority, it is occurring on this particular matter.

As a Representative from the State of Indiana, I recognize that my seat is only as tenuous or as secure as what the majority party seeks to make it. While I won by 11,500 votes, theoretically the majority party can decide there may be a counting rule that we can come up with to deny that Representative from Indiana his seat, because my certification was every bit as good as the gentleman from the Eighth District Mr. McIntyre's.

I hope that the House does not go the path next week of seating Mr. McCloskey with this tremendous act of insanity that is occurring by the task force by 2 to 1 votes. I think we all knew that the possibility that this would become extraordinarily partisan existed. Little did we know that at the point where their man became ahead, they would then stop counting the ballots. I think it is inane and I hope this House does not go that path.

Mr. SHAW. Thank you for a very good clarifying statement. I think that the Constitution itself protects your seat, protects my seat, and ultimately will protect the Eighth District of Indiana, and I hope this House does not try to stop the working of the Constitution because the Constitution says that "in the representation from any State the executive authority thereof shall issue writs of election to fill such vacancy." As I understand, such a writ has been issued by your Governor at least once if not twice, and on both of them, Mr. McIntyre is the one who has been so certified.

Mr. HILER. The gentleman is correct; the Governor and secretary of state did certify Mr. McIntyre as the victor and reaffirmed that certification. They did not issue a new certification, but reaffirmed that certification after the recount that took place under Indiana law. It is unfortunate because that certification by the Governor is as good as 434 other certifications for sitting Members of the House of Representatives. I guess it just shows if you are in the minority, you had better plan on winning by more than 34 votes or 400 votes in the recount, otherwise your seat is no longer safe, otherwise it is a tremendous affront on the Constitution. I hope other Members in the minority are not faced with a close election in the future.

Mr. SHAW. I appreciate your statement.

Mr. Speaker, I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I appreciate the gentleman yielding. I will not take much time, except to point out, a couple of weeks ago, I took the floor to talk about the contrast between this McIntyre-McCloskey race and another race in which I was integrally involved. As a matter of fact, it was one of the highlighted races of the time back in 1976 when I ran for Congress in November 1976. I was defeated by a fellow who had run into a great many problems with respect to his primary election. His name was Rick Tonry. And I think the contrast of what happened to Mr. Tonry, my predecessor in this office, and this instance, this particular case, is actually astonishing and ironic. The fact is, Mr. Tonry was accused in both State court and Federal court of all sorts of outlandish and outrageous violations of law, of election law, of propriety and he was charged by his Democratic counterpart who lost to him in the Democratic primary. Mr. Tonry went on and defeated me in the general election and he was actually—despite all of the charges and all of the claims that there was fraud and injustice and impropriety, the House Administration Committee and all of the other committees assigned to look into the charges against Mr. Tonry by his Democratic opponent, sought not concede the validity of those accusations; sought to overlook those accusations and actually sought to seat Mr. Tonry without any hesitation whatsoever despite protests from his Democratic opponent and from me because there were violations involved or accusations of violations in the general election as well. Mr. Tonry was seated right along with everybody else who was sworn into the 95th Congress without impediment whatsoever.

Now I think, in the first place, that contrasts with what we have seen here with Mr. McIntyre, who was the certified winner as Mr. Tonry then. Mr. McIntyre was not permitted to be seated. But then as the protests dragged on, just the reverse happened.

In this instance, Mr. McIntyre was denied his seat in the beginning until the process worked its way and they finally found an opportunity to throw the election back to Mr. McCloskey and they now are saying that Mr. McCloskey should be seated.

In that case, Mr. Tonry could not escape the charges in the courts. The charges became so serious that they did convince Mr. Tonry to step down. That was the proper thing to do. In May 1977, Mr. Tonry stepped down and there was a special election.

I only point that out because I think that this process with the McIntyre-McCloskey incident has gone so far that there is no way to determine who is the proper winner and in fact it should be thrown back to the people of Indiana so that a proper winner can be selected in a special election.

Mr. SHAW. I thank the gentleman for a very fine statement.

I yield to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. I appreciate the gentleman yielding.

You know, when I was a young lawyer, I had a client, perhaps the only innocent one I ever had; we were before a crusty old judge in Virginia and the judge was saying that he did not believe a word that my client had to say. He just simply did not believe him. So he kept asking this young man, said, "When were you born?" The young man did not answer.

Finally, in a fit of irritation, the judge said, "When is your birthday?" The young man said, "What do you care? You are not going to give me anything, anyway."

The point I am trying to make to the gentleman from Florida [Mr. SHAW] is that I think that the majority party which has been behaving very much like that judge, should give Mr.

McIntyre something he richly deserves and that is a seat in this Chamber which he won in a free and fair election.

If they are not prepared to do that, at the very least they should have a special election in the Eighth District of Indiana at an early timeframe.

Now the point of all this, Mr. Speaker, is that the genius of the American political system and the thing that has served us so very well for two centuries is the competition of the two major parties and the efficiencies that brings with it and the stability in the center of the road, the traditional right of center, conservative, steady, historic position that this Government has followed for 200 years.

I am just a poor Virginia country lawyer, Mr. Speaker, but it seems to me the facts here are very simple. We had an election, Indiana said our guy won. He happens to be a Republican. Then the people in this House of Representatives said, "We can't let that happen; we want a test vote. We want a test case, so we will take on this seat, see if we can't take it away." So they started this process and they could not do it under Indiana regulations because we had won.

□ 0940

So they created some new regulations. And they just kept counting, and they took these votes and those votes, and they used these and they did not use those, and when they got to the point where they were four votes ahead, they said, "Stop. Our guy has now won. The contest is over. Finished with the count. Now let's just slam him in there." And if they do that, Mr. Speaker, in this case, next time it will be 10 or 20 or 50 that will have the same treatment.

Yesterday in a meeting, somebody said, "Are we doing this for the White House? Are we doing this for ourselves? Why are we doing this?" And my answer is that I am doing this for my grandson, who I want to be able to cast his vote in a free election in a participatory democracy, and that is what this fight is all about.

I thank the gentleman for yielding.

Mr. SHAW. I thank the gentleman for a very fine statement. You have certainly shown that even lawyers can understand the issues before this House in a very clear and concise way.

I yield to the gentleman from California for the purposes of carrying on a dialog with the gentlewoman from California [Ms. FIEDLER], and I would like to also thank the gentleman in the well for his persistence in staying up all night. He is probably the only Member of this House who charges his battery on exhaustion.

I yield to the gentleman.

Mr. DORNAN of California. I thank the distinguished gentleman from Florida, and I did want to point out to those who have just joined us in the Chamber and to those who have just availed themselves through the wizardry of electronic television, who find great historical value in tracking the proceedings of this House, that we are still, although it is the 23d of April, conducting the legislative affairs of April 22, because dozens of us have analyzed this sad, sad story of the stolen election of Indiana's Eighth Congressional District, and the more we have probed into this, especially during the wee hours of the night, some of us, in frustration and exhaustion, weakened to the point where we were finding ourselves back in the first week of January conceding that maybe we should have a special election, I said that first somewhere between 3 and 4 a.m. in the morning, I caught myself around 6:30 a.m., and now I would like to restate, when I came to my senses at 6:30, we cannot insult the people of the Eighth District of Indiana or their duly elected Governor without more reflection, even though all the great newspapers across this country are now in exhaustion themselves because they wrote their editorials in the wee hours of the morning calling for a special election. Rick McIntyre, my colleague in this freshman class of the 99th Congress, won that election and was duly certified twice, and I think we have to wait until the Governor of that great State of Indiana comes back from his richly deserved short vacation in the gentleman's great State of Florida, to find out what he wants to do as the Governor. I will take my lead from him, from Mr. McIntyre and from the majority voters who established a winner twice over in that election.

Mr. SHAW. I yield to the gentlewoman from California.

Ms. FIEDLER. I have some very serious concerns about what is taking place here, because essentially what we are saying is that an individual, simply because of his political viewpoint, is not being seated, and when we permit that kind of process to take place in a free and open democratic country, we have some very serious concerns as citizens, because, frankly, if the Democratic Party, who may maintain a majority here in the House of Representatives, is today willing to take away a seat from a Republican simply because of a difference in viewpoint, what next? If they are willing to take away a seat in the House of Representatives which has been duly won by a member of the minority party today, what rights are they willing to take away from people in the future? And this is not a modest or small debate. It is not a technician's debate. It is not lawyer's debate.

Mr. DORNAN of California. True.

Ms. FIEDLER. The issue is whether or not the minority in this country continue to have and enjoy the same rights as the majority. And if the answer is no, then we are in much more serious trouble than many who have even participated in this debate realize, because I am unwilling, as one Member of Congress, but, more importantly, as one citizen, to permit the majority party to take a seat away from an individual because of differences in political viewpoint when in fact that same party would probably be standing up and arguing for the advantages of permitting someone like a Manson to go through a free and appropriate trial.

Now, Rick McIntyre and the people of the eighth district are not being given even the same privileges as someone who has been charged with the most heinous of crimes in our own system. And when you lay those two issues side by side and say that even under the most onerous possibilities, even when there are witnesses to crimes, that those individuals charged with those crimes in a free society have the right to due process, have the right to fair and equal treatment under the law, and yet in this House of Representatives, the body which builds the law and is supposed to support the law, denies their own Members the same rights that they would afford to Charles Manson, we have got some serious problems here.

Mr. DORNAN of California. If the gentleman controlling the time would yield for the purposes of a colloquy, all night long, many of us have been making the constitutional point of the integrity of our State election laws when they are fairly applied. But you have brought up a whole new aspect here, that there is a freedom of speech issue here, that Mr. McIntyre, irrespective of party, if he had campaigned as a person wanting a seat here to oppose the President of the United States and speak out against his policies, then probably we would not have had to live through this 4-month charade of a small House task force second-guessing two duly certified elections of the State of Indiana. And that is a tragedy to add an insult to freedom of speech on top of the ongoing incessant insult to the Constitution.

The gentleman from New York I think was anxious to make a concluding remark.

Ms. FIEDLER. If the gentleman will yield further, I just simply would like to say that this is a typical case for the ACLU, and I wonder where they are today.

Mr. SHAW. May I inquire of the Chair how much time I have left on my special order?

The SPEAKER pro tempore. The gentleman from Florida has 30 seconds remaining.

Mr. SHAW. At the conclusion of my remarks, I intend to renew my special

unanimous-consent request for a recess for a couple of moments.

I think at this time, more than any other, we need to reflect on ourselves, our prayers, our history, and during the prayer that will be coming soon before us, I think we should think of the constitutional and the civil rights of the people of the Eighth District of Indiana who have not been represented in this House since January 1.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. BYRON (at the request of Mr. WRIGHT) for today and tomorrow (April 22 and 23), on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. VUCANOVICH) to revise and extend their remarks and include extraneous material:)

Mr. COATS, for 60 minutes, on April 30.

Mr. LIVINGSTON, for 60 minutes, today.

Mr. RITTER, for 60 minutes, today.

Mr. EDWARDS of Oklahoma, for 60 minutes, on May 21.

Mr. SWINDALL, for 20 minutes, today.

Mr. SILJANDER, for 60 minutes, today.

Mr. MICHEL, for 60 minutes, today.

Mr. LUNGREN, for 60 minutes, today.

Mr. SILJANDER, for 60 minutes, on April 23.

Mr. MACK, for 60 minutes, today.

Mrs. MARTIN of Illinois, for 60 minutes, today.

Mr. THOMAS of California, for 60 minutes, today.

Mr. KINDNESS, for 60 minutes, today.

Mr. EMERSON, for 60 minutes, today.

Mr. HUNTER, for 60 minutes, today.

Mr. GUNDERSON, for 60 minutes, today.

Mr. WALKER, for 60 minutes, today.

Mr. FRENZEL, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. KASICH, for 60 minutes, today.

Mr. BARTON of Texas, for 60 minutes, today.

Mr. KOLBE, for 60 minutes, today.

Mr. MONSON, for 60 minutes, today.

Ms. FIEDLER, for 60 minutes, today.

Mr. ROTH, for 60 minutes, today.

Mr. WEBER, for 60 minutes, today.

Mr. PACKARD, for 60 minutes, today.

Mr. COBLE, for 60 minutes, today.

Mr. COBEY, for 60 minutes, today.

Mr. BOULTER, for 60 minutes, today.

Mr. STRANG, for 60 minutes, today.

Mrs. VUCANOVICH, for 60 minutes, today.

Mr. SMITH of New Hampshire, for 60 minutes, today.

Mr. MCMILLAN, for 60 minutes, today.

Mr. ECKERT of New York, for 60 minutes, today.

Mr. BILIRAKIS, for 60 minutes, today.

Mr. BATEMAN, for 60 minutes, today.

Mr. SHAW, for 60 minutes, today.

Mr. ARMEY, for 60 minutes, today.

Mr. LIGHTFOOT, for 60 minutes, today.

Mr. PARRIS, for 60 minutes, today.

(The following Members (at the request of Mr. SIKORSKI) to revise and extend their remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

Mr. CROCKETT, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, on April 23.

Mr. RAY, for 5 minutes, on April 24.

Mr. RAY, for 30 minutes, on April 25.

Mr. ROWLAND of Georgia, for 60 minutes, on April 24.

Mr. GAYDOS, for 30 minutes, on April 23.

Mr. GAYDOS, for 30 minutes, on April 24.

Mr. MOODY, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GILMAN, on House Resolution 125, expressing the sense of the House that the Government of the Soviet Union be condemned for the murder of Maj. Arthur D. Nicholson, Jr., today.

(The following Members (at the request of Mrs. VUCANOVICH) and to include extraneous matter:)

Mr. BURTON of Indiana.

Mr. CHAPPIE.

Mr. EVANS of Iowa.

Mr. VANDER JAGT.

Mr. FIELDS in two instances.

Mr. MICHEL in two instances.

Mr. BROOMFIELD in two instances.

Mr. SOLOMON.

Mr. CLINGER.

Mr. KEMP.

Mr. GUNDERSON.

Mr. O'BRIEN.

Mr. HUNTER.

(The following Members (at the request of Mr. SIKORSKI) and to include extraneous matter:)

Mr. MILLER of California.

Mr. ADDABBO.

Mr. COELHO.

Mr. LANTOS in four instances.

Mr. MAZZOLI.

Mr. KANJORSKI.

Mr. ANDERSON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. GONZALEZ in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. RODINO.

Mr. FLORIO.

Mr. AUCOIN.

Mr. SYNAR.

Mr. FORD of Tennessee.

Mr. HEFTEL of Hawaii.

Mr. DYMALLY.

Mr. LIPINSKI.

Mr. LEVINE of California in four instances.

Mr. UDALL.

Mr. DIXON.

Mr. RANGEL.

Mr. STARK in four instances.

Mr. TRAFICANT in two instances.

Mr. OBEY in five instances.

Mr. BUSTAMANTE.

Mr. EDGAR.

Mr. HAMILTON.

Mr. ACKERMAN.

Mr. BERMAN.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 813. An act to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1986 and 1987, and for other purposes; referred to the Committees on Energy and Commerce and Public Works and Transportation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1065. A letter from the Assistant Secretary of Defense (Manpower, Installations and Logistics), transmitting a report on the annual review of the adequacy of pay and allowances for members of the uniformed services, together with recommendations for adjustments, pursuant to 37 U.S.C. 1008(a), 1009(f); to the Committee on Armed Services.

1066. A letter from the Secretary, Department of Housing and Urban Development, transmitting a copy of "Evaluation of the Urban Initiatives Anti-Crime Program: Final Report," pursuant to Public Law 95-557, section 207(e) (94 Stat. 1635); to the Committee on Banking, Finance and Urban Affairs.

1067. A letter from the Acting General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize printing of the back side of the U.S. paper money of the denomination of $1 by a method other than the intaglio process; to the Committee on Banking, Finance and Urban Affairs.

1068. A letter from the Acting General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Mint for fiscal years 1986 and 1987; to the

Committee on Banking, Finance and Urban Affairs.

1069. A letter from the Chair, National Center for Research in Vocational Education Advisory Council, Department of Education, transmitting the Council's annual report for fiscal year 1984, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

1070. A letter from the Chairman, National Advisory Council on Continuing Education, transmitting the Council's 18th annual report entitled, "In the National Interest: Continuing Education," pursuant to HEA, section 117(d) (94 Stat. 1382); to the Committee on Education and Labor.

1071. A letter from the Chairman, National Advisory Committee on Accreditation and Institutional Eligibility, Department of Education, transmitting the Committee's annual report for fiscal year 1984, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

1072. A letter from the Chairman, National Advisory Council on Bilingual Education, Department of Education, transmitting the ninth annual report of the National Advisory and Coordinating Council on Bilingual Education on the condition of bilingual education in the Nation and on the administration and operation of the Bilingual Education Act, pursuant to 20 U.S.C. 3262(c); to the Committee on Education and Labor.

1073. A letter from the Chairperson, National Advisory Council on Adult Education, transmitting the Council's fiscal year 1983 annual report, pursuant to 20 U.S.C. 1209(d); to the Committee on Education and Labor.

1074. A letter from the Chairperson, Federal Education Data Acquisition Council, Department of Education, transmitting the Council's annual report for fiscal year 1984, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

1075. A letter from the Executive Director, National Advisory Council on Vocational Education, Department of Education, transmitting the Council's annual report for 1984, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

1076. A letter for the Chairman, National Board of the Fund for the Improvement of Postsecondary Education, Department of Education, transmitting the Board's annual report covering fiscal year 1984; to the Committee on Education and Labor.

1077. A letter from the Presiding Officer, Advisory Council on Education Statistics, transmitting the Counsel's annual report for fiscal year 1984; to the Committee on Education and Labor.

1078. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Lowell C. Kilday, Ambassador Extraordinary and Plenipotentiary-elect to the Dominican Republic, and members of his family, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

1079. A letter from the Acting Director, Office of Personnel Management, transmitting notice of a new personnel record system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1080. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting the Administration's annual report on the records disposition activities of the Federal Government for fiscal year 1984, pursuant to 44 U.S.C. 3303a; to the Committee on Government Operations.

1081. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's eighth annual report of its activities under the Government in the Sunshine Act during calendar year 1984, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1082. A letter from the Chairman, U.S. Parole Commission, Department of Justice, transmitting the Commission's annual report of its activities under the Government in the Sunshine Act for calendar year 1984, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1083. A letter from the Secretary, Department of Transportation, transmitting the Department's 10th annual report of its activities under the Freedom of Information Act during calendar year 1984, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1084. A letter from the Secretary, the Foundation of the Federal Bar Association, transmitting the Association's audit report for the fiscal year ending September 30, 1984, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

1085. A letter from the Acting Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to make permanent the authority for flexible and compressed work schedules for Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

1086. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting a report of the findings and conclusions of the investigation by the Secretary of the Army into allegations of false reports of daily turbidity readings, unavailable or nonworking turbidity meters and unacceptably high turbidity readings taken when meters became available at the Red River Army Depot, Texarkana, TX, pursuant to 5 U.S.C. 1206(b)(5)(A) (92 Stat. 1125); to the Committee on Post Office and Civil Service.

1087. A letter from the Administrator of Veterans' Affairs, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to revise veterans' eligibility for health care from the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

1088. A letter from the Chairman, Interstate Commerce Commission, transmitting the Commission's 98th annual report covering fiscal year 1984, pursuant to 49 U.S.C. 10311, 10386, 10706(h), and 10731(b)(3); Public Law 96-448, section 217(c)(1); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

1089. A letter from the Comptroller General of the United States, transmitting a report on the overview and perspectives on the Food Stamp Program (GAO/RCED-85-109; April 17, 1985); jointly, to the Committees on Government Operations and Agriculture.

1090. A letter from the Comptroller General of the United States, transmitting a report entitled, "Block Grants: Overview of Experiences to Date and Emerging Issues" (GAO/HRD-85-46; April 3, 1985); jointly, to the Committees on Government Operations, Ways and Means, Energy and Commerce, and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on Education and Labor. House Concurrent Resolution 67. Concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes (Rept. No. 99-52, pt. I). Ordered to be printed.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 664. A bill to amend the Panama Canal Act of 1979 with respect to the payment of interest on the investment of the United States; (Rept. No. 99-53). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. H.R. 1798. A bill to authorize appropriations to the Department of Energy for civilian research and development programs for fiscal years 1986, 1987, and 1988; with amendments (Rept. No. 99-54). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. H.R. 1799. A bill to authorize appropriations to the Department of Energy for civilian energy programs for fiscal years 1986, 1987, and 1988; with amendments (Rept. No. 99-55, Pt. I). Ordered to be printed.

Mr. BROOKS: Committee on Government Operations. Report on National Endowment for the Humanities and the Equal Employment Opportunity Commission (Rept. No. 99-56). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO (for himself and Mr. HILER) (by request):

H.R. 2148. A bill to authorize appropriations for the U.S. Mint for fiscal years 1986 and 1987; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BURTON of Indiana (by request):

H.R. 2149. A bill to amend title 5, United States Code, to make permanent the authority for flexible and compressed work schedules for Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COLEMAN of Missouri:

H.R. 2150. A bill to improve debt-collection activities and default recoveries, and to reduce collection costs and program abuse under student loan programs administered by the Department of Education, and for other purposes; to the Committee on Education and Labor.

By Mr. DASCHLE:

H.R. 2151. A bill to provide for the establishment of an arbitration system to reduce the number and costs of injuries resulting from the use of excessively violent conduct during professional sports events; to the Committee on Education and Labor.

By Mr. GUNDERSON:

H.R. 2152. A bill to provide for the coordinated use and enhancement of the upper Mississippi River system; jointly, to the Committee on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. SAM B. HALL, JR.:

H.R. 2153. A bill to authorize appropriations for the Administrative Conference of the United States and for other purposes; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.R. 2154. A bill to accelerate the removal of the social security trust funds from the unified budget of the U.S. Government; to the Committee on Ways and Means.

By Mr. HERTEL of Michigan:

H.R. 2155. A bill to require that a comprehensive study be prepared regarding the present status of fish and wildlife cancer research at the State and Federal levels, and means for improving and coordinating that research; to the Committee on Merchant Marine and Fisheries.

By Mr. HUNTER:

H.R. 2156. A bill to expand Japan's market for U.S. agricultural products; to the Committee on Ways and Means.

By Mr. LUKEN (for himself and Mr. MADIGAN):

H.R. 2157. A bill to amend the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. MARLENEE (for himself, Mr. WATKINS, Mrs. SMITH of Nebraska, Mr. ROBERT F. SMITH, Mr. DASCHLE, Mr. EMERSON, Mr. WHITLEY, Mr. NICHOLS, Mr. MADIGAN, Mr. STRANG, Mr. DENNY SMITH, Mr. THOMAS of California, Mr. HUNTER, Mr. LOEFFLER, Mr. FIELDS, Mr. MCCAIN, Mr. CHENEY, Mr. CRAIG, Mr. SUNDQUIST, Mr. WEBER, Mr. STANGELAND, Mr. RUDD, Mr. DORNAN of California, Mr. GLICKMAN, Mr. BROWN of Colorado, and Mr. BURTON of Indiana):

H.R. 2158. A bill to prohibit the importation into the United States of beef, bananas, and sugar from Nicaragua until the President finds that the policies of the Government of Nicaragua regarding opposition to the democratic resistance forces and a free democratic form of government are consistent with its obligations under the terms of the Nicaraguan revolution and the promises made to the Organization of American States; to the Committee on Ways and Means.

By Mr. MAZZOLI:

H.R. 2159. A bill to allow the President to rescind items of appropriation unless the Congress enacts legislation disapproving that rescission, jointly, to the Committees on Government Operations and Rules.

By Mr. MAZZOLI (for himself and Mr. MOORHEAD):

H.R. 2160. A bill to amend the Lanham Act to improve certain provisions relating to concurrent registrations; to the Committee on the Judiciary.

By Mr. MITCHELL:

H.R. 2161. A bill to set aside certain surplus vessels for use in the provision of health and other humanitarian services in developing countries; to the Committee on Merchant Marine and Fisheries.

By Mr. MONTGOMERY (by request):

H.R. 2162. A bill to amend title 10, United States Code, to authorize transportation on military aircraft to be provided to former members of the Armed Forces who are totally disabled as the result of a service-connected disability in the same manner and to the same extent as such transportation is provided to retired members of the Armed Forces; to the Committee on Armed Services.

By Mr. PEPPER:

H.R. 2163. A bill to permit certain Cuban and Haitian nationals to adjust their immigration status to that of permanent resident aliens; to the Committee on the Judiciary.

By Mr. RINALDO (for himself and Mr. HAMMERSCHMIDT):

H.R. 2164. A bill to accelerate the removal of the Social Security trust funds from the Unified budget of the U.S. Government; to the Committee on Ways and Means.

By Mr. SKELTON:

H.R. 2165. A bill to amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff and to provide for more efficient and effective operation of the Joint Chiefs of Staff; to the Committee on Armed Services.

By Mr. BARNES (for himself, Mr. HAMILTON, Mr. JONES of Oklahoma, Mr. FISH, Mr. LEACH of Iowa, Mr. ZSCHAU, and Mr. GRADISON):

H.J. Res. 247. Joint resolution to provide U.S. assistance to foster peace and nurture democratic institutions throughout Central America; jointly, to the Committees on Foreign Affairs, Appropriations, Permanent Select Committee on Intelligence and Rules.

By Mr. HUNTER (for himself and Mrs. BYRON):

H. Con. Res. 126. Concurrent resolution deploring the continued production and deployment of offensive, land-based nuclear forces by the Soviet Union and expressing support for a U.S. national security policy which provides for a deterrent capability that includes continued research and development for strategic defense systems; jointly, to the committee on Armed Services, and Foreign Affairs.

By Mr. HAMILTON:

H. Res. 138. Resolution to amend the Rules of the House of Representatives to restrict the honoraria any Member may receive from persons with legislative interests before committees upon which the Member serves; to the Committee on Rules.

By Mr. RICHARDSON (for himself and Mr. YATRON):

H. Res. 139. Resolution condemning the violations of human rights committed by the Government of Nicaragua and by the Nicaraguan insurgent forces, including the so-called Contras; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

84. By the SPEAKER: Memorial of the Legislature of the State of Arizona, relative to the Nation's money system; to the Committee on Banking, Finance and Urban Affairs.

85. Also, memorial of the Legislature of the State of Illinois, relative to the funding of Amtrak; to the Committee on Energy and Commerce.

86. Also, memorial of the Legislature of the State of Nevada, relative to ballots for elections in languages other than English; to the Committee on the Judiciary.

87. Also, memorial of the Legislature of the State of Arizona, relative to the issuance of a Prescott rodeo commemorative stamp; to the Committee on Post Office and Civil Service.

88. Also, memorial of the Legislature of the State of Tennessee, relative to the Tennessee Valley Authority's request for nonpower programs; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. GINGRICH, Mr. EDWARDS of Oklahoma, Mr. LEACH of Iowa, Mr. VISCLOSKY, and Mr. SPRATT.

H.R. 40: Mr. MCCURDY.

H.R. 43: Mr. WISE, Mr. PERKINS, Mrs. COLLINS, Mr. SAVAGE, Ms. KAPTUR, Mr. HUBBARD, Mr. SOLARZ, and Mr. WHITLEY.

H.R. 156: Mr. LANTOS, Mr. ROE, Mr. WHITLEY, and Mr. MURPHY.

H.R. 235: Mr. ANDREWS.

H.R. 281: Mr. EDWARDS of California, Mr. HUBBARD, Mr. JACOBS, Ms. KAPTUR, Mr. MAVROULES, Mr. MOLLOHAN, Mr. SABO, Mrs. SCHROEDER, Mr. TORRES, Mr. STUDDS, Mr. FEIGHAN, Mr. GAYDOS, Mr. GRAY of Illinois, and Mr. LEVIN of Michigan.

H.R. 479: Mr. COMBEST.

H.R. 587: Mr. NICHOLS, Mr. ERDREICH, Mr. ROBINSON, Mrs. BURTON of California, Mr. EDWARDS of California, Mr. DIXON, Mr. ANDERSON, Mr. DREIER of California, Mr. DANNEMEYER, Mr. PACKARD, Mr. YOUNG of Florida, Mr. THOMAS of Georgia, Mr. HATCHER, Mr. FOWLER, Mr. GINGRICH, Mr. DARDEN, Mr. YATES, Mr. CRANE, Mr. BRUCE, Mr. DURBIN, Mr. HOPKINS, Mr. PERKINS, Mr. MOORE, Mrs. HOLT, Mrs. BYRON, Mr. SILJANDER, Mr. DAVIS, Mr. FORD of Michigan, Mr. SIKORSKI, Mr. STANGELAND, Mr. LOTT, Mr. CLAY, Mr. VOLKMER, Mr. RICHARDSON, Mr. ADDABBO, Mr. SCHEUER, Mr. MANTON, Mr. DIOGUARDI, Mr. FISH, Mr. GILMAN, Mr. MARTIN of New York, Mr. HORTON, Mr. LAFALCE, Mr. NOWAK, Mr. MCEWEN, Ms. OAKAR, Mr. STOKES, Mr. MCCURDY, Mr. AUCOIN, Mr. COUGHLIN, Mr. COYNE, Mr. WALKER, Mr. MURPHY, Mr. HARTNETT, Mr. NIELSON of Utah, Mr. DANIEL, Mr. CHANDLER, Mr. ASPIN, Mr. ROTH, Mr. ECKERT of New York, Mr. DASCHLE, and Mrs. BENTLEY.

H.R. 615: Mr. BOLAND, Mr. COLEMAN of Missouri, Mr. DEWINE, Mr. FAZIO, Mr. FRANK, Mr. MCHUGH, Mr. PEPPER, and Mr. SCHAEFER.

H.R. 620: Mr. STUMP.

H.R. 644: Mrs. LLOYD.

H.R. 654: Mr. ANDREWS, Mr. ARMEY, Mr. BARTON of Texas, Mr. DANIEL, Mr. DE LA GARZA, Mr. HYDE, Mr. KOLTER, and Mr. WORTLEY.

H.R. 669: Mr. COLEMAN of Texas, Mr. ANDREWS, Mr. FROST, Mr. ROSE, and Mr. DELAY.

H.R. 816: Mr. DASCHLE.

H.R. 822: Mr. BONIOR of Michigan, Mr. PANETTA, and Mr. LEVIN of Michigan.

H.R. 891: Mr. WHEAT, Mr. KOLTER, Mr. GARCIA, Mr. WEISS, Mr. MORRISON of Washington, and Mr. MORRISON of Connecticut.

H.R. 930: Mrs. BENTLEY.

H.R. 932: Mr. MURPHY.

H.R. 994: Mr. TORRES, Mrs. LLOYD, Mrs. JOHNSON, Mr. MURPHY, and Mr. DASCHLE.

H.R. 1031: Mr. LELAND.

H.R. 1032: Mr. LELAND.

H.R. 1066: Mr. DIXON, Mr. KLECZKA, Mr. DONNELLY, Mr. BORSKI, Ms. KAPTUR, Mr. BUSTAMANTE, Mr. ACKERMAN, Mr. FORD of

Michigan, Mr. WOLPE, Mr. SAVAGE, Mr. KOLTER, Mr. BATES, and Mr. DASCHLE.

H.R. 1098: Mr. SAVAGE.

H.R. 1109: Mr. EDWARDS of Oklahoma.

H.R. 1124: Mr. KOLTER.

H.R. 1132: Mr. BEVILL and Mr. EVANS of Illinois.

H.R. 1164: Mrs. BENTLEY, Mr. DASCHLE, and Mr. MCCOLLUM.

H.R. 1242: Mrs. BENTLEY, Mrs. BOXER, Mr. SPRATT, and Mr. RANGEL.

H.R. 1243: Mrs. BENTLEY, Mrs. BOXER, Mr. SPRATT, Mr. LANTOS, and Mr. DOWNEY of New York.

H.R. 1257: Mr. GEKAS, Mr. DELAY, and Mr. STENHOLM.

H.R. 1294: Mrs. MARTIN of Illinois, Ms. KAPTUR, Mr. FOGLIETTA, Mr. RAHALL, and Mr. HANSEN.

H.R. 1304: Mr. DASCHLE.

H.R. 1359: Mrs. JOHNSON.

H.R. 1379: Mr. NIELSON of Utah and Mr. SLATTERY.

H.R. 1398: Mr. BERMAN and Mr. MINETA.

H.R. 1401: Mr. WEISS, Mr. BIAGGI, Mr. SEIBERLING, Mrs. BURTON,of California, and Mr. STOKES.

H.R. 1408: Mr. LEATH of Texas and Mr. TORRES.

H.R. 1436: Mrs. HOLT.

H.R. 1511: Mr. WEISS.

H.R. 1542: Mr. MURPHY, Mr. PERKINS, Mr. MACK, Mr. RANGEL, Mr. BEDELL, Mr. OWENS, Mr. ADDABBO, Mr. DYMALLY, Mr. CROCKETT, Mr. ROSE, Mrs. BENTLEY, Mr. GLICKMAN, Mrs. LLOYD, Mr. HAYES, Mr. RODINO, Mr. KOLTER, Mr. ROYBAL, and Mr. PEPPER.

H.R. 1579: Mr. SUNIA, Ms. MIKULSKI, Mr. FORD of Tennessee, Mr. FAZIO, and Mr. HOYER.

H.R. 1623: Mr. GEKAS, Mr. DEWINE, Mr. HYDE, Mr. HUGHES, Mr. MARTINEZ, Mr. STOKES, Ms. KAPTUR, Mr. KOLTER, Mr. ECKART of Ohio, and Mrs. BENTLEY.

H.R. 1659: Mr. HAYES, Mr. KANJORSKI, Mr. VISCLOSKY, and Mr. HAWKINS.

H.R. 1674: Mr. PEPPER, Mr. FUSTER, Mr. LEHMAN of Florida, Mr. CROCKETT, Mr. STOKES, Mr. ROE, Mr. PERKINS, Ms. KAPTUR, Mr. RAHALL, Mr. KOLTER, and Mr. RANGEL.

H.R. 1695: Mr. GRAY of Pennsylvania, Mr. STOKES, Mr. CHAPPIE, Mr. LEVIN of Michigan, and Ms. MIKULSKI.

H.R. 1704: Mr. SHAW, Mr. NELSON of Florida, Mr. MCGRATH, Mr. JONES of North Carolina, Mr. MCKERNAN, Mr. THOMAS of Georgia, Mrs. JOHNSON, Mr. WORTLEY, Mr. HAYES, Mr. SOLOMON, Mr. JEFFORDS, Mr. DIOGUARDI, Mr. YOUNG of Missouri, Mr. PORTER, Mr. NIELSON of Utah, and Mr. KOLTER.

H.R. 1710: Mr. WEISS, Ms. MIKULSKI, Mr. TORRES, Mr. FAZIO, Mr. CROCKETT, Mr. LEVIN of Michigan, Mr. STOKES, Mr. DOWNEY of New York, Mr. HAWKINS, Mrs. BURTON of California, Ms. KAPTUR, and Mr. KOLTER.

H.R. 1715: Mr. LEHMAN of Florida.

H.R. 1719: Mr. BILIRAKIS, Mr. DANNEMEYER, Mr. KRAMER, Mr. PARRIS, and Mr. WALKER.

H.R. 1722: Mr. HORTON, Mrs. MARTIN of Illinois, Mr. TOWNS, Mrs. COLLINS, and Mr. FAUNTROY.

H.R. 1771: Mr. BLAZ.

H.R. 1878: Mrs. BENTLEY.

H.R. 1893: Mr. BARNARD, Mr. LUNGREN, Mr. SMITH of New Jersey, Mr. STRANG, and Mr. PACKARD.

H.R. 1944: Mr. JACOBS and Mr. KOLTER.

H.R. 1994: Mr. FAUNTROY, Mr. LAGOMARSINO, Mr. LELAND, Mr. LIPINSKI, Mr. GRAY of Illinois, Mr. VOLKMER, Mr. DASCHLE, Mr. PORTER, and Mr. FUQUA.

H.R. 2024: Mrs. COLLINS, Mr. HAWKINS, Mr. HEFTEL of Hawaii, Mr. SMITH of Florida, Mr. WHITEHURST, and Mr. MILLER of California.

H.R. 2098: Mrs. HOLT, Mr. MONTGOMERY, and Mr. BENNETT.

H.R. 2116: Mr. RANGEL.

H.J. Res. 61: Mr. ANDREWS, Mr. ANNUNZIO, Mr. BENTLEY, Mr. CARPER, Mr. CARR, Mr. COELHO, Mr. CONTE, Mr. DE LA GARZA, Mr. DONNELLY, Mr. DYSON, Mr. EMERSON, Mr. ENGLISH, Mr. ERDREICH, Mr. FLIPPO, Mr. GARCIA, Mr. GEKAS, Mr. HAYES, Mr. JONES of North Carolina, Mr. KASICH, Mr. KINDNESS, Mr. LAFALCE, Mr. LUNGREN, Mr. MAVROULES, Mr. MCDADE, Mr. MCGRATH, Mr. MURPHY, Mr. ROE, Mr. ROSE, Mr. ROBERT F. SMITH, Mr. VANDER JAGT, Mr. VOLKMER, Mr. WEISS, and Mr. WOLPE.

H.J. Res. 64: Mr. GINGRICH, Mrs. HOLT, Mr. MARTINEZ, Mr. SPRATT, and Mr. STUMP.

H.J. Res. 65: Mr. GINGRICH, Mr. MARTINEZ, and Mr. SPRATT.

H.J. Res. 112: Mr. GEKAS, Mr. YATRON, Mr. DASCHLE, Mr. MACK, Mr. BRYANT, Mr. SPRATT, Mr. SPENCE, Mr. CAMPBELL, Mr. SABO, Mr. FROST, Mr. HEFNER, Mrs. LLOYD, Mr. ROWLAND of Georgia, Mr. TALLON, Mr. JACOBS, Mr. STOKES, Mr. HAWKINS, Mr. VOLKMER, Mr. ENGLISH, Mr. VENTO, Mr. EDGAR, Mr. MADIGAN, Mr. WHEAT, Mr. JENKINS, Mr. SAXTON, Mr. MARKEY, Mr. GIBBONS, Mr. WEAVER, Mr. LEVIN of Michigan, Mr. GALLO, Mr. WEISS, Mr. EARLY, Mr. MRAZEK, Mr. TRAXLER, Mr. COUGHLIN, Mr. DIXON, Mr. DE LA GARZA, Mr. GUNDERSON, Mr. MORRISON of Washington, Mr. LEVINE of California, Mr. TORRES, Mr. BEVILL, Mr. CLINGER, Mr. FRENZEL, Mr. COELHO, Mrs. HOLT, Mr. WOLPE, Mrs. SCHROEDER, Mrs. BOGGS, Mr. KLECZKA, Mr. LOTT, Mr. LIGHTFOOT, Mr. HENRY, Mr. MCMILLAN, Mr. BOEHLERT, Mr. WORTLEY, Mr. YOUNG of Florida, Mr. MCCAIN, Mr. JEFFORDS, Mr. BRUCE, Mr. CHANDLER, Mr. DIOGUARDI, Mrs. JOHNSON, Mr. PASHAYAN, Mr. CRAIG, Mr. ROEMER, Mr. DE WINE, Mr. KANJORSKI, Mr. WHITLEY, Mr. REID, Mr. ANDREWS, Mr. BILIRAKIS, Mr. BROOKS, Mr. CROCKETT, Mr. DYMALLY, Mr. EDWARDS of Oklahoma, Mr. FISH, Mr. HILER, Mr. KOLTER, Mr. MURPHY, Mr. NEAL, Mr. PANETTA, Mrs. SCHNEIDER, Mrs. ROUKEMA, Mr. STALLINGS, Mr. WAXMAN, Mr. SHUMWAY, Mr. ANNUNZIO, Mr. SHELBY, Mrs. BENTLEY, Mr. ROYBAL, Mr. MARTINEZ, Ms. OAKAR, Mr. HUNTER, Mr. ANDERSON, Mr. ADDABBO, Mr. LUNGREN, Mr. KEMP, Mr. MINETA, Mr. MAZZOLI, Mr. MCCOLLUM, Mr. KASTENMEIER, Mr. BROWN of California, Mr. HUTTO, Mr. LEHMAN of California, Mr. FUSTER, Mr. ROSE, and Mr. DANNEMEYER.

H.J. Res. 126: Mr. ROE, Mr. WOLF, Mr. SAVAGE, Mr. VENTO, Mr. CONYERS, Mr. CHANDLER, Mr. MURPHY, Mr. RAHALL, Mr. HUNTER, Mr. VANDER JAGT, Mr. SCHEUER, Mr. DWYER of New Jersey, Mr. FASCELL, Mr. GRAY of Illinois, Mr. BERMAN, Mr. JONES of North Carolina, Mr. HEFTEL of Hawaii, Mr. DARDEN, Mr. MCGRATH, Ms. KAPTUR, Mr. SHAW, Mr. IRELAND, Mr. COELHO, Mr. CHAPPIE, Mr. NICHOLS, Mr. MACKAY, Mr. ERDREICH, Mr. DAUB, Mr. VOLKMER, Mrs. COLLINS, Mr. KLECZKA, Mrs. BOXER, Mr. BRYANT, Mr. LEVINE of California, Mr. DE LA GARZA, Mr. KOLTER, Mr. GEKAS, Mr. LAGOMARSINO, Mr. TAUZIN, Mr. WORTLEY, Mr. AKAKA, Mr. ROSE, Mr. DIOGUARDI, Mr. STRANG, Mr. HUGHES, Mr. FEIGHAN, Mr. MINETA, Mr. HORTON, and Mr. SHUMWAY.

H.J. Res. 136: Mr. JONES of North Carolina, Mr. SHELBY, Mr. ADDABBO, Mr. ROBINSON, Mrs. JOHNSON, Mr. HUBBARD, Mr. WHEAT, and Mr. REGULA.

H.J. Res. 146: Mr. ROSE, Mr. YOUNG of Florida, Mr. ENGLISH, Mr. HENRY, Mr. HOYER, Mr. MURPHY, Mr. WHITLEY, Mr. SISISKY, Mr. DENNY SMITH, Mr. CLINGER, Mr. NIELSON of Utah, Mr. BOLAND, Mr. ORTIZ, Mr. ACKERMAN, Mr. AKAKA, Mr. BROYHILL, Mr. CARPER, Mr. CONYERS, Mr. DANIEL, Mr. DELLUMS, Mr. DIXON, Mr. GEJDENSON, Mr. GRAY of Illinois, Mr. HAMMERSCHMIDT, Mr. KOSTMAYER, Mr. LATTA, Mr. LEWIS of California, Mr. MCDADE, Mr. MORRISON of Connecticut, Mr. NATCHER, Mr. O'BRIEN, Mr. PRICE, Mr. RINALDO, Mr. ROBERTS, Mr. RODINO, Mr. SHAW, Mr. TAUKE, Mr. TRAXLER, Mr. VALENTINE, Mr. VANDER JAGT, Mr. WOLPE, Mr. WYDEN, Mr. WYLIE, Mr. SKEEN, Mr. RANGEL, Mr. DONNELLY, Mr. JEFFORDS, and Mr. NICHOLS.

H.J. Res. 170: Mr. BADHAM, Mr. BRYANT, Mr. CLAY, Mr. CONTE, Mr. DURBIN, Mr. FEIGHAN, Mr. FUQUA, Mr. GROTBERG, Mr. HAWKINS, Mrs. HOLT, Mr. LEHMAN of Florida, Mr. MAZZOLI, Mr. MONTGOMERY, Mr. MOODY, Mr. ORTIZ, Mr. PURSELL, Mr. REGULA, Mr. RICHARDSON, Mr. ROSE, Mr. SHUMWAY, Mr. STALLINGS, Mr. TRAXLER, Mr. VOLKMER, Mr. WOLF, Mr. WORTLEY, Mr. YATES, Mr. YOUNG of Alaska, Mr. DONNELLY, Mr. KASICH, Mr. HORTON, Mr. FRENZEL, Mr. RAHALL, Mr. BEDELL, Mr. COYNE, Mr. BLILEY, Mr. STANGELAND, Mr. WALKER, Mr. KEMP, Mr. WHITTAKER, Mr. DENNY SMITH, Mr. SMITH of Iowa, Mr. YATRON, Mr. MILLER of Ohio, Mr. MACKAY, Mr. JONES of Tennessee, Mr. GUNDERSON, Mr. STOKES, Mr. SYNAR, Mr. TALLON, Mr. CARR, Mr. DYMALLY, Mr. CAMPBELL, Mr. LOEFFLER, Mr. YOUNG of Missouri, Mrs. BOXER, Mr. GEKAS, Mr. WILSON, Mr. PORTER, Mr. HILLIS, Mr. BROYHILL, Mr. WOLPE, Mr. MORRISON of Connecticut, Mr. FRANK, Mr. WEBER, Mrs. BYRON, Mr. HATCHER, Mr. EVANS of Iowa, Mr. FASCELL, Mr. MOORHEAD, Mr. SNYDER, Mr. CONYERS, Mr. MINETA, Mr. SKEEN, Mr. BRUCE, and Mr. WYDEN.

H.J. Res. 171: Mr. MURPHY, Mr. DANNEMEYER, Mr. MANTON, Mr. JEFFORDS, Mrs. HOLT, Mr. DE LA GARZA, Mr. DIOGUARDI, and Mrs. LLOYD.

H.J. Res. 192: Mr. YATES, Mr. WOLPE, Mr. OWENS, Mr. SCHEUER, Mr. MILLER of California, Mr. PANETTA, Mr. GONZALEZ, Mr. HUTTO, Ms. SNOWE, Mr. HAYES, Mr. SABO, Mr. APPLEGATE, Mr. LEWIS of California, Mr. KLECZKA, Mr. YOUNG of Missouri, Mr. GEPHARDT, Mr. LUJAN, Mr. BIAGGI, Mr. ANDREWS, Mr. HAWKINS, Mr. BORSKI, Mr. PRICE, Mr. PERKINS, Mr. GEKAS, Mr. ORTIZ, Mr. EVANS of Illinois, Mr. MCGRATH, Mr. TAUKE, Mr. UDALL, Mr. LAFALCE, Mr. MCKINNEY, Mr. TRAFICANT, Mr. TRAXLER, Mr. BROWN of California, Ms. FIEDLER, Mr. GRAY of Illinois, Mr. BILIRAKIS, Mr. SUNDQUIST, Mr. OBERSTAR, Ms. MIKULSKI, Mr. YATRON, Mr. HUNTER, Mr. GOODLING, Mr. CHAPPIE, Mr. SHUMWAY, Mr. THOMAS of California, Mr. DREIER of California, Mr. DANNEMEYER, Mr. WYDEN, Mr. ROSE, Mr. HAMMERSCHMIDT, Mr. SCHAEFER, Mr. VISCLOSKY, Mr. FORD of Tennessee, Mr. BEILENSON, Mr. DOWNEY, Mr. SMITH, Mr. MCCANDLESS, Mr. SAVAGE, Mr. MOODY, Mr. WOLF, Mr. QUILLEN, Mr. LUNDINE, and Mr. MACKAY.

H. Con. Res. 32: Mr. MILLER of Washington.

H. Con. Res. 34: Mr. MCKERNAN.

H. Con. Res. 116: Mr. FOGLIETTA, Mr. GRAY of Illinois, Mr. KOLTER, Mr. MURPHY, Mr. SAXTON, and Mr. WAXMAN.

H. Con. Res. 125: Mr. GEJDENSON, Mr. BORSKI, Mr. SCHEUER, Mr. FRANK, Mr. LEHMAN of Florida, Mr. MRAZEK, Mr. ADDABBO, Mr. AUCOIN, Mr. BIAGGI, Mr. BONER of Tennessee, Mr. YATRON, Mr. WAXMAN, Mr. UDALL, Mr. TOWNS, Mr. STUDDS, Mrs. BOXER, Mr. SABO, Mr. DELLUMS, Mr. BUSTAMANTE, Mr. SYNAR, Mr. FAZIO, Mr. FAUNTROY, Mr. DYSON, Mr. RICHARDSON, Mr. KOSTMAYER,

Mr. KANJORSKI, Mr. LELAND, Mr. LEVIN of Michigan, Mr. HAYES, Mr. FORD of Tennessee, Mr. REID, Mr. BARNES, Mr. PEPPER, Mrs. LLOYD, and Mr. HOWARD.

H. Res. 12: Mr. MOAKLEY, Mr. ANNUNZIO, Mr. FAUNTROY, Mr. HORTON, Mr. ST GERMAIN, Mrs. JOHNSON, Mr. BOLAND, and Mrs. KENNELLY.

H. Res. 21: Mr. LELAND, Mrs. VUCANOVICH, Mr. LEVINE of California, Mr. WIRTH, Mrs. SCHNEIDER, Mr. ROSE, Mr. HOYER, Mr. PASHAYAN, and Mr. NIELSON of Utah.

H. Res. 60: Mrs. MARTIN of Illinois.

H. Res. 122: Mr. ECKART of Ohio, Mr. KOLTER, and Mr. HORTON.

H. Res. 135: Mr. SUNDQUIST, Mr. LENT, Mr. BERMAN, Mr. ACKERMAN, Mr. FORD of Tennessee, Mr. MOAKLEY, Mr. DYSON, Mr. PEPPER, Mr. MOODY, Mr. LEHMAN of Florida, Mr. MORRISON of Connecticut, Mr. SCHEUER, Mr. STUDDS, Mr. DOWDY of Mississippi, Mr. WEAVER, Mr. KOLBE, Mrs. SCHNEIDER, Mr. BUSTAMANTE, Mr. FOWLER, Mr. FAUNTROY, Mr. DOWNEY of New York, Mr. ERDREICH, Mr. FOGLIETTA, Mrs. KENNELLY, Mr. CARR, Mr. ASPIN, Mr. DURBIN, Mr. SCHUMER, Mr. SHELBY, Mrs. BURTON of California, Mr. YATES, Mr. TAUZIN, Mr. FRANK, Mr. SOLARZ, Mr. FISH, Mr. FORD of Michigan, Mr. HEFTEL of Hawaii, Mr. STALLINGS, Mr. ANTHONY, Mr. MCCAIN, Mr. BONKER, Mr. COLEMAN of Texas, Mrs. SCHROEDER, Mr. SHARP, Mr. MATSUI, Mr. FAZIO, Mr. BORSKI, Mr. RICHARDSON, Mr. GEJDENSON, Mr. BRYANT, Mr. ECKART of Ohio, Mr. OBERSTAR, Mr. ROE, Mr. DELLUMS, Mr. LEVINE of California, Mr. MARTINEZ, Mr. DASCHLE, Mr. CARPER, Mr. SAXTON, Mrs. BOXER, Mr. CLAY, Mr. WHEAT, Mr. YOUNG of Missouri, Mr. SYNAR, Ms. KAPTUR, Mr. LELAND, Mr. WISE, Mr. SKELTON, and Mr. SIKORSKI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 77: Mr. SILJANDER.

H.R. 800: Mr. BIAGGI.

51-059 O-86-8 (Pt. 7)

EXTENSIONS OF REMARKS

NEW BOOK ON FALKLANDS WAR RECOMMENDED

HON. MERVYN M. DYMALLY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. DYMALLY. Mr. Speaker, I have recently had the opportunity to read a masterful analysis of the Falkland Islands war that I wish to recommend to my colleagues. The book, "Tempest in a Teapot: The Falkland Islands War," is by Dr. Jeffrey M. Elliot, an associate professor of political science at North Carolina Central University, and Robert Reginald, a full librarian at California State University, San Bernardino. Between them they have authored an astonishing 73 books and over 500 articles, reviews, and interviews. Dr. Elliot is, in my view, one of this Nation's most astute political observers and most talented writers. His work has been nominated for countless awards and has drawn praise in numerous quarters. Mr. Reginald is a deft researcher, a skillful writer, and a polished editor.

What is contained in this book could well serve as an object lesson to all those who, in some way, help to determine or implement the foreign policy of our country. I am asking that, after my remarks, the text of the final chapter of the book be printed since it constitutes an adroit assessment of the events that led to the Falkland Islands war. In brief, the book tells us that events take on a life of their own at times, such that one event propels the next. And humans can come close to being automatons in a scenario over which they have little real control. I expect one can find in all corners of the world long-standing, long-smoldering disputes between nations. In some cases, a concatenation of events occurs which ignites those disputes into warfar. One side makes a special effort to resolve the dispute; the other side is unenthusiastic; one side engages in an escalation of rhetoric; the other side reciprocates; and at some point one side crosses a rhetorical line that cannot be recrossed, but instead must be backed up with action.

I say this is an object lesson for our foreign policymakers because we have demonstrated in recent years our willingness both to escalate rhetoric and to back that rhetoric with force. Our force has been resisted successfully several times now. Moreover, the resolve of those with whom we dispute has intensified. The lesson of the Falklands war is that we must be vigilant lest we reach a point where, too routinely, we abandon the negotiating table and take to the battlefield ill prepared, and lacking in comprehension of the far reaching ramifications the action will engender.

The text of the final chapter follows:

[Tempest in a Teapot: The Falkland Islands War]

V. READING THE TEA LEAVES—CLAIMS AND BLAMES; TO THE LAST DREGS; PROGNOSTICATIONS

1. CLAIMS AND BLAMES

In chronicling a war like the Falklands Conflict, one is left with a series of unanswered and perhaps unanswerable questions regarding rights, responsibilities, claims, and blames. Who really owns or should own the Falklands? Why did two apparently civilized nations go to war over a group of 2,000 worthless islands in the South Atlantic? Could the fighting have been prevented? Why did Argentina lose and Britain win? Could the outcome have been changed? How do military experts assess the strategy and weaponry used in the war, and how will these affect planning for future conflicts in other parts of the world? Finally, will there be another war or series of wars in the Falklands, or can a negotiated settlement finally be reached? We will examine these questions in order.

In looking at the historic claims made by Argentina and Britain for sovereignty over the Falklands/Malvinas, one is struck by the obvious sincerity of both sides, and by the absolute impossibility of reaching a fair and impartial decision based upon existing evidence. Some assessments can be made, however. If we regard the first sighting of the islands as a basis for sovereignty, Spain would seem to have the stronger case, based upon Francisco Camargo's apparent description of the Falklands in 1540. It should be emphasized, however, that none of the early supposed sightings are certain; determining the actual discoverer of the Falklands with any degree of assurance may be impossible at this late date, due to lack of supporting documentation. If we regard actual occupation of the islands as a basis for claiming sovereignty, the Spanish again have the stronger case, based upon succession to the French colony of 1764, which France sold to Spain three years later; the French colony existed a year before the British settled Port Egmont. However, both the British and the Spanish withdrew their colonies, thereby leaving themselves open to charges of abandonment, and perhaps negating their original claims. If we regard proximity to the Argentine mainland as a basis for sovereignty, Argentina would seem to have little case, since the Falklands lie beyond the 200-mile territorial limit claimed by Argentina and generally recognized by most countries around the world. If we regard Argentine succession to Spanish claims as a basis for sovereignty, Argentina has at best a dubious case, since 1) Spain abandoned its colony on the Falklands; 2) although Spain administered the Falklands through Buenos Aires, such arrangements are and were common for the sake of expediency, and by no means necessarily indicated that the Falklands were considered part of the South American mainland—the Falklands always had their own governor; and 3) Argentina did not succeed to any part of the Spanish Empire except southeastern South America, which may or may not have included the Falklands. The Argentine claims to sovereignty over the Falklands Dependencies, on grounds that they are governed from Port Stanley, seem spurious, for reasons stated above. Britain has controlled and occupied these islands from their respective discoveries.

Argentina did occupy the Falklands itself in 1820, and maintained a tenuous colony until the British displaced them. It is upon this fact that Argentina's strongest claim is based. But even this claim includes its share of deficiencies, the chief being that Argentina never actually controlled more than a small section of the Falklands, that part near Puerto Soledad, during its twelve years of occupancy. The sealers and whalers who used the islands as a way station and did not acknowledge Argentine sovereignty or control, and generally refused to pay taxes for their catches. Argentina's half-hearted attempts to impose its authority over these transients failed. Further, the Argentine colony never consisted of more than fifty or a hundred settlers, and these few colonists made few attempts to farm, raise livestock, or otherwise conduct themselves as permanent residents. Still, there is no doubt that the acting Argentine governor was forcibly ousted from the islands by the British, and that this displacement was protested by the government of Argentina as a breach of its sovereignty. The grounds cited by the British for imposing control are dubious at best. In fact, the Argentine assertion that the British were seeking to control the seas near Cape Horn is probably correct.

Such changes of sovereignty among colonial possessions of the great naval powers of the day were common to the end of the nineteenth century, generally resulting from major or minor wars between one or another countries, or personal adventurism by officers largely working autonomously, thousands of miles and months sailing time away from their home bases. Naval captains and even high-ranking army officers were a law unto themselves—witness, for example, the unauthorized British incursion into Argentina in 1806. During the age of imperialism the great powers were suitably imperialistic, ignoring the niceties when they wished. So it was in the Falklands.

Given the justice of the Argentine protest over what was probably an illegal seizure of the islands by Great Britain, what justice is there in the British position? In fact, irrespective of the circumstances surrounding British occupation of the islands in 1833, the British have physically governed the islands longer than all of the previous owners combined. Further, neither Argentina nor Spain had made any attempts to develop the islands, beyond Vernet's grandiose schemes, and no private individuals owned any expanse of land under Spanish or Argentine rule except for Vernet and his grantees. Under British government, perhaps 2,000 permanent settlers have devel-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

oped the land, half of which was privately owned, the rest being owned by the Falkland Islands Company. Moreover, it is clear from recent events that the Falkland Islanders are at least partially self-governing, having thwarted various proposals made by both sides to end the struggle through negotiations. The fact that most of the islanders are descended from five or six generations of a continuously resident population is not, as the Argentines have claimed, irrelevant to the issue. The Argentine refusal to consider the islander's wishes when addressing the question of sovereignty was and is foolishly shortsighted, since it makes the issue one of human rather than legal rights, thereby diminishing the stature of their case in the eyes of the democratically governed world. It was inevitable under such circumstances that the United States would at least passively support Great Britain; Argentina's failure to predict this is another sign of its collective blindness to world realities.

The justice in both countries' positions on the Falklands question demands justice from both countries if the problem is ever to be settled; it demands the understanding of both sides equally, and not the petulant outbursts of nationalism, jingoism, or warmongering that have been so evident these past few years. Justice also demands equal consideration of the rights of the resident population of the islands, who know nothing of claims and counterclaims, but only that their tranquil lives have been horribly disrupted by a horrible war. The statesmanship and maturity that might provided an honorable settlement to all parties seems sadly lacking in the history of the Falklands conflict, particularly at the governmental level. In fact, the real causes of this war have more to do with the governmental blunders than with historical or actual claims of sovereignty, as we shall see.

2. TO THE LAST DREGS

War, by its very definition, requires at least two sovereign entities as participants; a war may be started by one country acting alone, but needs an enemy or enemies to continue. It takes two to fight. The outbreak of war in the Falklands puzzled many outside observers, and sent others running to their gazetteers and atlases. While scarcely idyllic, these islands were sufficiently isolated from the world's cares that they were seemingly immune to any but the most modest of disruptions, such as those occasioned by the Saturday-night drunk. The world had mildly been aware of the disagreement between Britain and Argentina on the islands' sovereignty, but such disagreements are common in this world, and are usually handled on a more civilized basis. Why here? Why now? The answers lie in the shortsightedness of both governments involved.

While Britain agreed to negoitate with the Argentines over the Falklands question in 1965, it did so halfheartedly, without any sense of urgency or purpose. Indeed, one is struck while studying the recent history of the Falklands by Britain's seeming inability to decide just what it wanted to do with the islands. At times the British government appeared ready to cede the Falklands to Argentina, in whole or in part, irrespective of the inhabitants' wishes; on other occasions, Britain said it would respect the desires of the natives without actually taking steps to defend them should the worst come to pass. Of course, the Falkland Islands occupied only a small part of Britain's attention during a period filled with perilous crises. Still, the basic policy followed by the Foreign and Commonwealth Office during the decades of negotiations seemed to be a fervent desire that the issue would just get up and walk away. The professionals of the British Foreign Service consistently underestimated the persistence of their Argentine counterparts, consistently misjudged the long-term effects of delay on the Argentine populace and government, and consistently downplayed threats of action by the Argentine military if negotiations remained stalemated. From the Argentine point of view, seventeen years of negotiations, with little more to show than a minor trade and travel agreement, were more than sufficient to address the key issues, particularly the sovereignty question. There were signs from the very beginning of the negotiations that Argentina was willing to compromise on some middle ground, if the end results would allow them to at least show the Argentine flag in the islands. One cannot condone the Argentine military solution, but the invasion is at least understandable, given the fact that virtually nothing had been achieved for thousands of hours of work on both sides.

Whether from lack of attention, or more probably from lack of consideration, Britain never seemed to take Argentina seriously, or to understand its peculiar viewpoint on matters related to national honor. It is, of course, easy to make judgments retrospectively; yet one fact stands out quite clearly: Britain made a series of minor diplomatic oversights that blended together into one horrendous blunder, including: its inability to educate its public, either in the Falklands or in Britain itself, on the dangers and options involved; its lack of decision, either to stand by the Falklands and provide a sufficient military presence to defend them, or to abandon the islands, all at once or over a period of time, by forcing the issue and transplanting those islanders unwilling to live under an Argentine administration; its failure to predict the consequences of its actions, such as withdrawing the armed icebreaker *Endurance* during a period of mounting tensions; its faulty diplomatic and military intelligence, which provided the government with only two days' advance notice of the Argentine invasion; and, finally, a certain condescension in its dealings with the Argentine government, which contributed mightily to the failings mentioned above. Alone, these might have been minor bumps on the road to good relations between two sovereign countries. Cumulatively, they helped bring on a war neither government really wanted. In the end, Britain had helped maneuver itself in to a position in which Margaret Thatcher had no option, in her opinion, but to strike back. Her responsibility for putting herself into that corner, for causing the deaths of over one thousand men and women, is surely equal to that of Galtieri's.

As for Leopoldo Galtieri, the man who would have written himself into the history books by recapturing the Falklands for Argentina, the man who boasted that he would see 40,000 of his countrymen dead before giving up the struggle for the Malvinas, it is perhaps fortunate that his incompetence so greatly exceeded his overbearing ego that he managed within four months of assuming office to trap himself into a situation where only a military miracle could save his country, his cause, even his own position. By his own admission, in an interview published after his fall in the Argentine magazine, *Clarin*, Galtieri miscalculated at every turn, judging that the United States would remain neutral; that Britain would do nothing but protest to the United Nations; that in the unlikely event of military action, Britain would receive no help from other nations, and did not have in any case the military capability to retake the Falklands; that Argentina could defend its beachhead on the Falklands with ill-trained conscripts; that Brigadier General Menendez, having deployed his soldiers so poorly that even Galtieri noticed their misplacement on his visit to the Falklands, was still the man to lead the Argentines to victory; that after the Argentine surrender, Galtieri could still continue fighting a shooting war, while remaining leader of his country. Here was a man with his head firmly planted in the ground. How ironic that Leopoldo Galtieri, the man who would have made the Malvinas Argentine territory once again, has instead probably doomed any such possibility for at least another generation, if not longer. Had he waited another year, Britain might not have had the military capability to retake the islands; had he waited five years, he probably could have had a condominium leaseback handed to him by the British government. Men with guns in their hands have no patience.

With both sides failing to take the other seriously, a confrontation was almost inevitable sooner or later. The crisis was precipitated by a conjunction of unfavorable events following the February, 1982 negotiating session between Britain and Argentina. Although Britain somehow believed that relations were back to normal following these discussions, Argentina clearly came away from the talks with a feeling of *deja vu*, and a sense that nothing would ever come from the negotiations, At that point Galtieri, undoubtedly pressured by Anaya and the General's own subordinates, decided to increase the stakes and put pressure on the British. The first sign of this new policy was the release in Buenos Aires of the text of the proposed agreement. Simultaneously, Galtieri ordered preparation of a military option, in the event discussions reached an impasse within the next few months. Galtieri was not only impelled by his own sense of destiny and by the higher ranking officers in the Argentine military, but by a declining economy that threatened an end to the junta system itself. He gambled—and he lost. As the month of March progressed, both sides began to lose control of the situation, essentially just reacting to events and to each other's responses to those events. Surely President Galtieri felt himself by the end of March in as much of a corner as Margaret Thatcher did: the riot of March 30th and 31st forced his hand. To save himself more than his country, he ordered the invasion to proceed, thereby raising the stakes one step higher.

Once the Argentine forces were committed, neither side could back down, since doing so would mean the end of whichever government broke ranks first. Furthermore, one of the two governments was almost certain to fall in any event, depending on the war's outcome. By this time, any real possibility of a negotiated settlement had long since passed. Barring the unlikely event of a battlefield stalemate, the war would continue until one or the other side emerged victorious, thereby vindicating the judgment of the political leader in question, and dooming the fate of the loser. This is in fact exactly what happended.

Why did Britain win? The British victory was composed of equal measures of profes-

sionalism and luck, both essential factors in the prosecution of a war. On paper, Argentina appeared to have a decided edge, in men, materiel, planes, position, and supply lines. The Argentine advantage, however, was eroded away by the British forces as the war developed, the experience of the British military being a decisive factor. Britain also used the press much more efficiently than Argentina, giving the impression of even-handedness, truthfulness even humbleness in advancing its claims, when in reality the military manipulated the few reporters assigned to the fleet by feeding them exaggerated but believable reports about the large numbers of British troops, ships, and planes being sent to the South Atlantic. While the Argentine press releases were discredited almost from the first day of the campaign, Britain's official government press office was regarded by most westerners as the only news source that was even partially veracious. In other words, Britain won the psychological war, and by doing so, gave an enormous boost to its military position. As the war progressed, even Argentina began believing British claims. This was, of course, precisely what Britain intended.

The sinking of the Argentine ship *General Belgrano* not only removed from the seas Argentina's most powerful warship, but also effectively marked the end of the naval war in the Falklands; thereafter, Argentina kept its ships within sighting distance of the mainland. Argentina seemed to have a large advantage in air power at the beginning of the conflict, but never was able to use its large numbers of fighter-bombers to establish control of the air space over the Falklands. Instead, twenty British Sea Harriers flying round the clock effectively knocked the Argentine Air Force out of the sky in the first two weeks of the shooting war. The slower Harriers showed an uncanny ability to outmaneuver the faster but clumsier Skyhawks and Mirages, shooting down the Argentine planes in an astonishing ratio of about fifteen British kills to every one for Argentina. The Argentine Air Force demonstrated immense bravery and tenacity in attacking the British fleet, which was bottled up in Falkland Sound with no room to maneuver. But its best efforts were thwarted by a high number of dud bombs, including six that actually hit British ships, by the myriad of antiaircraft missiles thrown at the attacking Argentine jets, and by the short amount of combat time (2-10 minutes) that each Argentine plane actually had over the target areas. Essentially, each Argentine aircraft had to line up over the combat zone, quickly dump its bombs and missiles, perhaps turn around once for a strafing run, and then head back to home base, or run the risk of running out of fuel. This left the Argentine craft at an enormous disadvantage in pursuing the Sea Harriers, in picking better targets, in avoiding missiles. In the end, Argentina lost perhaps one-half to two-thirds of its serviceable combat planes, depending on which claims one chooses to believe; more importantly, the Argentines lost a large percentage of its trained fighter pilots, a resource that will be far more difficult to replace than the aircraft themselves.

On land Argentina fared little better. Brigadier General Menendez, who had spoken out against the original Argentine invasion, was simply the wrong man to be defending the Argentine beachhead. He consistently showed himself incapable of making the simplest military judgments. His strategy, his placement of troops, his supply lines, his responses to British actions, all demonstrated woeful military incompetence. Paradoxically, President Galtieri recognized Menendez's deficiencies on his only visit to the islands, but refused to replace him, on the grounds his removal might demoralize the Argentine populace and soldiery. The British forces were allowed to land at San Carlos Bay virtually unopposed. Argentine troops at Goose Green were reinforced by Menendez, but provided with no further support when they most needed it. Once Goose Green fell, Menendez seemed to pursue a persistent policy of retreat, falling back from entrenched positions at the least sign of pressure from the advancing British. As a result, he soon found himself besieged at Puerto Argentino/Port Stanley, encircled by land and cut off by sea, with no air support whatsoever. At the end, his soldiers broke and ran before the final British attack. Contributing to the Argentine defeat on land was the dichotomy between the Argentine enlisted men and their elitist officers, many of whom never moved from their relatively plush surroundings in Port Stanley, while the men in the trenches were struggling to find something hot to eat and something warm to wear. A number of the intermediate officers abandoned their units under British military pressure, leaving them in charge of their sergeants or corporals. The vast gap between the privileged officer class and the poorly trained conscripts that comprised much of the Argentine army resulted in a demoralization of the forces in the field, and a tendency for them to crumble before the relentless British onslaughts. Contributing to this was Argentina's poor suppy chain; while goods and war materiel piled up in Port Stanley, the soldier in the field received less and less in food, clothes, and weaponry as the war progressed. He felt abandoned by his own people, and consequently did not fight as well as he could have fought, had he been properly maintained and directed. The fault for the military debacle must lie directly with the heads of the Argentine armed services.

Leaving aside political considerations, could Argentina have won the military struggle? There is no certain answer to this question, but most observers seem to feel that Argentina could at least have made a better showing in the Falklands than it did. Argentina's three surviving submarines were never a factor in the struggle; one was apparently unserviceable, but the remaining two could and should have been deployed near the British fleet. The lone Argentine aircraft carrier could have been deployed near enought to the Falklands to increase Argentine air cover there tremendously. The sinking of a British aircraft carrier would have halved British air power, as well as demoralized the entire British expeditionary force—this should have been the first priority of the Argentine Navy. The Argentine Air Force probably did as well as possible with the mixture of old and new equipment available to it; if more Exocet missiles had been purchased, if newer aircraft had been obtained, perhaps the outcome might have been different. The Argentine Army made a very poor showing indeed; with better officers, better supply lines, with more aggressive tactics, Argentina could have at least fought the British to a standstill, and perhaps driven them off the beaches at Port San Carlos. But they did not, a fact over which military historians will be pondering for decades to come.

3. PROGNOSTICATIONS

The Falklands War marked the first use in combat of the Exocet air-to-ship missile (also available in land-to-ship and ship-to-ship versions), and the first combat test of the Sea Harrier fighter-bomber, both of which demonstrated astonishing capabilities. Of the five or six air-to-ship Exocets fired, two hit their targets, destroying the British vessels in question, and raising serious questions about the future viability of the surface fleet as now constituted. One land-to-ship Exocet was also fired, severely damaging a British warship. The presence of these missiles and others of their ilk provided a continuing debate among naval experts that reached no evident conclusion. Some of these savants declared that the days of the surface navy had nearly passed; others, particularly high-ranking officers from those countries with large navies, expressed the opposite view, saying that the reasons behind the severe British losses had more to do with Britain's lack of radar and air cover than with any defect in naval strategy.

There can be no doubt that British losses would have been less if it had had one or more aircraft carriers capable of launching modern naval fighters, as well as downward-peering radar planes that could have picked up low-flying aircraft. Without this radar umbrella, Britain was effectively blind, relying completely on destroyers located west of the Falklands for radar cover—these ships were unable to "see" Argentine craft flying fifteen or twenty feet over the waves. Often, the British ships operating in Falkland Sound had no more than ten or twenty seconds notice of incoming Argentine fighter-bombers. Such tactics would not have worked against a modern American battle group composed of one or more centrally located carriers, with surrounding destroyers, light cruisers, nuclear submarines, and other vessels—the Argentine planes would have been detected and met at long range. The Exocet has made the small navy obsolete; almost any country in the world can now afford to blast its neighbor's naval forces right out of the water. The larger question of anti-ship missiles has not been answered, however, and probably cannot without acutal combat experience. There are far more sophisticated missiles in the Soviet and American arsenals. Their capabilities are known, their ultimate effectiveness still a mystery.

The military experts remained relatively unimpressed with the Sea Harriers as well. Many of them seemed to feel that the Harriers were successful only because they were facing technologically obsolete aircraft, and that they would not have fared as well against modern Soviet or American planes. Others believed that the Harriers deserved their kudos, that this relatively unknown aircraft proved its wings by its reliability, its maneuverability, and its flexibility. None of the major powers expressed much interest in moving toward VTOL aircraft, however. Armchair generals everywhere praised the British landing and subsequent march on Port Stanley as a classic example of the best in military tactics, stressing aggressive attacks, forced marches to surprise the enemy, unrelenting military pressure, psychological warfare, initiative, strong leadership at both the officer and N.C.O. level, good morale, firm supply lines, and excellent motivation. In almost every clash, the attacking British forces faced a larger number of defenders in entrenched positions, a situation which normally would heavily favor the defenders. In every case the British won.

The British may have won the battle, but they have not yet won the war. The basic issues and grievances remain as before, only deepened and made bitter by the hardships inflicted on all sides. The Argentines have experienced a devastating military and moral defeat. The British have suffered hundreds of casualties, loss of an appreciable percentage of the Royal Navy, and are faced with spending billions of pounds in the foreseeable future to maintain a large garrison and fleet for the health and safety of 1,800 semi-British citizens. The Falklanders have been wrenched by a horribly devastating war that has left their green hills strewn with thousands of undetectable plastic mines. And we are all faced with the possibility at some near or distant future of a new war or series of smaller conflicts that could lead to war. Is there any way out?

There is always a point of compromise if both sides really want to compromise. Realistically, however, neither Britian, Argentina, nor the Falklanders have demonstrated the flexibility, maturity, and sincerity necessary to find a negotiated settlement to the Falklands issue, and we believe that such a solution is unlikely to be achieved in the near future. Britain has for the first time shown some interest in developing the islands financially, and would be hard pressed after such development and the events of the war to then withdraw. Yet Britain will also experience increasing political pressures at home as the cost of maintaining a long-term military base on the Falklands begins to mount. Further, the Labour Party has already indicated a desire to find a negotiated settlement to the problem, and may or may not be willing to support a continuing military presence in the Falklands or anywhere else. Some observers believe that, had Labour been in power at the time of the Argentine invasion of the islands, Britain would have done nothing more than protest the occupation to the United Nations.

Argentina must put its own house in order before it can again have any illusions of repossessing the Malvinas; in particular, the military must forever be confined to barracks, basic democratic freedoms must be restored, and the Argentina economy put back in order. The wishes of the Falklanders must be taken into account, and their way of life preserved; the Argentines cannot reasonably expect the islanders to exchange their rural, democratic way of life, however blighted by the war, for the chaos of modern Argentine society. Argentina must make their country an attractive option for the Falklanders. The Kelpers themselves must take more of an interest in the world at large and in their prospective future, and seek a form of government more in tune with modern-day realities. If they want independence or some in-between status as a self-governing protectorate, they should make such an end possible; if they desire closer union with Britain, they should seek representation there. Clearly, however, the days of the colony as previously constituted have come to an end.

A negotiated settlement of the Falklands question in the only rational long-term solution to the conflict between Britain and Argentina. Such an agreement could be based upon a division of the islands, with West Falkland Island going to Argentina, and Argentina paying the costs for relocating the settlers there; joint administration by Britain, Argentina, and possibly other powers or the United Nations; or a transfer of sovereignty to Argentina, with a leaseback arrangement to Great Britain for an extended period of time, possibly ninety-nine years. Few other options seem viable. Without such an agreement, this stupid, senseless, silly war could once again become a shooting and killing war, on a greater or lesser scale. Argentina now boasts that it can produce an atomic bomb within five or ten years. Perhaps its ultimate solution to the puzzle of national hysteria is making the islands permanently uninhabitable, on the grounds that, if Argentina can't have the Falklands, neither will anyone else. What price victory?●

THE SANCTUARY MOVEMENT—SORTING IT OUT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. FIELDS. Mr. Speaker, perhaps as many as 200 local churches and a couple of American city councils have declared themselves sanctuaries for thousands of undocumented aliens, mainly from El Salvador and Guatemala. Harboring these people is a serious Federal offense, especially since most do not qualify as political refugees.

Beyond being driven by humanitarian concerns, the leadership of the so-called sanctuary movement openly announces that the real motive lies in cynically manipulating the refugee question for extreme ideological purposes, especially hindering the Reagan administration's efforts to block the spread of communism throughout Central and South America.

Since more will be heard concerning this movement, I am pleased to share with my colleagues excerpts from an excellent article appearing in the April issue of the Religion & Society Report. Caution is suggested to any Member of the Congress approached for involvement in this movement.

THE SANCTUARY MOVEMENT—SORTING IT OUT

Nobody challenges the claim that there are millions of undocumented, or illegal, aliens in the United States. With few exceptions, they come from south of the border. It is usually estimated that there are at least 500,000 from El Salvador alone. The plight of many of them is deeply moving. It is not surprising that many Americans are troubled in conscience about what ought to be done. Enter the Sanctuary Movement, which presents itself, at times, as a humanitarian response to people who have no legally acknowledged right to be here and are subject to being sent back to lands wracked by terror.

The humanitarian note is struck in a fundraiser mailed by the Interreligious Foundation for Community Organization (IFCO). Titled "A Letter From a Woman of Conscience," it reads: "Even though we've never met, I feel I can address you as 'friend.' My name is not important. What is important is that I am an Indiana housewife and mother—and that as an act of conscience, I am knowingly defying the law." The letter continues: "Let me tell you about Sanctuary and why I support it. Central American political refugees are spirited out of their own countries, brought here by an 'underground railroad' and transported to a sanctuary church that welcomes them. The members of that church give them medical care when they need it. They teach them English. They provide them with housing, clothing, jobs, and legal aid." In reaction to the U.S. government's makeshift efforts to enforce existing immigration law, the Indiana mother writes: "Already, government officials have begun to crack down at the Mexican border. They have begun actively to send the refugees back to death squads condoned by their oppressive governments. Representatives of our government have actually invaded church property and put sanctuary workers in jail. What's more, they have tried to make the political refugees testify against the Americans who put their own freedom on the line to help them.

"Such behavior is particularly despicable in an administration which talks so loudly of its 'Christian' beliefs."

APPEALING WITH A POTENT MIXTURE

In literature such as the above we find the recurring themes set forth by organizations now flocking to the Sanctuary Movement: the bold assertion of conscience, the dramatic definance of illegitimate authority, the compassion that reaches out to the needy—and all in the name of authentic religion. The mixture is potent, and it helps explain why thousands of individuals and hundreds of local churches have already signed up with the Sanctuary Movement. The movement also employs a patriotic motif, however inverted, by invoking the noble history of America's generosity to refugees.

In its presentation of itself to the general public, the Sanctuary Movement is an exercise of religious freedom in humanitarian response to terrible suffering. But, like most movements, this one, while increasingly centralized, is hardly monolithic. As we shall see, some of those in charge recognize the public relations value in hitting the humanitarian note but are fearful that this could degenerate into a sentimentality that distracts attention from more compelling political purposes. Also, it is recognized that too much focus on the purely humanitarian could end up weakening the plausibility of the movement. After all, movement leaders do not even pretend that their purpose is to reach out to help all 500,000 Salvadoran immigrants, not to mention the millions of others from Central America. In fact, the overwhelming majority of undocumented aliens are busy going about their business, usually working at low-level jobs and living in large immigrant communities in urban areas.

The leaders of the Sanctuary Movement say that they want to legalize the situation of those and of uncounted others. They do not say very clearly whether all immigration law should be suspended and the U.S. should welcome the prospect of the inrushing of 10 or 30 million people from Mexico, El Salvador, and other countries to the south. That prospect is frequently scoffed at as anti-immigrant nativist alarmism. What the leaders do say very clearly is that the Sanctuary Movement is a critical tool for opposing U.S. foreign policy in Central America and for advancing social justice, as they understand it, on this side of the border.

DECLARING WAR ON THE EMPIRE

At the end of January there was an "Inter-American Symposium on Sanctuary"

held at Temple Emanu-El in Tucson, AZ. The theme was "From Fences to Friendship," and it was expected that about 400 people would show up. As it turned out, there were 1400—some say 1800—participants. In a keynote speech, William Sloane Coffin of New York's Riverside Church declared that a "successful revolution in Central America would not only bring economic and social change there but also cast a few hopeful rays in our direction." Jim Wallis of Sojourners magazine reported on his work as the national director of the Emergency Response Network. The Network is designed to coordinate massive civil disobedience, including the widespread occupation of Federal offices, in the event of an escalation of U.S. military involvement in Central America. One of the speakers was a Guatemalan army deserter who assured the assembly that "sanctuary is a symbol of solidarity with us [in the struggle against] U.S. and Israeli imperialism."

Philip Wheaton is director of EPICA (Ecumenical Program for Inter-American Communication and Action), an organization related to the National Council of Churches. He is also coordinator of the Washington, DC, sanctuary program, and he explained to the participants that the Sanctuary Movement is not aimed specifically at the Reagan administration. It is aimed rather at America's "acquisitive system based on the maximization of profit." "This empire is sucking the world dry of its wealth and resources," he said, and therefore the movement must advance "change in the fundamental economic priorities of the American system." In sharp contrast to the humanitarian "sentimentalists," Wheaton wanted it understood that the movement is not "a good will gesture" but a way to force people "to ask basic questions about our way of life."

The heavy moral and political rhetoric employed by the Sanctuary Movement leaves no doubt that, this time around, the Holocaust is being perpetrated by the U.S. In this view, the U.S. is trying to crush the just struggle of "the poor and oppressed," as represented in the revolutions of Cuba and Nicaragua. Or, as Jesse Jackson was given to putting it during his Presidential bid, "America is on the wrong side of the global revolution." Seeking Safe Haven is a booklet published by the National Council of Churches' Church World Service, a relief organization which, incidentally, receives the bulk of its money from the U.S. government. This "How to " guide for establishing church sanctuary emphasizes that fugitive Salvadorans are to be used as "a symbol of resistance" to dramatize the "immorality of U.S. intervention" in Central America. Here and elsewhere in the literature, parallels are drawn with the draft resisters during the war in Vietnam. It is of course assumed throughout the current movement that the U.S. was on "the wrong side" in Vietnam. This despite the movement's putative concern for refugees and the reality of hundreds of thousands of "boat people" and others who fled following the victory of Hanoi.

Jim Corbett is generally described as the father of the Sanctuary Movement. Mr. Corbett, who took his master's in philosophy at Harvard, also has a more ideological side, however. In an October 1982 essay, which is distributed by the Chicago Religious Task Force, he writes, "Our message is, simply, that . . . the people of El Salvador, or Guatemala are being tortured into resigning themselves to established patterns of subjugation—that is, to military rule by a wealthy elite that acts as the agent of U.S. domination. And the terror that pursues the refugees up through Mexico and into the United States is an integral, strategically essential aspect of this process." In view of the oppressive policies of the U.S. government, "we have no middle ground between collaboration and insurrection." The argument is that the middle ground—the possibility of changing foreign policy and immigration law through democratic processes—has been eliminated. Revolution is therefore justified as a last resort.

Mr. Corbett compares the "evasion services" of the Sanctuary Movement with guerrilla warfare. "Evasion services are highly cost-effective but should make-do with volunteers and unsolicited donations. The primary reasons for this are exactly the same as the reasons that guerrilla strategies are often so effective: evasion services must depend on highly motivated volunteers capable of replacing each other and integrating recruits; volunteers must be able to take and maintain the initiative without support from any home base, headquarters or supply line that requires defense. (With respect to this kind of strategic advantage, nonviolent insurgency is actually far superior to guerrilla insurgency because it requires no arms supply—just government reaction—in order to maintain momentum and establish the leverage needed for social jujitsu.)"

"Theology of Sanctuary" (by Michael McConnell and Renny Golden) is another paper distributed by the movement's Chicago coordinating office. Of the Sanctuary Movement it says, "This is the beginning of authentic solidarity. Liberation theology has crossed the border, not in books to be read and discussed, but in praxis. An insurgent faith is on the move, undertaken in hope and sustained by resistance. And the declaration of sanctuary is the pivotal act in this new religious solidarity movement." Of course, it should not be thought that all the people and institutions that have expressed sympathy with the Sanctuary Movement endorse the ideological directions expressed above.

EXTENDING SYMPATHIES

A number of major religious groups have indicated sympathy or have actually endorsed the movement: the American Lutheran Church, the Presbyterian Church (USA), the Rabbinical Assembly, the United Methodist Board of Church and Society, the Board of National Mission of the American Baptist Churches, several Roman Catholic bishops, and more. In their several statements, these groups accent the humanitarian concern, for illegal immigrants, most call for the granting of "refugee status" to the Salvadorans and others, and some explicitly indict U.S. "intervention" in Central America as the core problem. Catholic bishops who have been more explicitly supportive of the movement's political purposes include John Fitzpatrick of Brownsville, TX, Raymond Hunthausen of Seattle, and Rembert Weakland of Milwaukee.

REVOLUTION VS. REFORM

Groups with a long-standing concern for refugees and immigration policy are increasingly anxious about the Sanctuary Movement. For example, the American Jewish Committee, the International Rescue Committee, and the Center for Migration Studies issued a joint statement in February pointing out that controversy over church sanctuary for Salvadorans was threatening to "deflect attention from the larger issue of this country's role in refugee rescue." "The real question," they said, "is whether the U.S. is retreating from its historic commitment to provide a haven for people fleeing oppression." These groups acknowledge that there are indeed problems in present policy and practice. For instance, in 1984 those seeking asylum in the U.S. from Nicaragua were turned down by a ratio of 7 to 1, from El Salavador by 40 to 1, from Afghanistan by 2 to 1, from Ethiopia by 3 to 1, and from Poland by 2 to 1. "These figures," the statement declares, "do not reflect this country's deep commitment to freedom or dedication to fairness."

The "fairness issue" is a vexing one. The ideologists of the Sanctuary Movement predictably claim that the disparities in the figures above prove that the U.S. only cares about the victims of communism and is indifferent to those who suffer from the "oppressive" policies of the U.S. and its allies. They typically discount the dramatic difference in size between potential immigration from Central America and from, say, Poland.

A question that must be candidly answered is whether it is "fair" to take the consequences of possible immigration policies into account. It may not be fair that one person is born in Poland and another in El Salvador, but it is certain that an immigration policy that fails to calculate consequences would not be supported by the American people. The reason for this is not that Americans are hard-hearted or possessed by nativist anti-immigrant prejudice, although some Americans undoubtedly are both. The reason is that the complete elimination of our southern border would probably result in a massive and unsustainable migration, especially if the Soviet-Cuban-Nicaraguan connection succeeded in spreading its revolution to other countries in the area.

In truth, there are no universally satisfactory answers to the dilemmas posed by immigration and refugee policy. The Simpson-Mazzoli bill of last year probably came as close to reasonable compromises as is possible, but it was shot down by many of the forces that are now most vocal in decrying the unfairness and irrationality of current policy. The joint statement of the three groups mentioned earlier calls for a new debate on all these tangled questions. They propose three goals: 1) an increase in the number of people allowed into the country as refugees and "asylees"; 2) separating the issue of refugees from debates on foreign policy; and 3) greater international cooperation. It is the second goal, of course, that is most directly undermined by the Sanctuary Movement. Far from wanting to separate the refugee question from foreign policy debates, the leaders of the movement have made it unmistakably clear that the refugee question is first and foremost an instrument for opposing U.S. policy in Central America and elsewhere. (A thoughtful treatment of the refugee issues is "The Asylum Challenge to Western Nations," an 18-page study by Gary Rubin, available from the American Jewish Committee, 165 E. 56th St., New York, NY 10022.)

By cynically manipulating the refugee question for extreme ideological purposes, the Sanctuary Movement may end up doing grave damage to Salvadorans and others already in the U.S. This is the point made by Dr. Richard Feen in a study done for the Center for Migration Studies (Staten Island, NY). "As most people are no doubt aware, *de facto* sanctuary already exists in this

country for most illegal aliens. Over half a million Salvadorans are now illegally in the United States. If the 1982 rates of deportation are any indication, 99 percent of those here can expect to stay indefinitely. The limited resources devoted to immigration enforcement rule out in the near future any widespread apprehension and detention. In addition, the Immigration and Naturalization Service (INS), while willing to arrest undocumented aliens almost anywhere, has yet to drag anybody out of a church. Government agents have indeed respected churches, parishes, clinics and classes run by the clergy, thereby allowing Salvadorans to gather with a sense of security in these places. By publicly humiliating the INS, sanctuary advocates may jeopardize the very Salvadorans whom they wish to assist."

"Another disturbing factor associated with the sanctuary movement," according to Dr. Feen, "is that it actually endangers the American refugee program. Sanctuary advocates make a point of classifying all illegal Salvadorans as 'political refugees.' Yet, as even the liberal Washington Post recently pointed out in one of its editorials, most are fleeing not violence or political persecution in El Salvador, 'but economic hardship in Mexico, their port of first asylum.' By confusing the specific distinction between economic migrants and refugees, the entire concept of political asylum would be destroyed. As the U.S. Coordinator for Refugee Affairs has often stated, 'If everyone is a refugee, then no one is a refugee.' There can be no doubt that those who mislabel migrants as refugees cloud the crucial legal and moral difference that protects refugees and our ability to offer them an immediate safehaven. The urgency of a person targeted for political oppression cannot be compared to one seeking better economic opportunities."

SORTING IT OUT

Indications are that the Sanctuary Movement is continuing to grow. Individuals and churches are being forced to make up their minds about it. It is neither fruitful nor fair to question the good intentions of thousands of people who are supporting the movement. Equally, it would be imprudent and naive to ignore the declared purposes of the political extremists who are in effective control of the national coordination of the movement. From Clergy and Laity Concerned, to the Political Rights Defense Fund, to the American Friends Service Committee, the refugees from radicalisms past are flocking to this movement in the hope of resuscitating The Movement of the 60's. Nobody should question their right to protest U.S. policies in Central America. They are similarly within their rights to champion Cuba and the Sandinistas in Nicaragua as the hope of the region's "poor and oppressed." The question is not their rights but whether they are right. We think they are dead wrong—and their wrongheadedness could be deadly for the very people for whom they profess to be concerned.

The movement depends upon provoking reaction from the government. Its leaders have indicated that they welcome, they earnestly hope for, the political theater of INS agents dragging aliens out of churches over the bodies of congregational members. So far, the government has refused to take the bait. In addition, the leaders want to up the ante in confrontation with the government over the limits of religious freedom.

The danger and the sadness of the Sanctuary Movement is that it politically exploits the compassion of thousands of church people, debases the meaning of religious freedom, imperils the well-being of hundreds of thousands of aliens already in this country, precludes serious public debate about a more just immigration policy, and invites a popular backlash against America's tradition of generosity to refugees. And all this in the name of "solidarity with the poor and oppressed."●

PROTECTION FOR NEW AUTOMOBILE BUYERS—THE NEED FOR A FEDERAL "LEMON LAW"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. LANTOS. Mr. Speaker, with seven of my distinguished colleagues, I recently introduced the Automobile Consumer Protection Act, H.R. 1855, in the 99th Congress. This bill would establish a Federal "lemon law" to protect consumers from excessive warranty problems with new automobiles.

A recent study by the Federal Trade Commission reported that 30 percent of new automobiles had warranty problems which took more than 1 month and several visits to the repair shop to correct.

It is my strong belief that if consumers are willing to buy an expensive item like a car, they deserve some guarantee that that item will operate as it is suppose to, and not sit in a repair shop for unnecessary amounts of time.

Several States, including my own State of California, have enacted these so-called lemon laws. However, in our mobile society, too often the consumer buys a car in one area and within months moves to another region of the Nation. We need to protect these consumers in the same manner as those who have remained in the same location.

State laws dealing with car warranties are a patchwork—not all States have lemon laws, and those that do, have differing provisions. We need to have a national uniform statute. My legislation does exactly that—it sets a Federal standard that would be followed within all 50 States on a uniform approach.

Existing Federal legislation is inadequate and does not provide consumers the assurances they need and deserve. Current law provides only implied warranties, and gives no guarantees that the consumer can recover costs if the purchase turns out to be a lemon. My bill would require that the manufacturer, agent, or authorized dealer responsible for a defective new automobile correct deficiencies within the first 2 years or 18,000 miles, whichever comes first. The purchaser will be entitled to a refund or to a new vehicle if the defect is not repaired after four attempts. Any manufacturer's arbitration program that may be available must be utilized before replacement or refund can be sought.

The Automobile Consumer Protection Act is intended to remove confusion and establish uniform and consistent warranty protection. I invite my colleagues to join me in cosponsoring this legislation.●

WIESEL PLEA TO REAGAN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. LEVINE of California. Mr. Speaker, I am aware of no voice more eloquent than that of Elie Wiesel, whose passion and clarity has helped my generation and our Nation to understand the horror of the Holocaust.

He did us all a service, Mr. Speaker, when he respectfully but powerfully urged the President to change his ill-considered plan to lay a wreath at a German cemetery which includes the graves of former SS executioners.

Elie Wiesel's profound writings remind us that the opposite of love is not hate but indifference. Last Friday, he reminded the President of that.

I know that my colleagues share Elie Wiesel's hope that the President will find another way to seek reconciliation.

Elie Wiesel's message might help this President to do that and I ask unanimous consent to include a copy of his thoughtful statement to the President at this point in the RECORD.

TEXT OF WIESEL PLEA TO REAGAN

WASHINGTON.—Here is a transcript of remarks Friday by Holocaust survivor Elie Wiesel as he accepted a Congressional Gold Medal from President Reagan:

Mr. President, speaking of reconciliation, I was very pleased that we met before so a stage of reconciliation has been set in motion between us, but then we were never on two sides.

We were on the same side; we were always on the side of justice, always on the side of memory, against the SS and against what they represent.

It was good talking to you and I am grateful to you for the medal. But this medal is not mine alone. It belongs to all those who remember what SS killers have done to their victims.

It was given to me by the American people for my writings, teaching, and for my testimony. When I write, I feel my invisible teachers standing over my shoulders reading my words and judging their veracity, and while I feel responsible for the living I feel equally responsible to the dead. Their memory dwells in my memory.

IN A ORPHANED WORLD

Forty years ago a young man awoke and he found himself an orphan in an orphaned world.

What have I learned in the last 40 years? Small things. I learned the perils of language and those of silence. I learned that in extreme situations when human lives and

dignity are at stake neutrality is a sin. It helps the killers, not the victims.

I learned the meaning of solitude, Mr. President. We were alone, desperately alone.

Today is April 19, and April 19, 1943, the Warsaw ghetto rose in arms against the onslaught of the Nazis. They were so few and so young and so helpless, and nobody came to their help, and they had to fight what was then the mightiest legion in Europe.

Every underground received help except the Jewish underground, and yet they managed to fight and resist and push back those Nazis and their accomplices for six weeks, and yet the leaders of the Free World, Mr. President, knew everything and did so little of nothing, or at least nothing specifically to save Jewish children from death.

You spoke of Jewish children, Mr. President.

ONE MILLION JEWISH CHILDREN DIED

One million Jewish children perished. If I spent my entire life reciting their names, I would die before finishng the task.

Mr. President, I've seen children, I have seen children being thrown in the flames—alive! Words, they die on my lips. So I have learned, I have learned, I have learned the fragility of the human condition.

And I am reminded of the great moral essayist, the gentle and forceful Abe Rosenthal, having visited Auschwitz once wrote an extraordinary reportage about the persecution of Jews, and he called it, "Forgive Them Not Father, for They Knew What They Did."

I have learned that the Holocaust was a unique and uniquely Jewish event, albeit with universal implications. Not all victims were Jews. But all Jews were victims.

I have learned the danger of indifference, the crime of indifference. For the opposite of love, I have learned, is not hate, but indifference.

BETRAYED BY THE ALLIES

Jews were killed by the enemy but betrayed by the so-called Allies who found political reasons to justify their indifference or pasivity.

But I've also learned that suffering confers no privileges. It all depends what one does with it.

And this is why survivors of whom you spoke, Mr. President, have tried to teach their contemporaries how to build the ruins, how to invent hope in a world that offers none, how to proclaim faith to a generation that has seen it shamed and mutilated, and I believe, we believe, that memory is the answer, perhaps the only answer.

A few days ago, on the anniversary of the liberation of Buchenwald, all of us Americans watched with dismay and anger as the Soviet Union and East Germany distorted both past and present history.

Mr. President, I was there. I was there when American liberators arrived, and they gave us back our lives, and what I felt for them then nourishes me to the end of my days, and will do so. If you only knew what we tried to do with them then. We who were so weak that we couldn't carry our own lives. We tried to carry them in triumph.

Mr. President, we are grateful to the American Army for liberating us. We are grateful to this country, the greatest democracy in the world, the freest nation, in the world, the moral nation, the authority in the world, and we are grateful especially to this country for having offered us haven and refuge.

FRIENDSHIP OF ISRAEL

And grateful to its leadership for being so friendly to Israel and, Mr. President, do you know that the ambassador of Israel, who sits next to you, who is my friend and has been for so many years, is himself a survivor?

And if you knew all the causes we fought together for the last 30 years you should be prouder of him, and we are proud of him, and we are grateful, of course, to Israel, we are eternally grateful to Israel for existing. We needed Israel in 1948, as we need it now.

And we are grateful to Congress for its continuous philosophy of humanism and compassion for the underprivileged.

And as for yourself, Mr. President, we are so grateful to you for being a friend of the Jewish people, for trying to help the oppressed Jews in the Soviet Union, and to do whatever we can to save (Anatoly) Shcharansky and Abe Stolar and Yosef Begun and (Andrei D.) Sakharov, and all the dissidents who need freedom.

And of course we thank you for your support of the Jewish state of Israel.

A TRAUMATIZED GENERATION

But Mr. President, I wouldn't be the person I am and you wouldn't respect me for what I am if I were not to tell you also of the sadness that is in my heart for what happened during the last week, and I am sure that you too are sad for the same reasons.

What can I do? I belong to a traumatized generation, and to us as to you symbols are important. And furthermore, following our ancient tradition, and we are speaking of a Jewish heritage, our tradition commands us "to speak truth to all."

So may I speak to you, Mr. President, with respect and admiration of the events that happened. We have met four or five times, and each time I came away enriched, for I know of your commitment to humanity, and therefore I am convinced as you have told us earlier when we spoke that you were not aware of the presence of SS graves in the Bitburg cemetery. Of course you didn't know. But now we all are aware.

May I, Mr. President, if it's possible at all, implore you to do something else, to find a way, to find another way, another site.

That place, Mr. President is not your place. Your place is with the victims of the SS.

Oh, we know there are political and strategic reasons. But this issue as all issues related to that awesome event transcends politics and diplomacy. The issue here is not politics, but good and evil, and we must never confuse them, for I have seen the SS at work, and I have seen their victims. They were my friends, they were my parents.

Mr. President, there was a degree of suffering and loneliness in the concentration camps that defies imagination. Cut off from the world with no refuge anywhere, sons watched helplessly their fathers being beaten to death. Mothers watched their children die of hunger. And then there was (Josef) Mengele, and his selections. Terror, fear, isolation, torture, gas chambers, flames, flames rising to the heavens.

But, Mr. President, I know and I understand, we all do, that you seek reconciliation—but so do I, so do we. And I, too, wish to attain true reconciliation with the German people. I do not believe in collective guilt nor in collective responsibility. Only the killers were guilty. Their sons and daughters are not.

And I believe, Mr. President, that we can and we must work together with them, and with all people, and we must work to bring peace and understanding to a tormented world that as you know is still awaiting redemption.

I thank you, Mr. President.●

SCIENTIFIC AMERICAN ARTICLE POINTS TO NEED FOR STARK BILL ON EARTHQUAKE RESEARCH AND IMPROVED BUILDING DESIGN

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. STARK. Mr. Speaker, there is a grave threat to our economic health and national security lurking beneath the gaze of our budgetmakers which deserves our immediate attention. That danger is the seeming stability of the major fault lines along which earthquakes occur in this country. That no very serious earthquakes have occurred recently either in the unprepared Midwest or in California should provide no source of comfort; seismologists theorize that the longer the period between major slippages along fault lines (earthquakes), the greater the magnitude of the resultant quake.

A recent article in the Scientific American elaborates on this topic:

In the theory of plate tectonics most major earthquakes are explained as sudden movements or ruptures aong the faults constituting the boundaries of the earth's great crustal plates. According to the theory, the San Andreas is one of a set of faults representing the boundary of the Pacific plate and the North American plate. The plates are sliding past each other; in particular the sea floor to the Pacific moving toward the northwest with respect to North America. Over the long term the San Andreas must accommodate slippage of about 3.5 centimeters per year. The inescapable conclusion is that sudden slippages in the future will give rise to potentially catastrophic earthquakes . . . On one section of the San Andreas fault in central California, fault creep, or slow slippage, characterizes the displacement. In other places the fault releases its stored elastic stain in characteristic steps no longer than a few centimeters. In still other places the characteristic slip increment is from seven to 10 meters. Episodes of slippage of the latter type were responsible for the great earthquakes of 1857 and 1906. Averaged over a sufficiently long period of time the sum of the various slippage of displacements—the slow, aseismic fault creep, the fault displacement accompanying earthquakes, and inelastic deformation such as crustal folding—must equal the displacement between two plates.

The analysis of Dr. Kerry Sieh of the California Institute of Technology concludes that "the likelihood of an earthquake of magnitude 8.3 along the southern San Andreas fault is estimated to be between 2 and 5 percent per year, or about 50 percent in the next 20 to 30 years."

A map included in the article indicates that there is a greater than 60 percent chance of an earthquake of magnitude 6.5–7 occurring in the next 30 years in the Oakland and Silicon

Valley areas. A greater than 40 percent chance of an earthquake of magnitude 7.5–8 occurring just east of the Los Angeles is also hypothesized.

A quote from the Scientific American article is sufficient to put this apparently regional threat into national perspective:

In human terms California is the most populous State in the United States and a center for many of the Nation's critical technology-oriented industries. Some 10 percent of the Nation's population and industrial resources are there, and 85 percent of these resources (or 8.5 percent of the total) are in a strip of 21 counties along the continental margin that are well within the seismic domain of the San Andreas. A single one of those counties—Santa Clara County, in northern California—manufactures a fourth of the nation's semiconductors. Santa Clara County suffered heavy damage in the 1906 earthquake that devastated San Francisco.

California does not face this danger alone; Major seismic events are predicted along the Mississippi valley as well. Thirty-nine States in all may be subject to major earthquakes in the next 30 years.

In the absence of foolproof methods of providing short-term prediction of earthquakes, the first line of defense is assuring that existing and new structures, buildings, dams, power plants, etc., are built so as to minimize damage potential. I have introduced a bill (H.R. 1144) to further our research in this crucial area. Surely some $25 million dollars in prevention spent annually are quite worth while to help limit the estimated $50 billion in damage which may result from a major earthquake.●

ALAN PATON'S NIGHTMARE ABOUT SOUTH AFRICAN DISINVESTMENT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. FIELDS. Mr. Speaker, Evelyn Waugh wrote, "It is better to be narrow-minded than to have no mind, to hold limited and rigid principles than none at all. . . . There are still things which are worth fighting against."

For Alan Paton, author of the classic "Cry the Beloved Country," disinvestment is one of those things worth fighting against. For those supporters of disinvestment, both liberals and conservatives, both sincere and trendy resume-builders, I am pleased to share Alan Paton's nightmare as reprinted in the Religion & Society Report of February 1985.

ALAN PATON'S NIGHTMARE ABOUT SOUTH AFRICAN DISINVESTMENT

Anglican bishop Desmond Tutu, Nobel Peace Prize laureate, makes no secret of his support for disinvestment. The idea of disinvestment is that the withdrawal of U.S. corporations and capital would bring effective pressure to bear upon Pretoria and undermine the odious system of apartheid. The disinvestment campaign has in recent months gained momentum in this country, erupting in Congress, state and municipal governments, universities and, most successfull, in some churches. Alan Paton, author of the classic Cry the Beloved Country and other writings against apartheid, thinks disinvestment would be very bad for the Black people of South Africa. In the Sunday Times (Johannesburg) he politely took exception to Bishop Tutu's views and was roundly criticized by some readers, including a Dr. Villa-Vicencio. We offer Alan Paton's response, again in the Sunday Times, not because it is necessarily the definitive world on disinvestment, but because it reflects considerations that may be ignored by activists here who, wanting to do something about South Africa, may end up doing anything, including things that gravely injure the people they want to help. Herewith Alan Paton's "nightmare":

"I read that Dr. Villa-Vicencio, who has in the past often thought I was right, thinks now that I am wrong in passing moral judgment on those who advocate disinvestment.

He thinks I take a simplistic view of the whole issue.

It seems that I have also misunderstood the parable of the sheep and the goats. I understood Jesus to mean that if you denied a hungry man food and a thirsty man drink you were doing something very wrong.

I deduced from that parable, which I take very seriously, that it would be wrong to advocate any course that would put a man out of a job.

To be simplistic is bad enough, but to fall off one's pedestal makes it worse. One is hurt, not only in one's body, but also in one's pride. There is only one sensible thing to do in these circumstances, and that is to go to bed. So I went to bed to sleep, perchance to dream . . .

They came to see me, these Americans, full of righteousness. They flattered me too. They told me my name was well known in America, almost as well known as Gary Player and Chris Barnard, and now of course Zola Budd and Bishop Tutu.

They told me the Americans had great respect for my moral judgments and that if I came out for disinvestment, it would be a certain winner.

They asked me to become the president of the World Disinvestment Campaign. They also told me that if anyone was put out of a job, it wouldn't be me. I told them I had certain moral doubts, but they explained that I was being simplistic.

One should bear in mind that Jesus was talking about meat and drink, not about jobs. After much moral wrestling I accepted the argument. No one can be more convincing than an American.

Also I must admit that I have some moral weaknesses—one is vanity and the other is money.

When it was announced, with a great blowing of trumpets, that I had become president of the World Disinvestment Campaign, my life changed overnight.

Mr. Archimedes, who hadn't spoken to me for years, came up to Botha's Hill to tell me that I was now the hero of Africa. Professor F sent me a telegram saying that I had at last atoned for praising the Israelis for rescuing their hostages from the clutches of Idi Amin.

Mr. R who had venerated me when he was young and had ceased to venerate me when I said that PW was astute, telephoned to say that he now venerated me again. Chief B rang up in a fury and said that I had destroyed a friendship of nearly 40 years and that he would never speak to me again.

Cables of congratulations poured in from America, Canada, Britain, Sweden and other countries. Alas, I lost most of my capitalist friends, but one must pay a price for taking a stand.

I travelled all over the world. I was welcomed on campuses which would have shouted me down a year before. It was nice to come in out of the cold.

Then came the great day. Representatives of America, Canada, Britain, France, West Germany, Holland and Scandinavian countries met in London and declared for total disinvestment (except perhaps for a strategic mineral or two). Mrs. Archimedes came up to tell me I was the hero of the whole Black world.

Disinvestment began to bite. Port Elizabeth and East London became dead cities. Even in a quiet place like Botha's Hill there were daily Black queues for food and jobs.

I must confess I didn't like passing them. Many of the people of the Valley of a Thousand Hills were my friends, but some grew very cold to me.

It was a great shock to me to hear over the radio that a mob had burned the buildings of the Valley Foundation and the Church of the Paracelete to the ground.

I telephoned the Rev John Ndlovu, and told him that he had my prayers. He said to me, we don't want your prayers, we want jobs.

Mr. Archimedes, who knows I often go to the Church of the Paraclete, came up to condole with me. He told me one must pay a price for making a stand.

There is unrest in the Valley, in Botha's Hill and Hillcreast and Kloof and Westville. I find that I spend more and more time in my study. I pull down the blinds. I find that I feel better when the blinds are down.

But Julia comes to tell me that there are Black women wanting to see me. She brings their leader into my study, a tall woman for these parts, a tall woman carrying a child and dressed in black.

She looks like a sculpture of the Sorrow of the World. She gives me the child and I see it is dead.

'—Why do you give this to me?'

'Because it is yours.'

'—How can it be mine? I have never seen you before.'

'You took its life, therefore it is yours.'

She goes out of the study and calls to me. She points to the waiting women.

'—They will bring you their children too.'

When the police have taken away the body of the child I come to a decision. I get into my car, my new bullet-proof car, and I drive to Pinetown and I buy something I have never bought before. It is a gun.

I go home and go into my study with the drawn blinds. There, surrounded by all the hundreds of books and papers that I wrote for the World Disinvestment Campaign, I shoot myself to death.

How could I do such a thing? How could I bring such a noble life to such an ignoble end? How could I commit such a deadly sin? I am filled with an agony of remorse. The burden of it is intolerable. I wish only to die.

But . . . what am I talking about? Am I not dead already? No I am not! The whole thing is an unspeakable dream. I am full of joy to realise that I never had anything to do with any campaign for disinvestment.

I ring up the Rev John Ndlovu of the Church of the Paraclete. Why did you not ring before, he asks, I began to fear that you were dead.

I hereby solemnly declare that I will never, by any word or act of mine, give any support to any campaign that will put men out of jobs—not even if they promised me that it would bring Chernenko down. Or Reagan. Or P W Botha.

I rush to the post office and send a telegram to Dr. Villa-Vicencio: three cheers for simplisticity."●

LEGAL ISSUES IN THE CENTRAL AMERICAN DEBATE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. HYDE. Mr. Speaker, one of the charges leveled against aid to the anti-Communist resistance in Nicaragua is that such aid violates international law.

I strongly disagree, and am pleased to submit for my colleagues' careful study a speech which includes a legal brief supporting the administration's view, prepared and delivered by Professor John Norton Moore of the University of Virginia Law School, and a well-known constitutional authority.

LEGAL ISSUES IN THE CENTRAL AMERICAN DEBATE

(A statement delivered by John Norton Moore to the White House Central America Outreach Group on February 22, 1985.)

INTRODUCTION

The United States historically has been a leader in seeking to promote world-order and adherence to law. These are traditional American values that are embodied in the United Nations and OAS Charters. It is, thus appropriate and important that our actions in Central America and elsewhere be measured against these standards. In doing so I will look first at the factual context, then turn to a legal analysis of that context, and finally, I will briefly examine a number of persistent misconceptions about the facts and the law in Central America.

II. THE FACTUAL CONTEXT

After careful review of the evidence, both the Bipartisan Kissinger Commission and the House Select Committee on Intelligence concluded that Nicaragua and Cuba are thoroughly involved in efforts to overthrow neighboring governments in Central America—particularly in El Salvador. These efforts include:

Meetings held in December 1979 and May 1980 in Cuba to forge a unified Salvadoran insurgency under Cuban and Nicaraguan influence;

Financing of the insurgency and provision of the preponderance of its weapons and supplies; training of insurgent leaders in bases in Nicaragua; and

Support for overall insurgent command and control from bases established near Managua; and supply, technical and political assistance.

The resulting FMLN insurgency is neither temporary nor small time. It fields an army about one-fifth the size of the regular Salvadoran armed forces. To give one example of the seriousness with which it is supported, it operates some 67 offices in 35 countries in support of the continuing attack.

Cuba and Nicaragua have no fund cut-off legislation terminating assistance to the FMLN nor do they have a Boland Amendment ruling out as an objective the overthrow of the democratically-elected Duarte government of El Salvador. Indeed, their objective is clearly the overthrow of the government of El Salvador and its replacement by a totalitarian model.

Unlike the early days of the Vietnam War where there was great uncertainty about the facts surrounding covert North Vietnamese action, we are fortunate today to have separate independent Congressional findings of the facts of Cuban and Nicaraguan involvement in the armed attack on El Salvador. To give one example, Congress as a whole found in the Intelligence Authorization Act of 1984: By providing military support, including arms, training, logistical command and control and communications facilities to groups seeking to overthrow the government of El Salvador and other Central American Governments the Government . . . of Nicaragua has violated Article 18 of the Charter of the Organization of American states. . . .

III. ANALYSES OF THE LAW

These Cuban-Nicaraguan activities violate:

Article 2(4) of the UN Charter;

Articles 3, 18 and 20 of the revised OAS Charter;

Article 1 of the hemispheric RIO Defense Treaty;

Articles 1, 2, 3 and 5 of the UN Definition of Aggression;

The unanimously adopted 1965 General Assembly Declaration on Inadmissibility of Intervention;

The 1970 General Assembly "Friendly Relations" Declaration;

Principal 5 of the Helsinki Accords;

The 1972 United States-Soviet "principles agreement"; and

Even Articles 1, 2 and 6 of the Soviet Draft Definition Aggression.

This pattern of ongoing aggression constitutes an armed attack justifying the use of force in collective defense under Article 51 of the UN Charter and Article 3 of the RIO Treaty. Indeed, Article 27 of the OAS Charter declares that such an attack is "an act of aggression against * * * [all] the American States," and Article 3 of the Rio Treaty creates a legal obligation to assist in meeting the armed attack.

The legal obligation under Article 3 is parallel to that under Article 5 of the NATO Treaty in the event of an armed attack against a NATO member and under Article 5 of the Security Treaty with Japan in the event of an armed attack against Japan. Article 3 of the Rio Treaty provides:

The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense by Article 51 of the Charter of the United Nations.

Each of the Contracting Parties may determine the immediate measures which it may individually take in fulfillment of the obligation contained in the preceding proposals.

The United States response pursuant to this obligation—in support of world order and self-determination—may be overt, covert or both, as has been the case in virtually every conflict in which America has fought in this century. No one has ever urged that in response to Nazi aggression in World War II the allies could not provide assistance to partisan forces or undertake covert operations in Germany. Assistance to the contras, whether overt or covert, is a lawful option for the United States in meeting the continuing Cuban-Nicaragua armed attack.

IV. PERSISTENT MISPERCEPTIONS

Finally, let me turn to two factual and five legal misperceptions concerning the conflict in Central America:

Some have assumed that the Sandinista military build-up and hostility to its neighbors is a response to contra activities. Nothing could be more clearly in error as a matter of the public record. That record shows:

The United States cut off military assistance to the Somoza regime during the key phase of the revolution and was a co-sponsor of the OAS Resolution against Somoza;

President Carter invited Daniel Ortega and other Sandinista leaders to the White House in an effort to have good relations with Nicaragua;

The U.S. offered Peace Corps assistance—which was rejected in favor of an immediate and massive Cuban and Soviet-bloc presence;

The U.S. supplied substantial medical assistance to the new regime;

The U.S. gave $118 million in economic assistance to the new regime in its first 2 years—more than given to the Somoza regime in the previous 20 years;

The United States supported $292 million in World Bank and Inter-American Development Bank Assistance for the new Sandinista Government;

About a billion dollars in aid collectively came from the Western democracies; and

The Kissinger Commission found that the United States "undertook a patient and concerted effort to build a constructive relationship of mutual trust with the new government."

Some have assumed that the record does not support arms shipment from Nicaragua sufficient to make out an armed attack. But:

We know of the 1980 FMLN trip in search of weapons to the USSR, East Germany, Bulgaria, Ethiopia and Vietnam and the massive commitments for arms as a result of that trip;

Weapons serial number assessment and defector reports both establish that the preponderance of weapons are transhipped from Soviet bloc source;

The government of El Salvador regularly captures more arms and ammunition from the FMLN that it loses to it; and

The Department of State has repeatedly detailed weapons intercepts in reports of February 1981, March 1982, May 1983 and July 1984; and

Most importantly, this single factor focus on weapons supply ignores all other indicators of instigation, financing, training, command and control, and political and technical support. The intensity of those activities, taken together, is clearly an armed attack.

In the contemporary Charter era the predominant armed attack is less armies on the march than a covert attack centered on terrorism or assistance to insurgents. Such attacks are particularly dangerous in that they seek to create ambiguity about the

attack while focusing public attention on the defensive response.

Some have urged that a defensive response against El Salvador violates Article 18 and 20—the strong non-intervention Articles of the OAS Charter. But these critics ignore Article 22 of the OAS Charter that clearly provides: Measures adopted for the maintenance of peace and security in accordance with existing treaties do not constitute a violation of the principles set forth in Articles 18 and 20.

Thus a response to collective defense pursuant to Article 3 of the Rio Treaty is patently not a violation of Article 18 and 20. Moreover, Articles 21, 27, 28 and 137 of the OAS Charter support this same point that actions in defense under the Rio Treaty do not violate the non-intervention articles of the OAS Charter.

Some have asked whether United States assistance to contras is not "state terrorism" or exactly what we condemn when undertaken by Cuba and Nicaragua against El Salvador but to make such a charge is to undermine the most important distinction in the United Nations and OAS Charters—that between aggression and defense. Nicaraguan actions and United States reactions are no more equivalent than Nazi aggression and Allied response. Indeed, one of the great dangers of covert attack as a threat to world order is its ability to confuse attack and defensive response—particularly when the covert attack is waged by a closed totalitarian society and accompanied by a squid-like cloud of disinformation and the defense is undertaken by an open democratic society which inevitably fully debates every facet of its policy.

Some have urged that international law requires that a defensive response be overt—strangely simultaneously others have urged that law requires that any response be covert.

Neither position is correct. International law requires that existence of a response to an armed attack be reported to the United Nations and that a response be proportional. But it does not dictate whether such response be overt or covert or both. In this case the United States had repeatedly raised the issues before the United Nations and it is difficult to imagine that a policy of support for insurgents in Nicaragua is somehow a non-proportional response to a policy of Nicaraguan support for insurgents in El Salvador.

We should be clear on this point. The United States is free to fashion a defensive response against the armed attack on El Salvador that may be overt, covert or both. My own preference is for a policy I would call quasi-covert in which we clearly and openly acknowledge we are making a reponse to the armed attack from Nicaragua but decline to specify precisely the modalities of response—as has been our policy in every conflict in which we have fought. Such a policy I believe carries less risk of escalation and more opportunity for the Contadora process than a policy in which we insist on detailing all elements of assistance to the contras or even of openly acknowledging the contra policy;

Some have urged that United States withdrawal from the Nicaragua case before the ICJ demonstrates a lack of merit in the United States legal case.

But the decision of the United States to withdraw was not based on the merits of the legal case but rather on the conviction that the ICJ had violated the statute of the Court in asserting jurisdiction where it had none. That is, the assertion of jurisdiction where the Court had none, was an abuse of power voiding any legal compulsion to go forward.

It was also influenced by the reality that only two permanent members of the Security Council and only 5 out of 16 judges on the Court come from nations that had accepted the compulsory jurisdiction of the Court and that Nicaragua sought to use the case in aid of its disinformation effort to inhibit a United States defensive response to its armed attack.

And it was influenced by a realistic awareness that the Court had no mechanism for fact appraisal in an ongoing covert armed attack and defensive response.

Finally, some have asserted that a contra policy is only consistent with a United States declaration of war against Nicaragua. But:

A declaration of war is not only not required for a lawful defensive response under international law, some scholars such as Judge Philip Jessup have argued such declarations are no longer appropriate after the Kellogg-Briand Pact of 1928 and the UN Charter outlawed war and permitted force only in defense. There has been no declaration of war anywhere in the World since World War II. One reason for this is the feeling that such declarations inhibit peaceful settlement.

And there is no such regulation under national law. The War Powers Act itself is clear on this that no declaration of war is required in the current Central American setting.

Let us be clear: in the face of the Cuban-Nicaraguan armed attack, there are no national or international legal constraints on Congress supporting assistance to the contras, whether overt or covert or even on re-examining the Boland Amendment. No Declaration of war or other formality is required. Indeed, such a declaration is almost certainly undesirable as a matter of conflict management and support for the Contadora process.

World order and self-determination are at stake in Central America. President Monroe stated in the Monroe Doctrine and Congress affirmed in the 1962 Cuban and 1965 Western Hemisphere resolutions that the United States would not accept efforts to forcefully deprive nations in this hemisphere of their right to self-determination. Cuba and Nicaragua are engaged in a serious and sustained attack against El Salvador and other neighboring states for precisely that purpose. Congress must agonize about the appropriate American response to the attacks in Central America, but it should make no mistake in understanding that self-determination and world order are on the side of an effective response.

John Norton Moore is the Walter L. Brown Professor of Law at the University of Virginia and Director of the Center for Law and National Security. He is Chairman of the American Bar Association Standing Committee on Law and National Security, was a member of the Presidential Delegation to observe the elections in El Salvador, and a Special Counsel in the Nicaragua Case and has formerly served as a United States Ambassador to the Law of the Sea Conference and a Counselor on International Law to the Department of State.●

IN RECOGNITION OF DR. JACK KWAAN, M.D.

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. LEVINE of California. Mr. Speaker, two of my constituents, Mary and Phil LeMasurier of Manhattan Beach, CA, have brought to my attention the fine record of Dr. Jack Kwaan, M.D., FACS. Their letter speaks for itself and I request that it be printed in the CONGRESSIONAL RECORD.

Keith's Pottery,
Mary and Phil LeMasurier,
240 South Sepulveda Blvd.,
Manhattan Beach, CA.

DEAR CONGRESSMAN LEVINE: My husband, Phillip C. LeMasurier, after a lengthy 2½ months stay, has just been released from the Vascular Surgery Clinic at the Long Beach V.A. Medical Center.

On December 3, 1984, he was admitted by Dr. Jack Kwaan, M.D., F.A.C.S. We, Phil and I, expected immediate amputation of Phil's right foot due to circulatory problems. However, Dr. Kwaan, after studying his x-rays and angiogram, said: "I'm not a chopper, we'll start at the top of his artery, clean that out, then if further surgery is indicated we'll do that in the future, but if possible we may save his foot." Dr. Kwaan accomplished what he said he could through a series of vascular bypass operations.

In the meantime, my brother-in-law, Robert S. LeMasurier, M.D. felt that Dr. Kwaan had chosen the best option for any success after reviewing his brother's case. Dr. John Graham, M.D., of Grand Forks, North Dakota, also showed an unusual interest in my husband's case. He, himself, is an amputee and is most interested in having a consulation with Dr. Kwaan regarding his other leg (there is a good chance he may lose this leg, too), as he has been given very little hope at the Mayo Clinic in Minnesota.

I was with my husband during each operation and found myself sitting in the lounge Monday thru Friday, for many days, waiting for results. The other patients began to talk to me and all had nothing but praise for Dr. Kwaan. They all had such faith and trust in this fine man, it was a true revelation to me.

He is a true professional in his field, his credits are outstanding, Dr. DeBakey thinks he is the best Vascular Surgeon in the A.M.A.

I am not alone when I say that I am convinced that he is the best and most dedicated Vascular Surgeon I've known. His remuneration is little, but by his choice he feels he has found a real challenge at Long Beach, learning more concerning his specialty.

He could leave the V.A. Vascular Surgery Clinic at any time and open his own practice. His reputation while in England alone, could easily have private patients hammering at his door.

Instead, he has chosen U.C. Irvine and the V.A. Vascular Surgery Clinic as a professor and a student where he can learn as well as train his students. As a professional person myself, I envy him in that his choice was so selfless. I'm certain, given the same kind of decision I would more than likely be selfish

and decide that proper remuneration would be most important.

Yours truly,

MARY LEMASURIER, A.I.I.D.●

OMB SABOTAGES EPA ASBESTOS REGULATION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. FLORIO. Mr. Speaker, over the last several days, we have gained access to several documents which reveal that the Office of Management and Budget, acting as this administration's regulatory executioner, has effectively sabotaged several important proposals by the Environmental Protection Agency [EPA] to control asbestos hazards.

EPA has been developing proposals to control asbestos in two important areas: The contamination of our Nation's schools by friable asbestos and the need to limit the future manufacture of asbestos products.

Documents I and others have released in the last few days show that the EPA career staff have developed proposals to deal with these crucial problems. Each time, EPA has submitted the proposals for Budget Office review and, each time, OMB has instructed the Agency to drop the proposals. A key reason for OMB's opposition to the EPA proposals is that the costs of controlling asbestos outweigh the dollar value of the human lives which would clearly be saved by such actions.

Top EPA political appointees have attempted to justify OMB's decisions by arguing that the regulations proposed by the Agency's career staff are not really necessary, or that other agencies—such as the Occupational Safety and Health Administration—should take over the problem. But, when pressed, such officials also admit that if EPA is prohibited from taking any role in controlling the environmental impacts of a substance as toxic as asbestos, the Agency probably cannot regulate anything else either.

The Washington Post, the Philadelphia Inquirer and the New York Times have all written comprehensive articles on the asbestos controversy and I commend these articles to my colleagues' attention.

The articles follow:

[From the Washington Post, Apr. 16, 1985]

ASBESTOS-RULE "SABOTAGE" ALLEGED—EPA DECLINED CLEANUP STANDARDS IN FEAR OF OMB, NOTES SAY

(By Cass Peterson)

The Environmental Protection Agency refused to issue cleanup standards for asbestos in school buildings last year because of concern that the action might anger the Office of Management and Budget, according to internal agency notes released yesterday by Rep. James J. Florio (D-N.J.).

The notes, taken at a November meeting on a labor union's petition seeking the standards, indicate that Alvin L. Alm, then EPA deputy administrator, argued against the petition because he did not want to "get OMB pissed off right now."

Florio charged that the document suggests that the Reagan administration "is prepared to sabotage all federal efforts" to remove asbestos from the nation's schools.

"The documents give us a chilling and unusual glimpse behind the scenes of what has probably become a routine method of decision-making in Washington," said Florio, who accused OMB of acting as the administration's "regulatory executioner."

The notes were obtained by the Service Employes International Union (SEIU), which has filed suit against the EPA to force the adoption of asbestos cleanup standards. According to the notes, Alm told agency employes at a Nov. 14 meeting that he wanted to "avoid unnecessary provocation" of budget officials, who contended that the standards would not be cost-effective.

A week earlier, EPA staff experts had recommended that the union's petition be granted, and estimated that the rules necessary to protect asbestos-removal workers and school employes could be issued by this summer.

But two weeks after the meeting between Alm and other agency officials, the EPA denied the petition. "We do not agree that federal regulation is the best approach for deciding whether to abate potential asbestos hazards in schools and other public and commercial buildings," the agency said in a letter to SEIU President John J. Sweeney.

Asbestos, once widely used in insulation, has been conclusively linked to cancer and a variety of serious respiratory ailments. The EPA estimates that about 15 million children and 1.5 million school employes are exposed to loose, or friable, asbestos.

Alm, who left the EPA last January, could not be reached for comment yesterday. According to the notes, Alm also argued that the Occupational Safety and Health Administration's (OSHA) asbestos-exposure standards should be applied to public employes as quickly as possible.

Alm said it was "crazy to not do this * * *. Do this ASAP." The agency has not taken action to extend OSHA protection to public employes, although it says it will make a decision on that matter by June.

Florio released the documents one day before a congressional hearing into another aspect of asbestos regulation by the EPA. The House Energy and Commerce investigations subcommittee has scheduled a hearing today on the status of another set of asbestos regulations that would have banned all uses of the substance by 1990.

Those rules, submitted to OMB last June, have become something of a regulatory yo-yo. The EPA announced earlier this year that it had decided to withdraw the rules in deference to other agencies with jurisdiction over hazardous substances. But last month, acting deputy administrator A. James Barnes said the EPA was withdrawing that decision so that it could spend more time reviewing the legal issues.

Where that leaves the proposed asbestos rules is unclear. But in a recent letter to Barnes, an OMB official made it clear that the budget office still believed that the proposals were "seriously flawed."

According to an Energy and Commerce aide, today's hearing will examine OMB's method of calculating the costs and benefits of asbestos regulation. EPA officials have concluded that banning asbestos would save more money than it would cost. The OMB disagrees.

[From the New York Times, Apr. 17, 1985]

BUDGET OFFICE DISPUTED ON COST BASIS FOR ASBESTOS

(By Philip Shabecoff)

WASHINGTON, April 16.—Environmental Protection Agency officials said today that they had been pressed by the Office of Management and Budget to weigh the dollar value of human life when considering how to regulate asbestos.

In testimony before a House investigations subcommiteee, the officials said their agency had never assessed toxic hazards on this basis. They said they considered the proposal, which has not been put into effect, "unethical."

Under the formula, the budget office proposed, the officials said, regulations would always appear mathematically to be more costly than the benefits they produced.

DISCOUNT IN DORMANT PERIOD

In a recent letter to the environmental agency, the budget office suggested assigning an arbitrary value of $1 million for each cancer death avoided by controlling asbestos. But the budget office also said that the value of a human life should be discounted by 10 percent a year in cases where asbestos-related diseases might remain dormant for a long time.

The officials, responding to questions by members of the House Energy and Commerce Committee's Oversight and Investigations Subcommittee, said that they personally opposed the budget office position.

A. James Barnes, acting deputy administrator of the environmental agency, said; "I really don't understand the concept of discounting the value of human life. I am personally quite uncomfortable with it."

HE SAYS COSTS WOULD RUN AHEAD

Don Clay, director of the agency's office of toxic substances, said he viewed the idea as "unethical," a view also expressed by Jack Campbell, deputy assistant administrator for policy

Several of the environmental agency officials, including John A. Moore, assistant administrator for toxic substances, testified that such an approach would make it impossible to adopt rules to protect people against any chronic long-term toxic hazards, because the costs would inevitably outweigh the benefits.

Representative James J. Florio, a New Jersey Democrat and a member of the subcommittee, said: "O.M.B. is ghoulishly insisting that the value of human life be calculated on a discounted present value basis." Representative Gerry Sikorski of Minnesota, another Democrat on the panel, said he found the proposal "alarming."

Asked about the statements at the hearing, Edwin L. Dale Jr., a spokesman for the budget office, said that his office would have no comment. "It is too involved a subject and impossible to get into without going on for 19 paragraphs," he said.

Much of the questioning at the hearing dealt with the circumstances that led the environmental agency to decide earlier this year to transfer authority over regulating cancer-causing substances, like asbestos, to the Labor Department's Occupational Safety and Health Administration and to the Consumer Product Safety Commission. That decision was severely criticized and

was withdrawn for further consideration a month after it was made.

DINGELL SEES A VIOLATION

Representative John J. Dingell of Michigan, a Democrat who is chairman of the subcommittee, said today the decision violated the Toxic Substances Control Act.

After intensive questioning of Mr. Barnes, who made the decision for the environmental agency, Mr. Dingell said that evidence suggested that the decision had been made solely at the behest of the budget office. The budget office had opposed proposals by the environmental agency to ban several uses of asbestos immediately and then to phase out all other nonessential uses.

Mr. Dingell said his concern was that under regulatory review policies being imposed by the budget office, "decisions are being made behind closed doors to quash proposed rules before they are even issued."

Mr. Barnes said several times under questioning that he alone had made the initial decision. He said he later realized that he needed more information to support that decision.

[From the Philadelphia Inquirer, Apr. 17, 1985]

BUDGET OFFICE CALLED INSENSITIVE IN ASBESTOS PLAN

(By Dale Mezyhcappa)

WASHINGTON.—Angry members of the House asserted yesterday that the White House Office of Management and Budget has lowered the price tag on human life in decisions affecting government regulation and cleanup of asbestos.

"I don't think the American people know that officials of this administration calculate the dollar cost of saving a 9-year-old's life and then decide it is not worth taking action to protect children at that price," said Rep. James J. Florio (D., NJ.) Rep. John D. Dingell (D., Mich), chairman of the House Energy and Commerce Committee and its investigations subcommittee, joined in by calling the budget office a "regulatory black hole."

At issue yesterday before the subcommittee was the budget office's influence over the Environmental Protection Agency's regulation and cleanup of asbestos. The testimony indicated the budget office believed that the EPA was giving insufficient weight to "cost-benefit analysis" and that it ordered it in December to give up most of its regulatory powers over asbestos.

Specifically, according to documents before the subcommittee, the budget office wanted the EPA to use the following reasoning when it considered asbestos regulations. Because a young person who is exposed to a dangerous level of asbestos is likely to live 30 or 40 years before the potentially fatal affects are evident the "current value" of his life should be lowered because of the lengthy intent period.

Such a system would place a value of $22,000 on the life of an exposed young person and would practically preclude any federal regulation of asbestos because the real cost of regulation would invariably be higher, EPA officials conceded under questioning from members of the subcommittee.

The EPA estimates that it would cost between $96,000 and $208,000 for each death avoided as a result of cleanup or containment, depending on the method used.

On the subject of lowering the value of a person's life, EPA Deputy Assistant Administrator Jack Campbell said he found it a "perfectly legitimate analytical tool" but a "misguided approach to use at this time."

In the Reagan administration, the budget office has authority to review the rulemaking of almost all federal agencies—to promote efficiency and end duplication—and often holds up proposed regulations.

In the case of asbestos rules, the EPA officials said they had ethical and personal problems with the practice of lowering the value of a life. The issue arose last year when the agency sought approval from the Office of Management and Budget on regulations to ban or phase out most uses of asbestos in consumer products. The budget office refused to approve those regulations after months of efforts by EPA officials.

"As of mid-December, EPA and OMB staff were unable to agree on issues relating to the regulatory impact analysis of costs and benefits," James Barnes, EPA deputy administrator-designate, told the subcommittee yesterday.

After failing to resolve that issue, the budget office told the EPA later that month that it had to refer most jurisdiction over asbestos to the Occupational Safety and Health Administration and the Consumer Product Safety Commission.

Barnes said later that the EPA was reviewing the budget office's proposed shift of jurisdiction.

The documents and questioning at the hearing showed that Barnes had acceded to the budget office despite differing views and memorandums from the EPA officials.

"When it became clear to OMB folks that EPA would fight hard on discounting, they had to come up with something else if they were to torpedo the regulations." said Rep. Ron Wyden (D. Ore), referring to transferring the jurisdiction from the EPA.

Barnes disputed that interpretation but conceded under questioning from Dingell that "there are no . . . documents" at EPA to explain the sudden change of policy.

While Barnes was silent at Dingell's words he protested vigorously when Rep. Gerry Sikorski (D. Minn.), said, "The only thing that happened was you were tagged to be deputy administrator and you went to OMB and got the religion."

A phalanx of obviously uncomfortable EPA officials, responding to questioning, painted a picture of an agency rendered almost powerless by the budget office.

John Moore, assistant administrator for pesticides and toxic substances, was asked whether it was true he had said during the battle with the budget office that "if we can't regulate asbestos we can't regulate anything."

"I don't know if that's verbatim, but I said that given what we know about the health effects of asbestos, if we can't make a case to regulate it, we'd be hard pressed to make a case for regulating anything else," Moore said.●

LINE ITEM VETO EXPERIMENT: TO DISCIPLINE THE ADMINISTRATION AS WELL AS CONGRESS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. MAZZOLI. Mr. Speaker, soon, Congress will wrestle with the fiscal year 1986 budget proposal. Unless we are willing to bite a lot of bullets, and to risk dismaying a lot of our friends, we will end this painful exercise without having materially reduced the deficits which today threaten our national economic recovery.

Yet, Mr. Speaker, if the first major budget vote of this Congress—the Emergency Farm Credit Act—is any indication, Congress will not bite those bullets nor risk dismaying its friends.

The agricultural special interests—which have worthy goals and laudable impulses but which look at Federal spending parochially—pushed Congress into passing a bad emergency farm bill.

The President threatened to veto the measure. The Congress passed it nonetheless. He did veto it. And, the farmers who really need help are still waiting for help.

This process is unseemly and unproductive. I hate, as a 15-year and hugely proud Member of the House, to admit to myself that Congress needs to have its collective will and spine strengthened for handling the budget, but I think it does.

In this regard, I have taken two separate but related actions.

I have joined as a cosponsor of H.R. 1247, whose main sponsor in the House is the gentleman from Wyoming [Mr. CHENEY]. A companion measure has been introduced in the other body by the junior Senator from Georgia [Mr. MATTINGLY]. The salient features of H.R. 1247 are:

Requires every spending item in an appropriations bill to be enrolled as a separate bill for presentation to the President;

Gives the President the authority to veto any one of these spending items—line items. Now, the President must veto the entire bill to get at one offending item;

Gives Congress the authority to override Presidential line-item vetoes by a two-thirds vote of both Houses;

Takes effect upon enactment—because it is a legislative measure, not a constitutional amendment which requires ratification by the States;

Has a 2-year trial life so it can be dropped if it does not work properly.

The measure I have introduced today—the Line Item Veto Appropriation Recission Act—is patterned after a bill introduced in the 98th Congress by our former colleague, the gentleman from California, Mr. Jerry Patterson.

Like the earlier proposal, my bill gains its authority from the existing Congressional Budget and Impoundment Control Act. Its major features are:

Congress passes an appropriations measure and sends it to the President;

The President notifies Congress of his intention to eliminate or to reduce a spending item in the bill—under current law, the President must veto the

entire measure to get at one offending item;

Congress has 45 days to take action to disapprove of the President's decision;

Congress shows its disapproval of the President's decision by passing a bill to retain the spending item in question;

This legislation is sent to the President who can approve or veto it;

If the President vetoes the measure which seeks to restore the original funds, Congress can then seek to override the President's veto by a two-thirds vote in both Houses;

If Congress fails to override the President's veto, then his original decision eliminating or reducing the particular spending item stands;

If Congress overrides his veto, his original decision fails.

The major difference between my bill and the earlier version of the 98th Congress is that my bill would be effective for 2 years from the date of enactment. The earlier measure would have been effective for only 1 year from the date of enactment.

I am not sure these measures, or a compromise version incorporating parts of both, would work any better than the system we have today. But, since today's situation is so unsatisfactory, I feel even the possibility that we could improve things makes the effort worthwhile.

I would much prefer not to have taken this action. But, I am not optimistic that Congress, given its obvious and understandable unwillingness to say "no" to its friends in the interest groups, can do the job on its own.

Maybe this new mechanism will add a degree of discipline not only to the Congress but to the administration, which continues to send budgets with huge deficits to Congress for consideration. Giving the President a line-item veto authority today may increase the administration's involvement in the budget process and force it, too, to shoulder its serious budgetary responsibilities.

If this line-item veto works, we are all the better. If it fails, the authority sunsets under terms of both bills. So, we have not permanently disadvantaged ourselves. Again, I think the line-item veto is worth a try and I hope my colleagues will join me in supporting these deficit-reduction experiments.●

VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the CONGRESSIONAL RECORD. I strongly believe that the people of the Second Congressional District of Arizona have a right to know where I stand on the issues decided by this body, and I have found that printing my record here is the best way to provide that information.

This is not an all inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for more specifics.

The votes are described as follows:

KEY

1. Rollcall Number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of the vote;
5. The outcome of the vote;
6. The vote total;
7. My vote, in the form Y=yes, N=no, and NV=not voting;
8. The vote totals of the Arizona delegation (yes-no-not voting);
9. The date.

301. HR 6040. Supplemental Appropriations, Fiscal 1984. Passage of the bill to appropriate $5,384,624,400 in supplemental funds for fiscal 1984. Passed 304-116: Y(3-2-0), August 1, 1984.

302. HR 5151. Hunger Relief Act. Emerson, R-Mo., amendment to eliminate language that would allow states to choose whether to require food stamp recipients, as a condition of eligibility, to submit monthly financial reports. Existing law required the reports. Rejected 120-293: N(2-3-0), August 1, 1984.

303. HR 5151. Hunger Relief Act. Panetta, D-Calif., amendment, to the Coleman, R-Mo., amendment, to authorize increases in the maximum car value used in the food stamp assets test to determine program eligibility. The Panetta amendment retained the existing maximum value of $4,500 for a car, but permitted that maximum to rise over three years at the same rate as the Consumer Price Index, up to $5,500. The Coleman amendment would have maintained the $4,500 maximum in current law; the bill would have raised it to $5,500 upon enactment. Adopted 282-131: Y(2-3-0), August 1, 1984.

304. HR 5151. Hunger Relief Act. Coleman, R-Mo., amendment, as amended by Panetta, D-Calif., to authorize increases in the maximum car value used to determine food stamp eligibility. The amendment retained the existed maximum value of $4,500 for a car, but permitted that maximum to rise over three years at the same rate as the Consumer Price Index, up to $5,500. Adopted 384-25: Y(5-0-0), August 1, 1984.

305. HR 5151. Hunger Relief Act. Passage of the bill to liberalize certain eligibility and benefit levels in the food stamp program, to increase federal penalties against states for program errors and to make other changes. Passed 364-39: Y(3-2-0), August 1, 1984.

306. HR 5399. Intelligence Agencies Authorizations. Passage of the bill to make authorizations in fiscal 1985 for the CIA and other intelligence agencies and to prohibit any form of U.S. aid to military or paramilitary groups in Nicaragua. Passed 294-118: Y(3-2-0), August 2, 1984.

307. HR 5973. Interior Appropriations, Fiscal 1985. Yates, D-Ill., motion to end debate on the Conte, R-Mass., amendment and all amendments thereto except the Ottinger, D-N.Y., amendment. Motion agreed to 285-116: Y(3-2-0), August 2, 1984.

308. HR 5973. Interior Appropriations, Fiscal 1985. Ratchford, D-Conn., amendment to the Conte, R-Mass., amendment, to rescind $5 billion from the U.S. Synthetic Fuels Corporation. The Conte amendment would rescind $10 billion. Adopted 236-177: N(3-2-0), August 2, 1984.

309. HR 5973. Interior Appropriations, Fiscal 1985. Conte, R-Mass., amendment, as amended by Ratchford, D-Conn., to rescind $5 billion from the U.S. Synathetic Fuels Corporation. Adopted 410-2: Y(5-0-0), August 2, 1984.

310. HR 5973. Interior Appropriations, Fiscal 1985. McDade, R-Pa., amendment to reduce by 3 percent across-the-board the budget authority provided in the bill. Adopted 212-181: N(4-1-0), August 2, 1984.

311. HR 5973. Interior Appropriations, Fiscal 1985. Passage of the bill to appropriate $3,033,865,000 in fiscal 1985 for the Interior Department and related agencies (includes deduction for $5 billion rescission from U.S. Synthetic Fuels Corporation). Passed 336-57: Y(4-1-0), August 2, 1984.

312. HR 5712. Commerce, Justice, State and the Judiciary Appropriations, Fiscal 1985. Adoption of the conference report on the bill to provide $11,520,976,200 for the Commerce, Justice and the State departments, the federal judiciary and related agencies. Adopted 277-135: Y(3-2-0), August 8, 1984.

313. HR 5712. Commerce, Justice, State and the Judiciary Appropriations, Fiscal 1985. Smith, D-Iowa, motion that the House recede from its disagreement to the Senate amendment and concur therein with an amendment to provide $64.31 million for the Federal Trade Commission. Motion agreed to 226-193: Y(2-3-0), August 8, 1984.

314. HR 5712. Commerce, Justice, State and the Judiciary Appropriations, Fiscal 1985. Smith, D-Iowa, motion that the House recede from its disagreement to the Senate amendment and concur therein with an amendment to provide $305 million for the Legal Services Corp. (LSC) and requiring the LSC board of directors to inform the House and Senate Appropriations committees before promulgating or implementing any new regulations. Motion agreed to 278-138: Y(2-3-0), August 8, 1984.

815. HR 5712. Commerce, Justice, State and the Judiciary Appropriations, Fiscal 1985. Smith, D-Iowa, motion that the House recede from its disagreement to the Senate amendment and concur therein with an amendment to provide $18.5 million for the National Endowment for Democracy. Motion agreed to 237-181: Y(3-2-0), August 8, 1984.

316. HR 5886. American Folklife Center. Hawkins, D-Calif., motion to suspend the rules and pass the bill to authorize $839,549 for fiscal 1985 and $867,898 in 1986 for the American Folklife Center of the Library of Congress. Motion agreed to 416-2: Y(4-1-0), August 8, 1984.

317. HR 4785. Older Americans. Andrews, D-N.C., motion to suspend the rules and pass the bill to authorize funding for programs of the Older Americans Act of $1.34 billion in fiscal 1985 with increases in 1986-87. Motion agreed to 406-12: Y(5-0-0), August 8, 1984.

318. HR 6027. Municipal Antitrust Amendments. Seiberling, D-Ohio, motion to suspend the rules and pass the bill to protect municipalities from monetary damage awards in antitrust lawsuits. Motion agreed to 414-5: Y(5-0-0), August 8, 1984.

319. HR 4325. Child Support Enforcement. Adoption of the conference report on the bill to require states to establish certain procedures, including mandatory withholding of wages, to strengthen enforcement of child support payments. Adopted 413-0: Y(5-0-0), August 8, 1984.

320. S 2436. Corporation for Public Broadcasting Authorization. Adoption of the rule (H Res 563) providing for House floor consideration of the bill to authorize funding for the Corporation for Public Broadcasting for fiscal 1987-89 and for the Public Telecommunications Facilities Program for fiscal 1985-87. Adopted 324-89: Y(3-2-0), August 8, 1984.

321. HR 3605. Drug Price Competition/Generic Drug Act. Judgment of the House whether to consider the rule (H Res 569) providing for House floor consideration of the bill to extend patent protection for brand name drugs and authorizing the Food and Drug Administration to use streamlined procedures to approve cheaper generic copies of drugs. Agreed to consider the rule 313-80: Y(3-2-0), August 8, 1984.

322. HR 3605. Drug Price competition/Generic Drug Act. Adoption of the rule (H Res 569) providing for House floor consideration of the bill to extend patent protection for brand name drugs and authorizing the Food and Drug Administration to use streamlined procedures to approve cheaper generic copies of drugs. Adopted 304-74: Y(2-3-0), August 8, 1984.

323. HR 5640. Superfund Extension. Adoption of the rule (H Res 570) providing for House floor consideration of the bill to renew and expand the "superfund" hazardous waste cleanup program. Adopted 218-199: N(0-5-0), August 9, 1984.

324. HR 5640. Superfund Expansion. Sawyer, R-Mich., amendment to delate from the bill a section giving citizens the right to sue in federal court for damages caused by hazardous waste dumping. Adopted 208-200: N(4-1-0), August 9, 1984.

325. HR 5640. Superfund Expension. Sawyer, R-Mich., amendment to delete from the bill provisions giving citizens the right to sue in federal court to compel a federal, state or local agency to perform a duty required under the superfund law. Rejected 141-248: N(3-2-0), August 10, 1984.

326. HR 5640. Superfund Expansion. Florio, D-N.J., amendment to limit to persons with interests adversely affected the right to sue for performance of a duty under the superfund law. Adopted 391-0: Y(5-0-0), August 10, 1984.

327. HR 6040. Supplemental Appropriations, Fiscal 1984. Adoption of the conference report on the bill appropriating supplemental funds for fiscal 1984. Adopted 312-85: Y(4-1-0), August 10, 1984.

328. HR 6040. Supplemental Appropriations, Fiscal 1984. Long, D-Md., motion that the House recede from its disagreement to the Senate amendment appropriating supplemental foreign aid funds with a Long amendment that the House substitute reduced funds for Central America. The Senate included $116.9 million in military funds to El Salvador while the Long amendment would have reduced that to $40 million. Motion rejected 57-340: Y(1-3-1), August 10, 1984.

329. HR 6040. Supplemental Appropriations, Fiscal 1984. Kemp, R-N.Y., motion that the House recede from its disagreement to the Senate amendment appropriating supplemental foreign aid funds with a Kemp amendment that the House adopt revised funds for Central America. The Kemp amendment contained $70 million in military funds to El Salvador. Motion agreed to 234-161: Y(3-1-1), August 10, 1984.

330. HR 6040. Supplemental Appropriations, Fiscal 1984. Whitten, D-Miss., motion that the House insist on its disagreement with the Senate over a provision concerning the U.S. Postal Service. The House position would prohibit the Postal Service from hiring new employees at lower wages than those received by current employees. Motion agreed to 378-1: Y(4-0-1), August 10, 1984.

331. HR 5640. Superfund Expansion. Levitas, D-Ga., amendment to create an administrative mechanism for compensating individuals harmed by exposure to hazardous wastes and to set aside 12 percent of the "superfund" for that purpose. Rejected 159-200: NV(1-2-2), August 10, 1984.

332. HR 5640. Superfund Expansion. Conable, R-N.Y., amendment to terminate on Sept. 30, 1986 (instead of Sept. 30, 1990), the taxes imposed under the bill. Rejected 142-205: NV(1-1-3), August 10, 1984.

333. HR 5640. Superfund Expansion. Passage of the bill to renew for fiscal 1986-90 and expand the "superfund" hazardous waste cleanup program. Passed 323-33: NV(1-1-3), August 10, 1984.

334. HR 3605. Drug Price Competition. Shaw, R-Fla., amendment to the Waxman, D-Calif., amendment, to reduce to 18 months, from 30 months, the period during which the Food and Drug Administration must delay approval of a generic drug that is the subject of patent litigation. Rejected 66-304: N(0-3-2), Sept. 6, 1984. (The Waxman amendment, to revise federal approval processes for generic drugs, subsequently was adopted by voice vote.)

335. HR 3605. Drug Price Competition. Quillen, R-Tenn., amendment to the Waxman, D-Calif., amendment, to exempt over-the-counter pharmaceuticals from revisions made by the bill in the federal approval process for generic drugs. Rejected 24-347: N(0-3-2), Sept. 6, 1984. (The Waxman amendment, to revise federal approval processes for generic drugs, subsequently was adopted by voice vote.)

336. HR 3605. Drug Price Competition. Frenzel, R-Minn., amendment to the Derrick, D-S.C., amendment, to extend to 180 days, from 90 days, the period of time for compliance with new requirements that catalogs identify textile merchandise as imported or domestic. Rejected 36-323: N(0-3-2, Sept. 6, 1984. (The Derrick amendment, to strengthen labeling requirements for textiles and clothing, subsequently was adopted by voice vote.)

337. HR 3605. Drug Price Competition. Passage of the bill to revise federal procedures for approving generic drugs, to authorize extended patents for new drugs, medical devices and food additives, and to revise labeling requirements for textiles and clothing. Passed 362-0: Y(3-0-2), Sept. 6, 1984.

338. HR 5602. Health Professions and Services. Dannemeyer, R-Calif., substitute to authorize about $678 million annually for federal health professions and services programs for fiscal years 1985 through 1988. (The bill provided about $761 million for those programs in fiscal 1985 with increases in following years.) Rejected 78-236: N(0-2-3), Sept. 6, 1984.

339. HR 5798. Treasury, Postal Service and General Government Appropriations, Fiscal 1985. Adoption of the conference report on the bill to appropriate $12,766,276,000 in fiscal 1985 for the Treasury Department, the Postal Service, the Executive Office of the President and other agencies. Adopted 276-110: Y(4-0-1), Sept. 12, 1984.

340. HR 5798. Treasury, Postal Service and General Government Appropriations, Fiscal 1985. Whitten, D-Miss., motion that the House insist on its disagreement with the Senate amendment to forbid the use of Postal Service funds to implement regulations charging state and local child support enforcement officials a fee for address information. Motion rejected 1-389: N(0-4-1), Sept. 12, 1984.

341. HR 1437. California Wilderness Act. Adoption of the rule (H Res 573) providing for consideration of the bill to designate as federal wilderness some 1.8 million acres of national forest land in California. Adopted 295-112: Y(3-1-1), Sept. 12, 1984.

342. HR 1437. California Wilderness Act. Udall, D-Ariz., motion to take from the Speaker's table the bill, with a Senate amendment, designating as federal wilderness some 1.8 million acres of national forest land in California, and to agree to the Senate amendment. Motion agreed to (thus clearing the bill for the president) 368-41: Y(3-1-1), Sept. 12, 1984.

343. HR 3347. Extradition Act. Hughes, D-N.J., motion to suspend the rules and pass the bill to revise procedures for extraditing persons to foreign countries seeking them for alleged criminal offenses. Motion rejected 103-307: N(0-4-1), Sept. 12, 1984.

344. HR 6071. Trademark Counterfeiting Act. Hughes, D-N.J., motion to suspend the rules and pass the bill to impose criminal penalties and increase civil remedies against those who produce or sell goods bearing counterfeit trademarks. Motion agreed to 403-0: Y(4-0-1), Sept. 12, 1984.

346. S 2463. Ocean and Coastal Resources. Snyder, D-Ky., motion to recommit to the committee on conference the conference report on the bill to share revenues from drilling leases on federal territory offshore with states and to authorize fisheries programs. Motion rejected 122-282: N(2-2-1), Sept. 13, 1984.

347. S 2463. Ocean and Coastal Resources. Adoption of the conference report on the bill to share revenues from drilling leases on federal territory offshore with states and to authorize fisheries programs. Adopted 312-94: Y(2-2-1), Sept. 13, 1984.

348. HR 5609. American Defense Education Act. Adoption of the rule (H Res 578) providing for House floor consideration of the bill to authorize an estimated $8.6 billion over fiscal years 1985-87 for school improvement projects. The rule barred amendments that had not been filed and printed in the CONGRESSIONAL RECORD by Sept. 12, the day before floor consideration of the bill. Adopted 311-89: Y(2-2-1), Sept. 13, 1984.

350. HR 1511. Port-Cargo Diversion. Biaggi, D-N.Y., motion to suspend the rules and pass the bill to require shippers moving U.S. cargo through ports in Canada and Mexico to file their rates with the Federal Maritime Commission. Motion rejected 188-209: N(0-5-0), Sept. 18, 1984.●

OF TOILET SEATS AND SWAYBACK MULES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. STARK. Mr. Speaker, every day it seems there is a new horror story of screwups in the purchase of weapons, of excessive charges, of shoddy equipment, of falsified or illegal billings.

I have just introduced a bill to help stop this parade of abuse by substantially encouraging whistleblowing over false charges, defective equipment, and other frauds against the taxpayer and Federal Government. This bill, H.R. 1975, amends the False Claims Act of 1863 to make it easier for a citizen to be rewarded for bringing a civil suit, on behalf of the entire Government, against a person defrauding the Nation's taxpayers. My bill amends what is known as the qui tam process.

It is sort of fun to examine the origins of the 1863 law. There are many parallels to today's situation.

The Civil War, of course, resulted in an explosive growth in Federal spending, and we reached our first billion-dollar Congress. The War Department was totally unprepared for war and for what became the total mobilization of the Nation. While hundreds of thousands of Americans died bravely, and several million of our then small population served honorably in uniform, the war also brought out the worst in people. Contractors appeared who sold shoddy, dangerous, or worthless merchandise. There were military men who extorted contractors or took kickbacks and gratuities from contractors, and politicians who participated in the uncontrolled spending.

Today, we again have a massive military buildup, greater in real dollar spending than our spending during the Korean and Vietnamese Wars. Today, we have contractors who knowingly sell defective microchips to our armed services for use in life and death situations. We also have contractors who take money meant to buy defense and spend it on advertisements and model ships and planes for the desks of politicians. We have military men who are contract liaison officers for particular giant corporations who resign and take jobs with those companies. Today we have officers who cover up how poorly major weapons system work rather than admit the failures and shoddiness which will kill thousands of our men on some battlefield of the future. Today, we have a War Department which allows builders to certify the quality of their own work, with no safeguards on behalf of the taxpayer. Today, we have politicians who urge the purchase of weapons which are unneeded or obsolete in order to bring home "the bacon" to hometown companies.

The immediate origin of the 1863 False Claims Act was a report—37th Congress, H. Rept. 49—by a special committee of the House "appointed to inquire into all the facts and circumstances connected with contracts and agreements by or with the Government growing out of its operations in suppressing the rebellion." In best congressional style, the committee collected over 3,000 pages of material and held field hearings—and did result in saving the Government millions of dollars. The main part of their report was 61 charges—of which 26 were upheld in court-martial—against a Maj. Justus McKinstry, Quartermaster for the U.S. Army at St. Louis.

McKinstry was clearly a cad—and in the circumstances, the equivalent of a traitor. But what he did then, and what caused an outraged Congress to pass a qui tam law, are duplicated in today's shoddy sales, coverups, and kickbacks.

Let me list just three of the charges:

Major Justus McKinstry, on or about the twentieth day of August, 1861, having need to purchase a large number of artillery horses and cavalry horses for his department, did not and would not purchase the same in the market nor for the market value; but without any advertisement for proposals, authorized one Benjamin F. Fox . . . to furnish the same to him at one hundred and nineteen dollars each for cavalry horses, and one hundred and fifty dollars each for artillery horses . . . the market value of which was about ninety dollars each and . . . one hundred dollars each [respectively].

Sounds like sole source procurement, that ends up with absurd, sweetheart deals for coffeemakers, toilet seats, and other excessive costs.

Major McKinstry did on the first day of July 1861, and on divers days between that day and the sixth October . . . purchase for his department a large number of mules at one hundred and nineteen dollars each—viz: altogether about one thousand mules—which were unfit for the service, and almost worthless, for being too old or too young, blind, weak-eyed, damaged, worn out, or diseased . . . Major McKinstry, acting in that behalf in gross carelessness and disregard of the interest of the service, to the waste and squandering of the public funds.

At least the men in the field could eat the mules. What the modern Army will do with the new Divad air defense gun in a battle is more questionable. Those who avoid battlefield condition tests of the Divad and the Bradley Armored Personnel Carrier are more than buying worthless mules—they are buying weapons that will kill our own forces.

McKinstry, on or about the 27th September, 1861, at St. Louis, having need to purchase overcoats for his department, did not and would not purchase the same in the market nor for the market price; but, without any advertisement for proposals, authorized Child, Pratt & Fox to furnish the same to him; and when they had purchased then and there from Martin & Brothers 802 overcoats for the price of seven dollars and fifty cents each, he, said McKinstry, then and there purchased the same 802 overcoats from Child, Pratt & Fox for $10.50 each . . . He, said McKinstry, thereby then and there intending to secure to Child, Pratt & Fox, and others in collusion with them, large gains, to the waste of the public funds.

Once more a lack of competitive bids and sweetheart deals. I wonder what the difference is from this and contracting officers who refuse to buy the best product at the lowest price—whether it be the Northrup Tigershark or new Israeli armor technologies, but instead insist on working with the contractors they have always known and loved.

The qui tam bill made sense in 1863 to deal with the McKinstry's of the world. The courts over a century have made it an inoperable law. In this new, and similar era of wild military spending, we should renew the old False Claims Act to bring more integrity to Government procurement.●

ELIE WIESEL—MR. PRESIDENT, YOUR PLACE IS WITH THE VICTIMS OF THE SS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. LANTOS. Mr. Speaker, in a moving White House ceremony last Friday, President Reagan conferred upon Elie Wiesel the Congressional Gold Medal. The President was authorized and directed by the Congress to present this gold medal in recognition of "his humanitarian efforts and outstanding contributions to world literature and human rights" by this great individual.

Elie Wiesel is the conscience of the Holocaust. A death camp survivor, himself, he has dedicated his life to telling the incredibly brutal and unbelievable story of the Holocaust. He has made it his life's work to ensure that mankind never forgets the horrors of that darkest episode in human history.

The White House ceremony was not without dramatic contemporary significance in light of President Reagan's continuing insistence upon visiting and laying a wreath at a German military cemetery where SS soldiers are buried—despite the raging storm of protest.

At the gold medal ceremony, Elie Wiesel made the most persuasive and telling case against the President's visit to Bitburg: "That place, Mr. President, is not your place. Your place is with the victims of the SS."

Mr. Speaker, Elie Wiesel's remarks deserve our thoughtful attention.

(A transcript of remarks yesterday by Holocaust survivor Elie Wiesel as he accepted a Congressional Gold Medal from President Reagan:)

Mr. President, speaking of reconciliation, I was very pleased that we met before so a stage of reconciliation has been set in motion between us. But then, we were never on two sides. We were on the same side. We were always on the side of justice, always on the side of memory, against the SS and against what they represent.

It was good talking to you and I'm grateful to you for the medal. But this medal is not mine alone. It belongs to all those who remember what SS killers have done to their victims. It was given to me by the American people for my writings, teaching, and for my testimony.

When I write, I feel my invisible teachers standing over my shoulders, reading my words and judging their veracity. And while I feel responsible for the living, I feel equally responsible to the dead. Their memory dwells in my memory.

Forty years ago a young man awoke and he found himself an orphan in an orphaned world. What have I learned in the last 40 years? Small things. I learned the perils of language and those of silence. I learned that in extreme situations when human lives and dignity are at stake, neutrality is a sin. It helps the killers, not the victims.

I learned the meaning of solitude, Mr. President. We were alone, desperately alone. Today is April 19th, and April 19, 1943, the Warsaw ghetto rose in arms against the onslaught of the Nazis. They were so few and so young and so helpless. And nobody came to their help. And they had to fight what was then the mightiest legion in Europe.

Every underground received help, except the Jewish underground, and yet they managed to fight and resist and push back those Nazis and their accomplices for six weeks. And yet, the leaders of the free world, Mr. President, knew everything and did so little, or nothing, or at least nothing specifically to save Jewish children from death.

You spoke of Jewish children, Mr. President. One million Jewish children perished. If I spent my entire life reciting their names, I would die before finishing the task.

Mr. President, I have seen children—I have seen them being thrown in the flames alive! Words—they die on my lips. So I have learned, I have learned the fragility of the human condition.

And I'm reminded of the great moral essayist, the gentle and forceful Abe Rosenthal, having visited Auschwitz, once wrote an extraordinary reportage about the persecution of Jews, and he called it, "Forgive them not Father, for they knew what they did."

I have learned that the Holocaust was a unique and uniquely Jewish event, albeit with universal implications. Not all victims were Jews. But all Jews were victims. I have learned the danger of indifference, the crime of indifference. For the opposite of love, I have learned, is not hate, but indifference.

Jews were killed by the enemy, but betrayed by their so-called Allies who found political reasons to justify their indifference or passivity.

But I've also learned that suffering confers no privileges. It all depends what one does with it. And this is why survivors of whom you spoke, Mr. President, have tried to teach their contemporaries how to build on ruins, how to invent hope in a world that offers none, how to proclaim faith to a generation that has seen it shamed and mutilated. And I believe, we believe, that memory is the answer—perhaps the only answer.

A few days ago, on the anniversary of the liberation of Buchenwald, all of us Americans watched with dismay and anger as the Soviet Union and East Germany distorted both past and present history. Mr. President, I was there. I was there when American liberators arrived. And they gave us back our lives.

And what I felt for them then nourishes me to the end of my days, and will do so. If you only knew what we tried to do with them then, we who were so weak that we couldn't carry our own lives—we tried to carry them in triumph!

Mr. President, we are grateful to the American Army for liberating us. We are grateful to this country—the greatest democracy in the world, the freest nation in the world, the moral nation, the authority in the world. And we are grateful especially to this country for having offered us haven and refuge and grateful to its leadership for being so friendly to Israel.

Mr. President, do you know that the ambassador of Israel, who sits next to you, who is my friend and has been for so many years, is himself a survivor? And if you knew all the causes we fought together for the last 30 years you should be prouder of him. And we are proud of him.

And we are grateful, of course, to Israel. We are eternally grateful to Israel for existing. We needed Israel in 1948, as we need it now. And we are grateful to Congress for its continuous philosophy of humanism and compassion for the underprivileged.

And as for yourself, Mr. President, we are so grateful to you for being a friend of the Jewish people, for trying to help the oppressed Jews in the Soviet Union, and to do whatever we can to save Scharansky and Abe Stolar and Josef Begun and Sakharov, and all the dissidents who need freedom. And, of course, we thank you for your support of the Jewish state of Israel.

But, Mr. President, I wouldn't be the person I am, and you wouldn't respect me for what I am, if I were not to tell you also of the sadness that is in my heart for what happened during the last week. And I am sure that you, too, are sad for the same reasons.

What can I do? I belong to a traumatized generation, And to us, as to you, symbols are important. And furthermore, following our ancient tradition—and we are speaking about Jewish heritage—our tradition commands us "to speak truth to power."

So may I speak to you, Mr. President, with respect and admiration of the events that happened. We have met four or five times. And each time I came away enriched, for I know of your commitment to humanity. And, therefore, I am convinced as you have told us earlier when we spoke that you were not aware of the presence of SS graves in the Bitburg cemetery. Of course you didn't know. But now we all are aware. May I, Mr. President, if it's possible at all, implore you to do something else, to find a way, to find another way, another site. That place, Mr. President, is not your place. Your place is with the victims of the SS.

Oh, we know there are political and strategic reasons. But this issue, as all issues related to that awesome event, transcends politics and diplomacy. The issue here is not politics, but good and evil. And we must never confuse them, for I have seen the SS at work, and I have seen their victims.

They were my friends. They were my parents. Mr. President, there was a degree of suffering and loneliness in the concentration camps that defies imagination. Cut off from the world with no refuge anywhere, sons watched helplessly their fathers being beaten to death. Mothers watched their childern die of hunger. And then there was Mengele and his selections, terror, fear, isolation, torture, gas chambers, flames, flames rising to the heavens.

But, Mr. President, I know and I understand, we all do, that you seek reconciliation. So do I. So do we. And I, too, wish to attain true reconciliation with the German people. I do not believe in collective guilt, nor in collective responsibility. Only the killers were guilty. Their sons and daughters are not. And I believe, Mr. President, that we can and we must work together with them and with all people. And we must work to bring peace and understanding to a tormented world that, as you know, is still awaiting redemption.

I thank you, Mr. President.●

A POLICE OFFICER'S LIFE—AND DEATH

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. BIAGGI. Mr. Speaker, during the prior Congress legislation authored by myself and Senator PELL to establish a National Law Enforcement Heroes Memorial was enacted into law. As a 23-year police veteran, I was particularly proud of this accomplishment, for both personal as well as professional reasons. Frankly, such a memorial is long overdue.

Over the last 10 years, some 1,600 law enforcement officers have been killed in line of duty—nearly one police death every 2 days. In 1984, there were 142 police deaths in the line of duty. These numbers are shocking enough, but there is a far more personal and tragic story associated with each and every police death. It is a story not easily told by words, but a recent editorial that appeared in the Yonkers (NY) Home News and Times met the challenge. At this time, Mr. Speaker, I wish to insert the full text of that editorial:

OFFICER GARY STYMILOWSKI

Fear and tension live each day with the families of those who choose to offer their lives as hostage in defense and protection of others.

Every time a police officer leaves home and says goodbye it may be for the last time. Every time the phone or doorbells ring, while a police officer is on duty, it can be the dreaded messenger.

For each of us, life is an uncertainty but not an uncertainty we challenge head-on every day of our lives. Even when they are off duty, police officers are still committed to carry out their pledge and many off-duty police officers have lost their lives doing so.

When Westchester County Police Officer Gary Stymilowski left for his tour of duty on Sunday, February 24th, he was a twenty-

seven year old, dedicated and honored professional, with his entire life before him.

At 7:30 p.m. he stopped a car on the Saw Mill River Parkway in Yonkers, for a routine traffic violation. Shortly after 10:00 p.m., he was pronounced dead at St. Joseph's Medical Center, where he had been rushed by ambulance.

For Gary Stymilowski his twenty-seven month career—his hopes—his dreams—his future—were over. He had been murdered in the line of duty. For his loved ones the suffering and heartbreak had just begun.

He was obviously doing his duty, exactly the way he had been trained to do it. He radioed the car and plate numbers and descriptions, called for a backup and a tow truck, because the driver had no license and he had seen a shotgun in the car.

It is a sad commentary on our society that had he survived and the perpetrators been killed instead, he would now be facing a long and oppressive inquiry, at the very least—rather than a hero's funeral.

Gary Stymilowski was a very special person, as is each and every one of those who spend their lives in law enforcement. It is a difficult, dangerous commitment and often fraught with a lack of recognition or respect, with "Monday Morning Quarterbacks," ready to heap villification on any police officer who has to make a split-second life or death decision.

We are grateful that people like Gary have continued to be willing to accept all of that and still choose to spend their lives protecting others.

His death once again cries out the question of how many more police officers and private citizens must die before this State will enact and enforce the death penalty—When will enough members of the legislature have the courage to override the Governor's veto and protect the people who elected them to office—When will the cries of the victims and their families be heard over the laughter of the murderers—

The mournful tones of the bagpipes, which dirge the funerals of fallen police officers, will fade in minutes. The flags now lowered will rise again within thirty days. The lasting and proper memorial which can truly contribute to the future is enactment of the death penalty and the saving of countless thousands of other lives.

To the family and loved ones of Gary Stymilowski, his fellow officers and all who were privileged to have known him in his brief lifetime, we offer our deepest sympathy and our hope that God will ease the burden of their sorrow and grant them peace.●

A BALANCED APPROACH TO THE MISSISSIPPI RIVER

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. GUNDERSON, Mr. Speaker, again today, as in each of the last two Congresses, I am introducing legislation to provide for the balanced multiuse management of the Upper Mississippi River.

Many of my colleagues are aware of my efforts and leadership in providing for the care of this great natural resource. In fact, the Water Resources Subcommittee, and Public Works and Transportation Committee, included the language of my previous bill in the omnibus water resource legislation, currently before Congress. This language, as part of the omnibus water bill, passed this body last year, but unfortunately was not considered in the Senate before adjournment.

I am reintroducing this legislation to provide a true balance among the three major uses of the river: commercial naviagtion, environment, and recreation. This bill will maintain the integrity of this resource for future generations.

We in the Upper Mississippi River area have long recognized the importance of this waterway. Not only does it provide a vehicle for transporting goods but it also is used by millions of people each year for recreational and environmental purposes. In fact, the Upper Mississippi River has the distinctioin of carrying two congressional mandates—one for natural waterway transportation and the other as a national fish and wildlife refuge area.

With the help of my Mississippi River Advisory Commission, made up of experts on river issues, we have once again developed legislation to provide for the comprehensive management of this vast resource. The bill will accomplish this in several ways.

First, funds are authorized to allow for the Secretary of the Army to provide for the engineering, design, and construction of a second lock at lock and dam 26, near Alton, IL. This authorization will allow commercial naviation the opportunity to transport without bottlenecks, the goods and services necessary to the people of the Midwest.

Second, funds are authorized to allow the Secretary of the Army, working with the States to undertake a habitat rehabilitation and enhancement program for the natural and recreational resources of the river system. Decades of commercial use have taken their toll on the habitat of the Mississippi River. To remedy this situation and to ensure that it does not recur, the habitat rehabilitation and enhancement in this bill will establish: First, a program for fish and wildlife rehabilitation and enhancement; second, a long-term resource monitoring program; and third, a computerized inventory and analysis system.

Third, the Secretary of the Army is required to establish and seek Federal funding for a program that would facilitate the productive uses of dredged material from the river. Such material has a variety of uses outside the river's flood plain including landfil concrete, beach sand, and as a soil conditioner.

Fourth, the legislation would give the Secretary of the Army working with the States, the authority to implement a program of recreational projects along the Upper Mississippi River system and to assess the economic benefit of those recreational activities. Enhanced recreational opportunities are not only important to the users of the river system, but to thousands of small businessmen along the system as well.

This bill also allow the Secretary of the Army to monitor traffic movements so as to verify lock capacities, update traffic projections, and refine economic evaluations in an effort to determine the need for future commercial expansion. Along this line, the Secretary of the Army is instructed to make annual recommendations to provide for an increase in the capacity of specific locks throughout the system through nonstructural and minor structural measures.

Finally, and most importantly, this legislation approves the master plan as a guide for future water policy on the Upper Mississippi River system. Without a doubt, policy making groups within the system are in need of a management guide for direction in implementing programs which affect future generations.

Mr. Speaker, I have always said to my constituents back home that I would not support any plan for the Upper Mississippi River system unless it provided for the balanced development of all major uses. I believe this bill will satisfy the interests of commercial navigation, as well as the environmental and recreational users of the river system. We simply cannot afford to manage this resource any longer without providing for all of its uses. I am asking my colleagues to join with me in recognizing the multiple use concept of this river system.●

SUPPORT FOR PRESIDENT DUARTE: UNCLE SAM DID THE RIGHT THING

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. BROOMFIELD. Mr. Speaker, our Government's decision to support President Duarte and his political program was the correct one. It is heartening to see a phase of U.S. foreign policy succeed in this turbulent region of the world.

While the complexities of Central America cannot be ignored, our Government is trying to encourage the fragile nations in Central America to move along the road to democracy. Many problems still confront our policymakers. Much more must be done. More resources will have to be committed to our efforts. In the final analysis, however, our Nation's vision of tomorrow will be appreciated by future generations who will live in free and democratic countries.

One step along this path to democracy in Central America is the recent

success of President Duarte in El Salvador. He is trying to promote human rights and bring all sides together for an open dialog. I wish him well in his efforts.

With these thoughts in mind, I strongly recommend the following article to my colleagues in the Congress who share my interest in peace and stability in this neighboring region:

[From the New York Times, Apr. 3, 1985]

THE CENTER GROWS IN SALVADOR

Decent, courageous but powerless—those are the words that once stuck adhesively to El Salvador's President, José Napoleón Duarte. It's time to free him from that condescension. His Christian Democrats appear to have scored a remarkable upset in Sunday's election—a 54 percent win that should assure them a majority in the National Assembly and put them in charge of 200 of 262 municipalities.

That may give new life and legitimacy to Mr. Duarte's efforts to wage the civil war humanely and to negotiate for its end, to guarantee human rights and to curb the warlords of both right and left.

What makes this outcome even sweeter is that the election rules were designed to benefit Mr. Duarte's right-wing opponents. In Sunday's election, El Salvador's fourth since 1982, compulsory voting was eliminated and the conservative parties were allowed to pool their votes. The rules were enacted over Mr. Duarte's veto by the Assembly's now defeated right-wingers.

Nor did the President's powerful American friends sway the outcome. Unlike last year, the United States Embassy was prudently neutral. Intervention last time was justified because the alternative candidate for President was Roberto D'Aubuisson, cynosure of the violent right. Salvadorans had to first learn that only a committed democrat like Mr. Duarte could win bipartisan American support for increased aid and support for both the war and negotiations with the guerrillas.

The negotiations have since stalled on the insurgents' demand for a share of power without surrendering their arms and without elections. But the Salvadoran right has joined in frustrating Mr. Duarte's overtures. It blocked his cautious attempts to punish human rights outrages and denied funds for his inquiry commission. The Assembly named Mr. D'Aubuisson's lawyer as attorney general, and his well-wishers to the Supreme Court.

Now Mr. Duarte has both a mandate and a working majority to resume the peace negotiations and to reform the hemisphere's worst criminal justice system. He deserves help and understanding. Having lost at the polls, Mr. D'Aubuisson's friends may turn again to bloody terror. The death-squad killings have abated, but the apparatus is still in place. And evidently the right has a new source of revenues: narcotics.

What helped tip the Salvadoran elections was a scandal involving Francisco Guirola, a close associate of Mr. D'Aubuisson. A Salvadoran entrepreneur, Mr. Guirola was arrested in Texas on Feb. 6 with $5.9 million in unmarked U.S. currency aboard his Sabreliner jet. That money weighed 650 pounds and was stuffed in eight suitcases, according to a revealing account in The New Republic. There's more than a suspicion that this was drug money, destined for the political wars in El Salvador, where Mr. Guirola was instantly dubbed the "Six Million Dollar Man."

With friends like that, Mr. D'Aubuisson needs watching. And with enemies like that, Mr. Duarte needs all the information U.S. police can provide.●

THE 40TH ANNIVERSARY OF THE END OF THE HOLOCAUST

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1985

● Mr. STOKES. Mr. Speaker, I want to thank my distinguished colleague, the gentleman from New York, Mr. SOLARZ, for reserving this time for Members to join in the commemoration of the 40th anniversary of the end of the Holocaust. Today, here in the U.S. Capitol and in all 50 State capitols, ceremonies are being conducted to mark the end of one of the darkest periods in the history of mankind—the senseless killing, brutalization, and degradation of Jews in Nazi Germany.

Remembrance can be painful. Six million Jews were killed during the Holocaust. Millions of others were enslaved and the subject of barbaric experiments. Names of some of the Nazi concentration camps, like Auschwitz, Treblinka, Magdanek, and Dachau are poignant reminders of man's inhumanity to man.

Mr. Speaker, the ceremonies today also underscore the strength and determination of the Jews to survive the horrors of the Holocaust. In the face of adversity and certain death in the camps, the Jewish people, during World War II in Nazi Germany, displayed unswerving heroism and faith. Many perished while whispering in desperation or shouting in defiance, "Shema Yisroel."

Their faith stands as a shining example for us all today. By turning torment into a victory for the dignity of human spirit, the Jewish people provided a model of courage for all oppressed people.

Today, as we remember the liberation of the Jewish people from the Nazi camps, we must also remember those Jewish citizens who are still not free in 1985. The Soviet Jews, refuseniks, are still not allowed to emigrate freely from Russia. We cannot forget them.

In 1983, I had the pleasure of visiting Israel and the Holocaust Memorial Yad Vashem. During my visit to the Memorial, I laid a wreath at the foot of the enternal flame. The flame is not only a symbol of the past but also a beacon of hope for the future.

As we commemorate the end of the Holocaust, I am reminded of the historic statement made by Baal Shem Tov, "Forgetfulness leads to exile—while remembrance is the secret of redemption."

Thank you again for this opportunity to join with the U.S. Holocaust Memorial Council, Members of Congress, Jewish people around the globe, and men and women of good will in commemorating the 40th anniversary of the end of the Holocaust.●

IMPRESSIONS OF EL SALVADOR

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. BUSTAMANTE. Mr. Speaker, I am speaking for the record on my impressions of a brief trip I made last week to San Salvador. I chose to make a visit on short notice because I believed it would enable me to vote less on a partisan basis and in a more objective way on this week's bills and resolutions regarding Central America. The people in my congressional district, like people all over the United States and like my colleagues, have been engaged in heated debate on the issues at hand in recent weeks.

I was able to meet with a number of Salvadorans whose names have become well known to many of us in the 6 years since that country saw civil war break out—President Jose Napoleon Duarte, Archbishop Damas, and Defense Minister Vides among them. I also met with the somewhat less famous—officials from resettlement and refugee camps, the "Mothers of the Disappeared" and members of the Salvadoran academic community. And finally, I spoke with many people who are rarely consulted during these fact-finding visits—the anonymous and average Salvadorans, members of families trying to put food on their tables who generally keep their political opinions to themselves.

Though I speak the language heard in El Salvador, I would not consider myself a privileged observer. Many of my colleagues in the House have a more acute sense of Central American history—and of the efforts the nations of the region have made to establish political institutions stressing justice for the citizens they serve. Other colleagues may be better informed on the chances for success of the many proposed development and assistance plans designed by the multilateral banks. I am not an economist by training. Yet I recognize how difficult it must be on the receiving end of an economic plan devised by people who do not have to face political consequences, including the threat of violence, at home.

Any attempts to reach political agreements must be exasperating and dangerous for men like President Duarte. He told me expressly that he was and would continue to be open to dialog with those who oppose his Government, but that he was not in favor of granting any concessions which

would compromise the goals he has articulated for his people. The political process is exasperating because the signs of progress are not readily visible. For example, while a health care facility is painstakingly built, the bridge used to get to it is blown up. And the process is dangerous because there seems to be no middle ground, no favors to dispense, no room for compromise. But just as we value the construction of coalitions in politics here in Washington, it is also fundamentally important in El Salvador to keep open the lines of communication. Like many of my colleagues, I have been genuinely impressed by the courage, determination, and candor of President Duarte. He strikes me as a realist, a thoughtful, patient, yet strong leader who deserves our support.

Mr. Speaker, I am aware that the votes we cast this week on Central American issues may not establish a definitive congressional policy recommendation for the region. Each of us will remember some statistics and consider the opinions of our constituents in justifying our points of view. But statistics taken one by one are not always trustworthy, and constituents sometimes split right down the middle. I am in favor of listening to those who have some experience, firsthand experience, in Central America. For that reason, President Duarte's message was particularly instructive: He wants a strong army, not for purposes of repression but in the interest of allowing democracy to flourish. He wants to reconstruct the nation's judiciary, to move it toward impartiality. Where the United States is concerned, he hopes for a long-term, comprehensive policy.

These points are compelling because of one particularly encouraging development—the apparent consolidation of authority in the Christian Democratic Party in last month's elections for seats in the National Assembly. I am heartened by that result not in a spirit of partisanship, but because it seems to indicate that the center may hold after all—in a political system which has known nothing but destructive polarization for so long.●

DAYS OF REMEMBRANCE

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1985

● Mr. MRAZEK. Mr. Speaker, today, April 18, 1985, is a day of commemoration and a day of remembrance. It is a day when we commemorate the 40th anniversary of the liberation of the death camps of Nazi Germany, and a day when we remember the infinite capacity for evil in the human soul.

It is appropriate that we commemorate and remember those members of the American Armed Forces who broke down the walls of Auschwitz, Bergen-Belsen and the many other concentration camps in Germany, releasing the survivors and exposing to the world the atrocities which had occurred so horrifically within its confines.

It is also appropriate that we commemorate and remember the many millions of people who were murdered at the hands of individuals whose penchant for torture and death far outweighed any love of life. Their deaths, and the deaths of the thousands of American soldiers who fought to eradicate this vile contempt for humanity must be remembered always.

It is in light of this tragedy that I find it truly saddening that President Reagan has chosen to remember this war by laying a wreath at a German military cemetery, which includes the graves of members of the elite Nazi SS unit. I find it intolerable that the President of this Nation, a nation which fought so bravely and suffered so many casualties, would commemorate this day by paying homage to the soldiers who fought and died protecting nazism. And I find it inconceivable that the President of the United States has to be pressured and pushed into visiting one of the factories of death which Americans gave their lives so freely to liberate. I only hope that he will acknowledge this unfortunate mistake and choose to change his travel plans.

Mr. Speaker, today is a day of commemoration, but the lessons of World War II must be remembered everyday. We must always remember the pain and suffering and we must always remember the human cost which was exacted by this war.

Today is a day of looking back into a dark past, but it is also a day of looking forward into the future. If World War II was fought for anything, it was fought so that this brand of tyranny could never again raise its head from the ashes.●

CONGRESSIONAL HONORARIUM REFORM ACT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. HAMILTON. Mr. Speaker, I have become increasingly concerned about the growing problem of congressional honoraria. These payments made to Members of Congress for speeches to private audiences have been criticized severely in the media and in Congress itself. Two aspects are of particular concern.

The first is the perception that the congressional honorarium has become just one more device that special interests use to try to buy influence with prominent legislators. An especially disturbing pattern is developing in this regard. Large honoraria are being paid to Members by groups with direct interests in legislation before the Member's committees—Banking Committee leaders receive honoraria from banking interests, Transportation Committee leaders from transportation interests, and so forth. More than half of all honoraria now come from business interests, and the greatest share goes to powerful Members, committee chairmen, legislators on taxing and spending committees, and congressional party leaders, who are capable of dispensing legislative favors. The idea behind the honorarium generally is a good one: legislators should be encouraged to meet a wider variety of people than they would meet otherwise. If it continues unchecked, however, the practice of paying special interest honoraria to prominent Members may push the public to the point that it will look on the practice as something little better than bribery.

To dispel this perception, the House resolution I am introducing would retain the overall limits on honoraria of 30 percent of congressional salary and $2,000 per speech, but would reduce the amount a legislator could receive from groups with special interests in his committees. A Member earning the total 30 percent of his congressional salary in honoraria would not be allowed to receive more than half of that sum from such groups. Also, his payment per speech—from these groups only—could not exceed $750 annually. These additional limits basically reduce a legislator's honoraria from groups with direct interests in his committees to the general limits on honoraria passed by the House in 1977, except that the $750 limit would extend over an entire year to prevent a Member from receiving several $750 payments in succession by speaking to a single group evening after evening.

The definition of a "direct interest in legislation before a committee" would follow the general line of House Advisory Opinion No. 10, which defines a "direct interest in legislation before Congress." Under my resolution, the additional limits would not apply to the payments of just any group. The group would have to be one formally in the business of trying to influence legislation, as evinced either by its employment of lobbyists or its use of a political action committee. Also, it would have to have an interest in a legislative matter handled by the particular congressional committee in question. For example, the additional limits would not apply if the chairman of the House Education and Labor Committee were paid for a speech to college students and their

parents. They would apply if his paid speech were given to the National Education Association.

In short, under my resolution, legislators would face additional limits only on the amounts of honoraria received from groups in the business of trying to influence legislation before the Member's committees. My resolution is designed to allow legislators enough compensation to continue to speak before such groups without getting rich from them or becoming financially beholden to them.

Unlike Members, executive branch officials are not permitted to receive honoraria from groups which they regulate. Moreover, several legislators, citing the possibility of abuse, already have decided on their own to reduce the amount of honoraria they receive from groups with special interests in legislation before their committees. The idea behind the practice of the executive branch and the voluntary action of these Members is worth adopting as a guide to a general policy for the House.

The second problem that my resolution would address is that of the congressional honorarium received as part of a lavish, all-expense-paid speaking vacation at a resort area. The media have reported several cases of legislators and their spouses receiving free trips to Honolulu and Las Vegas, with an honorarium to boot, all paid for by groups with a direct interest in legislation before Congress. The Member who takes such a vacation gives the public the impression that he is both cashing in on his office and creating an obligation to give legislative favors in return. Again, the idea that a legislator should be reimbursed for a speaking engagement is legitimate. It is the practice that has gotten out of hand. Current House rules and advisory opinions state that only necessary expenses will be allowed, but these provisions are not elaborated with any precision and so are largely unenforceable and subject to abuse.

My resolution would require that reimbursement of Members for trips sponsored by special interest groups be limited to moderate, necessary expenses, not to those incurred at the finest restaurants and hotels at the finest resorts and vacation spots. Reimbursement would be tied to the General Services Administration's annual figures on the estimated costs of food and lodging in various cities across the United States. A legislator speaking before a special interest group in New York City, for example, would be allowed $187.73 per day for expenses under the present schedule. In Indianapolis, he would be allowed $88.34 per day. Any payment above those limits would be considered part of the Member's honorarium, and would be subject to the limits on honoraria.

Mr. Speaker, I believe that the reforms contained in my resolution are necessary. Various stories of abuse leave little room for any other conclusion. My resolution recognizes that it should not be a financial hardship for legislators to speak to special interest groups, but it also recognizes that no financial bonanza should be permitted. The provisions of my resolution are reasonable. They will be effective if they are adopted. I urge that my resolution be given prompt consideration.●

EARTHQUAKE SCIENTISTS POINT TO URGENT NEED FOR MORE RESEARCH ON SHOCK-PROOF BUILDINGS. H.R. 1144 IS THE ANSWER

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. STARK. Mr. Speaker, that both the Eastern and Western United States will be subject to catastrophic earthquakes in the next few decades is next to certain. That we have not prepared for it adequately is equally as certain. To meet this threat I have introduced a pay-as-you-go bill to raise funds for research intended to provide engineering professionals with guidelines for the building of safer structures. Currently, less than $10 million of the Federal budget is devoted to seismic engineering research. Under the proposed National Earthquake Hazards Reduction Program [NEHRP] 5-year plan, which calls for the establishment of a national seismic engineering test facility, the budget for research in this area would more than double. My bill proposes the creation of just this sort of facility, while also providing a financing mechanism. I think an excise tax on elevators and escalators, elements common to all multistory structures which are most vulnerable to seismic stress, would be a fair method of distributing the resultant tax burden.

The NEHRP report of 1984 notes problem areas in our current seismic engineering capability.

"First, although significant progress has been and will be made through NSF—supported research programs, the lack of special experimental and computational facilities make too difficult to pursue research in specialized building types such as masonry and concrete structures. At the present time, some of these opportunities are being pursued through cooperative programs with countries which have developed more adequate and modern facilities, especially Japan. These projects have been of great value, but as the recently published report on U.S. earthquake engineering facilities by the National Research Council states: 'A cooperative Japanese-American research/test program using the Japanese facilities will not meet the mission-oriented earthquake engineering needs of the United States. The Japanese use different construction and design techniques than are used in the United States. Because of the remoteness of the Japanese facilities, their use is constrained by the cost and time associated with carrying out American experiments and tests. Also, in the view of many there are significant language communication problems that perhaps can be minimized. Finally, there are serious problems in gaining access to the Japanese test facilities—particularly their large shaking table, because the Japanese already have the table heavily scheduled for several years into the future.'"

The facility created according to the guidelines of my bill would have just this sort of shaking table, which would be used for research relevant to American conditions and needs.

Following are excerpts from the NEHRP's report which detail the improvements that must be made in seismic engineering.

Substantial research is still needed in some major earthquake engineering areas. The response to seismic loads of the total structural system, of subassemblies, of nonstructural and architectural features, of foundations and their interaction with different soils must be continuously analyzed and reexamined in the light of experimental data and new technology. The results of these efforts need to be disseminated to users as quickly as possible so they will find their way into design practices.

Under the objective of fundamental and applied research to be carried out within the 5-year plan, work is organized into five broad research tasks, as follows:

1. Soil Dynamics and Earth Structures; 2. Ground Motions, Tsunamis, and Lifelines; 3. Dynamic Structural Analysis; 4. Dynamic Structural Experimentation; 5. Architecture and Planning.

Research efforts in the third, fourth and fifth tasks will be enhanced by the passage of my bill. Those who indirectly pay the targeted tax, the purchasers of elevators and escalators, would derive most benefit from research in these areas. A brief description of these tasks follows, beginning with structural analysis:

Understanding the behaviour of existing structures, or predicting the probable behavior of new ones, requires that an adequate mathematical basis be available to formulate deterministic and probabilistic methods. This also requires that loadings (which may include local geological and geotechnical effects) can be expressed in forms suitable for analysis and that computational methods, equipment and software are available. It is also necessary that data become available from material and laboratory tests of small components through full-scale structures, and from observations of the actual behaviour of structures. With these data, parameters are available for analysis,

and analytical and computational approaches can be verified and improved.

Dynamic and static structural testing is closely related to the above task.

The data developed from task 4, experimental investigations, are * * * used to verify analytical procedures (task 3) and field practices, and to explore innovative concepts of design and construction.

As suggested by a 1969 report by the National Academy of Sciences, the goal of this effort is to determine the strength, stiffness, ductility, and deformation of structural components, and to compare the properties actually measured with the predictions from the analytical procedures.

Experimental studies may take various forms, depending upon the method of testing selected for a particular structural system. The ultimate test is an actual earthquake. There are several testing techniques available to simulate the effect of ground shaking under controlled conditions.

Research has only started on the broad topic of vulnerability of urban areas to major earthquakes. The (urban) planner is not so much concerned with damage to individual sites and buildings as with entire urban areas. Problems which need to be addressed include anticipated distribution and magnitude of damage, physical arrangements of buildings and land uses to property damage and loss of life, resiliency of urban forms to interruptions in economic functions and social fabric, and guideline development to minimize the consequences of major earthquakes.

Given that our seismologists predict that over the next three decades there is a better than even chance of a major earthquake occurring in California, an area relatively well prepared, and a strong possibility of an equally devastating quake occurring in the unprepared Midwest, I feel that these research efforts deserve the highest priority.●

STUDENT LOAN COLLECTION IMPROVEMENT AMENDMENTS OF 1985

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. COLEMAN of Missouri. Mr. Speaker, today I introduced legislation, titled the Student Loan Collection Improvement Amendments of 1985. The purpose of this legislation is to reduce defaults and improve collections within the National Direct Student Loan [NDSL] and Guaranteed Student Loan [GSL] Programs, authorized under the Higher Education Act.

Over the past 20 years, the NDSL and GSL Programs have provided billions of dollars in student loans, opening the door to educational opportunity for millions of students. Most student borrowers have honored the terms of their loans and have paid them back in full or are currently in active repayment.

However, the default rate in the NDSL Program currently stands at 14.9 percent with $1.044 billion in defaults. The GSL Program carries a default rate of 4.8 percent with $1.1 billion in defaults; $2.3 billion is a significant sum. Every effort should be made to recover these funds and put the money back where it belongs—into new student aid.

The Department of Education has requested that statutory changes be made to the Higher Education Act to help improve the collection effort. These changes would strengthen provisions under current law to aid the Department, postsecondary institutions, and State guarantee agencies in their collection efforts.

The bill I am introducing on behalf of the administration would help improve collection efforts in the following ways:

First, loan checks would be made payable to both the borrower and the postsecondary institution—except in cases of parent borrowers.

Second, NDSL defaults would become liable for a certain amount of the costs borne by the Federal Government in trying to collect on defaulted loans.

Third, State guarantee agencies in the GSL Program would be required to report borrower default status information to consumer credit bureaus, currently, the Department of Education has this authority but the State guarantee agencies now handle the bulk of student loans.

Fourth, responsibility for the collections of defaulted NDSL's would be transferred from the postsecondary institution to the Department of Education in instances where institutions have a consistently poor collection record.

Fifth, the Federal statute of limitations—6 years—would be applied to GSL and NDSL defaults and recoveries of overpayments on other aid whenever an otherwise prevailing State statute provides a shorter time on the student's liability.

Sixth, eligibility requirements for Federal student aid would be broadened to provide that any student in default on a loan or owing a refund on a grant would not be eligible for further Federal aid. Current law applies this limitation to students applying for aid at an institution at which they are already in default or owe a refund, but does not prevent students in default from applying for aid at other schools.

I urge my colleagues to cosponsor this much-needed set of reforms to our student loan programs. We are working to preserve Federal student aid. However, in light of our current budget deficit and the severe funding crisis educational programs are experiencing, these programs cannot, and should not, be abused. Please join me in helping to keep student aid both equitable and economic.●

DR. EDGAR NELSON HONORED

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. CHAPPIE. Mr. Speaker, I rise today to pay tribute to a truly great man, Dr. Edgar Nelson. On May 4, 1985, Dr. Nelson will be retiring as pastor of the First United Methodist Church in Yuba City, CA, after some 43 years in the ministry.

To the people of the Yuba/Sutter area, Dr. Nelson has been the embodiment of Christian goodwill and charity. Through his tireless efforts, he has been able to touch the lives of literally thousands of people all over the world, as well as in his own community.

Dr. Nelson started out as an associate pastor at Pioneer Memorial United Methodist Church in Oakland in 1943. In subsequent years he served congregations at Del Ray United Methodist Church, Sonora United Methodist Church, St. Paul's United Methodist Church in San Jose, and the Mill Valley United Methodist Church. In 1961 he was appointed senior minister to the Yuba City United Methodist Church where he has remained.

Among his many accomplishments, Dr. Nelson was one of the original supporters of the Faith Christian School, a nondenominational Christian school serving the Yuba-Sutter area. He has been a long-time supporter of the Asbury Seminary and has served, for over 40 years, as dean of Redwood Christian Park. Dr. Nelson has also dedicated his efforts to the California Council on Alcohol Problems and has been a noted spokesman on a variety of social problems in California.

One of Dr. Nelson's major priorities has always been missions. His leadership has helped the congregation of the Yuba City United Methodist Church to greatly increase their participation in mission work. His mission work has taken him all over the world and gained him the respect and admiration of many missionaries including Dr. Frank Laubach, a leader in world literacy work, Bishop Washow Pickett of India and Bishop Ralph Dodge of Africa.

Mr. Speaker, one of the most impressive things about Dr. Nelson is that, despite all of his accomplishments, he still sees himself as first and foremost a pastor. One of his favorite passages of scripture, Psalm 37:4, clearly expresses the nature of this man. "Delight thyself also in the Lord; and he shall give thee the desires of thine heart; . . ."

To Dr. Nelson I can only say thank you. He has truly shown himself to be a man who delights himself in the Lord and has never been ashamed of

the Gospel of Christ which he shares with the world. While Dr. Nelson is retiring, this will not stop him from continuing on with his lifelong mission. For this we are blessed and most eternally grateful.●

TAMING THE TRADE DEFICIT, THE WAL-MART WAY

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. HAMMERSCHMIDT. Mr. Speaker, there is no question that our trade deficits have been of concern to all of us. And while we, in Congress, hope for voluntary import restraint agreements, and discuss quotas, surcharge taxes, and various other retaliatory mechanisms, a constituent of mine in the Third District of Arkansas has undertaken his own campaign to aid in balancing the trade deficit and putting Americans back to work.

Wal-Mart Stores, Inc., and its chairman, Sam Walton, have launched their own "Buy American" campaign in an effort to prove that American manufacturers can make merchandise that can be sold on a competitive basis with the same quality and value as products made overseas.

While Wal-Mart Stores, Inc., had its beginnings in the smalltown variety store business in 1945, when Sam Walton opened his first Ben Franklin franchise operation in Newport, AR, the company did not open its first discount department store until November 1962. In 1984, and 753 stores later, with sales of $4.7 billion (up from $3.4 billion a year ago), and earnings of $196 million (up from $124 million the prior year), Wal-Mart has remained the fastest growing retailer in the country as it has been in the past several years. During the last 10 years, the company's compound annual rate of growth has been 39 percent in sales and 47 percent in profitability. To the company's credit, buying smart has played a large part in Wal-Mart's success formula.

Realizing the serious threat that our international trade deficit is to our country's free enterprise system, as well as to the very existence of certain basic industries in our country, Wal-Mart has committed itself to the philosophy of buying everything possible from suppliers who manufacture their products in the United States.

While Wal-Mart is ready to offer its suppliers and manufacturers in the United States the same advantages provided to overseas vendors, such as providing longer lead times for placing orders and quicker payments, American vendors must in turn commit to improving facilities and machinery, to remain financially conservative, and most importantly, strive to improve employee productivity. With this cooperation, Wal-Mart believes that we can restore our manufacturing capacity, improve our national economy, and renew our pride in American craftsmanship.

This is not an idle philosophy. Wal-Mart has already experienced some success in working with American manufacturers on bringing production back home. For example, 3 years ago, the company imported all of their dress shirts from Taiwan and Korea; this year, 40 percent of these shirts will be produced in the United States in a 20-State territory. This percentage is expected to increase substantially this year. Wal-Mart has also made a commitment to a Fort Smith, AR, furniture manufacturer, which is likely to save not only the plant, but some 50 jobs.

Most recently, the company found that men's flannel shirts could be produced on a surprisingly competitive basis in the United States. Wal-Mart has entered into a $600,000 contract with a small manufacturer for 240,000 flannel shirts—one-tenth of what the company anticipates it will sell next winter. To help the manufacturer be price-competitive, Wal-Mart also helped locate and finance the flannel material it needed to meet the contract.

I am submitting for the RECORD, an article from the April 21 Washington Post which describes in detail Wal-Mart's "Buy American" campaign. Hopefully, the effort of one company will encourage other businessmen to seek American-made products and save American jobs.

[From the Washington Post, Apr. 21, 1985]

WAL-MART FLYS THE FLAG IN IMPORT BATTLE—PRODS U.S. PRODUCERS WITH FAVORABLE TERMS

(By Caroline E. Mayer, Washington Post Staff Writer)

Late last year, Sam Walton, the chairman of Wal-Mart Stores Inc., gave his merchandise buyers an order: Think of a product that American manufacturers have given up on because of competition from cheaper imports.

An apparel buyer suggested inexpensive flannel shirts, virtually all of which are now made outside the United States.

Today, the 753-store discount chain has a $600,000 contract with a small Brinkley, Ark., manufacturer for 240,000 flannel shirts—one-tenth of what the company anticipates it will sell next winter.

"We've set out to prove that American manufacturers can make merchandise we well on a competitive basis with the same quality and value as products made overseas," said David D. Glass, president of Wal-Mart, one of the nation's fastest-growing and most successful discount chains, second to K mart Corp. in size.

"As a company, we are tremendously concerned with the trade deficit," Glass said. "We see a tremendous erosion of manufacturing jobs in this country as manufacturers accelerate the movement to go offshore to make their goods. None of us will believe what this country will be like five to 10 years from now if we continue to let this happen."

Between 1981 and 1984, an estimated 1.6 million American jobs were lost to imports, Walton recently pointed out in a letter to his suppliers. "In one year [1983 to 1984], non-oil-related imports grew $70 billion, an increase of 33 percent. The trade deficit reached $123.3 billion, an increase of 78 percent. Something can and must be done to reverse this very serious threat to our free enterprise system and our great country" he wrote.

Now Walton wants to try to turn the tide. Last month the company officially launched a novel and ambitious Buy-American campaign to prod domestic manufacturers to produce more goods at home. Last year the company purchased about 5 percent of its goods from Foreign manufacturers. This year, Walton said he hopes to reduce that to 4 percent through his campaign, with further reductions in the years ahead.

By offering unusually favorable terms—including longer lead times and more advantageous financial agreements—Wal-Mart hopes to prove that American manufacturers can make quality products that will match or beat the prices of imported goods.

"We are willing to work with the domestic manufacturers to a greater extent than we have done before," Glass said.

Also, Wal-Mart is willing to lower its margins to sell the goods at a competitive price, Walton said. "We are asking our manufacturers to lower their margins; in turn, we will lower ours."

However, Walton contended that profitability for the company—which earned $240 million last year on sales of $6 billion—should improve because it will force the company to make better buys. Perhaps even more significantly, the campaign will be promoted in Wal-Mart's stores, creating more "enthusiastic and appreciative customers," Walton noted.

The contract for flannel shirts with Farris Fashions Inc. is the first test of Wal-Mart's resolve.

To help Farris Fashions Inc. be price-competitive, Wal-Mart has helped locate and finance the flannel material it needed to meet the contract. "Without Wal-Mart's help, I would have given up on the project long ago," noted Farris' president, Farris Burroughs. "I kept beating my head to find piece goods and financing," he said, noting that he had called every textile manufacturer he knew, unsuccessfully looking for material. Ultimately, Wal-Mart called manufacturers to find goods and promised favorable financing terms for the goods to help Farris get a start.

Additionally, Wal-Mart "has agreed to pay us a little quicker than normal," Burroughs said,

"If I didn't have that work, I'd be hard pressed to keep my 100 employes busy," said Burroughs. "Without that contract, I'd be out beating the bushes. And with business now very slow in the shirt and blouse business, those bushes are almost all beat out."

Wal-Mart didn't have to make these arrangements, Burroughs said. "People are beating down Wal-Mart's doors to sell them goods," he asserted. "All Mr. Walton has to do is to say 'give me so many dozen,' He doesn't need to worry about" where his goods are being manufactured.

Yet he said Walton does have a direct interest in the import problem: A lot of the Americans who are losing jobs as a result of

import competition are Wal-Mart customers.

"If his people are not working, they can't be buying anything. It's as simple as that," Burroughs noted.

Wal-Mart's campaign comes at the same time other major retailers are pressing the federal government to relax its import quotas on apparel. The retailers argue that the quotas hurt consumers by restricting the amount of lower-priced foreign-made goods, while raising the price of those goods that do reach this country.

"We're swimming upstream," Glass said.

Wal-Mart's Buy-American campaign was launched in a letter Walton sent to his major supplier last month. To date, it has resulted in about half a dozen new contracts with American manufacturers, some of which already had been producing goods for Wal-Mart's stores. Most of the contracts are for work at plants in Wal-Mart's selling area in the South.

Julie Girl—which has four plants in the Southeast—has been making ladies sportswear and loungewear for Wal-Mart for the past 13 years. But under the Buy-American campaign, the company has entered into new agreements that, among other things, give Julie Girl more time to meet Wal-Mart's orders.

"Normally, big retailers go overseas and commit their orders a year in advance and then come back here and domestically place their orders closer to their needs," explained Louis Perlman, president of Julie Girl. "Wal-Mart is now making their commitments to us about the same time they make their commitments overseas. The longer lead time enables us to make better deals with domestic piece-good mills. It also gives us better production planning and allows us to become more efficient in our plants, thereby lowering our overhead and our costs."

The new Wal-Mart contracts will create about 200 more jobs for Julie Girl, Perlman said. At the same time, he added, it may have a snowball effect on Julie Girl's suppliers as they, too, are given a longer lead time in filling the manufacturer's orders.

Wal-Mart's Buy-American drive comes at a good time, noted Robert Welsh, president of Capital Mercury Shirt Corp., which has been one of Wal-Mart's longtime suppliers.

"A year ago, two years ago, even three years ago, it wouldn't be the right time because the prices overseas were very depressed," Welsh said, Today, higher labor costs and the quotas are pushing overseas prices up, "making it feasible for American manufacturers to be within striking distance," he said.

As a result of Wal-Mart's drive, Capital Mercury, which makes many of its men's shirts outside the United States, decided to bring some production back to this country and even expanded some of its facilities in the hope that Wal-Mart's efforts will prod other retailers also to buy from domestic shirt makers.

"With Wal-Mart's advanced commitments as the nucleus of the Buy-American program, we believe we will now be able, on certain items, to equal or beat the offshore manufacturers—but not for all items," Welsh said.

Wal-Mart's drive goes beyond apparel. It also has entered into contracts to buy American-made electric fans and bicycles, and it has signed a $469,000 contract with a Ft. Smith Ark., manufacturer of casual furniture to make outdoor stacking chairs that will be sold for about $15 each. Wal-Mart had been importing the chairs from Taiwan.

"They've elected to give us the same arrangements they make overseas," said Don Flanders, chairman of Flanders Industries, a company with 100 employes and sales of $7 million a year. "They will make their commitments further ahead and they will pay us faster."

Typically, retailers agree to pay domestic manufacturers 30 days after an order is shipped, while they pay offshore producers at the time it is shipped, Flanders noted. By agreeing to pay Flanders when the chairs are shipped, Wal-Mart is enabling the company to produce the chairs "at least of a competitive disadvantage than an offshore firm." At the same time, the contract has created about 30 more jobs a year, Flanders said.

Until Wal-Mart offered to grant these favorable terms, Flanders said he would not have been able to include them in any of his contracts—even through they are standard provisions for his foreign counterparts.

"There are too many domestic manufacturers who compete with us that are not willing to make demands so they could get the business." Flanders said. "Only if we all went together and said, 'No, we won't do this unless you agree to this', would it work—and that's against the law."

Not all manufacturers are enthusiastic about Wal-Mart's drive.

"One of the disappointing things is when a manufacturer says he doesn't want to participate," Glass said, "Some manufacturers who produce many of their goods offshore say 'why should I have the headaches managing people and running a plant? I'd rather contract offshore and have the goods manufactured by someone else.' "

The Buy-American drive is "more work," Glass acknowledged. "You have to work with a manufacturer—meet with him and visit his plant to inspect it for quality control. But we do it abroad."

The campaign is also a gamble, Glass noted. "Retailers are generally reluctant to commit to longer lead times to guard against economic downturns or changes in fashion. So we are taking some risks. . . .

"It is not a quick fix. Down the road, we may get to the point where we feel we are beating our head against the wall because, by ourselves, we won't make a difference."

Yet manufacturers say Wal-Mart's drive already is beginning to have an impact.

"We're getting rumblings from other retailers," said Capital Mercury's Welsh. "They won't let Mr. Walton steal the march on them because it's going to catch them."

One of the interested retailers is Wal-Mart's midwestern rival, Venture Stores, a 60-store discount chain owned by the May Co.

"Mr. Walton is absolutely right," said Julian M. Seeherman, Venture's chief executive officer. Buy-American "is the kind of statement we've been making but not getting publicity on," he added plaintively. Nonetheless, he said, Venture is contacting some of the same manufacturers Wal-Mart is doing new business with—and its own suppliers as well.

"We would be willing to help these people," he said. "One way would be to give them a guaranteed order before they buy the first dollar's worth of material."

In addition to retailers, some of the manufacturers also are receiving inquiries from outside investors.

"A New York financier called me to say he would like to get involved in helping me finance my purchases of raw material," said Farris' Burroughs.

So far, Wal-Mart's agreements have been relatively small, considering its annual purchases amount to $8.5 billion a year, noted Arkansas Gov. Bill Clinton, who has played an active role in Wal-Mart's campaign, partly because Wal-Mart is based in his state and partly because of the state's high unemployment rate. Among other things, Clinton was instrumental in linking Wal-Mart with Farris.

"I think this will take off. But it will have to have a slow start—because they need successes at the beginning," Clinton said.

Glass, Wal-Mart's president, said, "We don't think we're going to make a major influence in changing the trade balance in the country, but someone has to start."●

PORTUGUESE AMERICAN SCHOLARSHIP FOUNDATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. RODINO. Mr. Speaker, this Saturday, April 27, the Portuguese-American Scholarship Foundation will hold its annual dinner in Newark. At this event, a very special individual will be honored, and it is my privilege to pay tribute to him today.

Armando B. Fontoura is an individual whose service to the community transcends both his professional and private life.

A native of Tras dos Montes, Vilar de Perdizes, Portugal, he is a hard worker and strong supporter of programs that benefit Newark and New Jersey's Portuguese-American community.

He is a charter member of the Portuguese American Scholarship foundation, having been with the organization since its inception in 1967, and is very active in its fund raising programs.

A graduate of the FBI National Academy in Washington, DC, he has been a member of the Newark Police Department since 1967. He is dedicated to protecting the health and safety of city residents and to upholding the public peace. He has been cited for bravery or exceptional duty on 11 occasions.

Lieutenant Fontoura currently is an administrative assistant to the police director. He is responsible for helping to develop public policy and for issuing directives. He also serves as public information officer for the department, and in this role, he often is called on by both local and national press to answer questions pertinent to department activities and policies.

During his tenure on the force, Mr. Fontoura served as project director of the victim service center and the sex assault and rape analysis [S.A.R.A.] units. In these sensitive positions, he played an important part in ensuring that crime victims were treated in a

dignified, humane and effective manner.

In addition to his law enforcement career, Mr. Fontoura has been a teacher at Lafayette Street School and Essex County College. He currently serves as a security consultant to Broad National Bank.

Despite the demands of his official duties, he still devotes considerable time to volunteer activities that better the community, and has received considerable recognition and numerous awards for his efforts.

During the last 10 years, Mr. Fontoura has organized softball games between the Newark Police Department and such organizations as the CBS-TV All Stars, which raised more than $40,000 for the fresh air fund.

He is a board member and former vice president of the Essex County Mental Health Association, and is in his second 5-year term as a member of the Newark Human Rights Commission. He is also a former town chairperson of the American Cancer Society annual fund raiser.

Currently, he is serving his second term as president of the Police Management Association, an international organization of law enforcement managers, based in Washington DC, and was recently appointed to the St. James Hospital's Advisory Board, and named chairman of its community relations committee. He is a founder and cochairperson of the Portuguese-American Congress.

Mr. Speaker, I offer my best wishes to Mr. Fontoura on this very special award. I also send my personal greetings to Mr. Fred Perry, president of the Portuguese American Scholarship Foundation and to all my good friends who are part of this fine organization.●

SAM HOUSTON AND SAN JACINTO DAY APRIL 22, 1985

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. PICKLE. Mr. Speaker, yesterday was San Jacinto Day in Texas, one of the most revered days in the history of the Lone Star State. The story of San Jacinto and the glory of one of the great immortal Texas heroes, Sam Houston, are inextricably and forever linked.

In his book, "Reflections of a Public Man," Majority Leader JIM WRIGHT recalls Sam Houston and that immortal day in 1836 when Texas won its independence on the battlefield of San Jacinto. I think it's appropriate to repeat the story of Sam Houston and San Jacinto to the House today. I read from JIM WRIGHT'S book now:

Sam Houston, a hero of Texas Independence, was as unorthodox as a beer party in church. He also could be as unexpectedly devout as a prayer in a saloon.

The conventional moralist can find a lot wrong in the life of Sam Houston. Like everything else about this remarkable giant, his shortcomings were king-sized. He swore profanely, so much so that the Mexicans referred to him as "Senor God Damn." He drank copiously, seemed at one point on the verge of drowning his future in alcohol, and earned among the Cherokees the sobriquet of "Big Drunk."

Mentioned prominently in his mid-thirties as a possible candidate for the Presidency, Houston threw away a promising political career and resigned the governorship of Tennessee under a cloud of suspicion which to this day has never been cleared up.

He married three times, once without the benefit of clergy unless you count Cherokee tribal customs. He fought duels in violation of the law and on one occasion was officially censured by the U.S. House of Representatives for thrashing a member on a public street.

But Sam Houston had one redeeming virtue: If his faults were bigger than lifesize, so was his faith. If his crudeness was colossal, so was his basic integrity.

The structure of his life could withstand numerous flaws in exterior design because it was upheld by two steel girders: an abiding faith in God and a deep sense of personal honor.

Sam Houston strode into the pages of enduring history on April 21, 1836. He was 43 and, at that point in life, a celebrated failure.

On that day, under Houston's command a hastily assembled and only partially trained contingent of fewer than 800 volunteers routed and put to flight the flower and elite of a military empire led by a self-confessed military genius who called himself the Napoleon of the West.

That victory is worthy of our contemplation today, not alone because of its historic consequences, but because its lesson is as timely as tomorrow's headlines.

The early Texans, who had come to the new frontier to establish peaceful colonies, had found promises of civil liberties and representative government cynically betrayed by the Mexican dictator, Santa Anna.

So certain was their determination for liberty that the Texans, though they were only a handful, met in a crude, unfinished building and formally declared their independence. So uncompromising was their hostility to enslavement that the entire complement of 182 men defending the Alamo under Travis against a siege of perhaps 3,000 troops openly rejected surrender and knowingly elected to die on their feet rather than live on their knees—a dramatic choice without parallel in the history of heroism.

It was against this backdrop that Sam Houston's little band crossed Buffalo Bayou into the San Jacinto prairie over which was to hang the acrid smell of gunpowder and the stench of death. General Houston paused before entering the battleground and spoke briefly and simply to his ragtag followers. He offered them a choice:

"If there are any here who shrink from the issue they need not cross the bayou. Some perish, but victory is as certain as God reigns. Trust in the God of the just and fear not."

They crossed. Houston ordered the bridge behind them burned to seal off retreat, and the unequal contest began. The odds seemed insuperable. But the God of the just was worthy of their trust. The signal results of that onslaught reveal the presence of something more than human will. Against the Texas casualties of eight dead and 27 wounded, the elite corps of the Mexican Army lost 630 killed and 730 prisoners. Santa Anna was among the captured.

The legacy of San Jacinto is the story of the invincible spirit of free men when finally aroused to righteous rage by the inevitable excesses of despotism.

Sam Houston was born in Virginia, left home at 15 and lived for three years with the Indians. He achieved his first military recognition against the Creeks under Andrew Jackson in what is now Alabama.

He began, and for a time ended, his political career in Tennessee. Thereafter he wandered aimlessly for many months and was reported drunk on a Mississippi River boat. He turned up in the Oklahoma Indian Territory living again with the Cherokees. And he was sent to Texas on a special mission by President Jackson, one of the few people who never lost faith in him and the one man who Sam Houston idolized.

Houston was a citizen of four nations; The United States, the Cherokee Nation which he once served as its Ambassador in Washington, the Republic of Mexico and the Republic of Texas which he served as President. Through it all his undivided loyalty was to the United States and statehood.

Sam Houston was never a citizen of the Confederacy. With all his heart, he believed secession to be a treason. He vacated the governorship of Texas rather than swear allegiance to an entity which made war upon his nation. Ironically, in light of later virtual canonization as Texas' Patron Saint, Sam Houston died reviled and rejected by many Texans.

Twice governor—once of Tennessee, once of Texas—he twice relinguished the position rather than compromise a conviction. Right or wrong, Houston held personal honor more valuable than public office. The decision which caused him to leave the Tennessee Governor's chair and the state involved his young first wife, Eliza Allen, his bride of only a few weeks, and her inability—for whatever reason—to live with him. Therein lies a mystery which has never been unriddled.

The nearest thing to an explanation appears in a personal note which Houston wrote the young lady's father. It read, ". . . I have been satisfied and believe her virtuous, as I have assured her. If mortal man dared to charge my wife, or say ought against her virtue, I would have slain him. That I have and do love Eliza, none can doubt, and that I have treated her with affection, she will admit. . ."

And then only this, ". . . she was cold to me, and I thought she did not love me. . ."

To the public he would say almost nothing. His supporters pleaded with him to make a statement but he would say only, "She is blameless." Asked to think of his future, he replied with steely firmness: "Whatever the price of silence, I will pay it." Then he resigned as governor, abandoned his promising future and left Tennessee.

After Houston left Tennessee and before he went to Texas—during the period when he represented the Cherokee Nation in Washington as its Ambassador—a congressman from Ohio named William Stanberry, in the course of an attack upon the Jackson Administration on the Floor of House, implied that Houston and Jackson were in-

volved in some underhanded conflict of interest over the contracts to supply Indian rations.

Jackson took it in stride but Houston was outraged. He called at the door of the House Chamber for Stanberry, who declined to accept his note and refused to see him. Some days later, Houston encountered the congressman on Pennsylvania Avenue and demanded satisfaction. Stanberry pulled a pistol but it misfired. Houston man-handled him rather brutally.

Stanberry, invoking the law of congressional immunity, demanded that Houston be tried and punished by the House. Houston appeared in his own defense, humble and contrite, and said:

"I stand before this House, branded as a man of broken fortune and blasted reputation. Never can I forget that reputation, however limited, is the high boon of heaven. Though the plowshare of ruin has been driven over me and laid waste my brightest hopes, I have only to say, with the poet Byron:

" 'I seek no sympathies, nor need;
The thorns which I have reaped are of the tree
I planted; they have torn me and I bleed.' "

And so, Sam Houston—former congressman and former governor, once possible President—on May 9, 1832, was officially censured by the U.S. House of Representatives. But you can go back to that reprimand as it was spoken by Speaker Andrew Stevenson and recorded in the journal of the day's proceedings.

It contains 123 words of undiluted praise, followed by a single sentence in which the Speaker said: "I forebear to say more, General Houston, than to pronounce the judgment of this House, which is that you be reprimanded by the Speaker—and I do reprimand you accordingly."

All of this happened before Texas, before San Jacinto, before his presidency of the Republic, before his brilliant battle for statehood, his service in the Senate, his brave but futile fight to save the Union. Those came later and catapulted Sam Houston to immortality.

A motto for his life might well be the words he spoke on the eve of San Jacinto: "Trust in the God of the just, and fear not."

Sam Houston's faults were big but his faith was bigger. And perhaps in that there's hope for lesser men.

Though this is a Texas celebration, San Jacinto Day, April 21, is a time for all people to cherish their freedom and liberty. It is well for Texans to pause and remember this day, but it is also good for freedom-loving people throughout the world to remember it as well. Viva la San Jacinto Day! ●

TERRY DOWNEY, TRADE UNIONIST, HONORED

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. STARK. Mr. Speaker, on April 19, 1985, the International Association of Machinists & Aerospace Workers honored one of their members, Terry Downey from Oakland, CA, on his retirement after 35 years of dedicated service to his union and fellow workers.

Mr. Downey, through his years of trade union leadership experience has created job programs, developed apprenticeship standards, and has made numerous other contributions benefiting working men and women.

First employed as a machinist for Standard Oil Co. in 1946, Mr. Downey became a business representative for the International Association of Machinists & Aerospace Workers in 1964. He served in the California State government as a vocational rehabilitation specialist, as a field representative for the State OSHA Program, and as an apprenticeship consultant.

Terry Downey is retiring as a senior apprenticeship coordinator/administrator, having advised and assisted individuals, employers, and labor organizations within a six-county area in California. His concerns included apprenticeship standards and promoting equal opportunity for minorities and women in apprenticeship programs.

Despite his busy schedule, he has devoted time to a host of trade organizations and councils. Mr. Downey has served on educational advisory committees in automotive technology in various high school and community college districts in California.

Mr. Downey's commitment to the labor movement will be long remembered. His contributions to workplace safety, health, and the promotion of training opportunities are being felt.

I join Terry Downey's colleagues in paying tribute to his accomplishments.●

WE SHOULD NOT FORGET OUR OBLIGATIONS TO THE DOWNTRODDEN

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. FORD of Tennessee. Mr. Speaker, I must rise today to speak my mind on the direction this Congress and this administration appears to be taking. I am concerned regarding what we are doing to the people of our country, what message we are sending them.

Several weeks ago my subcommittee tried to extend the Federal supplemental compensation so that unemployed individuals, seeking employment, could continue to receive benefits beyond the normal 26 weeks, our efforts were rejected and soon there will be an additional 350,000 unemployed individuals who will not be receiving any unemployment compensation.

Prior to that this congress passed a farm credit measure to assist farmers in avoiding bankruptcy. It was vetoed and now there will be thousands of farm bankruptcies that did not have to happen.

On the other hand, this Congress and this administration had little difficulty passing a bill to provide $1.5 billion to build MX missiles, a weapon of dubious military value and no social value. Now I understand the President and Republicans of the other Chamber have reached an agreement to decrease proposed Social Security benefits by 2 percent in 1986 while increasing defense spending by 7 percent—assumes 4 percent CPI. They propose to freeze Medicare payments to hospitals and increase Medicare premiums charged to the elderly, at the same time they will reduce financial aid to college students, freeze Federal pay and eliminate the Legal Services Corporation and the Job Corps.

There is no question that this country has a severe financial problem and there is no question that we simply cannot keep on spending money we don't have. But, in our struggle with our financial problems can we afford to abandon our poor, our old, our disabled, our unemployed, our sick, our uneducated?

We cannot penalize these people because they are unable to defend themselves. We should not solve our countries' financial problems by taking from the poor. Gentlemen, I think before we take one more penny from programs that serve the underprivileged, the poor, the old, the ill, the struggling farmers and workers that we think long and hard about MX missiles, M-1 tanks that rarely work, $700 hammers and $1,500 coffee pots. We should wonder about corporate welfare—we hear of the guy who buys vodka with food stamps but little of the $8 billion bail out of the International Monetary Fund or $4.5 billion rescue of the Continental Bank—or the $1.9 billion energy research grant to Exxon or the $4.75 billion they received in tax incentives to encourage oil exploration in 1984.

When considering ways to balance the budget we should not forget our obligations to the downtrodden—we should not forget our promises to the elderly—we should not forget what was said to the electorate and above all we should keep intact our sense of fairness. For example, is it fair to reduce Social Security benefits when these benefits are not financed out of general revenues? The money saved can't be used to balance the budget, so why is a reduction proposed?

Gentlemen, let us pause and search carefully before we trade on the birthrights of Americans, before we barter away health care and education, the vitality of our cities, the income of our aged, the honor of Congress, for if we give up too much we may find we have very little to defend.●

THE MUJAHEDIN AND CONTRAS: DESERVING OF U.S. SUPPORT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. SOLOMON. Mr. Speaker, as part of the ongoing debate over aid to the Nicaraguan Contras, I call the attention of my colleagues to an excellent analysis by our colleague from Illinois, HENRY HYDE. This article appeared yesterday in the Binghamton Sunday Press, and it argues that there are many parallels between the Mujahedin freedom fighters who are trying to liberate Afghanistan from Soviet tyranny and the Nicaraguan Contras who are likewise trying to liberate their country from the grip of Marxist oppression.

Our colleague also points out the folly of "Congressional insistence on micromanaging foreign policy" and the serious consequences this practice has for President Duarte and our other friends and allies in El Salvador. Mr. HYDE goes on to provide a very important and enlightening discussion of international law and how it relates to supporting the Contras in Nicaragua.

Perhaps the most compelling point in the article is the conclusion, which contains a quotation for the French philosopher Jean-Francois Revel's penetrating new book, "How Democracies Perish": "Communism is more skillful, more persevering than democracy in defending itself. Democracy tends to ignore, even deny threats to its existence because it loathes doing what is necessary to counter them. It awakens only when the danger becomes deadly, imminent, evident. By then, either there is too little time left for it to save itself, or the price of survival has become crushingly high."

I trust that this warning will receive the attention of every Member of Congress. For what is really at stake in Nicaragua, in El Salvador, in Central America is our own ultimate survival as a free people. The price of doing nothing is far greater and far more frightening than the price of aiding those people in Nicaragua who are trying to free their land from the tyrants who have made that country a conduit for terrorism, subversion, and repression.

I ask that Mr. HYDE's article appear at this point in the RECORD.

THE MUJAHEDIN AND CONTRAS: DESERVING OF U.S. SUPPORT

As a nation that was born of revolution, the United States has always taken a special interest in the fight of others for freedom and independence. With respect to Nicaragua and Afghanistan, security, self-determination and humanitarian concerns count heavily in decisions to assist the resistance forces in both nations. While Congressional support for the Afghans is overwhelmingly bi-partisan, the same cannot be said for their counterparts in Nicaragua. Indeed, Congressional endorsement of the Afghans is so sacrosanct that Members who condemn the Contras for reported human rights abuses ignore allegations that the Mujahedin are killing prisoners. Such contradictory behavior moved columnist Charles Krauthammer to write recently that "some Congressman to whom I pose the question argue that the crucial difference here is Soviet occupation. But by what moral logic are standards of human rights and democracy to be applied to those fighting domestic tyranny and suspended for those fighting a foreign variety?"

I believe a case can be made for backing both the Mujahedin and Contras, but for the balance of this discussion I will dwell primarily on whether we should assist the latter as many of my Colleagues find that politically and legally harder to justify.

In analyzing the Nicaraguan situation, one must remember that since the Korean conflict, our Communist adversaries have resorted to sophisticated covert operations, so-called "Wars of National Liberation," and surrogates to attain their goals. Unfortunately we have, for the most part, been unable to counter these tactics effectively.

One of the reasons why is that initially we were seduced into thinking that some of these "national liberation" revolutions were genuine turns for the better. In lawyer's lexicon, that amounted to fraud in the inducement. In this regard, I am thinking particularly of Cuba, Grenada and Nicaragua. By the time we awakened to what was really happening, it was too late in Cuba, almost too late in Grenada, and quickly getting too late in Nicaragua.

Duplicity in the pursuit of objectives is an acknowleged Marxist trait that is exemplified in some of the documents captured during the liberation of Grenada. Not only do these records reveal that the deposed leaders of Grenada were confirmed Marxists-Leninists but they also indicate that their Cuban mentors had advised them to pretend that they favored a pluralistic economy and middle-class participation in the governing councils. All of this, of course, was designed to entice much needed capitalist investment and fool the American public much like Fidel Castro did years before.

Mounting evidence suggests that we are seeing a rerun of the Cuba/Grenada experience in Nicaragua. Indicative of what I mean are the following remarks at a Havana Seminar by Sandinista Interior Minister, Tomas Borge, that appeared in the December 24, 1984 edition of Newsweek magazine: "We are not copying the Cuban revolution," he insisted, but added that he felt "clandestine love" for Cuba's system. "Because of the tactical moment, it is necessary not to fully articulate the viewpoint," he said, flustered after spotting tape recorders in the audience, which included 55 Americans.

Congressional insistence on micromanaging foreign policy is nowhere more evident than in central America where Congress has suspended aid to the Contras whose fortunes are inextricably linked to that of our ally, Salvadoran President Jose Napoleon Duarte. El Salvador, while still in the embryonic stages of democracy, is faced with an insurgency that is provided material, financial and political support by the Sandinistas in Managua. I realize that some Members of Congress question the legality of engaging in covert activities in Nicaragua, believing such actions violate the non-intervention provisions of the Rio Treaty and the Organization of American States (OAS) Charter that the U.S. has signed. However, in my opinion, if another signatory—in this case Nicaragua—violates those provisions, the United States is relieved of any moral or legal obligation to continue abiding by those same provisions vis-a-vis Nicaragua, so long as that conflict geared nation persists in its illegal, subversive activities in El Salvador. Indeed, such unilateral U.S. restraint would jeopardize the security of a struggling democracy that is also a signatory to the Rio Treaty and has sought our assistance to endure its survival. Notwithstanding the blatant preposterousness of the exporter of subversion—Nicaragua—claiming the law protects its lawlessness, I contend that proportionate covert *or* overt actions in furtherance of the self-defense of El Salvador and/or its neighbors are indeed sanctioned by every relevant treaty. The inherent right of self-defense, individual or collective, is fundamental in international law and is recognized as such in the OAS Charter and Rio Treaty.

I also see nothing wrong with using such measures to induce the Sandinistas to keep their 1979 promises to the OAS of free elections and democratic pluralism and reach a peaceful settlement with the Nicaraguan opposition, some of whom are prominent democrats and ex-Sandinistas betrayed by their own revolution. Freedom and democracy are being seriously challenged in Central America and it is imperative that the President and Congress work together to preserve them. Failure to do so could ultimately mean another socially disruptive and costly wave of refugees and a Communist Central America with the enemy just across the Rio Grande. Especially pertinent is the admonition of the French philosopher and journalist Jean-Francois Revel who observed that "Communism is more skillful, more persevering than democracy in defending itself. Democracy tends to ignore, even deny threats to its existence because it loathes doing what is needed to counter them. It awakens only when the danger becomes deadly, imminent, evident. By then, either there is too little time left for it to save itself, or the price of survival has become crushingly high."

In short, we either assist the Contras now or face the prospect of involving U.S. forces somewhere in the region later—a consummation devoutly to be avoided.●

RURAL TASK FORCE SURVEY

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. SYNAR. Mr. Speaker, I rise today to share my deep concern about access to and quality of rural health care. I am sure many of my colleagues share this concern. The Task Force on the Rural Elderly conducted a survey sent to State nursing home ombudsmen. As chair of the task force, I share the results of this survey.

A Prospective Payment Survey was mailed to State long-term care ombudsmen on December 13, 1984. These ombudsmen oversee problems of patients in nursing homes and are paid by the Administration on Aging. Seventy-five percent—39—of the question-

naires were completed and returned. Afterward, six other respondents sent letters indicating that they have no statistical informaion enabling them to respond to the questionnaire. In addition, two responses were received after results were tabulated. This rate suggests a great interest and concern.

The purpose of the informal survey was to understand existing problems with Medicare's Prospective Payment System (PPS). In addition, the task force was trying to assess the effect of the Prospective Payment System on rural and urban settings.

The results indicate that problems are more severe now than before PPS. An overwhelming majority, 77 percent, said patients are discharged sicker or much sicker than before PPS. More sicker patients had led to a greater demand for after-hospital support services. Seventy-one percent of those responding said that "more or many more" people need skilled nursing care since PPS.

Further, it is clear that rural areas have more severe problems than urban settings. Of those responding, over one-half stated that existing skilled nursing care is not adequate to meet the needs of discharged patients in rural areas. One-third said care was inadequate in urban areas.

By a margin of 10 percent, respondents indicated that existing services are less adequate in the country rather than the city for each of the following: intermediate nursing home care, home health, and homemaker services.

Adequate personnel is a growing concern. Fifty-nine percent reported that nursing homes did not have enough trained people to provide care in rural areas before PPS and 67 percent after PPS. This compares with 49 percent responding that personnel in urban areas was inadequate before and 56 percent after PPS.

The increased demand for after-hospital support services, along with inadequate staff to provide care, make it increasingly difficult for people to use these services. Eighteen percent said that 25-50 percent of patients are having trouble getting skilled nursing facility beds in the country. In comparison, 13 percent of the respondents indicated that 25-50 percent of the patients in the city have difficulty getting skilled nursing facility beds.

Of those responding, 13 percent reported that 25-50 percent of the patients in the country have difficulty getting home health care. Only 2.6 percent of the respondents indicated that 25-50 percent of the patients are having trouble getting home health care in the city.

In conclusion, there is reason for grave concern. Problems regarding quality health care and access to health care, especially in rural areas, appear to have been exacerbated with the introduction of the Prospective Payment System. Results of this informal survey confirm the numerous anecdotal reports received by the Task Force on the Rural Elderly. Clearly, there is need for further and ongoing assessment in the area of quality health care, especially in rural areas.●

A WORLD OF ABSOLUTE EVIL

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. LEVINE of California. Mr. Speaker, when President Reagan goes to Germany next month he plans to lay a wreath at a German military cemetery that includes the graves of 47 members of the Nazi SS. The SS were the notorious, elite arm of the Nazis whose responsibilities included operating the Nazi death camps and exterminating Jews. Collectively they exterminated some 6 million Jews.

It is this notorious group to whom President Reagan will pay homage on his visit to Germany. This group was part of "a world of absolute evil," as Anthony Lewis wrote his past Sunday, April 21, in the New York Times. The Jews death camps "were sustained by the faith that one day the human spirit would prevail, that mankind would see the evil for what it was and condemn it forever."

It appears, however, that in the mind of President Reagan, "forever" is but 40 years, and it is he who claims that the German soldiers of World War II "were victims just as surely as the victims in the concentration camps."

Mr. Lewis writes:

Mr. Reagan's handling of the planned visit to Germany has been an extraordinary exercise in self-revelation. He has shown us a man with no sense of history, a man of shattering insensitivity.

And so he has:

In this whole episode one has looked for some moral center in the President, some inner awareness that could finally be reached. But in the end, there was no center.

Mr. Lewis has written poignantly about President Reagan's decision to go to this German cemetery that includes graves of 47 members of the Nazi SS. The full text of his article follows. I urge my colleagues to read it. About President Reagan's plan, Eli Weisel has said, "The issue here is not politics, but good and evil." So it is, and Mr. Lewis explains why.

Thank you.

The text of article follows:

[From the New York Times, Apr. 21, 1985]

THE HOLLOW MAN

(By Anthony Lewis)

BOSTON.—When the Nazi death camps are discussed, there is a scene that comes to mind. An SS guard holds the hand of a small child, a 4-year-old, and leads him up the steps to the gas chamber.

We who were not there can never fully know what it was like to experience such horror—to be in a world of absolute evil. But we know one thing from those who were there and survived: They were sustained by the faith that one day the human spirit would prevail, that mankind would see the evil for what it was and condemn it forever.

That is the framework in which to place President Reagan's statement that the German soldiers of World War II "were victims just as surely as the victims in the concentration camps." For what his words tell us is that he sees nothing unique in the evil of the Holocaust; he sees no difference between war and genocide.

Mr. Reagan's handling of his planned visit to Germany has been an extraordinary exercise in self-revelation. He has shown us a man with no sense of history, a man of shattering insensitivity.

There was nothing wrong with wanting to use the occasion of his European trip next month to sound the theme of reconciliation with the Germans. It was understandable that he should want especially to help Chancellor Kohl of the Federal republic, who has so faithfully supported the President's nuclear policies and who was offended by exclusion from last year's celebration of the 1944 Allied landing in Normandy.

But there is all the difference between reconciliation with Germany and reconciliation with the Nazi experience. It is a difference that no other President has had any difficulty understanding in the 40 years since the war. Mr. Reagan has not understood. He has acted, and spoken, as if he wanted to put the Nazi experience out of mind.

When he first decided not to visit a concentration camp, he explained that he did not want to reawaken "the memories and so forth and the passions of the time." He said "the German people have very few alive that remember even the war"—when in fact 12 million Germans are alive today who were 20 or older in 1945. That was not just a slip to be brushed off as one of Mr. Reagan's familiar gaffes; it was an attempt to will memory out of existence.

Memory and responsibility. The survivors do not call for collective guilt, for ostracism of the German people as a whole: to the contrary. But neither they nor we can accept evasion of the fact that some Germans were responsible, among them notoriously those who served in the SS.

For an advance man planning an American President's trip to Germany, the first necessity is to avoid any Nazi symbolism. That is so obvious it should not need saying. But Mr. Reagan's aides arranged for him to lay a wreath at a German military cemetery that includes the graves of 47 SS men.

A president with a sense of the values at stake would have had no difficulty in changing the plan. In doing so he would have given the world an example of remembrance. And he would at that stage have done no injury to the Federal Republic or Chancellor Kohl; he would have shown, rather, that a democratic West Germany is strong enough to live with the past.

Instead, Mr. Reagan rigidly defended the mistake. He made his comment suggesting that German soldiers who fell in battle were as much victims as defenseless people picked out for annihilation. He worried about his own image, saying that changing

his itinerary would "leave me looking as if I caved in in the face of some unfavorable attention."

The worst of it has been Mr. Reagan's inability to understand what this episode has done to American Jews. They feel themselves separated and isolated, having to beseech the President: a picture from the history of anti-Semitism. Mr. Reagan seems to believe that he can make up for that by other acts of friendship for Jews. He cannot.

In this whole episode one has looked for some moral center in the President, some inner awareness that could finally be reached. Elie Wiesel, speaking with unforgettable eloquence for the victims, for history, kept expecting a response from Mr. Reagan. He spoke almost in disbelief of his "pain and shame" that an American President for whom he had "genuine affection" would do and say such things.

But in the end there was no center. To recognize that is not, as those few defending Mr. Reagan in this affair suggest, to make a political point. "The issue here is not politics," Elie Wiesel said, "but good and evil."●

ALTERNATIVE WORK SCHEDULES

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. BURTON of Indiana. Mr. Speaker, today I am introducing a bill which saves the American taxpayer about $26 million, and helps Federal employees. This proposal would make permanent the authority for Federal agencies to use flexible and compressed work schedules for their employees. Without further legislation, authority for these alternative work schedules would expire in July 1985.

Alternative work schedules provide a range of variation from the traditional, fixed weekly schedule of 5 days of 8 hours each. Under flexible schedules, employees have a considerable degree of choice in selecting arrival and departure times. Compressed schedules are fixed, but have a different pattern from the traditional schedule, such as 4 days of 10 hours each, provided the nature of the work allows such a pattern. The Federal Government now has over 300,000 employees on alternative work schedules, in nearly every agency.

Alternative work schedules have been in use in the Federal Government since 1979. The schedules have proven to be generally successful, to benefit employees, and to have relatively few drawbacks in productivity, service to the public, or costs. In order to guard against and resolve any problems, the current law includes standards and procedures to protect management's right to ensure that alternative work schedules do not adversely affect productivity, service to the public, or the cost of operations.

The proposal makes permanent the authority for alternative work schedules, and continues the current management control provisions of the program.

In addition, the proposal corrects an inequity created by the current law, which provides employees on compressed schedules with pay for 10 hours for a holiday, while employees on all other schedules are paid only for 8 hours for a holiday. The proposal provides that employees on compressed schedules will be paid for 8 hours for a holiday. The affected employees would make up the time difference either by taking leave or by working on another day or days designated by the agency.

The first section of the bill makes permanent the authority for Federal agencies to establish and administer flexible and compressed work schedules for their employees under subchapter II of chapter 61 of title 5, United States Code. Under section 5 of the Federal Employees Flexible and Compressed Work Schedules Act of 1982 (Public Law 97-221), these provisions would expire in July of 1985. The bill repeals section 5 of Public Law 97-221, thus making permanent the provisions of law authorizing the flexible and compressed schedules.

Section 2 of the bill amends section 6128(d) of title 5, United States Code, in order to correct an inequity under current law in the pay for employees on compressed schedules with respect to holidays. Currently, an employee on a compressed schedule who is relieved or prevented from working on a holiday is paid basic pay for the number of hours that the compressed schedule normally requires on that day, for example, 10 hours. Because employees on flexible schedules and those on regular, fixed work schedules receive pay for only 8 hours when they are relieved or prevented from working on a holiday, the current law has granted a holiday pay windfall to employees on compressed schedules. The revision adds a new paragraph (2) to section 6128(d) to provide that an employee on a compressed schedule who is relieved or prevented from working on a holiday will be paid for 8 hours. The new paragraph (2) provides that an employee whose basic work requirement for a holiday exceeds 8 hours may make up the time difference either by charging leave or by working on a workday or workdays at times designated by the agency.

In addition, the revision amends the current provisions of section 6128(d) on pay for an employee on a compressed schedule who performs work on a holiday, in order to conform these provisions with the change to the 8-hour pay provision for employees who do not work on the holiday. Thus, an employee on a compressed schedule who is required to perform work on a holiday will be paid basic pay, plus premium pay at a rate equal to basic pay, for work up to 8 hours, will be paid basic pay for work above 8 hours but not over the employee's basic work requirement for that day, and normal overtime for work on the holiday in excess of the basic work requirement for that day.

I hope that my colleagues will support this necessary and positive legislation.●

TRIBUTE TO SIDNEY KLUGER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. LANTOS. Mr. Speaker, it is a personal pleasure for me today to pay special tribute to my dear friend Sidney Kluger. Sidney has accomplished more in his 72 years than a score of men of average ability and drive. He is indeed a person who embodies the best of our American ideals—hard work, compassion, perseverance, and a commitment to service to others.

A native of New York, Mr. Kluger received his B.S. from the City University of New York and did graduate work at the Universities of Oregon, Columbia, and Mexico. In 1930, he helped organize college students for Franklin D. Roosevelt's New York gubernatorial race.

During the difficult period of the early 1930's, Sidney worked with New York's young people. Later he taught high school in Eugene, OR, and then in Mexico City. He organized his own publishing firm, Publicaciones Panamericanes, which published novels, nonfiction, textbooks, and children's books. His firm published "America's Choice" by then vice-president Henry Wallace shortly after his good will tour of Mexico. Sidney was instrumental in revising the Panamerican Copyright Convention to deal with violations of the spirit of that treaty.

In the 1940's Sidney became involved with the International Rescue Committee in Mexico City. The Committee helped arrange visas for prominent Europeans to leave France to save their lives during the Nazi occupation.

In 1945, under the auspices of the American League for a Free Palestine, Senator Guy Gillette (Iowa) and Congressman Andrew Somers (New York) came to Mexico to seek help from the Mexican Government for the survivors of European Jewry. Though their mission was not successful, they did involve Sidney Kluger in the cause. He became executive director of the Latin-American League for a Free Palestine and publisher of its journal, La Respuesta (The Answer). In 1946 the journal published a two-page story on the life of Raoul Wallenberg, the

Swede who dedicated himself to saving Hungarian Jews from Nazi extermination camps.

With the creation of the State of Israel, the League was dissolved and La Respuesta ceased publication. Mr. Kluger then served for 4 years as executive director of the 20,000-member Centro Deportivo Israelita—a sports and community center for the Jewish Community in Mexico City.

After his return to the United States in 1963, Kluger became executive director of Temple Sherith Israel in San Francisco. In this position, he organized the first Israel trade fair in the Western United States, which attracted over 10 thousand people and received wide publicity.

In order to combat anti-Semitism in the Soviet Union and to pressure the Soviet Government to observe its obligations under the Helsinki Final Act, Kluger became a cofounder of the Bay Area Council for Soviet Jewry. This organization, part of the national network of councils throughout the United States, played an important role in attracting attention to the problem of Soviet human rights violations. Sidney organized the San Francisco celebration of the 25th anniversary of the rescue of Danish Jews by Sweden, at which the consuls of Denmark and Sweden were honored.

One of Sidney Kluger's hobbies has become a major effort for good. In 1966, he organized Book Bank USA, a foundation dedicated to the development of public libraries throughout the world. Members of the national advisory board include such prominent writers as James Michner, Saul Bellow, Isaac Bashevis Singer, Pearl Buck, Irving Stone, William Manchester, and others.

In 1968, Book Bank contributed a bookmobile to the city of Jerusalem which was the subject of a story in Life magazine. Jerusalem mayor Teddy Kollek praised the gift as promoting better relations between the Arab and Jewish population of the city. Book Bank is still operating after almost 20 years, and it is currently involved in a project to supply books to Ethiopian refugees now living in Israel.

In recognition of the work of Book Bank in providing more than million books to public libraries throughout the world, Sidney Kluger was given the Daniel Koshland Award of Merit.

Book Bank also played a role in promoting cultural interchange by organizing a course on the mass media in cooperation with the University of California at Davis and the University of London. Participants in the course met with the editors and other officials of leading British newspapers, the British Broadcasting Company, and British film studios, and the conference participated in a two-way conversation with the White House.

Mr. Kluger is the chairman of the Northern California Board of Boys' Town Jerusalem, an organization devoted to the promotion of vocational education of 1,250 underprivileged students. In 1982 Kluger was honored by having a gymnasium in Kiryat Shemona named after him.

Mr. Speaker, the issue on which I have had the most extensive contact with Sidney Kluger is in connection with Raoul Wallenburg—the Swede who saved one hundred thousand Hungarians from Nazi death camps, and among those he saved were my wife, Annette, and I. In 1979 Kluger provided invaluable service to Annette when she established the first International Free Wallenberg Committee.

After my election to Congress in 1980, we discussed the possibility of making Wallenberg and honorary citizen of the United States in order to increase our ability to intercede on his behalf with Soviet Union. Our efforts culminated in a moving Rose Garden ceremony on October 5, 1981, when President Reagan signed my legislation making Wallenberg an honorary American citizen.

Few men have been privileged to lead the kind of lives that Sidney Kluger has led. He has consistently applied his intelligence and leadership to projects which benefit his fellow men. I am delighted to call to the attention of my colleagues the accomplishments of this remarkable man.●

TRIBUTE TO REV. JAMES McNEAR

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. O'BRIEN. Mr. Speaker, I would like to take this opportunity to call to your attention and that of our fellow colleagues an outstanding community servant, the late Rev. James McNear of Joliet, IL. A deeply religious man, he devoted his life to making his community a better place in which to live for his fellow man.

At a very early age he became involved in religion which resulted in his attendance and graduation from the Baptist Institute in Chicago in 1949. As he moved among his congregation, he began to instill in their hearts and minds a new way of life. He is recognized today for his tireless efforts in striving for dignity in resistance to ghetto life for his community.

In 1965 Reverend McNear was instrumental in organizing the Fairmont Improvement Association after eight children died in a fire due to lack of water in their community. The purpose of this organization was to have water, sewer service, and street lights installed in their area. This group was very successful and while much development is still needed in his community, the legacy of this man can be found as we look around the community in which he worked. Today other black community leaders take up the task where Reverend McNear left off. He is remembered for leading others as he showed them that there is, indeed, a better way of life. Currently, the young blacks in his community are reaching out toward goals and aspirations that their parents only a generation ago would not have imagined attainable for themselves.

I am proud to announce that this past February, in observance of Afro-American History Month at Lewis University in Lockport, IL. Reverend McNear was honored posthumously with the well-deserved Outstanding Citizen Award. Reverend McNear will be long remembered for his devotion to his community and his determination to instill in others a desire to improve the quality of their lives.●

CONCERNED BLACK MEN, INC., 1985 PRESIDENT'S VOLUNTEER ACTION AWARD RECIPIENTS

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. BORSKI. Mr. Speaker, I rise to pay tribute to the Concerned Black Men, Inc., of Philadelphia, who will be honored today by President Reagan as recipients of the 1985 President's Volunteer Action Award.

Concerned Black Men was founded in 1975 by a group of police officers as a response to the problem of youth gang violence. Their objective was to offer juveniles positive adult role models and opportunities for constructive activity. The group is now composed of black men from all walks of life, and has earned the support of the Philadelphia community.

Over 2,000 individuals and organizations were nominated for the President's Volunteer Action Awards, and 18 winners were named. Because they are the only minority civic organization to earn this honor, I am particularly proud that the Concerned Black Men has been selected to represent our city and State.

The President has chosen wisely to honor this outstanding volunteer group. Their record of service, and the incentives and role models they offer to our often troubled youth, merit our respect, our congratulations, and our support.

Mr. Speaker, I salute the Concerned Black Men and wish them continued success through their volunteer efforts to build communities that are safe, just, and filled with opportunity.●

UNIVERSITY HIGH SCHOOL CELEBRATES 60TH ANNIVERSARY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. LEVINE. Mr. Speaker, I rise today on behalf of University High School in Los Angeles, which will celebrate its 60th anniversary on April 27, 1985. In honor of this celebration, I would like to insert the following resolution:

RESOLUTION

Whereas, University High School is completing 60 years of service as an educational institution, and

Whereas, University High School was established in 1924 as a one building school and has since grown into a highly respected center for learning, and

Whereas, University High School has offered a quality educational program to its more than 50,000 graduates, and

Whereas, University High School has graduated students who have gone on to achieve outstanding recognition in the various professions, the theatre, the arts, and athletics, and

Whereas, University High School has maintained a diverse program of instruction regardless of various vicissitudes over the years, and

Whereas, University High School has provided innovative educational programs created by members of the faculty, and

Whereas, University High School has promoted intercultural programs that have contributed to better understanding among all ethnic and racial groups in the Greater Los Angeles community, and

Whereas, Faculty members and students can be rightly proud of their association with a school credited by many students who have graduated into distinguished careers, and

Whereas, University High School has contributed toward civic pride as demonstrated by the many contributions made by its graduates for the betterment of the quality of life for all citizens of the City of Los Angeles.

Now, therefore, be it resolved that Congressman Mel Levine hereby highly commends University High School, its Administration, Faculty, Students, and Community on the achievements and scholastic progress accomplished during the past 60 years, and extends its sincere wishes for continued success in providing excellence in education.●

TRIBUTE TO MR. KENNETH WALKER

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. DIXON. Mr. Speaker, I appreciate this opportunity to pay tribute to the award-winning work of ABC News Correspondent Kenneth Walker, who has received national acclaim for his outstanding coverage in South Africa for ABC's Nightline television news program.

Through Mr. Walker's coverage, the social and political environment was vividly presented to the American public, and his commentary was both thoughtful and thought-provoking. It is in large part Mr. Walker's coverage that made the South African Nightline telecast the recipient of international critical acclaim.

Mr. Speaker, Kenneth Walker has a long and illustrious career in journalism. Prior to joining ABC News, he was a national and foreign correspondent for the Washington Star newspaper from 1969 to 1981, covering the Department of Justice, Congress, the Supreme Court, the White House and the Republic of South Africa. In addition, Mr. Walker hosted and produced a local talk show in 1978 for WJZ-TV, the ABC affiliate in Baltimore.

During his tenure with ABC News, Mr. Walker has served as general assignment correspondent, Justice Department correspondent, and senior correspondent for the Presidential campaign of the Reverend Jesse Jackson. He is also coauthor of a book to be published this year on the life of Reverend Jackson.

Mr. Walker's career has been marked by a high sense of professionalism, with insightful and provocative analysis of global events. It is in recognition of his many achievements in the field of journalism, and particularly the breakthroughs he made during his Nightline coverage in South Africa, that I make special mention of Kenneth Walker before the House of Representatives today. I applaud Mr. Walker's accomplishments, and fully anticipate continued success in all his future assignments.●

THE GREAT SOCIETY: SUCCESS OR FAILURE

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. PICKLE. Mr. Speaker, this past week, the LBJ Library in Austin, TX, sponsored a symposium on the Great Society. It was well attended by many of the leaders and architects of that period in our history. For the most part, they all reaffirmed their faith in the principles, practicalities, and achievements of the Great Society. Though some of the programs have been modified, many of the programs are still just as valid today as they were when they were enacted. Job Corps, Head Start, Elementary and Secondary Education: I could go on and on. These programs helped people, and I submit they will always be a part of our national agenda in some form or another. Therefore, for the benefit of the Members, I would like to include in the RECORD an account from the Austin American-Statesman of the proceedings of the symposium.

The proceedings follow:

[From the Austin American-Statesman, Apr. 19, 1985]

GREAT SOCIETY REMEMBERED—LEGACY'S BUILDERS RECALL GOVERNMENT AS TOOL

(By Steve Reed)

Lyndon Johnson recognized government as a tool to defeat the traditional enemies of American Society and not as the enemy, Barbara Jordan said Thursday in opening a two-day retrospective of the Great Society by its contributors and contemporary critics.

"The legacy of Lyndon Johnson continues to enrich our lives," said Jordan, a three-term member of Congress who retired from politics in 1979. "He saw the enemy, and the enemy was not government. The enemy was ignorance, poverty, disease, ugliness, injustice, discrimination. He believed that it was the duty of government to defeat the enemy."

In her keynote speech before an LBJ Library audience of about 700 people, including Lady Bird Johnson, Jordan said Great Society programs were different from conventional welfare programs because Johnson made them different.

"He addressed root causes and tried to bring resolution at the point of beginning," she said. "He did not simply say let's provide children with better education and the unemployed with jobs. Lyndon Johnson wanted to prepare children to receive an education; he wanted to provide those without work employability."

After joining a panel considering the mood of the country 20 years ago, Jordan raised the issue of how a major anniversary of the Great Society could be celebrated with a national "conspiracy of silence."

She said the answer lies in the mood of the country today, a mood to which Presidents Carter and Reagan contributed by campaigning against Washington and big government. Americans cannot expect the federal government to be doing good things on behalf of people when two presidents have expressed negative sentiment about Washington's role in society, she said.

Two dozen Johnson administration aides and Great Society architects and observers spent most of the rest of the day recalling the spirit and intentions of Great Society legislation, tracing its roots, and evaluating its successes and failures.

Reagan administration treatment of social program funding and the more conservative climate in the country came in for considerable criticism.

Ray Marshall, a secretary of the Labor Department in the Carter administration, attacked the arguments that Great Society legislation contributed significantly to inflation and that the poor are worse off today than when the War on Poverty was initiated.

"I don't believe that the War on Poverty had anything to do with inflation as we experienced it in the 1970s and 1980s, and if it did, it was imperceptible," he said.

"The main reason for the inflation was external shocks to the American economy," he said, citing the quadrupling of energy prices in 1973 and 1974 and their doubling in 1979.

"The argument that somehow these programs didn't make any difference because of a simple before-and-after comparison is simplistic, naive, and ridiculous," Marshall said.

"If you looked at the detailed evidence of the programs, it seems to me that obviously poverty was cut in half during the decade, the incidence of poverty, during the 1960s."

Marshall said critics of Great Society programs asked then and now about cost-effectiveness. He said programs such as Head Start, which places poor children in preschool and kindergarten and encourages parental involvement, and the Job Corps cannot be judged by an arbitrary bottom line.

"It costs you a lot not to deal with poverty and unemployment and discrimination and that range of problems," he said. "You can get these things out of the federal budget, but you can't get them out of the country. And we will pay for it one way or another.

The Reagan budget now before Congress calls for the elimination of the Job Corps, which several participants identified not only as a centerpiece of Johnson's programs but as a success story.

Otis Singletary, president of the University of Kentucky and the first director of the Job Corps, said he was more fearful for the agency's future today than at any time since its creation.

"What we did was, in a country where there were a lot of jobs out there going begging and a lot of kids out there who were unprepared to handle them, we took some of those kids and readied them for some of those jobs, and they're showing today that it can be done," Singletary said.

He said the criticism that there was ample opportunity for those who wanted to work overlooked the "clientele" he described as the most difficult to reach in the United States—"that 16 to 20-year-old kid who is out of school, out of work, and literally has no place to go. If we didn't do anything else . . . we did manage to shrink the pool of those Robert Frost had in mind when he described them as people with nothing to look back to with pride and nothing to look forward to with hope."

Sargent Shriver, former Peace Corps and Office of Economic Opportunity director, criticized a new American selfishness that makes gods out of millionaires, tells the poor they've already had their chance, and blames people who are handicapped for their afflictions.

"I think we've got somehow or other to convince Americans that John Wayne and individualism are not the only symbols of our society," Shriver said, describing the nation's founding as a time when people shared a sense of community and responsibility for one another.

Today, "nobody cares about anybody else, and especially nobody cares about anybody who's a loser, and if you're a loser because you're black or because you haven't got a high I.Q., or if you're a loser because you're crippled, you're just a loser and we don't want to see anything about you or talk to you." he said of the attitude of some Americans.

Shriver said poverty in America is growing dramatically under Mr. Reagan and has affected or threatened 47 million people.

"We may be talking today about what the War on Poverty attempted to do, what it failed to do, the stupid mistakes we made, the overpromises that we were guilty of, but the issue before this group and especially before any students here is, what's going to happen in the United States if we continue to slop along the way we are now, forgetting 40 million Americans who are poor," Shriver said.

One of the strongest attacks on Reagan funding cuts for social programs came from Rep. Augustus Hawkins, D-Calif., the only current member of Congress participating in the symposium, who also was critical of the news media.

"Unfortunately it seems to me that we're drifting in the direction now of a complete abdication of federal responsibility not only of education but also employment training, health, and other phases of national life," he said. "If this continues, it obviously will undercut the social programs that affect us at the community level as well.

"The fact that the public is not aware of it, it seems to me, is strictly a question of the media itself . . . the public is not being advised, is not aware of what is going on in the nation today."

Hawkins said the Elementary and Secondary Education Act, another linchpin of the Great Society, has suffered a 50 percent funding cut during the Reagan presidency and faces another 16 percent reduction in the proposed budget.

"Public education is a great thing that we need to indulge in if we're going to protect the Great Society," he said. "Otherwise if we meet here five years from now, 10 years from now, there isn't going to be anything to critique because nothing is going to be left."●

TRIBUTE TO RAYEN HIGH SCHOOL—STATE BASKETBALL CHAMPIONS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. TRAFICANT. Mr. Speaker, at this time I would like to pay tribute to a group of young men from my district who have achieved greatness and have distinguished themselves and their community. I am speaking of the members of the Rayen High School Basketball Team in Youngstown, OH, who recently won the State Double A Basketball Championship. At this time, Mr. Speaker, I would also like to extend my congratulations and praise to the principal of Rayen High School, my brother, Sam Traficant, and the head coach of Rayen's Basketball Team, Frank W. Cegledy, Jr. Both of these men played an important role in molding together a winning team of young men—both on and off the court.

Rayen High School finished the season with an incredible 26–1 record. They completed an amazing season by defeating Linden McKinley High School of Columbus, OH, by a score of 50 to 46 to win the AA Ohio State High School Basketball Championship. I am extremely proud of this team because of its hard work and relentless drive. This team does not boast a super-star or one key player. They achieved greatness this year through hard work, team play, and determined spirit. Their amazing drive to the State championship is emblematic of the spirit and feistiness of the Youngstown community. Like the people in my district, the young men of Rayen High School's basketball team worked together—through hard times and good—and they refused to give in when the going got rough and when the pressure was on.

In paying tribute to these fine young men and Rayen High School, I would also like to pay tribute to their parents and families who supported them throughout the season. Everyone associated with Rayen High School should be proud—proud of their team, their school, and their outstanding community.●

JEWISH EDUCATORS SCHOLARSHIP AWARDS PRESENTED

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to the recipients of the 1985 Association of Jewish Educators scholarship award. The Association of Jewish Educators is affiliated with the community relations committee of the Jewish Federation Council, Los Angeles. It consists of teachers, administrators, and classified employees of the Los Angeles Unified School District and provides professional, social, and educational support to its members and the Los Angeles Jewish Community.

Each year the Association of Jewish Educators holds a scholarship fundraiser and awards scholarships to outstanding Jewish students from Los Angeles' 49 senior high schools who have met requirements of outstanding academic performance, service to their school, service to the Jewish community and to their community at large. The 1985 scholarship winners are:

Caroline Nelson, senior, Alexander Hamilton High School.

Hali Helfgott, senior, Alexander Hamilton High School.

Stacey Mills, senior, Alexander Hamilton High School.

Daniel Rubenstein, senior, Francis Polytechnic High School.

Mitchell Moss, senior, James Monroe High School.

Lisa Levine, senior, Banning High School.

It is my honor to ask my colleagues to join me in congratulating these fine young ladies and gentlemen.●

PERSONAL EXPLANATION

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. EDGAR. Mr. Speaker, on April 15, 1985, I was unavoidably absent for two votes. Had I been present for the vote on Senate Joint Resolution 15, a

joint resolution to designate May 7, 1985, as "Helsinki Human Rights Day," and to request the President to raise the issue of Soviet and East European human rights violations at every available opportunity, I would have voted in favor of passage. On House Concurrent Resolution 110, a concurrent resolution to express the sense of Congress that Taiwan should cooperate in the extradition of any Taiwanese involved in the murder of Henry Liu, I would have voted in favor of passage.●

THE JAPANESE MARKET EXPANSION ACT OF 1985

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. HUNTER. Mr. Speaker, today I am introducing legislation to expand the Japanese market for beef, citrus, and frozen vegetables. This bill, known as the "Japanese Market Expansion Act of 1985" seeks to address the serious tariff and nontariff barriers which these U.S. commodities face.

The Japanese, through a series of both quotas and nontariff barriers, have severely limited the amount of certain U.S. agricultural products which they will accept. In the past, the Japanese have acknowledged this problem and have pledged to correct it. Unfortunately, their pledges have not been translated into significant reductions of these barriers.

Mr. Speaker, the time for talk is growing short, and the time for action is quickly approaching. The Japanese must realize the seriousness of this problem and make the necessary changes in order to promote good trade relations with the United States.

If the Japanese wish to continue to have free access to the U.S. market for their automobiles and other products, then they must treat our commodities with the same free trade attitude which we accord their products.

Mr. Speaker, it seems that at a time when the United States is removing quotas on Japanese automobiles, we should see some reciprocity by the Japanese Government. I urge all of my colleagues to support this legislation and work to achieve fair trading practices with the Japanese.●

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. CLINGER. Mr. Speaker, on April 18, 1985, I was absent from the floor of the House of Representatives. Had I been present, I would have voted in the following fashion:

Rollcall No. 56: H.R. 1617, Bureau of Standards Authorization, the House rejected the Walker amendment to the Walgren amendment that sought to reduce the total authorization level to $122.5 million, "aye";

Rollcall No. 57: H.R. 1617, Bureau of Standards Authorization, the House agreed to the Walgren amendment that reduces the total authorization level to $127.8 million, and reallocates funds among the various functions, "aye"; and

Rollcall No. 58: H.R. 1617, Bureau of Standards Authorization, the House passed the measure to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1986 and 1987, "no".●

SPRING BREAK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. KANJORSKI. Mr. Speaker, the Secretary of Education recently stated that today's college students could afford the administration's massive cutbacks in student aid if they merely "divested" themselves of their cars, their stereos, and their spring vacations in Fort Lauderdale.

I'd like to advise the Secretary that there are millions of college students across our Nation who put their spring breaks to good use by studying, working, and doing good works.

One such group of students from the College Misericordia in Dallas, PA, recently spent their spring break helping the needy in Appalachia. These 10 selfless students volunteered their time to help needy residents of Lancaster, KY, with minor home repairs, and they visited and distributed food to the elderly

These students are excellent proof that today's college students do care about their fellow man and not just about themselves. Let's help them make a better and more productive world for all of us by providing them with the financial aid they need to get through college. Our investment in them today will be paid back with interest in future years in terms of higher productivity, higher worker satisfaction, and higher earnings and income tax revenues.

Rather than casting aspersions on our college students, or slashing their financial aid, perhaps it is time for some of our policymakers to divest themselves of some of their antiquated prejudices about today's college students.

Mr. Speaker, my hat is off to: Jennifer Flora, Anna Shandra, Barbara LaRocque, Suzy Pallante, Kellie Knapich, Kathy Meyer, Elaine Lawville, Barbara Grab, Dawn Millan, and Diane Danko, students at Dallas, PA, College Misericordia for their excellent work in Lancaster, KY.●

CONCERNED BLACK MEN, INC., EARNS PRESIDENT'S VOLUNTEER ACTION AWARD

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. EDGAR. Mr. Speaker, 1985 marks the 10th anniversary of the founding of Concerned Black Men, Inc. This organization, firmly established in the city of Philadelphia, is deserving of our highest praise and recognition. Through its volunteer service of providing positive role models to black youths, our society has been richly rewarded with a new generation of caring, gifted, and creative men and women prepared to meet the challenges of tomorrow.

Concerned Black Men, Inc., was started in the 1970's by a group of black policemen and firefighters who wanted to do more than simply react to gang activity in Philadelphia. Their strong dedication and commitment to caring for our children led to their sponsoring a variety of cultural, recreational, and educational activities focused on helping both men and youths understand each other, themselves and their community.

After 9 years, many of the original members continue to work tirelessly to expand opportunities for black youths. Mr. Ervin R. Urquhart and Mr. Charles Patton remain a driving force in the movement to inspire young people to achieve their very best.

Concerned Black Men, Inc., has indeed earned the 1985 President's Volunteer Action Award. It is the only group from the Commonwealth of Pennsylvania to be selected for the award this year, and the only minority civic organization in the United States to be so honored.

The leaders of Concerned Black Men, Inc., realize that its recognition is also a proud reflection of the accomplishments of its black youths. The group's own honor winners will be saluted at the "Tenth Annual Black Youth Recognition Award Banquet" on June 1, 1985.

To this partnership of men and youths, I say thank you for bringing into being a very special way of passing on a real and meaningful hope to successive generations.●

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A TRIBUTE TO EAGLE SCOUT BERNARD J. VORDERER III

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. LIPINSKI. Mr. Speaker, I rise today before my colleagues to recognize and honor a remarkable young man from my district, Bernard J. Vorderer III. I am pleased to bring Bernard Vorderer to the attention of my colleagues since he has been chosen for promotion to the rank of Eagle Scout at a ceremony on May 4, 1985, at Five Holy Martyrs Church in Chicago, IL.

Bernard Vorderer has had a distinguished career in the Boy Scouts. In September 1978, he joined the Five Holy Martyrs Cub Pack 3465 and advanced through the ranks of Bobcat, Wolf, and Bear. The following year, Bernard was promoted to Webelos where he earned all 15 activity badges, the Webelos badge, and Arrow of Light. After joining Boy Scout Troop 465 in October 1981, Bernard obtained the ranks of First Class, Star, Life, and Eagle. He earned all 12 skill awards, 35 merit badges, and the World Conservation Award. In 1983, Bernard was elected to the Order of the Arrow, Tschitani Mawat Chapter. This fine young man has also received the Cub Scout Parvueli Dei Religious Award, the Boy Scout Ad Altare Dei, and the Pope Pius XII Religious Award.

Presently an honor student at Quigley South High School, Bernard Vorderer is also involved in many activities outside of Scouting. He is a member of the school band and wrestling team, has served as an altar boy, and has played Little League Baseball. Bernard's future plans include obtaining a bachelor's degree in computer science and a master's degree in business administration.

I deem it a great honor for me to congratulate Bernard Vorderer on the occasion of his obtaining the rank of Eagle Scout. He is truly an example of the dedicated youth of our Nation. I ask my colleagues to please join me in wishing him continued success in the future.●

SALUTE TO HUBBELL, ROTH, & CLARK OF BLOOMFIELD HILLS, MI

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. BROOMFIELD. Mr. Speaker, I rise today to congratulate the firm of Hubbell, Roth, & Clark of Bloomfield Hills, MI, for their excellent design of the Chevrolet Livonia interim pretreatment facility.

The Chevrolet Livonia facility was cited for excellence in engineering design by the American Consulting Engineers Council and was one of only five grand awards presented by the council.

This facility was built in only 3½ months in order to meet a tight deadline imposed by the Environmental Protection Agency and is located in one of the world's largest metal finishing plants.

The firm of Hubbell, Roth, & Clark should be saluted for their fine effort and work. Since only five grand awards were given away, their achievement is a notable one. Fine workmanship, excellent design, and efficiency are always an inspiration to all of us.●

A TRIBUTE TO GENERAL EDWIN F. BLACK

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. HEFTEL of Hawaii. Mr. Speaker, America lost a good and compassionate man last week with the passing of Gen. Edwin F. Black. Ed served his country with honor and dignity in time of war and peace. He was a key military planner in the Pacific and in Washington during World War II and later during the Vietnam War.

After his retirement from the Army, Ed remained a staunch defender of a strong national defense and spoke out often on the need to upgrade our military preparedness. During his rich and productive retirement, he expanded his public service activities by serving as vice president of the Pacific and Asian Affairs Council, as well as being a founder and chairman of the Honolulu Committee on Foreign Relations. Ed also served as a president of the Honolulu chapter of the American Cancer Society.

Mr. Speaker, with Ed's passing Hawaii has lost a great leader and a concerned and compassionate human being. Ed was a good man and we in Hawaii will all miss him. I feel very fortunate to have known Ed. His deep devotion to America and his great love for Hawaii will continue to inspire all who knew him. My deepest condolences go out to Ed's widow Cobey and their six children.●

CONGRESSMAN MILLER LAUDS PARTNERS IN LEARNING

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. MILLER of California. Mr. Speaker, as the chairman of the Select Committee on Children, Youth and Families, I would like to bring to the Members, attention a very important program which has been operating in my district since 1982.

"Project Partners in Learning" is a model program for assisting non-English speaking and limited English proficient parents and children at Liberty Union High School in Brentwood, CA. The project has had outstanding results in its attempts to provide parents with skills which will enable them to reinforce student learning and become a part of their children's educational process.

The project has developed a comprehensive program including instruction, instructional and counseling support for students and parents in transitional language and reading classes and in basic subject courses. Participants attend leadership training conferences to ease their community acceptance and transition into the mainstream of education and community life.

I would like to especially recognize the program's director, Art Gonzales, who has devoted countless hours to the administration of the "Project Partners in Learning." He has shared his knowledge and experience with many other school districts and programs. Numerous letters have been sent to him from school district personnel from around the country commending him for providing an outstanding example for them to mirror. I know that my colleagues in this House join me in commending both Mr. Gonzales and his program.●

TRIBUTE TO TESSE MAZZINA

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. COELHO. Mr. Speaker, on April 30, 1985, Miss Tesse Mazzina will retire from her position as office supervisor and city clerk with the city of Los Banos, CA, after almost four decades of service to her community. During this long career, Tesse's name has become synonymous with city hall.

In 1946 Tesse was hired by the city as a one-woman office. As the number of city employees began to grow in the 1950's, she was appointed office supervisor. In 1972 she was elected city clerk. Over the years Tesse has also been very active with many local service organizations, including the Salvation Army, the Los Banos Emergency Relief Committee, the Los Banos Coordinating Committee, and the local volunteer fire department.

As Tesse retires from the city of Los Banos, she will be sorely missed. On behalf of the citizens of Los Banos, I would like to express my gratitude to Tesse Mazzina for her many years of

selfless and dedicated service to our community. It is greatly appreciated.●

AMERICAN ASSOCIATION OF HOMES FOR THE AGING

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. AuCOIN. Mr. Speaker, I would like to call to the attention of my colleagues an event that occurred last week which deserves our support—the 13th Annual Spring Conference of the American Association of Homes for the Aging [AAHA].

The American Association of Homes for the Aging is the national representative of 2,500 nonprofit facilities which provide health care, housing, and supportive services to over half a million older persons across the country. Administrators, other personnel and trustees of AAHA member facilities participated in a comprehensive educational program, visited with many of their elected officials, and gained a Washington perspective on significant Federal initiatives affecting the delivery of health, housing, and community services to older Americans.

On Thursday, April 18, MARK O. HATFIELD—the senior Senator from my home State of Oregon—was honored as the recipient of AAHA's Distinguished Service Award, in recognition of his leadership and efforts on behalf of America's elderly.

As chairman of the Senate Appropriations Committee, Senator HATFIELD has been a leading policymaker, battling to preserve the Federal Government's commitment to, and financing of, programs which provide vitally needed services to America's older citizens.

The Senator's cooperation with AAHA was readily apparent last year when the Department of Housing and Urban Development proposed overly restrictive admissions requirements that jeopardized the viability of many elderly housing projects. MARK HATFIELD responded immediately, bringing the issue to the Senate floor, focusing the attention of his colleagues on the potentially devastating impact of the regulations, clarifying congressional intent, and firmly establishing foundations for any future action we might initiate in Congress to ensure that the department institute a flexible admissions approach.

Additionally, last year, Senator HATFIELD demonstrated his longstanding and enduring support of continuing care retirement communities, which are a unique housing and health care option for the elderly. Provisions in the Deficit Reduction Act threatened to impose an income tax liability on residents of these communities. The Senator helped mobilize his colleagues to petition the Treasury Department to exempt residents of existing continuing care retirement facilities from these unfair taxes. In recognition of his numerous endeavors to protect the well-being of elderly Americans, AAHA conferred upon MARK HATFIELD its Distinguished Service Award. I join the Association in commending this dedicated public servant.●

DEDICATION OF THE FOUNDERS' WALL OF THE CENTRAL QUEENS YOUNG MEN'S AND YOUNG WOMEN'S HEBREW ASSOCIATION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. ACKERMAN. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues in the U.S. House of Representatives the dedication of the Founders' Wall of the Samuel and Lucille Lemberg Building of the Central Queens Young Men's and Young Women's Hebrew Association. This joyous ceremony will take place on April 28, 1985.

The modern Lemberg Building opened in 1982, and is an impressive addition to the Central Queens YM/YWHA facilities. To commemorate this occasion, the Y has commissioned Joseph Dzindshkashvili, the famous Soviet Georgian artist, sculptor, and designer, to design a unique plaque, which will be permanently displayed in the Lemberg Building.

Mr. Speaker, this occasion is a proud one for the Central Queens YM/YWHA and for the entire Queens County community, which it serves. The Hebrew Association's Center has made a tremendous contribution to all of us, and has enriched our lives in countless ways.

The Center draws neighbors, families, and friends together through many educational and athletic activities. Its programs reach out to all members of our community, concentrating on many of our special needs. The YM/YWHA's after-school day care is designed to provide an atmosphere of safety, guidance, and love for children whose parents work past school hours. The lectures and recreational activities for seniors at the Y are an important part of the lives of many elderly citizens interested in art, current events, and fellowship with their peers and neighbors. In addition, the facility sponsors a summer day camp for mentally disabled youngsters that enables them to share in the fun and relaxation of summer that all children enjoy.

Mr. Speaker, the broad range of services and programs offered by the Central Queens YM/YWHA, and its special attention to the community's real needs, have made an invaluable contribution to the quality of life in Queens County.

Today, when career opportunities cause many adults and families to move away from their friends and relatives, this Center in Central Queens provides an especially valuable service—by giving us a means to make new friends, share the interests and activities of our neighbors, learn about our community, and take part in its warmth and fellowship.

Mr. Speaker, I would like to commend the center's outstanding officers for their dedication to enriching the Queens community: President Jeffrey S. Aaron, vice presidents Michael Barr and Howard L. Kleiger, Secretary Allen Fagin, Chairman of the Board Julius Leventhal, honorary Presidents George Kossoy, Harry Leventhal, and Herman M. Metz, and all of its fine directors.

Mr. Speaker, I rise now to ask all of my colleagues in the U.S. House of Representatives to join with me and the Central Queens Young Men's and Young Women's Hebrew Association in celebrating the dedication of the Founders' Wall of the Lemberg Building.●

STORE FRONT MUSEUM/PAUL ROBESON THEATRE CELEBRATES 14TH ANNIVERSARY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. ADDABBO. Mr. Speaker, I would like to bring to the attention of my colleagues, the 14th anniversary celebration of the Store Front Museum/Paul Robeson Theatre in Jamaica, Queens.

In celebration of the museum's 14th anniversary as Queens' first Art Museum and the borough's only African-American Museum, the museum's board of directors has assembled a major exhibition entitled "Early Photographs and Documents of African-Americans to Queens County, New York."

The exhibition, the result of many years of museum research, chronicles the energy, spirit, and vitality of the borough's African-American citizens of a bygone era, by utilizing early photographs and documents that have been recaptured and preserved. The exhibit provides tangible proof of African-Americans' historical roots and meaningful early presence in the Borough of Queens.

Most of the material collected is an outgrowth of the museum's original

book project entitled "African-Americans in Queens County, New York, 1683-1983," coauthored by Dr. James Rose and Margot S. Webb, and edited by James B. Gwynne, scheduled to be published in late 1985.

This important exhibition, of significance to both black history and the history of the borough, will crown the museum's list of achievements during its 14-year history of providing cultural services in southeast Queens.●

THE CONGRESSIONAL CAUCUS FOR SCIENCE AND TECHNOLOGY SALUTES CHRISTINA KOCH, FOR AN OUTSTANDING SCIENCE PROJECT

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. DYMALLY. Mr. Speaker, recently some of our brightest young scientists were given the chance to enter their research sceince projects in science fairs. I am pleased to bring to the attention of my colleagues, a student who received an outstanding award and citations for her hard work.

Christina Koch, who is 12 years old and a seventh grade student at St. Jane Frances de Chantal, Bethesda, Md, entered her project in the Washington Area Science Fair in Montgomery County. Sponsored by the Board of Education, District Council of Engineering and Architectural Societies and the Washington Academy of Sciences.

Christina was recognized by the Washington Junior Academy of Sciences—medical sciences and health division—and the Institute of Food Technologists—Washington, DC section—for an outstanding science project in the fields of food Science and nutrition. This young researcher designed a questionnaire and conducted a survey to determine "Why People Overeat?" The results of her project revealed that people overeat when they are depressed or bored; tense or envious. She also discovered that people ate more in the evenings.

As chairman of the congressional caucus for science and technology, I commend Christina for such an outstanding achievement and hope that she serves as an inspiration and role model to other young people.●

THE UNIVERSITY OF IOWA DEBATE TEAM PLACES SECOND IN THE 1985 NATIONAL DEBATE TOURNAMENT

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. EVANS of Iowa. Mr. Speaker, I rise today to congratulate the University of Iowa debate team for placing second at the 1985 National Debate Tournament held at Gonzaga University in Spokane, WA, March 29 through April 2, 1985.

Of the hundreds of teams that participated in debate throughout the Nation, only 62 are selected for national tournament. The 12th and final round of the tournament, between the University of Iowa and Harvard University was extremely close as it took the judges 1½ hours to come to a decision. The University of Iowa received the George Walker Memorial Trophy, signifying second place.

I take this moment to congratulate Iowa debaters Karla Leeper, who was named 10th best debater for the tournament, and Robert Garman; the Iowa coaches Robert Kemp, Dale Herbeck, John Katsulas, and Greg Phelps; as well as the Harvard University debate team for their fine accomplishments in debate. The timely topic for the year's tournament was the exploration and development of outer space.●

PERSONAL EXPLANATION

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. PEPPER. Mr. Speaker, I was unable to be present Wednesday afternoon, April 17, 1985, when, after 12:10 p.m., there was a vote on H.R. 1210, the National Science Foundation Authorization Act for fiscal year 1986. The bill passed by a vote of 407 to 4 and was rollcall No. 54. Had I been present, I would have voted "aye."●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, April 23, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 24

9:00 a.m.

Foreign Relations

To hold hearings on American policy toward South Africa.

SD-419

Judiciary

To hold hearings on pending nominations.

SD-226

9:30 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on S. 501 and S. 616, bills to expand export markets for U.S. agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, focusing on commodity assistance for rural credit programs.

SR-328A

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including student financial assistance, guaranteed student loans, higher and continuing education, higher education facilities loans and insurance, college housing loans, educational research and training.

SD-116

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Bureau of Investigation, Department of Justice, the Legal Services Corporation, and the Securities and Exchange Commission.

S-146, Capitol

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.

SR-253

Finance

To continue hearings on the impact of floating exchange rates on the international trading system.

SD-215

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings on activities of the Office of Government Ethics.

SD-342

Labor and Human Resources
To hold hearings on the nominations of Hortencia Benavides, of Texas, Leaanne Bernstein, of Maryland, Lorain Miller, of Michigan, Claude G. Swafford, of Tennessee, Robert A. Valois, of North Carolina, William C. Durant, III, of Michigan, Paul B. Eaglin, of North Carolina, Pepe J. Mendez, of Colorado, Thomas F. Smegal, Jr., of California, Basile J. Uddo, of Louisiana, and Michael B. Wallace, of Mississippi, each to be a member of the Board of Directors of the Legal Services Corporation.
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Emergency Management Agency, and the Environmental Protection Agency.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Coast Guard, Department of Transportation.
SD-138

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 664, to facilitate the competitiveness of exports of U.S. agricultural commodities, and other related proposals.
SR-232

Environmental and Public Works
Nuclear Regulation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1986 and 1987 for the Nuclear Regulatory Commission, and S. 895, a related proposal.
SD-406

Judiciary
Juvenile Justice Subcommittee
To hold hearings to examine problems relating to juvenile victims in sexual assault cases.
SD-226

1:30 p.m.
Joint Printing
To hold an organizational business meeting.
H-328, Capitol

APRIL 25

9:00 a.m.
Foreign Relations
Business meeting, to consider the Convention on the Prevention and Punishment of the Crime of Genocide (Exec. O, 81st Cong., 1st sess.).
SD-419

9:30 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 501 and S. 616, bills to expand export markets for U.S. agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs.
SR-328A

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for ACTION (domestic programs), Corporation for Public Broadcasting, Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, and National Council on the Handicapped.
SD-116

Finance
To hold hearings on title II (tax exemption for animal feed substances) and certain provisions relating to revenues for the hazardous substance response trust fund of S. 51, Superfund Improvement Act of 1985, and related proposals.
SD-215

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for certain defense programs, focusing on Air Force aircraft procurement and research, development, technology and engineering.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development.
SD-124

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on atomic energy defense activities.
SD-116

Judiciary
Business meeting, on pending calender business.
SD-226

10:30 a.m.
Rules and Administration
Business meeting, to consider Senate committee resolutions requesting funds for operating expenses for 1985.
SR-301

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Capital Planning Commission, Office of Indian Ecucation, and the Institute of Museum Services.
SD-138

APRIL 26

9:30 a.m.
Banking, Housing, and Urban Affairs
Financial Institutions and Consumer Affairs Subcommittee
To hold oversight hearings on problems being experienced by the agricultural sector of the commercial banking industry, and S. 795, to authorize the Federal Deposit Insurance Corporation to purchase net worth certificates on farm sales.
SD-538

Energy and Natural Resources
To hold hearings on the nominations of Helmut A. Merklein, of the District of Columbia, to be Administrator of the Energy Information Administration, Theodore J. Garrish, of Virginia, to be Assistant Secretary of Energy for Congressional, Intergovernmental and Public Affairs, J. Michael Farrell, of the District of Columbia, to be General Counsel of the Department of Energy, and Joseph F. Salgado, of California, to be Under Secretary of Energy.
SD-366

Finance
To continue hearings on title II (tax exemption for animal feed substances) and certain provisions relating to revenues for the hazardous substance response trust fund of S. 51, Superfund Improvement Act of 1985, and related proposals.
SD-215

APRIL 29

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for Amtrak.
SR-253

10:00 a.m.
Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on S. 488 and H.R. 1185, bills to establish the Petrified Forest National Park, Arizona, S. 543 and H.R. 1373, to designate the wilderness in the Point Reyes National Seashore in California as the Phillip Burton Wilderness, and S. 444, to convey certain U.S. lands in Alaska to NANA Regional Corporation in exchange for lands owned by such corporation.
SD-366

APRIL 30

9:00 a.m.
Commerce, Science, and Transportation
To resume consideration of S. 638, to provide for the transfer of ownership of the Consolidated Rail Corporation (Conrail) to the private sector, and other pending calendar business.
SR-253

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Soldiers' and Airmen's Home, Prospective Payment Commission, Railroad Retirement Board, National Labor Relations Board, National Mediation Board, OSHA Review Commission, and the Federal Mediation and Conciliation Service.
SD-116

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on proposed budget requests for fiscal year 1986 for programs of the Department of Energy, focusing on energy research programs.
SD-366

Environment and Public Works
To hold joint hearings with the Committee on Governmental Affairs' Subcommittee on Governmental Efficiency

and the District of Columbia on global forecasting capability.
SD-342

Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold joint hearings with the Committee on Environment and Public Works on global forecasting capability.
SD-342

Labor and Human Resources
To hold hearings on S. 801, authorizing funds for fiscal year 1986 for the National Science Foundation.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for certain defense programs, focusing on Army modernization.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Transportation and related agencies.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary and the Office of the Solicitor, Department of the Interior.
SD-192

MAY 1

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Telecommunications and Information Administration.
SR-485

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
Room to be announced

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Supreme Court of the United States, and the U.S. District Courts.
S-146, Capitol

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the Consumer Product Safety Commission.
SR-253

Veterans' Affairs
To hold oversight hearings on the Veterans' Administration home loan guaranty program.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Transportation and related agencies.
SD-138

Environment and Public Works
Business meeting, to mark up S. 53 and S. 652, bills authorizing funds for programs of the Clean Water Act, and other related measures.
SD-406

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the General Services Administration, and the National Park Service of the Department of the Interior regarding the White House.
SD-138

Select on Intelligence
Closed business meeting, to resume markup of proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

MAY 2

9:00 a.m.
Armed Services
To hold closed hearings on the U.S.-U.S.S.R. arms negotiations on strategic offensive forces.
SR-222

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Rules and Administration
To hold hearings on Senate Joint Resolution 81, to provide for the appointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution, and proposed legislation authorizing funds for fiscal year 1986 for the Federal Election Commission.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for certain defense programs, focusing on Navy aircraft procurement and research, development, technology and engineering.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Environment and Public Works
Business meeting, to mark up S. 124, authorizing funds through fiscal year 1989 for programs of the Safe Drinking Water Act, including public water systems and protection of underground sources of drinking water.
SD-406

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on S. 140, Children's Justice Act.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for territorial affairs, Department of the Interior.
SD-138

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on the effect of new technologies on industrial competitiveness.
SD-253

MAY 3

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 942, to promote expansion of international trade in telecommunications equipment and services by restructuring the U.S. market.
SD-215

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the Coastal Zone Management Act and ocean programs of the National Oceanic and Atmospheric Administration, Department of Commerce.
SR-253

MAY 6

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for rail safety programs of the Department of Transportation.
SR-253

Energy and Natural Resources
Energy, Regulation and Conservation Subcommittee
To hold hearings on S. 410, to repeal the Commercial and Apartment Conservation Service.
SD-366

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on the consolidation of certain trade routes.
SR-232

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds

for the Fisheries Conservation and Management Act and fishery programs of the National Oceanic and Atmospheric Administration, Department of Commerce.
SR-253

MAY 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116
Rules and Administration
To hold hearings on S. 43, to grant line item veto authority to the President on appropriation bills.
SR-301

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Indian Health Service, Department of Health and Human Services.
SD-138

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116
Labor and Human Resources
To hold hearings on the nominations of Marshall B. Babson, of Connecticut, and Wilford W. Johansen, of California, each to be a member of the National Labor Relations Board.
SD-430
Rules and Administration
Business meeting, to consider Senate Joint Resolution 81, to provide for the appointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution, proposed legislation authorizing funds for fiscal year 1986 for the Federal Election Commission, and other legislative and administrative business.
SR-301
Veterans' Affairs
Business meeting, to mark up S. 6, to clarify and improve certain health care programs and services provided and administered by the Veterans' Administration, and related proposals, and S. 367, to provide for judicial review of certain administrative decisions of the VA, to codify certain VA adjudication procedures, to improve the VA appeals process, to require the VA to comply with certain rulemaking procedures, and to provide for reasonable fees to attorneys serving as legal counsel for veterans.
SR-418

10:00 a.m.
Select on Intelligence
Closed business meeting, to resume markup of proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Management and Budget, including the Office of Federal Procurement Policy.
SD-124

MAY 9

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Environment and Public Works
Business meeting to consider pending calendar business.
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Land Management (including the land and water conservation fund), Department of the Interior.
SD-138
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on proposed budget requests for fiscal year 1986 for programs of the Department of Energy, focusing on fusion energy programs.
SD-366

MAY 10

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on proposed budget requests for fiscal year 1986 for programs of the Department of Energy, focusing on conservation and renewable programs.
SD-366
Finance
Health Subcommittee
To hold hearings to review the health prevention/promotion for Medicare beneficiaries.
SD-215

MAY 13

10:00 a.m.
Foreign Relations
To hold joint hearings with the Committee on the Judiciary on international terrorism and narcotic trafficking.
SD-419
Judiciary
To hold joint hearings with the Committee on Foreign Relations on international terrorism and narcotic trafficking.
SD-419

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on proposed budget requests for fiscal year 1986 for programs of the Department of Energy, focusing on nuclear energy programs and nuclear waste activities.
SD-366

MAY 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Energy Information Administration, and the Economic Regulatory Administration, Department of Energy.
SD-138
Foreign Relations
To continue joint hearings with the Committee on the Judiciary on international terrorism and narcotic trafficking.
SD-419
Governmental Affairs
Intergovernmental Relations Subcommittee
To resume hearings on S. 483, to ensure that the Federal Government assume the full cost of legislating and regulating Federal purposes and mandates.
SD-342
Judiciary
To continue joint hearings with the Committee on Foreign Relations on international terrorism and narcotic trafficking.
SD-419

MAY 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

10:00 a.m.
Foreign Relations
To continue joint hearings with the Committee on the Judiciary on international terrorism and narcotic trafficking.
SD-419
Judiciary
To continue joint hearings with the Committee on Foreign Relations on international terrorism and narcotic trafficking.
SD-419

MAY 16

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for fossil energy.
SD-138

2:00 p.m.
Energy and Natural Resources
*Energy Research and Development Subcommittee
To hold hearings to discuss the Department of Energy's prospective report to Congress on emerging clean-coal technologies.
SD-366

MAY 17

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on the deregulation of surface freight forwarders.
SR-253

MAY 21

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Holocaust Memorial Council, Minerals Management Service, Department of the Interior.
SD-138

MAY 22

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for Naval Petroleum Reserves, and fossil energy.
SD-138

JUNE 10

2:00 p.m.
*Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on proposed budget requests for fiscal year 1986 for programs of the Department of Energy, focusing on fossil energy programs.
SD-366

JUNE 11

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the implementation of the Orphan Drug Act (Public Law 97-414), focusing on section 7(b) relating to radiation-cancer liability.
SD-430

10:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 403, to revise requirements with respect to the issuance of licenses for existing hydroelectric facilities, and S. 426, to provide for more protection to electric consumers.
SD-366

JUNE 12

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on the implementation of the Orphan Drug Act (Public Law 97-414), focusing on section 7(b) relating to radiation-cancer liability.
SD-430

OCTOBER 1

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SD-106

CANCELLATIONS

APRIL 24

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 6, to clarify and improve certain health-care programs and services provided and administered by the Veterans' Administration, and related health legislation affecting veterans.
SR-418

APRIL 25

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the Fisheries Conservation and Management Act and fishery programs of the National Oceanic and Atmospheric Administration, Department of Commerce.
SR-253

Veterans' Affairs
To continue hearings on S. 6, to clarify and improve certain health-care programs and services provided and administered by the Veterans' Administration, and related health legislation affecting veterans.
SR-418

APRIL 26

9:30 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings to review options for conducting a pay equity study of the Federal pay and classification systems.
SD-342

SENATE—*Tuesday, April 23, 1985*

(Legislative day of Monday, April 15, 1985)

The Senate met at 8 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Eternal God, the pressure builds! Many enjoy the luxury of their opinions regarding vital national issues. They are free to speak, to argue, to pontificate, to criticize. But it remains with those who occupy the desks in this Chamber to decide. They are not infallible and no one knows that better than they; but the burden of judgment rests with them after all the deliberations are over, and they cannot "pass the buck." They are more deeply concerned than most and their legislative staffs do all in their power to provide comprehensive information. But facts are often confusing at best and the hours move inexorably to the moment of decision. The vote must be cast whatever the consequences. Gracious Lord, grant to these your servants wisdom and courage commensurate with their profound responsibility. "Your will be done on Earth as it is in Heaven." Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

COMMENDATION OF THE CHAPLAIN

Mr. SIMPSON. Mr. President, let me say that I commend again the Chaplain of the Senate. He phrases it well. We have another way of referring to that out in my part of the country, that it is easier to sit on the corral fence and watch the cowboy who tries to break the horse, but the credit goes to the fellow down in the arena doing it. We have a great many remarkable observers and commentators in this place. Again, the Chaplain puts it in beautiful perspective.

SCHEDULE

Mr. SIMPSON. Mr. President pro tempore, the two leaders under the standing order enjoy the opportunity of 10 minutes each. Special orders this morning are in favor of the following Senators for not to exceed 15 minutes each: Senators PROXMIRE, WEICKER, DOMENICI, and SPECTER.

Mr. President, by unanimous consent, special orders not executed by the hour of 9 a.m. will resume following final disposition of Senate Joint Resolution 106, supporting military or paramilitary operations in Nicaragua.

If time permits, there will be routine morning business until the hour of 9 a.m., with statements limited therein to 5 minutes. By unanimous consent, the Senate will stand in recess from 12 until 2 p.m.

By unanimous consent entered into on April 4, 1985, at 9 a.m., the Senate will begin consideration on Senate Joint Resolution 106, supporting military or paramilitary operations in Nicaragua.

Senators DOLE, BENTSEN, HELMS, and BYRD all have given notice in writing, in accordance with rule No. V of the Standing Rules of the Senate, to suspend that part of the rules for the purpose of each proposing an amendment to Senate Joint Resolution 106. That debate for a motion to suspend, and amendments, will be coming out of the 10-hour statutory limitation. Therefore, rollcall votes will be expected on motions, amendments, and eventually, final disposition of Senate Joint Resolution 106.

Mr. President, I reserve the remainder of my time.

I defer to the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair and I thank the assistant Republican leader.

Mr. President, I ask unanimous consent that I may reserve my time up to the point of the Senate's taking up of the Nicaraguan resolution.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. SIMPSON. Mr. President, I encourage those who have special orders to proceed to the Chamber for that purpose, since that hour of 9 a.m. is in force under the unanimous-consent agreement.

I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR WEICKER

Mr. WEICKER. Mr. President, I ask unanimous consent that I be permitted to go on my special order ahead of Senator PROXMIRE and that he follow mine at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Connecticut [Mr. WEICKER] is recognized.

Mr. WEICKER. I thank the Chair.

S. 974—THE PROTECTION AND ADVOCACY FOR MENTALLY ILL PERSONS ACT OF 1985

Mr. WEICKER. Mr. President, Earl Warren, former Chief Justice of the Supreme Court, once said:

> When the weak or oppressed assert the rights that have been so long denied them, those in power inevitably resist on the basis of the necessity of tranquillity.

From the outside, State facilities for the mentally disabled, with their mostly rural settings, indeed look tranquil. In 3 days of testimony to the Subcommittees on the Handicapped, and Labor-Health and Human Services, and in a 6-month investigation by staff, the Senate received disturbing evidence of the willingness of many State and Federal officials to maintain that facade of tranquillity.

There was Wilbur Savidge, whose son went into a State facility for the retarded with the ability to walk and feed himself. Now, young Jonathan Savidge can do neither, and his father told us of a harrowing midnight ride to get Jonathan to the hospital on one occasion for the adequate emergency medical care he would otherwise have been denied. In little more than 4 years, Jonathan has been injured a total of 124 times.

There was the story of August Bartholomay, institutionalized for 44 years in a State facility, the last 3 years in a shower stall with nothing but a thin cotton sheet between his naked body and the tile floor.

And 14-year-old Chris Cocherham, whose parents were able to capture on film the scars and bruises of dozens of separate acts of violence and abuse.

As a U.S. Senator, and a member of the Appropriations Committee, I was outraged that the facility where this burtal abuse took place was certified by the United States to receive $8.5 million in fiscal year 1985.

The Cockerham family tried to contact the U.S. Justice Department, but despite the documents and the photographs the family provided to the Department, they were told repeatedly that more evidence would be needed to get the Nation's top civil rights enforcement agency involved.

The Savidge family tried to get the Justice Department to help as well. They were also turned down.

As an official of the Federal Government, I felt ashamed when Wilbur Savidge looked me in the eye and asked two reasonable questions:

> We would ask why does the Federal Government allow these atrocities to go unchecked? Who can we turn to when the Justice Department refuses to investigate abuse and death in State institutions?

Mr. Savidge tried to answer this question in the manner many Americans would; he called for a lawyer. But the answers Mr. Savidge received to his calls cannot be recorded as a proud moment for the legal profession.

Nine requests, nine lawyers, nine refusals. Mr. Savidge told us the attorneys he contacted seemed to agree, basically, that the investment in Jonathan's case was not worth the potential return. A retarded boy who developed a near-fatal brain infection, after periods when he was observed chewing on a urine soaked stocking and crawling through human feces in a State institution was not worth the return.

Fortunately for Jonathan, legal assistance was obtained through a special foundation set up by a man whose own son drowned because of neglect in a State institution.

In the case of August Bartholomay, his years in the shower stall might have gone past 3 years but for a lone employee who blew the whistle, and an attorney who worked 5 years to secure Augie's release and placement in a group home.

During 3 days of testimony, we heard that there are hundreds, perhaps thousands, of individuals without access to legal representation or advocacy, whose lives could be restored by those willing to give of their time and their talents.

We also heard that many of those whose job it is to protect the mentally disabled in institutions from the inside, are themselves walled in by rules that restrict both their access to the most basic information, and their ability to fully investigate conditions and acts of violence.

This is especially true as it relates to protecting the rights of the mentally ill. I am talking here about the basic right to live, without fear of physical harm, and even death. Without protection and aggressive advocacy this right guaranteed under the Constitution and Federal statutes is meaningless.

We heard from witnesses of rape cases between patients that were not investigated by State officials because they did not meet the State's definition of "abuse."

We heard of young people tied naked to the floor in four-point restraints for hours, or even days.

We heard of filthy living conditions where flies covered the residents as they sat, overmedicated, in their rooms day after day with no active treatment program and seemingly less hope.

A nurse told us of a State hospital that was found to be below "minimally accepted standards" for 2 years in a row, yet no action was taken by State or Federal officials who received her reports. At the same hospital, the nurse told us, some patients suffered malnutrition because there simply was not enough food provided.

A State senator told us he saw patients who were dehydrated because the staff would not provide them with water. The reason, incredible as it may seem, is that the staff did not want the patients urinating very often.

Yes, some of these patients are considered dangerous. But we would not allow society's most dangerous criminals to be treated in this fashion.

I might add that the investigative reporter who testified before the committee, who had done investigative reports both in mental institutions in New Mexico and the State prison facilities in New Mexico, said that, without question, he would rather be in the prison facilities than the mental institutions. Yet, these people are not criminals.

Likewise, we recognize the illness of these patients, yet we would not allow cancer patients or leukemia victims to suffer such deprivation.

For our part in the Congress, we cannot allow such atrocities to continue. There are matters of law that must be changed or adjusted so that our emotional reactions to the stories of abuse and neglect behind institutional walls are forged into action. In the face of flagrant and festering conditions of abuse and neglect, the Government's response has been indifference and delay.

I stand today to alter that response. I stand today to introduce a bill on behalf of myself, Mr. STAFFORD, Mr. KENNEDY, and Mr. DODD, which will ensure that the rights of mentally ill persons residing in institutions and other residential treatment facilities will be protected.

This bill, the Protection and Advocacy For Mentally Ill Persons Act of 1985, will provide for the establishment of a protection and advocacy program for the mentally ill in each State. This is not a new idea to the Congress. Protection and advocacy programs currently exist for our developmentally disabled citizens. The bill I introduce today would authorize similar protection to our citizens who require residential treatment because of mental illness. It would allow the investigation of reported incidents of abuse and neglect of those citizens, and the protection of their rights through enforcement of Federal and State statutes and the U.S. Constitution. And it enumerates a bill of rights for the mentally ill—rights which currently exist as title V of the Mental Systems Act, but which are relocated to the Protection and Advocacy For Mentally Ill Persons Act of 1985.

Protection and advocacy programs for the mentally ill are not a new idea to this esteemed body. In the wake of a Presidential commission's recommendation, Congress passed the Mental Health Systems Act, which provided protection and advocacy services to these citizens. But this legislation was repealed with the passage of the 1981 Budget Act, which replaced most Federal mental health programs with a block grant.

In effect, passage of the Protection and Advocacy For Mentally Ill Persons Act of 1985 will restore to the mentally ill the protection we have already recognized as essential for their full citizenship.

As we have seen, the interests of tranquillity and secrecy require that the voices within these walls be muffled and the truth, where it is told, be related in whispers between agonized family members and isolated advocates. In this climate the clear and insistent demands of the Constitution and Federal statutes exist as little more than rumors of hope.

This condition may fit well the passivity of this administration's legal officers or the bottom line of some State budgeteers. But it must no longer reflect the attitude of the Congress toward a group of our most dependent citizens.

I urge my colleagues to examine the record on these issues and join me in this vital reform. I ask unanimous consent that the Protection and Advocacy For Mentally Ill Persons Act of 1985, in its entirety, be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WEICKER. Mr. President, these matters have been under investigation now for the best part of 2 years. I especially express my appreciation, on the record, to Steve Snider, Maureen Byrnes, Terry Muilenberg, Bob Wilson, Jane West, Marjorie Harris, and Tracy Crowley for the work they did in this investigation.

It also has to be said that, aside from whatever entertainment was supplied to the American people in the sense of hearings and what they saw by film and testimony, if it is to surpass entertainment, we have to do something. Otherwise, it is worse than if we had no hearings at all, because the matter has been laid before the American people. They have seen it, and they have turned their backs on it.

I realize no dramatic legislation will come forth de novo, but there is much fine tuning that can be done. The bill which I offer today is just such a fine tuning. It will go a long way with existing legislation to correct many of the situations which we witnessed during the course of those hearings.

In the final analysis, no legislation or no fine tuning will substitute for the proper community setting for the mentally retarded and mentally ill where, indeed, these persons are under the watchful eye of their neighbors rather than behind the walls of an institution. That is the best guarantee against abuse. Nobody would stand for 1 minute the treatment accorded these mentally ill and mentally retarded were it a member of their family or friend suffering from leukemia or Alzheimer's disease or cancer or whatever. But in the recesses of our mind we have set these people apart. We have put them closer to being criminal rather than being ill—90 percent of them can live normal, decent lives within our communities and be good neighbors given that opportunity. That will be the best guarantee against any abuse. But in the meantime, until we can accomplish that, and accomplish it well, not dumping them in the communities but placing them in the communities with support facilities, there are certain actions which should be taken immediately.

It was so appalling to me as I would read complaint after complaint of Justice Department action invariably taking 20 months, 30 months, 50 months. What if this were your child who was being beaten? What if this were your parent or your friend who was left in worse conditions than would be accorded an animal? I do not think any of us would wait 20 months or 50 months. We would act right away. Indeed, in many of these instances the parents and friends spoke of how, when they found out about the situation, they did everything they could to get their loved one, their child, out of the institution.

In this session of the Congress, I hope this legislation is passed both in the House and in the Senate and signed by the President—in this year, in the year 1985. There is nothing here which is so revolutionary it requires extensive hearings spanning a course of years. Rather, it should be our well-reasoned response to an atrocious and tragic portrait that has now been presented to us, presented to us now for viewing or presented to us for action. That is the question which arises with submission of this legislation.

Mr. President, I yield back the remainder of my time.

EXHIBIT 1

S. 974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Protection and Advocacy for Mentally Ill Persons Act of 1985".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) Mentally ill persons in State residential facilities are vulnerable to abuse and serious injury;

(2) Mentally ill persons in State residential facilities are subject to neglect, including lack of treatment, adequate nutrition, clothing, and health care; and

(3) State systems for monitoring compliance by State residential facilities with respect to the rights of mentally ill persons vary widely and are frequently inadequate.

(b) The purposes of this Act are—

(1) to ensure that the rights of mentally ill persons in residential facilities are protected; and

(2) to assist States to establish and operate a protection and advocacy system for mentally ill persons which will—

(A) protect and advocate the rights of such persons through activities to ensure the enforcement of the Constitution and Federal and State statutes; and

(B) investigate reported incidents of abuse and neglect of mentaly ill persons in residential facilites.

DEFINITIONS

SEC. 3. For purposes of this Act:

(1) The term "abuse" means any act or failure to act by an employee or a resident of a residential facility which was performed, or which was failed to be performed, knowingly, recklessly, or intentionally, and which caused or may have caused physical injury to a mentally ill person in a residential facility, and includes acts such as the rape or sexual assault of a mentally ill person, the striking of a mentally ill person, the use of excessive force when placing a mentally ill person in bodily restraints, the unwarranted use of bodily restraints, the unwarranted use of chemical restraints, and the use of verbal threats of physical or emotional harm.

(2) The term "eligible system" means the system established in a State to protect and advocate the rights of persons with developmental disabilities under part C of the Developmental Disabilities Assistance and Bill of Rights Act.

(3) The term "residential facility" means a publicly or privately operated institution, hospital, nursing home, or other facility or portion thereof which provides care 24 hours a day or mental health services to mentally ill persons.

(4) The term "mentally ill person" means an individual—

(A) for whom a diagnosis of mental illness has been made; and

(B) who has been classified as an inpatient in, or who resides for 24 hours a day in, a residential facility.

(5) The term "neglect" means an intentional or negligent act or omission by any person responsible for providing services in a residential facility which caused or may have caused physical or emotional injury to a mentally ill person or which placed a mentally ill person at risk of physical or emotional injury, and includes acts or omissions such as the failure to carry out a prescribed individual program plan or treatment plan for a mentally ill person, the failure to provide adequate nutrition, clothing, or health care to a mentally ill person, or the failure to provide a safe environment for a mentally ill person.

(6) The term "Secretary" means the Secretary of Health and Human Services.

(7) The term "State" means each of the several States, the District of Columbia, Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

BILL OF RIGHTS

SEC. 4. It is the sense of the Congress that each State should review and revise, if necessary, its laws to ensure that mental health patients receive the protection and services they require, and that in making such review and revision, States should take into account the recommendations of the President's Commission on Mental Health and the following:

(1) A person admitted to a program or facility for the purpose of receiving mental health services should be accorded the following:

(A) The right to appropriate treatment and related services in a setting and under conditions that—

(i) are the most supportive of such person's personal liberty; and

(ii) restrict such liberty only to the extent necessary consistent with such person's treatment needs, applicable requirements of law, and applicable judicial orders.

(B) The right to an individualized, written, treatment or service plan (such plan to be developed promptly after admission of such person), the right to treatment based on such plan, the right to periodic review and reassessment of treatment and related service needs, and the right to appropriate revision of such plan, including any revision necessary to provide a description of mental health services that may be needed after such person is discharged from such program or facility.

(C) The right to ongoing participation, in a manner appropriate to such person's capabilities, in the planning of mental health services to be provided such person (including the right to participate in the development and periodic revision of the plan described in subparagraph (B)), and, in connection with such participation, the right to be provided with a reasonable explanation, in terms and language appropriate to such person's condition and ability to understand, of—

(i) such person's general mental condition and, if such program or facility has provided a physical examination, such person's general physical condition;

(ii) the objectives of treatment;

(iii) the nature and significant possible adverse effects of recommended treatments;

(iv) the reasons why a particular treatment is considered appropriate;

(v) the reasons why access to certain visitors may not be appropriate; and

(vi) any appropriate and available alternative treatments, services, and types of providers of mental health services.

(D) The right not to receive a mode or course of treatment, established pursuant to

the treatment plan, in the absence of such person's informed, voluntary, written consent to such mode or course of treatment, except treatment—

(i) during an emergency situation if such treatment is pursuant to or documented contemporaneously by the written order of a responsible mental health professional; or

(ii) as permitted under applicable law in the case of a person committed by a court to a treatment program or facility.

(E) The right not to participate in experimentation in the absence of such person's informed, voluntary, written consent, the right to appropriate protections in connection with such participation, including the right to a reasonable explanation of the procedure to be followed, the benefits to be expected, the relative advantages of alternative treatments, and the potential discomforts and risks, and the right and opportunity to revoke such consent.

(F) The right to freedom from restraint or seclusion, other than as a mode or course of treatment or restraint or seclusion during an emergency situation if such restraint or seclusion is pursuant to or documented contemporaneously by the written order of a responsible mental health professional.

(G) The right to a humane treatment environment that affords reasonable protection from harm and appropriate privacy to such person with regard to personal needs.

(H) The right to confidentiality of such person's records.

(I) The right to access, upon request, to such person's mental health care records, except such person may be refused access to—

(i) information in such records provided by a third party under assurance that such information shall remain confidential; and

(ii) specific material in such records if the health professional responsible for the mental health services concerned has made a determination in writing that such access would be detrimental to such person's health, except that such material may be made available to a similarly licensed health professional selected by such person and such health professional may, in the exercise of professional judgment, provide such person with access to any or all parts of such material or otherwise disclose the information contained in such material to such person.

(J) The right, in the case of a person admitted on a residential or inpatient care basis, to converse with others privately, to have convenient and reasonable access to the telephone and mails, and to see visitors during regularly scheduled hours, except that, if a mental health professional treating such person determines that denial of access to a particular visitor is necessary for treatment purposes, such mental health professional may, for a specific, limited, and reasonable period of time, deny such access if such mental health professional has ordered such denial in writing and such order has been incorporated in the treatment plan for such person. An order denying such access should include the reasons for such denial.

(K) The right to be informed promptly at the time of admission and periodically thereafter, in language and terms appropriate to such person's condition and ability to understand, of the rights described in this section.

(L) The right to assert grievances with respect to infringement of the rights described in this section, including the right to have such grievances considered in a fair, timely, and impartial grievance procedure provided for or by the program or facility.

(M) Notwithstanding subparagraph (J), the right of access to (including the opportunities and facilities for private communication with) any available—

(i) rights protection service within the program or facility;

(ii) rights protection service within the State mental health system designed to be available to such person;

(iii) system to protect and advocate the rights of mentally ill persons established under section 5; and

(iv) qualified advocate; for the purpose of receiving assistance to understand, exercise, and protect the rights described in this section and in other provisions of law.

(N) The right to exercise the rights described in this section without reprisal, including reprisal in the form of denial of any appropriate, available treatment.

(O) The right to referral as appropriate to other providers of mental health services upon discharge.

(2)(A) The rights described in this section should be in addition to and not in derogation of any other statutory or constitutional rights.

(B) The rights to confidentiality of and access to records as provided in subparagraphs (H) and (I) of paragraph (1) should remain applicable to records pertaining to a person after such person's discharge from a program or facility.

(3)(A) No otherwise eligible person should be denied admission to a program or facility for mental health services as a reprisal for the exercise of the rights described in this section.

(B) Nothing in this section should—

(i) obligate an individual mental health or health professional to administer treatment contrary to such professional's clinical judgment;

(ii) prevent any program or facility from discharging any person for whom the provision of appropriate treatment, consistent with the clinical judgment of the mental health professional primarily responsible for such person's treatment, is or has become impossible as a result of such person's refusal to consent to such treatment;

(iii) require a program or facility to admit any person who, while admitted on prior occasions to such program or facility, has repeatedly frustrated the purposes of such admissions by withholding consent to proposed treatment; or

(iv) obligate a program or facility to provide treatment services to any person who is admitted to such program or facility solely for diagnostic or evaluative purposes.

(C) In order to assist a person admitted to a program or facility in the exercise or protection of such person's rights, such person's attorney or legal representatives should have reasonable access to—

(i) such person;

(ii) the areas of the program or facility where such person has received treatment, resided, or had access; and

(iii) pursuant to the written authorization of such person, the records and information pertaining to such person's diagnosis, treatment, and related services described in paragraph (1)(I).

(D) Each program and facility should post a notice listing and describing, in language and terms appropriate to the ability of the persons to whom such notice is addressed to understand, the rights described in this section of all persons admitted to such program or facility. Each such notice should conform to the format and content for such notices, and should be posted in all appropriate locations.

(4)(A) In the case of a person adjudicated by a court of competent jurisdiction as being incompetent to exercise the right to consent to treatment or experimentation described in subparagraph (D) or (E) of paragraph (1), or the right to confidentiality of or access to records described in subparagraph (H) or (I) of such paragraph, or to provide authorization as described in paragraph (3)(C)(iii), such right may be exercised or such authorization may be provided by the individual appointed by such court as such person's guardian or representative for the purpose of exercising such right or such authorization.

(B) In the case of a person who lacks capacity to exercise the right to consent to treatment or experimentation under subparagraph (D) or (E) of paragraph (1), or the right to confidentiality of or access to records described in subparagraph (H) or (I) of such paragraph, or to provide authorization as described in paragraph (3)(C)(iii), because such person has not attained an age considered sufficiently advanced under State law to permit the exercise of such right or such authorization to be legally binding, such right may be exercised or such authorization may be provided on behalf of such person by a parent or legal guardian of such person.

(C) Notwithstanding subparagraphs (A) and (B), in the case of a person admitted to a program or facility for the purpose of receiving mental health services, no individual employed by or receiving any remuneration from such program or facility should act as such person's guardian or representative.

PROTECTION AND ADVOCACY OF THE RIGHTS OF MENTALLY ILL PERSONS

SEC. 5. (a)(1) The eligible system of a State may apply for an allotment for each fiscal year under this section.

(2) Payments from such allotment shall be used by such eligible system to establish in the State a system to protect and advocate the rights of mentally ill persons which complies with subsection (b).

(3) An eligible system may not use more than 5 percent of any allotment under this section for any fiscal year for the costs of monitoring the administration of the system which complies with subsection (b).

(b)(1) A system established in a State pursuant to paragraph (2) to protect and advocate the rights of mentally ill persons shall—

(A) have the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of mentally ill persons who are receiving treatment in the State;

(B) be independent of any agency which provides treatment services (other than advocacy services) to mentally ill persons;

(C) have reasonable access to residential facilities for mentally ill persons in the State;

(D) be able to obtain access to the records of a mentally ill person if a complaint has been received by the system from or on behalf of such person;

(E) be provided with a copy of each annual survey report and plan of corrections for cited deficiencies made pursuant to title XIX of the Social Security Act with respect to any residential facility for mentally ill persons within 30 days after the completion of each report or plan;

(F) establish a board which complies with paragraph (2) to advise the system on policies and priorities to be carried out in protecting and advocating the rights of mentally ill persons; and

(G) on January 1, 1987, and January 1 of each succeeding year, prepare and transmit to the Secretary a report describing the activities, accomplishments, and expenditures of the system during the most recently completed fiscal year.

(2) Each board established under paragraph (1)(F) shall be composed of members who are attorneys, mental health professionals, individuals from the public who are knowledgeable about mental illness, family members of mentally ill persons, and mentally ill persons who have received or who are receiving assistance from the system which complies with this subsection. At least one-third of the members of each such board shall be mentally ill persons who have received or are receiving such assistance.

(c)(1)(A) Except as provided in paragraph (2), the Secretary shall allot the amounts appropriated under subsection (h) for a fiscal year to eligible systems on the basis of a formula prescribed by the Secretary which is based equally—

(i) on the population of each State in which an eligible system has been established, and

(ii) on the population of each State weighted by its relative per capita income.

(B) For purposes of subparagraph (A)(ii), the term "relative per capita income" means the quotient of the per capita income of the United States and the per capita income of the State, except that if the State is Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Commonwealth of Puerto Rico, or the Virgin Islands, the quotient shall be considered to be one.

(2) Notwithstanding paragraph (1)—

(A) the allotment of the eligible system of each of the several States and the District of Columbia shall not be less than $125,000; and

(B) the allotment of the eligible system of each of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or the Virgin Islands shall not be less than $67,000.

(3) The amount of an allotment to an eligible system for a fiscal year which the Secretary determines will not be required by the eligible system during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time, on such date or dates as the Secretary may fix (but not earlier than thirty days after the Secretary has published notice of the intention of the Secretary to make such reallotment in the Federal Register), to other eligible systems with respect to which such a determination has not been made, in proportion to the original allotments of such eligible systems for such fiscal year, but with such proportionate amount for any of such other eligible systems being reduced to the extent it exceeds the sum of the Secretary estimates such eligible system needs and shall be able to use during such period; and the total of such reductions shall be similarly reallotted among the eligible systems whose proportionate amounts were not so reduced. Any amount so reallotted to an eligible system for a fiscal year shall be deemed to be a part of its allotment under paragraphs (1) and (2) for such fiscal year.

(d) No allotment may be made to an eligible system unless an application therefor is submitted to the Secretary. Each such application shall contain—

(1) assurances that amounts paid to such system from an allotment under this section will be used to supplement and not to supplant the level of non-Federal funds available in the State in which such eligible system is established to protect and advocate the rights of mentally ill persons; and

(2) such other information as the Secretary may by regulation prescribe.

(e) For each fiscal year, the Secretary shall make payments to each eligible system from its allotment under subsection (c). Any amount paid to an eligible system for a fiscal year and remaining unobligated at the end of such year shall remain available to such system for the purposes for which it was made for the next fiscal year.

(f)(1) The Secretary shall include in each report required under section 107(c) of the Developmental Disabilities Assistance and Bill of Rights Act a separate statement describing—

(A) the activities, accomplishments, and expenditures of systems to protect and advocate the rights of mentally ill persons supported with payments from allotments under this section, including—

(i) a specification of the total number of mentally ill persons served by such systems;

(ii) a description of the types of activities undertaken by such systems;

(iii) a description of the types of residential facilities for mentally ill persons with respect to which such activities are undertaken;

(iv) a description of the manner in which such activities are initiated; and

(v) a description of the accomplishments resulting from such activities;

(B) a description of the relationships between—

(i) systems to protect and advocate the rights of mentally ill persons supported with payments from allotments under this section; and

(ii)(I) activities conducted by States to protect and advocate such rights; and

(II) mechanisms established by residential facilities for mentally ill persons to protect and advocate such rights; and

(C) recommendations for activities and services to improve the protection and advocacy of the rights of mentally ill persons and an estimate of the amounts necessary to carry out such activities and services.

(2) In preparing the statement required by paragraph (1), the Secretary shall use and include information submitted to the Secretary in the reports required under subsection (b)(1)(G).

(g) The Secretary shall carry out this section through the Director of the National Institute of Mental Health.

(h) For allotments under this section, there are authorized to be appropriated $10,000,000 for fiscal year 1986 and $10,500,000 for fiscal year 1987.

TECHNICAL AMENDMENT

SEC. 6. Title V of the Mental Health Systems Act is repealed.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. DOMENICI. Mr. President, does the Senator from New Mexico have a special order to speak at this time?

The PRESIDENT pro tempore. The Senator is correct.

RECOGNITION OF SENATOR DOMENICI

The PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Thank you, Mr. President.

S. 975—SECURITIES SAFETY AND SOUNDNESS ACT OF 1985

Mr. DOMENICI. Mr. President, today I am introducing the Securities Safety and Soundness Act of 1985 to temporarily halt certain financing schemes that threaten, in my opinion, our capital markets and financial institutions. Specifically, the proposed act places a moratorium through the remainder of this year on the use of so-called junk bonds to finance hostile takeovers. In addition, the bill permanently prohibits federally insured financial institutions from purchasing additional junk bonds.

As we are all well aware, our Nation's deficit has reached unprecedented proportions; $185 billion in 1984 and a projected $222 billion in 1985, and absent some dramatic action by Congress it will not go down but go up. While on Capitol Hill we are making efforts to curb Government expenditures by $52 billion and making sure that every dollar is used wisely, it seems ironic that Wall Street is engaging in 14 billion dollars' worth of takeovers which could result in the infusion of massive corporate debt into the economy. I further believe that the financial soundness of some of our federally insured depository institutions is being undermined when these institutions participate in and act as part of the secondary market for these noninvestment grade securities.

Of course, not all mergers and acquisitions are tainted and neither is issuing noninvestment quality bonds in certain instances. My concerns rest with the recent rash of corporate takeovers that have used junk bonds with the expectation of selling the acquired firm's assets to service the debt. The result is reduced research and development and exploration expenditures, lost jobs, shortsighted management, and potential disaster, especially in the event of an economic downturn. These concerns have led me to introduce this bill. The threat to the stability and financial soundness of some of

our financial institutions lends additional support to this measure.

Concerns expressed by the business community are numerous. Some of the most significant are:

Creation of a speculative climate that encourages professional traders to become shareholders with the objective of seeing the company sold.

Financing of the acquisition largely from the assets of the target company followed by liquidation of the assets to pay off the debt.

Loading the company with debt that weakens it for the future.

I emphasize that my proposal regarding takeovers is a temporary one; however, my proposal regarding financial institutions would be permanent. I am not wedded to the bill's precise language, rather I am interested in focusing the debate on questionable practices.

History has shown us a number of cases where speculative bubbles have hurt investors, corporations, and the economy as a whole. We can ill afford to ignore warning signals of impending trouble. Thus, while various committees continue to examine problems associated with hostile takeovers, I urge us to apply caution and temporarily stop the use of this risky financing mechanism until we can learn all facts and craft legislation that appropriately addresses the situation.

A number of my colleagues have introduced legislation which deals with hostile takeovers and questionable practices associated with them. I am a cosponsor of Senator CHAFEE's and Senator BOREN's bills. I also appreciate the efforts Senator METZENBAUM is initiating to create a more rational and fairer tender offer process with his so-called Shareholder Fairness Act.

Before turning to the major elements of my bill I would like to describe how junk bonds are used in hostile takeovers. Following the bill's description I will detail some of my reasons for advocating a moratorium.

JUNK BONDS IN HOSTILE TAKEOVERS

A junk bond is a noninvestment grade high risk, high yield corporate security. Investment grade is defined as issues rated BB or higher by Standard & Poor's and Baa or higher by Moody's.

The new issue junk bond market has grown from approximately $250 million in 1979 to $14.3 billion in 1984. The secondary market in outstanding junk bond issues is estimated at $65 billion. Examples of recent hostile takeover bids that included junk bonds are as follows: $5.4 billion for Ted Turner to take over CBS; $3 to $3.4 billion for Mesa Partners II to take over Unocal Corp.; $1.78 billion for Golden Nugget Inc. to take over Hilton Hotels Corp.; $1.02 billion for Lorimar to take over Multimedia, Inc.; $807 million for Sir James Goldsmith to take over Crown Zellerbach; $600 million for Coastal Corp. to take over ANR Co.; $395 million for Triangle Industries to take over National Can Corp.; and $275 million for Carl Icahn to take over Uniroyal.

All of these transactions were to be financed with noninvestment quality bonds carrying interest rates of 15 to 18 percent. These interest rates are generally higher than the rates of return the businesses are likely to earn in periods of economic downturn. If a recession should occur, the new management may experience difficulties in servicing the speculative debt. The leveraging of corporate America today may result in significant bankruptcies for corporations and banks that hold these securities in the future.

BILL PROVISIONS

My bill is simple: it amends the Securities Exchange Act of 1934 by establishing a moratorium through December 31, 1985, on hostile takeovers where at least 20 percent of the acquisition is financed by junk bonds. A takeover is considered to be hostile if the acquirer would, first, be entitled to 15 percent or more of the target firm's securities, and second, the acquisition is disapproved by a majority of the issuer's board of directors who are not officers or employers.

The second major component of the Securities Safety and Soundness Act focuses on depository institutions that are federally insured. Such institutions are prohibited from adding noninvestment grade obligations to their portfolios.

The exact language of the bill is included at the end of my remarks. I shall now address more fully the concerns I alluded to before.

EXPLORATION/RESEARCH AND DEVELOPMENT DECLINE

A December 3, 1984, report by Salomon Bros., Inc., indicates that major oil company U.S. exploration and production expenditures for 1985 are below the total for 1984. The surveyed companies attributed this decline to the recent trend of mergers among large oil companies. Furthermore, many companies expected to underspend their original 1984 budgets—43 percent of those surveyed. The most common reason for this underspending was to conserve capital to acquire companies or properties.

Two examples of firms that have been involved in hostile takeovers and have reduced their U.S. exploration and production expenditures are Chevron and Phillips Petroleum. The Salomon survey shows that Chevron's expenditures in this area dropped 9 percent and Phillips' fell over 32 percent between 1984 and budgeted expenditures for 1985. The majority of other surveyed firms either maintained or increased their expenditures.

Not only is the domestic exploration of merged companies suffering, exploration and drilling programs overseas are similarly affected. Projects in the Gulf of Mexico, China, and Kenya have been postponed.

Operations are closing and people are being laid off in the research and development areas. Gulf Oil, bought by Chevron, has recently closed its Pittsburgh research facility. Both of the firms, along with other merged companies, have withdrawn research grants from MIT, the University of Texas, Stanford, Columbia, the Colorado School of Mines, the University of Wyoming, and the University of Southern California.

When debts must be serviced, research and development is often the first to go. Experience in the energy industry is demonstrating that buying out present stockholders with debt exacerbates this shortsighted trend.

Right now roughly one-half of this Nation's imported oil comes from an area of the world where men are killing each other with reckless abandon. I believe that all of us have a stake in continuing to explore for more oil and in looking for alternative sources of energy. This becomes even more important in light of Department of Energy projections that show our imports doubling over the next decade. The odds are high enough that we will suffer further disruptions in supply from the Middle East over the next decade that the short-term view imposed by the oil industry's need to meet its increased debt obligations will be considered a grave mistake.

ENSURING THE INTEGRITY OF FINANCIAL INSTITUTIONS

Deregulation of both the asset and liability sides of the balance sheet under the Garn-St Germain Act and the Depository Institutions Deregulation and Monetary Control Act of 1980 did not envision that federally insured institutions would become participants in or involved in the secondary market for noninvestment quality bonds. Such speculation has nothing to do with helping savings and loans provide housing to America. Such speculation has nothing to do with helping banks compete with Sears, Roebuck. Furthermore, I do not believe that our Federal deposit insurance fund should be jeopardized to insulate such financial institutions from this type of investment practice. Regardless of the congressional intent, financial institutions and pension funds are actively investing in noninvestment quality bonds and securities.

Many proponents of these bonds point to their historically low default rate. But with the rapid emergence of new uses for these securities we should not assume a similar rate for the future. I am not persuaded by performance studies on bonds issued by companies like Chrysler. These studies are unpersuasive and do not address

my concerns about the risk involved in this new generation of bond issuers. It is an understatement to say that the quality of a bond issued by a new shell corporation created as part of a hostile takeover bears any resemblance to a well-established company. However, it is no understatement when I say that the volume of these new bonds is astronomical. Quality and volume are two reasons why this question needs to be resolved soon.

The prospect of an economic downturn is even more alarming. Approximately 80 percent of outstanding new issue noninvestment quality bonds were issued during a time of economic expansion and generally declining interest rates. In the event of a recession, companies laden with debt could experience severe cash flow problems. These issuers are likely to default with much of the financial loss being shouldered by federally insured financial institutions. FSLIC and FDIC are not insurance policies against speculative risk, and they should not be.

Let me suggest that unless we take action to prohibit federally insured financial institutions from participating in, and serving as part of the secondary market for these bonds, sometime in the not too distant future, the Senate will be debating another bailout for our financial institutions. I would venture to guess that the institutions will say, "help us, we only bought noninvestment grade investments because Congress allowed us to."

I am not alone in my concern for this issue. The Federal Home Loan Bank Board is working on a study to determine the extent of S&L participation. Chairman Grey at the Bank Board has expressed his concern and caution. By introducing this bill I am expressing my concern and caution.

CONCLUSION

In summary, I would like to reiterate that although I do not portend to be an expert on the technicalities of hostile acquisitions and methods used to finance them, I strongly believe in the need to maintain a healthy economy and the safety and soundness of our financial institutions. And this is the gist of my bill. By placing a temporary moratorium on hostile takeovers which are financed by takeover securities and prohibiting federally insured financial institutions from investing the taxpayers' funds into these high risk securities I hope to buy time for us to examine the complexities surrounding this issue.

The fact that numerous agencies, including the Securities and Exchange Commission, the Federal Reserve, Department of Treasury, Department of Labor, Federal Home Loan Bank Board, and Pension Benefit Guaranty Corporation are all concerned with these so-called junk bonds lends credence to the degree of complexity we are talking about. I hope that my colleagues will join me in endorsing a cautious approach and I request unanimous consent that the RECORD be left open until the end of the day so that additional cosponsors of the Securities Safety and Soundness Act of 1985 may be added.

The PRESIDING OFFICER (Mr. EVANS). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I further ask unanimous consent that three articles that I am sending to the desk be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Forbes, Dec. 31, 1984]

AN IDEA WHOSE TIME HAS GONE

(By Allan Sloan and Allan Dodds Frank)

Have you ever wondered where the money for the current wave of corporate takeovers comes from? Of course, commercial banks are financing a good part of this frenetic and costly asset-shuffling. But a growing portion of the money flowing to the T. Boone Pickenses and Saul Steinbergs of the world comes from savings and loan associations.

Savings and loan associations? Takeovers? Aren't S&Ls supposed to be making home mortgage loans? Why are they financing corporate piracy?

Credit the law unintended consequences. Two years ago, with savings and loans dying by the hundreds, Congress and various states freed S&Ls to engage in nonmortgage businesses. The theory was that expanding the power of S&Ls would help homeowners, because profits from new businesses would allow S&Ls to subsidize their sickly mortgage portfolios.

But markets are perverse. Instead of acting the way politicians hoped they would, many savings and loans are using their new freedom to lend money where it will earn the highest return—and takeovers do pay well. Just what you would expect, unless you were a politician.

No one expected S&Ls to use their new powers to support takeovers, using federally insured deposits the way banks do. But you can't liberate an industry as big and diverse as S&Ls—$900 billion of assess and 3,400 institutions—and predict what will happen. Instead of sticking to automobile or commercial loans, as the legislation intended, some sharp-pencil boys running S&Ls realized there was a hell of a lot more money to be made financing Steinbergs and Pickenses in million-dollar pieces than in making 510,000 car loans. They also figures it was better to buy ten-year junk bonds yielding 16% than make 30-year home mortgages at 14%.

Under the post-1982 rules S&Ls could raise cheap money by selling deposits through brokers. Because of arcane S&L accounting rules those cheap deposits could leverage an S&L owner's cash investment 200 or 300 times. No other institutions had this degree of leverage. It was granted to the savings and loans because they were presumed to be safe, and the higher leverage would help them help Americans buy homes.

The irony is that the new powers aren't helping the mainline, traditional S&Ls, the ones they were designed to save. Many of these institutions, entering the fray with little capital and not much expertise, are finding it devilishly difficult to compete with banks for run-of-the-mill new business—commercial and consumer loans, checking accounts and trust powers.

But if the new rules didn't do a great deal for conventional savings and loans, they did suggest an idea for some folks with a yen to make use of Other People's Money. Here was a way to raise relatively cheap money from the public under federal guarantees, and to do with it as you pleased. No need for expensive head and branch offices, no need for costly mortgage evaluation. With securities trading a little slow, there are all those stockbrokers out there willing to sell certificates of deposit for you. And what will it cost you? About $1.50 on $100, far cheaper than renting a palatial building, filling it with clerks and offering free videocassette recorders to new depositors.

Heritage Savings & Loan Association in St. George, Utah has trebled its assets in a year, even though it has sold three of its four offices and raises money chiefly through stockbrokers. Instead of doing business with local folks in St. George, a desert community 115 miles northeast of Las Vegas, Heritage gets money via brokered deposits and advances from the Federal Home Loan Bank of Seattle, and invests the money in mortgage-backed securities bought from dealers.

By operating as it does, explains Heritage Chairman H. Brent Beesley, the former head of the Federal Savings & Loan Insurance Corp., Heritage can match assets with liabilities and lock in a profit, protecting itself against changes in interest rates. "You can't do that if you're restricted to the St. George market," he says.

Beesley himself works not in Utah but in the Jacksonville, Fla. headquarters of Charter Co., which acquired Heritage in October 1983 by agreeing to put $4 million of capital into it. The S&L, unlike the businesses that put Charter into Chapter 11, is quite profitable. Heritage, founded in 1917, had foundered in 1983 precisely because it wasn't protected from interest-rate risk. It had used short-term deposits to make "safe" long-term, fixed-rate mortgage loans. Though the loans were sound, Heritage's capital was wiped out after interest rates rose sharply and it had to pay more for deposits than its mortgages were yielding.

We don't cite Beesley's S&L as a horror story—the money does, after all, find its way back into the mortgage markets—but as a relatively benign example of how S&Ls are using their new powers to move far beyond their old boundaries. Beesley's S&L is positively old-fashioned compared with some of what's been going on.

Butterfield Savings of Santa Ana, Calif. has acquired the 33-restaurant Love's barbecue chain and 10 Wendy's outlets. First Texas Savings Association of Dallas, a $7 billion S&L, has purchased hundreds of millions of dollars worth of junk bonds. Columbia Savings of Beverly Hills, Calif., the Belzberg family's Far West S&L, and a group of other S&Ls helped finance Saul Steinberg's raid on Disney, Boone Pickens' raid on Gulf Oil and presumably one involved in his raid on Phillips Petoleum. Financial Corp. of America bought 10 billion shares of American Express stock in a takeover try and 900,000 shares of Walt Disney as an arbitrage play. Goldome of Buffalo, N.Y. is using tax-loss carryforwards to buy into leveraged buyouts. Western Savings & Loan of Phoenix bought and sold 25% of Del E. Webb Corp., the casino company, and has

invested $35 million in Broadview Savings of Cleveland in return for Broadview's buying $35 million of Western's Arizona real estate. Olney Savings Association of Olney, Tex. even bought the local funeral home, which it sold last year.

What do funeral homes and barbecue restaurants and leveraged buyouts have to do with financing housing, which is the thrift industry's reason for being? Nothing.

Many of the new, diversified S&Ls say, for the record, that they are using profits from their diversified business to subsidize their mortgage department. Off the record, many say they keep their mortgage departments only because they are afraid that if they stop making mortgages, some future regulator will rule they aren't an S&L, and take away their charter. Does this sound familiar? Of course. Don't bars in some states serve a few dishes to keep up the fiction that they are really restaurants serving booze on the side?

While savings and loans are still major factors in the mortgage business, mortgages and mortgage-backed securities make up a declining portion of the S&L industry's assets *(see chart, p. 87)*.

Anything wrong with S&Ls preferring nonmortgage business? Isn't that capitalism? Sure. But why do we need special thrift institutions with special subsidies to do these things?

Deregulation was presented to the public as a way to keep S&Ls in the housing business. But the way it is working out, the thrift institutions that manage to survive will look less and less like institutions whose role is to provide reasonably priced home mortgages. By "saving" S&Ls, then, the politicians turned them into something different from what they were intended to be.

In the old days, say five years ago, there was a clear distinction between savings and loans and their deadly enemies, the commercial banks. S&Ls were allowed to pay an extra quarter point to savers and could offer relatively cheap mortgage loans because of tax breaks. In return for this protected universe, the thrifts agreed to restrict themselves primarily to mortgage lending. Only banks could offer checking accounts, trust services and commercial and consumer loans.

As long as interest rates were relatively low (25 years ago 8% was considered outrageously high for a home mortgage), there were no problems. It was a tidy universe in which the thrifts prospered by putting short-term deposits into long-term mortgages that carried little credit risk—that is, the risk that the thrift would lose money if customers defaulted.

But S&Ls were vulnerable to something more dangerous than credit risk: interest-rate risk. Borrowing short and lending long left savings and loans naked if rising rates wiped out profits and devastated the value of their mortgage portfolio.

Inadvertently, Paul Volcker, chairman of the Federal Reserve Board, did in the industry. He allowed interest rates to rise to levels previously undreamed of in the U.S. Almost overnight in the early 1980s, hundreds of thrifts were so far underwater that they would have needed a submarine to come up. In addition to adopting whistling-past-the-graveyard accounting, the industry's answer to its problems was to seek broad new powers. These powers, granted by the Garn-St Germain bill of 1982, included the right to offer checking and trust services and to make consumer and commercial loans. The bill also allowed thrifts and commercial banks to pay whatever rate was necessary to attract deposits. Garn-St Germain inspired some states to pass deregulation bills granting their state-chartered institutions even greater powers than Garn-St Germain granted to federally chartered thrifts.

It's at the state-chartered thrifts that most abuses of S&L charters take place. Several states, primarily in the Sunbelt, allow their S&Ls to do virtually anything—buy stocks, enter real estate joint ventures, engage in outside business. These are powers most banks only dream of.

By accepting Garn-St Germain's gift of many of the powers of banks, the thrifts blurred the distinction between bank and S&L, and raised the question of whether thrifts any longer deserve their special benefits. These include lenient capital requirements and the ability to get cheap money from Federal Home Loan Banks, which borrow it by using the Treasury's credit rating.

What was intended to bolster a social goal—housing—ends up financing greenmail and stock speculation. Stock speculation? Before he was deposed as czar of Financial Corp. of America, Charles Knapp (Forbes, July 30) frequently used this S&L's money to buy stocks on a grand scale: 5% of American Express, 2.5% of Walt Disney.

More popular than stock speculation for the S&Ls, however, is real estate speculation. That's potentially very lucrative but exceptionally risky, especially for S&Ls already in such weakened condition that they have little capital left to lose. "There is a big difference between lending 80% of value, which is what S&Ls are used to doing, and putting your own money on the line," says Christopher Leinberger, president of Robert Charles Lesser & Co., a California real estate consulting firm. "In a loan, you're protected by the equity the developer puts up. If a joint venture screws up, the developer walks away, and the S&L is stuck."

There are indications that many S&Ls have run into trouble in the real estate business. Beverly Hills S&L, which is run by developer Paul Amir, reported recently that it lost $10 million in the third quarter, $4.5 million of it represented by negative cash flow on a hotel the S&L owns. Empire Savings of Mesquite, Tex. collapsed because of massive losses in condominiums in which it invested.

It was ever thus. Politicans can make rules, but markets produce results. In the case of S&L deregulation, little effort seems to have gone into trying to figure out how S&Ls would act, as opposed to how politicans felt they should. The Garn-St Germain bill contains a preamble proclaiming its intent to allow S&Ls to continue investing in housing and limits the amount that federally chartered S&Ls can put into new businesses. But, while the bill contains incentives for S&L to hold mortgages, it doesn't penalize them if they don't.

Senator Jake Garn (R-Utah), chairman of the Senate banking committee, says he didn't intend to encourage thrifts to give up their role as specialized housing lenders. But it is happening in spite of his intention. Ironically, it looks as if traditional, mortgage-oriented thrifts—those that deregulation was supposed to help—have traded their birthright of protected turf for the right to engage in businesses that aren't going to help them much, if at all. "The powers that Garn-St Germain gave the thrifts was like giving them permission to sell ice in the wintertime," says Ernest Leff, a California S&L lawyer.

Richard Pratt, president of Merrill Lynch Mortgages Capital, Inc., who was chairman of the Federal Home Loan Bank Board in 1982, says he made it clear that Garn-St Germain was the end of the thrifts as a special industry. "You can't have all sorts of institutions competing to buy money in the marketplace, and then tell thrifts they can only do certain things with it," Pratt says. "If you deregulate what you pay for liabilities, you have to deregulate what can be done with assets." House banking committee member Charles Schumer (D-N.Y.) agrees. "It used to be that the thrifts could argue, with just about complete acceptance by the Congress, that they provided as special service and deserve special treatment," he says. "Those days are fading, and will be gone shortly."

Scattered through this article are tables showing how slim are the thrifts' profit margins, how high their failure rate and how increasingly large are payouts from the Federal Savings & Loan Insurance Corp.'s fund. If the FSLIC insurance fund taps out, Congress has pledged the full faith and credit of the U.S. to supplement it. That gives us all a stake in what happens to the thrifts. Does the taxpayer want to bail out an S&L that went bust through speculating in real estate, in stocks, in low-grade bonds?

The S&Ls' insurance fund, which seems to have well under $5 billion available despite its stated value of $6.3 billion, can't possibly cope with a rash of large failures. It's no coincidence that when Financial Corp. of America suffered a $6 billion deposit run last summer, the Federal Home Loan Bank of San Francisco, rather than the deposit insurance fund, provided the necessary money.

Federal Home Loan Bank Board Chairman Edwin Gray seems to be trying to turn back the clock to a time when banks were banks, thrifts were thrifts and markets were local rather than national. Good luck, King Canute.

Gray, who declined to be interviewed, wants S&Ls to make and hold adjustable-rate mortgages. That would diminish interest-rate risk but increase credit risk—borrowers might not be able to afford higher payments if rates change. In any event, customers are resisting ARMs. And ARMs aren't automatically worth 100 cents on the dollar.

Gray has ordered the Federal Home Loan Mortgage Corp. to bolster S&Ls' capital by giving them $600 million of preferred stock, a drop in the bucket. He wants to rein in state-chartered S&Ls. He is calling for unrealistic capital requirements for S&Ls that want to expand, and is trying to stop stockbrokers from selling CDs.

But Gray is dealing with symptoms, not the problem. The problem is that the world has changed. The advent of national capital markets, for instance, makes it more efficient for S&Ls to raise money through Merrill Lynch than to build branches every three blocks.

The functions of thrifts and banks are converging. Giving S&Ls special privileges only opens the door to things that regulators never intended, like financing greenmail and real estate speculation. Sure, S&L depositors should be protected. But the only people with a stake in preserving thrifts as a separate class of institution are the people who run them. Remember that when the S&L industry comes, little tin cup in hand, asking for another bailout.

[From the New York Times, Apr. 14, 1985]

THE POWER AND THE PERILS OF JUNK BONDS

(By Fred R. Bleakley)

The financial press has been bulging with the latest examples of a world seemingly gone mad with corporate takeover fever. On Thursday alone, no fewer than half a dozen deals for companies worth a billion dollars or more each were reported to be on the trading block. The big names in corporate raiding—T. Boone Pickens, Carl Icahn and Sir James Goldsmith—were all on the scene, along with newcomer Stephen Wynn of Golden Nugget.

However varied the prey and their pursuers, there is one common denominator in all of these deals: All are likely to rely on an increasingly popular technique—known as junk bond financing—that has raised the stakes and helped fuel the takeover frenzy that has gripped the nation in recent months.

In the arsenal of today's takeover buccaneers, the junk bond is the latest—and perhaps most deadly—weapon, sparking so much takeover activity that Congress is now scrutinizing it and corporate executives across the country are charging that it threatens the very fabric of American business.

"Junk bonds are the Holy Grail for hostile takeovers, at least for now" says Roger Miller, co-director of mergers and acquisitions at Salomon Brothers, the firm that often defends companies from raiders.

Junk bond financing involves putting together a package of securities whose high rates of interest and dividends will be paid mostly by the target company once it is acquired. All a raider must do to lunge at even the mightiest corporation is to get a small circle of private investors to make a commitment to purchase such securities.

With that financing lineup in hand, or even the threat of it, he can then mount a takeover bid, especially when a target company's management is unresponsive to a friendly overture. And, unlike the old days, he can stalk his prey without first winning his banker's support.

Today, the reach of the junk bond is vast and growing, drawing a widening circle of investors, raiders and investment bankers. With junk bond financing, takeover entrepreneurs of even modest size can rattle a mighty saber when attacking a giant prey. Small corporations can go big-game hunting. And many major corporations, newly vulnerable, must now scramble to lift their stock prices out of striking range. It is a development that is causing increasing alarm.

"Junk bond financing of takeovers is a further exacerbation of increased leverage in the economy," says Martin Lipton of Wachtel, Lipton, Rosen & Katz, one of the law firms used most frequently by giant corporations under attack. He believes that increasing speculation and dependence on debt is "creating a system which historically goes back to the tulip bubble in the 17th century; the South Sea bubble in the 18th century, the money panics in the 19th century and in 1929, which have resulted in crashes, panics and great devastation."

What's more, the small group of junk bond investors, which includes such aggressive financiers as the Belzberg brothers, Charles Knapp and Saul Steinberg, has come under heavy criticism. It is said to be an opportunistic cadre more eager to collect commitment fees and share in a raider's legal blackmail of a company—greenmail—than to sock away the securities as a long-term investment. And critics say that despite the raiders' claims that they are the champions of shareholders, hostile takeovers financed by junk bonds are often structured so that many original investors in a target company can be worse off than before.

The issues are called junk because in most cases so far, most, if not all, of the debt may not qualify for a blue-chip rating, tarnished by the heavy debt load that the acquired company will carry. Only securities rated Baa and above by Moody's, for instance, are considered "investment grade," meaning that they are, presumably, safe for even the most conservative investors.

But the name junk bonds—which Wall Street firms prefer to call "high-yield securities" instead—belies their power. Saul Steinberg used them in his thrust at Walt Disney Productions last June, so alarming the company that it paid a premium to buy out his shares. Carl Icahn, in February, used them, too, forcing Phillips Petroleum to yield to a recapitalization plan, which netted him a hefty profit. Two large friendly takeovers now pending, National Can Company and American Natural Resources, were originally initiated on a hostile basis through the clout of junk bond financing. And investment bankers from Drexel, Burnham, Lambert Inc., are now lining up junk bond commitments worth $2.4 billion so a T. Boone Pickens Jr. investment group can pay cash to shareholders for a controlling interest in Unocal, the nation's 12th largest oil company.

Hostile takeovers financed by junk bonds are the brainchild of Drexel Burnham. By giving seemingly pipsqueak raiders that Charles Atlas look, "Drexel has become more potent than the commercial banks," says Irwin Jacobs, a Minneapolis corporate raider. He said he would "have no hesitation" about tapping the firm's junk bond sources if he decided to pursue a bigger target than his now-enlarged war chest would allow. "The pendulum is shifting and Drexel is now giving the opportunity to a new group of people," Mr. Jacobs adds.

Although business has begun to stiffen its spine against the raiders, the use of junk bonds to wage a hostile takeover may well be just beginning. Wall Street executives and a growing number of concerned Congressmen say that many more raiders will be tempted to go on the prowl. And the big money at stake for putting the deals together is likely to make investment bankers willing to help finance aggressive takeovers from small-fry companies, even if they must incur the wrath of their major corporate clients by doing so.

Drexel Burnham, the driving force behind junk bonds, has been tapping its investor base for a number of friendly leveraged buyouts of corporations or their subsidiaries since late 1983. Farley Industries, for instance, will rely on Drexel to help raise the money for its planned $1 billion buyout of Northwest Industries.

But junk bonds became an instrument of takeover warfare diring Mr. Pickens' move against Gulf Oil in early 1984. In effect, junk bonds gave Mr. Pickens the muscle to be taken seriously by Gulf management, which then scurried into the arms of Chevron for the largest acquisition in history.

Since then Drexel has been the financial engineer for six more junk bond hostile takeover attempts. It is involved in several other takeover attempts, including the move against Hilton Hotels by Golden Nugget, a Drexel client; Lorimar's $1.02 billion offer for Multimedia, Mr. Icahn's bid for control of Uniroyal and, Sir James Goldsmith's foray against Crown Zellerbach. Drexel is expected to call on its junk bond investors for help in at least some of these deals.

"If managements would sit down and talk, there would be no need to take this route," says G. Chris Anderson, a managing director of Drexel. "The trouble is that entrenched executives stonewall you. And unless you are a company like Chevron they refuse to take you seriously."

Corporate chieftains, of course, do not quite see it that way. They say that the long-term interests of shareholders will best be served by following through on a well-thought-out corporate game plan—and not by yielding to takeover overturns for a quick stock gain. In any event, Mr. Anderson said, when a client puts together a takeover bid, he often has no choice but to line up junk bond financing and take a laid directly to shareholders via a public tender offer for their shares—rather than go through hostile management. "All we are doing is giving the right to someone who is aggressive to put some money where his mouth is," he argued.

Junk bond financing commitments give a raider credibility in the early stages of a takeover attempt, when bank financing normally is not available—particularly when a small company pursues larger prey. Big companies have no trouble finding bank financing for acquisitions, especially when they are friendly from the start, Mr. Anderson points out. And unfriendly ones between the giants don't occur often because "it's a very clubby thing: They don't pick on each other," he says.

But for smaller companies, the junk bond has become a big part of a takeover strategy—friendly or otherwise. Triangle Industries, for instance, had net income of just over $3 million last year on sales of $291 million. Yet last week, the $1.9 billion National Can Company agreed to yield to a sweetened offer from Triangle's boss, Nelson Peltz.

Triangle will finance nearly all of the $430 million cash offer to National Can shareholders by calling upon the money committed by 36 junk bond investors. If the shareholders turn down the offer or if National Can had thrown a roadblock in its way before it turned agreeable, then the timing on the commitments would have expired and the would-be investors would not have put up any money.

So far, Triangle's deal is the only one that has relied on junk bonds to finance virtually the whole package. In takeovers, the term junk bond is used loosely to encompass debt obligations as well as preferred stock, both of which are offered to raise necessary financing.

Sometimes banks agree to come in for most or all, of what's left of the outstanding shares after junk bond financing has helped a raider gain voting control of a company. The successful raider might then offer the remaining shareholders a mix of debt and preferred stock securities. Carl Icahn did that in his Phillips deal and Mr. Pickens plans to do it if his offer for control of Unocal is successful.

The participation of private investors is the key to getting an unsolicited offer to shareholders off the ground. Yet it also is the least understood and, to some critics, the most troublesome aspects of these deals.

These critics, who include some of Drexel's rivals in investment banking and some lawyers who defend takeover targets, contend that many investors only commit to

buy these securities because of the fees, which range between three-eighths of a percent and 1 percent for merely signalling a commitment to later put up financing if necessary. What also draws them, critics say, is the possibility of turning a big profit by riding the coattails of a greenmailer.

"The commitment to buy junk bonds is just like a loud "Boo!" to scare companies into finding a white knight or paying greenmail," says Edmund Kelly, vice chairman of the Dominick & Dominick Company, a small investment banking firm. Robert Willard, director of mergers and acquisitions at Prudential-Bache Securities, calls some of the small group of investors who seem to show up in many of the deals "a wolfpack."

Even if investors do eventually have to fork up the money, they are likely to unload the securities at the first opportunity so they can start over again, contend some critics of the Drexel approach. "If you have to fire the gun, the key is how fast can you reload," says Richard Omohundro, a manager of the high-yield bond group at Merrill Lynch Capital Markets.

On the surface, there seems to be a strong element of "one hand washing the other" in these deals. Many of the biggest backers of a raider's junk bonds are other raiders, like Saul Steinberg, or heads of companies, like Eugene Phillips of Southmark which have been financed by junk bonds.

In fact, it has become apparent that in each of the junk bond commitments, where several dozen investors are involved, more than half of the money comes from names that appear at least once in another such deal.

Nonetheless, "while this market may be narrow compared to the public market for junk bonds, it clearly is not a house of cards erected by five unattractive men who wear body jewelry," said Charles G. Phillips, a managing director of Morgan Stanley. Many of the investors in Drexel takeovers, he added, "are among the country's largest and most sophisticated institutional investors."

The attraction, claim investors, is a yield based on the commitment fee plus interest rates and dividends that are richer than comparable securities in the marketplace. Drexel Burnham also lets it be known that the private securities will be registered soon after the takeover so that the investors can then trade them to the public if they wish. Because of their hefty investment yields, such as the 16 percent notes offered in Mr. Icahn's financing of the Phillips Petroleum deal, the securities should command a premium in the market to comparable issues, say investors. Until just recently, very few of the junk bond takeover commitments had been called upon, however. Walt Disney Productions paid about $30 million in greenmail to Mr. Steinberg, for instance, and his Drexel-led investor group shared in the bounty, with a percentage of the profits beyond just the commitment fee.

The recent takedown of $600 million in commitments for the American Natural Resources deal will be an important test of how many of the private investors in the deal will want to be long-term investors in the new company.

If commitments are not called upon, investors still receive the fee and have a shot at possible greenmail profits. Under individual agreements set into most deals, investors may receive a piece of the raider's profits above a certain price per share if a target company pays greenmail to avoid a raider. In Mr. Pickens's bid for control of Unocal at $54 per share, for example, investors will receive 15 percent of the profits above $50 per share if the Pickens investor group sells out at a profit instead of going through with the takeover and restructuring the company.

Very few of the investors in Drexel's deals would talk about their commitments, either on the record of for background. Those who would maintained that commitment fees and greenmail were not their motives.

"The commitment fee is just a kiss on the cheek. We participated in the Icahn financing for Phillips because of the merit of the investment," says William Huff of W. R. Huff Asset Management, which received $37,500 for its never-used $10 million commitment. And Samuel Belzberg, chief executive of the First City Financial Services Corporation, a major investor in Drexel deals, said the "commitment fee doesn't mean a hill of beans to us. Once we commit we assume we will own the securities and we want to."

And Mr. Phillips of Southmark said that his company has been a regular investor in the senior notes of three of the Drexel deals "for the yields offered. These people are willing to pay more to raise money quickly."

One investor who does look at the allure of a short-term return on his commitment is Talton Embry, president of Magten Asset Management, a frequent Drexel investor in hostile takeover deals. He figures that his firm's $11 million investment in the preferred stock of the new entity created by Coastal Corporation's takeover of American Natural Resources could well realize a 37 percent annualized rate of return. Assuming that the securities will be sold in the public market in about three months time, he looks for an expected capital gain of 5 percent, annualized to 20 percent, a three-quarters of a percent commitment fee, annualized to 3 percent, and a dividend that is slated to pay 14 percent annually.

But another criticism of the junk bond financings is that many shareholder of a target company would not fare as well as the original junk bond investors. That is apparently the case when, after a cash tender offer gives control to an acquirer, the buyout can be structured so that the remaining stockholders receive junk bonds of a lower quality or preferred stock, which is junior to any debt obligations. While the value of those securities may be equal to the cash received in the first portion of the tender offer, those securities are at the bottom of the totem pole: When it comes to collateral, they are behind most of the securities received by the original commitment group.

In the event of a bankruptcy, for instance, bank debt, senior bonds and notes and common stock have the first call on assets, ahead of most of the junk securities paid out to shareholders of a takeover company. Mr. Anderson of Drexel says, however, that investors who receive those securities have the opportunity to sell out in the public market for cash right away and receive approximately the same payout as offered in the initial tender offer when control was gained.

Drexel draws its takeover investors from more than 700 regular institutional and corporate investors in the $100-billion junk bond market through a high-powered sales team based in Los Angeles. The group is headed by Michael Milken, a 39-year old who gets credit for Drexel's dominance of the market and who, according to news reports, earned $25 million last year.

The firm keeps investors enthusiastic about junk bonds by holding a conference each March. At the most recent one, some 2,000 investors, company presidents and corporate raiders participated in what one money manager likened to "a revival meeting where we shared a religious and emotional experience."

But several money managers who made junk bond commitments on a Drexel hostile takeover financing say they are reluctant to do it regularly. "We don't want to be known as a hot money investor. We don't know how our clients would react," said Mr. Huff.

Mr. Anderson maintains that such inhibitions won't crimp his game because those money managers will buy the securities when they later trade in the open market.

Critics contend that a key assumption in takeover financing is that a big chunk of the company's assets can be sold to reduce debt. But Mr. Anderson argues that the assets sold are, relatively speaking, not as productive as the remaining parts of a company, and that their sale leaves the company stronger and with less debt. Many of the formerly junk securities will then qualify for an investment grade rating, he believes. Furthermore, in some of the cases, he says, the securities will receive investment-grade rating even when no assets are sold.

In any event, very few acquisitions, friendly or unfriendly, are completed these days without a high degree of debt leverage. Hostile junk bond takeovers, in fact, are essentially nothing more than hostile leveraged buyouts. Leveraged buyouts, the vogue of the past few years, are friendly deals using the company's assets as collateral for debt financing. The fear among many observers of the leveraged takeover trend is that all that debt will be tough to service if business takes a downturn and cash flow slows to a trickle.

And that concern has spread to Congress, where in the past few months there have been nine sets of hearings for pending bills aimed at curbing takeovers. Not surprisingly, several of the proposed bills attack junk bonds used in hostile deals by eliminating their interest expense deductions from corporate income taxes.

And Congressional aides say the staff of one senator is working on a bill that would impose an immediate moratorium on the financing of hostile takeovers with junk bonds. So far, however, neither the Administration nor the Treasury Department has shown any interest in supporting the bills. Without Federal legislation, junk bond financing of takeovers is likely to proliferate.

But if all this sounds as if a takeover bubble is developing, Mr. Gleacher of Morgan Stanley offers a sobering thought. "There is always the risk of an economic recession when highly leveraged companies will be hurt the most," he said. "Junk bond investors understand that and normal market forces will prevent a mushroom cloud of takeovers from changing corporate America."

[From the Wall Street Journal, Apr. 18, 1985]

JUNK BONDS AND OTHER SECURITIES SWILL

(By Felix G. Rohatyn)

Raids and takeovers, in many cases financed with junk bonds and other high-leverage, high-risk investments, are at an all-time high. The financial collapse of firms such as Drysdale Securities Corp., Lombard-Wall Inc., E.S.M. Government Securities Inc. and Bevill, Bresler & Schulman Asset Management Corp. menace the apparently safe world of government bond trading.

Hundreds of millions of dollars have been lost by banks, cities and state agencies under the impression that they were making perfectly safe investments backed by government securities. And in the more staid world of commercial banking equally disturbing events have taken place. A small Oklahoma bank, Penn Square, was able to persuade large reputable institutions such as Continental Illinois and SeaFirst Corp. to acquire enough bad loans to result in the collapse of these institutions.

The common thread running through such stories is the failure to assess risk on the part of financial institutions and fiduciaries eager to perform. There'd be no junk bonds—the name Wall Street has attached to high-yielding, often unsecured, debt securities rated double-B or lower by financial ratings services—if institutions weren't often willing to ignore substandard credit ratings in exchange for higher yields. There'd be no Drysdale Securities Corp., E.S.M., or similar situations if savings bank trustees asked themselves why they were getting higher yields on some government bonds if they were really as safe as Treasury bills. And there'd be no Continental Illinois or Penn Square if more emphasis were placed on credit and less on growth.

A GLANCE AT THE PAPERS

Under the banner of deregulation and total faith in the marketplace, we're impairing our greatest of assets: the credibility of our capital markets and the faith in our financial institutions. The basic strength of our capital markets has relied, as opposed to other markets around the world, on the principle of protecting investors. This protection, the result of securities legislation of 1933 and 1934, is based on disclosure, anti-manipulative and anti-insider trading regulations, and the ethical standards of securities firms. It can be argued that our capital markets were, in large part, responsible for the postwar boom in the U.S., carrying well into the 1970s. Of course, elements of speculation and merger fever (for example, in the "go-go" years of the 1960s) have always been present. But something very different is happening now.

The growing feeling today is that the capital markets have become the property of insiders and of speculators, of raiders and other professionals, to the detriment of the general public. Unfortunately, a simple glance at the daily pages of the financial press confirms this suspicion. In editions of The Wall Street Journal published in the first two weeks of April, a casual reader would have found the following transactions or proposals:

1. Lorimar, with a net worth of $105 million, proposes to acquire Multimedia Inc. for $1 billion, to be financed with junk bonds.

2. Sir James Goldsmith proposes to acquire Crown Zellerbach Corp. for $1.1 billion, to be financed by junk bonds.

3. Uniroyal Inc. asked shareholders to approve two anti-takeover measures to fend off takeover threats like Carl Icahn's proposal to acquire the company for $600 million in a package financed by junk bonds.

4. Golden Nugget Inc., with a net worth of $230 million, proposes to acquire Hilton Hotels for what appears to be $1.8 billion, to be financed by junk bonds.

5. Mesa Petroleum, et al., with a net worth of $500 million, proposes to acquire control of Unocal Corp. to be finaced by junk bonds.

6. Triangle Industries, with a net worth of $65 million, proposes to acquire National Can for $428 million, to be financed by junk bonds.

7. Farley Industries, with an undisclosed net worth and earnings of $6 million, proposes to acquire Northwest Industries for $1 billion, financed by junk bonds.

These transactions all were to be financed with junk bonds carrying interest rates of 15% to 18%. They were all to be issued by acquirers with thin equity. And at the time they were made, all the proposals were subject to financing actually being completed.

The New York Times also yielded similar evidence in the same two-week period. It reported that Ivan Boesky, an arbitrager who had acquired 8.7% of CBS, might join Ted Turner (who was trying to borrow $50 million each from William Simon and MCI Inc.), to acquire all of CBS for $4 billion.

CBS stock was driven up to more than $110 a share by these speculative stories, including stories from unnamed sources indicating that GE would acquire CBS for $150 a share. Other unnamed experts opined that the breakup value of CBS might be $200 a share. On Tuesday the paper reported rumors that Mr. Turner had engaged E.F. Hutton & Co. to make a bid for CBS at $175 a share. Even if Mr. Turner makes his bid for CBS, as is expected today, the general public can be forgiven for believing that a massive touting operation was going on, fed by deliberate leaks to an all-too-willing press, in order to drive more stock into speculative hands and ultimately drive CBS into a merger.

The protective reaction to the speculative aspect of such takeover activity is, in some ways, equally unhealthy. Legislation is being proposed to outlaw hostile takeover bids completely. "Poison pill" securities that make such takeovers prohibitive have, so far, been upheld in the courts. The "one share, one vote" principle is being abandoned by the New York Stock Exchange in favor of securities carrying as much as a 10-to-1 differential in voting rights. "Shark repellents," "crown jewel options" and various other defensive tactics are being used. Extreme responses of this sort, which may disenfranchise public stockholders or entrench existing management structures regardless of their quality, are also harmful. It's hard to know which is worse: the vaccine or the disease?

Junk bonds, in amounts estimated at a total of between $50 billion and $70 billion, have now been placed as a result of takeover or other financing activities. In certain instances, the use of a reasonable amount of high-yield debt can be easily justified. If the assets and earnings are there to support it, sophisticated investors may well take greater risk for greater return. Increasingly, however, the use of these instruments appears excessive. The interest rates they carry are mostly higher than the rates of return the underlying businesses are likely to earn in periods of economic downturn. These securities are therefore based on the ability of new management to sell assets in order to service debt.

Whether such sales will be possible in a period of recession is questionable. Whether large corporations can be treated like artichokes and simply torn apart without any regard for employees, communities, or customers, solely in order to pay off speculative debt, is a further question for public policy.

The public should pay attention to these activities, because in the last analysis the public always pays. When savings institutions get into trouble with junk bonds or "repos," the public pays. When banks make careless loans, the public ultimately pays. This is particularly true when the amounts involved are huge, as they are today.

The answer to these excesses is intelligent regulation, as opposed to total deregulation or over-regulation. This is true of takeovers and junk bonds; it is true of "repos" and other excesses in the government securities markets; it is true of banks.

To curb excessive use of junk bonds, consider the following suggestions:

(a) Federally and state-insured and regulated financial institutions should be sharply limited in their ability to invest in obligations carrying below-investment-grade credit ratings.

(b) Tender offers "subject to financing" should be prohibited and declared to be a manipulation of the public markets. Anyone making a tender offer should be required to have firm financing commitments in hand.

To curb the excesses of takeover activity both on offense and defense, consider the following:

(a) Any acquisition of more than 20% of a company's stock should require an offer for 100%, at one price.

(b) The minimum tender-offer period should be extended to 60 days.

(c) Shareholder approval should be required by the acquirer's shareholders if the target represents more than 25% of the market value of the acquirer. Shareholder approval should also be required by the target's shareholders if the target proposes to reacquire more than 5% of its shares, to issue or option securities having more than 10% of its voting rights, or to sell or option assets having a value of more than 10% of its market value.

PART OF A TOTAL PACKAGE

To maintain the integrity of stock ownership we should:

(a) Eliminate any form of "poison pill."

(b) Delist companies with various classes of voting securities.

(c) Eliminate "shark repellents," staggered bonds, "fair-price amendments" and similar devices.

These actions would be part of a total package of legislation and/or regulation. They are all interconnected. Public confidence in the integrity of our securities markets and our financial institutions is rapidly eroding. All takeovers don't have to be friendly, but they have to be fair and soundly financed. The appearance of excessive speculation in takeovers, as well as the repeated scandals in the government securities market and the lingering problems of many banks, is very much in the public's consciousness.

The word "credit" derives from the Latin *credere*: to believe. The belief in the integrity of our securities market is a national asset that we should not dissipate carelessly.

Mr. DOMENICI. Mr. President, I send the bill to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Securities, Safety, and Soundness Act of 1985".

SEC. 2. Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end thereof the following:

"(h) During the period beginning on April 23, 1985, and ending on December 31, 1985, it shall be unlawful for any person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, to acquire, directly or indirectly, the beneficial ownership of any equity security of a corporation which is registered pursuant to section 12 of this Act, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this Act, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, if—

(1) after consummation of such acquisition, such person would, directly or indirectly, be the beneficial owner of equity securities which would entitle such person to then cast 15 percent or more of the votes that all holders of securities would be entitled to cast in an election or directors of the issuer; and

"(2) such acquisition is disapproved by a majority of those members of the issuer's board of directors who are not officers or employees of the issuer; and

"(3) 20 percent or more of such acquisition is financed, directly or indirectly, with the proceeds of the issuance of takeover securities, the aggregate of which exceed $25 million. For the purpose of this section, the term 'takeover securities' means unrated bonds or preferred stock; bonds or preferred stock with a rating at or lower than Ba by Moody's Investors Service, BB by Standard and Poor's Corporation, or an equivalent rating by a nationally recognized bond rating house; other debt instruments that are, or will become in connection with such acquisition, subordinated in right of payment to the payment of any substantial amount of unsecured indebtedness; or any equity or quasi-equity instruments other than common stock or preferred stock (except as provided above), including warrants or other rights to acquire such equity or quasi-equity intruments.".

SEC. 3. (a) It shall be unlawful for any insured bank or insured institution to purchase for its own account non-investment grade securities.

(b) The Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation shall, by regulation, prescribe limitations and restrictions to prevent insured institutions from carrying non-investment grade securities as loans.

(c) Compliance with the provisions of this section shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act in the case of insured banks; and

(2) section 407 of the National Housing Act in the case of insured institutions.

(d) As used in this section—

(1) the term "insured bank" has the same meaning as in section 3(n) of the Federal Deposit Insurance Act;

(2) the term "insured institution" has the same meaning as in section 401(a) of the National Housing Act;

(3) the term "non-investment grade securities" means any securities or obligations other than—

(A) marketable obligations in the form of bonds, notes, or debentures which are commonly regarded as investment securities, and which are not predominately speculative in nature; and

(B) any security which is exempt from the limitations and restrictions of paragraph Seventh of section 5136 of the Revised Statutes (12 U.S.C. 24 Seventh) by virtue of the fifth full sentence of such paragraph.".

Mr. SIMON. Mr. President, I wish to commend our colleague from New Mexico. I think he has touched upon something that is extremely important. In our economy today, for reasons that clearly mirror the attention of this Congress, it is easier to explore for oil on the floor of the New York Stock Exchange than it is in Pennsylvania, Washington, or Illinois out in the fields.

We are absorbing credit in this country, and keeping interest rates high not for constructive purposes, but for purposes that do not add to the productivity of this country. For example—and this goes beyond what the gentleman from New Mexico is talking about—when United States Steel buys Marathon Oil for $6.5 billion, it does not add one job to this country. It does not dig one oil well. All it does is absorbs credit, and the average American taxpayer has to foot the bill through tax writeoffs.

So I simply wanted, while the gentleman from New Mexico was on the floor, to commend him for his bill. I join in cosponsoring it. I think it is a step in the right direction.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

S. 976—CONSOLIDATED RAIL CORPORATION PROFIT TRANSFER ACT OF 1985

Mr. SPECTER. Mr. President, today I introduce the "Consolidated Rail Corporation Profit Transfer Act of 1985." This legislation will solve two problems relating to the Federal Government's involvement in the railroad business. First, it will save Amtrak, which currently is threatened with being phased out as a budget-cutting measure. Second, it will allow Congress further time to consider both the question of whether Federal subsidies of Amtrak should be continued, and the manner in which Conrail should be returned to the private sector.

The Amtrak passenger railroad and the Conrail freight line—two of the Nation's largest rail systems—currently are facing major reorganization of their operations. Combining these two systems by a profit transfer, even on an interim basis, will aid the railroads during this reorganization phase.

Amtrak is threatened with the elimination of its Federal subsidies by September 30 of this year. The savings from this proposed elimination are projected to be in the area of $574 million. Conrail's earnings during 1984 were approximately $500 million. According to a April 1, 1985 report issued by the U.S. Railway Association, this earnings trend is expected to continue.

By transfering Conrail's profits to Amtrak—the National Railroad Passenger Corporation—for the fiscal years ending September 30, 1986 and September 30, 1987, Conrail's continued profitability would, in effect, subsidize Amtrak's operation, and allow these two systems to maintain their present respective rail services. Without any monetary loss to American taxpayers, this transfer provides Congress sufficient time to consider the crucial questions surrounding the retention of both of these vital railway systems.

Amtrak, during 1984, remained the sixth largest transportation company in this country, providing transportation for 20 million people. It performs an important public function in reducing overcrowding and delays in air and road travel, and should not be phased out.

The proposed sale of Conrail to the Norfolk Southern Corp. for $1.2 billion represents a giveaway sale of a company with over $1 billion in cash. Further, the combination of Conrail's 15,000 miles of track with Norfolk's 18,000 miles of track will create the Nation's largest railroad, and will result in insurmountable anticompetitive problems. The eventual result will be a reduction in rail freight competition, and increase in freight rates, and an increase in consumer prices.

The bill I introduce today will provide for the continued operation of both Amtrak and Conrail, at no cost to taxpayers, with resulting benefits to all who utilize these systems. Congress will be able to utilize the interim period contemplated by this proposal to consider the best long-term approach for operating each system.

Mr. President, my bill is designed to consolidate Conrail and Amtrak for recordkeeping purposes to deal with two very material problems facing these two rail carriers which directly affect the national interest. During the course of the budget proceedings this week, there will doubtless be consideration about the future of Amtrak because of its importance as a linchpin in the national rail system. These considerations will include the question of the continuation of Amtrak and its Federal subsidies in the range of $500 million a year.

I submit, Mr. President, that it is a matter of great national importance that Amtrak be maintained. It performs vital services for the Nation in providing rail transit service, especially on the Eastern Seaboard, but really affecting the Nation as a whole.

If the subsidies for Amtrak are not maintained, I suggest that traffic in this country will be in a snarl, especially on the Eastern Seaboard from Boston to Washington where I predict the airports would be clogged and the highways would be jammed. It would be a virtual impossibility to get through the tunnel in Baltimore. It would be extremely difficult, with delays, to land an airplane at any of the airports serving the major Eastern cities. And I think it would even be difficult to get a quorum in the U.S. Senate.

On the other side of the ledger, Conrail is under consideration for a private sale, under the recommendation of the Secretary of Transportation, to the Norfolk Southern Railroad system. On this issue, again, Mr. President, I submit that the national interest strongly militates against such a sale for many reasons.

First, the price is much too low.

The taxpayers of this country have expended over $7 billion in Conrail. Conrail has assets and a book value in the range of $4 billion. Conrail has cash in excess of $1 billion. It is therefore an extraordinarily low price—and a forced "fire sale" of Conrail—for 85 percent of the stock to be sold to Norfolk for only $1.2 billion.

Beyond the figures already announced, Norfolk would be the beneficiary of some $1.4 billion in tax savings. It does not make sense for the Federal Government to sell Conrail, and give the buyer a greater reduction from the Government's tax collection potential than the sale price constitutes.

Since the Conrail issue arose, and bids were solicited, a very significant change has taken place with respect to the public and private attitudes toward Conrail. For one thing, the additional 1 year-plus of operation resulted in Conrail earning in the range of $500 million—with very, very substantial earnings even if the regular taxing procedures had been applied to Conrail. Although the profits were somewhat down during the first quarter of 1985, Conrail continues to be a viable and profitable operation.

The proposed consolidation of these two railway systems for financial and fiscal purposes, Mr. President, is logical because of the overlapping considerations in the operations of Amtrak and Conrail. It is not unusual for railroads which operate both freight and passenger services to have one subsidize the other. The benefits derived by the Nation from the Amtrak operation in facilitating the movement of executives, laborers, and passengers of all sorts doubtless have an indirect, if not a direct, benefit for the operation of businesses which utilize Conrail, and which provide material profits for Conrail.

The thrust of my legislation would consolidate Conrail and Amtrak for fiscal, financial, and bookkeeping purposes for the fiscal years ending September 30, 1986, and September 30, 1987. It is a bill with a relatively short timeframe. But that period of time would enable Congress to give further consideration to the ultimate plight of Amtrak. There would be an opportunity for studies to examine a reduction perhaps in some Amtrak services, but with the bulk of Amtrak remaining in operation, to restructure Amtrak as an independent entity so that it can continue to exist, without requiring extensive governmental subsidies.

At the same time, this bill would enable Conrail to continue under its present excellent management, and would provide a window of opportunity for the Department of Transportation to solicit other bids—and there are other bids in the offering, Mr. President. There would also be sufficient opportunity for further exploration of the issue of a public sale of Conrail—established investment bankers, Morgan Stanley specifically, have offered testimony that a public sale of Conrail will yield an additional return in the range of $400 to $600 million over the $1.2 billion purchase price offered by Norfolk Southern.

There are in addition, Mr. President, very substantial issues to be considered by Congress on the antitrust implications of merging the 18,000-mile Norfolk system with the 15,000-mile Conrail operation. The Department of Justice has ruled that the merger would be a violation of the antitrust laws unless there were divestitures which would permit competition to exist on key portions of overlapping Conrail and Norfolk lines. The testimony heard so far, Mr. President, before the Judiciary Committee, demonstrates that the proposed divestitures to Guilford and the Pittsburgh Lake Erie Railroads are totally unrealistic in terms of providing competition. If this merger of Norfolk and Conrail were to occur, there would be very substantial damage to the Nation's economy.

Therefore, Mr. President, it makes good sense to have this merger, of Conrail and Amtrak for fiscal and financial purposes.

At this time, I ask unanimous consent that the full text of the bill be printed in the CONGRESSIONAL RECORD as if presented in full on the floor of the Senate.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consolidated Rail Corporation Profit Transfer Act of 1985".

SEC. 2. The Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.) is amended—

(1) in the table of contents by inserting after the item relating to section 308 the following:

"Sec. 309. Profit of the Corporation.";

(2) in section 202(a) (45 U.S.C. 712(a)) by—

(A) striking out "and" following the semicolon in paragraph (5);

(B) striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon and "and"; and

(C) adding at the end thereof the following new paragraph:

"(7) monitor the compliance of the Consolidated Rail Corporation with section 309 and the accounting practices of the Corporation and payment of monies pursuant to such section.";

(3) by inserting after section 308 (45 U.S.C. 748) the following new section:

"PROFIT OF THE CORPORATION

"SEC. 309. (a) PAYMENT OF PROFIT.—Except for the limitation of subsection (b) when applicable, all profit earned by the Consolidated Rail Corporation for the fiscal years ending on September 30, 1986 and September 30, 1987 shall be paid to the National Railroad Passenger Corporation.

"(b) LIMITATION ON AMOUNT OF PAYMENTS.—Any payment made by the Consolidated Rail Corporation pursuant to subsection (a) may not exceed the losses incurred by the National Railroad Passenger Corporation during the fiscal year preceding the date of such payment.

"(c) DATE OF PAYMENTS.—Payments by the Consolidated Rail Corporation to the National Rail Passenger Corporation pursuant to subsection (a) shall be made no later than thirty days after the end of each such fiscal year.

"(d) USE OF PAYMENTS.—The National Railroad Passenger Corporation shall use all monies paid pursuant to subsection (a) to offset losses incurred during the fiscal year preceding the receipt of such monies.

"(e) DETERMINATION OF PROFIT.—In determining profit for the fiscal years ending on September 30, 1986 and September 30, 1987, the Consolidated Rail Corporation shall use substantially the same procedures and accounting practices that were used for determining profit for the fiscal year ending on September 30, 1985.".

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 9 a.m., with statements therein limited to 5 minutes.

FOR THE NEXT 4 YEARS THE NAME OF THE ARMS CONTROL GAME IS RONALD REAGAN, WHICH MEANS ARMS CONTROL IS GOING NOWHERE

Mr. PROXMIRE. Mr. President, this is the second in a series of speeches I am giving on the conditions necessary to achieve progress in negotiating an agreement with the Soviet Union to control nuclear weapons. The first dominant fact about arms control is that whether this country negotiates

an agreement with the Soviet Union or does not, every aspect of what we propose to the Soviet Union in such an agreement, how far we are willing to go to modify our proposals, what counter proposals they make that we will accept if any, to what extent we will accept such Soviet proposals, all of this depends on the President of the United States and the President alone. The role of any other institution of American Government in nuclear arms control is a virtual nullity. This country is still haunted by the ghost of Woodrow Wilson and the League of Nations fiasco after World War I. President Wilson wanted this Nation to join the League of Nations. Undoubtedly the biggest disappointment of Wilson's political career, his most monumental failure came when the U.S. Senate refused to ratify the League of Nations treaty, and the United States never joined the League of Nations. In that case obviously the U.S. Senate played a major and decisive role.

Is it possible that the Senate could play such a role with respect to an arms control treaty successfully negotiated by the President and brought to the Senate for ratification? The answer is: "No!" The Senate has refused to ratify arms control treaties in the past—most recently and notably the Strategic Arms Limitation Treaty II, or SALT II. But first President Carter and then President Reagan announced that as Commander in Chief of the Armed Forces we would abide by the treaty, until they—not the Senate—not any other institution but until the President decided for whatever reason we would not.

Consider how absolutely dominant the President is in negotiations on arms control. The President selects our nuclear arms treaty negotiators. He can replace those negotiators at will. Whatever agreement the negotiators may achieve, the President can accept, or as in the well-known case of ace negotiator Paul Nitze's walk in the woods, the President can reject the agreement. If all the President's Cabinet and arms control officials and advisers, all the Members of the Congress, a unanimous American press, and yes the American people wanted a particular arms control proposal accepted or rejected, it would matter not one whit. The only voice that counts on arms control is not the Secretary of State, not the persons who negotiate with the Soviet Union for months or years, not the Members of the Congress of even the entire Congress as a collective whole and the American people, it is one man: the President of the United States.

The most dramatic example of the President's absolute, unquestioned and total domination of the nuclear arms negotiation process can be seen in the present situation. Over the past few years statewide referenda, professional polls of unquestioned competence and integrity, and in fact every available popular expression has shown a universal American desire for negotiating a mutual, comprehensive, verifiable agreement with the Soviet Union to stop the testing of nuclear weapons, the production of nuclear weapons and the deployment of nuclear weapons, that is a nuclear freeze. On the other hand the President of the United States over the past 25 years has been on record in opposition to every nuclear arms control treaty this country has ever negotiated including some that have been ratified by an overwhelming bipartisan vote in the U.S. Senate.

Has the President had a change of heart on arms control? Isn't his administration engaged at this very moment in the opening stages of an arms control negotiation with the Soviet Union designed according to the President to reduce the number of nuclear warheads on both sides by 50 percent? He is indeed. But the prospects of reaching an agreement seem at best dim and distant. Would this be a safer, more secure world if both sides had 5,000 nuclear warheads instead of 10,000? The arithmetic may be appealing. But the simple fact is that by itself the reduction would have little meaning. Both superpowers would still have the capability of utterly demolishing the other several times over. And the President has introduced a new and highly unstable element in his so-called "star wars" or antimissile program.

For more than 30 years the superpower nuclear peace has been conspicuously based on the massive deterrence of the offensive missiles of this country and the Soviet Union. A nuclear attack by one superpower on the other would be an act of suicide. Star wars could change that. How could it change the deterrent stalemate? The answer is that it could nullify the present Soviet deterrent. How do the Soviets answer that challenge? The obvious way they answer is by building more offensive missiles. A star wars defense could stop some, maybe most Russian ICBM's. So what is the logical way for the Russians to respond? Simple. Build more missiles. If star wars can stop half their offensive warheads they just deploy twice as many. That's easy and relatively cheap. If star wars can stop three-quarters they simply increase the number by a factor of four. Where does that leave the predictable Russian response to a United States proposal that they reduce their warheads by 50 percent—down to 5,000, at the same time the President is insisting that star wars is not negotiable. The answer is obvious to a 10-year-old. The Russians will, "Nyet," no way.

So my conclusion, Mr. President, is that this President's record on arms control is clear. And his insistence on building star wars—the prime Reagan military initiative—is tailormade to prevent any significant progress in President Reagan's stated objective: The reduction of offensive missiles on both sides. President Reagan is in charge of arms control. His position is clear. What does that mean? It means that for the next 4 years arms control is going nowhere.

THE 40TH ANNIVERSARY OF THE LIBERATION OF THE NAZI CONCENTRATION CAMPS

Mr. PROXMIRE. Mr. President, today we commemorate the anniversary of the liberation of the Nazi concentration camps. It is vital that we remember these liberators, for they stand as crucial witnesses to the Holocaust, a horror of unparalleled proportions in the history of mankind.

Mr. President, it is vital that we remember. For when we forget, we cease to care. And it was the moral indifference of the civilized world that allowed the Nazis to proceed so far with their final solution.

In July 1938 representatives of 32 nations met in France to determine what could be done to aid the victims of Hitler's anti-Semitic campaign. But not one of these nations offered asylum for the Jews living under control of the Third Reich. Hitler offered to let them emigrate, but everywhere they turned, the doors were closed.

The French Foreign Office even went so far as sending a memorandum to the German French Foreign Ministry stating that:

> None of the states would dispute the absolute right of the German government to dictate with regard to its citizens such measures are within its sovereign powers.

Last week our colleague, Representative STEVE SOLARZ noted that during the course of Hitler's Third Reich, 78 specific speeches were made in the House of Representatives describing the persecution of the Jews by the Nazis. Yet despite the speeches and the resolutions, the killings went on, the cries of the dying went unheeded, and our immigration policies remained unchanged. Is it any wonder that Hitler dismissed foreign outrage with the quip "Who remembers the Armenians?"

Yet we must remember, Mr. President. We must remember. For the millions who suffered and died, and for the survivors who may have suffered even more. For the men we honor today, the liberators who fought and died to end the suffering. And we must remember, Mr. President, because to forget the Holocaust today could permit genocide to occur tomorrow.

Today we commemorate the survivors of the death camps and their liberators, and it is right and good that we should do so. Yet words are empty without actions. Let us act, Mr. President; let us ratify the Genocide Convention.

FARM PROGRAM FAILS

Mr. DIXON. Mr. President, I feel compelled to call to the attention of my colleagues an article in the State Journal-Register in Springfield, IL, written by Bob Estill of the Copley News Service, in which Mr. Estill outlines the shortcomings of the administration's Guaranteed Loan Program which is supposed to bail out debt-ridden farmers.

Bob Estill's column, Mr. President, makes it clear that this program has been a failure. It was announced last September, before the November election, that the administration was going to make available $650 million in guaranteed loans in order to assist farmers in restructuring their debt so they can survive as family farm operations.

As of March 30, the day Mr. Estill's column appeared, only 73 farmers had been helped by this program throughout the country. "Those 73 farmers have received guaranteed loans totaling $10.2 million out of what was intended to be a cornerstone of the 'Debt Adjustment Program' that was trumpeted by Reagan in September after he spent 2 years opposing bills to help farmers restructure their debts," Mr. Estill says in his article.

Mr. Estill goes on to point out that 561 applications were pending as of March 21.

I regret to say, Mr. President, that only two farmers have been helped in my home State of Illinois, a farm State where hundreds of farmers have already, or are on the verge of, going broke. There are statistics available which suggest that farmers throughout the country are going broke at the rate of 238 per day.

It is astounding to me that 7 months after the President announced his program, only 73 farmers have been helped. I understand that as of April 8, that number stands at 99. Even more astounding, Mr. President, is the fact pointed out by Mr. Estill that 2,000 employees have been assigned to process guarantee applications.

Our Government has assigned an additional 2,000 people the task of processing these applications from farmers in distress, and in 8 months, we have approved only 99. Even if the 346 applications presently pending are added to this number, we would end up assisting only 445 farmers out of the thousands who are in trouble. I pose this question to my colleagues: Why is it taking more than 2,000 people to process 99 applications, or even 445 applications if all are approved?

The Department of Agriculture asserts that the small number of approved applications is the fault of the banks. I say, Mr. President, that the low number is the result of a program that itself has been faulty and flawed from the very beginning. It is as if, Mr. President, this administration program was designed to guarantee failure.

For an administration which vigorously promotes efficiency in government, I have to report with reluctance that the administration does indeed have a monstrous failure on its hands in this instance. The tragedy is that our farmers, who are already suffering severe economic hardship, are the victims of what can be described as an administrative nightmare.

For several months, many of my colleagues in both the Senate and House have been working hard to get the administration to provide more help for the farmers, because it was obvious from the outset that the administration plan would not work. At the suggestion of a fine Illinois lawmaker, State Senator Jerry Joyce, who is himself a farmer, I drew up a bill that allows a partial advance of the price support loan the farmer normally receives at harvest time to allow him to buy seed, fuel, and fertilizer for spring planting.

This is a simple idea that would be very effective in helping farmers who don't have funds for their spring crop. Since it would be a loan requiring repayment with interest, the cost to the Government would be virtually nothing. The plan is, in essence, revenue neutral. These are loans that farmers could qualify for in the fall anyway. Unfortunately, this simple, inexpensive measure was stymied at every step by the present administration. Congress passed the legislation, but the President vetoed it.

Since that veto, Congressman ED MADIGAN in the House and I in the Senate—in a bipartisan effort involving other colleagues—reintroduced a new version of the advanced loan payment bill. In this Chamber, S. 776 is now on second reading on our Senate Calendar. We made several modifications in the hope that we could persuade the administration to undergo a change of heart.

My first bill was revenue neutral, not costing the Government any money, because we are providing loans which have to be repaid, with interest. The same is true for S. 776.

This new bill scales down the size of the advance the farmer can obtain, by reducing it from one-half to one-third of the total loan.

We have reduced the cap on the advance loan from $50,000 to $30,000.

We included a provision for crop insurance so that neither the farmer nor the Government will suffer any losses should a disaster destroy the farmer's crop.

We also added a "credit elsewhere" test so that only needy farmers will qualify for these advance loan payments.

It is difficult for any of us from farm States to see how or why the administration can be against this bill. It's revenue neutral; it's simple; it will be effective. We have been unable to obtain any kind of signal that the administration is willing to accept this simple, but very promising plan. There is still time for the administration to change its mind. In southern Illinois, we can plant corn and beans as late as the end of May and obtain decent yields.

What we have here, therefore, is a sharp contrast between a simple idea which will work effectively at practically no cost and another program which has been a dismal failure on the part of the administration which has used 2,000 additional employees to process 99 applications. This entire effort, Mr. President, reminds me of the famous analogy from the Roman poet, Horace, who said, "The mountain hath labored, and brought forth a ridiculous mouse."

Since Mr. Estill's column clearly outlines the extent of the agricultural problem in our Nation and in my State, along with the inadequate response of the administration, I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the State Journal-Register (Springfield, IL), Mar. 30, 1985]

ONLY 73 FARMERS AIDED BY FEDERL LOAN PROGRAM

(By Bob Estill)

WASHINGTON.—In the six months since President Reagan announced a $650 million guaranteed loan program to help debt-ridden farmers, only 73 farmers nationwide have received help from the program.

Those 73 farmers have received guaranteed loans totaling $10.2 million out of what was intended to be a cornerstone of the "Debt Adjustment Program" that was trumpeted by Reagan in September after he spent two years opposing bills to help farmers restructure their debts.

There were an additional 561 applications pending as of March 21, according to a spokeswoman for the Farmers Home Administration, the Agriculture Department agency that administers the program and is the "lender of last resort" for farmers.

In Illinois, only two farmers have received guaranteed loans under the program, and a dozen Illinois applications were pending on March 21 when the Farmers Home Administration took its last telephone survey.

In California, no farmers or ranchers had received guaranteed loans under the program, but nine applications were pending.

Sen. Alan Dixon, D-Ill., a Senate Agriculture Committee member with an emergency farm credit plan of his own, said the low

participation is evidence that the administration's plan "simply is not working."

Secretary of Agriculture John Block, who said farmers are being helped through other agricultural credit programs, blamed lending institutions for the fact that few farmers have been helped by the new guaranteed loan plan.

But a spokesman for an association representing three-fourths of the nation's private farm banks said the fault lies with the program—specifically, a requirement that lenders write off at least 10 percent of the borrower's debt to qualify for the federal guarantee of the loan.

When Reagan vetoed an emergency farm credit bill on March 6, he said the additional aid was "unnecessary in view of measures" already taken by his administration. Those measures include the loan guarantee program that Reagan embraced less than two months before the election and while Congress was completing action on its own loan guarantee plan.

"The President is disappointed on the progress of the debt restructuring that is the responsibility of the banks," Block told a group of reporters at breakfast this week.

"What we have done has been at the request of the lending institutions, and I think it is time that they went ahead and made it work."

Block said he believed the banks have held back because Congress had held out the promise of a "sweeter deal". The bill Reagan vetoed would have provided $100 million in federal funds to reduce interest rates on private loans guaranteed by the federal government.

But Weldon Barton, agricultural representative for the Independent Bankers Association of America, said the association never supported the write-off provisions and contended it is not the lenders' fault that so few loans have been made. His association represents about 7,800 banks, including about 3,000 of the 4,100 banks that have at least 25 percent of their portfolios in farm loans.

"It is not a question of not wanting to use it," Barton said. "It is a question of if it is structured in such a way and made available through the local (Farmers Home Administration) offices in such a way that it is workable."

Barton said he believed the entire $650 million would have been used by now if the administration had gone with a more traditional program in which the federal government guarantees 90 percent of the loan without the write-off features.

He said the administration did make two changes in February which made the proposal more workable.

He said the changes altered the original requirement that the bank forgive at least 10 percent of the principal and gave the lender the option of forgiving interest equivalent to at least 10 percent of the principal.

The other change was easing the "cash-flow" requirement. Originally, a farmer seeking a guaranteed loan had to demonstrate that his cash flow, with the restructured loan would show 10 percent more income than expenses. It was changed to require that the farmer show that he could break even.

But Barton said the requirements could still mean that a lender would have to write off as much as 40 percent of a loan in order to get the borrower to the break-even point.

Writing off large chunks of the debt could cause bankers to run afoul with federal regulations requiring them to maintain at least 6 percent of their capital, Barton said.

"The bank has to take a look at this and say can we afford to take this and remain solvent ourselves," Barton said.

He said the other problem is the farmer typically has a combination of debts—commercial bank loans, long-term land bank loans and short-term loans with suppliers. If those debts are restructured, Barton said there is the complication of "who takes the hit"—how do lenders share the write off of principal or interest.

The Farmers Home Administration spokeswoman said nearly half of the 73 loans have been made since the administration eased the requirements. She said they also have added about 2,000 people to process the loan guarantee applications.

MICHAEL EVANS—THE PRESIDENT'S PERSONAL PHOTOGRAPHER

Mr. LEAHY. Mr. President, it has been said that much of what we do in Washington is recorded as a series of images. If that is so, no one is better equipped or more talented to do that recording than Michael Evans.

One of the real pleasures of being in the U.S. Senate has been the opportunity to get to know Michael. During his career with Time magazine, and more recently as President Reagan's personal photographer, he has exhibited a rare talent and established himself as one of a rare group of professional photographers who are universally recognized as true artists. When historians look back on the Reagan years, Michael Evans will be seen as the Matthew Brady of our time, not only for his work at the White House but also for his publication of "People and Power."

My wife, Marcelle, and I consider Michael and Storey Evans very good friends. I want to share with my colleagues a recent article about Michael from the New York Times. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OF PRESIDENTIAL IMAGE AND PRESIDENTIAL FOCUS

(By Irvin Molotsky)

WASHINGTON, March 14.—Michael Evans, who this weekend ends more than four years as personal photographer to the President, tells of the day he was "in hog heaven, shooting away with my little Leica with a 90-millimeter lens."

What was heaven was the sight of President Reagan and Speaker Thomas P. O'Neill, Jr., arguing heatedly, an unusual occurrence despite the men's political differences.

Mr. Reagan had asked Mr. O'Neill to come to the White House to discuss the budget. Mr. O'Neill had just told Mr. Reagan that the poor would fall through his "safety net" and suffer mightily, and the President, in so many words, suggested forcefully that Mr. O'Neill had his facts wrong.

The result, for Mr. Evans, was several photographs, unpublished until now because the aide in charge of protecting the President's image, Michael K. Deaver, had forbidden it. But Mr. Reagan was less concerned about his image and asked Mr. Evans for some prints. "Geez, I didn't even know you were in the room," Mr. Evans said the President told him after seeing the photos.

THE GREATEST PRAISE

To Mr. Evans, that was the greatest praise and led him to conclude that he had succeeded in his goal: to create, unnoticed, a photographic archive of the Reagan White House.

The National Archives some day will probably discard 70 percent of Mr. Evans's office's output, photos that he calls "grip-and-grins." They are the political part of the job, showing the President doing such things as shaking hands with a county highway commissioner from Iowa, a newspaper editor from New York or a farmer from California.

Mr. Evans's staff, which numbers 40 these days, quickly makes enlargements and sends them to Mr. Reagan for autographing. In a few days they are on the walls of the recipients, mementoes of a once-in-a-lifetime visit to the President of the United States, pretty good cementers of future support.

Mr. Evans and the four photographers on his staff have shot 28,000 rolls of film. That's a lot of shutter snaps, but he says they are worthwhile, asking, "Don't you think it would have been wonderful if we had photos of Lincoln other than stiff poses?"

He defends taking grip-and-grins, for they show a Government and a President that are accessible to the public. "What other country does this?" he asked. To provide an answer, he told about the time Mr. Reagan almost became his fifth photographer.

In London last year, Mr. Evans accompanied the Reagan party to No. 10 Dowing Street. While the President had lunch with Prime Minister Margaret Thatcher, the others dined with their British counterparts, one of whom told Mr. Evans that since his name was on the lunch list he could have lunch, but since his name was not on the photographers' list he could not take pictures.

Mr. Evans seethed, and when the lunch was over, he went to rejoin the President, who said, "Michael, why aren't you taking pictures?"

Mr. Evans said he explained, then "the President offered to carry an Instamatic into his meeting with Mrs. Thatcher and take pictures of me."

"Then Mrs. Thatcher said, 'What?' and hauled the President and me into her Cabinet room and offered to pose with the President signing the guest book," Mr. Evans said, " 'Of course, madame,' I said."

Mr. Evans, only the fourth person ever to hold the title of personal photographer to the President, will not be replaced although his office will continue to take Mr. Reagan's picture. He plans to resume freelance work and spent the week packing up his Leicas and Nikons for the move to his studio/home near Dupont Circle.

He is 40 years old and his huge mop of hair has turned gray, but Mr. Evans is agile enough to sprint from his office to the President's in 15 seconds. He once taught ice hockey to the President, a sport that reflects Mr. Evan's Canadian heritage.

He is dusting off his memories of working as a photographer for the Cleveland Plain Dealer (where one of his regular assignments was to photograph the Dog of the Week) and the New York Times (where his assignments ranged from East End potato

farms to covering Nelson A. Rockefeller and John V. Lindsay).

And he is ending four years in which he has had the vantage of the fly on the wall, observing drama and tragedy, trying to avoid being seen himself. He was standing behind Mr. Reagan when he was shot in 1981, but was so concerned about the well-being of his President and colleagues that he violated a rule of journalism by not getting good pictures.

WE ARE THE WORLD

Mr. LEAHY. Mr. President, during the 10 years that I have been in the Senate, I have always had world hunger as one of my primary issues. During that time I have been constantly impressed by the number of people outside of government who have given selflessly of themselves for world hunger. One of those people was my close and dear friend, Harry Chaplin, whom I eulogized here shortly after his untimely death.

Harry often spoke of Ken Kragen, who shared his concern for world hunger, and of the admiration he felt for Kenny Rogers, who joined Harry shortly before his death in efforts to eradicate world hunger.

Recently all Americans have heard the song "We Are The World." I would like to share with my colleagues part of an article from a national magazine recently written about the production and recording of this amazing production.

The progenitor of the project was singer Harry Belafonte who, impressed by the British famine effort and stunned by news accounts of the Ethiopian tragedy, had first conceived the American initiative last December.

Several days before Christmas, Belafonte called pal Ken Kragen, a high-octane manager, with fundraising ideas. "He figured, after all, the national song charts are dominated by black artists," says Kragen. "If Jews were starving in Israel, American Jews would have raised millions." Belafonte initially suggested staging a megastar-studded concert. Too difficult to pull off, said Kragen, recalling the money woes of the 1971 performance for Bangladesh. "Why not a record?" asked Kragen, whose interest in world hunger had first been aroused by the late Harry Chapin, an earlier singer client. "After all, the Band-Aid people didn't copyright the idea." Kragen then contacted Kenny Rogers and Lionel Richie, both of whom he also manages. Having taken over Chapin's antihunger crusade in 1981 when the latter died, Rogers readily agreed to participate. So did Richie, who had spent the past several days talking about just such a project with his wife, Brenda.

I also want to take this opportunity to applaud my friends Ken Kragen and Kenny Rogers and all the other artists who joined with them. Theirs is a dedication to an idea that should know no bounds—the desire to feed those unable to feed themselves.

AGENT ORANGE UPDATE

Mr. CRANSTON. Mr. President, questions arising from veterans' exposure in Vietnam to the herbicide agent orange and the possible long-term adverse health effects resulting from that exposure have long been of serious concern to me and many of my colleagues. A major focus of my efforts and those of the Committee on Veterans' Affairs in both Houses has been research which might eventually lead to a greater understanding of the health-effects of agent orange exposure and how best to address the special needs of those veterans who may have been exposed to this herbicide.

In recent months, the results of two different studies—"Project Ranch Hand II, Mortality Update, 1984," conducted by the U.S. Air Force, and "Mortality Among Vietnam Veterans in Massachusetts, 1972-83," conducted by the Massachusetts Department of Public Health and the Massachusetts Office of Commissioner of Veterans Services, Agent Orange Program—have been published. At my request, the Office of Technology Assessment evaluated the methodologies and analyses used in these two studies and provided suggestions for further followup investigations.

Mr. President, I ask unanimous consent that the OTA's very interesting responses to my inquiry on these two agent orange studies be printed in the RECORD at this point, and I commend these reports to my colleagues' attention.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, DC, April 8, 1985.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR ALAN: Thank you for your letters of March 20, 1985, asking OTA to review and comment on the Air Force's report "Project Ranch Hand II, Mortality Update, 1984" and the report "Mortality Among Vietnam Veterans in Massachusetts, 1972-1983." We had previously scheduled those two reports for discussion at a meeting of the OTA Agent Orange Advisory Panel meeting on February 28. As a result, OTA's response to your request benefitted from the comments of the advisory panel. The following two paragraphs summarize OTA's reviews.

The Air Force report updates the number of deaths and causes of death among Ranch Hands for the one year period ending December 31, 1983. It also compares numbers and causes of death among Ranch Hands with those in a comparison population of Air Force personnel who were not exposed to Agent Orange and to various defined populations. We agree with the Air Force conclusion that there is no evidence for unusual numbers or causes of death among Ranch Hands. The update, as well as the original report about Ranch Hands' mortality that was released on June 30, 1983, provides ample information for examination of the Air Force methods. In our opinion, those methods are appropriate and adequate.

The Massachusetts mortality study takes on special significance because it reports an excess of deaths from soft tissue sarcomas in Vietnam veterans. Those cancers are the type most frequently associated with exposure to dioxin, although studies done in different populations and parts of the world have produced conflicting results. While it may be tempting to conclude that the excess was caused by exposure to Agent Orange, the authors of the paper point out that they have no measure of exposure, and such conclusions would be entirely inappropriate. Given the conflicting information about the possible association of soft tissue sarcomas with dioxin, we think that the best course at this time is to regard the Massachusetts study as suggestive. The research community views the study in that light and is planning research to follow up on it.

Thank you for your kind words about our help in the past. If you or your staff have any questions about these reviews, please call me or Dr. Michael Gough or Miss Hellen Gelband of the OTA Health Program at 6-2070.

Sincerely,

JOHN H. GIBBONS.

PROJECT RANCH HAND II, MORTALITY UPDATE, 1984 AND MORTALITY AMONG VIETNAM VETERANS IN MASSACHUSETTS, 1972-83

OTA COMMENTS

In 1983, the Air Force released the first results from its study of mortality among officers and enlisted men who served in Operation Ranch Hand. At that time, there had been 50 deaths among Ranch Hands and 250 among the comparisons. The 1984 update reports 4 additional deaths among Ranch Hands and 15 additional deaths among comparisons to bring the total number of deaths to 54 and 265 in the two groups, as shown on the table below.

The most important numbers in the table are in the columns "percentage dead," which show that the overall death rates in the two populations are identical, 4.3 percent. There are some small differences seen in comparing subunits of the two populations. For instance, non-black Ranch Hand pilots, navigators, flight engineers, and black "other enlisted men" have lower mortality rates than their comparison group counterparts. In contrast, non-black Ranch Hand "other officers" and "other enlisted men" fared poorer than the comparisons.

DEATH RATES OF RANCH HANDS AND OF A COMPARISON GROUP OF AIR FORCE PERSONNEL UNEXPOSED TO AGENT ORANGE

Race and occupation	Ranch Hands					
	Number of men	Number dead	Percentage of dead	Number of men	Number of dead	Percentage dead
Nonblack: [1]						
Pilot [2]	350	12	3.4	1,740	74	4.3
Navigator [2]	82	2	2.4	390	14	3.6
Other officer	25	1	4.0	123	3	2.4
Flight engineer [3]	191	7	3.7	935	51	5.5
Other enlisted man	532	28	5.3	2,628	101	3.8
Black:						
Pilot	6	0	0	13	0	0
Navigator	2	0	0	10	0	0
Other officer Flight engineer	15	2	1.3	75	10	1.3
Other enlisted man	52	2	3.8	255	12	4.7
Total	1,256	54	4.3	6,171	265	4.3

[1] Includes Caucasian, Asiatic, and Mexican men.
[2] Officer.
[3] Enlisted men.

Source.—Adapted from Project Ranch Hand II Mortality Update—1984. p. 2.

When the data in the table are subjected to statistical analysis, none of the small differences seen between the Ranch Hands and comparisons is statistically significant. For instance, the percentage of dead Ranch Hand pilots is 3.4; that of comparison pilots, 4.3. While the percentages differ, they are based on such small numbers that the differences could be due to chance. For instance, if there were only 3 more deaths among Ranch Hand pilots, bringing the total to 15, the percentage of deaths in the two populations would be identical. Statistical tests are used to estimate the likelihood that observed differences are not due to chance. According to those tests, the difference between 3.4 and 4.3 percent might very well be due to chance, and not to a true difference between death rates in the two groups. The best summation of those data is to say that there is no evidence for any real difference.

The Air Force also compared the death rates of Ranch Hand officers and enlisted men to the rates seen in active duty and retired Air Force personnel, the general male population, and civil servants. Only active duty Air Force personnel have a lower death rate than Ranch Hands, and that difference is readily explained because annual Air Force physical examinations weed out men with health problems. The remaining comparisons argue against excess mortality being associated with Operation Ranch Hand and exposure to Agent Orange.

As shown in the table below, the death rate from all causes in Ranch Hands was the same as the rate in comparisons. However, death rates from specific causes differ in the two populations. Rates calculated on the basis of the small numbers of deaths that have so far occurred are subject to fluctuations because the addition of one or two deaths to the number in either population can change the rate dramatically. Nevertheless, the comparison of rates provides additional information that Ranch Hands are not dying at unexpectedly high rates from specific causes.

Although Agent Orange has been suggested as the cause of many different diseases, it is probably most often associated with cancer. Therefore, one finding of great interest is that the death rate from malignant neoplams (cancers) in Ranch Hands was 68 percent the rate seen in the comparison officers and enlisted men.

People who are convinced that Agent Orange causes cancer will not accept this finding as showing that Agent Orange doesn't cause cancer. Instead, they may suggest 20 to 30 years often pass between exposure to a cancer-causing substance and the appearance of the disease and that 20 years have not passed since heavy spraying of Agent Orange began. Therefore there is a possibility that the years to come may see an increase in cancer mortality related to Agent Orange. It is impossible to rule that out, but the absence of any current cancer excess is reassuring.

There are other differences in causes of death between Ranch Hands and comparisons; in particular the death rate from digestive system diseases was higher in Ranch Hands. When the Air Force published its first report of mortality, the difference was greater: 5 in the Ranch Hands and 11 in the comparisons. If the difference is due to chance, we expect that it will continue to narrow as more deaths occur in the years to come. For the time being, it is important to note that neither the lower cancer death rate nor the higher digestive system death rate is statistically significant. Proportionally more Ranch Hands were murdered, but it is difficult to understand how exposure to Agent Orange could be responsible for homicides; that statistically non-significant excess can be ignored. All in all, examination of cause in specific death rates does not suggest that Agent Orange exposure of Ranch Hands is causing an increase in death rates from particular diseases.

Scientifically, the Ranch Hand results are extremely important, coming from a careful study of a population known to have been exposed to Agent Orange. The comparison of their mortality rates to other Air Force personnel indicates that their exposure has not contributed to unusual causes or numbers of deaths.

COMPARISON OF SPECIFIC CAUSES OF DEATH OBSERVED AMONG RANCH HANDS AND COMPARISON AIR FORCE OFFICERS AND ENLISTED MEN

Rates [1]	Number of deaths		Ranch hands' death—comparisons' death rates (percent)
	In 1,256 ranch hands	In 6,171 comparisons	
Accidental	19	94	[3] 94
Circulatory disorder	17	75	104
Malignant neoplasms	6	43	68
Digestive system disorder	5	13	192
Suicide	3	16	94
Homicide	2	4	250
Respiratory disorder	[2] 0	5	.....
Parasitic infections	0	4	.....
Uncertain neoplasms	0	2	.....
Endocrine system disorder	1	1	.....
Genitourinary disorder	0	3	.....
Mental disorder	0	1	.....
Nervous system disorder	0	2	.....
Ill defined	1	2	.....
All causes	54	265	100

[1] Death rates are equivalent to number of deaths divided by the number of men in the population. The comparison of death rates was made by dividing the Ranch Hands' death rate by the comparisons' death rate and multiplying by 100 to express the result as a percentage.

[2] In this table, 100 percent means that the death rates in Ranch Hands and Comparisons were identical. Less than 100 percent means that the death rate from that particular cause was lower in Ranch Hands than in comparisons. Greater than 100 percent means that the death rate from that particular cause was greater in Ranch Hands then in comparisons.

[3] Rates were not calculated for causes in which the number of Ranch Hand deaths was 0 or 1.

Source: Adapted from "Project Ranch Hand II Mortality Update—1984." p. 14.

Mortality Among Vietnam Veterans in Massachusetts, 1972–83

The Massachusetts Department of Health conducted a study (report dated January 25, 1985) examining deaths that occurred from 1972 through 1983 among Vietnam veterans who were residents of Massachusetts. According to the report: This study was motivated by a concern that Vietnam veterans may be at increased risk of dying from violent, preventable causes, such as motor vehicle accidents, homicide, and suicide.

The investigators, Michael D. Kogan and Richard D. Clapp, did find excesses for deaths from "external causes," which includes all deaths not caused by disease. There were also some unexpected findings: excess deaths from kidney cancer, stroke, and of greatest interest, a large excess of deaths from connective tissue cancers, also called soft tissue sarcomas. The soft tissue sarcoma finding was, statistically, the strongest result of the study, though it was based on only 9 deaths among Vietnam veterans. The study has come to national attention largely because of that finding, providing the first corroborative evidence for a possible link between phenoxyacid herbicides and soft tissue sarcomas that has been shown heretofore only in studies of Swedish lumberjacks published in the late 1970s. Many other studies, including a study of Vietnam veteran deaths in New York State, have failed to find such an excess.

Based on our reading of the study, and on comments from the OTA Agent Orange Advisory Panel, the study appears to be well-designed to take advantage of death certificate information and of a list of Massachusetts veterans discriminates between Vietnam veterans and veterans who did not serve in Vietnam. While the investigators used the information effectively, there are limitations inherent in the data sources that limit the strength of conclusions that can be drawn from this study. The investigators have pointed out the weaknesses and have not overstated their findings. They have plans to pursue the soft tissue sarcoma result using additional data sources. In addition, at least one other state, West Virginia, is conducting a study similar to the Massachusetts study.

The Massachusetts investigators, having no information about exposure, have not claimed any link of soft tissue sarcomas in Vietnam veterans and exposure to Agent Orange or dioxin. It is that possible connection, however, that has spawned intense interest in this study. The interest within the research community is sufficient, we believe, that other groups will be following up with similar veterans' mortality studies. We will, of course, keep abreast of the overall research effort, in the normal course of our Agent Orange and Vietnam Experience monitoring activities.

Kogan and Clapp used a "proportionate mortality ratio" (PMR) approach, which compares the proportions of deaths from specific causes in one group, with the proportions for those same causes of death in a comparison group. This study used two Massachusetts populations groups for comparison: 1) veterans who did not serve in Vietnam; and 2) non-veterans. Since most of the Vietnam veterans in Massachusetts are white males, the comparison groups were restricted to white males.

For all statistically significant findings, the investigators performed an additional analysis, a "standardized mortality odds ratio," which corrects some bias inherent in PMR analysis. The soft tissue sarcoma finding remains strongly significant.

Veterans were identified through a list of individuals who applied for and received a "military service bonus," from a state program similar to programs in other states, consisting of a one-time offer of money. Veterans who served for at least 6 months between July 1, 1958 and April 1, 1973, were eligible. Veterans who served in Vietnam were entitled to $300, those who did not, $200.

Both major data sources—death certificates and the veterans bonus list—are subject to certain biases, which may influence the outcome of the study. The reliability of information on death certificates is known to vary tremendously, often in unpredictable ways. When checked against hospital records, the cause of death is often misspecified, underlying causes often are not recorded, etc. In terms of this study, bias could be introduced if there were some subtle, systematic differences in the way diseases are diagnosed and death certificates filled out for Vietnam veterans compared with other men. For instance, because of the concern that soft tissue sarcomas might be related to dioxin exposure, it could be that a physician might be more inclined toward that diagnosis in ambiguous cases when the pa-

tient is a Vietnam veteran than when he is not. We have no way of evaluating the possibility of this type of bias in the Massachusetts study.

The veterans bonus list is also subject to bias. An estimated 95 percent of those meeting the criteria for military service received the bonus, according to the report. These individuals were self-selected, however, since it was necessary to apply for the bonus to receive it. If those applying were not representative of the total Massachusetts veteran population, a bias could be introduced, which could affect the study findings. Because such a large percentage of those eligible applied, we do not necessarily believe this to be a serious concern, though we do not know the details of how the 95 percent estimate was arrived at.

Taking into consideration all the possible limitations of the Massachusetts study, it still appears unlikely that chance or bias can account for the large excess of soft tissue sarcoma deaths. Whether the excess is casually associated with Vietnam service remains an open question, however. We are confident that the results of this study have given a stimulus to other groups to investigate the question of soft tissue sarcomas among Vietnam veterans, adding to an already busy agenda in soft tissue sarcoma research. At present, scientific curiosity coupled with a politically important issue is driving the system appropriately.

LUTHERAN MIDWEST BISHOPS' STATEMENT ON FARM CRISIS

Mr. BURDICK. Mr. President, the Lutheran Midwest Bishops have taken a great deal of interest in the current rural farm situation. The seriousness of the farm situation affects the farmers and others in the community, not only economically, but personally, socially, and spiritually. The Lutheran Midwest Bishops have articulately pointed out the pervasiveness of the farm crisis, and I would like my colleagues to know and become aware of its seriousness.

I ask unanimous consent that this statement of the bishops be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AGRI-COMMUNITY CRISIS: STATEMENT/LETTER OF LUTHERAN MIDWEST BISHOPS

(Lutheran Church in America, The American Lutheran Church)

As midwest Lutheran church leaders, we are seeing large numbers of farm families threatened by the strangling economic circumstances of our times. Experts predict that 80,000 farmers nationwide may go out of business in 1985; in midwest states some 10 to 25 percent will lose their farms this year. An estimated drop of $5 to $10 billion in net farm income in 1985, coupled with a projected 5 percent increase in expenses will make it economically infeasible for many to remain on the land in the future.

In the midwest, agriculture remains the foundation of the economy and of social and political institutions. Our rural churches and the communities in which they exist are being profoundly affected by rural economic decay. But the effects of an increased incidence of farm failures are far more pervasive than what is obvious in the countryside. Current economic indicators that meter an upswing for the U.S. economy have not adequately forecast the link between failed farms and the entire food industry, between farmers' decreased purchasing power and its effects on all agriculture related businesses. Such positive indicators do not reveal how farmers' inability to afford their collective existing debt affects rural banks and in turn poses a great danger to the national financial system.

In the midst of this intensifying rural crisis, churches are being called upon to provide assistance to families currently living with the personal residue of economic stress. Our resources are limited and our response is inadequate relative to the need, but our call to pastoral care is clear.

As leaders in the church, we also are obligated to respond to this crisis more wholistically. Recognizing its historical context, we are aware of the role of federal laws, regulations and policy decisions in helping to frame the current economic picture. U.S. management of the domestic food supply, international trade agreements and interest rates has fueled both the debt crisis and the consistently low level of farm prices. Seeing the human costs of such economic and political decisions, we question whether a nation defining itself as generous can permit these burdens to be borne disproportionately by some of us on behalf of all of us.

At a time when federal farm and tax policies affecting agriculture are being debated by the U.S. Congress, we must, as Christian leaders and responsible citizens, address the roots of this crisis in the countryside and advocate for changed policies that would both ease current financial dilemmas and restructure and refocus farm related programs.

We therefore respond with dismay to the Administration proposals for agriculture that would withdraw government support from an industry that is in the midst of a financial crisis paralleling that of the Great Depression. We object to administration proposals that would:

At this time cut farm price and income support programs and base payments on market prices rather than the cost of production. By excessive reliance on a free market philosophy in agriculture, we believe the federal government would be avoiding its responsibility to provide essential direction to balance production of farm commodities with the demand for them.

Pare down the federal commitment to the Farmers Home Administration by withdrawing from credit programs for low income and beginning farmers. This would further restrict the base of land owners and make farming an economic impossibility for those for whom the government is the designated lender of last resort, including many minority farmers.

Reduce federal support to conservation projects. We see this as a short-sighted means of cutting government spending. Preservation of food producing resources for future generations is not only in the farmers' economic self-interest but in the general public interest. We believe the public should share the economic burden.

We call on the Congress to develop instead a national farm and food policy based on principles of economic justice that would protect the rights of farmers and all those who depend on their production skills, including the hungry in the U.S. and abroad. Central to this policy would be goals of:

An adequate supply of safe and wholesome food at affordable prices for those able to pay, subsidized for those without adequate resources;

Development of economic policies that foster strong growth in the export market taking into account third world development;

Fair prices and legal protections for farmers and farmworkers;

Prudent and effective stewardship of land and other natural resources;

Equitable access to and widespread distribution of farmland and other production assets; and

Short term farm debt relief by making adequate funding available and by the lowering of interest rates.

In the longer term, we urge the Congress to renew its commitment to a viable, efficient, resilient, diversified, productive, widely dispersed and primarily owner-operated family farm system of agriculture. To underscore this commitment, Congress should express its intent to eliminate or minimize public policy incentives to farm consolidation, nonfarm investment in agricultural resources, economic concentration and production specialization.

As specific farm programs, economic and tax policies are being debated in light of the serious federal deficit, we ask members of Congress to consider alternative means of government involvement in the farm sector rather than indiscriminate withdrawal. We recognize the high cost of current farm subsidies and support program restructuring that would carefully target benefits to farms that need them most—those currently in the most serious financial trouble, particularly moderate sized family operations. Therefore, we affirm the need for a financial cap. Such targeting of benefits should also be implicit goals of government farm credit, research and extension programs and the U.S. tax code as it relates to agriculture.

In light of our responsibility as Christian leaders to carry out the scriptural impertive toward care of God's creation, we believe that long term stewardship of soil, land, water and energy resources should be an integral part of all farm programs. We support the creation of a national resource conservation policy as part of the 1985 Farm Bill and suggest that specific soil conservation requirements be made part of all acreage reduction programs, that federal farm program benefits be denied operators who plow up highly erodible land, and that a permanent conservation reserve by established to protect highly erodible soil.

Long-standing Lutheran involvement with the systemic injustices at the root of world hunger stands as a cornerstone to our commitment to food security at both the international and domestic levels. We believe that world food security should become a central goal of U.S. food policy as a means of fostering international prosperity, stability and cooperation.

Bishop Dennis A. Anderson, Nebraska Synod, LCA;

Bishop Darold H. Beekmann, Southwestern Minnesota District, ALC;

Bishop K. Bernell Boehm, Ohio District, ALC;

Bishop L. David Brown, Iowa District, ALC;

Bishop Herbert W. Chilstrom, Minnesota Synod, LCA;

Bishop Norman D. Eitrheim, South Dakota District, ALC;

Bishop Lowell O. Erdahl, Southeastern Minnesota District, ALC;

Bishop Paul E. Erickson, Illinois Synod, LCA;

Bishop Roger J. Gieschen, Central States Synod, LCA;

Bishop Robert Herder, Northern Wisconsin District; ALC;

Bishop Wesley N. Haugen, Eastern North Dakota District, ALC;

Bishop Gilbert M. Lee, Northern Minnesota District, ALC;

Bishop Harold R. Lohr, Red River Valley Synod, LCA;

Bishop Wayne E. Weissenbuehler, Central District, ALC;

Bishop Paul M. Werger, Iowa Synod, LCA;

Bishop Norman G. Wick, Rocky Mountain District, ALC; and

Bishop Robert S. Wilch, Wisconsin-Upper Michigan Synod, LCA.

LIBERATION OF THE NAZI CONCENTRATION CAMPS

Mr. NICKLES. Mr. President, the commemoration of the 40th anniversary of the liberation of the Nazi concentration camps causes us to reflect upon the course of our history. It causes me great sorrow to think of the many people who suffered at the hands of Nazi soldiers. It is my sincere hope that we never experience such immoral actions against any group of people in our world again.

When I listen to individuals, such as Elie Wiesel, speak of the memories they have of the Holocaust, it causes me to wonder how anyone could have survived the trauma of those events. I have great respect and admiration for the individuals who suffered at the hands of the Nazi soldiers. I am certain that the pain and suffering they have endured is too great to ever be fully understood by those of us who did not share their experiences. It is right that we take the time to commemorate their liberation from the Nazi concentration camps. The events that took place during this dark period of history, should never, ever, be repeated.

I believe that every survivor of the Holocaust would join me in saying that Jewish persecution still exists and it is occurring today in the Soviet Union. It is not the persecution the Holocaust survivors experienced in the concentration camps, but it is the denial of emigration rights to the Soviet Jews. We can remember the Holocaust and we can pay tribute to those brave people, some who died and some who survived the Holocaust, but we cannot change the course of events. However, there is still time to change the course of events for the Soviet Jews who are waiting for permission to emigrate. Over 350,000 Jews have expressed their desire to emigrate. Only 896 were allowed to do so last year. Obviously, there are many Jews longing to leave who are prohibited by the Soviet Union to do so. I believe it is vitally important that we continue to stand behind these individuals and continue to express our support for their freedom.

It is not my intention to take the attention away from those individuals who have endured the Holocaust—what they have endured cannot even be adequately comprehended—but I believe it is important to mention the plight of the Soviet Jews at every opportunity. We need to remember the past and look to correcting the human rights abuses of the present.

It is my hope that we can all join together in ensuring that human rights for all be advanced.

PRESIDENT VON WEIZSAECKER PRAISES JOHN McCLOY

Mr. MATHIAS. Mr. President, the history of this century is illuminated by accounts of the public service of John McCloy. During World War II he stood at the right hand of Henry Stimson, one of the genuine statesmen this country has produced.

Later he became U.S. military governor and high commissioner for Germany and was a powerful influence on the emergence of the German people as a stable democratic society in the postwar era. During his stewardship he formed a close association with Konrad Adenauer, the first Chancellor of the Federal Republic of Germany. Their friendship symbolized the close relationship that has developed between the United States and the Federal Republic.

During the Cuban missile crisis, President Kennedy charged John McCloy with some of the most delicate negotiations with the Soviet Union. His success was a material factor in removing Russian nuclear weapons from the Western Hemisphere.

On March 31, 1985, John McCloy celebrated his 90 birthday. This significant anniversary was recognized by events in both New York and Washington.

On Tuesday, April 2, 1985, a birthday luncheon was held in Mr. McCloy's honor in the Senate Caucus Room. Many of Mr. McCloy's friends and associates in Government in both the United States and the Federal Republic were present to offer their congratulations.

The President of the Federal Republic of Germany, Richard von Weizsaecker, was a special guest at the luncheon. I ask unanimous consent that a copy of the text of President von Weizsaecker's remarks be included in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

McCLOY LUNCHEON

(Remarks of Richard von Weizsaecker, President of the Federal Republic of Germany)

Senator Mathias, Mr. McCloy, ladies and gentlemen, it is a rare privilege for me to be present at this illustrious gathering convened today in order to honor John McCloy on the occasion of his 90th birthday. Compared with 90 years the short span of three years may seem insignificant.

Yet during three years in the early postwar period, some momentous, and I dare say, historic, developments took place. The responsibility for these events largely rests on the shoulders of Mr. McCloy. He became a kind of godfather to the infant republic that emerged from a period of destruction, despair and uncertainty. It was you, Mr. McCloy, who instilled confidence and trust. You showed deep concern and an unshakeable belief in the values of freedom and democracy, and by your sober judgment and dedication, you encouraged the growth of a stable political institution in the Federal Republic of Germany. You firmly and wisely believed that those lofty ideals enshrined in indelible passages of the constitution of your country also had solid roots in my country.

The stability of democratic institutions in the Federal Republic of Germany proved that our belief was well-founded. But it was not only pure political philosphy that helped provide stability, but also hard and quiet daily work done by you and your friends, and others who helped you. To my great joy and satisfaction, some of those personalities are present here, such as Shepherd Stone, a Berlin pioneer, and Eric Warburg, the great benefactor to many of us. I also might mention other people who helped you from the outset who are prevented from being here—people like Alex Moeller, or Kurt Birnbach and others.

Your humane example and your realism made you urge the political leaders in your own country to provide the beaten enemies (as quickly as possible) with food, fuel and transportation. You, more than anyone else, contributed to the conception of assisting and promoting economic recovery and convinced other allies to include the Federal Republic of Germany as a partner in the alliance of the free nations. You realized the importance of the free city of Berlin. You played the decisive role in selecting Lucius Clay for his historic task at the time of the airlift of Berlin. Later you convinced President Kennedy to go to Berlin—a visit never to be forgotten in American-German history. You are among the first to have turned enemies into friends. You have accompanied us all the way as a reliable friend, including being critical at moments when you felt it was necessary. That is to say: You have been a true friend.

At present a new generation is growing up in both our countries. To them the origins of this tradition of friendship may gradually recede into historical distance. Yet I think very much depends on keeping alive this awareness of shared values and common purpose. This is essential if we are to face the challenges of the future in a spirit of solid partnership and loyal friendship, in a spirit of common responsibility in very difficult times. As chairman of the American Council on Germany, you devote much energy and time to this task until this present day.

You have never been a moralist, never an ideologist. You always understood the overwhelming power of your nation to be used—not as a means to dictate or to educate other people—but to understand them, to help them, and to feel and act responsibly for them. The nobility of your mind and your heart, your modesty, and not the least your sense of humor have created profound respect for your personality, and trust and

friendship between Americans and Germans.

SENATOR DOLE'S WELCOME TO AMBASSADOR KIRKPATRICK

Mr. McCLURE. Mr. President, I would like both to thank our Senate majority leader and to welcome one of our party's newest Republicans. It is appropriate to do these two things together because of the welcoming reception our majority leader graciously gave for Ambassador Kirkpatrick.

He sees, and I agree with him, her change of party as the start of a trend, a long-term political equivalent of the San Francisco earthquake, as the majority leader phrased it.

I would like to share his remarks with those of my colleagues who were unable to attend, our Republican colleagues in the House, and with those members of the party across the country who join the majority leader in his eloquent welcome.

Mr. President, I ask unanimous consent that Majority Leader DOLE's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR BOB DOLE—RECEPTION FOR JEANE KIRKPATRICK

Mr. Vice President, distinguished guests, Madame Ambassador, my fellow colleagues: Harold MacMillian once defined a diplomat as someone forever poised between a cliche and an indiscretion. Come to think of it, you could say the same of most politicians. Then too, diplomacy itself has been likened to handling a porcupine without disturbing the quills. And anyone familiar with this year's budget process will agree when I say—I know that sounds like the business of politics. Actually, Madame Ambassador, we just wanted a chance to express our admiration for the magnificent job you've done over the last four years in that diplomatic porcupine den called the United Nations.

AN END TO APOLOGIES

Just when a lot of Americans, including their elected Representatives, were disinclined to take the world body seriously, we elected ourselves a President who took it seriously indeed. A President who was determined to make it possible for a U.S. Ambassador to deal once again from a position of strength. He wanted someone who would stop apologizing for and start re-asserting this country's vital interests.

And in looking for such an unconventional diplomat, he went to one of the few foreign policy think tanks in this town which hadn't sprung a leak in recent years. In the process, he found himself a kindred spirit, a woman whose eloquence and vision matched his own.

After that, the U.N. wasn't quite the same, something most of us consider a singular improvement. As the years went by, representatives from non-aligned nations learned for themselves what we were already beginning to suspect: That the United States had, once and for all, removed the sign it used to wear to gatherings of the General Assembly or Security Council—the sign that read "Kick Me." What's more, people who didn't subscribe to Foreign Affairs Quarterly were discovering for themselves a diplomat whose command of the language was married to a shrewd grasp of the world the way it is. They liked what they saw. Because, for all her experience, she never appeared cynical or world-weary—although who in the world has a greater right to weariness than America's Representative to the U.N. forced to listen to instantaneous denunciations in a dozen different tongues?

A WELCOMED CHANGE

For many of us, it was a new and welcomed change to hear our U.N. Ambassador stand up for America's friends—and stand up to America's foes. It reflected Ronald Reagan's own efforts to banish the drift and confusion of recent years. For the first time in a long time, we stopped lowering our profile in the world. More important, we stopped lowering our flags at embassies throughout that world. And no one supplied more compelling arguments for a country unafraid of its own shadow than the professor-turned diplomat from Georgetown.

Those with long memories thought back to Henry Cabot Lodge, holding up the U.S. Seal used to bug our Embassy in Moscow—or Adlai Stevenson vowing to wait until hell froze over—or the Russian representative answered his question about the placement of offensive missiles in Cuba. Suddenly, diplomacy came to be more than meaningless generalities and finger sandwiches, more than the alcohol, geritol, and protocol Stevenson called it.

A POWERFUL VOICE FOR FREEDOM

Small wonder, then, that Jeane Kirkpatrick became an authentic heroine. Or that news of her impending switch to our party set off the political equivalent of the San Francisco earthquake. Jeane: If you promise to stay, we promise to strive—to continue your work toward a world where freedom finds its voice. There's no alternative, really, for in this day and age, those who love liberty can all agree—we must go on, or we will surely go under. Encouraged by your example, and propelled by your courage, we will go on. The President will see to that. We hope you will too.

And now, to present the newest convert to the Republican camp, I'm delighted to introduce my friend and colleague, Maryland's distinguished Senior Senator and a man who himself knows there's nothing partisan about peace: Ladies and Gentlemen, the Honorable Charles Mathias.

TRIBUTE TO AMERICANS FOR SUBSTANCE ABUSE NATIONAL CONFERENCE

Mrs. HAWKINS. Mr. President, I am pleased, as chairman of the Children, Family, Drugs, and Alcoholism Subcommittee to bring to your attention plans for a historic event.

The Americans for Substance Abuse Prevention, who in less than 1 year have grown at a phenomenal rate to over 15,000 members, in planning their National Conference on "Freedom From Substance Abuse in America."

Program plans include a re-creation of the signing of the "Declaration of Independence From Substance Abuse," by various key substance abuse prevention leaders including President and Mrs. Reagan, pollster George Gallup, Senator ORRIN HATCH, Congressman CHARLES RANGEL, former Health, Education and Welfare [HEW] Secretary Joseph Califano, ADAMHA Administrator Dr. Donald Ian Macdonald, Dr. Joseph Pursch, entertainer Pat Boone, myself, and others.

Mr. President, I encourage my colleagues in the Senate to take note of this historic event, and urge you to participate fully in ASAP's efforts to combat substance abuse in this Nation.

Mr. President, I ask unanimous consent that the conference agenda be printed in the RECORD.

There being no objection, the agenda was ordered to be printed in the RECORD, as follows:

CONFERENCE SCHEDULE

WEDNESDAY, JUNE 26

6:00 p.m. Early Registration/Check-In.
7:30 p.m. Opening Reception.

THURSDAY, JUNE 27

7:30 a.m. Registration.
8:15–9:00 a.m. Continental Breakfast.
9:00–9:30 a.m. Trends in Public Attitudes Regarding Substance Abuse, George Gallup, Jr.
9:30–10:30 a.m. Keynote Address: Translating Public Concern Into Public Policy, Joseph A. Califano.
10:30–10:45 a.m. Morning Break.
10:45–11:05 a.m. Multi-Image Documentary—A Legacy of Progress: A Challenge to Action.
11:05–11:30 a.m. Declaration of Independence from Substance Abuse, Pat Boone, A special invitation has been extended to President and Mrs. Reagan to participate in this Ceremony.
11:30–1:00 p.m. Luncheon.
1:00–3:00 p.m. Pathways to Prevention I: Treatment, Jokichi Takamine, M.D.; Industry/Economics: Walter Heller; Education/Prevention: Allan Cohen; Research: George Vaillant.
3:00–3:30 p.m. Afternoon Break.
3:30–5:00 p.m. Initiatives Discussion, Ray Chavira, Moderator. Participants are invited to submit questions to our panel for discussion of issues in: Treatment, Industry/Economics, Education/Prevention, Research.
7:30 p.m. Banquet: Fifty Years of Progress, Harold Hughes.

FRIDAY, JUNE 28

7:30 a.m. Registration.
8:15–9:00 p.m. Continental Breakfast.
9:00–9:20 a.m. The Individual's Role in Substance Abuse Prevention, Joseph Pursch, M.D.
9:20–10:45 a.m. Pathways to Prevention II: Legislation, Senator Orrin Hatch (Schedule permitting); Clergy, Pastor Tim Timmons; Parents and Families, Sue Rusche; Judiciary/Enforcement, John O'Connor.
10:45–11:00 a.m. Morning Break.
11:00–Noon Initiatives Discussion, Ray Chavira, Moderator. Participants are invited to submit questions to the panel on the issues of: Legislation, Clergy, Parents & Families, Judiciary/Enforcement.
Noon–1:30 p.m. Conference Luncheon. Guest Speaker to be announced.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FUNDS FOR SUPPORTING MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

The PRESIDING OFFICER. Under the previous order, the clerk will report Senate Joint Resolution 106.

The assistant legislative clerk read as follows:

A joint resolution (S. J. Res. 106) to approve the obligation of funds available under Public Law 98-473 for supporting military or paramilitary operations in Nicaragua.

The Senate proceeded to consider the joint resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the time on this joint resolution be equally divided between the majority and minority leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum and ask that the time be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the order for the quroum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORT FOR THE DEMOCRATIC FORCES IN NICARAGUA

Mrs. HAWKINS. Mr. President, today we will be debating and voting for additional support for the democratic forces fighting in Nicaragua. I believe that it is important at the outset to clarify what is at stake in Nicaragua. The issue in Nicaragua is whether democratic forces inside Nicaragua will have an opportunity to participate in their countries government or whether the forces of totalitarianism will succeed in consolidating their power and smash the opposition.

Those who oppose continued aid for the Nicaraguan democratic forces say that all this talk of Communists, Marxists, and totalitarianism is just so much paranoia and cold war rhetoric. To that I say do not take my word, take the Sandinista's word.

In the September 30, 1983, issue of Playboy, Nicaraguan Minister of the Interior, Tomás Borge whose responsibilities include internal security and censorship stated explicitly that he was a Communist.

In the December 24, 1984, issue of Newsweek, Borge was quoted as saying, "You can not be a true revolutionary in Latin America without being a Marxist-Leninist."

In November 1977 during an interview with Luis Baez, Ernesto Cardenal, a former Trappist monk and the current Nicaraguan Minister of Culture, said he felt "that not only can a Christian be a Marxist, but in order for him to be authentically Christian, he must be a Marxist, with the emphasis on 'must'."

In a November 7, 1979, letter to Franciso Rivera, Humberto Ortega, Nicaragua's Defense Minister, confided,

It is right that we demand more [regarding] standards and party line, more class consciousness and more Marxist ideological clarity, but let us not do this on an open and mass level, since we run the danger of becoming sectarian and isolating ourselves from the masses.

Later in August 1981, in an address to the Sandinista military, the Defense Minister declared,

Marxism-Leninism is the scientific doctrine that guides our revolution, the instrument of analysis of our vanguard to understand the historical process and to create the revolution.

In May 1984, Bayardo Arce, one of the nine Sandinista comandantes, began a speech to the political committee of the Nicaraguan Socialist Party that was secretly tape recorded and later published in the Spanish newspaper, La Vanguardia, with the the greeting, "Good morning, comrades." He goes on to discuss "the focus that we Communists should give to the electoral process." Later in the body of the address Arce goes on to say:

Imperalism and we all know that that is a code-word in the Marxist lexicon that means the United States) asks three things of us: to abandon interventionism, to abandon our strategic ties with the Soviet Union and the socialist community, and to be democratic. We cannot cease to be internationlists unless we cease being revolutionaries. We cannot discontinue strategic relationship unless we cease being revolutionaries. It is impossible to even consider this.

There are more of these quotes, but this should be enough to give even the greatest skeptic reason to reconsider what motivates the Sandinistas. By contract, who are these democratic freedom fighters? Is this just more rhetoric? Aren't the people we're supporting in this war just as bad as the Communists? Again let's look at the facts and then judge for ourselves.

The largest of the Nicaraguan freedom forces is the FDN [Nicaraguan Democratic Forces]. It was founded in 1982, and was composed primarily of former Somoza guardsmen but it quickly attracted a more broad based memberhip. Today former guardsmen comprise less than 2 percent of the FDN as compared to 20 percent being ex-Sandinistas. Even in FDN military leadership where most of the exguardsmen gravitated former Sandinistas still outnumber former guardsmen by a significant margin—43 percent to 32 percent with the remaining composed of campesinos and others.

The FDN leadership is composed of six people—five are civilians and former Sandinistas and one, Enrique Bermudez, is a former Somoza guard. The leaders of the other major armed Nicaraguan opposition group is also filled with former Sandinistas. Two of the best known names are with ARDE [the Democratic Revolutionary Alliance]—Alfonso Robelo an Eden Pastors. Robelo was an original member if the Sandinista junta, but left in July 1981, and Pastora, sometimes known as Comandante Cero, was a Sandinista military leader and after the revolution was made Deputy Minister of Defense. He left the Sandinistas for the armed opposition in December 1981. Another well-known figure from Nicaragua is Arturo Cruz. Cruz is the former director of the Sandinista Central Bank, a member of the junta and former Nicaraguan Ambassador to the United States. Cruz is not with the armed opposition, but he is a chief spokesman of the political opposition to the Sandinista regime.

On March 2, 1985, several of the armed and unarmed opposition groups met in San Jose, Costa Rica to form a coalition known as the Nicaraguan Resistance. At this meeting they issued a document calling for:

First, a national dialog with the Sandinistas under the sponsorship of the Nicaraguan Bishop's Conference.

Second, a guarantee of protection for the participants in the dialog.

Third, a cease-fire in place.

Fourth, lifting the state-of-emergency.

Fifth, amnesty for political prisoners—approximately 3,500; and

Sixth, guaranteeing the rights of habeus corpus and asylum.

In addition this newly formed group even offered to recognize Daniel Ortega, the current Sandinista President, as President pending a plebisite. The democratic freedom fighters in Nicaragua are seeking only to participate in truly free and open elections, not an automatic place in the government as the Salvadoran guerrillas have insisted.

When you take a look at the facts—the admissions by the Sandinista leadership of Communist/Marxist affiliations, the association with the Soviet Union and other Communist regimes as compared to the membership and political program of the democratic Nicaraguan freedom fighters—you can see that by supporting the freedom fighters we are supporting the forces of democracy and pluralism in Central America.

I suppose it is possible that the Sandinistas could claim to be Communists or Marxists and still adopt programs that are good for their people and regional neighbors, but what does the record show? The record shows that the Sandinistas have disregarded the rights of their people and have become a threat to the other countries of Central America.

When reviewing the human rights situation in Nicaragua, it is hard to know where to begin. At its constitu-

tional convention in 1983, the AFL-CIO condemned "the betrayal of the Nicaraguan revolution by the Sandinista government." In March 1984 one of the AFL-CIO newspapers reported that from the very beginning of the Sandinista government in July 1979 the FSLN, that is, Sandinista party, pushed for the disbanding of all independent labor unions. When the two largest unions refused to go along with the plan the Sandinistas launched a campaign to force them into line.

But the Sandinistas have not limited themselves to harassing independent labor unions; they have engaged in much more serious practices. From 1981-84 the major independent Nicaraguan human rights organization, the Permanent Human Rights Commission [CPDH], which also reported human rights violations during the Somoza regime, reported receiving 97 complaints of deaths attributed to the Sandinista's civil or military authorities. In each case, the death occurred shortly after the deceased had been detained by Sandinista officials who has fully identified themselves. The CPDH has never received an adequate response to its inquires about these deaths, but sometimes they have received threats when they have asked too many questions.

In 1984 the CPDH documented 60 cases of disappearances in which the Sandinista security forces were implicated. The Organization of American States [OAS] 1984 human rights report supported the CPDH contention by reporting.

Concerning the right to live, human rights organizations have continued to denounce violations, especially in the form of forced disappearances and as a result of the abuse of power by members of the security forces.

We do not know for sure what has happened to those people who have disappeared and whose bodies have yet to show up in some remote field, but we do have some idea of what happens inside the Sandinista jails. On May 30, 1984, Amnesty International reported in a press release that it had "confirmed that some prisoners have been tortured or ill-treated in Nicaragua." Also in 1984 the Sandinistas continued to deny the International Red Cross access to the prisoners detained in the special state security facilities. Sadly, we can only suppose what goes on inside these special jails the Sandinistas fear to open to the view of objective eyes.

The Sandinistas have also shown little tolerance for ethnic groups. Take, for example, the Miskito Indians. Though not widely known the Miskito Indians have historically had little to do with the rest of Nicaragua. During the colonial period, the Atlantic coast of Nicaragua, where the Miskitos live, was under the British sphere of influence. It is not coincidence that the largest port on the Atlantic coast of Nicaragua is called Bluefields—not a very Spanish sounding name. The Miskitos have always lived apart, even Somoza left them alone, but not the Sandinistas.The Sandinistas have tried to force the Miskitos under the control of the central government. In 1982, 10,000 Miskito Indians were forcibly uprooted from their Rico Coco homeland and moved to a place prepared for them by the Sandinistas. They are still prohibited from returning home. In April and May 1984, an estimated 2,000 more Miskitos joined literally thousands of their fellow Indians who had fled to neighboring Honduras—continuing evidence of Sandinista persecution of the Miskitos.

What do we find in Nicaragua under the Sandinistas—murder, disappearances, torture, and forced relocations, all standard tools for a totalitarian society. But no totalitarian government is complete without censorship of press, and what do we find in Nicaragua—sure enough. From January to October 1984, before the November election, the editors of January to October 1984 before the November election, the editors of Nicaragua's only independent newspaper, La Prensa, reported that the government censored 20 percent of their stories on national and international events. The paper did not even appear on at least 14 different occasions during the year because of censorship. The editors say that after the election the government doubled its censorship.

The press are not the only ones censored. So is the Roman Catholic Church. Despite the fact that 80 percent of Nicaraguans practice catholicism, the Sandinistas have banned televised masses by Archbishop Miguel Obando y Bravo since 1981, and during 1984 they refused to air his Sunday sermons live. From this one might think that the Archbiship had been a supporter of Somoza, but this was not the case. He was an outspoken critic of the Somoza regime. Somoza occasionally referred to the Archbishop as "Commandante Obando," a reference to the fact that Somoza considered the prelate to be in league with the Sandinistas.

Some had hoped that the election held last November would bring peace and sanity to Nicaragua. But this hope was quickly dispelled when it became clear how the Sandinistas intended to conduct them. The man the Sandinistas chose to organize the elections referred to them as a nuisance, and was quoted as saying,

Of course, if we did not have the war situation imposed on us by the United States, the electoral problem would be totally out of place in terms of its usefulness. What a revolution really needs is the power to act.

This was a bad omen for the election.

Only about half of the political parties in Nicaragua actually participated in the election. Of course, the Sandinistas participated. In addition, three of the other parties involved in the election were various explicit Marxist parties. The Independent Liberal Party [PLI] also participated for a while. The PLI was allied with the Sandinistas from 1980 until February 1984 when they withdrew to begin preparations for the election. They withdrew from the election on October 21 declaring that conditions in Nicaragua made a fair election impossible. The Government, however, refused to take them off the ballot.

The story was similar for the Conservative Democratic Party, but they had had an even harder time from the very beginning. They did eventually win the release of some 60 members of their party from jail but claimed that the Sandinistas still held 140. Faced with the harassment of the Sandinistas, the Conservative Democratic Party met to vote on withdrawing from the election, but the meeting was disturbed by Sandinista Front members and a vote never took place.

It is true that some international observers said the actual balloting process was fair, but considering that two-thirds of the polling places had poll watchers only from the Sandinista Front, and that the obstacles and harassment prevented the active participation of all the major opposition parties, it was hardly necessary for the Sandinistas to add insult to injury by actually fixing the ballots. They had taken care of that by rigging the election process.

If it is not bad enough that the Sandinistas are turning Nicaragua into a totalitarian state, they have also become a threat to their neighbors. In February 1981 the Sandinistas announced that they would build a 200,000-man militia to "defend the revolution against counterrevolutionaries." But the same February 20, 1981, New York Times article that reported this announcement point out that there was "surprisingly little counterrevolutionary activity" at the time. This was before the founding of the FDN, and almost a year before the defection of Cruz, Pastora, and Robelo, the men associated with the other political and military Contra forces.

If the counterrevolutionaries were not a serious problem, then why would Nicaragua need a 200,000-man army? The answer must be that they were afraid of the United States, right? Wrong. Between the victory of the Sandinistas in 1979 and 1981, the United States provided this new Nicaraguan Government with $118 million in economic assistance—more than we had provided to the Somoza regime in the preceeding decade. Hardly the actions of a hostile power. By the date of

this announcement, the Reagan administration had been in office only 1 month and was focusing almost exclusively on economic issues—getting the high inflation and interests rates down and providing tax cuts to get the economy started again. At this point there were no American advisers in El Salvador, there had been no training exercises with the Honduran Army—all of these were to come later. Even the Marxist guerrillas in El Salvador were doing well, and the right-wing death squads were undermining the credibility of that government. So why did the Sandinistas need a 200,000-man army?

Manpower is not the only thing that has interested the Sandinistas. The number of tanks and armoured personnel carriers is up from 28 under Somoza to 340 under the Sandinistas. The number of helicopters is up from 7 to 30, and the number of artillery/rocket launchers is up from 3 to 70.

This regional arms buildup might not be bad if it were to be used for defensive purposes. But what is the record? From June 1982 to the present, Costa Rica has sent 13 protest notes to Nicaragua over border incidents. Remember, Costa Rica has no army. The Costa Rican Foreign Minister once told me that he had been told by the Nicaraguan Ambassador to the OAS that the United States was not a reliable ally because Nicaraguan tanks could be in San Jose before Costa Rica's note requesting American assistance reached Washington.

Costa Rica is not the only country bordering on Nicaragua with problems. In June 1983, the Government of Honduras issued a public document listing 210 border incidents since July 1979. The pattern of Nicaraguan border incidents has continued. On January 11, 1984, a Nicaraguan Army patrol crossed into Honduras and killed 11 Miskito Indians—including three children.

Considering how well-behaved Nicaragua has been with Costa Rica and Honduras, it is, I am sure, improbable that the Sandinistas have been providing any assistance to the Salvadoran guerrillas. Again, let us see what the Sandinistas themselves have to say about such things:

Bayardo Arce was quoted in a September 12, 1983, New York magazine article saying, "We will never give up supporting our brothers in El Salvador."

In the same article, Nicaraguan Defense Minister Humberto Ortega declared, "Of course we are not ashamed to be helping El Salvador. We would like to help all revolutions."

In the September 1983 Playboy article that has already been cited, Nicaraguan Minister of the Interior was asked to respond to the assertion that since the revolution in Nicaragua triumphed, "it will be exported to El Salvador, then Guatemala, then Honduras, then Mexico? To which Borge responded, "That is one historical prophecy of Ronald Reagan's that is absolutely true."

It is no wonder that Nicaragua's neighbors feel threatened. But they are not the only ones in Nicaragua's sights. On March 3, 1985, the Miami Herald carried several articles on Nicaragua's link with international terrorist groups.

Mr. President, I ask unanimous consent to have the articles printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. HAWKINS. Mr. President, I should like to quote from one of the articles the descriptions of who is in Nicaragua:

> Some indeed are fugitives: Italians from the Red Brigades and Unita Combattente Communist; West Germans linked to the Baader-Meinhof Gang; members of Spain's Basque ETA separatist guerrillas; leaders of Honduras' Cinchonero guerrilas; militants from Peru's Shining Path; Montoneros from Argentina; Tupamaros from Uruguay; and a hodgepodge of Salvadorans, Costa Ricans, Colombians, Chileans, Guatemalans, Paraguayans and Bolivians.
>
> On February 8, the Italian government handed the Sandinistas a list of 22 left-wing Italian extremists believed to be living in Nicaragua, some already sentenced in absentia to 22 years in prison, some wanted on arrest warrants, others describing only as "subversives."

This reads like a Who's Who of international terrorism. The only ones who seem to be missing are the PLO, but, no, they have not been forgotten. In fact, the Sandinistas have allowed the PLO to set up an embassy and diplomatic staff in Managua. The PLO-Sandinista link goes back to at least the 1970's when the Popular Front for the Liberation of Palestine [PFLP], one of the most extreme of the PLO units, provided training in Lebanon for about 150 Sandinistas.

You might say, "So what?" to the fact that the Sandinistas are leading their people down the road toward totalitarian dictatorship, that they are murdering and torturing their people, that they are a military threat to their neighbors, and that they are associated with various international terrorist groups. What concern is this to the United States?

If this is not enough, let me show you why I think important American national interests are at stake in Central America. For starters, let us review our dependence on the Gulf of Mexico and the Caribbean Sea. Through these waters transits 45 percent of U.S. foreign trade and 55 percent of our oil imports. Over 90 percent of the U.S. supply of strategic minerals such as cobalt, manganese, titanium and chromium, all vital for industrial or military use, comes either directly from the Caribbean Basin countries or travels to U.S. ports through the Caribbean Sea from other locations. And in the event of a military emergency in Europe, 60 percent of our total resupply/reinforcement material in the first 60 days would sail through these waters. This point is very straightforward—these waters are vitally important to the United States.

You might ask what could Nicaragua or Cuba do in the face of an superpower like the United States. For an answer, let me review what Hitler's U-boats accomplished in this region without the benefit of a friendly port or potential aircover. Within 6 months, the German U-boat fleet sank 260 merchants ships in the Caribbean area. There is no telling what the Soviets might be able to accomplish with the largest submarine force in the world and two friendly bases of operations, Cuba and Nicaragua. This is, of course, to say nothing of the Panama Canal and the complications it would pose for American stategic planners to be denied unhindered access to this vital waterway. This 52-mile-long canal with its numerous locks could easily be put out of action by a terrorist group or hostile air power by knocking out a single lock or sinking a ship in transit; 44 percent of our Alaskan crude oil travels through the Canal, not to mention the flexibility it offers the U.S. Navy by allowing most ships to travel easily from one ocean to another.

For the United States one of the most serious aspects of the Nicaraguan problem comes from its close association with the Soviet Union. From 1981 to 1984 Soviet-bloc military deliveries have increased 200-fold to 18,000 metric tons. In addition, the bloc has provided Nicaragua with at least $70 million for nearly 40 new military facilities. This is not to mention the manpower, training and support that have been supplied by the bloc. There are approximately 100 Soviet military advisers in Nicaragua, around 3,000 military advisers from Cuba and scores of others from Bulgaria, East Germany and other Soviet-bloc countries or their allies. These people are used to train the Nicaraguan armed forces, their internal security forces, that is secret police, intelligence operatives and so forth. There have even been reports of Cuban military advisers with the Sandinista troops battling the democratic freedom fighters. Furthermore, the Saninistas are working on a 10,000-foot runway at Punta Heute which when completed will be the longest in Central America and capable of handling every aircraft in the Soviet inventory. At the very least this could enhance Soviet reconnaissance capabilities along our west coast in the same way that Cuba has provided a huge boast in Soviet reconnaissance

along our east coast. At the worst this airfield could someday provide a base for advance Soviet jet fighters or bombers that could provide aircover for Nicaragua's activities against its neighbors, or to support broader Soviet ambitions. It certainly is not encouraging to learn that Nicaraguans are receiving jet fighter training in Bulgaria and elsewhere.

It is true that in the event of a major problem in Western Europe or the Persian Gulf, the United States could secure its flank against Cuban or Nicaraguan activities. But that is not the point. In military actions, the speed and size of the response is often critical to the success of the mission. If the United States had to take the time and devote the resources to ensuring that our vital sea lanes were secure from Cuba or Nicaraguan supported interdiction, then we could lose valuable time and resources in responding to an area of the world where America's national interest is unquestionably at stake.

Finally, there is the issue of Nicaraguan involvement in international narcotics trafficking. As chairman of the Subcommittee on Children, Family, Drugs and Alcoholism, I conducted hearings last Friday into the role of the Nicaraguan Government in narcotics trafficking. What was revealed was shocking, but provided incontrovertable proof of the intimate involvement of numerous officials in the Sandinista regime in narcotics trafficking. And this trafficking is aimed directly as the youth of our Nation.

Mothers and fathers in the United States of America need to know that the Nicaraguan people, some in high government positions, are engaging in narcotics trafficking.

Testifying at this hearing were two eyewitnesses to activities in narcotics trafficking: two individuals who participated in meetings that included, at various times, fugitive Robert Vesco; Nicaragua Minister of the Interior Tomas Borge; Frederico Vaughn, another Sandinista government official; and numerous other representatives, who were tested by both the Department of Justice and the Department of Treasury and determined to be telling the truth in their statements, stated unequivocally that there is direct involvement by members of the Nicaraguan Government in the trafficking of narcotics destined for the United States. I do not think that there can be any question of Sandinista complicity in narcotics trafficking.

Clearly, the United States has a stake in what happens in Nicaragua. We are trying to decide what is the best course to follow. Some say let us use Contadora and the diplomatic process. I support Contadora because I believe that we should exhaust all the options we can in order to achieve a peaceful resolution of the problem.

But I also support aid for the democratic forces in Nicaragua because that also holds out an option for a peaceful settlement. I support the democratic freedom fighters in Nicaragua because I support democracy. These brave men and women willing to lay down their arms and talk about a peaceful resolution of the problems of Nicaragua, but they need to know they have the countinued support of the world's greatest democracy.

Since the founding of the Bolshevik regime in 1918, no Communist regime in the world has voluntarily relinquished power. The record is not encouraging, but the democratic forces fighting in Nicaragua are willing to give it a try. If, however, the Sandinistas prove, like Hitler in World War II, to be unwilling to reach a reasonable accommodation through peaceful means, then the forces for freedom and democracy must have the resources to defend themselves and their ideals. That is why I support aid for the Nicaraguan democratic freedom fighters. That is why my colleagues should support aid for the Nicaraguan democratic freedom fighters.

EXHIBIT 1

[From the Miami Herald, Mar. 3, 1985]

WORLD'S LEFTISTS FIND A HAVEN IN NICARAGUA

(By Juan O. Tamayo)

MANAGUA, NICARAGUA.—Scores of left-wing militants from around the world—some of them wanted on terrorism charges in their home countries—have settled in revolutionary Nicaragua since the Sandinista triumph of 1979.

Some are treated by the Nicaraguan government as virtual diplomats, representing their organizations. Others are fugitive militants, granted jobs, identification papers and safe haven.

An overwhelming majority are simple political exiles or leftist sympathizers come to express solidarity with the Sandinista revolution and mingle with ideological brethren in a friendly environment.

Several Sandinista officials acknowledge, however, that a significant minority, mostly Latin Americans, are active guerrillas, plotting the overthrow of home governments. They hold strategy meetings and, sometimes, undergo military training here and in Cuba, the officials say.

The Reagan administration has used the presence of so many people with ties to left-wing groups as proof that Nicaragua has become a nest of international terrorism. U.S. officials say they will focus on these links in asking Congress to resume U.S. assistance to anti-Sandinista rebels. Anti-Sandinista leader Alfonso Robelo calls Nicaragua "the center of terrorism in Latin America today."

But several knowledgeable sources interviewed in Managua, elsewhere in Central America and in the United States argue that Nicaragua is less a terrorists' training ground than a tropical sand-and-surf watering hole for the international revolutionary set.

One leftist intellectual close to both exile circles and the Sandinista leadership called Nicaragua "a winter barracks for over-repressed guerrillas." Training of foreign terrorists, he said, "is not government policy."

Whether they are guerrillas-at-ease or terrorists-in-waiting, it is clear that Nicaragua is attracting them by the droves.

On almost any day, Argentine and Uruguayan guerrillas gather at the Yerba Buena, a beatnik-style coffee shop-bookstore in the heart of Managua. Salvadoran rebels can often be found dining at the Los Gauchos restaurant. Italians and Germans gather for small house parties.

Some are indeed fugitives: Italians from the Red Brigades and Unita Combattente Comunisti; West Germans linked to the Baader-Meinhof Gang; members of Spain's Basque ETA separatist guerrillas; leaders of Honduras' Cinchonero guerrillas; militants from Peru's Shining Path; Montoneros from Argentina; Tupamaros from Uruguay; and a hodgepodge of Salvadorans, Costa Ricans, Colombians, Chileans, Guatemalans, Paraguayans and Bolivians.

On Feb. 8, the Italian government handed the Sandinistas a list of 22 left-wing Italian extremists believed to be living in Nicaragua, some already sentenced in absentia to 22 years in prison, some wanted on arrest warrants, others described only as "subversives."

"CLEAN CONSCIENCE"

The Nicaraguan Foreign Ministry has denied any knowledge of the 22 Italians. Sandinista officials also say their "conscience is clean" regarding the Reagan administration allegations they consider most damaging to their image: Reputed links to Libyan strongman Mu'ammar Qadhafi, Iranian Moslem extremists and Colombian drug traffickers.

However, one ranking Sandinista official acknowledged that "we can't deny everything. . . . It is perfectly possible that on special occasions there would be [training] courses scheduled." The official, like almost every other knowledgeable source contacted, agreed to talk about the sensitive issue on promise of anonymity.

Some Nicaraguan officials, though not many, say they regard the aid to leftists as retaliation for U.S. support for anti-Sandinista guerrillas. And they say the European leftists are fighting NATO, "the symbol of American imperialism in Europe."

Conversations with a variety of sources indicate that the Sandinistas draw a careful distinction between guerrilla movements that have armies in the field and terrorist organizations that specialize in bombings, kidnappings and assassinations. Guerrillas, especially those from El Salvador and other Central American countries, can get training and guns. The others, mostly from Europe, are kept at arm's length.

HELP WAS DENIED

But on occasion the Sandinistas have even denied help to Latin American guerrillas. Leaders of Colombia's April 19 Movement have told friends they were denied permission to use Nicaragua as a staging base for their 1981 incursion into Colombia's Caqueta province. A Peruvian writer known to be close to Shining Path guerrillas was expelled from Nicaragua last year. And Salvadoran rebels said that the Sandinistas almost refused them permission to use the Managua airport as a stopover last month for 10 crippled guerrillas traveling from Costa Rica to Europe for medical treatment.

Despite these occasional rejections, Nicaraguan government officials said, the Sandinistas have built an extensive, intricate and

highly discreet system for maintaining and cultivating contacts with the foreign leftists and funneling different kinds of assistance to them.

Many Sandinista officials acknowledge that in a sense they are repaying past favors. The Palestine Liberation Organization trained at least 150 Sandinistas in Lebanon during the 1960s and 1970s, said a former Israeli intelligence agent who used to live in Nicaragua. And Argentina's Montonero guerrillas sent 20 to 30 foot soldiers to fight in the revolution, said Eden Pastora, a one-time Sandinista turned opposition guerrilla leader, in a Miami interview.

CUBA RELATIONSHIP

The Sandinistas' relationship with Cuba dates back to 1961, when Interior Minister and Comandante Tomas Borge underwent guerrilla training there. Hundreds of Sandinista rebels eventually trained in Cuba. And in 1979, Havana sent several planeloads of guns and ammunition for the final offensive against President Anastasio Somoza.

Controlling today's aid system in Nicaragua is the Sandinista Front's Director for International Relations, supervised by Bayardo Arce, like Borge one of the nine comandantes who have ruled Nicaragua since 1979. Arce is regarded as one of the most radical of the nine, which also included Nicaraguan President Daniel Ortega.

The directorate, all of the sources agreed, manages the Sandinista party's "fraternal" relations with everybody from official ruling parties, to loyal oppositions, to broad front coalitions, leftist alliance, guerrilla groups and bands of terrorists.

"This includes groups battered by repression because of their active opposition to their governments," said one Nicaraguan official. "Many of these are underground groups."

And many of them are still virtually underground in Nicaragua, under Sandinista orders to stay out of public view. Long-time Sandinista said this is the same wink-and-a-nod arrangement the Cubans imposed on them when they lived in exile in Havana in the 1960s and 1970s.

The sources said at least 30 of the clandestine groups have *delegados* in Managua who are officially recognized by the directorate. A *delegado* has three duties: maintain official contacts with the Sandinista Front: organize his group's meetings, publications and other political work; establish links with other foreign groups and potential sponsors.

PLO EMBASSY

The Palestine Liberation Organization has an embassy and diplomatic staff in Managua. Colombia's April 19 Movement has a political office. The Salavdoran guerrillas have three news and propaganda offices, as well as a clandestine radio transmitter.

Once a *delegado* has established himself, his key job is to find work for down-and-out compatriots living in Nicaragua, Sandinista Officials said. The directorate will not help here, but allows the *delegado* to exploit his personal contacts within the government.

One Latin American exile living in Managua said that Montoneros in 1980 offered to use some of their savings, amassed in dozens of ransom kidnappings, to build a Managua factory that would employ some of their guerrilla countrymen. There is no indication whether the project was carrried out.

Several of the *delegados* have taken advantage of the Sandinistas' hospitality to summon followers abroad to strategy-setting sessions in Managua. Peru's Shining Path held a "Spirtual retreat" last year to study Von Clausewitz's book *On War* and "the theory of betrayal" according to Shakespeare's Macbeth, said one person who attended.

Sandinista officials usually stay away from such revolutionary seminars, sources said, although they almost certainly know about them. "They are notoriously careful about who they let into the country, so it must be with their knowledge," one official said.

A former of official of the Nicaraguan Interior Ministry who now lives in Costa Rica said the directorate also occasionally helps fugitive guerrillas and terrorists by arranging financial aid through labor unions and other Sandinista-run organizations. It also can provide safe houses, false passports, Nicaraguan identification cards and false license plates, he said.

The Interior Ministry's General Directorate for State Security and the Sandinista army, the source added, both have officers specially assigned to help any foreign leftist that gets into trouble—a car accident or a drunken brawl.

For the first four years of the revolution, the sources said, the Sandinistas provided a steady flow of aid and assistance to their leftist friends, especially the Salvadorans.

RIPE FOR REVOLUTION

"The Sandinista triumph brought a certain revolutionary euphoria," said one Sandinista official with close ties to the exiles. "We thought all Latin America was ripe for revolution, so there was a lot of assistance going out. Those people could count on support."

But by mid-1983, the official said, and especially after the U.S. invasion of Grenada in October of that year, the Sandinistas "began to realize that the tide of Latin American history was moving against us."

On Nov. 20, 1983, the Sandinistas gave the Salvadoran guerrillas two days to transfer some of the people out of Nicaragua and close down some safe houses. They moved some of their logistics operations, including a radio station, to more discreet locations on the outskirts of Managua, Salvadoran rebel officials said.

A year later, however, the Sandinistas moved in still another direction after noting that controversial U.S. policies—the Grenada invasion and deployment of U.S. cruise missiles in Europe—had gone forward without effective international opposition.

Seeing themselves as the next target for U.S. aggression, Nicaraguan officials said, the Sandinistas sought closer ties with the radical European left, the failed anti-missile movement, other Latin American leftists and even U.S. liberals.

Visitors from the United States, Europe and Latin America now return home, said one official, "sensitized to the Central America problem, and if they've spent any time at all here they have passionate sentimental links to Nicaragua."

Some of the visitors leave with more than passions. According to several of the sources, there is a second level of Sandinista assistance to Latin American leftist volunteers—one that includes military training.

Cuba's top military representative in Nicaragua, Gen. Arnaldo Ochoa, runs this program through two parallel chains of command, according to the former Interior Ministry official and two present Sandinista government officials.

"CUBAN FORCE"

One, the "Cuban Force," is made up entirely of Cuban officers. The other, the "International Force," has only Latin American exiles, many of them Argentines, Chileans and Uruguayans, who live in Cuba and hold officers' rank in the Cuban military. All foreign military advisers are issued Nicaraguan identification cards, the defector added.

Sources with access to the People's Sandinista Army's payroll records said about 700 Cuban military advisers and 555 International Force officers were in Nicaragua in 1980. The number tripled the following year, they added.

The pick of the Latin American volunteers go to Cuba for instruction in special camps in the western province of Pinar del Rio and an installation near Guanabo, close to Havana, known as "Base 00," the defector said. In 1983, he said, he saw Cuban military officers at the Managua airport escorting 10–12 Costa Rican volunteers aboard a plane for a flight to Havana.

Second-level prospects, the sources said, are trained in Nicaragua, either in groups from the same country or as individuals integrated into regular Sandinista army units. Several Honduran guerrillas captured in 1983 and 1984 described 2½ years of training in Cuba and Nicaragua, followed by several months of fighting with the Nicaraguan army against anti-Sandinista rebels.

Still, most foreign leftists living in Nicaragua did not come to hone military skills or hide out.

The majority are political exiles who fled right-wing governments, or they are militant leftists who moved to Nicaragua because of what one South American intellectual called a "moral imperative" to support the Sandinista revolution.

Many of the exiles, usually professionals and technicians who would have difficulties working in more developed countries, also came to Nicaragua because they can find jobs here, replacing a managerial class rapidly fleeing Sandinista rule.

And Nicaragua is a safe haven, a place where enemies cannot easily watch them, where they can gather in groups and perhaps persuade the government to grant them the kind of international solidarity that the Sandinistas enjoyed during their long struggle against Somoza.

"The Sandinistas received a lot of help when they were guerrillas," said a one-time high-ranking Sandinista security official now living in Costa Rica. "Now the others are collecting the debt."

The PRESIDING OFFICER (Mr. GORTON). The Senator from Illinois is recognized.

Mr. SIMON. I thank you, Mr. President.

Mr. President, I say to my colleagues in the Senate that I also wish to discuss this Nicaraguan aid situation briefly.

First of all, I point out to Members of this body who have not read the resolution that it is an open-ended resolution, and I am quoting:

For supporting directly or indirectly military or paramilitary operations in Nicaragua.

It means we can send American troops. We could drop a nuclear weapon. I am not suggesting anyone is seriously thinking about doing that.

Mr. President, I think there are a few basic questions, and the most basic

of them all is, Should the United States be involved in the violent overthrow of a government of another country?

The administration would say that is an improperly framed question. I think that in fact is the fundamental question because the Contras make no bones about that being their aim, and they are the people we are supporting.

My conclusion is unless we would face the most extreme situation, if we face an Adolph Hitler in some country somewhere, maybe we should be involved in trying to overthrow that government. But that would be a once-in-a-century kind of an occurrence.

In general, we should not be involved in trying to overthrow the government. Violence invites violence. If we use terrorism against other countries, other countries will feel justified in using terrorism against us.

Some of the other questions:

Who are the Contras who are fighting the Sandinistas?

Well, they are a mixture of good and bad. The Democratic Revolutionary Alliance, for example, is a group that I think beyond any question wants to restore a full democracy in Nicaragua. But the largest group, the Nicaraguan Democratic Force, the FDN, is a group that is supported by the CIA, and they have a number of Somosa people with them. Some people say that Somosa people dominate. Others say they do not. It is very difficult to get at the truth. But in any event, the Contras are a mixed bag, some of whom we would like to associate with, some of whom I think we would clearly rather not associate with.

The second question, and the Senator from Florida has alluded to this, Have the Sandinistas given the people of Nicaragua good government? By our standards, they have not, though it is probably better than the government that preceded them. They have permitted some opposition. It has been limited. They have permitted one opposition newspaper, La Prensa, though it is censored. They have conducted an election. It was not a totally free election, but it was not a complete sham, either. It was a better election than is held in many of the dictatorships around the world that we support. They have reduced illiteracy. They have improved public health. But we should not fool ourselves. The Sandinistas are not Boy Scouts. I think it is very clear that there is a Marxist orientation to that leadership.

To add some confusion, they have provided greater freedom of the Roman Catholic Church than has the Government of Poland, for example, or the other Communist nations, with an exception I think we would have to say of Hungary. When the Pope visited Nicaragua he was treated crudely by that Government there.

The Government is not a western style democracy. It is not the Government we would like to see there. But that is true of most governments on the face of the Earth.

Another interesting question: Who is the main trading partner of Nicaragua? I know of no precedent for what we now have. We are the No. 1 trading partner of Nicaragua. We recognize Nicaragua diplomatically and at the same time we are involved in trying to overthrow the Government there. I just do not understand that. And if the Government is so onerous that we have to apply pressure then we should apply diplomatic pressure, trade pressure, other pressure rather than sending down weapons for destroying these people.

Nicaragua purchased 106 million dollars worth of material from us last year, including ironically 10 millon dollars worth of lubricating oil that is essential for their military, and we bought about 116 million dollars worth of products from them.

But it is a strange situation we face there.

Another question: Are the Contras guilty of atrocities? My distinguished colleague from Iowa just a moment or two ago showed me this Newsweek magazine. I have not had a chance to read it. I saw the picture of someone—a Northwestern University student—who was traveling with the Contras took where someone was forced to dig his own grave and then was stabbed in the neck. The pictures are in this week's Newsweek magazine.

I do not say this is typical. I do not know. But the New York Times the other day printed this account of one incident. It says:

> Santos Roger Briones, 16 years old, said he was travelling in a Government-owned dump truck. . . . Nearly a kilometer ahead was a pickup truck carrying armed soldiers who had been supposed to protect the unarmed civilians from an attack by anti-Government guerillas who have been operating in the mountains of northern Nicaragua. . . .
>
> "Suddenly, Mr. Briones recalled, the dump truck was peppered with rifle, machine gun, grenade, and rocket fire. Many in the truck were wounded instantly. Those who could, jumped down and ran for their lives.
>
> "I was hit in the foot and was covered with blood, so I lay on the ground, pretending to be dead," said Mr. Briones. He said he remained motionless as men in blue uniforms robbed him of his boots and wallet. "Then the Contras came and cut the throats of the people who stayed on the truck," he said.
>
> "When they were finished, they set the truck on fire," he added. "From where I was lying, I could hear the groans and screams of those who were being burned alive."
>
> All told, 21 civilians ranging in age from five to 60 were killed, eight wounded, and one kidnapped in that incident.

I am not at all sure these are the kind of forces we want to be identified with. Yet that is what we are asked to do. Would the Contras establish a government which is any better than the government that is there now? I do not think anyone knows. It would probably be less inclined toward the Soviets, and from that political perspective it might be a little better. But whether they would in fact offer any more freedom to the people there, there is very little evidence to suggest that.

Is what we are doing to aid the Contras a violation of international law? It clearly is a violation of international law. It is interesting in this whole field that we have not been willing to submit to the International Court at The Hague. And I think that is a grave mistake in and of itself.

Do other anti-Communist governments in Central America support our stressing sending military aid to the Contras? They do not. They oppose it. Does the Roman Catholic Church support what we are doing? The bishops have made very clear in their testimony to Congress that they oppose what we are doing. They think we are making a bad mistake. What should we be doing?

I spoke last week to about 20 education leaders from around the world that the State Department invited into the United States. One of them happened to be from Nicaragua. I turned to him, and I said, "What should we be doing in Nicaragua?" And he said, "I don't particularly like the Sandinistas. I don't like the Contras." But he said, "Let us solve our own problems. Don't send down all your weapons and destroy us." And I think his advice is sound.

I would add if we are interested in preventing Marxism from rising in Central America—and we should be—then we ought to respond to the needs of the people in that area. You could visit Nicaragua 20 years ago, 30 years ago, visit El Salvador, visit the other countries of Central America, and you would know there were problems. Let me give you one other example.

Right now the United States provides about 391 full scholarships for all of Central America to come to college in the United States. The Soviets supply about 7,500. I do not suggest that every student that goes to the University of Moscow or the Patrice Lamumba University is going to come back a dedicated Communist, but there unquestionably is going to be an ideological tilt just as the students who come to the United States return to these countries there is a tie to the United States. What I am suggesting is that if we vote this $14 million that is going to be used by the Contras, we will be doing little if anything to resist Marxism. My guess is we are playing into the hands of Marxists. But if we are really interested in doing something long range, instead of sending

$14 million down in military equipment, let us provide scholarships, let us attack the poverty of that area, and let us do some constructive things that show the people of that area that we care.

Many years ago before I was a Member of Congress, our family drove down the Pan-American Highway to San Jose, Costa Rica, a trip I would not recommend to anyone today. But when we were in San Jose, we visited with Jose Siguerres, who was then the President of Costa Rica, whom I had known before. In the living room of his home—this is when Richard Nixon had just become President of the United States—was only one autographed picture. It was an autographed picture of Hubert Humphrey. I asked him. I said, "Mr. President, I am curious. Why do you have that autographed picture of Hubert Humphrey there?" He said, "We sense that Hubert Humphrey cares about us." What the United States has to be doing is to care about people of Central America, not view them as pawns in some East-West struggle. We have to care. We have to be concerned. And if we are concerned about the people, then we are going to respond in ways that are infinitely more effective than this $14 million which is a boomerang that we are sending into the air that is going to return and haunt us and hurt us.

I hope my colleagues in the Senate will pay close attention to what we are doing, will not vote for this open-ended resolution, will use some caution and prudence, and send a message to the White House as well as to all of Central America that we are rethinking our policies there.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER (Mr. MATTINGLY). The Senator from Iowa.

Mr. HARKIN. Mr. President, I rise in strong opposition to the resolution before us and the request by the administration to provide the $14 million in aid to the so-called Nicaraguan Contras.

Mr. President, let us be clear on the issue before the Senate today. It is not about whether the United States will provide $14 million to Nicaraguan Contras. It is not a referendum on the Nicaraguan Government. The issue is simply this: Does the Senate of the United States give its approval to the active, open encouragement, and support of the overthrow of the Government of Nicaragua, support which will indisputably result in an escalation of military conflict, further destabilization in Central America, and in taking the United States closer to war in that region?

Let there be no doubt, Mr. President, the vote today in the Senate is the equivalent of the vote on the Gulf of Tonkin resolution in 1964. Not since that time have the American people been subject to such demagoguery hypocrisy and hubris on the part of the administration. Not since that time has the Senate faced a vote as significant as the one we face today, a vote which provides such a clear choice between peaceful negotiations or increased U.S. military intervention.

The record of this administration in the conduct of Central American policy is frighteningly reminiscent of the Vietnam experience. Just as in Vietnam, we hear an administration engaging in gross deception, distortion and duplicity in its attempt to explain and justify increased military involvement in the internal affairs of a foreign nation.

Just as in Vietnam, we see an administration pursuing a course of action which may well lead to direct military intervention.

Last week, the distinguished junior Senator from Massachusetts, Senator KERRY, and I released a report issued by the Institute for Policy Studies which gives us good reason to doubt the administration's sincerity in its efforts.

This study is entitled "In Contempt of Congress," and it details the way in which the Reagan administration has consistently misrepresented to the Congress and the American people its intentions and actions in Central America.

From the outset of the administration's covert war, we have been misled as to its true purpose. To quote the President, from a statement before a joint session of this body and the House of Representatives on April 27, 1983, "Let us be clear as to the American attitude toward the Government of Nicaragua,"

He continued, "We do not seek its overthrow. Our purpose in conformity with American and international law is to prevent the flow of arms to El Salvador."

But that was not then, or is it now, our purpose in Nicaragua. Moreover, this policy has flagrantly violated both the laws of this Nation and international laws. Clearly, the intent of funding the Contras has not been to interdict arms. Four years and 150 million tax dollars later, the CIA's Contras have not captured a single major cache of arms.

Intelligence officials have claimed that they can hear a toilet flush in Managua. Yet $150 million and 4 years later, they have not produced one truckload of rifles or ammunition since we authorized this regrettable policy.

Within 6 months of the President's statements to us, within 6 months of the President saying that our goal was not to overthrow the government, the CIA, under the direction of Bill Casey—who, I might add, was President Reagan's campaign director in 1980, so I have to believe that the President knew what was going on—the CIA was drafting a manual on how to conduct guerrilla warfare in which it was stated, "This is the moment in which the overthrow can be achieved and our revolution can become an open one."

Yet, 6 months before, our President said our goal was not to overthrow the government.

This manual further urges the CIA paramilitary army to practice selected violence upon the Nicaraguan people, including assassinating civilians, a patent violation of the President's own executive order against such activities.

Mr. President, as my colleague from Illinois just stated, it was with a feeling of sickness, of total revulsion, that I opened this week's issue of Newsweek and looked at the pictures of the so-called democratic army at work. The pictures show graphically the same kind of things we saw in Vietnam, summary executions.

Here is an individual in this picture digging his own grave and then one of these—did I hear earlier?—brave democratic fighters bound the hands of this person and systematically shoved a knife through his throat, putting him in the grave he himself had dug.

These are the brave, democratic fighters we are supporting? Echoes and pictures of Vietnam come back on us again.

These are the moral equivalent of our Founding Fathers? Binding the hands of an unarmed person not even in uniform, making him dig his own grave, and systematically slitting his throat?

Is this what the CIA has been up to in urging selected violence and assassinating civilians?

We trusted the administration to abide by the conditions we set on aiding the Contras and they abused that trust and they treated Congress with contempt.

Time and again, U.S. officials have come before the Congress to testify that their activities in Central America are benign and in conformity with the law. Well, that is just not so.

Let me cite just a few examples of how we have been misled.

When Congress expressed its concern that U.S. military construction in Honduras was designed to aid CIA operations against the Sandinistas, we were told by Nestor Sanchez of the Pentagon that there would be no coordination, no contact, no communication of any kind between U.S. military operations and the CIA Contra program. Yet, investigators from the Government Accounting Office were told by military officials in Honduras that the supposedly temporary base constructed by the U.S. Army "will be left behind for use by the CIA personnel."

We have been told by one administration official after another that the Nicaraguan arms buildup is offensive in nature and threatens its neighbors. Yet, an intelligence report cited in the Wall Street Journal earlier this month states:

> The overall buildup is primarily defense oriented, and much of the recent effort has been devoted to improving contra insurgency capabilities.

We were told by Secretary of Defense Caspar Weinberger that the United States had not mined the harbors of Nicaragua when, in truth, the CIA, with the authorization of the President, had done just that. I remember well the words of the senior Senator from Arizona, Senator GOLDWATER, who said, "This is an act of war."

Given this record of deception, it is difficult now to believe the President when he portrays the $14 million provided by Senate Joint Resolution 106 as a "peace plan" that will provide humanitarian aid through the CIA to the contras. Imagine that. A peace plan that will provide humanitarian aid through the CIA to the Contras.

Does the President really expect us to believe that the same CIA that wrote the murder manual encouraging the Contras to assassinate civilians, this same CIA that bombed Nicaragua's main oil storage facilities, the same CIA that mined Nicaraguan harbors, is now going to set up soup kitchens in the mountains of Honduras?

Mr. SIMON. Mr. President, will the Senator yield?

Mr. HARKIN. I am delighted to yield.

Mr. SIMON. I think the Senator is pinpointing what is extremely important. I know negotiations are going on now to limit that $14 million to strictly humanitarian aid. The Senator from Iowa and I have fought for humanitarian aid for people all over this world. We will continue to. But, frankly, at this point I feel as the Senator from Iowa would suggest, I just do not trust this administration to see that that really is humanitarian aid going to people who need it, but somehow it is going to be used in the wrong way.

I gather the Senator from Iowa feels exactly the same way.

Mr. HARKIN. I thank the Senator. There is no way that this $14 million through any U.S. agency is going to go for humanitarian aid. It will go to help Contras. They say food, clothing, medicine, and things like that for the contras. Well, the Contras need that to continue their war. Whatever other money they have, they will go out and buy arms with and continue in their attempt to overthrow the Government of Nicragua, with our help.

That is why I agree with the Senator from Illinois. If the administration truly wants humanitarian aid to help the refugees, I will be the first to vote for it, and I know the Senator from Illinois will vote for it, too, if that aid is provided through the United Nations Commission on Refugees or the International Red Cross. But not through the CIA of the United States.

Mr. SIMON. I thank the Senator for yielding.

Mr. HARKIN. What the President honestly calls a "proposal to help restore peace and democracy in Nicaragua" is really the ultimate deception. This is not a plan for peace. It is a plan for war, as the administration acknowledged in its report to Congress, and this was quoted in the New York Times: "Direct application of U.S. military force * * * must realistically be recognized as an eventual option."

There you have it. The President is saying that we must recognize that he might eventually use military force if, in fact, the Contras are not successful.

Mr. President, what we are being asked to do today is to give a green light to the administration's plan to escalate the war against Nicaragua. Until now, the main weapon of this undeclared war has been the Contras.

The President would have us believe that the Contras are "freedom fighters." He would have us believe that they are the "moral equivalent of our Founding Fathers." This is a perversion of our history and of the fundamental values upon which our country is founded. This is but another attempt to mislead the American people about the true nature of the struggle in Central America. And it is shameful beyond belief.

Again, I ask him to look at these pictures, these pictures in Newsweek magazine, and tell me that an individual who has the arms, who makes an unarmed individual dig his own grave with his bare hands, binds his hands and systematically slits his throat, is the moral equivalent of George Washington and those who fought our revolution.

The founders of this Nation did not engage in killing innocent men and women. They did not engage in systematic torture and atrocities. Yet that is what is being conducted by the Contras. This Nicaraguan force, the FDN, closely associated with the CIA, is misnamed when they call it the Nicaraguan Democratic Force. While it is true that the FDN has a civilian directorate made up of some opponents of the Somoza government, it is equally true that the CIA organized these civilians as a facade to cover up the fact that the FDN was founded by officials of Somoza's National Guard and that the same national guard officials dominate the military command of this organization today. Those who call the shots, those who control the guns, were members of Somoza's hated praetorian army, the Nicaraguan National Guard; 9 out of 10 of the top men are Somocistas. The head of the FDN, Enrique Bermudez, is a member of the national guard who founded the Contra group. One of his closest associates, Ricardo Lau, has been linked by the Honduran military to death squad activity in Honduras. And according to the former head of military intelligence in El Salvador, who escaped, got out with his life intact and came to this country, Mr. Lau, one of the leaders of the Contra group, second in command to Enrique Bermudez, participated in the assassination of Archbishop Oscar Romero in El Salvador. Let us never forget the unforgivable execution of this peaceful man, dedicated to God, who was gunned down while leading his parishioners in a Sunday morning mass.

No, the Contras are not freedom fighters who reflect the ideals and values of the American people. They are terrorists whose atrocities have been documented by respected human rights organizations. In a recent report, the independent human rights organization, Americas Watch, stated that the Contras "have attacked civilians indiscriminately. They have tortured and mutilated prisoners." Look at the Newsweek pictures again:

> They have murdered those placed hors de combat by their wounds; they have taken hostages; they have committed outrages against personal dignity.

Last weekend, I had the opportunity to meet with the victims of such atrocities in Managua. Senator KERRY and I visited with Mrs. Zoila Rosa Dominguez, whose 22-year-old daughter, Estrella, who had just graduated from school and was going to be a teacher in the mountains, was killed by Contras in an ambush on January 3 of this year. Estrella loved children and chose to teach them. Her mother showed us her college graduation picture and she gave us a message which I want to share with my colleagues:

> I would thank you for anything you could do to make this war stop.

Killing unarmed school teachers is not the act of democratic peace-loving people. Torching rural health clinics, raping peasant women, slitting the throats of noncombatants, are all acts we were told about by American missionaries working in the areas of Contra activity, actions which do not reflect the values of the American people.

Yet these were atrocities which this administration has underwritten in the past through the help of the CIA and what we are being asked to underwrite in the future with this $14 million.

There is no doubt that if the Contras ever took power, they would exact revenge on the majority of the Nicaraguans who supported the Sandinistas.

"Come the counterrevolution, there will be a massacre in Nicaragua," one member of the FDN stated in 1982.

"There will be bodies from the (Honduran) border to Managua."

And as we weigh the President's request, we should recall the words of Arturo Cruz, who has now joined the FDN as one of its civilian leaders—who lives in the United States, I might add. In 1983, he wrote in Foreign Affairs Quarterly—quoting from Arturo Cruz:

> Those who aid insurrection in my country * * * should be aware of the risk they take of bearing a historical responsibility for contributing * * * to a possible mass execution of the flower of our youth.

The possible mass execution of the flower of our youth. That is what these Contras are up to.

I asked Arturo Cruz about that, after he wrote it, and he said yes, because the young people are the ones who supported the Sandinistas.

Look at who is in power. The president is 38, the speaker of the assembly is age 31. These are all young people who supported the Sandinistas, and Arturo Cruz said at that time that if the Contras take over, there will be mass executions of our young people. These are the democratic forces that we are asked to support.

If the President has misrepresented the true nature of the Contras, he has been equally misleading about the Government of Nicaragua. Just as Arturo Cruz said that the Contras would possibly execute the youth of Nicaragua en masse, just as some of the Contras themselves have said there would be a blood bath from the Honduran border to Managua, on the other hand, look at what the Sandinistas said when they took over. They overthrew Somoza, brutal as he was, oppressive as he was, who emptied every bomb, every artillery shell on the people of Nicaragua.

When the Sandinistas took over, what was one of the first things they did? They enacted a provision outlawing the death penalty in Nicaragua, a provision which still stands today. There is no death penalty in Nicaragua, even for the hated members of the former national guard.

Oh, yes, they are in prison. But they did away with the death penalty so as not to enact any kind of vengeful activities against those who worked for Somoza.

Yet let there be no doubt, if the Contras take over, the blood will flow because that is the type of individual who really represents the main body of the Contra forces.

Mr. Reagan asserts that the Nicaraguan Government is a totalitarian dungeon and that they have instituted a reign of terror. I do not want to suggest that the Nicaraguan Government has ever been a model of Western-style democracy, either under Somoza or the Sandinistas. Nor will they ever be, given our current policies. Civil liberties have been limited under a state of emergency declared after a major Contra attack in March 1982. Nevertheless, we must look at the facts: A country that elects a national assembly, one-third of whose members are vocally anti-Sandinista, whose economy is 60 percent privately owned, that allows freedom of assembly so that when we went down there last week we met with groups of individuals who spoke openly against the Sandinista government—they met openly. They were not afraid to voice their opposition.

A country that prescribes no legal sacntions on political dissent or in the fields of literature, in the arts, a government, as I have said, that has abolished the death penalty I do not believe is exactly the model Marxist-Leninist regime that Mr. Reagan would have the American people believe. By any objective standard, Nicaragua's civil and human rights situation compares favorably to other countries in Central and Latin America which we currently support. In El Salvador, the security forces and death squads have killed over 39,000 noncombatants over the last 5 years. Two opposition papers were shut down—one destroyed by Government tanks and the other closed after several members were killed by the death squads. At least a dozen priests have been murdered including Archbishop Romero. In Guatemala we do not know how many thousands of civilians have been killed because we cannot even get in there to check it.

In Chile, under the state of seige reimposed by General Pinochet, press censorship, religious persecution, and violations of human rights go on while the administration chooses to look the other way. In Chile, the press is forbidden to report on anything of a political nature.

And yet last week when we were in Nicaragua, I picked up a copy of the opposition newspaper, La Prensa. This is the newspaper they say is always being censored. I looked at the front page—and I had all of these things interpreted for me—and here is the top article. It says, "Dominicans Support Reagan's Plan," a story about how the Dominican Republic has supported Reagan's plan to fund the Contras. Here is a photograph on the front page of President Reagan with some ultraconservative European individuals and he has in his hand a document that says: "An Urgent Message From Europeans to Congress: Support Nicaraguan Resistance"—right on the front page of the paper. There is another article that says, "13 Product Prices Go Up." It is a story on raging inflation. Here is another article that says, "Russians Construct a Communications Center," and here is another one at the bottom that says, "United States Threatens to Break Relations"—all on the front page of a newspaper in a country that we are told has no press freedom and yet they are printing stories and pictures of President Reagan, saying that they are supporting the contras' overthrow of the Sandinista government. Well, I tell you, if this is an example of the Sandinista's press censorship, then they are woefully ineffective at best, I would suggest.

Sure, there have been restrictions on the press of a military nature, but Senator Kerry and I were both told that if the Contra activity were to stop, if there were to be a cease fire, that they would lift that and have total press freedom within Nicaragua. What we saw there is even more than what they have in Chile today, and yet the administration turns its head when it comes to Chile.

Under the state of siege in Chile, the right to assembly has been suspended and yet you can assemble, you can do whatever you want to do in Nicaragua if you want to protest the government's activities. Even before the reimposition of the state of siege in Chile, the Human Rights Commission reported more than 150 killings occurred in the last 4 years. As recently as 3 weeks ago two political activists were murdered by death squads in Chile. Recently, Assistant Secretary for Latin American Affairs Langhorne Motley said in an exclusive interview with the government-controlled El Mercurio in Chile that he is aware that "the transition"—that is, the transition to democracy—"is especially difficult when there are violent antidemocratic terrorist attacks."

When asked to comment on the freedom of the press in Chile, Motley refused to discuss the issue because "every situation is different." The transition to democracy in Chile is "difficult when there are violent antidemocratic terrorist attacks," but evidently in Nicaragua it is supposed to be overnight when the Contras are conducting their activities. And so when President Reagan denounces the level of civil and human rights being enjoyed by the citizens of Nicaragua, I really question his sincerity. When Jeane Kirkpatrick talks about dictators and double standards, I question to whose dictators and whose double standards she is really referring. If the administration has such concerns about the situation in Nicaragua, it ought to be concerned and committed to doing something about other countries where human rights are systematically violated. I can only conclude from this administration's attitude toward Nicaragua, yet turning its head from places like the Philippines, Chile, and other countries, that it has an ideological phobia about Nicaragua. What it points to is an administration both confused and misguided in developing consistent standards for determining whether or not a nation is a

friend or foe. It should make no difference whether the nation in question is Chile or Nicaragua, the Philippines or Cambodia, South Africa or the Soviet Union. Our concern for civil and human rights must be fundamental, consistent, and unwavering.

So, Mr. President, far from enhancing our real national interests in Central America and the world, this administration's policy is destabilizing the region and damaging our international credibility. The administration's attempts to overthrow the Government of Nicaragua have been roundly criticized by many, including some of our closest Western allies. When the administration mined the harbors of Nicaragua, France led an initiative at the United Nations to condemn the United States, and even Prime Minister Thatcher excoriated this flagrant violation of international law. European representatives at the World Court have joined their colleagues in ruling that the covert war violates the norms of international behavior. And our European allies have been resentful of U.S. pressure of them to isolate Nicaragua economically.

Finally, the prestigious Council on Foreign Relations has released a report which details the concern and controversy within the NATO alliance as a result of our policies and actions in Nicaragua. It concludes that the U.S. trend toward military intervention threatens to undermine NATO, the pillar of U.S. national security.

Mr. President, the Reagan administration's policy toward Nicaragua is a senseless one. If we truly believe in the rule of international law, then let us abide by international law. If we flagrantly violate it, how can we stand then up to the Soviet Union and others who violate international law? Our policy toward Nicaragua is immoral. It ties us to the acts of the terrorists. It is illegal. It flagrantly violates the Charter of the United Nations and the OAS and it is counterproductive. Far from eliminating Soviet influence, U.S. pressure has forced the Sandinistas to turn increasingly toward the Soviet Union for military and economic aid. Far from promoting stability, it has promoted destabilization. And far from encouraging negotiations, it has increased aggression and brought us to the precipice of war in Central America.

We now face a choice—pursuing a policy of peace or escalating a senseless war in Central America. I believe we now have a window of opportunity, a chance for a dialog, and the possibility for peaceful coexistence with Nicaragua. Last week with my colleague from Massachusetts, Senator KERRY, I went to Nicaragua. We had extensive talks with Foreign Minister Miguel D'Escoto and President Daniel Ortega. I returned convinced that there is a sincere desire for a normal and a positive working relationship with the United States.

I do not want to be overoptimistic. I do not want to say that next week they want to embrace and love the United States. What I did detect was a sincere desire to begin taking the first steps for having normal and friendly relations with this country.

I want to emphasize that we did not travel to Nicaragua to negotiate, and the administration's insinuation that we are meddling and causing problems stands in marked contrast to the April 16 letter from the Secretary of State to Speaker O'NEILL. Secretary Shultz stated in that letter:

> I strongly encourage Members of Congress to visit not only Nicaragua but all the countries of the region.

Well, that is what he said in his letter. Yet, when we go down and come back with different impressions, when we come back with a memorandum that indicates that the Government of Nicaragua is indeed willing to take those initial steps toward dialog, toward a cease-fire, toward having fundamental freedoms secured in their country, toward deescalating the conflict, when we return with a memorandum which indicates that the Sandinistas reaffirm their policy of not having any missiles and not having Soviet or Cuban bases, we are told that we are meddling. I resent that, Mr. President.

My colleague from Massachusetts, Senator KERRY, and I have an obligation, not only to the constituents who elected us but also to the people of this country, to make certain that we have enlightened debate on this issue and that we are not blindly led down the path by this administration's deceptions and duplicity with regard to our conduct in Central America. We went to Nicaragua to express to them the legitimate security concerns of the American people and to seek clarification of their posture on those issues.

Those concerns we underscored included, first, the potential establishment of Soviet or Cuban bases in Nicaragua; second, support for subversion beyond the borders of any one country; third, the continued militarization of the region, including the presence of foreign military advisers and the arms buildup.

The Nicaraguans do acknowledge that the United States has legitimate security interests in the region. In frank and lengthy discussions, they enunciated their position on the Contadora act as an avenue for peace and cooperation in Central America. This contains provisions for removing all foreign military advisers, prohibiting foreign bases, and limiting the arms buildup. In addition, they reiterated their commitment to a strong verification procedure which would prevent violations of these clauses once the treaty was signed.

What more could we ask than we do this, to protect our own security interests in the region? Their security interests, we were told, lie in establishing peaceful bilateral relations with the United States. If the United States were to end the covert war and return to the negotiating table at Manzanillo, leaders of the Government of Nicaragua stated that they would call for a cease-fire with the Contras, ask for help from the United Nations High Commissioner on Refugees for relocating Contras who laid down their arms, and would immediately lift censorship of the press and guarantee fundamental freedoms.

I want to state again that they are not asking for the Contras to give the guns to them. They are willing to have the Contras turn their guns over to the Government of Honduras or to the Government of Costa Rica, and they were not saying that all the Contras would be happy to be brought back to Nicaragua. If they want to live in Honduras, if they want to come to the United States, as many Vietnamese did, or if they want to live in Costa Rico, if those governments would allow it, that would be fine.

The PRESIDING OFFICER. The time of the opposition has expired in morning session.

Mr. HARKIN. Mr. President, I thought the morning session was to expire at noon.

The PRESIDING OFFICER. The time of the opponents has expired.

Mr. HARKIN. Mr. President, I ask unanimous consent that I be permitted to continue speaking until a speaker from the proponents' side arrives.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. So, Mr. President, here is an opportunity for us again to protect the interests of Honduras and Costa Rica, both of whom were legitimately concerned at Manzanillo, and that is why the talks broke up. Manzanillo was concerned that there would be a 1,200-man army in Honduras with all the guns.

Here is an opportunity for us to answer the legitimate concern of Honduras.

Again I point out that this was not a formal proposal they offered. It was part of our exchange of thoughts and mutual concerns. Nevertheless, I believe it provides us with the potential for taking a new path toward peace and improved relations in Central America.

Mr. President, with U.S. policy toward Nicaragua at a crossroad, it is imperative that we take the road not taken up until now. The real security, the real national interests, and the real values of our country are at stake. For 4 years our foreign policy has relied on the example of force; now we

have the opportunity to provide the force of example of our great country.

Mr. President, while the Contra force that we are supporting, as the distinguished Senator from Illinois has stated, is made up of disaffected Sandinistas, others who have left the country, and others who may have individual reasons for joining the Contra force, nonetheless, the Contra force was started by, is directed by, and is controlled by former members of the Somoza national guard who keep an iron grip on the arms and the tactics of this Contra force.

We cannot deal with those people and we cannot in good conscience commit ourselves to a policy of continuing to fund and support the kind of activities we see graphically illustrated in these pictures in Newsweek.

I recall that it was 15 years ago this summer that I traveled to South Vietnam as a congressional aide. Through a series of circumstances, I was able to get in and photograph the now infamous tiger cages that were set up on a remote island by the South Vietnamese Government—pits in which 10, 15, 20 people would be crammed, young people. I visited in these tiger cages with young people, aged 15 and 18, and old people who had been suspected of aiding the enemy. POW's in violation of the Geneva Convention, were kept in these tiger cages.

While it outraged me that the South Vietnamese Government was doing that, what really outraged me was that it was done with our complicity; that it was done under our observation and direction; that the shackles and the handcuffs used in the tiger cages came from the United States; that the direction in those prisons came under the Agency for International Development. That is what really outraged me.

Those of us my age or older may remember the photographs I took of those tiger cages, with Representative HAWKINS of California, and Representative Anderson of Tennessee. It was a graphic illustration of the type of individuals we were dealing with in South Vietnam and what our policy was.

Again, these pictures that have come out of the jungles of Nicaragua show us the type of people we are dealing with in the Contras. Democratic forces do not tie your hands and slit your throat.

Mr. SIMON. Mr. President, will the Senator yield?

Mr. HARKIN. I yield.

Mr. SIMON. I have been advised by a staff member that it may be proposed as a compromise, so-called, that the United States impose a trade embargo on Nicaragua, rather than sending in the weapons. I have to say that, faced with a choice, I would prefer the embargo.

My colleague from Iowa and I have talked about trade embargoes for other countries in the past. An embargo is counterproductive. We shoot ourselves in the foot with an embargo.

We hurt American farmers who want to sell grain and people who want to sell other American products, and we force Nicaragua to go elsewhere, including to the Soviet bloc nations, for their trade instead of coming to us.

So, my own personal vote, if there is a motion to suspend the rule to substitute an embargo for this present resolution, is that I am going to vote against suspending the rule and I am also going to vote against the resolution.

Mr. HARKIN. I thank the Senator for bringing this up. I have two observations.

A trade embargo—well, now, let us take a look at that. We did that against Cuba in 1962. We had the areawide economic boycott, which was done in conformance with the law. It was done under the auspices of the Organization of American States, which voted to impose an economic boycott against Cuba. It did not work. Where did Cuba go? It went to the Soviet Union and other Eastern bloc countries to get more and more aid. We just drove them more and more into those countries' grip.

At that time about 52 percent of Cuba's economic trade was done with us. At this time only about 14 percent of Nicaragua's trade is done with us.

So, if it did not work against Cuba when they had 40 percent of the trade with us, how in the world is it going to work when Nicaragua only has 14 percent of their trade with us? That is one observation. A trade embargo will not work.

Second, I have been opposed to trade embargoes from the beginning. I was opposed to the Carter grain embargo, as I know my colleague was. I was opposed to the soybean embargo that President Richard Nixon put on. I was opposed to the embargo on wheat to Egypt by President Ford. I was opposed to President Reagan's embargo on parts going to build the pipeline in Europe.

I have also been opposed to trade embargoes because they are counterproductive. An embargo against Nicaragua would hurt us or other countries in the region, such as Mexico, Costa Rica, Panama, all the other Latin American countries we want to help, as much as it would hurt Nicaragua.

Mr. SIMON. Mr. President, will my colleague yield?

Mr. HARKIN. I yield.

Mr. SIMON. Mr. President, I could not agree with my colleague more. We have a perfect illustration on the pipeline. When the Soviets wanted to build a gas pipeline, President Reagan said no, we are not going to sell them any pipes; we are not going to sell them any earth-moving machinery.

So instead they went to France and Japan and elsewhere, and they completed the pipeline ahead of time.

Whom did we hurt? All we did was hurt American people who wanted jobs, American producers. The only time that an embargo can be effective is if you have a monopoly on the product, and obviously we do not have a monopoly on any of the things we trade with Nicaragua. All it can do is aggravate the situation.

We will not be joined, my guess is, by any of the other states in the region in any such trade embargo.

Mr. HARKIN. I thank the Senator for adding that in his colloquy. I welcome his observations because they are very astute and very learned, and my dear friend from Illinois knows full well from which he speaks on the effects of these embargoes.

Let me just propound one other concept, one other idea.

This call for economic sanctions and boycotts is misleading since Nicaragua's trade with us amounts to only 14 percent of all their trade, we really cannot hurt them that much. If it were 80 percent or 90 percent, that would be a different story, or 50 percent, it might be a different story. But 14 percent—there is no way our imposing an economic boycott or trade embargo is going to hurt them.

Here is what it might do: Obviously, the Nicaragua Government's first responsibility is the preservation of its state as any government is, of course, and they are going to continue to operate their state.

Let us say that the Government of the United States is successful in cutting off, let us say, Mexican oil going to Nicaragua. Where then will the Nicaraguans get their oil? They are going to get it somewhere. If they cannot get it from the Soviet Union, I suspect they may go to some place like Iran, and then we will stand up here in the United States and point our finger at Nicaragua and say, "Look, they are close to the Ayatollah Khomeini because they are getting oil from Iran." Yet it will be our act of a trade embargo and economic sanctions that has driven them to that point in time.

No, trade embargoes are counterproductive, whether it hurts the United States or our allies in that region, and I suspect beyond that a misleading nature in an effort to try to get these economic sanctions.

Our concern, as we have stated before, was to strengthen the Contadora process and then by strengthening the Contadora process we bring all of the Latin American nations involved into it and then Nicaragua is not just answerable to us. They are answerable to all of Latin America and not just us.

If Nicaragua, represents a security threat, there are legal and international procedures to go through. For example, we could go to the Organization of American States under the Rio Treaty and implement an area-wide economic boycott as we did against Cuba.

We went to the OAS. They voted and they voted to have an economic boycott against Cuba. If this administration is talking about economic boycott I respond to my colleague from Illinois that it should be done under the auspices of the Rio Treaty and go to the OAS and ask the OAS if they would vote for one. I rather doubt they would.

In addition, if Nicaragua really represents a drastic threat, the OAS could vote military actions.

So there is a proper, legal way for us to go. But what we are trying to do now is to address our legitimate security concerns to support the Contadora process, to get the bilateral talks going between the United States and Nicaragua, to normalize relations, and to cut off any direct aid to the Contras.

In no way will I support any direct aid to the Contras. Humanitarian—they can call it humanitarian or whatever they want to, but I will support no direct aid. If they want to go to the International Committee of the Red Cross or the U.N. High Commission on Refugees for humanitarian aid to refugees, I believe the American people would support that, and I would vote for it; but no direct aid for the Contras, and beyond that I would support a resolution that would insist that the administration return to Manzanillo, take up the bilateral talks once again as a path toward normalizing our relations and leading to friendly relations with Nicaragua, to insist that we follow through with a cease-fire whereby the U.N. High Commission on Refugees would be in charge of relocating and resettling the Contras wherever they might want to go, in Nicaragua or any other land.

This I believe, Mr. President, is the path to peace. It is the path away from the precipice of war on which we find ourselves in Central America.

This vote today is our 1985 Gulf of Tonkin vote. We should turn away from war, and toward the path of peace.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. The hour of 12 noon having arrived, in accordance with the previous order, the Senate now stands in recess until 2 p.m.

Thereupon, at 12 noon, the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KASTEN].

The PRESIDING OFFICER. The Senate will come to order.

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, the discussion is still going on with regard to the caucuses on both sides of the aisle. Therefore, I suggest the absence of a quorum and request that the time during which the quorum will run be charged equally to the two sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TUNNEL WITHOUT A LIGHT

Mr. EAGLETON. Mr. President, we are faced today with a vote far more significant than approval or disapproval of what President Reagan has termed "a mere $14 million" in aid to the revolutionary forces in Nicaragua. Our action today will be seen as either a reaffirmation of two centuries of "gunboat diplomacy" or as a signal that the United States is at long last willing to recognize the emergency of Latin America as partners in our hemispheric concerns and to put our efforts behind a political settlement in the war-torn isthmus.

To understand the history of our country's role in Latin America is, to some large measure, to understand the dilemma we face in articulating any Latin American policy today. That history encompasses a series of American doctrines beginning in the 19th century in which we set ourselves up as the domineering and interventionist guardian of the entire hemisphere.

From the Monroe Doctrine, putting Europe on notice that we would allow no further colonization in the hemisphere, through our self-proclaimed "manifest destiny," to Theodore Roosevelt's "big stick," those doctrines translated into more than 60 military interventions in Central America, Mexico, and the Caribbean since the mid-19th century. Ostensibly, our mission was generally to restore stability; in fact, more often than not, our real interest was protecting the economic interests of American business located in Central America, and if that required propping up a reactionary oligarchy, well so be it.

Talk of partnership with Latin America has been around from the time of President Franklin D. Roosevelt. President Kennedy's Alliance for Progress was heralded as a long-needed change in our relations with our southern neighbors.

Most recently, President Reagan's endorsement of the Bipartisan Commission on Central America's report was thought to be a new beginning for inter-American relations. But in each instance, an American-perceived crisis has driven us back to a show of military force; partnership has atrophied.

Why all the fuss about a handful of impoverished little countries? For no less a reason than Latin America, including particularly Central America, is of utmost strategic importance to the United States.

The expansion of Soviet influence, whether by way of Havana or directly from Moscow, is a direct threat to our security. Not only would our attention and our resources be siphoned off to protect our southern borders, our capacity to defend other areas of strategic concern in Europe, the Middle East, and East Asia would be seriously threatened. Some 50 percent of the shipping tonnage that would be required to reinforce the European front and about 40 percent of that required by a major East Asian conflict, would have to pass from the Gulf of Mexico through the Caribbean-Central American zone.

These same shipping lanes also carry nearly half of all other foreign cargo, including oil, shipped to this country. In short, Central America has the capacity to cripple our Nation, both militarily and economically.

Against the backdrop of our military intervention and the lack of much else in the way of policy, the tiny wealthy class and the military, forging an alliance of mutual need, flourished amid endemic poverty. According to World Bank statistics, 3 percent of the farmers in Guatemala control two-thirds of the arable lands, while the majority Indian population has a per capita income of less than $100 per year. In El Salvador, the poorest 20 percent of the population share a mere 2 percent of the wealth. In Honduras, the per capita income is $640 a year and falling. The U.S. Ambassador to Nicaragua, Mr. Bergold, estimates that per capita income in Nicaragua was about $800 at the time of the 1979 revolution, but has fallen to $500 today.

More than half of the 24 million population of Central America cannot read or write. Among children who go to school, less than half complete the sixth grade. The life expectancy of a man in Honduras, the country with the highest per capita income of the region, is 55. It is small wonder only that the seeds of revolution took so long to flourish.

In more recent times, the trend toward democracy in Central America has been, if not dramatic, unmistak-

able. Costa Rica remains the showcase democracy. The fledgling Honduran democracy is growing stronger. In El Salvador, President Duarte's democracy has gained unexpected strength by the stunning victory of his Christian Democrats in last month's election. In Guatemala, last year's constituent assembly elections marked, and the pledge of a Presidential election in October of this year gives cautious hope that the country is inching toward a democratic form of government.

So what went wrong in Nicaragua? Really nothing. The Sandinistas came to power under the guise of democratic revolution. It was only after they had consolidated their power that they gave up the goals of the revolution, and stole the country from democracy. There can no longer be any question that the Sandinistas are direct descendents of Fidel Castro's brand of communism. Our intelligence estimates 2,500 to 3,500 Cuban military advisers in Nicaragua, and another 4,500 to 5,500 Cuban nonmilitary advisers. Training bases for guerrillas from El Salvador, Honduras, Costa Rica, and the Dominican Republic are located in Nicaragua, and Cuban instructors are involved at these bases to an unknown extent. Command and control for all five elements of the leftist Salvadoran guerrilla groups is in Nicaragua. Soviet aid to Nicaragua has provided roughly $250 million in arms in the last year alone.

There is no doubt in my mind that without the kind of external support the Sandinistas are getting from the Soviets and Soviet bloc countries, their repressive regime would be toppled from within.

If we are agreed, and I think we are, that we as a nation cannot tolerate an aggressive and destabilizing force in Central America, what policy options are open to us? In answering this question, we cannot ignore the history which has made us our own worst enemy. Distrust and suspicion as to our motives abound. We no longer dominate the economy of the hemisphere. And although democracy in the region has made progress today, debt and recession could turn back the political clock in rapid order.

As I see it, the central flaw in our current Nicaragua policy—if indeed one can call it a policy—is that we don't seem to have any clear picture of how to get to where we want to be. Originally, President Reagan advocated a policy of containment, setting several conditions on the Sandinistas which had to be met to stop U.S. financing of the rebels. First, they must stop being a surrogate for the Soviet Union and Cuba. Sceond, they must reduce their armed forces to a level comparable to those of their neighbors. Third, they must stop support for the insurgents in nearby countries, and fourth, they must live up to their OAS commitment to democratic pluralism. More recently, President Reagan has all but advocated the military overthrow of the Marxist Sandinista regime.

The fact is we have no policy to achieve either objective; $14 million of military aid to the contras won't win any war. Gen. Paul Gorman, former U.S. Commander of the Southern Region, recently testified before the Armed Services Committee that he saw "[no] immediate prospect that these guys in blue suits in the hills are going to march into Managua. It seems to me that the whole resistance movement has got another year or more of slogging to go before that were ever in prospect, and a lot of violence associated with it."

The administration tells us that to continue support of the Contras is the only way to maintain pressure on the Sandinistas to change, but one cannot help but wonder what change the Sandinistas could make short of signing their own death warrants which will satisfy the administration.

Even if the Contras were the noble "freedom fighters" portrayed by President Reagan, which their heavy Somocista flavor belies, our $14 million would do no more than keep the revolutionary pot boiling and leave the door open for stepped up military intervention at a time when the political climate at home may be more favorable.

If we are serious about our efforts to prevent the consolidation and expansion of a Marxist regime in our own backyard, why are we so ambivalent about the economic pressures we could bring to bear on the Sandinistas? True, we suspended all direct U.S. aid in 1981, but that is about all we have done. Why have we not taken the same kinds of actions against the Sandinistas as we have against Cuba, Libya, and Iran? It is bizarre in the extreme that we maintain our status as the largest trading partner with a country against whom we manage a dirty little war. Why, if we want to overthrow the Sandinistas, has it taken us 4 years to begin to exert economic pressure on Nicaragua through the Inter-American Development Bank?

And what of the Contadora process? The Reagan administration gives it mere lip service. They say all the right and dutiful things with respect to the Contadora effort, but never give it the political and diplomatic push it deserves and needs. Sure there may be some difficulties with implementation and verification of ultimate Contadora treaty guarantees. Nevertheless, the process is worth our maximum effort, not our benign indifference.

What is our policy? The CIA conceived, planned, and initiated a covert war. To President Reagan, it is that or nothing. As he sees it, we sink or swim in Central America with the Contras. Others see the Contadora process as the sine qua non.

I submit that neither the Contra war nor Contadora can be a policy for the United States. As I said earlier, the United States has vital security interests in the region. Contadora as a regional peace effort should be pursued in every possible way. But if it does not succeed, there must be a U.S. policy beyond Contadora. There are legitimate diplomatic, economic, and military pressures which we can bring to bear with our security interests. If Nicaragua were to introduce advanced combat aircraft, such as the Mig-21, which would seriously destabilize Central America, it could not be tolerated. If the Sandinistas were to launch a military attack on any neighboring country, I think there is little question that the United States would respond. Indeed, under the Rio Treaty of 1947, the United States is committed to come to the aid of that country.

In sum, Mr. President, in my judgment, we cannot justify continued support of the Contras. It is a blind alley. It is a tunnel without a light. It will lead to no good. It is an operation that should never have been started; having been started, it should be ended before it leads to even greater dangers and risks.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. If the Senator will withhold, the quorum call is to be equally divided. Is that correct?

Mr. EAGLETON. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TRIBLE). Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, I want to make a few remarks about the subject that we have been debating because it has very grave constitutional aspects to me that I think this body should pay attention to.

Mr. President, the one main job of the President of the United States is to formulate foreign policy. You almost can say it is his only job. Yet what are we witnessing as we are debating this resolution on the floor? We are witnessing attempts to reach a compromise on the President's decision. All of us will recall that we have the right to advise and consent the President on his formulation of foreign policy. And this applies mostly to

treaties. We can say we do not think the treaty is wise or we can say we think the treaty is wise in which case it is adopted. But here is a case of the President of the United States—and I would say this if he were a Democrat or a Republican—having made a decision relative to a country in Central America, namely, Nicaragua. He has asked that we authorize the expenditure of $14 million. It is a lot of money. But in this body, it is something that you probably can find hidden under the carpet some place. We are debating whether we are going to let him have this, and where has the opposition come from? It has come mostly from Members of this body who have traveled to Nicaragua and then undertook on their own against the legislation which prohibits anyone from engaging in foreign policy but the President to negotiate with the President of Nicaragua. They have come back. They have not reported first to the Secretary of State but they made their report before the American people on television, and are even now trying to force the President into making a visit to some community in Mexico to negotiate with the President of Nicaragua, period.

Whether it is right or wrong, I am not here to judge. I am merely reminding my colleagues that we are usurping a provision of the Constitution that provides for the President to make up his own mind on foreign policy, and then we do what we feel is right about it. Negotiating is against the law unless you are a representative of the President. I honestly feel that two Members of our body have violated the code when they undertook to negotiate.

So really what we are debating here today is a very, very fundamental thing. It is not about Nicaragua. It is whether or not this Congress, 535 of us, are going to allow the President to continue in his constitutional role or whether we are going to become 535 experts on foreign policy. When you get down to it, Mr. President, none of us really know a lot about it. And we are elected for 6 years. We are elected in the House for 2 years. So we have no way of adding perpetualness to the decisions that we make.

I just wanted to say those few words, Mr. President, because it has troubled me very, very deeply. I listened to comments on this floor this morning in which the President was insulted, in which he was accused of everything but treason. And you can disagree with the President but you do not have to be that disagreeable about it. I think the time has come when we had better realize in this body that to transgress upon the intentions of the Constitution without the American people giving approval to so transgress or change the Constitution is wrong, wrong, wrong. I hope, Mr. President, that the day will come soon when we can begin to clean up our act. I would like to see the War Powers Resolution withdrawn. It is unconstitutional, and probably the worst thing we ever did for the future of our country was to pass that act. That has given impetus and encouragement to those people who either rightly or wrongly, wittingly or unwittingly have taken it unto themselves to pursue the subject of foreign policy.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. I would ask the Senator from Arizona on which side will the time be charged?

Mr. GOLDWATER. I do not care; any side you want.

The PRESIDING OFFICER. It will be assigned equally then by the Chair.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I believe it is in order for me to yield myself such time as I may require from the Republican time.

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I do so, Mr. President.

NICARAGUA—THE CHANCE TO DECIDE

Mr. President, today Congress will decide whether the United States wants to support freedom and human rights, or whether one more nation will fall by default to Marxism-Leninism. There is a contrived and totally false myth going around that the Nicaragua regime is a reformist government, which the United States has unfairly penalized. Some even pretend that it is a democracy, offering opportunity to its citizens, and freedom for the development of its people.

But, Mr. President, anybody who believes that I want to see after this debate is over. I have a little bridge over in Brooklyn I want to sell.

The fact is that nothing could be further from the truth. The Government of Nicaragua has, from the start, attempted to manipulate and control its people. It has successively repressed its political opposition, attacked religious freedom, confiscated the property of farmers and businessmen, and imposed strict censorship on all forms of the news media. No one can say that the United States drove the Sandinistas to such measures. On the contrary, Congress voted $150 million in assistance, more than we have given to any other country. I was strongly opposed to this aid, because I believed even then—that was during the Carter administration—that the money would be used to extinguish freedom, and to set up a Soviet-Cuban satellite.

There are always those who apologize for Communist tyranny. They try to deny the events which are taking place under their own eyes. And after the Marxists are in firm control, and the people reduced to slavery, the apologists for Communists simply put the misery they have allowed to happen out of their minds.

There is no such excuse concerning Nicaragua. The reports are overwhelming and well documented. On March 27, our distinguished Ambassador to the Organization of American States, J. William Middendorf II, gave a comprehensive summary of the situation in Nicaragua to the OAS Permanent Council meeting here in Washington. In this speech he described the living conditions in Nicaragua, and the character of the Nicaraguan regime. He cited chapter and verse on the broken promises of the Sandinistas—promises for an independent judiciary and for free elections, made to the OAS itself in 1979.

Mr. President, I commend our distinguished Ambassador for his forthright speech, presented with his usual flair and accuracy. I urge all of my colleagues to read this speech before voting on the aid to the Contras.

Mr. President, I ask unanimous consent that Ambassador Middendorf's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

NICARAGUA—THE STOLEN REVOLUTION

The U.S. delegation wishes to note that on July 18, 1984, we last raised the matter of Nicaragua's failure to live up to its solemn promises of July 12, 1979, to the Secretary General of this body. They promised to hold early free elections, to establish an independent judiciary, and to uphold human rights.

It is my delegation's sad duty to report that, since that date, nothing has happened to change the situation.

When Sandinista troops entered Managua on July 19, 1979, they were met by joyous throngs of Nicaraguan citizens who believed that, at long last, freedom and economic well-being were at hand. We all know now that the Sandinista revolution was stolen—stolen by a small, hard-core group of Marxist-Leninists who did not represent majority opinion within the Sandinista movement, but who had long conspired to take the movement over, and who were armed to make it possible to carry out their plan.

Let us look first at the impact almost six years of Sandinismo have had on the ordinary Nicaraguan people. We are not talking now about political figures, or business leaders, but about the Nicaraguan "man-in-the-street." The ordinary Nicaraguan whose only ambition is to make a decent enough living to support his family.

What is happening to this ordinary Nicaraguan today?

His children don't have enough to eat. Robert Leiken, who initially strongly supported the revolution, wrote in the New Republic on October 8, 1984, that children

were supposed to be the "spoiled ones" of the revolution. Instead, he noted, on his visit last year, he noticed far more naked children with signs of malnutrition than he had ever seen before in Nicaragua. Most foodstuffs are rationed, with the local committees for the defense of Sandinismo handing out ration cards—or withholding them—for citizens who show "insufficient revolutionary fervor."

His older children, from age 11 on up, face the possibility of being drafted into the Sandinista armed forces. Strong-arm recruiters snatch them off the streets or from their school rooms to fill the ranks of the Sandinista military, which now outnumbers all of the other military forces of Central America combined.

His freedom of speech is sorely limited. The committees for the defense of Sandinismo keep their eye on him. If he complains to a neighbor about something the government has done, he may find himself hauled before a neighborhood court, with no appeal of any sentence that court hands down allowed.

His freedom to be informed about national and international events is restricted. Radio and television news are under government control, and they broadcast only what the Sandinista party wants them to. There is only one opposition newspaper, La Prensa, and it is so heavily censored by government censors that it frequently suspends publication because after the censors are through, there is not enough news left to print. And sometimes the government orders it to suspend publication anyway.

His livelihood is threatened. If he works in the private sector, the gradual elimination of private enterprise by the Sandinista government may leave him without a job. If he is a farmer, under the laws establishing state agencies which are the only entities to which he is allowed to sell his produce, at a non-negotiable price fixed by the government, he may not even hold back seed for next season's planting. He may not receive enough income to make ends meet.

The average Nicaraguan has always been religious. He has usually been a devout Catholic, or in the case of the Miskito Indians, a devout Moravian. Now, he finds his church leaders, including the Pope, harassed by Sandinista youth mobs, the "Turbas Divinas." He finds his priest or pastor accused of being "a counter-revolutionary" when he refuses to praise the Sandinista government in his sermons. He can no longer hear the archbishop's homily on radio or television, because the Sandinistas do not allow it to be broadcast without their prior censorship, something to which the archbishop has understandably refused to submit.

Compare his situation with that of ordinary citizens in neighboring Costa Rica and Honduras, and you will see the contrast. While those countries have problems, they are working democracies where people can say what they please, don't have to worry about their children being drafted, and where farmers can sell their produce in the market themselves or choose among several competing middlemen, who will buy the produce for resale.

Yet, the Sandinista leaders say that countries such as Honduras and Costa Rica must undergo their own revolutions. Interior Minister Tomas Borge, in his interview in Playboy Magazine of September 1983, was asked to respond to the Reagan administration contention that, following its triumph in Nicaragua, the revolution will be exported to El Salvador, then Guatemala, then Honduras, then Mexico. Borge replied, "That is one historical prophecy of Ronald Reagan's that is absolutely true."

On the second anniversary of the Sandinista revolution, Borge gave a speech in Managua, in which he said: "This revolution goes beyond our borders. Our revolution was always internationalist . . ."

In our special session on February 29, 1984, my esteemed colleague from Nicaragua told this body: "If we had wanted to attack Costa Rica with a specific end in mind, we would have done so, and they wouldn't even have had enough time to ask that a special session be called, because by then they would have been occupied . . ." While supposedly denying an intention of invading Costa Rica, this statement shows how confident the Sandinistas are in their ability to invade their southern neighbor successfully, if they ever feel the desire to do so.

I think it is worth asking, taking into account these statements I have just mentioned, as well as many others, what makes anyone believe that the Sandinista government is willing to live in peace with its neighbors? Just because they have stated their peaceful intentions?

You will recall that promises made to this body on July 12, 1979, have not been kept. How, then, can we assume that promises not to attack their neighbors will be kept by the Sandinistas? When almost daily we observe shots fired by the Sandinistas across the Honduran and Costa Rican borders, and guerrillas trained by the Sandinistas carry on their activities in El Salvador and Guatemala, and Managua has been the command center for guerrilla activities throughout Central America. Can we believe their avowal of peaceful intentions?

Let us review the record again. In 1979 the Sandinista Junta promised the Secretary General that it would respect human rights, set up an independent judiciary, and hold "the first free elections in this country".

As I have already pointed out, human rights have been violated on a massive scale. The mistreatment of the Miskito and other Indian tribes was especially noteworthy. Shortly after the revolution, the Miskito Indians' traditional homelands were flooded with Cuban and Nicaraguan personnel who said they were there to "rescue" them. The attempt was made to force them to give up their traditional way of life and adopt the Marxism-Leninism of the revolution. As Freedom House said at the time, the program "is to deprive them of their socio-cultural identity". Their traditional, freely-elected leaders were replaced with Sandinista-appointed authorities—some of them Cubans.

Massive relocation of the Miskitos, as well as other tribes, as the Sumo and the Rama, were undertaken. In some instances where they resisted, Miskitos were killed. Men, women and children were forced to walk long distances on foot. Their farm animals were often appropriated by the state. Ominously, we hear reports today of a similar involuntary forced relocation of people from a wide area in rural northern Nicaragua, and of Sandinista army personnel putting the torch to the fields left behind. So much for respect for human rights!

In 1979, the Sandinista Junta promised this body that an independent judiciary would be established. Yet justice has become the servant of Sandinista totalitarianism. The neighborhood courts, where people are judged for such "crimes" as failing to attend Sandinista Party rallies, hand down sentences which are not subject to judicial review. The nominally independent Supreme Court of Justice has limited power to review decisions handed down by lower courts. The right of habeas corpus has been practically eliminated.

The recent Urbina Lara case illustrates the lack of respect Sandinista justice has for the traditional Latin American doctrine of asylum. Mr. Urbina Lara, who had taken refuge in the Costa Rican Embassy, was forcibly removed from the embassy building, wounded and imprisoned, by Sandinista authorities at a moment when the Costa Rican diplomats had briefly left the embassy building unoccupied except for Mr. Urbina Lara. Mr. Urbina Lara was allowed to leave Nicaragua only after the incident threatened to disrupt the Contadora peace process. We understand that President Ortega has told high-level visitors to Managua that Urbina Lara left the embassy of his own accord. On his arrival in Colombia however, Mr. Urbina Lara confirmed the details of this breach of the principle of diplomatic asylum. Meanwhile, his defense lawyer was detained for several days in a Managua jail without charges. So much for Sandinista justice!

Finally, in 1979 the Sandinista Junta promised early, free elections. Late last year, "elections" were held. But they were nothing but a sham, as the Sandinista government refused to create the conditions whereby the largest opposition coalition, the Coordinadora Democratica, could have any chance to compete. That group's candidate, Arturo Cruz, who had at one time been the Sandinista government's own Ambassador to Washington, had his rallies disrupted by Sandinista youth mobs—the so-called "Turbas Divinas"—on repeated occasions during the pre-electoral period. His pronouncements were censored from the opposition newspaper "La Prensa", and were not carried by the government print and broadcast media. Indeed, Sandinista censors have assured that criticism of the government is all but absent from the media.

Faced with the situation in which the Sandinista government would not allow Cruz to conduct a full and free campaign, after many attempts to negotiate campaign guarantees, the Coordinadora refused to participate in the election campaign.

Two other parties intended to pull out also. In one case, mobs broke up a meeting of the Partido Conservador Democrata at which a vote to pull out of the elections was about to be taken, with a clear majority in favor. In the other case, Partido Liberal Independiente candidate Virigilio Godoy announced on October 21 that he was withdrawing his candidacy, but the government press continued to run his campaign advertisements, and La Prensa was censored when it attempted to report the withdrawal.

No matter how honest the vote-counting itself, an election is nothing more than a sham if parties who wish to run are not given the chance to mount a full and fair campaign.

I think it would be interesting to see what Sandinista leaders themselves have said about elections.

In May 1984, Comandante Bayardo Arce, one of the nine members of the Sandinista Directorate gave a speech to the Nicaraguan Socialist Party. He did not realize that the speech was being tape-recorded. A text of it appeared in the Barcelona newspaper, La Vanguardia, on July 31, 1984, and I note

that the Sandinista government has never denied the authenticity of the text.

Comandante Arce said, ". . . of course, if we did not have the war situation imposed on us by the United States, the electoral problem would be totally out of place in terms of its usefulness . . .".

If we analyze this statement, we are led to believe that if the Freedom Fighters had not waged their valiant fight to force the Sandinistas to live up to their promises, the junta never would have held elections.

Comandante Arce also said ". . . We think the electoral process . . . was and continues being an offensive tool from the standpoint of confronting U.S. policy . . . It is well to be able to call elections and take away from American policy one of its justifications for aggression against Nicaragua . . . bourgeois democracy has an element which we can manage and even derive advantages from for the construction of socialism in Nicaragua . . . we are using an instrument claimed by the bourgeoisie, which disarms the international bourgeoisie, in order to move ahead to matters that are for us strategic . . . we believe that the elections should be used in order to vote for Sandinismo, which is being challenged and stigmatized by imperialism, in order to demonstrate that, in any event, the Nicaraguan people are for that totalitarianism, the Nicaraguan people are for Marxism-Leninism . . . we see the elections as one more weapon of the revolution . . .".

There you have the affirmation, in Comandante Arce's own words, that the elections were held not because of the Sandinistas' love for democracy, but for purely tactical reasons. Is it any wonder, then, that they established conditions under which only the Sandinista Party had any chance of victory? Had they given the Coordinadora Democratica a fair chance to campaign on an equal footing, the Sandinistas would have been in danger of being swept out of office, something they could not risk. Thus, on November 4, 1984, the election which was held had to be the sham that it was. So much for the Sandinista promises to the OAS Secretary General in 1979.

In this connection, Mr. President, I would like to note that Congressman Claude Pepper, who honors us with his presence today, has written my country's President, Ronald Reagan, to call attention to the recommendation of the U.S. Congress, embodied in Public Law 98-215 of December 9, 1983. This recommendation proposes that the President seek the prompt reconvening of the Seventeenth Meeting of Consultation of the Ministers of Foreign Affairs for the purpose of evaluating the compliance of the Sandinista government with respect to the promises to the OAS and also to consider whether that Government is living up to the terms of the OAS Charter.

I would also note that I have received the text of House Congressional Resolution 81 of March 7, 1985, sponsored by 56 members of the U.S. Congress, which calls on the President to grant explicit recognition to the democratic Nicaraguan resistance, and urges the President and all members of the OAS to support the Nicaraguan resistance—the so-called "contras"—in their quest for peace, human rights, free elections and national reconciliation. Yesterday, Sen. Durenberger spoke to the National Press Club about the Nicaraguan situation.

My government's efforts to get the Sandinistas to live up to their promises has often been branded by them as a lonely effort by President Reagan which does not have the support of the American people or their elected representatives in the Congress. I would submit that the existence of these Congressional initiatives by Congressmen from both the Democratic and Republican parties shows the deep concern of the American people about the danger to the peace and security of the hemisphere posed by the actions of the Sandinista dictatorship.

I would also like to take note of the recent document on national dialogue of the Nicaraguan resistance, proclaimed in San Jose, Costa Rica, on March 2, 1985, by the Coordinadora Democratica, which has named as its representatives Arturo Cruz, Alfonso Robelo and Adolfo Calero.

In it, they request that the Sandinista government engage in a National Dialogue, leading to democratization of Nicaragua, a political system which guarantees real separation of power, development and reconstruction, recognition of civilian primacy over the state, full respect for human rights, de-militarization of the society, a foreign policy which emphasizes good relations with neighboring states, an economic system which gives importance to the development of the private sector, institution of a multi-party system which guarantees alternation in power and respect for minorities, freedom to organize labor unions, agrarian reform, municipal autonomy, respect for the culture and traditions of the Atlantic Coast, a general political amnesty, and expulsion from the country of advisors from Cuba and other Communist countries.

In this connection, the Coordinadora is not asking that Daniel Ortega be ousted as president, but only that he live up to the 1979 promises to the OAS.

Mr. President, it is a pity that the Sandinista government did not take advantage of this opportunity to resolve Nicaragua's problems by peaceful means.

Up to now, the Sandinistas have refused calls for dialogue with the opposition. Yet in El Salvador and Colombia, we have recently seen the occurrence of dialogue with the armed opposition, so why should Nicaragua be a special case where dialogue is inadmissible?

We are told constantly by the Sandinistas that the armed resistance in Nicaragua is nothing more than a movement of former Somocistas who are battling to return to power. This lie has been repeated so often that even some of my own country's press seems to have accepted it as true.

I note also that the Contadora group will meet next month in the hopes of establishing a final solution to the Central American problem. It is my hope that this process will finally resolve the crisis not only in Nicaragua but in all of Central America. I would like to say at this point, however, that any agreement is only so many pieces of paper until it is put into practice. Once again, foolproof measures of vertification must be included in any such agreement if it is to be effective. I note the words of Lenin, as quoted by C.L. Sulzberger in the New York Times of June 13, 1956. Lenin said, "We must be ready to employ trickery, deceit, law breaking, withholding and concealing truth". The Sandinista leaders have proclaimed many times that they are Marxist-Leninists. Are they in accord with this statement by Lenin?

Mr. President, my government only asks that the Sandinista government live up to its commitments to the OAS. I would note that no government provided more aid to the Sandinistas during its first 18 months in power than the United States, which gave $118 million in aid. The Sandinista government began its inordinate military buildup immediately upon taking office, when the resistance had not yet formed. Texts used in literacy programs and elementary education from the beginning of the revolution used perjorative terms against my country. Radio Sandino, from the beginning of the revolution, attacked my country in the most vicious terms. On 15 different occasions over a period of four years, President Ortega falsely and irresponsibly accused my government of organizing an imminent invasion of his country, a tactic similar to that used by Castro 20 years ago in Cuba to consolidate power. The record shows that militarism and hostility to the United States were hallmarks of this Cuba-Soviet style revolution from the very beginning.

It is my hope that peace will return to Nicaragua through one or another of the processes that I have mentioned here, but, if no process is successful, I would remind this body of its responsibilities. In the final instance, the Organization of American States has a responsibility to assure peace in Nicaragua, since in 1979, it took the unprecedented step of withdrawing support from a sitting member government in Nicaragua and replacing it with the Sandinista Junta. My government does not intend to allow this Organization to ignore its responsibilities in this regard, and reserves the right at some future date to introduce a resolution leading toward the satisfactory resolution of the Nicaraguan problem, if the processes which I have already detailed do not bear fruit.

Thank you!

The PRESIDING OFFICER. Does the Senator from Illinois seek recognition?

Mr. SIMON. Yes, Mr. President.

Mr. President, sometime earlier, a question was raised about the desirability or legality of two Members of this body meeting with officials in another country, and then transmitting a message to the President of the United States.

I have a letter dated April 16 of this year sent to the Speaker of the House by the Secretary of State, George Shultz.

Let me just read one paragraph from this letter.

Mr. Shultz states:

Mr. Ortega's direct invitation to the Congress to conduct an official inspection of the Nicaraguan military buildup presents obvious difficulties. At the same time, Congressional travel to Nicaragua and Central America has contributed to a better understanding within the Legislative Branch of the complex sources of conflict in the region. I recognize the value of such foreign travel in assisting the Congress to fulfill its constitutional responsibilities in the formulation of U.S. policy. Therefore, I strongly encourage members of Congress, of both parties and regardless of their views on Central America, to visit not only Nicaragua but all the countries of the region.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, April 16, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: Thank you for your letter of February 28 requesting the Administration's views on a letter to you of the same date from Nicaraguan President Ortega.

In addressing a detailed statement of Nicaraguan policy and objectives to the Congress, together with specific proposals for action, Mr. Ortega is obviously attempting to circumvent normal government-to-government channels. Although unorthodox and inappropriate under our constitutional system, such tactics have become routine practice by the Sandinistas in their efforts to obtain diplomatic and public relations advantage and to influence directly the Congress of the United States. I was pleased, therefore, to note in your letter to Mr. Ortega the emphasis on the constitutional responsibility of the President for the conduct of our foreign relations.

In this same vein, I believe the most appropriate procedural response would be a formal diplomatic note from the American Ambassador in Managua, on behalf of the United States Government, to the Government of Nicaragua. This response would note the referral of Ortega's letter by the Congress to the Executive Branch and would attempt to discourage the Nicaraguans from the belief that they can conduct foreign relations with the United States Congress as distinguished from relations with our government.

Mr. Ortega's direct invitation to the Congress to conduct an official inspection of the Nicaraguan military buildup presents obvious difficulties. At the same time, Congressional travel to Nicaragua and Central America has contributed to a better understanding within the Legislative Branch of the complex sources of conflict in the region. I recognize the value of such foreign travel in assisting the Congress to fulfill its constitutional responsibilities in the formulation of U.S. policy. Therefore, I strongly encourage members of Congress, of both parties and regardless of their views on Central America, to visit not only Nicaragua but all the countries of the region. I would urge them to spend as much time there as their schedules will permit, to travel outside the capitals, and to talk with citizens in and out of government and of all political persuasions in order to better understand the difficult issues we must all resolve in forging a bipartisan policy on Central America. The Department of State will be pleased to assist Members of Congress with their travel in any way possible.

With respect to the substantive points raised by Mr. Ortega in his letter to you, I have enclosed an analysis that I hope will be useful. We plan to respond to these points in our note to the Government of Nicaragua referred to above.

Sincerely yours,

GEORGE P. SHULTZ.

Mr. SIMON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator wish the time of the quorum call to be divided equally between both sides?

Mr. SIMON. Yes, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, are we under a time limitation?

The PRESIDING OFFICER. Yes, we are under a time limitation.

Mr. KENNEDY. Mr. President, I yield myself such time as I may need.

Mr. President, before making my comments on this particular issue which we shall be addressing later in the afternoon and perhaps this evening, I want once again to call to the attention of my associates in the Senate the recent trip of my colleagues, Senator KERRY of Massachusetts and Senator HARKIN of Iowa, to Nicaragua these past days and, I think, the very important efforts they have made to bring due information and intelligence to this particular discussion and debate.

I think their ideas and their work in this area have been enormously valuable. From their conversations with me and I know their contributions in our own caucus, I am sure their discussions on the floor will certainly add substantially to the information on this particular issue. I do think that their ideas and their recommendations are worthy of consideration by our colleagues and certainly, by the American people as we address this very important particular foreign policy issue.

Today the Senate must decide whether to resume military aid to the Contras. The administration originally claimed that the purpose of this funding was to halt the flow of arms to El Salvador. At the beginning, many Senators supported this program with that understanding in mind. It is now clear, however, that the architects of this policy had more ambitious plans. While the administration claimed to be trying to prevent Nicaragua from interfering in the internal affairs of other nations, the administration was plotting to overthrow the government of a nation with whom we have formal diplomatic relations.

As we debate the administration's proposal to provide $14 million in additional military assistance to the Contras, we must remember that being a critic of the Contras is not the same as being a cheerleader for the Sandinistas. This is not a resolution of commendation for the comandantes, nor is the Senate being asked to cast a vote of approbation or approval for Sandinista policies.

If there is any consensus to be found in the Senate today, it is that the Sandinistas have fallen short of their pledge to build an open, tolerant, pluralistic, democratic society in Nicaragua. They have violated the human rights of thousands of Indians inside Nicaragua. They have aligned themselves with the enemies of freedom throughout the world. They have made their country a host to sponsors of international terrorism—the Libyans, the Bulgarians, the PLO. They have established mechanisms of social control and political oppression, and they have supported the guerrillas in El Salvador. We are in agreement that the Sandinistas have taken a dangerous turn toward the totalitarians, and we are in agreement that U.S. policies should work to reverse that course.

But the real question before us today is whether the Reagan administration's policy of military support for the Contras is wise, whether it has any hope for success, and whether it is consistent with our fundamental values.

Six weeks after President Reagan took the oath of office, he endorsed the CIA's plan to organize and to fund paramilitary activities against the Sandinista government in Nicaragua. Our policy toward Nicaragua has been hostage to that decision ever since. Mr. Reagan turned first to the secret use of military force as the way to deal with the Sandinistas, and we have had to live with that decision now for over 4 years.

Today let us take a step back from the passions that this policy has generated among the American people and among their Representatives in Congress, and let us examine what this policy has achieved.

We have had 4 years of blood and battle, and what is there to show for it?

Rather than reducing the influence of the Cubans and the Soviets inside Nicaragua, that influence has grown over the past 4 years. There are thousands of Cuban advisers inside Nicaragua, and, according to the President, there are Soviet advisers also to be found among the Nicaraguans. We know too that the Nicaraguans have summoned the assistance of other enemies of freedom in their struggle to resist the attacks of the Contras. In Nicaragua today, there are Bulgarians and Libyans and representatives of the PLO. This is hardly the mark of a successful policy.

Rather than forcing greater democracy inside Nicaragua, the "secret war" has given the Sandinistas a pretext to resort to repression—under the guise of a "state of emergency"—as a means of controlling internal opposition and dissent. Press censorship has continued, and the activities of opposition political groups have been carefully controlled and sharply circumscribed. This is hardly the mark of a successful policy.

Rather than reducing the military threat from Nicaragua to the region,

the "secret war" has prompted the Nicaraguan Army to grow in numbers and to improve in skill. The "secret war" has given the Sandinistas an excuse to build their military into a power unprecedented in Nicaraguan history. The Nicaraguan Army is large, it is well equipped, it is well armed, and it has been tested in combat. This is hardly the mark of a successful policy.

Rather than isolating the Sandinistas among the nations of the world, the "secret war" has made them heroes. They now play the role of David to the American Goliath. They are the underdogs, valiant defenders of their homeland against overwhelming odds, and the United States is seen to be a bully. How else can one explain the tumultuous welcome that Daniel Ortega received from the people of Uruguay when he visited that country recently? This is hardly the mark of a successful policy.

Rather than enhancing the reputation of the United States among the nations of the world as a moral leader, the United States is now widely perceived to be an international outlaw that breaks the rules when the rules do not favor us. We may soon join the company of Iran and South Africa as violators of international law in the eyes of the World Court. This is hardly the mark of a successful policy.

After 4 years of failure, let us now concede that the policy is bankrupt. Let us now be candid with ourselves and with our friends that President Reagan's jump to military confrontation with the Sandinistas was unwise, and that it has been unsuccessful.

There are many reasons why this policy should be reversed.

First, the policy is illegal. It is not, as President Reagan has so often stated, "Totally consistent with the OAS and U.N. charters." U.S. military support for the Contras is in blatant violation of international law. Article 2(4) of the Charter of the United Nations prohibits the threat or use of force against the territorial integrity or political independence of any state, and article 18 of the Charter of the Organization of American States says that, "No state * * * has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state." The United States is a party to these agreements and a decent respect for international law requires us to honor them. We have even breached our treaty obligations of the International Court of Justice. Rather than defend his policies in the World Court, last April President Reagan withdrew the United States from the Court's jurisdiction.

Second, while we deplore the policies of the Sandinistas, their abuses do not justify the activities of the Contras. Numerous reports, increasingly well documented, from respected human rights groups, have detailed atrocities committed by the Contras against defenseless men, women, and children. It is now beyond dispute that the Contras have murdered civilians, attacked schools and health facilities, and have tortured and mutilated prisoners. Yet the Reagan administration has apparently chosen to remain in "intentional ignorance" of this violence. The President has the audacity to call the Contras "the moral equal of our Founding Fathers." It dishonors the Founding Fathers to compare the Contra commandantes with George Washington and Thomas Jefferson. The Contras are not "our brothers" and our continued support of the Contra's activities makes any peaceful resolution to the conflict more and more distant.

Third, the U.S. support of the covert war in Nicaragua has been counterproductive. It has helped the Sandinistas to consolidate support among the Nicaraguan people by identifying their revolution with Nicaraguan nationalism. It has inspired a wave of anti-Americanism in that country and throughout the hemisphere.

Fourth, the administration's policy has not worked, and there is no evidence to suggest that it can ever succeed. Even the commander of the U.S. forces in Central America, Gen. Paul Gorman, admits that the Nicaraguan rebels are incapable of overthrowing the Nicaraguan Government "in the foreseeable future," and that it will take years before Contra pressure can produce any significant change in the Nicaraguan Government. The only way that this policy can succeed is with U.S. troops, and I don't think that the American people want to be drawn into the quagmire of Central America.

It is time to cast a vote for peace in Central America. But as we do so, let us send a clear message to the Sandinistas.

Do not embrace the enemies of freedom any longer. Do not, in your anger at your North American neighbors, become beguiled by those who would use your country for their own ideological purposes. Send them away.

Do not fear freedom for your people. Let there be freedom of speech and freedom of press and freedom of association and freedom of religion in your land. Let the voices of dissent and disapproval be read, so that the dreams of your revolution for self-expression and self-improvement can become a reality. Let your people speak freely, and let them be heard.

Do not let your people become prisoners of war by locking them into a garrison state or be chaining them into a siege mentality. Let the soldiers come home to be with their families. Let your people turn their attention to the task of building a better country for all the citizens of Nicaragua. Get rid of the weapons of war and return once again to the battle against poverty, disease, and despair among your own people.

And, in response to this vote for peace by the American Congress, do not be arrogant or self-righteous or recriminatory. Now is the time to bring your people together. Now is the time to heal wounds and to mend the fabric of your society which has been so terribly torn. Give your political prisoners their freedom, and let your adversaries return to their homeland without fear of retribution.

And finally, never forget that the United States of America does have legitimate security interests in Central America, and that Americans of all parties and of all parts of the political spectrum are in agreement that the United States will not hesitate to take whatever action is necessary to protect and defend those interests. We will not permit the Soviet Union or Cuba to establish military bases in Central America. We will not look the other way if offensive weapons are imported into the region. And we will oppose the efforts of any country in the region directly or indirectly, to overthrow or destablize other governments.

This has been one of the most painful debates in our recent history. And it never seems to end. The rhetoric has been escalated, and the stakes have been exaggerated. It would be a tragedy for the country and for the Congress for this debate to go on and on and on—as it has nonstop over the past 14 months. There is more important business for this Congress, for this country, for this continent, indeed for this hemisphere. We are neglecting far more serious problems—here at home, and throughout our hemisphere. Let us now, once and for all, pass judgment on this policy. Let us turn our backs on the idea of overthrowing a government, and let us move on to a new approach. Let us finally follow the leadership of our friends and neighbors—the Contadora countries—and let them be our guide on the path toward peace and stability in Central America.

Before closing, I ask unanimous consent to have printed in the RECORD a series of statements by a number of distinguished individuals and organizations about the policy of providing military assistance to the Contras of Nicaragua.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPPOSING MILITARY ASSISTANCE—MONDAY, APRIL 22, 1985

We urge you to vote against release of the $14 million for the contras in Nicaragua. Provision of this aid will serve neither our interests nor our ideals.

McGeorge Bundy, Special Assistant to the President for National Security Affairs, 1961–66.

Clark Clifford, Secretary of Defense, 1968–69.

Robert McNamara, Secretary of Defense, 1961–68.

Edmund Muskie, Secretary of State, 1980–81.

Elliot Richardson, Secretary of Defense, 1973.

Cyrus Vance, Secretary of State, 1977–1980.

McGeorge Bundy, Dept. of History of New York University, 19 University Place, New York, NY 10003.

Clark Clifford, 815 Conn. Ave. Suite 1200, Washington, DC 20006.

Robert McNamara, 1800 K Street, N.W. Suite 1110, Washington, DC 20006.

Edmund Muskie, 1101 Vermont Ave., N.W. Suite 900, Washington, DC 20005.

Elliot Richardson, 1825 I St., N.W. Suite 900, Washington, DC 20006.

Cyrus Vance, 1 Battery Park Plaza, New York, NY 10004.

A MORAL APPEAL TO CONGRESS TO REJECT THE ADMINISTRATION'S REQUEST FOR RENEWED FUNDING FOR THE CONTRAS

FROM

Bishop John Hurst Adams, African Methodist Episcopal Church.

Dr. James E. Andrews, Stated Clerk, Presbyterian Church (U.S.A.).

Dr. Robert C. Campbell, General Secretary, American Baptist Churches in the U.S.

Dr. Will L. Herzfeld, President, Association of Evangelical Lutheran Churches.

Dr. C. J. Malloy, Jr., General Secretary, Progressive National Baptist Convention, Inc.

Dr. Robert W. Neff, General Secretary, Church of the Brethren.

Dr. Eugene Pickett, President, Unitarian Universalist Association of Churches in North America.

Dr. Avery D. Post, President, United Church of Christ.

Vern Preheim, General Secretary, General Conference Mennonite Church.

Dr. Kenneth L. Teegarden, President, Christian Churches (Disciples of Christ).

As leaders and representatives of ten national churches, we appeal to Congress on moral grounds to reject the Administration's request for more funds for the Nicaraguan contras, as it rejected a similar request late last year. It was morally wrong for our government through the CIA to recruit, organize, train, equip and finance the contras in the first place; it would be morally wrong for our government to resume such activity now.

Supporting or seeking support for the contras is but one aspect of U.S. policy that disturbs us. In addition to supporting the contras in their terrorism and economic sabotage the United States has also engaged in military exercises near Nicaraguan borders and naval maneuvers off Nicaraguan shores; mined Nicaraguan harbors; damaged the Nicaraguan economy through reducing the quota for Nicaragua's sale of sugar to the United States; blocked loans for Nicaragua by international financial institutions; insisted, in negotiations, on radical changes in Nicaraguan domestic and foreign policies without offering comparable changes in U.S. policies; broken off bi-lateral talks; effectively blocked the consummation of the Contadora negotiations process; and announced that it will not accept the jurisdiction of the World Court in Nicaraguan's legal charges against the United States. It seems increasingly clear that the Administration will be content with nothing less than the demise of the Sandinista government. Its very existence seems to affront.

We are concerned with all these dimensions of our government's policy toward Nicaragua, and are particularly disturbed by the lack of evidence of good-faith efforts on the part of our government to negotiate its differences with Nicaragua. We believe that a negotiated settlement is both morally imperative and politically feasible. However, in this statement we address only the moral issue of resuming United States funding for the contras.

We believe it would be morally wrong for the Congress to resume supporting the contras for these reasons:

1. To support the contras would be to seek a morally objectionable goal: to impose Washington's will on the people of Nicaragua. "The real issue in Central America," as political scientist William M. LeoGrande has observed, "(is) whether the United States is prepared to live with revolutions on its periphery, or whether it will continue to insist, as in the past, that Washington holds veto power over the right of Central Americans to govern themselves as they see fit." The Administration's position is clear: It is determined to exercise veto power. But this determination to impose Washington's will on Managua is wrong because no nation, no matter how powerful, has the moral right to impose its will by force on another nation except under the most extreme and limited circumstances (eg., Hitler's genocide against the Jews) that are not present here. We do not agree with everything the Nicaraguan government has done. But one does not have to defend every Nicaraguan policy to insist that the United States has no moral right to seek through military means to force Nicaragua to change its policy. We Americans would certainly not grant to any other nation the moral right to impose its will by military force on us. We cannot claim for ourselves a moral right we deny to others.

2. To support the contras would be to use Nicaragua in a morally outrageous way for an ulterior motive: to demonstrate to the Soviets and others that we are tough. All the Administration's talk about U.S. credibility makes it clear that this is its primary motive behind its policy toward Nicaragua. But it is morally outrageous for the United States to provide arms so that some Nicaraguans can kill other Nicaraguans in order to show Russians half way around the world that we North Americans have resolve.

3. To support the contras would be to comply with their morally repugnant means: kidnapping, terrorism, atrocities. Stories in The New York Times, The Washington Post and other papers have made clear that the contras have killed, tortured, raped, mutilated and abducted hundreds of civilians they suspect of sympathizing with the Sandinistas. Here is a report from the May 1984 national newsletter of Witness for Peace, a group of North American Christians and others, now numbering over 1,000 who have traveled to the war zones of Nicaragua to stand with the people of Nicaragua under attack by the contras, to pray for peace, and to present an obstacle to what was, until Congress' decisive action last year, a U.S. government-sponsored war: "Contras kidnap to impress Nicaraguans into the mercenary army. They also kidnap to terrorize villages. A number of Witness for Peace teams have talked with families of kidnapped men, women or children. Some of these loved ones have been found by the families: dead, sometimes burned, sometimes dismembered so that they cannot be given a decent burial. . . . A contra saying is, 'We cannot win, but we can kill.' Again and again Witnesses for Peace have talked, prayed, and mourned with families whose members have been taken away, tortured in unspeakable ways, or shot before their very eyes. A frequent act of the contras is beheading."

4. To support the contras would be to share responsibility for the morally evil consequences of their activity: the killing of thousands of Nicaraguans. The government of Nicaragua announced in November 1984 that since 1981 the contras have assassinated 910 state officials, and that the war has caused a total of eight thousand civilian deaths. Private sources, including the Latin America Studies Association, report similar figures.

5. To support the contras would be to accept the Administration's morally outrageous assumptions: that propinquity in location somehow gives us proprietory rights: that Central America is ours to win or lose; that might makes right. We find these assumptions abhorrent when the Soviet Union acts on them: its location and power does not give it the right to oppress the people of Poland or to invade Afghanistan. But if it is wrong for the Soviets to act on the basis of these assumptions, how can it be right for the United States to act on them? Might does not make right when exercised by either superpower—or anyone else. The prophet Nathan made that clear centuries ago in his encounter with ancient Israel's great King David. Our nation needs to remember the word of the prophet to the king. We need also to remember the One for whom the prophet spoke.

6. Finally, to support the contras would be to violate our nation's own moral integrity. An editorial in Commonweal put it well: "The fundamental question facing the United States in Central America concerns not what the region should be, but what kind of country the United States should be." Because of our love of our nation and its moral integrity we do not want our nation once again to seek to impose its will on Nicaragua in order to impress the Soviets by supporting a mercenary army of terrorists who have already killed or caused the death of thousands of Nicaraguans.

Our churches are in close contact with sister churches in Nicaragua. The constant plea that we hear from these churches is: Stop U.S. assistance for the killings! We cannot in conscience ignore their appeal.

Thus, in solidarity with the people and churches of Nicaragua and in concern for the moral integrity of our own nation, we appeal to Congress:

Do not provide new funding for the Nicaraguan contras. Do not involve our nation further in their morally evil ways. Do not make us as American citizens unwilling accomplices to the death and destruction they sow. Stop the killing and terrorism. For the sake of life, decency, and peace with justice, support the negotiations of the Contradora nations, not the aggression of the Nicaraguan contras.

AMERICAN RHODES SCHOLARS OPPOSE FURTHER AID, TO CONTRA FORCES

DEAR REPRESENTATIVE: We, the undersigned American Rhodes Scholars currently studying in Oxford, England, wish to regis-

ter our strong opposition to any renewal of United States aid—covert or otherwise—to the contra forces fighting the Nicaraguan government.

An objective of the Rhodes Scholarship is to foster peace and understanding among nations. In this spirit, we feel the Administration's current policy toward Nicaragua is dangerous and counter-productive. Of course, we each have our own views of the present Nicaraguan government. But we are of one mind in believing that President Reagan's policies damage the prospects for democracy in Nicaragua. And we are of one voice when we say that the President's policies damage the prospects for peace in Central America.

As United States citizens, we urge you, in the strongest possible terms, to oppose any renewal of aid to the contra forces. We urge you to work toward a more constructive foreign policy in Central America.

We do not speak for all Rhodes Scholars who are citizens of the United States. Nor do we speak for the Rhodes Trust as an institution. We speak as 46 individual Americans who are profoundly concerned that our nation's support for the contra war is harmful to US national interests as well as to the interests of Central Americans.

Please send all responses c/o Wade Buchanan, Magdalen College, Oxford OX1 4AU, England, or 2808 S. Lakeridge Trail, Boulder, Colorado, 80302.

Sincerely yours,

Wade B. Buchanan, Boulder, Colorado; Claudena M. Skran, Saginaw, Michigan; David Vitter, New Orleans, Louisiana; Brenda Buttner, Watsonville, California; Barbara J. Toman, Crown Point, Indiana; Maureen E. Freed, Salt Lake City, Utah; Christopher Hedrick, Olympia, Washington; Jerri-Lynn Scofield, Newton, New Jersey; Charles R. Conn III, Cambridge, Massachusetts; Elizabeth H. Kirkland, Charleston, South Carolina; Lawrence J. Vale, Chicago, Illinois; John W. Fanestil, La Jolla, California; Daniel Porterfield, Towson, Maryland; Gariton Long, Gary, Indiana; Heather A. Wilson, Keene, New Hampshire; Lois Quam, Marshall, Minnesota; David Noever, Oklahoma City, Oklahoma; Catherine J. Kissee-Sandoval, Montebello, California; Kelley H. Kirklin, New Orleans, Louisiana; Katherine R. Richards, Missoula, Montana; Jean McCollister, Iowa City, Iowa; Raymond Paretzky, New York City, New York; William H. Bender, Rutland, Vermont; Hunter Monroe, Chapel Hill, North Carolina; David Duncombe, Boulder City, Nevada; Brian R. Greene, New York City, New York; George R. Stephanopoulos, Cleveland, Ohio; Kevin L. Thurm, Merrick, New York; Lawrence Ellis, Skillman, New Jersey; Storrs Hoen, Baltimore, Maryland; Christopher L. Eisgruber, Corvallis, Oregon; Elizabeth Kiss, Alexandria, Virginia; Marvin Krislov, New Haven, Connecticut; Sarah B. Sewall, Medomak, Maine; Donald W. Hawthorne, Lakewood, Ohio; John M. MacLeod, North Sutton, New Hampshire; Richard Sommer, Morgantown, West Virginia; Jonathan Hay, Nampa, Idaho; Michael E. Hasselmo, Golden Valley, Minnesota; Kathrin Day Lassila, Ames, Iowa; Richard Klingler, Cincinnati, Ohio; Craig G. Kennedy, Clearwater, Florida; Patricia E. Connelly, Belleville, New Jersey; Terrence Tehranian, Honolulu, Hawaii; Daniel Bloomfield, New York City, New York, and Judith Stoddart, East Lansing, Michigan.

CALL TO MEMBERS OF CONGRESS BY NOBEL LAUREATES ON THE QUESTION OF U.S. COVERT AID FOR USE AGAINST NICARAGUA

We, the undersigned Nobel Laureates, are opposed to any military action, overt or covert, by the United States government against the Republic of Nicaragua. Aggression against Nicaragua constitutes a violation of that country's territorial integrity and national sovereignty, a violation of treaties already approved by the U.S. Congress and sanctioned by international law, as well as a violation of the Charter of the United Nations.

We call upon the Congress to refuse its consent to any request by the Reagan Administration for funds, troops, training or materiel to be used either by the armed forces of the United States directly or by the "contras" or other forces in attacks upon the people and government of Nicaragua; and we call upon the Congress to urge negotiations with Nicaragua in order to improve the relations between the two countries.

We further call upon the Congress to stop the increasing militarization of Central America by the Reagan Administration.

Philip W. Anderson, Princeton University (Physics); Christian Anfinsen, Johns Hopkins University (Biology); Kenneth J. Arrow, Stanford University (Economics); Julius Axelrod, National Institutes of Health (Physiology or Medicine), and John Bardeen, University of Illinois (Physics).

Baruj Benacerraf, Harvard School of Medicine (Physiology or Medicine); Paul Berg, Stanford University (Chemistry); Owen Chamberlain, University of California, Berkeley (Physics); Subrahmanyan Chandresekhar, University of Chicago (Physics), and John F. Enders, Harvard School of Medicine (Physiology or Medicine).

Walter Gilbert, Harvard University (Chemistry); Sheldon Lee Glashow, Harvard University (Physics); Ronald Hoffman, Cornell University (Chemistry); Robert W. Holley, Salk Institute (Physiology or Medicine); and David H. Hubel, Harvard School of Medicine (Physiology or Medicine).

Gar Gobind Khorana, Massachusetts Institute of Technology (Physiology or Medicine); Wassily Leontief, New York University (Economics); Salvador E. Lauria, Massachusetts Institute of Technology (Physiology or Medicine); Edwin M. McMillan, Lawrence Berkeley Laboratory (Physics); Severo Ochoa, Hoffman LaRoache, Inc. (Physiology or Medicine); Linus Pauling, Palo Alto (Chemistry, Peace), and Herbert A. Simon, Carnegie-Mellon University (Economics).

Herbert Szent-Gyorgi, Woods Hole Marine Biological Labortory (Physiology or Medicine); Henry Taube, Stanford University (Chemistry), Howard M. Temin, University of Wisconsin, Madison (Physiology or Medicine), and James Tobin, Yale University (Economics).

AN OPEN LETTER TO THE U.S. CONGRESS

(By Catholic and Protestant Religions in Nicaragua; Managua, Nicaragua; February 11, 1985) [1]

We are priests and pastors and men and women religious, both Catholic and Protestant. Some of us are Nicaraguans; others come from other Latin American countries and from Europe and the United States. We are united in a common bond: we all live and work in the war zones of Nicaragua. We all know well, from close contact, the death, destruction and grief that the war is producing in this country.

We are writing to you because we know that in a way the continuation of this war depends on you. We are asking you to help stop it.

Nicaragua is a small sparsely populated country with a history closely linked to that of the United States during this century. This impoverished country has been occupied on several occasions by U.S. Army troops. Many U.S. visitors know us and we have had the opportunity to share experiences and perhaps a cup of Nicaraguan coffee with them.

With the hope that our message will help you better to understand the meaning of the four-year-old war that drenches this soil with blood and takes the lives of four people a day, on the average, through combat or assassination, we relate what we are seeing here.

We know thousands of Nicaraguan campesinos who with the triumph of the Revolution have begun to live a new life. They own land; they have learned to read and write; they have electricity in their homes for the first time. Many of them have begun to work together in cooperatives, or have made their first visit to a medical doctor. They have come to understand that they are persons with dignity and rights; and they rejoice that their dreams of a better future for their children are coming true.

We also know that due to the country's limitations there are other campesinos who did not receive so many good things, campesinos who were afraid of the changes or did not understand them, campesinos who were relatives of members of the National Guard with which Somoza defended his interests.

President Reagan, since the beginning of his mandate, has sought to obstruct Nicaragua's revolutionary process. Beginning in 1981 the decision was made to covertly finance the training, the military equipment and the organization of the Somoza Guardsmen who had fled to Honduras in 1979. Mercenaries joined them, as did some compesinos like those we just described. Some were kidnapped and carried off to the counterrevolutionary bases in Honduras. Some who joined the counterrevolution did so because of family connections or because of the great confusion that prevailed. This latter case was especially true among the Miskito population of the Caribbean Coast. The Miskitos were little known by most Nicaraguans until these years of revolutionary changes.

The counterrevolutionaries, whom President Reagan calls "Freedom Fighters," have been organized, supplied and backed by the U.S. Government, openly, publicly and continuously, and they have been active in Nicaragua territory since 1983.

We have endured a war which in different forms has been waged since 1981. Its intensity and cruelty steadily increase. Even though there are Nicaraguans on both sides, this is not a civil war. It is a premeditated publicized war where one side is supplied with arms and communication materiel by the United States and makes use of bases in Honduras and Costa Rica.

This war does not have its roots in an internal conflict, although it takes advantage of problems—big and little—such as exist in

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[1] Translated from "A los congresistas de los Estados Unidos de America," Managua, Feb. 11, 1985, 2 pp. (mimeographed).

any society. The errors in the Nicaraguan Revolution should be corrected by Nicaraguans; they do not justify foreign intervention. This is not a war to free a part of the Nicaraguan people, as if a tyrannical totalitarian Government were installed here. The best proof of the participation and pluralism of political options existing here is the electoral campaign which culminated in the elections of November 1984. Observers from around the world were present and reported on the elections.

This war originated in the political will of the Republican Administration of the U.S. which is determined, at any cost, to destroy the Nicaraguan Revolutionary model, a model that is adequate for this country and which has achieved notable successes on the road to development.

The contras bring a scenario that disturbs us. We remember what happened in Chile in 1973 and Guatemala in 1954. Fearful of changes in those countries U.S. Adminstrations helped to overthrow those governments. The alleged liberators, however, brought indiscriminate repression, not democracy.

Because the contras are not gaining any military victories they are terrorizing the civilian population. They focus their aggression on killing people and destroying everything we have painstakingly built to improve this country.

During four years of war, 2,767 civilians have been killed, including 132 children under twelve years of age. During 1984 the "Freedom Fighters" murdered 98 campesino teachers. In the four years we have had to close 359 schools and 41 health posts in areas which are under constant attack. Campesino cooperatives are being destroyed by rockets and mortars. Within hours enterprises have disappeared that cost great effort to build. In these four years the counterrevolutionaries have attacked 97 campesino villages, leaving many people dead and wounded. They have also abducted a number of people. Nearly 150,000 Nicaraguan campesinos have had to leave land and home and relocate elsewhere because of the war; and 6,236 children have been orphaned.

These may seem to be very small numbers, but in proportion to Nicaragua's meager population they are enormous. It is the same as if the U.S. had suffered 232,000 deaths in the Vietnam war instead of 58,000.

We sometimes hear that the Reagan Administration and the U.S. Congress have chosen to maintain pressure on Nicaragua through a low-intensity war, instead of by direct intervention of troops. For us who see all this from the standpoint of Nicaragua, with its limited human and material resources, this is a very high-intensity war. How long will it take Nicaragua to train new technologists, teachers and nurses to replace those who were killed? Who will erase from the memory of these thousands of orphans the grief of the loss of father or mother? How do we construct houses and schools from the rubble. And how do we care for the mutilated victims—those without arms or legs?

Members of the Congress, we write to you as men and women religious. We believe in God and we cannot fail to see this situation through the eyes of our Christian faith. Because of this faith and because we accompany the campesino people of Nicaragua who want peace, we must tell you that this U.S.—financed war is unjust and immoral. This war is a sin. It is not the fault of the Revolution, a Revolution which though still immature is full of possibilities.

The United States is using its force and enormous power, as well as money and propaganda, to impose its will on us and is making people suffer unspeakably, a people which only wants to live in peace and construct a dignified nation.

In the name of the God in whom we believe and of the people with whom we work and for whom we are willing to live and give our lives, we ask you to stop helping, by any means or in any way, the counterrevolutionary groups. Put your laws at the service of justice and treat this nation with respect.

Hear the cry of the people: "We want peace!" Peace here depends on you.

Signed by: 42 priests, religious and pastoral agents working in the war zones; and by 46 in other parts of the country.

(Translated by James and Margaret Goff, Antonio Valdivieso Ecumenical Center, Apartado 3205, Managua, Nicaragua.)

NATIONAL ORGANIZATIONS IN OPPOSITION TO COVERT INTERVENTION IN NICARAGUA WHO HAVE FORMALLY PASSED RESOLUTIONS OR SIGNED STATEMENTS AGAINST COVERT PROGRAM IN NICARAGUA

Agricultural Missions, Inc.
Amalgamated Clothing & Textile Workers Union, AFL–CIO.
American Association of Jurists, U.S. Section.
American Baptist Churches, USA.
American Christians for the Abolition of Torture.
American Civil Liberties Union.
American Ethical Union.
American Federation of Federal, State, County & Municipal Employees (AFSCME), AFL–CIO.
American Federation of Government Employees, AFL–CIO.
American Friends Service Committee.
American Lutheran Church.
Americans for Democratic Action.
Americans for Indian Opportunity.
Americans for Peace in the Americas.
Artists for Nuclear Disarmament.
Association for Community Based Education.
Association of Arab-American University Graduates, Inc.
Black American Law Students Association.
Catholic Peace Fellowship.
Center for Constitutional Rights.
Center for Development Policy.
Center for International Policy.
Center for National Security Studies.
Center for Third World Organizing.
Center of Concern.
Chile Committee for Human Rights.
Chile Legislative Center.
Christian Church (Disciples of Christ).
Christic Institute.
Church Coalition for Human Rights in the Philippines.
Church of Scientology.
Church of the Brethren.
Church Women United.
Citizens' Energy Project.
Clergy and Laity Concerned.
Coalition of Latin American Trade Unionists.
Coalition of a New Foreign & Military Policy.
Commission on U.S.-Central American Relations.
Commission on Social Action of Reform Judaism.
Committee Against Registration and the Draft.
Committee for Health Rights in El Salvador.
Committee in Solidarity with the People of El Salvador.
Common Cause.
Conference of Major Superiors of Men.
Congregation of the Sisters of the Holy Cross.
Congress Task Force.
Council on Hemispheric Affairs.
Democratic Socialists of America.
Development Group for Alternative Policies.
DISARM Education Fund.
Dominican Sisters of the Poor.
Ecumenical Program for InterAmerican Communication & Action.
Environmental Action.
Environmental Action Foundation.
Environmentalists for Full Employment.
Episcopal Peace Fellowship.
Fellowship of Reconciliation.
Franciscan Federation of Brothers & Sisters of the United States.
Friends Committee on National Legislation.
Friends of the Filipino People.
Fund for Constitutional Government.
Fund for New Priorities in America.
Fund for Open Information & Accountability.
Fur, Leather and Machine Joint Board, New York City.
Grand Jury Project.
Greensboro Justice Fund.
Haitian Refugee Project.
Humanitas International Human Rights Committee.
Indian Law Resource Center.
Institute for Food & Development Policy.
Institute for Secular Missionaries.
Interfaith Action for Economic Justice.
International Association of Machinists, AFL–CIO.
International Longshoremen & Warehousemen's Union.
International Union of Electrical Workers, AFL–CIO.
Interreligious Task Force on El Salvador & Central America.
Jubilee Fund.
Leadership Conference of Women Religious.
League of United Latin American Citizens.
Libertarian Party.
Maryknoll Fathers and Brothers.
Maryknoll Sisters.
Methodist Federation for Social Action.
Middle East Research and Information Project.
Middle East Resource Center.
Mobilization for Survival.
Moravian Church in North America.
Nation Institute.
National Alliance Against Racist & Political Repression.
National Assembly of Women Religious.
National Black United Front.
National Center for Immigrants' Rights.
National Coalition of American Nuns.
National Conference of Black Lawyers.
National Committee Against Repressive Legislation.
National Council of Churches of Christ.
National Education Association.
National Federation of Priests' Councils.
National Indian Youth Council.
National Interreligious Board for Conscientious Objectors.
National Labor Committee in Support of Human Rights and Democracy in El Salvador.
National Lawyers Guild.
National Network in Solidarity with the People of Guatemala.
National Network in Solidarity with the Nicaraguan People.
National Office of Jesuit Social Ministries.

NETWORK, A Catholic Social Justice Lobby.
New Jewish Agenda.
Newspaper Guild, AFL-CIO.
North American Congress of Latin America.
North American Federation of Temple Youth.
Organizing Media Project.
The Other Side/Jubilee, Inc.
Oxfam America.
Palestine Human Rights Campaign.
Pax Christi, U.S.A.
PUSH.
Quixote Center.
Rainbow Coalition.
The Redemptionists, Western Province.
Religious Task Force on Central America.
Riverside Church Disarmament Program.
SANE.
School Sisters of St. Frances Generalate.
Service Employees International Union, AFL-CIO.
Sisters of St. Joseph of Peace.
Society of Missionaries of Africa W.F.
Southern Christian Leadership Conference.
Sojourners.
TransAfrica.
Unitarian Universalist Association of Churches in North America.
Unitarian Universalist Service Committee.
United Automobile, Aerospace, Agricultural Implement Workers of America.
United Church of Christ.
United Church Board of World Ministries.
United Electrical Workers.
United Methodist Church.
United States Farmers Association.
U.S. Catholic Mission Association.
U.S. Out of Central America.
U.S. Peace Council.
United States Student Association.
Vietnam Trial Support Committee.
Vietnam Veterans' Peace Campaign.
War Resisters League.
Washington Office on Africa.
Washington Office on Latin America.
Witness for Peace.
Women for Racial and Economic Equality.
Women Strike for Peace.
Women USA.
Women's International League for Peace & Freedom, U.S. Section.
World Peacemakers.
Young Ideas, Inc.
Young Women's Christian Association of the USA.

Compiled by SANE and the Coalition for a New Foreign and Military Policy.

[From the New York Times, Mar. 30, 1985]

DON'T FUND THE "CONTRAS"

(By Adolfo Pérez Esquivel)

It must be clear to everyone that the confrontation between the Reagan Administration and the Sandinista Government has neared a breaking point. Both the Sandinistas and American policy makers seem unwavering in their determination to survive each other. Only Congress can defuse this time bomb.

Soon Congress is to decide whether to support the Administration's war against Nicaragua by voting an expected $14 million Administration request for covert aid to the "contras," or to seek a peaceful solution to the region's problems. Latin Americans hope common sense and a healthy awareness of self-interest will move the lawmakers to end the war against the tiny Central American republic.

The Reagan Administration has done its best to create an atmosphere conducive to deepening the conflict. It has waged an undeclared war through the contras, who, if given sufficient support, hope to topple the Sandinista regime. For Nicaragua, one of the world's poorest nations, this unrelenting aggression has resulted in postponement of economic development.

Material damages, inflicted with United States taxpayers' money, are estimated at more than $400 million. The fighting has killed more than 2,300 people, among them many women, children, students and workers. The Administration's rationale for its policy has been the Nicaraguan Government's alleged totalitarianism, its denial of basic freedoms and the menace it poses to its regional neighbors and, ultimately, to United States security interests.

During several trips to Nicaragua and the United States, I have grown convinced that these arguments are, at best, overstatements designed to justify an essentially unjustifiable policy of aggression. The debate on Capitol Hill will, I hope, reveal the distortion and manipulation of fact by high Administration officials.

Yes, the Sandinistas have made mistakes—but they have also registered remarkable achievements that far outweigh their shortcomings. Certainly, their mistakes do not justify the terrible punishment Washington is meting out. My conversations with Nicaraguan leaders in virtually all sectors of society made it clear that the Sandinistas recognize that a better understanding should be developed with the Roman Catholic Church, the opposition party, the press and the Miskito Indians.

But common sense dictates that we all take into account the dramatic social changes that Managua has implemented. The revolutionary Government has outlawed capital punishment and demonstrated extraordinary restraint in dealing with defeated adversaries, the deposed forces of Anastasio Somoza Debayle.

While the Sandinistas must divert a large portion of their financial and physical resources to defense, they have carried out policies that have resulted in a sharp decline in infant mortality rates and have greatly increased medical care for the population. Their health program caused the World Health Organization to select Nicaragua as one of five model countries for primary health care. These successes are mirrored by advances in education, with marked declines in the national illiteracy rate following one of the most effective literacy campaigns in Latin America. The Administration ignores these accomplishments in its need to escalate the conflict. Through its support for the contras and direct intervention by the Central Intelligence Agency, it has bombed and mined Corinto, the main port, in violation of international law. It has disregarded the International Court of Justice while advocating terrorism against a sovereign state. It unilaterally withdrew from talks with the Sandinistas in Manzanillo, Mexico, and undermined the peace initiative of the Contadora countries—Colombia, Mexico, Panama, Venezuela—when it failed to manipulate the initiative toward its own desired ends.

These acts of hostility and terrorism, far from breaking the Sandinistas' spirit, have only galvanized them in their resolve and rallied much of Latin America to their support. Even high Pentagon officials acknowledge that further assistance to the contras will not bring about military defeat of the Sandinistas.

Existing evidence, a feeling for history and common sense should enable Congress to reject the Administration's counterproductive policies.

At this critical moment, it seems the Sandinistas are ready to support a policy of nonintervention in the region by an external power and an end to arms shipments and use of military advisers in Central America.

The Congress should make clear its respect for self-determination of all peoples and reject the Administration's proposal for continued aid to the contras. At the same time, it must implement measures that would make it virtually impossible to circumvent that decision.

The Reagan Administration should resume talks with the Sandinistas, and seriously support the Contadora peace initiative. The choice is clear: the Administration either continues its policy of destruction and death or chooses one of cooperation and life.

[From the Washington Post, Apr. 10, 1985]

A BETTER WAY TO PEACE IN NICARAGUA

(By Sol M. Linowitz)

The president's new peace proposal for Nicaragua may mark a significant turning point in the administration's attitude toward the struggle in that country. In recent weeks, the administration has been indicating that its objective is the capitulation of the Sandinistas. But in his current proposal, the president emphasizes negotiation as the course to be followed in trying to deal with the problems, and implies willingness to support a negotiated solution that might be worked out between the parties. If it does nothing else, the proposal puts emphasis on a negotiated rather than a military solution to the fighting in Nicaragua. To that extent, it is a welcome move.

As to the specifics of the president's new plan, however, the fact is that it really isn't new, and it isn't really his. The plan was previously put forward by the contras and rejected by the Sandinistas several weeks ago. The only truly new part of the plan has to do with the use of the $14 million in aid to be made available by the United States to the contras.

Here the problem is that the proposal would offer much to the contras and little to the Sandinistas. Indeed, the contras can't lose. The Sandinistas are called upon to negotiate based on the offer made by the contras a month ago. If the Sandinistas persist in their refusal to do so, then, under the plan, the United States would be able to resume military aid to the contras. If the Sandinistas do undertake to negotiate but don't reach agreement with the contras within 60 days, then the contras can refuse to prolong the negotiations, and the United States will be free to resume military aid to them.

It is not too difficult to see why the Sandinistas would hesitate to enter into negotiations that promise legitimization of military aid to the contras if, within a designated time, the Sandinistas have not come to agreement with them.

Second, the president is asking Congress to approve indirectly what it has indicated it would not approve directly. It is obvious that while the president's proposal would make $14 million available to the contras for humanitarian purposes, this would free up other contra funds for the acquisition of military equipment and supplies.

It is also worth noting that in El Salvador, the United States has strenuously objected to "power sharing" between the government

and the opposition group. But in the current proposal, the plan is for the government of Nicaragua to engage in negotiations with the contras that would seem to call for precisely the kind of "power sharing" previously denounced by the United States.

Is there another way to approach the situation that might have a greater prospect for success and also advance the administration's announced objectives?

The Contadora nations—Colombia, Mexico, Panama and Venezuela—have been trying to find a basis for peaceful settlement of the fighting in Nicaragua and elsewhere in Central America. It is regrettable that the United States did not consult with the Contadora group prior to the announcement of the new approach in Nicaragua. It is not too late, however, for the United States now to join with the Contadora group in calling for a dialogue in Nicaragua between the Sandinistas and the contras, under the aegis of Contadora and with the mediation of the Catholic Church.

There would be no preconditions for such a dialogue, and both sides would be given a full opportunity to state their positions in order to advance the prospect for national reconciliation and a fair and free election under international supervision. At the end of a designated period, the United States could reexamine the situation and determine whether humanitarian or other aid to the contras would be appropriate and necessary to the light of the facts as they have evolved.

The difference between this approach and the one set forth in the president's proposal is that the discussions between parties in Nicaragua would take place under the auspices of the Contadora nations, which have won the respect of both sides, and the United States will not hold the threat of military support for the contras over the negotiations. The Sandinistas would know, however, that if they refuse to participate in such a dialogue, they will have strengthened the case for aid to the contras in a way that the administration itself has not been able to do.

APRIL 16, 1985.

DEAR MEMBER OF CONGRESS: In the coming days, Congress will consider a request from President Reagan to renew funding for a covert aid program against the Government of Nicaragua.

Attempts to destabilize the elected government of Nicaragua and support of the bombings, burning of villages and crops, murder of civilians, mining of harbors and assassination of officials offends American priniciples and is contrary to American desires.

We, the undersigned, are firmly opposed to any renewal of covert aid funding and want you to vote against any request to appropriate funds for the covert aid program against Nicaragua. This would include any request that would make available funds to the Central Intellience Agency, the Department of Defense or any other agency or entity of the United States involved in intelligence activities which would have the effect of supporting directly or indirectly military or paramilitary operations in Nicaragua by any nation, group or individual.

We want you to oppose any compromise to the current provision prohibiting United States funding of the covert aid program.

We want you to oppose and vote against all efforts to any so-called economic options, humanitarian aid or any open and overt support funds to the "contras", as such aid only serves to support military operations against the government and people of Nicaragua.

Further, we urge an investigation of private sector funds for same activities, as these funds only serve to support military operations against the Government of Nicaragua.

Sincerely,

Tony Adams, Producer; Julie Andrews, Actress; Edward Asner, Actor; Rene Auberjonis, Actor; Ned Beatty, Actor; Tinker Beatty; Tyne Daly Brown, Actor; Georg Stanford Brown, Actor/Director; Jackson Browne, Musician; Alan Burns, Writer; Carol Caldwell, Writer; David Clennon, Actor; Sean Daniel; Michael Douglas, Actor/Producer; Richard Dreyfuss, Actor; Blake Edwards, Director/Producer; Shelly Fabares, Actress; Mike Farrell, Actor; Jack X Fields, Agent; Robert Foxworth, Actor/Director; Bonnie Franklin, Actress; Robert Greenwald, Director/Producer; Stephanie Hagen, Actress; Daryl Hannah, Actress; Howard Hesseman, Actor; Margot Kidder, Actress; Barry Krost, Producer; Dianthe Lebezon, Attorney/Producer; Edward and Mildred Lewis, Producers; Martha Luttrell, Agent; Paul Mazursky, Director; Mark Merson, Producer; Marvin Minoff, Producer; Elizabeth Montgomery, Actress; Michelle Phillips, Musician/Actress; Marc Rosenberg, Producer; Eugenie Ross-Leming, Writer/Producer; Susan Sarandon, Actress; Pepe Serna, Actor; Bert Schneider, Producer; Timothy R. Sexton; Stanley K. Sheinbaum; Robert Singer, Producer; Paul L. Tucker; Jeff Wald, Producer; Paula Weinstein, Producer; Julia Winston, Curator; Bill Zimmerman, Political Consultant; David Soul, Actor/Director.

INTER-AMERICAN DIALOGUE URGES POLICY CHANGES TO END NICARAGUAN CRISIS

Members of the Inter-American Dialogue, a private, non-partisan group of prominent leaders from Latin America and the Caribbean, the United States, and Canada, today called on the U.S. government to "renounce plans—overt or covert, direct or indirect—to renew support for the military and paramilitary activities of the Nicaraguan insurgents" (the contras). In a statement released by Dialogue co-chairmen Sol M. Linowitz and Galo Plaza, the group also called on the Nicaraguan government to renounce support for the insurgents in El Salvador. "There will be no peace in Central America as long as the norm of non-intervention is flouted by any country."

Declaring that the tensions between the United States and Nicaragua threaten the Hemisphere's security "more than any situation in 20 years," the Dialogue statement proposed five steps to achieve peace in Nicaragua. It urged the United States to "recognize, as did the Kissinger Commission, that an indigenous revolution in the Americas can be compatible with U.S. national security, and to refrain from interfering in the internal affairs of Nicaragua."

The statement on Central America (full statement attached) was issued by members of the Dialogue's newly-formed Executive Committee after an all-day meeting in Washington. Members present were: Sol M. Linowitz, former U.S. Ambassador to the Organization of American States and principal U.S. negotiator of the Panama Canal Treaties; Galo Plaza, former President of Ecuador and Secretary-General of the Organization of American States; Peter Bell, former President of the Inter-American Foundation; Rodrigo Botero, former Finance Minister of Colombia; McGeorge Bundy, former U.S. National Security Advisor; Jose Maria Dagnino Pastore, former Finance Minister of Argentina; Ivan Head, President of the Canadian International Development Research Centre; Daniel Oduber, former President of Costa Rica; and Elliot Richardson, former Secretary of Defense and Attorney General. Other Committee members are Fernando Henrique Cardoso, the Senatae leader of Brazil's governing party, and Ralph Pfeiffer, chairman of IBM World Trade Americas/Far East Corporation.

Chairmen Linowitz and Plaza also announced the Committee's decision to launch a five-year program of activities for the Inter-American Dialogue. The Dialogue will meet again in plenary in November and expects to issue its third report on U.S.-Latin American relations early in 1986. The Dialogue has a membership of approximately 50 persons, drawn equally from North America and Latin America. Participants include former presidents and cabinet secretaries; bankers, industrialists, and labor leaders; scholars, media executives, and foundation heads; and religious, political, and military leaders.

[Statement]

CURRENT U.S. LATIN AMERICAN RELATIONS

(Executive Committee, Inter-American Dialogue, April 4, 1985)

The crisis of economic growth, debt, and trade remains the most important problem in Latin America today. Recent progress toward restructuring the external debt of several major countries is significant, but it should not obscure the fact that the region's fundamental economic problems are unresolved; indeed, they may be worsening.

The next session of the Inter-American Dialogue will consider proposals to deal with regional economic problems. It will examine the proper role of international financial institutions, of foreign investment, and of national policies—both of the Latin American countries and of the industrial countries, including the United States. The Dialogue will also take up other major issues, including narcotics, immigration and refugees, and arms control. We will continue our strong focus on how to strengthen democracy and help assure the protection of human rights throughout the Hemisphere.

We are compelled today to address the most urgent issue in the Americas: the dangerous tension between Nicaragua and the United States that threatens the region's security more than any situation in 20 years.

Only a few months ago, the diplomatic initiative of the four Contadora nations to fashion a settlement in Central America seemed promising. We welcomed the start of direct U.S.-Nicaraguan talks at Manzanillo, Nicaragua's positive response to the second Contadora draft treaties, and the Nicaraguan commitment to hold national elections in 1984.

Our hopes have dimmed in recent months. The Contadora process has run into serious obstacles. Nicaragua's regime and leading opposition parties could not agree on procedures to make the 1984 elections broadly representative. The United States has suspended the talks at Manzanillo and has stepped up pressures against Nicaragua. Recent public statements suggest that the

U.S. government may be seeking capitulation by the Sandinistas. The possibility of a much more intense war in Nicaragua, involving the United States indirectly—and perhaps even directly—is real.

Even if such a war is avoided, the Nicaraguan crisis may poison U.S.-Latin American relations and undermine efforts to resolve other serious hemispheric problems. It has already weakened the Organization of American States and the Inter-American Development Bank, and prompted a challenge to the authority of the World Court. It has polarized the domestic politics of Costa Rica and Honduras. It has distracted attention, especially in the United States, from the fundamental Latin American economic crisis. Most important, in human terms, the fighting in Nicaragua has killed and wounded thousands, displaced tens of thousands from their homes, and set back the country's economy by a decade or more.

It is imperative that the leaders of the United States, Nicaragua, the other Central American countries, Cuba, and the Contadora nations work to forge peaceful solutions to the struggles in Central America.

Last Sunday's election in El Salvador shows the popular support for President Jose Napoleon Duarte's dramatic initiative to open a dialogue with the insurgent left at La Palma. Now President Duarte, strengthened by these elections, should move vigorously toward negotiation. In this effort, he requires the strong support of the United States and the other nations of the Hemisphere. These negotiations must be more than a tactic, for they are the only path to lasting peace in El Salvador.

With regard to Nicaragua, we believe that every effort must be made to achieve peace before a wider war becomes inevitable.

1. We call upon the governments of Nicaragua and the United States to resume their bilateral discussions.

2. We ask the government of Nicaragua to open the way toward national reconciliation by pursuing a dialogue with all significant parties who seek an end to the civil war and by providing the conditions necessary to hold free and fair elections under international supervision.

3. We ask the government of the United States to recognize, as did the Kissinger Commission, that an indigenous revolution in this Hemisphere can be compatible with U.S. national security and with hemispheric security, and to refrain from interfering in the internal affairs of Nicaragua. The United States and the other countries of the Hemisphere share a concern to prevent the expansion of a Soviet or Cuban military presence in the Americas.

4. We call upon the Contadora nations, meeting again next week, to persist in the difficult task of negotiation, and to recommit their best efforts toward designing inspection and verification provisions that can be monitored and enforced, taking into proper account the concerns of all parties. We call upon the governments of the United States and Nicaragua to commit themselves, in deed and not just in word, to active support for the Contadora process of mediation and for a negotiated regional settlement.

5. Finally, it is imperative that the governments of Nicaragua and the United States pledge themselves not only to the principle but to the practice of non-intervention. The government of the United States should clearly renounce plans—overt or covert, direct or indirect—to renew support for the military and paramilitary activities of the Nicaraguan insurgents. The Nicaraguan government should clearly renounce all support for the military and paramilitary activities of the insurgents in El Salvador and elsewhere. There will be no peace in Central America so long as the hemisphere norm of non-intervention is flouted by any country.

Mr. JOHNSTON. Mr. President, a minor miracle happened over the weekend and continued through yesterday in the form of a unified Democratic approach to the problem of Nicaragua, to the problem of aid to the Contras. I say it is a minor miracle because on the most contentious, the most divisive issue perhaps in America today, with the possible exception of the budget—and I doubt if even that surpasses Nicaragua as an area of contention—Democrats from left to right, supporters of the Contras, opponents of the Contras, got together on one joint compromise which yesterday was submitted to the President and to the administration.

Mr. President, the way this came about was that the leader of the Democrats, Mr. BYRD, called together a negotiating session at which I believe some 20 Democrats appeared. We went through in great detail and with great debate all of the elements about the war in Nicaragua, about the merits or demerits of the Contras, about America's obligations, about all of those diverse factors that have been discussed here today.

Mr. President, I think it is safe to say that, diverse as the feeling was, there was a general feeling among Democrats—and I would guess among virtually all U.S. Senators—that this situation is not marked by tones of black and white but is a very difficult situation involving great stakes for the United States, in which we should, if we can, speak with a unified voice. I think it will not speak well for the U.S. Senate today if we speak by 52 to 48 or that order of magnitude, as I fear we will speak. I think it does not bode well for American policy when there can be neither consistency nor a broad base of support for that policy.

It was in that spirit that we Democrats sought to put together something that we could all support.

I have made no secret of the fact that I strongly believe—I will mention a little more about that later—that we should not abandon the Contras, that our interests are such that we should continue to support them. Nevertheless, it was in the spirit of compromise that we put together a proposal submitted to the President yesterday that involved some 8 hours of negotiation.

The elements of that compromise were very simple, very direct, and, in my judgment, they were a proposition that the administration could not refuse. Yet, the administration did refuse it; at least, it was not accepted as first proffered. I believe that was a serious mistake.

I do not mean to say that the administration or any group or party must accept without change or without discussion the first offer in any compromise proposal. But I do mean to say that our proposal, coming as it was from such a diverse group, and, in my judgment, affirmatively and efficiently dealing with all the matters of concern to the administration, simply should have been accepted.

Mr. President, what we proposed was that humanitarian aid—defined as food, clothing, medicine, and other forms of humanitarian aid—could be delivered to the Contras in an amount up to $14 million a year, provided that it could be monitored independently as to the nature and amount of that aid.

There were two important stipulations that would trigger the ability to lift what we call the fence or the President's prohibition on that aid.

The first stipulation was that both parties agree to a cease-fire. Those of our group who were strongly opposed to aid to the Contras in any form felt, I believe, that the cease-fire made up for or compensated for or was worthy of compromise for the fact that we were sending humanitarian aid. So that while we were clearly giving aid, we were also clearly giving it under a condition of cease-fire.

A further corollary was this: Should the Sandinistas refuse the cease-fire, then the Contras would not be bound by a cease-fire, and the fence would be lifted. Contrariwise, should the contras not agree to the cease-fire, the fence or the prohibition would have been in place.

A further stipulation was this: Should either side violate the cease-fire, then, in the case of the Contras, the prohibition would be reimposed; in the case of the Sandinistas, the obligation on the part of the Contras to obey a cease-fire would be lifted.

The second condition was that the United States and Nicaragua return to bilateral talks. Mr. President, it was this administration which went to Manzanillo initially in talks. To be sure, they were not satisfied with the progress of those talks. Nevertheless, a return to talks in the midst of a cease-fire might just have given the chance, the new shaft of light, the new attitude that would set the scene for getting this very diverse and very difficult conflict off dead center. Indeed, it seems to be on dead center at the present time, in terms of resolution of that conflict.

So essentially, what we had was $14 million of humanitarian aid to the Contras, provided it could be monitored independently as to nature and amount, but conditioned upon a cease-fire and conditioned upon talks.

There were other matters in our compromise, and the minority leader will put the entire text into the RECORD.

One of the important conditions was that it not be delivered through the CIA or through another intelligence agency. There were a whole host of other agencies through which it could be delivered. Some of our group thought it should be the United Nations; others, the Red Cross. But the proposition submitted to the administration provided for any agency other than the CIA or another intelligence agency.

In effect, Mr. President, the proposals we put on the administration were not onerous, were not designed to prevent the aid from being delivered, but, rather, were designed to prevent the black eye that has been given to the CIA owing to the mining of the harbors and, in turn, the involvement of the United States, which has been greatly criticized, through the CIA. We sought to avoid that by providing for any agency other than the CIA.

Mr. President, we also provided for assistance to the Contadora countries, and we also provided that we should support and encourage the Contadora process; because we believe that through the Contadora countries—the Hispanic brothers, so to speak, of those in Central America—there is an excellent chance of some breakthough in terms of negotiation, and that that should be encouraged.

We further provided for a fast track consideration by Congress, should the President wish to submit economic sanctions or further requests for aid. There were triggers on the question of economic sanctions to the effect that the President could seek the fast track if the Contras were not negotiating in good faith. In the case of further aid to the Contras, there was a trigger that either the Sandinistas violated the cease-fire or that they failed to come to bilateral talks. In effect, those provisions sought to maximize the pressure upon the Sandinistas.

Mr. President, as I say, it was a minor miracle that this could have been put together. I see some of my other colleagues on the floor for whom I have great respect and whose participation in this compromise was very, very affirmative. Those who were in our group, Mr. President, as has been I think previously stated on this floor but if it has not were, of course, our minority leader, Senator DODD, Senator KERRY, Senator BOREN, Senator INOUYE, and Senator LEAHY, representing I think a rather broad and diverse spectrum of philosophical views on this question and different approaches.

It is, I think, a shame, Mr. President, as I have said before, that was turned down. It was put together in the fading moments, as it were, of this matter since it is brought up under a time constraint under a necessity for a vote today, and it is remarkable, as I say, that it was brought up and considered at that time.

I do not say it is impossible to put together a compromise. Clearly our lines are open. Clearly those of us on this side are more than willing to consider anything. But in the practical real world, Mr. President, I think the possibility of hammering together a compromise, considering the diversity of the groups, considering the difficulty of the meaning of fashioning the precise words and the precise concept on all of these things like the proper agency of delivery, the definition of the kind of goods that can be delivered, where they can be delivered, the conditions under which you are able to trigger that delivery, all of those things are vastly complicated concepts which simply take time to put together.

Having said that, Mr. President, and expressed my regret that it cannot be put together, I will very reluctantly and with reservation vote for the President's proposal.

I understand and indeed I have seen a first draft of a letter from the President to the minority leader in which he will track at least a number of the proposals in the Democratic proposal. In that sense I feel that our efforts have clearly been affirmative and constructive. More than that, Mr. President, it has shown that this party is not seeking to be obstructionist, is not seeking to say that this matter in Nicaragua is something about which we are not willing to join together at the water's edge with a united policy. Democrats are. We have shown that, and as the leader puts into the RECORD the written evidence of our proposal, I think it is for all the world to see that we were willing to join in a joint unified compromise where all the country could have come together.

Mr. President, there was on public television last Sunday a show—I say it was on public television, I do not guess it was—I forget what station it was on, Mr. President. But in any event, it was an hour long program recounting the history of the Cuban revolution, and it brought to mind to me a lot of things that I have known that I had forgotten and it brought to light those things in vivid Technicolor and in all the excitement of the events. It showed Fidel Castro back when he was in college before he had a beard when he was a little round-faced, cherubic-looking individual. It showed him up in the mountains and it detailed about the New York Times reporter who went up there. I remember as a young lieutenant in the Army reading those stories with such avid interest, describing this agrarian reformer, as he was called, who sought to restore justice, democracy, economic equity to the country of Cuba, who was going to stamp out the excesses of that terrible dictator, and I say that advisedly, Batista, and I remember the excitement that I felt at the time, and the program detailed that excitement and then it went through the establishment of the revolution and each step along the way since, and it brought to mind that there was indeed a time when the United States could have done something about that.

We tried, of course, at the Bay of Pigs in the most bungled, mishandled, fiasco that I guess this country maybe has ever been involved in with the possible exception of the Vietnam war. The Vietnam war was greater tragedy and certainly with greater loss of life. But in terms of a bungled, misconceived adventure that was probably the worst.

Nevertheless, I think, Mr. President, there were things that we could have done at one time, perhaps even peacefully through negotiations, but we missed our chance.

I was intrigued, Mr. President, when the Senator from Massachusetts [Mr. KENNEDY] stated that the United States will not permit Soviet bases in Nicaragua because I think, Mr. President, and that program brought to mind there comes a point when there is not much we can do about it or at least that we are willing to do about it. We know at the present time there is a Soviet brigade in Cuba. We know that there is a huge Soviet presence there. We know that there is about $7 billion in aid per year. And whether it is a Soviet base or not there are bases with Soviet-trained pilots and Soviet airplanes and a whole host of Soviet weapons and there are Soviet client states that export tens of thousands of troops from this hemisphere to Africa, to all over the world. Wherever the Soviets want their bidding done, they will dispatch a few tens of thousands of troops.

It seems to me, Mr. President, that the time is now, our only chance, whatever that is, to avoid another Cuba in Nicaragua.

The efforts that we put together in our compromise were calculated to be that proper effort. Those having failed, I personally am not willing to abandon the Contras, to walk away and say that they are not appropriate objects of our beneficence and that we must abandon them and count on the good faith of the Sandinistas.

It seems to me that that good faith has been amply demonstrated in its absence.

Accordingly, Mr. President, I will vote for this resolution with misgivings, with reservations, with regret that we could not have put together a proper compromise.

Mr. BYRD. Mr. President, I yield myself such time as I may require. I beg the indulgence of Senators who have been waiting, the Senator from

Montana [Mr. MELCHER] and other Senators.

Mr. President, on last Thursday I met with a group of Senators in my office, Democrats from all parts of the ideological spectrum, and we discussed the possibility of developing a package which might be used as a compromise so that all Senators, Republicans and Democrats, liberals and conservatives, middle of the roaders, those who would be against the $14 million as well as those for unfencing the $14 million, could possibly come to an accommodation that would allow us to present a unified front here in the Senate, and, at the encouragement and request of those Senators, I called Mr. Reagan and offered on the part of Senate Democrats to meet with Republican Senators and the President if the President would be present or would have someone to speak for him and explore this possibility.

I suggested that there be a half dozen Senate Democrats, that the distinguished majority leader probably would want an equal number of Republican Senators, and that we could meet and at any time the President might wish.

The President's reaction was positive and he indicated that he would get back to me before the day was over.

Later that day, the White House informed me that the President would like to pursue this matter and that a time would be proposed by the White House, I believe, on the next day. On Friday, the same group of Senators met with me, and it was indicated at that point that the time for such White House meeting would be at 5 p.m. on Sunday. It was agreed among us Democrats meeting in my office, that we would meet in my office at 3 p.m. on Sunday so as to further prepare a packaged proposal to present at the meeting at the White House.

Then on Saturday, I received a telephone call from the White House indicating that it would be necessary to postpone the scheduled 5 o'clock Sunday meeting at the White House until sometime on Monday.

In any event, I called my Democratic colleagues and told them about the change in schedule insofar as the White House meeting was concerned, but suggested that we Democrats proceed, nevertheless, to meet as we had planned at 3 o'clock in my office on Sunday afternoon. There was excellent attendance of those Democratic Senators in my office at 3 o'clock on Sunday afternoon. Mr. DODD, who was in Connecticut, was at the airport and was ready to come to Washington. But he indicated that he, of necessity, would have to go back to Connecticut for the evening, because of the death of a friend. And I told Mr. DODD that I very much wanted him to come on to Washington, in any event. He did so, and I compliment him on his high sense of duty.

So we met, and, I think, developed a very good compromise proposal. Mr. INOUYE, who is chairman of the Appropriations Subcommittee on Foreign Assistance, was present at the meetings, as were Mr. JOHNSTON, Mr. BOREN, Mr. DODD, Mr. LEAHY, Mr. KERRY, and myself.

There were other Senators who were also present. But in view of the fact that the number had to be cut to 6, whereas there were at least 12 or 13 who had indicated that they very much wanted to go to the White House, that number was accordingly reduced.

During our discussions, Mr. JOHNSTON, I thought, made the finest presentation for a comprehensive package that anyone had made or that could be made within the strictures that faced us. Time was short, votes were coming on Capitol Hill today, and the meeting at the White House was being put off until the next day, and so on. But Senator JOHNSTON made this proposal. And he and several other Senators, Mr. KERRY, Mr. HARKIN, and others, sat well into the late afternoon and early evening attempting to hammer out an agreement. I thought it was a remarkable thing. I think he has expressed his feeling that it was a near miracle. And I believe in miracles. But in any event, Mr. JOHNSTON showed remarkable talent and innovativeness.

We had a good cross-section of Senators, as I have already indicated, who came together. Everybody gave up a little something. This was a true compromise. A compromise occurs when each of various participants, in an effort to reach a concensus on a controversial matter, gives up something. So the package was not to the entire liking of anybody. So it was commendable that Senators from the left, the right, and in the middle would come to an agreement on this complex, difficult, and controversial matter.

On Thursday evening, Mr. DOLE informed me that he would have six Senators from his side and he was very pleased at the opportunity to, hopefully, work out a compromise. At all times, I have to say, Mr. DOLE has been extremely considerate, understanding, and cooperative and he, like I, was optimistic that we might be able to work out an accommodation.

At the White House the President first sat in on the meeting. Obviously, he could not sit there for 7½ hours. The Vice President was there. Mr. DOLE and his Republican colleagues were there an hour before we Democrats arrived. The discussions were excellent. Everyone sought hard to find a middle ground.

I provided Mr. DOLE with a copy of the Democratic compromise only at 8:15 yesterday morning. Senator DOLE did not have a lot of time in which to study it. But he was able to provide it to the White House so that the President and his people would be in a position to react to it.

During the course of the afternoon it seemed to all of us, I think, that there probably was some movement toward each other's position in several respects. Finally, however, it became pretty clear that we would not be able to wrap up an agreement that day. So we on our side presented Mr. McFarlane, who seemed to be heading up the White House group, and Mr. DOLE and the other Republican Senators with a second proposal. They also presented us with a second proposal and we discussed the proposals for half an hour or a little more before we recessed for the day. Where did that leave us?

It left us each with the other's proposal. This morning, Mr. DOLE and I said to each other, "The lines are open, our minds are open, we are still available if there is any opportunity that we can get together and make progress."

So, a compromise is an agreement or an accommodation of viewpoints by persons with disparate positions, different opinions. Each gives up a little something in the interest of the whole. Mr. CRANSTON was one of the Senators who in the very beginning, I think, should be credited with the idea that we should sit down and talk about compromise with the White House in an effort to reach an accommodation. So each Senator gave up something. That is compromise.

As I see it, the White House did not make any compromise. We are going to vote at some point a little later today on the resolution that has been introduced as the President's package, which was required under the law.

The White House took our proposals and argued very persuasively that we ought to do this or that in connection with this or that proposal.

I could not see the White House's positions as being any compromise at all. There were a lot of "whereases," and there was a sense-of-the-Congress provision. In the first instance, the obligatory and operative part of the White House proposal occupied only a little over half of a page, in a four-page memorandum.

Let me close by saying that we Democrats offered a comprehensible compromise. I have no doubt that those who participated in the discussions on all sides did so in good faith. But we simply were not able to bring the White House people to the point where they would say, "OK, we will take this, that. And how about changing this a wee bit? We are giving up something. You have given up something. We will have a compromise." That did not happen. It could still happen. My mind is always open. As

former majority leader, I suppose I know as much as anybody, more than many people, as to how tenacious one has to be, how patient one has to be, and how willing one has to be to give a little here and a little there in order to get a consensus. So I am still available. I will be glad to go anywhere, wade any ocean, climb any mountain, and go as far as anyone else, even now to hammer out a workable, feasible package. Of course, the hours are swiftly passing and it may not be possible.

I compliment all who participated in this effort, and especially do I want to compliment the Republican leader who sat at the White House all day long trying in good faith with his Republican colleagues to reach an agreement.

Especially do I want to compliment those on my side who demonstrated a willingness to go the extra mile, and compromise their views a little here or there in order to reach a package that would be in the best interest of our country.

I do not think anything further needs to be said on that part.

I ask unanimous consent, Mr. President, that the elements of the joint resolution proposed by Democratic Senators be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Democrats' Last Proposal at White House Meeting]

ELEMENTS OF JOINT RESOLUTION

Following a preamble, the Joint Resolution will contain the following elements:

HUMANITARIAN ASSISTANCE

1. During Fiscal Year 1985, the President may make available on a pro-rata monthly basis up to $14 million for the provision of food, clothing, medical, and other humanitarian assistance, and the costs of delivery thereof, to the contras in a manner such that the nature and extent of such assistance is capable of being independently monitored, *provided that:*

a. Bilateral conversations between Nicaragua and the United States are resumed. In such conversations the relations between the two countries would be discussed so as to normalize bilateral relations and in this way contribute effectively to the Contadora process; and

b. The contras and the Nicaraguan government each agree to institute a mutual, monitored cease-fire.

2. If the Nicaraguan government is unwilling to enter into such a mutual cease-fire, the humanitarian assistance described above may still be provided.

3. If the contras seriously or substantially violate the mutual cease-fire, all humanitarian assistance shall be terminated.

4. If the Nicaraguan government seriously or substantially violates the mutual cease-fire, the contras are relieved of their obligation to continue it.

5. The delivery agency may be a United States Government agency but not the CIA or an intelligence agency.

6. No United States Government funds may be paid directly or indirectly to the Contras, and no United States Government funds may be used to assist the Contras, except as provided in this resolution.

ASSISTANCE TO CONTRADORA COUNTRIES

1. The United States should encourage and support the Contadora process.

2. The President may make available from the $14 million, or from any other funds previously appropriated, such sums as are necessary and appropriate for expenses arising from implementation of an agreement based on the Contradora Document of objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems.

ECONOMIC SANCTIONS

1. Discussions are encouraged by the United States and its allies concerning possible economic sanctions which may be taken with respect to the Nicaraguan government, provided in paragraph 2 below.

2. In the event the Nicaraguan government is not negotiating in good faith in bilateral negotiations, the President may request the Congress to authorize economic sanctions. Such a request must be accompanied by a report on the status of the negotiations. The report shall also contain the President's certification that the Nicaraguan government is not negotiating in good faith and a description of the facts and circumstances upon which that conclusion is based.

3. A request submitted to the Congress under paragraph 2 will be handled by the Congress under expedited procedures.

OTHER SANCTIONS

1. The President may submit a request to the Congress for authorization for additional aid to the Contras, in such amount and of such a nature as he deems appropriate, and for autorization for any other measures he deems appropriate, including economic sanctions with respect to the Nicaraguan government, if:

a. Notwithstanding the resumption of bilateral talks, the Nicaraguan government refuses to participate; or

b. Notwithstanding the resumption of bilateral talks, the Nicaraguan government refuses to enter into a mutual cease-fire.

2. Such a request will be handled by the Congress under expedited procedures.

Mr. CRANSTON. Will the Senator yield?

Mr. BYRD. I will be happy to yield.

Mr. President, first, something has been said about the letter that has been sent to the distinguished majority leader. May I say, I have no reason to believe I should have a copy. I have no reason to think that the White House should send me a letter. But, for the record, I have not seen any letter.

Mr. JOHNSTON. If the Senator will yield—

Mr. BYRD. I was asked to yield.

Mr. JOHNSTON. Will the Senator yield to me briefly at this time?

Mr. BYRD. Yes.

Mr. JOHNSTON. Mr. President, I referred to a draft of a letter which was described to me as not being a final letter but which would eventually be put into the RECORD here on behalf of the President. I speak not for him but simply as one who has seen a first draft and was told by the Secretary of State that that letter would be forthcoming.

I know the first draft of the letter did track a number of the elements of our compromise, though not completely, and certainly not in the way we would have accepted it, had that been the only compromise. But since that was shown to me, I thought I ought to share that with my colleagues here in the Senate. I understand that will be later in the afternoon.

Mr. BYRD. Mr. President, I apologize to the distinguished Senator if I inferred from his statement wrongly in what I just said. Perhaps there is no such letter.

Now I yield to my friend from California.

Mr. CRANSTON. I thank our leader.

First of all, Mr. President, I want to applaud the minority leader for the effort he has given on behalf of this issue in bringing the Democrats together and working with the Republicans. I thank him also for noting that I was perhaps the first instigator of this effort that led to a claim by the Democrats that we were eager for a bipartisan approach to this problem, eager not to just say no to the President of the United States on paramilitary or military operations in Nicaragua, but that we had positive alternatives that we believed could lead to a peaceful solution or greatly heighten the prospects of a peaceful solution to the problems in Nicaragua.

I would like to ask the distinguished Senator from West Virginia, is it his plan, not before the vote that is now arranged on the military money, to offer that as an alternative that we can act upon later, sooner or later, after the vote tonight on the President's request?

Mr. BYRD. Mr. President, I doubt that I will offer it. We have made the compromise offer. I do not consider that the White House has made any compromise. Our Senators gave up, as I said, a good bit. We made the compromise offer and it is still there. I am still here. We all are still here. I have heard nothing further from the White House today. As I say, Mr. DOLE and I have talked but I have heard nothing further. The compromise is still at the White House and I am willing to talk about it. But time is running.

Mr. CRANSTON. I was not really asking about a compromise to be brought to fruition before the vote which is now scheduled to occur on a measure that calls for the approval of using money for military or paramilitary purposes in Nicaragua. It seems to me, however, that it might be useful for us to provide some leadership after we have rejected that course in terms of offering for active consideration a plan that we believe more likely to lead to a peaceful resolution of the situation in Nicaragua.

Mr. BYRD. Mr. President, the distinguished assistant Democratic leader

has made an excellent point. I shall, accordingly, at some point before we go home today, offer these elements as a joint resolution to be referred to the appropriate committee and if, indeed, the resolution which we shall vote on is rejected here or in the other body, my resolution will be in the Foreign Relations Committee, of which the distinguished senior Senator from California is a member. I hope that it will provide the subject piece for further discussions there and possible action.

Mr. CRANSTON. I thank the Senator. I think that is a very positive step to take, and I shall assure my leader that I shall do everything I can to see that the Foreign Relations Committee takes that up at an early time, considers its text, considers amendments that people may feel are appropriate, reports it out, and then brings it back to the floor.

Mr. BYRD. Mr. President, I thank my friend. Let me close with one sentence. That is to say that it is with extremely great pride that I have viewed the efforts on the part of Senators, all of whom participated in our discussions, who came from opposite viewpoints and so on, who were so willing to give up something in order to come out with a package that would be beneficial, hopefully, in resolving the questions that we all have as to the regions to the south of the United States.

I say one other thing. Particularly, was I impressed by Mr. HARKIN and by Mr. KERRY. They have just recently returned from Nicaragua and I said to the two of them, "Only one of you can go to the White House. You decide."

They gave me a coin to flip. I flipped it, and Mr. KERRY won the toss.

I thought that was a tremendous display of cooperation and understanding and, again, willingness to sacrifice for the goal that we all sought.

Mr. CRANSTON. I thank the Senator very much.

Mr. BYRD. I thank the Senator from California. I beg the indulgence of the great senior Senator from Montana, who is my friend, for his patience and understanding. I am sorry that I have imposed upon him.

I yield to him such time as he may need.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BYRD. Yes, Mr. President.

Mr. STEVENS. How much time remains, may I inquire?

Mr. BYRD. Certainly.

The PRESIDING OFFICER. The majority has 2 hours and 55 minutes remaining. The minority has 1 hour and 41 minutes remaining.

The Senator from Montana is recognized.

Mr. MELCHER. I thank the distinguished minority leader.

MEAT FROM MANAGUA

Mr. MELCHER. Mr. President, there is something pretty smelly in either Managua or Washington or both. What in the blazes can be going on with United States-Nicaraguan relationships?

On the one hand, here in Washington, we are debating $14 million worth of support for Contra mercenaries fighting to overthrow the Nicaraguan Government, and on the other hand we are importing Nicaraguan beef tendered for sale by their Government in Managua. It is an outrageous inconsistency to promote a policy to overthrow the Nicaraguan Government while paying out in dollars the money Managua needs to continue to function. To add insult to injury, the amount is twice as much as last year and we do not need the meat. In this country, per capita consumption of red meat exceeds 100 pounds per year, contrasted with Nicaraguan peasants who average as many pounds of beef per year as you can count on one hand. This utter lack of consistency, which economically figures into another addition to the pitiful U.S. red ink in balance of trade, also figures into a pitiful foreign policy pattern of rewarding a foreign government whose actions we decry as a thorn to peaceful resolutions for peace in Central America. Both economically and diplomatically, it is a pattern of plain dumbness.

Is this the U.S. image this Government wants to project? It is not fitting in the John Wayne image; it is more fitting to a Peter Sellers spoof. Hollywood central casting could not do worse than our Government's actions: On the right hand "we'll plow them under" with the Contras; on the left hand "we'll do business as usual" with Managua.

I went to Miami yesterday to see for myself the tons of beef from Nicaragua routinely imported into the U.S. food chain; 60-pound boxes of frozen boned-out beef stacked high in a Miami warehouse awaited U.S. Government health and sanitation inspection. The cardboard boxes were attractively designed to advertise Nicaragua.

No further proof need be offered to bear witness to the adage that everything is fair in love and war. Nicaragua cannot be said to be fair to its protein-starved people when it exports meat to the United States. If the aim of the U.S. Government is to force the overthrow of the Nicaraguan Government by assisting the Contra guerrillas' war, it cannot be fair to those Contras in this war when it assists Managua with Yankee dollars for the Nicaraguan beef that Americans do not need and do not know they are eating.

Some Americans respond to the impassioned, if not inspired, rhetoric of President Reagan's description of the Contra guerrilla skirmishes by voluntarily donating to the mercenaries. The President asks for 14 million tax dollars to meet their payroll, even as U.S. Department of Agriculture meat inspectors routinely check the frozen Nicaraguan beef in Miami cold storage warehouses prior to its distribution to fast food establishments or supermarkets for a broader but unlabeled American cooperation with the people of Nicaragua.

Yesterday, in Miami, I witnessed this strange arrangement:

While the White House seeks overthrow of Managua here, at the highest levels of government, the U.S. Department of Agriculture provides official clearance of Nicaragua's highest-priced meat so it can be stamped U.S. inspected, OK'ing its distribution nationwide.

Nicaraguan officials argue that they are a people's government, but since their people only get 6 pounds or less of beef per year, it is gross to export half of their total production of beef to the United States, where we each average eating 100 pounds per year.

If, under these circumstances, moral logic is weighed, the weight of the premise that a country whose people have so little protein should eat their own limited amounts of beef would prevail as the Nicaraguan Government's policy. But instead the logic of the dollar dominates. I might add it dominates both sides.

If it were circumstances where the good of the U.S. economy were dominating our Government's decisions, the logic would prevail to limit imports of beef while our farmers and ranchers who produce for us are suffering staggering losses, causing bankruptcy or liquidation for 10 to 15 percent of them.

If there were a mood of military logic to guide United States-Nicaraguan policy, then, surely, economic consideration to limit the foes' effectiveness would come into the deliberations.

But this policy of President Reagan's administration has neither logic nor substance. Nor have I faith that there is a reasoned sensible position in Managua, for I still ponder the collective wisdom of a government that deliberately insults the Pope on a peace mission and translates a people's fight for freedom of Samoza tyranny into a mandate for Marxist bungling of a poor economy becoming more destitute. The peasants surely thought winning the revolution progress toward the promised "new day" would put a little meat on the table—beef by preference. They can only be surprised, when they shout "Where's the beef?", that the answer is "Gone north to Miami to feed the Yankee gringos." Yankee imperialistic ties with Samoza was part of the reason Nicaraguan peasants joined the Sandinistas' revolution.

Tiny Nicaragua and its 3 million people have importance in this hemisphere and in the world, but let us not exaggerate that position. Our actions need not be ridiculous.

Before continuing with further foolish action, I choose first to argue on the moral side—that no good can be accomplished by killing Sandinistas through the paid attacks of the Contras just as little good can be accomplished by importing into the United States one-half of Nicaragua's beef production.

I would argue that the economic situation in the United States requires limiting imports and that the beef producers here are most desperate for a reversal of their losses.

I would also argue that the military logic that helping Managua with dollars defies all common sanity when we are urged to push dollars into Contra killing. I argue that historic basic military logic deems economic pressure as an ally in arms against the enemy.

If they are a meaningful enemy, I suggest multilateral discussions to be broadened with the close neighbors of Nicaragua to bring about, if not a certainty, at least a tone of progress to stability in Central America. No, I do not believe an imminent threat of a broad war exists there, but if it comes we would be better prepared to move with meaning and force if there were some force of meaning to what we are doing and saying now.

Meat from Managua—playing it both ways is not an effective policy for America. The only way it fits is in this never-never land of Nicaraguan policy paradox.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I will not take a great deal of time. I really wanted to comment on the discussions which transpired immediately prior to the comments of the distinguished Senator from Montana. I speak of the colloquy between the distinguished minority leader, the Senator from West Virginia, and the Senator from Louisiana [Mr. JOHNSTON] regarding the meetings that occurred yesterday at the White House. I join with my other colleagues who spoke earlier commending the distinguished minority leader for his efforts to bring together what has been described as a rather disparate group of Democrats in order to try to resolve differences among ourselves in regard to what our policy in Central America, more specifically Nicaragua, ought to be. As the minority leader has pointed out, this was not an easy thing to accomplish. In fact, we spent several days trying to resolve the differences among ourselves. But as a result of a very propitious visit to Nicaragua by two of our distinguished colleagues, Senator KERRY of Massachusetts and Senator HARKIN of Iowa, I believe we brought to the discussion a new element that indicated there was a strong and a very real possibility of achieving a cease-fire between the Contras and the Nicaraguan Government; that as a result of that new information Senators who had in the past fundamentally disagreed with the direction we ought to pursue in our foreign policy took a different approach and as a result of the initiative of BENNETT JOHNSTON of Louisiana, with the work of some 12 or 13 other Democratic Senators on this side of the aisle, we were able to fashion at least a rough draft of some basic principles we could live with provided the administration would accept and support them.

With that rough draft, as has been pointed out, a group of us went to the White House and spent a rather lengthy day yesterday with, for a very brief time, the President, and then with the Vice President and staff within the administration, and the State Department, to see if we could not come to some accommodation. I will not go back over what the Democrats proposed during an 8-hour vigil yesterday at the White House. The distinguished Senator from Louisiana and the distinguished minority leader I think have covered those points rather thoroughly.

What I should like to point out to my colleagues this afternoon is where the differences are. I think it is important to add to this debate what culminated at around 6 p.m. last evening in the two final best offers, if you will, of the Democrats there and how the administration responded.

There are four or five fundamental differences that existed between the two positions and, if I could, Mr. President, I will highlight those differences in order to shed a bit more light on this debate.

The first difference was in the definition of humanitarian aid. The Democratic proposition called for humanitarian aid that would be limited to food, clothing, medicine, shelter, and the ability to deliver those products to the Contras. The administration insisted even at their last proposal that humanitarian aid also include transportation/communications. That transforms purely humanitarian aid, in the minds of many of us, into nonlethal aid, by broadening humanitarian assistance to include also the ability to expand, if you will, the possibility of additional military conflict, transportation/communications falling into the nonlethal category but falling out of what one would traditionally speak of as humanitarian aid.

The second point had to do with the cease-fire. Democrats proposed that the $14 million could be unfenced, if you will, provided both sides agreed to a cease-fire. And if either side refused to do so, particularly if the Nicaraguans did, then the aid could go forward. The difference there was this: We felt very strongly that a cease-fire ought to be monitored by some outside third party, working on the assumption that the Contras and the Nicaraguans would both be accusing the other of substantial violations of human rights; that if the cease-fire were going to work, then we should have some credible third party monitoring the cease-fire to judge whether or not there were any violations. The administration was reluctant to have an independent third party monitor that cease-fire.

Third, we asked the administration to support a proposition that would condition the unfencing of the $14 million to a willingness by this country and the Nicaraguans to sit down and resume the bilateral talks which had fallen off only a few short weeks ago. The administration felt that this should not be a precondition on the $14 million and, furthermore, we ought to be satisfied with the President's commitment that he would be willing to go back to those talks. We on this side felt very strongly that the resumption of these talks would probably be the best thing that could occur if there is to be any hope at all of dealing with the larger questions in Central America—not just the issue of the Contras but also of the violence which has contaminated that entire region. The administration also felt that the bilateral talks, if they were to exist, really ought to be primarily focused on trying to resolve the differences between the Contras and the Nicaraguans. We on this side did not disagree that that is something which ought to occur, but we felt, if that were insisted upon in this resolution, the likelihood of bilateral talks would be diminished significantly; that the Nicaraguans, even though we disagree with them, have stated too often recently that they would not at this juncture sit down and have discussions regarding the Contras.

I regret that.

But I think initiating the bilateral talks is far more important, because there are larger issues in this region than just the conditions of the Contras. We should not insist upon this provision, and that if we do, we would write into this resolution a self-fulfilling prophecy which would in fact kill the bilateral talks and hence unfence the $14 million without any preconditions.

The fourth point where there are some significant difference was on the delivery of this humanitarian aid.

The Democrats proposed that the humanitarian aid could be delivered to the Contras by any nonintelligence agency of the Government. We said that not because we wished in any way

to discredit the CIA or any of the other intelligence agencies of our Government but because over the last 6 months or so there have been a number of reports, which I will not go into now, which unfortunately have cast an ill light on the CIA and other agencies. I think it is regrettable. In fact, I know firsthand that many professional people within our intelligence-gathering agencies are deeply upset over several things that have occurred which they oppose. However, we have to deal with realities, and we felt that if we did not exclude those agencies, many people would object to this entire proposition on the ground that the CIA and other intelligence-gathering agencies could not be trusted to deliver this humanitarian aid in the manner spelled out in the resolution. I regret that. I do not think it is entirely right. But we have to deal in the real world. Unfortunately, the administration, at least on their last offer, insisted that the Central Intelligence Agency and the National Security Council be included in delivering and monitoring the humanitarian aid.

These were the major differences that existed between us. They may seem insignificant to some or rather small. I think they are more fundamental than that.

I, too, deeply regret that what was offered yesterday, a compromise that was reached among people on our side who have fundamentally differed on this issue, was not more enthusiastically embraced by the administration. It has been suggested that today there may still be time for compromise, to work something out. I am not sure that can occur; in fact, I doubt that it can. What was written into the proposition we submitted was not only the specifics of the various provisions, some of which I have outlined here this afternoon, but also what would be inherent in any such agreement or discussion, a willingness of the parties to sit down and negotiate and accept the good faith of each other; that if we accepted this specific language, we also embraced the intent and spirit of what was being offered.

Much of what we, as Democrats, were proposing to the administration would ultimately depend upon the willingness of the administration to do everything in its power to see that the provisions included could be carried out. I would be uneasy today and less than candid with my colleagues if I said otherwise. If we found at this 11th hour, after months when we had the opportunity to work these things out, that there was an offer that would embrace some of this language, I would be uneasy as to whether or not the good faith and intent to follow those provisions was the purpose or rather, if the purpose was to unfence the $14 million, no matter what you have to do to get that money out.

So, while others may still find some sense of optimism and hope, with something approaching less than 2 hours before a final vote on this measure, I hope we will reject the proposal the administration has offered us, for the reasons that have been stated by my colleagues. I hope we will submit the Democratic proposal to the committees of this body; that we will conduct hearings over the next several weeks, and come back with a proposition that I think has the great potential of building a strong bipartisan support in this body, and then move forward.

This will not be the last time we debate Managua, the Contras, and Central America. I wish it were so. But it will not be. There is an opportunity, I think, for us to do some intelligent things here, to look a bit differently, to understand that what is at stake here is not just the future of Central America; but what is at stake here is the security of our country, the United States; to understand that what is occurring in this part of the world jeopardizes the interests of this Nation and the interests of our allies. The Contras are important. Nicaragua is important. El Salvador is important. Guatemala and Costa Rica are important. But they are not as important as the United States and its national security interests.

I hope that at some point in the non-too-distant future that would become the primary interest of the administration and this body, that we would put this Nation's security ahead of the issues of the Contras. Important as that issue may be, it is not as important as what happens to the United States and this part of the world in the coming weeks.

Unfortunately, we are taking a back seat while Central America is blowing up in our midst. The real loser, if we do not begin to deal with this issue soon, will not be the Contras or the Nicaraguans. It will be the United States of America. We have allowed this issue to become so emotional and fanatical in some places that we cannot even think clearly about what we should be doing.

In January 1981 there were Soviets, Cubans, Eastern Europeans, and military hardware in the Sandinistas' Nicaragua. In April 1985 there are a lot more Cubans, a lot more Soviets, a lot more Eastern Europeans, and a lot more Soviet hardware in Nicaragua. We have spent $80 to $100 million of the American taxpayers' money to support an operation which is not lessening the threat. During that same period of time when we spent this money the threat has increased.

Is it not time to think anew, to try something different, to understand that if that situation persists, it is not the Contras who will be in jeopardy, not Costa Rica, not El Salvador, but the United States?

What we proposed yesterday was a major step for many of us. If you do not take risks, if you are not willing to take a chance, nothing ever happens, whether it be in foreign policy or domestic policy. Many of us took a giant step yesterday to try to reach accommodation. Many suggested that we should not do so, that we should let the President suffer a political loss, that we could score some points by having him lose. I must say that there was a certain amount of appeal in that argument, having seen what has gone on in the last several years with other issues; but many of us felt that this issue was far too important to let that occur.

Unfortunately, an offer that was made in good faith, with a lot of risk, a lot of chances being taken by some of us who would have preferred a different approach, was rejected. I think that is regrettable. But today is only 1 day; tomorrow is another; and we can come back to this issue afresh, with some better approaches.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. DENTON). The Senator from Massachusetts.

Mr. KERRY. Mr. President, I join my colleague, the distinguished Senator from Connecticut, in his appraisal of discussions we had at the White House yesterday, and I thank him. I thank especially the minority leader, the distinguished Senator from West Virginia [Mr. BYRD], for his willingness to try to pull together what has been referred to, perhaps inappropriately, as a disparate group of Democrats, but certainly a group of Democrats with varying views.

I applaud the efforts of that group to have debated and negotiated in the best of faith, in a genuine effort to try to put the interests of the Nation ahead of party politics and to have put before the President of the United States and this administration an important opportunity to negotiate, to be able to really find a way out of the morass of Central America.

Mr. President, it is not my intention to rehash the process of those negotiations. There have been a number of colloquies on it. The time allotted to us for debate is running.

After listening to the President run down the proposal we put before him, and having listened to him, point by point, agree to what we had said, with a couple of major exceptions of substance, and specifically the issue of the Contras' participation in the dialog of reconciliation and how that would be stated, I was disappointed to find that each proposal brought back to us was a substantial departure from those comments of the President and a substantial departure from what we

had put before him as an alternative proposal.

Now, Mr. President, it is not every day that the Senate of the United States is called on to render judgment of one kind or another on an issue of war or peace, and this is obviously one of those singular occasions.

Today the Senate faces two choices. One choice is to accede to the President's request to continue the covert war against Nicaragua, thereby risking the continued escalation of the military conflict in Central America and with it the possibility, not the assurance, but the possibility of either an accidental or conceivably a fabricated confrontation which draws the United States into a more direct combat involvement.

The other choice is one which I and Senator HARKIN and others of my colleagues urge that we choose, a course which hopefully, not assuredly, but hopefully will be able to lead us to a peaceful resolution of the conflict that currently exists.

As a veteran of Vietnam who fought and was wounded in that conflict, the choice for me is not really a difficult one at the outset. I share with every one of my colleagues in this institution a commitment to defend the interests of our Nation, our national security, and to make difficult choices about where and when we might have to send people to die at some point in the future.

But in the first instance, Mr. President, when you have other alternatives it was that experience of 16 years ago that has taught me that where you have the opportunity to pursue a chance of talking before you shoot you owe it to the next generation of Americans as well as the present to do so.

I do not delude myself into believing that the peace negotiations or the bilateral talks would go smoothly. I do not pretend that we would resolve all of the issues with the Sandinistas in such talks, but I am willing to take that chance. I am willing, as Senator DODD said in his statement, to take the risk in the effort to put to test the good faith of the Sandinistas and to see whether or not we can end the bloodshed, the suffering, and the terrorism.

It is not just the fact that American youth may be called on once again to fight and to die in the jungles and mountains of another Third World country. It is not just that that weighs on my conscience today. It is the fact that we perceive the government of a small Third World nation, not even the size of North Carolina, of even 3 million people in population, as an automatic threat to American interests no matter what that government might be willing to do in order to satisfy the interests of the United States.

It is the fact that the grinding poverty in that area is so real and apparent, the legacy of a brutal dictatorship installed by American force some 50 years ago and which in concert with a tiny economic elite plundered the natural resources of the countryside while more than 80 percent of the population were forced to eke out a meager subsistence for themselves and their families.

It is the fact that once again the American people are being misled on a systematic basis about what we are doing, and by what means, in that region and as to what our goals are in that region.

It is the fact that the Central Intelligence Agency has organized, trained, and funded a mercenary army, which has been guilty of atrocities against civilians and has resorted to terrorist methods in attempting to undermine the Sandinista government.

If anyone has any doubt about the fact, I ask that they turn to the pictures in Newsweek magazine of this week where an individual is made to dig his own grave, lie down in it, and wait until a knife is thrust through his throat and then he is buried. Those pictures record starkly that event.

I am not naive, Mr. President, about whether or not Sandinistas are guilty of brutalities, too. Yes, they have been. But when you foster war that happens. But, Mr. President, our dollars are not funding what the Sandinistas are doing, and there are other forms in which we can try to control those atrocities and ought to do so.

But we can here in the Senate of the United States and in this Congress control whether or not our dollars will continue to find what we know we can stop.

It is the fact that American treatment of our friends and allies throughout Latin America has been of such a heavyhanded and unilateral nature than deepseeded resentments are growing, and if they continue unabated that could affect our fundamental interests in the hemisphere for years to come.

It is a fact that 15,000 Nicaraguans have been killed in the last 3 years, 15,000 men and women and children of all ages. And this comes on the heels of the 50,000 Nicaraguans killed by the Somoza regime as the revolutionaries gained momentum in 1978 and culminated in their victory in 1979.

But most importantly, Mr. President, most importantly, what weighs on my conscience is the fact that our policy denies best values and traditions of our country, that the best approach we have known and utilized in the past with respect to diplomacy—that we are not living up to those traditions and that the fundamental interests, the security interests of the United States are not in fact being safeguarded as a result.

I hope you agree with me, and I hope also that the President of the United States would agree with me, that those interests are clear, they are definable, even though I do not think this administration has defined them. I want to spell out what I think our interests are in that region because it is central to this debate.

It is our belief that the foremost threats to the security of the United States in Central America would be:

One, the implacement of Soviet missiles in the region; two, the establishment of Soviet or Cuban bases in the region; three, the efforts of countries in the region to directly or indirectly support efforts to overthrow or destabilize other countries in their regions; and four, the continued militarization of the region involving the continued and growing presence of foreign military advisers and personnel, including the escalation of the regional arms buildup.

Now, I hope the President of the United States agrees with me that those are our interests. If he does, then the disagreement is over the methods that we will use to protect those interests, although these are not all the concerns we should have, Mr. President.

We have interests with our NATO allies which are currently being undermined because they are against what we are doing in Nicaragua. We have interests of international law which we have usurped by virtue of our renunciation of the World Court role in this dispute. We have our interests in the long-term relationship with Latin America, which I can say to you when President Ortega receives a standing ovation in the assembly of another Latin American country, we are clearly not winning on that score, either.

Mr. President, each and every one of these interests are not only jeopardized by the continued funding of the Contras, they are, in fact, grossly threatened by that funding. If there is one guarantee of increasing the Soviet presence in Nicaragua, it will be to force that Government into no other choice but that of turning to the Soviet Union. If there is one guarantee that we will have increased Soviet advisers there, it will be to increase the funding to the Contras so the Sandinistas will have to turn to them to help defend themselves.

If there is one guarantee that we will continue to lose the ability to prevent the establishment of any kind of constructive mechanism by which we can determine whether they are subverting their neighbors, it will be to continue to force the pressure on them so as to make that an act of self-survival.

I want to see the killing end. I want to see the death and destruction end. But I want to do it not only while

abiding by the traditional American values that should guide our policy; I want to do it while enhancing them at the same time.

On the other hand, this administration seems to protect American interests by wanting to continue the process of escalating killing, and I do not believe that the American people as a matter of first choice want to choose a policy whereby we continue down that road.

I reiterate, Mr. President, Senator HARKIN and I and others who have argued this position understand clearly that we have real interests in the region and they are definable. We have legitimate security concerns. That is the reason that Senator HARKIN and I went to Nicaragua to meet with President Ortega to seek a clarification of his government's position on issues affecting the security interests of the United States. We did not travel to negotiate with the Sandinistas and we did not. We traveled to discuss personally the concerns that we have—as countless Senators and Congressmen have done before us—over those legitimate security interests.

And I share with the Members of the Senate a letter from Secretary of State Shultz to Speaker O'NEILL written on April 16, 1985, and received by him only 5 days ago.

And I share this letter with my colleagues because Senator HARKIN and I, it is alleged, have somehow done something different than what we should be doing from what Senators have done in the past. Mr. President, the letter's salient point is this: The Secretary of State says:

> I recognize the value of such foreign travel. At the same time congressional travel to Nicaragua and Central America has contributed to a better understanding within the legislative branch of the complex sources of conflict in the region. I recognize the value of that travel in assisting the Congress to fulfill its constitutional responsibilities in the formulation of U.S. policy. Therefore, I strongly encourage Members of the Congress of both parties regardless of their views on Central America to visit not only Nicaragua but all the countries of the region, and I would urge them to spend as much time there as their schedules will permit.

Mr. President, that is what we did, and I am proud that during the course of the conversations we had we were able—in conversations incidentally which were longer than any conversations that our own Secretary of State has ever had in 5 years with President Ortega—to come back with an opportunity which said to the United States maybe there is another way.

In sum, I believe as our colleagues are aware, as a consequence of the lengthy discussions we had, we have brought back an opportunity—not a guarantee, not a surety, but an opportunity—to be able to at least stop the killing, at least sit down at a table, and put to test good faith of the Contadora process and of the Sandinistas themselves.

Mr. President, I share with this body the aide memoir which was presented to us by President Ortega. In that aide memoir, the summary of our conversation, it states that the Government of Nicaragua reaffirmed its commitment to the Treaty of Tlatelolco to which it is a signatory and in which it is guaranteed that Latin America would be a nuclear free zone. He affirmed that commitment of the Contadora forces and cooperation, and in particular he emphasized a guarantee of respect for nonintervention in the internal affairs of other countries, a respect for the principle of self-determination, guarantee of the nonuse of force or threat of force in relations with other countries, and the requirement of noncooperation with individuals who seek to overthrow other governments. Here, Mr. President, in writing, is a guarantee of the security interest of the United States. And throughout this memorandum is an affirmation that there will not be any Soviet bases, and that they are prepared to sign the Contadora document itself. Not next week, not in a year, not after negotiations, but they will sign the current September 7, 1984, draft tomorrow morning. We have been the ones who have said no to that, Mr. President. And all throughout that document—and I will at the end ask unanimous consent that it be admitted as part of these comments—there are restrictions on the amount of arms. There are restrictions and verification procedures for guaranteeing that the very things which threaten our security interest not in fact take place.

I submit that, if we are sincere about this process, we will seek to get the final t's crossed and i's dotted in an effort to try to implement it, the Contadora Act for peace and cooperation in Central America.

In sum, we believe that the views that are in this document—both the aid memoir and the Contadora document that has been distributed to our colleagues—offer an opportunity for peaceful resolution of this problem.

Senator HARKIN and I remain, notwithstanding this administration's initial rejection of this opportunity, excited about the potential and the possibility that with courage, and with a willingness at least to try, we can put to test the sincerity of the Sandinistas. We believe that what is reflected in this memorandum provides not a solution but a framework; a framework for resolution of the crisis in Central America.

If we seize this moment, that could happen. We also believe that could help to make the Contadora process itself come to fruition.

I am not sure whether or not this administration, after our conversations at the White House yesterday, genuinely wants that to happen. But the Democrats I believe have offered a good-faith alternative which could test that. I would like to see the Congress and the Senate adopt that.

After more than 3 years of pursuing a unilateral military policy in the area to which Senator DODD referred, the United States is further away from achieving the goals of Contadora than when we started. And what was to have been originally a very restricted Contra operation solely for the interdiction of arms is now a Contra operation designed to literally overthrow the government.

As a result, at very best this administration has given only lipservice to the Contadora process. At worst, this administration has been a major obstacle to the successful completion and culmination of the Contadora effort. While the administration now believes that the only solution to the crisis in this region is a negotiated settlement between the Contras and the Nicaraguan Government, our friends and our allies throughout the Western Hemisphere, throughout Latin America, understand all too well that there will not be peace in that region until the United States and Nicaragua have negotiated a normalization of their own bilateral relations. If we really want to hold the Government of Nicaragua accountable, then the most effective instrument for that is the Contadora process. And I believe that is possible.

In my estimation, that is the fundamental issue that we face in Congress today: A question of whether or not in Central American debate with all its hemisphericwide ramifications, it is the policy of this administration to overthrow any government in that hemisphere with whom we might fundamentally disagree, whether or not that government represents a threat to us or to its neighbors. And I believe we owe it to a future generation of Americans, whether in the Northern or Southern Hemisphere, to stop that policy now.

Having been the victims of U.S. gunboat diplomacy in the past, Latin Americans are carrying with them the long and deep sense of history. They do not forget. And I believe that it is not in our best interest now to pursue a policy which will guarantee that in the future the children of this generation will reap the harvest of what we are doing.

In closing, Mr. President, what is at stake here is a fundamental choice about the direction of our foreign policy and really a fundamental confrontation with our values as a nation. Supporters of aid to the Contras say that the issue is about whether or not we will oppose communism. I oppose

communism as staunchly as anybody in this Chamber. But the issue is not that simple, as politically attractive as that might sound. It is about how, not whether, we will oppose any kind of totalitarianism. It is about how, not whether, we will best protect the interests of the United States. It is about how, not whether, we will construct our policy toward other Latin American nations in a way that best enhances our interest in the future.

Mr. President, in defining my approach to this policy, I put the United States first. First, ahead of the Contras, and first, ahead of Nicaragua because our vital security interests are what this issue is about and how we protect those interests. Those who say we protect our interests as a matter of first choice by supporting the Contras are deluding themselves in the same way as the policy of controlled escalation with which we deluded ourselves in Vietnam.

Those who seek an army of mercenaries, whose excesses are evident for all to see, are turning away from the traditional value and the deep commitment that Americans have to diplomacy as the first choice in the conduct of our foreign relations. I have no illusions that the resolution of these complex issues will be quick or that the Sandinistas will respond with a good faith effort on their part.

I cannot promise that the negotiations will work. But I do know that if we do not talk, we do not have any way to put that to test. We have no alternative but to continue the conflict, continue the escalation, continue the bloodshed and continue the killing of innocent victims. We have an opportunity for peace, not a guarantee, but an opportunity. And I ask whether or not future generations will have to ask why it is that we did not even make the effort to try.

My generation, and a lot of us grew up with the phrase "give peace a chance," as part of a song that captured a lot of people's imagination. I hope that the President of the United States will give peace a chance.

Mr. President, I ask unanimous consent that the copy of the act on the Contadora process, and also the aide memoir, as well as the letter from Secretary of State Shultz, be made a part of the RECORD at the end of my remarks.

I request unanimous consent that the following statement of the Governor of Massachusetts, the Honorable Michael Dukakis be printed in the RECORD following my remarks on aid to the Contras.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Contadora Act for Peace and Cooperation in Central America—(excerpts)]

COMMITMENTS REGARDING ELECTORAL PROCESSES AND PARLIAMENTARY COOPERATION

(We are publishing sections of the September 7, 1984 Contadora draft dealing with democratization and security. This document represents a consensus of the Contadora nations—Mexico, Panama, Colombia and Venezuela. Of the Central American states, referred to in this agreement as the PARTIES, only Nicaragua has agreed to sign the September draft.)

Each of the PARTIES acknowledges with regard to the other Central American States the commitment assumed with its own people to guarantee the preservation of domestic peace as a contribution to peace in the region, and to that end resolves:

14. To adopt measures conducive to guaranteeing the equal participation of political parties in electoral processes, ensuring their access to the mass media and their freedom of assembly and expression.

15. They further agree to:

(a) Put the following measures into effect:

(1) To promulgate or revise electoral legislation governing the holding of elections so as to guarantee the effective participation of the people as a whole.

(2) To establish independent electoral boards to compile reliable voters rolls and to ensure the impartiality and democratic nature of the process.

(3) To establish or, where pertinent, to update norms guaranteeing the existence and participation of political parties that reflect the different currents of opinion.

(4) To draw up a calendar of elections and take steps to ensure the equal participation of all political parties.

(b) Propose to their respective legislative organs that they

(1) Hold regular meetings in alternative locations in order to exchange experience, contribute to detente and promote rapprochement between the countries in the area.

(2) Take measures aimed at maintaining relations with the Latin American Parliament and its respective Working Committees.

(3) Exchange information and experience on matters of their competence and compile, for the purpose of comparative study, a record of current electoral legislation and related measures in each country.

(4) Take part, as observers, in the different stages of electoral processes occurring in the region. An express invitation from the Central American country holding elections shall be essential for this purpose.

(5) Hold periodic meetings of a technical nature, in a venue and with an agenda determined, by consensus, at each preceeding meeting. The terms and conditions of the first meeting shall be determined via consultations among the Central American countries.

COMMITMENTS ON SECURITY AFFAIRS

In accordance with the obligations contracted in accordance with international law, the PARTIES assume the following:

Section 1. Commitments regarding military maneuvers

16. To abide by the following provisions as regards the holding of military maneuvers

(a) In the case of national or joint military maneuvers held in zones within thirty (30) kilometers of the borderline, the corresponding previous notification must be made to neighboring countries and to the Commission for Verification and Control referred to in Part II of this Act, with at least thirty (30) days notice.

(b) Such notification must contain the following elements:

(1) Title.

(2) Purpose.

(3) Participating forces.

(4) Geographical location.

(5) Dates and schedule.

(6) Equipment and weapons to be used.

An invitation should be extended to observers from the border countries.

17. To prohibit the holding of international military maneuvers within their respective territories. All maneuvers of this kind already in process must be suspended within a period of no more than thirty days after the signing of this Act.

Section 2. Commitments on armament issues

18. To halt the arms race in all its forms, and to initiate immediate negotiations on the control and reduction of the current inventory of weapons, and on the number of military personnel under arms.

19. To refrain from introducing new arms systems which qualitatively and quantitatively modify present inventories of war materiel.

20. To refrain from the introduction, possession or use of chemical, biological, radiological and other weapons that can be considered excessively harmful or that have indiscriminate effects.

21. To submit to the Commission for Verification and Control their respective current inventories of arms, installations and military personnel under arms within a period of no more than thirty (30) days from the date of the signing of this Act. The inventories shall be prepared in accordance with the definitions and basic criteria agreed upon in the Annex and in paragraph twenty-two of this section. Once the Commission has received the inventories, it shall carry out, within a period of no more than thirty days, studies of a technical nature serving to determine maximum limits for the military development of the States in the region, taking into account their national security interests, and with a view to halting the arms race.

22. On the basis of the above, the PARTIES agree on the following stages of execution:

First stage: Once their respective inventories have been submitted, the PARTIES must suspend all acquisition of military equipment. The moratorium shall be in force until limits are agreed upon in the following stage.

Second stage. The PARTIES shall establish limits within a period of not more than thirty days, on the following types of arms: fighter planes, bombers and helicopters, tanks and armored vehicles; artillery weapons; rockets and short, medium and long-range guided missiles and launching equipment, and military ships or vessels, or those liable to be used for military purposes.

Third stage: The PARTIES shall establish, once the previous stage has been concluded, and within a period of not more than thirty days, limits on military personnel and on the installations liable to be used as bases for war action.

Fourth stage: The PARTIES shall be able to initiate negotiations on matters they consider essential to their interests. Notwithstanding the foregoing, the PARTIES shall be able, by mutual consent, to alter the time limits set for the negotiation and establishment of limits.

The following basic criteria shall determine the levels of military development of the Central American States, in accordance with stability and security needs in the region:

(a) No military institution shall have as its political aim the establishment of hegemony over other individual forces.

(b) In defining national security, consideration must be given to economic and social development at a given moment and to future development aims.

(c) To determine the latter, studies must be carried out that cover the following overall aspects:

(1) An awareness of the internal and external security needs of the State.

(2) Size of country.

(3) Population.

(4) Distribution of economic resources, infrastructure and population within the national territory.

(5) Extension and characteristics of land borders and shorelines.

(6) Military spending in relation to the gross domestic product (GDP).

(7) Military budget in relation to public expenditure and in comparison with other social indicators.

(8) Characteristics, geographical situation and geopolitical position.

(9) Maximum level of military technology suitable for the region.

23. To initiate constitutional procedures enabling them, if they have not already done so, to sign and ratify or adhere to international treaties and other accords on disarmament matters.

Section 3. Commitments regarding foreign military bases

24. To refrain from authorizing the establishment of foreign military bases or schools in their respective territories.

25. To eliminate existing foreign military bases or schools in their respective territories within a period of 6 months from the signing of this Act.

Section 4. Commitments regarding foreign military advisers

26. To submit to the Commission on Verification and Control a report on foreign military advisers and other foreign elements engaged in military and security activities in their territories, within a period of no more than thirty days from the signing of this Act. The definitions contained in the Annex shall be taken into account in the preparation of this census.

27. To establish a schedule for the gradual withdrawal of foreign military advisers engaged in operational and training activities. The studies and recommendations of the Commission on Verification and Control shall be taken into account for this purpose.

28. With regard to advisers carrrying out technical duties related to the installation and maintenance of military equipment, a control register shall be drawn up in accordance with the terms established in the respective contracts or agreements. On the basis of this register, the Commission on Verification and Control shall take steps to establish reasonable limits on the numbers of this type of advisers.

Section 5. Commitments regarding arms transfers

29. To eliminate the intraregional and extraregional flow of arms destined to individuals, irregular forces, organizations, or armed bands attempting to destabilize the Governments of the States parties to this Act.

30. To establish, for that purpose, internal control mechanisms at airports, landing strips, ports, terminals and frontier posts, on land, air, sea and river routes, and at any other point or area liable to be used for arms transfers.

31. To submit denunciations of violations in this matter, based on presumption or proven facts, to the Commission on Verification and Control, together with sufficient information to enable it to carry out the necessary investigations and present the conclusions and recommendations that it deems suitable. Whenever pertinent, and for purposes of verification, the following criteria shall be taken into account:

(a) Origin of the arms transfer.

(b) Personnel involved.

(c) Types of weapons, ammunition, equipment and other kinds of military supplies.

(d) Extraregional means of transport.

(e) Extraregional transport routes.

(f) Bases for storage of weapons, ammunition, equipment and other kinds of military supplies.

(g) Intraregional traffic routes and areas.

(h) Means of international transport.

(i) Receiving unit.

Section 6. Commitments regarding the prohibition of support to irregular forces

32. To refrain from giving any political, military, financial or other type of support to individuals, groups, irregular forces or armed bands whose aim is the overthrow or destabilization of other governments, and to prevent, by all the means at their disposal, the use of their territory for the purpose of attacking or organizing attacks, acts of sabotage, kidnapings, highjackings or other unlawful actions in the territory of another State.

33. To exercise close vigilance along their respective borders with the object of preventing their territory from being used to carry out any armed action against a neighboring State.

34. To disarm and remove from border zones any irregular group or force that has been identified as responsible for actions against a neighboring State.

35. To dismantle and forbid the use of installations, means and facilities for operative and logistical support within their territory when these have been used for launching actions against neighboring governments.

Section 7. Commitments regarding terrorism, subversion or sabotage

36. To refrain from lending political, military, financial or any other kind of support to subversive, terrorist or sabotage activities aimed at destabilizing the governments of the region.

37. To refrain from organizing, calling for or participating in acts of terrorism, subversion or sabotage in another State, or consenting to activites organized within their territory and aimed at the commission of such acts.

38. To abide by the following international treaties and agreements:

a. The Hague Convention for the Suppression of the Illicit Seizure of Aircraft.

b. Convention for the Prevention and Punishment of Acts of Terrorism consisting of Crimes against Persons and Related Extortion when these have International Consequences.

c. Convention for the Suppression of Illicit Acts against Civil Aviation.

d. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.

e. International Convention against the Taking of Hostages.

39. To initiate constitutional procedures that will enable them, if they have not already done so, to sign and ratify or accede to the international treaties and agreements referred to in the preceding paragraph.

40. To respect the commitments set out in this section, without prejudice to their accession to the treaties and other international agreements on matters of diplomatic and territorial asylum.

41. To prevent the participation of individuals belonging to foreign terrorist groups or organizations in unlawful acts within their respective territories. For that purpose, they shall reinforce cooperation between their immigration and police departments, as well as between the corresponding civil authorities.

AIDE MEMOIRE

(Based on the conversations held between the President of the Republic of Nicaragua, Commander of the Revolution, Daniel Ortega, and Senators Tom Harkin and John Kerry in Managua, on April 19, 1985.)

(1) President Ortega reaffirmed the national character and non-aligned nature of the Nicaraguan Revolution.

(2) The President also reaffirmed the commitment of the government of Nicaragua to peace and regional stability. To that end, the President emphasized the following points:

(a) Nicaragua reaffirmed its commitment to the Treaty of Tlatelolco, to which it is signatory and in which it is guaranteed that Latin America will be a nuclear free zone.

(b) Nicaragua reaffirmed its commitment to the Contadora Act for Peace and Cooperation in Central America, and in particular emphasized those aspects of the proposal that:

(i) guarantee the respect for non-intervention in the internal affairs of other countries;

(ii) respect the principle of self-determination;

(iii) guarantee the non-use of force or the threat of the use of force in relations with other countries, and;

(iv) require non-cooperation with individuals, groups or governments involved in actions which tend to destabilize or overthrow other governments.

(c) Nicaragua reaffirmed its conviction that the Contadora process continues to represent the only viable initiative to achieve a regional peace agreement which is just and lasting. Although Nicaragua is prepared to immediately sign the Contadora proposal of September 7, 1984, and is participating and will continue to participate in the discussions to fine-tune said proposal.

(d) Nicaragua reaffirmed its intention of respecting the Contadora proposal which prohibits the establishment of bases, installations or military schools in Central American territory.

(e) Nicaragua reaffirms its commitment and insists that any regional agreement has to be subject to effective mechanisms of verification and control which guarantee the compliance of all the aspects of the Contadora Treaty.

(f) Nicaragua reaffirms its willingness of having not only normal but friendly relations with the United States.

Nicaragua expressed its firm conviction that there can not be peace between the Central American countries until a normalization (of relations) is achieved between the United States and Nicaragua.

With this purpose, President Ortega stated that if the United States, as confirmed by the Reagan Administration and the Congress, discontinued its direct and indirect support of the Contras, whether covert or overt, and immediately reinitiates the bilateral conversations between Nicaragua and the United States in Manzanillo; conversations which would include a delegation of participating observers of both Houses of the Congress of the United States and in which the relations between both countries would be discussed, so as to normalize bilateral relations and in this way contribute effectively to the Contadora process; then the government of Nicaragua would immediately call for a cease fire and would immediately solicit the participation of the High Commissioner of the United Nations and of the International Committee of the Red Cross in the resettlement and repatriation of any citizen who wishes to in Nicaraguan territory or in any neighboring country; as well as immediately guarantee full freedom of the press and reaffirm political pluralism and fundamental freedoms.

(g) Nicaragua reaffirmed that it will continue the implementation of unconditional amnesty for any member of the Contras who surrenders his weapons to representatives of the governments of Nicaragua, Honduras, or Costa Rica, depending upon the place where that person is. Nicaragua would also guarantee full restoration of that person's rights.

(h) Finally, Nicaragua, while affirming its dependence and national pride, recognizes that hemispheric interests are better guaranteed by friendship, cooperation and mutual respect among states.

THE SECRETARY OF STATE,
Washington, DC, April 16, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: Thank you for your letter of February 28 requesting the Administration's views on a letter to you of the same date from Nicaraguan President Ortega.

In addressing a detailed statement of Nicaraguan policy and objectives to the Congress, together with specific proposals for action, Mr. Ortega is obviously attempting to circumvent normal government-to-government channels. Although unorthodox and inappropriate under our constitutional system such tactics have become routine practice by the Sandinistas in their efforts to obtain diplomatic and public relations advantage and to influence directly the Congress of the United States. I was pleased, therefore, to note in your letter to Mr. Ortega the emphasis on the constitutional responsibility of the President for the conduct of our foreign relations.

In this same vein, I believe the most appropriate procedural response would be a formal diplomatic note from the American Ambassador in Managua, on behalf of the United States Government, to the Government of Nicaragua. This response would note the referral of Ortega's letter by the Congress to the Executive Branch and would attempt to discourage the Nicaraguans from the belief that they can conduct foreign relations with the United States Congress as distinguished from relations with our government.

Mr. Ortega's direct invitation to the Congress to conduct an official inspection of the Nicaraguan military buildup presents obvious difficulties. At the same time, Congressional travel to Nicaragua and Central America has contributed to a better understanding within the Legislative Branch of the complex sources of conflict in the region. I recognize the value of such foreign travel in assisting the Congress to fulfill its constitutional responsibilities in the formulation of U.S. policy. Therefore, I strongly encourage members of Congress, of both parties and regardless of their views on Central America, to visit not only Nicaragua but all of the countries of the region. I would urge them to spend as much time there as their schedules will permit, to travel outside the capitals, and to talk with citizens in and out of government and of all political persuasions in order to better understand the difficult issues we must all resolve in forging a bipartisan policy on Central America. The Department of State will be pleased to assist Members of Congress with their travel in any way possible.

With respect to the substantive points raised by Mr. Ortega in his letter to you, I have enclosed an analysis that I hope will be useful. We plan to respond to these points in our note to the Government of Nicaragua referred to above.

Sincerely yours,

GEORGE P. SHULTZ.

THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE DEPARTMENT
Boston, MA, April 23, 1985.

Ms. JAYNE PLANK,
Director, Intergovernmenal Affairs, Office of Legislative and Intergovernmental Affairs, Department of State, Washington DC.

Dear Ms. Plank: Thank you for your letter of April 15 outlining the President's position on our escalating involvement in Nicaragua and enclosing two booklets entitled: The Soviet-Cuban Connection in Central America and the Caribbean and Misconceptions about U.S. Policy Towards Nicaragua.

I am strongly opposed to the President's policy in Nicaragua and do not support this latest proposal. I believe that what the Administration is trying to do in Nicaragua is both morally and legally indefensible and I think you and the President are entitled to know why.

In September 1947, the United States signed the so-called Rio Treaty which for the first time attempted to establish a framework for peaceful, longlasting relationships among the countries of the Western Hemisphere. The Rio Treaty was not an insignificant event. Coming after decades of U.S. interventionism in Latin America—interventionism bitterly resented by virtually all of our Latin American neighbors, whatever their political ideology, it was a major event in the history of U.S.-Latin American relations.

The Rio Treaty was ratified by the U.S. Senate on December 8, 1947. The Charter of the Organization of American States was signed by us in 1948 and ratified by the Senate in August 1950. Under Article VI of the U.S. Constitution, "all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land."

Article 18 of the Charter of the Organization of American States provides as follows:

No state . . . has the right to intervene, directly or indirectly, . . . in the internal or external affairs of any other states. The foregoing principle prohibits not only armed force, but also any other form of interference.

The language of Article 18 is clear and unequivocal. It does not say that it can be waived when we don't like the government of a particular Latin American nation. It does not say that it applies in the case of a right wing dictatorship, but has no effect if the dictatorship is of the left. It provides in no uncertain terms that there will be no—repeat, no—attempt by a signatory to the treaty to intervene militarily, through surrogates, or otherwise, in the internal affairs of a member state.

Before the President finally revealed that what we have been trying to do is overthrow the Nicaraguan government all along, he kept telling us that our attempts to aid the contras were designed to interdict the movement of military supplies from Nicaragua to El Salvador. In fact, the administration has had an exceedingly difficult time finding any such movement of supplies to interdict.

But the Rio Treaty does not give us—or any signatory nation—the right unilaterally to make that decision. There is a carefully prescribed procedure for dealing with such a situation in the treaty itself.

Article 3 Paragraph 2 of the treaty states that:

On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting Parties may determine the immediate measures which it may individually take . . . The Organ of Consultation shall meet without delay for the purpose of examining those measures and agreeing upon the measures of a collective character that should be taken.

In addition, Article 5 requires that:

The High Contracting Parties shall immediately send to the Security Council of the United Nations . . . complete information concerning the activities undertaken.

It, therefore, we were serious about stopping the movement of such supplies—if they existed at all—we had a perfect right to invoke the provisions of the treaty which cover such illegal activity on the part of others. The fact that we did not do so suggests to me that "interdiction" was nothing more than a cover story for our efforts to overthrow the Sandinistas.

In short, what we have here is an unlawful attempt by the U.S. Government—unlawful under national, as well as international law—to overthrow the government of a member state of the OAS.

I, for one, and, I believe, the vast majority of American people, do not believe in breaking the law. And we are outraged when our government engages in lawlessness. But that is precisely what the Administration is doing.

We are reminded over and over again that those who ignore the lessons of history are condemned to repeat them.

In 1954, we overthrew the democratically-elected government of Guatemala in a CIA operation directed by our own ambassador right out of the American Embassy in Guatemala City. Today, Guatemala has one of the most repressive regimes in the hemisphere—one, I might add, so brutal that it makes Sandinista violations of civil liberties look like a Sunday School picnic by comparison.

In 1973, we helped engineer the overthrow of the democratically-elected government of Chile. Today, the Pinochet dictatorship makes no pretense of its disdain for democracy or civil liberties.

How many times are we going to repeat the sorry lessons of Guatemala and Chile before we realize that there must be another way—a way which is consistent with

our ideals and principles and which conforms to obligations of law which we chose to assume when we joined the Organization of American States?

I hope the Administration will abandon this foolhardy and lawless course. I hope it will consider seriously the proposals with which Senators Harkin and Kerry returned from Nicaragua. Those proposals are the only basis on which we can build a lasting peace consistent with our own and international law.

Very truly yours,

MICHAEL S. DUKAKIS,
Governor.

Mr. KERRY. Mr. President, I yield to Senator MITCHELL.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. STEVENS. Mr. President, how much time does the Senator seek?

Mr. WALLOP. Ten minutes.

Mr. STEVENS. I yield 10 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 10 minutes.

Mr. WALLOP. Mr. President, I have listened with both amazement and dismay to many of the remarks which have been put forward on the floor this afternoon. It is almost inconceivable that we would remain blind to historical fact, to the facts of the revolution in Nicaragua.

It is a fact that this country gave more aid in the first 18 months of the existence of the Sandinista regime than it had given during the entire regime of Somoza which preceded it.

It was and remains a fact that this country was courting the Sandinista regime in every way only to see the Sandinistas tighten the noose around the necks of their people. It was they who began to build up in the face of no threat whatsoever. It was they who began to build a large military power base against threats that could not possibly have been visited upon them by their neighbors. It was they who promised Senator DOMENICI that they were going to institute pluralism, democracy, labor unions, free press, the whole bunch of things which they also promised to the Organization of American States; and it was they who broke those promises.

What on Earth can persuade anybody to believe that they would live up to any promise they were to make now?

We did not start the civil war in Nicaragua. The Sandinistas started it, not in response to us but against their own people.

The Carter administration, history will show, was the first to recognize the threat posed by the increasing totalitarian nature of the Sandinista regime, and to conclude that it must be changed. It did this in a finding filed with the Intelligence Committee in 1979. But many have conveniently forgotten this.

What does it take to get the attention of the opponents of aid to the Contras? The bipartisan Kissinger commission's warnings also go unheeded. It warned that we cannot have stability in this region or indeed in this hemisphere with Nicaragua as a totalitarian state aligned with the Soviet Union, and that if we did not contain it within Nicaraguan society we would sooner or later have to contain it on our borders.

Liberal Senators just back from Nicaragua say that Ortega is now interested in talks; that he is feeling the pinch of economics and our pressure. But they argue that our policy is not working. It is lost on me why he would be feeling a pinch, and the need to talk, if our policy were not working.

There is no reason in this except that these are the very people who would defang any foreign policy tool available to the President of the United States to push the Sandinista government into conversations with its own citizens. Nevertheless, Mr. President, they would have those citizens become our clients.

These very Senators are threatening us with Vietnam revisited. It is they who are doing that. And it will be visited upon them should this resolution fail.

It is they who are saying that this is not an internal affair of Nicaraguans but an affair between the United States and the Government of Nicaragua. This is a civil war with Soviet participation on the Communist side. The question for us is whether we help our side.

These Senators want to leave behind people who seek to establish the freedom they thought they had won. They do it in the most absurd, cowardly of ways by saying that some of these people are former Somocistas. That argument is just about as valid, Mr. President, as saying that Chancellor Kohl and Chancellor Schmidt of the Federal Republic of Germany are Nazis because they once served in the Wehrmacht. It is absurd on its face and it is an excuse in which to hide in the face of real problems that are down there.

These Senators loudly hope that the Sandinistas will become democratic if left alone. But history will not show any circumstance in which a government who has given the control of its army to Communists, to Marxists, has fallen from their grasp. Hence these Senators, Mr. President, are endorsing the Brezhnev doctrine on the floor of the U.S. Senate.

Some would propose that we grant $14 million in humanitarian aid delivered by something like the Red Cross which, by its charter, cannot give to individuals but only to governments. This would force the Contras to come hat in hand to the government that they are fighting, a government which highjacked their revolution from them, to receive their aid. Fourteen million American tax dollars would fulfill the fondest dreams of the Sandinista Government, that is, to get the Contras to lay down their arms, and to identify themselves, and to give that government the time to do resettlement of its own people by force, so as to isolate the Contras.

Senators on the other side of the aisle charge that we are not talking with the Sandinistas. And yet the Secretary of State has talked, Ambassador Shlauderman has talked, others have talked and talked and talked, and the Sandinistas have used the talks to buy time to tighten the noose around the throats of their own people, to build up an armed force that far exceeds the most irrational dreams of any Nicaraguan who could feel paranoid about the threats from Nicaragua's neighbors. These Senators' trust in talks exceeds their grasp of reality.

When can it be said that this trust takes over from common sense, from ordinary readings of history, not of bygone times but of history through which they have lived?

They tell us that if the administration were sincere, they would try another route. But history tells this administration and any other administrations, and anybody who would look at the facts fairly that there is no other route. The Sandinistas' own behavior on the international scene, in front of their own people, in front of their own Organization of American States, in every instance, says that trust cannot be offered.

So, I say to my liberal colleagues in the words of a famous movie go ahead, make my day, vote against the Resistance. But while you do so, remember I have three sons who will fight somewhere because of you. Between Panama and the Mexican border there are 100 million people whom we are abandoning to totalitarianism, whom we are abandoning to the grip of the Soviet Union. We will have to pay for that.

I think it is irresponsible and I think it is irrational, and I think it does not bear any credence in the face of the history through which most Members of this body have lived. It is just an irrational reaction, trying to do something to make clients and then abandoning people who are in pursuit of freedom—something we take for granted.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair will announce that it is the intention to go back and forth to each side for those seeking recognition.

Mr. STEVENS. I might say to the Chair, "For a period of almost 2 hours there have been no speakers on this

side." I am seeking now to allocate some time so that we might wind up this thing earlier.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. BUMPERS. A parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator yield for a parliamentary inquiry?

Mr. STEVENS. Yes.

Mr. BUMPERS. How much time remains on each side?

The PRESIDING OFFICER. The majority has 165 minutes; the minority has 55 minutes.

Mr. BUMPERS. Will the Senator from Alaska yield for a further question, if he knows the answer to it? Is it the intention of the majority to use all its time?

Mr. STEVENS. It is the intention of the majority to try to work out with the minority leader a time for voting which might be earlier than the 9 o'clock time. In that event, we would not use all of our time. We are trying to work in some of these Senators who want to talk, with some limitation at this time.

I want to say to my good friend from Maine, I know he has been waiting. We did have sort of a list here. We waited for the time to be used on the other side, and two of our Members want some time now.

How much time does the Senator from Alabama desire?

Mr. DECONCINI. I will abbreviate my remarks. I would say no more than 4 minutes.

Mr. STEVENS. I yield the Senator 5 minutes. After that, we shall not use time for a short period of time.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. DENTON. Mr. President, I overheard some of the remarks earlier by the Senator from Massachusetts [Mr. KERRY], who, after referring to his veteran's status, said he hoped we would find peaceful ways of dealing with the situation in Central America, particularly Nicaragua. I reflect the same observation.

I believe the way for the United States to deal with its own interests, which was the emphasis of the other Senators whom I heard speak—that is, we should worry about our own national security—I concur with that also. That was the Senator from Connecticut [Mr. DODD].

I believe if we do not deal with the problem in Nicaragua in the mild way which would begin with the passage of this resolution today, we will not be working toward peace, we will not be working toward the support of the interests of the United States. But, more importantly, Mr. President, we will not be working toward that which this Nation was founded to bring to mankind. I refer to freedom.

In his 1985 State of the Union address, President Reagan observed that "Freedom is not the universal right of a chosen few." Our Declaration of Independence states what we regard as an inalienable right endowed by our Creator and among one of those rights is liberty. When the Senate votes this evening on whether or not to show some kind of support for the anti-Communist, anti-Sandinista forces now fighting in Nicaragua, we will be making our own statement about the right of people to live in freedom, or at least their right to try to obtain freedom from a government which promised it to them, and then betrayed that promise.

What kind of Nation are we if we do not supply some aid to those people who simply aspire as we do, aspire in the concept of the basic reason for this Government, unique in the world?

For that reason, Mr. President, I intend to support aid for those fighters who are often known as the Contras, even if it is for now merely in the form of humanitarian assistance.

For that reason, I intend to support aid for those fighters, who are often known as the "Contra," even if it is, for now, merely in the form of humanitarian assistance. Their cause is just; the Sandinista government has left the Nicaraguan people with no real alternative to armed struggle. To vote otherwise, I believe, would betray the aspirations for freedom that motivate not only the Nicaraguan people but many other struggling democratic organizations and resistance movements throughout the world.

The United States cannot afford to betray the cause of freedom in Nicaragua—as it did in Vietnam—without far-reaching consequences for stability in our hemisphere, for world peace, and ultimately for the survival of our own freedoms. I urge my colleagues in the Senate carefully review that situation in Nicaragua and to examine the Sandinista record.

It has been nearly 2 years since the Congress began publicly to debate the merits of U.S. policy toward Nicaragua and U.S. covert support for the Nicaraguan people who took up arms to prevent the consolidation of a Marxist regime in Nicaragua. When the debate intensified, I was greatly alarmed by the very public, high profile treatment of a very sensitive policy matter.

Although I am still concerned about the security implications of the disclosure of duly approved covert activities, I believe that there has been some benefit from the open discussion. The congressional debate has led to the accumulation in the public sector of a wealth of information about Nicaragua and the true nature of the Sandinista revolution. Many Americans have become wiser about the dangers and the threat posed by Soviet- and Cuban-backed Communist regimes.

At the same time, however, because of the openness of the congressional debate, this body and the American public have been the target of a massive propaganda campaign, which has distorted the reality of the Nicaraguan tragedy and played upon the genuine concern and compassion of our people. The campaign has confused many Americans and clouded both congressional and public understanding of U.S. policy toward Central America. As a result, there are many myths that exist about the Sandinista government. Many of them, I expect, will have surfaced before today's debate is concluded.

Today's Wall Street Journal contains on its editorial page a factual, step-by-step example of the manner and degree to which the Sandinistas have insinuated their own propaganda machinery into American policymaking. The article is entitled "A Lobbying Drive Began in Managua."

The article is sincerely recommended for reading by my colleagues. The author is Jim Denton. It tells of the origin and path of a set of myths which made its way through the media and into Congress. The sad story of media-transported myths affecting and running foreign policy formation is reminiscent of Vietnam days. I pray that all of us in this body and the other body, in the media, in the executive branch, the people, can excise myth from objective debate on Nicaragua.

I also pray that in the 10th year that has passed since the fall of Saigon, we can continue what I consider a refreshingly new approach with regard to our perspective on Vietnam, which is so lingering in its effect on our discussion of this issue.

I ask unanimous consent that the article I referred to be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DENTON. Among these myths I referred to are the following: The view that the Sandinista military buildup and many of the repressive measures instituted by the Nicaraguan regime was caused by and was a reaction to U.S. aggression; the belief that the Sandinista government wants peace and is willing to engage in good faith negotiations; the belief that the Contras are thugs, thieves, and terrorists who routinely commit atrocities; the perception that the Sandinistas have improved the quality of life for many Nicaraguans—or would have if U.S. policy had not forced the Nicaraguan regime to divert significant resources to defense; the suspicion that humanitarian aid to the Nicaraguan refugees is a covert aid program for the Contras; and, last but not least, the convic-

tion that the Sandinista regime is not Marxist-Leninist, nor totalitarian. I had thought, until Sunday, that this last myth had finally been laid to rest when a distinguished Member of this body was reported to have said that Marxist doctrine "does not dominate what is happening" in Nicaragua.

These are serious misstatements about the true reality of Nicaragua today. If they are left to stand, and if they are used to justify a compromise that comforts the Sandinistas while pretending to further the cause of freedom, peace, and prosperity in Nicaragua, I fear for the future of the Nicaraguan people, for the security of their neighbors, and for the vital interests of the United States.

I would like, therefore, to discuss a few of the misperceptions in order to set the record straight.

During a Sunday press conference, a Member of this body was reported to have repeated an idea that I have heard numerous times before. He stated that "every escalation by us has forced them—the Sandinistas—to look somewhere for assistance and aid. They want independence from the Soviet Union."

This notion depends upon two false assumptions. The first assumption is that the United States Government sought from the outset to destabilize the Nicaraguan Government of National Reconstruction, a coalition government that initially included not only the Sandinista National Liberation Front, the FSLN, but also representatives of broad sectors of Nicaraguan society. The second assumption is that the early Sandinista regime was benign, and that it was truly nonaligned and committed to the formation of a pluralist, democratic government. The evidence supports neither argument.

It is a matter of record that not only did the United States hasten and facilitate the fall of the Somoza regime through our decision to not resupply the dictatorship and our position taken in the Organization of American States in June 1979, but that we openly embraced the new government. The Congress, at the request of President Carter, allocated $120 million for Nicaragua during the first 1½ years of Sandinista rule, and it was largely through our efforts that the Sandinista government received all the funds that it needed from the various multilateral lending institutions.

If that were not enough, we sought to send teachers, doctors, and technical experts to help rebuild earthquake-hit and war-torn Nicaragua. About the Sandinista reaction to our generous overtures. Lawrence Harrison, our USAID Director in Nicaragua from 1979 to 1981, observed the following:

> During those two years [July 1979 to July 1981] the U.S. government was the most important source of food aid and one of the most important sources of financial aid to revolutionary Nicaragua . . . We had tried very hard to build that new relationship. But the effort failed principally, I believe, because the Sandinistas could not live with a positive image of the U.S. government. They did not try at all.

The United States, of course, did not discuss providing immediate military assistance to the Sandinistas. It did not appear necessary. The Sandinistas had inherited the arsenal of the fallen national guard and faced no external threat. They had come to power with the help of neighboring countries, which had provided sanctuary, arms, and both political and moral support to the FSLN.

The new regime did not even face an internal threat. In September 1979, a meeting of the Sandinista political cadre produced a report that included the finding that "at present there is no clear indication that an armed counterrevolution by Somozista forces beyond our borders is going to take place and jeopardize our stability." Nevertheless, 5 months later, in February 1980, Defense Minister Humberto Ortega announced the government's intention to build a 200,000-man militia "to defend the revolution" against "counterrevolutionaries."

Cuban military advisers were already well entrenched in Nicaragua, some of them having arrived in Managua on the very day the Sandinistas came to power. Within months, the Sandinistas had begun their military buildup, more than 2 years before any aid was provided to their opposition. Within weeks, they were shipping supplies and arms to the Marxist-Leninist Farabundo Marti National Liberation Front in El Salvador. Efforts to distabilize neighbors were not confined to El Salvador alone. Since coming to power, the Nicaraguan Government has also mounted clandestine operations against Honduras, Guatemala, and Costa Rica.

Alarmed by the developing trend, which included the first resignations by non-FSLN members of the Junta of National Reconstruction, President Carter suspended the disbursement of aid moneys to Nicaragua before leaving office.

Some critics of administration policy argue that Sandinista repression was brought about by U.S.-backed counterrevolutionary activity. To these people I point out that harrassment of independent labor unions began within hours of the Sandinista triumph. By August 1979, the labor organizations complained publicly; and, by December 1979, their headquarters and regional offices were being attacked and forcibly occupied by Sandinista troops. This was not a response to U.S. "aggression."

When Jorge Salazar, the President of the Superior Council of Private Enterprise, was murdered in November 1980, it was not a response to U.S. "aggression."

When the Sandinistas came to power they did so as a coalition government and in accordance with what became known as the fundamental statute of the republic. They provided for an executive, legislative, and judicial branch. The FSLN appropriated to itself the most powerful ministries and then failed to convene the legislature, the Council of State, until 10 months later. By that time, the junta had issued 392 decrees, one of which created 14 new seats in the Council of State. These were assigned to the FSLN, and the Sandinista party then had a 76-percent majority in the Council.

Alfonso Robelo, then a member of the junta and now a leader of the armed resistance, resigned in protest over the FSLN action.

In November 1979, the FSLN-directed junta created special courts to operate outside the regular judicial system that had been established by the fundamental statute. The FSLN controlled the appointment of judges. Military courts and agrarian courts were also established in 1980 and 1981. There was no appeal from the rulings of any of these courts. These actions to concentrate political authority in the hands of the FSLN were also not a response to U.S. "aggression."

Cuban teachers and advisors flooded into Nicaragua, including the Atlantic coast. They filled jobs previously held by Nicaraguans. When unemployment rose to unacceptable levels in Bluefields, and food rationing became intolerable, the black population organized a peaceful demonstration, in October 1980, to manifest their opposition to the Sandinistas' policies. The government responded by arresting 250 Creoles, including the five organizers. After being tortured, they were tried and sentenced on charges of counterrevolutionary activity. Was this a response to U.S. "aggression?"

Those represent only a few examples of the policies pursued by the Sandinista government in the early years of its revolution, and which caused many of its former supporters to flee and, in some cases, to consider the path of armed insurrection. In December 1981, when President Reagan made the difficult decision to provide limited assistance to the budding, but growing, insurgency in Nicaragua, the Sandinista regime was already fully engaged in establishing its military preeminence in Central America, destabilizing its neighbors, and revoking the civil liberties that had been guaranteed by the fundamental statute of the republic.

Since the President took that decision, the Congress has sought to second-guess him and pushed for alternative methods for dealing with the

Sandinista government. Some Members of this body have argued that the Contras are unworthy of U.S. support and, despite the indisputable fact that thousands of Nicaraguan peasants are fleeing their homeland through Contra-held territory and thousands more are joining the armed resistance, they persist in accusing the Contra of unspeakable atrocities. At the same time, they turn a blind eye and deaf ear to the refugees' accounts of Sandinista brutality.

Let me share with you some excerpts from an unclassified Embassy cable, which relays to Washington information gleaned from the latest refugees to reach Honduras from Nicaragua's northern provinces. During interviews, when asked about reports of FDN complicity in noncombatant deaths and alleged atrocities, the refugee officer reports that "the variable response was 'that is a lie.' . . . Several refugees explained that the Sandinistas use propaganda like that to promote their point of view."

A deserter from the Sandinista Army reported that:

> It is categorically false that the FDN is killing civilians. We soldiers saw the destruction of the villages, of the campesinos, and how it was organized by the Sandinistas. When international groups, human rights groups, or others arrived, they would say that there had been a battle, and the Sandinista Army had defended the people. In fact, it was the EPS that had destroyed the villages, and they wanted to have a psychological advantage before the nations of the world.

A gray haired grandmother insisted that the FDN was fully respectful of noncombatants. When asked about reports that the FDN killed civilians, she said, "That is a lie. If you take a look, when the FDN goes through an area * * * they even purchase what they need."

Mr. President, I ask unanimous consent that a copy of the unclassified cable be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See Exhibit No.2.)

Mr. DENTON. A recent extended visit by two Brigham Young University students to refugee camps in Costa Rica and Honduras yielded similar results, which they have published. I shall ask unanimous consent that a copy of their report also appear in the RECORD at the conclusion of my remarks. Their interviews, however, also provide a picture—not so different from that presented by the Permanent Commission on Human Rights in Nicaragua—of Sandinista human rights violations, which conflicts with the picture painted by Americas Watch and by the Brody report, the latter the subject of today's Wall Street Journal article.

The Brody report is noteworthy because it was the brainchild of Reichler and Applebaum, the law firm that represents the Sandinista government here in the United States, because its authors were given material support and transportation by the Sandinistas during their stay in Nicaragua; and because they admitted that local officials and health workers, more than likely party members in good standing or Sandinista sympathizers, were a primary aid in helping to locate witnesses to alleged Contra atrocities.

The result was a conclusion that the Contras regularly and systematically violate human rights. To date, I have determined that at least three, perhaps four, incidents mentioned in the Brody report were not accurately characterized. The most blatant example was the Brody report's description of the December 1983 exodus of 2,000 Miskitos to Honduras as a massive kidnaping by MISURA, an Indian Contra force. That event was widely reported in the press, the American-born priests who voluntarily accompanied the flight asserted that the departure was voluntary, and an independent journalist who filmed the entire exodus says the Francia Sirpe residents were packed and ready to go with the MISURA forces when they arrived.

I urge my colleagues to talk with leaders or members of the Nicaraguan armed resistance. I am convinced that you will find them worthy of U.S. support and committed to ideals that are similar to those found in our own Constitution. The FDN, ARDE, MISURA, and MISURASATA are not reactionary organizations and are not engaged in an effort to replace the Sandinista revolution with Somozismo.

Each fighter with the FDN is given a pocket-size "Blue and White Book," which outlines the principles upon which its struggle is based. I quote for a moment from that book:

> Democracy is the true power of the people to elect and be elected. And it only exists when periodic elections, free and universal are practiced. Social justice is the goal of any process of democratization in the free world, because political democracy is the basis of economic democracy,

And finally,

> FDN means enforcement of human rights: above all, man, and the respect for human rights, because where man is not respected as an individual being man is not respected either as a social being.

I ask unanimous consent that a translation of the FDN's "Blue and White Book" appear in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. DENTON. I conclude my remarks with a few observations about the myth that the Sandinistas are willing to enter into good-faith negotiations for peace.

Over the weekend, Daniel Ortega suggested that Nicaragua could only find peace if the Reagan administration halts "terrorist aggression" by U.S.-backed insurgents and resumes direct negotiations with Managua. Given the confusion that is the result of much of the media reporting on Nicaragua, it may not be readily apparent to the Congress or the American public, but the United States has not provided assistance to the Contras in almost a year. In May 1984, because of a stalemate between the House and the Senate, the Congress approved no funds for the anti-Sandinista forces. The $14 million that was approved in October and which is the subject of today's debate could not be spent.

Under Congressional pressure, the U.S. Government has met Sandinista demands. We have sent no money or material support to the Contras, and we entered into direct bilateral negotiations at Manzanillo. I submit to you that these actions led to no improvement for the people of Nicaragua, nor did they produce a reduction in Nicaraguan efforts to extend Communist influence and control in Central America.

Harassment of the Catholic Church and other religious groups has increased, particularly since the fraudulent November election to ratify and consolidate FSLN political authority. Between September and October 1984, a Catholic father was framed by State Security and arrested on charges of counterrevolutionary activity. Shortly thereafter, 10 foreign-born priests were expelled from the country. These priests worked under Archbishop Obando y Bravo in Managua and were particularly effective in helping the poor and the youth.

Shortly after the November elections, a document slipped through the censors and was published in La Prensa, perhaps a deliberate slip to spread intimidation. The document directed the civil defense committees to begin compiling the following information on religious groups: Location of chapels, religious denomination of the congregation, names and addresses of leaders, description of cars and other means of transportation used by leaders, evaluation of political attitudes of leaders, description of personal habits or vices of leaders, description of the size and nature of religious gatherings, license numbers and descriptions of cars of people attending services from outside the neighborhood, and the source of funding for the church.

Between January and March 1985, Felix Rosales, director of the Nicaraguan National Council of Evangelical Pastors, and Jimmy Hassan, the head of Campus Crusade in Nicaragua, were both summoned to appear before the Managua Regional Committee of the Sandinista Revolution, which is chaired by Interior Minister Tomas Borge. They were required to respond

to charges of counterrevolutionary activities.

La Prensa has continued to face heavy censorship, and its reporters and some Costa Rican journalists have been arrested and detained.

On Christmas Eve 1984, Sandinista State Security invaded the Costa Rican Embassy to regain custody of Manuel Urbina Lara, a young law student who had sought asylum there. Thousands of young men are fleeing the country to evade the draft. There are reports that the Sandinista government harasses and even arrests relatives of such draft evaders.

In the Atlantic coast, reports filter out that the Sandinista military has, without provocation, attacked villages. Indian survivors are rounded up and forcibly relocated to new military relocation camps. Six villages were attacked in January, others in February.

New foreign travel restrictions have been imposed. State Department officials have advised me that the Sandinista government requires travelers to obtain an exit permit. Airline tickets must be paid for in dollars, and must be for round trips. An additional tax is levied, which also must be paid in dollars. The government also limits to $500 the amount of foreign currency that a Nicaraguan national can possess. Taken together, those measures make foreign travel prohibitively expensive for almost everyone.

The Sandinista government has categorically rejected dialog with the anti-Sandinista forces, despite the Contras repeated offers to enter a cease-fire agreement. Unlike the FMLN in El Salvador, power sharing has not been a demand of the Nicaraguan fighters. Dialog and national reconciliation have been urged by all parties: The Catholic Church and the internal political opposition. The Sandinista government consistently refuses.

Now the Sandinista military has begun the massive relocation of thousands of peasants from the northern provinces. The number to be relocated is projected to reach as high as 50,000. A journalist who has interviewed many of those peasants, who have been forced off their land, was told by the people that the Sandinista military had ordered them out and threatened them. They were told the vicinity would be "burned with aircraft."

These relocations are now public knowledge, but what has not yet been reported is that many of these same peasants have refused to be relocated to Sandinista-controlled collectives. They remain hidden in the hills, people displaced not by Contra activity but by government edict.

There is speculation that one reason for the relocations is that the Sandinista government is creating a free-fire zone in which it can use its MI-24 helicopters and other weapons to wipe out the Contras. If this is the case, I fear that, when the Sandinista offensive begins, there will be many innocent civilian deaths. The Sandinistas will claim that the peasants were Contras, when, in fact, all they really were were campesinos who chose to stay near their homes rather than submit to tyranny.

The future of the peasants and other Nicaraguans like them, the future of the refugees in Honduras and Costa Rica, and the future of the Contras forces who are willing to bear arms to resist the Soviet-style tyranny of the 9 Commandantes in Managua are in our hands. I urge all of my colleagues to support aid for the Contras, and to do so without imposing the kind of limitations and requirements that will only extend aid and comfort to the repressive Sandinista government.

Mr. President, I ask unanimous consent that an interview with 4 of the 10 priests who were expelled from Nicaragua appear in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. DENTON. Mr. President, I ask unanimous consent that a copy of the report I referred to earlier be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NICARAGUA

(A report by Wesley R. Smith and Richard H. Rygg)

INFORMATION ON THOSE CONDUCTING REPORT

Wesley Smith and Richard Rygg conducted the interviews presented in this report. They speak fluent Spanish and each has experience working with farmers and peasants in Latin America. The Nicaraguan refugee populations in Costa Rica and Honduras are largely comprised of farmers and peasants.

Wesley Smith is a 23 year old senior studying International Relations at Brigham Young University. He served as a missionary to Spanish speaking people in Argentina and Arizona.

From 1 May 1984 to 15 July 1984 Wes worked as an intern in Costa Rica for the newspaper La Nacion Internacional. The interviews appearing in this report from Costa Rica were conducted by him at this time. He was in Nicaragua from 14 Dec 1984 to 13 January 1985 interviewing.

Richard Rygg is 28 years old and will receive his M.B.A. from Pennsylvania State University in June 1985. He served as a missionary in Nicaragua, Costa Rica, and Honduras from 1977-79. His work involved extensive interaction with the Nicaraguan peasantry and middle class.

Both of these students visited Honduras from March 4 to March 15. While there they visited the refugee areas of Teupasenti, Roos Roos, Danli, El Paraiso, Jacaleapa, El Triunfo, and Choluteca. They funded their own trip to Honduras.

INTRODUCTION

This report emanates from a compilation of interviews conducted in Costa Rica, Nicaragua, and Honduras during 1984-1985. During this time period over 250 Nicaraguans, inside as well as outside Nicaragua, were interviewed. The few interviews and stories selected for this report are representative of the majority of the people we spoke with during our visits.

We did not go to Central America looking specifically for evidence in support of one side or the other. Rather, we wanted to speak with individuals that represented that majority which wears neither the Sandinista nor the Contra uniform. Our main purpose was to find out what the Nicaraguan people had experienced and why so many people were fleeing their country.

Those people interviewed within the refugee camps were randomly selected to insure a representative statistic of all the refugees within those camps. In speaking with the Nicaraguan people we worked in conjunction with no one else—no ecclesiastical authorities, government agencies, human rights organizations, or international groups. This unobtrusive approach allowed us access to information which, according to those refugees interviewed, generally is not expressed by them.

In publishing this report we are not endorsing either side of the conflict. The stories, feelings, and opinions of the Nicaraguans represented here are not in favor of the Sandinistas. However, this is not a deliberate attempt by us to show only one side of the story. In this report we have simply compiled the stores of the Nicaraguan people that represent the groups we talked with.

We were asked by most of the people we spoke with not to reveal their names for fear of reprisal. Therefore we have substituted most names, but we will be glad to furnish the real names to responsible reporters who will not jeopardize these people's safety. They took us into their confidence and we are obligated to respect their wishes.

(Note: The questions of International Law are not examined in this report although we address the abuses which have arisen because of the internal conflict in Nicaragua between the Sandinistas and the Contras.)

FINDINGS

Contras

We found no evidence of any systematic abuses conducted by the contras from the people we interviewed. This would include the Nicaragua Democratic Force (FDN), as well as the Democratic Revolutionary Alliance (ARDE) and the Sandinista Revolutionary Front (FRS) in the South. We do not deny that abuses have taken place by these forces. In a war-like situation which exists in Nicaragua there have been abuses on both sides. However, what we were looking for was a policy or systematic practice of human rights abuses by either the Contras or the Sandinistas. We have no evidence on the Misura nor the Misurasata because there was not enough time in those areas to investigate the truthfulness of the reports received.

In interviewing refugees, many of which were inside Sandinista controlled areas like Managua, Matagalpa, and Leon, Wes could find no specific incidents of Contra atrocities. He did interview with Sandinistas involved in the conflict. They told him of contra atrocities in general but did not supply any specific instances or relate any personal experiences.

The refugees interviewed mentioned some civilians were killed as Sandinista and Contra forces fought in the mountains. No accusations were received which spoke of

Contra forces intentionally killing, torturing, or raping civilians or Sandinista war prisoners. In fact, almost the opposite was true. Of those Nicaraguans who spoke of civilians being killed, nearly all mentioned that only the Sandinistas were participating in such activities—indiscriminate bombing, shooting, torture, etc.

The Nicaraguans interviewed said their attitudes toward the contra forces had changed during the last 2 years. According to statements, the towns in which they lived did not support or sympathize with the Contra movements in 1981–82. Although no specific reasons were given they referred to the contras as rebels and most said they had been indifferent to their existence during this early period.

However, those interviewed said their feelings toward the contras changed and they now sympathized with the Contra movement. They mentioned how after 1982 the contras stopped their abusive tactics. In addition, they explained that the Sandinista policy of land reform, especially among the peasants, religious persecution, and repression of those who did not support the Sandinista process, were factors causing them to now sympathize with the Contras. One young boy told us that, "the contras had problems before because they robbed a lot and killed people. Now they're part of the people."

About 20 percent interviewed felt that they had been caught in a cross fire between Sandinistas and Contras and had not sided with either one. These people said they began sympathizing with the Contras when the Sandinista policies became too repressive for them.

While in Nicaragua Wes interviewed several Sandinistas including those from the Juventud Sandinista 19 de Julio. Their feelings about the conflict were generally the same. One Sandinista Youth leader in Leon was interviewed and although she mentioned no specific cases, her feelings represent those of other Sandinistas interviewed in Managua, Matagalpa, and Leon.

We know about the aggression of the United States and of President Ronald Reagan. The mercenaries (contras), we know that they come, not only to make money but to burn farms, schools, and kidnap peasants. Over 70 percent of the youth are involved in Sandinista organizations. The Contras are ex[Somozo] guards.

Sandinistas

Evidence gathered during these three visits points to a systematic process of human rights abuses conducted by the Sandinista government against the Nicaraguan people including those who have taken up armed resistance against the Sandinista government. The abuses reported to us or witnessed by us personally, fall under the following categories.

Forced recruitment of Nicaraguan youth by the Sandinista military.

Religious persecution.

Indiscriminate shelling of villages.

Mistreatment of prisoners.

Forced Volunteerism in the co-op system.

Repression of the opposition.

FORCED MILITARY RECRUITMENT

In the last six months forced recruitment of youths by the military has increased dramatically. We received numerous accounts of young men being forcefully taken from their homes, local theatres, discotheques and parks. These stories were from eyewitness accounts and from young boys who had been taken but released or who deserted. Some boys as young as 14 have been taken by the military.

While in Nicaragua Wes witnessed one such incident in the town of Nagarote. He arrived at the town at about 11 a.m. Two young girls snuck him through some back roads. While there he spoke to 15 people who related their story to him and saw 10 people who had been beaten by the military. One man received a severe gash. A "mobster" wearing a military uniform had entered his home, and struck him with the end of a hoe.

A 14 year old girl, Eliana Mejilla, described to Wes what had happened earlier that morning:

At 6:30 a.m. on 27 December 1984 the Sandinista military arrived on the outskirts of town. They came in 2 IFA troop transports and about 15 jeep with the yellow triangle insignia "Prevencion" sprayed on the side. When they started rounding up the young boys from the streets and the parks the people organized themselves. The Catholic father sounded the church bells and the people built barricades on the streets leading into the center of town.

The Sandinista soldiers beat those families members who resisted the military when they forced themselves into the homes. After the barricades were broken down the military sent in two IFA trucks. Half of the mobsters in those trucks were military soldiers who laid down their weapons outside the town and had replaced them with clubs. Only three boys had been taken but 47 adults were taken prisoners for "counterrevolutionary" activities. The people who resisted the military were not armed contras but strictly civilians. Around 40 people received injuries from being struck by the military soliders. That night the mobs returned in two IFA military trucks, broke into a house facing the TelCor office and burned a jeep."

While in Honduras we spoke to a group of 35 Nicaraguan youth who had come across the border several weeks before. They said they had fled Nicaragua because of the military draft. Several had already served in the Sandinista military and had deserted, while others had gone into hiding inside Nicaragua to avoid the military draft. Many of these youth had been imprisoned for not joining the servicio patriotico [patriotic service].

Andres Cornejo was inscripted into the military on 15 January 1985 and deserted one month later. He describes the treatment while in the military.

"The Sandinistas grabbed me on 15 January 1985. I was in the training camp called San Gabriel. While there we [those inscripted] were constantly threatened by our Cuban advisers that if we tried to desert there was a good chance we might get 'shot" or thrown in prison or be taken to the most dangerous zones where there was no escape. I was there for one month and then was transferred to the base called Oscar Curos. From there I deserted and came across the border."

(Note: All those interviewed who had been imprisoned or served in the military spoke of Cuban advisors which worked in the prisons and within the military system. In asking these Nicaraguans how they knew they were Cubans they gave similar reports: the accent; phrases such as "tu chico"; their mannerisms; and even the type of cigarettes they smoke; etc. One Nicaraguan who spent 16 months in prison told me, "we as Nicaraguans know our own people and we have seen enough Cubans to know who they are and how they act.")

RELIGIOUS PERSECUTION

The groups most hard hit by systematic persecution of religion in the northern regions of the country are the Pentacostals and Evangelicals. According to their reports their practice of individuality and belief in God has created friction between them and the government.

A peasant living in the northern zone of San Jose described the religious persecution he received from the Sandinistas.

"I have been serving God for 7 years in the Pentacostal church, Assembly of God. I was preaching in the fields and was persecuted. I have been imprisoned three times for preaching the gospel. I don't know what it is like to take up arms but when they had me they threatened to kill me if I didn't join the military. You were forced to take arms and this pressure happened all over the zone where I lived. In that area they gave me 8 days to decide whether to fight or "disappear. We didn't have any other choice but to flee. We were in the mountains for 18 days before arriving in Honduras."

Two other families that fled with him across the border were in the same camp and substantiated the story he gave.

Lidia Herrera and her two children Maritza and Jose Alberto, were victims of a Sandinista attack during a prayer meeting on 7 February 1985.

The following is their story:

"We were praying during a religious meeting when we heard bullet shots from outside. When we heard the shots we continued praying and then a member of the Sandinista military entered the house and told us to stay inside or we would be shot. The Sandinista then left the house and we continued praying and heard a rain of bullets. When we looked around seven people were dead and three were wounded. One of the dead was my son Jose Alberto. He had been hit in the face with bullets. The Contras hadn't been in that area that day. In fact we hadn't seen them for a long time.

Those peasants not willing to take up arms are branded as counterrevolutionaries. Many peasants testified that they had been imprisoned and tortured for their religious beliefs. Gerrardo Bustomonte also received perscution by the Sandinistas for his religious beliefs.

The Sandinistas had called me into the prison and then they accused me of working with the counterrevolution. They asked me how I could preach the "message" and be a counterrevolutionary since Christ himself was a revolutionary. They told me I was going to tell them the truth. They put a .45 pistol here [motioning to the temple] and said, "you are going to tell us the truth that you are a contra and that you collaborate with the contra. You're a contra because you won't take up arms.

He then hit me in the chest and let me free. Before I left he told me that if he caught me working the counterrevolution he would eliminate me. He then said that according to them the counterrevolution was preaching the Word of God. Even if you don't have any arms they accuse you of being a contra if you're not willing to take up arms.

MISTREATMENT OF PRISONERS

It should be noted that many of the prisons in Nicaragua are clandestine and known only to those who have experienced them. They are nick-named by the Nicaraguan prisoners that know of them. The prison names used in this report are those men-

tioned repeatedly by the Nicaraguan people interviewed.

The prison system in Nicaragua is supplied by the Judicial system which is run by the Sandinista party. Those who have been imprisoned speak of tortures and abuses of human rights. While in prison they receive insufficient clothing, food, and medical attention.

In many instances prisoners, over 90 percent of whom are peasant farmers, were forced to make confessions, then tried and sentenced because of these confessions.

The following are torture methods used on prisoners.

Water is dropped on their heads for days at a time.

Light deprivation.

Interrogations in the middle of the night.

Beatings with sticks wrapped in wet towels.

Guards using boxing gloves repeatedly beat prisoners.

Sleep deprivation.

In the northern provinces prisoners are put in tubs of cold water for extended periods of time.

Hanging by the wrists.

Isolation from any human contact.

Forcing prisoners into cells where they cannot sit down or stand up completely. There were repeated testimonies of this occuring in the Department of Chontales, City of Juigalpa.

THE PERMANENT COMMISSION OF HUMAN RIGHTS OF NICARAGUA. (CPDH)

The CPDH receives testimonies from people who were imprisoned and then set free or had finished their sentencing. It estimates it only receives 10 percent of the total incidences of human rights violations. In order for the CPDH to process accusations the victims must supply names and residences. Because of fear of retribution people are afraid to give this information.

Wes conducted several interviews in December 1984 and January 1985 with Lino Hernandez, one of the directors of the CPDH.

From testimonies and evidence gathered, the CPDH estimates that over 95 percent of those convicted by the Popular Anti-Somoza Tribunals were convicted by accusations against themselves while in State Security prisons. Of that 95 percent nearly all have been tortured into accusing themselves. On the average, those accused spend more than 6 months in prison before coming before the Tribunals. Those brought before the Tribunals are condemned by evidence gathered in three ways.

1. Confessions of prisoners against themselves while in State Security cells.

2. Confessions of prisoners against other prisoners.

3. Testimony of State Security guards who heard prisoners confessions during interrogations.

In the majority of the cases the peasants were accused of giving food or logistical aid to the contras. The following is part of an interview with Lino Hernandez of the CPDH in January 1985.

In principal every person that arrives at the State Security prisons is declared guilty. They have a method for each person. We have received testimonies of tortures that don't leave marks or scars. While in State Security they are subject to isolation in dark cells without any light. They are not given food either. We have received information that they use both physical and psychological torture.

Wes interviewed Ramon Melendez in Managua, January 1985. Wes was referred to him by the CPDH. Ramon was released from prison in November 1984. He spent 17 months in prison. He was accused of counterrevolutionary activities. His story follows.

I was sleeping in my house at 5 a.m. when eight guys arrived with machine guns. They pushed the doorbell and the maid let them in. They took me to the State Security [behind the Hotel Intercontinental] and placed me in cell number 18. I entered the cell and you couldn't see anything. There was only light when they opened the door to interrogate me. I spent 96 days in that cell. I got a skin fungus on my feet and all my hair fell out, because in the interrogations the Sandinista grabbed me by the hair and told me "you're going to talk or else", and when he did this the hair stayed in his hand.

After being imprisoned for five days they showed me my wife at the other end of the hall wearing a prisoners uniform. They quickly put me back into the cell and from that day on they told me that my wife was dying. I heard my wife saying "my love, I can't stand it anymore. I'm dying. My children". It must have been a tape recorder or another woman because my wife was only in jail for one day but they made me believe she was in jail permanently. In my cell I could only imagine the days passing, because in there I didn't know it if was night or day.

Ramon spent 3 months in solitary confinement and six months in a cell with other prisoners. While in El Chipote they told him if he signed a confession his wife would be released. State Security then condemned him with his own accusation. He was given 7 years imprisonment at his first trial, but the appellate court raised it to 15 years. The Sandinistas said he deserved the extra 8 years for complaining to the human rights commission that they, the Saninistas, were torturing him. He was later transferred to the prison called "Zona Franca" near the Managua International Airport. He said there were over 80 political prisoners in the "Zona Franca" and he estimated thousands are being held in other clandestine prisons within the country. He spoke with hundreds of prisoners that had been transferred from outlying areas into the Zona Franca.

Several defense lawyers that were interviewed in Managua also estimate there are thousands of unaccounted for Nicaraguans who have become victims of the clandestine prison system in Nicaragua.

Rogelio Benavides is 33 years old, from Ocotal, Santa Clara. He describes his treatment while in prison. He was accused of hiding arms for the counterrevolutionaries.

On 20 March 1984 they took me from my house in Santa Clara at midnight and took me to Ocotal. I was in prison for three months. They investigated [interrogated] us. At night they bathed [soaked] us with cold water. For eight hours we had to stand up soaking wet. They stuck us in [the water] and soaked us and then investigated [interrogated] us. It was painful and we always got out trembling. We were many. They did it the first time to interrogate us. The interrogater asked us where we had the arms. They made me take off my shirt, pants and underwear. The next day they stuck us in again. I left the prison with pneumonia.

Pedro Ruiz Alfaro left Nicaragua on 16 January 1985 with this wife and two children. He spent 1 year in Esteli in a prison called "La Barranca" from July 1983-84. The Sandinistas then transferred him to Chinandega where he was kept in "El Penal" and released him four months later in November 1984.

I was accused of hiding arms for the counterrevolutionaries inside my house. They brought me before the Anti-Somoza tribunals in Esteli. I had several witnesses which defended me but it didn't matter because they had their frogs [informants] from the CDS [Sandinista Defense Committee] which accused me. The two CDS members were Amado Arados and Dela Segovia. They searched the house and found nothing, but they accused me anyway.

While in prison several Cuban and Nicaraguan guards tortured me. After being there for two weeks they injected me two times with a yellow fluid. With these injections I felt like running, yelling and crying. I laid on the floor and trembled. They placed a small tape recorder next to my mouth but didn't ask me any questions. The next day they gave me a second injection much more powerful than the first. They interrogated me around 20 to 30 times. The Cubans would put a pistol to your head called a "Macaron" until you confessed you were a contra. While I was transferred to Chinandega they treated me with more consideration.

The CPDH has investigated several reports of prisoners shot while trying to "escape". These investigations have shown that many of these prisoners were tortured before they were killed. Similar reports obtained during our investigations substantiate these claims. The following story was provided by the CPDH:

Jose Esteban Lazo Morales (correct name), 39 years old is from Chontales. He was captured 14 November 1983 in San Pedro de Lovago and was taken to the State Security prison in Juigalpa. Four days later he was taken to his home in a coffin which had been sealed with screws. They told the family that they couldn't open the coffin because it would be a health hazard and they would have to bury him immediately at sunrise.

When State Security left, the family opened the coffin. Jose had a fractured nose, and bruises covering his face. His head and ears were bleeding, his ribs were broken and his genitals were badly bruised. He had been knifed in the back many times which left marks in the shape of a half moon. When State Security found out the family had opened the coffin, they sent a forensic doctor to check him out. He diagnosed Jose as having died of a heart attack. They told the Sandinistas that he was bruised on the forehead after falling while showering. And that his nose was fractured because he had fainted and fallen on his face.

Felipe Hidalgo was in prison from March 1982 to September 1982. He told us the following story.

I first spent two nights in the prison in Jalapa. I was then in Ocotal for 15 days and from there transferred to La Barranca in Esteli for 45 days. The last four months I spent time in a prison in Esteli called "19 de Julio". In Jalapa they hung me over an open sewer because I didn't obey them. There were eleven of us there. All 11 were transferred from Jalapa to Ocotal in the middle of the night. While in route, three of the prisoners were taken out and carried down to the side of the road. The first one lowered from the truck was Eduardo Herra Bustamante. I knew him because he was from a small town near Limon. The next one lowered from the truck was a photographer from Jalapa named Fidel Gabona. He already had a broken arm from before. The

third one was Eriberto Gonzalez. He was from the aldea called Santa Barbara.

Felipe said he learned that these three had been killed because when he was released from prison shortly after his prison transfer his family told him that the Sandinistas said the three had been found in the mountains with their throats slit. Family members said the Sandinistas had blamed the Contras for the massacre. He said the story had been written up in La Barricada as a contra massacre.

Pedro Ruiz Alfaro (see story above) is from Esteli and left Nicaragua 16 January 1985. From July 83 to July 84 he was in "La Barranca" prison in Esteli. From there he was transferred to El Penal in Chinandego and was released in November 1984. The following is his story.

Two weeks after leaving prison in Chinandega I started to work driving a sand truck with two other helpers on the road that leads out of Macuelizo. When we arrived at the river near Macuelizo we left the truck and started searching for sand down by the river. While there we ran across a shallow grave, what we call on aguacera. To us an aguacera is where they kill people. In this aguacera were two men I knew from San Fernando. We calculate there were from 50 to 60 bodies but I could identify only two. I recognized the two because their faces where only bloated. The rest I didn't recognize because their faces were all bruised. They had been with me in La Barranca. The Sandinistas took me out [to Chinandega] but these two men stayed. After I saw them dead I returned and told the families of the dead men. They said they had gone to the Barranca only a few days earlier and the Sandinistas told the families they were no longer there in prison.

Ismael Herrera, a 55 year old farmer from Mora, Nueva Segovia left Nicaragua 5 November 1983. He was imprisoned in April 1983 in the prison La Barranca.

They put me in jail because one of my sons had joined the counterrevolutionary forces. They put me in a small cell and all I could see was darkness—no light. It felt like you were being hit in the heart every time they came by to take you out of the cell. You feared, because you thought they would take you out to kill you. I know they killed some because they would investigate [interrogate] people at midnight and some never returned. They grabbed me by the hair and put a knife in my throat and an AK in my kidneys and kicked me. They did this so I would say I had been helping the contras. If I had told them that, they would have killed me.

In addition to the mistreatment of civilian prisoners many refugees and people still living in Nicaragua reported incidents of mistreatment of contra prisoners and Sandinista deserters.

A nurse stationed in a Zone called "La Guinea" described an incident with a contra prisoner. She was in a place called "La Fonseca" near Verdun in September 1983 when this occurred.

I was stationed in this town in the health center when one day the [the Sandinistas] captured a contra boy up in the mountains. They brought him into town behind a horse. The boy was wearing a blue outfit and didn't have any shoes on. He was blindfolded and had his hands tied behind his back.

They took him to the town square where I was stationed at the health center. There, the Sandinistas shot off their AK 47's and when they did that the horse took off running. The boy was tied to the horse and it drug him away—tied and bound. The rope then hit a rock and tore. The boy just laid there on the ground badly beaten. They then took the boy and tied him onto a horse that had arms and took him out of the town. The whole town saw this happen.

Luiz Payan is a 37 year old farmer from Jicaro. He witnessed a similar treatment in his home town in November 1983.

They captured a commander there in Jicaro. He was the one they tortured after he was dead. They spit on his face and stabbed him with a bayonet. They paraded him around the city tied to the fender of their car. The whole town saw it and they almost made me go out and trample on the commando myself. This happened at about 9 a.m. and they called all the people out into the plaza and told us this is what would happen to people who fought against the Sandinistas.

INDISCRIMINATE IMPRISONMENT

Testimonies received in Costa Rica, Honduras and Nicaragua indicate a policy of indiscriminate imprisonment and detainment by the Sandinistas State Security forces.

In the last half of 1984 forced military recruitment increased rapidly. With this conscription came an increase in indiscriminate imprisonment and detainment of youth which appeared to be within the qualified age limit. While in Managua Wes spoke with youth who had been detained by the military longer than 24 hours. In many instances family members don't know the location of there children until they are released.

Salomon Calvo Arrieta is a lawyer in Managua and worked as correspondent for the Costa Rican radio "Impacto". While in Nicaragua Wes investigated the case of his imprisonment thoroughly.

"Salomon was imprisoned 29 December 1984. Two days before his imprisonment he broadcast information about the insurrection in Nagarote which occurred on 27 December 1984. He was taken from his home at 8 p.m. and carried to the military complex called "El Chipote". For the first three days his wife attempted to visit her husband and find the reason for his imprisonment. She was told they weren't sure what law he had exactly broken but it had something to do with "counterrevolutionary" activities. His wife and Wes visited him in prison on 5 January 1985. He was still incommunicado and the authorities would not permit the visit. They accused him of supplying false information about the insurrection in Nagarote—saying that the insurrection hadn't occurred when it actually had. When the international press received the Nagarote story the State Security then accused Salomon of paying money to Manuel Urbina to exile himself in the Costa Rican Embassy in Managua."

INDISCRIMINATE SHELLING OF VILLAGES

Refugees not involved in the conflict but living within the war zones have come under repeated attacks by the Sandinistas. The Sandinistas indiscriminatly use artillery against civilian population areas in the Segovias mountain region and have done so along the southern border as well.

Since July 1984 to as late as February 1985 the area around and including "Los Harrados" has come under heavy artillery fire at least 5 times. In the first week in January 1985 a man, Donald Lario, was killed when a morter fell on his house. The accounts of Sandinista bombing and mortering of civilian areas were taken from eight different people in three different refugee camps. Their stories coincide with each other on the shelling incidents although the number of bombings reported ranged from 5 to 7. One specific bombardment was reported by Cristina Mariana Reyes. She left her home in Los Harrados near Monsonte, Department of Nueva Segovia on 21 February 1985.

"My own people have been bombed five times in our community. They say the Contras are living there but that is not true. It is true they have passed by our way before but, it has been months since they did that. My nephew was killed in December when a mortar fell through his house. They mortared us from the town of Monsonte. The people protested but they would not listen to us. On my way to Ocotal saw the cannons from where they fired at us."

In August 1984 in an area near "Los Harrados" the Sandinistas bombarded several areas from their bases in "Plan de Gramma" and a place called "La Joba". Ramos Portocarrero Sirias is from Jinotega, residence of Laguna Verde, Jurisdiction of Wiwili. He left Nicaragua in October 1984 after his community was mortered by the Sandinistas. His story was supported by 3 other refugees not related to him.

We are talking about a bombing which happened in August 1984 that left the valley all burned. We know it was the Sandinistas because we, the peasants, are united and we communicate to one another. We know where the Sandinistas are and what they're doing. The place [where they bombed] is called Laguna Verde and about 6 or 7 powerful grenades were thrown. They have a high powered rocket launcher, morters and cannons. The bombs came from "La Joba", a place close to Wiwili in Jinotego. There are about 20 houses there and they are pretty spread out. In Plan de Gramma they [the Sandinistas] have a base and they also mortered from that area. It is located about 4 kilometers from Laguna Verde.

Felix Monteguello is from Laguna Verde and left that community in November, 1984. He fled because one of the shells dropped on his ranch and burned it. His ranch was located in El Triunfo, an area close to Laguna Verde. His story supported the testimony given by Alejandro Jordian Bucardo.

REPRESSION OF THE OPPOSITION

Many of the interviewed said they had been accused of counterevolutionary activities simply because they didn't support the Sandinista political process. This would include absence from CDS meetings, weekly vigilance duty, absence from participating in the cotton and coffee harvest and from attending revolutionary rallies. Those involved in political and civic opposition groups have come under increased persecution by the "divine mobs" and paramilitary groups supported by Sandinistas.

Guadalupe Castellanos is from the town of Dipilto, Nueva Segovia. [She permitted the release of her real name since she no longer has any family in Nicaragua.] She left Nicaragua in April 1984 after recovering from grenade wounds to her back and arm.

I went to church a few days before Christmas in 1983 and there was a State Security men named Manuel Martinez who was there preaching to us. He said we had to have a bible in one hand and a rifle in the other so that the revolution would be successful. I had an argument with him and then went to cut coffee with my two children.

They came with me because as poor people one needs to work hard for a living and they were small so they accompanied me. We were let off work at midday since the next day was December 24. I stayed to gather big leaves at the bottom of the gulley so I could make a Christmas decoration for my children. While in the gulley I ran into some Piri who were still there guarding the coffee fields. They started harassing me and tried to grab me but I ran away from them for a short distance. They then caught up to me and started beating me. I told my two children to run up the mountain and catch up with the other group of coffee pickers that had already left.

After the Sandinistas beat me they left me there and went off a little way. Maybe they thought I was dead or they were just waiting to see if my sons would return to help me. I'm not sure, but what I am sure of is that I got up and started running up the hill to reach my children. I caught up with them and then passed them because I knew which way we needed to go. I turned around to see if they were still following us and yes, they were behind us.

Just as we were getting to the top of the hill a grenade exploded in the middle of us. We all fell on our faces and when I turned around I could tell my 6 year old boy, Luis Alonso was dead. The crown of his head had been cut right off and it was laying there a few feet from his body. It was a clean cut because you could see the bone of his skull. My 12 year old son Misael had been hit in the ear and I tried to help him up but he couldn't hold out his arms. He had a shrapnel wound in his back and it looked like the shrapnel had severed his [spinal] column. He told us to pray and then he told me to return and get some help. I left them together and was taken to the hospital. We weren't allowed to return for six days. When we returned six days later both of them were dead but the older boy must have lived several days because his body was fresh compared to Alonso's body.

In the first interview Guadalupe Castellanos said the Sandinistas had prohibited the people in her hometown from returning to the area where the grenade exploded. In her second interview she only mentioned that they did not locate the bodies until the sixth day but another independent witness testified that the Sandinistas had not permitted them to return and look for the bodies. The 12 year old, Misael was still alive when she left them. Guadalupe received two shrapnel wounds—one in her back and the other in her right elbow.

In responding to questions about how she knew it was the Sandinistas and not the Contras or a land mine she stated:

It was a grenade because all the other people that were cutting coffee had passed through that same path and nothing had happened to them. You see, this isn't something invented or made up but is a reality because if my companions had passed by there and nothing happened to them, how was something going to happen to me. They had gone ahead of me and I was the last one to go up the path so there had been nothing in the path. The Sandinsta were the ones following us and the contras weren't anywhere around so it would have to have been them.

Guadalupe's story was supported by almost undeniable evidence. Wes interviewed her on March 9 at about 11 a.m. That same day Wes interviewed a different group of 20 Nicaraguans in a different refugee camp that had arrived from the border only two hours before. Within this group was a 60 year old lady named Juana Maldonado de Castellano. When she mentioned she was from Dipilto Wes asked her if she remembered about anything that happened in her town two Christmases ago. She then responded,

You must be talking about Guadalupe Castellanos. Her two sons were killed that Christmas when the Sandinistas threw a hand grenade at them. We [the people] weren't allowed to go look for the bodies out by the coffee fields for six days because the Sandinistas prohibited it. A piece of shrapnel had severed the young boy's [spinal] column and he died hugging his younger brother because that is the way we found them, except the younger boy was decomposed.

PERSECUTION OF POLITICAL OPPOSITION

Repression of Civic opposition groups has been extensive within Nicaragua since the revolution. Political dissension, especially among the youth, is not tolerated by the Sandinistas. Aside from the majority of those youth interviewed who fled to avoid the military draft, there were many who belonged to civil opposition groups inside Nicaragua. These Nicaraguan youth testify they were persecuted for their political divergence from the Sandinista revolutionary process.

While in Nicaragua Wes interviewed Manuel Urbina Lara's brothers. Manuel Urbina was the Nicaraguan youth who had exiled himself in the Costa Rican Embassy in Managua. On 24 December 1985 he was forcefully taken out of the Embassy by Sandinista State Security. There are conflicting reports as to what actually happened at the Embassy compound on 24 December.

Wes had an interview with the Costa Rican Ambassador a week after the incident. The Ambassador emphatically stated that Urbina must have been forced to leave the Embassy. Manuel Urbina's two brothers—one is named Luis Corronado Urbina Lara—were interviewed in the first week in December. Their version of Manuel's exile in the Costa Rican Embassy is different from the Sandinistas.

Manuel was a law student at the Central American University in Managua. There he belonged to the political branch of ARDE. In October 1983 he and 50 other students were accused of counterrevolutionary activities and imprisoned. While in State Security custody they were placed in cells of 1 cubic meter and were forced to stand in cold water up to their ankles and were left there for several days. During this time the State Security forced them into collaborating with them. They were to return to their activities within the political branch of ARDE and find ways of discrediting the organization. After 12 days they were sent to the "Zona Franca" because of protests the government received from the CPDH. They were released on 22 December 1983 in a pardon given by the Sandinista government. Six months later Manuel Urbina sought asylum in the Costa Rican Embassy.

On 2 May 1984, Cesar Augusto Miranda Ortega, member of the Social Democratic Party (PSC) in Nicaragua was forcefully taken out of his classroom by members of the Sandinista Youth 19 de Julio. They shaved his head, whipped him with belts and covered his body with oil paint putting it into his nose and ears. They did this while the Sandinista police stood by watching. He was then taken to the Sandinista Police Sub-Station and interrogated by State Security. Six hours later he was transferred to the Hospital Manolo Morales.

They took him out of the classroom because, as a member of the political opposition, he voiced his opinions about the Sandinista ideology. His accusation appeared in the CPDH. While in Managua Wes interviewed several ex-students who witnessed the event. One of the female students said many people quit studying at the University after Cesar Miranda was beaten. They said they feared for their lives and couldn't study under such conditions.

A similar incident occurred in the town of Matagalpa in April 1983. Esteban Martinez witnessed "divine mobs" attack a student named Cesar Flores. The following is his story.

Cesar Flores belonged to an organization which opposed Sandinism called the Social Christians. One day the mobs, the Sandinista Youth, came to class and took him out and humiliated him. They cut his hair and made him swim in the open sewer there by the school. I saw this happen in April of 1983.

DEMONSTRATION IN CHINANDEGO

There was a demonstration in Chinandego one week before Arturo Cruz visited there during his political campaign for the Presidency in November 1984. Several civic and political youth organizations were protesting against the forced military recruitment. The "turbas" attempted to break up the demonstration but were outnumbered by the students involved in the protest. Fabian Gustavo Betancour was the Secretary General for the Social Democratic Party in Leon and Chinandego and was involved in organizing the demonstration. He is now a refugee in Honduras. He describes the following incident.

"I am here [in Choluteca Honduras] and fled political persecution because I am a member of the Social Democratic Party. We had a protest one week before Arturo Cruz arrived. In this demonstration there were anywhere from one to two thousand students. the Mercantil college had asked me to organize a protest against military conscription. The Sandinstas arrived at this school and carried a list of all those who would serve in the military. We organized a peaceful demonstration because we didn't want to serve. We didn't want to kill our brothers and we wanted all this to end. We started the protest and took to the streets. Since the 'divine mobs' couldn't attack us because there were only a few, they called in to Leon and Managua. Close to 1000 turbas arrive in IFA troop transports. Nearly all the schools were there with us. The streets were full of students, fathers. The turbas arrived and started hitting us with clubs. The police not only didn't stop them but joined in to help them attack us. As I told you before, this was a peaceful demonstration against the military service. During the demonstration a girl had her throat slit. Many people saw that a CDS woman who works in the market had done it. The Sandinistas said she had been asphyxiated, but how could she be asphyxiated with all the blood all over. There were journalists from La Prensa but they censored the paper so we couldn't read about it."

Four students from Chinandega subsantiated Fabian's story about the murder of the girl. Two of the students were interviewed in the Jacaleapa refugee camp and the others were interviewed in Teupesenti.

FORCED VOLUNTEERISM

The Nicaraguan sector most affected by the forced labor policies of the government cooperatives are the peasantry. Nearly every peasant farmer interviewed testified that they were threatened into working on the government cooperatives. Most of these peasants have fled because they would not defend the cooperative—cooperative workers must carry rifles to defend the land they work.

Eduardo and Maritza Pereira left Nicaragua 19 May 1984. They lived in an aldea called "Las Playas" in Nuevo Segovia. Olivia's family wouldn't sell their grain to the government cooperative store in the area in which they lived. This incident occurred on 26 June 1983.

Olivia's father Alejandro, would not accept the low price which the government offered him for his grains. When he refused to sell them the grain at that price they said they would force him to. The next day the Sandinistas arrived at Olivia's home and forced there way into the home. Alejandro and Olivia's two brothers were taken out to the back of the house. One brother managed to escape through the corn field. The father and son were put against the house and shot. Those who witnessed the shooting were Olivia's mother, a neighbor girl about 25 years old and Olivia's brother that had escaped. She said they had come to the house to teach her father to be cooperative and not ever sell his grain to anyone but them.

Rodriguez Sanchez from Murra, Nueva Segovia is another peasant farmer who felt pressured by the Sandinista Cooperative system.

The Sandinista regime made life impossible. Before there was a free commerce. Now if you sell your grain without permission they'll throw you in jail. Many of my friends were jailed for doing that. I left Nicaragua because I realized that the Sandinista regime didn't support the working campesino.

The students coming across the border told us that they are pressured, through the educational system, to work on the cooperatives. A common feeling among these youth was, "if you don't cut coffee and cotton then you are not advanced into the next grade".

CONCLUSION

As stated in the introduction, we have tried to follow the guidelines of objective research. Except for certain political and civic leaders in Nicaragua, we randomly selected all other sources from which we wrote this report. The testimonies were checked against other stories to verify their accuracy. Many testimonies were discarded in this process. The testimonies used in this documentary represent common themes encountered during the investigations. This report is based on personal testimonies given to us. We used only a few examples to illustrate the abuses we heard during our interviews. We have many more which would further substantiate our findings.

From the 100's of interviews conducted we conclude that the Sandinista regime has systematically repressed those Nicaraguans who are not in support of their government.

The Sandinista government has lost popularity among the Nicaraguan people and has attempted to retain it's stronghold in Nicaragua through the use of force and terror.

Those groups most effected by the Sandinista's systematic use of force and repression are:

Religious groups; especially evangelic and pentecostal movements.

Peasants not willing to farm cooperatives or sell food to the government.

Teenage youth from 15 years and older not willing to serve in the military.

Civic and political organizations which don't support the policies of the government.

Nicaraguans not actively involved in promoting the growth of the Sandinista system.

There is an underlying fear among all the Nicaraguans interviewed which should be mentioned in order to explain the diversity of stories currently coming out of Nicaragua. The people feel betrayed by their government and by the international community as a whole. They are very cautious about speaking out against a government they feel has control of the international humanitarian groups as well as the international journalists.

Many refugees said it was too dangerous to tell visitors about their experiences while they were still in Nicaragua. Others mentioned how they told reporters and Sandinista officials that their sons and daughters had been kidnapped by the Contras when in reality they had fled the country voluntarily or had joined the Contras themselves. To lie was the only way for them to avoid reprisals. We believe the type of systematic repression instituted by the Sandinistas has been successful in keeping much of this information from leaving Nicaragua.

We ask human rights organizations and journalists to talk to refugees in Honduras and Costa Rica. If they do this, a new side of the conflict in Nicaragua will become even more apparent. If groups choose to continue to ignore the causes of the steady stream of refugees and the stories they bring, reporters and human rights activists will not be doing justice to truth, nor to the common people of Nicaragua.

EXHIBIT 1

[From the Wall Street Journal, Apr. 23, 1985]

CONTRA ATROCITIES, OR A COVERT PROPAGANDA WAR?

A LOBBYING DRIVE BEGAN IN MANAGUA

(By Jim Denton)

The likely congressional defeat of President Reagan's proposal to provide military aid to the anti-Sandinista Contra forces comes in the wake of an extraordinary lobbying campaign. The struggle for the hearts and minds of Congress has mobilized a handful of partisans who have been enormously effective in distorting the Nicaraguan human-rights story. Although it is not uncommon for foreign governments to try persuasion on Capitol Hill, the manner and degree to which the Sandinistas have manipulated public and congressional opinion is noteworthy.

A review of the origins, the dubious handling and the reception of a report recently released by Rep. Samuel Gejdenson (D., Conn.), and two putative human-rights groups provides a case study of how Sandinista propaganda is legitimized and makes its way into the public debate and, ultimately, congressional policy.

The Washington, D.C., law firm of Reichler & Applebaum is the Nicaraguan government's official registered agent in the U.S. For its services, the firm is paid an annual rate of about $320,000. From all outside appearances the firm has ably represented its client. An accounting of the lobbyists' appointments with legislators and staff reads like a Who's Who among Senate and House liberals.

But Reichler & Applebaum's lobbying efforts on the Sandinistas' behalf have gone beyond the congressional routine. In an interview, Mr. Reichler confirmed that some months ago he originated and orchestrated a plan to send a team of "professional attorneys to Nicaragua to conduct an objective, independent investigation of Contra atrocities."

Reed Brody, a 31-year-old lawyer, and Jim Bordeloin, a law-student, were selected to conduct the "objective investigation." They spent four months in Nicaragua taking statements from witnesses of resistance-force atrocities, all with the full cooperation of the Sandinistas. Mr. Brody confirms that most of the investigators' in-country transportation, boarding, housing, office space, staff and, one can assume, the witnesses themselves, were provided compliments of their Marxist hosts and sympathizers in Managua.

Upon completion of the "investigation," the 141-page Brody Report, consisting of nearly 150 sworn affidavits from "witnesses," was duly processed back through the Sandinistas' lobbyists at Reichler & Applebaum. There it was prepared in final form and, according to a report submitted go the House Foreign Affairs Subcommittee on Western Hemisphere Affairs, passed to the Washington Office on Latin America (WOLA), the International Human Rights Law Group and Rep. Gejdenson for public dissemination.

These three parties all have their individual biases. WOLA, for example, has been a particularly prolific and harsh critic of the human-rights records of Latin American governments friendly to the U.S., as well as the Contras, and sympathetic to the Sandinistas and other Marxist insurgents in the region. In reviewing WOLA reports, articles and studies, no serious or critical account of Fidel Castro's human-rights record in Cuba could be found. It is also worth noting, in weighing the group's objectivity, that two former WOLA employees are now employed by the Nicaraguan Foreign Ministry.

Apparently recognizing that a hasty embrace of the Sandinista-sponsored Brody report might be viewed with skepticism, Rep. Gejdenson, WOLA and the Law Group assembled a second delegation to verify the Brody findings. This second delegation consisted of Michael Glennon, former chief counsel to the Senate Foreign Relations Committee under the chairmanship of Frank Church, Donald Fox, a New York City-based international human-rights lawyer-activist; Valerie Miller, the delegation's interpreter, who lived in post-revolutionary Nicaragua for two years and wrote a book on the Sandinista literacy campaign; and, as an observer, a staff aide to Rep. Gejdenson. Mr. Fox confirmed that his Nicaraguan-born wife, now a U.S. citizen, Ana Clemenzia Tercero, accompanied the group to Managua to visit family members at WOLA's expense. Ms. Tercero's brother is a high-ranking official in the Nicaraguan Foreign Ministry assigned to Rome. This group uncovered no discrepancies in the Brody findings after having corroborated only 10 of the nearly 150 Brody affidavits during its one-week visit to Nicaragua.

Then, on March 7, in releasing the Sandinista-sponsored Brody Report, Rep. Gejdenson, WOLA and the Law Group called for a congressional investigation into contra atrocities before a packed press conference on Capitol Hill, Mr. Gejdenson stated he was forwarding the report to Rep. Lee Hamilton (D., Ind.), chairman of the House In-

telligence Committee, and Rep. Michael Barnes (D., Md.), chairman of the House Foreign Affairs Subcommittee on Western Hemisphere Affairs, of which Mr. Gejdenson is a member. In their prepared press statements, Mr. Gejdenson, WOLA and the Law Group did not mention the Sandinistas' role in originating and facilitating the Brody Report.

Last week the House Western Hemisphere Affairs Subcommittee held several days of hearings on aid to the contras. At Thursday's session, at the request of Mr. Gejdenson, Mr. Brody testified before the committee and had his report entered into the Congressional Record. Mr. Fox also testified, embracing the Brody report. And, apparently in order to gain some distance from the Sandinista-inspired document, Mr. Fox submitted a second report written by himself, Mr. Glennon, the Law Group and WOLA. The findings of this report substantiated and reinforced the Brody report.

The Brody document made its way into the public and congressional debate with a splash. The media fallout included articles in the Washington Post and the New York Times, and network coverage, including about 2½ minutes on the CBS Evening News. None of these accounts seriously challenged the report's origins or handling, ignoring or playing down the Sandinista sponsorship to the point that it was virtually unrecognizable to the audience.

The overall impact of the press accounts and congressional responses served the purposes of a Marxist regime to distort the U.S. public and Congress' understanding of the human-rights saga in Nicaragua—all of which will continue to shape U.S. policy in that war-torn country.

EXHIBIT 2

[Telegram]

DEPARTMENT OF STATE

P 162112Z APR 85
Fm: Amembassy Tegucigalpa.
To: Secstate Washdc Priority 8548.
Info: US Mission Geneva.
Amembassy Managua, USCINCSO Quarry Heights PR.

E.O. 1,2356: N/A.
Tags: Prel, Sref, Mu, Ho, Sopn.
Subject: Nicaraguan refugees Reject Reports of Atrocities by Anti-Sandinistas.

Ref: Tegucigalpa 4336.

1. Summary. A recent sampling of the refugees who left Nicaragua in the last few months uniformly rejected current allegations in the U.S. press that anti-Sandinista insurgent groups were responsible for deaths of non-combatants or atrocities against them. Embassy officer spoke to three different groups of five-to-ten refugees and numerous family groups from the unncr camps in Teupasenti and Jacaleapa. Each group responded spontaneously, and there was no sign they had been counseled to give a prepared response.

2. During four recent visits to the Nicaraguan Ladino refugee camps in Honduras, Refoff has sought out groups of new refugees to inquire about reports of anti-Sandinista atrocities. All those interviewed were aware that they were talking to a U.S. Embassy officer, Refoff asked about reports blaming the anti-Sandinistas for non-combatant deaths in the areas of conflict. The invariable response was "that is a lie." All responded the same way when the question was rephrased to ask specifically about alleged FDN atrocities. Several refugees explained to Embassy officer that the Sandinistas use propaganda like that to try to promote their point of view.

3. Three of the groups interviewed were composed of young men escaping forced conscription in Nicaragua, but Embassy officer was also able to speak with families two had recently arrived. Their stories were consistent with those of the young men. None of these refugees interviewed had any direct relationship with the FDN that would affect their assessments. Most of the refugees were from areas where the FDN operates, and several said they had sought FDN assistance in escaping, but none admitted to have had any actual direct contact or affiliation with the FDN.

4. The following are illustrative excerpts which were recorded with the understanding that the identity of the refugees would not be compromised:

"Ivan" was drafted into the Nicaraguan Army and served from November 17, 1983, until he deserted in May 1984. He said, "it is categorically false that the FDM is killing civilians. We soldiers saw the destruction of the villages, of the campesinos, and how it was organized by the Sandinistas. When international groups, human rights groups, or others arrived, they would say that there had been a battle, and the Sandinista Army EPS) had defended the people. In fact, it was the EPS that had destroyed villages, and they wanted to have a psychological advantage before the nations of the world." He said when he was with the EPS, he was fighting in the mountains of Matagalpa and Jinotega. In earlier discussions which were not recorded, Ivan pointed out that the EPS used artillery when it went into battle. The artillery caused most of the civilian casualties, he said, and the anti-Sandinista forces did not use it.

Mrs. Gomez, a gray-haired grandmother insisted that the FDN was fully respectful of noncombatants: "I know they behave themselves everywhere. We don't have any complaints to make about them." Asked about reports that the FDN killed civilians, she said, "That is a lie. If you take a look, when the FDN goes through an area . . . they even purchase what they need. That is a real lie."

"Gladys" was part of a group of 14 people who had left Nicaragua three weeks earlier. She said that they had looked for the FDN, but had been unable to find them. Asked why they looked, she said, "So that they could help us get our car across. It was left in Nicaragua. We knew that they would help us get it across if we found them." She said that her father left the car, and the Sandinistas came half an hour later and confiscated it. They shouldn't be afraid of the FDN since there were reports they killed civilians, she said, "This is a big lie. They didn't do anything to anyone. When they pass by, they don't do anything. In combat sometimes it happens; but stories that they come by and kill civilians are a lie. When people are cooperating with the Sandinistas), they won't leave them alone, but they don't do anything to the campesinos who are working." Asked if the campesinos were afraid of the FDN, she said, "No, but in reality they are afraid of the authorities."

5. REFOFF plans further refugee interviews shortly.

EXHIBIT 3

CONGRESSIONAL RESEARCH SERVICE, THE LIBRARY OF CONGRESS

(Translation—Spanish)

BLUE AND WHITE BOOK

Dedication

To those who have died for these ideals.
To those who are ready to die for them.
To those who will turn them into reality the day of victory.

PRAYER OF THE CHRISTIAN NICARAGUAN

FDN—God, Homeland, Democracy

Introduction

Democracy should be understood as an evolving process, in the political, social, and economic orders, and not as a static condition, since the democratic system contains corrective factors and those of change in society, unlike communism, which is a "state of perfection" that Marxist dogmatism establishes as stationary and not subject to changes.

That explains why still within the most imperfect forms of democracy in the Western world, those societies progress toward more evolved forms of coexistence. Also, Spain has been developing its process of democratic evolution, in Europe, and in America, another has been the Dominican Republic.

And in those same periods, in what direction have regimes such as Czechosolavakia or Hungary, in Europe, or Cuba, in America, advanced? Is it possible that those Communist countries have gone backwards, in the indicators of economic and social development, when compared with their democratic neighbors of a similar size and resources?

From that perspective, the solution for underdeveloped countries is to accelerate the evolutionary democratic process, since almost none of them have reached even the first phases of the capitalist economic system, and they are societies more identified with economic feudalism than with democratic capitalism.

On the other hand, the failure of communism in the countries in which it has imposed its political regime has shown that the nationalizing of the means of production does not solve the problems of those societies and rather aggravates them due to the detriment that this system implies for the values of the individual. Historically, it is shown that Communist societies obtain a lower productivity of their citizens, a marked failure in meeting their spiritual needs, a sectarian vision of universal culture, and a centralistic bureaucratic State that paralyzes the creative abilities of the human being.

So, the evolutionary process of countries should be directed at the perfecting of the democratic mechanisms that will insure the alternation in political power, social mobility and a fairer redistribution of wealth.

Other aspects of the integral development of man as a human being are implicit in such societies when these mechanisms are carried out. This means that the society of well-being in democracy is achieved as an effect of the putting into practice of the mechanisms of the system, and not as the result of a decision "planned" by some powerful central "bureau."

The Blue and White Book contains a series of ideological thoughts that uphold the struggle of the Nicaraguan Democratic Force. And in a congruent manner with the pluralist and democratic nature of our movement, it is a compilation of the politi-

cal objectives expressed in diverse ways by its bases, made up of thousands of Nicaraguans of different democratic ideologies and of all the socio-economic strata of the country.

This book is, then, an extensive but still incomplete treatise on democracy as a means of solution to the current difficult situation in Nicaragua. In it are contained the thoughts that constitute the mystical theology of our struggle, one of whose principles is, precisely, the right to think differently, which always leads to new points of view.

The Blue and White Book is also an instrument of political training. If the reader wishes to use it with that objective, a general reading of it initially is recommendable, in order to have a vision of the set of ideological thoughts of the FDN.

For purposes of political study in groups, each one of the chapters can be analyzed and discussed separately. They are structured by specific themes, in such a way to facilitate their comprehension, for which purpose easy-to-remember phrases are included at the beginning of each chapter, summarizing the political thinking presented in it.

This type of presentation is also recommendable for the proselitist propagation of the concepts.

Ten chapters make up the Blue and White Book. The first of them points out the geopolitical aspects of Nicaragua and the identification with the Christian and Western culture. It also establishes an assessment of our nationality, its symbols, and its importance in the unity of Nicaraguans.

The second chapter presents the democratic and pluralist nature of our movement, its political and military composition, and a compendium is made of the motivations of the struggle, and recommendations on the conduct of the freedom commandos of the FDN, in an easily memorizable form.

The third chapter emphasizes the continental solidarity of the free peoples of America, both in the struggle against the dictatorship of Somoza as well as the Sandinista Marxist totalitarianism.

The fourth chapter makes a politicial assessment of the need for the reconciliation of the Nicaraguan family, through true political pluralism.

The fifth chapter presents the democratic system as the political solution to the problematic situation of Nicaragua, and suggests concrete objectives such as the formation of a Provisional Government, and the calling of free elections for a National Constituent Assembly, with the participation of the political parties and democratic sectors of Nicaragua.

The seventh chapter is dedicated to the theme of social justice, agrarian reform, replevy of the labor conquests of Nicaraguan workers, the redistributive role of public spending, and the need to foster the adoption of forms of participation of workers in the profits of companies in which they work, and the fair opportunity to become co-owners of the same.

The eighth chapter presents the ways in which the FDN proposes to put into effect Human Rights in Nicaragua, and to restore the public freedoms trampled upon by Sandinista Marxism.

In the eighth chapter are presented the solutions that the FDN proposes to the economic disaster brought about by the Sandinista regime in Nicaragua. It espouses a democracy in which the economic desires of the population, through the mechanisms of the market economy, will turn the great majorities into consumers, the economic system culminating in a society of well-being.

In the ninth chapter human progress and social mobility are assessed as goals of a democratic society. The important role of the woman and of youth in the new society is established, as well as the permanent climate of social peace and human solidarity.

The tenth chapter is dedicated to reaching national and international peace in the area, through the solution of the internal Nicaraguan problem, subsequent development of an adequate international policy, and the democratic restructuring of the armed forces in Nicaragua.

Immediately thereafter is attached the "Prayer of the Christian Nicaraguan," currently very identified with the religious spirit of the Nicaraguan.

The Blue and White Book reflects the ideological democratic concepts stated by the bases of Nicaraguan Democratic Force, through study groups during several months in which we have combined the arduous struggle of combat with political training.

The commandos of the FDN are then, the authors of this book which, as was said initially, remains open to new points, the result of dialogue, study and discussion of the subjects, within that democratic re-evolutionary concept, where the change toward progress through the liberty of man constitutes our greatest strength.

SEPTEMBER 1983.

NICARAGUA

(We are Central Americans, our past and future are tied to America. We are Christians, and we love our homeland, the blue and white flag, and our national anthem.)

Nicaragua is in the center of the Americas. The history of our people is tied to that of the other countries of the isthmus and the rest of the continent. In the same way, our political, economic, and social future is tied to the brother countries of America.

The Organization of American States (OAS) is an organization made up of the democratic countries of the continent, on the bases of mutual commitments in defense and international trade and culture. These countries contributed to the overthrow of the Somoza dictatorship, with resolution of the XVII Ministers' Meeting, which includes commitments to democratization that the Sandinista government has not kept.

Our nationality is Nicaraguan. All of us born in national territory and children of Nicaraguans born abroad are Nicaraguans. Our nationality is characterized by being for the most part Christian and identified with Western culture.

Above all, we are Nicaraguans and we should feel united by this tie that overcomes political, religious or racial differences. For Christian Nicaraguans hatred between brothers of the same nationality because of differences of class or racial origin is not acceptable. Therefore, we love and support our brother Miskitos, Sumos and Ramas.

The symbols of the homeland deserve our respect, since they symbolize our nationality and cannot and should not be exchanged or replaced by others of a political nature:

The blue and white flag is the only one to which we owe respect and veneration.

Our National Anthem is the only one that we patriots accept as a national symbol.

The national heroes are those who forged our nationality: This is, a homeland for all without political differences, and they are: Miguel Larreynaga, Jose Dolores Estrada, and Andres Castro.

NATIONAL ANTHEM OF NICARAGUA

Hail to you, Nicaragua , on your soil
the voice of the cannon no longer rumbles,
nor is your glorious bicolored banner
stained with the blood of brothers.

Peace shines beautifully in your sky,
let no one cloud your immortal glory,
and work is your worthy laurel
and honor your triumphant insignia.

NICARAGUAN DEMOCRATIC FORCE

(We are Nicaraguan citizens of diverse democratic ideologies, united in a political and military movement dedicated to rescuing Nicaragua from the Soviet occupation.)

The Nicaraguan Democratic Force, FDN, is a political and military movement essentially nationalistic, i.e., a defender of national sovereignty and which is struggling to rescue Nicaragua from the Sandinista Marxist totalitarianism imposed by the Soviet imperialism that has occupied our country, with an army of thousands of internationalists.

The FDN is a pluralist movement because it is made up of citizens of diverse democratic political ideologies and of all the socio-economic strata, which enables it to assume the organization of a new national government in Nicaragua.

The FDN is a civil movement because it proposes the installation in our homeland of an essentially democratic government, through free and universal elections, i.e., with the participation of all citizens.

The FDN is also a military movement because circumstantially it has found itself forced into armed struggle as the means to the political solution in Nicaragua. Our forces are made up almost in their totality of armed civilians: 80% peasants, workers, students, professionals, 19% ex-Sandinistas of an extraction similar to the above, and 1 percent former Nicaraguan soldiers.

Once the goal of rescuing Nicaraagua from the Sandinista Marxist totalitarianism has been reached, the members of the FDN shall reintegrate in the productive process of the country, in their respective activities or professions.

The commandos will have the option of forming part of the Amred Forces democratically restructured, or of roles that will require some military preparation, such as police services, customs guard, coast guard, etc.

We all have the right to participate in national policy, whether within the existing parties or by forming new parties, as well as from labor associations or free professionals.

The FDN emerges because of the national need for a pluralist political platform, which was the intitial plan of the Nicaraguan revoluiton, whose power was usurped by the Sandinista Front.

We advocate a new Nicaragua: Without Somocism, Without Sandinism. And although neither of these factions constitute a political doctrine or ideology, and they come from very dissimilar leaders, in practice as a government, these minority groups have agreed in genocide, theft of the money of the people, moral corruption and betrayal of our nationality to foreign interests.

In the midst of these minorities that have polarized their struggle for sectarian interests, there are more than two milion of us Nicaraguans not identified with any of

those factions, and who are suitable for the Nicaraguan Democratic Force.

I AM AN FDN COMMANDO—WHY DO I STRUGGLE?

Because we truly love God we are freeing our country. For its blue and white flag, we commandos are fighting.

We are armed workers against the occupation of the thousands of Cubans who humiliate our nation.

In the FDN as brothers, we struggle for democracy, we demand human rights for our disgraced people.

Our goal is freedom in its grandiose dimension, elections and social justice, free economy and free expression.

I AM AN FDN COMMANDO—HOW SHOULD I BEHAVE?

With discipline and with loyalty to the cause.

With absolute respect for the population.

With a spirit of service for all.

With morality and good behavior.

With generosity for the needy.

With the decision to be heroic.

With solidarity for my comrades.

With honesty and justice in my actions.

With respect for prisoners.

With democratic thoughts in mind.

With Nicaragua in my heart.

We Democrats should give an example of democracy with our actions. This is the best way to win the support of all our people: Treat others as you would like them to treat you.

CONTINENTAL SOLIDARITY

The free peoples of the world support the struggle of the Nicaraguan people, because it is the struggle of justice against injustice; the struggle of democrats against Communist.

THE PEOPLE'S INSURRECTION OF THE PAST AND THE OVERTHROW OF THE SOMOZA DICTATORSHIP

The Nicaraguan people of all socio-economic strata and political ideologies rose up against the Somoza dictatorship, supported by several democratic peoples and governments of the world, including a Resolution of the XVII Consultation Meeting of the Ministers of the OAS, of June 23, 1979, which was based not only on the "immediate and definitive replacement of Somoza regime," but also on the "installation of a democratic" and pluralist government in Nicaragua, the "guarantee of the respect for the human rights of all Nicaraguans without exception," and the "holding of free elections as soon as possible which will lead to the reestablishment of a truly democratic government that will guarantee peace, liberty and justice," as the resolution states.

Of the four bases pointed out, only the first was followed, and the other three, legitimate aspirations and rights of the Nicaraguan people, were rejected since the Sandinista Front usurped the political and military power in the new government.

The popular insurrection of the Nicaraguan people and the subsequent international democratic support was not in order to replace a dictatorship of the right with one of the left, more genocidal, corrupt and repressive than the previous one. So the governments represented in the OAS have an unavoidable responsibility toward our people. The XVII Meeting of OAS Ministers is still open. . . .

The democratic community of American countries and other peoples and governments of the world support the insurrectional struggle of our people against the Sandinistas Marxist totalitarianism, backed by Soviet imperialism.

This continental solidarity, and even-worldwide solidarity, is more and more evident as the Sandinista government shows itself to be a strategic piece in the Soviet intermediate and long term imperialist plan, to subdue the American continent, and it parts from the development of a pluralist democracy, respectful of the human rights of each and every Nicaraguan as was the original plan of the revolution.

FDN MEANS NATIONAL CONCILIATION

In the reconciliation of the Nicaraguan family are contained the democratic solutions to peace, to the economic recovery of the country, and to social justice.

A decisive factor of the failure of the Sandinista revolution is based, precisely, on the fact that they have systematized hatred as a political and social practice, behavior that belongs to Leninist-Marxist regimes. Hatred of classes, political parties, and racial groups.

The hatred and desire for political revenge are sentiments that should be removed from the political future of Nicaragua. On the other hand, the Christian sentiments and those of social reconciliation will be the basis of the new Nicaragua. A united and integral society means a society without class hatred, nor hatreds of any kind.

Even more, democracy is based precisely on the representative nature and participation of the different political, social, and economic sectors of the community in the decisions that affect individuals and groups. Therefore, hatred and political revenge systematically turn out to be antidemocratic. National reconciliation is essentially democratic.

We should advocate the reconciliation of all Nicaraguans as just one family, and the reintegration on the soil of our homeland and in the productive process of the country of those hundreds of thousands of political exiles, through an institutional and legal framework that favors national reconciliation.

In this way, it will also be possible for honest and democratic public servants in the service of the current regime to be able to keep their positions in the new government, the same as soldiers and policemen in active service and who have not committed crimes, and who possess a democratic vocation, to fit into the restructuring of the armed forces of Nicaragua, once the dark forces of Marxism have been beaten.

In short, all measures that lead to the reconciliation of Nicaraguans will help in the democratization of the country through true political pluralism.

FDN MEANS DEMOCRACY

(Democracy is the true power of the people to elect and be elected. And it only exists when periodic elections, free and universal, are practiced.)

Free and universal elections in a periodic manner constitute the democratic mechanism that guarantees the people the changes in public power, and they constitute the only political solution in Nicaragua.

With respect to the above, a Provisional Government Junta will be established, as well as a Government Cabinet, with the participation of all democratic parties and bright forces of the country, which will have among their responsibilities of priority, the creation of the conditions for the notice of the meeting and the development of a democratic process for elections of a National Constituent Assembly and of the Municipal Authorities throughout the country, to be carried out within a period no greater than a year after the Provisional Government has been installed.

The National Constituent Assembly, made up of representatives of the diverse political parties and forces of the nation freely elected, will come to be the highest body of the government, with authority to name the authorities of the Executive Branch and the Judiciary for that same period, and to promulgate a new Political Constitution and the laws that they consider appropriate.

The Executive Branch named by the National Constituent Assembly shall call for free and universal elections for new executive and legislative authorities of a new term of Government.

FDN MEANS SOCIAL JUSTICE

(Social justice is the goal of any process of democratization in the free world, because political democracy is the basis of economic democracy.)

Integral agrarian reform will grant to the Nicaraguan peasants definitive deeds, and not for use, as in the Communist agrarian reform. The democratic conception places the peasant as the subject and beneficiary of the agrarian reform, offering him the opportunity to work on his own land, whether in an individual manner or in cooperatives or another form of free and voluntary association, operated by their members with the technical, economic, and cultural assistance of the State.

The national lands and large land holdings or private farms that are not sufficiently exploited will be used in the agrarian reform plans.

In democratic societies, the worker has wide work options, unlike Communist society where just one boss exists, the State, who determines the level of the social benefits of its workers.

In Nicaragua, the new Provisional Government will call for the labor rights that the Nicaraguan workers had won, such as payment for overtime, a thirteenth month free, etc. and those obtained through private collective bargaining.

Participation of the workers: The adoption of forms of worker participation in the profits of the companies in which they work will be encouraged, as well as the fair opportunity to become a co-owner of the same, on the basis of a harmonic understanding between capital and labor.

Restructuring of the tax system: Taxing, both nationally and locally, will be reasonable and fair, so that the public taxes will be in relation to income. The tax on real estate and moveable property should be progressive, so that those who have more pay more. There will be a deduction for real estate that is the home, as well as for persons with physical handicaps and others who deserve special consideration.

FDN MEANS ENFORCEMENT OF HUMAN RIGHTS

(Above all, man, and the respect for human rights, because where man is not respected as an individual being man is not respected either as a social being.)

We will respect and guarantee the observance of the Human Rights consecrated in the Universal Declaration of Human Rights of the United Nations and in the American Declaration of Duties and Rights, of the Organization of American States. Specifically, the exercise of the freedoms of expression and propagation of spoken and written thought, of assembly, of association, of conscience, and of worship, of culture and of minorities will be guaranteed.

The abuses that are committed in the exercise of said freedoms will be punished in accordance with the laws.

Because in principle they are contrary to the Universal Declaration of Human Rights, of the United Nations, and the general principles of the law, the confiscations carried out by the Communist government of Nicaragua will be considered without effect and the creation of an Ex-officio Court will be created, for the return of the goods affected to their respective owners, whenever they show their legal and honest acquisition. The property that in the public interest cannot be returned will be indemnified by the State.

Without any distinctions, absolute civil and political equality of all Nicaraguans will be guaranteed, and the exercise of all authority will be regulated by constitutional or legal norms.

The education of children and of youth in their integral training, i.e., technical and cultural, constitutes a right of the Nicaraguan people, and an unavoidable responsibility of the State, which shall offer it in a free and obligatory form.

However, it will be a right and a duty of the parents of students to decide on the type of education that they desire for their children and to contribute to their religious and cultural education. The educational action of the State in this field should be limited to offering at no cost a wide number of educational options to parents.

The most extensive and absolute freedom of worship and the immediate return of the temples seized will be guaranteed.

Free unionization of workers will be guaranteed and stimulated as the most appropriate means for the attainment of economic and social improvements of the same, and it is recognized as a means of contributing to the democratic system through dialogue and negotiation. The democratic labor union is recognized as an effective instrument of protection. The basic rights of workers will be written down in consitutional norms, especially union freedom and collective bargaining.

Trust and safety will be returned to the indigenous communities, by promulgating legislation that fully guarantees their rights; at the same time, the necessary programs will be prepared and developed for the achievements of their social, cultural, economic and political development. In addition, the mechanisms that will allow them to receive and spend government funds for the solution of their problems, in accordance with resolutions taken by their own authorities, will be created.

The Judiciary will be autonomous: This branch will be strictly professional and its members will not be militant politicians. The judicial career will be established and its independence guaranteed.

The administrative corruption characteristic of dictatorships of the left and of the right will be abolished. Civil Service will be the basis of operation of the public administration, which should be aimed at the attainment of the common good to the maximum degree, and governed by strict standards of honesty and efficiency.

The Public Administration will be renewed in accordance with social changes and decentralized, keeping the unity of government action and the necessary constitutional coordination.

The Office of the Comptroller General of the Republic will investigate, judge and punish the misdeeds or crimes committed by public officials, and an Administrative Court for Contentions will be created, which will define the responsibilities of the case in the first instance.

FDN MEANS THE SOLUTION TO THE ECONOMIC DISASTER

Any policy for the improvement and recovery of the national economy should be based on the economic strengthening of each Nicaraguan as individuals.

Free enterprise and private property will be basic fundaments of the national economic system. However, private property should fulfill a social role, and therefore, its possession and administration shall be subject to the norms demanded by the maintenance and progress of the social order, and can also be aimed at goals of public utility or of social interest through the just indemnization for the respective owner.

It will be the responsibility of the State to coordinate and orient the economic activities in order to achieve the best and most rational use of the human and material resources of the country, to the benefit of all the Nicaraguan people.

Austerity policies for public spending will be implanted, in a special way in those sectors that do not affect investment in the social sector (education, health, etc.) and simultaneously incentive policies for production will be developed, for their increase and diversification, mainly with respect to exports.

Investment projects will be fostered and guaranteed, so that they will contribute financially and technologically to the development of the country and to the diversification of its production.

The State will protect and foster activities pertaining to farming and animal husbandry.

All kinds of monopolistic exploitation of private interest will be prohibited.

The resources, systems of production and basic services of the economic structure should be preferentially of Nicaraguan ownership.

The democratization of the entrepreneurial system will be fostered through the participation of the small investor.

The progressive industrialization of the country will be promoted, on the basis of the maximum utilization of our national raw materials; the basic industries will be fostered and those of transformation will be favored, all of that in relation to the benefit that they can represent for the economy of the country.

FDN MEANS SOCIAL PROGRESS

(Private initiative is not the privilege of minorities. In a democratic society, private initiative is the privilege that makes it possible for the man of the majorities to emerge.)

The respect for, promotion and recognition of human dignity as a sublime manifestation of Divinity will constitute the fundamental bases of the action by the State, so that it will promote in all forms the dignifying, integral training and technical, cultural and spiritual training of man.

The family, as the primary nucleus of society, will deserve the protection and legal, economic, moral, and cultural assistance of the State. Therefore, programs referring to the well-being of the family, infants, youth, and the elderly will be studied and put into practice. The family will be strengthened and will not be replaced in its roles by any organization.

The families that have been victims of the struggle for the liberation of Nicaragua will enjoy the protection of the States, through the laws that will be issued in that area.

The political and civil rights of women will be defended and promoted, their participation in the fields that they have traditionally not occupied will be stimulated, their technical and professional training will be intensified, special legislation will be promoted for the professional risks that are peculiar to women, and violations against the dignity of the women, child and adolescent will be punished severely.

A policy will be developed that will turn the youth into a motor of the public administration, tying them especially to the social programs, such as those referring to housing, education, health, protection, the environment, and in addition, they will be integrated in the productive process of the country. Youth recreation, programs, as well as the technical and professional preparation of youth, will have preference.

The organization and operation of cooperatives will be promoted and stimulated, as a dynamic and indispensable instrument of economic and social improvement.

Preferential attention will be given to the solution of the problems of urban and rural housing, especially through the incentive for investment in these areas and incentives for the self-effort and mutual assistance programs, and a preferred place should be given to the studies of the design and construction of rural housing, in relation to the optimum utilization of the materials and procedures of local work, in accordance with the climatological conditions of each zone. Standards aimed especially at favoring the families of limited income will be issued, so that they will have worthy housing.

State action will be aimed at obtaining the greatest degree of benefit for the large majorities of the Nicaraguan people. To that end, the state resources will be analyzed and managed so that they reach those who need them the most.

A permanent climate of social peace and human solidarity will be fostered based on a substantial increase in national wealth and its fairest redistribution, as the result of policies that will combat the poverty, ignorance, the lack of health, defending in that way the physical, mental and spiritual health of all Nicaraguans without exception.

FDN IS THE WAY TO PEACE

(Peace can only be achieved through pluralist and participative democracy for all Nicaraguans, and with long-term objectives congruent with our geopolitical location.)

An effort will be made to establish and maintain friendly relations with all those peace-loving democratic countries in the world, and all forms of intervention in the internal or external affairs of other states will be repudiated.

A struggle will be carried out in order to recover the international prestige of Nicaragua, profoundly eroded due to the irresponsible behavior of the current and previous governments, in addition adhering to the principles and norms of international law, particularly those which promote peace, the peaceful solution of conflicts and the harmonious coexistence of all peoples.

The Armed Forces will consist of the Army, Air Force, Navy and National Police, with their respective commands coordinated at the Cabinet level and subject in the final run to the civilian authorities who establish them. Although their members will not be able to exercise political activities personally or collectively while they are in those positions, they should be instructed and motivated to defend adequately the democratic,

humanist and Christian values of national life.

The number of the Armed Forces will be limited proportionally to the resources and needs of the country.

The Armed Forces will not be an institution dedicated exclusively to maintaining the security, order and defense of the national territory, but rather will be a permanent school that allows its members a better knowledge of community problems and the way to contribute to their solution; for the better achievement of these goals, the members of the Armed Forces will be prepared in the professions and liberal arts.

Cooperation will be given in the strengthening of the Inter-American system for the defense and promotion of freedoms, human values, the democratic system and business freedom.

In the area of foreign trade, an effort will be made to deal with all countries whenever that is a benefit for the economy of our nation. An effort will be made to obtain fair prices for the exportable Nicaraguan products, and support will be given to all the standards of justice in trade relations.

The relations with the different churches will be preserved and expanded, based on the idea that the majority of the Nicaraguan people possess deeply religious sentiments in diverse creeds, and it should be in the State's interest to intensify such spiritual values of our people.

EXHIBIT 4

HUMAN RIGHTS VIOLATIONS AND RELIGIOUS PERSECUTION IN NICARAGUA

On July 9, 1984 ten Roman Catholic priests were expelled from Nicaragua for allegedly having engaged "in intense political activities contrary to the government of reconstruction" and participating in "plans intended to provoke a confrontation between the Catholic Church and the Sandinista people's revolution."

This action characterizes the Sandinistas' continued and concerted effort to undermine and eventually eliminate the Nicaraguan people's chances for a free society.

Four of those expelled priests recently appeared at a special briefing arranged by the National Forum Foundation for a bi-partisan group of Senate staff members whose primary responsibility lies in the area of national security.

The priests who participated were: Father Mario Fiandri, Father Benito La Plante, Father Manuel Huertas, and Father Mario Madrid.

The priests' remarks provide a first-hand account of religious persecution and human rights violations in Nicaragua. This issue of Policy Forum presents the transcript of the briefing at which the priests told their side of the story.

SELECTED COMMENTS

On Sandinista Disinformation Efforts:

"The Sandinistas and the popular Church have a whole network of information to send press releases and everything they want overseas and control international public opinion. That is why . . . there was only one side of the picture."—Father Mario Fiandri.

On Religious Persecution in Nicaragua:

"What I think, is that this was an attack, not against myself, nor my colleagues, but rather an attack against the Catholic Church, particularly the diocese of Managua."—Father Mario Fiandri.

On Life Under the Sandinista Regime:

"At the present, people have less food and fewer jobs in Nicaragua. I'm taking into account all the people who have fled the country. Now, in order to get anything, you have to prove that you are Sandinista."—Father Benito La Plante.

"The Sandinista government also persecutes those who are fighting against them. However, they do not respect anybody else who chooses to remain neutral because they want to force everyone to become a Sandinista. In other words, before (under Somoza), you could remain neutral if you chose to do so. Today you are forced to become a Sandinista or you are not allowed to live. He who is not a Sandinista is a second class citizen, exposed to anything they wish to do to him."—Father Mario Fiandri.

On "Liberation Theology":

"One of our best Nicaraguan authors, who was also a wonderful Christian, when giving a lecture to a clerical reunion, was asked if Aristotle had been Christianized and if so was it possible to do the same thing with Marx. He answered, it's possible to Christianize Marx. But the mistake is to Marxicize Christ, which is in fact what the popular church is trying to do."—Father Manuel Huertas.

On Human Rights Violations:

"I think by the same token it is also immoral for any government in any part of the world to utilize for political purposes the people, by taking control of their bare necessities for survival."—Father Mario Madrid.

THE NATIONAL FORUM FOUNDATION—BRIEFING BY NICARAGUAN PRIESTS (AUGUST 16, 1984)

Mr. JIM DENTON. I would like to welcome you to this bipartisan briefing which the National Forum Foundation has arranged for the benefit of those Senate staff personnel whose primary responsibility lies in the area of foreign policy. With us today are four of the ten priests who were expelled from Nicaragua early last month. As you know, the Catholic Church is engaged in sensitive negotiations to allow these priests reentry into Nicaragua and back to their parishes. For that reason, this meeting is intended to be low-key and off-the-record. There are no members of the press here, and I will be asking you at this point not to take pictures. We are making a concerted effort to keep these proceedings out of the press, simply because it might upset negotiations that are going on between the government of Nicaragua and the Catholic Church.

Regarding the format for the meeting, I will ask each of the priests to make a brief statement and then begin a question and answer period. The priests have encouraged me to ask that your questions be as forthright, as candid, and as challenging as you feel is necessary to get to the point you wish to discuss. So, please keep that in mind when you ask your questions.

May I introduce, immediately to my left, Father Mario Fiandri, who would like to say a few words to you.

Father MARIO FIANDRI. My name is Mario Fiandri, and I have worked in Nicaragua for nine years. Until last February, I was the rector of the youth center of the Salesians in Managua. It includes about 50,000 people; it's a vocational training center for laborers, both men and women, with about 1,000 students who were working and attending classes in the mornings, afternoon or evening.

The student center had various sports and other music activities. Between 9,000 and 10,000 people participated on Sundays; the director of the Center was the legal representative of the Salesians to the Nicaraguan government.

Father BENITO LA PLANTE. I have been in Nicaragua for 14 years. Originally, I went there for 5 years with the Church. I was a priest of the Diocese. My church didn't have any physical structure or settlements in Nicaragua, so I had to start from scratch. I remained in Nicaragua for 14 years because Monsignor Obando called me to work in Nicaragua and I was to remain there as long as he was Bishop of that Diocese. I witnessed the 1972 earthquake and then tried to help the poor Nicaraguans by establishing a housing cooperative.

After the first co-op, we set up three more co-ops which produced hand crafts, agricultural goods and products for consumption. When I left Nicaragua a month ago we had about 1500 Diocese associates and we constructed over 1,000 homes. This was not my primary area of responsibility, but rather my work was serving the religious needs of the people. That is why Archbishop Obando put me in charge of the rural parish in Managua. In Managua, they have about 572 different peasant communities distributed among 28 different parishes. Of these communities we started out with 350 that were working and I personally visited 214 of them just within the last year. I do not want to forget to mention that these communities cannot be visited with a car like a Dodge or Mustang. You must ride a horse or mule. Four years ago, we founded an institute for peasants in Managua. Every week we would have seminars and once a year we have an intensive 22 day training program for the leaders of these communities.

I was also a member of the National Commission of Peasants which worked with the Archbishop in Jinotega. As far as education, we provided for all the families of the co-op to attend and later this was extended to everyone in the entire town. The education center was approved by the Ministry of Education who named the education complex in the town. We have five different sections, including preschool for small children. We have an elementary school for adults, high school, accounting school, secretarial school. Now, I am here.

Father MANUEL HUERTAS. In the years 1961, 1962, and part of 1963, I was working in Nicaragua for the Salesian high school in Masaya. At the time, one of our students was the person who is now known as Commander Ortega. I was the director of the studies and discipline, and also in charge of the spirituality of the students. On December 27, 1983, I arrived in Nicaragua—which means that I have only served in Nicaragua for 7 months. I was in charge of the parish La Magdalena in Monimbo. I went to replace my predecessor Father Jose Maria Pacheco who was also expelled from the parish. Therefore, at the time I was just getting acquainted with my parish, visiting the different communities and helping in the construction of their chapel and getting associated with the community. I was also getting to know their traditions to be able to better cooperate with these people.

Therefore, I really had no plan and was thinking of letting the year go in order to get acquainted with the Christians there. They are very colorful and different people.

Father MARIO MADRID. My name is Mario Madrid, of Panama. I went to Nicaragua right after the earthquake. I was working in a project that included training for nuns, a youth center, a parish school and a medical

center. I was principal of the high school in charge of studies for over 1,000 students. We had two sessions, one in the morning and one at night. I was a teacher there, too, and my specific duty was to deal with youth. I was in Nicaragua during two different periods from 1973 to 1978. I fled Nicaragua prior to the last insurrection. I came back to Nicaragua in 1980 and stayed until July 9, 1984, when I was expelled.

Mr. DENTON. Thank you, Father Madrid. May I just start the questions? I will ask for any one of the priests to just mention, discuss, the events surrounding their expulsion. I know each one has an individual story, but if someone would care, or all would care, to comment about that, I think that it would be helpful.

Father FIANDRI. The situation around my expulsion from Nicaragua, July 9, 1984, came about in the following way. After lunch, I went out to run some errands in the city. At 3:00, I went to another parish, Santa Fas, which wasn't my parish, to conduct a funeral for the deceased mother of a friend of mine. After the Mass, I went back to my home. When I entered the sacristy of the church where I prepared to officiate the services, I found a group of about 30 people who were crying; I asked them why. They said that the military people had come over and taken away Father Montero, who was head of the parish, to expel him from Nicaragua. And that, in front of my own office, two military people were waiting for me for the same purpose. One of the old ladies in the group offered to hide me because they didn't want the Sandinistas to take me out of the country. I told her that everybody knew me, that I was not a criminal or a delinquent, that there was no reason for me to hide.

I proceeded to my office where there were two security officers in front of the doors, waiting for me. I introduced myself, and offered to tell them anything that they required. They asked me to show them my documents proving my residence in Nicaragua as a foreigner. I told them that my documents were in the hands of the Immigration Department, because, according to Nicaraguan laws, anybody who has to leave the country has to leave their documents with them, and I had just returned from a trip to the U.S. and I hadn't had the time to go get them. So, they asked me to show them my passport. I said that it was in my room and that I could go and pick it up. They, in fact, insisted on me picking it up.

On my way out of the residence of the Salesian priests I found another one of my brother salesians. He told me that they didn't want to only see my documents but rather to deport me as they had with the other Father, Juaquin Montero. When I came out, I talked to the two security officers who were waiting for me. I said, "Neither you nor I are children. We are grown up people, so why don't we speak clearly of what we are going to do." I said to them, "If you are going to take me away with Father Montero, I only request enough time to get together my belongings, especially things that have a sentimental value to me, like the pictures of my brother and friends." They told me not to worry, that all they wanted to do was to check on my documents, and that it would take 20 minutes. I would be back. To my surprise, when we were inside the car, I realized that we were heading not toward the Immigration office but to the airport. At the airport, Captain Mario Mejilla, the General Director of Immigration, was waiting for me. He told me that permission to reside in the country had been suspended. I told him that I respected the decision of the Sandinista government, but I requested his help to understand the reasons behind it. He said that he was going to explain that to me later. Half an hour later, we were all in a room with the other regular priests who were going to be expelled, and he came back again, and I asked him the same question. And then he said, "For some of you, the rationale is personal charges against you. For the rest, it is circumstances that are forcing us to do it." When I was on my way to the airplane, I stopped him again and asked him the same question. And then he replied, "We have had a whole lot of patience with you. We have put up with a lot, but now we are obligated to make this decision." I asked him to explain this statement and to tell me in which way I personally provoked them to make that decision. Then he said, "You are not responsible, but we have been forced to make this decision."

In Costa Rica, through the Italian Ambassador, since I am Italian, I was able to have a conversation with the Nicaraguan Ambassador to San Juan, Costa Rica, asking her for explanations about my expulsion, because everybody else received a letter and I didn't. I just didn't know why I was expelled. The Ambassador there replied that she did not know but she was going to leave for Managua the next day, and would be back in a week. In that week she would get the information. I also asked for an explanation about the official press release of the Sandinista government that she had helped distribute in Costa Rica. I asked her about it, because the official press release of the Sandinista government said that we had violated the laws of Nicaragua. I asked her how had I violated the law. We had also been accused in that press release of having exercised "intense political activity." I asked her to tell me what my political activity was. The press release had also accused us of trying to "provoke a clash between the Catholic Church in Nicaragua and the Sandinista government." I asked her to give me specifics of my participation in those activities. She said, "I do not know what to tell you, but a week from now I will have the answers." After nine days, I decided to call her because I had not heard anything from her. She said, "I still have no explanation for you." My provisional superior went to Nicaragua to meet with members of the Sandinista government. He was able to talk with Rodrigo Rieles, the Secretary of the Junta. He told my superior that there was no explanation for my expulsion but rather "orders from above." So anyway, as of today, a month and seven days later, I still do not know why I was expelled from Nicaragua. I have tried everything I could to find out why.

I feel this is very strange because of the following reasons. During the last four months, I was not physically present in Nicaragua. I was visiting my family in Italy and five days after I returned from Italy, I came to the U.S. to attend a funeral. Five days after my return from the U.S. to Nicaragua, my expulsion took place. So, I didn't have any time to do anything wrong in Nicaragua.

This seemed even more strange to me because last November, I was talking to the Minister of Education, Carlos Turnerman, and the Father Superior of the Salesians in Central America, discussing the problems of another of my Salesian brothers, who was serving at the House in Masaya. The Minister of Education, himself, talking to my superior, said, referring to me, that everything was OK with me, that they had never had any problem with me and that they were happy with the development of the community that I was heading. So, I do not understand how overnight I could have become such a bad guy. If the reason for my expulsion as it was printed in the news media had been my participation in the demonstration in solidarity with Father Pena, I want to make clear that I did not participate in that demonstration. Finally I would like to share a detail with you, and that is, that on my way out of Nicaragua I was not allowed to take anything. All I had was a passport and the clothes that I was wearing at the time.

Mr. DENTON. I'd like to open up the questions to the group. May I ask that when you do ask a question, you identify yourself for the benefit of those in the room who you may not have met before, and the office that you are coming from. Yes M'am?

Question. Why do you think that you were expelled?

Father FIANDRI. What I think, is that this was an attack, not against myself, nor my colleagues, but rather an attack against the Catholic Church, particularly the Diocese of Managua. There was a cause-effect relationship between the demonstration in support of Father Pena and the expulsion of all the priests. According to what has been said, the demonstration was over around 2:00 and the first priests started to be rounded up by the security forces by 2:30 that same day. According to words of the Vatican representatives to Managua at the airport, the expulsion of these ten priests was the clear purpose to weaken the Catholic Church in Managua in very important aspects because these ten priests were working in the very poor neigborhoods of the capitol city except Father Benito, next to me, was working with the peasants. Father Mario Madrid, on my right was working at the vocational level. I personally was working in Managua in the largest and most active youth center there is. On the other hand, if you like to hear a relevant story, I can refer you to something that happened in 1980.

Monsignor Pietro Sambi, who was the Vatican representative in Managua, in February of 1980, only a few months after the Sandinista revolution, came to visit our parish and our youth center. He was very impressed with the amount of youth with whom we were working and the extent of the religious and social activities taking place. We were visiting the diseased, the poor, the wounded and he stayed for a full day with us. That night, as he left for home, he said to me, "I don't want to scare you, but you Salesians are going to be the first ones to have troubles with the Sandinistas." I asked why. I said to him under Somoza, who were leading the congregations, persecuted religious groups, and that under him, we had brothers who had been expelled and ultimately that we worked with the people. He laughed and said, "I can tell you are really young and you don't understand how things are. You will be the first ones to run into trouble with the Sandinistas. Not because you have supported the Somoza government, nor because of your work with the people, but because you have too many people, particularly youngsters here, and they all follow you. This government will never allow you to take away from their monopoly on youth." Today five years afterwards, I understand the words of Monsignor Sambi and I know that was a prophecy.

Question. I have a question for Father La Plante. What is his opinion about the activities of the Valdivieso Center and Central American Historical Institute?

Father LA PLANTE. I think that the Central American Historical Institute is the center of the popular church, the Liberation theology and not only for Nicaragua, but for all of Central America, since it was down to just a few men after the Sandinistas came to power. In Nicaragua, with the good support they received from outside, they are organizing seminars and publishing newspapers and magazines. They keep a long series of different activities, from advocating socialism and what they call ecclesiastic Marxism. They have three different centers: one for the peasants called CEPA, one for college students, and the Central American Historical Institute, which is the main organizing body and the headquarters of the planning team. The people of Nicaragua know very well what these three organizations are. The Nicaraguan people, whose devotion and faith, in particular towards the Virgin Mary, know them very well and pay them no attention.

I am Canadian, and I know what they think of them outside of Nicaragua, and I think that the same that I can see in Canada is valid here. They claim to speak on behalf of the Catholics in Nicaragua. They also claim that all the Sandinistas in Nicaragua are with them. I believe that no more than 5% of the population supports them. The mainstream of their supporters among the church are religious persons and priests who are not Nicaraguan born. I should say that any time members of the Church, other than them want to seek some support for their own pastoral work, it becomes almost impossible because they tell you that they have already given support to other religious groups in Nicaragua who are not coordinated by me. He has proof of that with him.

Father FIANDRI. I would like to add something to those comments. I respect the opinions and beliefs of all the religious persons and priests who orbit around the Church and the Central American Historic Institute. A few of them who are the principle ideologists of the popular church, Bolina and Arguello, have always been friends of mine, although I do not share their ideas. The reasons why I do not share their ideas are as follows: first of all because I believe that if we are talking about the Church—we can not talk about a church that was formed by the people, because a church is solely and exclusively born from Jesus Christ, although it was developed by the people; secondly, I must say that it is impossible to understand the Church without communion with the Bishops and the Pope—as Christians, we must recognize that even though they are human beings with all their defects, they are intermediaries between God and us. I, therefore, believe that to cut communion with the Pope you are cutting the communion of the Church and Christ himself. In addition, I do not believe that this is the mission of the Church—to support or attack any government or any country, least in the way that the Christians are doing it, by using religious feelings, the religious institutions and the Church on behalf of the particular ideology or an individual government.

Because it is an ally of power. Historically, none of the Churches of the poor that have claimed to be for the poor people have been glorified or sustained by any temporal power, and the Church that changed the government called by the rich and the bourgeois is being vindicated and not supported by the government. I think that there's a contradiction in terms here. I also believe that as well as in Latin America, people are asking for a total separation of the historical alliance between Church and political power. The unity between the temporal power and the religious power is being criticized. People keep in mind the relationship between the Church and the Roman empire—the Western empire and Eastern empire. This relationship has damaged so badly the image of the Church, I cannot understand why now the popular church is willing to commit the same mistake in the name of revolution.

Question. I would be interested in the changes in conditions of the people and their work of the last several years, particularly in terms of things like: food, housing, jobs, and quality of life. How has it changed, if it has changed, under the Sandinista government? And what do the priests see as the trend for the next two or three years.

Father LA PLANTE. I think that there are many ways to answer this question, but I am going to answer it by referring you to what the people think and say in Nicaragua. They would say that in the country, [using a local saying,] that things are (Literally translated, "Turning the Tortilla" upside down,) going backwards.

At the present people have less food and fewer jobs in Nicaragua. I'm taking in account all the people who fled the country. Now, in order to get anything, you have to prove that you are Sandinista. In my parish of San Marcos three weeks before I was expelled, there was no corn and all food was being rationed. The excuse was that everything had to be given to the military. I know from other sources that aid that comes from overseas is given only to the Sandinista militia and the military. Canada had donated 17,000 tons of wheat and in my parish we don't have any flour. We have spent many days with no bread. If we analyze the programs of the Ministry of National Planification, we can always say that they are very well done, but the reality of the people living in Nicaragua is quite different. Analysts and college students from Canada and the U.S. visit Nicaragua. They are all very happy and pleased with the Sandinista revolution because they see that everything has been done thinking (of) and involving the people. They look at the programs on paper, but they never get to see the real people in the towns. I believe that Mario can confirm that.

Father MADRID. I would like to give you a few concrete details. You have to recognize that the Sandinista government, in fact, has done a few good things on behalf of the Nicaraguan people at the educational level, at the health care level, and housing level. But at the same time, you have to take into account that the situation in Nicaragua can be compared to an iceberg. We all know that we can see an iceberg is only ⅒ of an ice mountain and that there is no problem. However, ⅑ of that iceberg is under water and those are the ones that cause the problem. In Nicaragua, things happen as in my example of the iceberg. Specifically, first, the educational level. It is true that the Sandinista government has built many schools. But why? Because each one of those schools are a means for ideological indoctrination of youngsters and adults. As proof last year the Sandinistas reformed the educational programs. It is the only program all over the Country, with only one text for students. The line of thought, historically and philosophically, is the Marxist thought and the class struggle. All spiritual or nontranscendental ideas are immediately taken out. The 1980 literacy National Campaign was described by Father Ferdinando Cardenal, director of that particular campaign, not as an educational program but as a political program using education.

And I continue. Second, regarding the health and care services, the Sandinista government has built a few medical care centers and has supplied vaccines against disease that were common among our children. I would like to point out something that I think is important. The only way you can benefit from all these is through the Sandinista's organizations. For example, the Sandinista Defense Committees, the Sandinista youth, the Sandinista Womens Association, etc. In other words, there is nothing you can do unless you belong to the party and go through the party to get any of these (health and care services).

At the housing level, I would like to present the case of something that happened in my own parish. Many people without housing obtain a license from the government to occupy an empty lot that did not belong to the government but to private citizens. They were allowed to set up their shanties there. In the last four years those people have been forced to participate in every single political demonstration of the Sandinista Front and to become a member of the mob ("Las Turbas"), the divine mobs, which are "storm troopers" for the Sandinistas. For example, when the Pope arrived and visited us, these people were forced to go and attend a mass, not as Christians or as members of a parish, but as members of the Sandinista committee mobs. The one in charge of the Sandinista Defense in that particular neighborhood, threatened them if they attempted to get close to the parish even if they would need help. To us who have a plan for building houses for these people, we are in agreement with (the people of) that community. During four years the Sandinistas did not allow us to enter, I asked myself, what is more important to a person to have food, housing, education or dignity. Are all these the same worth if the price you have to pay for them is to give away your dignity as a human being? I personally believe that it will be absolutely immoral for me, as a priest, to pretend to convert to my own church everybody by giving them money, food, or material goods. I think by the same token it is also immoral for any government in any part of the world to utilize for political purposes the people, by taking control of their bare necessities for survival. Everything that I have said has been without denying certain good things that the government has done.

Father LA PLANTE. I would like to add two details, although we have heard Father Fiandri and the details are more than enough to have a good idea. Just to emphasize the scarcity or shortage of certain things. In my community of Masaya, I was in charge of the parish, but I was living at the high school. Our project director would go out and try to get around 30 bags of cement for the construction projects that we were conducting at my school. He had to go to a couple of different bureaucrats, who had to first authorize the selling of these materials. After two weeks, the Sandinistas released a decree authorizing for me to be sold one bag of cement.

Another example. Shortly after I arrived in Nicaragua, I had problems with my blood pressure, it was very low. My doctor, who had also been my pupil, prescribed four different products to regulate my blood pressure. He said, go and see which one of these (drugs) you can get. I went to every single one of the drugstores in Masaya and I could not find any of them. I asked the doctor later, what do you do in an emergency with this situation? And he said, well, our patient dies.

Question. I would like to direct this to Father Madrid. I am curious. What is the government's attitudes in regard to schools run by the Church, such as the one you work for?

Father MADRID. They impose the program and we have to follow it by the letter. Periodically they send supervisors and they go to observe the classroom. I taught Spanish there. The lectures they imposed upon me were speeches from the commanders we had to analyze in our classes.

Father FIANDRI. I would also like to add, it is mandatory in all the schools on every level, to teach something that I believe is taught only in Nicaragua. First of all, there is not one national flag, but two. The Nicaraguan, blue and white, and Sandinista, red and black. In the official ceremonies in our schools it is mandatory to sing both anthems—the national anthem and the Sandinista anthem. Within the schools the only ones allowed to organize any type of activity are those youngsters who belong to the Sandinista youth. Everybody else is forbidden from doing anything. What they teach for Nicaraguan kids to read is the history of the Sandinista Front not the national history. Everything is praising the victories and successes of the national duration of the Sandinista Front.

Mr. DENTON. (Referring back to the previous question) I'd like to follow up just for a second on your question, and that is to focus for a moment, which I think (the gentleman) was trying to do, on the differences between the Somoza regime the Sandinista regime in the areas of human rights and freedoms of assembly, worship, dissension, and so on.

Father LA PLANTE. I was expelled from Nicaragua by both Somoza and by the Sandinistas. Our organization or co-operative was negated under Somoza, but everything that we have worked for ten years has been declared invalid by the Sandinistas. Somoza did not approve of a school for adults in my parish. The Sandinistas have approved the schools, but they run their programs. I worked under Somoza for seven years in literacy campaigns with the peasants. But, under the Sandinistas we are not allowed to conduct a private literacy campaign, they control that. When I visited in my jeep under Somoza my fellow peasants, I found military posts and they would check what I had in my jeep. But under the Sandinistas, they go to each one of the communities I visted after I leave and they tell the peasants "don't mind him, he's an agent of the CIA". That was only small in comparison. I remember that under Somoza we had construction, we did not lack food, or the basics to survive. We had everything we needed to satisfy basic needs. At the present, since January, you cannot get any cement for construction or tin roofs for the shacks of the peasants. Under Somoza you could have, but under the Sandinistas you can not, build a church or school without approval from the Sandinistas. And if a priest is promoting the activity they (Sandinistas) will systematically deny permission to conduct such activity. Under Somoza, I was considered a communist. Under the Sandinistas, I was expelled for being a counter-revolutionary. But the funny thing is that I did exactly the same under both. All I do is I love the Nicaraguans and I love my Church.

Father FIANDRI. I would like to answer that question. I do not know if you know, or you have heard that the main officers and the main institutions first persecuted under Somoza are exactly the same persons, individuals and organizations being persecuted by Sandinistas today. I will give you some examples. The Catholic Church, in particular Monsignor Obando, the Permanent Commission on Human Rights, the *La Prensa* newspaper, the CPN or Workers Central Union, Radio Cordorscion, the Miskito Indians. At a personal level, I can say as Father Benito said, that under Somoza, I was considered communist and subversive. During the war, the National Guard wanted to execute me. Today, I am considered counter-revolutionary, fascist and a CIA agent. Now, a little thought of mine, that Somoza as a leader certainly was a cruel dictator and a criminal. I believe that in Nicaragua nobody wants to go back to a rule like Somoza. Nevertheless, Somoza killed everybody who did something against him but left alone everybody else who had nothing to do with him. He was "innocent", as he did not (personally) participate in any activity against them. The Sandinista government also persecutes those who are fighting against them. However, they do not respect anybody else who chooses to remain neutral because they want to force everyone to become a Sandinista. In other words, before (under Somoza) you could remain neutral, if you chose to do so. Today you are forced to become a Sandinista, or you are not allowed to live. He who is not a Sandinista is a second class citizen, exposed to anything they wish to do to him.

Question. The last point seems to be a very important one. The question of neutrality, I explored with the Secretary of the Conference for Religious Experience in Nicaragua, my own Dominican Priest, Father Lamera Garcia. And also, I've discussed this with some of the Jesuits and Maryknolls. I am surprised that some of these religious priests, of the Jesuit and Dominican order, will say that, in agreement with Father "to be a good Christian, a good Catholic, you must be a Sandinista." There is no possibility of neutrality. I've heard the same thing. I'm wondering why the people in the United States cannot understand this point.

Father FIANDRI. There is a very concrete motive. I believe, although I am not a sympathizer of Hitler, one of his sayings is, "to inform is to govern." During the nine years I spent in Nicaragua, I never sent a report or any information to anyone.

Question. You mean outside the country?

Father FIANDRI. The Sandinistas and the popular church have a whole network of information to send press releases and everything they want overseas and control international public opinion. That is the reason why in many parts of Canada and the U.S., where we have visited, there was only one side of the picture. This is probably our fault, we never speak out. It was also dangerous to speak out. For example, I was in Italy in March, April and June of this year and many people asked me to participate in conferences, seminars, interviews and debates. I refused to get involved in any of those bacause I wanted to return to Nicaragua. I know that telling the truth, giving complete details meant not to be able to return to Nicaragua. Unfortunately, there is only one side of the story being told.

It is easy to believe that that is the truth, although it is not. But I can give you hundreds of cases of people who have lost their jobs because they refused to become Sandinistas; who have lost their jobs because they have refused to join the Sandinista's militias, who, in theory, or at least they say, so are volunteer militias. Many families had to leave their neighborhoods because they did not participate in any meetings of the Sandinista organizations. They were considered counter-revolutionaries. Many families, who for the same reasons are being considered revolutionaries, have been injured by the mobs. The mobs have hurt them physically and damaged their properties. From an ideological point of view, I believe that if you heard that coming from the Dominicans and the Jesuits. I find that very logical. Because the Minister of Education, a Jesuit, Father Cardenal, for him, to be a Sandinista, to be a Christian, to be a Priest, is all the same thing. For me it is not the same thing.

Question. I'd like to comment on that last point. Could you explain the dynamics of the Church, the Archdiocese of Managua, where the Dominicans, the Jesuits, the Maryknolls have completely different views than you do, and many of the politicians of the U.S. listen to people like Sister Peggy Gilly, Father William Callahan, Peter (Marketia) and go through the list? Why, in the religious community, the religious orders, is there such a complete divergence of views: Are there more views than we know about?

Father FIANDRI. It is true that the only thing that gets published from the popular church in Nicaragua is around what the Jesuits, Dominicans and the Maryknolls say. I have talked to them because, although I do not share their ideas as I've said before, I am friends with them. This is what they have told me. They believe to work on behalf of their own people, there is no way other than to work through the Sandinistas. Therefore, because you want to help the people, and you want to do good for the people, then you have to support the Sandinistas. They also believe that in the same way that Thomas Aquinas used the philosophy of Aristotle to explain the Christian philosophy, they think that they can do exactly the same thing by using the philosophy and ideology of Karl Marx. They don't see any contradiction in Christianity and Marxism. As for the second part of your question, as to whether or not there is a third point of view, or a third way, I don't know if this is the best way, but it is a path that we, the Salesians, follow and continue to follow in Nicaragua—not to support or serve any government but the people. We are not aligned with any government, but simply we walk side by side with the people. We, in Nicaragua, have never spoken neither against the Sandinista government nor on behalf of it, because we believe that it is a free choice that every individual has to make. Our duty is to walk with the people, regardless of the government that is in power. It is the Church's mission, and therefore the Priest's mission, not to support or topple down any government, but to develop Christian consciences among the people.

Father HUERTAS. I would also like to make a comment on what you have said about Saint Thomas and the Christianization of Aristotle's thoughts. One of our best Nicaraguan authors, who was also a wonderful

Christian, when giving a lecture to a clerical reunion, was asked if Aristotle had been Christianized and if so was it possible to do the same thing with Marx. He answered, it's possible to Christianize Marx. But the mistake is to Marxicize Christ, which is in fact what the popular church is trying to do.

Father FIANDRI. There are many publications coming out of the Center Valdivieso, the Central American International Historic Institute. Based on authentically Christian and Evangelical assumptions, all of them lead to the same practical conclusions—to be Christian is to support the Sandinista Front—to be Christian means to fulfill your duty as a revolutionary. This has been the way they continue to prostitute religion and nothing else. At this very moment there are a series of publications that I can give you, two titles. One title is, "Are You Afraid of Communism? I Am Not" published by the Central American Historic Institute. The other one is Capitalism and Socialism for Beginners, published by the Centro Valdivieso, which intends to explain that Karl Marx was atheist and imperialist, because of the circumstances in which he was born. Today, that very same Marxism can be different, so that today you have nothing to be fearful of Marxism as Christians. Incorrectly, you can be as Cardenal said, Christian and Marxist at the same time.

Question. Are you going to attempt to go back to Nicaragua like Bishop Slafton did, and at the price of returning to continued silence?

Mr. DENTON. I don't think (the translator) picked up the end of your question. Would yo say that again?

Question. I happened to see Bishop Slafton the day he got back to Nicaragua. It was clear then that the price of his return to Nicaragua was to remain silent for the International press. Is this the same price that these Fathers contemplate having to make?

Interpreter [for Father Huertas]. He said that, no, no conditions have been imposed upon them. They were just expelled. This is the letter that they received. It is in reference to one of them and says, "By this means we notify you to the resolution taken by the Immigration and General Direction cancelling from now on your condition as resident in Nicaragua. As of this notification, you will have to leave the country. Sincerely, Captain Mejia, General Director of Immigration and Organization."

Mr. DENTON [to the Interpreter]. Let me ask you would you let the gentleman ask the question again and translate precisely that which he asks. I don't think that his point has gotten to the priests in the translating.

Question When Bishop Slafton returned in January to Nicaragua, I, by accident, met him in the Foreign Ministry. It was clear to me, and events have proven this to be true, that the understanding that made possible his return, was Bishop Slafton's silence about the events in his Diocese. Is this the type of agreement that you too will have to make to return?

Father LA PLANTE. Bishop Slafton was not expelled, but we were expelled, that is the difference.

Question He was declared dead, perhaps worse.

Father MADRID. If I return to Nicaragua I would return as a hero. The Sandinistas will not like this. There have been several cases of expulsions in the past, and in this case, they have been not allowed to return. There were no advantages (to the Sandinistas) to do so.

Father FIANDRI. There is no further litigation. We were just expelled. We do not expect to have imposed any conditions to return because we expect to remain outside. Unless the Sandinistas make a very, very special exception this time, we don't foresee any possibility of returning to Nicaragua. Perhaps the conditions will be to free some political prisoners. In that case, I would be required to admit that I have been guilty and that I have conducted activities against the government. In order words, I will have to make a public confession, which is something that I will not do, because I am not guilty of anything.

Mr. DENTON. I would like to point out, however, because it sounds as if this may contradict what I said earlier, that there is a delegation of Catholic Bishops who are going to visit Nicaragua in the next week. They are attempting—this is a group representing the Catholic Bishops' Conference—they are attempting to negotiate for their reentry. I think that what the Father is saying, of course, is that they do not anticipate that negotiations will be successful. Are there other questions? I want to thank everybody for coming and for taking the time to allow these gentlemen to speak with you. They'll be up front for a couple of minutes. If anyone would like to pursue certain points, by all means, come forward.

Thank you very much.

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Mr. DENTON. Mr. President, I am going to conclude with these remarks and reserve the right to ask for recognition later, but in deference to my colleagues, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, I shall vote against the resolution to provide $14 million in additional military aid to the "Contras", the rebel forces fighting in Nicaragua to overthrow the government of that country.

The resolution is short and straightforward. It provides:

That the Congress approve the obligation and expenditure of funds available for fiscal year 1985 for supporting, directly or indirectly, military or paramilitary operations in Nicaragua.

I shall vote against it because it implements a policy toward Nicaragua which, in my judgment, is wrong for two reasons. It is illegal and it is not working.

The Contras say they are fighting to overthrow the Nicaraguan Government. Any military aid we provide the Contras, therefore, will be used for that purpose, regardless of how it is characterized here in the United States. That is so obvious that even President Reagan, after years of claiming otherwise, has not publicly acknowledged that the purpose of his policy is to change the government in Nicaragua.

Both the United States and Nicaragua are members of the Organization of American States. Article 15 of the charter of that organization prohibits the "direct or indirect intervention in the internal affairs of any member state."

Thus, the current U.S. policy of providing direct financial and military assistance to the Contras, whose goal, as acknowledged and supported by President Reagan, is to overthrow by force the Nicaraguan Government, is a clear violation of our obligations under the OAS Treaty. Under our legal system our treaty obligations have the force of domestic law. We, therefore, are violating our own law as well.

The interests of the United States in Central America do not hinge solely on the makeup of the Government of Nicaragua. They hinge more broadly on preventing war, promoting democracy, reducing Soviet influence, and helping to improve the lives of the people in that region.

The President has diagnosed the problem in Central America as Soviet-inspired revolution. While there can be no doubt that the Soviets are trying to exploit the situation, it is equally clear that they did not create it. Since 1821, when the Central American republics gained their independence from Spain, they have been the scene of violent conflict, largely growing out of the political and social conditions there.

The President's solution to this problem does not even reflect his diagnosis of it.

His solution is to provide military aid to rebels seeking to overthrow the governing regime in Nicaragua.

But whether or not those rebels succeed in their objective, that will not resolve the problem the President has diagnosed. If the problem is Soviet adventurism in the hemisphere, and I believe it is that in part, the proper course is to address the source of the problem directly.

We cannot operate on the assumption that a rebel victory in Nicaragua—of whatever ideological persuasion—will eliminate the desire of the Soviets to take advantage of problems in the region or to encourage the Cubans to exacerbate differences in the region.

The President's current course is not in the best interests of the United States. It is a shortsighted policy that ignores the facts of history, alienates other Latin American nations, and plays directly into the hands of the Sandinista regime.

The fact that American Marines occupied Nicaragua for several decades in this century and that America placed in power and supported the dictatorial Somoza regime is something that Americans may prefer to forget.

But it is something that Nicaraguans remember. It is a historical fact that the Sandinista regime emphasizes to maintain popular support and opposi-

tion to the Contras. American actions that ignore that historical fact are not based on the reality of history.

The United States, by virtue of its size and economic strength, is the dominant nation in this hemisphere. For some, our dominance is a target of convenient rhetoric by which they impugn our motives and condemn our behavior. That is one of the inevitable consequences of political and military power.

But the influence that stems from our size can only be maintained if we remain true to our own principles. We cannot espouse independence in theory and undertake intervention in practice. We cannot espouse human rights in theory and accept violation of those rights in practice. We cannot espouse political liberty in theory and support repression and censorship in practice. We cannot do those things and remain the United States of America.

The Soviet Union does those things: It says it supports independence but crushes opposition by force; it preaches human rights but practices political repression. The result is that the only influence left to the Soviet Union is the influence that stems from the force of arms. There is no moral basis for the Soviet system and that is why it is failing and must ultimately fall.

The problem with a U.S. policy that mirrors Soviet policy is that it effectively negates the important differences between our nations. It makes us look the same to those whose allegiance we are trying to win, when we should be trying to emphasize the differences.

Our Nation's interests cannot be promoted in the long run by a policy that consists almost entirely of the delivery of weapons to our favored surrogates and ignores the realities of Latin American development and politics.

Long-term stability—which is our national goal—demands that the region not become an arena for superpower conflicts.

Our Nation's permanent long-term interest in Latin America is to encourage peaceful economic development and to encourage Latin American solutions to Latin American problems.

The policy of financing the Contras as surrogates for an American presence does not further those interests. It does not help end the violence and it does not encourage the search for local solutions to local problems.

If our influence in the hemisphere comes to rest only on our military power, we will have set the stage for repeated, lengthy, and inconclusive tests of military strength in the region for decades to come.

That outcome would not only be a disservice to our children, who will inherit our legacy in the region, it would be a manifest mishandling of our Nation's purposes in the larger world.

We are a nation which leads by the strength of law and example, not by the barrel of a gun. We are very strong militarily, but it is a strength for the defense of liberty, not for conquest. As a result, our material wealth, our political liberties, and our personal freedoms are in effect the goals that almost all revolutionaries promise to their followers.

Our strength and our ability to ultimately prevail rests on our ideals. A purely military response—which has so far been the administration's response in Central America—is a resort to the least resonant American strength.

It is surprising that President Reagan, who has demonstrated such a clear grasp of the essential differences between our system and the Soviet system, and who has effectively promoted the elements of our system that other nations try to emulate, should be so unwilling to recognize that those differences are particularly potent in our own hemisphere, where knowledge of the United States is widespread and distortions of our national character hard to maintain.

But instead of pursuing our strengths, which would best be served by energizing, not undercutting the democracies of Central America, the so-called Contadora nations—Mexico, Panama, Colombia, and Venezuela—the administration has chosen to emphasize military force, a choice which the Sandinista regime has exploited.

The course the administration has chosen to pursue has given the Sandinistas a potent propaganda weapon. It is a course that relies on a surrogate force whose ability to prevail is doubtful. It is a course that alienates our Latin American neighbors. It is a course that has little public support here at home.

As a result, it is a course with little chance of success but immense risk of failure.

Legally, as I noted earlier, financing a rebellion against a government we recognize is prohibited by article 15 of the charter of the Organization of American States, to which the United States belongs.

Practically, $14 million or any similar sum will not enable the Contras to prevail in the military conflict in the foreseeable future, according to the administration's own estimates of the military situation.

Politically, we risk squandering public support in this country for the legitimate use of American force, when it is necessary and appropriate, in an inconclusive debate over the relative merits of two Nicaraguan factions, both of whose commitment to democratic principles has been questioned.

And because our interest is to maintain our hemisphere free of Soviet intervention, we risk focusing attention on Soviet surrogates rather than dealing directly with the Soviets themselves, although it is their activities to which we are taking exception.

Central America is a region about which most of us know too little and whose importance we generally underestimate.

In this hemisphere, we confront regional realities born of our history and our size. On the one hand, earlier American interventions in the region have left many of our neighbors suspicious and instinctively hostile to any display of American power. On the other hand, our size and power allow many of our neighbors to blame their own shortcomings on the United States.

I do not accept the premise that the shortcomings of the current regime in Nicaragua are a direct result of U.S. actions. Nor do I believe we should give credence to such claims.

At the same time, an American-imposed military solution in Nicaragua would create as many new problems as it might resolve.

That sums up the impasse we face. It is an impasse that will continue so long as we are unwilling to focus on the source of our problems in the region and deal directly with that source.

We can and should make available essential humanitarian aid to those who have suffered from the war. We can and should pursue the regional Contadora process energetically and substantively.

That process offers a peaceful and meaningful path to progress led by the democratic nations of Central America whose interest in preventing a regional war is even greater than ours.

Their plan calls for a halt to the shipment of arms into the region; the verified withdrawal of all foreign forces from the region; the protection of human rights and a commitment to free and open elections throughout the region. That is the course we should follow in our interest and in the interest of the people of Central America.

DEATH OF SAM ERVIN

Mr. STEVENS. Mr. President, I yield to the distinguished senior Senator from North Carolina for a very sad announcement.

Mr. HELMS. Mr. President, I thank the Senator. It is my sad duty to report to the Senate the passing of the Honorable Sam J. Ervin, Jr., who served with such distinction for so long in this body. Senator Ervin had been in failing health for some time now, and he passed away this afternoon at 4:15 at Bowman Gray Medical

Center of North Carolina Baptist Hospital in Winston-Salem.

Mr. President, I have never known a more remarkable American than Sam Ervin. The 2 years that I was privileged to serve in the Senate as his junior colleague will always rank as a major blessing for me. In the years since he left the Senate, he has been my mentor, my adviser, and my friend. We did not belong to the same political party, but I always consulted him on constitutional matters because he was recognized across this land as a constitutional scholar. He never hesitated to help. As a matter of fact, on so many occasions, I was amazed at the inordinate amount of time he spent to be helpful in clarifying and explaining various complex issues that came before the Senate.

Obviously, Mr. President, I am grieved by the passing of Senator Ervin. A courageous giant has fallen, but America is far better because of his life, his dedication, and his unfailing fidelity to principles that deserve to survive.

Mr. President, at a later time I will have more to say about this distinguished American, but I know that the time of the Senate today is short and I will make no further comment except to say that Mrs. Helms and I extend our deepest sympathies to "Miss Margaret," Senator Sam's dear wife, his children, and his grandchildren.

I do thank the Senator for yielding for this sad announcement.

TRIBUTE TO SENATOR SAM ERVIN

Mr. DOLE. Mr. President, I want to add my voice to those expressing profound sorrow at the loss of our former colleague, Sam Ervin.

Senator Ervin exemplified the highest qualities a U.S. Senator can possess—honesty, integrity, dedication to his constituents, and his country.

During his 20 years in the Senate, Senator Ervin never forgot his North Carolina roots. I have always had a special admiration and appreciation for his independence and his natural, down-to-earth sense of humor.

Sam Ervin served in the Senate during a turbulent period and saw major shifts in the power structure in the Senate. Even though I did not always agree with him, during that entire period he displayed a remarkable consistency in his reverence for the Constitution.

For Sam Ervin, the word and spirit of the Constitution dictated the response to policy questions. He never tried to twist the Constitution to rationalize a particular viewpoint. He believed the Constitution means what it says and let the words of the Founding Fathers guide his views on the issues of the day.

Sam Ervin led a long and productive life. A life his family and friends can look to with great pride. His friends in the Senate will miss his presence.

FUNDS FOR SUPPORTING MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

The Senate resumed consideration of the joint resolution.

Mr. STEVENS. Mr. President, I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. TRIBLE. Mr. President, the sad words of Senator HELMS remind us that the torch of leadership is being passed from one generation to the next. In the last hours we have heard a lot from a new generation of Senators in opposition to our involvement in Central America. I rise to speak in favor of a strong America that plays an active role in the world for good, an America that advances the cause of peace and freedom.

I look at this world and let me tell you what I see. From the mountains of Central Asia to the tropical jungles of Latin America I see human liberty under assault. Ideology and fanaticism imperil the hopes of men and women for peace and self-government. Throughout our history, Americans have believed that freedom is the birthright of all people, that victories against poverty are greatest and peace most secure where people are free.

We cannot, we should not, be passive when freedom is under attack. We must stand by our democratic allies. We must keep faith with those who are fighting tyranny on this continent and throughout the world, from Afghanistan to Nicaragua.

The question we must answer today is very straightforward: Do we stand by friendly people and oppose Marxist expansion, or do we do nothing?

I must observe that there has been a great change in the body politic. It seems that Republicans and Democrats have changed places. Democrats today are talking like Republicans of old. What has happened to that great Democratic tradition of a strong and active America?

It was Woodrow Wilson, a Democrat, who believed passionately that the world had to be made safe for democracy. Democratic Presidents led America in World War II and Korea and, yes, in Vietnam. They believed that America had a responsibility to advance the cause of peace and freedom. Often in those years it was Republicans who argued in favor of isolationism.

It was a Democratic President, John Kennedy, who urged the American people to "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and success of liberty."

Where are those speeches today? We certainly do not hear them from the other side of the aisle. But I suggest to my colleagues that the words of John Kennedy are as powerfully relevant to America in the 1980's as they were when spoken two decades ago.

What has happened since Vietnam, since the decade of the 1970's? Democrats seem to have adopted the view that America should retreat to her shores. More times than not, they oppose a strong America and defense spending. They seem to deny that we have national interests that are worth protecting. They seem to deny that freedom anywhere in the world, especially in our hemisphere, is worth advancing.

It seems that today it is Republicans who advocate the view that, like it or not, America is the leader of the free world, and there are times we must act like it.

Let me talk about the Sandinistas. By their own words and their actions, the Sandinistas are Marxists. The Sandinista regime has betrayed its promises of political pluralism, a free press, and a mixed economy. The Sandinistas now export revolution in the Americas, aided and instructed by the Soviets, the Cubans, the Libyans, the North Koreans. Does that not tell us something? We judge people by their words and their actions and also by the company they keep?

Today we have heard impassioned speeches opposing aid to the Contras but saying at the same time to the Sandinistas, "We implore you to give your people freedom and to put away the weapons of war." Where in the pages of history has any Marxist government established a free and open society and lived in peace with its neighbors? Can we find any precedent for that Scenario in the history of Nicaragua's Marxist allies—the Soviet Union, Cuba, North Korea? Of course not.

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. TRIBLE. Mr. President, I ask for 2 more minutes.

Mr. STEVENS. Mr. President, I yield the Senator 2 more minutes, but I do so reluctantly, because we are trying to shorten the time.

The PRESIDING OFFICER. The Senator has 2 additional minutes.

Mr. TRIBLE. I thank the Senator from Alaska.

Mr. President, as one of my colleagues said at lunch today, anyone in the Senate who believes that Danny Ortega is going to drop his commandante fatigues and put on a pinstripe suit of respectability is absolutely delirious. How naive can we be?

Today we can provide a small amount of assistance and a large symbolic boost to the opponents of the

Sandinista regime or we can do nothing.

I want a clearcut vote because I believe our action or our inaction will have a substantial impact, and I want the American people to hold each of us accountable. Whatever we do, I hope history will judge us correct. But I must say that I believe our failure to provide assistance today will only create greater problems and greater challenges in the days ahead.

Not taking action today will only encourage the Marxist regime to further consolidate its power, further suppress freedom, and further export revolution and terror in this world. What a legacy we leave to our children! May they have the opportunity and the courage to act, should we fail to do our duty.

Mr. President, I yield back the remainder of my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, a parliamentary inquiry. How much time remains to those in opposition?

The PRESIDING OFFICER. The minority has 45 minutes and 45 seconds.

Mr. LEAHY. I will try to be brief, because a number of Senators wish to speak.

Mr. President, today the Senate is considering the most important foreign policy issue it will face this year: Whether Congress will allow President Reagan to continue a covert war to overthrow the Government of Nicaragua.

The issue is not whether we should give $14 million in humanitarian aid to the Contras. The real issue is whether Congress is going to sign a blank check for the President to lead this country down the road to direct U.S. military intervention in a Central American war, a war the American people do not want.

So that no Senator on either side of the aisle misunderstands what we are deciding here, I emphasize that the President has clearly spelled out what he intends to do about Nicaragua, both in an open report and in a classified report to Congress. Obviously, I cannot and will not go into the classified report here. However, before Senators vote today, I strongly recommend that they read that classified report and understand its contents.

I stress the importance of reading the classified information, because later if things begin to go wrong in Central America, such as happened last year, when there was a CIA mining episode, or we see on television some ghastly atrocity committed by the Contras, or the United States slides more deeply into a quagmire, I do not want any Senator to plead ignorance. I do not want anybody rushing to the floor, as happened a few days after we voted for aid to the Contras last year, saying: "I didn't understand about that mining incident. Can I please change my vote?"

If that happens, I promise I will come immediately to the floor and remind everyone that the information on the President's long-range plan for making Nicaragua cry "uncle" was there for every Senator to read.

Mr. President, I hoped this Contra issue would not come to a head-on confrontation. Whichever way it turns out, and I do not doubt the President can twist enough arms to get at least 51 votes, the country will be the loser. A close vote will signal not unity, but division, not leadership, but confusion. No one, friend or adversary, will be able to predict what our foreign policy will be.

We could have, and should have, avoided this dilemma. It was clear months ago that support for the President's policy of overthrowing the Sandinista was eroding. Senators are hearing from the country, and they know the American people do not support this illegal, immoral and counterproductive secret war.

My instinct was to try to work with the President and my colleagues in the Senate, Republican and Democrat, to forge a bipartisan approach to Nicaragua. I heard all sides in the conflict—the Sandinistas, the Contras, and the administration—loudly claim they wanted to stop the fighting and start talking. I wanted to take them at their word.

So, far as I was concerned $14 million for food, medicine, clothing, and shelter was a small price to pay to stop the killing and open the door for negotiations. If both sides would agree to a cease-fire, and the President would agree to talk again to the Sandinistas, there would be a chance for peace. The alternative was more war.

However, there was one point upon which I could not compromise. I cannot and will not agree to any approach, alternative, policy or deal which keeps the United States supporting a secret war against Nicaragua, managed by the CIA, financed by the American taxpayers, and aimed at overthrowing a nation with which we maintain normal diplomatic relations.

A number of us have tried very hard over the past several days to reach a bipartisan coalition on this issue. I was one of the six Democrats at the White House for 8 hours yesterday, working with the President, the Vice President, the Deputy Secretary of State, and others, trying to agree on something that would allow the President to signal to the countries of Central America that he had bipartisan support for a new approach. There were a number of Republican Senators there as well.

We worked hard to find an alternative that would avoid this pointless confrontation. We offered to help find a way to have a mutual ceasefire and renewed negotiations with the Sandinistas in support of the Contadora process. We looked at ways to provide real humanitarian aid, not disguised military assistance, to the Contras who would agree to stop fighting, through the Red Cross, the United Nations, or some other independent mechanism.

If the United States remains committed to overthrowing the Sandinistas, the Contras cannot do it alone. Sooner or later, the President will have either abandon them to defeat or send in American military force.

After those hours and hours of talks, the bottom line of the administration never really changed. I frankly do not believe the President will ever change his view that we cannot live with Nicaragua and we must overthrow the Sandinistas.

I cannot support the President's course, nor that of his supporters who have put together different routes to the same goal. the Contra insurgency is a failure, a running sore for the CIA, and a blot on this Nation's conscience. We must follow a new approach toward Nicaragua, one that does not try to substitute a covert action for a foreign policy. It is long past time we used diplomacy and negotiations to find peace in that tortured region.

Mr. President, I am sorry that the effort to find a solution to this problem did not work. I think it was an effort entered into in good faith by both Republicans and Democrats in this Chamber. It was a serious attempt on the part of Senators from both sides of the aisle to avoid this confrontation.

I would hope that everyone would be able to avoid partisanship now. We sincerely tried an alternative that would show a united United States and not a divided Government that pursues a policy by the barest of majority.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. STEVENS. How much time does the Senator seek?

Mr. NICKLES. Five minutes.

Mr. STEVENS. I yield to the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. NICKLES. Mr. President, I would like to take this opportunity to express my strong support for continued aid to the freedom fighters in Nicaragua. I believe we have a proposal before us which should be enacted before we discover that communism has become the ruling faction in Cen-

tral America and masses of refugees are fleeing to our country for our continued aid and support. Just because this may not happen tomorrow, does not mean it will not happen in the not too distant future. We must take some action now.

We have heard a lot of discussion today about military aid. I think everyone should know that this resolution before us accompanied with the President's letter is humanitarian aid and not military aid.

We are looking at $14 million to be provided as humanitarian aid to assist the freedom fighters in Nicaragua. Abandoning those individuals in Nicaragua who are fighting for the freedom of their people, sends a signal not only to Nicaragua, but to the entire world, that the United States is backing down on our commitment to help others in the quest for freedom. On March 19, a panel of renowned individuals from Europe presented a strong case for continued assistance to Nicaragua. They expressed the concern from citizens of their countries who fear that if the United States refuses, once again, in aid our closest neighbors, we may refuse when others need us. Although I do not think we would abandon any country who needed our assistance, I can certainly understand their fear in light of our struggle to provide aid to Nicaragua. The world is watching our action on this matter.

While the Nicaraguan Government has been claiming to seek peaceful solutions to the problems in their country, they have been militarizing Nicaragua to the extent that the military presence has been increased to 62,000 active duty personnel. These troops are supplemented by approximately 60,000 members of reserve and militia units. Huge amounts of hardware, including at least 340 tanks and armored vehicles, artillery pieces and rocket launchers, patrol boats, dozens of helicopters, including several MI-24's, the Soviets' top-of-the-line attack gunship, are in Nicaragua. The fact is that the Sandinista military now exceeds all legitimate defensive needs and has openly stated that they wish to export their revolution to neighboring countries. I find this to be very disturbing.

Mr. President, to highlight the way the Nicaraguan Government operates, I want to bring out something that my colleagues have not, and that is a recent example of repression that has been exhibited by the Government of Nicaragua just this last week in an incident with one of my constituents. Mr. Larry Jones, president of the organization called Feed the Children, was told by the Nicaraguan Government that he could deliver food, clothing, Bibles, and religious tracts to the people of Nicaragua. However, last week, the Government confiscated 228,000 pounds of food, 25,000 pounds of clothing, 5,000 Bibles, 50,000 religious tracts, and 10,000 sermons written in Spanish. A private citizen attempted to deliver goods to the people of Nicaragua only to have his help thwarted by the Government of Nicaragua. At a time when Nicaragua is being promoted as a free and peace-loving nation, this is hardly the response that one would expect to an offer of goodwill.

In addition to this, the refugee situation in Nicaragua is already increasing to unacceptable levels. More than a quarter of a million refugees have fled Nicaragua since the Sandinistas took control. This number will continue to increase as people fight for their lives in Nicaragua.

The time is now. We cannot continue to sit by and watch the Soviet and Cuban influence and domination increase in Nicaragua while we withhold aid which could be useful to the people who are fighting for democracy and against communism. It is not only the freedom of Nicaragua that is at stake here.

We have heard many state that we do not want to have the United States trying to exert power and influence in this region in the world but totally ignoring the fact that the Soviet Union and their Cuban surrogates have very much been trying to exert their power and influence and domination throughout this region.

Mr. President, in conclusion, I think we should not turn our backs on the fight for democracy in Nicaragua. If we do, I fear that the Nicaragua Marxist government will continue as another Cuba in spreading repression and stifling human freedoms with military power and eventually their efforts could reach our own borders.

Let us vote today to provide Nicaragua with $14 million in aid. If we do not, it may be a vote that we will regret for a long time to come.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, what is the definition of "terrorism"? Terrorism means the suppressing, pushing, the changing of a government policy through acts of violence and acts of murder.

This is exactly what the Contras are practicing in Nicaragua.

The definition of "terrorist" as opposed to "freedom fighter" is that a terrorist is a man who goes after an indiscriminate target, including men, women, and children—civilian, nonmilitary objectives.

The freedom fighter usually aims for the military opponent in his country, not across the border against nonmilitary targets as do the Contras.

We are against terrorism. We all say what a dreadful thing it is. It is dreadful. Yet at the same time we are asked to support our terrorists, the Contras, in their operations in Nicaragua.

I would hope that we would see with clear eyes that although we say we oppose terrorism in some parts of the world, if we pass this resolution, we would be supporting terrorism in another part of the world.

Mr. President, today, the Senate will vote on whether American policy in Central America will be one of war or peace. We should recognize that whether this measure passes or not, the Senate is being asked to adopt a resolution giving the President a blank check to expend funds "for supporting, directly or indirectly, military or paramilitary operations in Nicaragua."

This month marks the 10th anniversary of the end of the Vietnam war, a war that began in earnest when the Senate adopted a resolution very similar to the one before us today. In 1964, the Congress adopted the Tonkin Gulf Resolution which I remember as if it were yesterday, empowering the President "to take all necessary steps, including the use of armed forces," to counter communism in Southeast Asia. Many of us who voted for that resolution later came to regret it, for we saw it lead us, step by step, deeper into a conflict whose burdens the American people were ultimately unwilling to bear.

Today, we are being asked to vote again on another resolution of that kind. We are being asked to forge another link in a chain that, I believe, will shackle America to a commitment leading to direct U.S. military involvement in a misguided effort to bring down the present Government of Nicaragua. In Vietnam, the first steps were small; but soon the stride lengthened, and we sank deeper into the morass of war. In Vietnam, the rationale for U.S. involvement constantly changed until it reached the absurdity of our having to stay in order not to undercut the validity of our security commitments around the world.

We are asked to take a small step today, but most assuredly we will be asked to take another step later, and it will be a bigger one. Already, we have been given several rationales for aiding the Contras—first, interdiction of arms to El Salvador; then giving the Sandinistas a taste of their own medicine; and, most recently, to make the Sandinistas cry "uncle." Soon, I fear, we will be told that the Contras cannot do the job alone and that direct U.S. involvement will be necessary in order to head off a defeat for U.S. policy.

The resolution before us is clothed in the garments of peace, but it actually conceals the gauntlet of war. The so-called peace proposal is really an ultimatum to the Sandinistas to accept essentially the same proposal that the Contras made on March 1. The Sandi-

nistas rejected the Contra proposal then, and under certain circumstances, they will not agree to deal with a force led militarily by officers of the hated Somoza dictatorship, responsible for the deaths and maiming of thousands of innocent men, women, and children.

My concerns about the President's peace plan were reinforced by revelations, in the New York Times of April 17, of the President's determination on Nicaragua. According to the article, the administration is planning to significantly increase the size of the Contra forces and would seek the necessary funding for this purpose. Furthermore, it was reported that the administration had for now ruled out "direct application of U.S. military force" but warned that this course "must realistically be recognized as an eventual option, given our stakes in the region, if other policy alternatives fail." This should be evidence enough that the administration's policy is merely the tip of a very large and dangerous iceberg.

The President's Contra policy, despite what administration officials are saying, is not supported by the Contadora presidents and other leaders in Latin America; you are all aware by now of the Vatican's response to the contention by the President that the Pope supports all elements of U.S. policy in Central America. Yes, most of the Latin American presidents spoke in positive terms about the aspects of negotiation and peaceful settlement, but representing that as an endorsement of U.S. military support for the Contras is stretching a point, to say the least.

President Betancur of Colombia, one of the Contadora nations, said after his visit to the United States earlier this month that the President's plan is "no longer a peace proposal, but a preparation for war." President Betancur said that while parts of the President's initiative were "positive and constructive," other parts were in direct conflict with the goals of the Contadora process.

And that brings me to this message. The Contadora countries have worked tirelessly and diligently for over 2 years to produce a plan for real peace in the region. The President's plan totally ignores the Contadora peace process. What is really needed is a U.S. policy that totally and enthusiastically supports the Contadora peace process. Reports from the most recent Contadora meetings are very positive regarding the difficult issues of verification and the withdrawal of foreign military advisers. The Contadora nations are working on a real peace plan. U.S. policy should be supporting the efforts of the nations of the region to achieve a peaceful resolution before the conflict erupts into a full-scale war in Central America, directly involving U.S. troops.

The President has said that a vote against this resolution would be "a vote against peace." I say that it would be a vote for peace, because it would cause us to turn with earnest back to the Contadora process, which is the only genuine road to peace. Let us not, by passing this resolution, forge the shackles that will impress us into the chain gang of war. Let us refuse to take the first step, however small it is made to seem, that could soon become the march time to a war that the American people do not want and will not support.

Let us also not exaggerate the threat from Nicaragua or diminish the prospects, through creative diplomacy in concert with our allies in the region, of bringing about constructive change in Nicaragua. I hold no brief for what the Sandinistas have done with their revolution, but Nicaragua is not the Communist monolith that it is often portrayed to be. One-third of the seats in the Nicaraguan parliament are held by opposition parties, private business remains active, and the Catholic Church continues to speak its mind about the regime. I only wish that the real Communist monoliths of the world tolerated such a state of affairs.

We cannot bring about our brand of democracy, but if we tolerate less than perfect systems in Chile, Paraguay and Haiti, we can tolerate it in Nicaragua. But Nicaragua cannot be rendered benign by crude throwbacks to the bad neighbor policy of the 1920's and 1930's. Our watchword should be: Contradora, si; Contras, no.

I urge my colleagues to vote no on this resolution.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, if the Senator from Alaska has someone to yield time to over there, we have been going back and forth, and I do not want to interrupt if there is someone on that side who wishes to speak.

Mr. MATHIAS addressed the Chair.

Mr. STEVENS. I do yield 5 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. Does the Senator from Arkansas yield the floor?

Mr. BUMPERS. I yield with the unanimous-consent request that I be recognized immediately after the next speaker on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Maryland.

Mr STEVENS. No. I yield to the Senator from South Carolina. We are going back and forth. And the Senator from South Carolina is recognized for how many minutes?

Mr. THURMOND. Five minutes.

The PRESIDING OFFICER. Five minutes.

Mr. THURMOND. Six minutes.

Mr. President, I rise to voice my support for providing financial aid to the Nicaraguan freedom fighters. The vote that we are about to cast is not about left or right; it is about the willingness of this Nation to support democratic forces in their fight against tyranny. It is not only a choice of whether or not we will oppose Communist expansion with the resulting horrors it brings. It is a decision of whether we will support or abandon men and women who are fighting for true self-determination and a return to the democratic principles originally espoused by the Sandinista revolution.

Mr. President, it is important to note that the Contras do not demand power sharing in the Nicaraguan Government as do the Marxist guerrillas in El Salvador. The Contras merely want the Sandinista government to fulfill the promises made to the Organization of American States that included nonalignment, pluralism, freedom of religion, freedom of elections, freedom of the press, and free speech. None of these promises have been kept. That is why the opponents of the Sandinistas turned to the United States for assistance, and that is why we should continue to support them.

Critics of our support for the Contras accuse them of atrocities. They do not, however, criticize the Sandinista massacre of the Miskito Indians. The Contras have tried and executed members of the resistance who have been found guilty of committing atrocities. Has the Sandinista regime tried anyone for the genocide committed against the Miskito Indians? The answer is no, and the reason is simple. When such acts are committed by the Contras, it is aberrant behavior that is not sanctioned by the leadership of the resistance. As for the Sandinista regime, genocide is an instrument of convenience that is fully sanctioned by the leadership. In this they are comparable to other totalitarian regimes such as the Soviet Union, Vietnam, and Nazi Germany. Murder as an instrument of state policy is rarely ever punished.

Mr. President, we cannot afford another Soviet ally in this hemisphere. To say that such a situation would pose no threat to our national interests is shortsighted and unwise. We should recall that the Nicaraguan regime has offered to let the Soviets station missiles in Nicaragua and has advocated the spread of Marxist revolution throughout Central America. In addition, they have invited into their country Cubans, East Germans, Soviets, Bulgarians, Vietnamese, and members of the Palestine Liberation Organization, for the purpose of training their secret police and their military and for assisting them in spreading revolution in this hemisphere. These are certainly not the actions of a non-

aligned nation that supports freedoms common in democratic societies.

Unfortunately, the Congress has a very poor record of supporting democratic forces in their battles against Marxist forces. The U.S. Congress cut off funds to the struggling Government of South Vietnam in the face of an invasion of North Vietnamese forces which was completely in violation of the Paris peace accords that the North Vietnamese had signed. The results have been well known for a decade. The Congress also vouchsafed the Communist takeover of Angola by prohibiting any material support for the democratic forces led by the courageous Jonas Savimbi. Fortunately for the free world, there is hope that Mr. Savimbi may yet prevail without our help. Now, we are faced with the choice again much closer to home. The U.S. Congress can choose to support people who are fighting for their freedom, or we can encourage the success of Marxist dictatorships by our inaction. Opposition to communism cannot consist of words alone. The words must be backed by actions, actions which at times may not be politically popular here at home, but actions which are necessary if we are to avoid even more costly repercussions in the future.

Mr. President, I urge all of my colleagues this request for much-needed assistance.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, many of my colleagues have been to Nicaragua, and in the region. I certainly defer to their expertise on this subject. I do not profess to be an expert on this very knotty problem. I do profess to have some understanding of the history of similar situations and this country's history in those situations. And here is a historical fact. For 35 years this country backed Somoza while he committed the most unspeakable crimes and atrocities against the people of Nicaragua. I have never heard anybody in this body refute that. History records it very dutifully and very accurately.

So now we have a group of people we call Contras who are not satisfied with the revolution that took place to overthrow Somoza. There are people who are indeed disenchanted with the revolution, the Sandinistas, and the way they are ruling the country. But that disenchantment with the Sandinistas so far as I have been able to tell has not translated into popular support for the Contras. And why would it when a goodly number of the top military officers of the Contras are former officers in the National Guard of the Somoza regime?

It may be that you could argue in this body and you could argue in the press that the people of Nicaragua are worse off now than they were under Somoza, but you have not yet been able to make the people of Nicaragua believe that. Insofar as I know, no revolution has ever occurred nor has any government ever been overthrown without the popular support of the people. So after 4 years, the Contras have not been able to take one single village, one yard of ground and hold onto it, and the reason they have not is because there is no popular support for them.

Since there is no popular support the Contras have been engaging in what rebels always do when they do not have popular support. They begin to engage in unspeakable atrocities against the villagers. I saw those horrendous unbelievable pictures in today's Newsweek magazine taken by a young 21-year-old student from Northwestern University. Those of us who have lived in the last few years have seen that sort of picture from Vietnam and El Salvador, and now Nicaragua. You would think we would get used to it. But I pray to God we never do.

So now we in this country have supported the Battistas, we have supported Diems, the Thieus, the Shah of Iran, the Somozas, and I tell you where the next one is going to be. It is going to be in the Philippines because everybody knows exactly what has happened in the Philippines for the past several years. I read in a book recently that somebody told Robert Kennedy, do not predict gloom because the people will turn. When the predictions of gloom come true, the people will turn against the one who predicted it. But it is just as certain as the night following the day that either before Marcos dies or shortly after he dies you are going to see a repeat of what is happening in Nicaragua right now. The existing government is going to be overthrown, there is going to be a group of rebels who try to overthrow that resolution, and we are going to be right back where we always are—on the wrong side.

I think the strongest yearning of man is for freedom. People cry all over the world for freedom and liberty and as the list I just gave you a moment ago shows, the United States always seems to be on the side that resists change. I am telling you when people are oppressed they cry for change. And when change occurs we always seem to be on the wrong side.

So far as I know, virtually nobody in all of Latin America supports us on Nicaragua. So far as I know nobody much in the world supports us in this effort to send military aid to the Contras. The President said Betancur of Colombia did. The New York Times quoted Betancur as saying the President misconstrued what he said. And somebody argued with the New York Times. So I had my staff call the Colombian Embassy and they said no, the Times was right, we are unalterably opposed to military aid to the Contras. And then there was the suggestion that Pope John supported our position, and it took the Vatican Ambassador about 10 minutes to call a press conference and say no. Military assistance in this case is both immoral and illegal. I believe that we have a security interest in Central America, and to my distinguished friend, the junior Senator from Virginia, who said where are those Democrats who believe in a strong America, I tell you here is one Senator that believes that when our national security is threatened we ought to act, act decisively, and if our national security is threatened because of Nicaragua we ought to invade Nicaragua. We do have security interests there. But there is not anybody in this body that really believes our national security is at stake or there would be a cry in this body for an invasion of Nicaragua. Incidentally if we did invade, it would be the fifth time in this century.

We have security interests there in making sure that Central America is a nuclear-free zone. We have an interest in trying to get all foreign personnel out of Central America, making sure that there are no Cuban or Soviet military bases in Central America. And we ought to encourage the Contadora process, we ought to stay in touch with our closest friends in Latin America, and do everything we can in a legitimate foreign policy effort to accomplish those interests.

I heard the President say last week something about restoring democracy to Nicaragua. When has Nicaragua ever had a democracy to restore? That is just a little vignette of history. You will recall that the Cubans tried to overthrow Bolivia. Do you remember that shortly after Castro came to power? He sent Che Guevara down there.

Cuba wanted to overthrow the Colombian Government. It failed abysmally and the reason it failed was because there was no popular support for it. We just generally forget those things, like that miserable failure on the part of Castro.

Mr. President, every time we violate the rules of international law and the rules of international conduct, we erode others' respect for the law. I suppose there is a time when every country has to ignore international law where its national security interests are involved. But I will tell you one thing: when the Iranians took our hostages and expropriated American property, we did not hesitate to go to the International Court and ask for relief.

We pride ourselves on being a nation of laws and not of men. I know that international law is not very popular. But you cannot just use it when it

suits your purpose and ignore it when it does not.

I hope the President will reconsider and be a little more tractable and a little more flexible on this proposal that we tried to work out at the White House. I think it has possibilities. This all or nothing does not serve his purpose and it does not serve ours.

Let me tell you something: The people on this side of the aisle have been staunch bipartisan supporters of our policy in El Salvador, and we all happen to be reasonably optimistic about what is going on in El Salvador. There is not any reason why people cannot get together and utilize their best minds. Nobody has a lock on what we ought to be doing in Nicaragua, not the President, not me, not anybody else. We are all troubled by this, tripping lightly through a mine field because we are not quite sure what we ought to do. But I can tell you one thing: it ought to be bipartisan and the President ought to get off his high-horse and say, "Come, let us reason together."

It is the same old story. Robert E. Lee did not want the Civil War and did not want a State in the South to secede. When 350,000 men lay dead and he saw the South in utter desolation and devastation, he said, "The politicians caused this." He was dead right. He said they kept breeding the animosity and bigotry between people until war became inevitable. Then he said, "All we needed were a few men of courage and intelligence and forbearance."

All we need now are a few men and women to sit down and reason together and try to figure out how we can best address what we all admit are our legitimate security interests in Nicaragua.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. HATFIELD). Does the Senator from Alaska seek recognition?

Mr. STEVENS. Mr. President, I yield 5 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, the other day Mrs. Mathias came across some advice that Gen. Maxwell Taylor had for our Nation about our involvement in Vietnam, which both she and I believe is appropriate for the current situation in Nicaragua. As reported in a USA Today interview with Stanley Karnow, General Taylor's assessment of our mistakes of that era was as follows:

> First, we didn't know ourselves. Secondly, we didn't know our South Vietnamese allies, and we knew even less about North Vietnam. So until we know the ally and our enemies and ourselves, we better keep out of this dirty kind of business. It's very dangerous.

Today, we are uncertain about the Contras. While their ideals of democracy and free enterprise are noble, their tactics have been costly. They plan to defeat the current government in Nicaragua by weakening the economy and destroying the rural agricultural base. The evidence indicates that, in some cases, innocent farmers have been killed by the Contras as part of this effort. Such tactics should not be supported by the United States and, in fact, we condemn similar efforts by the rebels in El Salvador.

Neither do we know the "enemy." The Sandinistas are pictured alternately as Soviet/Cuban puppets and as social reformers who overthrew a vile dictatorship. In truth, the Sandinistas appear to be ruthless in their suppression of civil liberties and vigorous social reformers. Newspapers are censored and opponents are jailed, but social indicators, such as child mortality rates and standards of living, are all moving in the right direction. There is not yet a black and white answer to the question of who the Sandinistas are.

And finally we do not know ourselves on this issue. We began to support the Contras as a means of interdicting arms to El Salvador, which was a justifiable reason for support. Over time, however, our policy shifted to one of placing pressure on the Sandinistas to reform their government. Indeed, some in the United States have come close to advocating the overthrow of the current Nicaraguan government by force of arms. Our Nation is already deeply divided on this issue. We certainly do not have the national consensus that most agree is needed to sustain this kind of a foreign policy.

I have consulted with the representatives of many of the governments in the region to gain their views on the outlines of a prudent and positive policy for the area. The four other countries in Central America generally support President Reagan's overall efforts in the region. The Contadora countries also support President Reagan's efforts to promote a dialog, but they do not appear to favor covert military aid to the Contras, which they consider to be intervention in the domestic affairs of a Latin American country. Most other countries of Latin America appear to share the view of the four Contadora countries and stress the principle of nonintervention.

It is, therefore, to the theory of nonintervention that we must return to judge the long-term implications of our action. We must look to where we want to be in relation to our neighbors in the year 1990 or 1995. We must return to the principles of the Charter of the Organization of American States in which the principle of nonintervention is given pride of place. If the United States appears oblivious to this strongly held sentiment, it can color our relations with our neighbors for years to come.

There are large stakes for the United States in Latin America. Argentina and Brazil together have a population larger than that of the United States. Their governments are fragile and their relations with the United States are increasingly important. Mexico, our neighbor to the south, also faces severe economic and social problems, and the conflict in Central America affects them more directly than it affects us. It is with such nations that we should be consulting to develop a more acceptable strategy for Latin America.

Our previous policy toward Nicaragua was clear. It was to stop the Sandinistas from destabilizing El Salvador. That objective has in large measure been attained, and the current Contra operation is not critical to reducing the flow of arms to El Salvador's insurgents. We should not pick a new fight for a new cause that violates the three lessons put forward by Maxwell Taylor and also violates the Latin American principle of nonintervention.

For these reasons, barring last minute developments I shall vote against Senate Joint Resolution 106. I am hopeful that a compromise may yet be worked out that could use this money instead to create economic incentives for a cease-fire and negotiations. I will continue to work toward that end, and I am heartened by the fact that other Senators and the President himself are doing likewise.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. STEVENS. Will the Senator allow me to interrupt to ask how much time he would like to have?

Mr. COHEN. At least 10 minutes.

Mr. STEVENS. Mr. President, I ask that the Senator be recognized for 10 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for 10 minutes.

Mr. COHEN. Mr. President, I intend to support this request, and I would like to take a few moments to explain why.

First, I would like to express a few comments concerning remarks of the Senator from Arkansas, Mr. BUMPERS, while he is still in the Chamber. I think his remarks really did characterize the sense of anguish and ambiguity which has existed for some time in this body as it pertains to Nicaragua.

I, for one, am not prepared to endorse the goals of the Contras. I am also not prepared to hand Mr. Ortega a victory on this day in this Chamber.

Why is the debate on Nicaragua filled with so much anguish and ambi-

guity, as expressed by Senator BUMPERS?

We know that the Sandinistas are committed to maintaining and expanding their Marxist state. We know they have restricted freedom of speech, of the press, of religion, and violated the human rights of their citizens. We know they have broken, if, indeed, they ever intended to keep, the promises of the revolution. We know that they have been supplying weapons to the rebels in El Salvador in order to undermine that Government's efforts to establish a democratic pluralism. We know that there are more than 7,000 Cubans in Nicaragua; most, if not all, of them are military advisers and personnel.

We know that the Sandinistas will not be content to confine their revolutionary ideology to Nicaragua, and that the entire region fears it might come under their military threat.

We know that there are Nicaraguans who do not want to live under the totalitarian rule of the Sandinistas, who are willing to take up arms and fight and die in the cause of overthrowing Daniel Ortega and the existing government. We know these people need American help if they are going to succeed. Why then is there so much doubt? So much hesitancy in this Chamber?

I suggest our doubt reflects the ambiguous, ill-defined, and indeed, inconsistent policies that we have maintained toward the Sandinistas on the political, diplomatic, commercial, and military levels. We recognize the Sandinistas and carry on normal diplomatic relations through our Embassy in Managua even as Congress votes each year to fund the group that has as its goal the overthrow of the government. We deplore the regional destablizing activities of the Sandinistas but remain one of their major trading partners. We buy their coffee, their beef, sugar and bananas. They use the hard currency to purchase Soviet guns instead of butter.

Our policies toward Nicaragua, almost from the beginning, have been a collective exercise in self-deception. We have not been honest enough, or courageous enough, to confront the truth about the Sandinistas, or about ourselves.

First, we said that we need to support the Contras in order to stop the flow of weapons running from Moscow-Havana-Managua to San Salvador. We just wanted to conduct interdictive missions, perhaps a little harassment on the fringes of Marxist life, just on the perimeters to let the Ortega brothers know that they do not have a sanctuary from which they can spread their revolutions.

A number of people asked several years ago, "Is it our policy to overthrow the Sandinistas? Does the very existence of the Sandinistas pose an unacceptable threat to the region?" Overthrow is not our policy, was the answer. Five thousand Contras do not an army make. They cannot overthrow the government. They may have that goal in mind even if we do not share or support it. In any event, their goal, however impossible, serves our more limited objectives.

Many were not satisfied with the answer. What happens when the 5,000 Contrtas become 10,000 or 15,000? What happens when their goal becomes our goal? The rebels are not dying to save El Salvador. What happens when they start attacking civilian targets, when the war goes beyond disrupting supply lines?

The answer we were given is that we are in charge. We are in control. We are supervising.

The rest, of course, is history.

I think I recognize that diplomacy must necessarily involve subtlety, nuance, calculated ambiguity, perhaps even a degree of disingenuousness. But what it cannot rest upon in the short or long term is deception—the deception of others, and most assuredly, the deception of ourselves.

Today we are asked for $14 million for nonmilitary aid, to see if we cannot buy some time and during that time, persuade the Sandinistas to negotiate seriously and put an end to their revolutionary expansionism.

Again, we are afraid to confront the Congress and the American people with the truth—about the realistic prospects of our stated objectives. Continuing to hide behind fig leaf phrases will only make the end result of our efforts more disastrous.

We have to agree on some basic and I believe immutable facts:

First the Sandinistas are not dewy eyed romantics who want to live in splendid isolataion pursuing their dream of an egalitarian society. They are dedicated Marxists and they have no intention of confining their policies to a noble domestic experiment.

Second, if, in fact, they are Marxists operating under the Cuban or Soviet thumb then it is fatuous for us to believe that they will negotiate away the very means they have for maintaining and consolidating their control. A free press, a free people participating in a democratic society at peace with their neighbors is not found in the bound volumes of Marx or Lenin.

Third, the notion that if the Contras swell in numbers to a 20,000 or 25,000 man force fully funded by the United States, the Sandinistas will agree to the equivalent of suicide by dismantling their totalitarian state is lacking in logic and experience.

Fourth, assuming the Contras were able to bring such pressure to bear that Mr. Ortega expressed willingness to negotiate, it is unlikely that the Contras would stop at the city limits of Managua.

Fifth, the Contras do not want our dollars. They want our endorsement. It is the seal of approval that they want and need. They can raise $14 million with a couple of fundraisers in Florida, Texas, or California.

And so, for me, the fundamental issue is whether we are going to endorse the Contras, to encourage them to keep up the fight, to continue to die for a cause that we believe is worthy. As I indicated before, I am not prepared to endorse fully the goals of the Contras but I am not prepared to cut off non-military aid from them. Before we endorse their efforts, it seems to me that we have to be very clear about what our goals are and whether we are prepared to accept the full consequences of supporting their growing army.

We have to ask some fundamental questions about what kind of aid we are going to give. Not this time, but the next time. Is it military or paramilitary? How do you distinguish between the two?

Are economic or civilian targets, including oil refineries, harbors, crops, hydro stations, airports within the scope of the pressure that we hope they will bring? If not, what are the restrictions? How will they be supervised and enforced?

How long should we expect the war of attrition to last? How much can we reasonably tell the American people we will have to expend?

If the Cuban presence is increased, and the size of the Sandinista army doubled again, would we contemplate sending our own troops as advisers or combatants?

These are but a few of the many questions that I think can and should be asked and answered before a decision to endorse the efforts of the Contras is made—in fairness to the American people, but equally important, in fairness to the Contras who are doing the fighting and the dying.

We are living in a fool's paradise if we continue to hang onto the soothing deception that all we are supporting is a little behavior modification program.

This is not Afghanistan. The Iron Curtain will not slam down on the international press in Nicaragua. When civilians are killed, as inevitably they will be in a prolonged guerrilla war, we will not be able to hide behind diplomatic phrases of deniability.

I do not want to have to tell my constituents, well, we did not know they were going to bomb the Managua Civic Center or airport, or depots, or harbors, or whatever. We were just trying to put a little pressure on the Sandinistas, a little harassment.

If I am going to support the Contras, it is because their goals and ours are mutual, so that their acts become our responsibility as well. If we are to use an instrument of force on our behalf,

then we should at a minimum be willing to be held accountable for deeds that are done. It is for this reason that I will not support further military aid at this time.

As of this date, the administration has been unable or unwilling to make an unqualified commitment to the Contras—for reasons that include not wanting to cause discomfort to Nicaragua's neighbors. Our goals must be limited, our means covert it is argued. Perhaps this had validity at one point. But time and events had stripped this diplomacy of all pretense.

I think the worst possible thing we can do would be to encourage the expansion of the Contra forces, leading them to believe that the American people are fully behind their cause when the American people are still divided and confused, and not yet persuaded that we should be hiring them to carry out their efforts under the banner of freedom. This would be an act of monstrous deception and shame that would rival the dishonor of having to kick terrified civilians off our helicopters in Vietnam.

What we need is clarity. No more mirrors. No more double speak. No more deception.

The President has to come to Congress, he has to go to the American people and explain why the Sandinistas cannot be tolerated in our hemisphere, and he has to ask the American people to support those who want to remove that government.

Unless the American people are persuaded that such a course is supportable, then we will be caught vote after vote in a briar patch of lies and contradictions, leading to a bloody rout of the Contras and the ruin of America's honor.

We do a great disservice to the Contras by leading them down a path which has no exit except failure and defeat. Although I come to a different conclusion than the Senator from Arkansas, I share his frustration with our policies to date and with this vote. This request today provides some breathing space that will allow us to pursue diplomatic and economic pressure, but unless we can formulate a policy that is very clear in its objective, that has full responsibility and accountability, then I think we are only deferring disaster.

Mr. STEVENS. Mr. President, how much time remains?

The VICE PRESIDENT. 123 minutes remain.

Mr. STEVENS. On my side. How much time on the other side?

The VICE PRESIDENT. Twenty-seven minutes.

Mr. STEVENS. Mr. President, I ask unanimous consent I may yield the following amount of time to these Senators when they are recognized: Senator WILSON, 5 minutes; Senator DANFORTH, 5 minutes; Senator HATFIELD, the chairman of the committee, 10 minutes; myself, 5 minutes; and the distinguished majority leader 15 minutes. I will state that it is the intention, as I understand it, of the majority leader to yield back the remainder of his time following his comments.

Does the Senator from California wish to make a similar allocation of time?

Mr. CRANSTON. Yes.

Mr. STEVENS. I yield.

Mr. CRANSTON. May I ask, how much time do we have left on this side?

The VICE PRESIDENT. Twenty-seven minutes.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the next Democrat to be recognized on this side of the aisle be the Senator from Michigan [Mr. LEVIN], who would have 6 minutes; following that, it be Senator GORE, who would have 4 minutes; following that, Senator BINGAMAN, who would have 4 minutes. I will reserve more time, but I do want to also include in the unanimous-consent agreement that Senator BYRD be the last Democrat recognized just before the majority leader is recognized at the very end, Senator DOLE.

Mr. STEVENS. Mr. President, there is no objection to that. There is an understanding between the two leaders, as I understand it, that Senator BYRD would be next to last; that Senator DOLE would like to be last. It would be my request that the unanimous-consent agreement include the Senator from Minnesota [Mr. DURENBERGER], to be allocated 5 minutes of our time prior to the time the majority leader speaks, and I add 2 minutes for the Senator from Indiana also.

Mr. CRANSTON. Mr. President, I would also like to inform all Senators on this side that there is very little time left if anyone wishes to speak.

The VICE PRESIDENT. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, we should try to forge a national policy that will help the countries of Central America achieve self-determination, democracy, economic development, and security—security based in part, at least, on the popular support of the people for their governments. The achievement of that goal is in the United States' national security interests. It is also in our interest as a free people to see the world free of political, religious, and economic oppression and tyranny.

All of us in this Chamber share these goals. We are each motivated to find a course that will successfully achieve them. Mr. President, our disagreement and contention today is not about our shared objectives, but the best way to reach them.

And yet, this disagreement reaches to the very core of what defines us as a people and a nation. In an often difficult, troubled, and unpleasant world, we must work to achieve our purposes without abandoning our ideals and principles—those ideals and principles that define us as a good and free people.

When facing opponents, it is our challenge and obligation to prevail, and to prevail recognizing, respecting, and being true to the best traditions of our history. We are the heirs to a great trust—the belief that justice and freedom can prevail, and that it can be achieved through just means.

Sometimes, regrettably, this means military might. Sometimes this means diplomacy. Sometimes this means economic sanctions. Sometimes this means aid and assistance. Sometimes this means a combination of these. Always it means understanding—clearly—our purposes and goals.

In Central America, it also requires us to understand the history of the region, and our role in that history.

Further, it requires us to understand the nature of the challenges.

The challenges are many. For the United States, it is more than a government in Nicaragua we have differences with. It is also the challenge of the despair, anger, frustration, and urgency caused by a long, sad history of poverty and economic injustice.

The struggle to free the Nicaraguan people of the oppressive and unjust dictatorship of Somoza was a just struggle. For too long, our country had not always been able to see, or quickly enough understand, that it is sometimes in our national interest to support people trying to free themselves from repressive leaders or governments. Mistakes of the past, however, need not impair our judgment or wise choices for the present and future.

The reality we now face is that we have decisions to make regarding our conduct toward—and our relations with—the Sandinista government. The Sandinista government has not conducted itself as it should. It has denied freedoms at home, and supported itself as it should It has denied freedoms at home, and supported revolutions against its neighbors.

The issue today isn't whether we like the Sandinistas. The issue is whether we believe the course we're on in changing their policies is an effective one. The issue is whether we are going to support a war with a country with which we have full diplomatic relations.

Senators LEAHY, BINGAMAN, and I visted Nicaragua and Honduras last week. When we were there, we met with the Nicaraguan President and Foreign Minister, the Archbishop of Managua, representatives of the demo-

cratic opposition within Nicaragua, Government leaders of Honduras, and representatives of the Contras in Honduras. When we returned, it was my conviction that the President should withdraw his pending request for the $14 million for the Contras, and seek a bipartisan alternative.

The President should have done this because simply sending $14 million to the Contras increases the likelihood that the United States will move deeper into a military quagmire in Central America. The Contras are convinced we will march with them against the Sandinistas. Sending this $14 million without conditions will encourage them further in such a belief.

I participated in the past few days in the effort to find a bipartisan alternative that would seek to keep pressure on the Sandinista government by means other than supporting their military overthrow—that is, by economic and diplomatic pressures and incentives aimed at halting unwanted Nicaraguan interference in the affairs of others.

Such an alternative should also provide support for countries in the region against outside aggression, and protection for their democratic processes.

Such an alternative would reflect a policy that is consistent with our democratic principles, that makes clear our dissatisfaction with the policies of the Sandinista government, but does not involve us in military efforts to overthrow the Nicaraguan Government.

Rejecting the President's ill-advised course would not end this debate. We must strive to find a way to facilitate talks—talks between the United States and Nicaragua, talks leading to the continuation and success of the Contadora process, and talks leading to reconciliation of all Nicaraguans. A vote against the President's proposal today should not be viewed by anyone or any government as a willingness to tolerate unwanted Nicaraguan intervention in other countries' affairs. We should seek an alternative to deeper U.S. military intervention—an alternative to our support of the overthrow of a government with which we have full diplomatic relations.

We should reject the pending proposal and adopt, instead, a bipartisan alternative involving some basic points, including:

First, support for monitored humanitarian aid to the Contras if they accept a mutual cease-fire;

Second, support for economic and diplomatic sanctions against the Sandinistas if they reject a mutual cease-fire;

Third, support for the Contadora peace process;

Fourth, support for efforts of Nicaragua's neighbors to defend themselves against Nicaraguan-based insurgents;

Fifth, support for economic and development aid to Central America to facilitate the growth and strengthening of democracy and economic development throughout the region;

This alternative would put pressure on the Sandinistas to discourage their support of insurgencies against their neighbors. This act would promote security and democracy in the region—and without the United States intervening militarily.

If the United States acts to unilaterally impose our will, we will not succeed. Our efforts will backfire, and play into the propaganda line of those we oppose. History should teach us the lesson that moving down the unilateral interventionist road will be counterproductive in the long run. We can meet the challenge of Nicaragua, and should, in the alternative ways proposed to the administration. The President's approach doesn't meet that challenge effectively, so I will vote against it.

The VICE PRESIDENT. The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, yesterday I was visited in my office by two constituents who were strongly opposed to U.S. aid to the Contras in Nicaragua. I stated my view during that visit that they had won the argument; that whatever specific steps were taken on the floor of the Senate today, they essentially had won because the President originally asked for military aid for the Contras. Then he began backing off of that request in the face of certain defeat in the Congress, first going to a 60-day use of the aid for humanitarian purposes, now humanitarian aid exclusively, and this, I understand, is going to be made clear in a letter which will be released sometime between now and the vote.

Mr. President, I think the issue we should be voting on is a very simple one. The issue we should be voting on is whether the United States is going to help those who resist Marxist expansionism in our own hemisphere.

That to me is the very simple issue. I think that it is beyond doubt that Nicaragua is a Marxist regime; that it has armed itself to the teeth, and that it is ideologically committed, and has so stated, to fomenting revolution beyond its own borders and has physically participated in that effort.

To me that question—whether or not the United States should provide aid to those who are resisting Marxism in our hemisphere—should be the issue.

In fact, what has happened is that Congress has gotten itself into the business of making foreign policy. Congress through a lengthy process of interjecting itself into this decision has, as it usually does, attempted to obscure the issue, so we have had what in my opinion is the quite bizarre spectacle of groups of Senators appointed by who knows whom going to the White House for the purpose of negotiating the most minute nuances of a humanitarian aid package. What we are left with today, Mr. President—and I think it is unfortunate—is a very, very fine distinction between two, I would say, almost indistinguishable humanitarian aid proposals.

I think this is too bad, for a couple of reasons. First, I believe that the No. 1 question should be faced up to eventually, and that is whether we are going to aid those who resist Marxism in our hemisphere. If the answer to that is no—and I believe that a strong case can be made that the answer will be no—no matter what we vote on today, then I think that is going to have obvious consequences for the future of Central America and the future of the interests of the United States.

I believe that a second concern has to do with the role of Congress in the making of foreign policy. It seems to me that we have gone so far in taking foreign policy from the hands of the President of the United States that we have pretty much immobilized the President.

I cannot understand how we can have a purposeful foreign policy if we are constantly getting into the position, in the U.S. Senate and in Congress, of finetuning it.

Foreign policy with respect to Central America has all the qualities of a "Pink Panther" movie, in my opinion. We are the Inspector Clouseaus of foreign policy. We are to foreign policy what Inspector Clouseau was to law enforcement.

I am concerned that we have not given a clear answer to what I believe to be the question at hand. I think this is a mistake. I think that the weakness that is going to be demonstrated today, regardless of how we vote on the issue at hand, is going to come back to haunt us and that at some point in our history we are going to point to what we have done today on the floor of the Senate as a turning point in the history of Central America.

Mr. GORE addressed the Chair.

Mr. CRANSTON. Mr. President, I yield 4 minutes to the Senator from Tennessee.

Mr. GORE. I thank the Senator.

Mr. President, my vote this evening against further support for the Contra military effort will be no vote of confidence in the leaders of Nicaragua. Perhaps we see them in the reflected light of our own hostility, as some critics of America's record in Latin America claim. I think, however, that one may deeply suspect the Government of Nicaragua, and yet conclude that nurturing civil war in that country is not the right course of action for the United States.

Surely, no one can believe that we can deal with the Nicaraguan problem for the price of $14 million. The sum we are debating today is not the price tag for a package deal; it is a mere deposit on something that must inevitably grow not only in financial, but political costs. If we allow this measure to pass, the administration will take it as a signal to scale up the level of violence in Nicaragua. It will do this in preference to any other kind of sanctions, and certainly in preference to diplomacy. And the reason the administration will do this is because it is convinced that there is only one right outcome to this problem: to drive the present Government of Nicaragua from power.

I have no case to make for the Sandinistas, but I am convinced that it would be folly to go down this road, for in so doing we would leave behind the support of the American people. That support is manifestly absent, because the President's case has not been proven; because his zeal for military response is so plain to see. The President has been ready to mine harbors, but not to interrupt U.S. trade running through them. He has been ready to raise an insurrection against a foreign government, but not to break diplomatic relations with that government. He toys with diplomacy, but only as he requires the appearance, rather than the substance of negotiations.

Now, insofar as our Government has helped bring the Contra movement into existence, there is a case that we ought not to cast them off utterly, but to provide food, medical supplies and other reasonable kinds of aid for sustenance. And, insofar as we have no reason to be sure that our restraint will be reciprocated by the Government of Nicaragua, there is also a rather hard-eyed argument that if humanitarian aid holds the Contra movement immobile but intact, that too, may be useful.

But due to the breakdown of negotiations at the White House, the moment is at hand for Congress to unambiguously bring U.S. support for covert military activity in Nicaragua to an end. In these circumstances, we must insist that this is a time for the administration to make primary use of the tools of diplomacy. If we do not insist on this effort, but allow the administration to move on to what I fear will be an irrevocable commitment to higher levels of violence, we shall put at risk the decade of national healing and reconciliation experienced since the end of the Vietnam war. Better to deal with Nicaragua as a problem of containment, than as a project for counter-revolution. One way lies the possibility of an effective strategy capable of support from the American public over the long term. The other way leads to an inevitable moment of repudiation by the American people.

Mr. HATFIELD and Mr. WILSON addressed the Chair.

The VICE PRESIDENT. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, this debate represents, I believe, a classic and historic collision between what might be called short-term and long-term foreign policy considerations. Unfortunately, in some respects it seems as though the short-term considerations are presently winning. I see the policy dilemma revolving around the following factors:

First, if we judge the character of the Nicaraguan revolution precipitately and formulate our policies on that basis, are we going to be prepared to bear the consequences later if we are wrong now? Do we defer our historic commitment to the sanctity of the rule of international law to sustain the momentum of this policy, of which the $14 million has become but a symbol? Do we work from the premise that peace is possible or that war, in all likelihood, is necessary?

If we render a judgment now that the Sandinistas are beyond the point of no return, we invite a self-fulfilling prophecy.

If we convince ourselves and the American public that Nicaragua is in fact a certifiable arm of the Soviet Union's foreign policy apparatus and a threat to vital U.S. interests, we had better know exactly what we are talking about, because under that assumption, if a military defeat of the Contras becomes inevitable, our obligatory response will also be inevitable.

What we do or do not do today affects the unfolding caricature of the Nicaraguan regime. Make no mistake about it. Our responsibility is immense, because the mark we make on that caricature through our actions today will go far in determining whether it will be necessary to send American troops to war tomorrow. No society could sustain, without paying a price in judgment, the siege mentality which the Nicaraguan people have been forced to bear under the present circumstances—fighting a war against a dictatorship one day, only to defend themselves against attack the next.

Mr. President, there are many valid arguments that point to danger in the Sandanista regime, their immense military buildup being one of them. And I concur in the viewpoint that we should be concerned and act accordingly. But I speak now only of the psychological impact that uninterrupted war has on a society and a people. We may never have the opportunity to help the Nicaraguan people if they become so used to war that they are rendered incapable of functioning any other way.

To the extent that this caricature of a society is still unfolding, opportunities to change it which we fail to embrace, opportunities that are before us today, ready to be tested, virtually guarantee that our most sinister suspicions will be validated.

So everyone here who talks of a "totalitarian Marxist Leninist Soviet beachhead" in Nicaragua had better know exactly what he or she is talking about, because if a majority of us are convinced of that now and act accordingly, we are going to have it, as sure as we are going to have to stop it one day in order to save face.

I am not saying people are right or wrong on this assumption. I am only saying that we had better be careful before we cross that xenophobic threshold. We are all cynical to some degree, and I suppose we have a right to be. But there are untested opportunities which exist right now—they are out there—opportunities which are not receiving the attention they deserve. We are not taking them seriously and yet we have no idea whether they deserve to be taken seriously or not because we have not really explored the possibilities.

The Nicaraguan Government is talking today about lifting press censorship. They are talking about amnesty. They have already announced a qualitative freeze on the importation of arms.

I have no illusions, but I do have fear, fear that we have become so jaded already, liberal and conservative, Democrat and Republican, so obsessed with the symbolism and the question of who will win and who will be the victor and who will be the loser in this situation that the political smoke will clear tonight and those opportunities for forward movement will have gone up in smoke right along with it.

Finally, the Sandinistas may at times seem like petty thugs but we are surely becoming world class outlaws ourselves. And as long as we stand in defiance of the jurisdiction of the International Court of Justice, and the Charter of the United Nations, glaring omissions in this debate, we deserve what we get according to the law of the jungle.

We have embraced the law of the jungle to the disgrace of our ideals and the delight of our enemies as a preferred method of operation.

Congress sent a clear message that it will not finance the mining of harbors but it has not made clear during this important juncture in the formulation of policy that the rule of the international law is every bit as relevant to determining the parameters of our policy as our refusal to tolerate another Cuba in Central America.

When we boycott international jurisprudence over the mining of a harbor because the verdict is predictable, we invite the Ayatollah Khomeini to mine the Strait of Hormuz, and when

we do not recognize the U.N. Charter, we invite the Soviet Union to stay in Afghanistan and roll into Poland.

And when we fail to correct this disregard for the sanctity of law in the context of this debate we are challenging the form of this policy but we are acquiescing in its substance.

This is an immensely important decision we are making. I am only hopeful that we can see beyond the day and beyond the question of who wins and who loses on this vote.

Mr. STEVENS. Mr. President, I have yielded 5 minutes to the Senator from California but I wish to add to my request to yield to the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Georgia [Mr. NUNN] 15 minutes to be allocated among themselves however they wish to do so and I so ask unanimous consent.

The VICE PRESIDENT. Without objection, it is so ordered.

The Senator from California is recognized.

Mr. WILSON. Thank you, Mr. President.

Mr. President, I begin by commending the junior Senator from Missouri, Senator DANFORTH, for stating the case with painful clarity. He has chastised those of us in this Chamber who mistake our role and who exceed it, whatever our good intentions are, and seek to usurp the proper role reserved by the Constitution to the President of the United States, the conduct of foreign policy.

But if in fact we are going to usurp his role, then at the very least we owe to one another and more importantly to the American people a clear and objective analysis of the facts that bear on this decision.

Mr. President, any clear analysis would yield up the following facts, facts which are painful, even dangerous facts which even Inspector Clouseau could not avoid.

Mr. President, the first of these is the Sandinista regime seeks to export its revolution beyond the borders of Nicaragua by terrorism, by violence, by subversion.

This has been made explicit by the leaders of the Sandinista revolution.

Most recently I am told that it appeared in a special MacNeil-Lehrer report on Central America.

But there is no shortage of these explicit statements that admit the ambition of the Sandinista regime to dominate its neighbors.

Far more eloquently than any admission, any explicit statement by a Sandinista commandante, is the unhappy fact, the pain, the depth, the suffering that has been inflicted by this regime upon the people of El Salvador.

Not only has this effort brought incredible suffering, not only has it sought to disrupt the free process of elections in that country, but it is quite clear that from an abundance of evidence these efforts, not of rebels, but of terrorists are armed and directed from Managua.

Anyone who is in any doubt I would refer to the Intelligence Committee where they can hear the abundant evidence of captured arms, captured communications, of defectors' statements. There is no doubt certainly within the region, if there is in this Chamber, no doubt whatever that this insurgency in El Salvador is armed and directed from Managua as are the efforts of the Sandinistas to undermine and subvert Honduras and Guatemala and small and defenseless Costa Rica.

The second painful fact, Mr. President, is that the Sandinistas will never give up power. They have made their intentions abundantly clear again through explicit statements. In response to a pointed question in a conversation which I had with him in August 1983, then Commandante Ortega said not by free election nor any other process would the Sandinistas ever give up the power that they had won through revolution.

The third painful fact is that like most Marxists they are patient and will wait out not just this administration but any other which poses a threat to thwart their ambitions to dominate their neighbors. It is the purpose of their massive military buildup either to actually employ force against their neighbors or fearing the response that would be expected under the Rio Treaty obligations they will simply use it to extort.

Mr. President, the fourth fact is that imposing a threat to their neighbors in Central America and ultimately to Mexico, the Sandinista regime in Nicaragua, acting as a surrogate for the Soviets and the Cubans, poses a threat to the United States itself not just to our sealanes in communication in the Gulf of Mexico but along an 1,800-mile-long undefended land border across which massive illegal immigration, including literally three-quarters of 1 million Salvadorans, perhaps as many as a quarter of 1 million other refugees from other countries have fled.

Obviously, the consequence of this threat is that one day the American people might awaken and might plausibly demand that we bring home American troops from other theaters, from NATO, from Korea, to engage in a defense of that Mexican-United States border.

And another plausible defense is that one day, because of the temerity of this body and because of our inability to see and deal with reality, American boys, some now 16 and 17 years old, may one day have to shed blood.

Mr. President, that would be a tragedy unspeakable because of the needlessness of it.

I would suggest that the resolution before us gives us the opportunity to act responsibly to people who are seeking freedom, people who are placing pressure upon that Sandinista regime, pressure of a kind that alone has brought about some responsiveness.

We are asked by the spokesman for the archdiocese of Managua to keep pressure upon this kind of Sandinista adventurism.

There are two things on the side of the Sandinista regime, Mr. President. One is time. They are typically Marxist and patient to a fault. They will outwait us, outlast us if we let them.

The second flowing from the first is the fact of the inadequacy of the U.S. response to this clear threat. There is no doubt, Mr. President, there is no doubt of the wish of the Nicaraguan neighbors to resist Sandinistas. But their will to resist depends directly and proportionately on their perception of the U.S. will to assist them. If we are seen to be uncertain, vascillating, totally lacking the clear resolve to properly assist not only President Duarte but the other neighbors of Nicaragua while Soviet-Cuban assistance continues unabated then, Mr. President, I will conclude sadly that for them to continue to resist will seem foodhardy.

We will find one day, as Churchill warned, that those who will not face the threat and fight it, when there is hope of overcoming it, will find the threat return to them grown much larger at a time when perhaps the fight will be unavoidable and the hope of winning is miniscule.

Mr. President, that is the threat that we face. It is not exaggerated.

This resolution should be supported.

The VICE PRESIDENT. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, there has been discussion here tonight of a letter that the President is preparing to distribute to the Senate this evening before we vote on this matter.

Let me just state for the RECORD that I have received no letter. I have been here on the floor for approximately the last half hour and I am not aware that any such letter is presently available.

Mr. DOLE. Will the Senator yield for a clarification?

Mr. BINGAMAN. I certainly will.

Mr. DOLE. Let me indicate that the letter is on the way. We have had a number of drafts, and we have made available to the minority leader about 5 o'clock the latest draft the Senator from Kansas had. I am sorry the final version is not here. But there have been some changes made that have delayed its delivery. The moment it is here I will come to the floor and read it in its entirety. I would indicate that I believe the letter will address nearly every concern.

Mr. STEVENS. Mr. President, I ask that that time not come out of the time of the Senator from New Mexico.

Mr. BINGAMAN addressed the Chair.

The VICE PRESIDENT. The Senator from New Mexico.

Mr. BINGAMAN. Let me continue with my comments, Mr. President. I am sorry I will probably complete my remarks without having seen the President's letter.

Mr. President, I rise to join my distinguished colleagues who seek to prohibit the release of funds to support the military activities of the Nicarguan rebels.

I visited Nicaragua 16 months ago with my respected colleague from Rhode Island Senator CHAFEE. I returned to Washington convinced that the expenditure of millions of taxpayers' dollars to wage an undeclared war against the Government of Nicaragua served neither the historic ideals of the United States nor our interests in Central America. Since then I have risen on frequent occasion in this Chamber to argue that our continued support of the Contras betrays the democratic ideals of our Founding Fathers and weakens our political position in an area that is vital to our national security.

Just 1 week ago, Mr. President, I revisited Nicaragua with my distinguished colleagues from Vermont and Michigan, Senators LEAHY and LEVIN. Today I stand before my friends and colleagues ever more certain that futher funding of the Contras will gradually, tortuously, but ineluctably draw us into the abyss of war in Central America either by proxy or by direct military intervention.

This is not the conclusion, Mr. President, of one who is oblivious to our security interests in Central America. It does not require great imagination to visualize a state of affairs in the region that could prompt U.S. intervention. Nor is this the conclusion of one who naively embraces the Sandinistas as a force of democratic emancipation in Nicaragua. The continuing economic and military ties between the Sandinistas and the Soviet Union, the substantial presence of Cuban military advisers in Nicaragua, and the Nicaraguan Government's persisting assistance to the Salvadoran insurgency do not augur well for regional stabilization.

But is it not morally indefensible and politically reckless for the United States to brandish its sabre at the Nicaraguan Government? Great powers, and the statesmen who guide their destinies, exercise military means to resolve international disputes as a last resort, not as the first, and certainly not as the only.

Considering that we maintain diplomatic relations with Nicaragua, the administration's undeclared war against the Sandinistas borders on the surrealistic. Worst yet, Mr. President, its approach is self-defeating. First, the administration's strident rhetoric and military intimidation make it difficult for the Sandinistas to sever ties with the Soviet Union as the President has fairly demanded of them, and to adhere instead to the nonaligned policy enshrined in their revolutionary rhetoric. In my view, the Soviets would be only too happy to see the United States mired in a protracted military involvement in Central America.

Second, our aggressive posture and military support to the Contras do not encourage the goal of democracy in Central America. Rather, the administration's approach legitimizes the Sandinistas' probable objective of political aggrandizement and strengthens the dictatorship the President seeks to dislodge.

Finally, prepared neither to declare a state of war against Nicaragua nor to coexist with the Sandinistas, the administration's policy risks alienating other countries in Central America at the expense of the very security interests it is ostensibly intended to preserve.

Mr. President, it is time for us to come to our senses with respect to our policy toward Nicaragua and the entire Central American region. We violate the public trust by using tax dollars to finance a guerrilla war that is neither legal nor wise. The American public will not support such a course. If we are to be responsive to the desires of our electorates, we must give diplomacy a chance by backing the Contadora process as the only peaceful way of reconciling differences in Nicaragua. Reviving the spirit of the "Good Neighbor" policy and the Alliance for Progress is a sign of strength, not of weakness. It does not detract from our military might; it complements it and makes it more credible.

As we concentrate our energies in search of a negotiated settlement of the Nicaraguan crisis, we should continue the prohibition of funds "for the purpose of overthrowing the Government of Nicaragua," as expressed in the Boland amendment of December 1982.

Mr. President, the diplomatic alternative that my colleagues in this distinguished body and I advocate can only be effectively pursued if the administration alters its goal of forceably removing the Sandinistas from power. Continuation of that policy portends a military involvement that will squander our human and economic resources and contribute to the erosion of our political influence in Central America and the world beyond.

Mr. DOLE. Mr. President, I would like to have this time charged to us. But we are pleased to have enter the Chamber at this point our distinguished friend, the man from space, Senator JAKE GARN.

[Applause, Senators rising.]

Mr. DOLE. Mr. President, I ask that the interruption follow the remarks of the distinguished Senator from New Mexico, and that the time used be charged to this side.

The VICE PRESIDENT. The Senator fom New Mexico.

Mr. BINGAMAN. Mr. President, I certainly am not offended by being interrupted. I think we should interrupt a speaker whenever a Senator returns from space.

[Applause, laughter.]

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER (Mr. RUDMAN). The Senator from Texas.

Mr. BENTSEN. Mr. President, what you have heard today and tonight are very eloquent statements that demonstrate why we have had so much difficulty in resolving our differences and in deciding what can and should be done in Nicaragua. I have no doubt that Nicaragua is in our sphere of influence and that we ought to be concerned about what is going on there; that the buildup of the army in Nicaragua to a size far greater than that of any other Central American country is a threat to that area; that the problem of censorship of the free press in Nicaragua should be of concern to us; and that the thousand political prisoners is certainly not something that we should countenance or that we should support.

Mr. President, the U.S. Senate has been wrestling with our Government's policy toward Nicaragua for some time now, and it is evident that this body is severely divided as to what that policy should be. Should we give further aid to the Contras? If we should, what form should it take? It we should not, where does that leave us in Nicaragua and the other countries of Central America? Can we really afford another Soviet satellite state in this hemisphere?

Throughout the debate, which has stretched over many months since the covert military program in Nicaragua came into the light, it has become obvious to me that the Sandinista government is not simply a misunderstood group of revolutionaries whose presence in Central America poses no threat to the interests of our friends in the region.

I believe, in fact, that the Sandinistas, in their present way of behaving, pose an active threat to peace in Central America, and that we cannot abandon our friends in the region in the light of these threats.

We cannot abandon our friends because there is evidence—credible evidence—that many of the arms and much of the ammunition that is used by the FMLN guerrillas in El Salvador

is supplied through Nicaragua by the Governments of Cuba and the Soviet Union. There is credible evidence that the Government of Nicaragua is providing training bases for guerrillas from El Salvador, Honduras, Costa Rica, and the Dominican Republic. There is credible evidence—there is in fact an admission by the Sandinistas—that the command and control headquarters for the five FMLN groups are in Nicaragua; that the Government of Nicaragua knows they are there; and that the Government of Nicaragua does absolutely nothing to disturb them. I believe the Sandinistas must end their support of the insurgents in El Salvador and the other countries in Central America, and they must diminish the threat that their own military strength poses to their neighbors.

The Sandinistas are a threat to their neighbors because of a military buildup that has made them far and away the greatest military power in Central America. They have an army that is half again larger than any other in the region, and the Soviet Union and her allies have supplied to them over $500 million in armaments since 1981.

The tangible results of this Soviet largesse are visible in the form of tanks and armored personnel carriers and artillery pieces that give the Nicaraguan Armed Forces an awesome capability. The tangible results are visible in the high-performance helicopters that have been given to the Nicaraguan Air Force. And the Soviet and Cuban and Eastern bloc largesse is visible in the form of the military and security advisers who roam so freely through the streets of Managua.

We have a total of 55 U.S. Army advisers in El Salvador, and I know there are Members of this body who think that 55 is too many. If that is the case, what about Nicaragua, where there are at least 2,500 Cuban military advisers, and 50 Soviet military advisers, and 60 Bulgarian military advisers, and 70 East German military advisers? I am disturbed by their presence in Nicaragua, and I believe that we ought to use every peaceful means to convince the Sandinistas to send these military and security advisers home.

We have been discussing the particulars of Contra aid for months, and I confess that there are aspects of the program that trouble me. I would never for 1 minute say that the Contra program has been run with the level of control that I would have liked to see. But I will tell you one thing: I have never for 1 minute doubted that it is in our best interests to convince the Sandinistas to mend their ways and stop trying to undermine their neighbors; to back off from their embrace of the Soviets and the Cubans; and to reduce the military buildup that is so intimidating in the regional context.

On April 4, the President sent to us a proposal as to how he would use the $14 million that is contained in the continuing resolution for this fiscal year. After days of discussions with congressional leaders of both parties, from both sides of the Hill, he has modified his proposal. He has agreed that he will expend the $14 million for food, clothing, and medicine only, and not for arms and ammunition and that is a major concession. We ought to recognize it as such.

He has agreed to resume bilateral talks between the United States and Nicaragua and indicates that he will use these talks to support the Contadora process. He has stated that he will report to the Congress by September 1, 1985, as to progress toward achieving a verifiable peace and reconciliation in Nicaragua based upon democratic principles.

Finally, he has accepted my recommendation to favorably consider economic sanctions against the Government of Nicaragua and to undertake multilateral consultations with other Central American states in this regard.

I will support the President in his efforts to achieve peace in Nicaragua without abandoning the hopes and aspirations of those who feel betrayed by a revolution whose initial promise was so great.

I happen to be one of those Senators who voted for the original sum of about $75 million we sent to Nicaragua in hopes they were going to have a pluralistic form of government. It did not turn out to be that way. No sooner had Daniel Ortega and his group obtained control than they changed things and stacked their little Parliament down there and took total control of the situation.

I think they have evidenced the fact that they do not keep their commitments.

The President has moved a substantial distance toward meeting the Government of Nicaragua half way. He has placed his full support behind the Contadora process and has eliminated military support for the Contra forces in Nicaragua, while continuing humanitarian assistance to them.

When I talk about economic sanctions, I am fully aware that, by itself, they will not cause a change in the Sandinistas in their attitude toward their neighbors. But I do think the imposition of economic sanctions will send a loud and clear signal to the Government of Nicaragua that we do not countenance the kinds of actions they have taken.

It is now up to the Government of Nicaragua to demonstrate their willingness to negotiate in good faith to resolve the conflict that is slowly destroying their country.

I yield to my good friend and distinguished Senator from Oklahoma [Mr. BOREN], who shares many of these same views and who has succeeded during the negotiation process with the President in finding a common ground on which we could join together, one which would limit this to humanitarian aid and bring the Contadora process into the forefront in trying to arrive at a just peace.

Mr. BOREN. Mr. President, I join with the Senator from Texas and others in expressing my enthusiastic support concerning the recent letter delivered to us from the President in the last few minutes with the President's request for $14 million for humanitarian aid for the Contras fighting to bring about change in Nicaragua.

As the Senator from Texas has said, I think the President has gone far more than halfway toward meeting the subjects raised by those of us in negotiations in the last several days on this side of the aisle.

Mr. President, we are not here debating a political issue, a partisan political issue.

We are not here to decide whether or not aid is going to be given to one political party or leader.

We are here debating the national security interests of the United States of America. Our responsibility as U.S. Senators on matters affecting the security of this country is to lay aside partisan politics and do what we believe is right for all the American people.

There are those, I know, in this body who sincerely feel that the way we should bring about peace and stability in Central America is to take pressure off the Sandinista government, to stop aiding the Contras, to stop in some way, or impair, their ability to disrupt the present Government of Nicaragua.

We have tried the approach of cooperation with the Sandinista government.

I do not question the integrity or the patriotism on those who believe that we should not be aiding the Contras. I question their judgment. I question the wisdom of the policy that they are outlining.

Before we cut off aid in 1981 we had sent $118 million of aid to the Sandinista government of Nicaragua. We have tried the cooperative approach. We are here discussing whether or not we are going to send 12 percent of the amount of money that we have previously given to the Sandinista government to those who have taken up arms in trying to bring about a free and pluralistic society in that country, and have tried to aid in the effort to prevent that government from exporting arms and terrorist activities to neighboring nations.

After we expended $118 million helping the Sandinista government, what did we get? Of course, the freedom of the press has been diminished

by that government, even after we gave them aid. The church has been interfered with in terms of its free activity, as the Archbishop of Nicaragua has so often stated. An internal security apparatus has been established. Increasing numbers of outside troops from Cuba and the Soviet bloc have been brought into that country.

It is clear to me that the only way we can bring about a peaceful solution, the only way we can bring about an improved chance for a pluralistic society, the only way we can get the Nicaraguan Government to enter into negotiations with us to try to stop subversion of their neighbors is to keep the pressure on.

One thing is certain: if we want to make sure that there are no negotiations on a meaningful basis between Nicaragua and the United States, if we want to make sure that the Sandinista government does not enter into good-faith negotiations with the Contras, if we want to make sure that they do not continue to take some actions that might liberalize freedom of the church and freedom of the press in their country, there is one way we can do that: remove all American pressure, remove it now, send a message to them that we will not support the Contras, send a message to them that we give them a free hand.

That is a guaranteed way to torpedo negotiations, to torpedo any movement toward freedom in Nicaragua, to stop any constraint on Nicaragua from exporting subversion to their neighbors.

I am not ready to do that. For those who are so naive as to believe that this government on its own, without any pressure from the United States, would act, I would ask them to look at the example of the Reverend Larry Jones from Oklahoma who attempted, after promises from Ortega, to deliver 225,000 pounds of food, 25,000 pounds of clothing, and a supply of medicine to the people of Nicaragua. He got that food into Nicaragua, but it has been confiscated by the government.

Mr. President, I ask unanimous consent to enter into the RECORD a statement by the Reverend Jones and a news article about it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE REVEREND LARRY JONES

I was assured by President Ortega—in an interview that I have on videotape—that I would be able to take food and clothing to local evangelical pastors in the Managua area and they, in turn, would be able to distribute it to the needy.

We had 228,000 pounds of beans and rice and 25,000 pounds of clothing which arrived on March 25th. I never saw any of it. The government confiscated it all, after I had received assurances from President Ortega that we would be able to distribute these goods.

I was also assured by a committee there that there would be no problem getting me a stadium to preach in. Thursday evening at 6:15 p.m. I was finally given access to a stadium with no lights, no sound system and I was told I could preach at 7 p.m. that same night. This gave me no opportunity to publicize the services. Later, I preached three consecutive nights in a church yard. I was also told I could broadcast on the radio but, conveniently the station, a small Christian station, was off the air. We were kept off-balance the entire time I was there. I never knew from one day to the next what was going to happen. The government did not keep any of the promises that they made to me.

I was a guest invited by the agency that the government in Nicaragua told me to work through. Actually, I was invited by three different organizations. If this is the way the government treats their invited guests, then how do they treat other people?

I was in Nicaragua five days this past week and four days over the Easter holidays . . . so altogether about 9 days in the last two weeks.

I want people to know that we went in as a relief organization to help the people of Nicaragua and the government confiscated our food, clothing, etc. and told us it was theirs.

I can only answer for what happened to me, not what might happen to other aid. But I want people to know what happened to me.

I was also told I could film the distribution of the food and clothing and, of course, was not so allowed because there was no distribution.

I plan to ask Congressional leaders to send a cable to the government to try and help me get my food and my clothing back.

I would like to go back to Nicaragua at a time when I would be allowed to distribute the food and clothing to the evangelical pastors as I had been promised.

[From the Daily Oklahoman/Times, Apr. 22, 1984]

JONES CLAIMS FOOD, BIBLES CONFISCATED

(By Allan Cremley)

WASHINGTON.—The Nicaraguan government confiscated 288,000 pounds of food that Oklahoma City Evangelist Larry Jones had been assured he could distribute through evangelical churches without interference, Jones told The Oklahoman Sunday night.

The pro-communist Sandinistas in Managua also confiscated a truckload of clothing, 600 Bibles, 50,000 religious tracts and 10,000 sermons in Spanish.

"A great part of the food" had been donated by Oklahoma farmers, Jones said.

He said he was allowed by the Sandinistas to preach in a Managua churchyard, but the seven truckloads of goods were confiscated.

Jones left the country hurriedly, "greatly concerned" that he would be detained.

"With all the promises they had broken, we didn't know what they would do," he said, upon arriving in Washington Sunday night.

Jones recently had a meeting with Nicaraguan President Daniel Ortega, who promised, Jones said, to allow him total freedom to bring in food and to preach in Nicaraguan churches, providing Jones stayed away from political controversy.

"We worked with the agency that their government had instructed us to work with," the evangelist said.

The food was to be delivered to a stadium, but "they kept telling me they had more than one stadium."

Jones said that Carlos Gallo, a province director, told him he was going to give the food to "displaced people."

Jones said Gallo told him that "when the food crosses the line (into Managua) it is ours (the government's)."

"They turned us over to an agency, then to another agency, and then another," Jones said.

He said trucks from the ocean-shipped cargo arrived in Managua on March 25, "but I've never seen any of it, and they knew from day one we needed it."

The goods were supposed to have been distributed by 1,337 evangelical pastors in Nicaragua.

When Jones finally discovered what had happened, he went to the American embassy in Managua Friday night and called his wife in Oklahoma City. The State Department was immediately notified.

Jones' foreign aid ministry is conducted through Feed the Children, an Oklahoma City-based organization.

Jones flew to Washington Sunday and sought a meeting today with the Oklahoma congressional delegation.

The action by the Sandinistas came only two days before Congress is scheduled to vote on the administration's requested release of $14 million in military aid to the anti-Sandinista rebels, known as the Contras.

I can't believe they (the Nicaraguans) are doing this to us on the eve of this vote," Jones said.

However, the administration request is thought to have no chance in Congress.

Jones was attempting to reach U.S. Sen. David Boren, a member of the Intelligence Committee who has expressed support for the Contra movement.

Boren, D-Seminole county, was instrumental in organizing a bi-partisan meeting at the White House Sunday to seek a compromise on Contra aid, but it was canceled.

Richard Halwell, Deputy Assistant Secretary for Inter-American Affairs, said Sunday night, the State Department is looking into the Jones matter.

He called the apparent doublecross "part of a continuing pattern—they have done it on a smaller scale with groups from Germany and Japan."

Mr. BOREN. Mr. President, there are those who say this is only a letter from the President. I would only say this: It implements everything we have asked for, Mr. President, humanitarian aid, a ceasefire, bilateral talks, economic sanctions, and things all of us feel should be done.

I would only say as one Senator, one American Senator, I hope I never see the day when any of us stand up and say we cannot accept the word of the President of the United States no matter what party we belong to. He is my President as an American, and I am willing to accept his word in writing in a letter. I expect him to stand by it. On that basis, I enthusiastically support his request.

I yield any remaining time to the Senator from Georgia.

Mr. NUNN. Will the Chair notify me when I have 3 minutes remaining?

The PRESIDING OFFICER. Very well.

Mr. NUNN. Mr. President, I share the sentiments expressed by my friend from Texas and my friend from Oklahoma. I think if you look back a couple of years you will see we had a raging debate about El Salvador. At that time there were many in this body, the House, and in the country who felt there was no hope in El Salvador.

We devised a policy there between both parties. That policy basically encouraged those who believed in democracy and democracy in El Salvador. That policy demanded an end to human rights abuses there. That policy provided for a dialog with all factions in El Salvador. We encouraged that. That policy also encouraged free elections there.

All of those things, including participation in the church in this endeavor, have now begun to be realized.

We are a long way from closing the chapter in El Salvador. We are a long way from ending human rights abuses. But at least we have a bipartisan policy in that part of the world in an important country.

I suggest we have to do the same thing regarding Nicaragua.

The President has taken at least three steps backwards here in terms of his policy. He has agreed to humanitarian aid; he has agreed not to have the military option on the front burner; he has agreed as late as this afternoon to begin to look at economic options rather than simply military options, as alluded to by the Senator from Oklahoma.

He has also agreed late this afternoon, to include a provision in the draft of the letter, which I saw, that says we will vigorously pursue the end of human rights abuses in that important country by our allies and by others.

I think we have come a long way. I think this letter represents the beginning of a possible approach in Nicaragua that can enjoy a centrist-type bipartisan following.

That remains to be seen, but I hope that we will support this aid at this point in time. I think it would be very, very poor foreign policy if we decided after all of these assurances from the President to terminate all aid to the Contras.

Mr. President, I know the Senator from Illinois has a few comments he would like to make. I yield to him whatever time remains.

The PRESIDING OFFICER. The Senator from Georgia has nearly 3 minutes remaining.

The Senator from Illinois.

Mr. DIXON. Mr. President, there have not been many issues recently as controversial as the question of what to do about Nicaragua. Layers upon layers of problems have beset U.S. policy with respect to Nicaragua for decades, not just for the past few years, but for decades.

Some would argue, and I think correctly to a certain degree, that U.S. involvement in Nicaragua since the turn of the century has not necessarily served the best interests of the people of Nicaragua. The United States dispatched the Marines to Nicaragua too many times to count and propped up oppressive regimes through the years. I submit that may be the case, Mr. President, but I would also suggest that the United States was very generous in its aid to the Nicaraguans after the fall of Somoza. This Nation helped Nicaragua get back on its feet in the late 1970's.

What did the Sandinistas do in response, Mr. President? They walked openly into the arms of the Cubans and the Soviets. We did not force them to take those steps. The Sandinistas did it on their own.

The history of American involvement in Nicaragua may be the first layer of controversy surrounding American policy, but the truly problematic issues which are of concern to Members of Congress today are to be found in the so-called Contra aid program.

Much of the current problem, I would suggest, is the fault of the administration itself. As the program has evolved since 1981, the White House has shifted its rationale for American support of the Contras on numerous occasions. In the process, I think it is fair to state, the administration slowly but surely squandered support for the program both in Congress and with the American people. To make matters worse, reports surfaced that the CIA was involved in the mining of Nicaraguan harbors—a move I condemned—and that the Senate Intelligence Committee was not notified beforehand, in apparent violation of a commitment made to the committee.

Then, there was the CIA-produced booklet instructing Nicaraguans on terror tactics. The list goes on and on, Mr. President, but I think the point is clear: The administration keeps shooting itself in the foot, draining little by little any American resolve to protect our interests in the area.

The next layer of controversy concerns the Contras, or freedom fighters as President Reagan puts it. Who are they? Are they would-be founders of a truly democratic society in Nicaragua, or former national guardmen under Somoza who would turn the clock back to pre-revolutionary Nicaragua? The answer, in my mind at least, is clear—they are both. Some opponents of the Sandinistas are committed to the path of democracy, such as Arturo Cruz, whose recent peace proposals struck a responsive chord in many peoples' minds. Others, unfortunately, are committed to a path of destruction and terror, intent upon military strikes against civilian targets and innumerable human rights violations in the process.

Yes, Mr. President; the United States is involved in a messy, very messy affair. Yet, against this backdrop of controversy, there remains one central fact which cannot be effectively refuted, at least as far as this Senator is concerned: The Sandinistas have voluntarily moved into the Soviet-Cuban camp, and the Contras are involved in an effort to prevent Nicaragua from becoming another Cuba in America's backyard. All of us are well aware of what happened to Cuba under Castro. It would be a tragic error to ignore now the lesson we painfully learned from the Cuban experience.

If I am correct, then I believe it is in this Nation's interest to prevent that occurrence by the most effective means available. All of us in Congress would prefer to witness democratic change by peaceful, diplomatic processes. I strongly agree with my distinguished colleagues, notably Senator SAM NUNN, that President Reagan was correct to embrace the democratic resistance proposal for an immediate cease-fire and commencement of a national dialog with Nicaragua. Thus, I think it is imperative that serious diplomatic and economic options be brought to the forefront of American policy.

At the same time, I also believe that the United States has a solemn commitment to the democratic forces, led by Arturo Cruz and others. That includes resumption of humanitarian aid to the democratic opposition for the near future, at the very least.

Too much is at stake, Mr. President, to just walk away from Nicaragua. If we do, I am convinced that the United States will regret its decisions a few years down the road. After more than 3 years of false starts and missteps in that area, it is now time to piece together an effective foreign policy for Nicaragua which will be sustainable in Congress and with the American public for years to come. If we have learned anything since Vietnam, it is that a foreign policy cannot be sustained without the support of the American people. Today's effort is, I hope, a step in the right direction.

Mr. NUNN. Mr. President, I ask unanimous consent that the text of my remarks given on this subject last week be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COALITION FOR A DEMOCRATIC MAJORITY

Thank you, Harriet. I appreciate your generous remarks. Those of us from Georgia, along with many others from around the country, know that the Democratic Party has no greater friend, no more ener-

getic supporter and no more effective leader than Harriet Zimmerman.

Helen Jackson, Chairman Wattenberg, President Rosenblatt, Penn Kembell, Congressman Fascell, Congressman Aspin, ladies and gentlemen:

My election to the United States Senate twelve years ago brought me many opportunities, but among the greatest opportunities was the privilege of working with and being a colleague of Scoop Jackson. From the day I arrived in Washington, Scoop was my friend, he was my teacher, he was my colleague, and he was my mentor.

This award is well named. Scoop Jackson was truly a friend of freedom.

I am honored to be placed in the company of Dante Fascell, who received the first Henry M. Jackson Award last year, and Les Aspin, with whom I share this recognition tonight. Both of these outstanding legislators serve this nation in the finest tradition of Scoop Jackson.

Scoop's leadership and voice are missed today in the Democratic Party and in the nation. It is altogether fitting that the Coalition for a Democratic Majority gives its highest honor in the name of Scoop Jackson. I am deeply grateful to the CDM for this award.

To honor Henry Jackson, we must remember the noble vision of America's role in the world constitutes his indelible legacy.

Scoop understood that the struggle of our time is between freedom and totalitarianism. He knew that only a strong America, willing to assert its leadership in the world community in defense of democratic values, can ensure that free people will triumph in the end.

For more than a decade, your organization has exemplified the best of the Democratic Party—our traditional support for a strong national defense, for a foreign policy that promotes freedom and opportunity around the world and for a dynamic and equitable economic policy that enjoy the support of a majority of the American people.

A quarter of a century ago, John F. Kennedy wrote that our nation reeled:

"From crisis to crisis for two reasons: First, because we have not developed a strategy for peace that is relevant to the new world in which we live; and secondly, because we have not been paying the price which that strategy demands—a price measured not merely in money and military preparedness, but in social inventiveness, in moral stamina, in physical courage."

Your Council kept our gaze fixed on these goals—the preparedness, the innovations, the stamina, the courage that are essential for Democrats if we are to return to our traditional role as the majority party and for our nation if we are to meet the challenges of the coming years.

One of the most important—and most difficult—of these challenges is the dilemma we face in Central America.

No one should have any illusions about what the struggle in Central America is about. It is a struggle between brave men and women fighting for democracy and a better life on one side and on the other side, the enemies of freedom, both on the left and on the right. And no one should have any doubt where America should stand in that conflict. We should stand with the forces of democracy.

We stand with the democratic center in El Salvador: we oppose both death squads on the right and the Marxist guerrillas on the left.

The outpouring of popular support in El Salvador for President Duarte as expressed at the ballot box is a moving example of the power and appeal of democracy.

This success demonstrates the wisdom of a U.S. foreign policy when it is centrist and when it enjoys broad bipartisan support.

Unfortunately, no one is claiming "victory" in El Salvador. The war goes on. Human rights abuses, by both the right and left, continue, though diminished. There has been inadequate investigation and prosecution of the murderers of American citizens. And democracy, while growing, remains fragile and vulnerable. But we are beginning to build a sustainable policy towards that nation, a policy that has increasing bipartisan support.

But that is not the case in Nicaragua. Our policy there is in a muddle. It does not command the support of the American people and the Congress—and until it does it is not likely to succeed. Some of the Administration's critics, appear content simply to defeat the President's proposal for additional aid to the contras. I believe the Democratic Party has the responsibility to offer an alternative course.

As I see it, U.S. interests in the region can be reduced to two simple objectives: one, we must foster genuine democratic principles as well as economic and social growth, and two, we must prevent the Soviets or the Cubans or their surrogates from making Central America a base for the projection of their power. If we support dialogue, democracy, and national reconciliation in El Salvador as we do, we should also support those goals in Nicaragua.

Next week, the Congress faces a difficult yes or no vote on whether to release $14 million already appropriated for continued covert aid for the contras in Nicaragua. An increasing number in Congress are uncomfortable with either a yes or a no vote.

A "no" vote would be perceived as:

The end of all aid for the Contras; a victory for the Sandinistas; withdrawal of the United States from further active involvement concerning Nicaragua.

I feel these results are unacceptable.

On the other hand—as economists are fond of saying—a yes vote under the present policies of the Reagan Administration is not likely to result in significant leverage vis a vis the Sandinistas or a change in their behavior.

First, even if the President wins the vote in the Senate and the House (which is possible but not probable) the victory will be very narrow and not reflect any lasting consensus or any long-term sustainable approach.

Second, the $14 million will last only a few months, and the entire battle must be fought again prior to the first of October, the beginning of the next Fiscal Year.

Third, if the President wins and if his peace plan is accepted but if there is no agreement after 60 days of peace talks, the President proposes to pull the trigger for more military aid. The catch is there won't be much money left. Thus, the President's trigger which converts humanitarian to military aid is merely a symbol. Without further Congressional approval of substantially more money for FY 1986, if the President pulls the trigger for military aid, the gun will simply not be loaded.

Our dilemma is clear, but the answers are much more complex. Our challenge as a nation is to chart a course toward Nicaragua that enjoys bipartisan support and is also sustainable.

We must avoid the "Lebanon syndrome" in which the President and Congress establish arbitrary and unrealistic time limits to complex foreign policy goals.

I am hopeful that the President and the Congress will consider an alternate, long-range approach.

In my judgment we must design a policy that continues pressure on the Sandinistas while moving American promotion of military action in that region to the back burner.

The American people must believe that all avenues of diplomatic, economic and political pressure have been exhausted if there is to be any lasting support for military related options. This is not the case today. Right or wrong, the perception is that the military option through the contras has been on the front burner and is the President's course of first resort.

The challenge is to move the military option to the back burner while keeping it on the stove and honoring our commitment to the democratic forces in Nicaragua. This means resuming an adequate amount of humanitarian aid both now and for the foreseeable future with no arbitrary termination dates. America would not furnish lethal aid and equipment, but the contra movement would be assisted with food, clothes, supplies, medical support and other necessary support.

While resuming humanitarian aid, I suggest that the diplomatic and economic options be moved to the front burner.

I agree with President Reagan's call on the Nicaraguan government to accept the recent proposal of the democratic resistance to agree to an immediate cease-fire and commencement of a national dialogue.

Further, I believe the United States should call on the Sandinistas to suspend their state of emergency, thereby lifting press restrictions and allowing for full freedom of association and assembly. If the Sandinistas agree to a cease-fire, if they open a dialogue and if they suspend the state of emergency, the United States should suspend military maneuvers in Honduras and off Nicaragua's coasts.

The United States should further call on the Nicaraguan armed opposition to purge from its ranks of all those responsible for serious human rights abuses. Congress and the American people must be convinced that we are supporting the true democrats, men like Arturo Cruz.

I do not believe this diplomatic approach will work without some form of pressure on the Sandinistas. While the military option remains in the background the President should make every effort to enlist the nations of the region in a coordinated effort to bring maximum economic pressure on the Sandinista government. One option which should be considered immediately is an economic embargo, enlisting our allies in the region and other allies throughout the world to the extent possible.

There is no guarantee that this approach will accomplish our goals. There is no perfect policy.

The responsibility of those of us who hold political office is not to seek an illusive and impossible purity, but to craft the best and most sustainable foreign policy to advance American interests and ideas.

If these political, diplomatic and economic steps do not work, the President could come back to Congress and request resumption of military aid. At that point, a request for military aid would be on a very different foundation. I would support and I am certain that many others would support an expedited procedure in both the House and

Senate for the consideration of such Presidential request.

I am hopeful that the President will consider these suggestions before the vote next week.

With the President's support, I believe this concept could enjoy a consensus in Congress and provide a foundation for a sustainable, long-term policy regarding Nicaragua. If the President insists on voting on his present proposal, there is a good chance he will lose, and even if he wins I believe he will simply be postponing for a few short months the inevitable termination of all aid both military and humanitarian to the Contras.

The Democratic Party of Franklin Roosevelt, Harry Truman, John Kennedy, Hubert Humphrey and Scoop Jackson was a party that knew how to be both tough-minded and idealistic. Those men knew that successful foreign policy requires strong military power but also requires skilful use of diplomatic and economic tools. It begins with America's best values—human dignity, liberty, freedom, and democracy and its best accomplished through cooperation with our allies. Such a foreign policy must be sustained by national will and a recognition by the American people that we are pursuing a cause that is just.

That is what I am calling for tonight—a just course, that can be sustained by the good judgment of the American people that we are pursuing a policy in Central America that is built upon the cherished values of democracy.

As Scoop Jackson said of Central America: "There are no quick fixes. Piecemeal proposals and frantic, ad hoc programs are inadequate. The United States faces a profound, long-term challenge in Central America and must devise a set of long-term policies to match it."

I suggest that we pursue the goals together.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I yield 3 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair, and I thank the whip of the minority.

I am delighted that a compromise has finally been reached, Mr. President. I have been one of those appealing for reason and understanding. I do not know why it has taken so long to come up with what seems to be more or less accepted by those of us who wanted to not send the wrong signal internationally through the request from the President of the United States.

I attended two meetings last week, and I was kept advised of the meetings that went on at the White House over the weekend, so I am delighted now that some of the main participants are happy it happened and would generally agree. The question I have, Mr. President, is this is supposed to be the most deliberative body in the world. If we are all for this that the President has incorporated in his letter, then why do we not take down the matter before us and do things right?

Some very learned Members of this body, including lawyers, which I am not, have stood up and applauded this effort. On what are we voting, Mr. President? If we are about to vote, let me quote what we are voting:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves the obligation and expenditure of funds available for fiscal year 1985 for supporting, directly or indirectly, military or paramilitary operations in Nicaragua.

That is the law. That is going to be the law if we pass it. It is true that the President now comes along in his letter and says, "However, my intentions are founded on a different approach," is that the way the most deliberative body in the world passes laws—laws that say one thing very clearly but a letter from the President of the United States says something else?

Mr. STEVENS. Will the Senator yield on my time?

Mr. EXON. Yes.

Mr. STEVENS. Mr. President, I should like to point out that Public Law 98-473 passed October 12, 1984, provides specifically—and this is a matter of law already—that the only matter that can be before this body now shall state that "the Congress approves the obligation and expenditure of funds for fiscal year 1985 for supporting, directly or indirectly, military or paramilitary operations in Nicaragua."

There is no leeway. That is the law. We could not change this by rule of the Senate, nor change it by unanimous consent of the Senate. It is not subject to amendment, point of order, or any other motion.

So my good friend misleads the Senate by indicating that somehow or other these words were intended to carry purpose far beyond what was in the law we adopted last year.

Mr. EXON. Will the Senator be good enough to yield 2 minutes on my time to reply to what he just said? I am out of time over here.

Mr. STEVENS. Yes, I yield 2 minutes.

Mr. EXON. I think the Senator from Alaska knows full well there has been a concerted effort to get a unanimous-consent agreement to make changes in this law. Is the Senator from Alaska saying that if we could get a unanimous consent we could not do this correctly rather than the way we are doing it? I think the Senator from Alaska knows.

Mr. STEVENS. Mr. President, I will speak to that when I am recognized, but the answer is it could not be done by unanimous consent and still bind the House because, if you look at the law which was passed last year, the only matter that can be before both Houses is that precise language, in order to be fast tracked and to release the $14 million which was already been made available by the continuing resolution adopted by the Congress last December.

Mr. EXON. Mr. President, back on my time, just let me finish by saying there must be some way under our Constitution that we can make a change in the law by unanimous consent, and I was advised that we could, efforts were being made. Several Senators indicated that they wanted to so move.

In any event, Mr. President, I think this is a bad way to enact a law, but I am happy at least that an arrangement has been made that I think solves the basic objections I had to Senate Joint Resolution 106 when it was introduced, but I object to this process.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I yield 3 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise to voice my objection to Senate Joint Resolution 106 which is currently before us. As my colleagues should be well aware, the resolved clause of that resolution states "That the Congress approves the obligation and expenditure of funds available for fiscal year 1985 for supporting, directly or indirectly, military or paramilitary operations in Nicaragua." Not across the border, not anyplace else but in Nicaragua.

Now, the President and the supporters of this say it means a lot of other things, but that is not what we are voting, Mr. President. We are not voting on letters. We are not voting on stated intentions. We are not voting on negotiations at the White House. We are voting on whether we send money down there that can be used for food and so on, and release other money that can be used for arms. So this is an "ammo" vote as I see it.

I am unalterably opposed to this open-ended authorization given to the President. I hope my colleagues, whether they support the present policy or not, reject this gross abdication of Senate responsibility. The resolution pertains specifically to the 1985 money, but this unlimited authority I disagree with, giving the President, directly or indirectly, military or paramilitary operational authority in Nicaragua. I do not know what you need in a declaration of war.

I might ask, where has the great American free press been all through this? I challenge the gallery. Ninety percent of the writing we have seen on this has stressed the confrontation between Congress and the White House. How many people have literally read that what we are doing is giving the

President support, directly or indirectly, for military or paramilitary operations in Nicaragua. That is an advance Gulf of Tonkin resolution if I ever heard it. The President has put forth a peace plan in which there may be a few new things worthy of consideration, yet at the same time talks about people down there being the moral equivalent of our Founding Fathers.

Well, I am not apologizing for the Sandinistas. Our difficulties with them are well-known. We object to their denial of basic rights, freedom at home, support of revolution abroad, and I want to do what we can to make sure we change that regime. But I am not as the U.S. Senator from the State of Ohio going to stand here and vote for something that gives the President a blank check for a Tonkin Gulf resolution, directly or indirectly, military or paramilitary operations in Nicaragua, a nation with which we have diplomatic relations.

So what I hope we do, Mr. President, is we defeat this, and defeat it badly, then get on with putting a compromise before us that I can support. I will not abdicate my responsibility, and I will probably support it. But it will not be Senate Joint Resolution 106 saying that the President can actually go into these nations with our blessing in advance, do whatever he wants to do, directly or indirectly, military or paramilitary, in a nation with which we have diplomatic relations.

I urge my colleagues to vote against this. Then let us get on with a compromise that all of us can support which shows how much we dislike this regime in Nicaragua.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield time to the Senator from Minnesota.

Mr. DURENBERGER. Mr. President, unlike my colleague from Ohio, I would suggest that the people in the gallery have done a pretty good job. I think they have done a pretty good job of letting us know that we are not debating foreign policy here tonight and, on the half-dozen other occasions on which we have addressed the subject, we have not debated foreign policy, either.

Mr. President, for 6 long years we in this body have been struggling with the issue of Central America. Repeatedly, we have attempted to reduce a large and complex problem to a series of fragments that conveniently fit into our legislative frame of reference. We have surrendered our role as a deliberative body designed to deal with the largest conceptual issues, and have resorted instead to the methods of a cost accountant. Procedure consistently has overtaken substance, and the result has been that our foreign policy has lacked any sense of long-term vision.

Clearly, we are not alone in this approach, for the Congress is supposed to oversee and debate the policy suggestions put forward by the executive branch. For as long as I have been here, we have not seen a long-term, comprehensive, and affirmative policy. Instead, we have seen a few program elements and a lot of rhetoric. So it is perhaps understandable that Congress has tried to create a policy by default through the adoption of various joint resolutions, reporting procedures, certification requirements, and fencing restrictions around funding. But if this approach is understandable, it is not appropriate. It both inhibits the adoption of a genuine policy and enmires Congress in procedural rather than substantive debates.

There is no better illustration of the limits to our past approach than the situation we face today. We are offered, thanks to our own handiwork last fall, a poor and artificial choice: Whether or not to vote for Senate Joint Resolution 106, which releases $14 million for the Nicaraguan opposition.

If we adopt Senate Joint Resolution 106, we release some money. But we will still lack the comprehensive and affirmative policy we have needed for so many years. So we risk spending money in support of a policy which has yet to emerge.

But if we vote against Senate Joint Resolution 106, we will make such a policy impossible, for we will virtually abandon any role in the region and we will embolden a Sandinista leadership which all of us agree is engaged in destabilizing and repressive actions.

Mr. President, this is not the kind of a choice I welcome, and it is not the kind of choice I want to face again. I would prefer that we spend our time looking at a policy, not flipping a coin to choose between a fragmented policy and no policy at all.

So, I hope that we will have learned the futility of congressional conditions on programs in place of overall policy. I hope we will remember how our experiment with the artificial box-checking exercise of certification for aid to El Salvador led us nowhere.

I hope we will remember as well the fallacy of the approach we took in section 8066 of last year's continuing resolution—the procedure under which we are operating today. We challenged the President to file a report. He did so. We did not challenge the President to develop a long-term policy, so he has not done so.

The Senator from Missouri earlier reminded us of Inspector Clouzot from "The Pink Panther" and asked that Congress stop trying to make foreign policy. He is probably right. But the reality is that we are going to continue to do it and we have done it in Central America with our box-checking exercises in El Salvador. We did it last fall on section 8066, which is what brought this simple little one-line statement that the Senator from Nebraska quoted before us today. He read it right; it is a one liner. At the end, you check the box that says "yes" or you check the box that says "no" and it does not tell you anything.

Over the past few weeks, as many of us prepared for the debate today, we sought a third alternative to the narrow choice given to us by section 8066. Ideally, we would today be discussing the passage of an alternate resolution which expresses support for the Nicaraguan opposition, eliminates covert lethal military aid, and frees us from the artificial constraints on debate imposed by section 8066. Finally, of course, we would be discussing binding congressional legislation. In other words, ideally we would today be acting as legislators who are commenting on policy, not as simple cost accountants who determine whether or not a piece of paper has been filed.

Unfortunately, our own procedures made the adoption of this alternative resolution—or any other alternative resolution—impossible. Under the procedures with which we saddled ourselves, we cannot even consider, much less vote upon, an alternative resolution without the consent of two-thirds of the Senate. In other words, we have imposed upon ourselves a deliberate weakness, which prohibits us from acting as Senators who share responsibility for foreign policy. We have given ourselves no exit from the untenable choice I mentioned at the start of my remarks.

The danger of this procedural refinement became clear to me over the past few days as I discussed with many of my colleagues the possibility of creating a third alternative. All were enthusiastic in principle, even if they disagreed with the particulars of my suggestion. But we all discovered that adopting an alternative would simply not be feasible, given the requirement for a two-thirds vote.

This came to a head yesterday at the White House, when several of us from both sides of the aisle and all sides of the Central America issue spent 9 hours negotiating with the administration to try to break out of the logjam. We did succeed in significantly altering the President's plans. But we did not succeed in gaining a new legislative vehicle with which to sharpen that agreement. So we face today a simple yes-no proposition on Senate Joint Resolution 106, and we must recognize that our debate is artificially limited as a result.

So what are the poor folks in the press gallery to tell the people of this country that we are doing?

Senate Joint Resolution 106, which I support, simply provides $14 million for support of the Nicaraguan opposition. It says nothing at all about the conditions attached to that support. It says nothing at all about the objectives of U.S. policy, says nothing about the limitations on the expenditure of money. The reason it is that way is that we do not have a policy from which to operate.

You do not build a policy on peripheral issues like $14 million worth of either lethal aid or nonlethal aid or food, medicine, clothing, or whatever. You do not build a policy on that. And we ought to.

You do not build a policy around inconsistencies or credibility. You do not claim on the one hand that people who do not want Soviet communism in their hemisphere ought to rise up and vote $14 million in humanitarian aid when, on the other hand, we have, as others have pointed out, absolutely free trade with Nicaragua and diplomatic recognition. And we swear we will never send an Army, Navy, Marines, Coast Guard, whatever, to defend our country.

You do not have a policy if you cannot even get something really significant like the Jackson plan through this body. Now, there is a policy, but you cannot even get it through this body.

You do not have a policy when you do not know exactly what it is that "democratic revolution" means.

You do not have a policy when the people of the countries of Central America can vote, as the Panamanian legislature did, "Go ahead, United States, put some lethal aid in there, but if we catch you doing it and it is embarrassing to us, we will be against you."

You do not have a policy in the absence of larger goals. So, today, we are not debating some kind of comprehensive policy; we are debating a simple one-line statement of fact. And with it, after some period of negotiations, in which I participated, we will have conditions on the implementation of that one-liner from the President of the United States, who is responsible for policy.

But that statement will not give us any policy, either. So I am going to urge my colleagues to read the CONGRESSIONAL RECORD and read the speech the Senator from Georgia put in on his own. I wish I had put it in for him, because he gave a great speech last week on policy. I liked it because a lot of it was like a speech I gave 2 weeks ago at the National Press Club on the same subject, which was also put in the RECORD.

I concluded that we needed to guide any policy with six principles. I cautioned that in the absence of such principles, the United States would prove ineffective in its quest for regional stability and democratization.

First, I urged that we avoid building our policy on such peripheral issues as a $14 million lethal covert aid program. Policy requires the support of the public, and the previous formula for covert assistance has long since reached a dead end. Yet the administration persisted in trying to make this the centerpiece of its regional policy.

Second, I said that we must try to gain some credibility in our policy by balancing our rhetoric and our will. Yet no one has yet suggested either scaling back the rhetoric or upgrading that action.

Third, I urged that we rely more heavily upon economic tools like the Jackson plan, a 5-year program for stabilization and revitalization of Central America. Yet Congress and the administration continue to parcel out aid in small doses.

I could go on, but I shall not. The point would still be the same. The President is not offering and we are not proposing a comprehensive policy. If we do not soon do so, we can simply forget any prospect for a positive U.S. role in Central America. Instead, we will find ourselves, as we have too often found ourselves in the past, reacting to events rather than helping to shape them.

Therefore, we face one fundamental challenge today. We must buy the time for the President and for this body and our colleagues in the House to develop a policy. If we walk away from the problem, we will never see such a policy. But we cannot buy time at the cost of a lethal covert aid program which no one supports and which can no longer masquerade as a policy. We must buy time, but we must do so carefully.

Under the circumstances, those of us who met yesterday at the White House obtained a number of significant concessions from the Presdient with respect to today's vote. These concessions are backed up in a letter, and compliance with them will be measured and monitored through extensive auditing procedures and reporting to the Congress.

When President Reagan first proposed the appropriation of $14 million on April 2, he couched his plans in terms which were simply unacceptable. While his endorsement of the UNIR offer to engage in church-sponsored negotiations was a positive move, the plan contained what I referred to as a "razor blade in an apple": It permitted the President, after 60 days and without congressional assent, to convert the $14 million from humanitarian to military assistance. The decision to provide lethal aid would rest exclusively with the President, and Congress was in essence being asked to abrogate its responsibilities.

Those of us who met at the White House yesterday made very clear to the President that his proposal was out of the question, and that if he intended to use the $14 million to do in the future what we had tried in the past, Congress would prohibit an expenditures. Moreover, a number of Senators made clear their view that the UNIR negotiations were not enough. They insisted upon United States-Nicaraguan negotiations.

After 9 hours of negotiations, the President agreed to go back to the drawing board and rewrite his plan. He has done so, in a letter. Let me note a few of the highlights.

First, if we vote for Senate Joint Resolution 106, and free up the $14 million appropriated last year, every penny of that money will go for nonlethal assistance to the Nicaraguan opposition. Not 1 cent will go for arms and ammunition.

Second, the lethal triger on this aid—the razor blade in the apple—has been removed. The President cannot unilaterally decide to switch the funding from humanitarian to military goods.

Third, the administration will at all times fully consult with Congress concerning the provision of this nonlethal aid.

Fourth, bilateral talks with Managua will be resumed.

Finally, in the event of a cease-fire between the opposition and the Sandinista government, all assistance will be terminated if the opposition violates the cease-fire.

Mr. President, I think we have come a long way since the time when we were talking about lethal assistance under the guise of a covert program. We have come a long way since the time when our policy seemed to be summarized in the phrase "make them cry uncle." We have tempered the U.S. approach, and we have bought the time needed for the development of a genuine policy.

Under the circumstances, therefore, I feel confident that most Senators can and should support the passage of Senate Joint Resolution 106. A failure to do so will make any future policy impossible, and it will signal what very few of us believe: that we are acquiescent about the Sandinista government.

But while we have made a significant gain in tactics, we must commit ourselves to go farther over the next 5 months.

The President must not believe that our willingness to keep our word to the FDN and to show our resolve to the Sandinistas means that we will be patient with a nonpolicy. He must begin to move in the direction that many of us have called for, whether in my speech at the Press Club or in Senator NUNN's speech a few nights ago.

Equally, the Sandinistas must recognize that while we have had some tactical disputes with the President, we are firm in our resolve to oppose subversion abroad and repression at home by the FSLN minority. We will meet our obligations.

Finally, Congress must come to recognize that it is better to have a debate on policy than a narrow yes-no vote on tactics. It is better that 100 Senators discuss this issue than that a handful go to the White House at the last minute. We can move in this direction only by avoiding in the future the approach which has thus far limited rather than liberated this body as a major institution in foreign policy.

I urge my colleagues, between now and next fall, when we will undoubtedly address this issue again, to make ourselves more familiar than I think this administration is with the larger goals of the United States of America in this hemisphere.

Mr. PRYOR. Will the Senator yield for a quick question?

Mr. DURENBERGER. I am not sure I have any time.

The PRESIDING OFFICER. The Senator's time has just expired.

Mr. PRYOR. Will the manager of the bill yield for a question?

Mr. STEVENS. Mr. President, I have a considerable number of requests for time. I shall be happy to yield once I have exhausted those times.

Mr. QUAYLE. Mr. President, today's vote on aid to the Contra freedom fighters is critical not only to America's national security, but to our continued credibility as a nation that has long dedicated itself to supporting democracy in this hemisphere.

Make no mistake about it, Nicaragua's current Sandinista Marxist dominated government is a threat to such democracy. Both by action and deed, the Sandinistas have made this clear. Certainly, there no longer is any question about the totalitarian character of Sandinistas rule. The Sandinistas have publicly announced themselves as Marxist-Leninists and have willfully excluded all other political elements from government rule—in most cases forcing these elements into the active opposition, which now supports Contra activity.

Nor can there be any doubt about Sandinista expansionist motives outside of Nicaragua. Indeed, less than 1 year after establishing Sandinista rule, the party's leadership declared "This Revolution goes beyond our borders. Our revolution was always internationalist from the moment Sandino fought in La Segovia." Clarifying this statement, Nicaragua Foreign Minister De'Escoto in 1980 explained:

> You [the U.S.] may look at us as five countries, six now with Panama, but we regard ourselves as six different states of a single nation, the process of reunification.

Finally, when asked recently if the Sandinista revolution would be exported to "El Salvador, then Guatemala, then Honduras, then Mexico," Tomas Borge, Nicaraguas Interior Minister responded "That is one historical prophecy of Ronald Reagan's that's absolutely true."

Beyond Sandinista intentions, however, are Sandinista actions. In 1979, just prior to their successful overthrow of the Somoza, the Sandinista forces consisted of approximately 5,000 men. Somoza's National Guard had no more than 14,000 men. In all of Nicaragua, there were only three operational World War II vintage tanks and 25 antiquated armored cars.

Having no external enemies, and having been entirely victorious over Somoza's National Guard, the Sandinistas had no cause to increase their military unless they had aspirations beyond their borders. The buildup started almost immediately. The results: Sandinistas now have 62,000 military on active duty with an additional 57,000 available at any time to bolster Nicaragua's forces to 119,000—a figure larger than the military forces of Costa Rica, Guatemala, El Salvador, and Honduras combined. In addition to these forces, over 9,000 Cuban advisers are now in Nicaragua—3,000 of which are attached to Nicaraguan intelligence or military agencies—along with advisers from the Soviet Union and East Germany.

Over 340 tanks and armored vehicles geared for offensive action on Nicaragua's north Atlantic border with Honduras have been shipped into Nicaragua from the Eastern bloc along with scores of advanced long-range artillery pieces, tactical barrage rocket launchers, fuel tanker trucks, tank bridging equipment, chemical warfare equipment, advanced attack helicopters, military transport planes, torpedo boats, and command and control facilities. Finally, with Cuban help, the Sandinistas have constructed a major air base with a 5-foot thick, 10,000 foot-long runway capable of taking any air transport or jet bomber in the Soviet inventory.

Secure in the knowledge that none of its neighbors would risk countering its interference in their affairs by actually invading Nicaraguan territory, the Sandinistas have attempted to overthrow or destabilize each of its neighbors. Arms shipments to El Salvadoran Communist rebels from Nicaragua increased immediately and dramatically after the Sandinistas came to power.

These shipments are made by sea, air, and land transport. In addition to making Vietnamese and Soviet Bloc and deliveries to Salvadoran rebels, the Sandinistas, continue to train Salvadoran rebels in three major military camps operated within Nicaragua and operate a command and control center dedicated to rebel operations.

Sandinista coordinated operations against Hondurans began in earnest in 1981 with the channeling of Honduran rebel forces to Cuba for training and their reinfiltration through Nicaragua. Air drops of supplies were planned for these infiltrating forces from Nicaragua, but most of these advance forces have been captured before they could establish their network. Similar efforts to train and infiltrate rebel forces into Honduras have been repeated and continue today.

In Costa Rica, leftist kidnapings, bombings, and assignations, coordinated and aided by Sandinista cooperatives, have increased and use of Costa Rica as an arms transit point into El Salvador continues.

This, then, brings us to what we ought to do. Early on when the Sandinistas took power, we had hoped the revolution would remain pluralistic and that the non-Communists who were central to the revolution would remain central to the revolutionary government. This was not be be. Key non-Communist members of the revolutionary government—Alfonso Roberts, an original member of the five-man ruling Sandinista junta; Arturu Cruz, member of the junta and Ambassador to the United States; Alfredo Cesar, Executive Director of the Banking Superior Council; Eden Pastora, Vice Minister of Interior and Defense—all joined or became supporters of the Contras.

What is America's best hope for bringing pluralistic democracy back to Nicaragua? We have a choice. The Contra forces, which now numbers over 15,000 have joined the Nicaraguan Episcopal Conference and the members of the Coordinadora group of non-Communist democratic political organizations remaining in Nicaragua in calling for fair elections. Unlike the Communist rebels in El Salvador, the Contras have made it clear that they do not expect an immediate place in the existing government. All they demand is the lifting of the state of emergency, general amnesty for political crimes and prisoners and dialog leading to observed elections.

Support of the Contras means support of this agenda and the political leverage and pressure to see it realized. That is what today's vote is about.

If we fail to join the Contras to give them the support they need, we should be clear on what the consequences are likely to be. First the agenda above will be jeopardized. Certainly, the Sandanistas have no reason to become pluralistic or more liberal without Contra pressure. Their officials have already candidly admitted that their recent elections were held and rigged only because of the pres-

sures their opponents and the United States placed upon them to live up to their pledge to the Organization of American States to hold elections.

With a clear denial of aid to the Contras, the Sandinistas' only armed organized resistance, Nicaragua and the region will understand that we will be retreating to reliance on Nicaragua's goodwill. The exodus of people out of Nicaragua will continue—over 10 percent of its population have already left presenting destabilizing refugee problems on Honduras and Costa Rica's doorstep—the subversion will continue, and the arms buildup in Nicaragua will increase. There will be talk of negotiations but the message to all will be clear: Heed Nicaragua's will on any agreement or solution, Contadoran or otherwise, or face immediate or prompt danger.

Mr. President, the United States has always stood for the maintenance of democracy, particularly in Latin America. We have understood that we risk our own national security when we allow totalitarian revolutions to breed at our doorstep.

The Sandinista revolutions is just such a revolution. We have already paid dearly for Cuba—we have had to spend billions to check the military threat it poses ot our shipping and our ability to resupply our NATO allies in war. If Nicaragua should go firmly into the Soviet camp we will certainly have to pay dearly again. Morality, faith, and support of pluralism, and our own national security, then, suggests the expediency of continued support of the Contras. Indeed, if we are unable to see the merit of spending $14 millions for a cause so clearly in our interest, confidence that we might sacrifice for any less a cause is lost.

Mr. President, the issue before us is not whether the Sandinista government is a Marxist government. It is not whether it is a fact that the Sandinistas are helping the insurgents in El Salvador. The issue is not whether this government has in fact stated its intentions are to expand beyond its border. Both of those questions are answered in the affirmative that they are in fact doing that in El Salvador. They do have ambitions beyond the borders. Their leaders state so.

The question before us is what are we going to do about it? That is the issue. The answer to that question, according to the administration and the effort that they want to make, is to have some sort of containment. They want to support the freedom fighters, support the Contras in Nicaragua.

Is there anything wrong with supporting freedom fighters? Is there anything wrong with supporting freedom? Was it wrong for the French to support the freedom fighters in America during the Revolution? I say not.

Was it wrong for our Government to support the freedom fighters in 1947 in Greece and Turkey? I dare to say it was not wrong.

Is it wrong to support the freedom fighters in Afghanistan? I say it is not. Therefore, I do not think it is wrong for us to support the freedom fighters in Nicaragua.

I have heard a lot of discussion about ambiguity. This issue is not clear. Now we have a letter that is supposedly on its way that has been signed that is perhaps going to clear it up. I am not so sure it is going to clear it up. Perhaps our stated policy may be more ambiguous tonight than it was before. But I am hopeful that we can all at some time get together and figure out whether we are in fact going to support freedom in Nicaragua and elsewhere in the world or we are not.

I would say that is certainly the issue before us and this Nation that is steeped in freedom, the last bastion of hope for many countries around the world, that we cannot turn our backs on the freedom that is trying to be provided in Nicaragua or elsewhere in the world. It is a worthy cause and I think it is what the administration seeks to do.

Mr. McCLURE. Will the manager yield me time?

Mr. STEVENS. Mr. President, I yield 30 seconds to the Senator from Idaho [Mr. McCLURE].

Mr. McCLURE. Mr. President, I ask unanimous consent that the attached article be printed in the RECORD. It describes the consequences of a negative Senate vote on aid to the Nicaraguan freedom fighters—they will be defeated, killed, and driven from their homeland if we fail to restore aid to them.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Apr. 17, 1985]

SANDINISTAS SAID TO READY OFFENSIVE AGAINST CONTRAS

(By Tom Diaz)

The Nicaraguan army will launch a major offensive within the next few weeks that will drive Nicaraguan resistance forces back into Honduras, a retired U.S. Army officer who recently returned from Nicaragua predicted yesterday.

"It's just a matter of time until you're going to find an awful lot of dead Contras in Nicaragua and a lot of other ones back in Honduras," said Lt. Col. Edward L. King.

Col. King served during the 1960s as a liaison officer with the Inter-American Defense Board, and as defense policy adviser to formers Sen. George L. McGovern during the latter's 1972 presidential campaign. He is a well-known opponent of the Reagan administration's policy in Central America.

He returned last month from a visit to Nicaragua, made as paid consultant to the Unitarian Universalist Service Committee, during which he visited Sandinsita military units and observed fighting in northern provinces.

Speaking at a press conference sponsored by Foreign Policy magazine, Col King released a report he wrote for the committee, aimed at rebutting points made in several background papers jointly released by the departments of State and Defense on Soviet and Cuban influence in Nicaragua.

"I think that within a few weeks the elite Sandinista forces will begin an all-out offensive that will drive the FDN [the main resistance force] military forces out of Nicaragua and back into Honduras," he said in his report.

"There has been a clearing of the zones in Jinotega and Chinandega border areas where the Contras have been operating," Col. King said at the press conference.

He said he observed combat in the Jinotega area during February and saw Sandinsita operations to move civilians out of the area.

"The idea being that anything that moves up in that area will either be Sandinista or Contra," he said.

Such a situation would allow the Sandinistas to make maximum use of their artillery and eight Soviet Mi-24 Hind gunship helicopters. The Hinds—which U.S. military men describe as "awesome" in their firepower and "flying tanks"—are not yet known to have been used in combat operations by the Sandinistas.

Mr. McCLURE. Mr. President, I ask unanimous consent that an article in the Washington Times of April 18, 1985, entitled "Soviets Seen In Combat With Sandinistas," be printed in the RECORD. President Reagan himself has confirmed the presence of Soviet military advisers in combat with the Marxist Sandinistas against the Nicaraguan freedom fighters. I also ask unanimous consent to have printed an article by Jim Guirard, Jr., from the Washington Times of April 19, 1985, entitled "Contras, Who Are They?" This is an excellent article by a prominent Democrat, arguing that the Contras, or Nicaraguan freedom fighters, are most democratic leaders who were anti-Somoza.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Times, April 18, 1985]

SOVIETS SEEN IN COMBAT WITH SANDINISTAS

(By Jeremiah O'Leary)

Soviet military officers have been spotted serving with Sandinista combat troops fighting against the resistance forces in the Ocotal region on Nicaragua's northern frontier, according to U.S intelligence reports.

Administration officials have long known that the Sandinista army has Soviet advisers, along with others from Cuba, Libya and the Palestine Liberation Organization. But this is the first time any foreign troops have been detected serving with front-line Nicaraguan units in the combat zone along the border with Honduras.

Ocotal is in Nueva Segovia province about 60 miles from Tegucigalpa, a region where there has been considerable fighting between the Nicaraguan resistance and Sandinista armed forces.

The official sources said they did not have a head count on the number of Soviets with Sandinista combat units near Ocotal. They could not say with certainty whether the Soviets are acting as commanders, advisers or observers.

Meanwhile, the Nicaraguan army is expected to launch a major offensive within the next few weeks that will drive the resistance forces back into Honduras, a retired U.S. Army officer who recently returned from Nicaragua predicted.

"It's just a matter of time until you're going to find an awful lot of dead Contras in Nicagagua and a lot of other ones back in Honduras," said Lt. Col. Edward L. King, who served during the 1960s as a liaison officer with the Inter-American Defense Board and as defense policy adviser to former Sen. George L. McGovern during the latter's 1972 presidential campaign.

He is a well-known opponent of the Reagan administration's policy in Central America.

"I think that within a few weeks the elite Sandinista forces will begin an all-out offensive that will drive the FDN [the main resistance group] military forces out of Nicaragua and back into Honduras," he said in his report.

"There has been a clearing of the zones in Jinotega and Chinandega border areas where the Contras have been operating," Col. King said at the press conferece.

He said he observed combat in the Jinotega area during February and saw Sandinista operations to move civilians out of the area. "The idea being that anything that moves up in that area will either be Sandinista or Contra," he said.

Such a situation would allow the Sandinistas to make maximum use of their artillery and eight Soviet Mi-24 Hind gunship helicopters. The Hinds—which U.S. military men describe as "awesome" in their firepower and like "flying tands"—are not yet known to have been used in combat operations by the Sandinistas. However, they have been used with devastation effect by the Soviet Army against resistance forces in Afghanistan.

Normally, the Soviet bloc training cadres remain in rear areas and do not enter the combat zone on the long Honduran frontier. U.S. forces now are conducting a large training exercise with Honduran troops on the other side of the frontier as part of the Big Pine series of maneuvers.

The presence of Soviet military personnel in the combat zone raises the possiblity that the Soviet advisers could be injured or captured, a contingency that would raise the stakes for the superpowers in Central America.

In his report to Congress, President Reagen said there were about 200 Soviet and other bloc advisers serving with the Sandinista military establishment along with up to 3,500 Cuban military advisers and 4,000 Cuban civilian advisers. The Sandinista army has 62,000 men on active duty with another 57,000 serving as militia and reservists.

Of Nicaragua's immediate neighbors. Honduras has an 18,000-man army and Costa Rica has no army at all Soviet bloc military deliveries to Nicaragua have risen to $115 million in 1983 and $250 million in 1984. The Sandinistas' Soviet weaponry includes 110 Soviet T-55 tanks, 30 PT-76 light amphibious tanks, multiple rocket launchers, heavy artillery, Mi-24 Hind assault helicopters, radar and air defense equipment.

Mr. Reagan has demanded that the Sandinistas accept by June 1 the 21-point San Jose peace initiative of the resistance forces, which would require a return to democracy, expulsion of all foreign forces from the region and adherence to the original tenets of the Sandinista revolution against the former Somoza regime in Managua.

In return, Mr. Reagan has pledged that the $14 million he seeks in covert aid for the resistance forces would be used only for non-lethal and humanitarian purposes.

Yesterday, the president spent a large part of his day meeting Republican and Democratic senators and representatives to seek their votes when both houses take up the $14 million aid resolution April 23.

Press spokesman Larry Speakes characterized the legislators appearing at the White House yesterday as among the "undecideds." He refused to give the names of those who visited the president.

"We hope there will be a settlement by June 1, and there would be no providing arms for the growing democratic forces," said Mr. Speakes.

The resistance forces are now estimated to be about 15,000 strong. U.S. officials said no American funds were being used to finance the war against the Sandinistas.

Mr. Speakes said no decision has been made as to whether President Reagan will make a public appeal on national television before Congress votes on the $14 million resolution.

He said the decision of House Speaker Thomas P. O'Neill, D-Mass., and the Democratic leadership to conduct the House vote on the same day as the Senate was a "legislative tactic to defeat the president."

"We've always known we've got some distance to go in the House. It's going to be tough," Mr. Speakes said. Minority Leader Robert Michel, R-Ill., has said the administration is 70 votes short of victory on the resolution in the House.

Another informed administration official said: "This vote is not about $14 million. It is a vote about whether Congress is for President Reagan or Comandante Ortega."

The administration does not plan any compromise on the language of the resolution. Rep. Michel said he might seek some language to include President Reagan's peace offer to Managua but the White House prefers to wait until the battle lines are more firmly drawn.

Mr. Speakes also said Pope John Paul II's message to President Reagan was an endorsement of the president's efforts to obtain a peaceful resolution of the fighting in Central America—not of the $14 million in covert aid to the anti-Sandinista forces. Mr. Reagan said yesterday the Pope "has been most supportive of all of our activities in Central America."

When reporters asked Mr. Reagan if the pope also supported U.S. aid to the Nicaraguan resistance, the president said, "I'm not going to get into that."

[From the Washington Times]

CONTRAS—WHO ARE THEY?

(By Jim Guirard, Jr.)

On Tuesday both the U.S. Senate and the House of Representatives will vote on whether to restore—after a year's suspension—aid to the resistance forces, or contras, in Nicaragua. Many congressional Democrats seem ready to vote "nay." Along with a handful of Republicans, they seem intent on abandoning these anti-Communist forces to the not-so-tender mercies of the Cuban-backed regime of the Sandinistas.

Leading the opposition to the contras are House Speaker "Tip" O'Neill and Connecticut Sen. Chris Dodd. They and their cohorts call the contras "murderers, thugs, thieves, and Somocistas"—former supporters of the dictator Somoza. In this assessment, they are supported by most rank-and-file "liberals," who seem to feel that the only good contra is a dead contra, or at least a disarmed and subjugated one.

Their principal adversary is, of course, President Reagan—who fervently contends that the contras are mostly anti-Somoza "revolutionaries" who had their domocratic revolution of 1978-79 stolen from them, from within, by a Cuban and Soviet-backed Communist clique.

The U.S. opposition's principal ally (and eventual beneficiary, if they prevail) is Comandante Daniel Ortega, chief of the Sandinista junta against whom the new revolution is being waged. Mr. Ortega contends: "The leaders of the contras fought to sustain the Somoza dictatorship . . . and when they failed in that effort they fled the country and were organized, trained, and financed by the CIA."

As proof positive that Mr. Reagan is correct, that Mr. Ortega is lying, and that the O'Neill-Dodd forces are sadly *dis*-informed, the State Department has just released a document which settles the issue—period. It presents biographical sketches of the top 17 resistance leaders, all but one of whom was *anti*-Somoza during the earlier revolution! Here are summaries of about half those entries.

Eden Pastora—military hero of the anti-Somoza revolution and ex-deputy minister of defense;

Alfonso Robello—leader of the earlier revolution and member of the first Sandinista junta;

Adolfo Calero—head of the anti-Somoza Nicaraguan Conservative Party; twice jailed by Mr. Somoza;

Wycliffe Diago—Miskito Indian leader and Moravian pastor; jailed by the Somoza regime for allegedly being a Communist;

Indalecio Rodriguez—anti-Somoza president of the University of Central America and early Sandinista supporter;

Zacarias Hernandez—independent labor union leader, many times arrested by the Somoza regime;

Roberto Ferrey—founder of the anti-Somoza student group CDF, later legal counsel to the Sandinista ministry of justice; and

Enrique Bermudez—professional soldier and military diplomat who spent much of his career abroad.

Among these and other prominent resistance leaders, Mr. Bermudez was the only highranking member, a colonel, of Somoza's National Guard. But the fact that he spent much of his career outside Nicaragua and the fact that he is now accepted by so many anti-Somoza democrats is convincing evidence that he was never a true Somocista. As military commander of the contras, he counts a dwindling number of former National Guardsmen among his forces—now less than 2 percent of the total, and falling.

An eminently fair assessment of the main contra organization—the Nicaraguan Democratic Force—was given in Feb. 28 article by The Washington Post's principal writer on Central America, Edward Cody: "The group, known as FDN by its Spanish-language initials, has expanded from a band of ex-National Guard officers into a mainly peasant army, backed by a political organization headed by Calero and other civilian opponents of the late dictator Anastasio Somoza." (Emphasis added.)

More recently, in its March 17 lead editorial, The Post referred broadly to the Contras as " . . . democratic people who fought the Somoza dictatorship, whose leaders served the Sandinistas in the early period and who turned against (them) only when

they found the Democratic promise of the revolution being denied."

Actually, this shift in perception by The Post is even more directly influenced by still another list of Nicaraguan democrats. Although not Contras per se, these people support the new revolution and charge that the present tyranny is even worse than Mr. Somoza's. Many of them were so prominent in the earlier revolution that they became high officials in the Sandinistas government—before its Castroite clique seized control from within. For example,

Arturo Cruz—ex-member of the junta and ex-Sandinista ambassador to the United States.

Jose Esteban Gonzales—anti-Somoza head of the Nicaraguan Permanent Commission on Human Rights;

Edgard Macias—anti-Somoza militant and head of the Popular Socialist Christian Party; ex-Sandinista vice minister of labor;

Violetta Chamorro—ex-member of the original Sandinista junta;

Pedro Joachim Chamorro Jr.—anti-Somoza publisher (like his father before him) of La Prensa;

Humberto Belli—former Marxist intellectual and anti-Somoza editor of La Prensa; author of a recent book of Sandinista subversion of the church;

Jose Francisco Cardenal—ex-vice president of the Sandinistas' Council of State;

Carlos Coronel—ex-Sandinista minister of fisheries;

Francisco Fiallos—ex-Sandinista ambassador to Switzerland; and

Archbishop Obando y Bravo—anti-Somoza leader of the Nicaraguan Catholic Church and former Sandinista supporter.

American "liberals" and "progressives" have long yearned to be on the "right side" of a popular revolution in Latin America—one in which the United States is not obliged, in the name of anticommunism, to prop up the repressive regime under attack.

Now, these long-suffering Nicaraguan democrats and thousands of their countrymen are waging just such a revolution and are, quite literally, begging for our help. Not much help. Only $14 million, which is only a minuscule fraction of the flood of military assistance the Sandinistas are receiving from Messrs. Castro, Gorbachev, Qaddafi, et al.

The question is whether the present mindset and partisan bias of so many House and Senate Democrats against such good people is as impregnable as it appears. If so, there will be no restoration of aid to the resistance.

In its place, there will be great rejoicing among the Cubans, Soviets, Bulgarians, Czechs, East Germans, Libyans, Vietnamese, Iranians, North Koreans, and assorted other "liberators" of the Nicaraguan people—forces which will have taken one more solid step toward liberating us, too, from our liberties.

CUBA MAINTAINS AID TO COMMUNIST REBELS IN SALVADOR

Mr. McCLURE. Mr. President, I ask unanimous consent that an article from today's Washington Times national edition be printed in the RECORD. This article is entitled "Cuba Firm on Aid to Insurgents," and it was written by former Reagan NSC staff member Roger Fontaine. Its main point is that at this time, when American aid to Nicaraguan freedom fighters is in question, Castro is maintaining or even increasing aid to the Sandinistas and the Marxist-Leninist rebels in El Salvador.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CUBA FIRM ON AID TO INSURGENTS

(By Roger Fontaine)

Fidel Castro's top intelligence operations officer recently made clear Cuba would not slacken its aid to the Salvadoran Marxist rebels and other insurgent forces in Latin America, according to U.S. intelligence sources.

Continued support of anti-Western insurgencies comes at a time when Cuba's growing economic problems forced it recently to make conciliatory statements to U.S., West European and Latin American officials, according to the same sources.

In a report made available to The Washington Times, Manuel Pinero, chief of subversive activities in the Western Hemisphere for the Castro regime is quoted as telling a U.S. official two months ago that Cuba will continue to support guerrillas and terrorists in El Salvador, Chile and Guatemala with arms, equipment and training.

U.S. intelligence analysts have concluded that Cuba will do nothing to undercut either the Sandinista regime in Nicaragua or the Marxist rebels in El Salvador despite some conciliatory gestures from Havana.

The analysts also believe that Mr. Castro's recent interest in negotiations is a tactic designed to preserve a Salvadoran insurgency now on the defensive and to buy time for the Sandinista rulers in Managua.

They also believe it gives the Cuban dictator a "veneer of statesmanship" which provides him the "self-assumed right" to judge which governments in Central America are legitimate.

Cuba's growing economic problems, however, have driven Mr. Castro to soften his regime's image in recent months, according to the same analysts.

Havana's economy, which last year showed signs of life after two years of austerity, was thrown in reverse again when Fidel Castro last December called for more exports, and fewer imports, and held out the prospect for another 15 years of economic hardship for the Cuban people.

A major reason for the Cuban dictator's switch was because of heavy pressure from the Soviet Union.

Analysts believe, however, that the new measures while reducing economic growth will not achieve Mr. Castro's ambitious new targets, especially greatly increased exports to Western countries.

Moreover, Cuban officials, according to U.S. analysts, have already abandoned one key goal, harvesting a record 10 million tons of sugar for this year.

Analysts blame last year's extended canecutting season, unseasonable rainfall, and a lack of herbicides for the shortfall.

Sugar, currently at record low world prices, is Cuba's mainstay export. Cuba has heavy sugar commitments to the Soviet bloc with remaining production slated for Western countries.

Mr. Castro's prescription of more austerity occurs when a Cuban government poll shows sharp discontent with the quality and availability of housing, transportation, restaurants and other services, the analysts said.

According to an intelligence report, Soviet officials attacked Cuban economic policy last summer as wasteful and unrealistic. In a litany of complaints, they said that 20 years of food rationing was an embarrassment to the socialist cause, and criticized Cuban hard-currency purchases of machinery from the West rather than from the Soviet bloc.

Soviet officials are reported to have been particularly incensed at Havana's continued waste of imported, and increasingly expensive, Russian oil. Cuba is almost entirely dependent on imported energy sources, 95 percent of which is petroleum supplied by the Soviets at below-market prices.

But Mr. Castro's hopes for higher and sustained growth were dashed when it became apparent that the prices for principal Cuban exports—sugar and nickel in particular—were not improving. Moreover, domestic bottlenecks continued to plague the efficient use of available resources.

U.S. intelligence estimates that real growth in Cuba was only 3 percent in 1984, in contrast to Havana's official figure of 7.4.

American intelligence also indicates the Soviet Union has in recent years backed its displeasure over Cuban economic performance with a leveling off of aid from $4.7 billion in 1982, to $3.8 billion in 1984.

As a consequence, the Cuban dictator ordered a large increase in exports to the West, especially in nontraditional products, mandated strong austerity measures at home and signaled a desire for better relations with the United States.

At the same time, analysts point out, Cuba's new economic problems have impelled Mr. Castro to adopt a new diplomatic strategy that is designed to lessen his isolation in Latin America.

Intelligence sources believe he can break out of that isolation since prospects are favorable for improved relations with Argentina, Brazil, Peru, and Uruguay.

Mr. Castro has also met recently with a stream of high-level Western visitors convincing each in turn of his willingness to negotiate all differences between Washington and Havana, according to the same sources.

Analysts believe the Cuban dictator has fed them, "unrealistic hopes of weaning him away from the USSR," while "perpetuating the myth that Cuban-U.S. frictions are solely the result of Washington's intransigent hostility," with some success.

He is also reported to have convinced in January three foreign ministers from the so-called Contadora group—Colombia, Panama, Mexico, Venezuela—That he had upbraided the Nicaraguan comandantes for being too intransigent in settling Central America's problems.

Mr. Castro is also said to have informed Guillermo Ungo, chief of the political arm of the Salvadoran rebels, to form an "alliance" with President Jose Napolean Duarte.

Analysts also believe Mr. Castro may try less orthodox diplomatic measures such as trying again to settle the 5-year old Iran-Iraq war in the hope that peace will bring construction contracts providing jobs for Cuban workers in both countries, and add to his international stature.

They also believe the Cuban leader will continue his diplomatic offensive by issuing more invitations for leaders to visit Havana, and doing more traveling abroad himself.

U.S. analysts warn, however, that they see no evidence that the Castro regime would make any concessions that would prevent the Sandinistas from assuming unchallengeable power in Nicaragua or would undercut the political and military strength of El Salvador's guerrillas.

U.S. analysts believe that while Mr. Castro pushes his diplomatic offensive, he

will also be more "judicious" in launching new insurgencies beyond the ones already supported. Other forms of meddling, including the training of trade union officials, and backing favored politicans with cash, however, is not ruled out under any circumstances by analysts in Washington.

Analysts, however, are concerned that the Cuban dictator's tactic at apparent reconciliation with the U.S. will help him to improve rapidly relations with other Latin American countries—many of whom have had nonexistent or strained relations with Havana since the late 1970s.

According to the report, the Cubans will attempt to stampede Latin American leaders into full relations with Cuba by playing on their fear that U.S. reconciliation with the Cuban regime will leave them behind facing left-wing opinion at home.

Mr. STEVENS. I yield 3 minutes to the Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, I am going to support the resolution. There is plenty of blame to go around for the mess we are in tonight in Managua, in Miami, and at both ends of Pennsylvania Avenue.

Activities of the type we must involve ourselves in when we have a Communist regime in this hemisphere—and there is no question about that in Nicaragua—is very difficult for a democracy. Surely, it is going to be even more difficult in the future.

I cannot believe that we fail to act, considering what we know today about what the leaders of Nicaragua are doing—that is, that marvelous group of nine revolutionaries who, 6 years ago, were going to give Nicaragua freedom of religion, freedom to have labor unions, a pluralistic society, some free enterprise. Nicaraguans have little of those and admit it. These are the same leaders that send the leader of their regime to Moscow every time they have an international Marxist event.

Yet, we sit around and wonder what they are up to. I know what they are up to. They know it, and brag about it. Still, some American leaders don't, or won't, realize these are hardcore Marxists.

It will be hard to get the Sandinista Nine to the negotiating table with their fellow Nicaraguans in the democratic opposition. There is no question about it.

I hope that today we vote for this resolution. The President specifies that the $14 million will be for nonlethal activities. We will have a few months' time to think this through. Further delay in supporting the democratic opposition and in pushing negotiations could be a death blow to millions of people in Central America who look to the United States for leadership and support.

In closing, I am reminded of Arturo Cruz, a good friend of mine, and an inspiring democratic leader of the Nicaraguan revolution. I met him and talked to him many times before he left his most recent exile in the United States to return and test the Sandinista Nine's commitment to free elections last year. Some of you heard me talk about him at our lunch today. Arturo Cruz was not only a revolutionary against Somoza going back to 1947, he helped set up the Sandinista junta that in 1979 was proposing a new kind of freedom for Nicaragua. He had been put in jail by the previous dictator at the peak of his life, and there he missed seeing his children when they were young. Yet, as an older man with a good job and children in college he was again willing to be part of a revolution. He was one of the 12 who opposed Somoza before he fell from power.

Arturo thought he was providing freedom and opportunity. He negotiated Nicaragua's foreign debt as head of the Central Bank. He served in the junta. He was Ambassador to the United States. By 1982, Cruz left his post as Ambassador because the junta betrayed everything they promised in 1979. After resuming his old job with the Inter-American Development Bank in Washington, he left to go back, to be a revolutionary for the third time, to establish what the Sandinistas started out to do.

Last fall, Arturo left my office with a handshake, saying, "Perhaps, I won't be back, but I feel confident that I am going to give my life to the cause I helped start more than 35 years ago." He is down there in Central America most of the time now. The Sandinistas won't let him in. If we withhold moral and humanitarian support, what a signal we will send to Cruz and to the other Nicaraguans who are leading this revolution and all surrounding countries.

Most Central Americans say, "Welcome, America." I have been there and talked to them. They are not afraid of America in the 1980's. They are afraid of the Sandinistas and the Cubans.

As many have said today, "We have to do some more thinking; this is a difficult problem." Surely, the Congress of the United States, in particular the Senate, should not be prepared at this juncture to say that we are going to abandon them all of the genuine Nicaraguan resistance and, on behalf of the greatest freedom-loving Nation of Earth, say, "Good luck."

I think we are going to vote for this resolution tonight, and I will be proud to be a part of it, as we develop a more comprehensive policy toward the unfriendly rulers of Managua. That is very difficult in a free society, but we have no choice if we are to keep faith with the hopes and expectations of our neighbors in these small Central American countries.

Mr. STEVENS. Mr. President, I yield to the Senator from Georgia.

Mr. MATTINGLY. Mr. President, I find it hard to believe some of the things I have heard on the floor of the Senate today. I have heard our Nation being termed "a world-class outlaw." I have heard comments about our not abiding by international law.

I would raise the question of whether adherence to "international law" prohibits opposition to Marxism and Communist advances around the world. I think we can cite examples where international law has been invoked to protect Marxists and other tyrants who have terrorized civilized people and democracies around the world.

I believe that there is a danger that those who have always enjoyed freedom and individual liberty lose sight of how valuable those blessings are and how easily they can be lost. Those of us who have the fortune to live with such benefits have a special responsibility to those who don't. We cannot ignore the lessons of history anymore than we can ignore current events.

Policy is not just sitting around watching and observing. There has recently been published a very good book by Jean Ravel entitled "How Democracies Perish." Read it. You can see what happened to other countries around this globe that ignored events and took no action. What we have to do here is take action. That is what this resolution is about, and that is why an "aye" vote for this resolution is merited.

Mr. STEVENS. Mr. President, after days of negotiation among various Senators and members of the administration, it seems we are back where we started with Senate Joint Resolution 106. And that is the simple question of whether we shall vote to remove the restriction on $14 million in assistance this fiscal year to the democratic resistance movement in Nicaragua. There is one change since the Appropriations Committee took up this measure last week. The President has now agreed in writing to restrict this assistance to humanitarian aid; that is, none of the funds will be spent for munitions or arms but only for clothing, food, medical assistance, and other nonlethal support.

There are those in the Senate who would like to impose a great many more restrictions on that assistance and there are proposals pending in the House for even more restrictions. But the question before us now is the one we voted last year to take up in the form of a joint resolution, and it is a resolution that is not subject to amendment or other changes or delays. We are talking about an up or down vote on releasing these funds which the President now says will be spent only for humanitarian assistance.

Mr. President, the Appropriations Committee conducted a necessarily brief hearing last week on this issue,

and the committee subsequently voted 15 to 13 to approve the resolution.

I recognize, Mr. President, that there are some Senators who are concerned over the apparent broad wording of the resolution. They fear it might be construed as open-ended authority for all kinds of military mischief in Central America. This is simply not the case if we look at the legislative history of this resolution. Section 8066 of the 1985 Defense appropriations bill that established the procedure we are now undertaking clearly limits the effect of Senate Joint Resolution 106 to the $14 million appropriated last year. Additionally, we have the President's written pledge, as I have mentioned, that this assistance will be humanitarian in nature. I would like to change the wording of the resolution to make it fit the situation, but the text is mandated by the 1985 act and cannot be modified.

In summary, Mr. President, we are talking about a specific amount of money—not to exceed $14 million—for the very specific purpose of supplying nonlethal aid to the democratic resistance in Nicaragua.

Now, Mr. President, we are down to a very basic and vital decision, and that it whether to support the President's and our Government's current policy in Central America. I believe quite strongly that the Senate must not rebuke the President in his continuing policy to bring peace and democracy to our neighbors in Central America. And I must add, quite frankly, that I think our own President's policies make a lot more sense than those of Sandinista leader Daniel Ortega.

A negative vote in Congress, I feel certain, will simply tell the Sandinistas they can continue to ignore their own promises for democratic reform in Nicaragua and that they can continue to work with the Soviet, Cuban, and Communist bloc to build a threatening military force in Central America designed to spread Communist revolution and to coerce their peaceful neighbors.

There are those who tell us the United States should not be providing assistance to insurgents in another country. Let me remind you that this program began as covert assistance, and covert assistance is a legitimate foreign policy tool of not only this country but other major powers in the world. That this assistance is no longer covert is not the fault of the administration but of the Congress, which chose to make this a public issue through a prohibition in a public law. Every Senator knows there are other covert assistance programs and that it is essential that they remain covert if they are to be effective. One way to destroy any covert aid program is to go public with it. That is what is going on now.

Are the critics of our assistance to Nicaragua suggesting that we abandon all forms of covert assistance throughout the world? I hardly think they would make that choice because it would clearly undermine important foreign policy initiatives of our Government throughout the world.

If the Sandinistas want to end this turmoil within their own country they need only live up to their own promises for democratic reforms and agree to church-mediated talks with the democratic resistance designed, among other things, to institute internationally supervised and free elections.

The alternative, it seems to me, is to play the Sandinistas' game and wait for this Marxist regime to abandon its own obvious goal of a totalitarian state supported by Soviet and Cuban military power. Without the incentives of continuing pressure from the democratic resistance, this just won't happen.

I urge the Senate to support the President and remove the current restrictions on this relatively small amount of humanitarian support for the democratic movement in Nicaragua.

Mr. President, I want to focus on the procedural issue before the Senate.

In the last part of the last session of Congress, we passed a continuing resolution, and section 8066(a) provided:

> During fiscal year 1985, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

Subsection (b) went on to say that the prohibition contained in subsection (a) shall cease to apply if, after February 28—then it outlined that the President should send a report to Congress.

As I said before, it specifically then said that the joint resolution approving assistance for military or paramilitary operations in Nicaragua is enacted. That meant, according to subsection (c) of that section, that this specific language states that Congress approves the obligation and expenditure of funds available for fiscal year 1985 for supporting, directly or indirectly, military or paramilitary operations in Nicaragua.

Mr. President, on March 14, 1984, the Senate received a request from the Appropriations Committee for these funds. On April 5, 1985, the Senate voted those funds. That came out of an urgent supplemental.

Later, the entire defense appropriations bill was included in the continuing resolution, which again put the Senate on record approving these funds. Then the funds were approved in the final version of the conference report, subject to the limitation language of which I just advised the Senate.

In other words, three times the Senate has voted these funds for military or paramilitary purposes. The issue before the Senate now, in view of the letter from the President, so far as this Senator is concerned, is not military or paramilitary money, although that is what the language purports to say.

In my judgment, the President of the United States has entered into a compact with Congress that if the money is approved, it will be used for a nonlethal purpose, as stated in the letter. I leave that to the Senator from Kansas to articulate. But I just want to make sure that everyone understands that this is money we have approved three times for military purposes, and the request of the President of the United States tonight is to have money for nonmilitary purposes.

I cannot see how any Member of the Senate can deny the President these funds now for nonmilitary purposes, when the Senate three times previously approved them for military purposes.

Mr. PRYOR. Mr. President, will the Senator from Alaska yield to me for one question?

I appreciate his discourse on the military versus nonmilitary funding. My question is this: If Congress approves the obligation and the expenditure of these funds available in fiscal 1984 for supporting military or paramilitary operations in Nicaragua, where does the President derive his power to say or exercise an option to say, "I am not going to use that for military purposes; I am going to use that for humanitarian purposes"? I do not think that power exists.

Mr. STEVENS. Let me say to my friend from Arkansas that the limitation was put on use of the funds that were otherwise available for any purpose and Congress said, "You cannot use these funds for military or paramilitary operations."

But it said, "If you want to take off that limitation on the use of those discretionary funds, you must pass this resolution in the form stated in subsection (c)(1) of that law of section 8066.

In other words, the funds were there in covert means. That was a black area. That was an intelligence operation not specified.

The amendment said "those funds which you have cannot be used for the purpose of military or paramilitary operations in Nicaragua," but it says "if you want to remove that limitation here is how you do it: you pass a resolution in this language."

Now, the President has come to us and said, notwithstanding all this, "because of the negotiations we have had, if you pass this resolution and unfence that money that is available for my discretionary use, I state to you that I will limit it as stated in this letter and I am prepared to accept that."

I hope that that answers the Senator's question.

Mr. RIEGLE. Mr. President, this Senate resolution is dangerous and susceptable to the same grievious misinterpretation as the Gulf of Tonkin resolution that lead America into the Vietnam war. I am strongly opposed to it.

As to the President's last second letter to Senator DOLE, if it is to have the weight and meaning suggested, then why aren't its apparent guarantees contained in the legal language of the resolution?

It is my hope that the House will reject this resolution, as the Senate should properly have done.

Mr. ROTH. Mr. President, today's vote on aid to Nicaraguan Contras is far more important than just whether or not this Nation should spend $14 million. The real issues involved in this vote are many and diverse.

First, should the United States take action to defend its own security, a security that could well be threatened by the growth of another Communist state in Central America bent on exporting revolution? I say yes.

It is absolutely vital to the security interests of the United States that the forces that control Nicaragua be contained. Since the days of the Monroe Doctrine, Central America has been deemed vital to the interests of this country. Nothing has changed. In fact, in view of the spreading global tentacles of the Soviet Union, that region of the world has taken on new and even more critical significance.

Yet do we hear debate from the other side about this basic question—whether in fact Central America is vital, and should be defended? No. Instead, they have sought to define the debate in terms of peripheral issues which, although important in their own right, mask the basic decision this Nation must make; namely, will we or will we not support democracy in Central America?

There is strong evidence that the Government of Nicaragua seeks to dominate militarily their democratic neighbors. Since they took power 6 years ago, the Sandinistas have built an armed force far out of all proportion to their need for defense, forces I might add which have been paid for at the expense of the Nicaraguan people.

Let me just mention a few figures to illustrate the magnitude of the Sandinista military threat to its neighbors. The full-time army has over 30,000 troops and 27,000 reserves on active duty. They have an armored force of 140 tanks and 200 other armored vehicles—enough for 5 mechanized battalions—supported by the necessary support vehicles and bridging equipment.

These forces are backed up by long-range artillery and an air force with troop transport helicopters and assault helicopters. Their air defense forces now consist of a variety of short- and long-range antiaircraft guns and SA-7 surface-to-air missiles.

Finally, I would note the construction of the large, jet-capable airfield outside Managua, and the training of Nicaraguan pilots by the Cubans and Soviets. The trend suggests that the completion of that airfield will be accompanied by the introduction of sophisticated Mig aircraft.

In tanks and armor, Nicaragua now surpasses all other countries of Central America combined. Costa Rica has no army. Honduras has an 18,000 man military and its only armor is a small force of armored reconnaissance vehicles. Nicaragua has an offensive army, not a defensive force, bent on threatening democratic governments throughout the region.

I should remind my colleagues that Nicaragua is closer to Texas than Texas is to Washington. We cannot tolerate the development of another Cuba-style dictatorship exporting revolution throughout the hemisphere, particularly at a time when democracy is flowering in Central America.

This country supports freedom fighters in Afghanistan, as well as anti-Communist forces in such diverse places as Angola and Cambodia. Can we fail to do any less for the Contras, particularly when their fight goes on in our own backyard?

And what signal do we give to the many democratic nations of the region if we leave the Contras to twist slowly in the wind? What kind of commitment will they perceive us making to the concept of democracy? Could we really question them if we find them seeking closer ties to the Sandinistas for their own protection, given our willingness to "cut and run" in the face of aggression?

The second issue that must be considered is, are the Contras worthy of our support? Again, I say yes.

The Contras are not saints. They operate in a violent part of the world, and in a viciously fought war on both sides. Supporting the cause of the Contras does not mean condoning their every action.

But the Contras are the only hope for democratic change in Nicaragua. I don't know if the Contras can win, nor does anyone else in this body. What I do know is that without the pressures of the Contras and the United States, the Sandinistas would consolidate their totalitarian regime and begin to export revolution throughout the region.

Some opponents of aid have argued that our support of the Contras increases the chance for U.S. military involvement. But by allowing the Contras to fail, we increase substantially the chances that Nicaragua will become a major Soviet-Cuban base of operations. If that base is established, it will be too late for limited action. Then, our only military alternative would be use American forces.

Mr. President, for two centuries this country has stood for freedom throughout the world. Today, the Contras fight for democracy in Nicaragua. They deserve our support not only because of their cause, but also because they fight for America's interests, too.

The Sandinista regime is part and parcel of the world alliance of terrorists and revolutionaries arrayed against the United States. I take Libya's Colonel Qadhafi at his word when he says, as he did to the New York Times of September 2, 1984, that—

> Libyan fighters, arms and backing to the Nicaraguan people have reached them because they fight with us. They fight America on its own ground.

I take the Sandinistas at their word when they say, in the 1969 FSLN declaration of goals, that they will—

> Struggle for a "true union of the Central American peoples within one country," beginning with the support for national liberation movements in neighboring states.

Their challenges to the United States will not go away if Contras fail. Instead, those challenges will increase. We must support the Contras today in their fight, because they are the best hope to preserve and strengthen democracy in the area.

I urge support of this package.

Mr. BIDEN. Mr. President, after considerable debate and discussion the Senate must now vote on Senate Joint Resolution 106, a resolution that provides funding for military or paramilitary operations in Nicaragua. I had hoped that the attempts to forge a compromise similar to the one propounded earlier today by the Senator from Louisiana would have been successful. I would have cast my vote for a resolution that specifically incorporated the provisions of such a compromise to include the limitation to humanitarian aid, the call for a ceasefire, followed by negotiations among the warring parties. Unfortunately those efforts failed and we are left to vote up or down on this resolution coupled with a letter of understanding from the President.

I have decided to vote no on this resolution because it is far too open-ended, providing as it does authority for funding which may be made available in fiscal 1985 for military or paramilitary operations in Nicaragua. Some of my colleagues have stood on

this floor today and argued that it is not the proper function of the Congress to usurp the President in his responsibility to execute American foreign policy. I agree. However, I also insist that neither is it a proper function for the Congress to abrogate its responsibilities as a partner in these efforts. No foreign policy will be successful without congressional involvement and support. It is our proper function, indeed it is our duty to examine foreign policy and to express our will through legislation such as this on the crucial issues of the day. Had an earlier Congress in an earlier time been more critical of a resolution, not entirely unlike this one before us, perhaps an entire generation of Americans might have been spared the agony and turmoil of involvement in Vietnam.

The issue before us is not support for or against communism in our hemisphere. Not a single Member of this body would ever condone communism in any form in this or any other hemisphere. Nor is the issue before us one involving a willingness to employ U.S. power abroad or not. While there may be some in the Congress who would withhold a U.S. response to a threat to our security until it had actually reached our own borders, most of us, including this Senator, favor strong and effective U.S. response to threats to our national security. That is why I supported the President when he ordered the invasion of Grenada and would do so again if the circumstances warranted it.

The issue before us today, however, is whether we favor the forcible overthrow of the Sandinista government. That is what we are voting for in this resolution. Proponents of this assistance to the Contras contend that such aid will continue to pressure the Sandinistas into a more moderate course. However, if the Sandinistas are the Marxist-Leninists that the President tells us they are—and I do not doubt his assessment—then such pressure is of dubious merit. No Marxist-Leninist regime, by definition, can yield to such pressure. I do not believe that the policies we wish to influence will be changed by an armed attempt to overthrow the regime.

The United States does have a deep and abiding interest in Central America. That is not in dispute here. If you believe that continued funding of the Contras will achieve the objectives of our Government than vote for Senate Joint Resolution 106. I have come to the conclusion that it will not.

I believe that we have legitimate interests with respect to Nicaragua but the overthrow of the present government is not among them. We have a right, and an overriding interest to prohibit any establishment of a Soviet or Cuban base on Nicaraguan soil. We have an interest in seeing the removal of all Soviet and Cuban military advisers from Nicaragua. We have an interest in securing a regional agreement in Central America that pledges all of the countries in the region—including Nicaragua—to refrain from intereference in the internal affairs of their neighbors and to abjure any support for armed insurrection in the region. Those are our primary interests in the region. In addition, we have an interest to nudge, cajole, and to pressure the Nicaraguans to adopt a democratic pluralism that they have hitherto never known. I do not believe, however, that this will do it.

In the final analysis therefore, I must oppose this resolution because of its broad scope. I am prepared to support a resolution that specifically incorporates the details of the compromise discussed on this floor earlier today, and I earnestly hope such an opportunity may yet be made available to the Senate later this week.

Mr. EVANS. Mr. President, I rise to vote against the measure before us, a resolution to approve the expenditure of funds for military or paramilitary operations in Nicaragua. I previously indicated to the administration that I could not support the President's original proposal—the proposal which is before us now. This should not be interpreted to mean that I do not support a change in the totalitarian Nicaraguan Government or that I do not support the cause of those trying to make the Government of Nicaragua more democratic or pluralistic. Rather my vote reflects my concern for the process which we are being asked to accept.

The administration is asking us to reinstate funding for military and paramilitary operations against the Government of Nicaragua. But the administration has not prepared or presented to this body its long-term objectives or policies for Central America. Last year, in his letter seeking funding, the President told us the funds would be used to interdict arms flowing from Nicaragua to other countries in the region. These arms were being used to threaten other, more pluralistic governments and destabilize the region. However, in the end, these funds were used for much more extensive purposes. This year, we received a request from the administration for funds to be used to bring the Nicaraguan Government to the negotiating table. These are very different objectives. And yet the administration has provided no rationale, no explanation for this change.

We are left with a dilemma. The administration asserts that the Marxist/Leninist regime in Nicaragua, as the Nicaraguan Government characterizes itself, is unacceptable. But the administration is asking us to support funds to bring this totalitarian regime to the negotiating table and change their behavior. Yet I cannot accept the notion that we can somehow influence the Sandinistas to come to the negotiating table. In fact, I know of no case where a totalitiarian government has voluntarily relinquished a share of its power.

So where does this leave us? The administration tells us we won't use direct force to bring about a change in the Government of Nicaragua but rather, we will try to use influence. Yet the administration acknowledges that influence alone is not likely to cause the Sandinistas to allow a more pluralistic government. This leaves us with one of two conclusions: Either the present Government in Nicaragua is unacceptable, is a threat to U.S. interests, and must be destroyed by whatever means or we must accept that it is a totalitarian regime that we must somehow deal with.

We have repeatedly expressed our support for the Contadora process. The Contadora process is worth our support and we should reaffirm it. The countries involved in the Contadora process have clear and important interest in a peaceful resolution to the conflict. And they clearly have a significant interest in their own security; they have no desire to have a threatening neighbor exporting revolution and discontent.

The President has once again sent us a letter explaining the purposes for which he intends to use the funds. The President purposes to use the funding for humanitarian assistance and not military purposes. But the resolution which we are being asked to approve, and which will be law if approved, says something quite different. The President and the Congress should not be put in the position of voting on language that says one thing but is to be interpreted to mean something else. This is not the way this body should legislate. We need, the President needs, to find a way to encompass the President's proposal, as outlined in his letter to the majority leader, in a resolution that the Senate can vote on. That way the law will be absolutely clear and there will be no doubt of the intentions of the Senate with respect to the use of these funds.

Mr. LAUTENBERG. Mr. President, I rise in opposition to Senate Joint Resolution 106 to release $14 million in military aid to the Contras.

All Americans share a desire for peace, democracy, and political pluralism in Nicaragua and throughout Central America. We want Nicaragua to cease its reliance on the Soviet Union, to stop exporting its revolution, and to move toward full recognition of the political and civil rights of its citizens.

The question before the Senate tonight is whether continued military aid to the Nicaraguan Contras is the

best way to achieve that goal. I do not believe that it is.

The situation in Central America is difficult and potentially dangerous. The United States must protect its legitimate security interests in the region. The Soviets would like to exploit regional unrest to increase their influence in the area. But the central question remains: Do we continue to provide covert aid to the Contras, forcing the Sandinistas to rely more heavily on the Soviets? Or do we use economic and diplomatic means available to us to pressure the Sandinistas to sit down at the negotiating table and hammer out an agreement that protects our interests?

Mr. President, I say it is time to set aside military aid, at least for now, and embrace a diplomatic alternative. We must use all of our diplomatic, economic, and political leverage to seek a negotiated settlement to this conflict.

To continue aid to the Contras would provide no incentives for them to negotiate their differences with the Nicaraguan Government. In turn, it would push the Sandinistas closer to the Soviet Union, and provide no incentives to that Government to undertake domestic political reforms.

To achieve our goals, we must fashion a policy that provides incentives to both sides to talk. It should be fair and tough—to both sides. The Sandinistas need to know that our patience is not endless. If we stop the aid, if we provide a so-called cooling off period, we expect results.

Today's vote provides a real opportunity for the Congress to redirect our Central American policies. Nicaragua's President Ortega has stated that if the United States ends its support for the Contras and reopens negotiations with the Sandinistas, Nicaragua will immediately call for a cease fire and move toward freedom of the press, political pluralism, and fundamental freedoms. Such a step would be strongly supported by our Contadora allies and friends in Europe.

To the Nicaraguas, we should say: Make good on your promise. Stop exporting your revolution and establish human and civil rights within your country. To the Contras we should say: Lay down your arms and negotiate.

The decisions Congress makes this week will affect our national security, and could determine whether our sons are sent to fight on foreign shores again. The establishment of friendly and democratic governments in Central America is important for our national interest. We must seize this opportunity to redirect our policies to achieve this goal.

Mr. President, I urge my colleagues to oppose this resolution and work toward an alternative, constructive regional policy that can achieve our goals.

Mr. GARN. Mr. President, at this moment, few issues which face the Senate are more important than that of assistance to the Nicaraguan resistance. Since the Vietnam conflict, the citizens of the United States have scrutinized the minute details of our foreign economic and military aid. We, as a nation, have not taken our foreign military commitments lightly. I have attempted to analyze not only the need, but the justification for U.S. involvement. The situation in Central America demands this type of discussion, however, it is necessary for us to separate this policy to whatever extent possible from politics. The United States has an obligation to take a stand; and in the case of Nicaragua the United States has an opportunity to take a stand for freedom.

The United States joined with the Organization of American States [OAS] in discontinuing recognition of the Somoza Government and in recognizing the Sandinistas. Our recognition was predicated upon the Sandinista government's respect for pluralism and human rights, a nonalined foreign policy, and a mixed economy. The leaders of the Sandinista National Liberation Front [FSLN] have failed to honor these promises to the OAS and the people of Nicaragua. The Sandinistas have betrayed the principles of the anti-Somoza revolution.

The United States originally sought friendly relations with the Nicaraguan Government. Between 1979 and 1981, the United States authorized $118 million in economic assistance. In addition, the United States sought to squelch the aggressive acts by the Sandinistas through quiet diplomacy. However, it became clear that the Sandinistas would not alter their destructive course.

The resistance in Nicaragua was born out of Sandinista belligerence. This opposition developed as a result of Sandinista repression and growing ties with Communist countries. The opponents of the Sandinistas are indigenous Nicaraguans who are fighting for democratic objectives. The leadership of the resistance is comprised of disillusioned Sandinistas, former National Guardsmen and Campesinos—small farmers. The recent State Department report on the Nicaraguan Democratic Resistance [FDN] noted that, "the overwhelming number of the reported 15,000 FDN troops are peasants, workers, shopkeepers, businessmen, and others with no previous ties to Somoza." The goals of the Nicaraguan resistance are consistent with those of the United States.

The Sandinistas have continued to bolster their military and their armed forces have grown far beyond the size needed to meet any conceived threat. The military intentions of the Sandinistas were voiced long before the United States started aiding the Contra forces. In 1980, the Defense Minister of Nicaragua announced the goal of having 200,000 Nicaraguans in the armed services. This goal, aimed at building an army over 14 times the size of Somoza's National Guard, was announced while aid was still pouring in from the United States.

Nicaragua is less democratic in 1985 and more closely tied to the Soviet bloc. The number of Cuban military and security advisers in Nicaragua increased from approximately 200 in 1979, to 10,000 Cuban military and security personnel in 1985. In addition, about 2,000 Soviet and other bloc advisers are currently in Nicaragua, according to Under Secretary of State, Langhorn Motley.

The Sandinista military has continued to grow not only in quantity, but the quality of weapons, as well. This includes sophisticated tanks, military trucks, multiple rocket launchers, heavy artillery, helicopters, patrol boats, radar, and air defense equipment. The cumulative amount of Soviet bloc military deliveries from 1979 to the present is estimated at over $500 million.

The Sandinistas are supporting armed insurrection in countries throughout the region. El Salvador has been the principle target of Nicaragua's destabilization efforts. While materiel support for the Salvadoran guerrillas has decreased, there is still evidence of materiel and communications support throughout 1984. Nicaragua still provides military training for the insurgents.

Though to a lesser degree, Nicaragua provides support for revolutions elsewhere in the region. The Sandinistas are involved in subversive efforts aimed against Honduras. Managua also provides support for the guerrillas in Guatemala and Costa Rica.

Almost 6 years after the Sandinistas came to power in Nicaragua, the promise made to the OAS still ring empty. The Sandinistas have tried to manipulate public opinion with events, such as the November elections. These elections were not fair to opposition parties and should not legitimize the Sandinista government. We should not reward the Sandinistas for paying lip service to democratic ideals.

The decision by the United States in 1979 to recognize the Sandinistas sent a clear signal to the world; the United States was committed to democratic reform in Central America. As a nation, we have a deep and historic interest in the promotion and preservation of democracy. We cannot deny this commitment to fairness, simply because we are faced with difficult decisions. The moral obligation of the United States toward our neighbors in Nicaragua must remain the same today as it was in 1979.

The policy of the United States regarding Central America, as a whole and Nicaragua in particular, must be two-fold. First, we must encourage economic and political growth. This is the only way to alleviate the cause of the crises; poverty, injustice, and closed political systems. Second, we must encourage efforts to advance democratic internal stability through diplomatic channels and, when necessary, through security assistance.

The centerpiece of diplomacy has been the Contadora process and I strongly support these on-going efforts. Several drafts of a final regional settlement have been prepared and progress is being made. In hopes of facilitating the Contadora process, bilateral negotiations occurred between the United States and Nicaragua. Diplomatic channels, such as these should remain necessary components of a regional peace settlement.

The vote today, whether it be for economic or security assistance, is an indication of our commitment to freedom fighters the world over. The massive buildup of the Sandinistas is not likely to be countered by $14 million. However, failure to aid the freedom fighters would send a message to our friends and allies. The United States was committed to the Nicaraguan people in 1979, but we refuse to protect them from this greater tyranny in 1985.

Robert Hutchins wrote in his book, "Democracy and Human Nature"

> The death of democracy is not likely to be assassination from ambush. It will be a slow extinction from apathy, indifference, and undernourishment.

The Sandinistas have failed to keep their promises to the OAS and the Nicaraguan people. Today, I stand resolved to defend freedom and democracy in Central America.

Mr. HART. Mr. President, the immediate issue before us today is whether to continue to provide funds to the anti-government guerrillas in Central America to assist them in military and paramilitary operations against the Government of Nicaragua.

More importantly, we are being asked to determine the future tenor of American foreign policy in this region—the basis of our strategy, our objectives, our values. This issue cannot be reduced to a simplistic question of whether or not one supports one or another transitory administration policy. This vote is a referendum on fundamental questions concerning our beliefs and hopes about how we project American power and American leadership.

Mr. President, I believe there is consensus in Congress and in the American public that there are certain fundamental principles required for a constructive approach to Central America—principles—against which we can measure this request.

First, I think we all agree that the United States must pursue a course which decreases the influence of the Soviet Union and its surrogates in a region where, by reasons of geography and mutual interest, we as Americans must exert forceful leadership and provide for the common security.

We must act to influence any trends toward totalitarian rule in Nicaragua and elsewhere to advance peaceful, democratic opposition, and promote basic human rights for all of the people of Central America, including Nicaragua.

Second, our policy must discourage trends which would lead deliberately or by default to a perceived need for the introduction of American combat troops in the region.

Third, we must have a policy that supports the strong, credible regional efforts at peace being undertaken in the region, as pursued by the Contadora nations. Such efforts represent the best hope for restoring lasting regional stability and providing a foundation upon which durable democracy can be used.

Finally, we must conduct our foreign policy in a manner which enhances U.S. influence and prestige, not only to our neighbors, but as seen through the eyes of our friends and allies throughout the world.

Ultimately, our decision must be based of a careful assessment of the contribution funding the Contras makes to U.S. security. For regardless of our concern about the behavior of Sandinistas, a policy which does not forward our aims in the region, nor promote democratic principles, is a policy which must not be pursued—covertly or overtly—by the United States.

Mr. President, in my view funding to the Contras not only fails to accomplish any of these objectives, but is in fact, inimical to our fundamental goals.

Instead of reducing Cuban and Soviet influence, American support for covert undeclared war, veiled threats of potential direct U.S. military intervention, the declaration of intent to overthrow a constituent government, and the continuing highly visible military maneuvers in neighboring areas such as Honduras, have pushed Nicaragua ever forward toward increasing military reliance on the Soviet bloc—thereby undoubtedly strengthening the hand or our adversaries in the region.

By the administration's own figures, instead of decreasing Nicaragua's reliance on its Communist benefactors, there has been a twentyfold increase in Soviet bloc military deliveries to the Sandinistas since we began covert activities over 4 years ago.

Mr. President, our current policy has been equally ineffectual in influencing human rights progress in Nicaragua.

We all share concerns about the subversion of the democratic ideals which guided the Sandinista revolution in its early phase. No one in this Chamber is an apologist for the Sandinistas—we all share the goal of moving that society toward economic and political pluralism and away from political repression and persecution.

But we must recognize that instead of having moved the Sandinistas closer to those goals, the continuing war with the Contras has helped fuel a heightened climate of state of siege in Nicaragua, accompanied by such policies as harrassment by the Sandinistas of political opposition, censorship of the press, and repression of the church.

Instead of advancing the fundamental goals in the region, our policies seem to be having precisely the opposite effect.

Perhaps most disturbing, Mr. President, is the fact that current U.S. policy seem to be bringing the United States inexorably closer to direct military involvement in Central America.

Mr. President, the public version of the administration's recent report on funding for the Contra guerrillas states explicitly that the money Congress is being asked to release today is no more than a down payment on a far vaster military support effort, laying the foundation for much expanded military activities in the region which no one can dispute is of highly dubious potential effectiveness.

There is a haunting sense of deja vu for some of us on this 10th anniversary of the end of the Vietnam debacle as we read of the administration's assessment of the need for massive increases in military personnel to fight the Sandinistas—accompanied by thousands of American forces along the Nicaraguan-Honduran border.

This American people will not support a strategy which promises another failed military adventure—in any region of the world. They do not want this Congress to fund the guerrilla forces simply to provide the President a mandate for continued military escalation. And they will not support a policy which increases the likelihood of American military intervention. Is there anyone in this Chamber who will state now, for the public record, their explicit support for the commitment of young Americans to fight a war in Central America?

Once more, the administration has put myopic militaristic options ahead of carefully crafted diplomatic and political strategy. They themselves cannot even justify how a policy leading to military intervention could ever be prosecuted successfully and effectively in the absence of clear objectives, supported by the American public.

Mr. President, the Contadora nation's efforts at negotiations represent our best hope for lasting peace in the region. But administration policy—including funding the Contras—has not made a tangible contribution to this process.

For 2 years the administration's requests for increased military assistance to the Contras has gone hand-in-hand with apparent indifference to the Contadora process. Where dynamic and creative support have been required, the U.S. position toward negotiations has been anemic and rigid, frozen in place, and President Reagan has apparently been unwilling to recognize that real progress has been made in an effort to address U.S. concerns and forge a truly equitable pact.

The administration's policy has tried to be all stick and no carrot. But even the stick—which is not credible—has failed.

Finally, Mr. President, aiding the Contras has literally damaged the long-term effectiveness of American foreign policy by subverting American influence and prestige worldwide. The administration's determination to fund the Contras has forced the United States to stoop to the level of international outlaw and reject the jurisdiction of the World Court. Our current policies have undercut one of this nation's greatest assets—its ability to serve as an example to the rest of the world. We have made hollow our protests of Soviet contempt for any recognized code of international conduct—for we cannot preach what we do not practice. This administration's decision to suspend compulsory jurisdiction of the World Court for 2 years reflects a foreign policy driven by expedience and devoid of principle.

President Reagan has tried to recapture a moral posture for the United States by portraying the Contras as the equivalent of our revolutionary heroes and our aid for the rebels as a patriotic act. But while the notion that the Contras are the "moral equivalent of our Founding Fathers" as the President has said, is alluring—it is unfortunately absolutely wrong.

The image this description conjures of our greatest Americans fighting for their freedom vanishes when we are forced to consider who the rebels actually are and how they have pursued their goals. The military leadership of the Contras are far from modern day George Washingtons. Many of them are Somositas—remnants of the repressive national guard which terrorized the Nicaraguan people for decades.

Mr. President, there is no question that a policy of funding the Contras fails to meet any of the criteria for a constructive approach to the problems the United States faces in Central America. As a result, I believe Congress will today reject that funding.

President Reagan has made an effort to stave off this defeat by offering a last-minute peace initiative. He has attempted to repeat the strategy he used successfully on the battle over the MX—using negotiations as bargaining chip to justify military spending which cannot stand on its own merits.

But this time, it is clear that the President's peace plan is nothing of the sort. The administration's approach to Nicaragua is based on a plan for war, not for peace. One need only look to the administration's own report to Congress on Contra funding to see the low priority placed on negotiation, and the absolute priority placed on an increasing reliance on military might to solve the problems in Central America.

The President has tried to portray his new plan as a real peace initiative by encouraging the support of leaders who have been intimately involved in the Contadora peace process. But the initial enthusiasm of leaders like Colombian President Belisario Betancur has turned to skepticism as they have learned that a cease fire may serve as a pretext for continued and expanded U.S. military assistance to the Contras.

If the President has in mind a true peace initiative, one that commands congressional and public approval action—let him bring it forward as such. Mr. President, today we have before us not a real plan, but a bill which provides the funds for military and paramilitary activities by the Contras against the Sandinistas—nothing more. It must pass or fail on its own merits.

Mr. President, I firmly believe there are numerous policy alternatives for the United States which can make a positive contribution to U.S. security, and help to resolve the conflicts in Central America, but continued funding for the Contras is not among them.

In the aftermath of this vote I intend to introduce a package of legislation which I believe will make such a contribution by reiterating the grave U.S. concern about the behavior of Sandinistas, supporting the efforts of the Contadora nations, limiting the pressures for American military involvement in the region, and providing real incentives for the Nicaraguan Government to pursue those negotiations in a vigorous manner.

I believe that the leaders in Congress working with members of the administration have the capacity to forge a better path—to work together to address our common concerns, and define a set of policies which both promote our objectives and garner the support of the American people. Our first task today in forging such a consensus on Central America is to reject soundly a policy which does not contribute to progress in region.

I urge my colleagues to join me in opposing $14 million in military and paramilitary aid to the Contras.

Mr. GORTON. Mr. President, the United States is facing a real and difficult problem in Central America. The Sandinistas are not, as some claim, simply a small, benign, or democratic group that poses no potential threat to American security interests. Indeed, the Sandinistas are a challenge to the United States to the degree they support violent revolution in this hemisphere and cooperate with the Soviets, Cubans, East Bloc countries, Libyans, etc. And it is clear that they have, in fact, given such support and been assisted by these nations. The Sandinistas' domestic policies are a concern as well, for the elections that were held last year were marred by censorship and harrassment of the opposition. Indeed, without U.S. and world attention it is doubtful that there would have been elections at all.

Our goals should be consistent with our interests and the interests of the people of Central America. We need assurance that Nicaragua will refrain from supporting revolutionary movements in other countries. We need a regional peace agreement that rests on a stable balance of power in the region and that includes the withdrawal of Soviet and other foreign military advisors. In addition, we would like to see movement toward true democracy in Nicaragua.

Administration policy up until now has been difficult to justify. It has been based in the broadest sense on the application of pressure to achieve the goals I just outlined, although I must say it has not always been clear what the administration's goals have been. Some of this pressure has been careless and embarrassing, such as the harbor mining, and some, such as support of the rebels, has seemed to backfire and to lack moral or policy justification. Moreover, the administration has attempted to undermine the Sandinistas while at the same time trading with them and maintaining diplomatic relations.

Finally, administration policy has raised the issue of scale in our foreign policy. If it is a goal of the administration to topple the recognized government of Nicaragua, it is, to say the least, incumbent upon the administration to make a compelling case for such drastic action, action which violates international norms of sovereignty and peaceful resolution of differences. In short, our policy has been ineffective, inconsistent, and based on a questionable estimate of the scale of the problem.

Nonetheless, we are left with a regime that poses challenges for the United States. I welcome the Presi-

dent's letter which, while coming at a late hour, sets out what should indeed be our goals and the major thrust of our policy. Still, it accompanies a resolution which would continue aid which has not worked. I intend to vote against this resolution, but stand prepared to reassess my position in accordance with the future actions of the Sandinistas.

Mr. INOUYE. Mr. President, the soul of our Nation is in torment.

The debate in this Chamber today has revealed the deep divisions in our country. The American people—a people who cherish the history of their struggle for freedom from foreign domination—have begun to question policies of their government which suggest an imperial impulse, a need to dominate others.

The American people—a people who revere the ideals and principles which guided the founders of our country and which shaped our institutions of government—have seen those ideals and principles debased by officials who regard them, not as the immutable embodiment of our Nation's character and soul, but as instruments of power to be wielded in ways which serve the narrow objectives of the moment, rather than the enduring purposes of our country's founders.

You have a dollar bill in your pocket. Take it out. Look at it. Carefully. Read the words and purpose of our revolutionaries. Novus ordo seclorum—a new secular order.

The Founding Fathers, our Founding Fathers, saw in their revolution an opportunity to change the nature of government, an opportunity to establish the rule of law in a new secular order. No longer would the common man suffer the indignities and abuse by government ruling at the whim or caprice of a despot. Law and not man would rule.

Today, we are told that, if we vote against further funding of military action by the Contras—if we vote for the restitution of order and principle and law and decency in the conduct of our Nation's foreign policy, we shall be held guilty of a shameful surrender to the Sandinista government of Nicaragua.

Put aside for the moment the suggestion that this great country of ours, with a population of 233,000,000 and untold power, would surrender to an impoverished, backward country of less than 3 million which is led by a government of scoundrels. Put aside the rhetoric and consider what we are doing. It is proposed that we fund the overthrow of a foreign government.

I say, shame. Shame on those who would manipulate the American people and their faith in their institutions and Government to prosecute a secret war. I say shame on those who engage in the shameful abandonment of our ideals and our principles—who abandon law and its order for government by deception and the deceitful conduct of foreign relations through covert war.

Not long ago, the President of the United States compared the Contras of Nicaragua to our Founding Fathers. He needs to be reminded that the men of our revolution, the founders of our government, spoke, in the words of Thomas Jefferson, of a "decent respect to the opinions of Mankind."

I do not believe that, when he wrote those words—found in the Declaration of Independence—Thomas Jefferson believed that the Government he and others were founding would 1 day scorn the opinions of mankind.

That is the shameful surrender, Mr. President. For the United States to withdraw from the World Court and its compulsory jurisdiction, because our Government feared the opinions of mankind, has done more harm to the rule of law and order than any possible action by the Sandinistas.

Mr. President, I must vote against this resolution. Let there be no question. We are not voting for interdiction of arms. That was the original justification for the program. But that has not been successful. We are not voting to pressure the Sandinista government to participate in the Contadora process—that government is participating, perhaps not in a manner which is fully acceptable to the United States, but it is engaged in a process of negotiations which is acceptable to the Contadora countries.

No, we are not voting for those things, Mr. President. We are voting in support of an effort to—as the President said in his February 21 press conference—"remove the present structure" of the Government of Nicaragua. We are voting for the forcible overthrow of the Government of Nicaragua.

Mr. President, I am not going to speak at length, but let us note that supporters of this resolution have today defended and attempted to justify a request for funding which may ultimately be used to provide military assistance to paramilitary groups dedicated to the overthrow of a government with which the United States maintains full diplomatic relations and which is dependent on the United States for much of its trade.

We must ask why the administration has chosen the path of bringing pressure on the Sandinistas through the force of arms rather than economic sanctions or direct discussions as advocated by a number of my colleagues.

Let me conclude, Mr. President, by saying that I have been saddened, though not particularly surprised, to seek the work of the National Bipartisan Commission on Central America used selectively to support this operation. I was one of several senior counselors to the Commission, and I clearly recall one of the most basic, yet most profound, observations the Commission made:

> To be perceived by others as a nation that does what is right because it is right is one of this country's principal assets.

Mr. President, this is not right. We should not condone or favor the continuation of this not-so-secret secret war. Let us put an end to it.

LETTER FROM MR. PETER JONES IN SUPPORT OF NICARAGUAN FREEDOM FIGHTERS

Mr. WARNER. Mr. President, I rise today because I have received a letter from one of my constituents which I want to share with my colleagues.

The letter is from Mr. Peter Jones of Falls Church, VA—a Vietnam veteran who is concerned that his young son may have to fight a future war in Central America because of the failure of the Congress to provide support now to the Nicaraguan freedom fighters.

At this time, Mr. President, I would like to read Mr. Jones' letter—the view of one concerned father which expresses so well the realities this Nation faces in Central America.

APRIL 18, 1985.

Senator JOHN WARNER,
U.S. Congress,
Washington, DC.

DEAR SENATOR WARNER, I'm concerned about my son, Alex—my only boy. I'd hate to have him go to war in Central America. I've worried about it a good deal. It seems the matter is in your hands now. So I thought I'd tell you about my fears.

You see, I served in Vietnam twenty years ago. In fact, Alex was born during my tour there. Didn't see him till he was three months old. He was really a great kid—a happy clown, with bright red hair. Seems impossible that so much time has passed, but he's nineteen now—a sophomore in college. With a little seasoning, I think he has a lot of potential.

War, however, is an experience which I would just as soon he passed up, if there's a reasonable alternative. Not that Vietnam might not have been worth the attempt—particularly in views of the suffering the North Vietnamese victory there has caused millions of South Vietnamese, Cambodians and Laotians.

But, losing in Southeast Asia has not been such a problem for us Americans. It's too far away. The repercussions—other than having to make room for all those refugees—will probably not be evident for some time, if ever.

Central America, on the other hand, is in our ballpark. San Salvador is closer to Washington than Los Angeles. If governments allied to the Soviets and the Cubans take over this region, I don't see how the United States could avoid becoming involved.

Could we afford to have Soviet MIGs and missiles based so close to Texas? The warning time is nil. The Soviets tried putting missiles in Cuba. They stockpiled weapons in Grenada. They're filling up Nicaragua with tanks and gunships. I think they'll test us again. Will they back down this time? Who's to say the other countries of the area would not go the way of Cambodia and Laos—that regimes friendly to the Soviets wouldn't spread north and south from Nicaragua?

That's why I'm worried about Alex. I believe that if the Sandinistas and the Russians are not stopped now by the Central Americans themselves, he stands a good chance to be called up to do it in a few years. Our volunteer army doesn't have enough men to meet our commitments in Europe and Asia and fight in Central America at the same time.

I've heard a lot of objections to helping the people in El Salvador and Nicaragua who are resisting the capture of their countries by friends of the Soviet Union. It seems to me, though, that it would be much easier to support a Central American effort to prevent the takeover now than to have to send our sons to kick the Russians out later.

Over the past few years, the United States Congress has balked at giving aid to El Salvador. Now many Congressmen are worried about providing $14 million to the resistance fighters in Nicaragua. Why the quibbling? It's cheap insurance. We spend more on bird seed in this country every month.

The Soviets are giving both overt and covert aid to their friends. Why should we handicap ourselves? Why is it wrong to help our neighbors fight our common enemies? The Congress should get back to basics, and stop debating how many angels fit on the head of a pin. What job is more important for an American legislator than providing for his country's security?

If the majority of your colleagues decides against helping the forces resisting the Sandinistas, we would all have to accept their judgement, of course. If they don't think I have any reason to be worried about Alex)—well, ok. But, with all due respect, I'd like to say this to them: if the sledding gets tough in Central America a few years from now, I will expect them to call up their sons and grandsons—not mine.

Respectfully yours,

PETER E. JONES.

AID TO NICARAGUAN FREEDOM-FIGHTERS

Mr. SYMMS. Mr. President, today we must cast a crucial vote on whether or not to aid Nicaraguan freedom-fighters.

American policy in Central America has four policy objectives:

First, support for democracy and human rights;

Second, support for economic development and growth;

Third, provision of security against Marxist-Leninist revolutionaries;

Fourth, negotiations aimed at restoring peace in the region.

President Reagan strongly supports these four policy objectives, and I believe that all Senators, both Democratic and Republican, can support these objectives. They are fully deserving of bipartisan support in the long tradition of a bipartisan American foreign policy.

Congress has overwhelmingly passed a resolution on three separate occasions which should guide our policy deliberations on Central America. This resolution, called the "Symms Amendment," passed the Senate on August 11, 1982 by a vote of 67 to 28, and again in June 1984, by a vote of 77 to 3. The Symms amendment passed the House of Representatives overwhelmingly three times as well. The language is identical to the congressional resolution passed overwhelmingly in September 1962 just before the Cuban missile crisis.

The main policy thrusts of the Symms amendment, are:

First, reaffirmation of the Monroe Doctrine against Soviet intrusion into the Western Hemisphere;

Second, reaffirmation of collective self-defense of the American States against Soviet sponsored aggression;

Third, United States determination to prevent, by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or threat of force, its aggressive or subversive activities to any part of this hemisphere.

These points have been approved overwhelmingly by Congress on three previous occasions, and I urge my colleagues to keep them in mind as we consider today the Contra aid resolution.

Mr. President, I ask unanimous consent that the following items to be printed in the RECORD:

First, the Symms amendment to the Department of Defense Authorization Act, 1985.

Second, the Symms amendment to Public Law 97-257, Supplemental Appropriations Act, 1982.

Third, letter to the President, April 15, 1985, on aid to the Contras, signed by Senators SYMMS, MCCLURE, HELMS, EAST, and WALLOP.

Fourth, an urgent message from Europeans to Congress: Support the Nicaraguan resistance, sponsored by Resistance International, 102 Avenue des Champs Elysees, 75008, Paris, France, Vladimir Bukousky, president.

Fifth, White House Digest, June 20, 1984, "What the Sandinistas Say About Sandinismo."

Sixth, letter from Dr. Claudio Benedi, Junta Patritica Cubana, dated March 6, 1985, to Dr. Cesar Sepulveda, chairman, Inter-American Commission for Human Rights, Organization of American States, on institutional violations of human rights in Marxist Cuba.

Seventh, article by Ariel Remos in "Diario Ras Americas," Friday, March 15, 1985, (translated), entitled "Institutional Violation of Human Rights in Cuba by the Tyranny of Castro Denounced by Claudio Benedi."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPENDIX F: TEXT OF SYMMS AMENDMENT AS INCORPORATED INTO P.L. 98-525 ON OCTOBER 19, 1984

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1985

REAFFIRMATION OF UNITED STATES POLICY TOWARD CUBA

SEC. 1543. (a) It is the policy of the Government of the United States to continue in its relations with the Government of Cuba the policy set forth in the joint resolution entitled "Joint resolution expressing the determination of the United States with respect to the situation in Cuba", approved by the President on October 3, 1962 (Public Law 87-733; 76 Stat. 697).

(b) Nothing in this section shall be deemed to change or otherwise affect the standards and procedures provided in the National Security Act of 1947, the Foreign Assistance Act of 1961, or the War Powers Resolution. This section does not constitute the statutory authorization for introduction of United States Armed Forces contemplated by the War Powers Resolution.

APPENDIX C: TEXT OF SYMMS AMENDMENT AS INCORPORATED INTO P.L. 97-257 ON SEPTEMBER 10, 1982

SUPPLEMENTAL APPROPRIATIONS ACT, 1982

(An Act making supplemental appropriations for fiscal year ending September 30, 1982, and for other purposes)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes, namely:

CHAPTER VI.—BILATERAL ECONOMIC ASSISTANCE

Funds appropriated to the President

ECONOMIC SUPPORT FUND

Caribbean Basin Initiative

For an additional amount for necessary expenses to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $350,000,000, to remain available until March 31, 1983, notwithstanding section 10 of Public Law 91-672: *Provided*, That the funds in this paragraph shall be available only to the extent and in the manner provided as follows: not less than $20,000,000 for the Eastern Caribbean; not less than $41,000,000 for the Dominican Republic; not less than $10,000,000 for Haiti; not less than $50,000,000 for Jamaica; not less than $10,000,000 foir Belize; not less than $70,000,000 for Costa Rica; not more than $10,000,000 for Guatemala: not less than $35,000,000 for Honduras; not more than $75,000,000 for El Salvador; not less than $2,000,000 for the American Institute for Free Labor Development; not less than $2,000,000 for the Inter-American Foundation; and $25,000,000 unallocated: *Provided further*, That none of the funds appropriated for this purpose may be obligated until September 15, 1982, or until the enactment of authorizing legislation, whichever comes first. *Provided further*, That none of the funds appropriated under this heading and made available only for a country referred to in the first proviso may be available for such country while such country is not taking adequate steps to cooperate with the United States, as certified monthly by the President to the Congress, to prevent narcotic drugs and other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812)) which are produced, processed, or transported in such country from entering the United States unlawfully. Notwithstanding any other provision of this Act, none of the funds appropriated in this paragraph may be obligated or expended in any manner inconsistent with the policy hereby reaffirmed, which is stated in S.J. Res. 230 (76 Stat. 697), to wit:

"Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consid-

er any attempt on the part of European powers 'To extend their system to any portion of this Hemisphere as dangerous to our peace and safety'; and

"Whereas in the Rio Treaty of 1947 the parties agreed that 'an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations'; and

"Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: 'The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union'; and

"Whereas the international Communist movement has increasingly extended into Cuba, its political, economic, and military sphere of influence: Now, therefore, be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

"(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending by force or the threat of force its aggressive or subversive activities to any part of this hemisphere;

"(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

"(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.".

Nothing in this Act shall be deemed to change or otherwise affect the standards and procedures provided in the National Security Act of 1947, as amended; the Foreign Assistance Act of 1961, as amended; and the War Powers Resolution of 1973. This Act does not constitute the statutory authorization for introduction of United States Armed Forces contemplated by the War Powers Resolution.

UNITED STATES SENATE,
Washington, DC, April 15, 1985.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT, we have just received our own independent, first-hand, fact finding report about the critical situation faced by Commander Eden Pastora's ARDE anti-Communist guerrilla force in Southern Nicaragua. Eden Pastora is a strongly anti-Communist Freedom Fighter, but his forces desperately need American help. He seems to have a genuine popular following. He is a charismatic leader who already has attracted a wide following in Nicaragua. Like the FDN in the North, Pastora's ARDE in the South deserves our support.

Eden Pastora has received some U.S. government support in the past, and we believe that support should be immediately resumed and increased. No matter what difficulties may have occurred in the past, we believe that in this critical period, U.S. policy toward Eden Pastora should at least be guided by the time-tested maxim: "The enemy of my enemy is my friend."

The recent March, 1985 U.S. State and Defense Department booklet entitled The Soviet-Cuban Connection in Central America and the Caribbean describes Eden Pastora as a "legendary" military leader. It quotes Pastora's own critique of Sandinista leaders as direct evidence of the Sandinista commitment to Marxism-Leninism: "[Sandinista leaders] isolated themselves from what Sandinismo is supposed to be about. Violations of human rights, Cuban troops in Nicaragua, the alignment toward the Soviet bloc, the moral deviations, it's a long list."

This indicates that the State and Defense Departments believe that Eden Pastora deserves our support as much as the FDN. A recent Administration policy paper states that "the United States has a clear, undeniable moral imperative not to abandon those brave men and women [the Contras] in their fight to establish democracy and respect for human rights in Nicaragua."

Yet Eden Pastora's guerrilla forces have just had two outposts in the jungle overrun by Marxist-Leninist Sandinistas, and just like our own Revolutionary War Minutemen citizen-soldiers, his volunteer troops need all kinds of supplies urgently. Eden Pastora has liberated over 10,000 square kilometers of Sandinista territory. Thousands of helpless refugees from Marxist-Leninist oppression have trekked for weeks through the jungles seeking freedom and his protection.

Mr. President, we realize that in this climactic phase of American foreign policy toward Central America, we are now facing up to the extreme danger of a Central America dominated by Marxist-Leninist Sandinistas backed by Soviet and Cuban support. Because of this Soviet-Cuban support, we are forced to respond in kind. Eden Pastora's forces have already been attacked by Soviet MI-24 Hind helicopters capable of spreading "Yellow Rain" Chemical and Biological Warfare munitions.

While there are certain legal and legislative constraints on U.S. aid to the anti-Sandinista Freedom Fighters, we believe that much can be done to help Pastora's and the FDN's Contra forces. Accordingly, we request the following immediate policy actions:

1. U.S. policy concurrence in military support of FDN and Pastora's ARDE Contras by democratic Central American Armies;

2. Release of American constraints on the use of FDN and ARDE-owned Contra aircraft in the region;

3. Release to FDN and ARDE Contras of old non-U.S. rifles previously used by regional armies and also rifles captured from Marxist rebels;

4. Urgent provisions to Pastora of 100,000 rounds of 7.62 mm. (B-39) ball ammunition, 100,000 rounds of 7.62 mm. (B-49) ball ammunition, 100,000 rounds of 50 caliber ammunition, 1,000 M-79 grenades, and 100,000 rounds of 5.56 mm. M-16 ammunition from regional army-owned surplus stocks;

5. U.S. policy concurrence in regional military provision of surplus foodstuffs and medicines to FDN and ARDE Contras;

6. U.S. policy concurrence in provision of defensive measures against Soviet "Yellow Rain" to the Contras by regional armies;

7. U.S. provision to Eden Pastora of one third of the pending $14 million in U.S. humanitarian aid to the anti-Communist Nicaraguan Freedom Fighters, in order to help Pastora take care of the thousands of refugees fleeing from Communism into the area controlled by Pastora.

Mr. President, we believe that each of these policy actions is fully consistent with existing law and legislative guidance. Moreover, these policy actions are fully in accordance with the "Symms Amendment", which passed Congress overwhelmingly three times in 1962, 1982, and 1984. The "Symms Amendment" requires U.S. resistance to Soviet military bases in Cuba, and U.S. resistance to Soviet-Cuban subversion and aggression anywhere in the Western Hemisphere, by force of arms if necessary.

We believe that U.S. failure to comply with the Symms Amendment and adopt the above policy actions would be interpreted by our friends in the region as a sign that the U.S. will not be able to reverse Soviet-Cuban subversion and aggression in Central America.

With warmest personal regards,

Sincerely,

STEVE SYMMS.
JESSE HELMS.
MALCOLM WALLOP.
JOHN P. EAST.
JAMES A. MCCLURE.

AN URGENT MESSAGE FROM EUROPEANS TO CONGRESS: SUPPORT THE NICARAGUAN RESISTANCE

Democracy itself is at stake in Nicaragua. After four years of dictatorship, the FSLN, the totalitarian ruling party, has not succeeded in breaking the resistance of the Nicaraguan people.

After the relative liberalization represented by the elections, the government's imposition of a "state of emergency" shows that its political agenda remains a totalitarian one.

We believe that United States aid to all sections of the opposition is indispensable in enabling the Nicaraguans to overthrow the present dictatorship and freely choose their own political future—which they thought they had already done when they overthrew Somoza.

Therefore we appeal to the Congress of the United States, in the spirit of democratic solidarity, to resume aid to the Nicaraguan resistance.

Such aid is necessary strategically. The Sandinista junta has from the beginning declared its aim to be the incorporation of all Central America into a single Marxist-Lenist entity. Should it succeed, the United States would be forced to withdraw from one of its major overseas treaty commitments. This is precisely the objective of Soviet policy: to force the withdrawal of the United States from those areas of the world which are of vital interest to it and the entire Free World. That is why the problem of Central America is also a European problem. Central America is Europe's "Fifth Frontier."

American aid to the resistance is also necessary morally. The West must be forthright in its support for those who struggle to obtain the rights declared inalienable for all men by your own Declaration of Independence.

We say to the United States Congress: For you to deny aid to people who are seeking to exercise the rights of free men is to deny the meaning of your own country. Even worse than the strategic situation in which the United States would find itself if it were to fail in Nicaragua would be the betrayal of the principles upon which the country was founded.

The freedom of the Nicaraguans is also your freedom. As it is ours. Freedom is indi-

visible. If you fail in Nicaragua, we must ask, where will you fail next? If freedom and democracy are not worth defending in your own hemisphere, where are they worth defending? The Free World awaits your answer. Its enemies are waiting too.

AUSTRALIA

J. Malcolm Fraser, former Prime Minister.

AUSTRIA

Simon Wiesenthal, Jewish Documentation Center.

BELGIUM

Henri Bernard, professor; WW II resistance.
Luc Beyer de Ryke, member, European Parliament.
Gen. Robert Close, member, Belgian Senate.
Albert Guerisse, WW II resistance.

FRANCE

Fernando Arrabal, playwright.
Jean-Marie Benoist, philosopher.
Philippe Beruert, journalist.
Alain Besançon, philosopher.
Leon Boutbien, WW II resistance.
Claudie Broyelle, writer.
Jacques Broyelle, journalist.
Père Burckbérger, theologian.
Vladimir Bukovsky, author; scientist.
Jacques Chaban Delmas, former Prime Minister.
Jean-Marie Daillet, member, French National Assembly.
Pierre Daix, journalist, WW II resistance.
Gen. Delaunay, former Chief, French General Staff.
Marie Madeleine Fourcade, WW II resistance leader.
Monique Garnier-Lancan, V. Pres. Eur. Inst. for Security.
Pierre Golesdorf, writer.
Eugène Ionesco, playwright.
Robert Jaulin, ethnographer.
Branko Laxitch, journalist.
Emmanuel Leroy-Ladurie, historian, College de France.
Roland du Luart, member, French Senate.
Armand Maloumian.
Eduardo Manet, writer.
Eddy Marnay, composer.
Vladimir Maximov, editor, Kontinent.
Jaques Miquel, lawyer.
Jules Moch, former Minister.
Raymond Moretti, painter.
Leonid Pliouchtch, mathmatician.
Jean-François Revel, journalist.
Pierre Rigoulot, journalist.
Père Riquet, WW II resistance.
Eliane Le Rolland, WW II resistance.
Pieere Le Rolland, WW II resistance.
Laurent Savary, V. Pres., "Future and Democracy."
Bernard Stasi, member, French National Assembly.
Olivier Todd, journalist.
Galina Vichnevskaya, singer.
Patrick Wasjman, journalist.
Illios Yannakakis, historian.

GERMANY

Kai-Uwe von Hassel, member, Bundestag.
Edouard Kouznetsov.
Martin Kriele, professor.
Nicholas Lobkowicz, Dean, Eichstitt University.
Nikolaus von Mach, anti-Nazi resitance.
Renate-Charlotte Rabbetge, member, European Parliament.
Count Franz-Ludwig von Stauffenberg, member, Bundestag.
Gabrielle Taugner, professor.

ITALY

Massimo Pini, publisher.
Edgardo Sogno del Valino, WW II resistance leader.

LUXEMBOURG

Marcelle Lentz Cornette, member, European Parliament.

NETHERLANDS

Joseph Luns, former Secretary General, NATO.

NORWAY

Anton Frederic Andressea, publisher.
Leif Hovelsen, writer, WW II resistance.
Gunnar Sensteby, WW II resistance leader.
Victor Sparre, painter.
Tore Stubberud, journalist.

SPAIN

Jorge María Alfardo.
Angelo Ander.
Juan Manuel Bomet.
Xavier Domingo, journalist.
Fernado Sánchez Drago, journalist.
José Guerrero.
Juan van Halan.
Federico Jiménez Losanto, journalist.
Carlos Alberto Montaner, journalist.
Miguel Sales, journalist.
Armando Valladares, poet.

SWEDEN

Andrea Kung, Gen. Sec'y. Liberal Party.

UNITED KINGDOM

Alun Lord Chalfoat, former Minister, Foreign Office.
Frank Lord Chapple, former president, T.U.C.
Winston Churchill, Member of Parliament.
Robert Conquest, historian.
Brian Crozier, journalist.
Leszek Kolakiwski, philosopher.
Leo Labedz, editor, Survey.
Melvin Lasky, editor, Encounter.
Geoffrey Stewart-Smith, Foreign Affiars Research Institute.
Hugh Lord Thomas, Chairman, Center for Policy Studies.
Count Nicholas Tolstoy-Miloslavsky, histrorian.
George Urban, journalist.
Sir Huw Wheldon, Chairman, London School of Economics.

WHAT THE SANDINISTAS SAY ABOUT SANDINISMO

By your words are you justified, and by your words are you condemned.—Matthew 12:37

One of the most persistent myths about Sandinismo is that it is merely leftist, not Marxist, and certainly not Marxist-Leninist. This myth has been challenged by studies comparing Sandinista actions to those of other Marxist-Leninist states. Numerous statements of the Sandinistas themselves also contradict the non-Marxist image.

Consider this statement by Humberto Ortega, Sandinista Defense Minister:

". . . Marxism-Leninism is the scientific doctrine that guides our revolution, the instrument of analysis of our vanguard to understand the historical process and to create the revolution; . . . without Sandinismo we cannot be Marxist-Leninist and Sandinismo without Marxism-Leninism cannot be revolutionary, and because of that they are indissolubly united and because of that our moral strength is Sandinismo and our doctrine is that of Marxism-Leninism." [1]

Hugo Torres, of the general staff of the Sandinista Popular Army, also extolled the role of Marxism-Leninism when he said:

"The principles of Marxism-Leninism, wisely applied to the reality of our society, guided the revolutionary actions of the FSLN, the Nicaraguan people's vanguard, to victory over the dictatorship. . . . Lenin said that the people needed a vanguard in order to succeed and the Nicaraguan people succeeded because they had the FSLN." [2]

Victor Tirado, one of the nine Marxist-Leninist "commandantes" in the core of the Sandinista leadership, analyzed both the role of Marxism and the planned dominance of the FSLN:

"Our brilliant leader Carlos Fonseca [a leader killed in battle] taught us to examine the country's economic structure to learn about the people's idiosyncrasies, psychology and feelings in order to arrive at solutions based on real facts, which is applying Marxism to our reality. This is why the FSLM outlined a government plan and prepared itself for predominant role in government. . . . As we all know, the efforts centered on the armed struggle, as this was the conclusion of the Marxist analysis." [3]

An unusual medium for a number of startling admissions by Sandinista leaders was an extensive interview with Tomas Borge, Nicaraguan Interior Minister and two of his colleagues in the September 1983 issue of Playboy. Borge told the interviewer:

"I told [my mother] that I would not be blackmailed by her gentleness and her naivete and that I was a Communist." [4]

This dedication to Marxism-Leninism has been a dominant strain in the Sandinista movement since its inception. Even before taking power, and at the same time that the FSLN was trying to hide its true nature and appear as part of a broadbased coalition, the element of Marxism-Leninism was clear. A 1978 Sandinista communique reads:

"This Sandinista nuclear vanguard must occupy and direct the governing organs. . . . This nucleus must base itself in the scientific doctrine of the proletariat, in Marxism-Leninism, as a sure guide for the transformation of society."

Miguel D'Escoto, who is Foreign Minister, and Ernesto Cardenal, Minister of Culture, are both Catholic priests. Nevertheless, they both speak positively of Marxism, a philosophy which is inherently atheistic.

In a May 1980 interview, D'Escoto described Marxism as "being one of the greatest blessings on the Church." [5] Cardenal said in an interview in Spain in 1978: "It may be said that the Gospel made me a Marxist. Marxism is the world's only solution."

Tomas Borge made the following comment on the relationship between Sandinismo and "true" belief:

"I sincerely believe that we Sandinistas respect Christ much more faithfully than do the sham Christians, the Pharisees and traitors to the cause and true thought of Jesus Christ." [6]

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[1] Speech to the Sandinista military, quoted by Branko Lazitch in *Est et Ouest* (Paris) 25 August, 1981.

[2] Managua Domestic Service 23 April, 1982. (Foreign Broadcast Information Service, hereinafter FBIS, 28 April, 1982 p. P9).

[3] Managua Radio Sandino 26 February, 1983 (FBIS 28 February, 1983 p. P17).

[4] Playboy September, 1983 p. 60.

[5] "Nicaragua and the World," *Christianity and Crisis* 12 May, 1980 p. 141.

[6] Government of Nicaragua's 1983 report to the United Nations Human Rights Committee, p. 107, para. 525.

The attempt to combine Marxism with Christianity, a frequent theme of Sandinista literature, culminated in the publication of "The Sandinista Creed," a parody of the Apostles' Creed, by a Nicaraguan professor in *El Nuevo Diario*, which is strongly pro-government, though it is not an official newspaper. (Full text attached) It reads in part:

"I believe in the Sandinista People's Revolution and in the wise political military guidance of our national leaders of the FSLN, who are working for the well-being of the Nicaraguan masses, who were once exploited and excluded and are fighting for peace in Central America."

"I believe in the doctrine and struggles of Marx, Engels, Lenin and Che, great teachers and leaders of the working class which is the productive, moving force behind the class struggle that will permanently destroy the exploitative, anti-Christian, and dehumanizing class."

"I believe in the construction of a socialist, *Marxist* and *Leninist* society. I believe in the immortality and veneration of our heroes and martyrs. I believe in the power of the people in the hands of workers and campesinos and in their existence until the end of time. Amen."[7]

Besides seeking to deny the Marxist-Leninist nature of the regime, apologists for Sandinismo also contend that the regime is not supporting terrorism in other countries and that its massive arms buildup since 1979 is due to U.S. pressure and hostility.

This theory fails to take into account the fact that the buildup began even while the U.S. was sending almost $120 million in aid from mid-1979 to early 1981. It also ignores the fact that U.S. medical teams treated over 5,000 people in the Atlantic Coast region in the spring of 1980.

More importantly, arguing that Sandinismo is not expansionist also means arguing with the statements of the Sandinistas themselves. In spite of concrete proof the Sandinistas have supported terrorists in neighboring countries, the Sandinista leadership has frequently denied exporting revolution but the following statements document the fervor of Sandinista support for insurgents elsewhere.

Tomas Borge, on the second anniversary of the Sandinista victory, denied exporting revolution but expressed this sentiment in a Managua speech:

"This Revolution goes beyond our borders. Our revolution was always internationalist from the moment Sandino fought in La Segovia."

Borge was lauding the participation of foreigners in the Sandinista victory and later in the same speech expressed his moral support for "revolutionary" movements in other parts of Central America.

Michael Kramer, writing in the September 12, 1983 edition of New York magazine, quoted two prominent Sandinistas:

Bayardo Arce: "We will never give up supporting our brothers in El Salvador."

Humberto Ortega: "Of course we are not ashamed to be helping El Salvador. We would like to help all revolutions."

As early as May 1980, again well before the U.S. government ended its assistance to the Sandinista regime, no less an authority than Foreign Minister D'Escoto said:

"You (the U.S.) may look at us as five countries, six now with Panama, but we regard ourselves as six different states of a single nation, in the process of reunification."[8]

Even more outspoken than D'Escoto on this issue is Tomas Borge, who was quoted as saying: "Costa Rica is the dessert,"[9] meaning, no doubt, that the fall of this unarmed democracy would be the culmination of D'Escoto's "reunification."

Borge told a North Korean audience in June 1980 that "the Nicaraguan revolutionaries will not be content until the imperialists have been overthrown in all parts of the world. . . . We stand with the forces of peace and progress, which are the Socialist countries."

More recently, the Playboy interviewer asked Borge to respond to the remark that since the revolution triumphed in Nicaragua, "it will be exported to El Salvador, then Guatemala, then Honduras, then Mexico?" Borge's response: "That is one historical prophecy of Ronald Reagan's that is absolutely true!"[10]

The Sandinistas promise to hold an election this year, but obviously intend to limit the choices available to the Nicaraguan people.

As early as 1981 Humberto Ortega commented on what sort of elections the Sandinistas had in mind: "Keep firmly in your minds that these elections are to consolidate revolutionary power, not to place it at stake."[11] He reiterated this view in 1983 when he said that the Nicaraguan people had already had their election in the revolution and had chosen the FSLN.

Sergio Ramirez, a member of the three man coordinating junta, had this to say about elections:

"The Nicaraguan people will have to choose and vote for one candidate. That candidate is the revolution. This is very important." He later added: "It is a question of which parties have the most responsible programs and who can really guarantee the people they will go ahead with the revolutionary process."[12]

In spite of the best efforts of the Marxist-Leninist leadership to convince North Americans that theirs is a moderate non-Communist and non-threatening revolution, their own words show clearly what their beliefs are and what their aims are. Skeptics do not have to listen to the critics of Sandinismo; they have only to listen to its leaders.

THE SANDINISTA CREED

I believe in Sandino, the Father of our people's anti-imperialist revolution, who was born of a proletarian campesino mother and descended from the line of Dirianguen, Estrada, Castro, and Zeledon. He was a proletarian with a strong conscience, self-educated, a patriot and a nationalist, anti-imperialist, and internationalist warrior, like David who slew Goliath.

I believe in Sandino, the organizer of the E.D.S.N., made up of workers and campesinos, who fought in the mountains, valleys, towns and cities against the traitors who sold their country and against the gringo imperial legions in the defense of our native soil, our sovereignty, and our national honor.

He was betrayed and assassinated by a Judas, the stepson of Uncle Sam, who repaid him with years of military dictatorship and dollars. His murderers and the desecrators of his corpse were granted amnesty through the complicity of a Liberal-Conservative Congress.

I believe in Carlos Fonseca, his beloved Son, who inherited his ideals and guerrilla warfare tactics, who was the Founder of the FSLN, our political military vanguard, who is placed upon the altar of his country beside his revolutionary Father, whose ideology he enriched with new revolutionary philosophies, proletarian in nature, which he transmitted to his closest comrades-in-arms.

I believe in the Sandinista People's Revolution and in the wise political-military guidance of our national leaders of the FSLN, who are working for the well-being of the Nicaraguan masses, who were once exploited and excluded and are fighting for peace in Central America.

I believe in the doctrines and struggles of Marx, Engels, Lenin, and Che, great teachers and leaders of the working class which is the productive and moving force behind the class struggle that will permanently destroy the exploitative, anti-Christian, and dehumanizing class.

I believe in the construction of a socialist, Marxist and Leninist society. I believe in the immortality and veneration of our heroes and martyrs. I believe in the power of the people in the hands of the workers and campesinos and in their existence until the end of time. Amen.

JUNTA PATRIOTICA CUBANA,
AREA METROPOLITANA DE WASHINGTON,
Washington, DC, March 6, 1985.

Dr. CÉSAR SEPÚLVEDA,
Chairman, Inter-American Commission for Human Rights, Organization of American States, Washington, DC.

DISTINGUISHED CHAIRMAN: In the capacity that I have had accredited since the inception of the Inter-American Commission for Human Rights as Coordinator for the Washington Metropolitan Area of almost all the associations and organizations of present and former Cuban political prisoners, male and female, and also as the representative of the Cuban Patriotic Board, it is my privilege to address you and, through your intercession, the honorable members of that Commission, in order to express our gratitude and present the following denouncement before that Honorable Commission:

That, after the Seventh Report was written, over two years ago, executions by firing squads in Cuba, far from diminishing, have increased, as well as cruel, sub-human and degrading treatment against political prisoners, especially the more than 200 "plantados", mainly locked up in the fatidical Boniato Prison; physical and psychological tortures are still being applied; arbitrary sentences to extend already served prison terms continue to be imposed; political prisoners who have long served their terms of imprisonment are not released; there are no procedural warranties at all for political prisoners; no impartial judges nor an independent Judiciary and, above all of this and basically in this denouncement, there continue in full force the Institutional Violations Against Human Rights contained in the Socialist Constitution, the Penal Code and other legal regulations in force in Cuba.

The Seventh Report, released by that Commission on December 21, 1983, could not be submitted to the Thirteenth Session

[7] Dionisio Herrera y Canales, *El Nuevo Diario* 7 January, 1983. (The article appeared on the editorial page.) (Emphasis added.).

[8] "Nicaragua and the World," op. cit.

[9] Huber Matos, "Borge's Hunger for a Costa Rican 'Dessert'," Wall Street Journal 2 December 1983.

[10] Playboy, op. cit. p. 192.

[11] Henri Weber, "Nicaragua: the Sandinist Revolution," (London, U.K.: Verso Editions, 1981) p. 118.

[12] Managua Domestic Service, 14 January, 1984 (FBIS 16 January, 1984 p. P20-21).

of the General Assembly of the OAS, that had convened a month earlier, nor to the Fourteenth Session of the General Assembly, that convened in November, 1984. Although the Seventh Report, upon its approval by that Honorable Commission, does not require any approval by any other OAS organism, since it has its own value as denouncement, the knowledge of same by the General Assembly would have been advisable, notwithstanding the fact that all governments represented at same had received said Report and were award of its contents. With all due respect, we would like to state our dissatisfaction with that procedure.

We also state that, in the Annual Report from the Inter-American Commission on Human Rights to the Fourteenth Session of the General Assembly, the status of human rights in Cuba was not included either, as we had requested.

Despite all of the above circumstances, there was talk within the organisms of the Fourteenth Session of the General Assembly about the Seventh Report, as well as the continuous violations against human rights in Cuba, especially the Institutional Violation of Human Rights among attending delegates and in those sessions we were privileged to attend.

Because of all of the above reasons, we are requesting that the continuous violations against human rights in Cuba and, especially, the Institutional Violation of Human Rights, be included in the corresponding chapter of the Fifteenth Period of Sessions of the General Assembly of the OAS, that will be held this year in Colombia.

We were honored to denounce before the Plenum of this Honorable Commission the violation status against human rights regarding over 2,500 Cubans, male and female, who sought asylum at the Embassy of Peru, La Habana, who had left that Embassy under the protection of safeguards issued by the present government of Cuba, implying the guaranty and promise that they would be allowed to leave Cuba. On the contrary, some of them have been executed by firing squads; others have disappeared, and the remainder of them are being persecuted and not allowed to emigrate. We said then and we repeat now with a very special petition, that this Honorable Commission should request from the Peruvian Government a list of those Cubans who sought asylum at its Embassy in La Habana, in order to check that list against names of those who have been able to emigrate, and then requesting information about the fate of the more than 2,500 who have not been able to leave Cuba. We firmly believe, Mr. Chairman and Honorable members of the Commission, that among the powers of that Honorable Commission there is one to protect the human rights of victims of the communist atrocities in Cuba.

Through information received from Cuba, prepared by a Cuban Commission on Human Rights that operates within the island, we have been able to learn that 37 persons were executed by firing squads between October 1983 and May 1984. Said Commission has also reported that 131 persons were sentenced to be executed by firing squads during the same period of time.

We have also learned from other sources that many more persons have been executed at the Managua Military Camp, province of La Habana, for refusing to fight in Africa and Latin-America. Relatives of those executed are told that "they are accomplishing internationalist missions", and are not allowed to view and bury their relatives. We are hereby requesting that the Commission will investigate these executions.

Disappearances continue as well. Besides those who sought asylum at the Embassy of Peru and disappeared after leaving it, many other Cubans, male and female, continue to disappear. We denounced timely before this Honorable Commission the disappearance of Silvino Rodriguez Barrientos and Guillermo Casasus Toledo, who were taken out of their cells at the fatidical Boniato Prison and have not been heard of since. We expect a pertinent resolution from this Commission on those cases of disappearance.

We had the privilege of appearing before this Honorable Commission together with Dr. Andres Vargas Gomez, a grandson of Generalisimo Maximo Gomez, Chief of the Cuban Liberation Army in the last century. Dr. Vargas Gomez remained imprisoned since 1961 and was only able to leave Cuba last year. At that time, Dr. Vargas Gomez stated before this Honorable Commission his denunication of cruel, inhuman and degrading treatment that Cuban political prisoners have been enduring and continue to endure. He also denounced, among other things, the Institutional Violation of Human Rights, that we have denounced repeatedly. We hope that the Inter-American Commission on Human Rights has taken an appropriate action about those denouncements, in accordance with its powers.

In 1984, five younsters whose ages ranged from 16 to 19, were sentenced to five years of imprisonment for having painted, on the walls of their schools, slogans reading: "Viva Reagan" and "Vivan Los Estados Unidos".

A United States citizen who lives in Cuba stated his opinion about the Grenada events, and the secret political police (DGI) of the communist regime jailed him; when the U.S. Government tried to inquire about the situation of this person, the Cuban regime accused him of interfering with the Cuban internal affairs.

Private rights of persons, family rights, private homes and mail privacy are all violated by the communist regime in Cuba.

Freedom of education is infringed upon, because without freedom there cannot be education. Don Jose De La Luz Y Caballero, a Cuban educator and thinker, said: "Anyone can impart instruction; but only that person who is a living Gospel is able to educate." In Cuba, instead of the Gospel of Love, a doctrine of hate is taught.

Freedoms of expression and press, as well as all other freedoms, are being violated in Cuba, and these violations are consecrated in the articles of its Socialist Constitution.

No freedom of religion exists. Faith cannot have any priority over the socialist state, nor over the materialist and atheist Marxist Leninist doctrines. This is specified in the above mentioned Social Constitution of Cuba.

Freedom of travel does not exist in Cuba either, nor to emigrate Freedom to return to one's own country does not exist. A million Cubans are in exile, and they cannot return to their own country. Those Cubans who have emigrated, have been deprived of their Cuban citizenship arbitrarily, in violation of their human rights.

Cuban workers have been deprived of all the labor rights they had before the communist takeover in Cuba, in 1959. They cannot organize free labor unions, nor strike, nor change jobs freely, nor are entitled to 8-hour working periods.

As we denounced timely before this Honorable Commission, five workers who intended to organize a labor union, following the pattern of Solidarity in Poland, were sentenced to die through execution by a firing squad. When the world public opinion mobilized and this Commission intervened, their sentences were changed to 30 years of imprisonment. That was another violation against freedom of assembly, as defined by the American Declaration of Human Rights and Duties, and the Universal Declaration of Human Rights.

Also, 200 workers in the sugar cane industry were sentenced for having joined the above listed movement. The communist regime in Cuba continues to persecute those workers who intended to organize free labor unions.

There does not exist in Cuba, either, any private property as defined in those statements above referred to.

We further denounce before this Honorable Commission the case of Judge Nicasio Hernandez de Armas, who ruled that workers has the right to organize their own labor unions. This Judge has disappeared and his whereabouts are unknovn. We expect this Commission to have acted consequently and would like to learn about its resolution, as well as in the cases of attorneys who defended those workers charged with organizing their own labor union, which we timely denounced before this Commission. We do not know whether the pertinent resolutions have been issued in the cases of the Judge and the attorneys.

The case of violation of human rights against Dr. Orlando Bosch and his three companions by the Government of Venezuela, is an affront against justice and the enforcement of human rights in our hemisphere. We have a sufficient wealth of information about this case and have effected pertinent denouncements before this Honorable Commission.

Dr. Orlando Bosch and his companions have been arbitrarily imprisoned for over eight years now. They have been acquitted by the military courts, but their case has been successively transferred from the civilian jurisdiction to the military and viceversa, and now there is the intention to reopen the case and get it started all over again. This is an endless, arbitrary and illegal process.

The reply from the present Venezuelan Government to the Commission is not valid and is plagued by partiality and lack of consequence. The declaration that Dr. Orlando Bosch has submitted to the Commission, and that is in its possession, belies one by one those arguments stated by the Government of Venezuela. The denouncements that he makes about corruption, venality and injustice on the part of the current Judiciary Power in Venezuela have been published by the press all over the continent. The very Government of Venezuela has been forced to take action against corrupt judges, albeit not as far as it would be desirable, as in Dr. Bosch's case.

The internal judiciary process in Venezuela has been exhausted, as Dr. Bosch has fully demonstrated and it has been published in almost all the continental press. The timely intervention by this Commission has not been given due attention. We believe that time has come when the Commission ought to publicize any resolution it might have adopted or will be adopted in this case, since all efforts have been exhausted in the internal aspect and it is imperative to effect the protection of the Commission against the violation of human rights endured by Dr. Bosch and his three

companions who are imprisoned. We believe that time has run out already.

The Commission has acted very aptly in many cases, on its own volition. This is why we are requesting of the Commission that, if some denouncements in the case of Cuba and the Cubans have not yet directly arrived to its jurisdiction, it will exercise, as in the past, its preoccupation and protective authority, in order to pick up and investigate the multiple cases of violations against human rights that are being committed in Cuba at the present time, incorporating same to its annual report.

We have requested and been offered that an Eighth Report on Human Rights Violations in Cuba will be prepared. There are already many denouncements in the possession of the Inter-American Commission on Human Rights. Many more shall continue to arrive, more than enough to merit the preparation of that Eighth Report, that should include, with its proper name, the Institutional Violation of Human Rights in Cuba. These violations are in full fledge in Cuba, and they will continue, because they are inherent to the Marxist-Leninist system of government. Because of that and many more reasons, it has been declared incompatible with the Inter-American System. This status of incompatibility is much more evident today than it has ever been.

There does not exist in Cuba, Mr. Chairman and Honorable Members of the Commission, the Rule of Law, as the honorable members of the International Association of Jurists denounced several years ago. That is an organism adscribed to the United Nations, and their denunciation has been verified now in a much higher measure than at the time it was investigated and submitted. With the proof that is presently in the possession of this Commission and the additional wealth of evidence it might amass, the same denouncement could be effected now: That there is no Rule of Law in Cuba nowadays.

There is not, either, a State of Laws in Cuba. Its Judiciary Branch, as this very Commission has stated, is subordinated to the Political Power; this, in turn, is subjected to a communist minority and the latter to the arbitrary will of the totalitarian tyrant. All of this shapes a totalitarian regime, where human rights are violated in a totalitarian manner.

There are over 15,000 political prisoners in Cuba, male and female. Over 40,000 Cubans have been executed by firing squads and otherwise.

There were in Cuba, by 1959, some 12,500 Jews; there are only less than 500 now. Why have all of these Jews had to emigrate from Cuba?

The present regime in Cuba has taken the form of a case of plain anti-judiciary status or, better said, lack of a judiciary status. And it must be thus declared.

For all of the above we request of you, Mr. Chairman and Honorable Members of the Commission, to have these denouncements as submitted; to resolve preparing the Eight Report and that, while it is prepared to include in the Annual Report to the Fifteenth Session of the General Assembly of the OAS those violations against human rights occurred in Cuba since the approval of the Seventh Report to the date of submission of the Annual Report to the Assembly; that the Institutional Violation of Human Rights in Cuba be included with a special character and with its proper name; that it be proclaimed that there is not a State of Laws in Cuba, nor a separation of the branches of the state, as stated by Montesquieu; that the resolution(s) approved in the case of Dr. Orlando Bosch et al be published, and that we may enjoy from you the same generous welcoming and consideration enjoyed in the past. We remain yours with the highest consideration and respect,

Dr. CLAUDIO F. BENEDI.

(Note.—Dr. Claudio F. Benedi, Coordinator, representing almost all of the associations and organizations of present and former Cuban political prisoners, male and female, and the Cuban Patriotic Board.

INSTITUTIONAL VIOLATION OF HUMAN RIGHTS IN CUBA BY THE TYRANNY OF CASTRO DENOUNCED BY CLAUDIO BENEDI

(By Ariel Remos, "Diario Las Americas," Mar. 15, 1985)

(Translated into English as a public service by J.G. Roig).

Dr. Claudio Benedi recently appeared before the Inter-American Commission on Human Rights, of the OAS, expressing important denouncements about the institutional violation of human rights in Cuba.

Speaking in his condition of Coordinator and in representation of the almost totality of associations and organizations of former Cuban political prisoners, male and female, as well as of the Cuban Patriotic Board, Dr. Benedi denounced that, out of 12,500 Jews who formerly lived in Cuba, there are only 500 left, due to violations of their human rights committed by the bloody tyranny of Castro.

He also stated that 37 persons have been executed of late by firing squads and 200 more have been sentenced to the same punishment, among them some who have performed "internationalist missions" in Angola, other African countries and Central America.

Dr. Benedi also stressed that 2,500 persons who went into the Peruvian Embassy at La Habana, who were provided safeconduct documents by the satellite regime at La Habana to leave the diplomatic see and emigrate afterwards without any difficulties, have been either executed by firing squads, or have disappeared, or are in prison, after becoming "non-persons", he said.

Dr. Benedi asked of the Commission to have included in the Eighth Report on Human Rights his denouncements, and to evidence once more the cruel, inhuman and degrading treatment applied to political prisoners in Cuba, whose release has been requested. He also stated that there are in Cuba, at present, over 15,000 political prisoners and that executions by firing squads effected by the communist regime have reached the figure of 40,500.

Among those persons whose human rights have been violated by the Cuban regime, Dr. Benedi also mentioned those workers who have intended to organize labor unions in the island, there being over 200 of them imprisoned for that reason. Also, a Judge who sided with the workers has disappeared, as well as lawyers who defended them.

Dr. Benedi stated literally in his lengthy document, read before the above mentioned Commission: "That, after the Seventh Report was prepared, over two years ago, there have increased in Cuba, instead of decreasing, cruel, inhuman and degrading treatments against political prisoners and especially against those over 200 plantados, locked up mainly at the fatidical Boniato Prison; physical and psychological tortures are still being applied; arbitrary additional sentences are still being applied; political prisoners who have already served lengthy and undeserved terms are not being released; there are no procedural guarantees at all; there are no impartial judges nor a Judiciary power that is independent and, above all of that and as the foundation of these denouncements, the institutional violations of human rights contained in the Socialist Constitution of 1976, the Penal Code and legal regulations in force in Cuba are still being committed.

Dr. Benedi also alluded to violations of human rights in other countries, such as Venezuela, precisely referring to the case of Dr. Orlando Bosch, who has served over 8 years of imprisonment.

Dr. Benedi finished by requesting that acceptance would be given to those denouncements expressed by him, as well as "a resolution to prepare the Eighth Report and that, while the latter is completed, inclusion be made in the Annual Report to the Fifteenth General Assembly of the OAS of those violations of human rights that have taken place in Cuba since the approval of the Seventh Report until the date of submission of the Annual Report to the Assembly; that inclusion be made with a special character, and mentioning them by name, of the Institutional Violation of Human Rights in Cuba; the fact that there is not in Cuba a state of law, no separation of the powers of the state as formulated by Montesquieu; that publicity be given to the Resolution or Resolutions that the Commission may have approved, or those it will approve in the case of Dr. Orlando Bosch and his three companions also imprisoned, and that we may have from you the same welcome and generous consideration that we have been afforded in the past."

Mr. HATFIELD. Mr. President, as debate continues on the question of aid to the Nicaraguan Contras, we as legislators must look not only to our conscience for guidance, but also to the feelings of those we represent. Even though the State of Oregon lies 3,000 miles away across the continent, their insistence that we not aid the Nicaraguan Contras militarily has come in loud and clear. Not only have I received thousands of calls, cards, and letters urging my personal opposition, but the Oregon State Legislature has sent a message to the U.S. Congress as a whole.

Earlier this month, the Legislative Assembly of the State of Oregon approved Senate Joint Memorial 3. This memorial calls on the President and Congress to provide no further military aid, directly or indirectly, to the counterrevolutionary guerrillas seeking to overthrow the Government of Nicaragua. SJM 3 also urges Congress and the administration to promote a peaceful resolution to the conflict in Nicaragua. Mentioned specifically in this appeal for negotiations is the 2-year-old peace process initiated by the Contadora nations.

Senate Joint Memorial 3 represents a forceful and definitive statement by the governing legislative body of Oregon on behalf of its citizens. The measure passed by a margin of more than 2 to 1 in the Oregon House of Representatives, and 4 to 1 in the

State senate. This memorial does not seek to address, in either a positive or negative fashion, the policies and conduct of the Nicaraguan Government. That is not its aim. Rather, it addresses U.S. policy and the conduct of the Contras in light of internationally recognized legal and human-rights standards.

Behind the testimony presented at the hearings on the measure lies the firsthand experience of concerned Oregonians who have actively sought to inform themselves on the situation in Central America. Many of those testifying on the memorial had traveled to Nicaragua, Honduras, and El Salvador to see for themselves the impact of U.S. policy. These witnesses represented a diverse cross-section of Oregon citizens: Health-care professionals, business owners, elected officials, corporate managers, educators, representatives of the timber and real estate industries, church leaders, and factory workers.

The people of Oregon feel strongly about the issue of war and peace in Central America. They feel strongly about U.S. policy. They feel strongly enough to have investigated the situation for themselves and they feel strongly enough to urge their elected State officials to send this message on to us in Congress. In doing so, they are continuing a long tradition of Oregonians standing up and being counted on critical public issues. In taking this stand on the question of aiding the Contras, Oregonians are continuing a progressive tradition.

I would like to thank the members of Oregon's State Legislature for their important work on this memorial and ask unanimous consent that the text of SJM 3 be printed in the RECORD.

SENATE JOINT MEMORIAL 3

JOINT MEMORIAL

To the President of the United States and to the Senate and House of Representatives of the United States of America, in Congress assembled

We, your memorialists, the Sixty-third Legislative Assembly of the State of Oregon, in legislative session assembled, respectfully represent as follows:

Whereas a state of war, duly declared by the Congress of the United States, does not now exist between the United States of America and the Republic of Nicaragua; and

Whereas more than $100 million in United States funds have been allocated to so-called Nicaraguan counterrevolutionary ("contra") military and paramilitary organizations; and

Whereas leaders of these "contra" organizations have repeatedly affirmed through word and action that a purpose of their activities is to overthrow the present Nicaraguan government by force of arms; and

Whereas the campaign of terror conducted by "contra" military forces with the financial and material assistance of the United States government and operation and policy guidance by official United States agencies and personnel has caused thousands of deaths, woundings and kidnappings of Nicaraguan civilians, including many children, women and elderly persons; and

Whereas military facilities in neighboring countries, financed and operated with United States funds and supervision, have repeatedly been used by "contra" and other paramilitary forces to launch military attacks on Nicaragua; and

Whereas the International Court of Justice on May 10, 1984, called for an immediate end to United States participation in the mining of Nicaraguan ports and any other actions that jeopardize the sovereignty of Nicaragua; and

Whereas with the severe economic difficulties faced by the United States, the large and continually increasing federal deficit and resulting high interest rates, and the deep cuts in state and federal social and economic programs, the money can be better spent supporting needed programs in this country; now, therefore, Be it Resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States of America is memorialized to provide, either directly or indirectly through any nation, group, organization, movement or individual, no further aid in any form, including but not limited to funds, materiel, personnel, or operational and policy guidance, to counterrevolutionary or any other private military or paramilitary force conducting military activities against the civilian population, national territory or government of Nicaragua.

(2) The Congress of the United States of America is memorialized to commit itself by all means possible, multilaterally or bilaterally, including but not limited to the peace process initiated by the Contadora Group of Nations, to assist with the earliest possible peaceful resolution of the armed conflicts and threats of conflict in the Central American region.

(3) A copy of this memorial shall be sent to the President of the United States, the Secretary of State, the Speaker of the House of Representatives, the Majority Leader of the Senate, the Chairman of the Senate Foreign Relations Committee, the Chairman of the House Foreign Relations Committee, the Chairman of the House Appropriations Committee and to each member of the Oregon Congressional delegation.

Mr. GLENN. Mr. President, I rise today to voice my very strenuous objection to Senate Joint Resolution 106 which is currently before us. As my colleagues should be well aware the resolved clause of that resolution states "that the Congress approves the obligation and expenditure of funds available for fiscal year 1985 for supporting, directly or indirectly, military or paramilitary operations in Nicaragua." Mr. President, I am unalterably opposed to the open-ended authorization given to the President by this language and hope that my colleagues, whether they support the President's policy or not, will reject this gross abdication of congressional responsibility. Even though the resolution pertains specifically to the fiscal 1985 money, the $14 million, the virtually unlimited authority given the President to support directly or indirectly military or paramilitary operations in Nicaragua sets a very bad precedent which no Member of Congress should in good conscience support. I do not question the President's good faith in making both oral and written assurances as to how this money will be spent. But the fact is that those assurances are not legally binding and what will govern the expenditure of these funds is the language of Senate Joint Resolution 106, a 1985 version of the Tonkin Gulf resolution.

As we all know, sensing that the votes were not there to renew military aid to the Contras, the administration attempted to couple its request for military support with a new so-called peace plan. Unfortunately, the peace plan contains little incentive for either side to negotiate in good faith and thus is little more than a fig leaf attempting to disguise a program to throw out by military force a government which we don't like.

The cosmetics of the new peace plan aside, what we will decide today—despite our moral principles and international obligations, despite our rejection of violence as a means to settle disputes, and despite the fact that our $70 to $100 million in aid to date has not worked—is whether we will continue to arm a band of rebels whose clear aim is to overthrow a government with whom we maintain diplomatic relations. While the American people are understandably confused and uncertain about the proper direction of U.S. policy in the Central American region, on one point I believe they are not confused—they know that Nicaragua Contras are not the moral equivalent of our Founding Fathers. Mr. President, I am no apologist for the Sandinistas. Our difficulties with them are well known. We object, and rightly so in my opinion, to their denial of basic rights and freedoms at home and to their support for revolution abroad. As we should with totalitarian regimes of both the right and the left, we must maintain pressure for change—for respect for human liberty and the right of people to freely choose their government. Yet legitimate pressure in this instance stops short of pushing for the military to overthrow of a government by rebels whose commitment to human rights and democratic principles is questionable at best. I would submit that the Contadora process offers the best available forum for a negotiated resolution as it is at least partially insulated from the acrimony of the United States-Nicaragua bilateral relationship. So let us get behind the Contadora process with our full support and encouragement and let us resist this attempt to revive the ill-advised and counterproductive Contra aid program.

Mr. DECONCINI. Mr. President, regrettably, I believe that our policy of aiding the Contras in Nicaragua has served a purpose that is quite different

from that which we intended. Despite the rhetoric of the President linking the Contras to our own Founding Fathers, the United States is perceived by the world and much of its own citizenry as aiding a group which is largely Somoza-oriented. And, despite President Reagan's rhetoric, there is no doubt in my mind that the leaders of Nicaragua believe that the Contra aid represents an attempt to topple the regime in Managua, rather than reform it.

So the United States is, once again, perceived to be the bad guy—or so it seems. Any effort we make to point out that the leadership in Nicaragua is blatantly Marxist, that it has failed to live up to its promise of a free and democratic society, that it has failed miserably in improving its economy, that it has failed to account for 2,600 of its citizens who have disappeared, and that it regularly and deliberately violates the human rights of people is obscured by our aid to the Contras.

While I find it difficult to oppose the President on foreign policy issues, I believe that continuing to provide military aid to the Contras is misguided. It has not in the past, nor will it in the future, serve to bring about a peaceful resolution to the Nicaraguan conflict. To the contrary, it can only serve to heighten tensions and escalate the military buildup in Nicaragua. As Paul F. Gorman, commander of the U.S. Forces in Central America, recently stated, the Nicaraguan rebels are incapable of overthrowing the Sandinista government "in the foreseeable future," and it will take "years" before Contra pressure can be expected to produce any significant change in the Nicaraguan Government. Therefore, I voted to oppose the release of $14 million to support, directly or indirectly, military or paramilitary operations when that proposal was considered by the Senate Appropriations Committee on April 18, 1985, and shall oppose it when it is considered by the full Senate on April 23.

If the President is sincere in wanting a negotiated settlement in Central America, he must do more than pay lip service to the Contadora process. The democratic nations of the region have the best chance of moderating and reforming the policies of Nicaragua. A regional settlement, negotiated and enforced by the Central American nations, is our best hope for long-term stability and peace in the region, and it is to that process that our Government should devote its full resources.

In this regard, it is my judgment that the United States ought to fund a multilateral force, composed of members of the Organization of American States or the Contadora nations, to monitor and enforce the provisions of a Contadora agreement. No American troops would be included in the multilateral force; rather, it would be composed exclusively of forces from Central and South American nations who have the most at stake in insuring that Nicaragua does not become a Soviet/Cuban client state. It is these nations which can exert the greatest pressure on Nicaragua to restore democratic pluralism, to reinstate freedom of the press, and to hold free and open elections.

In the interim, I suggest that we begin to concentrate on publicizing the facts about Nicaragua without our words being tainted by dubious actions such as the mining of Nicaraguan waters and the distribution of guerrilla warfare manuals on how to exterminate the enemy. A recent article in the Wall Street Journal exposes the Sandinista regime for what it is, and I ask unanimous consent that the full text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 25, 1985]

DESPAIR AND FEAR IN MANAGUA

(By David Asman)

MANAGUA, NICARAGUA.—How to explain to The Wall Street Journal's accounting department a $20 taxi fare in one of the poorest nations of the Western Hemisphere? That's the first question I asked myself upon hearing that my cab fare for the five-mile ride from the Hotel Intercontinental to Archbishop Obando y Bravo's church would be 600 *cordobas*. At the official exchange rate of 28 cordobas to the dollar, the 15-minute drive cost me more than $21. However, the black-market rate for dollars in Nicaragua is now about 560 cordobas (down from a high of 580). This means the driver was getting just over a dollar for his efforts—barely enough to pay for the gas. How could I complain?

While tourists in Nicaragua—forced to account for all their dollars upon entering and leaving the country—have a difficult time trading dollars on the black market, Nicaraguans who have access to dollars (primarily government officials) can change their dollars at black-market rates, thereby maintaining their purchasing power. However, few have dollars to trade anywhere and most are paid according to the government's minimum wage scale, which is tied to the official rate.

An article in the Nation magazine recently praised the Nicaraguan revolution by announcing that base pay had been raised to 42 cordobas a day, compared with six cordobas a day under Anastasio Somoza's dictatorship. However, the real purchasing power of the cordoba reveals that most workers who received the equivalent of 60 cents a day under Somoza, now receive about eight cents a day.

MISHAPS ARE COMMON

Government officials honest enough to admit the existence of the real exchange rates say that the extreme erosion in purchasing power is offset by essential foods and services provided by the government. But these essentials are in short supply, are sometimes refused to those who publicly object to the government's policies, and do not include some very basic items that must be bought on the black market. A small tube of Mexican toothpaste, for example, costs 300 cordobas on the black market—equal to seven days' labor at the minimum wage. Since such items are usually impossible to get outside of the capital, many workers must spend a full day traveling to buy these "luxuries."

Even supporters of the government agree that economic planning by the Sandinista *commandantes* is chaotic at best. An East German economist visiting Nicaragua lamented: "They [the Sandinistas] are about to propose a law that will set up about 15 separate exchange rates for imports and exports, I can't think of any East European economy as messed up as this one." Stories of Soviet-style mishaps are now common: The Netherlands sent powdered milk that was misplaced and eventually went bad; the Soviets recently sent two million light bulbs that had the wrong fittings and could not be used.

Nicaragua's socialist economy has also played havoc with peasant farmers, the group supposed to benefit most from revolutionary changes. "Nicaragua was a land of merchants," says Mario Rappaccioli, president of the Nicaraguan Conservative Party. "Small farmers used to bring produce to the market or roadside and sell directly to the consumer. Now they have to sell it to the government for prices that discourage even back-yard farming. The government has become a burdensome middle man, sucking money and vitality out of the economy."

The Sandinista government explains that expenses associated with the war are to blame for shortages and the general economic deterioration of Nicaragua. But economic policies that dicourage production remain in place and, even with the war, many question why the government must spend so much money and divert so much labor to the military. The government admits to spending 40 percent of its budget on its 100,000-man army, but according to Jaime Chamorro, co-director of the independent newspaper La Prensa, the figure is probably well above 50 percent.

The size and purpose of the military has become the single most contentious issue in Nicaragua. This is particularly the case with regard to the military draft and has actually led to cases of open rebellion among the general population. Marta Patricia Boltodano, until recently head of the Permanent Commission on Human Rights in Managua, handled a case of six women who were arrested in San Rafael del Sur. Apparently 200 mothers of unwilling recruits stormed an army training camp in San Rafael where their sons were being trained and took them away. Shots were fired, but no one was reported killed. Mr. Chamorro reports a similar incident in Nagarote involving 800 mothers.

Some suggest that the military buildup has as much to do with controlling the people as it does with controlling the contras. "When U.S. planes flew over last summer," says Mr. Rappaccioli, "the Sandinistas brought their tanks out, but it wasn't to fight the U.S. Marines. It was to say to the people, 'Don't get so enthusiastic about the U.S. coming; we're still in control.'"

The presence of thousands of Cuban advisers is also seen as a method of reinforcing the power of the state over individuals. Suggestions that the Cubans are in Nicaragua to advise on agricultural matters are not taken very seriously. Says one independent farmer: "Historically, we have produced much more effectively than the Cubans. I

was at one coffee farm where Cubans were telling us we should get 50 bags of coffee from a particular area. But before the revolution, we were getting 80 bags from this same spot. There's nothing the Cubans can tell us about agriculture. But there is a lot they can tell the Sandinistas about controlling the population."

One example of Cuban influence came from an interview with Roger Guevara Mena, a man I met after Mass at Archbishop Obando's church. "The government just gave me a little holiday," he said. "A holiday in jail."

Mr. Mena is an international lawyer who was asked by the archbishop to defend Father Luis Amado Pena, a priest the Sandinistas had arrested as a counterrevolutionary. The Roman Catholic Church claimed that he had been framed by the Sandinistas, and a demonstration organized to protest his arrest eventually led to the expulsion of 10 priests from Nicaragua. It was clear the government intended to harass anyone who came to the defense of Father Pena, but Mr. Mena did not know how far that harassment would go.

One night in February, police from the Ministry of the Interior knocked on his door and served him with a summons to come to the "public relations" department of the Ministry, located behind the Hotel Intercontinental in Managua. Ironically, this is the same place where Somoza built his infamous "last stand" bunker in the late 1970s. It is now used by Comandante Tomas Borge, head of the Ministry, as an interrogation center.

When Mr. Mena arrived, he was immediately locked in a closet big enough only for a chair. He was kept there for an hour, never knowing why he was there, nor for how much longer he would be interned. He was then questioned by Cubans and Nicaraguans. "A Cuban accent is not hard to distinguish from a Nicaraguan accent," he says, "and their techniques were quite similar to those used in Cuba."

After five hours of threats, insults and questions, Mr. Mena was stripped of all his clothes except his pants and put in a small cell that had no light—natural or artificial. The guards were instructed not to talk to him, not even to tell him what time it was.

LIFE WOULD HAVE NO MEANING

For 10 days he was kept in a cell, had nothing to do, nothing to read and no one to talk to. The only sound he heard were other prisoners screaming and crying in the night. He was never told what he had done.

His food consisted of rice, moldy cheese and stale bread. He had to use his fingers when he sat and ate, and that was right next to the pot on the ground for excrement. He wondered how long he could retain his sanity. Not knowing how long he would be detained, he decided he could survive for up to 15 years. Any more time and his life would have no meaning left.

On the 10th day of incarceration he was brought in to the interrogation room and presented before one of Mr. Borge's assistants. "How have you been treated?" he was asked.

"What do you mean?" Mr. Mena answered. "I still haven't been charged, and you're asking me how I was treated?"

"Well, we have decided to give you your freedom."

He was given a shave and taken out in the sun for about two hours to make him presentable for the outside world. Upon leaving he was told: "We hope that you have learned something from all this."

In fact, he has learned something: "I am no longer afraid. I now know that they can strip me of everything but my faith. And that is all I need to survive. Those who have found their faith are not afraid. I now know I cannot leave Nicaragua. I must stay to help my country survive."

Three weeks ago, Americas Watch issued a report on human-rights abuses in Nicaragua. One member of the Nicaraguan Permanent Commission on Human Rights commented on the Americas Watch report and its chief investigator Juan Mendez: "The Sandinistas are laying the groundwork for a totalitarian society here and yet all Mendez wanted to hear about were abuses by the Contras. How can we get people in the U.S. to see what's happening here when so many of the groups who come down are pro-Sandinista?"

Mr. McCONNELL. Mr. President, a careful review of recent history has led me to believe that we are faced with a decision today which is similar to a decision we made in 1979. We are being asked to provide assistance to a united opposition who support the restitution of peace, democracy and justice in Nicaragua. This opposition has called for a cease-fire and peace negotiations with the Sandinistas, mediated by the Catholic Church. They have recognized President Ortega pending a plebiscite on the last election and they insist on guarantee of free speech. This proposal is fundamentally the same as the combination of proposals forwarded by the Organization of American States in 1978 and 1979. Then, as now, the United States was asked to support the opposition to a seated government. Then, as now, we had to choose to do so based on a belief that the promises of the future were consistent with the principles of democracy and justice which we, as a nation, uphold.

During 1978, significant events changed the course of Nicaraguan history. Public consensus was in large measure responsible.

In Nicaragua, the Sandinistas had been engaged in a bitter guerrilla war against President Somoza and his National Guardsman. Erosion of public support for the Somoza government was galvanized into active opposition following the 1978 assassination of the editor of La Prensa, a daily Nicaraguan newspaper.

Similarly, the 1978 televised shooting of an American newsman by a National Guardsman generated outrage in the United States.

These and other reports compelled the Foreign Ministers of the Organization of America States to meet in December to review an investigative report on the situation in Nicaragua prepared by the Inter-American Commission on Human Rights. The report was grim. In response to these events in 1978, the Carter administration cut off all assistance to Somoza. Public, press and Government representatives, here and in Central America, agreed that Somoza did not share the interests and support of most of the Nicaraguan people.

In June 1979, the United States supported the OAS call for Somoza's resignation. This resolution called for the "immediate replacement of the Somoza regime * * * and installation in Nicaraguan territory of a democratic government * * * which reflects the free will of the people of Nicaragua." The document also insisted the new government guarantee respect for human rights and hold free elections. All OAS members were urged to take steps to contribute to the social and economic recovery of Nicaragua. In an unusual step, the United States sent representatives to Nicaragua to ask the President to resign.

This resolution was the basis for a pledge from a new Junta of the Government of National Reconstruction to, among other things, hold free elections, to observe human rights and "make democracy and justice possible in Nicaragua."

Popular support brought the Sandinistas to power. American popular support for the change resulted in the provision of $117 million in direct assistance from the United States and our facilitating over $220 million in World Bank loans. The prospects for the Nicaraguan people finally looked bright.

I have briefly recounted the history of the Sandinista's rise to power to remind my colleagues that America's role in this transition was a positive one. We shared an understanding with other members of the OAS. We all believed in the pledges the new Government of Nicaragua made to that body.

I continue to believe in the principles of justice and democracy the Sandinistas committed themselves to uphold to the benefit of all Nicaraguans. I have not seen evidence this pledge has been fulfilled. We are faced today with a decision to support Nicaraguans who intend to rejuvenate that pledge made to the OAS.

What has compelled these people to take up arms against the Sandinistas? Are their goals and concerns the same as ours? To decide whether we should support the Contras, we must decide, as we did in 1978 and 1979, that a change is needed and the people we choose to support represent what is best about that change.

First, what are the circumstances which have led many Americans, Central Americans, and at least, 15,000 Nicaraguans to believe the Sandinistas have betrayed the commitments made to their country and the OAS? I have considered and would like to share some of the opinions which contributed to reaching the conclusion that the Sandinistas have not fulfilled their pledge.

Arturo Cruz, the former Nicaraguan Ambassador to the U.S. and now a leader of the unified opposition:

". . . I badly underestimated the vigor with which the newly elected Nicaraguan Government would proceed to repress its opponents and militarize the state. . . . The Sandinistas are evidently determined to ignore the democratic yearnings of the Nicaraguan people. They have staged an electoral charade and refused to allow serious opponents to participate . . . they have begun an open buildup of Soviet arms . . . and resumed their censorship of the country's only free newspaper. . . ."

New York Times Op-Ed, 12-6-84 "Managua's Central Problem"

Archbishop Obando y Bravo in an April 4, 1985 homily:

"We must realize that it is very difficult for the Nicaraguan people to join hands with a power which deprives man of his dignity, of his rights and of his freedom. It costs our people greatly to live under a power which makes one pay for social advances with reductions in another major revolutionary achievement which is liberty."

A pastoral Letter in April 1984, Nicaragua's bishops called for dialogue between the Sandinistas and Contras said:

"The road to social peace is possible through dialogue . . . All Nicaraguans inside and outside the country must participate in this dialogue, regardless of ideology, class, or partisan belief. . . . It is dishonest to constantly blame internal aggression and violence on foreign aggression."

Archbishop Miguel Obando y Bravo in an July 11, 1984 speech:

"We want to state clearly that this government is totalitarian. . . . We are dealing with a government that is an enemy of the Church."

These quotes give one a sense of the concerns I believe many Nicaraguans share about their government. I do not believe these comments represent the only view of the situation in Nicaragua, but they do represent a compelling view which calls for change. Are calls for freedom and dignity of a people, "fulfillment of democratic yearnings" inconsistent with American beliefs? I think not.

Compare these concerns with the views expressed by the current Nicaraguan leadership:

In 1981, Humberto Ortega, Defense Minister, said:

"Keep firmly in your minds that these elections are to consolidate revolutionary power, not to place it at stake."

Commandante Bayardo Arce said in May 1984:

"We believe the elections should be used in order to vote for Sandinismo . . . our job right now is to concentrate all our forces in the military effort. . . "

In an interview in 1983 Tomas Borge stated:

"Revolutions are a necessary and inevitable step . . . so Reagan is correct when he points out that today Nicaragua, tomorrow El Salvador. . ."

In the same interview, Borge said:

"I told (my mother) that I would not be blackmailed by her gentleness and her naivete and that I was a Communist."

I do not think these views represent the consensus of popular opinion in America. Nor do I believe they are shared by the majority of citizens in countries that are neighbors to Nicaragua.

These views do not stand in a vacuum. They can and should be evaluated in the context of the actions the government has taken. I find the actions even more disturbing than the words. What will Nicaragua do with over 100 T-55 tanks? How many active duty soldiers does it take to defend your sovereignty against Costa Rica's police constabulatory of 8,000 and the Honduran military force of less than 20,000? The Sandinista's seem to think 62,000 active duty soldiers will afford an adequate deterrent.

Some say the Nicaraguans are simply responding to the threat they believe the United States imposes. However, history reminds us this build up began as we—the threat—were providing $17 million in assistance to the Sandinistas.

We, as a country, do not share Sandinista goals to convert Central America to a region of revolution. We do not seek the escalation in militarization. We are not Marxist-Leninists. What we are is evident by what we have done. We have repeatedly endorsed peaceful broad based solutions to the difficult problems.

The United States has consistently and strongly supported the nations involved in the Contadora negotiations. We have worked closely with all countries to develop the Document of 21 Objectives into a comprehensive and verifiable agreement. This process is fragile but imperative. All countries in the region must participate to assure all concerns are satisfied. Nicaragua has not yet accepted recent amendments proposed by Honduras, Costa Rica, and El Salvador and has indicated it would prefer to resolve such questions as arms buildup in bilateral talks with the United States.

Bilateral talks are also important. To this end, the United States held nine meetings with Nicaraguan representatives from June to December 1984. The negotiating instructions for our envoy have been flexible and fair. However, when the United States tried to initiate concrete discussions on points at issue in the Contadora process Nicaragua balked.

The Nicaraguan negotiating strategy has been characterized by an effort to bilateralize discussions. This is demonstrated by President Ortega's recent proposal to Senators KERRY and HARKIN. The proposal focuses on a cease-fire based upon normalization of relations between the United States and Nicaragua. There is no mention of direct talks with the opposition. Nicaraguans should be talking with Nicaraguans. These discussions should be the basis for building constructive, peaceful regional solutions.

Just as we recognized the need to redress the significant grievances Nicaraguans had in the 1970's, we must once again recognize the need for change. The Sandinista's must include politically, socially and economically disenfranchised Nicaraguans in the decisionmaking about the future of their country.

I will vote today to support the opposition acting to bring change to Nicaragua, change which will restore and rejuvenate the commitments to freedom and democracy that the Sandinistas have disregarded. I believe if a cease-fire and serious discussion with the opposition are initiated, prospects for peace and security brighten. It is a first step. The opposition must be afforded a genuine opportunity to fully participate in the political process, to bring within reach solutions to the problems of the Nicaraguan military buildup, foreign military advisers, and Sandinista support to regional insurgencies.

Mr. HECHT. Mr. President. The subject under discussion today is covert action concerning Nicaragua. This subject is of grave importance for the nations concerned and indeed the whole Caribbean-Central American region.

What needs to be emphasized is that the position the United States takes on this issue now has far-reaching strategic consequences for relationships between the United States and the Soviet Union. It will also materially affect the fate of lesser totalitarian dictatorships like Cuba and many small nations struggling to keep free and independent of Communist internal rule or Soviet predominance. It is an exceptional situation confronting this country and the Congress has a heavy responsibility to deal with it wisely.

Covert action by the intelligence agencies of the U.S. Government should be an exceptional act, but it is entirely legitimate when it is Presidentially authorized to carry out essential national security programs abroad when overt means are inappropriate or will not suffice to counter a serious threat to American interests. Such a threat exists in Central America today. The crucial conflict zone is Nicaragua, where a dictatorship supported directly by the Soviet Union and Cuba is trying to suppress liberty inside Nicaragua and export violence and instability across its borders.

I wish to state categorically that I believe it is within the constitutional prerogatives of the President as Commander in Chief of the Armed Forces and Chief Executive of the U.S. Government to authorize covert special activities by intelligence agencies to support national foreign policy objectives abroad in ways that conceal and do not acknowledge publicly the role of the United States when this course is safer or more effective than open military operations.

Finally, we must turn to the key question of whether covert action is justified now. It is a much broader question. It is one the Congress must examine with their eyes fixed on long term challenges to the security of our Nation, its moral values, and political institutions.

As one who has served as a counter-intelligence agent behind the Iron Curtain, I say yes, covert action in Central America is justified because the kind of covert action in which we are, or ought to be, engaged is both strategic and defensive. By this I mean it is designed to counter the forward thrust of Soviet political and military domination of important regions of the globe.

The 1980's certainly present a grave challenge to the future of American national security, economic well-being, and the political process of representative government in an open society. Political oppression and outright captivity are widespread in our troubled time.

It is possible, though not inevitable, that this decade is one of the permanent turning points in history. The fate of Nicaragua could be one of those turning points.

It is conceivable that the Russians could, by superior forward political planning, create a worldwide trend toward totalitarian governments ruled by one-party Communist dictatorships hostile to the United States and other open societies.

Stalin in his own heyday hoped for exactly this achievement.

He made a mighty surge forward in both East Europe and Northeast Asia but failed to achieve a decisive preponderance of power.

It is patently still the strategy of the leaders of the Soviet Union to increase and expand the reach of their power, neutralizing U.S. military capabilities with the threat of nuclear war implicit in the gigantic Soviet military weapons buildup of the 1970's and destroying the political will of non-Communist countries to pay the price of local and regional self-defense.

This Leninist strategy is long-established and well understood by Communist party leaders.

Russian leaders believe in the maxim, enunciated by their one-time Chinese comrade, Mao Tse-Tung, that political power grows from the barrel of a gun.

They want to dominate and exploit the resources and the technology of the world.

They have no fixed timetable.

They prefer to win concessions from weak and fearful foreign governments without actually waging wars that would damage the economic infrastructure whose output they covet.

Consequently, the United States faces a persistent hostile behavior pattern in conflicts below the level of organized, declared warfare. Make no mistake: Our form of free society and our influence abroad are the targets of the conflict in Central America above and beyond the local stakes.

What Soviet Communist leaders have in mind is the gradual psychological undermining of national will in target States and the establishment of political control when local circumstances permit. The process is not easy to contain. It is like ocean waves eroding shores of freedom.

The United States should use every diplomatic and informational device at its disposal to explain that the "War of National Liberation" waged in Central America from a base in Nicaragua is simply Leninist double talk for a war destabilizing governments cooperative with the United States by terrorism, political revolutionary action, and guerrilla warfare.

These wars are fought to create a new Communist dictatorship beholden to Moscow.

With extensive Soviet and Cuban guidance, the Sandinista regime is close to establishing a typical Leninist-model dictatorship over a small nation whose people want to have political and economic freedom.

A new nation under Communist control often provides a base for exporting revolution to other neighboring States marked for the next destabilizing assault.

Nicaragua is playing this role, supplying the arms and leadership for guerrilla war against El Salvador where a pluralist elected government struggles for stability.

President Reagan accurately views Nicaragua as a classical case of a revolution that raised Democratic hopes but went sour in the totalitarian mode. Nicaragua thus became a State created by terrorism directly sponsoring further terrorism around it.

The Sandinista regime in Nicaragua exhibits all the elements of the spreading danger of State-sponsored terrorism. The criminal nature of the acts, the clear identity of the State sponsors as perpetrators, the admitted Leninist revolutionary strategic objective, the intended totalitarian outcome and violent methods can be seen in detail in the events that have taken place over 6 years.

To implement an active countermeasure policy against State-sponsored terrorism, the United States must be prepared to have recourse to a full range of responses. There is no easy solution that guarantees success. We must meet our own responsibilities to defend American interests and the security of friendly States or groups abroad in order to maintain American ideals and goals.

Secretary Shultz argues that U.S. responsibilities as a leader of the free world require bold action, at times covert in the sense that the detailed moves as distinct from the policy must be kept so as to pre-empt revolutionary successes by Soviet sponsored forces.

He said:

If we shrink from leadership, we create a vacuum into which our adversaries can move. Our national security suffers, our global interests suffer, and yes, the worldwide struggle for democracy suffers.

While Secretary Shultz did not specify when or how defensive and deterrent measures should be employed, he made it clear that both covert paramilitary assistance and open military support can justifiably be extended to "those struggling against the imposition of Communist tyranny" on the basis of the "inherent right of individual and collective self-defense against aggression."

It is unthinkable to me that the Congress of the United States can take a stand on the other side of this grave issue.

Mr. STEVENS. Mr. President, I am now prepared to yield back the remainder of the time on this side, subject to the 15 minutes that has already been allocated to the distinguished majority leader, and I do yield back the remainder of our time subject to those 15 minutes.

The VICE PRESIDENT. That is right. The time is yielded back.

The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I am sure President Reagan is a man of his word. He says in his letter of today that his intention is to use none of the $14 million for military operations. But intentions change.

President Reagan's original intention was to use this money for military purposes. His original intention was to not touch Social Security. Now his intention is to cut Social Security.

The text of what we are going to vote on reads:

. . . The Congress approves the obligation and expenditure of funds for supporting directly or indirectly military or paramilitary operations in Nicaragua.

Let us vote against what we and the President are against. Let us vote for what we and the President are for.

We could do that by unanimous consent. We could set-aside what we are about to vote on and vote for something embodying what the President calls for in his letter. By a two-thirds vote we could suspend the rules and vote right now on the Byrd substitute for what this language in the Byrd resolution calls for is in close tune with what the President has spelled out in his letter. Or immediately following the vote on the proposal before us, we could vote for the Byrd resolution spelling out what the President has called for. Or we could refer the Byrd resolution to the Foreign Relations Committee and get it back tomorrow

after the committee has worked it over to make sure that it coincides with what the President has asked for and vote tomorrow for what the President now states he wants.

Mr. President, even though the President has sent us an eleventh-hour compromise proposal, the legal question before the Senate today remains the same. Our vote is on language authorizing military operations against Nicaragua. This is not simply a debate over parliamentary formalisms, over the proper mechanism for authorizing acts of war. We should use the opportunity provided by today's first full, public Senate debate and vote on Contra operation against the Sandinistas to consider an escalating U.S. policy gone wrong.

The Nicaragua policy we have been following is wrong because it is immoral: U.S. taxpayer dollars should not be used to sponsor acts of international terrorism in Nicaraguan villages, harbors and cities.

It is wrong because it is illegal: U.S. funding of military efforts to overthrow a government that we recognize violates not only the charter of the United Nations and the Organization of American States but our own Constitution as well.

It is wrong because it violates our national principles: No matter how much we deplore the Sandinistas' reprehensible curbs on civil liberties and their provocative support from Havana and Moscow, we must not adopt the attitude that our ends justify our means. We ill serve America's mission of promoting democracy when we emulate our adversary's most deplorable tactics.

But for those who feel that arguments based on morality, legality and national principles have little relevance on a troubled planet; I would hope that the impracticality of the efforts the administration has been making would be decisive.

The fact is that U.S.-bankrolled efforts to undermine the Sandinistas have proven utterly counterproductive. They have increased domestic, nationalist support for the Sandinistas we all would like to see replaced. They have isolated Nicaraguans opposed to the Sandinistas—precisely the forces of moderation we'd like to encourage—and have made them, by association, allies of CIA-backed terrorists. They have provided the Sandinistas with readymade excuses for curbing press and political freedoms and for relying heavily on Warsaw Pact nations for security assistance. And after 4 years and nearly $100 million in U.S. taxpayer funds, these efforts have failed to wrest one inch of soil from the Sandinistas' control. A resolution authorizing direct or indirect military or paramilitary operations in Nicaragua will not help either.

On the 10th anniversary of our withdrawal from our "limited war" in Vietnam, we should recall some of the lessons of opposing nationalist movements in urban and jungle warfare on their own soil.

Just as the Gulf of Tonkin resolution did, the Nicaragua authorization could open the door for a war that the American people do not understand, will not support and do not believe holds the promise of advancing our national interest in stable democratic developments in a turbulent region.

Congress must not repeat the tragic error of Vietnam.

And we must not repeat the errors of past policies in Central America, where Cuba, Panama, Mexico, Nicaragua, Haiti, the Dominican Republic, Guatemala and other nations have all been targets of direct U.S. military action or covert subversion in our long, tangled and failing efforts to use gunboats and "big sticks" to impose our will on our neighbors south of the border.

For these interventionist acts of war, "Uncle Sam" has earned the hatred of millions of Latins who equate the U.S. Government with Yankee imperialism.

The legacy of U.S. policies is clear.

For most Central Americans, true democracy is still far away.

Poverty, hunger, and oppression are common everywhere.

Military juntas still reign or wield actual power in many Central American nations.

And the very Communist forces we have tried to scare away are more entrenched than ever before.

Perhaps we have tried to do too much in Central America.

Perhaps we have tried to do too little.

Perhaps we have tried the wrong things.

But what we have done, just has not worked.

And the policies of the Reagan administration are not working either.

Today the Senate should consider why these and previous policies have failed.

Nineteen years ago, one of our members, the distinguished and wise chairman of the Foreign Relations Committee, Bill Fulbright, warned in his book "The Arrogance of Power" against the policies of military interventionism which have weakened our cause throughout Latin America.

Fulbright wrote in 1966, just as the Vietnam war was getting underway and he was at the peak of his long and thoughtful career.

In reviewing the successes and failures of American foreign policy, Fulbright talked of the need for "social revolution in Latin America" and "a drawing away from military and economic oligarchies" there.

He said that successful American policy in Latin America "will also require acceptance of the fact that Latin America is coming into its own in the world and can no longer be regarded as the special ward of the United States."

Above all, Fulbright warned against illegal actions by the United States in Central America and other parts of the world.

"Law is the essential foundation of stability and order both within societies and in international relations," he wrote.

Indeed, adherence to law is the most basic and fundamental protection of our democratic society. Order crumbles and our Constitution is threatened if law is not preserved.

And around the world we preach the need for law—through treaties ratified by this body, through the United Nations, and through the International Court of Justice at The Hague.

But, now, once again, at the World Court and in Central America, our Government's adherence to legal principle and the sovereign rights of nations is being questioned.

For this administration through CIA-directed acts of war against Nicaragua, has violated international laws and treaty obligations.

The Reagan administration walked away from the World Court, saying it lacks jurisdiction over the claim by Nicaragua that the United States broke the law in its attacks on shipping in Nicaraguan waters.

Does this administration regard the United Nations charter, the OAS charter, the Rio Treaty, the International Court of Justice, and all the other treaties, accords and solemn pledges to observe international law nothing but scraps of paper to be ignored at will?

Is the United States—the leader of the free world and the symbol of constitutional law, democracy, freedom, and liberty for nations in every corner of the globe must stop acting in Central America in a manner similar to that employed by the very tyrannies we oppose?

I believe that we should elevate the discussion about Central America to the higher level of how our Central America policy relates to our world position.

That world position is, indisputably, that we are the force for peaceful, democratic change and that we are, indisputably, the beacon light of hope for freedom-yearning people around the globe.

We have achieved that eminent status, not through military might and reckless adventurism in Central America, but through the strength of our constitutional representative democracy, through the powerful dynamics of our free economic system and through our support of the basic principles of the United Nations and other mechanisms of international cooperation.

United States leadership in that role is vital.

Without it, we could face endless turmoil around the world.

So let us apply the test of leadership in Nicaragua.

It is not in our global interests and it does not further the principles of international law to foment terrorism and war against a sovereign Latin country which is recognized by our own Government and our allies.

Clearly, it is not.

In this Hall we and our predecessors have debated the great issues of this and other times, always with one eye on history and the other on the future.

History tells us that a great nation must remain true to its ideals and principles, concepts that have stood the test of more than two centuries and which this body helped formulate and mold during decades of debate and bipartisan accord around the core ideas of our Republic.

Those ideals were embodied in the Wilsonian and Rooseveltian visions of the rights of man and democracy's mandate to protect those rights and to extend them wherever possible.

We helped create the United Nations.

We created the instruments of reconstruction in the Marshall plan, the World Bank, foreign aid, and a myriad of cultural, educational, health, and economic projects that reached into thousands of cities and villages in virtually every country in the world.

And we did these things not for the glory of the American flag, but because we believe in our own declarations of the brotherhood and sisterhood of mankind and the inalienable rights of men, women, and children for opportunity and freedom.

As we consider the pending request, I encourage my colleagues to consider the wisdom of a late President this administration is so fond of quoting—John F. Kennedy. President Kennedy wrote of looking "forward to an America that commands the respect of the world not only for its strength, but for its civilization as well."

Let us show not only strength today, but civilization and wisdom as well.

Let us reject using any more U.S. taxpayer dollars for clumsy counterproductive covert or not-so-covert wars.

Let us reject the crude comparison of a group that includes so many mercenaries and terrorists to our Founding Fathers—a gross insult to the Jeffersons and Washingtons and Adamses.

Let us make clear how repugnant we find the totalitarianism of the Sandinista left, just as we deplore the extremism of a Pinochet dictatorship of the right.

But let us resolve to chart a more responsible, civilized and productive course for achieving U.S. national security interests around the world.

Let us vote for language that spells all that out as clearly as the Byrd proposal would do, and as the resolution presently before us would not.

The VICE PRESIDENT. The Democratic leader is recognized.

Mr. BYRD. Mr. President, how much time do I have?

The VICE PRESIDENT. The Senator has 5 minutes and 10 seconds remaining.

Mr. BYRD. I thank the Presiding Officer, the Vice President of the United States.

Mr. President, I will introduce a resolution following the action on the present matter before the Senate which will embrace the principles that were involved in the package presented by the Democratic Senators at the White House on yesterday. I do this for this reason: In the event the resolution on which we are about to vote is defeated here or, if not here, in the House of Representatives, then I should think that we would need to have a legislative vehicle to deal with the Nicaragua situation. I am saying that in the event this resolution fails.

I have looked at the letter which my good friend, Senator DOLE, has presented to me. It is addressed to me by the President of the United States. And having given a cursory reading to the letter—I have not had a chance to study it as carefully as I would like—it seems to me that the President has gone a long way toward meeting many of the suggestions that were proposed by the Democrats who went with me to the White House on yesterday, and I am glad to see that.

I think therefore, that we Democrats, in making our proposals to the White House yesterday, performed a service. That is obvious because the President has now come around to the viewpoint that most of our proposals were indeed worthy.

I would only say a couple of further things with respect to the letter: First of all, Mr. President, it does not satisfy the concerns some of us had with respect to the using of the CIA as a channel through which food, clothing, and medicine would flow. So that is still one big problem as far as this Senator is concerned.

I will not comment further on the letter except to say that I am glad that the President does indicate his intention to resume bilateral talks with the Government of Nicaragua. He also intends to press for a cease-fire and he has also mentioned in the letter specifically the kind of assistance that would go to the Contras as being food, medicine, clothing, "not for arms, ammunition, and weapons," but he does use the phrase "and other assistance for their survival and well-being."

"Other assistance for the survival and well-being" of the resistance fighters could very well include trucks, earth-moving equipment, et cetera, et cetera, which would not fall into the category of "arms, ammunition, and weapons."

I do not intend to try to make a further play on words, but just to point out that phrase is as big as would be needed for an Amtrak train to go through.

Now, Mr. President, having indicated my objections to this fact, again I wish to compliment the President on having moved in our direction, although the resolution was introduced on April 4, and today is April 23. We have had all of those many days in which the President could have indicated to Senators even yesterday, for example, or by letter, that he would do the things stated therein—and these are the same things that were involved in the package which we presented to him at the White House on yesterday.

But at the 11th hour and the 59th minute here comes the letter. Here comes the letter.

My concern also goes to the fact that we as Senators should be very careful how we at the last minute, when there have been days or weeks in which the President could have made his position clear—days or weeks—but at the last minute, the last 15 minutes, or the last 1 hour and 15 minutes or the last 2 hours and 15 minutes, can be influenced in our vote by a White House letter which concedes on the part of the President most of the items that we sought to put into the form of legislation—legislation enacted by you, and you, and you, under our constitutional responsibilities as Members of the Senate. Are we going in the future to follow this procedure of changing our positions at the last hour, the last 2 hours, the last 3 hours, because of a letter that is sent to us by the President of the United States, no matter whether he is a Democrat or a Republican, and I do not say this in denigration of the President. This is no way to legislate, in my judgment. Other Senators may see it in their own light. As far as I am concerned, I do not propose to legislate in this manner.

Mr. President, one final note, and I will sit down: I understand that the Secretary of State has been calling Democratic Senators during the last hours on the telephone. Now he did not call me.

But I understand he has called others. All I have to say to that is this: Senators might remember—and I respect the Secretary of State. I think he is a good Secretary of State. He is dedicated. He works hard and he has high marks as far as I am concerned—but it is the same Secretary of State who, according to my information, said on the "Today" show on yester-

day, April 22, when asked if certain Senators were used, Shultz responded:

It looks like that to me. It's a problem when Senators run around and deal with Communists themselves.

Now, when I was the majority leader, I went to see President Brezhnev to talk with him about the SALT II Treaty. The next day I saw Mr. Gromyko and talked with him about the SALT II Treaty. I met with Vice Premier Deng, the leading man in the People's Republic of China. They were all Communists. Everybody knew that.

Is there an inference to be drawn from the fact that I met with these Communist leaders, as majority leader of the U.S. Senate and also as an emissary of the President of the United States? I talked with them. They were Communists. So what is the inference to be drawn from the Secretary's reference to Senators who talk with "Communists themselves." I leave the answer for Senators to think about.

The VICE PRESIDENT. The majority leader is recognized.

Mr. DOLE. Mr. President, first of all, I would like to make the President's letter a part of the record and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: I announced on April 4 a proposal to promote peace in Central America by fostering a dialogue between the Government of Nicaragua and the democratic resistance, accompanied by a ceasefire in the conflict between them. My proposal was intended, in the words of the Contadora Document of Objectives agreed to by Nicaragua and its neighbors, "to promote national reconciliation efforts . . ., with a view to fostering participation in democratic political processes in accordance with the law."

Since April 4, I have had the benefit of many fruitful discussions with Latin American leaders and with members of the Congress. I have been encouraged by these discussions, which have shown that a broad consensus exists on the need for reconciliation in Nicaragua, based on democratic principles, as an essential aspect of achieving peace in Central America.

Today the Senate will vote on a resolution, S.J. Res. 106, the test of which is required by a law enacted last October. That text purports to release appropriated funds and free the Executive Branch from restrictions against the support of military or paramilitary action in Nicaragua. However, my intentions are founded on a different approach. Accordingly, I want to make clear to the Senate, as it approaches this important vote, how I will proceed in pursuit of peace if S.J. Res. 106 is enacted.

First, I will provide assistance to the democratic resistance only for food, medicine, clothing, and other assistance for their survival and well-being—and not for arms, ammunition, and weapons of war. Second, I will not use more than the $14 million already appropriated during the current fiscal year for such assistance. No other U.S. Government funds would be spent for such material assistance to the armed democratic resistance. I will personally establish thorough procedures for the detailed management and accountability of the program in order to assure that these limitations on both the nature and amount of U.S. assistance are scrupulously observed.

I recognize the importance some Senators have attached to bilateral talks between the United States and Nicaragua and the establishment of a ceasefire. I have considered these views and believe that such steps could help to promote the internal reconciliation called for by Contadora and endorsed by so many Latin American leaders.

Therefore, I intend to resume bilateral talks with the Government of Nicaragua and will instruct our representatives in those talks to press for a ceasefire as well as a church-mediated dialogue between the contending Nicaraguan factions. I must emphasize, however, that such bilateral talks must be in support of the Contadora process and the internal dialogue and cannot become a substitute for these efforts to achieve a comprehensive, verifiable agreement among all the nations of Central America. Also, as I said on April 4, peace negotiations must not become a cover for deception and delay. If the Sandinista government shows bad faith by seeking to gain unilateral advantage, for example, through a further arms buildup during a ceasefire or intransigence in negotiations, I would feel obligated to respond accordingly in our diplomatic efforts and would not expect the democratic resistance to continue to observe a ceasefire which was unfairly working to their disadvantage.

I will report to the Congress no later than September 1, 1985, on the progress made in achieving a verifiable peace and reconciliation in Nicaragua based on democratic principles. Such report shall also include an accounting for the funds obligated or expended under this joint resolution and may include such recommendations as I deem appropriate with respect to Nicaragua. I shall expect any recommendations for additional legislation for further assistance or sanctions to receive expedited handling.

While economic sanctions are unlikely by themselves to create sufficient pressure to change Nicaragua's behavior, the Sandinistas should not benefit from their present access to the U.S. market while continuing their intransigence on issues affecting our national security. The Administration will favorably consider economic sanctions against the Government of Nicaragua and will undertake multilateral consultations with other Central American states in this regard.

The U.S. condemns atrocities by either side in the strongest possible terms. We will use our assistance to help ensure against wrongful acts by those who seek our help and we will urge them to take steps to investigate allegations of such acts and take appropriate actions against those found to be guilty.

The United States now stands at a moment of judgment. Experience has shown that a policy of support for democracy, economic opportunity, and security will best serve the people of Central America and the national interests of the United States. If we show consistency of purpose, if we are firm in our conviction what the promising developments over the past year in El Salvador, Honduras, Costa Rica, and Guatemala also show the way for a better future for Nicaragua, then over time we can help the democratic center prevail over tyrants of the left or the right. But if we abandon democracy in Nicaragua, if we tolerate the consolidation of a surrogate state in Central America, responsive to Cuba and the Soviet Union, we will see the progress that has been achieved begin to unravel under the strain of continuing conflict, attempts at subversion, and loss of confidence in our support.

There can be a more democratic, more prosperous, and more peaceful Central America. I am prepared to devote my energies toward that end. But, I also need the support of the Congress. I hope that you will give me your support today.

Sincerely,

RONALD REAGAN.

Mr. DOLE. Mr. President, let me clarify the question of the delivery time of the letter. We have had different drafts floating around all afternoon. One reason for the final draft being a bit late was we were trying to accommodate the concerns of some Senators on both sides of the aisle. Some, for example, wanted stronger language on economic sanctions, including this Senator, the Senator from Texas, and others. So I think we have made some progress by not having the letter up earlier.

But I would also indicate that there are some feelings on this side that the letter goes too far; that after meeting for 8½ hours yesterday, we almost adopted a Democratic package, and that did not make some people happy. So we backed away from that proposition.

We decided this morning we probably could not get together because there were some on the other side who do not want the Nicaraguan Sandinistas to talk to the Contras for some reason. They prefer only that the Sandinistas talk to us and that we become the surrogates. That is how we get involved and things start to escalate.

I could go down the list of areas that are covered in the letter. Some suggested, for example, that we ought to have a statute laying out in detail what actions the President should take on negotiations, where he should go, what he should do. We must reject that. It seemed to many of us that those are foreign policy matters, and the President ought to have some flexibility.

So the President's letter is very obviously an effort to achieve a bipartisan consensus on this critical foreign policy and national security issue.

Let me indicate very quickly what this letter provides.

Fourteen million dollars for humanitarian use only.

Detailed management and accountability of the program.

Resumption of bilateral discussions between the United States and Nicaragua.

Press for the Contras and the Sandinistas to accept a cease-fire.

Provisions for appropriate response in the event of intransigence or cease-fire violations by the Sandinistas.

The United States encourages and supports the Contadora process.

Economic sanctions are favorably considered.

The President will make a report to the Congress not later than September 1, suggesting any additional assistance or sanctions, which should be considered under expedited procedures.

I think if you look very carefully at the very thoughtful proposal that was put together by a number of Democrats, primarily intitiated by Senator JOHNSTON, you will find that nearly every one of these points has been recognized and addressed in the President's letter.

There have been concessions. I believe the President's letter is a carefully crafted effort to achieve bipartisan support. It should not be a partisan matter. Some Republicans may vote against S. 106. Hopefully some Democrats will support it.

I believe we had a good meeting yesterday, I say to my colleague, the distinguished minority leader. We did not go down there from 10:30 until 7 o'clock just to pass away the day. Many of us never spent a full day in the White House. Some have thought about it, but it had not happened. [Laughter.]

But, in any event, we had a good, thorough discussion of many of the points raised by the distinguished minority leader and others.

I regret that the minority leader may have slipped off the boat here at the end and may not be able to support the resolution. But I believe we are on the verge of making some policy that will be very important in the months ahead. So we appreciate the efforts made on both sides.

So, Mr. President, may I say that Senate Joint Resolution 106 and the companion letter from the President are fully consistent with our overall policy goals and strategy in Nicaragua. They represent a package containing the four essential elements of a sound approach to the current situation.

First, this package will strongly encourage the beginning of good faith negotiations. By continuing to provide funding for the Contras at the $14 million level and within existing channels, the package preserves one of the most important points of leverage which we have in Nicaragua. We cannot give up that leverage if we are to have any realistic prospect of getting the Sandinistas to moderate their oppressive and aggressive policies and take part in serious talks.

At the same time, the President pledged to use no more than the $14 million and to use all of it for non-lethal purposes, as a sign of our good faith interest in negotiations. The President has also asserted his intention to resume direct contacts with the Sandinistas, to press for a cease-fire and the beginning of talks between the contending forces within the country, who must ultimately decide the fate of their own country.

The Sandinistas have said repeatedly that they are interested in a peaceful settlement and national reconciliation. The President is going the extra mile to give them the chance to demonstrate they are sincere.

Second, the resolution and letter will preserve and in fact enhance the policy flexibility the President needs, while ensuring that Congress can play its appropriate oversight role. In his letter, the President says he will make greater use of economic pressure, a tool which we have not yet fully exploited, to encourage more reasonable policies in Managua. While the administration will continue to manage the expenditure of funds for the Contras, the Congress has been assured that it will be given a full accounting of how those funds are spent. Though no policy option is precluded for fiscal year 1986, the President has committed himself to report to the Congress by September 1, 1986, on the situation in Nicaragua, so that our own decisions can be made on the basis of all the facts. And the President has promised a close monitoring of any cease-fire which emerges, so that we may know who is abiding by its provisions and who isn't.

Third, the President's package, by continuing the funding which the President sought, makes good on our national commitment to the Contras. We can argue all we want about the wisdom of that commitment, but we can hardly question that it exists. Whatever else we do today, let this not be the day that the Congress pulls the plug on yet another group of people who have chosen to believe in our word.

Finally, the resolution and letter are real world solutions to the real world situation. The President has stood firm on what he regards—correctly, in my view—as matters of principle, but he has shown a real willingness to compromise throughout the hard bargaining in which we have been engaged over the past several days. Others involved in our discussions have compromised, too, in the interest of getting something which most of us can comfortably support. All of us have reservations about some of the things which have gone on in and around Nicaragua. None of us wants to deny the President and the administration the wherewithal they need to conduct an effective foreign policy. This package strikes a realistic middle ground.

I urge all of my colleagues to think about this vote in this realistic frame of mind. This is an important vote, and we are going to be held accountable for developments which our decision today produces. The best decision, for our country and for us, is to support this package.

Mr. President, I yield back the remainder of my time. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

Mr. BYRD. Will the Senator yield?

Mr. DOLE. Yes.

Mr. BYRD. May I say for the record, I hope the distinguished majority leader does not feel that my references to the lateness of the hour to which I received this letter were in any way a reflection on him. It was not. He sent a draft of the letter. He sent me the first draft and then the second draft. I thank him for that. I want to make that clear.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on the engrossment and third reading of the joint resolution.

Mr. BYRD. Mr. President, I ask unanimous consent that the resolution be read in full. It is short. I hope Senators will listen carefully.

The VICE PRESIDENT. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A Joint Resolution (S.J. Res. 106) to approve the obligation of funds available under Public Law 98-473 for supporting military or paramilitary operations in Nicaragua.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves the obligation and expenditure of funds available for fiscal year 1985 for supporting, directly or indirectly, military or paramilitary operations in Nicaragua.

The VICE PRESIDENT. The joint resolution having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST] is necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—53

Abdnor	Cochran	Domenici
Andrews	Cohen	Durenberger
Armstrong	D'Amato	Garn
Bentsen	Danforth	Goldwater
Boren	Denton	Gramm
Boschwitz	Dixon	Grassley
Chiles	Dole	Hatch

Hawkins	Long	Rudman
Hecht	Lugar	Simpson
Heflin	Mattingly	Stennis
Heinz	McClure	Stevens
Helms	McConnell	Symms
Hollings	Murkowski	Thurmond
Humphrey	Nickles	Trible
Johnston	Nunn	Wallop
Kassebaum	Pressler	Warner
Kasten	Quayle	Wilson
Laxalt	Roth	

NAYS—46

Baucus	Gore	Moynihan
Biden	Gorton	Packwood
Bingaman	Harkin	Pell
Bradley	Hart	Proxmire
Bumpers	Hatfield	Pryor
Burdick	Inouye	Riegle
Byrd	Kennedy	Rockefeller
Chafee	Kerry	Sarbanes
Cranston	Lautenberg	Sasser
DeConcini	Leahy	Simon
Dodd	Levin	Specter
Eagleton	Mathias	Stafford
Evans	Matsunaga	Weicker
Exon	Melcher	Zorinsky
Ford	Metzenbaum	
Glenn	Mitchell	

NOT VOTING—1

East

So the joint resolution (S.J. Res. 106) was passed, as follows:

S.J. RES. 106

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves the obligation and expenditure of funds available for fiscal year 1985 for supporting, directly or indirectly, military or paramilitary operations in Nicaragua.

[Applause in galleries.]

Mr. BYRD. Mr. President, may we have order in the galleries?

The VICE PRESIDENT. The galleries will be in order.

ORDER OF BUSINESS

The VICE PRESIDENT. The majority leader is recognized.

Mr. DOLE. Mr. President, if I may inform my colleagues, there will be no more votes tonight. We will be in not before noon tomorrow.

I suggest the absence of a quorum, Mr. President.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business not to extend past 9:30 p.m. this evening.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. SIMPSON. I then ask unanimous consent that the Senate go into executive session to consider the nomination under Coast Guard of Capt. Bennett S. Sparks.

Mr. BYRD. Mr. President, that nomination has been cleared on this side of the aisle, and there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to the consideration of executive business.

COAST GUARD

The legislative clerk read the nomination of Capt. Bennett S. Sparks to be a permanent commissioned officer in the Coast Guard Reserves in the grade of commodore.

The PRESIDING OFFICER. The nomination is considered and confirmed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL BUREAU OF STANDARDS AUTHORIZATION, 1986

Mr. SIMPSON. Mr. President, having consulted with the Democratic leader, I ask unanimous consent that the Senate now turn to the consideration of Calendar item No. 81, S. 796, the National Bureau of Standards Authorization Act.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 796) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 796) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

S. 796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Bureau of Standards Authorization Act for Fiscal Year 1986".

AUTHORIZATION FOR PROGRAM ACTIVITIES

SEC. 2. There are authorized to be appropriated for fiscal year 1986 to the Secretary of Commerce to carry out activities performed by the National Bureau of Standards the sums set forth in the following line items:

(1) Measurement Research and Standards, $39,174,000.

(2) Materials Science and Engineering, $22,744,000.

(3) Engineering Measurements and Standards, $34,040,000.

(4) Computer Science and Technology, $10,000,000.

(5) Center for Fire Research, $5,827,000.

(6) Technical Competence Fund, $8,626,000.

(7) Central Technical Support, $9,245,000.

OFFICE OF PRODUCTIVITY, TECHNOLOGY, AND INNOVATION

SEC. 3. In addition to the sums authorized to be appropriated by this Act, there are authorized to be appropriated to the Secretary of Commerce $2,715,000 for fiscal year 1986 for the activities of the Office of Productivity, Technology, and Innovation.

NATIONAL TECHNICAL INFORMATION SERVICE

SEC. 4. Section 2 of the Act of September 9, 1950 (15 U.S.C. [1152),]*1152)* is amended—

(1) in paragraph [(a),] *(b),* by inserting immediately after "reproductions," the following: "without regard to section 501 of title 44, United States Code,"; and

(2) by adding at the end thereof the following:

"(d) To acquire capital equipment and inventories from receipts for work or services performed or to be performed under this section.".

AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL TECHNICAL INFORMATION SERVICE

SEC. 5. In addition to the sums authorized to be appropriated by this Act, there are authorized to be appropriated to the Secretary of Commerce $537,000 for fiscal year 1986 for the patent licensing activities of the National Technical Information Service.

EXCESS FOREIGN CURRENCY

SEC. 6. In addition to the sums authorized to be appropriated by this Act, there are authorized to be appropriated to the Secretary of Commerce $600,000 for fiscal year 1986 for expenses of the National Bureau of Standards incurred outside the United States, to be paid for in foreign currencies that the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

SALARY ADJUSTMENTS

SEC. 7. In addition to the sums authorized to be appropriated by this Act, there are authorized to be appropriated to the Secretary of Commerce for fiscal year 1986 such additional sums as may be necessary to make

any adjustments in salary, pay, retirement, and other employee benefits which may be provided for by law.

AVAILABILITY OF APPROPRIATIONS

SEC. 8. Appropriations made under the authority provided in this Act shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

COST RECOVERY AUTHORITY

SEC. 9. (a) Section 12(f) of the Act of March 3, 1901 (15 U.S.C. [278b(f)),] *278b(f))* is amended—

(1) by striking "first"; and

(2) by inserting immediately before the period at the end thereof the following: ", and to ensure the availability of working capital necessary to replace equipment and inventories".

(b) Fees for calibration services, standard reference materials, and other comparable services provided by the National Bureau of Standards shall be at least sufficient to meet the requirements set forth in the amendments made by subsection (a) of this section, and any funds recovered in excess of such requirements shall be returned to the Treasury of the United States.

COMPENSATION OF DIRECTOR

SEC. 10. (a) Section 5 of the Act of March 3, 1901 (15 U.S.C. [274,] *274)* is amended by adding at the end thereof the following: "The director shall be compensated at the rate now or hereafter in effect for level IV of the Executive Schedule, pursuant to section 5315 of title 5, United States Code.".

(b)(1) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director, National Bureau of Standards, Department of Commerce.".

(2) Section 5315 of title 5, United States Code, is amended by striking the following item:

"Director, National Bureau of Standards, Department of Commerce.".

STRUCTURAL FAILURES

SEC. 11. The National Bureau of Standards, on its own initiative but only after consultation with local authorities, may initiate and conduct investigations to determine the causes of structural failures in structures which are used or occupied by the general public. No part of any report resulting from such investigation shall be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report.

EFFECTIVE DATE

SEC. 12. Sections 9 and 10 of this Act shall take effect on October 1, 1984.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. GORTON. Mr. President, I support S. 796, a bill to authorize programs of the National Bureau of Standards [NBS] for fiscal year 1986.

The National Bureau of Standards is an agency with an extremely broad mission, relevant to nearly every national problem area and every economic sector. Many of us take for granted the measures, standards, and technologies developed at the Bureau which affect us daily.

For example, scientists at the Bureau developed an ultrasound device for identification of tumors which is significantly cheaper and safer than the use of most advanced x ray instruments; the Bureau first made it possible for radios to operate on household current; and the performance standards for flammability of children's sleepwear and for residential smoke detectors were developed by Bureau scientists. Of particular interest to my home State of Washington, the Center for Applied Mathematics at the Bureau developed several models for more efficient and economical fishery management for Washington State salmon fisheries along the Columbia River. These models continue to provide an intelligent basis for management of this scarce and precious natural resource.

Mr. President, we have examined closely the administration's budget for fiscal year 1986 for the Bureau. There are substantial budget decreases in that proposal, as well as several initiatives. In the National Engineering Laboratory, both the Center for Building Technology and the Center for Fire Research are proposed for elimination. In addition, the Institute for Computer Sciences and Technology is proposed for drastic reductions.

There are also new initiatives proposed at the Bureau, including: A role for the Bureau in the rapidly growing biotechnology field; construction of a cold neutron research facility; increased funding for process and quality control measurements; and funding for advanced ceramics research.

We have scrutinized carefully those proposed changes and assessed their effect on the future of the Bureau. S. 796 reflects our evaluation of the Bureau's programs and includes, among other programs, the restoration of the Centers for Fire Research and Building Technology, and of funding in full for the Institute for Computer Sciences and Technology. S. 796 contains funding for all the administration's initiatives except the construction of the Cold Neutron Research Facility. Although the committee feels that cold neutron is important to the Bureau's statutory mandate, it is not possible to eliminate important programs or to delay the beginning of other important initiatives to fund this project.

Mr. President, I would like to add that it is not the intention of section 12 of this bill to make an additional authorization of appropriations. Rather, it is anticipated that the functioning carried out pursuant to section 12 would be absorbed from existing appropriations to the National Bureau of Standards.

Mr. President, I ask unanimous consent that S. 796 be passed.

Mr. DANFORTH. Mr. President, I express my strong support for S. 796, a bill to authorize programs of the National Bureau of Standards [NBS] for fiscal year 1986.

The National Bureau of Standards plays a central role in setting standards and measurements for both science and industry. Through its many programs the Bureau is making investments that will pay off with real dividends for our industrial and technological future. The Bureau also has a proven track record of professionalism in structural failures investigations. It has investigated tragedies such as the Hartford Civic Center roof collapse and the collapse of the cooling tower at Willow Island, WV. In 1981, at the request of Senator EAGLETON and me, the Bureau investigated the catastrophic skywalk collapse at the Hyatt Regency Hotel in Kansas City, MO. The Bureau's investigation was thorough, professional, and efficient. Its report identified the cause of the accident, and has been credited with speeding the settlement of lawsuits in that case. S. 796 recognizes the important role the Bureau plays in examining structural failures and gives the Bureau formal statutory authority to investigate structural failures after consultation with local authorities. The reports from such investigations would serve to raise the standards of building safety codes.

I also support the amendment to this bill which would create a central repository for information on structural failures in this country. Access to this information will enable parties in the future to avoid the mistakes that have caused failures in the past.

Mr. HOLLINGS. Mr. President, I am pleased to join my Commerce Committee colleagues in supporting this legislation.

S. 796 will reauthorize the National Bureau of Standards for another year. With today's strong global challenge to American industry, NBS becomes more important than ever. It gives industry many of the measurement tools and quality control methods needed to make our products and factories up to date and competitive.

This bill restores funding for three NBS programs that the Office of Management and Budget continually tries to eliminate, programs that I consider to be important investments in our future. These are the Center for Fire Research, an NBS laboratory that made modern smoke detectors possible; the Center for Building Technology, which helps to improve building materials and investigates major accidents such as the skywalk collapse at the Kansas City Hyatt Regency; and the Institute for Computer Sciences and Technology.

I find it sad, although not surprising, that OMB doesn't care about the thousands of American lives that are lost every year to fire or thousands who could die if we do not make our

buildings more resistant to earthquakes and other hazards. To cut such programs is to be penny-wise and pound-foolish to the extreme.

The bill also contains funds for three new initiatives that I believe will greatly help American industry. The initiatives will develop new measurement techniques and process techniques for manufacturing quality control, advanced ceramics, and industrial applications of biotechnology. Unfortunately, though, the administration did not provide sufficient funds to pay for these important programs as well as its fourth requested initiative—a so-called cold neutron source to aid research on advanced materials.

Mr. President, the recent report of the Commission on Industrial Competitiveness reminds us again how technology is a central ingredient in America's industrial success. Our technological lead is under international challenge as never before. This bill, and the resulting work of the National Bureau of Standards, will help ensure that American industry has the technological tools it needs to stay competitive in today's world.

Mr. GORTON. Mr. President, I understand that my distinguished colleagues from Montana and West Virginia both would like to discuss one part of the NBS bill.

Mr. BAUCUS. I would like to comment on the bill, Mr. President, and I thank the Senator from Washington for his courtesy.

I call my colleagues' attention to a new effort just starting at the Department of Commerce—an effort to provide high-quality translations of Japanese technical documents. I strongly support this new initiative and believe that it should be expanded and widely publicized.

In recent months, we have rightly called attention to the barriers that Japan has erected to many American products. But if we are to become more competitive with Japan, we must also get our own house in order.

Among other things, that means learning more about Japan and gaining more access to their technology. The Japanese Government and Japanese companies work very hard at learning American technology and taking advantage of it. They send students to our universities, and extensively review our technical literature. We should do the same thing. We should study their new technology, learn from it, and use it as they use ours.

Yet until very recently we have done little to translate key documents from Japan's extensive technical literature. Companies have not done much translation, because they lack the resources and incentives to translate most information. The Government has done very little in this area, despite the potential benefits to American companies.

Now, however, the National Bureau of Standards has begun a small program to translate Japanese technical documents, as well as some potentially useful Soviet materials. I believe that this effort deserves strong congressional support, and I for one would like to see it expanded and the results widely distributed to American companies. For a small investment, we could gain access to a great deal of valuable information.

Mr. President, we must learn to compete more effectively in the new international environment that confronts us. This translation effort is a small but very valuable step in the right direction.

Mr. ROCKEFELLER. Mr. President, I associate myself with Senator BAUCUS' remarks. As my colleagues may know, I studied the Japanese language and I majored in Asian studies while in college, and I still maintain a deep interest in the area.

I know from personal experience that Japanese is a very difficult language to learn. Yet we cannot expect to succeed in Asian business, or learn as much from the Japanese as they learn from us, unless we improve our language abilities. One useful step in this direction is to translate more of their technical literature and make that information available to American companies. As we all know, Japan no longer simply imitates American science and technology. They are now world-class researchers and innovators in their own right. They study our literature and use that information to improve their products. We must do more to gain access to their literature.

For that reason, I agree wholeheartedly with the Senator from Montana, and if I understand the position of the distinguished Senator from Washington, he shares my interest and Senator BAUCUS' interest in this important area.

Mr. GORTON. Mr. President, I do share their interest in this subject. I am pleased that the National Bureau of Standards is taking steps in this direction, and I urge and expect the Commerce Department to continue these efforts.

AMENDMENT NO. 32

(Purpose: To assist creation and maintenance of data bases on structural failures)

Mr. BYRD. Mr. President, I send to the desk an amendment on behalf of Mr. GORE and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. GORE, proposes an amendment numbered 32.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 2, insert "(a)" immediately after "Sec. 2.", and add the following at the end:

"(b) Notwithstanding any other provision of this Act, of the total amount authorized under subsection (a) of this section, $50,000 is authorized only for the purpose of assisting the creation and maintenance of data bases on structural failures.".

Mr. GORE. Mr. President, I am offering an amendment to this bill to create a central repository for information on structural failures in this country.

Before my election to the Senate I served in the House of Representatives as chairman of the Science and Technology Subcommittee on Investigations and Oversight. In that capacity I held several hearings on the problem of structural failures and building collapses around the country. My colleagues may recall the great human suffering and economic loss that resulted from such catastrophes as the collapse of the walkway at the Kansas City Hyatt Regency Hotel in 1981 and the failure of the Hartford Civic Center's roof in 1978.

One conclusion drawn from those hearings is that there is a great need for some sort of central data bank for information on structural failures. Witness after witness testified that many future structural failures could be avoided if information on past failures was readily available. Although the causes of failures are often investigated by private parties involved in them, much too frequently the previous information gathered through these investigations is kept in private hands or even prevented from being made public because of settlement agreements in lawsuits. The only information that is available to the public is not organized in a comprehensive fashion to maximize its utility. As a result, many errors that led to failures are repeated in other projects.

The purpose of my amendment is to ensure that the data that is public is organized in a readily accessible fashion. Information that is gathered by the National Bureau of Standards through its investigations or which is provided by private sources will be compiled into one central repository. Access to this information will enable parties in the future to avoid the mistakes that have caused failures in the past.

The program that my amendment initiates is a very modest one in light of the gravity of the problem it is designed to address. The amendment simply creates a technical assistance function for the National Bureau of Standards and is in no way intended to establish a regulatory entity. I believe that it is a good effort and will be of

tremendous assistance in the prevention of structural failures.

Mr. President, I thank Mr. DANFORTH, the distinguished chairman of the Commerce Committee, for his assistance in and support of my amendment. I also want to thank my good friend and colleague Mr. GORTON for his fine effort in presenting this legislation. I believe that with the addition of my amendment, this is an excellent bill. It accomplishes a number of commendable objectives and, importantly, restores funding for the Center for Building Technology and the Center for Fire Research at the National Bureau of Standards. I am a strong supporter of both of these centers, and their continuation demonstrates the commitment of this Congress to building safety across the country. I congratulate Mr. GORTON on the bill and voice my enthusiastic support for it.

Mr. GORTON. Mr. President, I thank my distinguished colleague from Tessessee for lending us his experience in the House on this subject. I understand he has been looking at this issue of structural failures for some time. He has discussed this amendment with me, and I support the establishment of a repository of information on structural failures. I hope we can look at this subject more closely next year. In the meantime this amendment will help support efforts to collect information on structural failures and to make that information useful to the public.

I am happy to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 32) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. SIMPSON. Now, Mr. President, I ask unanimous consent that the Senate turn to Calendar item No. 86, H.R. 1617, the House companion bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SIMPSON. I move to strike all after the enacting clause and insert the text of S. 796, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 1617), as amended, was passed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I move to indefinitely postpone S. 796.

The motion was agreed to.

STATUE OF JEANNETTE RANKIN

Mr. SIMPSON. Mr. President, having consulted with the Democratic leader, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of Senate Concurrent Resolution 37, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 37) providing for acceptance of a statue of Jeannette Rankin presented by the State of Montana for placement in National Statuary Hall, and for other purposes.

Mr. MELCHER. Mr. President, the Montana delegation is honored and proud, through this concurrent resolution, to present a statute of a Montana woman, Jeannette Rankin, the first woman elected to the U.S. Congress, to National Statuary Hall on behalf of the Treasure State.

Montana was nicknamed the Treasure State many years ago in reference to the natural treasures concealed beneath her surface. Her early settled history is the story of the search for and extraction of gold, silver, copper, lead and zinc, and later coal and oil. The town known as "Butte, America" sprawls over and around what once was "the richest hill on earth" and the center of an area that supplied half of the Nation's copper.

Then, as development continued, other treasures poured forth—millions of board feet of timber, herds of cattle, bands of sheep, tons of prairie gold better know as grain.

People over the years who have called Montana home enjoyed and continue to enjoy the splendor of the mountains creating the Continental Divide, the vast plains abundant with wildlife and the lakes and streams teeming with fish.

Montanans are thankful for the material riches that have blessed and continue to bless our State. But we are also mindful that the greatest of Montana's treasures has been her sons and daughters—people who have used their abilities, skills, determination, compassion and courage for the good of us all.

Jeannette Rankin was one of these treasures and with gratitude we honor her memory and point to her accomplishments as an incentive to all citizens.

AMENDMENT NO. 33

(Purpose: Relating to binding of document by Joint Committee on Printing)

Mr. SIMPSON. Mr. President, I send to the desk an amendment on behalf of Senator MATHIAS.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for Mr. MATHIAS, proposes an amendment numbered 33.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 16, strike out "Joint Committee on the Library" and insert in lieu thereof "Joint Committee on Printing".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 33) was agreed to.

The concurrent resolution was agreed to, as follows:

S. CON. RES. 37

Resolved by the Senate (the House of Representatives concurring), That the statue of Jeannette Rankin, presented by the State of Montana for the National Statuary Hall collection in accordance with the provisions of section 1814 of the Revised Statutes (40 U.S.C. 187), is accepted in the name of the United States, and the thanks of the Congress are tendered to the State of Montana for the contribution of the statue of one of its most eminent personages, the first woman elected to the United States Congress, known for her courage and convictions regarding equality and peace.

SEC. 2. The State of Montana is authorized to place temporarily in the rotunda of the Capitol the statue of Jeannette Rankin referred to in the first section of this concurrent resolution, and to hold ceremonies on May 1, 1985, in the rotunda on that occasion. The Architect of the Capitol is authorized to make the necessary arrangements therefor.

SEC. 3. (a) The proceedings in the rotunda of the Capitol at the presentation by the State of Montana of the statue of Jeannette Rankin for the National Statuary Hall collection, together with appropriate illustrations and other pertinent matter, shall be printed as a Senate document. The copy for such document shall be prepared under the direction of the Joint Committee on the Library.

(b) There shall be printed five thousand additional copies of such document which shall be bound in such style as the Joint Committee on Printing shall direct, of

which one hundred and three copies shall be for the use of the Senate and eighteen hundred and ninety-seven copies shall be for the use of the Members of the Senate from the State of Montana, and four hundred and sixty-three copies shall be for the use of the House of Representatives, and two thousand five hundred and thirty-seven copies shall be for the use of the Members of the House of Representatives from the State of Montana.

SEC. 4. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the Governor of Montana.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL CHILD SAFETY WEEK

Mr. SIMPSON. Mr. President, having consulted with the Democratic leader, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 45, to designate "National Child Safety Week," and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 45) to designate "National Child Safety Week".

Mrs. HAWKINS. Mr. President, today we are considering a resolution to increase the public's awareness of the need for child safety. Originally Senate Joint Resolution 45 and its House counterpart House Joint Resolution 33 designated the week of September 8 through 14, 1985, as "National Child Safety Week." However, at the request of the White House and the distinguished chairman of the Senate Judiciary Committee [Mr. THURMOND], I have agreed to accept an amendment to my resolution which will redesignate the month of May 1985 as "National Child Safety Week."

This modification, to designate the full month of May as Child Safety Month, is particularly apt because it follows April as Sexual Child Abuse Month, it incorporates the date of May 25 which is Missing Children Day and it will begin almost immediately after the NBC reshowing of the television production of "Adam" which dramatizes the fight of Adam's parents, John and Reve Walsh, to channel their grief and frustration into positive action to help protect other children.

One of the most heartening developments during the 4 years since I first introduced S. 1351, the Missing Children Act, has been the willingness of individuals, organizations and corporations to dedicate their time and talents to protect our children. The National Center on Missing and Exploited Children has a directory listing over 70 nonprofit and public organizations that serve missing children and their families most of which are staffed by dedicated and talented volunteers. Numerous charitable and civic organizations, like the PTA, the Boys Club, the Campfire organization, the AARP, the Ad Council, and the American Legion, have incorporated child safety programs into their agenda.

But perhaps the most dramatic outpouring of concern over the plight of these children are the businesses and corporations that are joining forces to protect children. Groceries are printing pictures of missing children on their grocery bags, utilities are placing flyers of missing children in their monthly billings, the K-Mart Corp. is inserting pictures of missing children and safety tips into the approximately 43 million bags of photographs processed through their stores, cereal manufacturers are putting the McGruff child safety tips on the back of their children's cereal boxes, truckers are displaying pictures of missing children on their trucks, the National Committee for Prevention of Child Abuse working in conjunction with the NEA and Marvel Comics developed an excellent Spiderman comic book which teaches children about sexual child abuse, dairies are putting pictures of the children on their milk cartons, and corporations like Mobil Oil and Acacia Life Insurance are underwriting television programming regarding child safety.

Mr. President, this is only a partial listing of the individuals, organizations, and businesses that have dedicated their time and talents to protect children. I hope to draw the public's attention to these efforts throughout the month of May, which hopefully will be designated as "National Child Safety Month."

Mr. President, I want to thank Senator THURMOND, the distinguished chairman of the Senate Judiciary Committee, for his interest and advocacy on behalf of children. Senator THURMOND has been a champion of children throughout his Senate career and has played a crucial role in the enactment of the Missing Children Act, the Missing Children's Assistance Act, the reauthorization of the Juvenile Justice and Delinquency Prevention and other Federal programs affecting children. I am delighted to accept his amendment to expand National Child Safety Week to the full month of May.

AMENDMENT NO. 34

Mr. SIMPSON. Mr. President, I send to the desk an amendment in the nature of a substitute, on behalf of Senator THURMOND.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for Mr. THURMOND, proposes an amendment numbered 34.

Mr. SIMPSON. Mr. President, I ask unanimus consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the title and insert in lieu thereof:

Whereas more than 1.5 million children have been reported missing in the United States;

Whereas many of these children are never found;

Whereas missing children are often innocent victims of physical and sexual abuse;

Whereas many local volunteer groups already are working enthusiastically to promote child safety;

Whereas the Missing Children Act and the Missing Children's Assistance Act have facilitated the investigation and prosecution of crimes involving missing and exploited children;

Whereas there is now a national clearinghouse, The National Center for Missing and Exploited Children, and a toll-free hotline to centralize the efforts to locate missing children;

Whereas The National Center for Missing and Exploited Children provides educational child safety materials and information about identificaion procedures, such as voluntary fingerprinting, dental charting and photographing of children;

Whereas information received through the toll-free hotline is disseminated to appropriate law enforcement agencies;

Whereas the protection, safety, and security of all children should be one of our highest priorities;

Whereas it is essential that we continue to increase public awareness and provide information and assistance to combat and prevent the increasing problem of missing and exploited children:

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of May, 1985, as "National Child Safety Awareness Month" and to call upon Federal, State, and local government agencies, and the people of the United States to observe the month with appropriate programs, activities, and ceremonies for the better protection, security, and safety of all children.

Amend the title so as to read: "Designating the month of May, 1985, as "National Child Safety Awareness Month".

Mr. THURMOND. Mr. President, I rise today to offer an amendment in the nature of a substitute to Senate Joint Resolution 45, to designate "National Child Safety Week." This amendment is identical to Senate Joint Resolution 110, which I introduced on April 16, 1985. Senate Joint Resolution 110 designates the entire month of May 1985, as "National Child Safety Awareness Month."

More than 1.5 million children have been reported missing in the United States. Many of these children may never be found; many may become the innocent victims of physical and/or sexual abuse, as portrayed in the television drama "Adam," which will be aired again on April 29.

The beginning of a national, coordinated effort to combat this problem took place in the 97th Congress with the passage of the Missing Children Act. This was continued during the final days of the 98th Congress, when the Comprehensive Crime Control Act of 1984 (Public Law 98-473), containing the Missing Children's Assistance Act, was passed by both Houses of Congress and signed by President Reagan. Both of these measures have facilitated the investigation and prosecution of crimes involving missing and exploited children and the identification of deceased missing children.

In addition, there is now a national clearinghouse, the National Center for Missing and Exploited Children, and a toll-free hotline to centralize the efforts to locate missing children. The toll-free number is available for information about, and inquiries regarding missing children. The information received through the hotline is disseminated to appropriate law enforcement agencies. The National Center provides other assistance, such as educational child safety literature and materials about identification procedures, to help combat the tragedy of missing children. These national efforts supplement those of States like South Carolina, which have made preventive efforts a high priority.

Much more needs to be done. Establishing "Child Safety Awareness Month" will bring nationwide attention to the problem of missing and exploited children. During this month, attention should be focused on preventive programs—voluntary fingerprinting, dental charting, obtaining hair samples, photographing, and compiling vital statistics of children. President Reagan recently highlighted such efforts during his appearance at the Ringling Brothers-Barnum & Bailey Circus here in Washington. Involving parents, children, volunteer groups, and whole communities will aid State and national law enforcement officials in locating missing children.

The protection, safety, and security of all children should be one of our highest priorities. They are our greatest national resource and the future of our country. I want to commend Senator PAULA HAWKINS for her devoted efforts in this area, and Congressman TOM LEWIS, whose companion measure will be considered immediately after Senate Joint Resolution 45.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 34) was agreed to.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 33, to designate "National Child Safety Week" which is being held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution will be stated by title.

The assistant legistative clerk read as follows:

A joint resolution designating the week of April 29 through May 5, 1985, as "National Child Safety Week".

Mr. SIMPSON. Mr. President, I move to strike all after the title and insert the text of Senate Joint Resolution 45 as amended.

The motion was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 33) was read the third time, and passed.

The preamble was agreed to.

The title, as amended, was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I move to indefinitely postpone Senate Joint Resolution 45.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader is recognized.

HUMANITARIAN ASSISTANCE FOR NICARAGUAN RESISTANCE FORCES

Mr. BYRD. Mr. President, I introduce a joint resolution on humanitarian assistance for Nicaraguan resistance forces and ask that it be appropriately referred and printed in the RECORD.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution is as follows:

S.J. RES. 120

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the prohibitions contained in section 8066 of Public Law 98-473 and in section 801 of Public Law 98-618 shall remain in full force and effect.

SEC. 2. During Fiscal Year 1985, not more than $14,000,000 may be expended for the provision of food, clothing, medicine and other humanitarian assistance to resistance forces which are opposed to the present government in Nicaragua: *Provided, however:*

(a) Such assistance is provided in a manner such that the nature and extent of such assistance is independently monitored;

(b) The United States resumes bilateral negotiations with the government of Nicaragua; and

(c) The government of Nicaragua and resistance forces which are opposed to the government of Nicaragua each agree to institute a cease-fire.

SEC. 3. In the event the government of Nicaragua refuses to enter into a mutual cease-fire, the humanitarian assistance described in Section 2 may be provided, subject to the provisions of subsections (a) and (b) of Section 2.

SEC. 4. In the event a mutual cease-fire described in Section 2(c) is seriously or substantially violated by resistance forces opposed to the government of Nicaragua, no humanitarian assistance described in Section 2 may thereafter be provided: *Provided, however,* That if the government of Nicaragua has earlier, and seriously or substantially, violated such cease-fire, this prohibition shall not apply.

SEC. 5. (a) The $14,000,000 described in Section 2 may be provided only:

(i) By the Department of State;

(ii) From funds previously appropriated to the Department of State; and

(iii) Upon a determination by the Secretary of State that the assistance described in Section 2 is necessary to meet the humanitarian needs of resistance forces opposing the government of Nicaragua.

(b) Not later than September 1, 1985, the President shall submit to the Congress a written report which contains an accounting of all funds expended under Section 2.

SEC. 6. The assistance described in Section 2 may be provided only in the form of goods and services, and no direct or indirect financial assistance may be provided.

SEC. 7. No assistance may be provided by the United States to resistance forces opposed to the government of Nicaragua except as authorized and for the purpose described in Section 2, and no funds may be used to provide the assistance described in Section 2 except as provided in Section 5.

SEC. 8. It is the sense of the Congress that the United States should encourage and support the efforts of the Contadora nations (Colombia, Mexico, Panama, and Venezuela) to negotiate and conclude an agreement based upon the Contadora Document of objectives of September 9, 1983.

SEC. 9. (a) In the event that less than $14 million is expended for the humanitarian assistance described in Section 2, the remainder of such amount and any necessary additional funds may be made available for payment to the Contadora nations for expenses arising from implementation of the agreement described in Section 8 including peacekeeping, verification, and monitoring systems: *Provided, however,* That in the event $14 milion is expended for the humanitarian assistance described in Section 2, other funds may be made available for payment of such expenses.

(b) Any funds made available for the purpose described in subsection (a) may be provided from funds previously appropriated to the Department of State.

SEC. 10. It is the sense of the Congress that the United States should immediately enter into discussions with allies of the United States concerning possible economic sanctions which may be taken with respect to the Nicaraguan government, as provided in Section 11.

SEC. 11. In the event that, following the resumption of the bilateral negotiations described in Section 2(b), the government of Nicaragua is not negotiating in good faith, the President may request the Congress to authorize economic sanctions. Such a request shall be accompanied by a report on the status of such negotiations, which shall contain a certification by the President that the government of Nicaragua is not negotiating in good faith and a description of the facts and circumstances upon which such certification is based. A request submitted to the Congress under this Section shall be handled by the Congress under the provisions of Section 13.

SEC. 12. The President may request the Congress to authorize additional assistance for resistance forces opposed to the government of Nicaragua, in such amount and of such a nature as he deems appropriate, including economic sanctions with respect to the government of Nicaragua, in the event that:

(a) The government of Nicaragua refuses to resume the bilateral negotiations with the United States which are described in Section 2(b); or

(b) Following an agreement between the government of Nicaragua and the United States to resume the bilateral negotiations which are described in Section 2(b), the government of Nicaragua refuses to enter into the mutual cease-fire which is described in Section 2(c).

A request submitted to the Congress under this section shall be handled by the Congress under the provisions of Section 13.

SEC. 13. (a) A joint resolution which is introduced within 3 calendar days after the Congress receives a Presidential request described in Section 11 or 12 and which, if enacted, would grant the President the authority to take any or all of the actions described in such Sections, shall be considered in accordance with procedures contained in Section 8066 of Public Law 98-473: *Provided, however,* That—

(i) References in that Section to the Committee on Appropriations of each House shall be deemed to be references to the appropriate committee or committees of each House; and

(ii) Amendments to the joint resolution are in order.

(b) This Section is enacted by Congress as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(c) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that on April 19, 1985, he had approved and signed the following enrolled joint resolutions:

S.J. Res. 17. Joint resolution to authorize and request the President to issue a proclamation designating April 21 through April 28, 1985, as "Jewish Heritage Week"; and

S.J. Res. 109. Joint resolution to designate the week of April 14, 1985, as "Crime Victims Week."

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 11:07 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 63. Joint resolution to designate the week of April 21, 1985, through April 27, 1985, as "National DES Awareness Week."

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. THURMOND].

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, April 23, 1985, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 63. Joint resolution to designate the week of April 21, 1985, through April 27, 1985, as "National DES Awareness Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-927. A communication from the Secretary of Education transmitting a report on final funding priorities for the National Institute of Handicapped Research; to the Committee on Labor and Human Resources.

EC-928. A communication from the Secretary of Education transmitting a draft of proposed legislation to extend and amend the Higher Education Act of 1965; to the Committee on Labor and Human Resources.

EC-929. A communication from the Chairman of the National Council on Educational Research transmitting, pursuant to law, the interim report of the Council for fiscal year 1984; to the Committee on Labor and Human Resources.

EC-930. A communication from the Chairman of the Federal Election Commission transmitting, pursuant to law, legislative recommendations for 1985; to the Committee on Rules and Administration.

EC-931. A communication from the Acting Secretary of Defense transmitting, pursuant to law, notification of the intent to obligate $32.9 million in the Army Stock Fund for War Reserve Stocks; to the Committee on Appropriations.

EC-932. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on 226 new rescissions of budget authority; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-933. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, revised estimates of the President's Budget for fiscal 1986; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-934. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on 16 new rescissions, 9 revised rescissions, 21 new deferrals, and 8 revised deferrals of budget authority; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-935. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the final report evaluating urban initiatives anti-crime program; to the Committee on Banking, Housing, and Urban Affairs.

EC-936. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, a report on formula approaches to budgeting; to the Committee on the Budget.

EC-937. A communication from the Under-secretary of Labor transmitting, pursuant to law, a report entitled "Study of the Unemployment, Poverty, and Training Needs of American Samoans"; to the Committee on Energy and Natural Resources.

FC-938. A communication from the Acting Administrator of the General Services Administration transmitting a draft of proposed legislation to authorize the Administrator of GSA to continue to collect funds provided by private individuals and organizations for the Nancy Hanks Center; to the

Committee on Environment and Public Works.

EC-939. A communication from the Director of the Office of Management and Budget transmitting a draft of proposed legislation entitled "Inspector General Act Amendments of 1985"; to the Committee on Governmental Affairs.

EC-940. A communication from the Secretary of Health and Human Services transmitting a draft of proposed legislation entitled "Refugee Assistance Amendments of 1985"; to the Committee on the Judiciary.

EC-941. A communication from the Assistant Secretary of State transmitting a draft of proposed legislation to amend the U.S. Institute of Peace Act; to the Committee on Labor and Human Resources.

EC-942. A communication from the Deputy Administrator of the VA transmitting a draft of proposed legislation to authorize the Administrator of the VA to provide respite care to chronically ill service-connected disabled veterans on a three-year pilot test basis; to the Committee on Veterans Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs:

John N. Griesemer, of Missouri, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1986;

Henrietta Faye Guiton, of California, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring November 22, 1988; and

Herbert Blalock Dixon, of the District of Columbia to be an Associate Judge of the Superior Court of the District of Columbia for a term of fifteen years.

(The above nominations were reported from the Committee on Governmental Affairs with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WEICKER (for himself, Mr. STAFFORD, Mr. KENNEDY, Mr. DODD, and Mr. RIEGLE):

S. 974. A bill to provide for protection and advocacy for mentally ill persons; to the Committee on Labor and Human Resources.

By Mr. DOMENICI (for himself, Mr. CHILES, Mr. MURKOWSKI, Mr. FORD, Mr. EAGLETON, Mr. BINGAMAN, Mr. SIMON, Mr. WILSON, and Mr. EVANS):

S. 975. A bill to amend the Securities Exchange Act of 1934 to provide a moratorium on hostile corporate takeovers financed by "junk" securities, to prohibit federally insured institutions from holding "junk" securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SPECTER:

S. 976. A bill to amend the Regional Rail Reorganization Act of 1973 to provide that the profits of the Consolidated Rail Corporation for fiscal years 1986 and 1987 shall be paid to the National Railroad Passenger Corporation; to the Committee on Commerce, Science, and Transportation.

By Mr. DIXON (for himself and Mr. SIMON):

S. 977. A bill to establish the Hennepin Canal National Heritage Corridor in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 978. A bill to designate the building known as the Federal Building in Salt Lake City, UT, as the "Wallace F. Bennett Federal Building"; to the Committee on Environment and Public Works.

By Mr. McCLURE:

S. 979. a bill to extend the expiration date of titles I and II of the Energy Policy and Conservation Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TRIBLE (for himself, Mr. D'AMATO, Mr. WARNER, Mr. GRAMM, and Mr. RIEGLE):

S. 980. A bill to amend title I of the Housing and Community Development Act of 1974; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MATHIAS for himself, Mr. SARBANES, Mr. WARNER, and Mr. TRIBLE):

S. 981. A bill to provide that section 103(h) of the Internal Revenue Code of 1954 shall not apply to any obligation issued to finance certain solid waste disposal facilities; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. PRYOR, Mr. MITCHELL, Mr. COHEN, Mr. THURMOND, and Mr. BUMPERS):

S. 982. A bill to amend the Trade Act of 1974 regarding international trade in softwood lumber, and for other purposes; to the Committee on Finance.

By Mr. McCLURE (for himself and Mr. SYMMS):

S. 983. A bill to provide for limited extension of alternative means of providing assistance under the school lunch program and to provide for national commodity processing programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HAWKINS (for herself, Mr. ABDNOR, Mr. BOREN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CHAFEE, Mr. COCHRAN, Mr. D'AMATO, Mr. DODD, Mr. DOLE, Mr. DURENBERGER, Mr. HEINZ, Mr. HOLLINGS, Mr. INOUYE, Mr. KASTEN, Mr. LEVIN, Mr. LONG, Mr. LUGAR, Mr. McCLURE, Mr. RIEGLE, Mr. SYMMS, Mr. THURMOND, Mr. WARNER, and Mr. METZENBAUM):

S.J. Res. 118. Joint resolution to designate May 25, 1985 as "Missing Children Day"; to the Committee on the Judiciary.

By Mr. LEVIN:

S.J. Res. 119. Joint resolution designating the week beginning September 22, 1985 as "National Adult Day Care Center Week"; to the Committee on the Judiciary.

By Mr. BYRD:

S.J. Res. 120. Joint resolution relating to humanitarian assistance for Nicaraguan resistance forces; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATFIELD:

S. Res. 141. A resolution to commemorate Ulysses S. Grant; to the Committee on the Judiciary.

By Mr. SYMMS:

S. Res. 142. A resolution to support democratic governments in Latin America; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WEICKER (for himself, Mr. STAFFORD, Mr. KENNEDY, Mr. DODD and Mr. RIEGLE):

S. 974. A bill to provide for protection and advocacy for mentally ill persons; to the Committee on Labor and Human Resources.

(The remarks of Mr. WEICKER and the text of the legislation appear earlier in today's RECORD.).

By Mr. DOMENICI (for himself, Mr. CHILES, Mr. MURKOWSKI, Mr. FORD, Mr. EAGLETON, Mr. BINGAMAN, Mr. SIMON, Mr. WILSON, and Mr. EVANS):

S. 975. A bill to amend the Securities Exchange Act of 1934 to provide a moratorium on hostile corporate takeovers financed by "junk" securities, to prohibit federally insured institutions from holding "junk" securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

(The remarks of Mr. DOMENICI and the text of the legislation appear earlier in today's RECORD.)

By Mr. SPECTER:

S. 976. A bill to amend the Regional Rail Reorganization Act of 1973 to provide that the profits of the Consolidated Rail Corporation for fiscal years 1986 and 1987 shall be paid to the National Railroad Passenger Corporation; to the Committee on Commerce, Science, and Transportation.

(The remarks of Mr. SPECTER and the text of the legislation appear earlier in today's RECORD.)

By Mr. DIXON (for himself and Mr. SIMON):

S. 977. A bill to establish the Hennepin Canal National Heritage Corridor in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

HENNEPIN CANAL NATIONAL HERITAGE CORRIDOR ACT

Mr. DIXON. Mr. President, today my colleague Senator SIMON and I are introducing legislation to establish the Hennepin Canal National Heritage Corridor. This will give national recognition to the Hennepin Canal State trail in the State of Illinois.

This project is not only an important and innovative project for my State and its local area but also for the Nation.

In recognition of its heritage and significance as a cultural resource, the majority of the canal is now listed on the National Register of Historic Places as a National Historic District. Today, as a popular recreational corridor featuring trail and water base opportunities, it annually attracts a third of a million visitors.

Situated in rural northwestern Illinois, the canal is a T-shaped, manmade waterway corridor some 96 miles in length, becoming the natural connection between the Illinois and Mississippi Rivers. Formally known as the Illinois and Mississippi Canal, it was built by the U.S. Army Corps of Engineers between 1890 and 1907, was operated for navigation as a component of our inland waterway system until 1951, and was conveyed to the Department of Conservation of the State of Illinois for recreational use in 1970.

A national designation would recognize the area's significance to our Nation's history. Implementing the plan will be a partnership of local and State interests—historical societies, industrialists, conservation and recreation groups and State and local governments.

Last year, Representative LANE EVANS appointed a 13-member Citizens Task Force on the Hennepin Canal, consisting of individuals representing historic and environmental preservation, recreation, tourism, economic development, agricultural, business, and labor. Representative EVANS charged the task force with recommending the best way to preserve and redevelop the canal for recreational use, with an eye toward local economic benefits. It is my hope that we can all continue to work together to make this project a reality.

The Hennepin, although somewhat physically modified, remains essentially intact, providing a unique case study of America's historic canals. The technology has provided a basis for more modern waterways.

The Hennepin Canal covers 4 counties and 21 civil townships in northern Illinois. Although adjacent land use is predominantly agricultural, numerous urban communities of varying size also dot the canal corridor. The canal is readily accessible to both local and regional populations via a well-developed highway network. A number of public and private entities in the canal area provide additional outdoor recreational opportunities.

On August 1, 1970, the State of Illinois assumed full ownership of the Hennepin Canal, and has since operated it primarily under the jurisdiction of the Department of Conservation, as a recreational corridor affording a variety of water and trail-related outdoor recreational opportunities. The redevelopment of the canal continued through mutual efforts of the Department of Conservation and the U.S. Army Corps of Engineers.

Current usage of the canal includes such activities as sport fishing, pleasure boating, nature studying, and camping. All of these, in conjunction with an abundance of natural habitat and beauty, will provide an attraction for new businesses, tourism, and recreational activities. Image and quality of life are among major considerations for industries staying in an area or moving into a locality.

National recognition is important to the project for the prominence that a national designation can bring to the area. The Nation should be proud to have a place of such historic meaning, natural beauty, and community commitment. Designation as a national heritage corridor is an appropriate step to take.

The project has the support of the State of Illinois, the people who reside along the 96 miles of the canal, businesses in the area and historic preservation and recreation groups, all of whom will be lending a hand in various efforts—financial, technical, and physical—to establish this area as a model for others to follow.

We are pleased to sponsor this legislation. It is an example of what cooperation by mutual, diverse interests can do to improve a region.

A companion bill has been introduced in the House of Representatives by Representative LANE EVANS, and cosponsored by the entire Illinois congressional delegation.

I hope the Senate will give the matter expeditious and favorable consideration.

By Mr. HATCH:

S. 978. A bill to designate the building known as the Federal building in Salt Lake City, UT, as the "Wallace F. Bennett Federal Building"; to the Committee on environment and Public Works.

WALLACE F. BENNETT FEDERAL BUILDING

Mr. HATCH. Mr. President, I am pleased to introduce a bill designating the Federal building at 125 South State Street, Salt Lake City, UT, as the "Wallace F. Bennett Federal Building."

During his 24 years as a U.S. Senator, Wallace Bennett served the people of his State and our entire Nation with distinction and fidelity. He served with a reputation for absolute integrity, human decency, and unusual ability as a legislator. He was first elected to the Senate in 1959, which, incidentally, was the only elective public office he ever sought or held. Because of his service and patriotism, the people of Utah reelected him three times, and he served during the administrations of six U.S. Presidents.

Mr. Bennett has also been a successful businessman. In fact, he served a term as president of the National Association of Manufacturers.

Mr. Bennett was the ranking member of the Senate Finance Committee, and Senior Republican on the Senate Banking, Housing, and Urban Affairs Committee. He served as secretary of the Senate Republican Conference, vice chairman of the Senate Ethics Committee, and a member of the Joint Committees on Atomic Energy, Defense Production, and Internal Revenue Taxation. In addition, he was the second ranking minority member of the Banking, Housing, and Urban Affairs Committee. He also worked diligently as a member of the Senate Select Committee on Standards and Conduct.

Senator Bennett worked on legislation that created the Colorado River storage project, credit union insurance, and various professional standards review organizations. One of Mr. Bennett's colleagues, Paul J. Fannin, stated: "No man better represents these people and this heritage than the senior Senator from Utah, Wallace Bennett."

Another colleague, Senator EDWARD KENNEDY, stated that Bennett had outstanding abilities, "especially in his mastery of the details of the complex tax and economic legislation that he so often handled so well on the Senate floor." Mr. Bennett has clearly had a lasting impact on the tax and financial policies of this country.

Mr. Bennett is the father of the PSRO [professional standards review organization], a concept of peer review of medical care which was enacted in 1972 and which is now operational in many parts of the country.

His 24-year term of service is the second longest in the history of Utah, and he is the first popularly elected Utah Senator to retire from office voluntarily. His staff were witnesses to his concern for our country, a concern which exceeds his concern for himself.

His life is a chronology of achievement and service to his State, Nation, church, and fellow men. Of course, much of his personal success could not have been accomplished without the help of his wife, Frances Grant Bennett. Because of Bennett's devotion and service to his State and Nation, it is singularly apporpriate that this Federal building in Salt Lake City be named in his honor. Funds for this Federal building were appropriated by the Congress during the term when Wallace Bennett was serving as our Senator. He worked hard to get this building built; and, as a fitting tribute to his service, naming this building in his honor seems entirely proper. I ask my colleagues in the Senate and House to join me in supporting this measure.

By Mr. McCLURE:

S. 979. A bill to extend the expiration date of titles I and II of the Energy Policy and Conservation Act, and for other purposes; to the Committee on Energy and Natural Resources.

ENERGY POLICY AND CONSERVATION AMENDMENTS ACT OF 1985

● Mr. McCLURE. Mr. President, today I introduce S. 979, the Energy Policy and Conservation Amendments Act of 1985. This bill would extend until June 30, 1989, two statutory authorities that are integral to the U.S. capability to respond domestically and internationally to a severe energy supply interruption.

The strategic petroleum reserve is the key element of the U.S. capability to respond to domestic and international energy supply emergencies. The reserve provides our Nation with substantial insurance against the possibility of a severe energy supply interruption.

This measure extends until June 30, 1989, existing authorities to create, maintain, and drawdown the strategic petroleum reserve; these authorities in title I of the Energy Policy and Conservation Act would otherwise expire on June 30, 1985. Among other matters, these provisions authorize construction of the strategic petroleum reserve. In addition, they provide Presidential authority to drawdown the reserve in the event of a severe energy supply disruption or to meet U.S. obligations under the International Energy Program.

Another key component of the U.S. energy emergency preparedness program is maintaining a continuing commitment to the International Energy Program. Effective U.S. participation in the International Energy Agency assures mutual preparedness in the event of a severe international energy supply interruption. We are fully aware of the mutual interdependence of the energy security of the free world. This bill also extends until June 30, 1989, the basic authorities which facilitate U.S. participation in the International Energy Program; these authorities in title II of the Energy Policy and Conservation Act would otherwise expire on June 30, 1985. Among other matters, these authorities enable the United States to make information available to the IEA which is necessary to its effective operation and to enable U.S. oil companies to share oil voluntarily under the IEA's emergency sharing system.

These are essential authorities needed by the administration to prepare for and respond to severe energy emergencies as well as meet its obligations under the international energy agreement. Therefore, it is critical that they be expeditiously extended and not become embroiled in other issues.

For example, during the last Congress the Committee on Energy and Natural Resources devoted extensive time to consideration of complementary authorities that would strengthen our Nation's energy emergency preparedness consistent with the policy set forth in section 271(b) of EPCA, which established the policy that:

> The Federal Government shall be prepared prior to any shortage of petroleum products to respond to energy emergencies * * * as a supplement to reliance on the free market to mitigate the adverse impacts of a shortage of petroleum products on public health, safety, and welfare.

I continue to believe that energy emergency preparedness requires continuous upgrading and improvement; however, I do not see any agreement with the administration on what those improvements should be, if any. In addition, there are those who want the Federal Government to be even less obviously involved in the event of an energy emergency. In the absence of agreement on additional energy-emergency measures, this measure would simply extend the existing authorities I have described.

Our country's energy emergency preparedness relies on titles I and II of the Energy Policy and Conservation Act. Without these fundamental authorities the evolutionary process for upgrading and improving our national capability to respond to severe energy supply interruptions would be nonexistent.

Now is not the time, Mr. President, to debate whether there should be a reduction or expansion of Federal energy emergency preparedness authorities. People would be advised not to open up that box, but rather provide for a simple extension of EPCA.

I wish, at this time, Mr. President, to announce a hearing on the Energy Policy and Conservation Amendments Act of 1985 before the Committee on Energy and Natural Resources on May 1, 1985. Inquiries should be directed to Richard D. Grundy, senior professional staff member, at 224-2564.●

By Mr. TRIBLE (for himself, Mr. D'AMATO, Mr. WARNER, Mr. GRAMM, and Mr. RIEGLE):

S. 980. A bill to amend title I of the Housing and Community Development Act of 1974; to the Committee on Banking, Housing, and Urban Affairs.

HOUSING AND COMMUNITY DEVELOPMENT ACT AMENDMENT

Mr. TRIBLE. Mr. President, today, along with Senators D'AMATO, WARNER, GRAMM, and RIEGLE, I am introducing legislation to continue certain small cities in the Community Development Block Grant [CDBG] Program at least through the next census. These cities are now scheduled to lose their CDBG entitlement status at the end of this fiscal year as a result of an arbitrary administrative procedure.

Our proposal amounts to a modest reallocation of CDBG funding of about $8 million per year—out of a program total of $3.5 billion—so that 18 small communities can continue to receive funding which is both needed and justified. No new funding would be required, and funding reductions for other entitlement communities would be negligible.

The cities affected by this bill are: Hopewell, VA; Cape Coral and Cocoa, FL; West Lafayette, IN; Muskegon Heights, Norton Shores, and Portage, MI; Moss Point, MS; Concord and Salisbury, NC; Asbury Park, Long Branch, and Sayreville, NJ; Middletown and Newburgh, NY; and Orange, San Benito, and Pharr, TX.

As a result of an arbitrary administrative procedure, these needy small cities have been disqualified as central cities of metropolitan statistical areas, and have therefore been disqualified as entitlement communities under the CDBG Program. Under our proposal, these communities would continue to receive CDBG funding at least until the next decennial census is completed.

We are making this proposal, Mr. President, because these needy communities are being harmed by an arbitrary Federal administrative procedure used to define and determine metropolitan statistical areas, and because this situation contradicts the intent of the housing and community development laws to help needy communities. Let me explain by providing some background.

Prior to the last census, a Federal task force developed criteria and procedures for redefining standard metropolitan statistical areas. During the census, commuter surveys were also conducted to determine where people worked, lived, and traveled within large metropolitan areas. The task force report redefining metropolitan areas developed a new system for classifying cities and regions as metropolitan statistical areas, consolidated statistical areas, and primary statistical areas.

In this process, new metropolitan areas were defined, several metro areas were renamed—and some cities dropped from central city status—and consolidated and primary areas were delineated. These changes were announced in June 1983, and have not been reviewed by the Senate Banking Committee.

As a result of this announcement, 19 cities were dropped as central cities of SMSA's and thereby lost CDBG entitlement status. They cannot regain their lost status and funding until after the next decennial census.

Unfortunately, this result was unjustified. The situation is well illustrated by the position of Hopewell, in my own State of Virginia. I am assured

that Hopewell's case is typical of the other small cities previously mentioned.

Because of the census, Hopewell—previously in the Hopewell/Petersburg/Colonial Heights metropolitan area—became part of a new statistical area centered on Richmond, VA. Since Hopewell is not at least one-third the size of Richmond in population, and since too many Hopewell workers have to commute to jobs in Richmond and Petersburg because of depressed local conditions, Hopewell was suddenly disqualified as an SMSA central city, and suddenly lost CDBG entitlement funding which it had received since 1974.

This is a bizarre result, Mr. President, because Hopewell is a very distressed community; in fact, Hopewell has been identified as my State's most fiscally distressed community by the Virginia General Assembly. It is clear to me that communities like Hopewell should not be punished by a loss of CDBG funding just because there aren't enough jobs locally and residents must commute elsewhere to find work. Yet this is the strange result of applying the 1980 census commuter data in the case at hand.

We need to direct community development grant funds to needy communities like Hopewell, not to communities that meet some arbitrary statistical estimate of centrality.

As recipients of CDBG funds, Hopewell and the other cities mentioned have demonstrated a strong record of performance. Their programs help low- and moderate-income residents of these cities by providing needed streets, sewers, and other community facilities. They have not used CDBG funds to add municipal employees to the payroll or to provide frills. And they are needy: 11 of the cities I have mentioned meet UDAG distress criteria, for example.

I hope that other Senators will agree that it makes no sense to cut off their CDBG funding.

By Mr. MATHIAS (for himself, Mr. SARBANES, Mr. WARNER, and Mr. TRIBLE):

S. 981. A bill to provide that section 103(h) of the Internal Revenue Code of 1954 shall not apply to any obligation issued to finance certain solid waste disposal facilities; to the Committee on Finance.

SOLID WASTE DISPOSAL UNITS

Mr. MATHIAS. Mr. President, the measure I am introducing today along with my colleagues from Maryland and Virginia seeks a congressional clarification of the tax-exempt bond section of the Tax Reform Act of 1984 so that it is correctly applied to two waste-to-energy projects in the State of Maryland.

The two projects are the Harford County/Aberdeen Proving Ground and city of Annapolis/U.S. Naval Academy facilities. The Northeast Maryland Waste Disposal Authority, a single-purpose, independent public authority, has developed these projects to provide long-term solutions to the solid waste disposal problems in several Maryland jurisdictions and to provide an equally long-term source of energy to the two military installations. The authority is currently operating a very successful similar facility for the city of Baltimore.

Military procurement laws in recent years have reflected Congress' intent that third party financing and ownership of energy facilities be encouraged and that directed Federal appropriations be used only as a last resort. The Harford County and Annapolis projects have been through the bargaining process with the military services, but the benefits to all the parties cannot be realized unless the overly restrictive interpretation of these projects by the Treasury Department is changed.

The problem the authority is encountering concerns the view that a contract to provide energy to the military bases would constitute a Federal guarantee. These contracts would not be a guarantee because the authority assumes the financial, technological and operating risks. Under the 1984 tax act's special service contract rule for solid waste disposal facilities, the service recipient cannot bear significant financial risks. The two projects intend to comply fully with this requirement.

To finance successfully the Harford County and Annapolis facilities, Congress must clarify that it did not intend for the Federal guarantee provisions to apply in these two instances. I hope the Congress can act quickly on this bill so these two important projects can go forward.

A companion bill is being introduced in the other body by Representatives ROY DYSON, HELEN BENTLEY, and MARJORIE HOLT.

Mr. President, I ask that the text of the legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN OBLIGATIONS USED TO FINANCE SOLID WASTE DISPOSAL FACILITIES NOT TREATED AS FEDERALLY GUARANTEED.

(a) IN GENERAL.—Any obligation which is part of an issue a substantial portion of the proceeds of which are to be used to finance a solid waste disposal facility described in subsection (c) shall not, for purposes of section 103(h)(1) of the Internal Revenue Code of 1954, be treated as an obligation which is federally guaranteed.

(b) LIMITATION ON DOLLAR AMOUNT.—The aggregate face amount of obligations to which subsection (a) applies with respect to any State shall not exceed $65,000,000.

(c) SOLID WASTE DISPOSAL FACILITIES TO WHICH SECTION APPLIES.—A solid waste disposal facility is described in this subsection if such facility is described in section 103(b)(4)(E) of the Internal Revenue Code of 1954 and—

(1) a public State authority created pursuant to State legislation which took effect on July 1, 1980, took formal action before October 19, 1983, to commit development funds for such facility;

(2) such authority issues obligations for such facility before January 1, 1988; and

(3) expenditures have been made for the development of such facility before October 19, 1983.

● Mr. SARBANES. Mr. President, I am today joining my colleague from Maryland in introducing legislation to clarify that a "Federal guarantee" provision in the tax-exempt bond sections of the Deficit Reduction Tax Act of 1984 should not apply to the financing of two waste-to-energy facilities in Maryland. Both of these facilities will be financed by the Northeast Maryland Waste Disposal Authority, a public instrumentality of the State of Maryland formed on July 1, 1980, in order to develop regional solid waste disposal projects. The facilities will provide much-needed solid waste disposal in an environmentally sound manner, and at the same time will provide the military with an assured supply of energy. It is estimated that the two projects will save over 6.5 million gallons of fuel oil each year as a result of their use of steam generated from municipal solid waste.

Over the past 4 years, the authority has expended approximately $1.1 million to develop these two waste-to-energy projects. One will be located in Harford County, MD. It will provide Harford County and Aberdeen Proving Ground with a long-term solution to their solid waste disposal problems and will produce steam for sale to the Army, pursuant to a long-term contract. The other project, located in Annapolis, MD, will provide waste disposal for the city of Annapolis, Anne Arundel County, Queen Annes County, and the Naval Academy, and provide the Naval Academy with a reliable source of steam.

A question has arisen as to whether these energy facilities are eligible for financing with industrial development bonds. The question stems from a provision in the recently enacted tax legislation prohibiting the use of IDB's in situations where the payment of principal or interest on the bond is guaranteed by the Federal Government. This provision was meant to eliminate a double subsidy, so to speak, in cases where the Federal Government assumes a risk to protect investors.

However, in the case of these two projects, in my view the long-term steam purchase contracts should not be construed to constitute a "Federal

guarantee." In the case of these projects, a service and a product is to be provided to the Government. The contracts give no protection to the investors should the projects fail to perform. The contract does not contain "hell or high water" provisions which require Government payments even if a facility is not built or energy is not available. Nor is a special bond class created or do the bonds receive a higher credit rating than they otherwise would receive because the facility has entered into a long-term contract with a Federal facility.

Despite these reasons, and despite the fact that the development of these projects was well underway prior to the passage of the Deficit Reduction Act of 1984, they have been brought virtually to a halt by the questions raised about the tax-exempt status of bonds to be issued to finance their construction.

The Congress should rectify this as soon as possible, and I urge the Senate Finance Committee to consider this legislation quickly. In my view, these projects represent sound energy policy and sound solid waste disposal policy; and notwithstanding any debate on the question of IDB's in general, the Congress should clarify this matter so that these projects, so long in the making, can proceed.●

By Mr. BAUCUS (for himself, Mr. PRYOR, Mr. MITCHELL, Mr. COHEN, Mr. THURMOND, and Mr. BUMPERS):

S. 982. A bill to amend the Trade Act of 1974 regarding international trade in softwood lumber, and for other purposes; to the Committee on Finance.

WOOD PRODUCTS TRADE ACT

Mr. BAUCUS. Mr. President, today I am introducing legislation, along with Senators PRYOR, MITCHELL, COHEN, THURMOND, and BUMPERS, that deals with the problem of rising imports of subsidized Canadian softwood lumber.

In a nutshell, the legislation gives Canada 1 year to eliminate its unfair softwood lumber stumpage pricing practices or to otherwise reduce its softwood lumber imports into the United States. If Canada refuses, the legislation retaliates two ways: By imposing a temporary 10-percent tariff increase and by revising our countervailing duty law to make clear that Canada's unfair stumpage practices are illegal subsidies.

Let me explain why this legislation is necessary.

THE TRADE PROBLEM

In today's hyper-competitive world, a nation's trade performance may be the best indication of its fundamental economic strength.

If that's true, we're in trouble, because America's trade performance has never been worse.

Over the past 5 years, our trade deficit has quadrupled. Last year, it was $123 billion. This year, it probably will be even larger.

This deficit is not just an abstract statistic for economists to debate. It represents the shift of millions of jobs from the United States to foreign countries. This shift has affected communities in every State, whether they're losing export sales in foreign markets or losing out to imports here at home.

There are many reasons for our huge trade deficits. One is the high value of the dollar. Another is some American companies' failure to aggressively adapt to foreign competition.

But one of the main reasons is unfair foreign trade practices. America has tried to achieve free trade by example. At the same time, other countries have adopted a kind of "new mercantalism," protecting their own domestic markets while subsidizing the invasion of ours.

Recently, Congress has begun focusing on this problem and adopting a tougher, more pragmatic approach. For example, we have taken steps to force Japan to open its markets.

But our problem is not just with Japan. It is with our other major trading partners as well, including the EC, Canada, and the ASEAN countries.

TRADE WITH CANADA

The legislation I am introducing today relates to Canada.

Mr. President, Canada, not Japan, is our major trading partner. Last year, the United States and Canada traded $120 billion worth of goods; Canada was our largest export customer and import supplier, and we were theirs. Unfortunately, we had a $20 billion bilateral trade deficit with Canada. To put this deficit in perspective, it is over twice as large, on a per capita basis, as our bilateral deficit with Japan.

Given the huge volume of United States-Canada trade and our rising bilateral deficit, problems are inevitable. A few weeks ago in Quebec, President Reagan and Prime Minister Mulroney resolved some of our recent trade problems. Unresolved, however, was the problem that threatens to dwarf all the others: Softwood lumber.

THE SOFTWOOD LUMBER PROBLEM

The U.S. forest products industry is the most productive in the world. Nevertheless, the industry has become a victim of the trade war.

On one hand, we're losing our natural export markets to unfair foreign barriers like Japan's huge tariffs.

On the other hand, we're losing our domestic market to rising Canadian imports.

In 1984, housing starts continued to rise and U.S. lumber consumption reached its highest level ever. Nevertheless, the U.S. lumber industry continued to suffer economic hard times, sustaining pre-tax losses of over $300 million and operating at only about 80 percent of capacity. As Scott Shotwell of the National Forest Products Association recently said:

> U.S. producers have not been able to benefit from the economic recovery. Mills are closing and thousands of U.S. lumber jobs have been lost. And this at a time when housing starts are in the range of 1.7-1.8 million. In the past, this number of housing starts caused our industry to boom; instead, we are going bust.

Unfortunately, 1984 was not an aberration, but only the continuation of an alarming trend. Over the past decade, Canadian lumber imports have increased from 17 to 31 percent of total softwood consumption. Since 1980, the U.S. lumber industry has lost more than 30,000 jobs, of which 22,000 can be attributed to increased Canadian lumber imports.

One might reasonably ask how the Canadians can achieve such a commanding position in the U.S. lumber market, especially since U.S. producers are generally more efficient, have comparable or lower wage rates, and are much closer to their local markets than Canadian producers are.

One major reason is the over-valued dollar. Yesterday, the U.S. dollar was worth about 26-percent more than the Canadian dollar, effectively giving every Canadian forest products company an automatic 25-percent subsidy.

Another major reason is the cheap price of Canadian stumpage—the right to cut timber on government-owned land.

The Canadian federal and provincial governments generally play a more active economic role than the U.S. Federal and State governments; for example, the OECD reports that Canadian subsidies constituted 2.34 percent of Canadian GDP in 1979, while U.S. subsidies constituted only 0.43 percent of U.S. GDP.

This general difference is reflected in the different United States and Canadian stumpage pricing systems.

In the United States the price of stumpage is determined in an open auction or through sealed bids.

In Canada, the federal or provincial government sets the price administratively, at artificially low prices that keep mills operating and workers employed. A professor at the University of British Columbia recently concluded that, in the United States, public agencies—

> Encourage competitive bidding for standing timber whereas in British Columbia, competitive sales for standing timber have been virtually eliminated.

These differences have a significant impact. As Montana State University's Forty-Ninth Parallel Institute recently said, "the end result of the two strikingly different methods has been that Canadian producers have traditionally paid a lower stumpage fee than U.S. firms, allowing them to reduce overall production costs." Indeed, a 1982

International Trade Commission study found that Canadian stumpage prices were about one-sixth of U.S. prices.

THE 1983 DECISION

Shortly after the ITC study was released, a coalition of U.S. softwood lumber producers filed a petition alleging that numerous Canadian Government programs—British Columbia stumpage pricing being by far the most important—were trade subsidies causing serious injury to the American industry.

Eventually, the Commerce Department rejected the petition, bending over backward to conclude that Canadian stumpage technically is not a subsidy within the meaning of our countervailing duty law.

More specifically, the Commerce Department said that Canadian stumpage programs are theoretically "generally available," and, therefore, are not domestic subsidies because the only thing that limits the use of stumpage programs is the inherent characteristics of the natural resource, logs. But under this logic, no natural resource subsidy would ever be countervailable because the use of every natural resource is limited only by the inherent characteristics of the resource.

This is silly enough, but Commerce went on to say that Canadian stumpage programs are in fact generally available because at least three different groups of industries benefit from the program. These different groups of industries were the lumber and wood products industries, the pulp and paper industries, and the furniture manufacturing industry. Under this logic, no domestic subsidy will be considered to be counteravailable unless it is used only by tiny classes of producers, such as chair producers or table producers or 2×4 producers or 2×6 producers. To my mind, Congress did not intend so narrow a definition when we enacted the domestic subsidy provisions in 1979.

Another aspect of the Commerce decision was disturbing. As an alternative holding, Commerce concluded that the prices paid for stumpage in British Columbia are reasonable and reflect the true market value for stumpage—in other words, that the British Columbia stumpage program is not a subsidy. This is nonsense. In 1984, the average price for stumpage on Federal lands in the Western United States was $62 (U.S. dollars); in Interior British Columbia it was $1. The trees are the same; they are cut the same way, processed the same way, and sold in the same market. If such cheap stumpage is not a subsidy for purposes of our countervailing duty law, then I don't know why we have such a law at all.

THE WOOD PRODUCTS TRADE ACT

Mr. President, the Commerce Department's decision has forced us to consider other ways to deal with the Canadian softwood lumber problem.

One way is negotiation. On February 26, United States and Canadian negotiators began discussions of bilateral forest products trade problems, including the stumpage problem. Unfortunately, during these negotiations, which resume tomorrow, the Canadians have not been willing to seriously consider eliminating their stumpage subsidy.

Another way is legislation. That is why I am introducing the "Wood Products Trade Act," which is similar to legislation Congressman BONKER recently introduced in the House, H.R. 1648.

The legislation is designed to encourage a negotiated settlement of the softwood lumber imports dispute.

To accomplish this, the legislation establishes a 1-year negotiating period, starting when the United States-Canadian forest products negotiations began on February 26, and gives the President the authority to negotiate a voluntary restraint agreement or an elimination of Canadian stumpage subsidies.

If the negotiations succeed, the legislation would be superseded by legislation implementing the agreement and, therefore, have no effect.

But if the negotiations do not succeed, the ax will fall. Specifically, the legislation will impose two restrictions. First, the legislation will "unbind" the current zero tariff on softwood lumber and replace it with a 3-year 10 percent tariff.

Second, the legislation will revise the definition of "domestic subsidy," for purposes of U.S. countervailing duty law, to clarify that a foreign stumpage price is subsidized if it is below the comparable U.S. price. This would have the practical effect of overruling the 1983 Commerce Department decision.

If the negotiations succeed after restrictions are imposed, the restrictions could be lifted by the legislation implementing the negotiated agreement.

This approach has three advantages: First, it gives the negotiations a chance to succeed and gives the Canadians an incentive to make them succeed. Second, it is consistent with U.S. obligations under the General Agreement on Tariffs and Trade and other international agreements. Third, it gets at the real problem—the cheap stumpage subsidy.

Even so, this legislation is not perfect. Several of its provisions may need to be refined. For example, it may be appropriate to make the revised subsidy provision generic—along the lines of the natural resource subsidy provisions of last year's House version of the omnibus trade bill—rather than tied to specific U.S. prices. I am currently reviewing such potential revisions and welcome any suggestions my colleagues have. But whatever specific language we decide upon, one thing is clear. We need to revise the countervailing duty law so that cheap Canadian stumpage is treated in law as what it is in fact: a trade subsidy.

CONCLUSION

Mr. President, the U.S. forest products industry has always favored free trade and had a close relationship with the Canadian industry. Now, that relationship is strained by Canada's cheap stumpage system and the rising imports it generates. I hope that we can resolve this issue during the current negotiations. Otherwise, this festering problem could undermine overall United States-Canadian relations. That would be unfortunate indeed, especially at a time when our countries may be on the verge of considering a comprehensive free trade agreement.

The best way to persuade the Canadians to negotiate is to convince them that if they don't, the consequences will be swift and severe. Accordingly, I urge all my colleagues to cosponsor this legislation and help me enact it.

Mr. President, about 2 weeks ago I held an informal hearing in Kalispell, MT, to discuss the Canadian softwood lumber import problem. I ask unanimous consent that copies of three statements submitted at that hearing be inserted in the RECORD—from Mr. Royce Satterlee of the F.H. Stolze Lumber Co., Mr. Roger D. Johnson of Pyramid Mountain Lumber, and Mr. Tom Richards of Idaho Forest Industries.

I also ask unanimous consent that a copy of the legislation be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wood Products Trade Act of 1985".

SEC. 2. NEGOTIATING AUTHORITY; INCREASE IN TARIFFS.

(a) Chapter 1 of title I of the Trade Act of 1974 is amended by adding at the end the following new section:

"SEC. 110. WOOD PRODUCTS TRADE.

"(a)(1) The President may enter into a trade agreement with Canada which provides for the reduction of imports of softwood lumber that is the product of Canada into the United States by means of—

"(A) voluntary restraints, or

"(B) elimination of the benefit on the manufacture, export, or production of Canadian softwood lumber of the stumpage subsidy provided by Canadian government entities.

Such agreement also may provide for the reduction or elimination of tariff and nontariff barriers to (or other distortions of) international trade in wood products.

"(2) For purposes of section 151 and sections (c), (d), (e), (f), and (g) of section 102, any trade agreement entered into under paragraph (1) shall be treated as a trade agreement entered into under section 102.

"(b)(1) If a trade agreement has not been entered into with Canada under subsection (a) before February 26, 1986, the President shall by proclamation, on February 26, 1986, terminate—

"(A) any portion of a trade agreement which was entered into under—

"(i) this Act,

"(ii) section 201 of the Trade Expansion Act of 1962, or

"(iii) section 350 of the Tariff Act of 1930, with respect to any duty imposed by the United States on softwood lumber, and

"(B) any obligations of the United States under any other agreement with respect to such duty that arise by reason of a trade agreement described in subparagraph (A).

"(2)(A) Notwithstanding section 125 and any other provision of law, if any portion of a trade agreement described in paragraph (1)(A) is terminated under paragraph (1) with respect to any duty imposed by the United States on any softwood lumber, the rate of duty provided under the Tariff Schedules of the United States that shall apply to the entry of softwood lumber after the date of such termination shall be the sum of—

"(i) the rate of duty applicable to softwood lumber under rate column number 1 of the Tariff Schedules of the United States, plus

"(ii) the equilibrium rate of duty for such softwood lumber.

"(B) Any duty imposed by title VII of the Tariff Act of 1930, or by any other provision of law other than the Tariff Schedules of the United States, shall be in addition to the duty that is imposed by the Tariff Schedules of the United States at the rate set forth in subparagraph (A).

"(3) For purposes of this subsection—

"(A) The term 'equilibrium rate of duty' means, with respect to any entry of softwood lumber before February 27, 1989, the ad valorem rate of duty equal to the excess, if any, of—

"(i) 10 percent, over

"(ii) the percentage of the ad valorem rate of any duty imposed by section 701 of the Tariff Act of 1930 (19 U.S.C. 1671) that is applicable to such entry.

"(B) In the case of an entry of softwood lumber made after February 26, 1989, the equilibrium rate of duty shall be zero.

"(C) The term 'entry' means entry, or withdrawal from warehouse, for consumption within the customs territory of the United States.

"(c) For purposes of the provisions of section 123 (other than section 123(b)(4)), any termination of any portion of a trade agreement under subsection (b) shall be treated as an action under section 203 to increase or impose a duty (or other import restriction) which takes effect on the date such termination is proclaimed.

"(d) For purposes of this section—

"(1) The term 'softwood lumber' means any article provided for in any of the items 202.03 through 202.30 of the Tariff Schedules of the United States.

"(2) The term 'stumpage subdidy' means the furnishing of stumpage rights under circumstances described in section 771(5)(B) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(B)), as amended by the Wood Products Trade Act of 1985.

"(3) The term 'wood product' means any item in part 1 or 3 of schedule 2 of the Tariff Schedules of the United States.".

(b) The President shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, and other appropriate congressional committees, as well as the appropriate committees established pursuant to section 135 of the Trade Act of 1974, in carrying out the amendments made by subsection (a).

(c) The table of contents for chapter 1 of title I of the Trade Act of 1974 is amended by adding at the end the following:

"Sec. 110. Wood products trade.".

SEC. 3. COUNTERVAILING DUTIES.

(a) Paragraph (5) of section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) The furnishing of stumpage rights on government lands by a country under a program or system in which those rights are furnished to an enterprise in exchange for compensation by such enterprise that is less than the current price for comparable stumpage rights on Federal lands in the United States.".

(b) Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end thereof the following new paragraph:

"(18) STUMPAGE RIGHTS.—

"(A) IN GENERAL.—The term 'stumpage rights' means the right to cut or remove standing timber.

"(B) CURRENT PRICE FOR COMPARABLE STUMPAGE RIGHTS.—In determining the current price for comparable stumpage rights.—

"(i) IN GENERAL.—The price for stumpage rights in any foreign country (other than Canada) shall be compared to the price for stumpage rights for the most recent available calendar quarter in the region of the National Forest System (as defined in section 11 of the Forest and Rangeland Renewable Resources Planning Act of 1974) which is determined to be most comparable in accordance with procedures of the Forest Service of the Department of Agriculture.

"(ii) CANADA.—In the case of stumpage rights in Canada—

"(I) prices for stumpage rights in coastal British Columbia shall be compared to such prices in Region 6 of the National Forest System for the most recent available calendar quarter; and

"(II) prices for stumpage rights in interior British Columbia and in Eastern Canada shall be compared to such prices in Region 8 of the National Forest System.

"(iii) PRICES IN REGIONS OF NATIONAL FOREST SYSTEM.—The prices for stumpage rights in each region of the National Forest System shall be determined in accordance with procedures of the Forest Service, and shall include prices for all species of timber in Region 6 and prices for Southern pine sawtimber in Region 8. Such prices—

"(I) shall reflect prices paid for the removal of standing timber (and not bid prices),

"(II) shall be for standing timber only (and shall not include road building or other costs), and

"(III) shall be stated in dollars per thousand board feet, Scribner log scale.".

(c) Section 706 of the Tariff Act of 1930 (19 U.S.C. 1671(e)) is amended by adding at the end thereof the following new subsection:

"(c) FORM OF COUNTERVAILING DUTIES IMPOSED ON SOFTWOOD LUMBER.—Any duty imposed by section 701 with respect to softwood lumber (within the meaning of section 110(d) of the Trade Act of 1974) after February 26, 1986, but before February 27, 1989, shall be in the form of an ad valorem duty.".

(d) The amendments made by this section shall apply to proceedings commenced on or after February 26, 1986.

F.H. STOLTZE LAND & LUMBER CO.,
LUMBER MANUFACTURERS,
Columbia Falls, MT, April 8, 1985.

My name is Royce Satterlee and I am employed as General Manager for the F.H. Stoltze Land and Lumber Company. We operate three sawmills in Montana employing about 350 employees with a payroll exceeding 6 million dollars per year. In addition our mills indirectly provide employment for over 100 loggers who contract logs or sell logs to our Company.

I would like to thank you Senator Baucus for providing us with an opportunity to publically discuss Industry problems concerning increased Canadian imports taking our traditional markets.

Canadian and U.S. lumber producers have had a healthy competitive relationship for most of the life of our two countries. In many cases the Canadian Companies are owned by U.S. Companies and in a few cases U.S. Companies are owned by Canadian Companies. Up until 1950 the Canadian Companies were generally getting under 10 percent of the total U.S. lumber market. From 1950 until 1975 this gradually increased to where the Canadians had 18 percent of the U.S. market. Since 1975 up to the present time we have seen the Canadian producers capture over 30 percent of the U.S. market. Naturally we U.S. producers no longer consider it to be healthy competition when the Canadian producers can continue to out compete us in our own market.

I would like to take several minutes to explain why this is happening.

The first reason is that the Canadian producers do not have to compete for stumpage. Stumpage is given to them at an appraised price which is set by a residual type appraisal which deliberately sets the price so that they can compete in our markets. On the other hand U.S. producers are faced with a declining land and timber base for which they must bid in order to protect their investments in plant and equipment. This leads to high bids for timber which does not work out economically in other than inflationary times.

The second reason is the strong U.S. dollar in comparison to the Canadian dollar. There has been a strong correlation between the differences in value of the two currencies and the amount of Canadian lumber which has entered U.S. markets.

The third reason is transportation. The Canadian railroads have been much more cooperative in working with the Canadian lumber producers than have the U.S. railroads in working with U.S. lumber producers.

Canada is a resource based country and the Canadian Government and Canadian railroads realize that they must all work together if they are to produce products that will compete price wise in U.S. and other world markets. Canadian lumber producers have worked very closely in establishing special rates to reload centers on the U.S.-Canadian borders so that Canadian lumber

can be shipped by truck or rail into prime U.S. markets.

In addition the Canadian producers on the coast of British Columbia have traditionally moved most of their production by ship into California or through the Panama Canal to the gulf and east coast ports. Because of the Jones Act and the high cost of U.S. shipping, U.S. West Coast producers have not been able to compete in this method other than the California markets.

The fourth reason is the passage of the Staggers Act which effectively allowed the railroads to set any rail rate they desire and allowed them to abandon rail lines which were not profitable. After the passage of the Staggers Act, the railroads began offering rebate contracts to their larger customers which drastically reduced cost for these customers. Where most of the Canadian producers are large they along with big U.S. producers have gotten freight rebate contracts which are worth in excess of $10 per thousand for everything shipped by rail.

These contracts have not been available for small producers and it is one of the reasons that the small producers are the first to go under in these difficult times. I believe that the Staggers Act should be amended so that the per car rate is the same no matter who ships it. This problem was the primary reason for the establishment of the ICC in the early days of railroading and I believe it is past time to do something about it.

The solution to these problems has to be political in nature. At this time I can support either Congressman Weaver's HR 1088 or Congressman Bonker's HR 1648. I believe that either of these bills will have the desired effect of getting some serious negotiations underway with our Canadian friends. I would like to emphasis that they are our good friends and neighbors and it is imperative that we have realistic discussions so that we can continue to have the good relationship we have had in the past.

From a local industry standpoint I think it would be an ideal situation if the Canadian Government would allow the export of unprocessed logs out of Canada. This happened under a special dispensation several years ago and it was a big help to local industry to get some good cheap logs.

Thank you for the opportunity to appear here today.

ROYCE SATTERLEE.

PYRAMID MOUNTAIN LUMBER INC.,
Seeley Lake, MT, April 8, 1985.

Senator MAX BAUCUS,
Dirksen Building,
Washington, DC.

DEAR SENATOR BAUCUS: I am an owner-operator of a sawmill in Seeley Lake, Montana. Pyramid Mountain Lumber Inc., employs some 120 people. We are the largest employer in the area.

I want to thank you for the opportunity to testify in regards to the current problem of Canadian wood products imports.

As a smaller operation, our consensus of how the Canadian imports affect our business, comes from several sources.

1. What we read in regards to the Canadian Government favorable stumpage practices.

2. The notable increase of imports of Canadian softwood lubmer into our country.

3. The effects of the current exchange rates between Canadian and U.S. currency.

4. The presence of Canadian lumber in our traditional market areas in abundance and priced very competitively.

Pyramid Mountain Lumber has over the past eight years, continued to modernize its plant. We have a very efficient operation which will compete effectly, aside from the advantage of the Canadian government subsidy towards their industry.

Major capitalization in a small operation creates a heavy debt load. Our firm does not have the staying power for a prolonged resolve of this issue.

Waiting for some weakening in our dollar could be too late. We are now in our third year of a fairly strong housing start, while at the same time we are experiencing a weakening market. History indicates that three years is about the average length of our housing booms.

The decline in building activity could absorb any effects of a weaker dollar in relation to the Canadian imports in our markets.

We need action now, that will stop the dumping of Canadian wood products in our market. Thank you.

ROGER D. JOHNSON,
President.

IDAHO FOREST INDUSTRIES, INC.
Kalispell, MT, April 8, 1985.

Senator Baucus, I want to extend my sincere appreciation for allowing us to discuss the crisis currently confronting the forest products industry. I am Tom Richards, President of Idaho Forest Industries, headquartered in Coeur d'Alene, ID. Our Company operates three sawmills in Idaho and one sawmill in Oregon in which we employ slightly in excess of 400 people. We are obviously not large by industry standards, but our plants are very productive in a very productive industry.

We have been in the forest products business for almost 70 years. During this period the industry had suffered through many periods of recession and depression, the last being the lengthly and deep depression of 1980–1982. Each time we have found ourselves confronted with recession we quickly took whatever steps were required to keep our plants operating and our people employed and have always been successful. In 1980–1982 this meant a freeze on wages and benefits that lasted 18 months. On October 1, 1984, we again froze wages and benefits as part of a total belt-tightening program to attempt to keep our plants operating. We are legitimately concerned, however, that any series of steps might prove unsuccessful in keeping our plants operating given the unfair competition from Canadian imports we are currently confronted with.

The primary cause of the 1980–1982 depression was high interest rates and their corresponding effect on the critical housing market. By 1982, total consumption of softwood lumber had dropped 27 percent from its 1978 peak and both the demand and prices for our products dropped dramatically. During such periods of reduced housing and low consumption of wood, we can normally anticipate and deal with the low prices and demand that are the end result. The current depression, however, is totally different and extremely frightening.

Total U.S. softwood lumber consumption in 1984 reached a record of 42.8 billion board feet, 150 million board feet higher than the record set in 1978. Through the first quarter of 1985, consumption is continuing at or close to these record levels. Yet lumber prices have plummeted to levels below or close to 1980–1982 levels with many plants curtailed or shutdown and well in excess of 20,000 people in our industry out of work. Plant closure announcements continue to be made almost daily even with consumption continuing at record levels. Mills in the western United States are running at 81 percent of normal capacity for the first 12 weeks of 1985 compared to 98 percent at the same time last year.

The culprit in this scenario is very easy to find—record levels of subsidized lumber being imported from Canada. Canadian lumber imports reached a high of 13.2 billion board feed, or 30 percent of our market in 1984. These figures compare to 27.6 percent of the market in 1978 and 18.7 percent in 1975. Although figures are not yet available, Canadian imports during the first quarter of 1985 likely ran close to 32–34 percent of our market.

In Canada almost all of the timberlands are owned by the provincial government. Stumpage is sold at arbitrarily low prices in order to give Canadian producers a cost advantage and to insure employment. While we are operating at 80 percent of capacity with thousands of people unemployed, the Canadians are operating well in excess of 100 percent of capacity taking advantage of the subsidized stumpage and the difference between our two currencies. Even with the dramatically low stumpage cost, key Canadian products are clearly below their breakeven costs.

I have always believed in free trade. Free trade, however, must also be fair trade with both countries operating under the same rules. With the Canadian government clearly subsidizing stumpage and Canadian industry operating in excess of 100% of normal capacity, taking advantage of the stumpage subsidy and differences between our currencies, we are clearly not operating under the same rules. And, most importantly, when you see a picture of record low prices when consumption continues at record high levels, you must certainly question where our industry will be in 1986 and 1987 when consumption will inevitably reverse as it always does in a cyclical industry such as ours.

Senator Baucus, we would ask you to seriously consider two courses of action. First, we would ask you to introduce a resolution in the Senate Finance Committee asking the new U.S. Trade Representative to immediately begin negotiations with the Canadian government and Canadian forest products industry to voluntarily cut back on sales of forest products to the United States. At the same time, we would ask you to introduce legislation comparable to that which has been introduced in the House of Representatives.

Free traders traditionally argue that cheap imports are healthy in that they weed out inefficient domestic operations. In the western United States in the past five years, the number of sawmills has dropped from 818 to less than 650. Clearly the inefficient operators and many that were efficient have been weeded out. Further weeding out is simply going to cost us valuable jobs and make us more and more dependent on a foreign country for one or more important resources.

By Mr. McCLURE (for himself and Mr. SYMMS):

S. 983. A bill to provide for limited extension of alternative means of providing assistance under the school lunch program and to provide for national commodity processing programs; to the Committee on Agriculture, Nutrition, and Forestry.

ALTERNATIVE SCHOOL LUNCH PROGRAM EXTENSION AND THE NATIONAL DONATED COMMODITY PROCESSING PROGRAM

● Mr. McCLURE. Mr. President, today I am introducing a bill which is essential to the contribution of two programs which help decrease the enormous surplus of Government commodities. The National School Lunch Extension and the National Donated Commodity Processing Program bill will do two things.

First it will freeze in place the present method through which 70 elementary and secondary school districts in 29 States receive their USDA donated commodity assistance. These school districts have for the last 3 years been participating in a congressionally mandated test of alternative means of delivering USDA donated commodity benefits. They have been receiving either cash in lieu of the actual commodities or a commodity letter of credit which entitles them to buy the products they can use most efficiently and which contain the commodity USDA wants supported by school purchases.

USDA has completed the study data and has sent the report to Congress. It is now up to Congress to review this information and decide on the best method to provide nutritious school lunches to this Nation's school children. However, Congress will not be able to act in time to keep the 70 school systems going after June 30, 1985. These schools went to a great deal of expense and change to help in this study. They have found substantial savings on the cash or letter of credit program. Many districts have found that plate waste is down and student usage is up. They want this picture to continue.

In introducing this extension of this program, I am seeking to provide these school districts with the breathing room needed so that the Congress can review the USDA report, hold oversight hearings and come to a decision either to modify the program or leave it just the way it is.

There is no fiscal impact to the budget. Each school receives 11.5 cents per child per day for support of the School Lunch Program. Instead of receiving this in commodities, the participating school districts have been receiving this in cash or in a letter of credit. There would be no additional outlays to continue this program. I urge all Senators who have affected school systems to call them and determine whether they want to continue on this program. I have attached a listing of those school systems who are effected by this program.

The second provision of the bill will extend a current USDA program for 2 years. The program is called the National Donated Commodity Processing Program. Through this program elementary and secondary school systems, correctional facilities, nonprofit hospitals and nursing homes as well as senior citizens food service operations, nonprofit summer camps, food banks and day care centers can buy products produced with USDA commodities at discount.

The National Donated Commodity Processing Program has the USDA entering into contracts with processors to make finished products from the nonfat dry milk, butter, cheese and honey on which the Department is paying storage. The companies take the USDA commodity, make finished products, and discount the price of the finished products to eligible recipients by the value of the donated commodity in the end product.

This program has been running for about 18 months and has moved over 35 million pounds of USDA commodities out of storage and on their way to eligible agencies in the form of finished products ready to be served to their customers.

I believe that this program makes sense and should be extended beyond its June 30, 1985 expiration until USDA no longer has surplus of price supported commodities under storage. I urge my colleagues to support this measure and pass it swiftly.

Mr. President, I ask unanimous consent that a copy of this bill and the listing of the school districts attached be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF ALTERNATIVE MEANS OF ASSISTANCE.

Upon request to the Secretary of Agriculture, any school district receiving all cash or all letters of credit in lieu of commodities under the school lunch program on January 1, 1985, shall continue to receive all cash in lieu of commodities or all letters of credit in lieu of commodities through the school year ending June 30, 1987. Such school districts shall receive bonus commodities in the same manner as such commodities are made available to any other school district participating in the school lunch program.

SEC. 2. NATIONAL DONATED COMMODITY PROCESSING PROGRAMS.

(a) COMMODITY PROCESSING.—Whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary of Agriculture, the Secretary shall encourage consumption of such commodities through agreements with private companies under which the commodity is reprocessed into end food products for use by eligible recipient agencies. The expense of such reprocessing shall be paid by such eligible recipient agencies.

(b) SETTLEMENT OF ACCOUNTS.—To be eligible to enter into any agreement with the Secretary of Agriculture under subsection (a), a private company shall annually settle all accounts with Secretary and any appropriate State agency regarding commodities processed under such an agreement.

(c) EFFECTIVE DATE—The provisions of this section shall take effect July 1, 1985, and shall cease to have effect October 15, 1987.

USDA CASH AND COMMODITY LETTER OF CREDIT SCHOOL SITES

Location of school district	School district name	School district contact	Telephone number	Type
Fruitland, ID	Fruitland Idaho Public Schools	Ms. Lois Shelden	208–452–3360	CLOC
Grace, ID	Grace Joint No. 148	Mr. Gay Panter	208–425–3920	CASH
Sylvester, GA	Worth County Public Schools	Ms. Peggy Harris	912–776–6943	CASH
Dublin, GA	Laurens County School District	Ms. Janice P. Santarone	912–272–4767	CLOC
Romulus, MI	Woodhaven School District	Ms. Toni Makarewicz	313–479–2600	CASH
Edgefield, SC	Edgefield County School District	Ms. Mary Tuten	803–275–4601	CASH
Batesburg, SC	Lexington School District #3	Ms. Patricia Holstein	803–532–5867	CLOC
Mt. Vernon, IA	Mt. Vernon Community School	Mr. Bill Doyle	319–895–8845	CASH
Parkersburg, IA	Parkersburg Community School	Mr. Darcy Meyer	319–346–1012	CLOC
Huntington Beach, CA	Huntington Beach City S.D.	Ms. Joyce Larsau	714–964–8888	CASH
Gilroy, CA	Gilroy Unified School District	Ms. Janet McCown	408–842–8374	CLOC
Elk Point, SD	Elk Point School District #61–3	Ms. Deborah Karpen	605–356–2606	CLOC
Oldham, SD	Oldham School District #38–4	Ms. Karen Duffy	605–482–8211	CASH
Bremerton, WA	Bremerton Public Schools	Ms. Jackie Love	206–478–5106	CASH
Longview, WA	Longview School District #122	Ms. Terri Anderson	206–577–2728	CLOC
Seattle, WA	Shoreline Public Schools	Ms. Connie Hevly	206–361–4207	CLOC
Waverly, TN	Humphreys County School District	Ms. Glenda Davis	615–296–2568	CASH
Tucson, AZ	Flowing Wells Schools	Ms. Elsie Morrison	602–887–1100	CLOC
Brooksville, FL	Hernando County School District	Ms. June Mathews	904–796–6761	CLOC
Amarillo, TX	Amarillo Independent S.D.	Ms. Leona S. Herber	806–376–5531	CASH
Knoxville, TN	Knox County School District	Ms. Helen Reagan	615–521–2426	CLOC
Key West, FL	Monroe County School District	Ms. Sue Cummins	305–296–6523	CASH
Loudon, TN	Loudon County School District	Mr. Jean McCall	615–458–6138	CLOC
Portland, ME	Portland Public Schools	Mr. William Verrill	207–797–5076	CLOC
Windsor, CT	Windsor Public Schools	Ms. Rita K. Heimann	203–688–0003	CLOC
Greenwich, CT	Greenwich Public Schools	Ms. Barbara Lakashman	203–869–9400	CASH
Bar Mills, ME	School Administration District #6	Ms. Judith Percival	207–839–4017	CASH

USDA CASH AND COMMODITY LETTER OF CREDIT SCHOOL SITES—Continued

Location of school district	School district name	School district contact	Telephone number	Type
Tyler, TX	Tyler Independent School District	Ms. Judy Richter	214-595-3481	CASH
Page, AZ	Victoria Independent S.D.	Mr. Ashley B. Hart	602-645-8801	CASH
Franklin, WV	Pendleton County School District	Ms. Dolly Probst	304-358-2207	CLOC
Petersburg, WV	Grant County Schools	Ms. Betty Groves	304-257-1011	CASH
Covington, VA	Alleghany County School District	Mr. Sam Cook	703-962-3969	CLOC
Springfield, VA	Fairfax County Public Schools	Ms. Dorothy VanEgmond-Pannell	703-941-1665	CLOC
Indiana, PA	Indiana Area School District	Mr. Ralph Hegner	412-463-8713	CLOC
Reading, PA	Reading School District	Mr. Murphy Hines	215-371-5735	CASH
Philadelphia, PA	Archdiocese of Philadelphia	Ms. Bonnie Baehr	215-587-3767	CASH
Plaquemine, LA	Iberville Parrish School District	Ms. Emma Jo Williamson	504-687-7629	CASH
Shreveport, LA	Caddo Parrish School District	Ms. Opal Blake	318-636-0210	CASH
Green Forest, AR	Green Forest School District	Ms. Joanne Buell	501-348-5223	CLOC
Elaine, AR	Elaine School District	Ms. Doris Grady	501-827-3347	CASH
Ely, NV	White Pine County Schools	Mr. Michael Hawkes	702-289-4851	CLOC
Glenrock, WY	Converse County S.D. #2	Ms. Pat Jones	307-436-9777	CASH
Ten Sleep, WY	Washakie Community Con. S.D. #2	Ms. Holly Smothers	307-366-2233	CLOC
Greeley, CO	Weld County School District	Mr. Ralph Randel	303-352-1543	CLOC
Westminister, CO	Adams County S.D. #50	Mr. Robert Johnson	303-428-3511	CASH
Norton, OH	Norton City Schools	Mr. Fred Fries	216-825-0863	CASH
Goldfield, NV	Esmeralda County School District	Mr. Jim Bullock	702-485-6382	CASH
Tamms, IL	Egyptian Community Unit	Ms. JoAnna Adams	618-776-5251	CASH
Paris, IL	Crestwood School District #4	Ms. Phyllis Garwood	217-465-5391	CLOC
Medina, OH	Highland Local School District	Ms. Helen Mantean	216-239-1901	CLOC
Dayton, OH	Dayton Public Schools	Ms. Betty Benter	513-262-3790	CASH
Brodhead, WI	Brodhead School District	Mr. Michael Wiziarde	608-897-8249	CASH
Springfield, OH	Northwestern Local School District	Ms. Virginia Mitchell	513-964-1318	CASH
River Falls, WI	River Falls School District	Ms. Shirley Erickson	715-425-6771	CLOC
Merrill, WI	Merrill School District	Mr. Robert Opsahl	715-536-4582	CLOC
Fredericksburg, VA	Fredericksburg City Schools	Mr. Willie Conyers	703-371-0430	CASH
Gonvick, MN	Gonvick-Trail Community School	Mr. Don Danielson	218-487-5262	CLOC
Menegha, MN	Menagha School District #821	Ms. Linda West	218-564-4141	CASH
Troy, MI	Troy School District	Ms. Linda K. Nester	313-689-7495	CLOC
Lancaster, PA	School District of Lancaster	Mr. Gene Miller	717-291-6235	CASH
Morrisville, VT	Morristown School District	Ms. Linda Magoon	802-888-4541	CASH
Vincentown, NJ	Shamong Township School District	Ms. Marilyn Prado	609-268-0440	CASH
Atco, NJ	Waterford Township School District	Ms. Pamela Eppleman	609-768-1473	CLOC
Lyndonville, VT	Lyndon Town School District	Ms. Sue Montague	802-798-4262	CLOC
Elba, NY	Elba Central School	Mrs. Viola Stokes	716-757-9967	CASH
Oakland, CA	Oakland Unified School District	Ms. Frances E. McGlone	415-836-8344	CASH
Boise, ID	Boise Independent School District	Ms. Judy Stanton	208-342-4543	CASH
St. Louis, MO	St. Louis Public Schools	Mr. David R. Page	314-381-4155	CASH
Chipley, FL	Washington Public School District			CASH
Jonesboro, AR	Jonesboro Public School			CASH

By Mrs. HAWKINS (for herself, Mr. ABDNOR, Mr. ANDREWS, Mr. BOREN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CHAFEE, Mr. COCHRAN, Mr. D'AMATO, Mr. DODD, Mr. DOLE, Mr. DURENBERGER, Mr. HEINZ, Mr. HOLLINGS, Mr. INOUYE, Mr. KASTEN, Mr. LEVIN, Mr. LONG, Mr. LUGAR, Mr. MCCLURE, Mr. RIEGLE, Mr. SYMMS, Mr. THURMOND, and Mr. WARNER):

S.J. Res. 118. Joint resolution to designate May 25, 1985, as "Missing Children's Day"; to the Committee on the Judiciary.

MISSING CHILDREN DAY

Mrs. HAWKINS. Mr. President, today I am introducing a joint resolution declaring it to be the sense of the Senate that the President issue a proclamation designating May 25, 1985 as Missing Children Day.

The date of May 25 is of particular significance to the cause of missing children. On that day in 1979, 6-year-old Etan Patz disappeared on his way to school in New York City. Etan has never been found. His case, however, symbolized the plight of missing children and the frustrations and helplessness of families whose child is missing. During my investigation into the problem of missing children, I discovered the true parameters of this tragedy in the United States and we set about trying to resolve the situation.

Etan is but one example of thousands who disappear from their homes each year. In the past 4 years we have worked with parents, law enforcement agencies and many concerned citizen advocate groups nationwide with the sole purpose of increasing public awareness of the problem of missing children. Mr. President, we have made significant progress to date. On October 12, 1982, President Reagan signed into law the Missing Children Act which provides national clearinghouses of information on missing children and the unidentified dead. This act became the first step in a series of successes accomplished by this resolution.

Since this date, the advocates of the Missing Children Act have witnessed many far reaching accomplishments. These successes include, among other things, the enactment of the Missing Children's Assistance Act which creates a National Center on Missing and Exploited Children funded by the Department of Justice. The center will serve as a coordinating office for information collection and dissemination on missing children. It has established a national toll-free number to provide assistance and technical information to persons and organizations interested in helping solve this tragic problem. And, importantly, we have recently appointed an advisory board on missing children whose staff includes Etan's mother, Julie Patz, who has miraculously transferred her energy from totally encompassing grief to an unrelentless fight to help ensure that other such similar happenings never occur. And, last, the National Center has introduced selected State legislation providing a guide to effective State child laws to protect children.

Since 1981, we have also successfully worked to heighten the priority of the missing children problem in law enforcement agencies which before this time was often shown little attention. I clearly remember the words of Julie Patz who, in testimony on October 6, 1981 before the Subcommittee on Investigations and Oversight of the Senate Labor and Human Resources Committee said:

> When the police have gone, the burden falls back on the parents. Usually they are emotionally distraught, financially limited, untrained in search methods, and totally lacking any leverage necessary in obtaining information. The task in conducting a national search is beyond the abilities of grieving parents.

Since then, however, the Missing Children Act has succeeded in increasing the listing of missing children significantly. In February alone, the NCIC system is credited with entering 25,824 missing children and later cancelling 27,700 names. It is because of this increased awareness both by the general public as well as law enforcement agencies that missing children have been recovered in places as distant from their homes are Rhode Island was for Bobby Smith of California. Thanks to the improved programs enacted by the Rhode Island State Police and other concerned agencies, the Missing Children Act is becoming increasingly successful. Tragic stories

are, finally, beginning to reveal happy endings.

But, Mr. President, it is not only law enforcement agencies which have answered the call for help for missing children. Both public and private concern has continued to grow since the Missing Children Act's establishment in 1981. If it weren't for their increased awareness and ardent support such accomplishments would never have been realized. It is for this reason that I plan to honor this May 25 those supporters without whose help such successes would never have been possible. Their time and never ending concern helped instill a glimmer of hope into thousands of lives.

And thus, the purpose of this resolution is to continue the momentum of increased public awareness and understanding of this national tragedy which began back in 1981. It is finally evident to all of us that the missing children problem is more pervasive than we could ever had imagined—whether that child be a runaway, a throwaway, a victim of parental kidnapping, or abducted by a stranger. Last year the Senate demonstrated the foresight to declare May 25 Missing Children Day. Enthusiasm has never been so high and dedication so great. Let's see that the successes of the past 4 years do not go for naught.

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. DOLE, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 1, a bill requiring reductions in outlays for the fiscal years 1986, 1987, and 1988.

S. 49

At the request of Mr. MCCLURE, the name of the Senator from Vermont [Mr. STAFFORD], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 49, a bill to protect firearm owners' constitutional rights, civil liberties, and rights to privacy.

S. 84

At the request of Mr. INOUYE, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Mississippi [Mr. STENNIS], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 84, a bill to incorporate the Pearl Harbor Survivors Association.

S. 408

At the request of Mr. WEICKER, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 408, a bill to amend the Small Business Act to provide program levels, salary and expense levels, and authorizations for the Small Business Administration's programs for fiscal years 1986, 1987, and 1988, and for other purposes.

S. 420

At the request of Mr. BOREN, the names of the Senator from Illinois [Mr. DIXON], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 420, a bill to amend the Internal Revenue Code of 1954 to impose a 50 percent nondeductible excise tax on certain profits realized in connection with corporate takeover attempts, and for other purposes.

S. 425

At the request of Mr. SASSER, his name was added as a cosponsor of S. 425, a bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases.

S. 450

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 450, a bill to establish a commission to study and make recommendations concerning the international trade and export policies and practices of the United States.

S. 476

At the request of Mr. BOREN, the names of the Senator from Illinois [Mr. DIXON], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 476, a bill to amend the Internal Revenue Code of 1954 to impose a 50-percent nondeductible tax on certain profits realized in connection with corporate takeover attempts, and for other purposes.

S. 491

At the request of Mr. QUAYLE, the names of the Senator from Indiana [Mr. LUGAR], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 491, a bill to improve debt-collection activities and default recoveries and to reduce collection costs and program abuse under student loan programs adminstered by the Department of Education, and for other purposes.

S. 620

At the request of Mr. WARNER, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 620, a bill to make permanent the authority to establish and administer flexible and compressed work schedules for Federal Government employees.

S. 739

At the request of Mr. DIXON, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 739, a bill to establish a National Endowment for the Homeless.

S. 750

At the request of Mr. D'AMATO, the names of the Senator for Nebraska [Mr. ZORINSKY], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 750, a bill to redesignate the National Institute on Aging as the National Institute on Aging and Alzheimer's Disease, to require the Secretary of Health and Human Services to coordinate and support research concerning Alzheimer's disease and related disorders, and for other purposes.

S. 751

At the request of Mr. D'AMATO, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 751, a bill to provide for medicare demonstration projects for alternative medicare benefits for individuals with Alzheimer's disease or a related memory disorder.

S. 752

At the request of Mr. D'AMATO, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 752, a bill to established in the Department of Health and Human Services a Home Health Care Clearing-house to provide elderly individuals with a single place where they can obtain complete information on available Federal home health care programs.

S. 753

At the request of Mr. D'AMATO, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 753, a bill to promote the establishment of family support groups for families of victims of Alzheimer's disease or a related memory disorder.

S. 800

At the request of Mr. MCCLURE, the names of the Senator from North Carolina [Mr. EAST], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 800, a bill to increase the maximum annual dollar amount limitation on deductions allowed under the Internal Revenue Code of 1954 for contributions to an individual retirement account of a spouse and to provide that the limitation relating to the amount of compensation received shall be computed on the basis of the combined compensation of a husband and wife.

S. 825

At the request of Mr. SASSER, the names of the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 825, a bill to amend the Immigration and Nationality Act to provide for a program for the waiver of the visa requirement in the case of nonimmigrant tourists from certain countries.

S. 878

At the request of Mr. LEAHY, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Maryland [Mr. SARBANES], the Senator from California [Mr. CRANSTON], and the Senator from Rhode Island [Mr. PELL] were added as co-

sponsors of S. 878, a bill to direct the Secretary of Agriculture to take certain actions to improve the productivity of American farmers, and for other purposes.

S. 887

At the request of Mr. DOLE, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 887, a bill to amend the Internal Revenue Code of 1954 to extend the deduction for expenses incurred in connection with the elimination of architectural and transportation barriers for the handicapped and elderly.

S. 925

At the request of Mr. HUMPHREY, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from Indiana [Mr. QUAYLE], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 925, a bill to deny most-favored-nation trading status to Afghanistan.

S. 930

At the request of Mr. NICKLES, the name of the Senator from South Dakota [Mr. ABDNOR] was added as a cosponsor of S. 930, a bill to amend the Commodity Credit Corporation Charter to exempt all agricultural exports from cargo preference requirements.

S. 942

At the request of Mr. DANFORTH, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 942, a bill to promote expansion of international trade in telecommunications equipment and services, and for other purposes.

SENATE JOINT RESOLUTION 32

At the request of Mr. PRESSLER, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Joint Resolution 32, a joint resolution to authorize and request the President to designate September 15, 1985, as "Ethnic American Day."

SENATE JOINT RESOLUTION 67

At the request of Mr. QUAYLE, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Joint Resolution 67, a joint resolution to designate the week of October 6, 1985, through October 12, 1985, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 78

At the request of Mr. SYMMS, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from New Mexico [Mr. DOMENICI], the Senator from Idaho [Mr. MCCLURE], the Senator from Georgia [Mr. NUNN], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 78, a joint resolution to provide for the designation of June 10 through 16, as "National Scleroderma Week."

SENATE JOINT RESOLUTION 88

At the request of Mr. LEVIN, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Oklahoma [Mr. NICKLES], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 88, a joint resolution to designate the week beginning September 8, 1985, as "National Osteopathic Medicine Week."

SENATE JOINT RESOLUTION 92

At the request of Mr. DENTON, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Arizona [Mr. DECONCINI], the Senator from Idaho [Mr. SYMMS], the Senator from North Carolina [Mr. HELMS], the Senator from Nevada [Mr. LAXALT], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 92, a joint resolution to designate October 1985 as "National Foster Grandparents Month."

SENATE JOINT RESOLUTION 98

At the request of Mr. D'AMATO, the name of the Senator from Indiana [Mr. QUAYLE], was added as a cosponsor of Senate Joint Resolution 98, a joint resolution condemning the passage of Resolution 3379, in the United Nations General Assembly on November 10, 1975, and urging the U.S. Ambassador and U.S. Delegation to take all appropriate actions necessary to erase this shameful resolution from the record of the United Nations.

SENATE JOINT RESOLUTION 103

At the request of Mr. PELL, the names of the Senator from Tennessee [Mr. GORE], the Senator from Vermont [Mr. LEAHY], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 103, a joint resolution to designate the month of May 1985, as "Very Special Arts U.S.A. Month."

SENATE JOINT RESOLUTION 111

At the request of Mr. DIXON, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from North Carolina [Mr. EAST], the Senator from Georgia [Mr. NUNN], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Kansas [Mr. DOLE], the Senator from North Dakota [Mr. BURDICK], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Joint Resolution 111, a joint resolution to designate the month of October 1985 as "National Spina Bifida Month."

SENATE JOINT RESOLUTION 112

At the request of Mr. PELL, the names of the Senator from Florida [Mr. CHILES], the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. DIXON], the Senator from Montana [Mr. BAUCUS], and the Senator from Montana [Mr. MELCHER] were added as cosponsors of Senate Joint Resolution 112, a joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes.

SENATE JOINT RESOLUTION 114

At the request of Mr. HEINZ, the names of the Senator from Illinois [Mr. DIXON], the Senator from Alabama [Mr. DENTON], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 114, a joint resolution designating August 29 as "Railroad Retirement Day."

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. D'AMATO, the name of the Senator from Alabama [Mr. DENTON] was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution concerning Bulgaria's abuses of the Customs Convention of the International Transport of Goods under Cover of TIR Carnets in facilitating the transportation of illicit narcotics, smuggled arms, and terrorists.

SENATE RESOLUTION 34

At the request of Mr. D'AMATO, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Resolution 34, a resolution condemning the government of the Union of Soviet Socialist Republics for 5 years of forced and oppressive military occupation of Afghanistan in the face of popular resistance to Soviet imperialism.

SENATE RESOLUTION 82

At the request of Mr. D'AMATO, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Resolution 82, a resolution to preserve the deduction for State and local taxes.

SENATE RESOLUTION 112

At the request of Mr. COHEN, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Resolution 112, a resolution relating to bilateral discussions between the United States and the Soviet Union to ban chemical weapons.

SENATE RESOLUTION 141—TO COMMEMORATE ULYSSES S. GRANT

Mr. HATFIELD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 141

Whereas April 27, 1985 marks the anniversary of the birthday of President Ulysses S. Grant;

Whereas Ulysses S. Grant served as General of the victorious Union Army during the Civil War;

Whereas Ulysses S. Grant, as the eighteenth President of the United States,

worked to restore the unity of the Nation following the devisive Civil War: Now, therefore, be it

Resolved, That the Senate of the United States commemorates Ulysses S. Grant and gives special recognition to his service to the Nation.

Mr. HATFIELD. Mr. President, April 27 marks the birthday of our Nation's 18th President, Ulysses S. Grant. Because this year also marks the 100th anniversary of President Grant's death, this birth date takes on special significance. Each year the day is marked by a ceremony at the tomb of the former President in New York City, and this year's program will be a special one. Plans are underway for an elaborate wreath laying ceremony on April 27, 1985, to recognize the life of Ulysses S. Grant, and to reflect upon the contributions he made to the history and development of our Nation.

In attendance will be members of the Loyal Legion, one of the country's oldest patriotic societies. President Grant served as commander-in-chief of the legion from 1884 to 1886. The Loyal Legion was created following the death of President Lincoln at the close of the Civil War to continue the patriotism and friendship formed by the common experience of the war, and to preserve faith in the united American Republic. President Rutherford B. Hayes, also a former commander-in-chief of the legion upheld the legion's faith in American and patriotic values by saying:

Our one flag represents a people great, prosperous, and happy, whose heritage will be, as long as they are guided by widsom and justice, the enjoyment of unbroken harmony and perpetual peace throughout our continental republic. These are the lessons which our Society would teach to our children and to our children's children.

The grandson of President Hayes, James Birchard Hayes, is coordinating the ceremony in connection with the newly appointed site manager of Grant's tomb, Diane Dayson. Also in attendance will be descendants of President Grant, Mrs. D.W. Griffiths, Mrs. P. Reuston, and Mrs. John Dietz.

Highlighting this event will be a seven gun salute by the U.S. Military Academy of West Point honor guard.

In acknowledgment of this significant date and the ceremonies marking it, I am submitting a resolution to commemorate Ulysses S. Grant.

SENATE RESOLUTION 142—SUPPORTING DEMOCRATIC GOVERNMENT IN LATIN AMERICA

Mr. SYMMS submitted the following resolution; which was referred to the Committee on Foreign Relations; as follows:

S. RES. 142

Whereas, the Congress finds that Communist regimes are engaged in a comprehensive and pervasive program of violating the human rights of their citizens and exporting the means for violation of human rights of citizens of other nations;

Whereas, the Congress finds that Communist regimes have introduced their combatants and equipment in the nations of Latin America with the purpose of exporting totalitarianism;

Whereas, the intrusion by Communist regimes into Latin America has undermined the stability of the region, resulted in violence and deprivation of human rights, and threatens the national security of the United States and of our neighbors in Central and South America: Now, therefore be it

Resolved, That it is the policy of the United States to support and aid democratic government in Latin America through a systematic and predictable program of assistance, including support for public and private efforts that furnish direct aid to the people in the region, and further, to assist any nations or people in Latin America who request American assistance to halt any and all introduction of any Communist nations combatants or equipment into their respective countries.

Mr. SYMMS. Mr. President, we speak in the Senate often about the importance of looking at our national security interests in a bipartisan fashion, and making decisions about America's concerns overseas without domestic political considerations.

Israel, for her size, tends to receive very generous amounts of our annual foreign military and economic assistance. The majority of the Congress recognize Israel as an important ally and as a strategic deterrent to Soviet adventurism in the Middle East, and foreign aid is conditioned upon that premise.

But, Mr. President, while most of us in the Congress are perceptive of Israel's defense needs, and cognizant of the threats to her security, many of Israel's strongest proponents fail to perceive the role Israel's enemies—and the enemies of the United States—play outside of the Middle East. Just as U.S. security interests are not confined to the Persian Gulf, neither is Israeli security tied solely to the Middle East. It is only sensible to design our foreign policy to counter threats to our security and those of our allies, whether in the Persian Gulf, the Horn of Africa, or just below our southern border, in the Caribbean.

Yet there are Members of Congress who close their eyes to threats in Central America to the United States and Israel, while they berate the activities of our mutual enemies in the Middle East. This regionalist perspective on foreign policy is narrowminded and dangerous. The adversaries of America, of Israel, and of other Western democracies, are strategizing on a global scale. The terrorism, subversion, international narcotics trafficking, and the foment of domestic unrest and violence in democratic countries are not separate incidents, and should not be viewed in isolation.

I hope my colleagues will be interested in a portion of a letter I received from the chairman of the Federation of Likud Students in Israel, which compares the free world to a wall which is being dismantled by our adversaries. The letter reads:

During the past decades, many stones have been removed from this wall by totalitarian regimes: Cuba, Angola, Mozambique, Vietnam, Nicaragua, Cambodia, Afghanistan, Ethiopia, not to speak of the Soviet-friendly nations that encircle the Middle East. The loss of more nations in Central America threatens the United States itself * * * The United States is the leader of the Free World. Israel needs a strong and secure America to oppose the power of the Soviet Union and its allies if Israel is to survive. We therefore urge you to assist the Nicaraguan freedom fighters who want their country back while countering the spread of totalitarianism in Central America.

It is only fair to mention that there are Israeli critics who recognize the role of the PLO in the Caribbean, but they refuse to condemn, and rather, instead, rationalize, PLO mischief in the Middle East. Neither position, that of Israel's declared friends who ignore the PLO presence in Central America, or of PLO critics who close their eyes to the PLO role in the Middle East, serves America's vital interests.

Just recently the Philippines denied the PLO an embassy in their capital city of Manila. In contrast, Daniel Ortega, Nicaragua's dictator, has embraced the PLO. Some strong defenders of Israel in Congress seek to cut American aid to President Marcos' country, a proven loyal ally and site of two strategic American bases. Some of these same opponents of Marcos advocate policies toward Nicaragua that would ensure Ortega's continued rule, and thus a continued PLO role in that country and the entire region. This inexplicable behavior calls to mind Jeane Kirkpatrick's incisive piece, "Dictatorships and Double Standards." Mrs. Kirkpatrick points out the utter hypocrisy of those who criticize America's allies and urge interference in their domestic affairs, but who advocate a hands-off policy to those countries committed to America's violent overthrow.

The House Foreign Affairs Committee recently approved in a foreign aid authorization bill, $5 million for the democratic resistance in Cambodia, an appropriation not even sought by this conservative administration. Now $5 million is not a lot, and perhaps the gesture is only a token one. But there are liberal Members here in the Senate who were active in the legislated defeat in Vietnam, but who now support militarily aiding Cambodia's freedom fighters. How can aid to a victim of America's retreat from Southeast Asia be justified when the democratic resistance forces in our own hemisphere are denied our help? Will these same Members opposed today to helping Nicaragua's Contras admit their mistake 10 years down the

road, and then pledge their support for what's left of the democratic resistance in Nicaragua?

The threat is real and iminent in Nicaragua. The assertion maintained by some that United States arming of the Contras forced the Sandinistas into the arms of the Soviets is pure disinformation. The PLO-Sandinista connection, for example, is well documented, and their proclaimed solidarity goes back to 1969, 10 years before the Sandinista revolution overthrew Somoza. According to a Wall Street Journal article by Shoshana Bryen, executive director of the Jewish Institute for National Security Affairs, the Sandinistas successfully solicited military training assistance from the PLO in 1969. It was not until 1978 that the Sandinista-PLO friendship was publicly disclosed, in a joint communique condemning U.S. support of Israel and Nicaragua. After the 1979 revolution, the PLO lent the new Government of Nicaragua $12 million. Arafat confirmed in 1982 that pilots had been dispatched to Nicaragua and guerillas to El Salvador.

The State Department published a report on Communist, PLO, and Libyan support for Nicaragua and El Salvador's insurgents in May 1983. In December 1983, the Center for International Security published a report entitled "The Sandinista-PLO Axis: a challenge to the Free World." CIS queried how liberal Congressmen who take the lead in the appropriations process to ensure adequate levels of foreign aid to Israel can simultaneously lead in the effort to protect and defend forces committed to the very destruction of Israel, as well as America. CIS questioned whether these Members were blatantly hypocritical for ignoring the flagrant anti-Semitism of the Nicaraguan regime and Nicaragua's long-time association with international terroism.

The Sandinista terrorist linkage is clear and irrefutable. Tomas Borge, Nicaragua's Interior Minister, was part of a contingent trained by the PLO. Libya's dictator Qadhafi acknowledged in a New York Times interview that Libyan arms and fighters had reached the Nicaraguan people, "because they fight with us."

Borge was quoted as saying: "We say to our brother Arafat that Nicaragua is his land and the PLO cause is the cause of the Sandinistas." Likewise, Arafat was quoted as saying at the July 1980 anniversary of the Sandinista power grab: "Your enemies are our enemies." Managua has flirted with every terrorist group known—from Colombia's M-19 guerrillas, to Italy's Red Brigades, West Germany's Baader-Meinhof Gang, Spain's Basque ETA Separatists, Peru's Shining Path, Tupamaros from Uruguay, Honduras' Cinchonero guerrillas, and with every leftist faction imaginable.

The charges about high-level government involvement in international narcotics trafficking are also confirmed. Antonio Farach, a former Sandinist diplomat, testified about Interior Minister Borge's complicity in drug trafficking, and revealed that the Nicaraguan Government instructs its diplomats to provide support and cover for members of international terrorist organizations traveling in countries where Nicaraguan diplomats reside. Not only do these drugs provide a source of badly needed revenue to the Sandinistas to finance their unprecedented offensive military buildup, but the drug trade is viewed as a political weapon against the youth of the United States—to deliver a blow to what the Sandinistas call the United States in their national anthem—the "enemy of humanity."

Despite this overwhelming evidence of Nicaragua's allegiance with the violent groups committed to the overthrow of the United States, Sandinista apologists still claim that Nicaragua is not an occupied country, and that the Sandinistas would behave themselves if only the United States would quit arming the Contras. Castro was given the same excuse 24 years ago—that American belligerence toward him precipitated his friendship with the U.S.S.R. Some of us knew better then, and we know better now. Cuba today is a Soviet military bastion, the Kennedy-Khrushchev agreement has been violated by the Soviet Union, and human rights are nonexistent. Now Castro and his cronies want to turn Nicaragua into another Soviet puppet state, another human rights hellhole, and with the help of their sympathizers in U.S. Government, they just might succeed.

There are two other aspects of Nicaraguan life that deserve mention. The first is the role of the church in Nicaragua, and its treatment at the hands of the Sandinistas. This issue is particularly important, because so many religious groups inside the United States have been made the dupes of a very sophisticated disinformation campaign sponsored by the Sandinistas and their propaganda masters, the Cubans and Soviets.

The archbishop of Nicaragua is named Obando Y Bravo, a man of humble parentage and modest lifestyle. The Sandinistas fear Obando's influence with the common people—he is a potent moral force in a nation which is 80-percent Catholic. Somoza called the Archbishop "Commandante Obando" implying that he was a Communist. Today, the Sandinistas call him a "counterrevolutionary," a term they use for the freedom fighters. It was Lenin who coined the term "counterrevolutionary" for anyone who opposed their imposition of Communist totalitarianism. Last year, a pastoral letter by Archbishop Obando was denounced by the Sandinistas as a "criminal act." The letter called for a dialog of national reconciliation, for all the conflicting parties in Nicaragua to come together to peaceably work out their differences.

Castro deceived many in the West about his avowed Marxist-Leninist beliefs; he even carried a rosary and wore crucifixes when parading through the streets of Havana. Also recognizing the usefulness of disguising their real intentions from the West, the Sandinistas have followed the example of Poland; religion will not be obliterated overnight, but rather, gradually eliminated. To counter the traditional church, the Sandinistas created their so-called popular church, which merges Marxism and Christianity. Indeed, many posters around Managua cite that there is no contradiction between Christianity and Marxism. At campesino—peasant—masses, bullets are consecrated and sent to the war front.

The campaign against the church includes tactics to discredit and smear church officials. The Sandinistas attempted to frame one priest in an alleged sexual encounter with a female parishioner. The parishioner turned out to be a Sandinista agent. Camera crews were conveniently waiting at the woman's house when another Sandinista internal security official, who claimed to be the woman's husband, dragged the beaten and naked priest from the house. A revealing commentary on the nature of the Sandinistas was the subsequent publication, on the anniversary of the priest's humiliation at their hands, of a pornographic pamphlet detailing the lurid incident. The Catholic Bishops Councils' response, typically, was censored from being published.

Last, I would like to comment on the literacy campaign in Nicaragua. Sandinista apologist often point to the so-called successes of the Sandinistas, as if to say, anyone who teaches a child to read cannot be all bad. But, we should remember that, as Arkady Shevchenko recently remarked after his defection, all the amenities in life are worth little without your freedom.

The literacy campaign is more accurately described as an indoctrination campaign—or as brainwashing. The Sandinistas, like true Communists, recognize the value of ideas. As the introduction to a literacy manual explains:

> Language does not possess that sense of neutrality which the capitalist bourgeoisie, as a dedicated defender of scandalous privileges, wished to stamp on it. Language, as human expression, is a historical transmitter of moral, social, and aesthetic values * * * it shouldn't seem strange that the language of our people contains the spirit of the bourgeoisie who sold us out and of Somocismo; nor should we be surprised that it

contains the social attitudes of the capitalist bourgeoisie.

The publication goes on to point out that the literacy campaign will not consist purely of learning to read and write, but of raising consciousness. While all of this may be dismissed by some as rhetoric, I think it significant that the children of Nicaragua are learning to spell words like "exterminate," "aggression," "intervention," and "repression" in the third grade. One high school text displays an interesting twist to the Soviet invasion of Afghanistan—explaining that the Soviet soldiers are in Afghanistan to liberate that country, and assuring readers that if the Soviets were imperialists, there would be Soviet businesses in Afghanistan.

I will not lay out the nature of the Soviet military buildup in Nicaragua, and the menace it represents to the democratic neighboring countries of Central America, except to say that the introduction of the MI-24 Hind gunship, the flying tanks which the Soviets are using so effectively against the Afghan people, and intelligence reports about Sandinista acquisition of chemical warfare capability, are of major concern. All the information about Nicaragua's militarism is well documented and available to Members who want to read it. I just want to add that I am perplexed by my colleagues in this body who have said they will vote against the aid package to Nicaragua's freedom fighters, and yet take credit for supporting the Afghan mujahedin. Does it take direct Soviet troop involvement in order for the threat to be acknowledged? Can opponents of aid simply ignore Soviet military advisers, thousands of Cubans, at every level of the Nicaraguan Armed Forces, plus the Eastern bloc personnel—Bulgarians, Czechs, East Germans, as well as the PLO, Libyans, and North Koreans? Indeed, Soviet military advisers have recently been sighted in combat against the freedom fighters close to the Honduran border.

America's desertion of Nicaragua's democratic resistance will send a terrible message to the Afghan rebels, to those groups seeking to liberate their countries from Communist dictatorships in Angola, Mozambique, Ethiopia, Cambodia, and in Vietnam. and, if we give up on freedom in Nicaragua, it will give inspiration and renewed fervor to the terrorists and the enemies of America and our allies all over the world.

I hope this package will be approved, but beyond that, I hope that this administration will revisit this issue with the Congress soon; $14 million is not enough to put adequate military pressure on the Sandinistas so they will agree to negotiate with the Contras and with all elements of the internal dissident groups—the trade unions, the Catholic Church, the silenced press, and the business community.

In all honesty, I must state that $14 million is a Bay of Pigs in slow motion, another half-hearted commitment to the men and women who are willing to shed their blood to liberate their country and their fellow citizens. The $14 million will be appreciated by the Contras nevertheless, and it will also keep the Sandinistas from fulfilling their stated objective of overthrowing neighboring El Salvador, and eventually, Guatemala, Honduras, and Costa Rica. Costa Rica, Borge claimed, was such easy pickings that it would be the "dessert." To those Members who claim the Contras are not effective nor represent a military threat to the Sandinistas, let me assure them that if they were not, it is hardly likely that the Sandinistas would have spent so much time and money trying to manipulate the vote on aid. Finally, for those concerned about budgetary restraint, $14 million will save a great deal of money we will have to spend otherwise to beef up the FBI, the Customs Service, the Drug Enforcement Agency, the Coast Guard, military assistance to Latin America, and for refugee assistance programs. These agencies and programs will require more funding if Sandinista destabilization efforts are not curtailed. The refugee problem will clearly worsen as the Sandinistas, relieved of Contra pressure, move to strangle any internal dissidence.

Contrary to the argument that American aid to the Contras is the reason for the war, the civil war in Nicaragua will rage on, as it has for the past year, whether or not American aid is continued, because the Contras, thankfully, have more reliable friends than the United States. But without respect for basic human rights, there will be no peace in Nicaragua, just as there is no peace today in Vietnam. As long as Nicaragua continues to deny fundamental liberties to its people, internal dissension will persist, and there will be no peace.

The Soviet Union is clearly the greatest violator of human rights and the greatest menace to peace in the world today. But, the Brezhnev doctrine should not be seen as irreversible. Today, eight countries are in armed revolt against Soviet imperialism. The Soviet empire is rotten from internal corruption, a growing rejection of Soviet-style government, and the same spirit of nationalism which was successfully exploited by the Soviets in the 1970's. We should take advantage of this trend, and align ourselves with those who are willing to challenge the nation that poses the greatest threat to our freedoms.

Our Nation has saved the free world more than once from totalitarianism. On the 40th anniversary of the salvation of democratic government from the Nazi threat, and the liberation of the survivors of the Holocaust, let's not sell out our friends to the brutality and expansionist grip of the Soviet totalitarians and their clients in the Third World. I urge my colleagues to suppport this appropriation, and any other measures to force the Sandinistas to live up to the unfulfilled promises of the revolution, and to the solemn pledge they made to the Organization of American States in 1979 to establish representative government in Nicaragua.

Mr. President, I ask unanimous consent that a letter to me from Pat Robertson of the Christian Broadcast Network and a monograph entitled "Central America: Freedom or Slavery," from the National Perspectives Institute, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CHRISTIAN BROADCASTING NETWORK, INC.,
Virginia Beach, VA, April 22, 1985.

Hon. STEVEN D. SYMMS,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR SYMMS: Major General Jerry Curry, Former Deputy Commander of the Fifth Corps in Germany, this week completed an outstanding monograph entitled "Central America: Freedom or Slavery."

In this fresh work, General Curry points out that the United States under the Articles of Confederation established a rebel government to wrest freedom from the oppression of King George III of England. At a crucial juncture in the life of this new nation, it was recognized as legitimate by the government of France and thereby received the critical support needed to prevail in a struggle against tyranny.

General Curry argues that the United States could follow the historic precedent set by France and recognize the Nicaraguan government in exile as the legitimate expression of the people of Nicaragua, who are struggling to throw off an illegitimate yoke impressed upon them by a foreign dominated oligarchy.

May I commend this insightful work to your attention as you consider the crucial issue of United States support for freedom in Nicaragua. I remain

Cordially yours,

PAT ROBERTSON,
President.

CENTRAL AMERICA: FREEDOM OR SLAVERY

(The National Perspectives Institute is a nonprofit organization devoted to scholarly research and analysis of the practical problems of public policy in the areas of: economics, government, foreign policy, and the general social sciences. Consideration of issues will sometimes include inquiry into and evaluation of various branches of government and their departments and agencies. NPI presently has offices in Chesapeake, Virginia, and is soon to have offices in Washington, D.C.

(NPI is committed to function as an independent analyst and critic, whose end is to publish its findings for the information of the public and the attention of decisionmakers. Views expressed in NPI's publications are those of the authors and do not

necessarily reflect the views of the staff, officers or trustees of the Institute.

(As an organization, The National Perspectives Institute will examine governmental issues and policies from the nation's historical Judeo-Christian perspective. Within this context, NPI takes as its core guideline a distinctive set of traditions, values and beliefs that keep it in check with society's overall welfare.

(NPI will encourage some of its scholars to analyze and address current topical questions. Others will direct their efforts toward thorough, in-depth research at their own pace. These scholars will strive to pioneer new, original concepts and solutions. With fundamental changes occurring within our modern society at an ever-increasing speed, it is imperative that we meet these new challenges with fresh ideas and integrity.)

For centuries, Central America has been cursed with endemic political, social, and economic instability. The human rights of the Central Americans have been betrayed so often that, at times, the people seem numb and debilitated.

Communism did not create this condition. The same situation would exist today, with modification, whether or not there was an ideology called communism. But the Soviets, their East European Empire, Fidel Castro and the communist-Sandinistas are now seizing power in Central America, giving the situation a crucial twist.

There is no historical example of a nation in which communism has fulfilled its promises of democracy and freedom to its citizens. Historically the reverse is true. Communist governments perpetually exist in a hostile environment of rejection by the people they enslave because they violate both the philosophy and system of lawful government.

Today many attempt to rationalize away the bitter slavery that communism brings.[1] But if our founding fathers were here, they would remind us that our Revolutionary War was fought over lesser offenses. Freedom for Central America is an idea whose time has come!

The current struggle in Central America is not a matter of ideology, a struggle between communism and free enterprise, though such a struggle is surely taking place. At issue is not a confrontation between Fidel Castro, the illegitimate communist-Sandinista government of Nicaragua and the President of the United States of America, though that too is part of the process. The issue is not whether Congress should provide $14 million in support to the contras, nor is it about the number of U.S. military advisers in El Salvador.

Mr. Calero, a leader of the Nicaraguan resistance, writing in the Washington Post says:

"But rarely do we hear concern about what is good for Nicaraguans and what we want for our country.

"We Nicaraguans see the main issue as internal—a struggle by Nicaraguans for self determination, democracy and social justice. It is a struggle against other Nicaraguans and foreigners who, like the Polish regime of General Wojciech Jaruzelski, have imposed a tyranny on their fellow citizens with the help of the Soviet Union." [2]

Events have shown that the people of Nicaragua, El Salvador and Central America intend to continue fighting for their freedom. Must they fight alone? The Sandinistas don't have to fight alone. Foreign communist powers openly help them. The communist terrorists fighting the legitimate government of El Salvador don't have to fight alone. Should those who are fighting for freedom be asked to fight alone? No! These things ought not to be. For this is neither a partisan nor a bipartisan matter. It is an American matter.

Though U.N. Ambassador Jeane Kirkpatrick was talking about communist insurgents in Central America when she made the following statement, she could just as well have been talking about some opinion-makers in this country:

"They are trying to teach us that it is legitimate for communist governments to train and arm guerrillas and make war on their noncommunist neighbors, and that it is illegitimate for noncommunist to defend themselves or for others to help them do so." [3] Mr. Calero pleads:

"We ask only for enough help so that we can have a reasonably even chance in our fight for freedom. We are the ones who are suffering, and it is our country that must make the sacrifices. We do not ask others to share these horrors. We ask only for enough resources from outside to give us a chance to fight against the weapons the Sandinistas have received from communists." [4] This certainly does not seem an excessive request. During the Revolutionary War of 1776, our requests were less modest.

It is true, too, that what is a question of freedom for Central Americans, may become a question of stability for the United States. Five percent of the population of Latin America already lives within our borders.[5] With Central America in the throes of a crisis, hundreds of thousands of people are looking to refuge in our country. If we don't support the Central Americans in their fight for their own countries, we will find ourselves supporting them when they come to take refuge in ours.

What should be our objective in Central America? It is to oppose the enslavement of the frightened and abused people of Central America by all enemies of freedom, from both the Right and the Left. We also must strive to help lift them from their historic poverty.

Human slavery is human slavery, from whatever ideological cauldron it is ladled. Slavery is wrong, and the people of the United States of America remain unalterably opposed to it. In the final analysis, they will neither excuse nor forgive those who give away Central America's freedom, no matter how well intentioned they may be, or how cleverly they disguise the betrayal.

The real question facing the Congress and this nation is whether we will choose to help Central America remain free, or whether we will stand by—idle, indifferent, or politically posturing—while others steal their freedom from them. Do we or do we not intend to fully support our Central American brothers and sisters in their quest for freedom?

NICARAGUA

Our founding fathers believed that all people have a lawful right to resist tyranny and to fight to secure their freedom upon proof of a systematic violation of law by the ruling authority. Since the communist-Sandinistas have clearly violated the legitimate aims and aspirations of the Nicaraguan people, they govern illegitimately. Therefore, the people of Nicaragua have at least as much right to change governments by force as did our founding fathers. Mr. Calero correctly points out that:

"The very conditions that justified the hemispheric intervention against the Somoza regime exist again, but in greater measure. The existence of those conditions justifies foreign support again, this time against the Sandinista regime, which has betrayed our revolution against Somoza and has ignored its commitments to the Nicaraguan people * * *

"Above all, however, we believe that the United States and other democratic nations have no right to confer upon the Sandinista regime the legitimacy that it has not been able to achieve within the country. The people of Nicaragua do not regard the Sandinista regime as a legitimate or acceptable government." [6]

It is a historical fact that the United States supported the rightwing dictator Somoza in Nicaragua. It is also a fact that the United States stopped supporting Somoza and started supporting the Sandinistas. That support continued until it became obvious that the Sandinistas intended to exchange slavery of the Right under the dictator Somoza for slavery of the Left under a communist-Sandinista dictatorship.

The Sandinistas were recognized as a government in exile only two months prior to Somoza's ouster.[7] They had no great legitimacy. In fact, they enjoyed far less popular support than the contras now have.

But it was the Nicaraguan people's determination to be free that toppled Somoza and brought the Sandinistas to power. They did not overthrow the enslavers of the Right only to be reenslaved by the equally repugnant and cruel Sandinistas of the Left. They will fight on, armed only with courage and hope if necessary. But still they will fight, with or without assistance from the United States. They may be forced to submit, but they will never surrender.

U.S. News and World Report points out: "By any standard the Sandinistas are in trouble. The economy is nearly bankrupt. Women trudge from shop to shop or stand hours in line at markets for food and other necessities." [8]

And Mr. Calero observes:

"Again nearly the entire spectrum of political opinion and leadership in Nicaragua has turned against the government . . . And our neighbors—Costa Rica, Honduras and El Salvador—have all spoken out officially against the Sandinistas even more strongly than they ever did against Somoza." [9]

It is interesting to note that while U.S. government support has gone down because Congress refuses to release $14 million in aid, the Nicaraguans are voting with their feet. There has been a rapid increase in the

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[1] Max Eastman, "Reflections on the Failure of Socialism" (New York: The Devin-Adair Company, 1955), pp. 88, 110, 119.

[2] Adolfo Calero, "A Struggle by Nicaraguans, for Nicaraguans," The Washington Post, April 7, 1985, p. F7.

[3] James R. Whelan and Patricia B. Bozell, "Catastrophe in the Caribbean" (Ottawa, Illinois: Jameson Books, 1985) p. 110.

[4] Calero, p. F7.

[5] Based on an estimate of 22 million Hispanics living in the U.S. in 1985 (which includes 3 million undocumented but does not include 3.5 million Puerto Ricans living in Puerto Rico).

[6] Calero, p. F7.

[7] Whelan, pp. 43–44.

[8] James Wallace, "Nicaragua, Will U.S. Squeeze Lead to War?" U.S. News & World Report, April 1, 1985, p. 20.

[9] Calero, p. F7.

numbers fleeing Nicaragua to join those fighting the Sandinistas.

"Still, rebel numbers continue to swell. The most important group has grown in less than a year from around 10,000 to nearly 16,000 . . . Also swelling FDN ranks are young men who say they prefer joining the contras to being drafted into the army." [10]

But because of reluctance on the part of the U.S. Congress to support them, those fighting for freedom must do so under conditions reminiscent of Valley Forge:

"But rebel forces are rapidly depleting their ammunition and supplies. Recent visitors to contra camps say many soldiers are limited to a half-dozen bullets a day. Battered tin cans often serve as canteens. Boots are badly worn and sometimes have only frayed strings for laces. Normal 15-day recruit training now last 30 days because there are not enough weapons to send new troops into the field." [11]

This is not some figment of the imagination contrived by the Reagan Administration. It is an established fact. As Mr. Calero concludes in his Washington Post article,

"Genuine concern for the well-being of the Nicaraguan people can only translate into support for the democratic opposition and its struggle to return Nicaragua to the values that guided us in removing the Somoza dictatorship." [12]

The question before Congress is not whether to approve or refuse $14 million in aid for the contras. The question before Congress is this: Will Congress' action contribute to the enslaving of the people of Nicaragua and, by extension, the people of Central America, or will Congress do all in its power to free them?

The same question applies to our news media, for implicit in the news media's power is the ultimate responsibility for how it uses that power. The exercise of power is never neutral. It contributes either to the greater good of a free society or to its undermining, weakening and destruction. The news media will either use their power to hasten the demise of Central American freedom, or it will give new hope to a free Central America. Faced with such a disaster in the making, there can be no neutral observers.

For the Congress of the United States, the struggle is already joined and the confrontation can no longer be avoided. No matter how unsatisfactorily or unpersuasively the Administration may seem to articulate its policy, the facts remain irrefutable.

The communist-Sandinistas are militarily consolidating their power to enslave the Nicaraguan people. They make it clear that as soon as that is accomplished, they intend to enslave the rest of Central America.[13]

REVOLUTION: 1776 AND 1985

Historically, the most successful and enduring revolution was that of 1776 through which the United States of America prevailed in the proclaiming of its independence. It is a standard against which all revolutions can be measured. It permanently elevated a people from a condition of subservience, to one in which freedom was successfully proclaimed and upheld throughout the land. This was primarily because of the nature of the rvolution's leaders, and because it was carried out in accordance with law.

There is an interesting lesson to be drawn from the American Revolution. In those days, too, there was a foreign power willing to support the patriots in their legitimate struggle. After the Continental Congress and its armed forces had demonstrated their will to fight and win,[14] France recognized the colonial government's legitimacy and threw its military weight into the war on the American side.

Both the French army and navy fought alongside the American patriots. When the war was won, the French forces were recalled and the Americans were left to sort out their own affairs.

Fortunately for our nation, the French were not squeamish. If they had operated under the constraints currently imposed by our Congress against the Administration's Central American policy, the war would have been lost and the United States would have remained a British colony. And if Congress does not modify its stand, that is what will happen today. Central America will lose.

There is another important lesson to be drawn from the example of 1776. No nation can do for another nation what that nation could or should do for itself. French commitment and armed forces could not be substituted for American effort and commitment.

Similarly, the United States of America cannot win freedom for El Salvador, Nicaragua, or any other Central American nation. These nations must define their own freedom. We can and must be prepared to help them in significant ways, but they must provide their own solutions—Central American solutions to Central American problems.

The Nicaraguan patriots facing the communist-Sandinistas even now are demonstrating that they are capable of fighting and winning on their own. It is not the numbers of Nicaraguans fighting for freedom that will turn the tide; it is the quality of their commitment to freedom that will ultimately prevail.

And to prevail successfully against the communist-Sandinista dictatorship these patriots must, at some point, form their own civil government, one that can demonstrate the capability of controlling military leaders and duly constituted armed forces. To be believable, they must do it in a way that shows that they, not the communist-Sandinistas, are the legitimate government of Nicaragua.

Forming such a central government will require that they place national interest above personal interest, gain, privilege and prestige. If they are unable or unwilling to do this, their cause will not succeed. As a practical matter, should the Nicaraguan patriots win and no effectual government be prepared to take its proper place, Nicaragua will find itself in chaos once again.

What should the United States of America do? Disparate approaches may be equally effective. But we suggest the following as a possible course of action.

First, the United States should start treating the communist-Sandinistas like the illegitimate government they are. Diplomatic relations should be terminated and all reasonable diplomatic, economic and political sanctions should be taken against them, short of a declaration of war. Free nations throughout the world should be encouraged to join us in these actions.

Second, the United States should encourage freedom-loving Nicaraguans to form a legitimate civil government. This would not be a guerrilla government in exile. It would be similar to the DeGaulle government in Great Britain while France was suffering under a Nazi dictatorship.

The freedom movement cannot consist merely of those willing to fight in the field. Now is the time for the many opinion-making leaders who have fled the country to become directly involved in forming a legitimate Nicaraguan civil government.

We also suggest that prominent persons, elites and others recognized to have national-level leadership ability or influence should be encouraged to leave Nicaragua and join this new civil government. All possible actions should be taken not to simply cloak the new government in legitimacy, but to make it, in fact, the civil government of Nicaragua. Such a government would legally merit the support of the Nicaraguan people, the United States and other freedom-loving nations.

The United States should then be prepared to provide the same support to the legitimate government of Nicaragua that France and others provided us during our Revolutionary War. That is to say, we should be prepared to provide moral and financial support plus civil and military advisers of the caliber of Lafayette and Baron von Steuben. Many are squeamish today over military involvement in Central America. They rush to cite the recent Viet Nam War experience. They forget about the Boat People of South Viet Nam, who brave ocean storms and overcrowded boats under a blistering tropical sun, who suffer starvation and dehydration and face murder and rape and slavery in their efforts to escape communist slavery. To these people, the Viet Nam War was not the wrong war fought in the wrong place at the wrong time for the wrong reason. It was the right war, and the only wrong things came after it was lost.

CONCLUSION

The spirit of human slavery endemic to communism and the spirit of freedom permeating the hearts, souls and minds of the people of Central America are mutually exclusive. The struggle taking place there is not between communism and capitalism; it is over whether the people of Central America and their children's children will live free or be enslaved.

There is no historical example of a nation falling under communist rule and having its freedoms improved and enhanced. Certainly, a communist takeover will not profit Central Americans.

Our founding fathers believed that all people have a lawful right to resist tyranny and to fight to secure freedom to themselves and their nation. Since the communist-Sandinistas are enslaving Nicaragua, they are not the legitimate government of the Nicaraguan people. As a result, the Nicaraguan people have a legal right to form a legitimate government and to remove the communist-Sandinista dictators, by force if necessary.

Based on the French contribution to our own Revolutionary War effort we should help Central Americans, including those patriots fighting for freedom in Nicaragua, to resist all who would enslave them. That includes dictatorships of both Left and Right.

History's indictment of the government of the United States of America may well be based on whether or not Congress did all in its power to secure freedom for Central

[10] Wallace, pp. 29-30.
[11] Ibid.
[12] Calero, p. F7.
[13] Thomas Borge: "This revolution goes beyond our borders. Our revolution was always internationalist. . . ." Speech at the second anniversary of the FMLNN triumph in Managua, July 19, 1981.
[14] G. William Whitehurst, "Diary of a Congressman" (Norfolk/Virginia Beach: The Donning Company, Publishers, 1983), p. 131.

America, or whether it impotently stood by quibbling while cruel communists enslaved our neighbors.

Dr. Jerry Ralph Curry, President, National Perspectives Institute, entered the United States Army as a private and retired thirty-four years later as a Major General. His assignments included research and development, combat command, operations, intelligence, logistics, budgeting and aviation. He has lived eleven years in Europe and four years in the far east and has worked with foreign governments from the local to the national level. He attended Kansas State University and the University of Maryland and earned degrees from Boston University, Luther Rice Seminary and the University of Nebraska, Omaha. He is a graduate of both the U.S. Army War College and the Command and General Staff College and is a member of The International Honor Society in History. He has numerous awards and decorations including the Defense and Army Distinguished Service Medals, the Combat Infantryman's Badge, the Parachute Badge, Ranger Tab and Master Army Aviator Wings, as well as the Netherlands Order of Orange-Nassau and he has received the Distinguished Alumni Award from the University of Nebraska.

AMENDMENTS SUBMITTED

NATIONAL BUREAU OF STANDARDS AUTHORIZATION ACT, FISCAL YEAR 1986

GORE AMENDMENT NO. 32

Mr. BYRD (for Mr. GORE) proposed an amendment to the bill (S. 796) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes; as follows:

In section 2, insert "(a)" immediately after "Sec. 2. ", and add the following at the end:

"(b) Notwithstanding any other provision of this Act, of the total amount authorized under subsection (a) of this section, $50,000 is authorized only for the purpose of assisting the creation and maintenance of data bases on structural failures.".

STATUE OF JEANNETTE RANKIN

MATHIAS AMENDMENT NO. 33

Mr. SIMPSON (for Mr. MATHIAS) proposed an amendment to the concurrent resolution (S. Con. Res. 37) providing for acceptance of a statue of Jeannette Rankin presented by the State of Montana for placement in National Statuary Hall, and for other purposes; as follows:

On page 2, line 16, strike out "Joint Committee on the Library" and insert in lieu thereof "Joint Committee on Printing".

NATIONAL CHILD SAFETY WEEK

THURMOND AMENDMENT NO. 34

Mr. SIMPSON (for Mr. THURMOND) proposed an amendment to the joint resolution (S.J. Res. 45) to designate "National Child Safety Week"; as follows:

Strike all after the title and insert in lieu thereof:

Whereas more than 1.5 million children have been reported missing in the United States;

Whereas many of these children are never found;

Whereas missing children are often innocent victims of physical and sexual abuse;

Whereas many local volunteer groups already are working enthusiastically to promote child safety;

Whereas the Missing Children Act and the Missing Children's Assistance Act have facilitated the investigation and prosecution of crimes involving missing and exploited children;

Whereas there is now a national clearinghouse, The National Center for Missing and Exploited Children, and a toll-free hotline to centralize the efforts to locate missing children;

Whereas The National Center for Missing and Exploited Children provides educational child safety materials and information about identification procedures, such as voluntary fingerprinting, dental charting and photographing of children;

Whereas information received through the toll-free hotline is disseminated to appropriate law enforcement agencies;

Whereas the protection, safety, and security of all children should be one of our highest priorities;

Whereas it is essential that we continue to increase public awareness and provide information and assistance to combat and prevent the increasing problem of missing and exploited children: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the President is authorized and requested to issue a proclamation designating the month of May, 1985, as "National Child Safety Awareness Month," and to call upon Federal, State, and local government agencies, and the people of the United States to observe the month with appropriate programs, activities, and ceremonies for the better protection, security, and safety of all children.

Amend the title so as to read: "designating the month of May, 1985, as "National Child Safety Awareness Month."

FIRST CONCURRENT RESOLUTION ON THE BUDGET

LAUTENBERG (AND OTHERS) AMENDMENT NO. 35

(Ordered to lie on the table.)

Mr. LAUTENBERG (for himself, Mr. DODD, Mr. WEICKER, Mr. RIEGLE, Mr. LEVIN, and Mr. KERRY) submitted an amendment intended to be proposed by them to the current resolution (S. Con. Res. 32) setting forth the congressional budget for the U.S. Government for the fiscal years 1986, 1987, and 1988, and revising the congressional budget for the U.S. Government for the fiscal year 1985; as follows:

On page 3, increase, the amount on line 12 by $1,300,000,000.

On page 3, increase, the amount on line 13 by $1,400,000,000.

On page 3, increase, the amount on line 14 by $1,500,000,000.

On page 3, increase, the amount on line 18 by $400,000,000.

On page 3, increase, the amount on line 19 by $800,000,000.

On page 3, increase, the amount on line 20 by $1,100,000,000.

On page 3, increase, the amount on line 25 by $400,000,000.

On page 4, increase, the amount on line 1 by $800,000,000.

On page 4, increase, the amount on line 2 by $1,100,000,000.

On page 4, increase, the amount on line 6 by $400,000,000.

On page 4, increase, the amount on line 7 by $1,200,000,000.

On page 4, increase the amount on line 8 by $2,300,000,000.

On page 4, increase the amount on line 12 by $400,000,000.

On page 4, increase the amount on line 13 by $800,000,000.

On page 4, increase the amount on line 14 by $1,100,000,000.

On page 16, increase the amount on line 20 by $1,200,000,000.

On page 16, increase the amount on line 21 by $400,000,000.

On page 17, increase the amount on line 4 by $1,300,000,000.

On page 17, increase the amount on line 5 by $700,000,000.

On page 17, increase the amount on line 13 by $1,400,000,000.

On page 17, increase the amount on line 14 by $1,000,000,000.

On page 18, increase the amount on line 8 by $100,000,000.

On page 18, increase the amount on line 17 by $100,000,000.

On page 19, increase the amount on line 1 by $100,000,000.

On page 33, increase the amount on line 3 by $100,000,000.

On page 33, increase the amount on line 12 by $100,000,000.

On page 38, decrease the first amount on line 10 by $1,121,000,000.

On page 38, decrease the second amount on line 10 by $225,000,000.

On page 38, decrease the amount on line 11 by $1,108,000,000.

On page 38, decrease the amount on line 12 by $444,000,000.

On page 38, decrease the amount on line 13 by $1,093,000,000.

On page 38, decrease the amount on line 14 by $679,000,000.

On page 38, decrease the amount on line 24 by $210,000,000.

On page 38, decrease the second amount on line 24 by $183,000,000.

On page 38, decrease the amount on line 25 by $277,000,000.

On page 39, decrease the amount on line 1 by $250,000,000.

On page 39, decrease the first amount on line 2 by $344,000,000.

On page 39, decrease the second amount on line 2 by $330,000,000.

On page 45, decrease the first amount on line 8 by $88,000,000.

On page 45, decrease the second amount on line 8 by $4,000,000.

On page 45, decrease the amount on line 9 by $75,000,000.
On page 45, decrease the amount on line 10 by $20,000,000.
On page 45, decrease the first amount on line 11 by $61,000,000.
On page 45, decrease the second amount on line 11 by $40,000,000.
On page 46, decrease the amount on line 9 by $210,000,000.
On page 46, decrease the amount on line 10 by $183,000,000.
On page 46, decrease the first amount on line 11 by $277,000,000.
On page 46, decrease the second amount on line 11 by $250,000,000.
On page 46, decrease the amount on line 12 by $344,000,000.
On page 46, decrease the amount on line 13 by $330,000,000.
On page 49, decrease the first amount on line 17 by $1,033,000,000.
On page 49, decrease the second amount on line 17 by $221,000,000.
On page 49, decrease the amount on line 18 by $1,033,000,000.
On page 49, decrease the amount on line 19 by $424,000,000.
On page 49, decrease the first amount on line 20 by $1,032,000,000.
On page 49, decrease the second amount on line 20 by $639,000,000.
On page 52, increase the amount on line 1 by $1,300,000,000.
On page 52, increase the amount on line 3 by $1,400,000,000.
On page 52, increase the amount on line 4 by $1,500,00,000.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 36

(Ordered to lie on the table.)

Mr. LAUTENBERG (for himself, Mr. DODD, Mr. WEICKER, Mr. RIEGLE, Mr. LEVIN, and Mr. KERRY) submitted an amendment intended to be proposed by them to an amendment to Senate Concurrent Resolution 32, supra; as follows:

On page 3, increase the amount on line 12 by $2,000,000,000.
On page 3, increase the amount on line 13 by $2,500,000,000.
On page 3, increase the amount on line 14 by $2,900,000,000.
On page 3, increase the amount on line 18 by $800,000,000.
On page 3, increase the amount on line 19 by $1,400,000,000.
On page 3, increase the amount on line 20 by $2,100,000,000.
On page 3, increase the amount on line 25 by $800,000,000.
On page 4, increase the amount on line 1 by $1,400,000,000.
On page 4, increase the amount on line 2 by $2,100,000,000.
On page 4, increase the amount on line 6 by $800,000,000.
On page 4, increase the amount on line 7 by $2,200,000,000.
On page 4, increase the amount on line 8 by $4,300,000,000.
On page 4, increase the amount on line 12 by $800,000,000.
On page 4, increase the amount on line 13 by $1,400,000,000.
On page 4, increase the amount on line 14 by $2,100,000,000.
On page 16, increase the amount on line 20 by $1,600,000,000.
On page 16, increase the amount on line 21 by $800,000,000.
On page 17, increase the amount on line 4 by $2,100,000,000.
On page 17, increase the amount on line 5 by $1,200,000,000.
On page 17, increase the amount on line 13 by $2,500,000,000.
On page 17, increase the amount on line 14 by $1,600,000,000.
On page 18, increase the amount on line 8 by $400,000,000.
On page 18, increase the amount on line 17 by $400,000,000.
On page 18, increase the amount on line 18 by $100,000,000.
On page 19, increase the amount on line 1 by $400,000,000.
On page 19, increase the amount on line 2 by $200,000,000.
On page 33, increase the amount on line 3 by $100,000,000.
On page 33, increase the amount on line 12 by $300,000,000.
On page 38, decrease the first amount on line 10 by $1,377,000,000.
On page 38, decrease the second amount on line 10 by $205,000,000.
On page 38, decrease the amount on line 11 by $1,901,000,000.
On page 38, decrease the amount on line 12 by $638,000,000.
On page 38, decrease the amount on line 13 by $2,274,000,000.
On page 38, decrease the amount on line 14 by $1,175,000,000.
On page 38, decrease the first amount on line 24 by $684,000,000.
On page 38, decrease the second amount on line 24 by $596,000,000.
On page 38, decrease the amount on line 25 by $648,000,000.
On page 39, decrease the amount on line 1 by $641,000,000.
On page 39, decrease the first amount on line 2 by $684,000,000.
On page 39, decrease the second amount on line 2 by $684,000,000.
On page 45, decrease the first amount on line 8 by $440,000,000.
On page 45, decrease the second amount on line 8 by $22,000,000.
On page 45, decrease the amount on line 9 by $440,000,000.
On page 45, decrease the amount on line 10 by $111,000,000.
On page 45, decrease the first amount on line 11 by $440,000,000.
On page 45, decrease the second amount on line 11 by $221,000,000.
On page 46, decrease the amount on line 9 by $684,000,000.
On page 46, decrease the amount on line 10 by $596,000,000.
On page 46, decrease the first amount on line 11 by $648,000,000.
On page 46, decrease the second amount on line 11 by $641,000,000.
On page 46, decrease the amount on line 12 by $684,000,000.
On page 46, decrease the amount on line 13 by $684,000,000.
On page 49, decrease the first amount on line 17 by $937,000,000.
On page 49, decrease the second amount on line 17 by $183,000,000.
On page 49, decrease the amount on line 18 by $1,461,000,000.
On page 49, decrease the amount on line 19 by $527,000,000.
On page 49, decrease the first amount on line 20 by $1,834,000,000.
On page 49, decrease the second amount on line 20 by $954,000,000.
On page 52, increase the amount on line 1 by $2,000,000,000.
On page 52, increase the amount on line 3 by $2,500,000,000.
On page 52, increase the amount on line 4 by $2,900,000,000.

● Mr. LAUTENBERG. Mr. President, last week, in a letter to our colleagues, my colleague from Connecticut [Mr. DODD] and I expressed our intention to offer an amendment to the budget resolution that would maintain funding for Amtrak, Mass Transit and the Urban Development Action Grant Program at fiscal year 1985 budget authority levels and freeze funding at that level for fiscal years 1986, 1987, and 1988.

For the convenience of our colleagues, we submit the amendment for printing in the RECORD. Thus far, the senior Senator from Connecticut [Mr. WEICKER], our colleagues from Michigan [Mr. RIEGLE and Mr. LEVIN] and the junior Senator from Massachusetts [Mr. KERRY] have agreed to cosponsor the amendment.

Mr. President, our amendment is essential to maintain our national rail system and to ensure the continuing economic revival of our towns and cities.

The amendment has thus far been endorsed by the U.S. Conference of Mayors and the National Association of Railroad Passengers.

I ask unanimous consent that there be printed the letters of endorsement of the two organizations that I mentioned.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF RAILROAD PASSENGERS,
Washington, DC April 23, 1985.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: The National Association of Railroad Passengers strongly supports the Lautenberg-Dodd budget amendment. Amtrak is a vital part of America's infrastructure, a $4 billion investment that the Administration's zero budget and the Senate Budget Committee's $474 million funding level would effectively throw away.

Our airports and highways are increasingly choked as it is, and would suffer even more intolerable congestion if Amtrak shuts down. In the Northeast Corridor alone, Amtrak in FY '84 handled an average daily ridership of 29,480, and expects to exceed 31,000 this year. An estimated 48% would divert to automobile and 26% to air travel. (Comparable figures for the entire Amtrak system are 45% to auto and 29% to air.)

Across the nation, Amtrak is vital to millions of people who are permanently or temporarily unable to fly for medical reasons or are afraid to fly. In addition, many smaller cities which lack alternate—or effective alternate—public transportation depend heavily on Amtrak.

In fact, fully 75.5% of travel (passenger-miles) and 68.3% of passenger revenues were generated outside the Northeast Corridor in FY 1984.

In heavy snow, rain, and fog conditions, Amtrak is often the only passenger transportation moving; it is certainly the safest.

Amtrak's federal grant request of $684 million reflects a 24% decline since FY 1981 and is Amtrak's lowest funding level since FY 1977.

We support your efforts to maintain Amtrak as a strong element of America's transportation system.

Sincerely,

ROSS CAPON,
Executive Director.

U.S. CONFERENCE OF MAYORS,
Washington, DC, April 23, 1985.

Hon. FRANK R. LAUTENBERG,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: The U.S. Conference of Mayors is pleased to support your amendment to freeze funding for public transportation, the Urban Development Action Grant, (UDAG) and Amtrak at the Fiscal Year 1985 levels, during forthcoming deliberations on the first budget resolution.

In early March the Conference adopted policy calling for an across the board one-year freeze for all programs, except means-tested entitlements, as an effective and responsible method to achieve significant deficit reduction. The Conference also called for non-personal income tax increases specifically dedicated to deficit reduction.

Freezing these programs is preferable to the large cuts in transit and the elimination of UDAG and AMTRAK contained in both the Administration's initial FY86 budget and in the White House Senate leadership budget agreement. As the attached excerpts from our recent survey of proposed budget impacts indicate, loss of this funding would have a very severe impact on the mobility, economic development and infrastructure prospects of the nation's cities. Recent testimony covering UDAG and transit, presented by Conference Vice President Joseph Riley, Mayor of Charleston, also underscores this impact.

The Conference of Mayors appreciates your leadership in this area and we look forward to working with you towards successful retention of these vital programs.

Sincerely,

ERNEST N. MORIAL,
Mayor of New Orleans,
President.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of two hearings before the full Committee on Energy and Natural Resources.

On Wednesday, May 1, 1985, beginning at 10 a.m., in room SD-366 of the Dirksen Senate Office Building, the full committee will consider S. 979, the Energy Policy and Conservation Amendments Act of 1985. Testimony will be received from administration witnesses. Others wishing to testify or to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

On Friday, May 3, 1985, beginning at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building, the committee will consider the following nominees to be members of the board of directors of the U.S. Synthetic Fuels Corporation: Tom Corcoran, of Illinois; Eric Reichl, of Connecticut; and Paul Webster MacAvoy, of New York. Those wishing to testify or to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information regarding these hearings, you may wish to contact Mr. Richard Grundy, 202-224-2564.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, April 23, to receive testimony from Senate committees on their 1985 committee budget requests.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Pollution of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, April 23, 1985, to mark up the extention of S. 652, amendments to the Clean Water Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

OLDER AMERICANS MONTH

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 107, which designates the month of May 1985 as "Older Americans Month." I commend my dear friend and colleague, the junior Senator from Florida, for introducing this resolution which recognizes the significance of our Nation's elderly to our society.

The 65 years and older age group is the fastest growing segment of our population. Because of healthier living and advanced medical technology, the life expectancy of the average American is rising rapidly.

The Federal Government has been responsive to the needs of the elderly. With such programs as Social Security, Medicare, and the services provided under the Older Americans Act, senior citizens are better able to enjoy their retirement years.

But there is much more to be done. We are just now coming to realize the significance of our growing elderly population. New threats from health problems, such as Alzheimer's disease, and social problems, such as mandatory retirement, must be addressed. Other important issues, such as housing, transportation, income security, inflation, and crime, all of which affect the elderly more than any other age group, also must be addressed.

Senate Joint Resolution 107 is an important step in helping the elderly better cope with their problems. I believe if the Government and the general public become more aware of the problems that face the elderly on a daily basis, then it would be easier as a nation to solve these problems.

Mr. President, I urge my colleagues to join me in cosponsoring this important resolution.●

RULES OF THE SPECIAL COMMITTEE ON AGING

● Mr. HEINZ. Mr. President, I submit for the RECORD the Rules of the Special Committee on Aging.

The rules follow:

RULES OF THE SPECIAL COMMITTEE ON AGING OF THE U.S. SENATE

RULE 1. CONVENING OF MEETINGS AND HEARINGS

1.1 Meetings. The Committee shall meet to conduct Committee business at the call of the Chairman.

1.2 Special meetings. The members of the Committee may call additional meetings as provided in Senate Rule XXVI(3).

1.3 Notice and agenda.

(a) Hearings. The Committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement.

(b) Meetings. The Chairman shall give the members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(c) Shortened notice. A hearing or meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the ranking minority member, determines that there is good cause to begin the hearing or meeting on shortened notice. An agenda will be furnished prior to such a meeting.

1.4 Presiding officer. The Chairman shall preside when present. If the Chairman is not present at any meeting or hearing, the ranking majority member present shall preside. Any member of the Committee may preside over the conduct of a hearing.

RULE 2. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

2.1 Procedure. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern the matters enumerated in Rule 2.3. Immediately after such discussion, the meetings or hearing may be closed by a vote in open session of a majority of the members of the Committee present.

2.2 Witness request. Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his examination to be

in closed or open session. The Chairman shall inform the Committee of any such request.

2.3 Closed session subjects. A meeting or hearing or portion thereof may be closed if the matters to be discussed concern: (1) national security; (2) Committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation or to invade the privacy of the individuals; (4) Committee investigations; (5) other matters enumerated in Senate Rule XXVI(5)(b).

2.4 Confidential matter. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and ranking minority member.

2.5 Broadcasting. (a) Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

(b) Request. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him.

RULE 3. QUORUMS AND VOTING

3.1 Reporting. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

3.2 Committee business. A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority member is present. One member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3.3 Polling. (a) Subjects. The Committee may poll 1) internal Committee matters including those concerning the Committee's staff, records, and budget; 2) other Committee business which has been designated for polling at a meeting.

(b) Procedure. The Chairman shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls; if the Chairman determines that the polled matter is one of the areas enumerated in rule 2.3, the record of the poll shall be confidential. Any member may move at the Committee meeting following a poll for a vote on the polled decision.

RULE 4. INVESTIGATIONS

4.1 Authorization for investigations. All investigations shall be conducted upon a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the ranking Minority member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the ranking Minority member agree that there exists temporary cause for more limited knowledge.

4.2 Subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other member of the Committee designated by him. Prior to the issuance of each subpoena, the ranking minority member, and any other member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

4.3. Investigative Reports. All reports containing findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the members of the Committee.

RULE 5. HEARINGS

5.1 Notice. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours' notice, and all witnesses called shall be furnished with a copy of these rules upon request.

5.2 Oath. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any member, may request and administer the oath.

5.3 Statement. Any witness desiring to make an introductory statement shall file 50 copies of such statement with the Chairman or clerk of the Committee 24 hours in advance of his appearance, unless the Chairman and Ranking Minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize his prepared statement.

5.4 Counsel. (a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or deposition or staff interview to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation or association.

(b) A witness who is unable for economic reasons to obtain counsel may inform the Committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the Committee. Failure to obtain counsel will not excuse the witness from appearing and testifying.

5.5 Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact; the Chairman or a staff officer designated by him shall rule on such request.

5.6 Impugned persons. Any person who believes that evidence presented, or comment made by a member of staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may;

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the Committee to testify in his own behalf; and

(c) submit questions in writing which he requests be used for the cross-examination of other witnesses called by the Committee. The Chairman shall inform the Committee of such requests for appearance or cross-examination. If the Committee so decides, the requested questions, or paraphrased versions of portions of them, shall be put to the other witnesses by a member or by staff.

5.7 Minority witnesses. Whenever any hearing is conducted by the Committee, the minority on the Committee shall be entitled, upon request made by a majority of the minority members to the Chairman, to call witnesses selected by the minority to testify or produced documents with respect to the measure or matter under consideration during at least one day of hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the completion of the hearing.

5.8 Conduct of witnesses, counsel and members of the audience. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the subcommittee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

RULE 6. DEPOSITIONS AND COMMISSIONS

6.1 Notice. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a Committee subpoena.

6.2 Counsel. Witnesses may be accompanied at the deposition by counsel to advise them of their rights, subject to the provisions of Rule 5.4.

6.3 Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witness as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a member of the Committee. If the member overrules the objection, he may refer the matter to the Committee or he may order and direct the witness to answer the question, but the Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a member of the Committee.

6.4 Filing. The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance, with Rule 5.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testiy truthfully.

6.5 Commissions. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

RULE 7. SUBCOMMITTEES

7.1 Establishment. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio members of all subcommittees.

7.2 Jurisdiction. Within its jurisdiction, as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

7.3 Rules. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one third of the subcommittee membership, and for hearings shall be one member.

8. Reports. Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee."

9. Amendments of Rules. The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.●

REVERENCE FOR LIFE

● Mr. HATCH. Mr. President, I have been honored to address this chamber on numerous occasions on the issue of abortion. When I have been fortunate enough to have those opportunities, I have attempted to present my colleagues with the most compelling facts and insights available to me on this crucial topic. You have heard me express the view that abortion generally is the immoral practice of terminating the lives of innocent unborn babies, and you have heard me support this belief with facts. I have listened to my colleagues state their positions on abortion as well. However, it is wise for the Senate to hear opinions and viewpoints of people who do not serve in this body; indeed it pays us to listen to those we represent.

In that spirit, Mr. President, I would like to share with my colleagues here a speech which was recently delivered by Elder Russell M. Nelson, a member of The Council of Twelve of the Church of Jesus Christ of Latter-Day Saints. I have found that the opinions of members of the clergy are often among the most reasoned and thoughtful views that we can consider. The thoughts with which our religious leaders provide us are views which are sufficiently independent from the heated debate of the Senate. They also offer us the moral perspective which we must keep in mind even when we address the most temporal matters. Elder Nelson's remarks are no exception to this. In his speech he lucidly expresses the horrors of abortion and refutes, both factually and ethically, the primary arguments abortion advocates have relied on for years.

Mr. President, I urge my colleagues in the Senate to read Elder Nelson's address. After they do so they will know many of the compelling reasons why America must end abortion, a practice which has cost 16½ million lives since 1973 and which has denied the precious gift of life to 4,000 unborn babies since this time yesterday.

The address follows:

REVERENCE FOR LIFE: GENERAL CONFERENCE, APRIL 6, 1985

(Russell M. Nelson)

Unitedly, we thank the Almighty for the wondrous prolongation of the life of Elder Bruce R. McConkie, enabling him to preach that powerful sermon. Our gratitude is profound!

I pray for the Spirit of the Lord to help me communicate his mind and will on a very vital and sensitive subject. I apologize for the use of words repugnant to me and illsuited to this hallowed pulpit. I do so only for clarity of communication regarding reverence for human life.

As sons and daughters of God, we cherish life as a gift from him.

A heavy toll on life is included among the evils of war. Data from all nations are appalling. For the United States of America, 100,000 were killed in World War I. Over 400,000 died in World War II. In the first 200 years as a nation, the lives of over one million Americans were lost due to war.

Regrettable as is the loss of loved ones from war, these figures are dwarfed by the toll of another war that annually claims more casualties than the total number of fatalities from all the wars of this nation.

It is a war on the defenseless—and the voiceless. It is a war on the unborn.

This war, labeled abortion, is of epidemic proportion and is waged globally. Over 55 million abortions were reported worldwide in the year 1974 alone.[1] Sixty-four percent of the world's population now live in societies that legally sanction this practice.[2] In the United States of America, over 1.5 million abortions are performed annually.[3] About 30 percent of all pregnancies now end in abortion.[4] In some metropolitan areas, there are more abortions performed than live births.[5] Comparable data also come from other nations.

Yet society professes reverence for human life. We weep for those who die, pray and work for those whose lives are in jeopardy. For years, I have labored with other doctors here and abroad, struggling to prolong life. It is impossible to describe the grief a physician feels when the life of a patient is lost. Can anyone imagine how we feel when life is destroyed at its roots, as though it were a thing of naught?

What sense of inconsistency can allow people to grieve for their dead, yet be calloused to this baleful war being waged on life at the time of its silent development? What logic would encouage efforts to preserve the life of a critically ill 12-week-old infant, but countenance the termination of another life 12 weeks after inception? More attention is seemingly focused on the fate of a life at some penitentiary's death row than on the millions totally deprived of life's opportunity through such odious carnage before birth.

The Lord has repeatedly declared this devine imperative: "Thou shalt not kill."[6] Recently he added, "nor do anything like unto it" (D&C 59:6).

Even before the fullness of the gospel was restored, the enlightened understood the sanctity of life. John Calvin, 16th century reformer, wrote:

"If it seems more disgraceful that a man be killed in his own home than in his field—since for every man his home is his sanctuary—how much more abominable is it . . . to kill a fetus . . . who has not yet been brought into the light.[7]"

But what impropriety could now legalize that which has been forbidden by the laws of God from the dawn of time? What twisted reasoning has transformed mythical concepts into contorted slogans assenting to a practice which is consummately wrong?

These slogans begin with proper concern for the health of the mother. Infrequently, instances may occur in which the continuation of pregnancy could be life-threatening to the mother. When deemed by competent medical authorities that the life of one must be terminated in order to save the life of the other, many agree that it is better to spare the mother. But these circumstances are rare, particularly where modern medical care is available.

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[1] C. Tietze, *Induced Abortion: A World Review*, 1981, note 30 at 19, 1981.

[2] Ibid., at 7, 19–37.

[3] Henshaw, Forrest, Sullivan & Tietze, *Abortion in the United States, 1979 and 1980*, 14 Fam. Plan Perspectives 1, 7, 1982.

[4] Ibid., note 31 at 6 Table 1.

[5] Center for Disease Control, Annual Summary, p. 103, 1979–1980.

[6] See Ex. 20:13; Deut. 5:17; Matt. 5:21; Mark 10:19; Luke 18:20; Rom. 13:9; James 2:11; Mosiah 13:21; 3 Ne. 12:21; D&C 42:18; D&C 42:19; D&C 132:36.

[7] John Calvin, *Commentaries on Exodus*, 21, 22.

Another sympathetic concern applies to pregnancies resulting from rape or incest. The tragedy of this despoilment is compounded because, in such relationships, freedom of choice is denied the woman who is innocently involved.

But less than three percent of all abortions are performed for these two reasons.[8] The other 97 percent are for what may be termed reasons of convenience.

Some argue for abortion because a malformed child may result. The harmful effects of certain infectious or toxic agents in the first trimester of pregnancy are real.

The experience of a couple whom I shall identify as Brother and Sister Brown* is instructive. Sister Brown was only 21 years old at the time, a beautiful woman and a devoted wife. In her first trimester, she contracted the dreaded German measles.

Abortion was advised because the developing baby would almost surely be damaged. Some members of her family, out of loving concern, applied additional pressure for an abortion. "Don't burden yourself financially with a handicapped child," they argued. "You are too young and too poor."

Devotedly they consulted their bishop. He referred them to their state president, who listened to their serious concern and counseled them not to terminate the life of this baby, even though the child might have a problem. He quoted this scripture:

Trust in the LORD with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him and he shall direct thy paths. (Prov. 3:5-6)

They chose to follow that counsel and permit their child to be born—a beautiful little girl, normal in every respect, except for total hearing loss that became evident later. After an evaluation at a school for the deaf, Brother and Sister Brown were advised that this child had the intellect of a genius. Now some 20 years later, she attends a major university on a scholarship.

When recently asked how they felt about their once-weighty decision, the mother quickly responded, "She is one of the great joys of my life! She is such a choice spirit! Though she lost the sense of hearing, she has compensated with augmented ability otherwise. Her eyes are alive with constant attention. She excels in dancing, even though she perceives the sounds of music from vibrations. She has served as an officer in school. But most significant is her guileless spirit—her unconditional love. She has taught us to serve and to share. Her spiritual insights have helped us to know God and his purposes. My husband and I are so grateful that she is one of our children."

Consider another individual weighing the consequences of her pregnancy. She was beyond the normal age for bearing children. She announced to her doctor that her husband was an alcoholic with a syphilitic infection. One of her children had been born dead. Another child was blind. Another had tuberculosis. Her family had a history of deafness. Finally she confessed that she was living in abject poverty. If this true historical situation were posed today, many would recommend abortion. The child born from that pregnancy became the renowned composer, Ludwig van Beethoven.

But the principle involved extends beyond those who may become great. If one is to be deprived of life because of potential for developing physical problems, consistency would dictate that those who already have such deficiencies should likewise be terminated. Continuing then, those who are either infirm, incompetent, or inconvenient should be eliminated by those in power. Such irreverence for life is unthinkable!

Another contention raised is that a woman is free to choose what she does with her own body. To a certain extent this is true for each of us. We are free to think. We are free to plan. And then we are free to do. But once an action has been taken, we are never free from its consequences. Those considering abortion have already exercised certain choices.

To clarify this concept, we can learn from the astronaut. Any time during the selection process, planning, and preparation, he is free to withdraw. But once the powerful rocket fuel is ignited, he is no longer free to choose. Now he is bound by the consequences of his choice. Even if difficulties develop and he might wish otherwise, the choice made was sealed by action.

So it is with those who would tamper with the God-given power of procreation. They are free to think and plan otherwise. But their choice is sealed by action.

The woman's choice for her own body does not validate choice for the body of another. The expression "terminate the pregnancy" applies literally only to the woman. The consequence of terminating the fetus therein involves the body and very life of another. These two individuals have separate brains, separate hearts, and separate circulatory systems. To pretend that there is no child and no life there is to deny reality.

It is not a question of when "meaningful life" begins or when the spirit "quickens" the body. In the biological sciences, it is known that life begins when two germ cells unite to become one cell, bringing together 23 chromosomes from both the father and from the mother. These chromosomes contain thousands of genes. In a marvelous process involving a combination of genetic coding by which all the basic human characteristics of the unborn person are established, a new DNA complex is formed. A continuum of growth results in a new human being. The onset of life is not a debatable issue but a fact of science.

Approximately 22 days after the two cells have united, a little heart begins to beat. At 26 days, the circulation of blood begins.[9]

Scripture declares that the "life of the flesh is in the blood" (Lev. 17:11). Abortion sheds that innocent blood.

Another slogan relates to population control. Many in developing nations unknowingly ascribe their lack of prosperity to overpopulation. While they grovel in ignorance of God and his commandments, they may worship objects of their own creation (or nothing at all) while unsuccessfully attempting to limit their population by the rampant practice of abortion. They live in squalor, oblivious to the divine teaching, stated in the scriptures not once, but 34 times,[10] that people will prosper in the land only if they obey the commandments of God.

How can God fulfill his promise to prosper his children in obedience if they worship idols or destroy life created by him—destined to be in his very image?

They will prosper only when their education includes faith in and obedience to the God of this world, who said,

I, the Lord, . . . built the earth, my very handiwork; and all things therein are mine. And it is my purpose to provide . . . . But it must needs be done in mine own way. . . . For the earth is full, and there is enough and to spare. (D&C 104:14-17; emphasis added.)

Now, as a servant of the Lord, I dutifully warn those who advocate and practice abortion that they incur the wrath of Almighty God who declared, "If men . . . hurt a woman with child, so that her fruit depart from her, . . . he shall be surely punished" (Ex. 21:22).

Of those who shed innocent blood, a prophet declared:

The judgments which [God] shall exercise . . . in his wrath [shall] be just; and the blood of the innocent shall stand as a witness against them, yea, and cry mightily against them at the last day. (Alma 14:11.)

The Church of Jesus Christ of Latter-day Saints has consistently opposed the practice of abortion. One hundred years ago the First Presidency wrote:

And we again take this opportunity of warning the Latter-day Saints against those . . . practices of foeticide and infanticide.[11]

Early in his presidency, our beloved President Spencer W. Kimball said, "We decry abortions and ask our people to refrain from this serious transgression." [12]

Why destroy a life that could bring such joy to others?

Now, is there hope for those who have so sinned without full understanding, who now suffer heartbreak? Yes. So far as is known, the Lord does not regard this transgression as murder. And, "as far as has been revealed, a person may repent and be forgiven for the sin of abortion." [13] Gratefully, we know the Lord will help all who are truly repentant.

Yes, life is precious! No one can cuddle a cherished newborn baby, look into those beautiful eyes, feel the little fingers and caress that miraculous creation without deepening reverence for life and for our Creator.

Life comes from life. It is a gift from our Heavenly Father. It is eternal as he is eternal. Innocent life is not sent by him to be destroyed! This doctrine is not of me but is that of the living God, and of his Divine Son, which I testify in the name of Jesus Christ, amen.●

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[8] See statement of Dr. Irving Cushner, Hearings on Abortion, Subcommittee on the Constitution of the U.S. Senate Judiciary Committee, 97th Congress, 1st Session, 1981.

* Fictitious name.

[9] J. W. Hurst, R. B. Logue, R. C. Schlant, and N. K. Wenger, *The Heart* [4th Edition], [New York: McGraw-Hill], p. 7.

[10] See Lev. 26:3-15; Josh. 1:7; Josh. 1:8; 1 Kgs. 2:3; 2 Kgs. 18:7; 2 Chr. 24:20; 2 Chr. 26:5; 2 Chr. 31:21; Ezra 6:14; Job 36:11; 1 Ne. 2:20; 1 Ne. 4:14; 2 Ne. 1:9; 2 Ne. 1:20; 2 Ne. 4:4; 2 Ne. 5:10-11; Jar. 1:9; Omni 1:6; Mosiah 1:7; Mosiah 2:22; Mosiah 2:31; Alma 9:13; Alma 36:1; Alma 36:30; Alma 37:13; Alma 38:1; Alma 45:6-8; Alma 48:15; Alma 48:25; Alma 50:20; Helaman 3:20; 2 Ne. 1:31; 3 Ne. 5:22; D&C 9:13.

[11] John Taylor, Epistle of the First Presidency, April 4, 1885, cited in *Messages of the First Presidency* by James R. Clark E.D. 1966.

[12] *Ensign*, Oct. 1975, p. 6.

[13] General Handbook of Instructions, 1983, p. 77.

COST OVERRUNS AND PROGRAM DELAYS IN DEFENSE PROCUREMENT

● Mr. STEVENS. Mr. President, I was reading a clipping out of the New York Times last week on the problems of cost overruns and program delays in Defense procurement. It was an op-ed piece written by Thomas V. Jones,

board chairman and chief executive officer of the Northrop Corp. Tom addressed the need for creative and well-managed defense companies—companies operating in a free competitive environment and held accountable for their commitments.

With all the attention focused lately on defense contractors—on overpricing, questionable billings, inefficiencies, and the like, this seems to be a timely article.

But it was written a decade ago.

Mr. President, Tom Jones' views are just as relevant today as they were in 1976. I think there is a wisdom in his views that has not been heeded by all elements of the defense contracting industry.

I ask that the New York Times article by Thomas V. Jones be printed in the RECORD, complete with the 1976 copyright date, to demonstrate there is nothing really new under the Sun—and to suggest it is never to late for the defense industry to follow some good advice.

The article follows:

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FOR A SOUND DEFENSE INDUSTRY

(By Thomas V. Jones)

LOS ANGELES—The General Accounting Office's recent report on the status of the country's major weapons-systems procurement programs revealed that nearly 80 percent are suffering cost overruns. Some program costs have increased more than 200 percent. Some are delayed a year or more. This sad record has become so repetitive there seems to be a tendency to consider cost overruns, schedule delays and technical disappointments part of the price we must pay for national security.

This is simply not the case. There is no reason why the defense industry cannot be as efficient as any other sector of the economy. The Government, the Congress the public, the investment community and the defense industry must get rid of the notion that defense companies are somehow different, that they cannot be confined within the same standards of competitive performance by which we measure the rest of our market economy. It is wrong to believe that, regardless of performance, a defense company has a right to exist simply because it serves national security; a defense company must earn it way by the manner in which it serves that national security.

Defense has been dealt with as if it were apart from the rest of our national objectives, when, in fact, defense, social progress and economic stability are essential and constant elements of our national well-being.

When there was a clear and present danger to the country, before 1950, nothing was spared to provide defense, regardless of cost. When the crisis passed, our defense forces and the defense industry were cut back rapidly. The greatest example of this "crisis management" was the massive effort of World War II, followed by the near-total dismantling of our defense establishment, including the industry that served it.

The Berlin blockade, the invasion of Korea, and the advent of the intercontinental ballistic missiles changed all that. We could no longer afford the luxury of waiting for a crisis before building up our defense capability at the expense of other national objectives, and then eliminating it in periods of calm to free funds again for other programs.

The Government and the Congress decided than that strong defense forces must be maintained on a permanent basis, and that national security should be accommodated within the Federal budget, together with social and economic programs as interrelated elements of our long-term national policy. This new concept called upon us to meet all our national objectives together while maintaining the integrity of the national budget as a whole.

Unfortunately, the significance of this change and the accompanying opportunity to improve effectiveness have been overlooked. The bad procurement habits and the tradition of crisis management persisted. They need not, and should not be allowed to continue.

In the past, a defense company was not judged by the same standards of sound planning, performance, financial strength and efficiency that were applied to other businesses. In today's environment of defense stability, defense companies must be held accountable for their commitments. The advantage of stability should bring with it the responsibility of management performance. The free competitive environment that has worked so well to achieve the social and economic standards that we enjoy today can now contribute to meeting our defense requirements efficiently.

Considerations of politics, geographical self-interest, and the availability of Government-owned plant and equipment—frequently poorly suited to the particular job—do not produce efficiencies. There must be competition based on the quality of a company's products, its demonstated ability to commit itself to cost and schedule guarantees, and its capacity to provide sufficient financial strength to back those commitments.

Creative, well-managed defense companies should represent some of the most attractive investments available and should compete in the financial community on that basis for capital needed for new plants and equipment. They should not expect the taxpayer to carry this burden or the Government to provide subsidies to protect them from the rigors of competition. Those companies that respond to the challenge and meet their commitments will be profitable. Those that do not will deservedly fail.

The responsibility is squarely before the industry: Use the creativity and the management techniques of our free economy to provide the highest level of national security within the allocated budget and be judged on the way these goals are met. If the procurement process does not insist on the responsibility of individual companies, it will weaken the defense industry as a whole and ultimately the security of the nation it serves.

Our defense is important; it deserves the best our competitive system has to offer. It is time to bring the defense industry into that system.●

PETER M. WEGE RECEIVES ASIAN BENEVOLENT CORPS AWARD

● Mr. INOUYE. Mr. President, the Asian Benevolent Corps was founded in 1963 as a nonprofit, multiservice organization providing charitable, cultural and community services and programs. Ambassadors, Members of Congress, and distinguished educators have served on its Advisory Council.

The Asian Benevolent Corps presented its first Pioneer of the Decade Award on April 11, 1985, to Mr. Peter M. Wege, a prominent citizen of Grand Rapids, MI. Mr. Wege serves as vice chairman of Steelcase, Inc., one of the world's largest office furniture manufacturers.

Mr. President, I ask that the following material—consisting of award presentation remarks by Dr. Dwan Tai, Board Chairperson of the Asian Benevolent Corps, and the text of the Award Proclamation—be printed in the RECORD.

The material follows:

REMARKS BY DR. DWAN TAI

Many of us who have known Mr. Peter M. Wege over the past decades respect and appreciate the multitude of good works he has done—and the number of people he has helped. Indeed, in many cases, he has changed whole lives.

Tonight, we would like to take this opportunity to honor Mr. Wege, the man, and his many creative contributions.

As the chairperson of the Asian Benevolent Corps of New York and Washington, DC, and on behalf of its Board of Trustees, I hereby present to you, Mr. Peter M. Wege, the Asian Benevolent Corps' Pioneer of the Decade Award. The citation on this silver engraved plaque reads:

"For being an innovative pioneer, having the vision and courage to invest in people and projects to make this a better world,

"For being a unique role model of compassion and commitment, and

"For bravely leading the way by inspiring and supporting new approaches to education, economic development, and world understanding."●

PEACE CORPS AND NATIONAL VOLUNTEER WEEK

● Mr. BOSCHWITZ. Mr. President, at a time when most Americans think of retirement and leaving the work force, Lynn Blaylock and his wife Jean of Minneapolis, MN, signed up with the Peace Corps to give 2 years of their lives helping the residents of Barbados to improve their quality of life.

And Mr. Blaylock, 63 years old, with a wealth of education, experience and lifetime skills, was selected one of Peace Corps' 1985 Volunteers of the Year for his exceptional work in animal nutrition in the Caribbean. He has made numerous surveys and has worked with local farmers to increase and improve sheep and cattle feeds to increase the production of meat and dairy products available for consumption.

He has involved the people of his community, too, in the work he is doing. Appealing to the Hillcrest Methodist Church in Minneapolis, Mr. Blaylock raised funds to purchase the materials for enlarging the sheep pen of a handicapped sheep breeder, and

physically assisted with the construction. As a result of the larger pen, the quality of the herd will improve and the small farmer will have the opportunity to earn more income. Not only will this farmer be helped through the efforts of Lynn Blaylock, but the people of Lynn's hometown community have already participated in the type of cross-cultural exchange for which Peace Corps is noted.

Through the interpersonal link formed by the Blaylocks, the peoples of Barbados and Minnesota are learning more about what each is really like.

Mrs. Blaylock is also serving as a Peace Corps Volunteer, drawing upon her long experience as a librarian to work at the Barbados library and for the school library bookmobile service. She also has developed a regional library system for the Peace Corps/Eastern Caribbean.

Both Mr. and Mrs. Blaylock will be honored in Washington during National Volunteer Week, April 22-26, by the Peace Corps and by the President in a White House ceremony. I know the residents of Minnesota will join me in recognizing Lynn Blaylock for his inestimable contribution to the people he serves and we all salute his hard work and dedication to the ideals of international friendship and understanding.●

THE BIBLE IN INAUGURAL HISTORY

● Mr. MATHIAS. Mr. President, the inauguration of the President on January 21, 1985, was the 50th such ceremony in American history. It was a significant moment in the bicentennial cycle, and a time to recall fundamental American values.

When General Washington took the office of President of the United States 196 years ago, he solemnized his spoken oath by laying his hand upon the Bible, and each of his successors has followed that tradition. While many details of the ceremony of oath-taking and its attendant national celebrations have changed over the years, this fundamental tradition endures.

I am indebted to Judge Edward S. Delaplaine for his illuminating article recalling the role of the Bible in American Presidential inaugurations, which appeared in the Frederick, MD, News and Post of February 22, 1985.

Mr. President, I commend the article to my colleagues and ask that it be printed in the RECORD.

The article follows:

THE BIBLE HAS HAD INTRINSIC ROLE IN ALL PRESIDENTIAL INAUGURATIONS

(By Judge Edward S. Delaplaine)

With the aid of the miracle of television, countless millions saw and heard Ronald Reagan both in the White House and in Statuary Hall take the oath of office for the second term as President. Likewise, they saw and heard George Bush take the oath for the second term as Vice President. During the commentary on the ceremonies, John Chancellor remarked in conversation with Tom Brokaw that he wondered why President Reagan put his left hand on the Bible when taking the oath from Chief Justice Warren Burger.

Some years ago, during the restoration of the Roger Brooke Taney Home on Bentz Street in Frederick, Henry Roben, a Baltimore artist, was commissioned to paint a portrait of Chief Justice Roger Brooke Taney administering the oath of office to President Lincoln. The artist asked the logical question whether Lincoln raised his right hand or placed it on the Bible.

For several months research was conducted in search of the answer. The decision was finally reached that Lincoln had placed his right hand on the Bible.

It was not until after President Reagan's second inauguration that a similar question arose as to this formality at the inauguration of George Washington.

Actually the question is not of intrinsic importance, except for an artist who is portraying the scene. The unimportance of ceremonial form in swear-in ceremonies has been illustrated by the change in custom in the office of the Clerk of the Circuit Court for Frederick County. For many years former Clerk of the Court Ellis C. Wachter requested that the left hand be placed on the Bible, but a short time before Charles C. Keller succeeded him as Clerk of the Court the use of the Bible was abandoned entirely.

When I took the oath before Maryland's 50th Governor, Harry W. Nice, in the Governor's mansion to serve as Judge of the Maryland Court of Appeals, I held an open Bible while the Governor, who was a Methodist minister's son, pointed to a favorite passage in the Bible, Joshua 1:28, which he said he believed would be helpful to keep in mind.

For the inaugural of a President of the United States, use of the Bible is in accord with the practice established by George Washington 196 years ago, and is unquestionably impressive and appropriate for the inauguration of the highest official of the world's leading nation.

Very striking is the contrast between Washington's inaugural in 1789 and Ronald Reagan's in 1985. With the exception of President Reagan, who was prevented by zero weather from having his inaugural ceremony outdoors, most of the Presidents in recent years have taken the oath of office in front of the Capitol in Washington. But on April 30, 1789, George Washington was inaugurated in the City of New York, at that time the capital of the nation, where the United States Senate and the House of Representatives were holding their sessions.

At many of the inaugurations it has been the custom of the President to invite the Chief Justice of the United States to administer the oath. When President Washington was inaugurated, no member of the Supreme Court had yet been appointed. It was not until the following September that President Washington appointed John Jay as the first Chief Justice of the United States.

The inaugurations have dramatized the contrast between the leisurely life of the American people in the early days of the nation and life in the age of speed. It was on the 14th of April, 1789, when George Washington was notified at Mount Vernon that the Electoral College had elected him by unanimous vote to be President of the United States. On the 16th of April he departed from Mount Vernon with great reluctance, giving farewell to "private life and domestic felicity," and leaving his wife to come to New York whenever she was ready. The General was now a private citizen, and though he had been out of the Army for five years he was welcomed triumphantly at every stage of his journey to New York. His arrival there on the 23rd was like the triumphal return of Caesar to his Capital.

In 1789 the first Congress was meeting in Federal Hall on Wall Street at the head of Broad Street. This building had been the meeting place of the Continental Congress, and when the Congress decided to meet in New York City, the building became the Nation's Capitol; alteration had to be made to provide two rooms for the Senate and the House of Representatives.

The Franklin House at No. 3 Cherry Street, which had been the residence of Presidents of the Continental Congress, was chosen as the home of President Washington.

After Washington's arrival in New York City, Congress, deciding to install him on the 30th of April, appointed a Joint Committee of eight members to escort him from the President's home to Federal Hall.

About noon the eight assistants of the Joint Committee riding horseback conducted several hundred militia to the President's home to escort him to his inauguration. It was about half past twelve when Washington entered the state coach with four horses, and the parade started on the way to Federal Hall. Washington was alone in the coach. Behind him were his two secretaries riding in Washington's own coach. Then came Robert R. Livingston, the Chancellor of the State of New York, who had been chosen to administer the oath of office. Following the Judge were city, county, and national officials, and the diplomatic representatives from Great Britain and Spain.

The procession moved slowly between lines of cheering crowds. When it came to a stop about 200 yards south of Wall Street, Washington and all the others emerged from the vehicles and walked up Broad Street to Federal Hall.

Federal Hall had recently been remodeled, and the Senate Chamber on the second floor, where the members of Congress were waiting for the President-elect, had been newly decorated. At the north end of the room were three windows draped in red damask. Below the central window was a high dais on which were three chairs, the central one under a canopy with drapery similar to that over the windows. At the south end of the room were red curtains draped around three doors that opened to a half-enclosed portico overlooking Wall and Broad streets.

Before Washington walked toward the dais, the Senators, diplomats, and other guests were seated on the west side of the aisle, while members of the House of Representatives were on the east side. All immediately arose, and Washington bowed to both sides as he walked toward the dais. In front of the dais stood the Vice President of the United States, John Adams, of Massachusetts, the man with acid tongue and pen, who had been elected by only 34 votes out of 69 votes cast by the Electoral College. Adams escorted the General to the central seat under the canopy. The General sat silently between the Vice President and the Speaker of the House, Frederick A.C. Muhlenberg, of Pennsylvania.

After a brief pause the Vice President arose and bluntly addressed the General:

"Sir, the Senate and the House of Representatives are ready to attend you to take the oath required by the Constitution. It will be administered by the Chancellor of the State of New York."

"I am ready to proceed," said Washington. Adams then led the way through the arched central door to the portico.

On entering the portico Washington saw a small table draped in red and an armchair beside it. On the table was a large leather-bound Bible on a red velvet cushion. There had been excitement when no Bible could be found in Federal Hall. At the last moment the leather-bound Bible was hastily borrowed from St. John's Masonic Lodge nearby.

Even before Washington took the oath of office, there were cheering crowds in the streets. There also were many gazing through open windows and from roof tops. The cheering did not cease until after the General had bowed time and again and finally had walked back to the chair beside the table. By this time the portico was crowded, somewhat like Statuary Hall where Reagan took the oath of office as President and Bush took the oath as Vice President. In the protico places had been reserved for Chancellor Livingston, Vice President Adams and George Clinton, Governor of New York.

The historic moment had arrived. The great hero, with powdered hair, made an impressive appearance in brown broadcloth suit and white stockings and silver buckles on his shoes. One oil painting shows him holding a sword. It was noticed that Washington at 57 was showing his age. The terrible strain throughout the Revolutionary War and his great anxiety in the fight for adoption of the Constitution and the long struggle for its ratification had put deep lines in his face.

Chancellor Livingston in black robe stepped forward. Unlike Chief Justice Taney, who was 30 years older than Lincoln at the inauguration in 1861, Livingston at the age of 41 was 16 years younger than Washington. However, Livingston had been an active Patriot for many years. On June 15, 1775, he had a seat in Congress at Philadelphia when Thomas Johnson, a member of Congress from Maryland, nominated Colonel George Washington of Virginia for Commander-in-Chief of the Continental Army. Livingston was also one of the members of the committee that was appointed in 1776 to draft a Declaration of Independence from Great Britian, but necessary absence from Congress prevented him from signing it.

One difference between the first inauguration and recent ones is the type of person holding the Bible for the President. At the first inauguration, the Bible was held by Samuel Otis, the Secretary of the Senate. At the inauguration of Lincoln in 1861, the Bible was held by the Secretary of the Supreme Court, William Thomas Carroll. At the inauguration of President Reagan, the Bible was held, in accord with the custom in recent years, by the wife of the President—a sign indicating the entry of women into the field of politics and government.

At the ceremony on the portico of Federal Hall, the Secretary of the Senate lifted the cushion and Bible from the table and stood between the President and the Judge. When the Judge was ready to administer the oath, Washington placed his right hand upon the Bible. The Judge, quoting the provision in Article II of the Constitution, asked Washington "Do you solemnly swear that you will faithfully execute the office of President of the United States, and will to the best of your ability, preserve, protect and defend the Constitution of the United States?"

"I solemnly swear," Washington repeated, adding "So help me God." At that moment he bent forward and kissed the Bible.

"It is done," Livingston exclaimed and, turning to the crowd in the street, he made a broad gesture and shouted, "Long live George Washington, President of the United States!"

While Washington's head was still bowed, the crowd roared: "God bless our President!" Louder and louder were the cheers. Presently there came the raising of the American flag to the cupola of Federal Hall. It was the signal to the Battery for the firing of a 13-gun salute in tribute to the 13 States, notwithstanding that two of the States—South Carolina and Rhode Island—had not yet joined the Union by ratifying the Constitution. Finally the bells of the churches of New York rang out in tribute to the newly elected President.

Again and again Washington acknowledged the cheers of the crowd. At last he returned to the Senate Chamber and took his seat on the dais while the Congressmen and others returned to their chairs.

Washington needed no introduction. After a short pause he arose and began the reading of his inauguaral address. There was a marked difference, of course, between his address and the address of President Reagan. Mr. Reagan had the advantage of having served for a number of years in high public office and having gained experience in public speaking, whereas Washington had limited experience in office and speech. Washington frankly acknowledged in his inaugural address that he was conscious of his "inferior endowments" and his lack of practice in "the duties of civil administration." He promised that he would rely upon "that Almighty Being who rules over the Universe."

In speaking of the duties of the office, he said that he would rely largely upon the judgment of the Congress. In concluding, he said again that he would resort to "the benign parent of the human race" for divine blessing on wise measures upon which the success of the American Government must depend.

American History gives us the familiar picture of George Washington praying in desperation for divine help during the terrible winter at Valley Forge. Yet almost entirely overlooked is the story that he walked seven blocks on Inauguration Day to attend a religious service in a small chapel in New York to pray there for divine guidance.

The Congress had voted to hold their religious service in Trinity Episcopal Church after the inauguration, and the Chaplain of the Senate, Rt. Rev. Samuel Provoost, Rector of the church and Bishop of New York, was chosen to conduct it. Destiny wrought a change in the plans.

A fire broke out in the church and seriously damaged it, and the repairs had not yet been completed. Accordingly, arrangements were made to hold the service in St. Paul's Chapel. The little chapel was poorly lighted and it contained only a few dozen pews. It was a contrast to the National Cathedral in Washington, where President Reagan and Vice President Bush attended a service before their inauguration. While St. Paul's Chapel was not large enough to accommodate all of the members of Congress and their guests, nevertheless it served the purpose for President Washington, a staunch Episcopal churchman, who was delighted to attend the religious service.

Washington was delighted also to have a chance to relax by walking the entire distance to the chapel. At the end of the walk, he immediately entered the chapel for a moment of meditation. The Bishop offered numerous prayers for the President and for the success of the new Republic. There was little music and no sermon. However, Washington had an opportunity to pray for divine guidance and for courage such as that which sustained him in the Revolution.

On emerging from the chapel after the brief service, Washington and his companions found coaches waiting for them. The President was escorted by the Joint Committee to his home. There he had a chance to reflect upon the unusual events of the day and to meditate upon what might face him in the years ahead.

REMEMBRANCE OF THE HOLOCAUST

● Mr. DECONCINI. Mr. President, I am pleased to join with my colleagues in the commemoration of the 40th anniversary of the end of the Holocaust. It is difficult to capture with mere words one of the darkest periods in the history of mankind. The very concept of the concentration camps, the gas chambers, and the massive slaughter of helpless victims brings shock and disbelief to any civilized human being. We can never allow ourselves to forget that 6 million Jews and millions of others perished in the Nazi's systematic program of extermination.

We can never forget that they died, and we can never forget why they died—they died victims of the tyranny and single minded bigotry of the Third Reich. The genocide committed by the Nazi regime is not simply a lesson in history now passed forever from our view. It is a lesson of the present and future. It is imperative that we remain the watchdog against such atrocities.

The liberation of the concentration camps at the end of the Second World War bears witness to the fact that the forces of destruction and oppression can be overcome, and the people of the world can triumph in the name of humanity. Let us use this time in history to remember those events of the past. Let us use this time in history to insure that mankind will never again stand idly by in the face of such horror. ●

NATIONAL DAY OF REMEMBRANCE OF MAN'S INHUMANITY TO MAN

● Mr. SIMON. Mr. President, I rise today to speak on behalf of Senate Joint Resolution 101. My colleague from Michigan, Senator CARL LEVIN has introduced this legislation to commemorate the victims of the Armenian genocide and I am proud to be a cosponsor.

From 1915 to 1923 the Armenian people fell victim to one of the most horrible crimes in our history. Over 1½ million men, women, and children were brutally and senselessly slaughtered.

Millions were relocated and forced to march hundreds of miles without food or water. Hundreds of thousands perished from exhaustion, thirst and starvation on these death marches. Thousands more were drowned at sea, or stoned to death in burial pits.

Henry Morgenthau, Sr., who was the Ambassador to Turkey at that time observed,

I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.

As horrible as these atrocities were we cannot afford to blot this memory from the conscience of mankind. That would be the easy path, but it is a path that leads in a dangerous direction.

History has a terrifying way of repeating itself if no one stops to take notice. Less than 20 years after the Armenian genocide, Hitler began his massacre of millions of European Jews. In the past decade we have seen the terrible specter of genocide again in Cambodia.

The lessons of these atrocities must never be forgotten. Only through the peaceful remembrance of these events can we ensure a future that will be free of similar terror. Therefore, I urge my colleagues to join me as cosponsors of Senate Joint Resolution 101, and recognize April 24, 1985, as a "National Day of Remembrance of Man's Inhumanity to Man."

The many brave Armenian men and women who have survived the massacres of 70 years ago, as well the generations that succeeded them, and have come to live peacefully and prosperously in this country deserve our support and recognition on the anniversary of this terrible event.●

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 12 NOON

Mr. DOLE. Mr. President, I ask unanimous consent that at the close of business today the Senate stand in recess until the hour of 12 noon, Wednesday, April 24, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. I further ask unanimous consent that after the recognition of the two leaders tomorrow under the standing order, that there be special orders, not to exceed 15 minutes each, for the following Senators: Senator PROXMIRE, Senator LEVIN, Senator SPECTER, Senator D'AMATO, Senator BOSCHWITZ, and Senator METZENBAUM.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that following the special orders just identified, there be a period for the transaction of routine morning business not to extend beyond the hour of 1:45 p.m., with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, for the information of all Senators, pursuant to the provisions of Senate Resolution 100, the official photograph of the Senate will be taken at 2 p.m. tomorrow afternoon. All Senators are asked to be in the Chamber in their seats by 1:50 p.m. tomorrow.

Following routine morning business, it will be the intention of the majority leader to turn to Senate Concurrent Resolution 32, the budget resolution, and any items on the Legislative or Executive Calendars cleared for action by unanimous consent.

Let me indicate on the budget resolution that with the President addressing the Nation tomorrow on the deficit, I doubt that there will be any votes tomorrow. I would hope that I may be able to work out some arrangement with the minority leader in the morning to permit us to have general debate on the budget resolution with no amendments being offered on either side tomorrow, but at least discussing the budget, and asking that the time used be counted against the 50-hour statutory time.

RECESS

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 12 noon, Wednesday, April 24, 1985.

The motion was agreed to; and the Senate, at 9:11 p.m., rececessed until Wednesday, April 24, 1985, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate April 23, 1985:

THE JUDICIARY

J. Frederick Motz, of Maryland, to be U.S. district judge for the district of Maryland vice a new position created by Public Law 98-353, approved July 10, 1984.

DEPARTMENT OF EDUCATION

Gary L. Bauer, of Virginia, to be Under Secretary of Education, vice Gary L. Jones, resigned.

DEPARTMENT OF COMMERCE

Douglas A. Riggs, of Alaska, to be General Counsel of the Department of Commerce, vice Irving P. Margulies, resigned.

CONFIRMATION

Executive nomination confirmed by the Senate April 23, 1985:

IN THE COAST GUARD

The following-named captain of the Coast Guard Reserve to be a permanent commissioned officer in the Coast Guard Reserve in the grade of commodore:

Capt. Bennett S. Sparks, USCGR.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Tuesday, April 23, 1985*

(Legislative day of Monday, April 22, 1985)

The SPEAKER pro tempore. The time of the gentleman from Florida [Mr. SHAW] has expired.

The Chair recognizes the gentleman from Indiana [Mr. JACOBS].

RECESS

Mr. JACOBS. Mr. Speaker, I ask unanimous consent that the House recess for 5 minutes in order that the Reverend Andrew Brown, an apostle of peace and dean of ministers in Indiana, might give the opening prayer for April 23, 1985.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The House now stands in recess for 5 minutes.

Accordingly (at 9 o'clock and 48 minutes a.m., April 23, 1985), the House stood in recess for 5 minutes.

□ 950

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. FOLEY] at 9 o'clock and 54 minutes a.m.

PRAYER

The Reverend Andrew Brown, St. John's Missionary Baptist Church, Indianapolis, IN, offered the following prayer:

Grant us Thy love, O gracious Heavenly Father, that we as a nation may overcome our impatience with the seeming slow results of the redemptive work in which we are engaged. We pray, O God, that our Representatives may not grow impatient in their work against the ignorance or prejudices of our friends; our enemies; or fellow workers. Help us to be militant without being unkind, uncompromising without being intolerant, devoted without being bigoted. Strengthen and embolden these Thy servant's spirits, O God, who art power, seize and possess all of us, that we all will no longer be unsteady in our faith or unsure of the end result of the work we undertake. Through Jesus Christ our Lord. Be with us now and forever. Amen.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 239, MAKING APPROPRIATIONS FOR AID TO NICARAGUA

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 136 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 136

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into a secret session of the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 239) to approve the obligation of funds available under Public Law 98-473 for supporting military or paramilitary operations in Nicaragua, the first reading of the joint resolution shall be dispensed with, and all points of order against the consideration of the joint resolution are hereby waived. Pending the Speaker's declaration, he is authorized to declare a recess of the House in order to make appropriate arrangements for a secret session. General debate in the secret session of the Committee of the Whole shall continue not to exceed five hours, to be equally divided and controlled by a Member in favor of the resolution and a Member opposed thereto. At such time as the secret session of the Committee of the Whole shall terminate, the Committee of the Whole shall rise and the Speaker is authorized to declare a recess of the House to make appropriate arrangements for the reconvening of the House in open session. All proceedings in the secret session shall be kept secret unless otherwise ordered by the House on recommendations of the Committee on Appropriations and the Permanent Select Committee on Intelligence. At any time after the House has reconvened in open session the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution H.J. Res. 239. Further debate on the joint resolution shall continue not to exceed five hours plus any part of the five hours not actually consumed during debate in the secret session, and during the further consideration of the joint resolution the procedures contained in subsection 8066(c)(5) of Public Law 98-473 (98 Stat. 1936) shall apply.

SEC. 2. If the joint resolution (H.J. Res. 239) is rejected on final passage, the Speaker may at any time thereafter, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of a joint resolution relating to Nicaragua to be offered by, and printed in the Congressional Record of April 22, 1985, by Representative Barnes of Maryland, the first reading of the joint resolution shall be dispensed with, and all points of order against the joint resolution and against its consideration are hereby waived. There shall be no general debate on the joint resolution, which shall be considered as having been read for amendment under the five-minute rule. No admendment to the joint resolution shall be in order except the following amendments, which shall be considered as having been read, shall be in order any rule of the House of the contrary notwithstanding, shall be considered only in the following order, and shall not be subject to amendment: (1) the amendment in the nature of a substitute printed in the Congressional Record of April 22, 1985, by, and if offered by, Representative Hamilton of Indiana, and said amendment shall be debatable for not to exceed two hours, to be equally divided and controlled by Representative Hamilton and a Member opposed thereto; and (2) the amendment in the nature of a substitute printed in the Congressional Record of April 22, 1985, by, and if offered by, Representative Michel or his designee, and said amendment shall be debatable for not to exceed two hours, to be equally divided and controlled by Representative Michel or his designee and a Member opposed thereto. If both of said amendments are adopted, only the second such amendment shall be considered as having been finally adopted and reported back to the House. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendment as may have been finally adopted, and the previous question shall be considered as ordered on the joint resolution and such amendment thereto to final passage without intervening motion except one motion to recommit.

□ 1000

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Mississippi [Mr. LOTT], pending which I yield myself such time as I may consume.

Mr. Speaker, this rule provides for consideration of House Joint Resolution 239, to approve the obligation of funds under Public Law 98-473 for supporting military or paramilitary operations in Nicaragua. Under House Resolution 136, the House may take up to 10 hours of general debate on House Joint Resolution 239, with the time equally divided and controlled by a Member in favor of the joint resolution and a Member opposed to it.

The rule provides for a secret session of the Committee of the Whole in

which up to 5 hours of general debate may be consumed. The rule also authorizes the Speaker to declare recesses prior to and after the secret session to make appropriate arrangements for the secret session and for reconvening the House in open session. The rule provides that all proceedings of the secret session shall be kept secret unless otherwise ordered by the House on recommendation of the Committee on Appropriations and the Permanent Select Committee on Intelligence.

After the Committee of the Whole reconvenes in open session, general debate may continue up to 5 hours plus any part of the 5 hours of debate time not consumed in the secret session.

Mr. Speaker, the procedures contained in subsection 8066(c)(5) of Public Law 98-473—the continuing resolution for fiscal year 1985—will govern further consideration of the joint resolution in open session. These provisions provide that a motion to limit debate is in order and not debatable. These provisions further provide that no amendment, motion to postpone, motion to proceed to consideration of other business, or motion to recommit the joint resolution is in order.

Section 2 of House Resolution 136 provides that if House Joint Resolution 239 is rejected on final passage, it shall be in order to consider a joint resolution relating to Nicaragua to be offered, and printed in the CONGRESSIONAL RECORD of April 22, 1985, by Representative BARNES of Maryland. All points of order against the joint resolution are waived. The rule provides that there shall be no general debate on that joint resolution.

Mr. Speaker, the rule further provides that no amendments shall be in order to that joint resolution except two amendments, which shall be considered only in the following order:

First, an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of April 22, 1985, by, and if offered by, Representative HAMILTON of Indiana, with the amendment to be debated for no more than 2 hours, the time to be equally divided and controlled by Representative HAMILTON and a Member opposed to the amendment, and second, an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of April 22, 1985, by, and if offered by, Representative MICHEL or his designee, with the amendment to be debated for no more than 2 hours, the time to be equally divided and controlled by Representative MICHEL or his designee and a Member opposed to the amendment.

These amendments shall be considered as having been read, shall be in order any rule of the House notwithstanding, and shall not be subject to amendment. If both of the amendments are adopted, only the second amendment adopted shall be considered as having been finally adopted and reported back to the House. Finally, the rule provides for one motion to recommit.

Mr. Speaker, this is a somewhat complicated rule. To make certain that everyone understands what this rule entails, let me repeat the basic provisions.

The rule provides for the consideration of House Joint Resolution 239, which would approve the obligation of $14 million for supporting military or paramilitary operations in Nicaragua, pursuant to the continuing resolution passed last year. The rule provides for 10 hours of debate on that joint resolution, no more than 5 hours of which may be in secret session. At the conclusion of this debate, there will be an up or down vote on House Joint Resolution 239.

If House Joint Resolution 239 is defeated, it will be in order to consider a joint resolution offered by Mr. BARNES. No general debate will be in order on this resolution. The rule makes in order two amendments in the nature of a substitute to this joint resolution: First, a substitute by Mr. HAMILTON; and second, a substitute by Mr. MICHEL or his designee. There will be an up or down vote on both of these substitutes. The rule establishes what is sometimes known as king of the mountain procedure, whereby, if both substitutes are adopted, only the second one is considered to have been finally adopted.

Mr. Speaker, this rule allows the Members of the House to consider fully the major alternatives on one of the most critical foreign policy issues of our time. I urge its adoption.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

First, Mr. Speaker, I would like to take a few moments to go over exactly what the rule does. The gentleman from Michigan just went over it, but I want to make sure the Members fully understand what the procedure will be for the rest of the day, and I presume tomorrow, as to how these resolutions, the substitute and the original resolution, will be handled.

The Speaker is authorized to declare the House in secret session in the Committee of the Whole for up to 5 hours for the consideration of House Joint Resolution 239, approving the expenditure of $14 million for military and paramilitary operations in Nicaragua. I want to emphasize that it says secret session up to 5 hours. That does not mean necessarily, obviously, that we will take the full 5 hours, and I need to emphasize that if we do not take those full 5 hours, the time remaining will be carried over into regular session.

So we will have 5 hours that could be in secret session, and then the next 5 hours will be in open session, plus any time that is left over from the secret session.

All points of order are waived against the consideration of the resolution. The resolution is not subject to amendment and is not subject to a motion to recommit.

If the Michel resolution is defeated, and I want to emphasize that, if it is defeated, the Speaker may resolve the House into the Committee of the Whole to consider a resolution by Representative BARNES of Maryland printed in the RECORD on Monday, April 22. All points of order are waived against the resolution, and the resolution is not subject to further debate.

It first shall be in order to consider an amendment in the nature of a substitute offered by Mr. HAMILTON of Indiana, printed in the RECORD on Monday, April 22. The amendment shall not be subject to amendment but shall be debatable for 2 hours, equally divided between Representative HAMILTON and a Member opposed, and all points of order are waived against the amendment.

Even if the Hamilton amendment is adopted, it shall next be in order to consider an amendment in the nature of a substitute for the resolution printed in the RECORD on Monday, April 22, and offered by Mr. MICHEL of Illinois or his designee. All points of order are also waived against this amendment, and the amendment is subject to 2 hours of debate divided between Mr. MICHEL or his designee and a Member opposed, and the amendment is not subject to an amendment.

If both amendments are adopted, both Hamilton and Michel, the last one adopted shall be reported back to the House as the recommendation of the Committee of the Whole and would be subject to a separate vote, of course, in the House.

One motion to recommit is permitted, although the rule does not specify with or without instructions, meaning that if either substitute is adopted, the resolution cannot be further amended in a motion to recommit with instructions, although general instructions would still be in order. If both substitutes are defeated, it would still be in order to offer a germane amendment to the Barnes amendment in the motion to recommit.

Let me assess the rule. If you look at this rule in a vacuum, by itself, it is not too bad.

□ 1010

I have to say that the members of the Rules Committee on the majority side made the best effort possible to make a fair rule out of a bad situation and a bad process. But we did have a considerable amount of discussion about how to frame this rule, and

after meeting in the Rules Committee and in caucus and after a lot of discussion, I think this is about as fair a process, as far as what the rule allows, as we could come up with. Everybody has an opportunity to offer their substitute and make their case. There is adequate time for debate, it is equally divided, both the 10 hours and the 2 hours on the Barnes substitute and the 2 hours on the compromise substitute offered by Representative MICHEL or his designee.

So I have to grant that to my colleagues on the majority side on the Rules Committee. They tried to make the best of a bad situation, and for that reason, while I object to the process and I object to a rule that in effect approves this kind of process, I think that at least we will have our chance to offer a substitute and be heard fairly in the debate.

But let me tell the Members a little bit about how this thing evolved. It is a kind of a part of a rolling arrogance that we went through last week in the way the schedule was changed and altered and rules were violated or waived or ignored. Earlier in the week the Rules Committee met, and there was even some resistance by members of the Rules Committee and others, including the distinguished gentleman from Florida, to taking up two bills from the Science and Technology Committee where we did not even have a committee report. I was frantic during the Rules Committee meeting, trying to find a Xerox copy of the report, because I wanted to go through the report. But we ignored committee rules and rules of the House, and we took up the National Science Foundation and the National Bureau of Standards bills because we had to have something to do later in the week.

Well, that was not so bad, I guess, in and of itself, but it was part of what got to be the way we were doing business last week. Changes in the schedule were made without the basic courtesy of notifying the leadership on the Republican side of the aisle.

Then on Thursday, I had been working on behalf of the leadership on this side of the aisle watching what was happening in the Appropriations Committee, which was required to act by the action we took last year. We fenced these funds for Nicaragua at $14 million, but we said in what we passed that the Appropriations Committee would reconsider the unfencing of that money. And so on Thursday the subcommittee of the Appropriations Committee started a meeting on this issue. I assumed the subcommittee would act, then the full committee would act, and then there would be the normal 3-day layover when the House would act. But somehow or other, that did not seem to suit the Democratic leadership, because 2 days seemed to have made an awful lot of difference in this body. Instead of the normal order of events in the sequence of processes required under the law and the rules of the House, the leadership and the Chair apparently did not want us to take this up on Wednesday or Thursday. They wanted it Tuesday. Regardless, it was going to be Tuesday. So if they could not force it through the Appropriations Committee, as was set out in the law, they said we would just ignore that, we would go straight to the Rules Committee and do whatever was necessary or waive whatever was necessary to get this thing out on Tuesday because we were going to get it considered on this particular day.

So somewhere around 2 o'clock on Thursday afternoon I got about 45 minutes' notice and we had an emergency meeting of the Rules Committee to yank this thing away from the Appropriations Committee and set up the process to get it to the floor. Usually there is plenty of notice to the membership, but in this case I cannot say that was the case. Some of the Members on our side of the aisle had already left the city and were going home because they were under the impression we were finishing the business of the day. The Rules Committee had no notice that we would be meeting.

Was the ranking member of the Foreign Affairs Committee notified of this Rules Committee meeting? No. Was the distinguished gentleman from Arizona, the ranking member of the Intelligence Committee, notified of this meeting? No. Was the Republican leader notified? I think there is even question about that.

As a matter of fact, when the Rules Committee was meeting, the leadership was here on the floor talking about the schedule for this week, and so when I got to the Rules Committee meeting, I was the only Member from this side of the aisle in the room. The Republican leader was not there, the ranking member of the Foreign Affairs Committee was not with us, the ranking member of the Intelligence Committee was not there, and the ranking member of the Appropriations Committee was not there.

So I started asking questions about what we were doing, what was the process, what we were considering, and I found that the only Member who was testifying was the gentleman from Maryland [Mr. BARNES], not the ranking member of the Foreign Affairs Committee, not a member of the Appropriations Committee. He was the Member who was testifying about what kind of rule he thought we should have. And after asking a series of questions over about 15 or 20 minutes, it finally dawned on me that nobody had bothered to ask about what the substance was of what we were considering.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am pleased to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, on the point the gentleman was making just a moment ago, I sat on the floor with some of the Republican leadership on Thursday afternoon. In a very specific conversation it became my understanding that there had been a discussion between the ranking member of the Appropriations Subcommittee and the Speaker's people and there had been agreement that the bill would come to the full committee, and that the 3-day rule would apply. So I went back to my home and spent the weekend getting prepared for the debate before the full Committee on Appropriations. And then suddenly on Monday morning we find that the Speaker and those who run this place had decided to arbitrarily exercise their power to fundamentally violate what we understand to be the rules.

I think the gentleman raises a very important point for the membership to know that, that for some reason 2 days were critical; there was not going to be time for Members to prepare themselves, and for some reason it had to be done now. It seems to me at best that it is an arbitrary exercise of power.

Mr. LOTT. Mr. Speaker, I would like to respond to the gentleman and say that it was also my impression on Thursday morning that it was going through the normal process at the subcommittee level and the full committee level, and I thought everybody was proceeding on that basis.

I realized that there was a possibility or even a likelihood that the Rules Committee might have to meet at some point on Monday or Tuesday of this week to make in order the substitutes. I understood that, and I basically was in agreement with it. But all of a sudden that apparently was not good enough, so we were summoned to the Rules Committee to carry this deed through to its completion.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague's yielding, and I wonder if he would yield further to me.

Mr. LOTT. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, it occurs to me that this is just another illustration of what is becoming a pattern during this session, an exercise of power almost for the sake of demonstrating it. The American public, I think, is quite sensitive to that. There is no small reason for the public's beginning to react and look again at what is going on in this House. So my colleague on the Rules

Committee raises a very important point, and I appreciate that.

Mr. LOTT. Mr. Speaker, I thank the gentleman for his comments.

Getting back to that meeting in the Rules Committee, I started asking the gentleman from Maryland, "Could we see the substitute?"

Well, apparently there was no substitute that we were about to grant a rule on. It was not in writing. I could understand that there were negotiations going on, but why did the Rules Committee have to meet right then to report this rule on a substitute that we had not yet seen?

So I thought, well, OK, it is not in writing. Let me ask him, what are his parameters? What is he really thinking about? And I was floored at what I found as I started asking questions. He really was not sure.

I was told one thing in the Rules Committee, and I find that what is actually in this substitute offered by the gentleman from Maryland and the gentleman from Indiana [Mr. HAMILTON] is quite different from what we were hearing in the Rules Committee.

I understand that we set up a process that allows for changes to be made. But now just envision that. We were in the Rules Committee on that Thursday afternoon—by then it was 4 o'clock—to make in order a rule on a substitute that we had not seen, that in fact was not written down, and the gentleman from Maryland did not really know what it was going to be.

So at that point we were able to get our leader, the gentleman from Illinois, Mr. BOB MICHEL, in the committee, along with the gentleman from Arizona [Mr. STUMP] and the gentleman from Michigan [Mr. BROOMFIELD], to start asking some questions and try to keep this process from being a complete steamroller, where at least there would be some orderly process for substitutes to be developed and offered and so that the compromise that will be offered by Mr. MICHEL and others would at least have a chance.

The gentleman from Maryland [Mr. BARNES] had magnanimously indicated that he would have no objection to Republicans offering an alternative in a motion to recommit with instructions. But, when it was pointed out that we just might need a germaneness waiver because we were interested in providing some kind of assistance to the freedom fighters inside Nicaragua, it was suddenly suggested that we should have our motion ready to file by 8 o'clock that evening. Our poor Republican leader had found himself in attendance at a surprise party in his honor, to which he had not been invited in the first place, and was then being asked to go back home and put on his tuxedo. It all begins to sound a little Kafkaesque, when you think about it. The Rules Committee had become the twilight zone.

Fortunately, I was able to persuade our colleagues on the committee to permit both Mr. BARNES and Mr. MICHEL to file their amendments in yesterday's RECORD, and also to permit the minority to have an equal shot with a substitute, rather than being relegated to just 10 minutes on a motion to recommit. For that small favor I am sincerely grateful. So what we have here today is probably the best bad rule we could hope to get. It's like being fed a toad instead of a snake: they're both hard to swallow.

All this confusion, irregularity, and flouting of House rules and orderly process could have been avoided if we had followed the procedure prescribed by the continuing appropriations resolution last year, requiring the Appropriations Committee to first report a joint resolution approving the $14 million.

The continuing resolution also contains language permitting each House to adopt additional procedures and rules, and this would have allowed a special rule to permit both the majority and minority to offer more detailed substitutes which better reflect the administration's current request and the current thinking of those on the other side.

So I just emphasize to the Members that the process stinks, the way this has been handled. Why not the regular process? It would have made 1 or 2 days' difference. So what? Well, I am told in confidence that it is because we want to act the same day the Senate acts.

Is there something magical about that? Do we violate all rules of normal process around here just to make sure we are not influenced by the other body? Come now.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield once again?

Mr. LOTT. I yield to my friend, the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague's yielding.

An item has just come to my attention that is very appropriate to the comments that the gentleman has been making, and it is most appropriate that the Speaker is in the chair as I review this comment. I say this:

> I pledge to be prompt and impartial in deciding parliamentary questions. I pledge to be patient, good tempered and courteous toward the individual Members. I pledge best to employ the talent of the House for full and fair consideration of issues that come before us. In "those moments of agitation from which no deliberative assembly is always entirely exempt," I pledge to "remain cool and unshaken, guarding the permanent laws and rules of the House from being sacrificed to temporary passions, prejudices, or Interests."

That quote is from our Speaker, TIP O'NEILL, upon being sworn in during this session. I must say that I believe the Speaker means those words. From time to time around this place, however, our staff members sometimes get in the way and interfere with our ability to control passions, and sometimes they overreact. I certainly hope that we would keep those words in mind as we go forward with our debate today.

Mr. LOTT. Mr. Speaker, I thank the gentleman from California [Mr. LEWIS].

I would like to urge my colleagues briefly in this time for debate under the rule to look today at the substitutes that were printed in the RECORD yesterday. I do not know now whether we will try to get to those substitutes tonight or whether they will come up tomorrow. I presume and I hope that we will have a vote tonight, probably around 7 o'clock, on the Michel resolution, and that then tomorrow we will take up the Barnes substitute and the Michel compromise that has been printed in the RECORD. But I ask the Members to look at these compromises so they will at least know what we are talking about.

□ 1020

The Barnes substitute, as I understand it, would provide nothing for the Contras, nothing for Nicaragua. It would provide aid and the dollar amount has changed, but I presume now about $10 million for refugees outside of Nicaragua, which has already been basically described as the Refugee Incentive Act. Let us encourage them to come on out of Nicaragua right across the border and get in on the refugee funds that will be available, and then $4 million will go to the Contadora countries after an agreement is reached to help pay for the implementation of the process.

Mr. Speaker, this is a very unusual substitute, I must say. I have to ask, what does it contribute to trying to get the parties inside Nicaragua to talking with each other?

I have a few other questions that I would like to ask on the substance and we will later in general debate; but please, my colleagues, take a look now at the substitute substance before we get to it so that you can ask legitimate questions.

The compromise that the gentleman from Illinois [Mr. MICHEL] will offer has also been printed in the RECORD, but the parameters are basically this. There is $14 million for humanitarian aid and humanitarian aid is described and defined as food, clothing, medicine and other humanitarian assistance.

It says specifically that it is not to be used to provide arms, munitions or other weapons of war to any person, group or organization directly or indirectly. These funds will be adminis-

tered through the Agency for International Development and the President is strongly urged and encouraged to take steps necessary to impose an embargo on trade between the United States and Nicaragua if the Government of Nicaragua does not enter into good faith negotiations with the Nicaraguan democratic opposition.

This compromise is asking for humanitarian aid without a trigger, a carrot or a stick. Humanitarian aid to those people who are fighting against the Communists in Nicaragua—and that is so bad?

I cannot understand really the turn that this debate has taken.

Now, it is especially unfortunate, I think, when we are talking about countering Communist aggression and expansion in the Americas, if we cannot agree on the nature of the threat in our own front yard and how to deal with it, how can we hope to remain the shining beacon of freedom for the rest of the world?

We hear a lot of hyperbole about our policy toward Central America. Some would have us believe that supporting the President's peace initiative is tantamount to voting for a Gulf of Tonkin resolution; but I would suggest that the opposite is the case. The real danger lies in turning our backs on the problem, covering our eyes and hoping it will go away; or that others will somehow fix it and make it right for a few Yankee dollars; or that a little refugee assistance will somehow salve our consciences. That is not the way to deal with Communist expansion.

Let us not kid ourselves. Do we really want more Cubas?

Mr. Speaker, let me conclude my remarks on this rule by saying that I hope the next time we have such an important issue before us that we will not resort to the type of process that we have had here. Let us go through the normal procedure so that Members will fully understand how it is coming to the floor, when it is coming, what committee has jurisdiction, so that there will be some hearings on what we are taking up on the floor. I think it would serve us all better.

Our country's foreign policy is too serious a matter for such petty jockeying and political pointmaking. We have established orderly procedures in this House for very sound reasons, including the assurance of a truly deliberative process that includes the benefit of a committee report, the protection of minority rights, and the maintenance of a civil environment in which to conduct our debates. When we short-circuit any of these procedures and protections, we risk losing the comity on which democracy is dependent. We can ill afford such a breakdown on an important foreign policy debate with the rest of the world watching. Let us demonstrate in the future that we are capable of better.

I have to say if we do not report this rule, then we will be I guess right back at the gate as far as trying to devise a process to consider it on the floor. At least our substitute will have a chance to be considered under this rule.

Mr. Speaker, I would urge my colleagues to express themselves against this process, but I have to acknowledge that the rule is probably the best that we could get under the worst possible conditions.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. BONIOR of Michigan. Mr. Speaker, I have no requests for time and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 286, nays 127, not voting 20, as follows:

[Roll No. 62]

YEAS—286

Ackerman	Chappell	Foley
Addabbo	Clay	Ford (MI)
Akaka	Clinger	Fowler
Alexander	Coats	Frank
Anderson	Coelho	Frost
Andrews	Coleman (MO)	Garcia
Annunzio	Coleman (TX)	Gaydos
Anthony	Collins	Gejdenson
Applegate	Conte	Gephardt
Aspin	Conyers	Gibbons
Atkins	Cooper	Gilman
AuCoin	Coughlin	Glickman
Barnard	Coyne	Gonzalez
Barnes	Daniel	Goodling
Bates	Darden	Gordon
Bedell	Daschle	Gradison
Beilenson	Dellums	Gray (IL)
Bennett	Derrick	Gray (PA)
Bentley	Dickinson	Green
Berman	Dicks	Guarini
Bevill	Dingell	Gunderson
Biaggi	Dixon	Hall (OH)
Boehlert	Donnelly	Hall, Ralph
Boggs	Dorgan (ND)	Hall, Sam
Boland	Downey	Hamilton
Boner (TN)	Duncan	Hammerschmidt
Bonior (MI)	Durbin	Hawkins
Bonker	Dwyer	Hayes
Borski	Dyson	Hefner
Bosco	Early	Henry
Boucher	Eckart (OH)	Hertel
Boxer	Edgar	Hillis
Breaux	Edwards (CA)	Holt
Brooks	English	Hopkins
Broomfield	Erdreich	Horton
Brown (CA)	Evans (IL)	Howard
Broyhill	Fascell	Hoyer
Bruce	Fawell	Hubbard
Bryant	Fazio	Huckaby
Burton (CA)	Feighan	Hughes
Campbell	Flippo	Hutto
Carper	Florio	Hyde
Carr	Foglietta	Jacobs
Jenkins	Montgomery	Sisisky
Jones (NC)	Moody	Slattery
Jones (OK)	Moore	Smith (FL)
Jones (TN)	Morrison (CT)	Smith (IA)
Kanjorski	Mrazek	Smith (NE)
Kaptur	Murphy	Smith (NJ)
Kasich	Murtha	Snowe
Kastenmeier	Myers	Solarz
Kemp	Natcher	Spence
Kennelly	Neal	Spratt
Kildee	Nichols	St Germain
Kleczka	Nowak	Staggers
Kolbe	Oakar	Stallings
Kolter	Oberstar	Stark
Kostmayer	Obey	Stokes
LaFalce	Olin	Stratton
Lantos	Owens	Studds
Leach (IA)	Panetta	Stump
Leath (TX)	Parris	Swift
Lehman (CA)	Pease	Synar
Lehman (FL)	Penny	Tallon
Leland	Pepper	Tauzin
Levin (MI)	Perkins	Thomas (GA)
Levine (CA)	Pickle	Torres
Lipinski	Price	Torricelli
Livingston	Pursell	Towns
Lloyd	Quillen	Traficant
Long	Rahall	Traxler
Lowry (WA)	Rangel	Udall
Lujan	Ray	Valentine
Luken	Regula	Vander Jagt
Mack	Reid	Vento
MacKay	Richardson	Visclosky
Manton	Ridge	Volkmer
Markey	Rinaldo	Walgren
Martinez	Robinson	Watkins
Matsui	Roe	Waxman
Mavroules	Rose	Weaver
Mazzoli	Rostenkowski	Weiss
McCain	Roukema	Wheat
McCurdy	Rowland (GA)	Whitley
McDade	Roybal	Whitten
McHugh	Russo	Williams
Meyers	Sabo	Wirth
Mica	Scheuer	Wise
Michel	Schneider	Wolpe
Mikulski	Schroeder	Wright
Miller (CA)	Schuette	Wyden
Mineta	Schulze	Yates
Mitchell	Schumer	Yatron
Moakley	Sharp	Young (MO)
Molinari	Shelby	
Mollohan	Sikorski	

NAYS—127

Archer	Gregg	Roberts
Armey	Hansen	Roemer
Bartlett	Hartnett	Roth
Barton	Hendon	Rowland (CT)
Bateman	Hiler	Rudd
Bereuter	Hunter	Savage
Bilirakis	Ireland	Saxton
Billey	Jeffords	Schaefer
Boulter	Johnson	Sensenbrenner
Brown (CO)	Kindness	Shaw
Burton (IN)	Kramer	Shumway
Callahan	Lagomarsino	Shuster
Carney	Latta	Siljander
Chandler	Lent	Skeen
Chappie	Lewis (CA)	Skelton
Cheney	Lewis (FL)	Slaughter
Cobey	Lightfoot	Smith (NH)
Coble	Loeffler	Smith, Denny
Combest	Lott	Smith, Robert
Courter	Lowery (CA)	Snyder
Craig	Lungren	Solomon
Crockett	Madigan	Stangeland
Dannemeyer	Marlenee	Stenholm
Daub	Martin (IL)	Strang
Davis	Martin (NY)	Sundquist
DeLay	McCandless	Sweeney
DeWine	McCollum	Swindall
DioGuardi	McGrath	Tauke
Dornan (CA)	McKernan	Taylor
Dreier	McKinney	Thomas (CA)
Dymally	McMillan	Vucanovich
Eckert (NY)	Miller (OH)	Walker
Edwards (OK)	Miller (WA)	Weber
Emerson	Monson	Whitehurst
Evans (IA)	Moorhead	Whittaker
Fiedler	Morrison (WA)	Wilson
Fields	Nielson	Wolf
Fish	O'Brien	Wortley
Franklin	Oxley	Wylie
Frenzel	Packard	Young (FL)
Gallo	Petri	Zschau
Gekas	Porter	
Gingrich	Ritter	

NOT VOTING—20

Badham	Fuqua	Ortiz
Bustamante	Grotberg	Pashayan
Byron	Hatcher	Rodino
Crane	Heftel	Rogers
de la Garza	Lundine	Selberling
Dowdy	McEwen	Young (AK)
Ford (TN)	Nelson	

□ 1040

The Clerk announced the following pairs:

On this vote:

Mr. Ortiz for, with Mr. Grotberg against.
Mr. Rogers for, with Mr. Crane against.

Messrs. BOULTER, HUNTER, and McMILLAN changed their votes from "aye" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING REQUIREMENT FOR SECRET SESSION IN CONSIDERATION OF HOUSE JOINT RESOLUTION 239

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the requirement in House Resolution 136 for a secret session be waived and that 10 hours of debate proceed under the provisions of section 8066 of the Department of Defense Appropriation Act, 1985, as incorporated in Public Law 98-473.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERSONAL EXPLANATION

Mr. NIELSON of Utah. Mr. Speaker, I was unable to be present for the votes yesterday.

Mr. Speaker, had I been present I would have voted "yes" on rollcall No. 59 concerning the Journal, I would have voted "yes" on rollcall No. 60, the Nicholson resolution, and I would have voted "no" on No. 61, the Chilean resolution.

MAKING APPROPRIATIONS FOR AID TO NICARAGUA

The SPEAKER. Pursuant to House Resolution 136 and rule XXIII the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 239).

□ 1047

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 239) to approve the obligation of funds available under Public Law 98-473 for supporting military or paramilitary operations in Nicaragua, with Mr. REID in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the rule, the first reading of the joint resolution is dispensed with.

The gentleman from Illinois [Mr. MICHEL] will be recognized for 5 hours and the gentleman from New York [Mr. ADDABBO] will be recognized for 5 hours.

The Chair recognizes the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset of this historic debate, I would like to say a few words about the parlimentary situation that shaped the course of these votes.

Our first vote today will be on language which, if I had the choice, I would not have introduced. I would have preferred language which would implement the essence of the President's peace plan, based on the San Jose Declaration.

But I was precluded from offering such language. Let me explain why:

You will all recall that when the continuing resolution was passed in the last Congress and the funds for the Contras were fenced off as we did similarly with the MX, there was specific language written into that resolution which obliged us or anyone introducing the resolution to fence it in, to specifically read as follows: "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled that the Congress approves the obligation and expenditure of funds available for fiscal year 1985 for supporting, directly or indirectly, military or paramilitary operations in Nicaragua."

Mr. Chairman, this first vote is, in essence, an artificial contrivance, designed to put the President's position in the worst possible light.

I think our Members should know that this first vote will be held on language which distorts the President's wishes.

Later we will introduce an amendment that will allow Members to make a realistic decision as to where they stand.

And the issue is this: Do you want to help the forces of democratic pluralism in Nicaragua or do you want to consolidate the power of the Marxist-Leninist dictatorship?

Recently, the Sandinista leader Mr. Ortega insulted the Congress by holding out a carrot. He promised a ceasefire if we would just do his bidding and abandon the democratic forces in his country.

This is the kind of cyncism one expects from such a source. I can understand Ortega saying it; what I can't understand is anyone in the Congress believing it.

If you have a sense of deja vu about all this, so do I. Today we are repeating a ritual that we have gone through many times.

It goes something like this:

The United States goes to the aid of a group or country that is fighting Communists. The cry is raised that our side isn't good enough to support. It is corrupt. It is immoral. It commits atrocities. A propaganda campaign is mounted against the allies of the United States.

Then the critics of the administration tell us the Communists are open to change if only we would be more generous in our treatment of them.

When the true facts of Communist tyranny become inescapably clear, the administration's critics tell us they oppose what the Communists are doing. But they don't like the means the administration has chosen to stop it. They offer no realistic alternative themselves.

Does this sound familiar? It should. We have been through this scenario over and over again in the past 30 years. And in every case the Communists proved to be worse than forces we had originally supported but then abandoned. Millions of innocent men, women, and children have paid the price of our refusal to acknowledge that communism is the worst form of tyranny.

In the present case, we even have some critics of the President who do not want to call the Sandinistas Communists.

But the Sandinistas are self-proclaimed Marxist-Leninists. And if someone can point out the substantive differences between Marxist-Leninists and Communists I'd sure like to hear it.

Gertrude Stein said "A rose is a rose is a rose." I say a Sandinista is a Marxist-Leninist is a Communist. So I'm going to call them what they are.

They believe in their ideology the way religious people believe in God. They will ultimately sell their nation to the Soviet Union the same way Castro sold Cuba if we give them the chance.

We will hear a lot today about the real and alleged sins of the democratic forces of Nicaragua.

I'll let other Members correct these distortions.

As for myself, I don't care if the democratic forces of Nicaragua are good enough to go to Heaven. I'm interested in seeing that they are strong enough to save their country from a Communist hell.

We are told we should not be supporting a group that wants to overthrow the Government of Managua.

Overthrow the Communists in Nicaragua? Fat chance, the way we're providing aid.

Fourteen million dollars worth of aid isn't going to help them overthrow an armed force of 62,000 active duty

personnel, a total force of 119,000, including reserves and militia.

This Sandinista force has Soviet MI-24 hind attack helicopters. It has 150 tanks, 200 other armored vehicles and some 300 to 400 surface-to-air missiles. The Sandinistas have nearly completed a runway long enough to service any aircraft in the Soviet or Cuban inventory.

But, we are told that if we give $14 million worth of aid—in any form—to the democratic forces, they will suddenly run into Managua and take over.

What nonsense! I for one wish this country could make a decision to give the democratic forces what they really need to make a difference in Nicaragua. But the political facts dictate we argue about $14 million to help those engaged in a struggle with the largest standing army in Central America.

We are not faced with a choice between force and dialogue. We are faced with a choice between a mixture of force and dialogue on one hand and inevitable Marxist-Leninist consolidation of power on the other.

Saying you are against the Sandinistas but don't want to help the democratic forces is not enough. That's like saying you are against a disease but unwilling to treat it. It's like saying you are against arson but don't want to fund the fire department. It's like saying you are against crime in the streets but want to provide the police with food stamps and not weapons.

The bishops of Nicaragua, in their Easter pastoral letter, condemned the Sandinistas and asked them to enter into negotiations with the democratic forces.

Those religious groups closest to the scene recognize the true character of the Sandinistas. Listen to Jews whose synagogue was closed and were forced to leave the country. They'll tell you about freedom of religion in this new Communist state. Listen to the Miskito Indians whose clergy were killed by the Sandinistas.

One newspaper columnist recently wrote that the Sandinistas can't be all bad because they like baseball and they even jog.

This is the same kind of argument that we heard when Andropov became head of the Soviet Union. He drank scotch and liked jazz.

Sometimes you wonder how these scotch-drinking jazz-loving baseball-playing, jogging, lovable Communists ever find the time to read Karl Marx and to do away with dissenters.

Let me read to you one of their goals as outlined in the definitive statement of principles of the Sandinistas, in 1969. They have never repudiated this goal.

> Struggle for a true union of the Central American peoples within one country beginning with support for national liberation movement in neighboring states.

Stripped of the Communist jargon that means the ongoing revolution.

They said it themselves.

We should at least pay them the tribute of acknowledging they believe deeply in their own principles.

If the United States doesn't believe we have the moral and political right to aid the democratic force fighting communism, then God help the future of freedom in this hemisphere.

The Communists have no legitimacy. Their legitimacy comes through the barrel of a gun. Why do critics of the President insist that they are legitimate rulers? The people didn't give them power. They took power from the people.

Let me read to you the report of the Bipartisan Commission on Central America, still the most definitive and objective study of the current tragedy in Central America. This is what the Commission had to say about Nicaragua:

> The consolidation of a Marxist-Leninist regime in Managua would be seen by its neighbors as constituting a permanent security threat. Because of its secretive nature, the existence of a political order on the Cuban model in Nicaragua would pose major difficulties in negotiating, implementing, and verifying any Sandinista commitment to refrain from supporting insurgency and subversion in other countries.

Let me now tell you what I believe the real issues are:

I believe, with the bipartisan commission, that the current Communist government in Nicaragua is a threat to peace and stability in the region. I believe the Communists are ideologically committed to human rights violations as matter of Marxist-Leninist principles. I believe they will aid the Soviet Union in establishing an enclave in this hemisphere.

Because of that threat I believe the United States, along with its democratic allies in the region, has the moral, diplomatic, and geopolitical right and duty to aid Nicaraguans who wish to have a pluralistic, democratic society in Nicaragua.

I believe that to abandon the signers of the San Jose Declaration would constitute a grave historic and irrevocable error that we will pay for dearly in the years ahead.

I believe it is not enough for Members of this House to state they don't like what the Communists are doing, but are unwilling to take action against them. This is de facto handing over of Nicaragua to allies of the Soviet Union.

Spare us the stale, ritualistic, generalized criticisms of the Communists. We'll believe you are sincere about them when you do something about them.

I am reminded of an old saying:

> Things are what they are. The consequences of them will be what they will be. Why then do we seek to delude ourselves?

I hope the debate that follows discusses some of the points I have raised, for I sincerely believe that if all the facts are taken into consideration, a bipartisan majority in this House will do the right thing and continue to help those democratic forces of Nicaragua.

□ 1050

Mr. ADDABBO. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise to express my opposition to renewal of U.S. military aid to the Contras fighting against the Government of Nicaragua.

Mr. Chairman, the issue of how the United States can best protect its own national interests in Central America is the subject which is often debated and discussed in simplistic terms—communism versus freedom, right versus wrong, good versus evil. In reality, America's long-range national interest in Central America is an extremely complex subject involving issues such as how poverty can be ameliorated in the Third World; what is the proper mix of foreign policy initiatives to free the Third World from the yoke of dictatorships of the right or left.

□ 1100

What can effectively be done to counter high infant mortality rates and health problems. How can social justice be achieved in an evolutionary way.

Mr. Chairman, I too, am concerned at the growing Soviet and Cuban adventurism in Central America. The Soviets and/or their surrogates have a long history of seeking to exploit economically, socially, and politically depressed areas of the world. We have had a lot of experience in dealing with their "fishing in troubled waters."

In countering previous attempts by the Soviet Union to subvert depressed or troubled areas, the United States has frequently implemented programs such as the Marshall plan, the Truman Doctrine and the Alliance for Progress. We used the "arsenal of democracy" and the riches of our country to build up the infrastructure of the threatened areas that they would ward off the seductive appeals of Marxism. But this tradition appears to have been abandoned in the implementation of certain aspects of our Central American policy.

Now we seem to feel that the way to combat such Soviet "fishing expeditions" is to overthrow the government which has allowed the Soviets a foothold. I know and I have heard it all before that our policy is not to overthrow the Government of Nicaragua. Even if the Contras publicly state that is their goal, we are to believe our goal is to interdict arms, bring the Sandinistas to the negotiating table, and re-

store the original principles of the Sandinistas' revolution.

Mr. Chairman, do any of us really believe that our ultimate goal is not the replacement of the Sandinistas with a government more to our liking? It is surprising we do have diplomatic relations with the present government, we even have a most-favored-nation trade agreement with the incumbent government. Is it the American way to covertly or overtly overthrow them? I think not and I hope not. Even if we were successful, would not the Sandinistas merely take to the hills and become the Contras themselves? We supported the Sandinistas and the Contras were the ones under Somoza, and we threw them out. Now, would that not be reversed?

I fully recognize the burden of being a great and powerful nation dictates that many tough decisions must be made in the international arena. I also recognize that the moral high ground can be a lonely and sometimes frustrating position in the hardball game of international relations. However, I believe that totally abandoning the moral high ground through actions such as mining of the Nicaraguan harbors is a step which simply must not be supported by the people's branch of the American Government.

Mr. Chairman, the response to the covert war of the Contras has been a significant expansion of Soviet arms pouring into Nicaragua. Escalation of the violence and bloodletting is ongoing. We hear in the press that the President proposes that initially the additional aid should be for humanitarian purposes, but it is clear to me that the escalation of violence and bloodletting would continue since this nonlethal aid would simply permit other resources going to the Contras to be used for arms.

Let us look at the main problem facing Congress if it approves this joint resolution. Notwithstanding all the other negative factors involved, there is an impression that the initial assistance to the Contras, if approved, will consist of humanitarian aid.

However, my colleagues, when you look at the exact language contained in the formal documents presently pending before the Congress, the documents pending before this Committee today, you find no mention, no mention of humanitarian assistance. There is no distortion; the language is absolute and clear. If you had read and if you have not read, you should read the President's classified report, you will find no distortion as to the meaning of the resolution presently before this House.

The letter transmitting the classified report to Congress on April 3, 1985, reads as follows, and this is what is before us today.

The letter reads:

To the Congress of the United States:

Pursuant to the provisions of Title VIII, Section 8066 of the Department of Defense Appropriations Act, 1985 (Public Law 98-473, enacted October 12, 1984; 98 Stat. 1935), I herewith—

And this is the President's message to the Congress, and I am quoting exactly—

I herewith transmit a classified report on U.S. support for the democratic resistance movement in Nicaragua. On the basis of this report, I have determined that assistance for military or paramilitary operations now prohibited by section 8066(a) of that Act is necessary.

No distortion; pure and simple language. Military aid.

Then we look at the resolution which we will be voting on later today. House Joint Resolution 239, introduced by the gentleman from Illinois on April 15, 1985. Again, the resolution reads as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves the obligation and expenditure of funds available for fiscal year 1985 for supporting, directly or indirectly, military or paramilitary operations in Nicaragua.

I repeat, gentlemen, at no place in the letter of transmittal, the classified report or the joint resolution is mentioned "humanitarian assistance." If we vote for this resolution, we are giving military aid, we are voting for another Gulf of Tonkin resolution.

Again, all that has been mentioned specifically, not by inference, but specifically, is military and paramilitary assistance. If the Congress approves this joint resolution, we are approving nothing else but arms assistance to the Contras.

Mr. Chairman, I recommend the disapproval of House Joint Resolution 239.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on Monday, Secretary of State Shultz summarized our dilemma and our goals in Central America very simply. He said:

We confront a fundamental challenge, challenge to our national interests and to the freedom and security of our neighbors. Our goals in Central America are clear: We seek peace, security, economic progress, and the growth of freedom and democracy in every country.

Nothing could be more clear or reasonable.

Yet, Mr. Speaker, I have the feeling we are not listening to the lessons of history and are eager to repeat the mistakes of our own past.

Unless we are prepared to tighten our belts and get behind the President's policy, history will record this debate as just another footnote to the long chapter entitled: "American Foreign Policy Shoots Itself in the Foot—Again."

Forty years is half a lifetime for most of us but little more than a blink of the eye in history.

With a few notable exceptions, the dominant theme of the last 40 years has been one of unprecedented Soviet expansion in the face of remarkable U.S. foreign policy vacillation, weakness and wishful thinking.

Cuba, Cambodia, Iran, Vietnam were foreign policy disasters for the United States in which many of the major battles were fought and lost right here at home rather than on overseas battlefields.

If Harry Truman is watching, he is spinning in his grave at the prospect of another self-imposed setback in a long list of foreign policy defeats since World War II to which he provided the strongest exception.

He stood up to Communist expansion in Western Europe in a way that has helped contain the Soviets and maintain the status quo there as nowhere else in the world.

Had he not been the strong exception to modern U.S. history, Western Europe might well have gone the way of the Eastern bloc nations.

As the dominoes continue to topple in the Southeast Asian vacuum we helped create, we are preparing the same sort of free-fire zone Communist aggression in Central America.

And, while our policy weaknesses are the same as in the past, this time the revolver is clearly in the hands of the Congress and aimed squarely at America's achilles heel.

Central America is not Southeast Asia or even Western Europe—it is our own front yard.

Even our isolationist forefathers had the good sense to recognize the Western Hemisphere as an area in which America's vital interests were permanently at risk.

Let's face the facts. To some people in this Congress, it is more important to defeat the President's program in Central America than to save democracy in that nearby region. To some, it is more important to politicize this issue than to understand the reality of Central America today.

By failing to understand what the Contras represent, many in this Congress are missing the big picture. They fail to see what is developing in Central America and what the future will bring.

What kind of neighbors do we want to have in this hemisphere? It is easy to criticize a program. Many of you oppose the President. I challenge you to come up with a workable and realistic alternative to what we are doing in Central America.

It is easy to see that the Sandinistas are dyed-in-the-wool Marxist-Leninists who continue to talk like Soviet-style dictators. They have attacked the church in that country, the press,

small businessmen, unions, independent farmers and the poor Miskito Indians.

The poor neighbors in Nicaragua have suffered from the Sandinistas' efforts to export their revolution. With Soviet and Cuban help, Commandante Ortega and company are still working to consolidate their power. Their goals and objectives remain the same. They will soon turn Nicaragua into a full blown Communist state. Should they succeed, we would face a second Cuba in this hemisphere, this time on the mainland of the Americas.

Can any of you deny the strategic dangers that this implies? If Cuba can be a guide to Communist intentions, Nicaragua would intensify efforts to undermine its neighbors in the name of revolution.

The first casualty of a Communist consolidation in Nicaragua would be the freedom and hopes for democracy of the Nicaraguan people. They have already suffered too much. The second casualty would be the security of the region.

Our efforts have succeeded in Central America. Our Government's policy in the region is designed to build Democratic institutions and to avoid a second Cuba as well as a second Vietnam, with American troops mired in combat. On the whole, our policy is working. Nicaragua, however, continues to destabilize its neighbors and deny human rights to its own people.

In April President Reagan made an appeal in the name of peace. He called upon the government and the armed opposition to stop fighting and to begin talks on reconciliation. He asked for the restoration of democracy and an end to tyranny. The call for peace included a cease-fire and church-mediated talks. The funds provided for the Contras would be used for humanitarian purposes for a specific period of time. After a 60-day period, the President could restart military assistance to the Contras.

Sad but true, the Sandinistas have so far turned a deaf ear to the calls for dialog, for peace and democracy. While our Government is trying to get Nicaragua to move toward peace with its own people, with its neighbors, and therefore, with the United States, only Congress can give the President the means to make peace work by supporting the President's efforts.

All too often, Congress embroils itself in critical foreign policy issues. Some in this body like to micromanage what America is doing around the world. More often than not, our meddling in these sensitive matters has made a mess out of what the executive branch was trying to do.

Just a few days ago, a number of Senators were in Managua receiving peace overtures from the Sandinistas. Our own Embassy in that country was unaware of the Sandinistas' latest peace ploys. How can a world power turn the conduct of its foreign policy over to the 500-or-so Members of Congress? Chaos would reign supreme. The Contra issue is a case in point.

The Sandinistas are tough and determined. They are street fighters who will use every trick in the book to win over popular sentiment in our own open democratic society.

The recent public relations campaign is a case in point. Throughout their years in power, the Sandinistas have been flexible only when they were convinced they had no choice. They have made solemn pledges in the past to the OAS, but failed to keep them.

The Sandinistas themselves have admitted that opposition from the Contras forced them to hold an election. Hesitation or neglect now on our part will allow the Sandinistas the time they need to consolidate their totalitarian control.

We must keep the pressure on the Marxist Nicagarguan Government.

I have urged the President to go even further and consider the immediate cutoff of trade with that nation.

Why should we continue to subsidize a government which is promoting revolution among its neighbors and denying basic rights to its people by buying its exports?

Why should we help sustain its economy and its military machine by providing it hard-to-get American products, including spare parts?

The time for a trade cutoff is now.

As a cosponsor of the joint resolution before us, I strongly urge my colleagues to vote for funds for the Nicaraguan democratic resistance. Should we approve these funds, they will be used for humanitarian purposes if the Sandinistas accept the offer of the Democratic opposition for dialog, peace and democracy.

A vote for this resolution is a vote for peace. A "Yes" vote on this issue is a commitment to democracy and stability in our front yard. A vote for funds for the democratic resistance is a frank acceptance of freedom and democracy for future generations of Central Americans. Now is the time for this Congress to decide.

This is not the time to take a cheap shot at the President, central America cannot afford another setback.

As Secretary Shultz said yesterday:

The choice before Congress is grave and cannot be avoided.

We are at a pivotal moment that will help determine the future of Central America and directly affect the national security of the United States.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield for a question?

Mr. BROOMFIELD. I would be happy to yield to the gentleman from Florida.

Mr. GIBBONS. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for a fine speech, and the gentleman from New York [Mr. ADDABBO] for a fine speech, and the minority leader for a fine speech.

The gentleman from Michigan heard Mr. ADDABBO's statements about the classified information that had been transferred to the Intelligence Committee about this, saying that none of this aid was for humanitarian purposes.

What is the gentleman's response to Mr. ADDABBO's statement? As I understand Mr. ADDABBO, he said that the Michel resolution does not refer to humanitarian aid. The transmittal of the request to Congress does not refer to humanitarian aid, or economic aid, and puts all the emphasis upon military aid.

Does the gentleman agree with Mr. ADDABBO on that?

Mr. BROOMFIELD. I would say to my good friend, the gentleman from Florida, that the resolution before us was set up last October. What we are really considering here is the personal commitment of President Reagan that the money would be used solely for humanitarian purposes, and there was a deadline set up. It has been indicated that it would go to the end of the fiscal year and then if there was not any movement on the part of the Sandinistas, then the money could be used for lethal weapons.

Mr. GIBBONS. I thank the gentleman for his clarification. Would the gentleman yield for one more question?

Mr. BROOMFIELD. I would be very happy to yield to the gentleman from Florida.

Mr. GIBBONS. In the earlier part of the debate, the gentleman mentioned President Truman and what he had done for Europe and Japan immediately following World War II in order to prevent them from going Communist. Obviously that was a very important move on the part of the President.

As I remember it, it was essentially three things that were done.

One, there was a Marshall Plan which called for the appropriation of relatively small amounts of money considering what we spend today.

□ 1120

No. 2, there was a deliberative tilting of the value of the dollar at Bretton Woods so as to encourage the building of infrastructure in both Europe and Japan, allowing them to revitalize their industrial base and go immediately into the export market and earn currency.

No. 3, there was a deliberative tilting of the General Agreement on Tariffs and Trade rules at that time in order

to encourage those countries to revitalize their economies.

Now, those are the three important things that I remember Mr. Truman did. How does that comparison of Truman then and this program now parallel each other?

I recognize that we have done something through the Caribbean Basin Initiative, and that is beginning to work in the rest of the Caribbean. But, of course, it is denied to Nicaragua because of the statute we passed.

Is there anything that we can hope for in the future that the administration will try to do in order to build a greater amount of private infrastructure in these economies than just humanitarian aid or pure military aid?

Mr. BROOMFIELD. Mr. Chairman, I think the gentleman is hitting on a very important point of the entire problem down there. I think that while the Caribbean Basin Initiative is a good first start, it is not the only solution to the problem down there.

The National Bipartisan Commission on Central America issued an extensive report recommending economic and military assistance for the countries in the region. Last year, Congressman MURTHA and I offered an amendment to the foreign aid bill to implement the Commission recommendations which was accepted by this House. We need to maintain this strong commitment to economic development to help solve the serious economic problems faced by the countries in the region.

Obviously we cannot do much when we have a government like that Sandinista whose overall objective is really regional domination. It is obvious to me that it is much more than just the country of Nicaragua.

If the Sandinista hold free elections, stop exporting their revolutions and so forth, I think it would be incumbent upon our Congress to take another look to see if there is something further we can do to benefit the people of that country. I think the whole region has been ignored for too long.

Mr. Chairman, I thank the gentleman for his question.

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for yielding.

The CHAIRMAN. The gentleman from Michigan [Mr. BROOMFIELD] has consumed 14 minutes.

Mr. ADDABBO. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Massachusetts [Mr. BOLAND], the former chairman of the Select Committee on Intelligence.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the resolution. I do so, not simply as one who has opposed aid to the Contras in the past. During my service on the Intelligence Committee, I made a sincere effort to understand the facts that underlie the situation in Central America. And I saw to it that those facts were provided to the House.

The facts were that the Government of Nicaragua was providing arms, ammunition, communications, logistics, training, and safe haven to insurgents attempting to topple the Government of El Salvador. The facts were that the Government of Nicaragua was on a Marxist-Leninist drift. The facts were that the Cubans had a large presence in Nicaragua and a great deal of influence with the Nicaraguan Government. The facts were that there was a military build up in Nicaragua.

I no longer serve on the Intelligence Committee, but my information is, that these are still the facts. But, the issue before us today cannot be limited to those facts. There are other facts—ones which supporters of the Contras like to forget—ones which the Intelligence Committee pointed out years ago—ones which the administration ignores.

Those facts are, that no matter what you call the Contras—freedom fighters, brothers, or brigands—theirs is a particularly vicious war. Its casualties are not only combatants, they are coffee pickers, medical workers, evangelical workers. The facts are, that the Contras can operate effectively in only a very small part of Nicaragua's mountainous areas. They have no hold in the cities and with the population at large. And the result is that the Contras have little likelihood of defeating the Sandinistas.

That is not just my judgment, or that of our Intelligence Committee, it is the judgment of Gen. Paul Gorman, until recently, commander in chief of the U.S. Southern Command in Panama.

Overthrow of the Sandinistas is "not feasible in the near future," he said.

Mr. Chairman, those are the facts. Those are what we have to work with, and from them, we must somehow mold a policy that meets the goals on which we all agree. And let us make no mistake—we all want the same goals in Central America: peace, democracy, economic development, and an end to a possible threat by Nicaragua to its neighbors.

The proposal before us today offers only one alternative—armed conflict, and armed conflict with a terrible hidden cost. It is conflict, to which we would be committed in the most public and painful way, a conflict which cannot succeed without the use of U.S. forces.

I know of no one, no Member of this body, who would stand up today and endorse the use of American forces in Nicaragua. Yet, that is what this commitment could well mean, and that would be a tragedy for both Nicaragua and the United States.

Mr. Chairman, this commitment—this war—is supposed to produce a political opening in Nicaragua. It seeks the beginning of genuine democratic pluralism.

Mr. Chairman, 3 years of this conflict have brought us no closer to that goal. In fact, as this administration points out in great detail, we are farther from that goal. The war has failed, as an instrument of pressure on the Sandinistas. It has not encouraged them to do what we want them to. It has driven them into a corner, from which they place increasing reliance and dependence of the Soviet Union and Cuba. In sum, our efforts have turned counterproductive.

We do not want to see a Soviet-dominated Nicaragua. We do not want to see increased Cuban military presence. Yet, the war has brought us both.

It has also brought us a draft, increased censorship, and harassment of the church. And perhaps, most troubling of all to this Member, having spent 7 years attempting to rebuild the strength and image of the Central Intelligence Agency, this war has brought down public scorn upon that great agency. Worse, the Contra war has so politicized some elements within the CIA, that the objectivity of its analytical judgments in this area are now subject to question.

Mr. Chairman, U.S. policy must seek to encourage and develop viable political processes in Nicaragua that can ensure popular democracy and a renewed economy. The Contras do not offer us that. All they offer us, or their fellow Nicaraguans, is a means of striking back at the Sandinistas.

We must develop a policy for the region, that does more than lash out at the Nicaraguans. We must devise a policy that creates real, but positive, pressures on them, and we must realize that a commitment solely to force cannot avoid the further use of force.

What is the solution to the problem that Nicaragua represents to this country? This House offered the opportunity to the President in the last Congress on several occasions. At every turn, we gave the President opportunities to slow down this program, to rethink, to develop additional alternatives, to pursue diplomatic means. The cutoff, in funding the Contras, gave him the opportunity to restructure support for democratic forces in the region.

Yet, the proposal before us today, differs little from the failed policies of the last 3 years. Instead of demanding that the Sandinistas cry "uncle," now we are giving them 60 days—or else.

I want to support the President and his foreign policy initiatives in Central America, and I must say I have in the past. I want U.S. policy to be effective and enlightened for that region. I would like to see successful completion of the Contadora process, a disarmament of the Central American nations, and a revitalization of their economies.

But, I cannot see in the proposal before us a way toward any of those goals. I oppose this resolution.

Mr. Chairman, let us realize one thing about this debate and about the proposal to keep funding the Contras—whether we give them guns or not. This is not a way out of the problems which beset U.S. interests in the region, this is not a way to achieve a better Nicaragua. This is a way into a morass, into a commitment that can only lead to a deepening of civil war in Nicaragua, and further frustration of American goals.

Mr. Chairman, this House will have the opportunity tomorrow to vote on two particular amendments. There is an opportunity there to resolve the problem in a better way than we would resolve it with this resolution, and I would hope that the House would use its best judgment in adopting that the Hamilton-Barnes amendment which seeks the goals which we all want in Central America.

□ 1130

Mr. McCAIN. Mr. Chairman, will the gentleman yield for a question?

Mr. BOLAND. I am delighted to yield to the very distinguished gentleman.

Mr. McCAIN. Mr. Chairman, in reference to the gentleman's statement concerning General Gorman's belief that $14 million would not suffice in order to overthrow the Government of Nicaragua, is the gentleman aware that also General Gorman supported increased funding to the Contras and that General Gorman felt that aid to the Contras was an integral and most vital part of the pressures that we need to exert on the Nicaraguan Government in order that they may install the democratic institutions which they promised to the Nicaraguan people?

Mr. BOLAND. I am glad the gentleman raised that question. What the gentleman says, incidentally, is correct, but let me say that in the hearings we had with Gen. Paul Gorman, I hope I am not divulging any classified information, because it was a statement that he gave to the Intelligence Committee; that particular hearing lasted I think almost 3 hours.

Frankly, I have never listened to a better witness in my life in the long years I have served in this Congress than General Gorman. He did indicate that the $14 million would not be enough, that there would be additional funding. He knew what the situation was down there as the commander of the Southern Command in Panama. He was responsible, as the gentleman knows, for all the intelligence of the area. His operations included that and a number of other things in that area.

During the course of that hearing, I was asking myself, what would be the real question to ask General Gorman? What country really is the country that would give some stability to Central America?

I said to my staff, "I think I'll ask General Gorman what his judgment is on what country would stabilize Central America."

They said, "No, don't do that. Don't ask that, because I'm sure—we are sure that he will probably say Nicaragua."

But as the hearings came to a close, I thought perhaps it would be a good time to ask, so I said, "General, how important is El Salvador to the interests of the United States in Central America?"

He said, "Terribly important."

I asked him, "Would you say that El Salvador is a linchpin to the stability of Central America?"

And he said, "Absolutely."

El Salvador with a population of almost 5 million people, as the gentleman knows, and I know of no one who is more knowledgeable about the area than the gentleman who is now on his feet, El Salvador with 5 million people has a lot of problems; but this House dared to have some confidence in the President of El Salvador, Mr. Duarte, and gave some military assistance to that country last year.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ADDABBO. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. BOLAND. So my feeling is that we are in the wrong pew in the wrong church in the wrong area by providing military assistance to the Contras.

I think that what will be offered tomorrow by this side can be agreed to by the membership of this House, that we can adopt the Hamilton-Barnes amendment. I think that offers a real chance for a more successful U.S. policy in Central America.

All of us on this side and everyone on that side agrees that Central America is important. The sea lanes of the Caribbean practically could be controlled by the countries in that area. It is really the bridge to South America. We all know it and if we cannot get stability in Central America, we are not going to have stability anywhere in that area. I am conscious of this; so I have some very deep feelings about it. I have expressed those deep feelings in the past.

I also want to say that I want to express my deep appreciation and respect to the Members on both sides who served on the Intelligence Committee during the term that I served as chairman for 7 years; it was a committee that was run in my judgment in a nonpartisan manner. There was no better Member of this Congress than the distinguished ranking minority member from Virginia, my friend, KEN ROBINSON.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. BOLAND] has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. MCCAIN].

Mr. McCAIN. Mr. Chairman, first of all, I believe that the admiration shared by both sides of the aisle for the gentleman's outstanding service as chairman of the Intelligence Committee is without question.

I also believe we are voting on another resolution tomorrow, proposed by our distinguished minority leader, that I believe would more closely align with the thinking of General Gorman, who you mentioned earlier.

I think it is very important when we quote a general of the distinguished reputation of General Gorman not just to say that he said Contra aid was not enough to overthrow the Sandinista government. It is also important to add to that that he is in strong support not only of that aid, but of increased amounts of aid.

I think if asked, he would say that the linchpin, El Salvador, cannot survive very long if we enact the Barnes-Hamilton amendment tomorrow, unless we allow some kind of humanitarian aid to be given to the Contras along with a cease-fire, along with mediation by the bishops, and most of which I believe that we are in agreement with.

The tragedy I think of what is going on now is that we are voting on what is obviously a moot point, that is the resolution that is before us, instead of getting to whether we adopt the Hamilton-Barnes amendment or the Michel amendment, which is really what this debate should be all about.

But please make no mistake about the admiration and respect all of us have for the services of the gentleman from Massachusetts as chairman.

Mr. BOLAND. I thank the gentleman.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the ranking member of the Select Committee on Intelligence, the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Chairman, the President's plan is clear, specific, and designed for success in Central America.

The President has asked both the Sandinista government and the Nicaraguan resistance to lay down their arms and to accept church-mediated talks on internationally supervised elections and on ending repression of the church, the press, and individual rights. The President also has asked the Congress to release the $14 million it conditionally appropriated for aid to the Nicaraguan resistance.

The President has pledged that, during the period that the cease-fire offer is on the table, the released

funds will be used solely for humanitarian support to the Nicaraguan resistance groups, which specifically excludes arms and munitions.

The President's plan combines the key elements of a successful policy. The cease-fire stops the bloodshed in Nicaragua. Mediation by the church ensures that the mediators will have the trust and confidence of the people of Nicaragua.

The Governments of Honduras, Costa Rica, and El Salvador have endorsed the President's plan. On April 12, President Suazo of Honduras informed a House Intelligence Committee delegation that his country supports the President's plan, especially since it goes hand in hand with the Contadora process.

On April 13, Acting President Arauz and Foreign Minister Gutierrez of Costa Rica told the committee delegation that Costa Rica supports the President's initiative.

In addition to Honduras and Costa Rica, El Salvador has expressed its support for the President's plan. President Duarte recently wrote to President Reagan, stating in part:

> Your initiative and approach have my complete support and I strongly urge all of the friends of Central America in your Congress to give it their full backing. It is the right step at the right time in our quest for peace and democracy in this region.
>
> We remain concerned, as we have been for some time, by the continuing flow of supplies and munitions from Nicaragua to Guerilla forces here in El Salvador which are fighting against my government and our programs of reform, democracy, reconciliation, and peace.

Mr. Chairman, our friends and allies who are most directly affected, support the Reagan plan for peace. The plan is a carefully balanced approach to a difficult situation and every element in the plan is critical to its success, including the release of the $14 million for the Nicaraguan resistance. Congress must do its part to give a just peace a chance by supporting the President's plan and releasing the funds.

Mr. ADDABBO. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR of Michigan. Mr. Chairman, this is an issue which the House has debated extensively in the past. It is an issue on which the House has acted repeatedly, with conviction and courage. Today, the American people are once again looking to this body for decisive leadership.

The current administration's policy of financing, organizing, training, and arming counterrevolutionaries fighting to overthrow the Nicaraguan Government is leading this Nation into a widening war in Central America. This is a policy that is illegal, unjust, and does not have the support of the vast majority of the people of this Nation.

Today, we debate far more than whether the United States should provide an additional $14 million to the Contras. We face, instead, the larger question of whether the United States will continue to seek an ever-increasing military role in the region.

A recent New York Times article clearly documents that the administration views this $14 million as part of an effort to expand the U.S.-supported guerrilla forces to a 35,000-member army. This enlarged army will require substantially increased U.S. funding of at least $100 million per year. Even more disturbing, the administration sees aid to the Contras as part of a policy which considers the "direct application of U.S. military force" as an "eventual option."

Mr. Chairman, Americans do not shrink from battle when the cause is just. Around the globe, there are places of honor, where Americans have fought bravely for the values we hold. There are ever-present reminders of the wars we have won when principle was on our side. But our policy in Central America today has confounded those values, and clouded those principles.

We are asked to embrace as freedom fighters paramilitary forces who burn homes, and destroy crops, who murder, torture, rape, and kidnap innocent civilians.

We are asked to accept as spiritual descendents of our Founding Fathers, a counterrevolutionary army in which 46 out of 48 leaders in the command structure—including the entire general staff, 5 out of 6 regional commanders, and all 30 task force commanders— are former members of Anastasio Somoza's National Guard. This is the same national guard that, during 1978, its last year in power, was condemned by the OAS for its "numerous artrocities" including "mass murders of minors and summary executions of civilians * * *."

We are asked to endorse a policy which is so out of control that, in order to rein in the very forces we are supporting, the CIA published and distributed its infamous special operations manual giving instructions for hired assassins, and sanctioning numerous violations of the laws of war.

We are asked to resume funding for a policy that has encouraged state-sponsored terrorism in the mining of Nicaragua's harbors; a policy that this administration has refused to defend before the World Court; a policy that has undercut not only our own standing in the international community, but the very foundation of international law itself.

This policy is neither just nor justifiable. In the past 2 years, we have watched its architects fumble for a rationale. First we were told, the goal was to interdict arms, then, to pressure the Nicaraguans toward internal reforms, and now we are told that we will not be satisfied until the Nicaraguan Government says "uncle."

Lacking a foundation in principle, law or reason, the administration has recently tried to use the prestige of others to cloak its own weakness. We were told by the White House that President Betancur of Colombia, a leader of the Contadora peace process, had endorsed U.S. policy. We were told this, until President Betancur himself came forth to repudiate directly any renewed aid to the Contras as "intervention in the internal affairs of the continent."

Next, we were told Pope John Paul II endorses U.S. policy in Central America. We were told this, until the Vatican, too, came forth to state that the church does not favor increased military aid to the region. Indeed, Archbishop John O'Connor, speaking for the U.S. Catholic Conference, has warned that military aid to the forces seeking to overthrow the Government of Nicaragua "* * * undermines the moral standing of the U.S. in the world community."

Finally, in a move that can only be interpreted as a sign of profound desperation, the administration has turned its attacks on those who oppose its policy. It has accused its critics of being tools of foreign governments, and it has called upon the FBI to investigate U.S. citizens who dare to see for themselves the full force of our policy in Central America.

Mr. Chairman, I believe the President was correct in invoking the spirit of our Founding Fathers in this most important debate. For that spirit is very much alive in this country today. It has been kept alive by a people who remember that our Founding Fathers fought for a government of laws, for human dignity, and for the sovereignty of nations. And, I am proud to say, that spirit had also been kept alive by this House, which over the past 2 years has voted time and time again to end a policy which so cynically betrays these principles. I hope the Members of this body will keep that spirit in mind today, and vote no further funding for the Contras.

□ 1140

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back 3 minutes.

Mr. BROOMFIELD. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. I hope the gentleman from Michigan [Mr. BONIOR] will respond in a colloquy, particularly about the figures he stated earlier concerning the Somoza leadership within the resistance forces, the democratic resistance forces.

I was there in their main logistical headquarters somewhere near the border of Honduras, and so was a distinguished Member on your side of the aisle who is a foreign affairs subcommittee chairman, the distinguished gentleman from New York, Mr. STEPHEN SOLARZ. He was there 3 weeks before the gentleman from Minnesota, Mr. VIN WEBER, and I visited the headquarters 3 weeks ago.

I have a list put in my hands by the resistance commanders of whom you spoke, giving Mr. WEBER and me each one of the 56 regional commanders' names and their background by profession. There is 1 former university student, 1 medical student, 1 evangelical pastor, 1 radio technician, 12 campesinos, that is peasant commanders, 27 Sandinistas who feel that their revolution was betrayed, and only 13 members of the former Somoza Guardia Nationale.

Of those 13 former Guardia members there are 5 former first lieutenants, 3 former second lieutenants, 2 sergeants, 2 privates, and Commandante Michael Lima who was a 19-year-old student in the military academy in Managua in July of 1979 when No. 1 hero Eden Pastora led the victorious revolutionary forces into Managua, driving out the Somoza Guardia.

There is not a single former captain or major or colonel in the command structure of the resistance left over from the Somoza Guard.

Enrique Bermudez, commander of the FDN forces in the north of Nicaragua, as you well know, was in this city, Washington, DC, as the military attaché assigned to the Nicaraguan Embassy. He was here because he was an enemy of Somoza, and Somoza had virtually banished him by sending him up to Washington, DC, for over a 3-year period.

I do not know what wall you plucked your figures off. I am sure you honorably believe they are correct. But they are just not the facts.

Since the gentleman from New York [Mr. SOLARZ] also visited this command headquarters and was introduced, the first Member of this body so introduced, to a little girl whose throat had been severely scarred by Sandinista soldiers. In that same command headquarters with the gentleman from Minnesota, Mr. VIN WEBER, we were introduced to a little 10-year-old girl and her mother. The younger brother had been killed and the little girl had been shot in her arm by Sandinistas. Why? Because they were at a prayer meeting. If we are going to trade atrocity for atrocity in this Chamber we at least should first make statements as clear and as straightforward as the honorable gentleman from Massachusetts [Mr. BOLAND] made. Then we can deal with these fraudulent and bloated figures about former Somosistas. I do not know where you are getting these figures unless it is from the disinformation campaign that the Sandinistas have beat us over the head with on this Hill for over 3 years.

Mr. BONIOR of Michigan. Will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman.

Mr. BONIOR of Michigan. I thank the gentleman for yielding. The figures were obtained from the arms control and foreign policy caucus of the U.S. Congress, of which we have Members of both parties, headed by the gentleman from New York [Mr. MCHUGH] and the vice chairman is Senator MATHIAS.

Mr. DORNAN of California. I am a member of the official House Subcommittee on Arms Control and International Security, but not of that caucus he mentions. We have had no figures like these ever come before our Committee on Foreign Affairs that so grossly twist the truth. A 180° twist. I can gladly make available to the Member, as I have done to every member on the Western Hemisphere Subcommittee, every single one of these resistance commanders' names, which I am sure puts them in jeopardy. But they were willing to let me bring this command structure list up here to the Congress, and they said, "No, we do not want you to keep the list secret. We know that it jeopardizes our lives, but we are out there in the hills fighting anyway. We are more jeopardized, our cause is more jeopardized, by the disinformation lies that come out of Managua orchestrated by Cuba and the East Germans."

□ 1150

So please, I yield to you to continue.

Mr. BONIOR of Michigan. Well, I do not think these are lies. I do not think Senator MATHIAS or Congressman PETRI would take as gospel what comes out of East Germany or Havana. I mean this is a part, this is a report by Members of the U.S. Congress from both parties.

The gentleman suggested in his statement earlier that these people were schoolteachers, ministers, and other things.

I suggest to you that one can easily have two vocations. One can certainly be a laborer, one can certainly be a camposino but one can also be a former member of the guard and have participated in the atrocities that I alluded to that the OAS condemned them for.

Mr. DORNAN of California. My friends, any one of these resistance leaders would be made available to us for questioning, if we would give them a month's notice before our trip they would bring these men out of the field, it takes up to a month to cycle into combat areas by foot, to come up to these camps in Honduras to meet with Congressmen because the resistance fighters now realize that they are losing severely a propaganda war. I am sorry for using a harsh indictment but it is true so I must. We are witnessing the Joseph Goebbels technique of the big lie, the massive big lie, the unrelenting 180° twisting of truth stated over and over and over and over again. You find naive nuns going down to Managua on the so-called revolutionary tourist trips. The nuns and naive ministers and naive priests return here and spread these Marxist lies. We've had 4 years of this baloney so of course you are going to get Members of Congress accepting figures off the wall and putting them into semiofficial reports. I just believe that there are real figures and our embassies have them and deserve to be trusted. We should at least try to participate in this debate on the high level of disagreement that Mr. BOLAND started it off.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I want to applaud the gentleman from California [Mr. DORNAN] on his statement because actually every time that we have ever made an attempt to confirm these alleged atrocities on behalf of the Contras, we strike out. Let me not refer to us; let me refer to an unbiased source: Two missionaries, experienced young missionaries, one Wesley Smith, a 23-year-old senior studying international relations at Brigham Young University who served as a missionary to Spanish speaking people in Argentina and Arizona and Richard Rygg, a 28-year-old receiving his MBA from Pennsylvania State University in the year 1985.

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes additional to the gentleman from California.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield to me?

Mr. DORNAN of California. I yield further to the gentleman from Louisiana.

Mr. LIVINGSTON. I thank the gentleman for yielding. Mr. Rygg served as a missionary in Nicaragua and in Costa Rica and Honduras in 1977 to 1979. They went down between December and January just a few months ago to Nicaragua and they interviewed hundreds of people. These are Mormon missionaries who went down there and interviewed hundreds of people throughout the countryside in Nicaragua.

They found absolutely no evidence of systematic abuses conducted by the Contras from the people they interviewed, no accusations were received

which spoke of Contra forces intentionally killing, torturing or raping civilians or Sandinista war prisoners. In fact, they found almost the opposite was true. Of those Nicaraguans who spoke of civilians being killed, nearly all mentioned that only the Sandinistas were participating in such activities, indiscriminate bombing, shooting, torture, and so on.

And of the abuses that they allege against the Sandinistas which is documented in a 30-page report ad nauseam and with some degree of distaste I might add, there were allegations, documented by Nicaragua citizens of forced recruitment of Nicaraguan youth by the Sandinista military, religious persecution, indiscriminate shelling of villages, mistreatment of prisoners, forced voluntarism in the co-op system which is forced labor, and repression of the opposition. That is an authoritative well-documented report. I think it really does much to negate a lot of the statements that the gentleman from Michigan [Mr. BONIOR] has made.

Mr. DORNAN of California. I thank the gentleman.

Mr. Chairman, I yield to the gentleman from Arizona.

Mr. McCAIN. I thank the gentleman for yielding.

Mr. Chairman, I think it would be a serious mistake if we allow this debate to degenerate into who has perpetrated the most atrocities because the tragedy of civil war is that there are atrocities committed on both sides.

I would submit to the gentleman from Michigan that I would like to see him recheck his facts as to the leadership of these freedom fighters in Nicaragua because I think it is a very important part of this debate.

Mr. Chairman, I urge my colleagues not to get into a debate as to who has perpetrated the most atrocities because that would put us into an endless dialog which is based on a difference of opinion.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from California.

Mr. LEWIS of California. I appreciate my colleague yielding.

Frankly I would strongly endorse the comments of the gentleman from Arizona. I present my facts quite as colorfully as the gentleman from California [Mr. DORNAN] but I submit for the record the following, a list of 56 of the most prominent Nicaraguans from all walks who in 1979 worked with the Sandinistas to overthrow Somoza, showing the present situation of each person. Twenty-seven of those are currently in exile, 23 inside Nicaragua are opposing the FSLN. There are six who remain within that government movement. The fact is that there has been a significant shift among those who originally opposed Somoza and supported the Sandinistas.

Following that is a list of some of the prominent or senior members of the FSLN who are now calling for its removal from power.

Mr. Chairman, I submit that for the RECORD:

WHERE ARE THEY NOW?

The following is a list of 56 of the most prominent Nicaraguans who in 1979 worked with the Sandinistas [FSLN] to overthrow Somoza, showing the present situation of each person.

	Still supporting FSLN	Neither supporting nor opposing the FSLN	Opposed to FSLN		
			Inside Nicaragua	Exile	Dead
Ramiro Sacasa					X
Socrates Flores					X
Jorge Salazar, COSEP					X
Donald Castillo, CTN				X	
Zacharias Hernandez, CUS				X	
Amador Vanegas, CTN				X	
Edgard Macias, PPSC				X	
Jose Davila, PSC				X	
Alvaro Taboada, PPSC				X	
Henry Benavides, PSC and CSC				X	
Roberto Ferrey, PSC				X	
Roger Miranda, PSC				X	
Alfonso Robelo, MDN				X	
Fernando Chamorro				X	
Pedro Joaquin Chamorro				X	
Anibal Ibarra, PSC				X	
Adolfo Calero				X	
Wilfredo Montalvan, PSD				X	
Alvaro Jerez, MDN				X	
Alfonso Callejas, PLN				X	
Frank Berdana, COSEP				X	
Jose Cardenal, COSEP				X	
Jaime Montealegre, COSEP				X	
Harnoldo Montealegre, COSEP				X	
Rudy Ybarra, PAN				X	
Adrianna Guillen				X	
Humberto Belli				X	
Jaime Pasquier				X	
Jose Esteban Gonzalez				X	
Violeta Chamorro			X		
Jaime Chamorro			X		
Bishop Obando			X		
Bishop Vega			X		
Enrique Bolanos, COSEP			X		
Silvio Robelo			X		
Pablo Antonio Cuadra			X		
Adan Fletes, PSC			X		
Arturo Cruz, Junta			X		
Alvin Guthrie, CUS			X		
Agustin Jarquin, PSC			X		
Jose Espinoza, CUS			X		
Eduardo Rivas Jasteazaro			X		
Luis Levia, PSD			X		
Mario Rapacholli, PCN			X		
Carlos Huembes, CTN			X		
Alejandro Solorzano, CGTI			X		
Virgilio Godoy, PLI			X		
Bishop Salazar y Espionosa			X		
Luis Sanchez, Chaugitillo PSN			X		
Luis Sanchez, Sanchez PSN			X		
Felipe Mantica			X		
Xavier Chamorro	X				
Joaquin Cuadra Pellas	X				
Ernesto Cardenal	X				
Miguel D'Escato	X				
Edgar Parales	X				
Ismail Reyes				X	
Carlos Mantica			X		
Joaquin Cuadra Chamorro	X				

The following is a list of some of the prominent or senior members of the FSLN who are now calling for its removal from power:

Carlos Coronel; Francisco Fiallos, FSLN Ambassador to U.S.; Sebastian Gonzalez; Eden Pastora; Leonel Poveda; Jorge Alaniz; Donald Costello-Rivas; Alfredo Cesar; and Harold Martinez.

Mr. DORNAN of California. I thank the gentleman. I do not know what part of my remarks he finds too colorful but the Joseph Goebbels big lie technique has prevailed in this country for 4 years. There was a network of disinformation orchestrated by the country called Nicaragua. Those nine commandantes owe their allegiance to Leninist philosphy, not the truth.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. BONIOR] to respond to the gentleman from California.

Mr. BONIOR of Michigan. I just want to respond briefly: There is no question that some of the political leadership of the Contras, Mr. Robelo, Mr. Cruz, Mr. Colero, obviously were not members of Somoza's National Guard. They made a break with Somoza, I acknowledge that.

The question is are these facts right? They are. The military leadership of the Contras are former National Guardsmen. There can be no dispute about that.

Mr. ADDABBO. Mr. Chairman, I yield 2 minutes to the gentleman from Florida.

Mr. GIBBONS. I thank the gentleman for yielding.

Mr. Chairman, I take the floor only to ask a question of Mr. MICHEL, the author of House Joint Resolution 239.

Mr. MICHEL, I am disturbed by just the pure wording of the resolution and I want to ask the gentleman what his interpretation of this is. It says "that the Congress approves the obligation and expenditure of funds available for fiscal year 1985 for supporting directly or indirectly military or paramilitary operations in Nicaragua." Now, Mr. MICHEL, let me ask the gentleman: First of all, are we declaring war on Nicaragua?

Mr. MICHEL. Well, of course not. And the gentleman, if he will just refer to my earlier remarks when I said I was obliged to introduce it in this form as a result of the continuing resolution. Had I my own volition this morning, it would have been other words. But we were obliged to do it this way. No matter who would have made it.

Mr. GIBBONS. I want to make it clear: You are not giving to the President any power or authority to commit American troops?

Mr. MICHEL. Of course not.

Mr. GIBBONS. To combat in Nicaragua?

Mr. MICHEL. That is the furthest thing that any leadership meeting which I have attended with the President; he has never ever talked about infusion of military forces on our part in that area.

Mr. GIBBONS. I want to make it clear. I am not accusing the gentleman of doing that. I am just trying to establish the clear, unequivocal history of this language.

□ 1200

I do not want somebody coming back here a few years from now and saying, "Oh, this is what Mr. MICHEL intended."

Mr. MICHEL. I understand that. And, as a matter of fact, that is why, in prefacing the debate, I made it very clear that this was the strictured kind of tightly structured rules under which I had to frame the resolution. As I said, had I my druthers, it would have certainly taken a different form that would have been consistent with what the President has been talking about to implement the San Jose agreement in Costa Rica.

The CHAIRMAN. The time of the gentleman from Florida [Mr. GIBBONS] has expired.

Mr. ADDABBO. Mr. Chairman, I yield 1 additional minute to the gentleman from Florida.

Mr. GIBBONS. I see Mr. BROOMFIELD, Mr. MCDADE, and Mr. STUMP here on the floor. Do all of you agree with the statement that is made by Mr. MICHEL, the principal sponsor of this resolution, that, one, this is not a declaration of war and, two, it does not give the President the authority to introduce U.S. military forces into Nicaragua? Is that your interpretation of this resolution?

Mr. BROOMFIELD. That is my interpretation.

Mr. GIBBONS. And yours, Mr. STUMP?

Mr. STUMP. I concur completely.

Mr. GIBBONS. And yours, Mr. MCDADE?

Mr. MICHEL. He is not on the floor.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from California.

Mr. MILLER of California. With all due respect to our colleagues, their interpretations are of little value because what it does is in fact give the President the authority either directly or indirectly for military or paramilitary operations in Nicaragua. That is what the law would say, that is what the resolution would say if passed. I assume that is why the House and the Senate and the American people have found it to be so disagreeable, because it may only allow a little $14 million war, but nevertheless it allows that war either directly or indirectly by the U.S. Government.

Mr. ADDABBO. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. I thank the gentleman for yielding.

Mr. Chairman, the President recently referred to the Contras as the moral equivalent of our Founding Fathers—this comparison may have moved many Americans who venerate George Washington, Ben Franklin, Thomas Jefferson, and their cohorts who risked everything to found our Nation.

But those of us who honor our own Founding Fathers will find it difficult to reckon their high-minded ideals with the barbaric tactics of the Contras in Nicaragua.

The April 29 issue of Newsweek shows in graphic detail a Sandinista prisoner digging his own grave, then lying down in it as one of these so-called freedom fighters sticks a knife through his throat. Another purported Founding Father then stabs the Sandinista collaborator in the stomach and leaves him to bleed to death.

During a recent visit to Nicaragua I met a woman whose young daughter was gunned down by one of these Contra freedom fighters as she walked up a hill to teach in a rural school.

Reckoning the finest traditions and the noblest heroes of the American Nation will not enhance the image of terrorism which now characterizes the Contra effort. This loose language by the administration serves only to besmirch the memory of our own noble patriots. Profaning that memory cannot legitimize or enhance the bloody tactics which the administration's policy in Nicaragua would have us endorse and finance with American dollars.

The spectacle of American foreign policy supporting the Contras and inflicting grievous damage on the lives of poor and helpless people produces reactions by millions around the world detrimental to the image we would like them to hold of this country.

As the President's characterization of the Contras falls so far from the facts, so also do his statements concerning the realities of Nicaraguan life and the image of our country in the minds of Nicaraguans.

The United States has invaded Nicaragua three times in this century. We had troops stationed in this tiny, impoverished country for 21 years, from 1912 to 1933. Our foreign policy was not impelled by any evangelical fervor for the spread of democracy—we were determined to protect American companies doing business in Nicaragua and to guarantee that any government in that country would be our client. We presided over the installation of the Somoza family into power and the United States nurtured that family's corrupt takeover of the economy of Nicaragua. We turned a blind eye to the degrading poverty in Nicaragua so long as our companies and diplomats were welcomed.

Is it any wonder that we are now reaping the bitter harvest of a century of foreign policy decisions in Central America which stifled any nationalistic aspirations or any hope of breaking the chains of poverty?

In February I traveled to Managua and met in Managua with a peasant woman, standing barefoot, in a dirt street in a barrio in that city, and I asked her: "Is life different or better since the Somozans are out of power and the Sandinistas are in power?" She said: "It is better. We have electricity, our children are in school, they have been immunized." She said the prices of milk were going up and she conceded that was a worry, but there were not the same reports of corruption in the government of the Sandinistas that she had heard of the government under Somoza.

The Contras in Nicaragua have a long road to travel before they can win the hearts and minds of people like this peasant woman.

I harbor no delusions about the Sandinistas. I left their country with grave concerns over their treatment of the Catholic Church, press censorship, the militarization of their nation and their treatment of the Miskito Indians. But despite these obvious failings, by any objective, democratic standard, the Sandinistas still have a society where the private business community can meet openly and criticize their government; where the Catholic Church, despite harassment, can publish pastoral letters encouraging Nicaraguans to defy the draft; and where a principal newspaper in Managua can accept financial aid from the United States and continue to publish articles critical of the Sandinistas. If the Sandinistas do not fit easily into any democratic mold, neither do they conform with any image of a totalitarian Communist state. The real question is how the United States can force the Sandinistas closer to our democratic values. Lending our financial support to the Contra effort which is doomed to fail does not serve our strategic or national goals. We must push forward with a regional response, working with our allies to bring stability to Central America and seek nonmilitary methods to encourage and force change in the Sandinistas government.

I left Nicaragua realizing that our challenge there is substantial; it is clear that our present policy only serves to drive the Sandinistas closer to the Soviets and Cubans.

We continue to assess the Nicaragua situation in terms of preconceived, fixed notions while ignoring any contrary signs. No experience of the failure of our policy can shake our belief in its essential value.

I am troubled by our role in Nicaragua and the smell of the swamp we are getting into.

Denying the sovereignty of Nicaragua, investing our Nation's resources in prolonging the death and suffering in that nation, escalating our military role in the region are the key elements in this hopeless enterprise.

The House of Representatives by denying the President's request for $14 million in aid to the Nicaraguan Contras does not endorse the Sandinistas. But by our actions today we make it clear that we are not so woodenheaded as to deny our history or so savage as to follow a policy which will leave the blood of innocents on our hands.

Mr. McCAIN. Mr. Chairman, will the gentleman yield for a question?

Mr. DURBIN. I yield to the gentleman from Arizona.

Mr. McCAIN. It is my understanding that your statement is that we wish to encourage change through regional activity; is that correct?

Mr. DURBIN. That is correct.

Mr. McCAIN. Would the gentleman be a little bit more specific as to what form these actions might take?

Mr. DURBIN. I will use two specific examples. I recently had an opportunity to reread the history of the Cuban missile crisis. The Kennedy administration, before embarking on their policy, vis-a-vis the Soviet Union and Cuba, initially made contact with the OAS, to make certain that we had the regional support of our allies in the activities we were undertaking. I think that is an essential element and one that this administration has ignored.

Second, I believe that we should invest more of our political capital in the Contadora process. We have all heard the President of Mexico come before this House and ask the United States to stop militarizing the conflict in Central America. If we are concerned about the spread of communism into Texas or the southern United States, certainly the Mexicans must share that concern. I think we should invest our capital into supporting the Contadora process for our strategic purposes and our strategic security.

Mr. McCAIN. If the gentleman would yield further, I believe that this administration and all of us here strongly are supportive of the Contadora process, as has been displayed, and I would hope that we would continue in that effort, too.

Mr. DURBIN. If I might reclaim my time for just a second, the conversations which I had with the Mexican Government during that trip, as well as the people in our Embassy, really betrayed the statement which the gentleman just made. There was an open skepticism that anything would come of the Contadora process from our Embassy officials in that part of the world. That kind of a cynical attitude suggests to me that we really have not told the countries in that region that we are prepared to stand by any regional pact.

Mr. McCAIN. If the gentleman will yield for just one more question, does the gentleman believe that an important part of this settlement should be a dialog between the government and the Contras or freedom fighters?

Mr. DURBIN. Yes, I do.

Mr. McCAIN. I thank the gentleman.

Mr. DURBIN. I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LAGOMARSINO], a member of the Committee on Foreign Affairs.

Mr. LAGOMARSINO. Mr. Chairman, the security of the United States depends on our ability to counter the spread of Marxist-Leninist regimes, whether in Cambodia—14,000 miles away, in Afghanistan—10,000 miles away, or in Nicaragua—900 miles away.

Our security also depends on our ability to assure our allies that our commitment to their security is just as strong as to our own, whether to the ASEAN nations, to NATO or to the Organization of American States.

For those who look at the threat represented by Nicaragua and state they are worried about involving U.S. troops in another Vietnam or who say they are concerned about human rights, then the most appropriate action is to support the President's proposal.

If we do not support the Contras with American funding now in their opposition to the Sandinista regime then we may well have to use American manpower later to stop the spread of Marxist-Leninist regimes in this hemisphere.

As a recent Washington Post commentary explains: Even the Mig scare last November demonstrates that—

> Nothing is more likely to force American military intervention than the consolidation of an aggressive, highly militarized, pro-Soviet regime in the area. The Contras want to do their own fighting. Cut them off and the only body in the hemisphere able to restrain the Sandinistas will be the U.S. Army.

If the concern is truly for respect for human rights, then we must vigorously oppose a system, as represented by the Sandinista regime in Nicaragua, whose sole means of survival is the implementation of a policy that institutionalizes the repression of human rights.

For those who now say we should accept the promises of the Sandinista regime for their latest peace proposal, we need only remember the promises of the Sandinistas to the OAS in 1979 to doubt their sincerity once again.

Migual Bolanos is a former Sandinista intelligence official who has described the Sandinista view of negotiations:

> We wanted dialogue. The strategy is that we are willing to dialogue to allow more time for clandestine operation. Especially with the U.S. with dialogue there is more political space that is advantageous to Nicaragua. . . . But dialogue is more a political tool than anything else; you can use it as a cover.

The Sandinistas use whatever tactics they believe will serve their own political or propaganda purposes. Their invitation to visit military installations in their country to confirm they are not intended for offensive use was a pure propaganda ploy. As Congressman MIKE DEWINE and I, and several others who have visited Nicaragua, can attest to, the Sandinistas refused to let us visit their military bases. That is one more example of the insincerity of the Sandinista motives.

Last week, our Subcommittee on Western Hemisphere Affairs held a series of hearings on U.S. support for the Contras. A long list of witnesses testified at length on both sides of the issue. In spite of the deep divisions among the witnesses and the members of the subcommittee on support for the Contras, one general conclusion was apparent from those hearings. Almost everyone agreed the Sandinistas are repressive, have exported revolution, and that something must be done about them Adm. Stansfield Turner agreed in his testimony saying:

> I am not supporting the Sandinistas, sir. I think they are terrible. It is how to get rid of them.

As Dr. John Silber, president of Boston University and a Democrat who served on the National Bipartisan Commission on Central America told us last week:

> The island of Cuba has become a massive Soviet forward base from which revolution is exported to Central America . . . [is] the United States . . . prepared to tolerate in our hemisphere the consolidation of a second Soviet satellite[?].

Jean Francois Revel, the distinguished French political commentator, recently wrote "Can the Democracies survive?" In his commentary he describes a Soviet official's statement to a cabinet minister under former French President Giscard D'Estaing. The Soviet official said:

> We took Angola and you did not protest. We even saw that you could have beaten us in Angola—the Government was on our side, but it was within an ace of giving up—and that you did nothing to win; on the contrary. And when, to save ourselves, we sent in 30,000 Cuban soldiers, Ambassador Andrew Young, a member of the American Cabinet, said it was a positive step and an element of stability. All right, we noted the fact and included it in our analyses. Then we took Mozambique. Forget it, you don't even know where it is. Then we took Ethiopia, a key move. There again we noted that you could have replied via Somalia or Eritrea or both. No reply. We noted that and put it into our analyses. Then we took Aden and set up a powerful Soviet base there. Aden! On the Arabian peninsula! In the heart of your supply center! No response. So we noted: We can take Aden.

You can add to the list by including Nicaragua and Afghanistan.

Revel also describes the irony that "democratic civilization is the first in history to blame itself because another power is working to destroy it." That fits into the "blame America first" school of thought. Revel goes on to say:

Not only do the democracies today blame themselves for sins they have not committed, they have formed the habit of judging themselves by ideals so inaccessible that the defendants are automatically guilty. Clearly a civilization that feels guilty for everything it is and does and thinks will lack the energy and conviction to defend itself when its existence is threatened . . . Strategic necessity is regarded as justification enough for a Soviet presence in another country, or a Soviet alliance with or aid to that country . . . A democracy, on the other hand, is not granted the right to defend the vital barricades of its own security unless the democratic imperative is obeyed . . . Progressive and even centrist opinion throughout the world granted North Vietnam "popular" legitimacy on trust, which its history after 1975 did not support, but which its totalitarian and aggressive behavior even before 1975 never seemed to diminish.

The lessons of history are clear for those who study them. Marxist-Leninist regimes are not isolationist. They have expanded their power wherever the opportunity has permitted. The Sandinista commandante communists have said they will export their revolution. Tomas Borge was quoted in the September 1983 Playboy in answer to a question about the domino theory. He said, "that is one historical prophecy of Ronald Reagan's that is absolutely true."

Again, as John Silber told our subcommittee:

Totalitarians do not stop; they must be stopped.

As he added—

All historical experience suggests that hopes of a merely diplomatic solution to the crisis posed by the Sandinistas are almost certain to be disappointed. The only solution likely to come from diplomacy unsupported by intensive pressure is the sort reached at Munich in 1938. Diplomacy is a complement to, not a substitute for, the measured application of geopolitical pressure.

As Congressman MIKE DEWINE and I were told when we were in Nicaragua last month, the only way to prevent the Sandinista Communists from consolidating total control over their country and enabling them to export their revolution is to keep the pressure on them. The way to keep that pressure on them is to continue to support the Contras. It is only through that kind of pressure that you can expect meaningful negotiations with the Sandinista. Democratic opposition groups told us they had been public enemy No. 1. Now they are No. 2. The Contras are now public enemy No. 1. But they, the pluralistic groups, will again be No. 1. If the Contras disappear, many of the groups said we should support the freedom fighters. Even those who did not, said they would be in serious trouble if the Contras cease to be.

The security of the United States cannot wait until we have to fight at our own borders. We must stop the threat now. I urge my colleagues to support the President's proposal to aid the Contras and thereby protect our own national security.

□ 1210

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman.

Mr. KEMP. I thank the gentleman for yielding to me.

Mr. Chairman, in listening to my colleague read that quotation, from whom did it emanate?

Mr. LAGOMARSINO. John Francois Revel.

Mr. KEMP. In his book, "Why Democracies Perish."

Mr. LAGOMARSINO. It was a quote from "Can a Democracy Survive?"

Mr. KEMP. I was thinking how eerie it was to hear that comment. I do not think a lot of folks were listening, but how strangely reminiscent it was of the 1930's. This is the 40th anniversary of the liberation of Europe and the end of World War II. One could go back to the thirties and recall that some of the countries alluded to by the gentleman in the quotation from Revel's book, "Why Democracies Perish."

In 1935, when the Nazis were violating the Versailles Treaty and the Fascist Italian Government of Mussolini was invading Abyssinia, the argument was made that the West need not worry, Abyssinia was too far away and besides it does not affect us what an error to let Hitler and Mussolini think we didn't care. This is the 40th anniversary of the liberation of Europe, but it's the 50th anniversary of the passage by Congress of the Neutrality Act.

One of the previous speakers said that, "A vote against the aid to Contras would not be an endorsement of the Sandinistas." I agree, but let me tell you what it would be, it would be an act of neutrality as to what will be the final outcome in this hemisphere of the struggle going on not only in the Isthmus of Central America, but in the eastern Caribbean between freedom and communism. It seems to me the gentleman's statement is right on target when reminding us that we must learn a basic lesson of history. That is that weakness is provacative and that we can't turn our back and declare our neutrality about what happens in Central America. Neutrality and isolationism is going to affect every other country in that region of the world, and ultimately the whole hemisphere in an adverse way detrimental to freedom, peace and democracy.

I compliment my friend from California for his remarks, and I particularly appreciate his allusion to the historical significance of what failures the West made in Africa and the third world in the seventies. I wanted to rise and not only compliment the gentleman, but to suggest that I had the eerie feeling that I was living through another repeat of some of the same mistakes of the thirties as well.

Let me say that I support this resolution because I believe it is morally right for the United States to help people who are fighting for democracy.

As Charles Krauthammer has written:

The great moral dilemmas of American foreign policy arise when the pursuit of security and the pursuit of democracy clash. "Contra" aid is not such a case.

We have vital strategic interests in maintaining the security and stability of Central America. And we have a deep and abiding interest in seeing democracy flourish in our own hemisphere. In supporting the resistance in Nicaragua, we support both our security interests and the cause of freedom.

It has been said that there is no man so blind as one who will not see. Similarly, there is no country so powerless as one that will not act. Managua is almost precisely the geopolitical center of our own hemisphere. If we cannot muster the national will to help those who would resist communism here, who beyond our shores can be confident of our support?

I do not understand how it is that we can reach a bipartisan consensus on the need to help El Salvador and Costa Rica and Honduras and the other countries of the region defend themselves, while remaining so divided on the central question of what to do about Nicaragua. So long as the Nicaraguan Government remains free to continue its weapons buildup and to promote subversion against its neighbors, the security of all nations in the region will be threatened. All our efforts to bring peace and democracy to El Salvador, Honduras, and Costa Rica will come to naught if we create a sanctuary next door—guaranteed by congressional legislation—for those who bring war and totalitarianism to El Salvador.

Many opponents of covert aid to Nicaragua have argued that it is wrong for us to intervene in the internal affairs of another country. Yet just last year, we approved $250 million in aid to the Afghan freedom fighters. Here, we are arguing over less than one-tenth that amount for freedom fighters in our own hemisphere.

And we have stood by in anguish over our inability to help the cause of solidarity in Poland. Are there any in this Chamber who would have refused to help, if we had the means to do so?

Today, in Nicaragua, a country so close to our borders, we do have the power to help. Will this Congress vote to turn our backs on these people struggling for their basic human rights? And if we do turn away, how will we erase our callousness from our conscience?

The Sandinistas have rejected every effort at a negotiated peace:

Earlier this year, the different factions among the freedom fighters joined together in a show of unity at San Jose. In an appeal to end the war, and to begin to resolve the grievances that brought Nicaraguans to arms, they proclaimed a unilateral ceasefire and called on Daniel Ortega to join in negotiations for peace. But Ortega rejected their overture for peace, just as he rejected the pleas of the Catholic bishops last year for negotiations with the resistance.

This month, when President Reagan renewed this appeal for negotiated reconciliation, placing the good faith and credit of the United States behind the offer, the Sandinistas impugned his motives and scorned his appeal, just as they repudiated their promises to the OAS to hold free and fair elections and to respect the rights of the people of Nicaragua.

We must not reward Sandinista intransigence by abandoning the freedom fighters.

After the sham elections in Nicaragua last year, there are no responsible internal voices that view the Sandinista government as having any moral legitimacy. Nicaragua's most respected national leaders, who fought with the revolution—men like Arturo Cruz and Adolfo Calero, and Eden Pastora—are the most ardent advocates of the freedom fighters' cause. They know perhaps better than anyone the great gap between the promises of the revolution and the betrayal by the Sandinista regime.

The Catholic bishops, in a display of courage and leadership, have denounced the abuses of the Sandinista regime, and have criticized the control and guidance it is receiving from Cuba. On Good Friday last year, 100,000 Catholics took to the streets in Managua, in a demonstration of defiance against the Sandinista regime. And their ranks are growing.

It is this resurgence of the spirit of freedom that our aid to the freedom fighters helps keep alive. If we withdraw that support now, we will certainly demoralize those who have dared to oppose the ruling dictatorship.

I have heard some say that things are not as bad as they seem, that there is still a measure of freedom in Nicaragua. But we are only 5 years into the rule of a new totalitarian government, in a country new to Marxist controls. And in that short a time, Freedom House reports that:

Several thousand Miskito Indians have been forcibly resettled;

The Catholic Church intimidated;

There are thousands of political prisoners; many detainees—including labor leaders—are prisoners of conscience;

Killing and intimidation occur, especially in rural areas;

Thousands of disappearances have been reported;

Foreign travel is restricted;

Internal travel is restricted;

Enterprises and farms are being nationalized;

Newspapers and radio stations are mostly under Government control;

Private television is not allowed;

La Prensa is under consorship; and

Political opposition is severely restricted; and Government gangs break up opposition rallies;

Freedom House also reports that Nicaragua is still freer than Cuba. But the history of totalitarian regimes has been tragically consistent: If the free world looks away, the Sandinista regime will consolidate its hold over the country, wiping out what vestiges of freedom remain and establish another Cuba in Central America.

There is no doubt that the Soviet Union and Cuba want to see communism spread further in Central America. The question is, Will the United States support those people that want democracy and are willing to fight for their own freedom?

The great liberal pilosopher John Stuart Mill believed that the desire for liberty was an irrepressible human drive. In this regard, the people of Nicaragua are no different from the people of the United States. With this vote, we will decide whether we will give them the assistance they need to establish their democracy, just as others two centuries ago were generous and compassionate enough to help us establish ours.

Mr. ADDABBO. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding me this time.

Mr. Chairman, I would hope that at the end of the debate today we would come to the end of a long and tortuous road and end our involvement with the military actions by the Contras in Nicaragua.

These are actions that were conceived because of an absence of a policy by the Reagan administration, because they could not conceive of a policy to deal with the Sandinista government; to deal with what they viewed our security interests in Latin America to be. They decided that they would turn it over to the CIA Agency. They would allow them to get rid of this problem.

It is the absence of that policy that created the quagmire, the death, the violence that we now see in Latin America. Because when they were handing the CIA the possibility of putting together a small strike force to interdict arms, the CIA went to the Argentinians, procured the best of those who could train terrorists, hired them, went to the September 15th Brigade, who had formed after the ouster of Somoza, and put them together with American money and American know-how and created a terrorist organization that we now know as the Contras.

□ 1220

Those people who were high in the command of the National Guard continue to be high in the command of the Contras. Those people who engaged in the atrocities of Somoza continue to engage in the atrocities of the National Guard.

As we have heard on this floor time and again, as we have debated this issue, all of the precepts for this policy have disappeared. They have not interdicted any arms. They have not uncovered any massive flow of arms, personnel or material from Nicaragua to Salvador, but the forces continue to grow, and as that rationale evaporated, as our own Intelligence Committee started to question the continued buildup and the absence of results, as we debated again, as we spent $80 million to create this strike force, what we saw time and again was that we were creating a proxy force so we could engage in a war against the people and the government of Nicaragua.

That proxy war has now been in existence for some 3 years. It has brought discredit upon this Nation. It has brought discredit upon this administration. Hopefully by the vote of this Congress to end that proxy war, we will not concur in that operation.

We have said to this administration time and again that the Congress of the United States does not agree with this policy, we believe that it is bankrupt, we believe that it is counterproductive to what even the goals of this administration says that it desires in Nicaragua. But somehow, this administration has never gotten that message, so they have decided to continue to prosecute these acts of violence that are well documented, documented by church organizations, documented by independent observers, documented by nonpolitical observers, the acts of violence by the Contras as they roam northern Nicaragua, acts against the Nicaraguan economy, against the private sector, against anybody who can provide income for that government, those acts are well documented.

The tragedy is that it was planned for, it has been paid for, it has been assisted by the United States of America. We hold our hand in hand with

the Contras. We are responsible for their actions because we continue to fund their actions, and apparently there is no level to the atrocities that can get us to reconsider our policies. There apparently is even now some rational for why we see the person who was on the pages of Newsweek who had his throat sliced and his stomach cut open, that somehow that was justified because the Sandinistas were in the area and they would have heard a shot had he simply been shot, suggesting that that would have been a more humane way to treat that prisoner.

What we must consider is that this is a basic policy decision for the Congress of the United States. I am sorry to see the compromises being offered both by the Democratic side of the aisle and by the Republican side of the aisle, because again we continue to indirectly be involved in the support of the Contras.

I would hope that for once this administration and this Congress would truly define what its security interests are. There is no support in the Congress of the United States for the Nicaraguan Government receiving advanced fighters from the Soviet Union or from Cuba or from Bulgaria or wherever. There is no support to seeing offensive weapons coming into Nicaragua for the purpose of invading their neighbors. And interestingly enough, we find that our Pentagon tells us that it is exactly what we expect, that the buildup that is taking place in Nicaragua is in direct response to the threat by the Contras posed by the funding of this administration for their efforts.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

Mr. ADDABBO. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding this additional time to me.

Mr. Chairman, we see that they are outdated tanks, that they could not survive the Honduran Air Force should they try to invade Honduras, so what we see is that once again President Reagan has been a little loose with the facts, a little loose with the rhetoric to suggest that, in fact, a massive buildup is taking place. We find out, in fact, that according to the Pentagon that the troops strengths in Nicaragua, El Salvador, Honduras, Guatemala, and Costa Rica vary very little between those nations; that these are not offensive, but that is the pretext on which we are seeking to rally the American people behind this policy.

This administration has never supported the Contadora process. They used the Kissinger Commission to undermine the Contadora process to suggest that we had the answer to the problem in Latin America, that the Contadora process had not really thought it through. When the Contadora process came very close to arriving at a peace initiative with the Sandinistas, to be signed by their neighbors, the White House immediately jumped into that process and prevented that from going forth.

So, Contadora has been held in a weakened state by this administration so, in fact, the goals of the Contadora that every Member of this House has gotten up and expressed support for have not been allowed to be realized, have not been allowed to go forward, and then the suggestion is that the failure of Contadora justifies the actions by the Contras. It is morally bankrupt. It is immoral for us to participate in it, and the Congress ought to get some backbone and understand what we understood many months ago: that the policy will not reach the objectives of a more democratic Nicaragua; this policy will not reach the objectives of a less military Nicaragua, it will reach all of the opposite of the concerns Members on both sides of the aisle have expressed over the years.

I hope that we vote down the President's request for the $15 million with a resounding no, and I will express my concern about the compromises when those debates arise.

□ 1230

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. Mr. Chairman, I thank the gentleman for yielding this time to me.

As a member of the Intelligence Committee, let me say that we spent a lot of time on this issue over the last several days. I am disturbed this morning by what I see on the floor of the House as to the amount of misinformation that has been spread about with respect to the backgrounds and qualifications of the men who are the leaders of the opposition to the Sandinista Communist regime in Nicaragua. Therefore, I would like to take just a minute and review, if I may, for the record, the names of some of those key individuals, as well as their backgrounds, so that once and for all we can put to rest the notion that somehow the Contra movement is simply a collection of ex-Somozistas.

Of course, we have to begin with Adolfo Calero, a lifelong opponent of Mr. Somoza and commander in chief of the FDN since December 1983. He began his political career in the 1950's when he joined with Pedro Joaquin Chamorro, the great hero of the Nicaraguan revolution. After the fall of Somoza, Mr. Calero attempted to cooperate with the Sandinistas in rebuilding Nicaragua, but by the end of 1982 he had to flee into exile.

Indalecio Rodriguez is a doctor of veterinary medicine, a professor and president of the University of Central America inside Nicaragua. He participated in the anti-Somoza youth movement, was jailed twice in the 1950's for anti-Somoza activities, returned to a position at the University of Central America where he remained throughout the revolution in 1981, and abandoned the university and went into exile to take up the struggle against the Sandinistas.

Lucia Cardenal Salazar. Mrs. Salazar is the widow of a prominent Nicaraguan businessman. Her husband and she provided refuge for the Sandinista militants during the revolution. Her husband was ultimately shot by the Sandinista state security police. She fled into exile.

Alfonso Robelo, political coordinator of ARDE, head of the MDN, trained as a chemical engineer, director of the University of Central America in the early 1970's, president of the Nicaraguan Chamber of Commerce. After the revolution he was one of the five original members of the junta that governed Nicaragua under the Sandinistas. He resigned in 1980 over the Communist tendencies of the FSLN and complained about the ever growing Cuban presence.

Fernando "El Negro" Chamorro, leader of the FRN and commander of ARDE's military forces, a prominent anti-Somoza figure since the 1940's, participated in numerous military actions against the dictator, repeatedly jailed or exiled by Somoza. In 1979 he fought on the southern front with the Sandinistas.

Eden Pastora, the legendary Commandante Cero, leader of the FRS, the Sandinista Revolutionary Front. He was the Sandinistas' most popular hero and a senior official of the Government until he broke with them in 1982 and took arms up against his former colleagues.

The list is very long, and there is no doubt that anybody who has taken the time to study it would find that in fact the people that are in opposition to the Sandinista regime, both those within Nicaragua who were involved in peaceful opposition as well as armed resistance, are not ex-Somozistas. The overwhelming number of them were in fact opponents of Somoza, and a great many of them served in the Sandinista government after 1979. Charges to the contrary are part of the campaign of disinformation put forward by the Sandinista government.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. CHENEY] has expired.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I would suggest, if one starts at the top of the military command and works his way down, he will go some distance before, according to his own committee, the Intelligence Committee, before he runs out of former national guards and starting with Enrique Bermudez, who is a colonel in the guard and is now the strategic commander for the military actions in the field. Then he can go down to the No. 2 person.

I appreciate the political people, and it is these very people that caused Eden Pastora such difficulty in linking up and has caused such difficulty in trying to get the coalition within the Contras that the administration has always sought, because there is recognition that you will never win the hearts and the minds of the Nicaraguan people with these very people leading the military actions.

I would suggest that it is the leadership of these people that is reflected in the kinds of actions we have seen taken in the field by the Contras. So the accusations may not be 100-percent correct.

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

Mr. ADDABBO. Mr. Chairman, I yield 1 additional minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. So, Mr. Chairman, my point is that the accusation is not correct. Neither one of those accusations is in fact correct.

I recognize that many of the people in the political leadership of the Contras or, if not the Contras, in opposition to the Sandinistas are people who were former allies, either during the revolutionary struggle or afterwards. But by the same token, let us not suggest to this House that they have purged the people from the military leadership and from military involvement within the Contras of all the guardsmen or officers of the guardsmen. These were not all university students at the time of Somoza.

I think we have got to understand that at the very best we have a mixed bag, and when we understand again how this was put together in the very beginning in 1981 after the finding by the administration, what is very clear is that in fact these were people who left because they were non gratis in the country because of their involvement with the national guard.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 additional minutes to the gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. Mr. Chairman, I thank the gentleman for yielding this additional time to me.

No one has suggested on our side, I would remind my friend, the gentleman from California, that there are no individuals in the FDN operation who were not previously involved in the national guard. Colonel Bermudez was indeed involved in the national guard, but at the time of the revolution he was the attaché of the Nicaraguan Embassy in Washington. He had no involvement in the conflict in Nicaragua.

Earlier today the gentleman from California [Mr. DORNAN] put into the RECORD detailed information that the Intelligence Committee and others have collected on the backgrounds of the top echelon of the FDN forces. Of 56 members, I would remind my friend, the gentleman from California, 27 are former Sandinistas. They fought for the Sandinistas first. Thirteen formerly were members of the national guard, 12 were farmers, 1 doctor, 1 evangelical minister, 1 fourth-year university student, and 1 civilian radio technician. Those are the facts.

Less than 2 percent of the FDN troop total are former Somoza national guard members. Twice as many of the military leadership of the Contras fought against Somoza as were involved with the national guard on behalf of Somoza.

So the suggestion that we are somehow supporting ex-Somozistas trying to overthrow the Government——

Mr. MILLER of California. I would say to the gentleman——

Mr. CHENEY. Mr. Chairman, I have not yielded. The time is mine.

Mr. Chairman, that frankly is simply not accurate. The bottom line is that the overwhelming number of people involved in overthrowing Somoza now have serious doubts about the Sandinistas. The number of people who have taken up arms against the Sandinista government is three times as great as the number who were involved in fighting on behalf of the Sandinistas against Somoza. This is truly a broad-based revolutionary movement, and it deserves the support of the United States.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to my friend, the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I thank my friend for yielding.

I would simply bolster his comments by reference to a Washington Post article dated February 28, 1985, which indicated that the Contra army was made up of 14,000 people, mostly peasants, of which only about 40 officers and about 200 fighters even served with Somoza's National Guard. If you figure that out, that is only 2 percent. And they go on to concede, as the gentleman has already pointed out, that Enrique Bermudez, who is the leader of the Contras in the field, was a Nicaraguan military attaché and had nothing to do with the atrocities under Somoza.

They go on, and there is abundant evidence that the leaders of the Contra movement really have very little, if any, relationship with Somoza. In fact most of the leaders were against Somoza and fought with the Sandinistas and stayed with the Sandinistas until they learned what they truly were.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I continue to yield to the gentleman from Louisiana.

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. CHENEY] has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 additional minutes to the gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. Mr. Chairman, I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I appreciate the gentleman's yielding further, because there is another point I want to make.

I was concerned when I was with the gentleman in Managua just a week or so ago that there seemed to be a continuing trend of well-intentioned American citizens trooping down to Nicaragua and all around the Nicaraguan countryside, I might add, at subsidized air fares and subsidized hotel rates paid for by the Sandinista government, and going around and viewing a dog and pony show. That is really how it could be described. They were getting information, as it was elaborated on by Sandinista representatives for their edification. They were being convinced that the United States is the wrong party in this conflict and that the Sandinistas are simply trying to provide peace and harmony for the future of Nicaraguan citizens.

Then we come back and we find that the so-called Brody report, which reaches similar conclusions, concocted by a 31-year-old lawyer, Reed Brody, was based on the same kind of a well-intentioned atmosphere and reached on the basis of a $320,000 grant paid by the Nicaraguan Government to the firm of Reichler & Applebaum right here in the District of Columbia.

□ 1240

Then we go on and we find other evidence that Mr. Brody, who was supposed to have concocted the Brody report which gives evidence for all these good intentioned people to come back with their conclusions that the United States was wrong, actually was a friend of the Sandinistas and was quoted by Bayardo de Jesus Payan Hidalgo, the head of the Human Rights Commission down in Nicaragua, who says:

I was struck by the kindness extended to them by (Sandinista) officials * * * they

were provided with transportation, food, and lodging from the very beginning.

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. CHENEY] has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 additional minutes to the gentleman from Wyoming.

Mr. CHENEY. Mr. Chairman, I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman—

They were provided with transportation, food, and lodging from the very beginning. Mr. Brody was characterized by his fondness for the FSLN (the Sandinista government) for he made it known that he was a friend of Commander Daniel Ortega Saavedra, showing a picture of him hugging the Commander.

Now, this is the type of interrelationship of well-intentioned people who go down there and develop a friendship for Mr. Ortega or Mr. D'Escoto or other members of the junta and come back and presume to tell us the truth about what is happening in Nicaragua, totally overlooking the abuses of human rights, the imprisonment, the forced labor camps, the torture, the execution that is going on at the hands of the Sandinista government.

It concerns me greatly and I think that when we hear allegations such as have been brought out by the other side to the effect of how horrible the Contras are, we have to look to the source of their material.

I would hope everybody in this Chamber would question the source of the material that is being discussed today.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Chairman, I wanted to make another point here as some on the other side try to smear the entire leadership of the democratic resistance forces in Nicaragua as though all so-called Contras were colonels in the Guardia Nationale and that all of them were part of that shameful segment of the Guardia that was guilty of human rights abuses.

Well, consider this fact. The very first Minister of Defense of the Sandinista government after July 1979 was a former full colonel in the Guardia Nationale named Bernardino Larios; when he saw the Government going Communist he resigned, but before he could leave the country he was arrested and thrown in jail for 4 years. He has just been released, and I suppose if we brought him up here and quested him in the Rayburn Room to talk to to some of the Members who attack the so-called Contras, our Members would say no." As one of the majority members said to me when I asked him to come off the floor to meet Enrique Bermudez, so that Senor Bermudez could testify to his face that he spent the 3 years of Somoza struggle here in Washington. "I won't dignify them with even talking to them."

That gentleman is on his feet right now at the leadership table on the Democratic side.

Mr. ADDABBO. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I think the fact remains that the military side of the operation clearly is still under the leadership of the National Guard and I think clearly you have got to understand that the fact still remains that the atrocities that we see committed in the field are being committed by the Contras.

We can argue the numbers of people who are in the positions of power back and forth, both on the political side and on the military side. The fact of the matter is that we see atrocities. These have not been, as the gentleman suggested, by patronizing American citizens who tried to go down and to develop the facts for themselves, but by independent organizations that have found atrocities on both sides; American Watch and other organizations.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield on that point?

Mr. MILLER of California. When I am finished—that have clearly outlined that in fact the Contras are responsible for many atrocities. And those are not people who have gone down to swallow hook, line, and sinker, the Sandinista line. The fact of the matter remains that that is the case. There have been rapes, there have been kidnapings, there have been murders by Contras in the field.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield on that point?

Mr. MILLER of California. I yield to the gentleman.

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for yielding.

I simply point out again that the two independent missionaries, Mormon missionaries, who have no allegiance to the Federal Government or the Sandinista government at all, who have experience as missionaries in the field, went down there for exactly that purpose, and point out very clearly in their report that they were unfunded by anybody. They went down at their own expense.

They found no evidence of Contras atrocities and abundant evidence of Sandinista atrocities, including forced labor camps, executions, religious persecution, indiscriminate shelling of villages, mistreatment of prisoners, forced voluntarism in the co-op system and repression of the opposition political parties, as well as forced recruitment.

Mr. MILLER of California. Mr. Chairman, if I can reclaim my time, I think clearly this is the tragedy of the situation which has been created, and that is the overall violence in Nicaragua, which I must add was not there prior to the entrance of this policy.

Mr. ADDABBO. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, Joe Louis once said about one of his opponents, "He can run, but he can't hide."

My distinguished colleagues on the other side of the aisle have been dancing around and trying to hide from what really is the issue in this situation. The United States of America, through the Reagan administration, has waged war against a country with which we have full diplomatic relations and the people of the United States of America in every poll and survey that has been taken have said that they will not sit still for that and they oppose the President's policy. What the Congress of the United States and this House will be doing at the end of this debate is to transform into action, once again, the will of the people of the United States and keep Ronald Reagan from getting the United States directly militarily involved in Nicaragua.

I have been to Nicaragua twice now. I was there about a week and a half ago. I had occasion to speak, to witness, to listen to people at all levels, opposition as well as government people. I have also visited other Central American countries. I want to tell you something. If you are an average citizen in most of the Central American countries, if you are a citizen of El Salvador, if you are a citizen of Guatemala, you have nowhere near the capacity to openly criticize your government as you do if you are a citizen of Nicaragua, and there is no question about that.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield on that point?

Mr. WEISS. No. When I finish, the gentleman will get time from his side of the aisle.

Let's talk about freedom of the press. Yes, the newspaper La Prensa, one of the largest newspapers in Nicaragua, is censored, and I oppose that; but if you are a press person in El Salvador and you owned an independent newspaper, nonsupportive of the military-government position, you no longer publish. You either had your plant bombed out from under you or you have been threatened with assassination or have been assassinated and you are no longer there.

The gentleman from California [Mr. LAGOMARSINO] had occasion to mention before that the Sandinistas would not let him visit a military camp and that proved that they did not have an open government.

I want to tell my distinguished colleague from California——

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield? He used my name.

Mr. WEISS. No, I will not.

I want to tell my distinguished friend from California that on Friday a week ago, Congressman EDGAR of Pennsylvania and I were about to go to the country of Guatemala in order to observe a demonstration by the relatives of people who had disappeared or been killed in Guatemala and we could not go because word came through from the Government of Guatemala that death threats had been received against the life of myself and the gentleman from Pennsylvania [Mr. EDGAR] if we were to go there.

It seems to me that we ought to be concerned about freedom and liberty everywhere, but we also ought to be concerned about how the United States of America supports freedom and liberty everywhere. One of our very fundamental constitutional principles is that the United States goes to war only upon a declaration of war by the Congress of the United States. It is a principle that we ought to abide by.

The President and the Secretary of State and just about every Government spokesman for this administration has twisted facts, has distorted facts, has lied about what in fact is going on in Nicaragua and who supports or who does not support their policy.

□ 1250

The President said baldfacedly that the Pope supports every aspect of his policy in Nicaragua, only to have the Vatican come forward to deny that representation.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. WEISS. No. When the gentleman wants, he can get time from his side of the aisle.

From the various and wholesale disinformation provided by the Government of the United States of America, the people of this country have winnowed out the facts and said that they will not, we will not have our sons and our fathers and our brothers go to war in Central America.

Yes; we ought to be providing inducements and encouragements for a peaceful resolution. When we were in Nicaragua we met on the 11th of April with the President of Nicaragua who had just gotten a report back from the proceedings at the resumed Contadora hearings. The Contadora proposals presented that day for verification of all the various agreements as to the removal of advisers and the removal of military forces and the reductions of arms and so on in the conflicted areas of Central America had been drafted by the Contadora countries with the assistance and involvement of the Canadian Government. The Nicaraguan representative said—and this has been carried publicly in our newspapers—that his government would accept without any amendments whatsoever the recommendations of the Contadora countries and the Canadians.

We opposed it? Who is still quibbling about it and refusing to accept it? Honduras and El Salvador and Costa Rica; not because they do not like it, but because the Government of the United States, in spite of all of the protestations and representations about how we want a diplomatic settlement, in fact, have done everything within our powers to prevent a diplomatic settlement.

You do not have to love the Sandinistas, you do not have to support their reneging on commitments for a free press or for political pluralism and I do not, to know that the dirty war that the U.S. Government has been funding and directing and been engaging in without congressional or popular approval cannot be allowed to continue. It certainly ought not to be allowed to be continued by action of this House of Representatives. We have the right and the opportunity to set this country's policies back on the path of our Constitution. That is what we as a nation are about. That is what we ought to be doing.

In December 1981, CIA Director William Casey came before the House and Senate Intelligence Committees seeking $19 million he said, to interdict arms traffic from Nicaragua to the Salvadoran rebels. The beneficiaries were a 500-man paramilitary force. Most were former members of Somoza's national guard. The same national guard who maintained the Somoza dynasty's 40 years of iron-fisted terror. At the behest of our CIA, this paramilitary force was trained by the Argentine military. The same military responsible for disappearing 6,000 Argentines.

Four years later, Mr. Reagan is seeking another $14 million. Most will go to the FDN [Democratic Revolutionary Force], the son of that 500-man paramilitary force. Four years, and $80 million U.S. dollars later, the Argentine trainers have been replaced by the CIA. The same CIA whose only contribution to the Contras' democratic training has been providing them with a primer on assassination.

The FDN's military command are the same national guardsmen, who terrorized Nicaraguans for more than 40 years.

Enrique Bermudez, the Contra's self-proclaimed defense minister, served as Somoza's former military attaché in Washington. His second in command, Capt. Armando Lopez, was a guardista.

The heads of logistics, intelligence, operations, special warfare, and most key combat commanders are national guard alumni.

The Contras' former intelligence chief, Col. Ricardo Lau, who has been accused of directing the 1980 assassination of Salvadoran Archbishop Oscar Romero, was a guardista.

But don't just take my word for it. Let me quote from Arturo Cruz, former junta member, Nicaraguan Ambassador, and now a Contra supporter, who wrote in a 1983 Foreign Affairs article:

> The fact remains, however, that most of the persons in positions of military authority within the FDN are ex-members of the National Guard who unconditionally supported Somoza until the end, against the will of the Nicaraguan people.

This is the same national guard, who, according to Eden Pastora, "killed our people for 45 years. The guardsmen killed this guy's brother. They killed my father. Everybody in Nicaragua has a relative killed by the national guard."

These are the same guardsmen, who have pledged that—and I am quoting from one Contra officer—"Come the counterrevolution, there will be a massacre in Nicaragua. We have lots of scores to settle. There will be bodies from the border to Managua."

These are the same Contras whose killings and human rights abuses were so indiscriminate that the CIA had to prepare a manual to instruct them how to selectively assassinate.

These are the same guardsmen Mr. Reagan calls freedom fighters and compares to our Founding Fathers.

Neither the Congress, nor the American people, are immune from the lies and distortions this administration has used to promote its immoral war in Nicaragua.

Until last year, CIA Director Casey claimed we were supporting an interdiction operation. Four years of white papers, aerial photos, and secret documents have not provided hard evidence of arms shipments. A May 1983 House Intelligence Committee report stated "the program has not interdicted arms." According to former CIA analyst, David MacMichael, there has not been a verifiable interdiction of arms or anything else since 1981.

Then, the Contras were "bargaining chips" who would bring the Sandinistas to the negotiating table. In September of last year, the Nicaraguans not only came to the table, they signed a draft Contadora treaty. The proposal—drafted by the Contadora nations, not the Sandinistas—provided for free and fair elections, an end to the regional arms race, and the withdrawal of foreign military advisers. But just as soon as the Nicaraguans accepted the treaty, the United States, and its regional allies—after we coerced them—backed away. It should be apparent that until the Sandinistas

are removed from Managua, Mr. Reagan will never see a Contadora treaty that he likes.

Now, Mr. Reagan, while still professing the fiction that he doesn't want the Sandinistas overthrown, claims he only wants them removed "in the sense of [their] present structure." The distinction between overthrowing someone and getting them to cry "uncle" is lost on Contra defense minister, Col. Enrique Bermudez, who has unequivocally stated: "We are Nicaraguans and our objective is to overthrow the Communists."

However sincere such recent Contra converts as Arturo Cruz and Alfonso Robelo may be in their commitment to democracy, the fact is that the war is directed by former national guardsmen, who are terrorists, not democrats. They have promised to bring to Managua a reign of terror that will make the French Revolution look like a labor day picnic. Their methods are those of the Marquis de Sade, not the Marquis de Lafayette. And, according to Eden Pastora, "the Nicaraguan people will not support the National Guard."

For 4 years, Mr. Reagan has sacrificed our values, our respect for the law, our commitment to democratic institutions, and our international standing. It's our turn now, finally, to put a halt to his "dirty little war" against Nicaragua.

I thank the gentleman for yielding this time.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. I thank the gentleman very much for yielding me time.

I think at this point in the debate we should take a deep breath and ask ourselves what we are trying to achieve in Nicaragua.

Do we want to add to the suffering there? Do we want to add to the instability there? Do we want to strengthen the lack of freedom there?

If that is what we want to do in Nicaragua then we should vote for the package of military aid to the Contras that lies before us.

Mr. LIVINGSTON. Will the gentlewoman yield?

Mrs. BOXER. No; I am sorry. I have no time to yield to you.

But if we want to help the people of Nicaragua, if we want to bring stability, if we want to be in a position to strengthen democracy in Nicaragua, we should vote down the funds for the Contras. We should work for peace with the people of the region through the Contadora process.

We must learn from history. I say to my colleagues that in the 1950's the CIA backed a coup to overthrow the second democratically elected President in Guatemala because our country did not like his policy of land reform. We backed the rebels, and then when they were too inept to win that victory, the CIA people got involved in the combat and the military achieved its goal and the Government of Guatemala was overthrown.

I ask my colleagues: What has happened in Guatemala since that day in the 1950's dubbed as "Operation Success?"

Guatemala has yet to see a democratically elected government. There is suffering in Guatemala. There are problems in Guatemala.

We have to look for another way as we look at the situation in Nicaragua. So there must be something, something in between completely walking away, which I do not support, and using military means, which I do not support, to solve the problem in Nicaragua. That is something that we call the Contadora process. It is called diplomacy. It is called using America's strength to bring peace and democracy, not to prolong war, killing, and suffering.

Finally, I would say to my colleagues, I feel compelled to say that one of my colleagues from California, Mr. DORNAN, has several times in this debate referred to "little nuns" who have appeared in Members' offices to spread disinformation. I wonder if my colleague would describe Mother Theresa as a "little nun."?

I find it reprehensible, Mr. Chairman, that people with conviction, and concern, and love of God, and love of country, would be accused of spreading disinformation.

Those people have been in Nicaragua, they know the score and we know the score. Let us work for diplomacy and against giving aid to the Contras.

Mr. DORNAN of California. Mr. Chairman, will the gentlewoman yield?

The CHAIRMAN. The time of the gentlewoman from California [Mrs. BOXER] has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DORNAN] to respond.

Mr. DORNAN of California. Of course, I assumed that the gentlewoman was speaking with a broad brush when she talked about people being reprehensible.

I have quite accurately, as a loyal and practicing Catholic, assessed that there are some nuns in Orange County of California and elsewhere who have made one of these revolutionary tourista trips down to Nicaragua and come back parroting the Leninist line of lies pumped out by the nine commandantes or the suspended former priest named Miguel d'Escoto who periodically plays the role of Foreign Minister. And I repeat what I said last week. d'Escoto is like the little man Tatoo on TV's Fantasy Island." He yells at this boss, Ortega, "Boss, De plane, de plane, de plane, here comes another bunch of naive fools," or what Lenin called useful idiots to be brainwashed with the Communist line.

Now, it is true that some of the nuns who have come back home have gotten themselves straightened out by talking to other nuns who have been persecuted down there in Managua. In other words they have recanted. I will send to the gentlewoman's office the recantations of the nuns who have become smarter than your average Congressman on Central America.

Mrs. BOXER. If the gentleman wants to call those nuns fools, that is his choice of words, not mine.

Mr. DORNAN of California. Useful idiots is what I also said. Useful to the Leninists who persecute their church, which is also my church which I love.

Mr. BROOMFIELD. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. DEWINE], a member of the Foreign Affairs Committee.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. DEWINE. I yield to my colleague, the gentleman from Indiana.

Mr. BURTON of Indiana. I would just make a couple of brief points.

While I was in Nicaragua at the same time as my colleague from New York [Mr. WEISS] we had occasion to have dinner with the Ambassador and a former labor minister who was the head of the liberal party down there. This gentleman, who affectionately touched the gentleman from New York [Mr. WEISS], and said, "We as liberals share a great deal in common," said to Mr. WEISS that he would like for him to come down to Nicaragua for about 3 weeks to see what was really going on. He said, and I cannot quote him verbatim, but the gist of the conversation was that the present pressure and the censorship and the religious persecution had increased dramatically, and that if Mr. WEISS had an opportunity to see for himself really what was going on down there, Mr. WEISS would vote for aid to the Contras, because if aid for the Contras was not forthcoming the repression would increase, the Communists would solidify their positions, and the revolution would be extended throughout Central America.

Now this gentleman philosophically did not agree with me at all. He did with the gentleman from New York [Mr. WEISS], on most issues. But he told Mr. WEISS point blank that the aid to the Contras was absolutely essential if they were to have any chance at freedom in the future.

Mr. DEWINE. I thank my colleague for his statement.

If the American people had any idea, Mr. Chairman, of the intensity and the expertise of the Sandinista propaganda, I think they would be shocked.

There is an excellent article in the Wall Street Journal of April 23, and I

invite all of my colleagues to read it. It is by Jim Denton and it details part of this propaganda.

I think all of us could have expected what we saw last weekend. The vote on the Contras was coming up. The Sandinistas' action was predictable. What did we think Daniel Ortega was going to do? He communicated a peace proposal, not to our Embassy or State Department, but rather to some Members of Congress.

□ 1300

What he did was to communicate to some Members of Congress a peace proposal, a bogus peace proposal, a last minute peace proposal. It was reported on NBC and ABC that same night in very, very serious tones that certainly this would make it more difficult for this House to support aid to the Contras. The networks were right. Daniel Ortega was right. He accomplished exactly what he intended to accomplish. The Sandinistas have constructed a huge propaganda machine. It was reported in this article that the Nicaraguans paid $320,000 per year to a Washington based law firm to lobby on their behalf. This $320,000, which I just cited, is only a drop in the bucket. As my colleague from California, Mr. DORNAN, has pointed out, this regime started in 1979 and in 1980 having people come down for trips. Everybody, everybody's congressional district has had people who have gone down there. Well-intentioned, goodhearted, sincere Americans. But what they have been shown has been an orchestrated campaign; what they have been shown is exactly what the Sandinistas want them to see. This article in the Wall Street Journal goes into two of the so-called objective reports that our colleagues on the other side of the aisle so frequently cite. The first one has been referred to. It was the Brody report, bought and paid for, and let us get the terms right, bought and paid for by the Communists in Nicaragua. Those are the facts, and nothing more needs to be said.

The Fox report was an attempt, an attempt as we heard in our committee last week, to make the first report valid. Even though it never came out in the report, never came out in any of the press releases, never came out in any of the press conferences, we found that Mr. Fox's wife's step-brother is a Sandinista, a high ranking Sandinista official. I do not question Mr. Fox's integrity, I will not do that at all. But isn't that a relevant fact? Isn't it important for this body to know that his brother-in-law is a Sandinista? We never would have known that except, quite frankly, for the investigation of Jim Denton.

So let us keep everything in perspective as we look at the propaganda campaign that is being waged right now in Members' offices.

Congressman LAGOMARSINO and I several months ago had the opportunity to travel to Nicaragua. I am not an expert, only being down there for a few days. I am not claiming to be an expert. But what has been described by some of my colleagues on the other side of the aisle is not the Nicaragua I saw. The Catholic priest whom we talked to who told us that in the Catholic schools they have to teach Marxism. We asked, well, what happens if you don't teach Marxism? The answer was: "The schools don't run." Marxism in the Catholic schools, it just sickens me.

Now, the situation with La Prensa has been made light of La Prensa, to my knowledge, is the only independent paper left in that country. It has been made light of, the fact that 40 percent of that paper every single day is censored; 40 percent. Some days they do not even publish.

Private enterprise? There has been reference made to private enterprise. Let me tell you what we found out about private enterprise.

I asked one of the small businessmen who remains in the country about what percentage of the economy was private. He laughed at me. "Another dumb American question." He said "when the state buys everything and sells everything and controls everything and tells you what to do and when to do it, how much enterprise, private enterprise is left?" Congressman LAGOMARSINO and I talked to a little vendor, literally a little vendor, who had been selling produce on the street for a number of years. That very day the Communists, the Sandinistas told this vendor, "You can't sell anymore. No, you can't. You're out of business. The reason you're out of business is because it is all going to be sold through a state-run store."

We talked to labor leaders, we talked to political opposition, or what is left of it. We talked to people throughout the country who would turn on their radios because they knew for a fact, at least they told us, that they were being bugged.

Now that is the Nicaragua we have.

What conclusions do we bring back to this body that will help us make a decision? What did we learn? Several things.

Congressman LAGOMARSINO referred to this, let me refer to it again: This is a direct quote from my notes which I looked at today. "Things will be bad for us if the Contras go away." Nobody wanted to tell us or everyone was afraid to tell us, "Give aid to the Contras." They knew better than that. If your office is being bugged you do not want to say that.

But what they would say in a roundabout way, every single one of them, "Things will be bad for us if the Contras go away."

Now, another quote, "We used to be public enemy No. 1, now we're No. 2. If the pressure that the Contras are putting on the Sandinistas ever goes away they will turn on us in a moment, they will be back at our throats, they will eliminate us." What little bit of opposition, whether political or business, whether it is in the press or whether it is the church, will be gone.

My friends, it is clear what they will do. There are three things going to happen when we completely dry up the aid from the Contras, which it clearly looks like we are going to do today and tomorrow; three things are eventually going to happen. No. 1, they are going to consolidate their revolution. No. 2, they are going to move against and strike out all opposition.

And, No. 3, if that does not wake you up, maybe the third should, after consolidating the revolution they are going to go right back to what they have been doing, only they are going to do a better job of it, they are going to export the revolution. The ammunition, the arms going into El Salvador, which we found in El Salvador, and which we traced back to the Soviet bloc, is going to continue. We are going to have in Central America another Cuba, only this one is going to have two ports, one on the Pacific and in the Atlantic. They are going to be on land instead of surrounded only by oceans. That is a natural consequence of what we are doing. We have got to keep the pressure on them.

We are not faced in this body with easy choices, we never are. But I think today is probably the toughest but most important day for Congress since I entered Congress a little over 2 years ago. The choice is not easy. The easiest thing for me politically and probably for everybody else in this Chamber to do would be to say, wash our hands of it, stick our heads in the sand and say, "No, we don't want to give aid to the Contras. We don't want to have any part of what is going on in Central America. Let's walk away from it and use the excuse that we are avoiding another Vietnam."

Vietnam hangs heavy over this Chamber as it should.

It was a tragedy.

But I would submit to you today that what you are about to do today is going to result in one of two things. No. 1, you are going to consign that region of the world to communism.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. DEWINE] has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield an additional 5 minutes to the gentleman from Ohio.

Mr. DEWINE. That is the first thing that is going to be done. The second potential is that you are risking, and I choose my words very carefully, by this action you are risking American

lives. If there is one thing that I would hope everybody in this room could agree on it is that we want no more Vietnams and we want no more Cubas.

What in the world—and I have been listening for 3 hours, I guess, and have not heard anybody stand up at this mike from your side of the aisle and tell me how your plan—you have trashed the President's plan, you have trashed BOB MICHEL's plan—yet no one has told me how your plan is going to achieve peace.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. DEWINE. Let us finish, let me finish. I have the time. As you told Mr. LIVINGSTON, you will have ample time to answer.

Mr. WEISS. Well, the gentleman asked.

Mr. DEWINE. No; just as you did for Mr. LIVINGSTON. What is fair for one side is fair for the other.

Now, what is the proposal? What have we heard from your side of the aisle? We are going to have more negotiations? Well, we want negotiations. We want peace proposals, but what did the Sandinistas do when a very significant proposal came forth from the opposition parties, what is left of them, and the Contras?

□ 1310

An offer was made to have the Catholic bishops in Nicaragua mediate, and it was not an unreasonable proposal. The proposal was they would have a cease fire, Daniel Ortega would stay as President, there would be free elections, and there would be allowed freedom of the press and the basic things that are necessary to have a free election. Several weeks elapsed, as I recall. Because when BOB and I were down there, no response had been made from the bishops. The bishops then came back and said, "Yes, we will offer to mediate that." And what did the Sandinistas do? No, they would not do it. They rejected the offer. The peace proposals have been made. The Contadora process is ongoing. They all should continue. But the basic facts of life are that if you really want peace down there, you have got to have a little stick or maybe, as Theodore Roosevelt said, a big stick. You have got to have something to prod them to do that. Your proposal has no prod. There is nothing contained in there that has not already been on the table. Absolutely nothing. What we are saying is, give some aid to the Contras, keep the pressures on, listen to the people who talked to Congressman LAGOMARSINO and me when we were down there, listen to what they said. The only way you are going to keep pressure on these Marxist-Leninists—and that is what they are, there is no doubt about it—the only way you are going to keep pressure on them is by the Contras.

Now, before I yield to my colleague, let me say one other thing: The natural consequences of your action is, I think, that some day—I hope to God I am wrong—Americans are going to die because of your action or rather your inaction.

Let me take you through some testimony that we had in our committee last week. I am just going to cite one. There are several, but I am just going to cite one. McGeorge Bundy testified, a Kennedy-Johnson administration adviser, actively involved as an adviser during the Vietnam war. He testified and said aid to the Contras is no good, the CIA cannot accomplish anything, it will not work and, besides, you always have American naval power to fall back on. My God, I heard that, and I read it before he said it, and then he said it, and I could not believe it. I said, "What in the world are you talking about?" I said, "Are you really saying that if this doesn't work, if we don't give aid to the Contras and if the Nicaraguans don't become peace activists, don't become democrats overnight, that the only result, the only natural result is a naval blockade?" He said, "No, Congressman, you have it wrong." He said, "In the Kennedy days we called it a naval quarantine."

That is the natural consequences of what I am afraid we are about. That puts us to a brink of war. It is 20 years later. What President Kennedy did was right. I supported him. But that is going to take us to the brink of war. It is 20 years later. There is a different navy that the Soviets have, we are not talking about an isolated island, we are talking now about an entirely different situation.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. DEWINE. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the gentleman on his tremendous statements. He laid it all out, gave the options the way they really are, not the way some people would like them to be.

An interesting thing occurred to me, and I have discussed this with the gentleman several times. He and I and other members of our subcommittee on the Republican side of the aisle sat there through the five hearings last week that were held on this subject——

The CHAIRMAN. The time of the gentleman from Ohio [Mr. DEWINE] has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 additional minutes to the gentleman from Ohio.

Mr. LAGOMARSINO. Most of the time there were only one or two or, at one point, three on the other side of the aisle, even though they had called the hearings and had called the majority of the witnesses. The thing that really impressed me about those hearings, perhaps more than anything else, was that even the opposition witnesses, opposition to the President's proposal, said, most of them in so many words, that the Sandinistas were Communists, that they were repressing their people, that they had been exporting revolution. Some of them did not like to make those statements. Adm. Stansfield Turner, who was the head of the CIA during the Carter years, took a long time to admit what he finally did admit, that indeed the Sandinistas had violated U.S. law by exporting revolution and, therefore, the Carter administration had cut them off.

They all agreed, I think almost without exception, that the Sandinistas were repressive, were exporting revolution, as I said, and, further, that something had to be done about it. They all said there should be some pressure, but very few of them had any good ideas at all. It was interesting—I mentioned Turner—that Turner opposed the proposal not even having read it, apparently, because he did not know that the President's proposal called for a truce, and that was some of the type of opposition. But none of the people who had been to Nicaragua came back praising its glories.

Mr. DEWINE. It was certainly unanimous.

I yield to my colleague, the gentleman from Louisiana.

Mr. LIVINGSTON. I thank the gentleman for yielding, and I want to commend him for his outstanding statement on this subject. I might point out, with respect to his comments about the disinformation that is going on that seems to be leading to some of the arguments on the other side, Clare George, Deputy Director of the CIA, testified with an Assistant Secretary of State, before an unclassified meeting of the Intelligence Committee the other day, and I would like to quote him, quickly:

> A worldwide propaganda campaign has been mounted and carried out in behalf of the Sandinista regime and Salvadoran guerrillas which would not have been possible without the capabilities, the contacts and the communication channels provided by the Soviet bloc and Cuba. The Sandinistas themselves have shown remarkable ingenuity and skill * * *.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. DEWINE] has again expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 additional minutes to the gentleman from Ohio.

Mr. LIVINGSTON. Mr. Chairman—

> The Sandinistas themselves have shown remarkable ingenuity and skill in projecting disinformation into the United States itself. Perhaps the best example of this is the systematic campaign to deceive well-inten-

tioned members of the Western media and of Western religious institutions.

Now, that point being made, I would like to also point out to the gentleman, and he seems to have followed up on the comments by the gentlewoman from California [Mrs. BOXER], with respect to what we really want, and the gentleman has eloquently pointed out what we want is peace and, preferably, democracy in Central America.

Now, I think it is significant that the gentlewoman refers to the 1950's and what happened in Guatemala way back then. She somehow forgets what happened in the last 6 years when in El Salvador, against the protestations of the other side time and time again, against the attempts of the other side to keep us from funding the Salvadoran Government against the Marxist guerrillas, despite the fact that the other side had constantly tried to keep that money from helping the democracy in El Salvador, what happened was, because we stayed in there, because the Reagan administration and the Carter administration decided that it was important to protect democracy in El Salvador, we now have had four free, open, fair elections. We have had a constituent assembly, we have had a President popularly elected, and Jose Napoleon Duarte is now that popular President of El Salvador. Democracy exists in El Salvador. And if we follow through with that same policy, democracy will exist in Nicaragua some day when the Sandinista regime yields its power.

Mr. DEWINE. I thank the gentleman very much for his statement.

In conclusion, Mr. Chairman, we want no more Vietnams, we want no more Cubas. We want peace.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. DEWINE] has again expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 30 additional seconds to the gentleman from Ohio.

Mr. DEWINE. We want peace in the region. Give us some way of doing it. Give us some stick. Give us some way to prod these Communists into doing what everyone in this Chamber wants, and that is engaging in meaningful peace negotiations.

Mr. ADDABBO. Mr. Chairman, I yield myself 30 seconds. I would tell the gentleman he has made an outstanding statement, but if he has heard nothing from this side, one thing we have stated is that we are not for providing military aid, and that is the question before the Congress at the present time. House Joint Resolution 239 deals only with military assistance and has nothing to do with humanitarian assistance. I would suggest the gentleman read the classified report that was transmitted to the Congress in support of this release of the $14 million for military aid.

Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I have tried to listen with diligence and with rapt attention and with respect to the debate that has gone forward and as a result I would like to make a few comments.

Several speakers have spoken powerfully and dramatically to a group of people that have been referred to on the floor as the "Marxists and the Leninists and the Communists," this great threat and this great conspiracy Someone ought to try to address that. I would like to do it, try to put this debate in some perspective.

It would seem to me that if you listened to the structure of the debate, the largest single group of Marxists, Leninists, Communists are in the Soviet Union. But nobody here, I would like to hope, in their rational personna, is suggesting that we go to war with the Soviet Union.

The second largest group of Marxists, Leninists, Communists are in the Eastern bloc in Europe, but no one is proposing that we go to war with Czechoslovakia, Poland, East Germany. In their rational minds, they would not do it. So where do we end up fighting these proxy wars against these great menaces?

□ 1320

In Third World countries; in the Vietnams, the Laos', the Cambodias, the Central Americas of the world where people of color, dying of poverty and hunger and disease and malnutrition, starvation, human rights violations, torture, killing, and maiming and imprisonment, we suddently find these are the places that must access to great and powerful battlefields upon which we fight the great Communist menace; upon which we battle the Marxists and the Leninists.

We are not throwing nukes at the Soviet Union, thank goodness. That would destroy the planet. We are not talking about going to war with the Eastern Europeans; thank God; that would probably again destroy the planet. So we fight it out in impoverished countries where we engage in this East-West struggle to the total exclusion of the North-South dimension of the poverty and the hunger and the disease and all the other crippling problems that plague and confront human beings.

So I have come to the conclusion that maybe the statement "a rose is a rose is a rose", and that "a Communist is a Communist is a Communist," is not really true. Maybe there are good Communists, and maybe there are bad Communists. It may be that good Communists are the ones that have big bombs that can bomb us back. Maybe the only bad Communists are those people struggling in the developing countries of this world where we ought to be addressing their human misery, we choose to engage in the madness of war.

I would suggest to my colleagues that peace would not come through the barrel of a gun; that peace will come when we address the problems that give rise to war, death, and destruction. It is the human misery that human beings field; it is the destruction of the human spirit that creates war. What are we doing in this situation? I would stipulate this list. One of the most absurd points in this debate is to debate whose names are more accurate on the list of 56. Who cares? That is not the issue here. You are putting a smiling face on death and destruction, because if you take war to its bottom line, it is killing and dying and death. It is funky stench is what it is all about. There is nothing glamourous about it.

People are dying in Central America, and I do not care how glorious a speech on this floor, we cannot deny that American peoples' money is being used to perpetuate death and destruction. We are a mighty superpower; we ought to have the capacity to say to the world we can show how to solve human problems short of the absurdity and the cruelty. We should have the capacity and the boldness and the courage to think beyond war.

How can we say to the people in the Middle East: "Sit down around the table and negotiate Israel, Arabs, and other people." How can we say to Iran and Iraq: "Sit down around the table and negotiate," when, in this hemisphere, where we live and where we reside, we lack the capacity to say, "Sit down and let us talk about the power of the spoken word; let us demonstrate our capacity to address our problems through political solution."

Why are we financing death and destruction? Are we not as a mighty nation capable of structuring an environment within which we can begin to talk out these problems. I ask this rhetorical question. Even if you disagree, my friends, with the idea, how do you fight an idea? I would suggest you challenge an idea with a better idea; not with a bigger bomb; not with a bigger budget to finance Contras. But you come with a better idea.

If the United States and the Soviet Union want to compete, then let us compete not over who can destroy human life in the Third World, but who can best address the misery of the Third World. You do not do that by spending $14 million more to engage in war and destruction. Let us solve the problems of hunger and poverty and disease and human rights violations. Then you will see a great groundswell of people moving toward us. The most powerful thing we as Americans have is not our ability to

export $14 million but to export a fantastic idea, the idea of democracy; the idea of people's involvement.

So why, if we are so democratic, are we not prepared to embrace a process that allows democratic discussion back and forth across the table as we build a consensus that ultimately leads to a nonviolent political solution to how we solve our problems.

I do not want to debate over whether the form of government is a good form of government or not. Let us stipulate your analysis. My question here is how do we solve the problem? I am saying that war in a nuclear age is not an acceptable option. And so to fight it out in proxy countries is both racist and repressive and insensitive and arrogant and unnecessary.

We as a powerful nation of democratic people ought to be willing to say let us sit down and negotiate the nature of our differences. So let us stop debating over who has the good list of names and who has the bad list of names. People killing are people killing. People dying are people dying, and we have a responsibility here not to impress ourselves with who can pronounce the names the best or who has the best list of names. We are here to debate policy. I say unequivocally that moving down this road toward greater violence and greater misery and greater participation in the process of death and destruction and war is not the answer to the problem. Let us show the world the magnificence of the ability to sit down around the table and negotiate. Ultimately, my friends, we are running out of places to fight wars, and if we can ever get it through our heads that peace is an imperative in the nuclear age, that we will begin not to play games in the Third World, but to embrace the process that brings us to freedom.

My final point: I urge all of my colleagues to vote against this resolution. I would have liked very much to not even see my Democratic colleagues come with a compromise. I believe American people did learn something from Vietnam. They do not want us fighting in Central America. I think that if we stripped away all the compromises, the majority of my colleagues, in a rational and sane moment would sit down and come to the realization that pursuing war is not the answer. That they should vote to strike down this resolution.

I hope that the Members vote to strike down this resolution, because that is the hope for human life on this planet.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman.

Mr. DORNAN of California. I thank the gentleman for yielding.

Mr. Chairman, the distinguished gentleman has made an eloquent plea for peace as is usual.

Mr. DELLUMS. That is why I came to Congress.

Mr. DORNAN of California. As is usual, his case. So did most of us, I believe. There are young men who do not want to be impressed, dragooned, shanghaied into military service under a Sandinista government that has betrayed the principles and goals of a noble revolution.

These young men are fleeing, most of them south to Costa Rica where they arrive in such emaciated condition they must be fed intravenously. Am I not correct that both you and I voted against the draft in prior Congresses?

Mr. DELLUMS. That is correct.

Mr. DORNAN of California. What would you tell these young men, citizens of Nicaragua, who do not want to serve in the military forces of Sandinista, once they have reached Costa Rica, to stay refugees for the rest of their life? Do you advise them not to take up the fighting option; to come back into their country and join the resistance forces to fight against the government they find oppressive. What would you advise them to do?

Mr. DELLUMS. I would say first of all, if you disagree with the politics of your country and the policies that are prevailing policies, do what I am doing: Stand up and oppose it and be willing to suffer whatever the risks necessary to stand up and do that.

Second, I would say to them that at some point, we have to stop the killing and the dying. This particular gentleman is getting tired of turning on the 6 and 7 o'clock news and seeing people in Third World countries face down, and it is not a movie, because no one can say at the end "cut," and they get up.

Mr. DORNAN of California. True.

Mr. DELLUMS. These are dead human beings and I am tired of that misery. We as human beings on this planet ought to have gained the sophistication to take us beyond the barbaric act of killing each other in the name of political differences.

Mr. BROOMFIELD. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. HYDE], a member of the Foreign Affairs Committee.

□ 1330

Mr. HYDE. I thank the gentleman for yielding this time to me.

Mr. Chairman, that was a brilliant speech, the sort of speech we are accustomed to hearing from the gentleman from California. I wish he could have made it in Pnom Penh where some Cambodian prisoners could have heard him. I wish he could make it in the Parliament in Warsaw. Perhaps some Solidarity undercover members could hear it through the window. I wish he could have made it in Kabul, where carpet bombing is going on and 100,000 Soviet Troops are pulverizing the patriotic, indigenous Mujahadeen.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Yes, I yield to my friend, the gentleman from California.

Mr. DELLUMS. I will not take much of the gentleman's time, but I would say this: I would be willing to make the speech to defend human life on this planet and in the name of peace anywhere. You set up the speech. I will be there to make it.

Mr. HYDE. I am sure you will, and I hope you will include Communist oppression and Communist killing in your speech, because you always seem to say we have to stop the killing. Let them stop the killing. Let them stop the tyranny. Let them stop the oppression.

Mr. DELLUMS. Will the gentleman yield briefly?

Mr. HYDE. Of course, I will yield to my friend.

Mr. DELLUMS. The gentleman knows very well how I feel about killing and dying on either side. When I speak about "us," I speak about us only when I take the well as an American citizen, an integral part of the body politic charged with the responsibility of making decisions on policy that we advocate. I am not a member of the Supreme Soviet. I am a Member of the U.S. Congress and I function in that context.

Mr. HYDE. I think the gentleman has made his point, and I recapture my time.

Mr. Chairman, I do not think anybody in their right mind today who is moderately informed doubts that Nicaragua is deeply involved in exporting subversion to its neighbors, particularly El Salvador. The bipartisan Kissinger commission found this to be true, and the House Permanent Select Committee on Intelligence, on which I serve, has found this to be true, and I refer you to section 109 of the Intelligence Authorization Act of 1984, which has a finding as follows:

> By providing military support, including arms, training, logistical command and control, and communications facilities to groups seeking to overthrow the government of El Salvador and other Central American governments, the Government of National Reconstruction of Nicaragua has violated Article XVIII of the Organization of American States, which declares that no state has the right to intervene directly or indirectly for any reason whatsoever in the internal or external affairs of any other state.

Now, this fact is important in rejecting the claim that aiding the democratic resistance in Nicaragua is somehow illegal. When this argument of illegality is made, you only hear half the law, and then you hear it applied to the wrong forces. If you will see yes-

terday's CONGRESSIONAL RECORD at page E1630, you will find a brief on the law prepared by John Norton Moore, a professor of law at the University of Virginia, and a constitutional scholar.

But just briefly let me say there are 3 treaties involved, the United Nations Charter, the OAS Charter, the Organization of American States, and the Rio Treaty, and all of them assert the inherent right of individual and collective self-defense.

Moreover, article III of the Rio Treaty goes even farther and it says an attack on one signatory is an attack on all. And, lest we get lost in fine legal distinctions, legal scholars have held that an armed attack need not be armies on the march but can take place by organization, instigation, and support of a sustained insurgency.

So while the law forbids one nation intervening in the internal affairs of another nation, it is Nicaragua and Cuba that violate this provision, and by responding to this breach through collective self-defense we are within the law and the only violators are Nicaragua and Cuba. Not only is this law; it is common sense. To claim that the law protects Communist subversion from any effective defense is just patent nonsense. In World War II, support for the resistance in France and the underground in Germany was not illegal, and defending yourself is never state terrorism. To even make the charge is to undermine the most important distinction in the United Nations and the OAS charters, that between aggression and defense.

Democrats do not like Republicans quoting from Democratic Presidents, and I do not particularly like to do it either, but it is so appropriate that I must share with you a speech made by John F. Kennedy on April 20, 1961, before the American Society of Newspaper Editors. Listen to what President Kennedy said, and ask yourself if he could get elected anything in the Democratic Party today:

> No greater task faces this country or this administration. No other challenge is more deserving of our every effort and energy. Too long we have fixed our eyes on traditional military needs, on armies prepared to cross borders, on missiles poised for flight. Now it should be clear that this is no longer enough—that our security may be lost piece by piece, country by country, without the firing of a single missile or the crossing of a single border.
>
> It is clear that this Nation, in concert with all the free nations of this hemisphere, must take an ever closer and more realistic look at the menace of external Communist intervention and domination in Cuba. The American people are not complacent about Iron Curtain tanks and planes less than 90 miles from their shore. But a nation of Cuba's size is less a threat to our survival than it is a base for subverting the survival of other free nations throughout the hemisphere. It is not primarily our interest or our security but theirs which is now, today, in the greater peril. It is for their sake as well as our own that we must show our will.
>
> The evidence is clear—and the hour is late. We and our Latin friends will have to face the fact that we cannot postpone any longer the real issue of survival of freedom in this hemisphere itself. On that issue, unlike perhaps some others, there can be no middle ground. Together we must build a hemishpere where freedom can flourish; and where any free nation under outside attack of any kind can be assured that all our resources stand ready to respond to any request for assistance.

Fraud in the inducement is a well known legal concept and I suggest to you that the Sandinista government has no legitimacy. They made promises to the Organization of American States in 1979 and in exchange for which they got the support of the OAS and the support of the United States. They promised that they would have a pluralistic political society, that they would have a mixed economy, that they would have a free press and freedom of religion, and they have broken every one of those promises.

Therefore, they ought to be delegitimated. Archbishop McGrath of Panama has said, and I quote:

> Today's Sandinista government has usurped power from the broad-based coalition that overthrew Somoza in 1979.

So it is clear that usurpers are violating the law and in coming to the collective self-defense of our allies and friends, El Salvador, Honduras, and Costa Rica, we are in keeping with the law.

So do not be misled. When I was in law school, one of my professors said the first thing a lawyer must learn to do is to be plausible in support of groundless motions. Well, I suggest you will hear some plausible arguments that we are the lawbreakers, but do not be misled and check yesterday's RECORD for the brief.

Why give military aid to the democratic resistance? Very simple. To keep the pressure on. To force a return to the promises of 1979 by the Sandinistas.

Notice how the argument has shifted. It used to be that the Contras, the democratic resistance, were ineffective. Let us not support them, they are ineffective. They are not doing the job. Now that they have become effective, now that their ranks are swelling every day and every month, the argument shifts now. Somehow it is illegal and we ought not to interfere in the internal affairs of another country.

I suggest to you that Somoza was not overthrown by military force. He was not overthrown by political force or by economic force, but by a combination of all three. The synergistic effect of all three together is much greater than the sum of the parts, and I suggest to you that a continuation of the military pressure through the Contras, a tightening of economic pressure and political pressure will bring them to their senses.

The Contras keep the Communist revolution in Nicaragua internalized. They keep the Nicaraguan Marxists-Leninists introverted. Once we pull the rug on the Contras, once they become refugees instead of freedom fighters, then the revolution gets externalized. They become extroverted, and God help the countries that surround this revolutionary Marxist-Leninist surrogate of Cuba/the Soviet Union.

May I say there is a touch, it seems to me, of moral exhibitionism in those churchmen and others who tell us that aiding the democratic resistance is immoral. Is it immoral in Cambodia? Is it immoral in Afghanistan? I was raised in the same church as some of them were and I will tell you that I do not know what is moral about helping Communists consolidate their grip on people, whether it is Solidarity people or it is campesinos. What in the name of the Lord is immoral about resisting communism, the greatest assault on the spirit of man since recorded history?

Whatever became of Thomas Jefferson's motto: Resistance to tyranny is obedience to God. Lenin had a term, it is "useful idiots." I would not call these people useful idiots. That is too harsh a term. I prefer the term, "There is none so blind who will not see."

President Reagan wants war, we are told. I would not question anybody's motivations for making that statement, but I do question their understanding of history and judgment. The road to peace does not go through Munich. That ought to be very simple if you will just read a history book.

□ 1340

The foreign policy of the gentlemen and gentlewomen on the left is "talking and trusting." This has been tried in Angola, it has been tried in Iran, where we traded in the Shah and got the Ayatollah, they have been tried in Southeast Asia where we no longer hear the cries of the boat people and the people in the refugee camps in Thailand, and now they want to try another laboratory experiment with the same McGovernite policy in Central America.

If you retreat from San Salvador, where do you make your stand? San Antonio?

Those who oppose aid to the democratic resistance, it seems to me, and with due respect, are guilty of political incoherence. They recognize the Communist-supported guerrillas in El Salvador as significant and legitimate, and they mandate an internal dialog on President Duarte, but the Salvadoran insurgency has less vitality and less

support than the Contras in Nicaragua.

Why are you not as consistent with the Sandinistas, President Ortega, and Father D'Escoto, the Maryknoll priest, as you are with President Duarte?

Today's Washington Post editorial is one of the most interesting I have ever read. There is one sentence in there that I do not think I will ever forget. It says, "Congress should at least express a decent concern for people who took the chance of relying on American constancy."

What twinge of conscience produced that sentence? What pangs of guilt, I wonder? All right. All right, editorial writer, we are "decently concerned." Does that assuage our responsibility as leaders of the free world?

It is axiomatic that poverty and hunger are major factors in Central America, but they are not the only factors. Now, Costa Rica, Honduras, and El Salvador are beginning to improve their economies, and now that their gross national products are being pushed upward, how hospitable will a Communist Central America be for investment? You will undo all the progress we have made, we will turn Central America into a basket case if we pull the plug on the Contras and let the revolution in Nicaragua consolidate itself and spread. What contribution to solving the problems of poverty and hunger will turning Central America into a giant refugee camp make?

There are two bottom lines that I draw from the lessons of Vietnam, lessons we have been inundated with this month. The first is that isolationism dominates the Democratic Party's foreign policy. George McGovern's cry was "Come home, America." That is what you would have us do, come home from our responsibilities as leaders of the free world.

We have now reached the point where I think even you must concede that the Sandinistas are revolutionary Communists. If you do not think so, what are the Bulgarians doing there, the North Koreans, the East Germans, the PLO, and 9,000 Cubans? By any fair estimate, by any objective appraisal, the Sandinistas are bad guys.

Now, you have to concede that the democratic resistance is led by serious Democrats, Arturo Cruz, Alfonso Robelo, and Adolfo Calero, and others. So faced with good guys and bad guys in Nicaragua, you are forced to excuse your neoisolationism by taking what you choose to call the moral high ground of noninterference in the internal affairs of another country. In other words, let us drop the pretense that we are leaders of the free world anymore. We are like neighbors seeing a crime on the street and pulling the shade; we do not want to get involved.

So lesson No. 1: America is incapable of acting for good ends in the world. We no longer understand the relationship between force and diplomacy. You say you want negotiation? But you need an instrument of negotiation. With whom will the Sandinistas negotiate if we turn the democratic resistance into refugees?

Lesson No. 2: So consumed by partisan politics are we that a fixed determination has been reached that Ronald Reagan shall not have a significant victory in the case of Nicaragua. Never mind that democracy and security for the whole area are at risk, Reagan must be defeated. The partisan and destructive edge to this debate is there for fair-minded people to read.

There are two sides down in Nicaragua. One is supported by the Soviets, and one is supported by our Government. Too many have ideological filters which color and distort what they see in Nicaragua. But who is really for peace? Do we want a negotiated settlement? You cannot support peace and the Sandinistas. The people who are for a negotiated settlement and peace are the democratic resistance in Nicaragua. Those are the folks you want to turn into refugees and drive them out of their country or make them disarm and surrender. Do you think disarming the resistance is going to advance anybody's cause except Cuba's? The Soviet Union's?

And what are you doing to democracy? In Brazil the President just died. The outpouring of anguish over that sad event is very significant. In Argentina the democratically elected Government is wrestling with the problem of the generals. Peru just had an election. El Salvador has had three in the last 2 years. The forces of democracy are resurgent in Latin America.

Why in the midst of this remarkable and blessed turn of events do we facilitate the Communist cancer in Nicaragua and help it to metastasize up and down the Isthmus? For us to turn our backs on the democratic opposition in Nicaragua is no less than tragic, and make no mistake, this is not a localized issue; it has worldwide implications. Our signals here are false, confused, and spread despair. We tell the world, do we not, that when the real crunch comes, "Don't look to the United States"?

We have very little margin for error. All right, gentlemen, you are going to win this, and go ahead and write your "Dear Commandante" letters. Write a dozen of them and see what happens. And draft your toothless resolutions and wallow in your impotence. But someday our children are going to ask, "Why did you let it happen?"

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Lousiana.

Mr. LIVINGSTON. Mr. Chairman, the gentleman quoted Lenin a little while ago, and I thought he would be interested in this quote. This is from Lenin, and perhaps it has some relevance today.

Lenin said: "We must be ready to employ trickery, deceit, lawbreaking, withholding and concealing of the truth. We can and must write in language which sows among the masses hate, revulsion, scorn, and the like toward those who disagree with us."

Now, is the Sandinista government not doing that very effectively today?

Mr. HYDE. Yes. Prince Otto von Bismarck said of his enemies. "Leave them only their eyes to weep with."

That is what we are going to leave the people of Nicaragua after we pull out and absorb ourselves in whatever else interests us that is more important than democracy and freedom in Central America.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Of course, I yield to my friend, the gentleman from California.

Mr. DORNAN of California. Mr. Chairman, I have a simple, direct question. Is your church and faith that you love, the Catholic Church, being persecuted, in your estimation, in the nation of Nicaragua?

Mr. HYDE. Well, I attended the People's Church down there, Father Malina's church, and I saw Christ portrayed as a guerrilla fighter behind the altar. That is an obscenity as far as I am concerned.

Yes, I think the church, in America which once was the bulwark against communism, has unfortunately in too many ways been much too tolerant of those whose hostility to organized religion is historic and unchanging.

Mr. DORNAN of California. Mr. Chairman, the gentleman has a fine reputation for doing deep research and applying himself to his work when he approaches a problem.

Why does the gentleman think over a 4-year period there has been a persecution of the Catholic Church, with the expulsion of nine good foreign priests? One of them has come up here to Washington and could not get interviews with some gentleman of a different opinion than ours.

And why do you feel this message of religious persecution of fundamental Protestant churches, particularly among the natives along the eastern seaboard on the Caribbean Atlantic side, has taken place, and why has that persecution message not swept across this country?

Mr. HYDE. I think that too many churchmen feel guilty about the former identification of the church with the rich and the oppressive people in Central America, and they are trying to make up for it by bending over backward and now identifying with the liberation theologians who combine the form of the church and the substance of Marxist analysis, and they cannot blame the people, they

blame the system and alleged exploitation by the United States and the multinational corporations. And I think it is clear that the hierarchy has moved far to the left. Obviously the first draft of the bishop's pastoral letter on the economy showed that. The pastoral letter on the nuclear bomb showed a sympathy for appeasement and pacifism that is disturbing. And I think their failure to understand that there are two irreconcilable faiths, freedom and communism; and that communism is organized and aggressive some 900 miles from our border, is tragic, tragic, tragic.

Mr. DORNAN of California. Mr. Chairman, does the gentleman believe that Archbishop O'Connor was trying to tell us something in this Congress when he said, "The so-called Contras are impeding"—that is the action verb in this sentence, "impeding"—"the solidifying of communism in Managua"? Is that not a strong statement?

Mr. HYDE. Well, I have no comment at all on that because I read Archbishop O'Connor's statement to our subcommittee, and I am bewildered, frankly. He said military aid to the democratic resistance in Nicaragua is both illegal and immoral. I find myself in sad and comprehensive disagreement with him and the many other bishops who share his view.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Yes, I yield to my friend, the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I certainly appreciate what the gentleman in the well said, and I think he has just been right on target on Central and South America. We have just gotten back from a trip where several Members of Congress went to five countries in Central America and two countries in South America.

□ 1350

I had been in Central America 12 months before. It seems that things are settling down now in Central America and it seems to me that democracy is going to work if we continue to support those persons who are seeking democracy.

We met with President Duarte. I think you can get a lesson from him as to what democracy really means and generally he supports what we are about to vote on today.

I want to commend the gentleman. He certainly has been helpful and he has been down there, like most Members of the House of Representatives have.

Mr. HYDE. The gentleman knows that all the leaders in that area support what we are doing privately. Not all of them will tell you that publicly, but anyone who has been down there and has not been escorted around by Sandinista soldiers gets the straight story.

I was amused by a story in the Post today where they asked the former Minister of Labor whether we should aid the Contras. He smiled and said, "That is up to you."

Do you think that gentleman could say, "Yes, give money, military aid to the Contras" and stay free down there for very long?

They also refer to the Archbishop as a pro-Contra archbishop. That is the sort of thing we would not talk about up here because we do not want those people thrown in jail, but the Post reporter did not seem to mind.

Mr. MONTGOMERY. It seems also that if we vote down this resolution, and it has been said here before that in effect that pulls the rug out from what we have been trying to do down there for a number of months, and as I said earlier, our Latin American program is working.

Mr. HYDE. The Soviet long-range strategic plan is to get us out of Europe. What better way than to cause us so much trouble in Central America that we will have to pull back from NATO and focus our attention below the Rio Grande. That is precisely what they want, and you people who are so dedicated to our commitment in the Middle East better look around the corner and see what happens when Central America goes and we retrench from our commitments in the Middle East and in Europe, because that is the Soviet long-range strategy. We do not have any. We react from Congress to Congress and have to micro-manage foreign policy with transient Congressmen.

Mr. MILLER of Washington. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Washington.

Mr. MILLER of Washington. The speaker before, the gentleman from California, had said that the answer to this was that we should try to help alleviate poverty, that that was the way to bring peace. I would be interested in hearing the response of the distinguished gentleman from Illinois in the context of this Nicaragua situation.

Mr. HYDE. The Kissinger Commission, a bipartisan Commission with some very prestigious Democrats on it, decided that they need about $8 billion in Central America over 5 years, three-quarters of it in economic aid and one-quarter in military aid, because you cannot build up the infrastructure and the economy of a government if they are busy fighting a civil war; so first, you must settle the guerrilla insurgency in El Salvador and then you can look to reconstruction and building up the economy. That is the way to raise the standard of living down there to foster democracy and to bring freedom to that area.

But instead we are tolerating and by this vote encouraging the maintenance, the continuation of a fraudulent revolutionary government, the Sandinistas.

I stood where the gentleman stood in 1979 and voted for millions of dollars for the Sandinista government in the hope and in the expectation that they would be democratic. I relied on the expressed hopes of the majority leader, "Give us these tools," he said, "to make democracy work."

I was willing to do it, but we were lied to by the Sandinistas and I have seen these promises broken and rebroken. They are a Communist revolutionary government. They have got over 3,000 political prisoners in jail. No one ever bothers to see them.

If the Contras were so vicious, why are they growing every day? Fifteen thousand people are in their forces and the Sandinistas have to have a draft that everyone is trying to dodge.

You do not have to be too smart to understand that the Contras, which is not a bad term, by the way, Contra tyranos, "against tyranny" are fighting for freedom. They are fighting to free their country from the plague of communism.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, the gentleman pointed out what the Soviets would really like is for us to divert our forces from Western Europe over to Central America; yet one of the presumed arguments from the other side is that, oh, my goodness, if we feed the Contras we will somehow involve ourselves in a bigger war and ultimately have to send our troops to Central America.

Is it the gentleman's position, does the gentleman understand that our assistance to the Contras will in any way do that?

Mr. HYDE. Let me tell my friend something. If you have ever been to Cuba, it is a beautiful, warm country, with happy people who love America, but it is also a tragic country because since 1959 they have rationed food and rationed clothes. It is an economic basket case. Why? Because Mr. Castro has geared his country for conflict. They have their army in Africa and elsewhere. They are not geared for economic growth.

Now, Nicaragua is going the same way. It is one of the most desperately poor countries I have ever seen and yet it is not moving toward economic growth—it is geared for conflict, geared for the biggest army in the whole area. The people are being ground down but this is what Communists do all over the globe.

I was one who wanted to send them millions of dollars so they could establish a decent government, but immediately they turned to Cuba. They turned to the Soviet Union and they

started to spread revolution down there.

We cannot run away from it. Lebanon is 6,000 miles away. South Korea is 9,000 miles away. El Salvador is 900 miles away and you can ride a bicycle from there to here.

I suggest we had better wake up and foreign policy had better be determined by people who understand what the struggle is about in our hemisphere and in our time.

Mr. LIVINGSTON. Mr. Chairman, if the gentleman will yield further, does the gentleman not agree that assistance to the Contras will avoid us ever having to send our young fellows down there?

Mr. HYDE. They are willing to die for freedom down there. They just want us to write a check. We are unwilling to even do that, so they will die and they will die hungry and without shoes. That is the result of this policy of abandonment being urged by the majority party.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Yes.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

I think if we look at the model in Central America, and you look at Mr. Duarte, I think everybody in this House admires him to some degree. I think the Speaker thinks he is a good man. He has compassion. He has a real promise in ruling that country and running that country.

You will never find people of that caliber in Central American Communist states. You will find people like Mr. Calero and Mr. Austin, the Grenada leaders, who believed that the way to run a country is to line people up against a wall and kill them.

Mr. HYDE. Can you imagine being the head of a country that is poverty-stricken and following as a model Cuba, Albania, Angola, Ethiopia, the Soviet Union, the great losers of the world. They cannot even feed their people. That is the model that Nicaragua is following. It is a great tragedy.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from California.

Mr. HUNTER. They may be losers. The only thing they can do effectively is to kill people. That is what the Bulgarians, the Libyans, the North Koreans, and North Vietnamese are teaching them to do.

Mr. HYDE. Oh, yes. The Soviet Union and its client states cannot make anything for export except refugees. They make refugees better than anybody in the world and refugees are human beings who bleed, who weep, and who suffer, and they are going to make more refugees than you can imagine as the result of what is happening in Central America and our default, our abandonment, our turning our backs on the people who are willing to die for freedom if we will just give them a little hand, a little help.

Mr. DEWINE. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from Ohio.

Mr. DEWINE. Mr. Chairman, the gentleman referred a moment ago to the People's Church, about them being misguided.

I wonder, can the gentleman from his investigation and what he has been reading comment about the attitude of the vast majority of Catholics in Nicaragua and particularly the church leadership, Archbishop Obando Y Bravo, for instance?

Mr. HYDE. There are about 910 priests in Nicaragua. Fifty of them are working with the so-called People's Church, which is a political church attempting to dilute and adulterate the faith of the people and elevate the state as the source of all blessings.

Do you know what they do with the kids in school? They say, "Hold your hands out. Pray to God for a piece of candy. Then close your eyes. Did you get the candy? No."

"Now close your eyes and ask the government to give you a piece of candy."

Of course, when they open their eyes, the candy is there. That is what they are doing.

Mr. DEWINE. So the statistics the gentleman quoted show that the vast majority then of the bishops and priests are not with the Communists?

Mr. HYDE. Oh, no, no.

Mr. DEWINE. I want to make that clear.

Mr. HYDE. Exactly. The church in Nicaragua is very loyal and understands what is at stake and they are beleaguered, they are embattled and they live in danger.

Mr. ADDABBO. Mr. Chairman, I yield 15 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

□ 1400

Mr. RICHARDSON. I rise in opposition to the CIA funding of the Contras. I do so because I think it is the wrong approach for U.S. policy, and not because I am a supporter of the Sandinistas or an opponent of the Contras. I am appalled by their repression, their lack of commitment to democracy, and their Marxist ties. I also believe that militarization of the area through the United States is wrong, too.

On the other hand, I find that many of the claims of colleagues of mine from the other side of the aisle are valid, especially when they condemn Sandinista activities. I believe, however, that the best approach in pursuing a viable Central American policy for the United States should be based on what the national security interests of the United States are and regional stability and cooperation.

We can bring peace to the area through the Contadora process and they should reconvene immediately. I believe that the Nicaraguans, the Sandinistas, and the Contras, have to get together and negotiate. I believe that the United States and the Sandinistas have to resume their bilateral talks in Manzanillo.

But the reason I am casting my vote today against the Contra funds is because I believe it would further destabilize the area, increase Soviet and Cuban influence, and undercut the Contadora process. Once again, my vote is not for the Sandinistas or against the Contras, who I believe have matured politically. My vote is because I think our policy is wrong. Nonetheless, I commend the President for his willingness to compromise, to be willing to use humanitarian aid.

I think there are a lot of claims of human rights abuses by Sandinistas that are accurate. And I must say that when I first went to Nicaragua I was unaware of all the repression that existed. I will even add to some comments made about Nicaraguan repression. They are repressive and they have betrayed their revolution. There is a lack of freedom of the press. I am a Roman Catholic and I categorically state that there is religious persecution. There is a lot of forced relocation involving thousands of helpless Nicaraguans going on that I think is unfair to many peasants who only want to be left alone.

By the way, I think everyone has talked about what the Nicaraguan people want, all of us U.S. experts knowing what is best for the Nicaraguans. What the Nicaraguan peasant wants in the course of my two visits is that Nicaraguan peasants and the Nicaraguan people just want to be left alone. They do not care about Ronald Reagan or Karl Marx or BILL RICHARDSON or HENRY HYDE. They want to be left alone, to live their lives in peace.

I think that what we need to do is fundamentally assist that objective—to stay out militarily, but to assist the objectives, peace through negotiations.

The Sandinistas, furthermore, in my judgment, are interested in increasing their own power internally—I think their elections, if you compare them to many others, were probably unfair in that they harassed the opposition and prevented active campaigning. On the other hand, I think it was a mistake for Mr. Cruz to withdraw from the race. He might have done better for his cause if he had men. I think that there is no question that they are not wearing white hats.

I have submitted a resolution which I hope my colleagues sponsor that condemns the human rights abuses and the lack of democratic principles of the Sandinistas, but also condemns

the activities of the Contras. And my colleagues cannot tell me that America's Watch and Amnesty International and many other respected human rights organizations that say that the Contras militarily have engaged in gross human rights violations are not true, because they are true. And certain Contras elements have been involved in a number of incidents including the destruction of property, and the death of civilians. And I think if we are going to be calling a spade a spade, we should do so. Both sides violate human rights rather blatantly. Neither side wears white hats.

So what do we do? What do we do about this peace process of the Contras group, the Caleno group and the Pastora group in March submitted a peace plan? I think that peace plan of the Caleno group is a good way to start. I think that peace plan which calls for elections, an amnesty, a ceasefire, and a return to democratic principles and many other sound points is a sound way to start. I believe we should take the Contra peace plan seriously—the Sandinistas should respond. It is important that we and the Contra group get the Sandinistas and the Contras to the bargaining table. The Sandinistas should be held accountable if they disapprove.

The issue then is how do we best pressure the Sandinistas to reduce their Soviet ties and moderate their behavior, and how do we protect U.S. security. There are no pure and clean good guys in this whole Nicaraguan process, but we should strengthen any moderate forces. I must respectfully disagree with them. Those that say that all of the Contras are bad, There are some good people there like Adolph Caleno and Arters Cruz. There is a detailed study, however, that shows that most of the Contra military leadership, are former members of the Somoza regime. This is not good, because Somoza was a disastrous ruler, worse than the Sandinistas. And I will submit for the RECORD a report by the Arms Control and Foreign Policy Caucus to support my contention:

WHO ARE THE CONTRAS?

(An analysis of the makeup of the military leadership of the rebel forces, and of the nature of the private American groups providing them financial and material support)

The United States has been supporting armed opposition to the Nicaraguan Government since 1981. Over $80 million reportedly has been spent to build and maintain a force of from 10,000 to 15,000 "contras." In the next week, Congress again faces the decision of whether to resume funding for the contras.

The purpose of this report is to analyze the leadership and membership of the contras, and the nature and goals of the private organizations which provide their financial and material support. The report is divided into two sections. The first describes and assesses the make-up of the contras; the second describes the private American organizations that assist them.

Information published by the Nicaraguan Government has not been used in this report. Instead, the report is based primarily on extensive interviews with former high-ranking officials of the primary contra force (the FDN), literature published by the FDN, and interviews with representatives of organizations that aid the contras. While we recognize there are limitations in this approach, the Executive Branch has thus far failed to respond to our requests for specific information on the structure and leaders of the FDN military command. We hope that publication of this report will focus closer attention on the significant questions it seeks to address.

SUMMARY

In summary, the conclusions of the report are as follows:

While the "foot-soldiers" of the FDN Army are largely peasants, the army is organized and commanded by former National Guardsmen. In the first publicly available organizational chart of the high command of the FDN military force, the report finds that 46 of the 48 positions in the FDN's command structure are held by former Guardsmen.

While the FDN's civilian directorate has been cleansed to minimize the role of former Guardsmen and Somoza associates, the military leadership has not been. As a result, the key military strategist positions, including the Strategic Commander, are held by ex-National Guardsmen; as are all of the General Staff; four out of five of the Central Commanders; six out of seven of the Regional Commanders; and probably all 30 Task Force commanders.

Up to 20 private groups in the United States have provided the contras with substantial financial and material aid (apparently some $5 million) in the past year. Most of these groups are not traditional relief organizations or other established groups recognized as providing humanitarian aid, but rather are ultra-conservative or paramilitary groups on the fringe of American political opinion.

These groups are largely operated by a small group of about half a dozen men, mostly with military or paramilitary backgrounds, whose close association often means that the groups work in tandem.

A major "relief" effort for the Miskito Indians living on the Honduran-Nicaraguan border has had the effect of maintaining the MISURA "contra" army. One of the groups contributing to this effort is funded in large part by Rev. Moon's Unification Church.

SECTION I—WHO ARE THE CONTRAS?

An analysis of the military leadership of the FDN

Contrasting claims have been made about the background of the contras by the United States and Nicaraguan Governments. Nicaragua states that they are "basically former Somoza National Guardsmen who are engaged in terrorism against the Nicaraguan people," while the United States maintains that in the "democratic resistance . . . nearly all of the opposition leaders opposed Somoza." Our research indicates that the truth is somewhere in between.

This section attempts to resolve the differences between these two extreme positions by describing for Congress—to the best of our knowledge, for the first time in unclassified form—the military make-up of the Nicaraguan Democratic Force (FDN).

This section concludes that:

FDN and U.S. Government claims that the FDN is largely a "peasant army" of Nicaraguans disaffected with their government are accurate.

In contrast to FDN claims about the military leadership of the contras (which the State Department has given credence by publishing), 46 of the 48 positions in the FDN military leadership are held by ex-National Guardsmen. These include the Strategic Commander, the Regional Command Coordinator, all five members of the General Staff, four out of five Central Commanders, five out of six regional commanders, and all 30 task force commanders.

While the core of the General and Central Command Staff is admittedly fluid, with personnel changing titles and duties over time, regional and task force commanders acquire personal control over their forces, and change infrequently. In any event, the over-all structure detailed here has existed for the past 16 months, and the personnel and duties listed were verified less than two weeks ago.

Certain individuals in the leadership, including expecially controversial ones such as Ricardo Lau (an ex-National Guard officer reputed to have engaged in numerous atrocities both in the Gurad and in the FDN), have taken a less "visible" role in recent months in order to make the nature of the contra army more acceptable to Congress. Our interviews with former FDN officials, as well as the recent refusal of ARDE commander Eden Pastora to ally his forces with the FDN because of the involvement of Lau and other ex-Guardsmen, indicate that these individuals nonetheless retain significant power in the FDN.

Blanket FDN denials of the military structure and individuals and their Guard background described in this section appear to lack credibility. The FDN representative in Washington, for example, claims that ex-Guard officers Armando "the Policeman" Lopez and Walter "Tono" Calderon Lopez, identified by three independent sources and numerous on-site news reports as two of the top three FDN commanders, serve in the minor ancillary roles of "warehouse keeper" and "supply assistant for a base camp." Further, the FDN representative denies that Col. Enrique Bermudez is the strategic commander who runs the military effort (this task is attributed to the civilian President of the FDN directorate), or even that a conventional military command structure exists in the FDN. These denials directly contradict literature published by the FDN in Honduras, which displays a military command structure, and places Bermudez at its head.

While the Executive Branch will likely dispute some of the findings in this report at a later date, it has thus far failed to respond to a written request for specific information on the military leadership by Caucus Chairman McHugh, or to numerous telephone inquiries. At this point, the only information the Administration has made public about the FDN military command appears to concede that FDN claims may not be verifiable: rather than submit to Congress its own analysis of FDN leadership, the State Department attributes virtually all of its information to "FDN reports."

This section focuses on the FDN because it would receive the great majority (if not all) of U.S. funds approved for expenditure, and because the FDN is the only significant

contra military force at present. Leadership struggles and lack of funds have combined to virtually bring to a halt major military activities by ARDE's roughly 1,000 fighters in the south and the Miskito Indians' roughly 1,500 fighters in the north.

This section analyzes the military rather than the political leadership of the FDN for three reasons: (a) because it is the military leaders who make the key decisions on military strategy and on the direction of the war. For instance, it is the military and not the political leaders who decide on military operations, on tactics, and on the disciplining of commanders and troops for human rights abuses; (b) because it remains an open question whether the civilian leaders, who have little if any decision-making power now, would be able to wrest power from the military leaders, should the rebel forces gain victory; and (c) because very little information has heretofore been made available on the military leadership of the FDN—in contrast to the wealth of material the Administration has provided on the "new" civilian leadership. Critics call this leadership "repackaged": prior to a reorganization in 1982, nearly the entire FDN directorate was drawn from the 15th of September Legion, formed by ex-Guard officers and associates of President Somoza shortly after his ouster in 1979. For example, a recent State Department publication provides biographical information on 27 "top leaders" of the contras, only one of whom—Bermudez—is in the FDN military apparatus.

The conclusions in this section are based on extensive interviews with two former high-ranking FDN officials, and with one of the foremost American experts on the Nicaraguan National Guard. News reports, including those in the Central American press and those based on on-site interviews, formed the basis for the interviews. Information published by the Nicaraguan Government, which was found to be dated and of questionable accuracy, was not used.

The two ex-FDN officials, Edgar Chamorro Coronel and Salvador Icaza, served respectively as a member of the FDN civilian directorate and the FDN's communications liaison from 1983 to 1984. Both spent substantial time at the FDN's central base and other bases in Honduras, assisted in the investigation of regional commanders for alleged human rights abuses, and left the FDN largely because it failed to purge itself of high personnel with connections to President Somoza or the National Guard. In the course of the interviews, Chamorro checked with sources still in the FDN and brought this material up to date.

The academic expert interviewed was Professor Richard Millett of Southern Illinois University—a frequent Congressional witness who is widely respected as one of the most knowledgeable Americans on politics and power within Somoza's National Guard.

The following chart displays the current structure and leadership of the military command of the FDN. Most leaders are identified by their "noms de guerre," as they are in the FDN. Of the 48 positions in the command structure, our two sources who were formerly in the FDN claim that 46 are filled by former National Guardsmen.

Military Command Structure: FDN

Strategic commander: Enrique Bermudez (el Commandante Estrategico), Supreme commander and chief of staff; coordinator, regional commands: W. "Tono" Calderon Lopez, coordinates from 8,000 to 12,000 combatants.

General staff

G-1, Personnel: "The Deer"; G-2, Intelligence: "The Bull"; G-3, Operations: "Mike Lima"; G-4, Logistics: Armando "The Policeman" Lopez; G-5, Psychological Warfare: "Invisible".

Central commanders

Air Operations: Juan Gomez; Counter-Intelligence: Ricardo Lau; MISURA Liaison: Justiciano Perez; Special Forces: "Little Bird"; Infantry Training School:?

Regional commanders—direct from 500 to 2,000 combatants

Nicarao: Commandante "Mack"; Segovia: Commandante Dr. "Aureliano"; Jorge Salazar: Commandante "Quiche"; Rafaela Herrera: Commandante "Little Tiger"; Diriangen: Commandante "Dimas"; San Jacinto: Commandante "Renato".

Task force commanders

2 to 8 task force commanders serve under a regional command; each directs some 250 combatants.

General Description

In this command structure, the Strategic Commander is the director of military strategy and operations. He is assisted in planning and implementing strategy by his general staff and central commanders. All but one of the 12 top central staff were formerly in the Guard. Overall control of the primary combat units is given to the second-ranking officer, the coordinator of regional commands.

Each of the six regional commanders (five of whom were in the Guard) has a number of task force commanders operating under his control. The regional and task force commanders are referred to as "commandante" and command the personal loyalty of their troops. These are the key military field leaders. Our sources claim that most and probably all of the 30 task force commanders are former Guards. These commanders in turn break their 250-combatant commands into three "groups" of 70 (with the remaining personnel performing central command duties for the task force).

Roughly 80 percent of the group leaders have no prior service in the National Guard; this ratio is the reverse of what existed two years ago, before the expansion of the FDN. The groups are then broken down into three detachments of 20 combatants each (again, with the remainder performing central command duties for the group). Nearly all the detachment leaders have no prior Guard service.

FDN combatants are estimated at between 8,000 and 12,000, rather than the 15,000 claimed by the FDN. The lower figure was provided by Chamorro, who states that when he was responsible for public relations for the FDN, he was under instructions to routinely double the actual size of the FDN. Whatever the true figure, FDN combatants are largely peasants who are disaffected with Sandinista policies. In sum, the FDN is a peasant army with ex-Guard leadership.

Identification and Description of Military Leaders

Strategic commander: Enrique Bermudez

Mr. Bermudez is a former Colonel of the National Guard. Along with Aristedes Sanchez (General Secretary of the FDN's civilian directorate, formerly a wealthy landowner and close associate of the late General Somoza) and Adolfo Calero (head of the civilian directorate, and a leader of the business opposition to Somoza) Bermudez is part of the informal triumvirate that decides strategy for the civilian directorate. Bermudez controls military operations.

Bermudez, who led the Nicaraguan contingent in the OAS occupation of the Dominican Republic in 1965, was Nicaragua's military attache in Washington for the last three years of Somoza's rule. Following Somoza's ouster, he helped found the 15th of September Legion with some 60 former Guard officers, which was the nucleus of the FDN at its founding in 1981.

Bermudez increased his operational control over the FDN when he dismissed his Chief of Staff, former Guard officer Emilio Echevarry, and a number of his assistants in 1983 following a CIA-assisted investigation into Echevarry's handling of FDN funds. Bermudez did not replace Echevarry, and instead has assumed many of his functions.

Bermudez is assisted, in addition to the military staff described below, by a number of former Somoza supporters and National Guard officers who arrange for the procurement of weapons and supplies, and carry out a variety of special missions in surveillance, communications and special military tasks. These individuals are not part of the formal structure of the FDN, but are an important operations component. They include: Enrique "Cuco" (The Cuckoo) Sanchez, a former land-owner and deputy for Somoza's party in the Nicaraguan parliament and brother of General Secretary Aristedes Sanchez; the Teffel brothers, Jose and Jaime, associates of Somoza; and two brothers, former Guard officers, the "Shermans."

Bermudez' presence in the FDN has been cited by some contra leaders, such as Eden Pastora and Brooklyn Rivera, as a primary reason why they refuse to join in a coalition with the FDN. Chamorro and Icaza left the FDN in large part because Bermudez would not remove his associates from the 15th of September Legion from the FDN command structure.

Coordinator, regional commanders: Walter "Tono" Calderon Lopez

"Tono," a former Guard officer who was once a regional commander in the FDN, occupies this second-most powerful military position—the equivalent of what is known in western military parlance as a Theater Operations Commander. He directs the six regional commanders, and he can call on the general staff and central commanders to assist them. Tono is identified in a February, 1984 publication of the FDN in Honduras as commander of tactical operations, which appears to be the same functional role as regional coordinator.

General staff, personnel (G-1): "El Venado" (the Deer)

"El Venado," a former Guard officer, was a Task Force commandante for the FDN. When he was badly wounded in an attack on the town of Ocotal, in the northern-most Nicaraguan province of Nueva Segovia, he moved to the general staff. G-1 is responsible for record-keeping and advises the Strategic Commander on personnel placement.

General staff, intelligence (G-2): "El Toro" (the Bull)

"El Toro" was a colonel in the National Guard. G-2 is responsible for ascertaining the whereabouts and abilities of Nicaraguan military units. "El Toro" replaced Edgar Hernandez, a former Guard officer dismissed with Chief of Staff Emilio Echevarry in 1983.

General staff, operations (G-3): "Mike Lima"

"Mike Lima," or "M.L.", was the most widely renowned of the FDN's regional commanders prior to moving to the General Staff. A former Guard officer, he led the Diriangen regional command, with up to 2,000 fighters. This was the most militarily active of the commands. While a regional commander, he was badly wounded in a mortar explosion, and lost an arm. G-3's responsibilities include planning overall requirements and strategy for operations, in consultation with the Coordinator of Regional Commands.

General staff, logistics (G-4): Armando "El Policia" (the Policeman) Lopez

Armando Lopez, a former captain in the National Guard, was one of the founders of the 15th of September Legion; he is extremely close to Bermudez, and has been seen by some as his second in command at times. He has dismissed the possibility of a negotiations with the Nicaraguan Government, although this is a stated goal of the FDN's civilian directorate: "He who speaks of dialogue with the Communists speaks of wasting his time." G-4's responsibilities focus on supplying the regional commands and task forces.

General staff, psychological warfare (G-5): "El Invisible"

"El Invisible," a former Guard officer, is responsible for planning activities that weaken the control of the Nicaraguan Government over its armed forces and the civilian population. Such activities can include distributing leaflets that offer rewards for desertion, or broadcasting information that discredits the Sandinistas. "El Invisible" replaced Manuel Caceres, a former Guard officer now living in the Dominican Republic. This staff position has rotated more frequently than others, and "El Invisible" may shortly be returning to Task Force command.

Central command, head of air operations: Juan Gomez

Gomez was a Guard officer who served as Somoza's personal pilot. He now performs the same function for Bermudez, as well as overseeing the operation of the small number of reconnaissance, cargo and rotary aircraft that form the FDN's air force. Gomez was in the 15th of September Legion, as well as the original FDN directorate.

Central command, head of counter-intelligence: Ricardo Lau

Lau is a former Guard officer whose service in the FDN has been cited by contra leaders Eden Pastora and Brooklyn Rivera as a primary reason for their refusal to participate in a coalition with the FDN. Lau has recently been accused (by a former Salvadoran Army colonel) of procuring former Guards to assassinate Salvadoran Archbishop Romero in 1980—a new accusation which comes on top of long-standing charges that he has engaged in numerous atrocities, both as a Guardsman and in the FDN.

Lau was in the 15th of September Legion, as well as the original FDN directorate. In 1983, the FDN anounced that Lau had been removed from the formal post of head of counter-intelligence, apparently to encourage the formation of a broad coalition of "contra" groups. Nonetheless, our sources contend that Lau continues to function as he had before, albeit with a lower public profile, and retains responsibility for preventing infiltration of the FDN by agents of the Nicaraguan Government and for enforcing discipline for Bermudez.

Lau's extremely close alliance with Bermudez leads our former FDN sources to believe that as long as Bermudez is Strategic Commander, Lau will play an important role in the FDN—"forever." Lau is assisted in counter-intelligence by Armando Lopez' son, known as "El Policito" (the little policeman) and "El Bestia" (the beast).

Central command, MISURA liaison: Justiciano Perez

Perez, a former Guard officer, has also been cited by other contra leaders as an unacceptable member of any military or political coalition. Perez commanded Somoza's infantry training school, and was personally close to Somoza. He too was formally removed from the FDN leadership in 1983, but continues in a key role as Bermudez' liaison with the MISURA military force, which operates in North-eastern Nicaragua under the command of Miskito Indian leader *Steadman Fagoth.*

Central command, special forces: "El Pajarito" (Little Bird)

"El Pajarito" leads small groups (of up to 75 fighters) into Nicaragua to perform sabotage and other special missions requiring rapid movement. He is a young man, and although his father was a Guard officer, he was a medical student in Mexico during the revolution and never served in the Guard.

Central command, infantry training school: name unknown

A former Guard officer commands the infantry training school at Las Vegas, and which is currently diminishing in size. This officer replaced Hugh Villagra, a former Guard officer whom Bermudez allegedly ousted as a rival in 1984. Assisting the head of the training school in the recent past was a third Sanchez, Victor, whose two other brothers, Aristedes and Enrique "Cuco", have been discussed above.

Regional command, Nicarao: Commandante "Mack"

The Nicarao (a popular contraction of "Nicaragua") command is led by Commandante "Mack," a former Guardsman. His four Task Forces are all commanded by former Guardsmen, known as "El Cascavel" (the Rattlesnake), "03", "Ersi", and "Ocran". FDN publications in Honduras confirm Mack's identity as head of this command.

Regional command, Rafaela Herrera: Commandante "Tigrillo" (Little Tiger)

The Rafaels Herrera command, named after a legendary Nicaraguan heroine, is commanded by Commandante "Tigrillo," the only Regional Commander (in fact, the only one of the top 48 military leaders in the FDN besides "El Pajarito," Head of the Special Forces) who is not a former National Guardsman. Tigrillo participated in the revolution, although he may not have been a Sandinista. His Task Force commanders are all former Guards. Two of them are identified by their nicknames, "Atila" (Attila the Hun) and "Tiro Al Blanco" (Target-Shooter). FDN publication in Honduras confirm the identifies of Tigrillo, Atila and Tiro Al Blanco in these roles.

Regional command, Diriangen: Commandante "Dimas"

The Diriangen command, named after a legendary Indian chief, is commanded by Commandante "Dimas." Dimas, a former Guardsman, had been a Task Force commander in Diriangen. He replaced "Mike Lima" when Lima was wounded and became G-3. All of Dimas' Task Forces are commanded by former Guards. FDN publications in Honduras confirm Dimas' prior role of Task Force commander.

Regional command, Segovia: Commandante Dr. Aureliano

The Segovia command, named after the province of most FDN activity, the mountainous border province of Nueva Segovia, is commanded by a former Guardsman who also has studied medicine. All of Aureliano's Task Forces are commanded by former Guardsmen. FDN publications in Honduras confirm Aureliano's role in this regional command.

Regional command, Jorge Salazar: Commandante "Quiche"

The Jorge Salazar command, named after a leader of the business coalition COSEP who was killed by Nicaraguan police in 1980 (and whose widow serves on the FDN's civilian directorate), is commanded by a former Guardsman. Commandante "Quiche" has adopted an Indian name, although he is not himself an Indian. He was a Task Force commander under Walter Calderon "Tono" Lopez, who left this regional command to become coordinator of the regional commands. All of Quiche's Task Forces are commanded by former Guards. One task force is led by "Franklin."

Regional command, San Jacinto: Commandante "Renato"

The San Jacinto command, named after a famous battle in Nicaraguan history, is commanded by a former Guardsman. Commandante "Renato" presides over this smallest of the regional commands (probably some 500 fighters). His Task Forces are all commanded by former National Guards. Renato has been identified in this role in FDN publications in Honduras.

SECTION II—WHO AIDS THE CONTRAS

An analysis of the private American groups providing financial and material assistance

Close to 20 privately incorporated U.S. groups have reportedly sent (or plan soon to send) aid, supplies or cash contributions to Nicaraguan refugees in Honduras and to the contras themselves. This section analyzes the activities of these groups and their backgrounds.

An analysis of these groups, with an emphasis on the six or seven which provide the lion's share of the $5 million in private funds which has reportedly reached the contras in the last year, shows the following:

They are not the establishment conservative groups known to support administration policies in Central America, but rather are ultra-conservative, even approaching fringe, activist groups. For instance, one group helped provide mercenaries to protect the white government in Rhodesia and another has included in its international membership at least one neo-fascist party, whose chief had served in Mussolini's government.

While some of these untraconservative groups have existed for decades, others have been formed in the last year or even in the last six months—with the primary if not sole purpose to aid the contras.

The groups receive their funds from a wide variety of sources—including individual Americans, U.S. corporations (such as pharmaceutical companies who have contributed medical supplies), and Rev. Moon's Unification Church.

Although many of the groups argue that they provide "humanitarian aid" only, they are not in any way associated with (nor do they coordinate efforts with) the broad community of recognized humanitarian relief or refugee organization, such as Catholic Relief Service, the World Relief Organization, or the U.N. High Commission for Refugees (UNHCR). In fact, some of these recognized relief organizations have expressed concern that the private groups will politicize their relief efforts, and have contended that the so-called "humanitarian" aid to Miskito refugees on the Nicaraguan border actually sustains the MISURA contra army's military base camps.

The individual driving forces behind the major groups are a small group of about a half a dozen men, most of whom have military or paramilitary backgrounds or mercenary experience, and who often participate in more than one organization. For instance, three assistant editors of Soldier of Fortune magazine (which has sent direct aid to the contras) also run or are board members of three other separate groups seeking to aid the contras. And the chairman of the group which may have provided the most aid, retired Gen. John Singlaub, also is closely associated with four other U.S. groups aiding the contras. (Prior to being relieved by President Carter of his South Korea command, Gen. Singlaub headed the Unconventional Warfare Task Force in Vietnam.)

While many of the groups work closely together, they have different stated purposes. Some openly admit their aid is for military purposes (and includes boots, uniforms and even personnel.) Others insist their aid reaches only needy refugees, and is in no way related to the contra war. Most groups call their aid "humanitarian," but either privately or publicly acknowledge that some of it (e.g. medical supplies and food) ends up at contra camps. These groups also have conceded that their "humanitarian" aid to refugees (which include families of the contras) may indirectly aid the contras by freeing up the contra accounts to purchase weapons and pay combatants.

The research for this section is based primarily on individual personal interviews with spokespeople or directors for virtually all of the groups, as well as publicly available information.

A description of each of these groups and their activities follows:

WORLD ANTI-COMMUNIST LEAGUE

The World Anti-Communist League, formed in the 1960's by Nationalist Chinese to fight communism, claims to act as an "umbrella group" for many of the smaller and newer groups aiding the contras. Headed by retired Army General John Singlaub (who commanded U.S. troops in South Korea until he was relieved by President Carter, and who previously pioneered new techniques of unconventional warfare as head of the Joint Unconventional Task Force in Vietnam), the group coordinates fund-raising from U.S. groups, U.S. individuals, U.S. corporations, and foreign governments. According the Gen. Singlaub, funds raised by WACL have purchased food, medicine, boots, outboard motors, and office supplies, and have thus allowed the contras to use their cash for weapons and ammunition.

The WACL, in recent years, has been subjected to increasing charges of anti-semitism and neo-fascism. In 1973, charging anti-semitism, its British chapter resigned. Five years later at an annual convention, its Mexican delegation attacked NBC's "Holocaust" program as "another gigantic campaign of Jewish propaganda to conceal their objectives of world domination." In the same year, WACL extended membership to Italy's principal neo-facist party, which was headed by a member of Mussolini's government. One of its former chairmen has espoused the concept of genetic purity and calls for artificial insemination and sperm banks to maintain racial purity.

Soldier of Fortune: El Salvador/Nicaragua Defense Fund

According to the magazine's editor, Soldier of Fortune's Defense Fund has provided boots and military uniforms to the Nicaraguan contras. In conjunction with several other groups (see Air Commandos, Refugee Relief International, and Institute for Regional and International Studies), Soldier of Fortune is one of the larger and more aggressive recruiters on behalf of private aid to the contras.

Soldier of Fortune is a monthly journal widely considered to be a major source of information for mercenaries. Its classified ads offer information on how to obtain and use weapons and explosives, as well as references on individual mercenaries. It assisted the white minority government of Rhodesia in procuring mercenaries. Among its more recent projects have been the raising of funds for Afghan guerillas, and the offering of a $100,000 reward in gold to any pilot defecting with materials implicating the Russians for participating in biological warfare.

The Caribbean Commission

The Caribbean Commission, formed in 1979 with the help of pro-Somoza Nicaraguan exiles when Somaza's fall seemed imminent, has provided some 50,000 pounds of materials—particularly clothing and medical equipment—to Nicaraguan refugees on the Honduran border, including families of the contras. In addition, they have provided some specific medical equipment to the contras, including an x-ray machine.

The Commission is headed by Dr. Alton Oschner, Jr., whose father's similarly oriented organization (Information Council of the Americas) broadcast "truth tapes" throughout Latin America in the early '60's warning about the spread of communism in Latin America. According to Dr. Oshcner, he was also involved in establishing Friends of the Americas (see below.)

The purpose of the group is to "maintain, promote and strengthen the free enterprise system in the western hemisphere in order to prevent totalitarian infiltration in this part of the world."

Friends of the Americas

Friends of the Americas was founded in April of 1984 as a charitable organization which aids, among others, Miskito Indian refugees in Honduras. According to its co-director Diane Jenkins, it has in the past year sent to Honduras 10 medical teams, 5,000 pairs of children's shoes, and some food.

Mrs. Jenkins vehemently denies providing any aid to MISURA, the major military arm of the Miskitos. However, Congressional staff members and Catholic Relief Service workers who have visited the area contend that aid from FOA and others has the effect of keeping the refugees directly on the border (rather than north of the border where the United Nations has bona fide refugee camps) and thus of sustaining MISURA base camps.

Further doubts about the ultimate destination of the aid are fueled by advertisements such as one which appeared in a FOA Newsletter last fall, which appealed for "cash contributions," for "a large airplane," for "boats and outboard motors," and for such militarily-oriented equipment as radios, walkie-talkies and a satellite dish.

Friends of the Americas is one of the better known groups in large part due to its leadership: Director Woody Jenkins, a Louisiana State Representative who resigned the Democratic National Committee in 1980 to campaign for Reagan, also now serves as secretary of the Conservative Caucus' research branch and as the director of the Council for National Policy. Mr. Jenkins (whose wife Diane is co-director) was the dinner-chairman of the Nicaraguan Refugee Fund (see below), which hosted President Reagan April 15.

International Relief Friendship Foundation

Funded largely by Reverend Moon's Unification Church, the IRFF in the last year has shipped 1,000 pounds of clothing and seven tons of food and medicine to Miskito Indian refugees in Honduras. The group denies providing any aid to the military arm of the Miskitos, and asserts that much of the aid has gone to children.

According to the director of IRFF, the organization was started in 1976 with a $225,000 grant from the Unification Church. 90 percent of their present annual budget of under $200,000 still comes from the Church.

Also according to the director, IRFF has worked with the political arm of the Church, Causa International, which he asserted had paid $3,000 to fly one of IRFF's shipments to Honduras last summer.

As with aid provided by FOA (see above), IRFF's aid is distributed to "recently arrived refugees" directly on the border, rather than to internationally-sponsored (eg UNHCR) refugee camps north of the border. As a result, this type of aid has been subject to criticisms from relief workers and Congressional staff that it has had the effect of maintaining the MISURA military base camps, which are also located directly on the border.

Civilian-Military Assistance

CMA, which received press notice when a helicopter carrying two of its men was shot down while participating in an attack in northern Nicaragua last fall, was formed in 1983 to take direct action against communism in Central America, and specifically to provide training and equipment to the contras.

According to CMA's director and Vietnam veteran Tom Posey, CMA has sent the contras over $200,000 (over 60 tons) in military equipment (not including humanitarian aid) including boots, canteens, and other supplies.

In addition, perhaps more important, they have provided manpower: in the last year, CMA has sent Americans to work with the contras as mechanics and medical relief teams. CMA also claims that its personnel operate as forward observers alongside the contras inside Nicaragua, and, in some cases, have handled "small weapons." According to Mr. Posey, CMA provided "less than 100" Americans to the contras in the past year.

Most recently, in early April, 14 CMA-supported men were asked by the U.S. Embassy in Honduras to leave the area.

Air Commando Association

While the Air Commandos have not to date provided any aid to the contras, its director aims to start aid as soon as possible. The group is awaiting clearance from the Honduran government for delivery to the contras of a complete 25-bed hospital.

Air Commandos is run by retired Gen. H.C. Aderholt, who is also an assistance editor of Soldier of Fortune magazine. In addition, Mr. Aderholt served in Vietnam as deputy to Gen. Singlaub in the Joint Unconventional Warfare Task Force.

Christian Broadcasting Network (Operation Blessing)

Through Operation Blessing, its worldwide relief agency, news stories report that CBN has sent food, medical supplies and clothing to families of the contras. CBN refused to admit or deny these reports, asserting only that they "help starving, displaced people in Central America," and that while no "direct" aid is given to the contras, "aid is provided to needy people wherever they are."

Founded by M.G. (Pat) Robertson, CBN owns four TV stations and grosses over $50 million a year. Besides its regular show "the 700 Club," CBN provides news and prayer programming. In 1982, Robertson launched a political lobby named the National Planning Committee, which works to change First Amendment laws.

Refugee Relief International

Refugee Relief International, headed by one of Soldier of Fortune's editors, has provided an unspecified amount of aid to Miskito Indian refugees in Honduras—some in "direct funds" (cash), but the majority in medicine, food and clothing. According to news reports (Boston Globe, 12/30/84), a RRI pamphlet makes clear the ultimate military purpose of these funds, by saying "this type of (humanitarian) aid will defray costs that the U.S. government would ordinarily incur, thereby freeing a portion of its financial allocations for additional military and other assistance."

RRI is headed by Thomas Reisinger, the Assistant Director of Soldier of Fortune for Special Projects. On the Board of RRI is retired Gen. John Singlaub.

Veterans of Foreign Wars

Although the VFW voted in August of 1983 to establish a fund to provide food, medicine and other non-military aid to the Nicaraguan "freedom-fighters", the fund claims to have lasted only one year and raised only $2,000. The VFW turned the funds over to the American Security Council Foundation. The ASC Foundation claims to have transferred the funds to the International Red Cross. A spokesperson for the International Red Cross reported that after an extensive search, no record of this transaction could be found.

Institute for Regional and International Studies

The Institute for Regional and International Studies seeks to make available to Salvadorans and "perhaps" to the Nicaraguan contras (B. Globe, 12/30/84) intelligence gathering and psychological operations.

The group is directed by Alexander M.S. McColl, military affairs editor of Soldier of Fortune Magazine. It was founded in 1982 under the auspices of the World Anti-Communist League. Soldier editor-in-chief Dale Dye asserted he did not know if any Contras have yet been trained at IRIS.

Nicaraguan Refugee Fund

The Nicaraguan Refugee Fund is presently seeking to raise $2-$5 million to aid Nicaraguans in Honduras—in part through a gala $250-a-head fund-raising dinner honoring President Reagan on Monday, April 15. A substantial amount is expected to go through FOA (see above), but to date, this group is not known to have provided any funds to the contras or to Nicaraguan refugees.

The sponsors and dinner committee of the NRF represent a virtual "who's who" of private U.S. citizens involved in aiding the contras—the dinner committee is chaired by Friends of the America's Woody Jenkins and includes J. Peter Grace (also affiliated with the Knights of Malta), Nelson Bunker Hunt, CBN's Pat Richardson and Caribbean Commission's Dr. Ochsner. Its Honorary Committee includes conservative stalwarts such as Joseph Coors and W. Clement Stone; and its Special Committee includes Wayne Newton and Roger Staubach.

Although this group has not yet provided any aid to the contras or their families, it is noteworthy because the fund-raising dinner in its honor appears to be drawing key Administrative leaders, including the President—representing the first time U.S. Government officials have provided their names and stature to such a private pursuit.

Knights of Malta and Americares Foundation

The Knights of Malta, a 900-year old fraternal organization of Roman Catholics, has reportedly (WP 12/27/84) distributed $680,000 to Miskito Indian refugees in Honduras, in conjunction with the Americares Foundation. While the Knights deny raising any funds for the contras, a spokesperson at the Americares Foundation contends that Americares raised the money (targeted to six destinations in Honduras) and the Knights distributed the aid.

The head of the American division of the Knights of Malta is J. Peter Grace. The honorary chairman of the Americares Foundation is Zbigniew Brzezinski.

Other Groups Involved in the Private Aid Effort

Over half a dozen other groups, whose purpose was unclear or on which little information was available, have reportedly aided the contras in the last year. These include:

Causa International, the political arm of Rev. Moon's Unification Church, which refuses to comment about aid to Nicaragua or Honduras, but which others (including IRFF) have asserted helps finance their efforts to aid the contras;

Human Development Foundation, reported by the Washington Post as aiding the Contras and by The Nation as the unofficial operating arm of the FDN in the US;

Nicaraguan Patriotic Association, which is reported to have collected half a million dollars in aid and to have provided daily food supplies for seven refugee camps in Honduras; and

Pro-America Education Foundation, which in the past year has sent $1 million in medical supplies contributed by major pharmaceutical companies to Nicaraguan refugees in Honduras.

(This report was prepared by the staff of the Arms Control and Foreign Policy Caucus. It does not seek to reflect the views of the members of the Caucus.)

But, on the other hand, I do think there are people like Mr. Calero, and Mr. Pastora and Mr. Robelo, who are moderate. Who support democracy, and who should not be dismissed unilaterally as obstacles to peace or warmongers. In fact, these three are ex-Sandinistas who were disaffected. I must say that among the Sandinista leadership did I find too many moderates.

I am here voting against military Contra aid because there is a Democratic/Republican bipartisan alternative which stands for peace and negotiations and might work. I think it was initiated on the Democratic side, and I am proud of that, that members of my party have taken this initiative. That proposal supports negotiations, supports the Contadora process and gives refugee assistance through an independent group. But most importantly it sets a timetable of October 1, a date we reassess this entire process to see if it is working. We will see whether the Nicaraguans, and the Contadora nations respond to this peace offering. If they don't, then we know where the blame lies and we should in a bipartisan fashion forge another alternative.

Mr. Ortega has said that he will respond with a cease-fire and negotiations with the Contras. On the other hand, Ambassador Mr. Tunnerman, contradicts him when he says in a newspaper article that they will never negotiate with the Contras. I do not know whether the Nicaraguans are telling the truth or not. I am not going to sit here and tell you that the Sandinistas have been always truthful and accurate, that they have not lied, because I think they have lied in some cases and have made many statements for propaganda reasons. I think in relating to the peace process I believe the U.S. negotiator, Ambassador Harry Shlaudeman, who is a good man, who tells me that there has been deception on Sandinistas part, I know, too, however, that there are people in this administration, in the White House, in the CIA, and I will name Mr. Casey, whom I do not think want to have a negotiated solution. They want a military solution—a victory at all costs, with or without committing U.S. troops.

I would ask my colleagues to read the testimony of Gen. Paul Gorman of the Southern Command before the Senate he very clearly said before the Foreign Relations Committee before he retired that the Contras cannot win. That you cannot give them short-term or long-term aid and expect them to win. It is a conflict that has no military solution. Gorman states that the rebels are incapable of overthrowing the Sandinista government in the foreseeable future regardless of whether they received American aid.

So if we are looking at pressuring the Sandinistas, I think the ultimate pressure is this Congress, which four times has refused Contra aid. If we threaten to change, the Sandinistas will respond.

Mr. RITTER. Will the gentleman yield at that point?

Mr. RICHARDSON. I will yield at the end of my statement.

The last point we are trying to make is that if we are going to talk about

pressuring the Sandinistas, the best pressure is the Congress of the United States that consistently has been voting against Contra aid. And I suspect that come October 1, unless the Sandinistas have responded with, No. 1, supporting the Contadora process, which up to now I don't think that they have, we should reasses our policy. I do think there have been cases where they have been willing to negotiate bilaterally with us, thus bypassing the Contadora process.

No. 2, the pressure should be increased so that the Sandinistas negotiate with the Contras. I think that is the ultimate solution. Let the Nicaraguans decide their future for themselves—but the United States should be a catalyst.

No. 3, I would like to see them moderate their behavior, cut off their ties to the Soviets and the East Germans, the Cubans, and the Palestinians. The Sandinistas are bad guys, they are bad dudes. No one is defending them. But to achieve these goals of changing their behavior and reducing their Marxist ties will require negotiations and give and take on all sides.

We should focus on how we achieve peace in that area. And I submit that this package of $14 million which if it does not pass, ladies and gentlemen, we all know here that there is a lot of private aid that is going to flow to the Contras. The conflict won't end with this vote. We know that. There is going to be an emergence of that kind of private effort. It is going to get more and more protracted, and we are going to have more and more problems to deal with. Regardless of the outcome of this vote, negotiations, bilateral and multilateral, are paramount.

So what I am saying here today is I will be voting for a package that contains support for the Contadora process, but one that requires another look on October 1. It also, at my urging condemns the human rights violations of the Sandinistas and the Contras, a little stronger on the Sandinistas because I think they have gotten away with unnoticed repression. On both sides of the aisle, we have been inconsistent in critizing governments on the right as well as the left.

So I am here to just offer an optimistic view that we can reach peace, but that we can do it through an alternative that I think is bipartisan. And I think the President may have started this positive process of saying that he is willing through humanitarian aid to try to deal with this problem. But you do not do it through the CIA, which has shown deception through the mining of harbors and the secret pamphlet which is a branch of government that has not been consistent and has often undercut other executive branches of the administration, that I think genuinely do want peace such as the State Department and the Department of Defense.

Mr. RITTER. Will the gentleman yield?

Mr. RICHARDSON I yield to my colleague.

Mr. RITTER. I thank my good friend from New Mexico for yielding.

The gentleman mentioned that an official of the U.S. Government stated that the Contras could not win. I think more accurately his quote is they are not going to win overnight.

But let me ask the gentleman a question. Does the gentleman believe that the freedom fighters in Afghanistan are about to triumph over the invading Soviet occupation forces?

Mr. RICHARDSON. I do not think so. I think it it going to be a very protracted and underdog struggle—but a legitimate one nonetheless.

Mr. RITTER. OK. I think the gentleman and I are probably in agreement that the guerrilla war and the fight for freedom on the part of the Mutjahadin in Afghanistan is not one that is going to defeat Soviet military forces on the field. The whole idea behind guerrilla war, be it in Afghanistan, be it in Cambodia, which a number of Members of the other side of the aisle are supporting, the whole idea behind guerrilla warfare is to tire the enemy and to inflict damage, to have the enemy expend resources.

We are all too familiar with these kinds of conflicts that have engaged non-Communist governments around the world. The idea of the guerrilla war in Salvador is not necessarily to gain a great military victory on the field. It is to tire the government. It is to tire the United States.

□ 1410

These guerrilla wars have been fought to tire American public support for governments. Indeed we are trying to do the same thing; we are trying to encourage the Soviets and the Cubans to tire somewhat of their support for the Marxist-Leninist regime in Nicaragua.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to my colleague from California.

Mr. HUNTER. I thank my friend for yielding.

Mr. Chairman, I have a serious question with the gentleman's proposal. One proposal, one part of that involves the Contadoras. I know the gentleman is intimately acquainted with Mexico, with the Government of Mexico, with the people that run that Government. In looking at them and the other Contadoras you find very few government officials who are willing to say anything in public that will upset the Cubans or the Nicaraguans. I mean that has been a fact of life. Castro has been sending young Cubans to be killed by young Africans for many years and you never heard a word of protest from Mexico.

My first question to the gentleman would be: How are these Contadoras who are fairly intimidated by their very fierce neighbors going to somehow instill a sense of discipline into this process? I think it is naive for us to believe that they can handle the situation.

The second thing I would like to ask the gentleman is: We gave them essentially $100 million when they started out. We have pictures now of Mr. Ortega meeting, even then, with Eastern European Communist leaders even while he was receiving money from the United States. The Soviets have put some $70 million into military installations including runways and large airports in Nicaragua.

Why would the Sandinistas give up their tremendous advantage, this tremendous linkage with the Soviet Union when $100 million and possibly the promise of many times that, was not enough initially to turn them away from the Soviet bloc?

Mr. RICHARDSON. Let me answer both questions to my colleague.

There are two sides to the Contadora process. What the Democratic plan says is let us support it. It has instruments and funding to do so, for peacekeeping and verification.

The problems are this: On our side I think there are people in our administration that are subverting the Contadora process. They do not want to see it succeed. At all costs they want a military victory and they are against Contadora. On the other hand the gentleman is right, there are some Contadora countries that tilt toward the Nicaraguans. Mexico is one. I think it is going to take constructive effort to get the Contadora countries to deal legitimately with the problems of verification and peacekeeping forces within the negotiations. The Contadora process has not had an outstanding record. It needs to be buttressed and strengthened—but not undercut it. And we have done that in many instances.

What I am saying to my colleague is the Contadora may be our only hope for peace. I think that Contadora coupled with bilateral talks with the Nicaraguans, resuming the Manzanillo talks, which have been suspended. I think these two forums provide the best opportunity for a dialog. Presidents that have not been previously supportive of the President's effort like President Betancur of Colombia, is now cooling down his negative attitude toward what the President has been doing because of the President's latest humanitarian aid initiative. I think that is good. It seems we are getting more constructive forces, moderate forces, behind us. So why spoil ev-

erything with a bad vote that will further militarize the conflict.

On the second point that my colleague made about Sandinistas: there were men and women in this House that supported them, gave them that early infusion of support and we were involved getting Somoza out that must feel repudiated and disappointed because the Sandinistas have reneged on their revolution in large part. But that is not the issue. The issue is how do we bring peace, one that is in our best security interests? How do we stand up for that peasant, that little person in Nicaragua who does not care about Ronald Reagan or Karl Marx or my good friend Mr. HUNTER or myself; they want to be left alone. I think that should be our objective—peace through negotiations.

Mr. HUNTER. But how do you get the Soviets out?

Mr. RICHARDSON. Through negotiations, through the Contadora process and Manzanillo. More U.S. arms will only increase the Soviet presence.

Mr. McCAIN. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to my colleague from Arizona.

Mr. McCAIN. I thank the gentleman for yielding.

Mr. Chairman, I would like to remind the gentleman that that is all the Cambodians wanted was to be left alone; that all the South Vietnamese wanted was to be left alone; that all that the Laotians wanted was to be left alone.

The CHAIRMAN. The time of the gentleman from New Mexico [Mr. RICHARDSON] has expired.

Mr. ADDABBO. Mr. Chairman, I yield 2 minutes additional to the gentleman from New Mexico.

Mr. McCAIN. Mr. Chairman, will the gentleman continue to yield?

Mr. RICHARDSON. I yield to my colleague from Arizona.

Mr. McCAIN. I thank the gentleman for yielding further.

Mr. Chairman, I would just like to ask my colleague from New Mexico to elaborate a bit. He does agree that an important part of this solution is a dialog between the Sandinistas and the Contras.

Mr. RICHARDSON. Yes, I do.

Mr. McCAIN. What method can we use to pressure that dialog to begin since so far it appears as if the Sandinistas have rejected dialog with the Contras?

Mr. RICHARDSON. I think the main source of pressure would be several Latin American countries, Mexico, Colombia, Panama, and Venezuela principally. The vote today, which I hope will reject the military/CIA assistance to the Contras, will be a sign of pressure because Mr. Ortega will be put on notice. Mr. Ortega knows that the Congress is going to come back again and there are going to be wavering legislators like myself who come back October 1, and if he has done nothing except his hypocritical statements, and if he does not respond I will not support his continued efforts to deceive everybody. Mr. Ortega has to put up or shut up.

Mr. WEBER. Mr. Chairman, will the gentleman yield to me?

Mr. RICHARDSON. I yield to my colleague from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

First of all, Mr. Chairman, I think the gentleman has been one of the genuinely agonized Members over this issue.

I appreciate his honesty and his diligence and although I do not agree at all with the conclusion, I respect it a whole lot. I just want to ask and get the gentleman's opinion about the Contras. I think the gentleman accurately portrayed them as not being perfect. But in the gentleman's opinion have they not achieved legitimacy within Nicaragua with the nonmilitary opposition to the Sandinista government? I am talking about the church, the very people that you have cited as being repressed by the Sandinista government. I just want to know if the gentleman agrees with me that whatever the situation a couple of years ago, today the Contras, even given their warts, have achieved legitimacy with just about everybody that is being subjected to oppression by the Sandinista government.

Mr. RICHARDSON. I cannot answer entirely.

The CHAIRMAN. The time of the gentleman from New Mexico has again expired.

Mr. ADDABBO. Mr. Chairman, I yield 1 additional minute to the gentleman from New Mexico.

Mr. RICHARDSON. I think first of all we have to understand that there are members of the Contras that used to be Sandinistas that are disappointed and they are out and I think their concerns are legitimate, like Mr. Robelo and the Chamorros and Cruz and Caleno. All I can tell the gentleman is that there are businessmen, there are students, there are Nicaraguans who have opted to stay in Nicaragua in the opposition rather than become Contras. And I would hope the gentleman would join me, through the National Endowment of Democracy, or other areas, to support these dissidents within Nicaragua that are democratic forces. I would be prepared to sponsor an amendment that would do that if it would strengthen democracy, to help these dissident forces within Nicaragua.

So I do not know the exact answer to my colleagues except to say that there are members of the Contras who have been disaffected with the Sandinista revolution. You cannot call them all Somozistas and dismiss them. They are legitimate. That is why I wanted to make the point that I think they have achieved a relative degree of political maturity. That peace plan of Mr. Cruz and Mr. Caleno is something that should not be dismissed. It is a good start. We should look at it seriously. The best way to pressure the Sandinistas to vote no on military aid because they will be put on notice.

Mr. ADDABBO. Mr. Chairman, I yield 8 minutes to the gentleman from New York [Mr. MCHUGH].

Mr. McHUGH. Mr. Chairman, I rise in opposition to House Joint Resolution 239, which would authorize the release of $14 million in military aid to the Contra guerrillas fighting the Sandinista regime in Nicaragua, and also in opposition to the substitute to be offered by Mr. MICHEL of Illinois if House Joint Resolution 239 is rejected. In the alternative, I urge my colleagues to support the resolution to be offered by Mr. BARNES of Maryland and the substitute to be offered by Mr. HAMILTON of Indiana.

It is important that this House reaffirm its position that no military support be provided to the Contras. Some have argued that this is no longer the issue, because President Reagan is now asking only for "humanitarian" aid, not military assistance. However, it is clear that the President is taking this position solely for tactical reasons. He has concluded, albeit reluctantly, that he does not have the votes in Congress to support his policy of military intervention in Nicaragua. There is no doubt, however, that the President's fundamental policy has not changed. Clearly, he hopes to sustain the Contras with "humanitarian" aid so that, on another day, he can try again to renew the flow of military aid.

There is also no doubt that this military aid has been used, and would be used in the future, to seek the forcible overthrow of the Nicaraguan government. The President has hedged on this point, at times claiming the purpose of our aid is to interdict arms going to the rebels in El Salvador, at times saying it is for the purpose of "putting pressure" on Nicaragua to negotiate, and at times coming closer to the truth, which is the real purpose of our aid is to overthrow a sovereign government. The Contras themselves are much more straightforward about it. They declare that their purpose is to overthrow the government, and we should be under no illusions about it.

In my judgment, providing aid for this purpose in Nicaragua will not work and is not in the interests of the United States. The time for Congress to say so, clearly and strongly, is now.

It is fair to ask: Are there any circumstances when it is legitimate for the United States to support revolution or counterrevolution in a foreign nation? Under certain circumstances,

such support may be an appropriate means of defending the legitimate interests of the United States. It is one of the many tools available in the conduct of American foreign policy. Because of its inherent limitations, however, it is a tool of policy that should be employed sparingly.

The United States is a global power with legitimate interests beyond their borders. Those interests are political, economic, and strategic. They are generally consistent with a stable international environment, and to maintain such a stable environment we must actively promote a credible Western deterrent, equitable economic growth, the rule of law, and basic human rights, among other things.

These interests are shared with many other nations. But since the United States is the dominant power committed to such interests, we have a special responsibility. Other nations look to us for effective leadership in advancing our common goals. In formulating our foreign policy, therefore, we must first have a clear understanding of where our vital interests lie, and then carefully select the particular tools which are most likely to secure those interests.

Most Americans are quite properly skeptical of intervention in a foreign nation. Unless a vital American interest or a fundamental principle is clearly at stake, most Americans will not long support an interventionist policy. In that event, the policy is sure to fail. In a democracy like ours, a policy that is not understood and supported by the people is not a sustainable policy.

In Nicaragua, the United States is supporting the forcible overthrow of an established govermnent. Granted, it is a government we do not like. But the Soviet invasion of Afghanistan was grounded on the same premise. Can we credibly argue that superpower intervention is justified in our case, but not in theirs?

Our people, and others throughout the world, were deeply offended by Soviet intervention in Afghanistan. It was aggression, pure and simple. That invasion was a violation of international law and has been condemned as such by the United Nations. Our people can understand and support aid to a people that is defending its homeland, and therefore our current policy on Afghanistan is a sustainable policy.

But in the case of Nicaragua, the United States is violating international law. When called before the World Court for illegally mining harbors, we denied jurisdiction and refused to argue the merits of the case. Unlike Afghanistan, our friends are embarrassed by our policy, and so are our citizens.

The American people do not want their government printing pamphlets advocating murder, violating the rule of law, demeaning our expressed values, and alienating our friends. They do not undersand and support this activity and therefore it is not a sustainable policy. It simply will not work.

It is also counterproductive to American interests in Central America, for it actually strengthens the hands of the Sandinistas in Nicaragua, in the region, and in the eyes of the international community.

Another unfortunate byproduct of our Nicaraguan policy is that it erodes public confidence in the Central Intelligence Agency. Only a fraction of the Agency's time and money is spent on such "covert" activities. Its primary responsibility is to collect and analyze information, a critically important function if our decisionmakers are to formulate sound policies. Yet, when the Agency is directed to undertake so flawed a covert operation, the intergrity of the CIA as an institution is called into question, undermining the credibility of legitimate functions truly vital to our national security.

As I said at the outset, support for revolution or counterrevolution can be an appropriate tool of American foreign policy. However, its appropriateness depends on the facts of each case, and specifically on whether its use is consonant with American interests and values. In the case of Nicaragua, it is not. For that reason, we should vote down House Joint Resolution 239.

It is not enough, however, to simply reject the President's policy of military intervention. We do have legitimate interest in Central America. We do have legitimate concerns with certain policies of the Sandinista government, particularly to the extent that they may threaten other nations in the region. And we do care about legitimate refugees who may have been displaced by the conflicts in that region. For this reason, I urge my colleagues to support the alternative resolution to be offered by Mr. BARNES of Maryland and the substitute to be offered by Mr. HAMILTON of Indiana.

These proposals reject the policy of military intervention and focus on a more constructive approach. They would provide true humanitarian assistance to real refugees, not to combatants. This would be assured by delivering the aid through the Red Cross or the U.N. High Commissioner for Refugees. Moreover, these proposals would set aside $4 million to implement any regional agreement that might be reached as the result of the Contadora initiative. In adopting the Barnes-Hamilton proposals, we would be sending a clear signal to Central America that this Nation is committed to a political and economic approach, an approach which our people can understand and will support., That is a sustainable policy. That is a policy that has a chance to work.

I hope that today, once and for all, Congress will reject military intervention and opt for a policy which reflects our values as well as our interests. I urge the adoption of the Barnes-Hamilton proposals.

□ 1420

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from Washington.

Mr. DICKS. I want to compliment the gentleman from New York for a very balanced presentation, I think one that goes directly to the issue. I believe that the key phrase is sustainability. I agree with the gentleman. I think our policy in Afghanistan is one that can be sustained and one that the American people can support. I quite agree with him that the policy in Nicaragua is one in which the American people have already, I think in a very demonstrative way, indicated that they will not support, and, therefore, I think the gentleman's solution, emphasizing economic and political solutions, is the correct way, and I want to compliment him for his statement.

Mr. McHUGH. I thank the gentleman.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from Pennsylvania.

Mr. RITTER. I thank the gentleman for yielding.

Does the gentleman feel that the goals of the Contras, the small "d" democratic goals of the Contras, are any less small "d" democratic than the goals of the Mujtahidin in Afghanistan?

Mr. McHUGH. Well, I have a hard time reading what the goals and motivations of the Contras are.

The CHAIRMAN. The time of the gentleman from New York (Mr. McHUGH) has expired.

Mr. DICKS. Mr. Chairman, I yield the gentleman 1 additional minute if the other side will yield 1 additional minute.

The CHAIRMAN. The gentleman from Washington has 3 hours, 22½ minutes. The gentleman from Michigan has 3 hours, 7½ minutes.

The gentleman from Washington is recognized.

Mr. DICKS. I yield the gentleman 1 additional minute.

Mr. McHUGH. In response to the gentleman, I would say that I cannot be so precise as to read the intentions and motivations of the Contras. I am sure some of them are truly committed to the goals that the Afghanistan freedom fighters may be, but my basic point is that that effort, in trying to overthrow an existing government, is not understood and supported by the American people, and in my judgment

is therefore not a sustainable, workable policy.

To the contrary, when we are helping the people in Afghanistan, we are helping them to defend their homeland against an invasion, against aggression, and that is sustainable and understandable.

Mr. RITTER. If I could ask the gentleman to further yield, the fact is that the developed small "d" democratic ideals of the Contras are far, far more small "d" democratic than the goals of the Mujtahidin, the societies being quite different, the societies being quite less undeveloped in the sense of understanding democracy.

The CHAIRMAN. The time of the gentleman from New York [Mr. McHUGH] has again expired.

Mr. DICKS. Mr. Chairman, I yield 7 minutes to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, first of all, I would like to associate myself with the calm and I think very eloquent remarks of the gentleman who preceded me in the well, the gentleman from New York.

Mr. Chairman, when the rhetoric is stripped away, this debate is about war. The President has not asked Congress simply to agree that Nicaragua's Government is extreme; or to express our unhappiness with restriction on the press and with the harassment of political parties; we are not being asked simply to acknowledge the good intentions of men like Arturo Cruz; we are not being asked to authorize the use of military force to defend against Nicaraguan aggression, or to halt whatever material support Nicaragua may be providing to the rebels in El Salvador.

We are being asked to lend American weapons, dollars, and prestige to a movement whose aim is the violent overthrow of a government with whom we are at peace, and against whom we can fully protect ourselves and our other regional friends without resorting to armed invasion or support for violent counterrevolution.

We are told that we need the Contras—now that they have failed so dismally at arms interdiction—because they can keep the pressure on Managua; they can cause economic hardship that will undermine the popularity of the regime; and they will provide an alternative to which dissident or disgruntled Nicaraguans may turn.

But the issue today is not whether Nicaraguan dissident groups—internal or in exile—should exist; the question is whether they should be an instrument—indeed, whether they should owe their very existence—to the foreign policy of the United States.

We would all like to see democracy take hold in Nicaragua, as we would in Guatemala, Chile, Paraguay, and in El Salvador, where its grasp is still far shakier than this administration would like publicly to admit. But we are not this hemisphere's only experts on democracy, social justice, the fair treatment of indigenous populations, or human rights. There are many other supporters of these concepts in Latin America, and the fundamental question we are being asked today is whether we should approach the Nicaragua problem on a unilateral or on a regional basis.

The bipartisan policy being put forward today as an alternative to the course suggested by President Reagan includes a willingness to respond forcefully to acts of lawlessness or aggression, but it contains, as well, a commitment to work seriously with the Contadora countries for a regional peace, and to rely on legal methods for encouraging democratic Nicaraguans both inside and outside the country.

Some in this body who see the wisdom of regional action believe, nonetheless, that pressure from the Contras is needed to give that regional approach a chance to work. I do not agree.

With respect to security matters, the Contras are not needed to respond to whatever threat Nicaragua may pose to us or to our neighbors, a threat that has, in any case, been grossly exaggerated.

With respect to internal issues, there exists more evidence to contradict than to support the notion that Nicaragua will liberalize its political system due to pressure from the Contras.

But Nicaragua has shown, through its participation in Contadora, that it does care about its reputation within Latin America. And Latin American leaders have shown an increased willingness to embrace and encourage the spread of democratic principles throughout the region, Nicaragua included.

But U.S. support for the Contras is not the lever that will make regional pressure work; it is the wedge dividing U.S. methods and goals from those of our democratic neighbors. Not a single Latin American head of state has given—or could give—public support to CIA or U.S. military aid to the Contras.

The Contra operation has been, from the beginning, a violation of international law, and Latin governments care about that; their concern is heightened by past American intervention in the region, especially in Nicaragua. Latins know, too, that military control of the Contras is held by officers who are more killers than freedom fighters, ex-national guard who may share with our President Reagan a strong belief in anticommunism, but who also possess, in the tradition of their own past President Somoza, a vicious and self-righteous intolerance for those with whom they disagree.

For these reasons, our support for the Contras is a distraction, shifting the world spotlight away from Nicaragua's misdeeds to our own. We have mined harbors, taught political assassination, and allied ourselves with killers. In so doing, we have fulfilled the predictions and helped to consolidate the power of Nicaragua's most extreme leaders.

This is not a sensible policy for encouraging change in Nicaragua. It is a policy, rather, of reaction. It is as if our country had lost faith in the sanctity of law, in the skill of our diplomats, in the good will of our neighbors, in the resilience of democratic values, in our ability to learn from history, and in our commitment—enforced by the will of the American people—not to unleash the forces of war without fully exploring other options and never without due cause.

Not long ago, Secretary of State Shultz complained that America was becoming the hamlet of nations; that we were too introspective, too principled, too fearful, too plagued by guilt to act when action was required. That is a provocative image, but today's debate will decide whether we will go to the other extreme. Whether we will act without regard for law, facts, principles, or consequences; whether in rejecting Hamlet we will become the Bernhard Goetz of nations; or whether we cannot with confidence in ourselves and our values, and with the help of regional friends, find a better way.

Mr. Chairman, it is not everyday in this body that—on a matter of major consequence—the right thing to do—and the popular thing to do—coincide. But that is the case today.

The American people overwhelmingly reject the policy of this administration in Nicaragua.

Common sense, international law, and simple humanity reject the policy of this administration in Nicaragua.

And there is no reason on earth that this House ought not—with pride, and without any need to temporize or compromise—reject out of hand the policies of this administration in Nicaragua.

□ 1430

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman.

Mr. LIVINGSTON. The gentleman gave a very eloquent speech for which I heard very little documentation, but I would refer to the gentleman, when he talks about those killers, as he refers to the Contra or counterrevolutionary forces, to their document on national dialog of the Nicaragua Resistance, dated March 2, 1985, in which they advocated to recognize the primacy of civilian society; a dissolution of the totalitarian state party army trilogy; full respect of human rights and

fundamental freedoms of expression, assembly, religion, and education.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. STUDDS] has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 additional minute to the gentleman from Massachusetts.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I continue to yield to the gentleman.

Mr. LIVINGSTON. I thank the gentleman for yielding.

The economic system which provides for the development of the private sector; institutionalization of the multiparty electoral system; free elections; freedom to organize unions; a modern productive process of the integral agrarian reform; administrative decentralization; general amnesty and pardon for political crimes and related crimes, and expulsion from the country of all foreign internationalists such as military advisers and troops.

In contrast, the government, which controls Nicaragua, and I assume in which the gentleman espouses hope and credence, is consistently violating the human rights of its own citizens, repressing its economy, imprisoning and executing its people.

Now, I just wonder how in the world can the gentleman give that wonderful speech and relate to us in eloquent terms a defense of his position, when this is the position of the Contras which was overlooked by the gentleman from New York.

Mr. STUDDS. I would say to the gentleman that I was about to say "Without objection, so ordered," to that long list of unarguable things which he read.

No one could object to that. I would remind the gentleman that the Constitution of the Soviet Union reads somewhat the same. My reference was to the fact that the overwhelming majority of the military leadership of the Contras are former members of the Somoza national guard.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 mintues to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. I thank the gentleman for yielding me this time.

Mr. Chairman, peace in Nicaragua is not enough. To preserve freedom and democracy in Central America and to protect our southern borders from terrorism in the future, the spread of Communist dictatorship in Central America must be stopped.

There is no question that the Sandinista movement must be fundamentally changed in order to obtain the goals that I just outlined. In order to stop that kind of aggressive tendency on the part of the Sandinistas as Marxist-Leninists and Communists intent on expansion and interventionism in their neighborhood countries next door we have to bring a certain amount of pressure. The question before us today is over what kind of pressure will be effective, and whether or not we should engage in military pressure indirectly through the Contras.

I rise today to support the military aid to the Contras as the only logical pressure to be brought to bear that is going to yield meaningful results in terms of fundamental change in the policies of the Sandinistas, and that is what it is all about. Economic pressure, political talk, dialog, all of the other simply is not going to make the movement that is necessary when you are dealing with hardcore Communist regimes, and that is what the Sandinista regime is.

I want to demonstrate that by quoting from one of the comandante's speeches in May of 1984. Comandante Arce, one of the nine member ruling directorate of the Sandinistas, gave a speech before the Nicaraguan Socialist Party which was recorded and reprinted a number of times. Just a couple of quotes will demonstrate what I am talking about.

In his speech he talks about the democratic principles that after their 1979 revolution the Sandinistas originally stated they were going to support. He says:

> Those principles were non-alignment abroad, a mixed economy, and political pluralism. With those three elements, we kept the international community from going along with American policy in Nicaragua.
>
> Of course, once defined in specific terms, this imposed certain commitments. One was that we said we were going to elect a constituent assembly, that we were going to have elections. While we might view those commitments as negative, if we analyze our revolution in black and white, we still consider them to be positive at this time. Of course, if we did not have the war situation imposed on us by the United States, the electoral problem would be totally out of place in terms of its usefulness. what a revolution really needs is the power to act. The power to act is precisely what constitutes the essence of the dictatorship of the proletariat—the ability of the [working] class to impose its will by using the means at hand [without] bourgeois formalities.
>
> For us, then, the elections, viewed from that perspective, are a nuisance, just as a number of things that make up the reality of our revolution are a nuisance.

□ 1440

He goes on to say, and I think this is exceedingly important, what Commandante Arce said last year:

> Imperialism asks three things of us: to abandon interventionism, to abandon our strategic ties with the Soviet Union and the socialist community, and to be democratic. We cannot cease being internationalists unless we cease being revolutionaries.
>
> We cannot discontinue strategic relationships unless we cease being revolutionaries. It is impossible even to consider this.

I submit to you the character of the Sandinistas in this regard is very clear. We have to treat them as we treat the Soviet Union. We have to treat them as we treat the PLO because they are allies of the PLO, and I know some of you do not believe that, but in 1966, when Cuba first became associated with Arafat, an arrangement was made for some training of Cuban troops by the Palestine Liberation Organization, and then in 1969, after a meeting in Mexico City, the PLO invited some of the Sandinistas over to be trained in Lebanon. At the same time they were over there being trained in terrorist tactics they participated in the war against Jordan and King Hussein, and actually some of them were participants in the highjacking of an El Al airliner. That relationship continues to this day, with Arafat toasting the Sandinistas in Managua and the fact that the PLO have an embassy of 70 personnel in Managua. This is testament to the fact that there is still a close relationship. In fact, the PLO have loaned over $12 million, and I did not think they had that kind of money, but they have loaned over $12 million in order to support the Sandinista cause.

I submit to my colleagues that what we need in this whole debate is some reasoned understanding that what we are dealing with, putting aside all the propaganda of good will that is trying to emanate out of Managua at this point in time, to play on our presses, to bring up the emotions of our people, to charge us up against the aid to the Contras, the fact is what we are dealing with in Managua today is not only a Marxist-Leninist regime; in polite terms it is a Soviet Communist satellite regime. We have to deal with it the same way that we would the Soviets, and that means with the kind of pressure they understand. It does not mean simply relying on talk that buys them time; time, if they get the time, to go forward with consolidation internally, denying more freedoms and opportunities for their people and preparing more opportunities for intervention and bringing down the Salvadoran regime of President Duarte that is the one true democracy in the hemisphere.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield to the gentleman from Florida 1 additional minute.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. I thank the gentleman for yielding.

Mr. Chairman, assuming that all of the charges the gentleman made about the Sandinistas are correct, and many of them I think are, about their Marxist orientation, I would like to know to what extent he wants to see the United States military effort par-

ticipate. I think he was saying, from his statements, that he wants to go beyond the pressure point of the $14 million. Is he talking about $100 million? Is he talking about eventually a strategy of committing troops?

I would like to know what the gentleman's objective is.

Mr. McCOLLUM. Mr. Chairman, if I may reclaim my time, in my judgment, it does not take a lot of money to support the cause of bringing about pressure. It takes the continued existence of the Contras in a war movement to bring hurt to bear on the Nicaraguan Sandinistas. It does not require American military involvement.

What I want to avoid, and I think most of us who support the aid to the Contras want to avoid, is the eventuality that if in fact we do not see success, if we do not see the Sandinistas stop their interventionist policies, that some day, not in Nicaragua, but perhaps in Mexico at our borders, we will see American bloodshed, and I do not want to see that. That is the bottom line that concerns me.

Mr. DICKS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. SAVAGE].

Mr. SAVAGE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I am a bit disturbed and puzzled by some of the arguments that I hear from the other side. It seems to me that you propose doing pretty much the same with regard to Nicaragua as we did in the 1960s regarding Cuba and found it to be counterproductive.

We say that we deny economic aid to Nicaragua because they are moving toward the Soviet sphere. We arm counterrevolutionaries in that nation for the same reason. Well, if rebels are armed in that nation, do you not think that government must then have arms itself, and if we will not sell arms to them, they have to go somewhere else to get them? If those Contras go down into the farmlands and burn up the tractors, as I saw in visiting Nicaragua, and we will not sell them tractors, do you not think that is pushing them into the Soviet sphere? And yet we claim that that is the rationale for our policy, rather than the result.

It makes me think of the story about the teenager who murdered his parents, and then after being found guilty in court, pleaded for mercy on the basis that he was then an orphan. We are producing counter to what we propose.

And may I add, I am just as disturbed about the business of humanitarian aid. Any aid to the Contras promotes the violent overthrow of a duly elected government with which we are not at war, which violates many of our treaty obligations. A dollar is a dollar. If you came to me and you wanted to buy a hamburger and also a beer, and each cost $2 and you only had $2 in your pocket, and you walked up and said, "Gus, how about letting me have $2 so I can get a beer?" You are going to use yours to buy the hamburger. And if I am against alcohol, I might say, "No, I will not loan you $2 for a beer." I will loan you $2 for food or for something worthwhile," and you say, "OK, then loan me $2 to buy a hamburger." So I loan you $2 to buy a hamburger, which frees up your $2 to buy the beer and you end up with the hamburger and the beer. What difference does it make? A dollar is a dollar.

Aid to promote violence inside of a duly elected government is wrong. It is not for us to dictate to others. The elections in Nicaragua, in my estimation, were fairer than the elections in El Salvador, because I talked to a candidate who ran in the election in Nicaragua who was in favor of the Contras and did not mind saying so. You cannot find someone who ran against Duarte in El Salvador who would admit being in support of the guerrillas of El Salvador. Certainly the elections in Nicaragua were more fair than the elections in Guatemala because you never have had elections there at all. That country is ruled by brutal, military dictatorship.

So I wonder about the veracity of these arguments. Very soon the very people who are here today arguing about spending some money to overthrow another government will be arguing that we do not have a dime to spend to help provide postsecondary education for our children, that we do not have money to spend to help increase the cost of our seniors for Medicare. They will argue then that we do not have a dime, so we do not have to tax pensions and insurance annuities.

I think the problem here is that we have our values wrong. That is where the money needs to be spent, and if this country still insists on wanting to intervene in the internal affairs of some other nation in defense of democracy, why not Guatemala, a far better example than Nicaragua, but better still, why not in the most prominent example of fascism in the world today, the government of South Africa, where there is no question that democracy does not exist because by their own laws 75 percent of the population that is black is denied the right to vote.

I say not a dime to declare war and send our youth into Central America.

□ 1450

Mr. DICKS. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I have just recently completed a trip during which I was in Nicaragua for 4 days. I was able to visit the combat zone near Ocotal and Somoto. Some of the things I have learned were basically many of the things that have been repeated today.

Of the FDN, 46 of their 49 leaders are old Somoza National Guardsmen. Many of the peasants do not think too kindly of the FDN.

Second of all, there is no unification among this Contra organization. Many of them fight among themselves. They do not have a unified front, and they cannot be successful against this Sandinista regime.

Now, it is true the Sandinista regime is a Marxist-Leninist philosophy of government. But I think the question comes here as to the real issues, and I think there are basically three options.

The first one is, do we continue our present course of action to pressure the Nicaraguans economically through embargos and militarily through the Contras?

Second of all, do we negotiate to resolve our differences with Nicaragua diplomatically in concert with other countries in the region?

Or, finally, do we commit U.S. combat forces in a conventional war in Nicaragua?

I had the opportunity to question and meet with President Ortega, and I want to tell the Members something, he is pretty sharp. He will get on television and you can bring up all the atrocities that exist in Nicaragua and he will look you in the eye and say, "We are a nation at war, a war that has been brought about by American intervention, and when a nation is at war, I must do what I have to do to protect my people. You mine my harbors, you produce the CIA manual which attempts to assassinate and overthrow my government, and," he says, "you name me one time, Congressman, one time we have gone out of the borders of Nicaragua. Name me one time, because," he said, "We haven't."

And he said, "In the U.S.A., if I wear my fatigues, they call me Castro, and if I wear a three-piece suit and comb my hair, they call me Gorbachev." He says, "I am just protecting the good people of Nicaragua."

He is pretty good at selling, and he has public opinion on his side, because this world was upset and people everywhere were upset about the mining of those harbors. I was upset, and I was not in Congress. I think there should have been some indictments come down with that.

But here is the point I am trying to make: If we would take off the military support, he cannot have us as the whipping boys over there, and then those people, with their empty stomachs, those people who are upset with living conditions where poverty is so rampant, will attempt to overthrow any government, and the process from

within is the one we must attempt to manifest now.

The military situation is going to continue to lead us down the line, and we cannot even have a military success. But now we have special forces in Honduras, and I have some suspicions about that. Are those special forces dealing with covet operations, really dealing with Hondurans? Or is there now an involvement with CIA that could be reaching into the Contra operation at a heavier pace than what has been reported to us?

I would just like to say that a government that becomes a power like the Sandinistas did by force has to govern by force, and they will be overthrown by force. But if they are overthrown right now, the government that will take power in Nicaragua will be another one just like it, and there is not going to be a settlement there with guns. There has to be a diplomatic resolve.

I am for humanitarian aid, but I would like to see us structure it a little differently. There is a tremendous health need there in that country, and I think our specific U.S. aid should be directed in a tangible measure to the Nicaraguan people, the average person, the people who can recognize and understand it and say "thank you" for it. And we should continue the pressure from within that country on the Nicaraguan Sandinista regime, because what they are doing is they are taking those people in the gray area and they are coming over to their side. Public opinion is on his side, and he is good at it.

So I just believe particularly that a military continuation is not only going to be the answer, it is going to commit us further into a military confrontation.

I would just like to add, after being there, that those conditions are very bad, and there are too many people there who do not like to see Americans. There is too much Yankee imperialist talk. And while it is not the best government—we know that; it is a Marxist-Leninist government—I think in our spirit of self-determination, somewhere along the way we have to project that to these other countries themselves. The self-determination for the future of their government is a very important issue, and I think it is one that is integral here.

Mr. DICKS. Mr. Chairman, I yield 5 minutes to my good friend, the gentleman from West Virginia [Mr. WISE.]

Mr. WISE. Mr. Chairman, I, too, rise in opposition to this resolution.

I am reminded, as I look back through the CONGRESSIONAL RECORD and as I listen to this debate, and as I listened to it last year and listened to the debate the year before, and as I read the newspapers, that there is a lot of similarity here to the MX. The MX has been, if you remember, couched in terms that "You can't pull the rug from under the President."

Well, now the President has come up with a last-minute bargaining proposal, and in order to get them to the table, "You can't pull the rug out from under me. You've got to vote $14 million."

But there is another similarity to the MX also. The similarity is this: In order to rationalize this, in order to explain it, we have gone through almost as many basing modes with the Contras as we have with the MX. I listened to the Members who supported this 2 years ago standing in this well and saying, "We are not out to overthrow any government, we are not out to subvert a government, we are out simply to stop the arms flow"—the alleged arms flow, to whatever extent it was—"from Nicaragua into El Salvador."

Now, the arms flow we were stopping was through Honduras and hundreds of miles then to the west. That was always a little controversial anyhow as to whether that existed, but let us assume for the moment that it did. That is all these folks wanted to do. They just simply wanted to put some pressure on at the border, and there were just a thousand or two of them.

But now we have shifted the rationalization. We are not stopping the arms flow anymore. What we are doing now, in the second stage, we are simply putting pressure on Managua. Well, we are not serious about it. Nobody is going to Managua. They say nobody is seriously going to affect the peasantry, but we are just putting pressure on. Now, finally, in the last summary we are making them say, "uncle." That sounds to me like we are trying to go to Managua.

So you can see that we are constantly shifting our focus. And to those who do not think there is an expansion going on, I refer them to the nonclassified sections of the report the President has submitted to this Congress, and I submit the New York Times analyses of the classified sections which say that the proposal is to increase in the north the Contra forces 20,000 to 25,000—that is up from 15,000—and to increase in the south 5,000 to 10,000. So definitely there is an escalation planned.

Mr. Chairman, I am not here to make an argument for Daniel Ortega. This is not a referendum on Ortega. Quite frankly, I think it is a referendum on us. I think it is a referendum on what we say is acceptable behavior.

I do not agree with Ortega, I do not agree with the Sandianista government, I do not agree with the human rights violations, I do not agree with the military posture, I do not agree with the military posture incidentially in Chile, I do not agree with the human rights situation in Guatemala, I did not support it in Argentina, and so whether it is Ortega or whether it is Guatemala or Honduras or South Africa or whoever it is, you can just say that you are not participating and you are not going to condone that kind of activity.

A gentleman previously spoke about the metastasizing of communism through Central America. Yes, it may be, but I would like to suggest that what is metastasized is hunger and poverty and need and deprivation. And sometimes what you do, when you go out to fight Communists, so-called, you make them. And if I were a peasant and everytime I looked up to see who was causing me the harm, who was burning my village, who was shooting up my wedding party, who was making my brother lie down in a grave, as was depicted in Newsweek, and then cutting his throat, and I saw that person was armed and supplied by the United States, what would I think after a while? I would think that the United States was my enemy, and that maybe this fellow over here, who is a hustler for Fidel Castro or Ortega—name or call them what you will; put a name on them, they are exactly the same because he or she is a salesman—maybe that person will help me; at least they are not doing that to me and they are offering me something.

□ 1500

I think we ought to be offering something, too. I do not think it ought to be bullets. I think it ought to be ideas. I think it ought to be aid. I think it ought to be the kind of things this country has spoken for.

I guess the greatest insult I have heard during this whole discussion that has gone on across the country for months is this somehow likening the Contras to freedom fighters.

Mr. Chairman, on my right is George Washington. On my left is Lafayette. I do not rank them with the Nicaraguan Contras. I do not think they would have participated. I hope they would not have. Indeed, I know they would not have in the same kind of activity that we seem to have depicted. I do not think they would have stood for the same kinds of things that Somoza stood for and that some of those still active in the Contra movement have stood for.

So I guess what I am urging is that we say that we are not making this a referendum on Ortega. I am not here to defend or to stand up for him. I simply do not support those policies, but by the same token, I do not support those in many other areas, either. What I do think we have to look at is yes, you can fund the Contras all the way to Managua. Maybe they will get there, maybe they will not; but on the way there, they are going to kill a lot

of people and those are the hearts and minds that I thought we were supposed to be winning.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, I rise in strong support of aid for the Contras who are fighting for freedom of speech, freedom of religion, freedom of the press, and freedom of assembly in Nicaragua.

Mr. Chairman, last summer I headed a congressional delegation to visit Nicaragua and because of my experiences while there and my concerns about the Central American region generally, I would like to join my colleagues in commenting on the Nicaraguan situation today and urging support for the President's request for $14 million to aid Nicaraguan insurgents who are attempting to defeat the brutal Sandinista regime.

During my trip to Nicaragua I met with people on all sides of the political spectrum. Since my return I have followed developments in that country with intense interest and concern. The situation in Nicaragua concerns me because this country so closely linked to the Soviet Union and Cuba is so near to American shores and is thus a threat to the American people. My interest also stems from the conversations I had with the Nicaraguan people I met and their expression of hope for the possibility of a political solution over the problems that separate the United States and the current Nicaraguan Government.

My introduction to Nicaragua came through El Salvador. With the assistance of our colleagues Representatives TONY HALL, BOB MCEWEN, CHRISTOPHER SMITH, and DAN COATS, I coordinated a public/private partnership which provided 95 tons of humanitarian relief supplies to the displaced people of El Salvador.

In announcing the result of our efforts to solicit contributions from American companies, I said that the people of El Salvador—infants, children, women, and families—were both the real victims and the real future for El Salvador. What so often is lost in the headlines and reports on El Salvador reaching this country is the magnitude of the suffering and deprivation of the people of that struggling nation; fortunately the El Salvadorans now have a President who is pursuing reforms to rebuild their country and take the path that leads to democracy.

After meeting with people of all sides of the political spectrum in Nicaragua, I believe it can also be said that the people of that country are victims too and their case is also lost in the headlines. The Nicaraguans are victims because rights that were promised to them during the 1979 revolution are being systematically denied as seen by the abuses of human rights, censorship of the press and harassment of the church. Yet, the situation seems to go largely unnoticed and unreported by the press as personal liberties are denied; freedom of the press is almost nonexistent and the church is constantly harassed and threatened.

There are tremendous violations with the leftist regime in Nicaragua that took over with the promise of freedom. In fact, just the opposite has happened. For example, in his April 22, 1984, pastoral letter, Archbishop Obando y Bravo noted attempts to "defame legitimate pastors, censor the media, stifle new ideas, the disregard for moral and religious ideas and the lack of respect for human dignity." The letter also urged in a straightforward and nonpartisan manner that everyone should participate in a constructive dialog.

All Nicaraguans inside and outside the country must participate in this dialogue, regardless of class or partisan belief. Furthermore, we think that Nicaraguans who have taken up arms against the Government must also participate in this dialogue. If not, there will be no possibility of a settlement and our people, especially the poorest among them, will continue to suffer and die.

His words to me were equally telling: "A major part of the people are unhappy but they are also afraid * * * we are fighting a monster that includes the Soviet Union, Bulgaria, and Cuba * * * and this revolution could spread to Mexico or other parts of the Hemisphere." He also noted that since the Government controls the media, its propaganda and facade of fairness and spirituality incorporated in the Government structure mislead observers outside the country.

Another example Lic. Pedro J. Chamorro, the editor at that time of La Prensa, which is the only vestige remaining of a free newspaper: He had defied the Government by refusing to include propaganda in this newspaper. The Government already censors La Prensa. He also told of being awakened to a machinegun going off at the opposite end of the phone to frighten him and of moving his family to Costa Rica to avoid episodes like the one when a mob defaced his home and demonstrated outside.

Another story was related to me about a church group whose office was ransacked and the office employees attacked by unidentified armed individuals believed to be members of state security. This individual said: "The biggest crime in Nicaragua is to tell a foreigner what is really happening. If you tell anyone, you will commit treason."

He also offered this observation: "Everything that is Christian is considered the enemy." This same young man also told of young people being forced to join the Army and sent to fight untrained in order that the Government will have hundreds of martyrs and of a teaching situation that does not permit students to argue against professors. In an attempt to disguise the fact that religious persecution exists he also told us the Government has created a special office to talk to and mislead outside visitors.

These allegations were substantiated by others whom I met. Another man told of a movie house that was emptied midway through the movie and the young men were taken away to join the Army, a person who was handing out bulletins with human rights violations was jailed for 2 months, a man's wife was tricked into wearing a prison gown to visit her husband while he was then told she too had been jailed causing him to submit to Government pressure.

"In a systematic way, they've gone about instituting a Marxist regime," one man said. "Nicaragua is divided into three groups—those who have left, those getting ready to leave, and those who will leave on or about November 4—election day, 1984—when the Sandinistas reelect themselves."

Aid to the Contras would ensure the continuance of the only existing pressure on the Sandinista government. I am pleased that we are considering some aid to the Contras and I urge my colleagues to support the President's request for $14 million to aid the Contras. The President has made it clear that if the Sandinistas agree to a cease-fire and church-supervised peace talks to produce a new election, the aid money would be used to buy food, medical supplies, and clothing for the insurgents. I would welcome this development and I believe this aid package would create incentives for dialog and peace, a goal to which we all can strive to achieve. I urge my colleagues in the House to support the President's proposal.

To lend further support to the case for aid to the Contras I would like to include an article by George Will, which appeared in the Washington Post on April 21:

FOR THE PRESIDENT, A SHATTERING DEFEAT

This is the most important congressional moment since May 1947, when Congress supported U.S. intervention-through-aid on the anticommunist side in the Greek civil war. Congress thereby transformed containment from a theory into a policy.

Congress has now effectively killed aid for the anticommunist side in Nicaragua's civil war. Congress has forbidden even modest financial support for the military effort of a mass movement prepared to do the dying to prevent consolidation of the second Soviet satellite in this hemisphere and the first on the North American continent. The evisceration of containment is complete.

What President Reagan's aides are calling a compromise (aid restricted to nonmilitary uses) is a shattering defeat. He sought military support for a military movement and lost, utterly. On an issue he characterized—correctly—in the starkest moral and national security terms, his characterization was

disproportionate to his effort. He did not go to the country on television. A great communicator does not deal exclusively in good news (it is time for a tax cut; America is back and standing tall). He also rallies majorities for hard decisions. Reagan has chosen to hoard his political capital—for what? The great battle over Amtrak subsidies?

In 1947 President Truman told Congress: "I believe it must be the policy of the United States to support free people who are resisting subjugation by armed minorities or by outside pressure." Reagan's policy was—the past tense is required—the Truman Doctrine after 38 years of communist advance. An armed Nicaraguan minority, sustained by outside (Soviet, Cuban, East German, etc.) forces, is sovietizing Nicaragua in the way that was being done in Europe in 1947.

The Soviet Union's Sandinista clients have no more right to rule Nicaragua than Vidkun Quisling had to rule Norway. Yet the world continues to speak of Sandinista steps toward Stalinism as "failings." The Sandinistas are not somehow failing to implement democracy; those "failings" are premeditated successes.

FDR spoke of "quarantining" dictators, but an isolationist Congress resisted, until the big war arrived. Now that today's Congress has essentially spurned the contras, communist dictators on four continents will know that Congress will not permit even small inoculations, let alone quarantine.

The sum involved—$14 million—is 12 percent of the sum ($117 million) the U.S. government had given to the Sandinista regime by 1981. Familiar voices are saying the usual things: that the United States "drove" the Sandinistas into Soviet clutches. But in their first two years, the Sandinistas received more aid from the United States than from any other country—five times more than the Somoza regime received in its last two years. (Someone should calculate the value in 1985 dollars of the aid France gave the American Revolution. It was, I will wager, much more than $14 million.)

During the Vietnam war, people eager to believe were encouraged by Hanoi to believe that South Vietnam was experiencing an "indigenous peasant revolt" and that the ferment in Indochina was only cosmetically communist. The Sandinistas deny their American protectors the comfort of that pretense. The Sandinistas do not deign to disguise their Stalinism at home, their "socialist solidarity" with the Soviet Union and its other clients, their "revolution without borders" against neighbors.

In 1947 Congress had fresh memories of the terrible price paid because of nonresistance to Hitler at the time of the remilitarization of the Rhineland. Today the historical memory of many members of Congress consists entirely of Vietnam and its putative lessons. But congressional management of U.S. policy toward Central America—too little aid, too late; pursuit of the chimera of negotiated settlement with a regime that does not believe in splitting differences—is a recipe for another Vietnam; another protracted failure.

Surely the Americans who should talk least about negotiated liberalization of the Sandinista regime are those Americans who, by trying to destroy the contras, are removing the only serious pressure on the Sandinistas.

Nicaragua's communist president, writing in The New York Times, says U.S. support for the contras is "contrary to American values." That is an odd complaint from someone who proclaims his detestation of American values, and it is an ignorant charge, given the long history of U.S. support for resistance to tyranny.

Mikhail Gorbachev hit the ground running—right at Pakistan, threatening reprisals if Pakistan continues to facilitate aid for the Afghan resistance. Now that Congress has spurned the contras, how long will Pakistan resist Soviet pressure? Now that Congress will not countenance support for the contras, the increasingly tiny voice of the United States will have decreased resonance in South Africa, the Philippines and other places where freedom is at issue.

It is said that an optimist is someone who believes his future is uncertain. Optimism about democracy, and not just democracy in Central America, is irrational now that, six months after a landslide reaffirmation of a president, Congress, acting in the name of fastidiousness, has removed the keystone of his foreign policy: support for democratic revolutions.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. DICKS. Mr. Chairman, I yield 1 additional minute to the gentleman for the purpose of a question.

Mr. WOLF. I yield to the gentleman.

Mr. RICHARDSON. Mr. Chairman, I wish the gentleman would stop referring to the gentlemen on the other side, because there are Members on his side that are going to be voting against this resolution. Let us try to be bipartisan in approaching this problem.

I would caution the gentleman that the bipartisan alternative is sponsored by Mr. BARNES. Mr. HAMILTON, Mr. JONES, Mr. FISH, Mr. LEACH, and Mr. ZSCHAU.

I think another point the gentleman is making is that there is Sandinista-Soviet-Cuban connection. We know that, and the gentleman should not be repetitive. I think most of the speakers here have conceded that Marxist tie.

The question I want to ask the gentleman, if that is the case and if we agree on our objectives of national security, promotion for the United States and peace in the region, is the $14 million that even our General Gorman says will not do anything militarily, is that the way we are going to achieve peace?

One of the arguments we heard today in support of U.S. aid to the Contras is that the Nicaraguan regime is antidemocratic and a source of subversion in the hemisphere. Some of my colleagues move from this premise to the conclusion that we ought to be supporting the Nicaraguan insurgents, based in Honduras and Costa Rica, in order to place pressure on the Nicaraguan Government to mend their ways. A more extreme conclusion is drawn by other colleagues that we cannot in any way coexist with the Sandinistas, and that they must in some way be removed from power. If not we will have the Communists in our front yard.

I think there is bipartisan agreement that the Sandinistas have committed human rights violations and continue to consolidate power under a single party. These violations are well documented by private sources, as well as Amnesty International and State Department documents. If there is one oversight that many well-meaning Americans have after visiting Nicaragua, it is that the Sandinistas can do no wrong. Let them read the detailed reports of the forced relocations of the indiginous peoples; the intimidation, the burning of homes, and in some cases executions. But it is wrong, Mr. Speaker, to simply ignore the testimony of constituents in many of our districts as coming from leftists, "little nuns" and "idiots." It is a desperate logic which seeks to reduce an argument by attacking the character of the person holding the argument. Private testimonies have added to reports of gross violations of human rights by the Contra forces. I wonder why some of those who cry out on behalf of democracy in Nicaragua are not as ready to condemn the Contra abuses, as well as human rights violations in Chile, South Africa, and other countries.

If so many Americans are convinced that we should not be funding the Contras, this does not mean our constituents are "little nuns" or gullible "idiots." I reject the tone and nature of such arguments. In fact, many Americans have taken a great interest in this issue. After reflection and observation they have come out against a military solution to a problem we ought to be working out by supporting the Contadora initiatives and resuming bilateral talks with the Nicaraguan Government.

Humanitarian aid sent through two highly respected organizations, the UNHCR and the International Red Cross, will help alleviate some of the suffering of the casualties in this conflict. Some financial support for the Contadora process will demonstrate that we promote Latin American initiatives and solutions to regional conflicts. Meanwhile we can prevent a disaster—funding the escalation of violence, an escalation, Mr. Chairman that could lead to a direct U.S. intervention in Central America.

I do not think any Member would hesitate to support whatever measures are necessary to ensure the national security of the United States. But it is not in our interest to promote the escalation of hostilities prior to exploring all diplomatic alternatives and economic pressures. It is not in our interest to circumvent the Contadora process. The Contra war has not brought Nicaragua closer to pluralism; It has provided an occasion for Nicaragua to dig bomb shelters throughout the country, arm local militias, and militarize the economy. We will not find out

if there is room for a peaceful solution to conflict in this region by supporting a military solution. We do know that just this weekend a limited agreement was reached between the Misurasata Indian organizations and the Nicaraguan Government which holds great promise for a negotiated settlement to the conflicts on the eastern coast of Nicaragua. Let's explore and promote such negotiations and not contribute to their destruction.

Mr. WOLF. Our commanders have not said that.

No. 1, that is not the only way to achieve peace. I think negotiations are very important, but it is an important ingredient of achieving peace. Negotiations without force will be meaningless.

The reason I refer to the gentleman's side of the aisle is I think that is where we have the opportunity for good, decent, and honest people to honestly consider this.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. DICKS. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank my colleague for yielding.

I think the statements that have been made by the last several Members on the Democrat side of the aisle have pointed out the biggest flaw in their argument.

The question arises very simply when they talk about political and economic aid and giving ideas to the Contras and giving ideas instead of weapons.

Is there a single time in this century when an American economic or political plan has stood up to Soviet tanks? If you answer that question, then you can predict the success of the so-called alternatives that the gentleman has talked about.

Mr. WOLF. Mr. Chairman, I think the gentleman makes a very good point. Negotiations are important, but we need the force with these negotiations and with that force and with this $14 million, we can bring about peace, freedom and the right of religious freedom and assembly and freedom of speech in Nicaragua. I think that is what we all want. So let us vote for that $14 million.

Mr. DICKS. Mr. Chairman, I yield 6 minutes to my colleague, the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, Nicaragua has two problems, poverty and war. Additional funding to the Contras is not going to help solve either problem.

Last week I went to Nicaragua and took a 6-hour drive north of Managua up to Jinotega, where the resettlement camps are beginning to be constructed. Hundreds, thousands of people are planned to be herded into these resettlement camps over the next year or two.

As you talk to these villagers, one thing becomes clear. The do not care whether the Sandinistas win or the Contras win. As you go from person to person and ask them, they do not even know who Ronald Reagan is. All they know is that there is a war in their countryside, their God-forsaken countryside, which is ripping their young men out of their homes as the Sandinistas draft them into their army or the Contras come through at night and try to conscript them into their forces. War is ruining these families, dislocating the entire countryside and, in fact, making it impossible for a country, which with Honduras, with the exception of Haiti, is in the worst economic situation in the Western Hemisphere, to keep its people out of poverty.

□ 1510

I have become convinced that the almost guaranteed result of additional war, additional fighting in this region will be that we will antagonize, radicalize, Vietnamize, and ultimately communize this country as we will in any other country that we seek to use military muscle as the basis for solving of problems.

These people want peace and it is clear that the only way that this war continues is by the continued American support for the Contras. Let us get down and admit it, 15,000 Contras cannot overthrow the Government of Nicaragua. It is not going to happen.

Although we would like it to be so, all evidence to the contrary indicates that the longer this war continues, that the more justification this government has for restrictions of freedom of the press and speech and the criminal justice system, and for the importation of Soviet and Cuban advisers. In fact, there has been an escalation of this kind of conduct over the past 4 years almost in direct response to the commitment which we have made to the Contras.

There has been a disproportionate commitment made to their military budget over the last 4 years, almost a direct result of, in fact, their need to beat back any attempts to, in fact, have a military overthrow in their country.

If we were, in fact, serious about bringing peace to this region, we could not have constructed a more systematic undermining of a long-term peaceful solution to the problems of this region. But what we now see is in fact, as General Gorman has stated, an impossibility of a military overthrow and at the same time an exacerbation of the military and militarization of the society in which we should be seeking to bring a peaceful solution.

Mr. WEBER. Will the gentleman yield?

Mr. MARKEY. Let me finish my opening statement and then I will be glad to yield to the gentleman.

The Sandinistas are no angels. We will stipulate that at the outset.

But funding the covert war in Nicaragua is not going to soften the hard liners inside the Sandinista movement. That war has been going on for years, and it has hardened and radicalized the positions in the region.

I talked to an opposition leader in Honduras last week. He said to me that the United States is using Honduras in an attempt to destabilize Nicaragua. But what may well really happen is that instead of destabilizing Nicaragua we are going to wind up destabilizing Honduras because of the tremendous military buildup inside of the country.

The Reagan administration is trying to prevent another Cuba in Nicaragua. But we are in fact creating another Cuba in Nicaragua by forcing them to become more and more dependent upon Soviet and Cuban aid in order to beat back the Contra attempts to overthrow their Contra war.

Mr. WEBER. Will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Minnesota.

Mr. WEBER. The gentleman has said our policy is going to lead to the communization of the region. That is the gentleman's word, not mine. We have provided a justification for the continuing repression by the Sandinista Government, that our policy is leading to the destabilization of Honduras.

I just want to make sure I understand. Is the gentleman saying that the primary source of problems in Central America is the United States?

Mr. MARKEY. The primary source of the problem in Central America is poverty, injustice, hunger, lack of commitment to the real underlying concerns.

I will reclaim my time. I reclaim my time.

The underlying problems in that region are that. Rather than addressing those problems, we have decided, as we have over the past 5 years in that region, to continue to try to find a military solution to a problem which is ultimately social and economic in cause. And in fact, as a result, exacerbating a problem which could have been alleviated if in fact we had tried to build an umbilical cord of economic and social relationships between our country and the Contadora countries, and a small poverty stricken country which cannot in any manner, shape or form expect the Soviet Union, 5,000

miles away, to serve as their long-term economic relief.

Mr. BROOMFIELD. Mr. Chairman, I yield 8½ minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, I would like to ask my colleagues on the other side of the aisle whether they realize that the position they are taking on this issue flies in the face of Democratic leadership from FDR to Harry Truman to Hubert Humphrey to John F. Kennedy to Henry Jackson to Zbigniew Brezezinski.

I would like to go back to statements John F. Kennedy made at the time of the Cuban crisis in 1961. He states:

* * * it is clear that the forces of communism are not to be underestimated, in Cuba or anywhere else in the world. The advantages of a police state—its use of mass terror and arrests to prevent the spread of free dissent—cannot be overlooked by those who expect the fall of every fanatic tyrant. If the self discipline of the free cannot match the iron discipline of the mailed fist—in economic, political, scientific, and all the other kinds of struggles as well as the military—then the peril to freedom will continue to rise.

Does not that same statement apply today?

He went on to say:

The evidence is clear and the hour is late. We and our Latin friends will have to face the fact that we cannot postpone any longer the real issue of survival of freedom in this hemisphere itself. On that issue, unlike some others, there can be no middle ground.

In 1947 another Democrat, President Harry Truman, told the Congress:

I believe it must be the policy of the United States to support free people who are resisting subjugation by armed minorities or by outside pressure.

Yes, the dictatorship in Nicaragua is controlled by an armed minority that involves a few Nicaraguans at the top, thousands of Soviet and Cuban advisers, and a litany of what Jeane Kirkpatrick, up until recently, I might add, a well-known Democrat, calls the Soviet International Fighting Force.

Michael Novak, another Democrat, in a recent letter to the gentleman from Illinois [Mr. HYDE] closes by saying:

That is why I urge you and your colleagues to proceed with the most clear eyed realism. To my mind, it is indispensible that the power of the democratic forces seeking a democratic, non-Marxist Nicaragua be kept as strong as possible. Indeed, they should be encouraged to grow as powerful as the people of Nicaragua desire.

The false test is to wait to see how far the Sandinistas, unchecked, will go. The proper test is to see how strong the revolution against Sandinismo can grow. The latter is the proper course for those whose priority is liberty. Our own Revolution in the U.S. could not have been successful without outside assistance from France, Poland, and elsewhere. One should always bet on liberty.

I would like to quote some recent remarks from the last debate we had on this very issue by another well-known figure in the Democratic Party, the majority leader, who aspires to be Speaker of the House. On the situation in Nicaragua he stated:

There is no question that the Sandinistas have very nearly completed a transition to a police state in Nicaragua. They have installed in each city residential block an informer whose official responsibility is to report to the government whenever there are meetings of as many as four or five people gathering in any home—reminiscent of Hitler's Nazi Germany.

On the threat that Nicaragua poses to its neighbors the distinguished gentleman from Texas [Mr. WRIGHT] went on to say:

I do not think there is any question that they pose a threat to their neighbors, not only to those neighbors into whose territory they have sent armed guerrillas. Also that threat is felt in Costa Rica and Panama.

* * * in Costa Rica they have tried to create general strikes. They have been unsuccessful because of the popularity of the Costa Rican democracy and the Costa Rican leaders. Nevertheless, such attempts are being made.

On Central American hesitation for publicly closer relations with the United States, the words of the gentleman from Texas [Mr. WRIGHT] are telling. "One national leader . . . whose identity will evoke real credibility with you, said a very revealing thing to me in private, in answer to a question. He said the reason leaders in Latin America are loathe to cozy up very closely in public to the United States and publicly to endorse our policies is because of our habit, he said, of abandoning those who have been our best friends." I repeat, "* * * abandoning those who have been our best friends."

□ 1520

Zbigniew Brzezinski says, in a recent newspaper article:

These policies are logical extensions of those the Carter administration was beginning to adopt in its last few months in office. They include plans for social and economic development and aid for the anti-Sandinista resistance as well as pressure on Managua for pluralism and democratic reform.

Another democrat with a small "d" respected here in the Congress, Jose Napolean Duarte, said about the President's initiative: In a recent letter to President Reagan:

Your initiative and approach have my complete support and I strongly urge all of the friends of Central America in your Congress to give it their full backing. It is the right step at the right time in our quest for peace and democracy in this region.

While House democratic leadership seeks to pull the rug out from under our assistance to democratic forces in Nicaragua, Fidel Castro continues his support for armed insurrection in Central and South America. According to a recent article in the Washington Times, Roger Fontaine stated that "Fidel Castro's top intelligence operation officer recently made clear that Cuba would continue its aid to Salvadoran Marxist guerrillas and other insurgent forces in Latin America."

Thus, under pressure from democratic leadership, the United States curtails its support, pulls the rug out from the democrats, small "d", fighting in Nicaragua while Castro goes on supporting so-called revolution.

Certainly this is not the democratic leadership of FDR, Truman, Kennedy, and Humphrey. Recently there has been a nationwide debate over the future of the Democratic Party. Mr. ASPIN, the distinguished chairman of the Armed Services Committee of this House, said that "Democrats need to cease to be naysayers on defense issues."

Arizona Governor Babbitt talked recently about Democrats shifting toward the center. The issue of aiding democratic resistance in Central America is a major test of the Democrats' actions not just words in their effort to shift back into the center. This issue will have a chilling effect if the House democratic leadership has its way; it will have a chilling effect on the more conservative and moderate democratic efforts to move their party back into the center.

Mr. ADDABBO. Mr. Chairman, I yield myself 30 seconds. I will tell the gentleman who just left the well that the Democrats do remember the Gulf of Tonkin resolution and that is why we oppose the resolution before us, House Joint Resolution 239. This joint resolution approves military assistance only and has nothing to do with humanitarian assistance. We should not supply arms to the Contras and encourage armed conflict in the area.

Mr. Chairman, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. First of all, Mr. Chairman, I am putting in the RECORD the letter that all of us were sent by over half of America's living Nobel laureates urging this body to turn down the aid to the Contras. I think it is a very, very important letter; it is one of the most elite and distinguished and intelligent groups this country has produced. I certainly hope that everybody reads it. I know you all have copies in your office.

I also hope the people look at the bipartisan alternative which I think is the way that we should be going. We should be trying much harder to go back to our tradition of a bipartisan foreign policy.

Now what can be said here that is new? I'm trying to respond to the debate rather than just give a standard speech.

What I have heard from Members over and over again is they keep citing Democrats and keep saying today's Democrats have not learned from them.

Well, let me tell you, I think these Members have their history wrong. We Democrats did learn something. We learned something under Kennedy, and because we Americans tend to be so poor in history let me refresh your memory.

Under Kennedy we had two things that went on in Latin America. One happened to be very successful and one happened to be an absolute disaster. We only tend to remember the disaster.

The disaster was the Bay of Pigs. The Bay of Pigs was analogous to what we are being asked to do in Nicaragua by funding the Contras. Because the Bay of Pigs policy failed, Cuba has been a real thorn in the side of the hemisphere ever since.

Where was the success? Maybe I am a dinosaur, but I remember when I was in college in the early 1960's people were afraid that the Castro-type revolution was going to be exported all over Latin America. Remember the people that we saw in our news magazines in the 1960's that we were all taught to be very fearful of, and rightfully so. They were Che Guevarra and others of that type who had been trained by Castro and were actively working in Latin America trying very hard to overturn governments.

Colombia happened to be one of the countries they wanted the worst. La Violencia was the guerrilla group working in that country and was doing an absolutely excellent job of trying to subvert the Government. I remember this and I remember this very well because I was in law school with many students from Colombia. One of the days that sticks in my mind the most was going over for breakfast one morning and one of my friends, a Colombia student was reading a letter from home saying "I don't think I can go back home." The reason was the letter was from a friend of his in the Department of Agriculture in Colombia.

La Violencia had approached him and asking him to do certain illegal things and the friend had rightfully said, "No." Nevertheless, the guerrillas had their own way of handling it. They had kidnapped the man's young daughter, 5 years old, cut off both her hands and when he went to work the next morning she was sitting outside his office with a note pinned to her saying, "Next time you will do what we say. La Violencia."

The guerrillas were a real force in Latin America in the 1960's. They had taken over the taxicabs in many of the urban cores, which was a very effective strategy; and there were many, very many dangerous things going on. In the 1960's there was concern in America, for those of you who have forgotten, that all of Latin America could have gone the way Cuba went. Instead, Kennedy, to his credit, learned something from his Bay of Pigs policy and approached the rest of Latin America differently. He formed the Alliance for Progress and he sent the Peace Corps into Colombia and Latin America, not the Marines.

By changing the approach, Kennedy turned the situation around. The United States beat the guerrillas by building roads, by building schools, by educating people, by teaching people to form cooperatives, by teaching people how to get coffee beans to market and on and on and on.

I think what is going on in Central America today is terribly analogous to Latin America in the 1960's. Please, let us look at the historical precedent we tend to forget, but the one that worked. If you look at what is going on in Central America today you find poverty, poverty, poverty, poverty; you find a long history and really no experience with democratic traditions. We tend to call them banana republics up here. I must say that I have toured Central America. I have not seen anything that looks like a republic except for maybe Costa Rica. They are not republics as we know them north of the Rio Grande.

Let us look at the root causes, let us look at the poverty, let us look at the history, let us not do the wrong thing and let us look at what our Nobel laureates are pleading with us to do and vote "no" on this resolution.

Mr. BROOMFIELD. Mr. Chairman, I yield 6 minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Chairman, I believe the resolution before Congress demands that we know what the issue is, and what the issue is not.

It is not whether some rebels fighting the Communist regime in Managua have committed some atrocities. I am sure that, as with every guerrilla war, some atrocities have been committed on both sides—and I deplore and condemn them. But, that is not the issue.

Nor is the issue whether to send American combat troops. Nobody here is suggesting that. Giving arms is not sending American combat troops.

Nor is the issue whether we can afford the $14 million. For a nation that spends many times that on one missile, that certainly is not the issue.

Then, what is the issue?

I believe, Mr. Chairman, the issue is simply this: In a contest between a Communist regime and forces that seek a more deomcratic form of government will we choose to support the Communist regime, stay neutral, or support the democratic resistance?

On the one side is a regime led by avowed Marxist-Leninists. This regime promised fair and open elections; yet junta member Bayardo Arce himself admits that the elections were a propaganda ploy and that the Communist Sandinistas had no intention of handing over power to their opponents. This regime promised political pluralism; yet the Army, the militia, and the police are the private property of the ruling political party. This regime promised to remain nonaligned; yet in addition to inviting some 10,000 Cuban, East German, Bulgarian, and Soviet advisers to help run things, the Communist Sandinistas receive some $300 million per year in aid from the Soviet bloc, aid which they have used to arm the largest and best-equipped army in Central America.

To what sort of a Nicaragua do the Communist Sandinistas aspire? They have sought to disrupt and to intimidate independent labor unions and to replace them with such party-controlled unions as exist in the Soviet Union—run by Communist stooges. They have set up a nationwide network of neighborhood defense committees modeled after the Orwellian spy system of their Cuban mentors. They have so restricted the freedom of the press that today the one independent newspaper must submit its stories to a censor. They have used the resources of the state to advance the interests of their favored side in a controversy within the Catholic Church. Finally, they have categorically refused to engage in any negotiations toward national reconciliation.

On the other side of this choice are the groups which espouse democratic ideals and economic opportunity. These groups are led by individuals who for the most part helped to lead the democratic opposition to the Somoza regime—and without whose cooperation Somoza would never have been overthrown. Many of these individuals were prominent in the government of National Reconstruction—until the Communist Sandinistas stages a de facto coup d'etat.

Mr. Chairman, in this struggle between these two sides we cannot just remain above it all and sprinkle food and medicine on both sides or sprinkle our dollars around among other neutral mediating countries.

We must choose. In this contest between those who seek Communist rule and those who aspire to democracy and economic opportunity, we must choose the latter.

This issue and choice, Mr. Chairman, will not go away. The struggle in Nicaragua will go on. And so will the struggle for democracy in other places. The United States must always take the side of those who share our ideals. That does not mean that we need to send American troops or that those who we help will be perfect. But, I believe it does mean that we should help those who are trying to help themselves.

If we do not choose we must answer the question posed to me by the leader

of one of the Nicaraguan democratic resistance groups, the famous Commander Zero, Eden Patora: "Why is it," he asked me, "that when I fight Somoza I am a hero in the United States, but when I fight the Communists, nobody cares?"

□ 1530

Mr. ADDABBO. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, we are here today to debate the question of whether or not to authorize funds to support the Nicaraguan Contras. What is at stake here, however, is not merely the immediate question of whether or not the U.S. Government should allocate a certain amount of money for a particular purpose. What is at stake is something more important. That is: What is the direction of U.S. Central America policy to be? Will it be to go down the path of greater and greater dependence on military power in an attempt to force a solution to the conflicts in the region? Or will we reject that path, as well we should, and give peace and diplomacy a chance?

Mr. Chairman, on April 3, President Reagan, as required by the 1985 continuing resolution, submitted to Congress a report requesting release of $14 million for military operations in Nicaragua. At the same time this request was submitted, the President announced a so-called peace plan, which proposed a cease-fire between the Contras and the Nicaraguan Government, and church-sponsored negotiations between the two parties. Under the President's plan, the $14 million in U.S. aid for the Contras could only be used for "humanitarian" purposes, such as buying food and medicine, for 60 days. If the Sandinista government of Nicaragua was not negotiating with the Contras at the end of 60 days, the U.S. funds could be used for military purposes.

The President's plan has been characterized as an apple with razors, and that is indeed what it is. This proposal offers much to the Contras, but little real measures to obtain peace. If the Sandinistas do not accept this plan, then the United States could resume military aid to the Contras. If they do accept it but don't reach agreement with the Contras within 60 days, then the Contras can refuse to prolong the negotiations, and the United States would be able to resume military aid to them. Under the guise of offering an olive branch, President Reagan is clearly attempting to legitimize military aid to the Contras. This amounts to an effort on the part of the Reagan administration to obtain congressional approval indirectly for what Congress has indicated three times it would not approve directly, for even if the $14 million were used for humanitarian purposes, this U.S. contribution would free up other Contra funds for military purposes.

Around this time last year—on April 12, 1984, to be exact—this body was debating a resolution expressing the sense of Congress that no appropriated funds shall be used for the purpose of mining the ports or territorial waters of Nicaragua. That vote was important because it was thought that how Congress voted would determine whether we chose blindly to accompany the Reagan administration down its path to war in Central America, or whether we chose to put the brakes on a dangerous and misguided policy. The resolution carried overwhelmingly.

During debate in the other body last April on providing military assistance to the Contras in Nicaragua, it was repeatedly assured that the Contras were not engaged in efforts to overthrow the Nicaraguan Government. The other body was repeatedly told that the Contras were not conducting a war to destroy the economic infrastructure of that country. President Reagan himself sent a letter to the other body assuring it that the United States did 'not seek to destabilize or overthrow the Government of Nicaragua; nor to impose or compel any particular form of government there."

Yet, last April, two disturbing reports appeared in the newspapers about possible future administration action regarding Central America. On April 8, 1984, the New York Times ran a story, "U.S. Said to Draw Latin Troops Plan." The lead sentence said:

Senior officials in the Reagan administration say that contingency plans are being drawn for the possible use of U.S. combat troops in Central America if the current strategy for defeating leftist forces in the region fails.

And on April 10, 1984, a Washington Post headline read, "CIA Views Minelaying Part of Covert 'Holding Action'." The first line read:

The CIA views its involvement in the laying of mines in ports off Nicaragua as part of a holding action until its covert war against that country's leftist Sandinista government can be stepped up if President Reagan wins reelection, according to senior administration officials.

The contents of these stories were repudiated in an April 10, 1984, White House statement. But what are we to believe with respect to White House policy on Central America? President Reagan himself has described the Contras, who are armed insurgents who seek to overthrow the Nicaraguan Government, as "freedom fighters" and the "moral equivalent of our Founding Fathers." He has characterized Nicaragua as a "totalitarian dungeon" where a "Communist reign of terror prevails," and has all but called for the overthrow of the Sandinista government. In order to help the Contras achieve that goal, some 2,000 copies of a manual, "Psychological Operations in Guerrilla Warfare," was prepared and distributed by the CIA to the Contras. Among other things, the manual instructs on the "selective use of violence" and, among other things, explains how "to neutralize carefully selected and planned targets."

Unfortunately, Mr. Chairman many violations of human rights by the Contras have surfaced. While some Contra leaders have undoubtedly behaved properly, respected human rights groups have chronicled a terribly disturbing pattern of attacks on civilian targets resulting in the killing of unarmed men, women, children, and the elderly; premeditated acts of brutality including rape, beatings, mutilation, and torture; kidnaping of civilians; assaults on economic and social targets, intimidation of civilians; and kidnaping, intimidation, and even murder of religious leaders who support the government.

Two attorneys of a fact-finding delegation wrote:

To the extent that it is reasonably forseeable that—the Contras—will continue to engage in such acts, any provision of aid to the Contras, directly or indirectly, by the Government of the United States would render our Government responsible for their act.

Mr. Chairman, there is much to criticize about the Sandinista regime. To put it mildly, it has proven to be a great disappointment to those of us who were willing to give it a fair chance. Its abuses include restrictions on religion, speech, press, and assembly; the establishment of special courts outside the regular judiciary system that politicizes the administration of justice; the mistreatment of prisoners; incommunicado detention; the failure to acknowledge arrests leading to the disappearance of some of those arrested; and the horrible mistreatment of its Indian minority. But giving $14 million to the Contras will do nothing to bring about needed reforms by the government in power. In fact, such a military threat will have the opposite effect, will entrench them further, and will drive the Sandinistas into more and more dependency on Cuba and the Soviet Union.

Mr. Chairman, the path of the Reagan administration's Central America policy is littered with the debris of a misguided endeavor. At the heart of this flawed policy is the administration's failure to understand the underlying causes of the problems and conflicts in the region and to pursue a peaceful resolution of them. Surely there is no responsible Member of this body, indeed no responsible American citizen, who wants to see Communist dictatorships in Central America, or anywhere else for that matter. We all want democracies in that region.

Yet, Mr. Chairman, perhaps one of the greatest tragedies of this President's policy is that in the name of a rigid anticommunism, this President has perhaps become Fidel Castro's and the Soviet Union's best ally in Latin America. In trying to forcefully wrench the Nicaraguan Government from the grips of Marxist-Leninist ideology, he appears to be driving them right into the arms of those who espouse that very ideology. This is a tragedy, for no democratic country or citizen in the Western Hemisphere has benefited from this misguided effort.

A mechanism exists, however, for a peaceful resolution of the conflicts, but it is one that has been undermined by the Reagan administration. It is the Contadora process. The Contadora nations—Colombia, Mexico, Panama, and Venezuela—have long been seeking a basis for peaceful settlement of the fighting in Nicaragua and elsewhere in Central America. How little interest this administration has in the Contadora process is evidenced by the fact that they did not even consult with the Contadora group before announcement of the proposal we are debating today.

A bipartisan alternative to the President's propoal, the Hamilton-Barnes substitute, will be voted on tomorrow. Based upon progress being made toward peace and democracy, it continues in effect the prohibition on funding for military or paramilitary operations in Nicaragua without regard to fiscal year until Congress enacts a joint resolution repealing that prohibition. It does, however, provide $4 million for expenses arising from the implementation of a Contadora agreement, such as expenses for peacekeeping, verification, and monitoring systems.

In addition, $10 million is provided for humanitarian assistance for refugees who are outside of Nicaragua, regardless of whether they are associated with the Contras. This assistance may be provided only through the International Committee of the Red Cross or the U.N. High Commissioner for Refugees upon the determination of such organization that the assistance is necessary for humanitarian purposes, and may not be provided for provisioning combat units. It also provides that the President must report to Congress every 3 months on the progress made in achieving the objectives of the resolution and on any expenditure of funds under the resolution.

Mr. Chairman, I support this compromise because its goal is peace, arrived at peacefully through the 21 Contadora principles. It provides for a congressional role in determining whether progress is made toward peace and democracy in Nicaragua, and explicitly states that that determination will be made within the context of a regional settlement.

It is reassuring to me that the $10 million in humanitarian aid would be provided only through the International Committee of the Red Cross or the U.N. High Commissioner for Refugees. These are organizations with established reputations, and there is reasonable assurance that this money would be used for humanitarian aid and nothing else.

Mr. Chairman, the Reagan administration's Central America policy is based on increasing militarization and force. Make no mistake about it: It is up to this body to stop this dangerous drift into direct military involvement in the region, for that is indeed where this administration is leading us. In response to the question of what is the direction of U.S. Central America policy to be, we must state clearly and strongly that it is in the direction of searching for a peaceful settlement to the conflicts and problems in the region. It is the only rational policy to endorse. Any other is fraught with danger for this country and this hemisphere.

Mr. Chairman, our President has become fond of quoting President Franklin D. Roosevelt. President Franklin D. Roosevelt, one of the greatest and most authentic freedom fighters of this century, put it this way: "More than an end to war, we want an end to the beginnings of all wars." Rejecting the President's proposal on Central America, on the Nicaraguan Contras, will help achieve that goal on this vital issue.

□ 1540

Mr. STUMP. Mr. Speaker, I yield 6 minutes to the gentleman from New Jersey [Mr. GALLO].

Mr. GALLO. I thank the gentleman for yielding me this time.

Mr. Chairman, I had the opportunity just 2 short weeks ago to visit—along with a colleague of mine, DAN BURTON from Indiana—Guatemala, El Salvador, and Nicaragua. I would like to just focus in on Nicaragua itself, because I think El Salvador, although it has some problems, it has democracy and a foundation for democracy that is moving in the right direction.

On the other hand, when coming into Nicaragua, I must admit I had some preconceived feelings in support of the President's peace proposal. I had one question in my mind as to whether or not the moneys we were talking about would have any impact on the Nicaraguan. I wanted to find out whether or not a lot of the innuendos I have heard and a lot of things published in the press were things of fact or fiction.

Let me say to you that there is no democracy in Nicaragua and certainly there is no peace. We had the opportunity to meet with the private press, La Presia, finding from the editor and also the owner that they have been closed down some 36 times as a result of censorship. What were some of those things that were being censored? The New York Times editorial in favor of the President's peace proposal. The editorial of the Washington Times in favor of the peace proposal.

What else was censored? The President's peace plan. And also censored was the Speaker's objections to that peace plan. What was very obvious to me and Congressman BURTON is that they did not want the people of Nicaragua to know anything about a peace proposal. That is one of the first things I was confronted with: A lack of freedom of the press.

I went to a radio station that has been in existence 26 years. A nondenominational radio station, religious in nature, having priests and pastors give sermons and also religious information. To find that they are in fact after that sermon is put on tape, to find that they have to be transcribed and given to the government for approval, again shows the censorship and the lack of sensitivity to those original concepts that many people fought for in that revolution.

So there is no question in my mind that there is no freedom of expression and there is no freedom of religion. We had an opportunity to talk with a civil rights organization independent of the government; independent of any government, they have five areas or five offices in Nicaragua. They have received over 100 complaints a month dealing with atrocities by the Sandinistan government.

The question was asked by Congressman BURTON: How many have been registered by the freedom fighters or against the freedom fighters? Eight. He clarified that: is it eight a month? No; it was eight since 1982.

We talk about free enterprise. We had an opportunity to talk to a cotton grower, a coffee grower, a bottling company, and also Texaco refinery. We said, "Is there free enterprise there?" We have heard it. He said let me tell you what free enterprise means to the Communists. One, they tell me who I hire. They tell me how much to pay; they tell me what I grow; they tell me who I sell it to; and they tell me how much. That went right down the wire, every single one of those.

We had one opportunity to talk to an official of the Nicaraguan Sandinista government. Asked if he was a Communist, he said, "What is a Communist? What is in a name? A Communist, a socialist, a capitalist?" We went down every one of those violations I just mentioned and he admitted every single one of them, and he blamed it on the war.

This bill is very important. It is going to send the right message to the right people. It deserves your support.

Mr. ADDABBO. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. I thank the very able chairman of the Appropriations Subcommittee for the excellent work he is doing here and on other measures.

Mr. Chairman, we ought to be clear that we are not simply talking about messages here. We are talking about killing people. We are talking about appropriation today American tax dollars to help people kill each other in Nicaragua. Sadly, there are times in this world when it is necessary for us to do that. We are not pacificists here, very many of us, and we cannot afford to be.

We ought to be very reluctant to commit our tax dollars to situations in which we subsidize people to kill each other. There has been a lot of talk about atrocities, and people on the left have talked about the atrocities of the Contras and people on the right have talked about the atrocities of the Sandinistas. I am inclined to believe that both sides are guilty of them, because when men go to war, they do not just kill each other; they inevitably, with the best will in the world, with modern weapons, will kill innocents. In some cases, the best will in the world is not there and I think that is ture on both sides here.

We are not talking now about whether we like the Sandinistas or not. Since when was it a rule that if we decline to spend American tax dollars to finance civil war in a country that meant we were supporters of the country. That meant that we somehow endorsed their form of government.

Let us point out again that this administration is about the best friend in the world today of the racist government of South Africa. I would like to change that policy, but I do not know anyone in this House who is advocating that we take $40 or $50 million, the equivalent of the 14 with this population, and finance armed revolt in South Africa. Let us not present that there is any great sense in this House that because of an absence of democracy in Nicaragua we are so outraged that we will finance for that reason an attack on it. Not when we have in the White House and the State Department and the Defense Department South Africa's best friends. A government far more repressive in the treatment of the overwhelming black majority than the Nicaraguans have ever been.

Let us not present that the Chilean Government, which is more repressive and less involved in civil liberties, is going to see us finance an attack. The issue is not whether or not we are trying to force a democracy; that has not been a major goal with this administration, and if it was, it is not by force of arms. I do not think people want seriously to advocate that America becomes the international 911 of the Civil Liberties Union. They are censoring a newspaper, which they are and which I regret and which I criticize; send down an American hit squad. They indicted an archbishop in South Africa, are we going to send out another American hit squad? We only have a right to commit American tax dollars to subsidize warfare when our national security is at risk.

I do not believe that the world's greatest superpower is threatened by this poor and disorganized and badly governed country. There has been in this House a consensus from 1981 on, if they are threatening their neighbors, funds could easily be voted for interdiction. There is no dispute; if Nicaragua were to threaten Costa Rica, I think there would be overwhelming support in this House on both sides to say we will step in and prevent that.

□ 1550

But we are being told that it is simply that we cannot tolerate the presence of this Marxist-Leninist regime. The President is, of course justly proud of the great relations he has forged with the People's Republic of China, and I think they are making some strides there, but let us not confuse Deng Xiaoping with the head of the Chamber of Commerce. Let us not lull oursevles into thinking that somehow the mainland Chinese have abandoned Marxism-Leninism because we have chosen for strategic reasons to be their friends.

We are being asked to subsidize warfare, the killing of people, with American tax dollars, because why? The only argument could be that they threaten our security. I do believe that Nicaragua under certain circumstances could be a threat to its neighbors and I regret that they have, unfortunately, been willing to act as a threat in some ways, although exacerbated somewhat by us.

It is a little hard to be making war on people and then criticize them for having a big armed service. We do not, in my judgment, face that kind of threat. We do not face the kind of threat to our security that justifies this kind of revolution.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I would submit to the gentleman that the Killing Fields that occurred in Cambodia was a direct result of the U.S. Government, particularly the Congress, taking the stance that the gentleman has advocated just now and that is to say there is no direct threat to the United States and, therefore, we are not going to get involved in a civil dispute.

Would the gentleman say in retrospect that we should not have helped the resistance against the Khmer Rouge in Cambodia?

Mr. FRANK. I would say to the gentleman I was not in Congress right then, that by our involvement in Southeast Asia and in bringing the war into Cambodia when it had not been, we contributed more to the killing. The analogy simply fails.

If we vote for this $14 million, and this is just the down payment on hundreds of millions more to come in this administration, the cost, by the way, if you believe the only justification for making war down there, which is what you are asking us to do, when you send people down to shoot other people, that is called war, and let us not kid people.

The CHAIRMAN. The time to the gentleman from Massachusetts [Mr. FRANK] has expired.

Mr. ADDABBO. Mr. Chairman, I yield 1 additional minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. I thank the gentleman for yielding me this additional time.

Mr. Chairman, if we really believe that our security is at stake, then we have to believe the plan the Reagan administration has been talking about of sending down American troops, because no one thinks the Contras can win. No one thinks at this level they are going to win.

So I would say to the gentleman that I think there were mistakes made in Southeast Asia, but a greater mistake will be made today in terms of what we can control if we continue to subsidize war and killing. The notion, the fig leaf, that we are concerned because of the lack of democracy, yes, I am very critical of the lack of democracy in Nicaragua, but I am more critical——

Mr. HUNTER. Is the gentleman telling me that the killing of 3 million people in Southeast Asia was right?

Mr. FRANK. I have not yielded, and I would ask for regular order, Mr. Chairman. I do remember the last time I asked my friend to yield, and he did not.

I have to say that it seems to me not quite legitimate, intellectually or morally, for people who have been as supportive of South Africa and the Philippines and Chile and South Korea to claim that they have democracy as a justification for killing in this instance.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding this time to me, and I thank him particularly for yielding so

I can respond to my friend from Massachusetts.

Mr. Chairman, let me just say that I think U.S. policy with regard to interference in other countries has been basically a policy of abandonment. In fact, we encouraged the freedom fighers in Cuba. We abandoned them in the Bay of Pigs. We encouraged the resistance in Cambodia. We abandoned them.

I do not think any gentleman, even the gentleman from Massachusetts, would contend in retrospect that allowing the genocide to take place, the Killing Fields that took place because of America abandoning the resistance in Cambodia, reflected an appropriate action by the U.S. Congress.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I will yield to the gentleman when I finish. I will give the gentleman a chance to comment or ask a question.

We encouraged our friends in South Vietnam, and we abandoned them. So I would contend that what is being advocated today is really a policy of abandonment, and let me just say to my friends who have naively said what we really need are ideas, we need economic approaches, we need political approaches.

There is nobody in the world who would contend that when Golda Meir was in trouble, when it looked like Israel was possibly headed for destruction, that instead of C5 aircraft that had M-60's that rolled out of those C5's to save Israel, we should have somehow sent a program of ideas and an economic campaign. Most Members of this House would have said that is baloney, and I can tell you today that nobody can cite a case in which an American campaign of ideas or an American economic campaign has stood up to Soviet tanks.

I will make one fast statement and yield to my friend.

It is a fact, regardless of how you construe the Contras or the Sandinistas, that in fact they are building military establishments that can be used by Soviet aircraft. In Grenada, the President showed a picture of a field that was being built, and he said this thing is going to be used by Cuban and Soviet aircraft. A great many Members said that is baloney, the President is hyping this thing again.

When we captured the 26,000 pounds of documents in Grenada, we got a document of a central committee meeting, a secret central committee meeting in which the recorder of the meeting said it has been decided the airfield will be used by the Cuban and Soviet military, and I think that is a pretty close quote.

Let us face it. No matter how you figure the Contras, no matter how you figure the Sandinistas, you have to concur and presume, everybody, liberals and conservatives, the Soviets are going to use the military equipment they are making this huge, multimillion-dollar investment in. We are giving them, whether you like the Sandinistas or not, or whether you think they are going to become more liberal or not, we are giving the Soviet Union military bases in Central America. If you can accept that, then that should be your argument that it is not worth it to go in and try to do something about it. If you cannot accept it, then we should do something about it, but let us not kid ourselves about campaigns of ideas overcoming Soviet tanks.

Mr. Chairman, I yield to my friend from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

I did not talk about campaigns of ideas and it would not seem to me a useful one at this particular time. My point is, and I appreciate that the gentleman from California is not pretending that democracy internally has anything to do with it, I appreciate his honesty. What he is saying is that we should be afraid because there will be some Soviet weaponry in Nicaragua. The Soviets have had Cuba as an ally for 25 years. That has caused some problems in Africa and I regret the way they have governed, but they have not threatened directly the security of the United States and no one that I know of is suggesting that if the Nicaraguan Government begins to threaten its neighbors that we ought to stay our hand, but that is not the policy the gentleman is defending.

The Reagan policy is four points, and one of them he says is until they agree to have free speech and free elections, we are going to make war on them. If the gentleman wants to talk simply in strategic terms, let us get a policy that deals with it and talk about it. That is not the policy. We are not being asked to send $14 million as a downpayment on hundreds of millions more, to have more killing, simply because of bases. The inevitable part of the policy as they advocate it is to include this facade of democracy.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding this additional time to me.

Mr. Chairman, let me just answer my friend that I remember a few years ago people were saying Cuba poses no threat to the United States and we can always do something if the Soviet Union puts weapons in Cuba. They did put weapons in Cuba. It was called the Cuban missile crisis, and the world was brought to the brink of nuclear war.

So the idea that somehow we can hold on and watch these massive airbases going into Nicaragua, and somehow we can say that is OK, if they bring Blackjack bombers in, if they bring Backfires in, if they bring missiles in, then we can do something about it, is to pay very little attention to the lesson that was taught to the Kennedy administration in 1962.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

Just for the record, in 1962 President Kennedy, in an agreement with the Cuban Government, got a concession that would agree that there would be no offensive missiles, no offensive weapons that would be based in Cuba.

Mr. HUNTER. I take my time back.

Mr. MARKEY. For the past 23 years there have been no offensive weapons in Cuba.

Mr. HUNTER. Would the gentleman say that that was a dangerous time for America?

Mr. MARKEY. And without question, it was resolved on the part of both parties.

Mr. ADDABBO. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. TORRES].

Mr. TORRES. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like today to associate myself with those colleagues who have stood here in the well and opposed this resolution. I do not do this lightly, but I do it because I have studied and experienced the situation not just in a period of 4 weeks or 4 days or a month, but I have been a student of Central America and I have been a worker and I have traveled the hemisphere for over 30 years looking at the situation as a trade unionist, as a diplomat, as a Member of Congress.

I believe the President's policy for Central America is an incorrect one. I believe his policy for Nicaragua is an incorrect one. It is flawed because I believe that our foreign policy for Central America is one at this time that advocates a military solution to what should be a diplomatic solution, one that we could resolve by simple diplomatic means, as I just heard my two colleagues before me articulate as to how President Kennedy was able to get the Soviet Union to keep its missiles away from Cuba, and for 22 years we have seen that situation prevail.

Last April I had the occasion to travel to South America, and Central America, visiting the major Contadora countries of that region, Venezuela, Colombia, Mexico, and Panama, and I was encouraged by the statements by the chiefs of state of those nations in the kind of work they were trying to

bring about for peace in the region through the Contadora process.

□ 1600

But each and every time they expressed to me the frustration they experienced at each step of peaceful conclusions that our foreign policy seemed to thwart those efforts.

Subsequent, to my trip to the Contadora nations, I did travel to Nicaragua in the company of congressional colleagues. We did meet with the opposition parties in Nicaragua. We met with trade unionists, we met with the Prensa newspaper, we met with Social Democrats and the Christian Democrats, and we listened to their grievances and problems that they said they were beset with under the Sandinista regime. We took those grievances and we took those complaints directly to Commandante Ortega, and we questioned him, and we said in no soft terms—we did not mince any words—we said, "Is it true you are doing this and that? Are you oppressing the people? Are you oppressing the press? Are you preventing trade unionists from carrying out their democratic prerogatives"?

To some of those queries he gave us some acceptable answers. Some answers were that the very Contras that they are opposing, as we have heard today, were former members of the Somozista government, that now that they were outside of office, now that they were on the outside, they wanted to impose their will upon the Nicaraguan people, and since this was a revolution, the revolutionary government was not going to let them come back in and take over where they left off.

Ortega was also concerned about our own actions, our own mining of Nicaraguan harbors, our own overhead reconnaissance flights, our own instructional manual for assassination attempts, and they were concerned about those very Contras he talked about, those representatives from the former terrorist regime.

Mr. WEBER. Mr. Chairman, will the gentleman yield?

Mr. TORRES. I will yield when I have finished my statement.

They were concerned with the kind of killing these people were perpetrating upon the peaceful people of Nicaragua, the peasants, the coffee growers, the businessmen. And yes, I think that all of us in this Chamber are dismayed by the kind of violence that prevails on both sides. It is a plague on both Houses. But I am dismayed to know that, as my colleague pointed out earlier, this Government, our House of Representatives, would perpetuate that violence through this resolution by killing with taxpayer dollars the people of Nicaragua.

Look at today's copy of this news journal "Newsweek" and see for yourself the kind of violence that American taxpayers dollars now perpetuate in Nicaragua. We should be dismayed by this kind of dispicable situation. It is true that I do not agree and my colleagues do not agree with all aspects of the Sandinista regime, but military intervention is not the answer.

The CHAIRMAN. The time of the gentleman from California [Mr. TORRES] has expired.

Mr. ADDABBO. Mr. Chairman, I yield 1 additional minute to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Chairman, I thank the gentleman for yielding me this extra time.

Mr. Chairman, I implore upon my colleagues here today, after having heard the debate on both sides, that we must choose a direction that does not—does not, I repeat—move us in the direction of killing more of these people. As my colleague, the gentleman from Massachusetts [Mr. FRANK], has just stated, we are perpetrating killing in this hemisphere, and I believe it is wrong.

Mr. Chairman, I believe the only solution to deal with this problem is to accept and adopt the Barnes-Hamilton substitute language that will be before us tomorrow.

Mrs. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. TORRES. I yield to my colleague, the gentlewoman from California.

Mrs. BURTON of California. Mr. Chairman, I really am very impressed with the gentleman's statement, and I know he is a statesman and a diplomat and knows the language. He has been to those places, and I want to join him in his statement. I say to the gentleman, you are very profound.

The CHAIRMAN. The time of the gentleman from California [Mr. TORRES] has expired.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Chairman, I would just like to say that I agree with the gentleman from California [Mr. TORRES] that we need to make certain that no additional money goes for this purpose, recognizing the fact that the United States should not be involved in intervening in the internal affairs of another country. I think on that note alone that we should vote this down.

Mr. Chairman, I rise today in opposition to House Resolution 239, which would provide $14 million in military assistance to the Contra forces fighting against the government and people of Nicaragua.

The administration's war against Nicaragua has become the centerpiece of its Central America policy. The administration's cavalier attitude toward legal restrictions which should govern its actions toward Nicaragua exemplifies its approach to the law with respect to Central America in general. Support for the Contras, whose aim is to undermine and potentially overthrow the Nicaraguan Government, violates both international law and treaties. Moreover, one must ask how we can fund an armed insurgency against a country with whom we have diplomatic relations?

Too little has been said about the terrorist activities of the Contras. There are well-documented reports of kidnapings, torture, and rape of both Nicaraguan citizens and foreigners in the Atlantic coast area. The brutality of the Contras is described in two recent reports "Violations of the Laws of War by Both Sides in Nicaragua 1981-85," by Americas Watch, and "What We Have Seen and Heard: The Effect of Contra Attacks Against Nicaragua" by the witness for peace project. Both reports indicate that human rights abuses by the Nicaraguan Government are far less severe than actions by the Contras. As the witness for peace project indicates "to equate the Contras to our Founding Fathers as President Reagan has done, does violence both to our history and to the reality being lived by the Nicaraguan people; while some discontent with the Sandinista Government does exist, the methods used by the Contras only convince the people that the Contras are carrying on the brutal tradition of Somoza's former national guard. The United States is pouring millions of dollars into a group that will never become a viable democratic alternative to the Sandinistas."

I urge my colleagues to reject this $14 million appropriation which will only lead to more killings and suffering for the Nicaraguan people. We would all do well to remember the words of John Quincy Adams on July 4th in 1821, when he said:

> The true American goes not abroad in search of monsters to destroy. . . . (America) well knows that by once enlisting under other banners than her own, were they even the banners of foreign independence, she would involve herself, beyond the power of extrication, in all wars of interest and intrigue, of individual avarice, envy, and ambition. She might become the dictatress of the world: She would no longer be the ruler of her own spirit.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank my friend for yielding.

I was over in my office and heard some of the spirited debate, and I just want to comment on what I can only characterize as hypocrisy in talking about our making war, subsidizing war in Nicaragua.

At least three times this House has voted and the Democrats overwhelmingly have defeated our effort to have the funding of the Contras on a reciprocal basis. If the Nicaraguan Sandinistas would stop exporting revolution to El Salvador, we would stop funding the Contras. And they voted no. They said, no, they would not accept that as a basis for the funding. So obviously the fact that they are exporting revolution does not bother them.

Then I heard praise for the settlement by President Kennedy in Cuba, saying that negotiation is the way to go. There was a naval blockage as I recall. Let me say that Cuba has 2,800 Soviet combat troops over there, 2,800 Soviet military advisers, 2,100 Soviet technicians at their Lourdes electronic intelligence facility, 950-plus tanks, 250 Mig-21's and 23's, and 3 submarines. That is some solution.

Now, if you look at Punta Huete, the airfield that has just been built in Nicaragua, that is not for Piper Cubs or tourism; that is for long-distance reconnaissance planes, and the Soviets fly those up the east coast out of Cuba, and now they can fly them up the west coast out of Nicaragua.

So it is very serious, but some Members just do not take communism and the penetration in our hemisphere seriously enough. I do not know what it takes to get them awake.

Mr. COURTER. Mr. Chairman, I thank the gentleman for his observation.

I would like to ask the gentleman a question, too. Perhaps he can answer it for me.

It was mentioned during the debate that this was a United States war in Nicaragua. It seems to me that the Contras were not created by the United States, but they were in fact created by the totalitarian Sandinistas in Nicaragua. They abandoned the revolution. It was hijacked in 1979. They said they were for pluralism, they said they were for democracy, and they said they were for free speech and freedom of the press, and, therefore, because of their subjugation of their own people, they created the Contra movement; is that correct?

Mr. HYDE. Well, of course. They have definitely followed a time schedule.

We were sending them money as fast as we could, and they were in Cuba consolidating the guerrilla groups in El Salvador. We wanted to send our Peace Corps down, our lovely, dewy-eyed, pink-cheeked Peace Corps, to help those people. They did not want the Peace Corps. They wanted Cuban technicians in there, and Bulgarians, East Germans, and PLO. Then they started building the biggest military machine in Central America while we were still here dumfounded and sending them the money. That is what happened. The revolution was betrayed.

Mr. COURTER. Mr. Chairman, I thank the gentleman very much, and he is absolutely correct.

As well as the Cubans and East Germans and Bulgarians and, as the gentleman mentioned, the PLO, the Soviets are sending about 7,000 barrels of oil a day to Nicaragua. And the Libyans are sending materials. In fact, the Libyans are the greatest supplier of war materiel at the present time in Nicaragua.

Very often we can tell a countries' plans and which direction they are headed and what their policy is going to be not only by what they say, not only by the policies they adopt and what they do, but by who their friends are. We look at Iran that is helping Nicaragua, we look at the Communist-bloc countries and their involvement there, and we see the fact that Mu'ammar Qadhafi is sending aircraft to Nicaragua. He has sent about $140 million of military aid. He has sent surface-to-air missiles, SA-7's, and he has sent a large variety of helicopters. That is Mu'ammar Qadhafi. For those people who forget, he is the gentleman who runs Libya and does not believe that the Israelis have a right to exist.

The PLO is now involved in Nicaragua, for those people who forget about the PLO, we cannot forget Yasser Arafat. He is the person who specializes in affirmative action in the marketplaces of Israel.

□ 1610

You can go on and talk in terms of the East Germans. They are there as well. So you can tell what is happening to a country not only by what they say, not only by what they do, but also who are their friends, who they associate with.

I, too, was in Central America, in Nicaragua.

I remember talking to an individual who owned a shop. He had a daughter that was about 7 years of age, 6 or 7 years of age, I am not sure.

And he said, "Congressman, do you realize what is going on in the educational system in Nicaragua?"

And I said, "Well, I'm not positive."

He said, "Let me show you."

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield an additional 5 minutes to the gentleman.

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding.

He gave me a textbook that his daughter was using in grammar school. I looked at it and thumbed through the pages. I happened to Xerox a couple of the pages from the textbook and I would like to hold both of them up for you for your perusal and edification. One, as you can see, this little goody here, this is what they are teaching young Nicaraguan students, young boys and girls, that is how you add in the totalitarian Communist Marxist Leninist Nicaragua. Two plus two machineguns plus two hand grenades is six. Three hand grenades plus three hand grenades, that equals six. Two times three, that equals six as far as hand grenades is concerned. Also the same thing with regard to submachineguns and people in uniform.

Everybody should recognize precisely what is happening in Nicaragua today. It is a Communist regime that is gathering its momentum, that is consolidating, that is, in fact, if not today will be a security threat to this country.

I also want to mention the fact that in the other body there was some testimony earlier this week, it has not really been mentioned during the debate we have had so far on Nicaragua. The testimony is very interesting by Commissioner of Customs of the United States before the Senate Subcommittee on Children, Family and Drugs, by William Von Robb. William Von Robb says the following:

> Tomas Borge—Tomas Borge is the Interior Minister in Nicaragua—reportedly allows Colombia drug traffickers to use Corn Island as a trans-shipment point for drugs bound for the United States and he was arranging Cuban assistance for this operation.

The testimony goes on, and I will just conclude here by saying on page 9 of his testimony:

> United States Customs Service recently concluded an investigation which in my opinion proves the involvement of certain Sandinista officials in narcotics trafficking.

Also the testimony of John Keeney, and we did not have the opportunity to listen to his testimony on the House side. He indicates the fact that during his investigation on international drug smuggling, the investigation dealt with the large variety of transactions, none of which really caused undue attention. They were rather routine, according to him.

"The exception will, I believe" he said, "be of interest to you." He was testifying to the other body.

> This transaction involved an apparent attempt by representatives of the government of Nicaragua, with the assistance of Robert Vesco, "we all know Robert Vesco," to establish a cocaine distribution network which would operate both in Europe and the United States; but the evidence gathered during this investigation suggests that during 1983 the Nicaraguan government personnel attempted to make all the arrangements necessary to establish Nicaragua as a major cocaine exporter in the world.

I will conclude by citing toward the end of his statement:

> During the course of the investigation of these events, a great deal of evidence has been amassed which confirms the involve-

ment of Nicaraguans in cocaine trafficking in the world.

That is another instance, another idea, another glimpse as to what is happening.

Now, the reason they are involved in cocaine trafficking is not the fact that they particularly enjoy cocaine. It is the fact that they are getting hard currency in order to support their revolution. They are willing to have Americans, to have Europeans, to have Central Americans, fall into the evil influence of narcotics in order to support their revolution.

Everybody knows that our Declaration of Independence talks about "inalienable rights." They are rights that cannot be given away. They cannot be taken away because they are given by God. They are for everybody. To deny those rights to those people who are seeking freedom in Central America really is to deny our own Constitution.

Freedom in Nicaragua is really our freedom. You cannot look around the world and say, we have freedom and you do not. It is too bad. There is mutuality and universality in freedom. If we fail in Nicaragua, where are we going to possibly succeed? If freedom is not worth defending in Nicaragua, where is it going to be worth defending?

Our friends and our enemies are waiting for that answer.

Mr. ADDABBO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I am adamantly opposed to the President's request for $14 million in aid to the Contras.

If one picture, Mr. Chairman, is worth a thousand words, then the four pictures that appeared in Newsweek magazine yesterday are worth hours of our days' debate. In these graphic photographs, we see a prisoner forced to dig his own grave. We see the expression on his face as his throat is cut. Then we watch as he is casually buried deep in the jungle. This is what we are talking about today, Mr. Chairman.

There is no excuse any longer for the bland persistence in comparing these executioners to the Founding Fathers, but we have to admit there is also no excuse whatsoever for offering American military aid to them. Our support would further legitimize the Contras. It would justify the citizens of Nicaragua in believing that their well-being and their very lives are of no concern to the Government of the United States, and it would ease the task of the Sandinistas of rallying popular support against a brutal foe backed by a government.

I believe that our real interest in Central America, and I think a lot of us believe that, is the development of a democratic government; but all the money and all the power of the United States will not let a democracy grow in the scorched soil of a battlefield. Military aid to the Contras is in the worst interests of the United States and I urge my colleagues to oppose it. It is another step down the trail that will end in a war of our own military forces. American can do better, Mr. Chairman, and I believe we can.

Mr. ADDABBO. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Chairman, as a Representative of a democratic nation, I must deplore the moral bankruptcy of a policy that demands the terrorizing of a civilian population in the name of freedom and anticommunism. Indeed, the President of the United States is not asking me, a member of the House of Representatives Foreign Affairs Committee, to support the good intentions of an anti-Communist cause. He is not asking me to support a lasting plan for peace in Central America. He is not even asking me to assess the strengths and weaknesses of the ruling regime in Nicaragua. Instead, he is requesting that I support a policy which calls for the violent overthrow of a government with which we are at peace. As one who believes that with power also comes responsibility, and as someone who believes that the administration has not levelled with us about the strength of its anti-Communist commitment in the Western Hemisphere, I must oppose Mr. Reagan's plan to assist the Nicaraguan Contras.

"Freedom fighters" is the term President Reagan uses to describe the CIA-funded Contra forces fighting in Nicaragua. Referring to them as "our brothers," the President recently said that financial aid to the Contras "is totally consistent with our Nation's history." With this unique interpretation of U.S. history, he continues to urge the Amerian people to fund, equip, and train these fighters. These are the same men who focus on human targets, seeking out doctors, teachers, and agriculture workers for torture and assassination; the same men who focus on economic targets, even when military targets are present in an area, the same men who kidnap and brutalize peasant workers. And perhaps, more significantly to U.S. foreign policymakers, these are the same men whom Adm. Stansfield Turner, former CIA director, admits can never win a war.

The long-term political liabilities of supporting and encouraging these terrorists sadden me. Without question, the Sandinistas have commited their fair share of crimes against humanity. I am equally as saddened over the prospects of Managua exporting its revolution to peaceflul neighbors. Nevertheless, I believe that our Government has certain alternatives to the Contras approach. Let us encourage the Contadora peace process, while at the same time pursue every avenue of peaceful negotiation with Managua. We owe it to ourselves, and to the people of the region, to stimulate a truly peaceful resolution of the Central American problem.

If we are to embark on a dramatic anti-Communist crusade, let us assault the Soviet Union or China. The administration has exaggerated the alleged threat of Nicaragua to the United States, noting the existence of mythical arsenals of incredible destructive power. Let us reason and negotiate again. The end result can be only hemispheric cooperation, and an adherence to our own democratic principles of nonintervention and fair play.

□ 1620

Mr. ADDABBO. Mr. Chairman, I now yield 17 minutes to the esteemed chairman of the Select Committee on Intelligence, the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I rise in opposition to the resolution (H.J. Res. 239), a joint resolution to approve the obligation of funds available under Public Law 98-473 for supporting military or paramilitary operations in Nicaragua.

The issue before Congress is not whether we like the Sandinista government. Most of us have serious problems with that government and its policies. The question before us is: How can we best achieve our common goals of peace, internal reconciliation in Nicaragua, and democracy in the region.

I oppose House Joint Resolution 239 for several reasons:

1. THIS POLICY SHOULD BE REJECTED BECAUSE THERE ARE BETTER ALTERNATIVES TO ACHIEVE OUR OBJECTIVES WHICH SHOULD BE PURSUED FIRST BEFORE ANY RESORT TO THE APPLICATION OF MILITARY FORCE

The President's statement of the problem we confront in Nicaragua is to either fund the Contras or accept an expansive communism in Central America. He suggests that those of us who oppose the funds for the Contras really favor the spread of communism. May I respectfully suggest that the question that divides us is not whether to oppose communism in that area, but how best to do it.

Let me try to state the elements of a better alternative.

In brief, I believe we can move toward a negotiated solution which will protect the American national interest through the application of a vigorous, consistent, and tough diplomacy, conducted with the advice and support of our friends in the area, and backed up by a willingness to apply maximum economic pressure. If Nicaragua tries to destabilize the region, our strategy should include political, diplomatic, and economic sanctions,

which should be used before military options, such as covert actions, are used.

First, the United States clearly does have legitimate security interests in Nicaragua. These interests include:

Prohibition of Soviet bases; reduction, if not the elimination, of Cuban and Soviet influence; removal of foreign troops; and cessation of efforts to promote revolution.

Second, if the threat is as great as the President says, let us deal with it openly and straightforwardly—not by a nonsecret, secret war, or an overt-covert war.

Third, I favor a tought diplomacy. We should act to put international law on our side. We should take our evidence and our case to the OAS, to the Contadora nations, and to the UN.

Our diplomacy should make clear that we can live with a Sandinista government that stops threatening U.S. national interests and moves toward an open political system.

Our diplomacy and our policy should reflect our values and traditions. Mining harbors, rejecting the jurisdiction of the World Court, preparing manuals which suggest approval of assassination, and financing others to fight to protect our national security interests is not the preferred way for the United States to act.

Our diplomacy must recognize the centrality of a regional effort.

Regional security mechanisms, regional organizations, and other Latin American states can be mobilized to bring heavy pressure on the Managua government. Legal, overt containment of Nicaragua is possible with the support of the states in the region through the Contadora process and the OAS.

The Sandinista government took a more flexible stand in 1983, when it agreed to multilateral negotiations through the Contadora process. The pressure to do so was not from the Contras but from Mexico and Cuba. Castro urged the Sandinistas not to become isolated, and that the refusal to negotiate multilaterally was isolating them from the region. Hence, their change in position;

The U.S. commitment to resist communism in Central America must be consistent with the goals of other countries in the region. Those states support the Contadora process, and do not support military intervention in Nicaragua. If the United States does not support and give high priority to the Contadora process, the United States is jeopardizing the single process mostlikely to bring peace to the region and to form a bulwark against Communist infiltration;

Today the United States is the single largest trading partner with Nicaragua. We buy almost 20 percent of their total exports.

Fourth, I favor an aggressive use of U.S. economic power.

Our policy in the region will be strengthened as we give high priority not to fighting a war, but to strengthening the economic and political development of the nations of the area;

Our ability to resist communism in the region will hinge not on covert activity, but on our ability and the ability of governments in the region to address the basic problems of social and economic development and participation in the political process;

If regional pressures fail, the United States has several economic and diplomatic measures available to it to isolate Nicaragua, should this prove necessary. We should be prepared to cut trade and investment to Nicaragua and to employ economic sanctions, and to urge our allies to do the same.

These measures include:

Denying Nicaragua World Bank, IMF, and private bank loans. Nicaragua's substantial arrearages can help us get allied cooperation in this regard;

Stopping Nicaraguan airlines from flying to the United States;

Denying visas to Nicaraguan citizens;

Imposing a partial or full economic embargo on trade with Nicaragua in conjunction with our allies;

Breaking diplomatic relations with Nicaragua; and

Strengthening the military and intelligence capabilities of the states in the region.

We all know that there are tough non-military steps we could take against Nicaragua that have not been taken.

Fifth, I do not reject the military option.

If diplomatic, political and economic pressures on the Sandinista government do not work, United States, as opposed to Contra, military action is likely to have a far greater impact on the Sandinista government.

I do not support such military action at this time, but I remember that the Sandinistas were and are deeply concerned, even panicky, about U.S. intervention. If a demonstration of strength is needed, military maneuvers and U.S. seapower are likely to have more of an impact than the covert war.

I recognize that the military option in defense of U.S. interests is sometimes required. I do not claim the United States should never use that option. I say at this point in time we should try harder to resolve the conflicts in the area through political, diplomatic, and economic means. If those means fail, and if the Government of Nicaragua threatens U.S. national interests in the area and it becomes necessary to exercise the military option, let us do so openly, and not ask someone else to fight our battles for us.

2. THE ADMINISTRATION'S PROPOSAL PUTS US ON THE PATH TOWARD MILITARY INTERVENTION

The President has elevated the struggle to change the Sandinista government through military force to one of the highest priorities of his administration. On February 21, President Reagan said that it was U.S. policy to seek to remove the Sandinista government unless it changed its goals and present structure and allowed the Contras into the government. He said "You can say we're trying to oust the Sandinistas by what we're saying."

On April 15, he said "to do nothing in Central America is to give the first Communist stronghold on the North American continent a green light to spread its poison through this free and increasingly democratic hemisphere."

The Secretary of State does not equivocate: Nicaragua is now behind the Iron Curtain.

But, General Paul Gorman, the retiring Commander of the U.S. Southern Command—and a supporter of aid to the Contras—stated in February 1985, that a Contra overthrow of the Sandinista government was not "feasible in the near future" even with U.S. financial assistance, and that such military pressure would take years to produce results. The CIA has consistently arrived at this same conclusion.

So, the President now wants to overthrow the Sandinistas; his top military commander says that the Contras cannot do it. The question, then, is how do you achieve the President's objective.

The President says Nicaragua is vital to U.S. interests and the Sandinistas are a threat to the United States. The U.S. military and the CIA say that what we are now doing will not succeed. The President insists on the removal of the Sandinista government. Clearly, the Sandinistas will not accept that they step aside. With that condition there really is no chance for diplomacy to work.

Thus, the conclusion follows that greater application of U.S. military force is the next option. A close examination of the President's own report confirms this.

The $14 million in the President's request is as a down payment on deeper U.S. military involvement. As reported in the press, the President anticipates the deployment of from 20,000 to 25,000 Contras in the north and 5,000 to 10,000 Contras in the south of Nicaragua—a total of 35,000 Contras. This new commitment is to enlarge the Contras to a force over twice its present size.

As reported in the press, the President's own report then states: "Direct application of U.S. military force * * * must realistically be recognized as an eventual option, given our stakes in the region, if other policy alternatives fail."

Make no mistake, the $14 million request is the next step on the slippery slope to further major U.S. intervention in Nicaragua.

3. THIS PROPOSAL REQUESTS MONEY FOR OBJECTIVES THAT ARE NOT CLEAR

Throughout the long involvement of the CIA in Nicaragua, we have seen tactics in search of an objective.

The United States simply has not been able to decide what it wants from the Sandinistas;

Since 1981, various purposes have been advanced for the covert action against Nicaragua;

First, the United States sought to interdict the flow of arms from Nicaragua to El Salvador;

Then, to force Nicaragua to turn inward;

Then, to bring Nicaragua to the negotiating table;

Then, to bring pluralism and free elections to Nicaragua;

Then, to oust the Sandinistas.

Today, U.S. policy statements on Nicaragua, especially those by the President, no longer emphasize the external conduct of Nicaragua but the removal of the Sandinistas. The President says we do not advocate the overthrow of the Sandinistas if they "would turn around and * * * say uncle." That phraseology is surely tantamount to requiring their removal.

But what does overthrow mean, and how do we propose to achieve this?

The administration wants to use the Contras to apply pressure on the Sandinistas, but that is a tactic—not an objective, not a policy.

Until recently, you could take your choice of administration policy.

Secretary Shultz wrote on February 6 that we do "not seek to destabilize or overthrow the Government of Nicaragua; nor to impose or compel any particular form of government there."

Fred Ikle, the Under Secretary of Defense, has said that our goal is military victory.

On April 15, the President said that "We will do everything we can to win this great struggle."

At the very least, these differing statements by the President and other administration officials suggest a lack of precision in defining U.S. policy goals, confusion about those objectives and a failure to articulate a clear policy objective.

4. THE PRESIDENT'S PROPOSAL CONTINUES TO ALLOW THE CIA TO MANAGE THE WAR IN NICARAGUA—AND THE CLEAR RECORD OF THE PAST SEVERAL YEARS IS THAT THE CIA CANNOT CONTROL THIS OPERATION WITH PRECISION

The most spectacular and objectionable CIA excesses of the recent past include:

The mining of Nicaragua's harbors;

Air and maritime attacks on Nicaraguan ports and other installations; and

The publication of the CIA manual, which clearly sought an objective that the administration rejected.

The CIA and the United States have become tarred with Contra atrocities and other Contra human rights violations. These acts of misconduct are probably no better and no worse than the conduct of the Sandinistas. The difference is that the U.S. is financing the Contras.

Since we depend on the Contras to carry out our policies, we must also answer for their actions. Their objective to overthrow the Government of Nicaragua has not, throughout most of this operation, been our objective. In recent weeks the President has adopted their objective. The Contras have dictated American policy, at least as much as the United States has dictated their policy.

The United States has always supported the Contadora process, but this weekend Commander Bermudez said "We don't have to respect any Contadora process."

The President now proposes that the CIA have less control over the Contras than in the past. The CIA's role would be to provide money, arms, and intelligence to the Contras, but not involve itself in day-to-day operations, planning, or oversight. The result of the President's proposal will be even greater identification of the United States with Contra activities, but less U.S. control over them.

5. THIS PROPOSAL MAKES IT MORE DIFFICULT TO OBTAIN REGIONAL SUPPORT FOR UNITED STATES POLICIES AND FOR INITIATIVES TO BRING PEACE TO THE REGION

It is inconsistent for the United States both to support the Contadora process and to seek military support for the Contras. Support for the Contras flagrantly violates one of the Contadora's principles that seeks to guarantee "that the territory of one state is not used to conduct acts of aggression against the territory of another state." U.S. policy should make unmistakably clear its support of the Contadora process. Our friends in the area do not support U.S. military intervention in the area, whether direct or through surrogates;

President Betancur of Colombia reinforced this on April 16 when he said that he and other Latin American leaders: "Firmly believe that any foreign support to guerrilla groups, whatever the origin, is clearly in opposition to the prevailing doctrine in Latin America regarding foreign intervention in the internal affairs of our continent."

He also said of the President's plan that tying negotiations to aid for the rebels made it "no longer a peace proposal, but a preparation for war."

U.S. financial assistance to the Contras is a violation of U.S. treaty obligations under article 18 of the OAS Charter, which provides as follows: "No state or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State."

We should note the impact of any decision at this moment to increase military involvement. The Contadora peace negotiations for Central America are close to reaching full agreement, according to President Betancur and others. The United States should, without equivocation, support those negotiations. When we support renewed funding of the Contras for covert war, we undercut the Contadora process;

Because of its efforts to promote the covert war, the United States has also not been consistent in its support for negotiations with Nicaragua. Direct negotiations with Nicaragua should precede any resort to the military option. As the last few years would indicate, the two cannot be dovetailed successfully.

6. THE PRESIDENT'S PROPOSAL CONTINUES A CIA POLICY WHICH HAS NOT WORKED

The Contras are simply not in a position to achieve the goals the United States seeks in Nicaragua. They cannot defeat the Sandinista forces.

The Contras have never been able to seize and hold territory in Nicaragua. They operate only in the mountains. They have never developed urban support. They haven't even been able to sustain operations in Nicaragua without supply from the outside. They depend heavily on their sanctuaries in Honduras and Costa Rica, without which they could not continue their fight.

They have never fared well in direct confrontation with Sandinista units of appreciable size.

Three years of U.S. support and $80 million in U.S. funding has not produced an insurgency capable of sustaining itself among the population of Nicaragua.

7. THE PRESIDENT'S PROPOSAL CONTINUES A COUNTERPRODUCTIVE POLICY. THERE ARE BETTER WAYS TO CONTAIN COMMUNISM IN CENTRAL AMERICA INSTEAD OF THE COVERT WAR

The covert activity has provided the Sandinistas with a convenient external threat which they have used to justify a host of repressive measures against opposition parties, the press, the church, and the people of Nicaragua. They have used this external threat to justify a military buildup, an unpopular draft, and large scale reliance on Cuban, Soviet, and other Eastern block military allies;

The Sandinista government will have no incentive to moderate its position or its behavior internally or externally as long as a covert action continues which seeks its overthrow. No government willingly submits to such military pressure from a foreign source. The covert action only encourages more extreme positions by the Sandinistas;

Attempts by the United States to renew funding for paramilitary operations against the Sandinista government are undermining the consensus that is developing in this country and in this Congress over our policy toward Central America;

The successful ability of the U.S. Government to deny its involvement in covert operations has always been a criterion for their success. We can no longer deny our involvement in the Contra war. The United States has suffered from the propaganda burden of this covert war in Latin America generally, and in Europe and throughout the Third World. A willingness to defend U.S. legitimate national security interests by military actions is not displayed by this war, just as it was not displayed by the Bay of Pigs invasion in 1961. Ineffective and counterproductive military action is interpreted throughout the world as a sign of weakness, not of strength.

8. THE PRESIDENT'S PROPOSAL CONTINUES A POLICY WHICH AMERICAN PEOPLE DO NOT SUPPORT

By a margin of 70 to 18 percent, Americans oppose the policy of U.S. involvement in attempts to overthrow the Sandinista government in Nicaragua. This poll is based on a February 1985 Washington Post-ABC news poll and shows a higher level of opposition to the Contra war than recorded in any of the three previous surveys conducted over the last 18 months;

This poll reflects the deep fears of the American people that current policies are leading to U.S. intervention;

There is a growing consensus in the United States in favor of increased levels of economic and security assistance for friendly and democratic states in Central America at the same time there is growing opposition to the Contra war. U.S. policy should not let the Contra war dominate the U.S. agenda in the region. Rather, it should build on the impo:tant emerging consensus;

9. CONCLUSIONS

Mr. Chairman, we, as a nation, are surely capable of arriving at a policy toward this small, desparately poor Central American country, and addressing the threat that it represents to us, and our friends, without military intervention.

In my view, we have not tried as hard as we could to use other than military means to achieve regional peace and security.

The fundamental question is whether the United States can rise to the challenge of leading the countries of Central America toward peace and development. We cannot do that by promoting war.

We cannot expect to impose democracy by force. There is a better way to deal with our problems in Nicaragua than by fighting this nasty little war. We cannot make peace by making war; we cannot preserve peace by destroying it.

I urge you to oppose further military aid to the Contras.

□ 1640

Mr. BROOMFIELD. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I take this opportunity with a great deal of personal concern over the direction of our Nation and what history will record our actions to be in these coming moments with regard to Nicaragua. Being from Florida and being raised in a situation where I saw firsthand a situation develop in Cuba that has come to be most difficult, one of the most if not the most difficult situations we deal with on a day-to-day basis in this hemisphere, having gone to high school with young men who went home to fight in Cuba, in that illfated Bay of Pigs mission, and have them come back and tell me the reports of what was going on in their country, and seeing the results, I cannot help but urge my colleagues to take a new look at this entire situation and, based on this thought: We Democrats should remember that it was a combined committee of Democrats and Republicans that approved covert aid in Nicaragua, and we approved it at a preliminary level and we approved it at a secondary level and we approved it at a tertiary level. Only until that level got to a point where there was concern did we recoil and say maybe we should reconsider. But why did we do it? Why? Because there was a major change, not just in this administration but in the previous administration, in what the Sandinistas were doing and what the tenets of their original revolution were.

Ortega had said publicly,

Costa Rica will be the jewel for our plucking, once we are in place.

Before this administration, as I recall, even came to power, the statement was made around the world that,

We, Nicaragua, will build the largest standing army ever to be seen in this Hemisphere outside of the United States.

These were concerns of Democrats and Republicans. These were concerns of Americans.

Now we do differ, and I do have concerns with some of the actions of the Contras and the politics that go back and forth, but I think we ought to understand that, had we not expressed some sensitivity, where would we be even today? Would there be any willingness on the part of Nicaragua to enter into minor agreements like they did today? Would there be any actions of reciprocity or willingness to deal with the Contadora group?

Recall that I sponsored the Mica amendment 3 years ago on this floor that lost by one vote that said, "Let's all stop, let's all stop at once," and our side, my side, did not agree with that approach at that time, that maybe we should not do anything.

There were 21 original tenets, and we agree with those—freedom of religion, freedom of the press, a pluralistic system for business, all of these tenets published around the world in documents in colleges and universities and in their own revolution that they would adhere to if they took over. And these were the concerns that Democrats and Republicans addressed when they said yes, we need to do something to swing that Sandinista revolution a little more back to its original cause. But not only did they not move back toward their original cause, not only have they not proceeded as quickly as we had hoped, they simply turned their backs and said that that was not the case at all.

Now, let me just say I did not intend to speak in this debate, because I spent many hours in the last debate last year. But I was reading last night a book that I bought secondhand that deals with the legislative history on diplomacy in the United States. It is an interesting book that kind of ends in the 1970's but goes back to the beginnings of this Nation and takes every major crisis that this country has faced and traces diplomatically what the Congress did to address it. And I flipped through, very late last night, the period 1935 to 1939. Believe me, my colleagues, when I tell you so much of what we are saying here today is so appropriate and so equal to what was said in that period: "Let's not get involved, the problem will go away." Our colleagues were talking about nonintervention policies, policies that in essence would look the other way, but the problem did not go away.

I know time is limited on this debate, but let me just say this: I am personally convinced that, regardless of your party affiliation, if we walk away in any major sense from this today, we will face the problem as Americans very directly very soon. First it will be Floridians and Texans and Californians, but eventually it will be all Americans and probably the outrage that we hear now with regard to this will be an outrage that we should have done something years ago.

So I say we may have to look for other approaches, support the Contadora group, but we do not walk away and leave Nicaraguans who are trying to change the destiny in their own country for surely what will be a situation that will draw us into have to send American personnel, which I oppose.

I would support this action and ask that we think about how we got here, how the Democrats and the Republicans on these committees in the House and the Senate originally agreed that

we should indeed take some actions to stop what is going on with the Sandinista regime.

Mr. ADDABBO. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Chairman, I rise in opposition to House Joint Resolution 239 and in support of the alternative resolution introduced by Mr. BARNES and Mr. HAMILTON. I also want to associate myself with the remarks made a few moments ago by the gentleman from Indiana, the chairman of the House Intelligence Committee.

Let me say at the outset that I am more alarmed with our Central American policies and the divisive impact the debate on this policy is having in our country than I have been with any other issue since the Vietnam war. For those who deride and disregard any comparison between our country's involvement in Southeast Asia and current events in Central America, I ask that you look again. Look at the thousands of American citizens who participated in the march for peace over the weekend, the hundreds who were arrested in front of the White House protesting our Nation's actions in Central America, and all the people who stayed to visit with Members yesterday and share their sense of foreboding and distress at the direction of U.S. policy in the region. Does this not look a bit familiar?

Consider the rhetorical excesses we hear from our President, the distortions and the deceptions, the phony white papers, the same inclination to rely on military solutions when negotiated solutions can be the only lasting answer, the same inability to comprehend the indigenous causes of revolution and to respect the potency of nationalism as an independent political force, the same efforts to blame the critics rather than the flawed policy they criticize.

Very frankly, I have a keen sense of deja vu. I see an all-too-familiar pattern emerging, and I fear we are about to make the same mistakes we made in Vietnam. The fact is that there are important lessons to be learned from our experience in that war. While I do not blame those who would like to put Vietnam entirely behind us and close our consideration of that experience in the current debate, I think we need to recognize that there is absolute truth in the statement that those who refuse to learn from history are doomed to repeat it.

We learned in Vietnam that momentum can build behind a policy, no matter how misguided or flawed that policy may be. Mistakes and misjudgments become compounded as policymakers feel compelled to justify and rationalize their original decisions on the grounds of ever-changing objectives. The logic of any means justifying the ends yields a constant escalation of rhetoric and growing reliance on fabrication to support these failing policies.

My concern about the administration's Central American policy is not with its goals. None of us wants to see the countries of Central America become bases for the projection of Soviet or Cuban military power in our hemisphere. What is at issue, however, is the means by which the President is trying to achieve those goals.

□ 1650

It is perhaps the ultimate irony that this administration's policy which it designed and defends on the grounds that it is preventing the spread of communism in the region, is having precisely the opposite effect. We need to recognize that often what we perceive as strength is viewed by others as beligerence, and we thereby play directly into the hands of Soviet and Cuban propagandists.

I ask my colleagues to consider the disturbing pattern of deception and blatant disregard for congressional intent this administration has displayed in pursuing its agenda in Central America. I am sure that most Members will remember the Washington Post exposé of the fabrications contained in the first white paper released by Secretary of State Alexander Haig 4 years ago, purporting to link the unrest and violence in Central America exclusively to Cuban and Soviet activities in the region. This was followed by the shock of the House and Senate Intelligence Committees who thought that they had authorized a small effort to assist roughly 500 Contras in the interdiction of arms flowing from Nicaragua to El Salvador, and then discovered that the CIA had actually undertaken a far more massive effort to arm and support a combat force in excess of 12,000. Then Members of Congress had to uncover through onsite inspection what our military has undertaken in Honduras, and found to their surprise that the United States had engaged in the development of a permanent military presence in that country. Then came the series of alarming revelations concerning CIA operations including the mining of Nicaraguan harbors—an act so overtly illegal and indefensible that the administration refused to accept the jurisdiction of the World Court when Nicaragua took its complaint to that respected body.

Have we forgotten the horrifying CIA manual, a manual offering explicit instructions for "neutralizing" Sandinista officials and "creating martyrs" for this Contra cause? In the past few weeks we have seen the President fabricating support for his most recent proposal, suggesting, at least by implication, that Latin American statesmen and even the Pope are backing military aid to the Contras. I am sure that all of us read the communication from the Vatican clarifying the Pope's position on this issue, and the pointed observation of the President of Colombia, Mr. Betancur, that the President's proposal is "no longer a peace plan, but a preparation for war." Mr. Betancur went on to state, "I have not spoken with any Latin American leader who feels differently."

Mr. Chairman, this deception must end. The American people understand that the decisions that have been made by the President in formulating and pursuing his policy in Central America do violence to American principles and traditions, undermine American interests worldwide by alienating our closest friends and allies, and are directly counterproductive in terms of our goals within Central America. Moreover, there is a growing fear within the Congress and throughout the Nation that what we are witnessing is a very dangerous escalation of America's military involvement in Central America and an inexorable march toward war.

What is really startling is how little of our own history we comprehend. Our current intervention in Central America is not without precedent. Few Americans are fully cognizant of that history, but the fact is we have militarily intervened on several occasions in Nicaragua, in Guatemala, and elsewhere in the region.

Tragically, in each of these cases the net result of our intervention produced neither lasting peace nor greater democracy, but only served to align us with those seeking to maintain an unjust and repressive status quo. In fact, our intervention has usually made the situation worse, providing the Soviets and their allies the opportunity to turn the region's revolutionary ferment toward their own purposes. If instead of seeking to maintain the status guo in these countries, we were to use our power to channel the revoluntionary aspirations of Latin Americans toward the democratic goals that we espouse, our long-term interests would be far better served.

It is very troubling in this debate that there seems to be a tendency for each side to portray the other in stark terms—all good or all evil. Would we not be better served by open acknowledgment of the imperfections of all sides in the Nicaraguan conflict? One can be totally opposed to the current American efforts to oust the Sandinista government without condoning all that the Sandinistas have done. The fact of the matter is that the Sandinists have yet to fulfill the democratic promise that was at the core of their revolution. Press freedoms continue to be violated. There are clearly inhibitions placed on political expression. However, this does not mean that American support for the Contras

makes sense or is any way justified. It does mean that nothing whatever is gained when Sandinista excesses are excused away or when we turn a blind eye to abuses of civil liberties in that country.

Likewise, while there are clearly a number of individuals aligned with the Contra forces who have joined or are supporting those efforts because of democratic motives and their sense of betrayal by the Sandinistas, it is a travesty to characterize all of the Contras, as has the President, as valiant patriots akin to the Founding Fathers of our great Nation. That is an insult to our own heritage and a gross misrepresentation that none of us should tolerate.

The fact is that the vast majority of those in command of the Contra military forces are former members of Somoza's despised National Guard. Estimates indicate that some 46 of the 48 positions in the Contra military command structure are in fact held by former Guardsmen. Are these the moral and visionary men President Reagan equates with our George Washington and Thomas Jefferson?

It is widely acknowledged that many others in the Contra forces are there as mercenaries, or soldiers of fortune, lured by the promise of CIA funds. Are we really to believe that the President would place these men alongside the likes of James Madison?

Mr. Chairman, let each of us cast our vote today to say no more deception, no more distortions, no more lies.

In Central America, as around the world, we must begin to understand that when we assume that people are unable to make their own political choices, we reduce them to mere pawns in our struggle with the Soviet Union and create the very distance and alienation we seek to prevent. We do ourselves and these countries a great disservice when we underestimate the power of nationalism and the desire for independence from all outside domination and interference. This failure in our foreign policy has created disaster time and time again in our history.

There is a better way. We must begin today to recognize that if we are to prevent the spread of communism in this region, then we must demonstrate by concrete actions our respect for national sovereignty, and our superior ability to help solve the region's economic, political, and social problems within a democratic framework. For these are political, not military problems and they require political, not military solutions.

In the end, America's greatest strength is our own revolutionary heritage, and our proud tradition of support for the right of all people to be free and self-determining. It is time for America to reclaim its heritage by ending for once and for all our military intervention in Central America. I urge my colleagues to oppose this effort to release an additional $14 million for the Contras and support instead a redirection of our policy in Central America that will make use of the significant economic and political power at our disposal, and will work in concert with the Contadora nations to produce a lasting, negotiated settlement for this troubled region.

I urge my colleagues to support the proposals offered by Congressmen BARNES and HAMILTON. These proposals would provide true humanitarian assistance to real refugees, not to combatants. This would be assured by having the aid channeled through the International Red Cross and the U.N. High Commissioner for Refugees. Moreover, these proposals provide direct support for the Contadora process by setting aside $4 million to implement any regional peace agreement that may be reached as a result of the Contadora initiatives.

There has been a lot of discussion today about the signals we will send in these upcoming votes. Let us vote in support of the Barnes-Hamilton proposals, and say clearly and loudly that the United States is a nation that respects international law. That we are a people who are committed to political and economic solutions to the problems in Central America. This is an approach which makes sense, this is a policy that can work.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I have heard the statement made repeatedly that there are more Somozistas in the military command of the FDN, the democratic resistance, and I just would tell you that according to the resource paper put out by the State Department to the press and to everybody, that among the military command, former Sandinistas are 43 percent; former national guardsmen 32 percent; and Campesinos 19 percent.

Of the 56 regional and task force commanders in the FDN, 27 were former Sandinistas; 13 were National Guardsmen, none above the rank of lieutenant; and 12 were farmers. So it just is not so. There are more ex-Somozistas with the Sandinista government and there are more ex-Sandinistas with the democratic resistance.

□ 1700

Mr. WOLPE. Mr. Chairman, if I may reclaim my time to respond to the gentleman, the point that I think needs to be understood is that former Somozistas are numbered among the highest ranks of Contra command structure. It is simply improbable, to say the least, that such leaders could command credibility among the Nicaraguan population.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. WOLPE] has expired.

Mr. ADDABBO. Mr. Chairman, I yield 2 additional minutes to the gentleman from Michigan.

Mr. WOLPE. I thank the gentleman for yielding this additional time to me.

Mr. Chairman, if I might just conclude that thought. The fact of the matter is, when we lend our own credibility and support to individuals at the command level who are so closely identified with the former dictator Somoza, it is simply politically foolish. It is counterproductive and it plays into the hands of the more radical elements of the Sandinista population.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I would be pleased to yield now to the gentleman from New Mexico.

Mr. RICHARDSON. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is absolutely correct when he refers to the military leadership. I do want to make a point that there is a political leadership within the Contra that has assumed military relationship, military umbrella, Mr. Calero and Mr. Cruz and many others that I would like to respectfully say are, I think, positive forces. They are moderate.

But I think the quote the gentleman made about the make up of the State Department is essentially correct, but so is my colleague who claimed that the leader of the military was.

Mr. WOLPE. I thank the gentleman from New Mexico for his contribution. I was very careful to note in the body of my own statement that the Contras are diverse elements. The military command structure is very clearly identified with the former dictator Somoza. That clearly, I think, is counterproductive in terms of American interests.

The CHAIRMAN. The Chair will announce that the time remaining for the gentleman from New York [Mr. ADDABBO] is 1 hour and 52 minutes, and the time remaining for the gentleman from Michigan [Mr. BROOMFIELD] is 2 hours and 14 minutes.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. I thank the gentleman for yielding this time to me.

Mr. Chairman, there has been a great deal of criticism about the U.S. role in Central America. I find that remarkable particularly in view of the successes that we have enjoyed in El Salvador over the last 6 years, what with the free elections and the new President, the constituent assembly, and the constitution the Salvadorans now enjoy.

But most particularly, I grieve over the fact that the United States has been blamed for all the ills in Central America when, in fact, it has recently been conceded by even the gentleman from Indiana [Mr. HAMILTON] that because of the proximity of Central America; because of the fact that we in Washington are closer to Managua than we are to Los Angeles; because of the importance of the sealanes in the Pacific and in the Caribbean and the Gulf of Mexico, where 50 percent of all our commerce in this Nation flows; because of the potential of immigration into the United States as an outflow from Communist domination, just as the Vietnamese fled from Vietnam when the Communists took over; and because the potential entrenchment of a Marxist regime on our southern border will possibly lead us to deploy troops away from Western Europe into the southern regions.

All of these are substantial reasons to understand why Central America is important to us, and that what happens down there is vital to our future.

But I think that it is more important to understand that we tried the diplomatic process as was espoused by the gentleman from Indiana [Mr. HAMILTON]. We tried to get along with the Sandinista government after they overthrew Somoza. In fact, there was a great deal of assistance that flowed from this country to the Sandinista government in its early stages based on its promises of a pluralistic government, based on their promises of freedom of assembly, church, religion, and so forth. We even came up with $118 million in U.S. taxpayer funds in direct bilateral aid, and we helped procure $1.6 billion in multilateral aid from world banks to get them on their feet, to start them on their way toward the democracy that they had promised the world and their people.

But then as time went on, things began to sour; things began to change. We started to realize that there were things that were happening in Nicaragua that did not really conform to their promises that they had made for an open and free society. We discovered that there was oppression, and suppression of religion; that when even the Pope went down to Nicaragua a couple of years ago, he was heckled, and organized mobs disrupted his appearance, and intimidated representatives and leaders of the Catholic Church with greater and greater frequency.

We saw that the one Jewish synagogue in Nicaragua was closed down, seized again by the divine mobs, and expropriated, and that the Jewish families were run out of Nicaragua. The fundamentalist ministers were intimidated, oppressed, harassed, and actually tortured in some instances. I, personally, spoke with a fellow who had his ears cut off. Another fellow I spoke to was thrown in jail and had his fingernails pulled out.

We noticed that the Sandinistas began to imprison people without cause. They have a prison called El Chipote right in the heart of Managua that is off limits to the press, of course. It is a subterranean prison, and it is alleged by numerous people who have been inside it that it is used for torture and oppression of Nicaraguan citizens.

We saw that the Sandinistas started forced labor camps and began to impress the citizens or the peasantry in the hinterlands of Nicaragua into working in these prisons camps for low pay or no pay at all.

We saw that they started Communist indoctrination schools for the children. And they started arming and training terrorists who began to export revolution to the neighbors.

Just recently, in fact as of April 11th through the 14th of this year, a few days ago, seven Nicaraguan agents were captured inside Honduras and admitted that they were smuggling weapons and assisting recruitment and training of Communist guerrillas in Honduras at the instance of the Nicaraguan Government.

We saw that the Nicaraguan Sandinistan government had built the largest army in Central America, with Soviet tanks numbering as many as 300, and Soviet helicopters and armored personnel carriers and rocket launchers, and are threatening to bring in Mig aircraft.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. LIVINGSTON] has expired.

Mr. STUMP. Mr. Chairman, I yield 3 additional minutes to the gentleman from Louisiana.

Mr. LIVINGSTON. I thank the gentleman for yielding this additional time to me.

Mr. Chairman, we saw that they were building an air base in Punta Huete which was bigger than most U.S. bases and capable of handling any Soviet aircraft that flies.

We saw that they began to control supplies and prices and all the markets in the country, that they ran off the entrepreneurs, they seized the businesses, expropriated private property, forcing people out of the country or forcing them to sell their businesses and property at arbitrarily low prices.

They begin to take in representatives of the Soviet bloc, including Soviets, Cubans, East Germans, Bulgarians, North Koreans, Vietnamese, Palestinian Liberation Organization people as well as Qadhafi's Libyans.

They seized and closed the only synagogue in Nicaragua, as I mentioned, and they began a universal draft and forced young boys of 15 of age and older into the army, and armed and equipped the largest armed force in Nicaragua, arming as many as 40,000 armed troops and 70,000 reserves. They took in over $500 million in Soviet aid and built the most lethal force in Central America. They continue to aver the force is for defense only against the United States, yet Managua has continually served as a base of operations for terrorist movements and other guerrilla activities aimed at their neighbors.

Under their rule, the Nicaraguan economy has deteriorated horribly. Per capita income has declined by half of what it was before they took over. There are shortages everywhere. There are lines for essentials. The supplies are provided by the Eastern bloc, like Bulgarian and Soviet canned goods.

□ 1710

The last thing they need, of course, is a revolutionary force to undermine their hold and their grip on the people of Nicaragua.

But, Mr. Chairman, they are buying time. The Sandinistas of Nicaragua want the United States out. There are many in this body and many in this country who have said that we should get out, but I submit, Mr. Chairman, that if we give them time, they will lock their grip, they will entrench themselves, and we will have another Cuba on our southern borders. If that happens, we will make a great mistake.

The people who espouse that we get out of Nicaragua have said that we should have gotten out of El Salvador 5 years ago, and they were wrong when they said we should have gotten out of El Salvador, and they are wrong about Nicaragua. They said we should not participate in and encourage the free elections, and they were wrong then, and they are wrong now. We held on; we kept up economic support for the Salvadorans; we got the first election in March of 1982 when a constituent assembly was elected; we got a constitution drafted by that constituent assembly; and as a result subsequent elections have been held freely, fairly, and openly, a President now governs the democracy of El Salvador. We were right then, and we're right now.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. LIVINGSTON] has expired.

Mr. STUMP. Mr. Chairman, I yield 1 additional minute to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, El Salvador is not without its problems, but it is trying to struggle, to pull itself up by its bootstraps and come into the 20th century and join the club of the Western civilized nations as one that can govern itself and govern its people freely and openly. But the Nicaraguan Government does not want to join that club. The Nicaraguan Government wants to repress its

people, entrench itself, and spread its ideological revolution.

Mr. Chairman, I hope and I pray that we will not let them do that. I urge this body to support the Contra revolutionary freedom fighters, to restore freedom and democracy to Nicaragua, and to ultimately make sure that we do not have to send our young men, our young American soldiers, into that region because it is not necessary. The $14 million will help to guarantee that it never becomes necessary.

Mr. Chairman, it is the Sandinistas who are rejecting negotiations and peace in Nicaragua. Recently declassified intelligence makes that crystal clear. Between April 11 and 14, 1985—note that date—seven Nicaraguan agents were captured inside Honduras. They admitted that they were smuggling weapons and assisting with recruitment and training of Communist guerrillas in Honduras. The leader of the seven, Reymundo Muñoz Diaz—an agent of the Nicaraguan General Directorate of State Security—also admitted to three trips beginning in November 1984 when they smuggled AK-47 rifles, M-16 rifles, and handguns for guerrillas in Honduras, who seek the overthrow of that Government.

In short, even as we debate here today, the Sandinistas are talking peace but making war.

These recently declassified documents—and I ask unanimous consent that they be printed in the RECORD immediately following my remarks—touch on several other points raised by the other side in today's debate: First, the church, and second, whether it is our action that is driving the Sandinistas to do the terrible things they do. The answer, of course, is that we are not causing the Sandinistas to be repressive and violent—they have been committed Marxists from the earliest days of their revolution of 1979.

The proof in the declassified intelligence:

First, July and August 1979, Chief of Prisons Federico Lopez ordered execution of 300 former National Guardsmen. Today Lopez sits in the Sandinista Assembly.

Second, 1979, behind the Santiago Masaya volcano, about 75 former National Guard members were executed—fair game for FSLN activists.

Third, 1980, the FSLN made a political decision—which they carried out—to assassinate private sector leader Jorge Salazar. This was a warning to citizens not to dissent against the government. Even the Cubans tried to talk the Sandinistas out of it, but Tomas Borge and Humberto Ortega—current Sandinista leaders—gave the go ahead to Juan Jose Ubeda of the secret police, and Salazar was murdered by Ubeda personally.

Fourth, the secret police, that is, the Department of the Nicaraguan General Directorate of State Security, has conducted intensive and extensive operations to diminish the effectiveness of the traditional Catholic Church in Nicaragua. Including:

In 1980, funneling money through the secret police to buy influence of a parish priest; and

Recruiting people to serve as agents of influence within the church.

I hope my colleagues will review this declassified intelligence material, which I will have at the desk. It shows that while we gave foreign aid to the Sandinistas in 1979 and 1980, and while our colleagues on the other side of the aisle call for nonintervention today, the Sandinistas were and are bent on crushing liberty inside and outside Nicaragua's borders.

SUBJECT: CAPTURE OF SEVEN NICARAGUAN STATE SECURITY AGENTS IN HONDURAS

Text: 1. Seven Nicaraguan support agents for the Honduran Cinchonero guerrilla organization were captured between 11 and 14 April 1985 in southeastern El Pasaiso Department, Honduras. According to reports obtained by the Honduran Security Service, the seven acknowledged that their mission was to smuggle weapons from Nicaragua to Cinchonero groups in Olancho Department, Honduras, and to assist with recruitment and training of Cinchonero guerrilla units in Honduras.

2. According to preliminary information available to the Honduran Security Service. One of the seven. Reymundo (Munoz) Diaz. Described himself as an agent of the Nicaraguan General Directorate of State Security (DGSE). And coordinator of the group of DGSE agents supporting Cinchonero guerrilla units in Honduras. Mundz said that in three trips beginning in November 1984. He and several of his accomplices smuggled six AK-47 rifles, 24 M-16 rifles, several hand guns, 30 uniforms, boots, medicine, and money to the area of Quebrada Arenas Blancas (142 1N-8551W). On the Patuca River in Olancho Department, Honduras. The weapons were transported by mule from Wamblan (1347N-8540W). Nicaragua, hidden in gunny sacks of corn, while the agents passed themselves off as purchasers of grain. In Arenas Blancas, the arms were delivered to Carlos Alberto (Monge). A Honduran national. Who subsequently passed them on to Cinchonero guerrilla units in formation in the area of Las Planchas (possibly (1502N-8639W). Olancho Department.

3. According to the reports available to the Honduran Service, the seven support agents and other accomplices had as a secondary mission the collection of information on locations and dispositions of troops of the Nicaraguan Democratic Force (FND) in southeastern El Paraiso Department. The reports also indicated that the Cinchonero guerrilla groups which the Nicaraguan State Security agents were supporting have as one of their missions attacking FDN troops concentrations in Honduras. In addition to attacking Honduran targets.

SUBJECT: SANDINISTA HUMAN RIGHTS VIOLATIONS

Text: Since 1979, various human rights abuses have been committed in Nicaragua by officials of the Sandinista National Liberation Front [FSLN] and members of the Sandinista Popular Army [EPS]. They include the following:

A. During July and August of 1979, Federico [Lopez], then chief of prisons, ordered the executions of about 300 former national guardsmen with the justification that they were the "ears" of Anastasio [Somoza] in Nicaragua. [Source comment: It is believed that Lopez personally carried out many of these killings. Lopez is currently the FSLN's delegate to region IV and represents the fourth region IV in the Sandinista assembly.]

B. Behind the Santiago Masaya Volcano, about 75 former national guard members were executed in 1979 shortly after the overthrow of Somoza. [Source comment: Former national guardsmen were considered fair game by many FSLN activists, and many of them were indiscriminately killed immediately after the fall of Somoza.]

C. In the fall of 1981, an EPS helicopter was attacked by Indian insurgents as it attempted to land in a Miskito village in eastern Nicaragua near the Honduran border. [Source comment: The village may have been Leimus.] Several EPS soldiers were killed and the pilot was wounded. The pilot continued flying the helicopter and got beyond the reach of the hostile fire. Later, EPS soldiers returned to the village and slaughtered about 45 unarmed boys and men of all ages in retaliation for the helicopter incident.

D. In 1983, the Chief of the Ministry of Interior's Special Moises Ticay Troops in the region IV, First Lt. Victor [Romero], murdered several persons that he suspected of being counterrevolutionaries. [Source comment: Romero was drunk at the time of the murders.] The persons killed were Juan [Obando], Chief of the Nicaraguan Energy Institute [INE] electrical plant in San Miguelito, and a woman leader of the charismatic church and her husband. The victims had their throats slit and were robbed after being killed. Romero and two other persons were tried, convicted and sentenced to serve 17 years for this crime. After serving eight months, however, they were freed by Vice Minister of Interior Luis ((Carrion)), who had been Romero's superior during the revolution. (Source comment: The church leader was survived by three minor children. This incident created a scandal, although it was censored in the local news.)

E. An uprising occurred at Modelo Prison in late 1983, and five persons escaped. Sandinista news accounts said that all five had been killed while trying to escape. At least two of the escaped prisoners, however, were captured alive and beaten in Granada before being taken to Managua. (Source comment: Apparently, the Sandinistas killed the prisoners after recapturing them.)

F. In late 1983 or early 1984, about 30 to 50 commandos of the Democratic Revolutionary Alliance (ARDE) were captured near the Costa Rican border during an operation run by the General Directorate of State Security (DGSE). All of them were later executed by security personnel. Gerardo ((Arce)), brother of FSLN National Directorate Member Bayardo ((Arce)), was at the time the DGSE chief in region IV, and he was in charge of the operation. Some of the captured ARDE personnel were sent to Managua where they were killed. Others were killed in region IV, and their bodies were scattered over a wide area to make it appear that they had been killed in a pitched battle with the EPS. The DGSE blew up some electrical towers in the area to make it appear that the ARDE personnel had been involved in acts of sabotage. Gerardo Arce ordered the execution of the pris-

oners in order to make himself appear to be a cold-blooded individual who was capable of killing.

G. In the northern part of Nicaragua it is common for the EPS to kill prisoners suspected of being counterrevolutionaries.

H. In the DGSE's prison, El Chipote, there are five or six special underground cells where prisoners who are marked for execution are taken. The only individual who has keys to these cells is the chief of the DGSE's Department of Operations.

SUBJECT: OPERATIONS OF THE NICARAGUAN GENERAL DIRECTORATE OF STATE SECURITY ((DGSE)) AGAINST THE TRADITIONAL NICARAGUAN CHURCH

Summary: The Department of the Nicaraguan General Directorate of State Security (DGSE) has conducted intensive and extensive operations to diminish the effectiveness of the traditional church in Nicaragua. These operations have included recruitments of persons to serve as agents of influence within the church to denigrate religious figures before the Nicaraguan people. Attempted control of the San Jeronimo Religious Festival and an intensive and multifaceted operation against Nicaraguan Archbishop Miguel Obando y Bravo.

Text: 1. The Department of the Nicaraguan General Directorate of State Security (DGSE) known by the designation "Department for the struggle against ideological diversionism," is responsible for operations to diminish the effectiveness of organizations considered to be hostile to the Sandinista revolution. These include religious groups and personnel, labor unions, journalists, civic organizations and educational institutions. The section is headed by Eva Maria ((Sanking)) Chang, Known by the DGSE pseudonym "Catalina."

2. The operations against the traditional church in Nicaragua have been intensive and extensive. Aspects of the operations have included recruitments of persons to serve as agents of influence within the church and covert action operations designed to denigrate religious figures before the Nicaraguan people. A specific example of this type of operation is the DGSE attention to the San Jeronimo section of Masaya where the important San Jeronimo Religious Festival is held every year during September and October. At one point during the early 1980's, the DGSE funneled U.S. $5,000 to San Jeronimo parish priest. Father Anastasio ((Garcia)), to buy chapel bells from Italy. The gift was ostensibly from the Ministry of Interior and was intended to cause the priest to adopt a favorable attitude toward the Sandinista National Liberation Front (FSLN). The DGSE also has given other gifts to priests, such as video cassette recorders, to try to obtain their cooperation.

3. An additional element of DGSE's operation in San Jeronimo has been its effort to control physically the annual festival to ensure that it is not used for political purposes against the FSLN.

SUBJECT: ASSASSINATION OF NICARAGUAN BUSINESSMAN JORGE SALAZAR BY THE GENERAL DIRECTORATE OF STATE SECURITY ((DGSE)) ON ORDERS FROM THE SANDINISTA NATIONAL LIBERATION FRONT ((FSLN)) WHICH WAS OPPOSED BY THE CUBAN GOVERNMENT

Summary: In the fall of 1980, the National Directorate of the Sandinista National Liberation Front (FSLN) made a political decision to assassinate private sector leader Jorge Salazar. Salazar had become one of the most outspoken critics of the FSLN within the private sector. And his murder was intended to serve as a warning that such dissent would not be tolerated. The chief of the Cuban counterintelligence advisory mission unsuccessfully attempted to dissuade the Sandinistas from taking this course of action, and the assignment to kill Salazar was given to Juan Jose Ubeda, Deputy Chief of the General Directorate of State Security (DGSE).

Text: 1. In the fall of 1980, the National Directorate of the Sandinista National Liberation Front (FSLN) made a political decision to assassinate private sector leader Jorge ((Salazar)). Salazar had become an outspoken critic of the FSLN within the private sector and had been attending meetings with other anti-Sandinista businessmen. These meetings took place in the home of Dora Maria ((Lau)), former consul of Nicaragua in Japan under the government of Anastasio ((Somoza)). (Source comment: Lau was popular with Nicaraguan businessmen because she was a very cultured woman. She enjoyed giving parties, to which she invited private sector leaders. The anti-Sandinista meetings grew out of these parties.) Lau attempted to recruit her nephew, Nestor ((Moncada)) Lau, for the private sector cause, not knowing that he was an assistant to Lenin ((Cerna)), Chief of the General Directorate of State Security (DGSE). (Source comment: Because Moncada always wore a military uniform, Lau assumed that he was a member of the Sandinista Popular Army (EPS).) She told him about the meetings and asked him to seek out members of the EPS who were opposed to the Sandinistas regime and would work with the business leaders. Moncada reported the information to Cerna, who in turn reported it to the FSLN National Directorate.

2. The Directorate decided to send two agents posing as disaffected EPS members with Moncada to the meetings with Salazar and the business leaders. These agents were comandante Alvard ((Baltodano)) Cantarero, then Chief of Combat Preparation for the EPS, and EPS Captain Alejandro ((Guevara)). Baltodano is currently a member of the EPS general staff. He is the son of Cabinet Minister Emilio ((Baltodano)) Pallais. Guevara is currently the representative of the EPS in special zone three. Guevara was replaced during the operation by EPS Captain Salvador ((Bravo)). Because Guevara made a bad impression on private sector leaders due to his low intellectual level and limited education, Bravo committed suicide about two years ago. He was the brother of Sandinista hero, Jorge Sinforoso ((Bravo)). Moncada was in charge of coordinating the operation and reported directly to Cerna, but Baltodano, Guevara, and Bravo also filed their own reports. The DGSE agents told Salazar and the businessmen that a plan was being prepared within the EPS to overthrow the Sandinista Government. The DGSE then drew up the purported plan for the agents to present to the businessmen, who offered to financially back the plot.

3. On 17 November 1980, after the DGSE had accumulated information on the anti-Sandinista activities of Salazar and the businessmen, a high-level meeting was held among FSLN national directorate members and DGSE leaders. Those present at the meeting included: Minister of Interior Thomas ((Borge)); Vice Minister of Interior Luis ((Carrion)); Chief of the DGSE Cerna; Deputy Chief of the DGSE Juan Jose ((Ureda)); Minister of Defense Humberto ((Ortega)); Chief of Department of Operations Raul ((Cordon)); DGSE Deputy Chief of Security Roger ((Mayorga)); Chief of the Cuban counterintelligence advisory mission Carlos ((Lingote)); and other national directorate members. (Source comment: Cordon is now chief of the penitentiary system within the Ministry of Interior and Mayorga is the DGSE representative in the first region. Carlos Lingote is probably a pseudonym, as all Cuban advisors use pseudonyms.) During the meeting, Ortega stated that a political decision has been made by the directorate to assassinate Salazar as an example to other private sector leaders that such dissent at high levels within the private section would not be tolerated. (Source comment: Although the DGSE presented an analysis of the case to kill Salazar at the meeting, it was obvious from Ortega's comments that the decision had already been made.) After Ortega's statement, Lingote told the Sandinista leadership that he viewed their decision as a mistake. He said that it would be a grave error that would have political repercussions. Ortega declined to accept the Cuban's advice, saying again that the decision has been made. Lingote then left the meeting to consult with his superiors in Cuba. When he returned, he again tried unsuccessfully to dissuade the Sandinista leadership from enacting their plan to kill Salazar, saying that the Cuban Government did not approve of the plan.

4. At the 17 November meeting, Ubeda was put in charge of the operation to assassinate Salazar. He initially gave Cordon the assignment of eliminating the businessman. But Cordon protested, saying that he could not do it because he was a friend of Salazar's. Because of Cordon's reaction, Ubeda decided to take responsibility for the assassination himself.

5. On 18 November 1980, Moncada called Salazar, saying that he had important information and needed to talk to Salazar privately as soon as possible. Ubeda accompanied Moncada to the meeting site at El Crucero, on the outskirts of Managua, where the former hid himself. Moncada took a duffle bag of M-16 automatic rifles, which he was to plant in Salazar's car to make the latter appear guilty of possession of arms for use in a coup attempt. When Salazar arrived at the meeting site, Moncada placed the weapons in his car, and Salazar began to protest, saying that he could not carry such items in his possesion. Moncada then drew his weapon and fired shots into the air to give the impression to any witnesses within ear shot of the incident that a firefight had taken place betweeen the DGSE and Salazar. Ubeda came forward from his hiding place and shot Salazar. Moncada suffered a nervous breakdown as a result of this operation, and has had psychological problems ever since. He worked for the Department for "struggle against organizations and bands" for some time after the Salazar killing. But as a result of his problems, he has been unemployed since late 1984.

SUBJECT: SPECIAL COMMANDO UNIT OF THE NICARAGUAN GENERAL DIRECTORATE OF STATE SECURITY ((DGSE)) TRAINED BY CUBAN SPECIAL FORCES

Text: 1. Within the Nicaraguan General Directorate of State Security (DGSE). There is a special commando unit known as "multiple action groups" (GAM). The GAM were created for the purpose of penetrating task forces, camps, and the high command of the Nicaragua Democratic Force (FDN).

The Democratic Revolutionary Alliance (ARDE), and the Misurasata. (Source comment: The GAM have been in existence for about two years. Members of the GAM are known as "combat agents".) The specific missions of the GAM include assassinating anti-sandinista task force commanders and other insurgent leaders. Locating insurgent camps within and outside of Nicaragua. Creating Chads and disorganization within insurgent forces during Sandinista offensives, and collecting intelligence. GAM personnel work both individually and in groups.

In one GAM operation, which took place in about mid-1983, the GAM attempted to kill an insurgent task force commander. They did not succeed in assassinating the commander, but they did kill several members of his staff, as well as his wife.

2. GAM troops are trained by Cuban special troops in the area adjacent to the Santiago Masaya Volcano. Their training camp is located at the end of the access road to the House of Enrique ((Bolanos)) Gayer, President of the Superior Council of Private enterprise. The location, known as Reparto El Raizon, is at km 20 on the Masaya highway. The GAM receive paratroop and special troops infantry training, as well as training in the use of explosives, self-defense, locksmiths' techniques, communications, and ciphers. They also attend a course of the composition and armaments of U.S. troops at the squad, platoon, company, and battalion levels, and they study the offensive and defensive manuevers of U.S. forces.

3. The Chief of the GAM is First Lieutenant Arnoldo ((Garcia)). The GAM is organizationally part of the DGSE department known as "Periferia," which handles administration and planning. "Periferia" is under the direct authority of DGSE Chief Lenin ((Cerna)).

The freedom fighters are supported by the Nicaraguan people—note the following article in today's New York Times—and it is right for us to support them too.

[From the New York Times, Apr. 23, 1985]

NICARAGUAN REBELS APPEAR READY TO FIGHT ON EVEN IF AID IS CUT OFF

(By James LeMoyne)

SAN SALVADOR, April 22.—Despite serious political and military problems, guerrillas fighting the Nicaraguan Government have achieved a base of popular support, and their war is likely to continue whether or not Congress votes to give them assistance, according to Nicaraguan refugees, rebels and Western diplomats in the region.

Visits to rebel bases and Nicaraguan refugee camps in the last month indicate that the guerrillas are growing in number and that they have been able to pose a significant threat to the Sandinista Government. Their principal support seems to lie in northern Nicaragua, where the level of fighting and the number of exiles fleeing to Honduras appear to indicate that something close to civil war is being waged.

Two Salvadoran guerrilla officials who have spent considerable time in Nicaragua said in separate interviews that they believed the anti-Sandinista rebels were a serious problem. One of the Salvadorans has been involved in organizing the left for over 20 years.

The Salvadorans said they believed the rebels would wage a long war that would not lead to a military victory but would considerably weaken Nicaragua.

WAR WILL GO ON

"I have told the Nicaraguan comrades that they are in a situation like Mozambique with South Africa," one of the Salvadoran leftists said. "The war will go on, and with American economic pressure they can slowly be strangled."

The existence of a degree of popular support for the guerrillas has become clearer in recent months as the rebel forces have swelled, even though American financing has been cut off.

Accounts from Nicaraguan refugees and recent rebel recruits in Honduras gathered in the last month also indicate that the rebels have greater support than is generally realized, principally among the conservative farming communities across northern Nicaragua.

The clearest indication of the rebels' appeal, according to both guerrilla officials and Western diplomats in the region, is that the Sandinistas have felt compelled in the last two months to relocate more than 30,000 peasants sympathetic to the gurerrillas to camps in Government-controlled territory.

"The Sandinistas think Reagan created the rebels," said a Nicaraguan exile leader, Arturo Cruz, in an interview in Costa Rica. "They are wrong. The insurgency will continue because citizens of my country are in an armed fight."

Mr. Cruz, a former Nicaraguan Ambassador to Washington, has lobbied for aid to the rebels and called on the Nicaraguan Government to negotiate an end to the conflict.

MILITARY VICTORY SEEMS UNLIKELY

The guerrillas do not appear capable of militarily defeating the Sandinistas and, with their backers concentrated in the rural north, it seems unlikely that they can hope for the sort of broad insurrection that brought the Sandinistas to power in 1979.

What seems more likely is a prolonged, bitter fight in which each side counts on committed backers and Nicaragua remains polarized. The rebels seem capable of inflicting considerable damage on the Nicaraguan economy and of maintaining political pressure on the Government.

Rebel officials say they have made an effort in the last year to wage a small-unit guerrilla war, thereby avoiding heavy casualities. They do not, and probably cannot, control fixed positions inside Nicaragua, but say they are holding real-guard areas in Jinotega and Zelaya Provinces.

PEOPLE FLEEING ACROSS BORDER

A separate indication of the Nicaraguan Government's problem is the rapidly increasing flow of exiles fleeing across Nicaragua's borders to Honduras and Costa Rica. According to a United Nations official in Costa Rica, more than 1,000 Nicaraguan refugees have entered the country in the last two weeks, half as many as officially entered in all of 1984.

Many of the refugees are middle-class students who have fled the draft in Nicaragua and have no desire to fight for the rebels. But hundreds of others are peasants, many of whom can be seen training at the main rebel camp on the Honduran-Nicaraguan border.

The rebel group that appears to be growing stronger is the Nicaraguan Democratic Force. It is principally led by former members of the Nicaraguan National Guard, but its rank and file is a 14,000-man army composed mostly of peasants who express deep grievances against the Sandinista Government.

CRITICISMS OF REBEL SOLDIERS

Rebel soldiers, dozens of whom spoke in interviews with a reporter during a visit to their camp last month, offered a sharply competing and considerably more conservative vision of how Nicaragua should be ruled than the socialist program offered by the Sandinistas. The rebels criticized rationing, membership in the political militia, state control of crops and prices and Government friction with the Roman Catholic Church, all of which they attributed to the Sandinistas.

A measure of the seriousness with which the Nicaraguan Government takes the rebel threat is its expenditure of more than 40 percent of this year's budget on defense. The war dominates Nicaraguan politics and has badly dented the economy, according to Western diplomats in the region and several press reports from Managua.

A key issue that has divided rebel groups is the nature of their leadership, particularly the presence of former National Guard officers in the Nicaraguan Democratic Force. Human rights violations have also been a point of contention within the rebel movement.

Interviews with officials from all major rebel groups indicate that a majority believe that the movement needs new leadership. Mr. Cruz was the person most frequently mentioned as capable of uniting the rebels, but he has so far refused to take a leading role in the armed movement.

Although the rebels themselves say they have been badly hurt militarily by the cutoff in United States aid, Western diplomats who monitor the guerrillas say they still enjoy some advantages. The rebels are able to operate out of secure sanctuaries in Honduras, and they have a veteran combat force that fights on terrain that it knows well. One diplomat in Honduras said the rebels had not waged as wide a campaign of sabotage as they are capable of.

Thank you, Mr. Chairman.

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, many of my colleagues on the other side of the aisle have tried to roll all of the forces in Nicaragua into one ball—all bad. They could not be further from the truth. People by the thousands are fleeing the repression of the Communist Sandinista government in Nicaragua, and young men are joining the freedom fighters while fleeing the military repression of the Communist Sandinista military.

My colleagues have said there is nothing to fear from Nicaragua. How about Cuba? How about if and when El Salvador falls? Will there be something to fear then? How about Honduras?

We will not see a direct frontal assault like we saw when Hitler was crossing the Rhine in World War II. What we are going to see are wars of liberation by Communist guerrillas, low-intensity warfare. When will we respond? When we are an island in a sea of Communist States?

One of my other colleagues said that we are driving the Communist Sandinistas into the arms of the Soviets, the

Soviet bloc. How? We gave them $118 million when they first took power, and they turned immediately to the Soviet Union. We are not pushing them into the Soviet bloc; they are already there. Last year they received 18,000 tons of war materials from the Soviets.

When I was in Nicaragua 2 weeks ago, I talked to church leaders, business leaders, political leaders, and human rights advocates, and all of them, with the exception of the mouthpieces of the Sandinista government, said that if we withdraw support for the Contras, if there is no organized opposition to the Sandinista government, the Communists will solidify their position within that country, the repression will increase, and they will undoubtedly export revolution throughout Central America.

Not only are they working toward that now, but they are teaching the next-generation revolution. My colleague, the gentleman from New Jersey, talked about the educational text they are using, using handgrenades and machineguns to teach addition and multiplication. So they are not planning for just today but for tomorrow and revolution into the future.

We should look at what they have said in the past. We should look at the Communists, not only in Nicaragua but throughout the world, and we should listen to them. I think that is the biggest thing we have ignored today. We have not listened to what the Communists have had to say.

In 1916, Lenin said:

Socialists cannot be opposed to war without ceasing to be socialists. Only after we strike down, firmly conquer and expropriate the bourgeoisie in the entire world, and not only one country, will wars become impossible."

In 1955, Khrushchev said:

We must realize that we cannot coexist eternally * * * one of us must go to the grave. We do not want to go to grave. They do not want to go to their grave either. So what can be done? We must push them to their grave.

In 1958, Khrushchev said:

Our state renders aid to other countries because we communists, Marxist-Leninists, do not remain closed up within our frontiers. We consider the cause of building socialism and communism to be a great international affair and objective.

In 1971, Brezhnev said:

The complete triumph of the socialist cause all over the world is inevitable. And we shall not spare ourselves in the fight for this triumph, for the happiness of the working people!

In 1979, Andropov said:

Marxism-Leninism is the textbook for achieving socialist world revolution and the building of a new society in every country of the world.

In 1975: Castro said:

The revolutionary fighters of Cuba, true to the principle of international solidarity, facilitated the formation of armed forces and militias in a number of progressive countries, unhesitatingly and decisively supported peoples facing imperialist aggression. They have time and again shed their blood in other lands that have asked for their modest help.

And, of course, Castro said in 1958 that it was a lie that the Cuban Government was Communist-infiltrated. Then in 1961, 2 years later, he said: "I am a Marxist-Leninist and will be one until the day I die."

Then let us get to Nicaragua. In 1981, on August 25, Humberto Ortega said: "Marxism-Leninism is the scientific doctrine that guides our revolution, the instrument of analysis of our vanguard to understand the historical process and to create the revolution. Marxism-Leninism and Sandinismo are insolubly united, and because of our moral strength, our Sandinismo and our doctrine is that of Marxism-Leninism."

And then this is the most telling remark I have read. Tomas Borge in June of 1984 said: "This Revolution goes beyond our borders. Our revolution was always internationalist from the moment Sandino fought in La Segovia."

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

Mr. STUMP. Mr. Chairman, I yield 2 additional minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, in 1983, Defense Minister Umberto Ortega said: "* * * the military buildup is not in response to an external threat but is in fulfillment of the historical mission of the Sandinista party."

And in 1983, while being interviewed, Mr. Borge was asked: "* * * will you respond to the * * * remark that Nicaragua is the first domino in Latin America? That since the revolution triumphed here, it will be exported to El Salvador, then Guatemala, then Honduras, then Mexico?"

And Borge said, "That is one historical prophecy of Ronald Reagan's that's absolutely true."

Winston Churchill said 40 years ago, when talking of Hitler, that World War II was an unnecessary war because we could have prevented it if we had listened to Hitler. We can prevent American involvement in Central America with our boys being killed and maimed if we would just listen to what the Communists have to say. It is not Nicaragua that is the real danger to us; it is the failure of the United States of America to do something about Nicaragua that is the real danger.

Mr. Chairman, I yield back the balance of my time.

Mr. ADDABBO. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I rise in opposition to the resolution and in support of the Barnes-Hamilton alternative. U.S. foreign policy in Central America is out of control. It is costing the American taxpayers billions of dollars. There is no clear direction of U.S. foreign policy. Its failure is threatening the lives of brave Americans and innocent people in the region. And, finally, it is alienating hundreds of millions of people in Latin America.

No one in this body, to my knowledge, questions the importance of the political stability of the nations in Central America. No one in this body, to my knowledge, is not concerned about the association of the Sandinistas with Communists.

The question before us is, how do we deal with that association with communism?

□ 1720

Friend after friend from Latin America have told us that militarism is no answer. Expert after expert in our country have testified that militarism is not a solution in Central America.

President Alfonsin, a recent recipient of the Democracy Award, said that the problem in Central America is not military. The problem is economic, political and social.

Our friend, Belisario Betancur, President of Colombia, repeated that assessment, that the problem is not military. The problem is one of poverty, malnutrition, social injustice, political corruption and those terrible conditions causing ferment and discontent that explodes into revolution.

I think that the alternative presented by Mr. BARNES and Mr. HAMILTON gives the Contadora process an opportunity to address the real problems, an opportunity to succeed in advancing the principles upon which our own Government is based. This would give democratic capitalism in the region of Central America an opportunity to compete with Marxist Socialism ideologically.

We have seen time and time again throughout the 20th century where a paternalistic militaristic American policy in Latin America produces hatred, resentment and angry cries "Yankee go home." Only when we attempt to address the aspirations of the people of Latin America as we would address the aspirations of our own citizens in this country do we find good neighbors who join us in cooperation to achieve the principles taught by Simon Bolivar, a disciple of Washington and Jefferson. Bolivar was recognized as the liberator of Latin America from foreign domination.

A foreign policy which abandons the principles which our own Government advocates is destined to failure. We

have abandoned our own principles times and time again in dealing with the nations of Central America. It is time that we began to learn from our own revolutionary history, to review our national principles and to follow the light that we offer as hope to other peoples around the world. I believe that democracy can compete ideologically with communism.

Since 1945, communism has demonstrated time and time again that it cannot compete with capitalism, beginning in 1948 with Tito and as recently as 1978 with the People's Republic of China.

Fidel Castro states openly that the United States-China model is his goal for future Cuban-United States relations.

It is time we Americans started reading our own book, started believing our own ideals, practicing what we preach, and adopt those ideals as a guide for U.S. policy in Central America.

Give democracy a chance. Give our ideals a chance. Give the people of Central America the opportunity to enjoy the same freedoms that we claim for ourselves.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. SAM B. HALL, JR.].

Mr. SAM B. HALL, JR. Mr. Chairman, I would imagine that everyone who has listened to all of the testimony and statements here the last few hours has already made up his mind as to what he intends and plans to do. I have myself. I intend to support the President in the position that he is taking today.

I do not question and I do not think anyone does, the motives or the integrity of anyone who has taken a stand at this place, and who has taken a position different from the way I feel. They are sincere, honest people, who are seeking what they think is for the best interests of our country. However, I would like to share with you for just a moment an occurrence that happened a few weeks ago when Congressman SONNY MONTGOMERY and I, and other members of his codel had an opportunity to visit seven countries, Panama, Venezuela, Honduras, Costa Rica, Belize, Ecuador, and El Salvador. We spent a week in those countries. I do not take the position that by going one time and visiting those people that I am an expert on Central America. I do not take that position, but I do want to share with you some information that was given to us that I think should be made a part of this RECORD. This information was presented to us in intelligence briefings. We were told that since Mr. Ortega has been in power that this is the first time that direct shipments have come to his country from the Soviet Union, that prior to his assuming power it came from circuitous routes for his use and benefit.

We were also told, and this to me is cogent to what we are discussing today, that foreign military advisers in Nicaragua today total 3,770. That these military advisers come from Cuba, Soviet Union, East Germany, Libya, the PLO organization, and North Korea.

Now, I pose this question to my friends. Why are those military advisers in that country? Would anyone take the position that they are there to protect our interests? Would anyone take the position that they are in that country to try to further democracy? Of course not. They are there, in my opinion, to try to do the same thing to that country that they have done to Cuba and that is to make it a satellite of the Soviet Union.

I live in east Texas and I know that some of the fighting there is closer to my hometown than my hometown is to Washington, DC. That in itself gives me great concern.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. STUMP. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. SAM B. HALL, JR. I am concerned about not voting this $14 million aid for another reason. I would much rather see those people fight it out down there themselves than to ever have American troops go down into Central America and shed an ounce of blood.

I do not think you can compare it with the Vietnam matter because of the distance involved, if nothing else.

So I would state to my friends to consider why those 3,700 people are there and if you can convince me that they are there for the betterment of the United States of America and for the betterment of democracy and that they are doing things that would be better for my children and grandchildren, I will switch over this minute and lead the fight and vote with you. I do not believe you can show me that.

Mr. STUMP. Mr. Chairman, I yield 7 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, I thank the gentleman.

I want to specifically pick up on the arguments of an earlier speaker, the gentleman from Arkansas, who in a sense was asking what are these votes in Nicaragua really all about.

There are a number of ostrich Democrats who would have us believe that there is no danger from Nicaragua. Some even laugh at the idea.

There are ostrich Democrats who would have us believe there is no communism in Nicaragua.

The ostrich Democrats would have us believe, from an earlier speaker, that it is a "militaristic America" and Ronald Reagan who threatens peace in Central America.

The ostrich Democrats promise us that if only America pulls out, there will be peace.

The ostrich Democrats promise us that if America unilaterally quits, the Nicaraguan Communists will be reasonable.

We have heard the ostrich Democrats before in Vietnam, Laos, Cambodia, Angola, Afghanistan, and Grenada.

Again and again ostrich Democrats promise peace through American weakness. Many human beings died, others were imprisoned, Communist tyrannies were imposed; the Soviet Union became stronger, the United States became weaker.

Have you seen the movie "The Killing Fields"? Cambodians died after ostrich Democrats in this Congress crippled America.

Here are the Grenada documents. Again and again ostrich Democrats promised us that Grenada was not Communist and the Soviet Union was not gaining an ally against the United States.

□ 1730

This book, these actual Communist documents prove beyond any reasonable doubt Leninism exists, the Soviet Union is real, America does have enemies.

Ostrich Democrats deny the lesson of Grenada. Again and again today the ostrich Democrats said there is no proof of Soviet-Cuban-Nicaraguan Communist efforts to undermine Nicaragua's neighbors.

Let me offer the physical proof of the Soviet-Cuban-Nicaraguan Communist offensive in El Salvador and Honduras. Let me say in advance to my colleagues, these exhibits are all harmless but they have been harmful. These exhibits are authenticated captured weapons from El Salvador. They are on loan from the El Salvadoran Government to the U.S. Defense Department. They have been dismantled. They meet every kind of rule of safety.

This is the stock of an American weapon captured in Vietnam which the Communists captured in El Salvadora after it came from North Vietnam to Cuba to Nicaragua, and then to El Salvador.

This is a similar American weapon captured, we know because of the stock numbers. This was left in Vietnam after this Congress cut off aid to South Vietnam. It was then captured by the North Vietnamese, shipped to Cuba, transshipped to Nicaragua, and captured in El Salvador.

This is a particularly interesting little device because the same device, this is a rifle-propelled grenade, this particular device was the same lock number as was found in Grenada where we absolutely knew it was

brought under contract from the Soviet Union to Cuba and then transshipped to Grenada. This was found in El Salvador.

This is a North Vietnamese 82 millimeter mortar sight modified to fit captured American equipment in Vietnam, shipped from North Vietnam, captured in El Salvador after it came through Nicaragua.

This is a Soviet grenade pin found near an electric utility generating station in El Salvador where it was left by the guerrillas after they blew up the station. It came through Nicaragua from the Soviet Union to El Salvador.

Finally, and I will not leave this here, this is a Bulgarian rifle round from the same factory number 10, shipped from Bulgaria to Cuba to Nicaragua, captured in El Salvador.

Now let me say to our friends across the aisle, I am going to leave these weapons sit here on exhibit, and I am going to leave a copy of the Grenada documents on exhibit.

As each ostrich Democrat denies the truth of Leninism and the Soviet military alliance against the United States, have them read Marshall Ogarkov in the Grenada papers.

As each ostrich Democrat denies that the Nicaraguan Communists are undermining their neighbors, have them come over and examine these weapons on exhibit. Remember that there are thousands more of captured weapons just like these that we do not have here.

Mr. RICHARDSON. Will the gentleman yield?

Mr. GINGRICH. If I have time.

President Kennedy said in his inaugural address, and I quote from an earlier donkey Democrat: "Let every nation know whether it wishes us well or ill that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and success of liberty. This much we pledge and more."

Ostrich Democrats say, "We shall pay no price, we shall bear no burden, meet no hardship, support few friends to assure the survival of liberty."

Mr. RICHARDSON. Will the gentleman yield?

Mr. GINGRICH. I will be glad to yield.

Mr. RICHARDSON. I thank my colleague.

I wish to remind my colleague, I do not know if he has been here for the whole debate, but I am proud to say that I commend the minority for their bipartisanship in the course of the debate. I also commend my colleagues on the majority.

What the gentleman has just done is destroy this whole bipartisan exercise that I think by a weak media event. This is a responsible debate, and we are all Americans here, not "ostrich" Democrats or conservative Republicans. The gentleman from Georgia is debasing the quality of this debate. We all want to do what is best for this country, and we don't need a media weapons display to make our points.

Mr. GINGRICH. If I may take back my time——

Mr. RICHARDSON. By an act of demogoguery.

Mr. GINGRICH. I take back my time.

Mr. RICHARDSON. Which I regret very much.

Mr. WALKER. Mr. Speaker, I demand that the words of the gentleman from New Mexico [Mr. RICHARDSON] be taken down.

The CHAIRMAN. The Clerk will report the words.

□ 1733

Mr. GINGRICH. Let me continue, if the gentleman will withdraw.

Mr. WALKER. Mr. Chairman, I withdraw my request.

The CHAIRMAN. The gentleman withdraws his request. The gentleman from Georgia is recognized.

Mr. GINGRICH. Let me talk about demagoguery for a second and why I talk about ostrich Democrats. This book is actual Communist document, this is not demagoguery. These weapons are actual Communist weapons shipped through Cuba to Nicaragua and El Salvador. That is not demagoguery. And it is your wing of the party which is killing freedom in Central America. It is not Republicans, it is not the decent Democrats. You are darned right, when your end of the party dominates this House, you set the rules, you bring up the resolutions, you cripple freedom, you weaken America, I will talk about ostrich Democrats. When you want to cease doing that I will be very bipartisan.

Mr. Chairman, I yield back the balance of my time.

Mr. STUMP. Mr. Chairman, I yield 8 minutes to the gentleman from Arizona [Mr. RUDD].

Mr. RUDD. Mr. Chairman, I thank my colleagues for yielding. I have been most observant of the debate today because it probably is the most important debate that we will be engaging in anytime in the near future, because it has to do with whether or not we will recognize that we have brothers to the south of us who are looking to us for leadership. There is a lot said today about concern for human rights and outrage, and we have had a lot of that. We had a lot of outrage in the past against the U.S.S.R., the Soviets, for the slaughter that they engaged in in Poland, in Hungary, in Czechoslovakia, in Afghanistan, in Southeast Asia, the horn of Africa and central Africa. We have had outrage against the Soviet Union for the shooting down of innocent people, including a former colleague of ours, on flight 007 of the Korean Air Lines, well remembered.

We have had outrage at what has happened when Fidel Castro took power in Cuba, because we felt that there had been outrage committed and that he was going to repair that, but there was no comment made when he lined up thousands upon thousands of people against the wall and shot them simply because they opposed what he had done and had established a dictatorship there.

We have been outraged at what has happened during the Somoza/Sandinista fight in Cuba, when the Sandinistas, with our help, came to power and established a Communist government there, identified as such by themselves because the Sandinista Party was the Communist Party of Nicaragua before they did take power. We have done nothing to show respect for representative government, outrage—temporarily.

Let me just say that a recent poll taken indicated results from 50,000 people contacted, that 85 percent of the people across the Nation, 85 percent of the people were in favor of aid to the Contras in Nicaragua and in Honduras.

I will tell you that it must have outraged a lot of people, too, when we recognized that the Sandinistas came to power behind the barrel of a gun just as the Fidelistas under Fidel Castro came to power behind the barrel of a gun in Cuba. The freedom fighters who are called the Contras are the remnants of what was presumably set out to be done at the time the Somocistas were overthrown in Nicaragua, and that was to establish not a democracy, necessarily, but some kind of a government which would provide liberty and freedom and respect for the individual in Nicaragua. Regardless of what has been said here today, the information available to me is that the Contras are made up of about 2 percent, 2 percent of the remnants of the National Guard of Nicaragua and 42 percent are former Sandinistas, or people who helped the Sandinistas come to power. That is an established fact, at least according to the information that I have. Let me tell you, along with other colleagues who have indicated travel into that portion of the world during the Easter recess, I was privileged to accompany a codel to 7 countries in Latin America. And, as compared to a year ago, the people throughout the lands south of us have changed their attitudes a great deal. Previously they did respect the United States, they did look to us for leadership, but they would not confess to that or to outright friendship because it was not popular to be too friendly with the colossus of the North.

Today those people openly profess their friendship, openly ask for the leadership of the United States of America and openly state their horror

of the terror that exists in Nicaragua because they know this will come to their lands if they do not get the leadership that we will be able to provide them and if we do not support the Contras.

This is the most important vote for them on Latin America that they are watching today. They are watching it much more closely than we are here in America, because it means if this vote is not taken in favor of the Contras, it means that we will once again, once again leave our friends at the last minute.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield to me?

Mr. RUDD. I yield to the distinguished gentleman, my friend, from Mississippi.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STUMP. I yield an additional 2 minutes to the gentleman from Arizona [Mr. RUDD].

Mr. RUDD. Mr. Chairman, I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for what he said, and also to emphasize the point he made about the Contras, that less than 2 percent of the total Contra forces ever served in the Nicaraguan National Guard, served under Somoza, and that 42 percent of the Contra middle grade leadership are men who deserted the Sandinista ranks when the Sandinistas betrayed their promise of democracy and freedom in Nicaragua.

So the Contras, most of them were Sandinistas at one time. I think that point should be clearly made here today.

Mr. Chairman, I appreciate the gentleman in the well bringing it up.

Mr. RUDD. I appreciate the gentleman's leadership which he provided on a recent trip.

You know, there are a number of us, and this may be of interest to my friend and colleague from Arizona, who supports the Nicaraguan freedom fighters and oppose it by invoking the memories of Vietnam.

We should reread history.

The Tet offensive was a military victory for the United States and the South Vietnamese forces.

When President Nixon ordered the bombing of Hanoi Ho Chi Minh sent his emissaries to the Paris tables to actually talk peace.

Actually, South Vietnam was not destroyed in that case, but was destroyed by the Case-Church amendment which prohibited the use of air power to enforce the provisions of the Paris accords.

Today a large portion of Southeast Asia is dominated by the Communists under the same circumstances we are facing now in Central America and because of the violent genocide there.

Many of the Nicaraguan freedom figthers helped to oust the government of General Somoza, as we stated before, but they now turned coat on it and are trying to establish the freedom that the Sandinistas promised and never produced.

If we fail to support both the freedom figthers in Nicaragua and the duly elected government in El Salvador of Jose Napoleon Duarte, then Cuba and the Sandinistas under the Soviet direction will export communism everywhere throughout Latin America and in Mexico.

Captured Soviet correspondents obtained in Grenada provides us with compelling evidence that Russia is committed to spreading this revolutionary doctrine throughout the region.

There is an old copybook rule that an ounce of prevention is worth a pound of cure. And the freedom fighters are defending the United States and its prinicples in Nicaragua just as surely as they are fighting for their own freedom and for our freedom.

So if those in control of the House of Representatives forbid further assistance to those freedom fighters in Nicaragua, they should be prepared to take the blame for the inevitable consequences that will result.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield to me?

Mr. RUDD. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I thank the gentleman for yielding.

Mr. Chairman, people on the other side have made the point that this may be a Gulf of Tonkin resolution. In other words, if we were to approve money for the Contras, that we might have to send troops down there. In fact, this is the reverse, if we do not send money down there, we may have to send troops down there.

Mr. RUDD. The gentleman is right.

Mr. Chairman, I yield back the balance of my time.

□ 1750

Mr. ADDABBO. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. Mr. Chairman, Congress faces an important choice and a test of its will.

The choice is whether we will support a diplomatic resolution of the conflict in Central America and reaffirm our faith in the strength of our diplomacy.

The test of our will involves the issue of maintaining congressional opposition to providing military assistance to the Contra forces who seek the overthrow of the Nicaraguan Government.

1. THE STRENGTH OF OUR DIPLOMACY

In the past year, we have seen leaders of the administration continually question the value of our diplomacy by emphasizing the need to rely on military force as a solution to our diplomatic problems. Central America has been the particular focus of this approach.

This approach undercuts our diplomacy and ignores the strength of our diplomatic tradition.

Strength of our diplomacy rests on the strength and power of our diplomatic imagination.

The United States emerged as a diplomatic power in the 19th century, at a time when we were not a military force to be reckoned with.

In fact, in Latin America, where we first staked out a diplomatic position through the much misunderstood and manipulated Monroe Doctrine, we had no military force to back us up.

What we did have was a bold diplomatic imagination and a vision on which we have based our Latin American diplomacy ever since.

In all of our diplomatic succession, what stands out is the fact that we have been clear about the nature of our interests and those of others. The Reagan administration, in practice, seems to have lost sight of this. The tragic outcome of our involvement in Lebanon is generally credited to the fact that no one in the administration could agree on the reason for sending in the Marines. If we are to believe the administration, there is a similar lack of clarity with regard to policy toward Nicaragua.

Initially, we supported the Contras in order to stop the influx of arms to El Salvador. When the administration could not provide convincing proof of this, the policy objective shifted.

The next reason for administration support for the Contras was to press Nicaragua to reduce its relations with the Soviet Union and Cuba. When that seemed to have failed, rather than change the policy—support for the Contras—the administration changed the policy goal.

The latest rationale is to keep pressure on Nicaragua to bring them to the negotiating table and to keep them there. The difficulty with this rationale is that quiet negotiations have been going on and it is the administration which has not stayed at the table; in January, we ended the talks which had been progressing at Manzanillo in Mexico.

What, then, should be the goals of our diplomacy?

Unquestionably, the primary goal should be to deny the Soviets an offensive military base in Central America. There must be no missiles in Nicaragua—on that we are all agreed.

We should also be concerned to promote a peaceful, diplomatic, and political solution to the conflict in Central America.

We must also reaffirm the primacy of diplomacy. We should support ac-

tively the Contadora peace process. After all, the Contadora nations are staking quite a bit on their diplomatic skills; our own history shows that a nation does not need to be a military power to make diplomatic history.

Are these goals being served by the administration's proposal to continue aiding the Contras? The answer is no.

Since 1981, the administration has given almost $100 million to the Contras and what do we have to show for it?

A further hardening of the Sandinista's position.

An increase in the intensity of terrorist attacks on the civilian population of Nicaragua.

A series of embarrassing incidents, including the mining of Nicaraguan harbors and the production of a manual for the Contras which advocated terrorist methods.

Our efforts to consolidate opposition to the Sandinistas on a democratic basis have failed.

The Contras have been unwilling or unable to work together and the primary reason is that the democratic groups opposed to the Sandinistas refuse, for good reason, to follow the lead of the FDN forces—the largest single group and the group that the administration seems closest to.

Everyone else involved with Nicaragua recognizes that the FDN is dominated by former members of Somoza's national guard, who have rarely been known for their commitment to democracy.

The irony of the administration's unwillingness to deal diplomatically with the Sandinistas was pointed out by Theodore Sorenson when he noted the welcome extended to Chadli Benjadid, the President of Algeria last week. Mr. Sorenson correctly observed that governments change of their own accord, that not all governments born in revolutionary fervor wind up as hard line opponents of the United States. A great deal depends on our willingness to accept them and deal with them.

2. A TEST OF CONGRESSIONAL WILL

We are engaged in a test of congressional will on this matter. Over the past 3 years the House has repeatedly expressed its opposition to the administration's policy with regard to the Contras.

Through the Boland amendment to the fiscal year 1983 appropriations bill, we prohibited the use of funds to overthrow the Government of Nicaragua.

In fiscal year 1984, aid to the Contras was capped at $24 million and we stipulated that additional funds could not be spent without congressional authorization.

Last year, Congress denied a request for an additional $21 million for the Contras.

Now, Congress is being asked to approve an additional release of funds for the Contras.

How many times do we have to say no?

We are being offered a compromise that is no compromise at all, a compromise that flies in the face of the experience of the past 3 years. We have been told before that the funds would have a limited use, and we subsequently found out that they were used to mine harbors, produce assassination manuals and support a movement whose true aim was to overthrow the Nicaraguan Government. The essence of the administration's compromise is that the money will be used for humanitarian assistance for 60 days, and then it will revert to military assistance. All that this compromise does is to postpone the day when the money will be squandered in pursuit of a wrongheaded and deadly policy in Central America.

We have been clear in the past about our resolve not to fund the Contras. We must remain resolute while we work actively to promote a just peace in Central America—a peace which will be the most effective way to deny the Soviets a foothold in Central America.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from Illinois.

Mr. HYDE. Would my friend concede, in the interest of historical accuracy, that you were a little slow on Grenada? Would you concede that much?

Mr. DOWNEY of New York. I will not, but I will be happy to have a dialog with the gentleman a little later.

Mr. STUMP. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I rise in strong support of the $14 million aid request. Mr. Chairman, a group of us from the Armed Services, Veterans' Affairs, and Appropriations Committees visited seven countries in Latin America earlier this month to assess United States, Central, and South American security matters as well as to review the participation of U.S. national guard troops in the Blazing Trails and Ahaus Tara III exercises. We had the opportunity to meet with numerous U.S. diplomatic and military personnel as well as with high-level Latin American military and government leaders—most notably with President José Napoleon Duarte of El Salvador. We encountered a number of recurring security and defense themes on our journey—themes about which there was surprising unanimity of opinion—and I would like to pass along our findings for your consideration. In fact I had been to Central America 12 months ago and then 2 weeks ago and I could see improvement toward democracy.

First, United States and Latin American officials agree that Cuban and Nicaraguan support of leftist insurgents in El Salvador and elsewhere in the region poses the most serious threat to democracy and stability in Central America. There is no doubt that Cuba and Nicaragua are continuing to export their revolution in terms of providing financial support, military hardware, training, and sanctuary to the violent opponents of democratically elected governments.

Second, United States and Latin American officials agree that the United States must continue to provide significant resources to democratic forces in Central America in order to counteract the effects of Cuban and Nicaraguan influence. President Duarte, in particular emphasized that "if the United States cuts off aid to democratic forces in Central America, the United States will ensure a permanent military imbalance in the region and contribute to the victory of totalitarian forces."

Third, the officials with whom we spoke stressed that Latin America views U.S. approval of the $14 million humanitarian assistance request to the Nicaraguan Contras as a "litmus test" of the U.S. commitment to the region. They ask why the United States hesitates to actively export its most precious commodity—democracy—when Cuba and Nicaragua do not hesitate to export their Marxism. They ask why the United States hesitates to support Nicaraguans who are willing to risk their lives to restore freedom and democracy to their country in order that American men need not sacrifice their lives some time in the future.

Fourth, United States and Latin America officials emphasized the importance of constructive U.S. pressure on Nicaragua to move the Sandinistas toward moderation. The record shows that the flow of arms from Nicaragua to leftist insurgents in Central America slows when the United States keeps the pressure on through providing assistance to the freedom fighters or through conducting joint military exercises with regional armed forces. We can only encourage the Sandinistas to participate in meaningful negotiations if we hold their feet to the fire with such constructive pressure.

Mr. Chairman, the Contras have reached a critical juncture in their fight to restore democratic freedoms to Nicaragua. Today, there are more Contras in the field than there ever were Sandinistas during the revolution—and the Sandinistas are vulnerable. Now that success is within reach, the United States must not pull the

rug out from under the freedom fighters.

In closing, Mr. Chairman, I would like to clarify who the Contras really are. We have heard some Members of Congress argue that the Contras are the same national guardsmen who terrorized the Nicaraguan people under the Somoza regime and that the United States should not support these murderers and torturers. In actuality, less than 2 percent of the total Contra forces ever served in the Nicaraguan National Guard. An even more telling statistic is that 42 percent of all regional commanders are ex-Sandinistas. In other words, 42 percent of the Contra middle-grade leadership are men who deserted the Sandinista ranks when the Sandinistas betrayed their promise of democracy and freedom in Nicaragua.

I say to my colleagues—make no mistake about it—U.S. credibility in Central America is directly at stake in this vote. I urge you to cast a vote for democracy and approve the $14 million humanitarian assistance request.

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, earlier in this debate there was a good deal of discussion about the problem of Nicaragua as a foreign policy matter and as a human rights matter; but I think in the last couple of hours we have come, really, to the basic question. In my judgment, those earlier discussions ignored what the real issue is. It is a question of the national security of the United States. Make no mistake about it; under the Sandinistas Nicaragua has become a military camp. They have by far the largest military force in the Caribbean. They are putting so much money in their own military machine that their own people are short on food and they are short on power, and the Sandinistas, who already have a substantial airport in Managua, are now in the process of building a vast new modern military airport, whose basic objective is clearly to become a base for a Soviet air group. In fact, one individual whom I am not able to identify in this body, and who has never been a strong supporter of the Reagan administration in Nicaragua, said if that happened even he would believe a military attack would be warranted.

Do we really want to see another Cuba in the Western Hemisphere? Remember, Cuba, after all, is only an island. But Nicaragua is part of the main, a part of the continent, and it makes Nicaragua a far greater threat as a Soviet-sponsored military base than Cuba has ever been, even with all of its ballistic missile subbases. Do not let us forget the lessons of Grenada, the vast storehouses of Soviet and Soviet bloc weapons on that island of 111,000 people. Think how many more Soviet weapons can be stored in Nicaragua warehouses, as the gentleman from Georgia [Mr. GINGRICH] has just demonstrated to us very clearly. Think how many can be distributed to other Caribbean countries.

The distinguished gentleman from New Mexico [Mr. RICHARDSON] said that what we want most in Nicaragua is peace. But we would have to be whistling Dixie to think that the Sandinista government is really interested in peace. Because it is not any more interested in peace than Hitler was interested in peace.

As a matter of fact, Ambassador Jeane Kirkpatrick said the other evening the parallel with Nicaragua is Munich. Neville Chamberlain tried diplomacy, as Mr. ALEXANDER and Mr. DOWNEY suggested that we try diplomacy. Neville Chamberlain tried diplomacy with Hitler, and we all know how he turned out.

As a matter of fact, because Nicaragua is a part of our continent, it is very likely and very possible that the Soviet forces there could even drive north to the Rio Grande.

The Armed Services Committee visited Nicaragua last July, and the people in the U.S. Embassy told us that the real value of the Contras is that they provide the only leverage we have in Nicaragua to force the Sandinistas to change their political policy and to stop their growing military machine.

Some people said that this legislation could create another Vietnam. Absolutely not. The problem in Vietnam was that we were using U.S. troops to pursue our objectives while the Soviets were using their clients, the Vietcong and the North Vietnamese Army. But with the Nicaraguan Contras, we have freedom fighters who are willing even eager to carry out our efforts. All that we are being asked to supply with this legislation is some help so that they can carry out those efforts.

If it is OK to aid the Afghanistan freedom fighters; if it is OK to aid the heros of the Solidarity movement in Poland, if it is OK to provide the help that we gave to the Hungarian freedom fighters back in 1957, what is wrong with helping the Nicaraguan freedom fighters, who seek to eradicate a threat to our security. In fact, if it were not for the money that a struggling United States of America got from the French in our American Revolution our great democratic Nation wouldn't be in existence today thank God.

Mr. ADDABBO. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Chairman, I strongly urge the House to reject the President's request to resume the financing of military or paramilitary operations against the Government of Nicaragua.

The President's policy toward the Nicaraguan Government has gone through a number of quick-changes. First, we were told that we had to prevent Nicaragua from providing military assistance to the rebels in El Salvador. Next, our goal became the containment of Communist expansion in Central America. When Congress refused to provide funding for the Nicaraguan Contra forces, Mr. Reagan stripped the camouflage from U.S. support for the Contra forces by declaring his intention to overthrow the Nicaraguan Government if the Sandinista regime didn't cry "uncle." A vote to resume financial aid to the Contras would give congressional approval to the President's desire to continue a war by proxy and to overthrow the Nicaraguan Government.

The Government of Nicaragua, admittedly, does fall short of expectations and I am not going to defend the Sandinista regime in all its actions. But, the people of Nicaragua choose its Government in an election. It is Nicaragua, and not the United States, which is the most clearly threatened nation in the Western Hemisphere. Its harbors have been mined. There are U.S. warships offshore. Large armies are on its borders, and it is fighting against rebel forces. Nicaragua is more threatened than it is threatening.

As for the Contra forces we have been supporting, some do represent groups that would form a government with which we could closely identify. But, there is a substantial number of murderous mercenaries who cannot be called freedom fighters or the moral equivalent of the Founding Fathers. They are nothing more than brutal thugs whose former loyalties are associated with the hated Somoza dictatorship. They would reinstate a reign of terror and a regime that was originally perpetrated by the Somoza family, and a takeover in Managua by the Contras would result in this latter group-seizing control.

The President speaks about being firmly on the side of peace in Central America. Of course, we do not know what the President means by peace since this President is capable of engaging in such pernicious doublethink that he would try to have us believe that going to war would be for the purpose of peace. By supporting insurgents and mercenaries, it can be said that we are already at war with the people of Nicaragua.

Mr. Reagan's indiscreet comments about overthrowing the Nicaraguan Government can only reinforce the suspicion and fear of the United States that runs through the countries of Central America. The President keeps referring to the Marxist-Leninist threat to Central America, but for

many people in that region, the real threat comes from the Yanqui from the north. Since the middle of the 19th century, the United States, time after time, has intervened militarily in Central America, and it is the Americans, not the Soviets, who are feared by many in Central America. The President is now reviving the great fear of Yankee imperialism in its worst form.

Mr. Chairman, the President, by pursuing his policies in Central America, is intervening on the wrong side of history. In Central America, we should be on the side of those popular movements which want to attack the oppressive conditions there, and as long as the poverty, the hunger, the illiteracy, and economic exploitation exist, revolutions will continue with or without foreign intervention.

Nicaragua is a small, poor country that on its own cannot threaten the United States. Rather than exercising its military muscle, the United States should be joining the Contadora nations in seeking a long-term commitment to peace and stability in Central America. Such a policy would be far more effective than sponsoring military adventurism.

Mr. Chairman, the President's remodeled proposal to salvage aid to the Contra forces is one born out of desperation. It is a sham. Does anyone really believe that funds managed by the CIA will be used for humanitarian purposes? It makes no moral, political, intellectual, or strategic sense to fund the Contras. Let us defeat this proposal and get on with the business of finding the means to use American power and influence constructively to obtain peace in Central America.

Mr. ADDABBO. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I know that everyone here today is committed to democracy and freedom. While some here may disagree, my determined opposition toward U.S. assistance to the Contras, and my efforts to change the failing policies of the United States in Central America, do not contradict my belief that the Sandinista government is failing in some of its commitments to the Nicaraguan people.

So while I am strongly committed to the United States ending its support to the Contras, I am under no illusions about the Sandinistas or the Contras, or for that matter, the Governments of Guatemala, El Salvador, or Costa Rica.

However, my concern today is not with the merits of Sandinista internal policy, but with the lack of wisdom and the illegality of U.S. foreign policy.

I believe the United States is justified in wanting to stop Nicaragua from exporting military equipment and supplies to other parts of Central America. However, I am deeply distressed that our Nation is paying only lipservice to diplomatic methods, and instead is putting all its emphasis on a military solution. That approach is not succeeding. Instead, it is adding to the dangerous instability of the region.

Moreover, the hypocrisy of this indirect, supposedly covert operation seriously damages our credibility at a time when we should be demonstrating our moral leadership and our commitment to open, honest, and democratic government.

Mr. Chairman, in discussing U.S. Central American policy, we must face two fundamental facts.

First, we must comprehend the unchanging, grinding, and brutal poverty in this part of the world that most Central Americans face—year after year, decade after decade, generation after generation. While this poverty is an age-old problem, it is our country's shortsightedness in failing to constructively address it that helps perpetuate the intolerable conditions.

The second fact I wish to point out is that over these past decades, the United States has been the agent of peaceful, evolutionary change toward democracy and economic well-being in Central America. Too often the history of the U.S. Central American policy has been a history of military intervention, diplomatic neglect, and economic control.

By failing to give high priority to thoughtful economic development, and by supporting landed families such as the Somozas, we have placed ourselves on the side of oligarchy, and on the side of right wing military dictatorships. We have failed to use our influence and prestige to encourage the growth of democracy.

Against this backdrop, the Reagan administration remains determined to show that it can be tough with governments such as Nicaragua.

When the U.S. Government first began its covert action in Nicaragua, the rationale given by the administration was twofold, namely to prevent the flow of arms from Nicaragua to other Central American states, and in doing so, force the Government of Nicaragua to become so preoccupied with its own internal problems that it would turn inward and ignore the rest of Central America.

The rationale offered for this position was apparent: Nicaragua can do what it wants within its borders, but stay out of other countries. Most would say that on its face, it was, and is, an acceptable policy for the United States to try and prevent the exportation of a Soviet-Cuban backed Marxist revolution to neighboring countries.

However, it was, and is now, an empty rationale and a smokescreen policy. For while the administration purported to follow the policy of containment, it is now apparent that its true policy from the beginning, was to overthrow the Sandinista government.

And there was Congress, approving the expenditure of significant money to stop the flow of arms, and yet none were ever found. As a member of the Intelligence Committee, I repeatedly asked the CIA and the administration to show me that one round of ammunition, or one pound of high explosives that the so-called arms-interdiction campaign had seized. They did not then, and still have not, produced any.

At the same time, the CIA, contrary to U.S. law, was failing to keep us informed of the extent of its activities.

I learned more from Newsweek than I did from our special briefings. And of course, in the instances of the mining and the manual, the CIA flatly ignored the requirement that it inform the House and the Senate Intelligence Committees of its activities.

In 1984, after Congress limited assistance to the Contras to $24 million, the administration consciously and intentionally violated that ceiling by what can best be called creative accounting. Cost and expenses that should have been counted against the $24 million ceiling were charged to other accounts, or swallowed up in the general cost of intelligence or military operations, or under the guise of U.S. military exercises.

To me, however, this cooking of the books is a direct and intentional circumvention of the law, and, along with my esteemed colleague, Mr. ADDABBO, I asked Defense Secretary Weinberger to formally account for all funds spent on the U.S. military exercises last year, and planned expenditures this year.

I remind my colleagues of this administration's record because it is reported that the administration may ask that great humanitarian organization, the Central Intelligence Agency be allowed to distribute humanitarian aid to the Contras. Assuming that ruse is refused, the administration may retreat to the position that an "interagency group" be in charge of distributing so-called humanitarian aid.

Mr. Chairman, the administration is telegraphing its punches. They will look for any way to get the money to the Contras. This administration has forfeited the right to be trusted with any money involving the Contras. If we want to give humanitarian aid, let us give it to an international organization that we know will distribute it properly and has the track record to show for it.

You and I know the American public generally does not support this adventure. But it seems that the stronger the public opposition gets, the more determined the administration is to persevere.

I would like to believe we have learned by now that no amount of sophisticated military equipment can win a guerrilla war nor repair an unjust society. Without popular support a repressive and undemocratic government has a very hard time resisting a rebellion.

I do not believe we promote democracy by killing more innocent civilians than the other side. Or by withdrawing from the World Court when our actions are less than legal. Let us use our influence not to win this war but to end it. Let us stop giving only lipservice to the Contadora group of nations trying to work out a regional solution and actively support their efforts. Let us step not toward a wider war, but toward a workable peace. Our country stands for honest and peaceful principles of government; let us demonstrate the power of that belief.

I am not suggesting this is an easy task, but it is a necessary one, both morally and politically—for Central America is a strategic region in our country's security. We will not have the luxury of blundering into an unwinnable ground war there and then withdrawing from the region and then trying to erase the experience from our national consciousness.

As usual we are getting candor mixed with hypocrisy from this administration. It is doing its best to lead us into the quagmire of Central America, where once again there is no light at the end of the tunnel. My friends, this week we are hearing those familiar echoes of the past. There is not much difference between, "Just 14 million more dollars ought to do it," from what we heard some 20 years ago, when another President said, "Just 14,000 more troops ought to be enough." Today we hear too many voices willing to spend American dollars in a war-by-proxy. Where will these voices be when we are spending American lives in an unwinnable undeclared war with little if any objectives, and with little if any support of the American people? What will we answer 20 years from now when people ask us, "How did this happen?"

I urge my colleagues to join with me and reject House Joint Resolution 239, and any other proposal which provides funds for the Contras thru the CIA or any other executive branch agencies.

□ 1800

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. I thank the gentleman for yielding me this time. Mr. Chairman, nobody in this Chamber has the ability to see the future. Nobody can know for sure what these votes and these words are going to mean to some scholar of the future—or even to our own children.

Nobody knows for sure what sympathies and aspirations lie in the hearts of the Contras, or with Daniel Ortega and the men and women who, with him, govern the actions of Nicaragua.

And so we who cannot see the future have to rely on today and yesterday to guide our words and our actions. We have to determine what we are going to do here today according to the record the Sandinistas have built with their own hands, and according to a reasonabale estimate of what they are likely to do in the future.

Nicaragua is a cancer.

In Central and South America, millions of men, women, and children are being brought the blessings of democracy and freedom. Free elections, free press, free speech. Where there was once a sea of oligarchy and oppression, there is now, thanks in large degree to our own actions in this Chamber, a new tide of free government.

In all of Central America, only Nicaragua is not moving toward freedom and democracy. And in all of Central America, only Nicaragua stands as a threat to the freedoms of others.

Do we have a right to move American force into Nicaragua to force that government to adopt a system like the one that has worked so well in the United States? Of course not.

But do we have a right to apply limited pressures on that government to force it to stop its efforts to undermine neighboring democracies and force millions of Central Americans into Sandinista-type governments, without free press, free labor unions, free elections? Do we have a right to protect democracy not in Nicaragua but in Honduras and Costa Rica and El Salvador, where government and civilian leaders almost with one voice plead with us not to abandon them? Yes. We have that right. And we have that obligation.

Vietnam has a lesson for us alright. It taught us never again to commit American troops to foreign battlefields with neither clear purpose nor clear will. No reasonable American would argue that the United States must remain out of Central America no matter what happens. If, one after another, our friends and allies in Central America are overthrown, and the freedoms of their people stolen, and new alliances formed with potential enemies of the United States, then our national survival will insist that any American President—Democrat or Republican, liberal or conservative—step in to prevent the establishment of an enemy base at our feet. How do we prevent that from happening?

We do it by acting now in a timely fashion with a measured response. By applying limited pressure to induce the Sandinista government to stop subsidizing revolutions and murders in neighboring countries.

Mr. Chairman, it is not wrong to try to help democracies remain free. It is wrong to remain neutral between oppression and freedom. It is not wrong to try limited means to prevent the overthrow of free nations. It is wrong to stand by while freedoms are lost and bloody wars are underwritten by men and women who believe in violence, in repression, in murder.

I have no idea whether this aid package will pass or not. I can't see even that far into the future. But I can see this: just as Americans today look back, with the benefit of hindsight, and wonder why we didn't do more, faster, earlier to choke off Hitler before he rained destruction on Europe, or Castro before he began sending Cuban troops to all corners of the world, if we don't do even this little bit—without American troops and at very little expense—to try to force Nicaragua to the peace table, our children will have questions for which we will have no answers.

I support this request for assistance to the Contras, Mr. Chairman; I think conscience demands it.

Mr. AUCOIN. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. I thank the gentleman for yielding me this time.

Mr. Chairman, this is indeed a very difficult and complex issue which we discuss today. We have heard different points of view, and we have seen some who have painted themselves either into a political corner or into a philosophical corner.

Sometimes, in listening to the debate, I often wonder if those corners had not been painted not based upon the facts. Mr. Chairman, I think what we seek is a reasonable position. I too say that a reasonable position that we take in this body should be based upon the facts, and I would like to report that I was recently in Central America, and I would like to talk of the facts that I found there.

First and foremost I must say that the bright spot in Central America is El Salvador. Democracy is alive; democracy is breathing; it is on first base, and this Congress should be proud of the fact that we have supported the Duarte government in El Salvador.

As bright as the picture is in El Salvador, however, it is just as bleak in Nicaragua. The civil war is increasing and more people are fleeing the authoritarian government and the draft there is unpopular. While internal opposition does exist, a case can be made that it is ineffective. Meanwhile, the economy continues to decline and it reduces the Nicaraguan standard of living.

The civil war and the needs of the draft are increasing problems for the national government there. The Con-

tras have continued their attacks even though U.S. funding has ceased. One Contra leader stated his organization raised $5 million since the congressional fund cutoff last spring.

□ 1810

An opposition leader estimated 15,000 Nicaraguans have died in the civil war in the last 3 years.

To increase its military force the Sandinistas resorted to a draft last year. This has proven to be very unpopular and has forced many draft age youths to leave the country, others are deserting after induction or failing to register. With over 50 percent of the Nicaraguan population under 21, the draft affects a large percentage of the population.

Internal opposition to the Sandinista government is divided. The major opposition is led by the church which has been very outspoken. The church had called for a national dialog and offered to mediate among the varying factions, but this has not occurred.

In talking to the opposition leaders several key points were made:

There is no doubt this is a Communist government with international leftist support.

The Sandinista government allowed an invasion of arms and advisers—especially from Cuba—that took over the apparatus of government.

Nicaragua is a stepping stone to the domination of other Central American countries.

The government has repressed the political opposition, reducing its size and access to the communications media. The opposition has very little political power.

While the Contras actively create problems for the opposition, it also allows them some flexibility to negotiate with the government.

It is obvious aid in some form to the Contras is needed to show U.S. resolve in the region.

Private enterprise is being taken over by the government.

The educational system is being subverted and children brainwashed by the government.

The government is censoring the media and acquiring a monopoly over what is being broadcast on radio and television.

In the absence of a political dialog, the civil war will continue.

Overall, Mr. Chairman I found a very dark picture in Nicaragua. The Sandinista government continues to repress the people and subvert the revolution. They do not appear willing to enter into a dialog with opposition leaders, even though the opposition continues to grow.

On the other hand, Mr. Chairman, there is a problem with the Contras. Evidence of a strong influence of former Somosistas is there, evidence that causes one to question their leadership and the harshness with which they attempt to achieve their goals is there. They would not exactly be, as we would term it, Mr. Chairman, in the category of Sunday school boys. It is too bad that we have the narrow choices that we have before us today. I did not favor the rule that established this. In view of the conflicts that we have today, I wish to point out that there is a middle ground.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. SKELTON] has expired.

Mr. AuCOIN. Mr. Chairman, I yield 1 additional minute to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I propose a compromise, whether it be on this floor at a later time or whether it come from the other body. The compromise I offer is as follows:

First, keeping the Boland amendment.

Second, providing $14 million in humanitarian aid to the Contras to be split evenly or otherwise between the International Red Cross and U.S. Government channels, preferably through AID.

Third, cleaning up the Contras, which means eliminating former Somosistas and developing a positive political program which would include a type of Bill of Rights and humanitarian reforms.

Let me explain in more detail.

First, there is a political requirement for keeping the Boland amendment. Most Americans believe it wrong to be involved in efforts to overthrow a government with which we have diplomatic relations.

Second, by splitting the humanitarian aid request between the International Red Cross and the U.S. Government, the United States would be underscoring its concern for the legitimate needs of refugees who have fled Nicaragua and who are now living in Costa Rica and Honduras. Money for the Contras would be stretched out over 18 months, once again for humanitarian purposes to aid Nicaraguan refugees but tied to efforts to put together a program to clean out former Somosistas and establish a liberal, in the classic sense, democratic program.

And third, I stress the importance of transforming the Contras into a legitimate alternative to the present government. We have to change the perceptions of the American public and international opinion toward the Contras. This means that we have to support Arturo Cruz in the Nicaraguan situation in much the same way we supported Napoleon Duarte in El Salvador.

Just a few years ago the situation in El Salvador was pretty grim—death squads on the right and Communist guerrillas on the left. Democratic liberals in Congress helped change the situation by strengthening Duarte's hand. President Duarte, a true democrat, was able to convince the military that without a curb in death squad activity the change of continued U.S. aid were slight. Progress has been made in El Salvador against both the extreme left and right.

In the Nicaraguan situation, Arturo Cruz is the same kind of individual as Napoleon Duarte. He fought against Somoza, and was arrested on two different occasions. He also served as a member of the present Sandinista government until he reluctantly came to the conclusion that they had no intention of honoring promises made to the OAS in 1979. He is a respected political leader and a true democrat. He and others like him are the kind of individuals whom we need to support and who deserve our support.

As part of the effort to make the Contras a truly legitimate alternative, they need to put together a positive political program. Such a program should include: an explanation of the proposed economic structure with a detailed account of positions on land reform, market guarantees, business safeguards; a commitment to a pluralistic political system; guarantees ensuring that the military would be controlled; policies concerning taxation, education, freedom of speech, press, and religion. The program should also openly accept gains made by the Sandinistas in health and education. It should reject the Sandinista authoritarian apparatus: neighborhood defense committees, mass control organizations, and ideologically oriented education.

As part of this process toward legitimizing the Contras the effort should be made to open up the movement to international organizations—Red Cross, Amnesty International—church groups, and news media observes in order to secure the kind of international acclaim and support attained by the Sandinistas in 1978–79.

This is how we should proceed.

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today to support the resumption of United States assistance to the anti-Sandinista rebels in Nicaragua. The social, economic, and political problems that continue to plague Nicaragua and to promote tragic violence there concern us all, and it is because of that concern that I urge my colleagues to lift their prohibitions on aid to the Contras and allow the United States to once again support those who are fighting for peace and democracy in the region.

Mr. Chairman, I have listened carefully to this debate during the course of the day today and I have some con-

cerns about many of the statements that were made on this floor. I am concerned about what has appeared to be partisan posturing with reference to position in this debate.

I certainly believe in the two-party system and I think there are many topics that we discuss here in the Chamber of the House of Representatives that lend themselves very well to that kind of partisan debate, but the significance of this issue far transcends those partisan loyalties that might otherwise prevail. It was, therefore, very reassuring to me to hear the gentleman from New York a few moments ago, Mr. STRATTON, stand and take a position which obviously is not one held by a majority of the members of his party.

I think as we consider this issue today and this evening, and again tomorrow, we have to be realistic in how we look at it. I think, realistically, as has been said here, the Contras may not be totally attractive. Maybe they do have warts on their skin and on their performance. But I would suggest, Mr. Chairman, that if the Contras are deemed to have warts, then the Sandinistas who are presently the leaders in Nicaragua must be deemed to have cancerous lesions. Their shortcomings, their taint, I think, are far greater than anything that we might attribute to the Contras.

I believe if we are going to be realistic about viewing what is there today, we have to see that the only element of that Nicaraguan society actively pursuing the ideals that we as Americans have long cherished and believe in and announce to the world, are the Contras. If it is fair for us to characterize them as a ragtag bunch of undisciplined fighters, perhaps that may be so. But perhaps it may be so because they have not received the kind of assistance that today we are debating. They have not received the kind of training or help from us that might give them a more respectable appearance and skill in what they are trying to accomplish.

Again trying to be realistic about this issue, I think we have to consider fully the alternatives. There is a government now in Nicaragua which I believe closely parallels the Government of Cuba. We have known over the years of experience with the Cuban Government that they have spread their poisoned doctrine and their subversive forces throughout the world. They have caused us great problems in terms of our own international policies and in terms of our own good neighbor relationships.

Again realistically, I think we have to concede the fact that the Sandinista leadership means problems for Nicaragua and the citizens of that country. I believe if we examine that aspect of this issue carefully we must concede that the Nicaraguans will not be content over a long period of time with the kind of limits that are now imposed, the kinds of lines that must be formed to obtain basic supplies, the kinds of shortages they have encountered, and certainly the suppression of rights that has followed the Sandinista leadership.

Just today, the front page of the Los Angeles Times newspaper had a picture showing a very dimly lighted medical facility somewhere in Nicaragua, showing mothers with their children waiting for medical treatment and saying that the status of medical care in that country has declined. Malaria is now a problem. I am suggesting, realistically again, that the message of the Sandinistas and their kind of leadership is going to spell trouble for those good people in Nicaragua over a longer period of time.

Third, I think there will be problems for Central America. There are some in this Chamber who perhaps may say that the cause of those problems is our own foreign policy. With reference to that, Mr. Chairman, I would simply like to cite a statement which was made back in 1969, a statement of goals which was formulated by the founders of the Sandinista liberation philosophy, Carlos Fonseca and Tomas Borge.

They said in paragraph 14 of that statement, and I quote:

> We struggle for a true union of Central American people within one country, beginning with support for national liberation movements in neighboring states.

More recently, Tomas Borge, the Minister of the Interior, said, and again I quote:

> This revolution goes beyond our borders. Our revolution was always internationalist from the moment Sandino fought in La Segovia.

I would suggest, Mr. Chairman, that the root of these problems is not U.S. foreign policy. The Sandinistas were committed to territorial domination and the cause of Marxism—Leninism far before 1979. What we see now is not simply reactionary posturing, but a public display of deep-seated support for Communist ideology.

The CHAIRMAN. The time of the gentleman from California [Mr. SHUMWAY] has expired.

Mr. STUMP. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. SHUMWAY. I thank the gentleman for yielding this additional time to me.

□ 1820

I would suggest in closing, Mr. Chairman, that if we refuse this small effort to aid those who are fighting to instill freedom in Nicaragua, we are going to see massive discontent on the part of those people, we are going to see a mass exodus of humanity from that country to this country, and we are going to see the Sandinista-Marxist-Leninist philosophy gain a foothold in Central America.

Mr. Chairman, certainly history will be the judge of our actions, and I hope that that history will not say that a majority of this House had been victimized by deceit and by a shrewd propaganda effort on behalf of the Sandinistas, but that a majority of this House will go on record in support of freedom and liberty for this hemisphere.

Mr. Chairman, I rise today to support the resumption of U.S. assistance to the anti-Sandinista rebels in Nicaragua. The social, economic, and political problems that continue to plague Nicaragua and to promote tragic violence there concern us all. It is because of that concern that I urge my colleagues to lift the prohibitions on aid to the Contras and allow the United States to once again support those fighting for peace and democracy in the region.

No one would deny that we have an interest in encouraging democratic development in Central America; the proximity of these countries to our own compels us to recognize the stake we have in their progress. During the last decade, this progress toward democracy has been impressive—where Costa Rica once stood as the only Central American nation with a democratically elected civilian government, it has now been joined by Panama, Honduras, and El Salvador, and in Guatemala, elections are scheduled for October. Efforts are going forward in these countries to address the problems of economic injustice and arbitrary exercise of power that have historically afflicted their people.

While this movement toward democracy has been notable and steady, it is still fragile and its future is clearly threatened by the persistent militarization occurring in Nicaragua under the Sandinista regime. When the Sandinistas in 1979 led the overthrow of General Somoza and claimed the establishment of a new, democratic government in Nicaragua, we supported their efforts by providing over $120 million in direct economic assistance, and by helping the new regime to secure $262 million from multilateral lending institutions. Nevertheless, our hope, and the hope of the Nicaraguan people, was soon betrayed by the Sandinistas as they imposed a new dictatorship governed by the tenets of Marxism-Leninism and upheld with military assistance from the Soviet Union and Cuba.

Today, there is little question that the Sandinistas have betrayed the principles of the Organization of American States to which they pledged adherence in 1979. They have denied Nicaraguans a pluralistic political system, a mixed economy, freedom

of expression, and a fair, responsible judicial system. Evidence of the repression and brutality characteristic of this regime was once again demonstrated in a recent Washington Times article which reported the discovery of a mass grave in Nicaragua containing 50 to 60 bodies believed to have been political prisoners executed by the Sandinista government.

Mr. Chairman, we must be critical of internal policies in any nation that creates horrors such as this, but our concern in the case of Nicaragua is heightened by the grave consequences that these domestic developments hold for the region. The Sandinistas' inward repression has been matched by an outward aggression—indeed, they openly declare their expansionist intentions in statements such as that of Tomas Borge, Nicaragua's Minister of the Interior, who claimed: "This Revolution goes beyond our borders. Our revolution was always internationalist from the moment Sandino fought in La Segovia."

This is not mere rhetoric; Sandinista words have been consistently translated into action: the regime has provided logistical and military assistance to the leftist guerrillas in El Salvador, maintained links with a variety of terrorist organizations including the PLO, and built up an active duty military force that exceeds by five times the size of Somoza's national guard at its peak. Furthermore, the number of Cuban military personnel now in Nicaragua has escalated to 2,500-3,500, a force that is bolstered by thousands more Cuban civilians, at least 200 Soviet and East European military advisers, and about 50 advisers from Libya and the PLO.

Nicaraguan and Cuban-supported subversive activities which seek to destablize the region and which violate the borders and sovereignty of neighboring countries ultimately threaten our security as much as the security of our southern neighbors. I believe, Mr. Chairman, that the United States has an interest and a responsibility to support those countries in the region, such as El Salvador, Honduras, and Costa Rica, which are dedicated to the democratic process and which have requested our assistance in countering the external threat posed by Nicaragua.

There are, of course, a variety of means by which the United States can try to address the clear threat posed by Nicaragua—through support of the negotiations of the Contadora group, through direct negotiations with the Nicaraguan regime as were initiated at Manzanilla last year, through the application of economic pressures, and through support for the democratic resistance movement struggling for change from within. All of these approaches are important and useful and each, including assistance to the anti-Sandinista rebels, should be available to the President and U.S. policy makers as they craft American relations with Nicaragua. To prohibit the use of funds for support of the rebels would serve to unilaterally restrict our Nation's ability to deal with the threat to peace and stability in Central America. If the United States has a responsibility to support those countries in the region which are threatened by the Sandinista's export of revolution—and I believe it certainly does—then this responsibility should be served through any and all means available.

We should support the Contras not only because this support offers a positive and effective means of pressuring the Sandinista government to moderate its actions. Popular support for the resistance has increased significantly in the past few years as the number of fighters has grown from 2,000-5,000 in 1982 to some 12,000-18,000 in 1984. As their numbers grow, the anti-Sandinistas' ability to pressure the government has reportedly begun to distribute land to individuals, rather than to cooperatives, in response to efforts by the Contras to recruit dissatisfied peasants into their forces. The presence of an active and growing armed resistance has also exerted pressure on the Sandinista government to negotiate with its neighbors, the United States and the Contadora group. While Sandinista concessions in these talks have not yet been satisfactory to meet the concerns of those threatened by Nicaraguan aggression and subversion, without the pressure of the U.S.-supported resistance, the Sandinistas would have little incentive to negotiate at all.

Mr. Chairman, I believe it is critical that the United States resume its support for the anti-Sandinista rebels in their struggle to achieve the same democratic freedom for Nicaraguans that Americans have long enjoyed. They are fighting for goals that we share; we have a responsibility to support them together with those nations in the region dedicated to the democratic process, all of which are threatened by a totalitarian minority. As long as the Sandinista Government continues to restrict the rights of its citizens, civil war will rage and Nicaraguans will flee to the United States and other countries of the region. In the interest of establishing lasting peace and stability on its southern border, the United States must demonstrate its willingness to employ all available policy options, including covert assistance to the rebels.

The resistance forces need our assistance now to combat the Soviet supplied Nicaraguan armed forces—if we deny that support today, we may not have another chance to act on behalf of democracy in Central America. Mr. Chairman, I urge my colleagues to join me in supporting the President's request for $14 million to assist the anti-Sandinista rebels in Nicaragua.

Mr. AuCOIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. Mr. Chairman, as in the past, today's debate centers around what remains the best possible policy alternative by which to achieve the long-term national security interests of the United States in Central America, specifically with respect to U.S. relations with Nicaragua. What are those interests? Clearly, they are twofold. First, to deter and blunt Soviet, Cuban, and Eastern bloc influence in Nicaragua and Central America and, second, to provide a policy path by which the peoples of Central America are not subjected to the tyrannies of either the political left or right. Thus, our long-term national security interests in Central America today remain what they have been in the past—to promote economic development and stability, social reform and the cause of democracy throughout the nations of this strategic basin.

Each of us today must determine whether President Reagan's strategies toward Central America and Nicaragua are fulfilling these objectives. In my view, they are not. Indeed, in my view, if we continue to follow the President's course, we shall ensure the absolute failure of our policy objectives in Central America, as well as create a climate there through which Soviet, Cuban, and Eastern bloc influence will grow rather than recede in Nicaragua, as well as other Central American nations.

Let us examine the success of the President's not-so-secret war against Nicaragua. The Contras control no indigenous territory within Nicaragua, nor do they appear to enjoy the support of any groups within Nicaragua. Indeed, many of their ranks are filled with former Somozan national guardsmen who were so thoroughly despised by the majority of the people that the people of Nicaragua turned to the Sandinistas en masse. The original stated purpose of our support for the Contras—the interdiction of illegal arms shipments from Nicaragua into El Salvador—have been refuted by the Contras themselves as they claim their purpose is the outright overthrow of the Sandinista government in Managua.

The CIA's illegal mining of Nicaraguan ports resulted in the condemnation of the United States at the World Court. We should also recall that in response to this illegal act, both the Soviet Union and our allies—England and France—volunteered to sweep Nicaraguan waters clear of these devices. Thus, the actions of the CIA actually served to enhance Soviet influence and prestige within Nicaragua.

Our stated support for the Contadora peace initiative rings hollow as we reject out of hand any proposal that is offered to enhance the prospects of success of the Contadora initiative and leave both our friends and allies questioning the integrity of the U.S. commitment to this valuable initiative.

It seems to me that the President's policy has been conceived in a vacuum. Its architects have failed to examine the histories of past failures such as the Bay of Pigs where anti-Castro rebels were crushed. It seems to me that the architects of this policy remain convinced that the best solution to the socioeconomic problems confronting Central America rests in the application of military might. I thought we realized the overall ineffectiveness of such policies in both Vietnam and Iran.

In my view, our policy path must serve long-term U.S. national security interests. To do this, I believe we must move away from reliance upon a bankrupt policy that emphasizes a military solution which retains no indigenous support in Nicaragua and toward a policy that recognizes U.S. interests in being a true and honest partner in the Contadora peace process. This alternative policy is best achieved through support of the Hamilton substitute which allows the United States to provide humanitarian assistance under the supervision of the Red Cross and the United Nations High Commissioner on Refugees—not the Contras—while the regional peace efforts of the Contadora group are truly permitted to go forward.

The Hamilton substitute is not an endorsement of the Sandinista regime or its internal practices. The Hamilton substitute does not play into the hands of the Soviet Union, Cuba, or the Eastern bloc. The Hamilton substitute is not a renouncement of U.S. interests in seeing a restoration of the democratic process in Nicaragua. But, the Hamilton substitute is in the best interests of the United States and our hemispheric neighbors in Central America. It spurs the Contadora process and keeps pressure on the Sandinista government through its recognition that our future decisions with respect to Central America will be predicated upon the internal behavior of the Sandinista government. Thus, American interests in promoting economic stability, social reform, and democratic pluralism are preserved, and Soviet, Cuban, and Eastern bloc influence is minimized.

Mr. AuCOIN. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Chairman, Americans are confused. On one hand, they hear many critics of President Reagan referring to the Contras as Fascist thugs, and to the Sandinistas simply as Nationalists with Socialist leanings. On the other hand, we hear the President rhetorically referring to the Contras as the "moral equivalent of our Founding Fathers."

I cannot equate the Sandinistas with misguided Socialists, nor the Contras with Thomas Jefferson and James Madison. Somewhere between these extremes of rhetoric is a policy that is slightly gray, but which advances U.S. interests and can possibly gain public support.

I was disturbed during my recent trip to Nicaragua by evidence of growing Sandinista repression, censorship, and duplicity, and by the escalation of their military forces. Democratic changes are underway, however precariously, throughout Central America, except in Nicaragua. I believe, as I did 2 years ago, that the Sandinista government poses a clear threat to the security of its neighbors and that it must abide by the promises it made to the OAS in 1979.

What we desperately need—what we have needed all along—is a clear-cut, realistic policy.

As the chairman of the Intelligence Committee in the other body, Senator DURENBERGER, has stated, because we have no policy, we appear to be reacting to events, rather than carrying out a strategy with goals by which to measure progress.

Americans are confused by strong administration rhetoric and lack of administration action; by congressional procrastination and debate. They are looking for coherence and a sense of vision. If we oppose the Sandinistas, why do we buy Nicaraguan beef and bananas when Honduras could use our trade? Why do they still enjoy most-favored-nation status? If the regime is illegitimate, and its overthrow a goal of U.S. policy, why do we continue diplomatic relations? If we are serious about meeting the Marxist challenge in Central America, it is time to begin shaping a long-term, affirmative policy, and stop confusing intentions with accomplishments.

We must ask ourselves what is really happening in Central America, what we would like to see happen, and what we can do about it. In the past, we fought change; now, we must decide whether to ignore it or support it. Unfortunately, too many Americans have visited this region with open eyes and closed minds—looking not at what is happening, but only at what is happening that would support their strongly held views.

Both in committee and on this floor, I have voted against covert aid to overthrow the Government of Nicaragua. But having recently returned from the region, I believe more strongly than ever that there is a compelling case for continued American involvement in Central America.

The Sandinista regime is an obstacle to the growth of democracy. It is also a dictatorship that is doomed to fail unless it is kept alive by outside help. There is growing internal opposition to the economic and militaristic policies of the Sandinistas. Nicaraguans are increasingly dissatisfied and frustrated with their Government, but it is equally obvious that the Contras do not have the political persona or identity to advance their cause.

In my opinion, to relieve the outside pressure on the Sandinistas would be a mistake. But the American people must believe that all channels of diplomatic, economic, and political pressure have been exhausted before there can be any support for paramilitary or military options.

The $14 million that has been the focus of so much debate can have little practical effect. No one who has been there or who looks at the record believes that the Contras can overthrow the Government of Nicaragua, with or without these funds. But this money can be a symbol of bipartisan determination to stand firm for democracy in Central America.

I will vote for the Hamilton substitute. It provides no funds for military or paramilitary operations, although I do not believe these options should be ruled out. It seeks to impose multinational pressures on Nicaragua, including the possibility of trade sanctions, and it supports the regional peace process. I believe the substitute could have gone further. For example, it could have provided a trigger-date and congressional observers to further encourage a cease-fire and peace negotiations. But the substitute as it stands is better than the alternatives.

We can no longer afford to view the problems of Central America in black and white terms. Foreign policy requires military strength; it also requires skillful use of diplomacy and economic tools. The substitute allows for rapid action on any further requests for Contra aid. If no peace agreement is reached by October, we will be able to judge which side is responsible for the lack of progress and act accordingly. I urge its adoption.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. BROYHILL].

(By unanimous consent, Mr. BROYHILL was allowed to speak out of order.)

ANNOUNCEMENT OF THE DEATH OF THE HONORABLE SAM J. ERVIN, JR., OF NORTH CAROLINA

Mr. BROYHILL. Mr. Chairman, it is my sad duty as the senior Member from our State of North Carolina to announce the passing of former Senator Sam Ervin of Morganton, NC.

Sam Ervin, of course, had a long and distinguished career in the Senate and prior to that served one term in this body. He called himself a country

lawyer, but he was anything but that. He was an outstanding expert on the Constitution, second to none.

Funeral plans are incomplete, but the funeral will be held later this week in Morganton, NC. Those who would like more information, please call my office.

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. WORTLEY].

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. WORTLEY. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I rise in support of House Joint Resolution 239.

First, millions of illegal aliens already cross our border seeking economic opportunity.

Second, Vietnam, Cuba, Berlin Wall show that Communist conquest causes millions to flee.

About 10 percent of the population of Vietnam has fled. About the same percentage of Nicaraguans is already living in Costa Rica, not counting those in Honduras, United States, and elsewhere.

Third, Nicaragua is fast becoming communist.

Sandinista rhetoric, actions, and allies demonstrate that Sandinista goal is a traditional Communist state.

Fourth, Nicaraguan neighbors cannot house influx of refugees.

Their economy won't support it; political traditions do not encourage it.

Fifth, conclusion: If the Communists consolidate their position in Central America, the United States will experience a new, huge wave of illegal immigration.

I submit the following document to substantiate this conclusion:

ILLEGAL IMMIGRATION: 20 MILLION WITHOUT A COUNTRY

(By Laura Ingraham)

Over 100 million people live between the Rio Grande and Panama. Communist instigated political turmoil coupled with acute economic stagnation continue to plague that region. As a result, millions of refugees and displaced persons will soon make their way to the United States in search of freedom and security. How many people can our country expect? To which cities are they likely to migrate? What impact will this influx have on our society and economy? What is our moral obligation in this grim situation?

The time to face these distressing questions is long overdue. Already since 1970, the number of illegal aliens in the U.S. has risen dramatically—from about 600,000 to between 6 and 12 million. From New York to Miami, Los Angeles to Dallas, city and county governments are already hard-pressed by problems resulting from rapidly expanding communities of illegal Latin American aliens.

Soon literally tens of millions of refugees will be flooding across our borders. A minimum of three or four million people illegally enter our country each year. The Los Angeles county supervisor estimates that between 1.1 and 1.7 million illegal Latin Americans live there. That figure could increase by 3.2 million if the crisis in Central America is not stopped. Conservative figures for New York City place its illegal population at between 500,000 and 750,000. Soon, 3.4 million more Central Americans may be in New York. Miami may find itself inundated by 1.4 million more refugees, Chicago by another 1.1 million and San Francisco by another 1.9 million (see Appendix). Moral solution must be quickly found.

As the Sandinista regime expands its "revolution without borders" to all of Central America, staggering numbers of refugees will flee to the United States. Both El Salvador and Guatemala have been battling guerrillas trained and armed by Nicaragua and Cuba. Nicaragua, El Salvador and Guatemala are, according to the U.N. High Commissioner of Refugees, the major refugee-generating countries in Central America.

I

As communist revolution seizes Central America, eventually destabilizing even Mexico, how many refugees can we expect in the United States? History shows that Communist takeovers consistently generate large numbers of refugees. After the fall of Cuba and Vietnam an estimated 10 percent of the population fled each country, often at the price of incredible risks and even death.

It is unrealistic, however, to expect only 10 percent of the Central Americans to flee to the United States! It is much easier to get from Guatemala or El Salvador to the United States than from Vietnam. At worst, one has only to walk northward. Many more persons will become "feet people" than become boat people. Now the cultural gulf is far less severe for Latin Americans. In Los Angeles, Miami, Washington D.C. and other major urban centers, complete Hispanic communities allow illegal aliens to live and work without even speaking English. Finally, many Mexicans and Central Americans already have friends or relatives living here.

CIA interviews with the Mariel boat people report that at least another 10 percent of the present Cuban population (for a total of 20 percent) would leave if they could. Because it is easier for Central Americans and Mexicans to come here, between 10–20 percent of the population will do so. In fact, more than 10 percent of the Salvadoran population is here already.

Country	Current population	10 percent refugees	15 percent refugees	20 percent refugees
Costa Rica	2,600,000	260,000	390,000	520,000
El Salvador	4,700,000	470,000	705,000	940,000
Guatemala	7,700,000	770,000	1,155,000	1,540,000
Honduras	4,300,000	430,000	645,000	860,000
Nicaragua	2,800,000	280,000	420,000	560,000
Panama	2,000,000	200,000	300,000	400,000
Mexico	75,700,000	7,570,000	11,355,000	15,140,000
Total	99,800,000	9,980,000	14,970,000	19,960,000

Note.—Rounded figures.

We can then expect that between 10 and 20 million refugees and displaced persons will breach our southern border as the turmoil escalates. This almost equals 10 percent of the current U.S. population, or the equivalent to the 10 largest cities in the U.S. Twenty million refugees is 39 times the population of Vermont or 33 times the population of Delaware. It is also three times the combined populations of Alaska, Wyoming, Vermont, Delaware, District of Columbia, North Dakota, South Dakota, Montana, Nevada and New Hampshire.

What impact will these millions of illegal aliens have on the United States? This question concerns all Americans because contrary to the casual assumption, most illegal aliens do not stay in the southern United States. In search of anonymity and jobs, new arrivals follow the beaten path to every major urban area. Cities as diverse as Miami, Dallas, Los Angeles, Chicago and New York have extremely high numbers of illegal residents.

It is difficult to measure the distribution of the illegal alien population. Some maintain that illegals hide in areas where they are not likely to be apprehended by the Immigration and Naturalization Service (INS). Yet many, including the INS, argue that overall the illegal alien population is distributed in generally the same pattern as the legal alien population. This is because illegal aliens, especially once they bring their immediate families here, tend to become legal aliens.

To predict the illegal alien distribution in 1983, the INS surveyed the legal alien distribution in this country. The totals, printed in the Appendix, showed that in fiscal year 1982, 29.3 percent of all legal aliens (and illegal as well) lived in the western region of the U.S., 20.5 percent in the southern region, 34.8 percent in the eastern region and 15.4 percent in the northern region. The study also broke down the percentages by selected cities in each region. From these it is possible to predict the number of illegal aliens from Central America and Mexico who will migrate to each city.

For example, 17.1 percent of the aliens were living in New York City. So, if 20 percent of the population between the Rio Grande and the Panama Canal become refugees, 3.4 million of them will inundate New York. Los Angeles, with a distribution of 15.8 percent, can expect at least 3.15 million additional refugees, Baltimore another 400,000 and even Portland, Oregon another 140,000.

The one qualification is that for major cities such as Los Angeles, Dallas, Houston, Miami, Washington D.C. and New York, which already have a high ratio of illegal Latin Americans, the figures are quite low. For example, based on current legal alien distribution, if 20 percent of El Salvador's population fled, 27,260 would be expected to arrive in Washington D.C. However, almost 60,000 Salvadorans are estimated to be in the nation's Capital already. Still the figures are valuable as a low-end projection of expected refugees.

II

In the past, people have (both legally and illegally) migrated to the United States from Mexico and Central America for socio-economic reasons. The traditional migrant left his homeland because of poverty, high unemployment, inadequate education and a general lack of opportunities for personal advancement. Today, some, expecially Mexican, still come for these reasons.

After decades of socialist policies, Mexico has begun a downward spiral towards a virtual economic collapse. In 1983, inflation was between 80 to 100 percent and the foreign debt approached $100 billion. Unemployment and underemployment now total 45–50 percent of the labor force; on top of this, Mexico needs to create over 850,000 new jobs every year just to keep pace with its population growth.

Senate experts predict that should the Mexican economy collapse completely, disorder and perhaps civil war are a likely result. This would cause 7–14 million Mexicans to flee over the Rio Grande. Yet, there

are more serious repercussions. Such a situation would provide the opportunity for Cuban-Soviet destabilization and subversion. As the economic crisis worsens monthly, such opportunities are growing.

Already, Cuban-Soviet sponsored revolution has dramatically increased the numbers of refugees heading for the United States. However, many can still find asylum in more stable Central American countries such as Honduras or Costa Rica. The UN High Commissioner on Refugees (UNHCR), which oversees all refugee camps within Central America, reports that as of December 1983 over 300,000 refugees had fled to neighboring countries. The Costa Rican government estimates that 200,000 additional undocumented refugees are in Costa Rica. Also, the U.S. Department of State estimates that 400,000 citizens are displaced within El Salvador and between 100,000–500,000 are displaced within Guatemala. The local refugee crisis is so severe that UNHCR assistance in Central America and Mexico has doubled since 1981 from $12.5 million to $25 million, 40 percent of which is funded by the United States.

If communist aggression remains unchecked in Central America it will engulf successive refugee campsites and cause an explosion of "feet people" who will walk north to the United States. President Reagan, in his May 9, 1984 speech on Central American policy, stated that concerns about "refugees fleeing communist oppression" and seeking "entry into our country" are "well founded." He warned that Central America "has become the state for a bold attempt by the Soviet Union, Cuba and Nicaragua to install communism by force throughout the hemisphere . . . weapons, supplies and funds are shipped from the Soviet bloc to Cuba, from Cuba to Nicaragua, from Nicaragua to the Salvadoran guerrillas." Furthermore, the President noted that the Kissinger Commission report agrees that we could soon be facing "a Communist Central America with additional Communist military bases on the mainland of this hemisphere and Communist subversion spreading southward and northward. This Communist subversion poses the threat that the 100 million people from Panama to the open border on our South could come under the control of pro-Soviet regimes." Twenty million of those people will legally or illegally cross that "open border on our South."

Some newly arrived Salvadorans in this country came to find employment. They are being called economic migrants rather than political refugees. However, their economic problems stem directly from the Marxist guerrilla war now being waged in El Salvador. Never before have we faced such huge numbers of refugee aliens from Central America and their numbers will only continue to swell unless the communist threat that drives them from their homelands is stopped.

III

Of greater concern to many Americans is the economic impact of illegal immigration. In June 1982, the Supreme Court ruled that under equal enforcement of the law and in the absence of alternate Congressional intent, the various states must provide free public schooling for illegal aliens. This, coupled with statistics such as 64 percent of all births at UCLA's hospital are by illegal alien mothers, kindles the fear that illegals represent a great financial burden to Americans.

Defenders of immigration are quick to point out that, surprisingly, taxes paid equal benefits received by illegals. This is true, but is not the whole story. It doesn't take in account the cost of job displacement. Rice University Professor Donald L. Huddle estimates that every ten illegal workers displace six Americans. Once a single firm hires illegals, there is a cost incentive for all its competitors to do likewise. The ripple effect of this practice is clear in key service and construction sectors in the southwest whose employees are almost exclusively illegal aliens.

Displacement also affects all income levels of American workers. It is a major myth that most illegal aliens take only low paying jobs that Americans do not want. The 1982 nationwide apprehension figures by INS investigators, including Border Patrol apprehensions which focus on farms and ranches, reveal that only 11 percent make less than minimum wage; 27 percent were paid $5.25 or above, and 9 percent were paid $7.25 or above.

Further, the estimated costs of job displacement are enormous. The Congressional Budget Office reports that each unemployed American costs $7,000 annually in transfer payments such as unemployment benefits and public assistance. Estimates from the U.S. Department of Labor place overall costs for displaced American workers at $1,113 billion annually per one million illegal aliens. CIS's December 1983 West Watch cited annual U.S. public costs per one million illegal aliens as follows:

U.S public costs per million illegal immigrants

Job displacement	$1,113,000,000
Unemployment	181,400,000
Education	367,200,000
Health care	92,900,000
Welfare	130,900,000
Justice and law enforcement—local	62,300,000
Justice and law enforcement—Federal	29,300,000
Subtotal	1,977,000,000
Taxes paid (minus)	−995,000,000
Total	982,000,000

Should we experience massive illegal immigration as high as 20 million people, we would face annual public expenses of almost $20 billion.

In fact, $20 billion a year is a conservative projection of illegal alien costs. Currently, taxes paid cover transfer payments received by illegals because many still fit the traditional profile of young, single males in search of temporary employment. These men generally work hard, pay taxes and accept little welfare, education or unemployment benefits. However, as the political situation in Central America becomes increasingly volatile many more women and children are seeking permanent resettlement. Some men send their families to America for safety; others who are already here bring up their extended family instead of returning home to them. This dramatic increase in the number of families crossing our southern border will destroy the taxes-benefits balance. Many of these new public costs will have to be borne by state and local governments, as cities with large illegal alien populations have already discovered. Education costs will skyrocket, especially because of the Supreme Court decision requiring all public schools to admit illegal alien children. Special tutoring counseling and bilingual programs are being developed to facilitate these children's integration into American schools.

Health care costs also are expanding as many of these political refugees arrive with diseases ranging from malnutrition to tuberculosis and internal parasites. Frequent cases of these diseases are found among Nicaraguans in Honduran refugee camps. As more of them flee the highly overcrowded and often dangerous conditions of these camps, we can expect to encounter many more such cases in our public hospitals. As noted above, 64–80 percent of all current births in the Los Angeles public hospitals are to illegal alien mothers. These children are automatically U.S. citizens and upon attaining the age of 21 will be able to petition for their immediate relatives.

Other transfer payments will escalate as well, especially welfare benefits such as food stamps and AFDC (Aid to Families With Dependent Children). Since dependent children born in the U.S. are citizens they are eligible for all welfare programs. In 1980, 17.5 percent of benefits paid by all county operated public assistance programs in Los Angeles went to illegal aliens. This figure can only rise as more "feet people" arrive in the U.S.

With aliens increasingly reluctant to return to their native countries unemployment insurance payments are also growing. An experimental screening of unemployment insurance recipients for March 1982 in Illinois revealed that 51 percent of them were illegal aliens. In another study, 49 percent of the selected alien population in California had received unemployment benefits between 1975 and 1980.

Ironically, should the U.S. Government change its present policy and recognize the growing political nature of immigration from Central America by giving these people legal refugee status, public assistance expenses would soar even higher. Now, some illegal aliens do not apply for public assistance out of fear of being detected and deported. But if the government provides legal status, it also will have to provide huge assistance and resettlement programs.

IV

The current debate over U.S. immigration law reform highlights a critical consideration: illegal immigration must be halted now; the greater the crisis. Although Congress has been slow to realize this, the American public has not. Since 1977, public opposition to immigration has risen dramatically. A March 1977 Gallup poll showed 42 percent of the respondents favored decreased immigration, an increase of 9 percent from a Gallup poll taken twelve years earlier. By August 1981, 65 percent of the public favored decreased immigration in a similarly worded NBC poll. This shows a 23 percent increase in opposition to immigration in only four years.

The INS, like the American public, strongly supports immigration reform through increasing border control. They are dangerously understaffed to stop the current number of illegal crossings, let alone handling dramatic increases. While some improvement is necessary, the number of new officers needed is highly debated. Closing the border is virtually impossible; a fortified southern border manned by 50,000 guards would be necessary to keep everyone out. Yet, currently the Border Patrol normally has 450 men on any given eight-hour shift covering the 1,900 mile long U.S.-Mexican border. Clearly, there is a crying need for increased INS staffing levels.

The spectre of the Mexican-U.S. border bristling with guns raises a terrible moral dilemma for the United States. This country was founded by men and women fleeing governmental oppression of basic religious liberties and ever since has been the promised land for all people suffering economic, civil and religious oppression. Can we now in good conscience close our borders to families seeking the very freedoms which brought our own forebearers here? Internal reform of our immigration law ignores the only permanent and just solution—halting the causes of the massive flow of illegal aliens from Mexico and Central America.

The threat we now face is a direct consequence of our neglect of economics and national security south of the Rio Grande. For over half a century, Mexico has been ruled by the oligarchic PRI, the Institutional Revolutionary Party. Although the PRI represents itself as a "progressive democratic" party, no other party has won the presidency or a majority in Congress in all that time. The PRI's corruption, combined with its socialist economic policy, limits Mexico's ability to solve many of its pressing problems. Only a commitment to open government and massive reprivatization of the economy will stop the northward flow of refugees from becoming a flood.

Former Costa Rican Foreign Minister Gonzolo Facio has stated "The object of the current communist offensive in Central America is Mexico and its vast oil riches and its geographical proximity to the United States." He could well have added, and the strategically important Caribbean Sea lanes (The April 4, 1984 issue of the White House Digest explains that "nearly half our total exports and imports, representing over two-thirds of our seaborne foreign trade, pass through the vital commercial arteries of the Panama Canal, the Caribbean or the Gulf of Mexico.") A revolutionary pipeline has been built from the Soviet Union and Eastern Bloc countries through Cuba to Panama, Nicaragua and El Salvador, with extensions reaching into Guatemala and Honduras. Economic prosperity will never come to the region until that pipeline is dismantled.

Three to four million Latin Americans come into this country illegally every year. They come seeking the American dream: economic prosperity and political liberty. As long as their own countries are burdened with inefficient state-controlled economics and Marxist guerrilla warfare, that dream will be unrealizable at home. As those problems race unchecked toward a violent climax, we face the real possibility of 20 million people pouring into this country very shortly. Once this great northern trek begins it will be impossible to stop it. The only hope for the 100 million people between the Rio Grande and Panama lies in resolute action of both their and our governments.

(This report was prepared by the Council for Inter-American Security, a non-profit, non-partisan, education and research organization. Nothing written here is to be construed as necessarily reflecting the views of CIS or as an attempt to aid or hinder the passage of any bill before Congress.)

ILLEGAL ALIEN DISTRIBUTION BASED ON 15 PERCENT OF CURRENT POPULATION BECOMING REFUGEES

Legal alien distribution fiscal year 1982	Percent	Mexico 11,355,000	Costa Rica 390,000	El Salvador 705,000	Guatemala 1,155,000	Honduras 645,000	Nicaragua 420,000	Panama 300,000	Total 14,970,000
Western region	29.3	3,327,015	114,270	206,565	338,415	188,985	123,060	87,900	4,386,210
Los Angeles	15.8	1,794,090	61,620	111,390	182,490	101,910	66,360	47,400	2,365,260
San Francisco	9.4	1,067,370	36,660	66,270	108,570	60,630	39,480	28,200	1,407,180
San Diego	1.8	204,390	7,020	12,690	20,790	11,610	7,560	5,400	269,460
Honolulu	1.3	147,615	5,070	9,165	15,015	8,385	5,460	3,900	194,610
Phoenix	1.0	113,550	3,900	7,050	11,550	6,450	4,200	3,000	149,700
Southern region	20.5	2,327,775	79,950	144,525	236,775	132,225	86,100	61,500	3,068,850
Miami	6.8	772,140	26,520	47,940	78,540	43,860	28,560	20,400	1,017,960
Atlanta	3.1	352,005	12,090	21,855	35,805	19,995	13,020	9,300	464,070
Dallas	2.8	317,940	10,920	19,740	32,340	18,060	11,760	8,400	419,160
Houston	2.6	295,230	10,140	18,330	30,030	16,770	10,920	7,800	389,220
New Orleans	2.3	261,165	8,970	16,215	26,565	14,835	9,660	6,900	344,310
San Antonio	1.2	136,260	4,680	8,460	13,860	7,740	5,040	3,600	179,640
El Paso	1.0	113,550	3,900	7,050	11,550	6,450	4,200	3,000	149,700
Harlingen	.7	79,485	2,730	4,935	8,085	4,515	2,940	2,100	104,790
Eastern region	34.8	3,951,540	135,720	245,340	401,940	224,460	146,160	104,400	5,209,560
New York City	17.1	1,941,705	66,690	120,555	197,505	110,295	71,820	51,300	2,559,870
Newark	4.0	454,200	15,600	28,200	46,200	25,800	16,800	12,000	598,800
Washington	2.9	329,295	11,310	20,445	33,495	18,705	12,180	8,700	434,130
Boston	2.7	306,585	10,530	19,035	31,185	17,415	11,340	8,100	404,190
Philadelphia	2.5	283,875	9,750	17,625	38,875	16,125	10,500	7,500	374,250
Baltimore	1.7	193,035	6,630	11,985	19,635	10,965	7,140	5,100	254,490
San Juan	1.2	136,260	4,680	8,460	13,860	7,740	5,040	3,600	179,640
Buffalo	1.2	136,260	4,680	8,460	13,860	7,740	5,040	3,600	179,640
Hartford	1.2	136,260	4,680	8,460	13,860	7,740	5,040	3,600	179,640
Portland, ME	.2	22,710	780	1,410	2,310	1,290	840	600	29,940
Northern region	15.4	1,748,670	60,060	108,570	177,870	99,330	64,680	46,200	2,305,380
Chicago	5.4	613,170	21,060	38,070	62,370	34,830	22,680	16,200	808,380
Cleveland	1.6	181,680	6,240	11,280	18,480	10,320	6,720	4,800	239,520
Detroit	1.6	181,680	6,240	11,280	18,480	10,320	6,720	4,800	239,520
Seattle	1.6	181,680	6,240	11,280	18,480	10,320	6,720	4,800	239,520
Denver	1.5	170,325	5,850	10,575	17,325	9,675	6,300	4,500	224,550
Kansas City	1.2	136,260	4,680	8,460	13,860	7,740	5,040	3,600	179,640
St. Paul	.9	102,195	3,510	6,345	10,395	5,805	3,780	2,700	134,730
Portland, OR	.7	79,485	2,730	4,935	8,085	4,515	2,940	2,100	104,790
Omaha	.5	56,775	1,950	3,525	5,775	3,225	2,100	1,500	74,850
Helena	.2	22,710	780	1,410	2,310	1,290	840	600	29,940
Anchorage	.2	22,710	780	1,410	2,310	1,290	840	600	29,940

Note.—Figures are rounded.

ILLEGAL ALIEN DISTRIBUTION BASED ON 20 PERCENT OF CURRENT POPULATION BECOMING REFUGEES

Legal alien distribution fiscal year 1982	Percent	Mexico 15,140,000	Costa Rica 520,000	El Salvador 940,000	Guatemala 1,540,000	Honduras 860,000	Nicaragua 560,000	Panama 400,000	Total 19,980,000
Western Region	29.3	4,436,020	152,360	275,420	451,220	251,980	164,080	117,200	5,848,280
Los Angeles	15.8	2,392,120	82,160	148,520	243,320	135,880	88,480	63,200	3,153,680
San Francisco	9.4	1,423,160	48,880	88,360	144,760	80,840	52,640	37,600	1,876,240
San Diego	1.8	272,520	9,360	16,920	27,720	15,480	10,080	7,200	359,280
Honolulu	1.3	196,820	6,760	12,220	20,020	11,180	7,280	5,200	259,480
Phoenix	1.0	151,400	5,200	9,400	15,400	8,600	5,600	4,000	199,600
Southern Region	20.5	3,103,700	106,600	192,700	315,700	176,300	114,800	82,000	4,091,800
Miami	6.8	1,029,520	35,360	63,920	104,720	58,480	38,080	27,200	1,357,280
Atlanta	3.1	469,340	16,120	29,140	47,740	26,660	17,360	12,400	618,760
Dallas	2.8	423,920	14,560	26,320	43,120	24,080	15,680	11,200	558,880

ILLEGAL ALIEN DISTRIBUTION BASED ON 20 PERCENT OF CURRENT POPULATION BECOMING REFUGEES—Continued

Legal alien distribution fiscal year 1982	Percent	Mexico 15,140,000	Costa Rica 520,000	El Salvador 940,000	Guatemala 1,540,000	Honduras 860,000	Nicaragua 560,000	Panama 400,000	Total 19,980,000
Houston	2.6	393,640	13,520	24,440	40,040	22,360	14,560	10,400	518,960
New Orleans	2.3	348,220	11,960	21,620	35,420	19,780	12,880	9,200	459,080
San Antonio	1.2	181,680	6,240	11,280	18,480	10,320	6,720	4,800	239,520
El Paso	1.0	151,400	5,200	9,400	15,400	8,600	5,600	4,000	199,600
Harlingen	.7	105,980	3,640	6,580	10,780	6,020	3,920	2,800	139,720
Eastern Region	34.8	5,268,720	180,960	327,120	535,920	299,280	194,880	139,200	6,946,080
New York City	17.1	2,588,940	88,920	160,740	263,340	147,060	95,760	68,400	3,413,160
Newark	4.0	605,600	20,800	37,600	61,600	34,400	22,400	16,000	798,400
Washington	2.9	439,060	15,080	27,260	44,660	24,940	16,240	11,600	578,840
Boston	2.7	408,780	14,040	25,380	41,580	23,220	15,120	10,800	538,920
Philadelphia	2.5	378,500	13,000	23,500	38,500	21,500	14,000	10,000	499,000
Baltimore	1.7	257,380	8,840	15,980	26,180	14,620	9,520	6,800	339,320
San Juan	1.2	181,680	6,240	11,280	18,480	10,320	6,720	4,800	239,526
Buffalo	1.2	181,680	6,240	11,280	18,480	10,320	6,720	4,800	239,526
Hartford	1.2	181,680	6,240	11,280	18,480	10,320	6,720	4,800	239,526
Portland, ME	.2	30,280	1,040	1,880	3,080	1,720	1,120	800	39,920
Northern Region	15.4	2,331,560	80,080	144,760	237,160	132,440	86,240	61,600	3,073,840
Chicago	5.4	817,560	28,080	50,760	83,160	46,440	30,240	21,600	1,077,840
Cleveland	1.6	242,240	8,320	15,040	24,640	13,760	8,960	6,400	319,360
Detroit	1.6	242,240	8,320	15,040	24,640	13,760	8,960	6,400	319,360
Seattle	1.6	242,240	8,320	15,040	24,640	13,760	8,960	6,400	319,360
Denver	1.5	227,100	7,800	14,100	23,100	12,900	8,400	6,000	299,400
Kansas City	1.2	181,680	6,240	11,280	18,480	10,320	6,720	4,800	239,520
St. Paul	.9	136,260	4,680	8,460	13,860	7,740	5,040	3,600	179,640
Portland, OR	.7	105,980	3,640	6,580	10,780	6,020	3,920	2,800	139,720
Omaha	.5	75,700	2,600	4,700	7,700	4,300	2,800	2,000	99,800
Helena	.2	30,280	1,040	1,880	3,080	1,720	1,120	800	39,920
Anchorage	.2	30,280	1,040	1,880	3,080	1,720	1,120	800	39,920

Notes.—Figures are rounded.

Mr. WORTLEY. Mr. Chairman, today's vote on aid to the Nicaraguan freedom fighters is a vote about the freedom of the Nicaraguan people. If we vote "yes" on aid to the freedom fighters, we will be voting for giving freedom and democracy a chance in Nicaragua. If we vote "no," we will be condemning the people of Nicaragua to the terror and repression that are inherent in Communist states.

Some people may claim this is an overstatement. It is not. It is a statement of fact.

Before going any further, let's clarify some of the terms of this debate. First, "Sandinista" is inaccurately reserved for the ruling regime in Managua, which has perverted and twisted Sandinismo until Sandino himself would not recognize it. Many of the armed opposition, on the other hand, are Sandinistas who have remained true to the goals of Sandino.

The term "Contra" has been used incorrectly to designate the Nicaraguan freedom fighters. "Contra" is short for counterrevolutionaries, but the freedom fighters are not counterrevolutionaries—they are revolutionaries. They are continuing the revolution in which so many of them participated against Somoza. They are still fighting for freedom and democratic pluralism. The goals of the revolution have not changed—the dictatorship they are fighting has.

The Sandinista regime is a self-proclaimed "Marxist-Leninist" regime, yet when some of us talk about communism in Central America, some people start shaking their heads. Marxism-Leninism is communism.

Now let's clear up; just who is involved in the conflict in Nicaragua. Some people seem to have the idea that this is a conflict between the United States and Nicaragua, an imperialistic view that gives the United States a much larger role than it actually plays. The Nicaraguan conflict is not between the United States and Nicaragua; it is not between the United States and the Soviet Union; it is a conflict between Nicaraguans, some of whom adhere to communism, others to freedom and pluralistic democracy. The Soviet Union has weighed in heavily, both directly and indirectly, on the side of the Marxist-Leninist Sandinista National Liberation Front. The United States has weighed in much less convincingly on the side of the democratic groups.

And what about the nature of the Nicaraguan regime? It has received hundreds of millions of dollars worth of military support from Cuba, the Soviet Union, East-bloc countries, and Libya to build the largest and best equipped army in Central America. It has instituted censorship of the press; it practices religious repression of Catholics, Jews, Moravians, and Evangelicals; it has forcefully relocated whole communities; it does not allow free labor unions; it has more political prisoners that Somaza ever had; it promotes indoctrination rather than education

I could go on, but I think you get the general idea. And if you think freedom and democracy are a fading dream now, it's nothing compared to what it will be if the Nicaraguan regime is given the chance to consolidate its position and power. The ramifications of such a consolidation for all of Central America, Mexico, and the United States must not be underestimated.

To vote against aid will be voting to consign our Nicaraguan neighbors to communism and the Central American region to subversion and destabilization. The hour is late. The choice is clear. A vote for aid is a vote for freedom.

□ 1830

Mr. BLILEY. Mr. Chairman, will the gentleman yield?

Mr. WORTLEY. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Chairman, I rise in strong support of aid for the freedom fighters.

Mr. Chairman, the question that we are now debating—whether or not to give $14 million in aid to the democratic freedom fighters in Nicaragua—revolves around two principal points.

The first point is whether this Nation, the United States of America, is going to abandon its history, its values, and its commitment to the expansion of freedom, liberty, and justice in the world. Our Nation was made free by the blood and sweat of our forefathers and by the help of European countries and individuals in our struggle against the foreign domination of Great Britain. Now there is a large and growing force of people in Nicaragua who are trying to bring our principles of liberty and democratic government to that most unfortunate land.

The freedom fighters, their families, and their less vocal supporters only want the opportunity to participate in an honest and open political process to determine the future of Nicaragua and the revolution that brought them so much hope in 1979. That revolution has been subverted and stolen by a relatively small group of dedicated Com-

munists. If the friends of the American Revolution had abandoned us when the going got tough, how do you think America might have turned out? I am thankful that we never had to find out.

If we in this Congress turn our backs on people whose only goal is freedom and the right to chose their own destiny, then I would tell you that we have turned our backs on our morality and our history as a nation and as a people.

The second point to this debate goes beyond support for our principles to our security. We need only look at similar debates in history for this lesson. There were Members of this body who stood right here in this well and warned America that Adolph Hitler was a dangerous madman. Others scoffed and said that Hitler's rearmament program would only put Germany back to its rightful place and that Hitler was just a reformer. America and the West did nothing until after the world had been plunged into the deadliest war in history.

We were warned that Mao-tse-Tung was a ruthless, bloodthirsty Communist who would threaten the world with his fanatical adherence to Marxism. Others scoffed and said that Mao was just an agrarian reformer who would be good for China and the world. America and the West did nothing and had to watch as 60 million Chinese were murdered and starved to death because they lacked "purity of the spirit" in adhering to Mao's Marxism.

There were those who stood here and warned America that Fidel Castro was a Communist revolutionary who would not improve the life of the Cuban people, but that he would threaten America and the world with his adherence to Marxism. Others scoffed at this and said that Castro was "just a popular reformer" who had nothing but the welfare of his people at heart. So America and the West acquiesced to Castro and now there are 20,000 Cuban combat troops in Angola, 5,000 Cuban combat troops in Ethiopia, 10,000 Cubans in Nicaragua. There were 800 Cuban "construction workers" in Grenada who shot Americans in 1983.

There were those who stood here and warned of the Marxism of Augustino Neto in Angola and Robert Mugabe in Zimbabwe and how they would be a threat to human rights and freedom in those nations if we abandoned the democratic groups seeking to promote freedom and not totalitarianism. Others scoffed at that and said that these were honorable men who wanted pluralism and nonalignment. So America cut off support from UNITA and helped Mr. Mugabe share power in Zimbabwe. Now the Cubans protect what is left to the Marxist government of Angola because UNITA has survived despite us and is gaining support as it progresses throughout the country. In Zimbabwe there is no pluralism as the Marxists have driven out their opponents and have seized control of the Government and the army.

When I and others stand in this well and warn America that the Sandinista Marxists in Nicaragua desire nothing less than the conquest of Central America there will be those who scoff and say that there is no immediate threat to us and that the Sandinistas are nice people who are being pushed into being bad by America. These naysayers need only open their history books to see the fate of Central America if we do not help our democratic brethren in Nicaragua.

I support freedom, dignity, liberty, and democracy. I will not abandon others who also believe in these things.

Mr. AuCOIN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I rise in opposition to the resolution. I rise to speak against the expenditure of $14 million of the American taxpayers' money to fund an illegal military intervention to overthrow the legitimate Government of Nicaragua.

Mr. Chairman, I have listened to most of the debate, the very long debate today, and I know that at this point no speaker can hope to add very much or to say very much that is new; however, I think it is important that certain things are reemphasized at this point in the debate.

I think it is important to reemphasize the fact that since we are concerned about the containment of communism or the stopping of the spread of communism in Latin America, we should consider those speakers who have argued again and again that military intervention is the least effective, the least efficient way to contain communism in Latin America and Central America.

Military intervention did not stop communism in Southeast Asia. Several speakers have drawn parallels with the war in Vietnam and I think those parallels were appropriate. I fully agree with those who have said that the lessons of history that were taught by Vietnam should not be forgotten. We lost about 58,000 American lives in Vietnam and many more were mutilated, wounded; many more bear psychological scars as a result of our assumption that the domino theory should govern our actions in Vietnam.

We assumed that if Vietnam fell, all of Southeast Asia would go behind Vietnam and we had to take a stand in Vietnam. History has shown that this was not true.

The New York Times and several other publications in the last 2 weeks pointed out the fact that Southeast Asia is booming and prosperous at this point. The only governments, the only nations in Southeast Asia that are not prosperous, that are not booming, are the nations of Vietnam and Cambodia, the two areas of conflict, the two areas of violence and military intervention.

The economies are strong in countries that we thought would go under if we lost in Vietnam—and we did lose in Vietnam. And yet the domino theory is not occurring. It appears that the domino theory is acting in reverse in favor of the United States and against the Soviet Union, since not only in Southeast Asia but following the end of the war in Vietnam capitalism has begun to flourish even in the largest Communist nation in the world, the nation of China. China has the largest land mass of communism and the largest number of people under communism, and yet capitalism is flourishing and being applauded in China.

We should learn the lessons of history and understand that if we want to stop communism in Latin America, in South America, and Central America, perhaps we should take a new tack. Perhaps we should weave together some of these more creative and imaginative programs, the peaceful programs that have succeeded.

The Marshall plan succeeded. Why not a Marshall plan for Central America and South America and Latin America? The Peace Corps, although it was only an experiment and quite small in scope, succeeded.

The Alliance for Progress succeeded partially. It only failed because the same forces that are causing problems in Latin America now were intransigent, refused to budge, resisted President Kennedy's attempt to change peacefully the economies of Latin America in favor of giving more to the masses who suffer in Latin America.

The people of Latin America, like the people in the rest of the world, the ordinary people are fed up with ideology. They want food, clothing, shelter. They want educational opportunities for their children. They want decent health care. They are not interested in ideology.

In Poland the people who work in private factories, private enterprises that recently have been introduced in the Communist state of Poland; those people are looking at their paychecks and they like the paychecks they get from private enterprise. I am sure private enterprise in China is not worrying the people who are profiting from that.

All over, ideologies must take a bow to actual performance, especially in this hemisphere in which we claim to have the dominant influence. We have the leadership here. Most of the people in the hemisphere look to us for leadership. Why do we not provide

more aggressive leadership in terms of creative and imaginative programs which will provide that improvement in the quality of life for the numerous people out there who only want decent food, clothing, shelter, health care and an educational opportunity for their children.

We can do this. We can start with the $14 million by using it in a humanitarian way. Spend it through channels to help all the refugees, refugees anywhere in Central America. Let us let some objective body, like the International Red Cross or the U.N. committee on refugees distribute this $14 million as a symobolic gesture, a beginning gesture for a new policy in Latin America, a new policy which would be made up of past programs, a tapestry which would be woven from some of the things that have succeeded in the past.

Why not a Marshall plan? Why not more Peace Corps? We can go forward and contain communism and do what is best for all of the people of this hemisphere. We can do it with peaceful initiatives.

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, having previously visited in Central America, as many other Members of this body have, I feel that I should rise in support of the efforts of the Contras to bring about some changes in the repressive Sandinista regime in Nicaragua. What a shame that the revolution which overthrew the dictatorship of Anastasio Somoza took the wrong turn.

I remember very well that in 1979 we tried to assist the fledgling new regime. I remember even more clearly hearing the late chairman of the Foreign Affairs Committee, Clement Zablocki, at the end of a long debate on whether or not we should vote $75 million to the new government in Nicaragua, say, "it is the least we can do. It's a chance we have to take in trying to bring democracy to this country." I voted for the $75 million and took a lot of flack for doing so.

Sadly, our attempts to work with the Sandinistas have not been successful. The Sandinista regime turned its back on us—turned its back on freedom—turned its back on a pluralistic form of government and the hopes and aspirations of the revolution. I think there is no argument that the Sandinista government is Marxist-Leninist—that the people are suffering under a Communist regime.

Unfortunately, we do not have the luxury of not being involved in Central America. In view of what the Soviets, Cubans, and others are doing worldwide—in Afghanistan, Poland, Nicaragua, and elsewhere—we must do what we can to prevent the spread of their type of activity. This is especially true at our doorstep in Latin America.

Because of our involvement and because of our support we are greatly encouraged by the progress that is being made in El Salvador. It is good to see that the people have expressed themselves freely at the ballot box by electing President Duarte, who appears to be making good strides in curbing the death squads and bringing about some reforms to help the plight of his people.

Frankly, one of the great concerns of the people in Florida and other gulf coast States is a further flood of refugees into the United States. If people can live in peace and freedom with hope for the future in their own country, they will not seek to escape to another nation. If we can help to democratize the countries to the south, then we can better maintain jobs here for our own people, and also avoid costly programs in helping refugees to settle here.

The Contras can keep the pressure on Nicaragua, and slow or stop the spread of Sandinista-like regimes to other countries. The Contras can keep the pressure on the Sandinistas to change their way of life—to quit being oppressive to the people and the church—to allow freedom of expression and freedom of the press. Without this kind of pressure, don't expect any changes in what's going on in Nicaragua. Do not expect any lessening of activity by the Soviets and Cubans.

Yes, we should support aid to the Contras. We should not and have no intentions of sending American troops to fight in Central America. Our adversaries have good success in using proxies. Why can't we do the same? Let's help the Contras in keeping the pressure on a very repressive regime in Nicaragua.

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Mr. AuCOIN. Mr. Chairman, I yield 5 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, the central issue in the debate on aid to the Contra rebels in Nicaragua is whether the United States seeks peace and democracy through diplomacy or subversion. Put another way, does our policy in Central America use military force as a last resort or as a first resort.

The White House has poured some new wine into its old Central American policy wineskins. It claims that its new peace proposals cinch the argument in favor of aid to the anti-government Contras in Nicaragua. But I have grave doubts.

I welcome any movement by the President away from military aid to the Contras and toward a negotiated end to the conflict in Nicaragua. The Reagan administration apparently wants a plan which offers $14 million in nonmilitary aid to the Contras and the option of military aid if peace talks, mediated by the Catholic Church, should fail.

But has the leopard really changed its spots? On its face, the administration calls the aid "humanitarian." But money is fungible: Giving the Contras $14 million in humanitarian aid assuredly frees up other Contra funds for guns and bullets. And peace talks or not, the Reagan plan still would permit the administration to renew aid to the Contras as part of a reported effort to expand the Contra forces from about 20,000 to 35,000 soldiers. Not surprisingly, the Sandinista government has dismissed the Reagan proposal.

PEACE TALKS: A FIRST RESORT

The chairman of the Select Intelligence Committee, Mr. HAMILTON, and the chairman of the Foreign Affairs Western Hemisphere Subcommittee, Mr. BARNES have drafted a strong bipartisan alternative that meets three important goals: it uses the good offices of the Organization of American States or the Contadora group to set up peace talks between the Contras and Sandinistas without preconditions. The Contadora nations of Colombia, Mexico, Panama, and Venezuela have already won the respect of both sides and their mediation—not the club of more U.S. Contra aid—is more likely to produce a solution; it indefinitely bans military aid to the Contras until Congress specifically approves such aid; it reinforces a constructive U.S. role in the area by providing $10 million to the International Red Cross or the United Nations for aid to any Nicaraguan refugees outside of their homeland.

I don't favor a cut-and-run approach, and I'm no fan of the Sandinistas. I don't want to see Nicaragua in a fixed orbit around the Soviets and Cubans. And, I don't approve of Nicaragua's inept efforts to export arms to Salvadoran rebels or its heavyhanded press censorship.

But the fact is that Contra aid and the mining of Nicaragua's harbors have undercut our national interest instead of advancing it. The Contras are not close to knocking the Sandinistas from power and $14 million more won't do the job either. Nor has CIA mischief-making won us any new friends south of the border; just the reverse. As a result, the American people have voiced overwhelming opposition to the administration's policy. Without public support, any policy is doomed to fail.

More than anything else, I remain convinced that what we are trying to do in Nicaragua is wrong. Shipping arms to the Contras, who are clearly intent on overthrowing the Nicaraguan Government, violates our own

laws and flaunts our best traditions. It should not be the province of the United States of America to abet the overthrow of a foreign government we don't like. If we don't want the Sandinistas to export unrest and terror, then we can't wink at our sponsorship or subversion.

If we want to stop the reach of Cuba and the Soviet Union in our own backyard, then let us first use the policy tools which work: Food, medicine, and education—not the weapons which too often fail—guns, bribes, and mines. Only as a last resort, let us consider appropriate military options.

Our best bet is exerting strong diplomatic pressure on the Sandinistas through a concerted multinational effort with the Contadora nations. Waging peace, not war, offers the clearest hope for a workable pact in Nicaragua and stronger U.S. ties with all of Latin America. I urge the Administration to take the next step forward and rise in support of the Barnes-Hamilton-Fish bipartisan peace plan.

I include for the record an article by my colleague, Mr. BARNES, which makes a convincing case for a strong U.S. humanitarian and diplomatic role in Central America and an equally sound argument against any direct aid to the Contras.

[From the Washington Post, Apr. 21, 1985]

AN ALTERNATIVE THAT PUTS PRESSURE ON BOTH SIDES

(By Michael D. Barnes)

The objectives of U.S. policy toward Nicaragua should be to enhance the security and stability of Central America by achieving reciprocal and verifiable security arrangements with Nicaragua and by promoting political pluralism and the observance of human rights in Nicaragua.

There is now a consensus in Congress that current policies are not achieving—and hold no real prospect of achieving—these objectives. In recognition of that growing consensus, President Reagan has dropped his proposal that Congress release an additional $14 million for military aid for the contras. This week, Congress will consider alternative approaches.

Along with my Democratic colleagues Lee H. Hamilton and James R. Jones, and my Republican colleagues Hamilton Fish Jr., Jim Leach, Ed Zschau and Willis D. Gradison Jr., I have prepared a bipartisan alternative that I believe can, and will, command broad support in Congress and among the American people. Our alternative is designed to support regional peace efforts and give diplomacy a chance to work, while at the same time maintaining pressure on the Sandinistas to change policies that we feel destabilize the region.

The policy set forth in our resolution is to seek peace in Nicaragua and Central America through the Contadora process, which provides an appropriate 21-point framework for achieving U.S. objectives. As part of a regional settlement, it should be U.S. policy to encourage a cease-fire and peace talks among the combatants in Nicaragua.

Our resolution points out that there are disturbing trends in Nicaragua's foreign and domestic policies, including restrictions on individual and press freedoms, the subordination of government functions to party control, close Soviet-Cuban ties and a military buildup, and efforts by the Sandinistas to export their influence and ideology. There are also serious human rights violations by both the Nicaraguan government and the contras.

We believe that Congress should monitor events in Nicaragua carefully, and that progress in reversing these trends should be a key element in future congressional decisions with respect to Nicaragua and Central America as a whole. Actions by the Sandinista government and its opponents will weigh heavily in determining those decisions. If progress is made, the United States should consider improving ties with Nicaragua, including expanded trade relations and the provision of technical and economic assistance.

Our alternative continues in effect the existing prohibition on funding for military or paramilitary operations in Nicaragua until such time as Congress enacts a joint resolution repealing that prohibition. Meanwhile, our resolution provides $10 million for humanitarian assistance for refugees who are outside of Nicaragua, regardless of whether or not they are associated with the *contras*. The assistance could not be used for provisioning combat units. To ensure that the assistance is not misused in that or any other way, we provide that it be channeled through one of the two recognized international relief agencies with experience in the area: the U.N. High Commissioner for Refugees or the International Committee of the Red Cross. As a sign of our commitment to the Contadora process, we also provide that $4 million will be available for the costs of implementing a Contadora agreement.

Our alternative requires the president to continue to report periodically to Congress on the situation in Nicaragua, and it gives the president another opportunity, after the beginning of the new fiscal year on Oct. 1, to request further action by Congress. The resolution would bind Congress to give any such request expedited consideration, just as it is now doing with respect to the president's request for $14 million in military aid for the *contras*.

We believe that this alternative serves U.S. peace and security interests in several important ways. It gives a strong impetus to the Contadora process, which will make an agreement much more likely than if a plan is "made in the U.S.A." It puts pressure on both side in the Nicaraguan conflict to enter into a dialogue leading to reconciliation and an opening of the political system, because after Oct. 1 the president can force Congress to reconsider the situation, and neither side will want to be held responsible for lack of progress. The alternative offers incentives for those on both sides of the conflict who desire such a dialogue and reconciliation to get together. It criticizes both the Sandinistas and their opponents where criticism is due.

Our alternative makes eventual U.S. intervention in Nicaragua less likely. It combines restraint with the engagement of our diplomatic, political and economic resources squarely on behalf of our interests. Equally important, it provides a way out of our own domestic impasse, and the deep divisions that current policy toward Nicaragua have engendered.

SUMMARY OF THE BIPARTISAN ALTERNATIVE NICARAGUA PROPOSAL OF REPRESENTATIVES MICHAEL D. BARNES, LEE H. HAMILTON, JAMES R. JONES, HAMILTON FISH, JR., JIM LEACH, AND ED ZSCHAU

I. The resolution contains the following findings and declarations:

(1) The United States desires peace in Nicaragua and throughout Central America, and U.S. policy toward Nicaragua should encourage a cease fire and peace negotiations among the combatants as part of a regional settlement through the Contadora process or the OAS.

(2) The Contadora 21 principles provide an appropriate framework for achieving peace and security in the region.

(3) There are disturbing trends in Nicaragua's foreign and domestic policies in the areas of individual and press freedoms, dominance of the party, Soviet/Cuban ties and the military buildup, and efforts to export Sandinista influence and ideology.

(4) Congress will carefully monitor the situation, and progress in curtailing these trends will be a key element in future congressional decisions.

(5) If Congress determines that progress is being made toward peace and democracy in Nicaragua, consideration will be given to initiating economic and development programs in such areas as trade and technical assistance.

(6) In assessing progress, Congress will expect, within the context of a regional settlement, the removal of foreign military advisers from Nicaragua, an end to Sandinista support for insurgencies in the region, restoration of freedoms, and progress in conducting free and fair elections.

II. The resolution continues in effect the prohibition on funding for military or paramilitary operations in Nicaragua without regard to fiscal year until Congress enacts a joint resolution repealing that prohibition.

III. The resolution provides the following assistance:

(1) $4 million for expenses arising from the implementation of a Contadora agreement, such as expenses for peacekeeping, verification, and monitoring systems.

(2) $10 million for humanitarian assistance for refugees who are outside of Nicaragua, regardless of whether they are associated with the contras. This assistance may be provided only through the International Committee of the Red Cross or the United Nations High Commissioner for Refugees upon the determination of such organization that the assistance is necessary for humanitarian purposes, and may not be provided for provisioning combat units.

IV. The resolution provides that the President must report to Congress every three months on progress made in achieving the objectives of the resolution and on any expenditure of funds under the resolution, and may, any time after October 1, 1985, request further action by the Congress. Such request would be considered under expedited procedures similar to those being employed for the current request.

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the very patient gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, one of the most puzzling questions about this debate is how two great political parties and their leaders assembled in this chamber can read the evidence and come to diametrically opposed conclusions. I have wrestled

with this question time and again when attempting to resolve how I am going to vote and why it is we have this difference. And the only analysis that makes sense that I have been able to figure out is that essentially we have a different perception on revolutions taking place in the world today and those that have taken place in the past.

□ 1850

There is a line of thought which says that what is going on in Central America is really a revolution. We Americans, at least in North America, are a revolutionary people, we should be on the side of revolution in the world to preserve and advance the cause of social justice, and therefore it is inappropriate for the Government of the United States to be against the revolution going on in Central America.

That has a ring of truth to it but it has a fatal defect in it because all revolutions are not created equal. The American revolution was fought 200 years ago for political, economic, and religious reasons but it had at its foundation a respect for private property, the preseravation of private property.

The revolution going on in Central America is ostensibly for purposes of religious, economic, and political freedom but it has achieved none of those things and yet at the same time it is destroying private property.

It takes property from one class of people with a gun and distributes it to another class of people all in the name of pursuing social justice.

That is the difference in perception. When you believe, erroneously as I believe, that the revolution going on in Central America is a continuation of the American Revolution, you can come to the point where you can offer this body something tonight or tomorrow a proposal that is contained in the Barnes-Hamilton plan whereby we can offer assistance, but nonmilitary assistance only.

Now I would like to believe that we can live in the world of today without arms, without strife and without struggle. It would be a wonderful world if that were the case. But for those who believe that is the way of the world is, I feel sorry for them because history does not teach us that.

I reluctantly conclude that the only way to deal with a Marxist government is to tell, very clearly, that if they choose to pursue what they call the war of liberation by internal subversion which is going on in Nicaragua today, that they are going to face a force of arms from some other source to resist that revolution which definitely is not in the interest of those people.

That is why this Member from California has concluded that it is in the interests of this body to support the President's request and vote in favor of House Joint Resolution 239.

Another question the American taxpayers can ask is why should I be concerned with what is going on in Central America? What difference does it make to me? It is no threat to me.

Well, the evidence is that the Italian members of the Red Brigades, the German adherents to the Baader-Meinhof gang, the Basque ETA separatists, Honduran Cinchoneros, the Peruvian Shining Path militants, the Argentine Montoneros, the Uruguayan Tupamaros, and a host of others have taken up residence in Nicaragua.

My friends, they did not come there just as tourists, they did not come there to work on the airfield that is large enough to receive every aircraft in the Soviet arsenal. They have come there to use Nicaragua as a mounting place for terrorism in Central America and in their view, hopefully, to bring that terrorism to North America.

I think it is appropriate for us to recognize what we are facing in Central America, that it is a revolution that is destructive of private property, that those people mean business in terms of seizing power through the force of a gun and we should commend the people in Nicaragua who are willing to, at this point in our history, maintain a struggle that is our struggle, namely the pursuit of freedom and the protection of private property.

There is a correlation between the current situation in Central America and the Russian revolution in 1917. Seeking political and economic freedom from the oppression of czarist rule, revolutionaries of various stripes joined forces to overthrow the government. Once in power, however, the Bolsheviks stole the revolution from the more moderate Mensheviks. As a result, Russia became a Communist country with no opportunity to develop into a moderate socialist state, a democracy, or some other variation of self-government.

A similar comparison can be made with Cuba. In the late 1950's, Castro successfully stole a people's revolution. While his democratic allies in the fight against the Batista government were occupied in formal institutions like the Council of State and various ministries, Castro and an inner band of trusted guerrillas built and consolidated control over the real instruments of power—the army, the secret police, revolutionary tribunals, and other organizations.

Today in Nicaragua, we again see Communists—the Sandinista directorate—stealing a revolution from the people. The democratic opposition to Somoza established a broad coalition which included the Sandinistas. Cuba provided the Sandinistas with about 500 tons of weapons and other military supplies as well as advisers which made them an extremely powerful ally for the true democratic opposition.

Due to the non-Communist democratic elements of this broad coalition, many Western governments failed to recognize the real character of the Sandinistas. After this coalition had succeeded in bringing down the Somoza regime, the Sandinistas followed Castro's example: An inner core was formed headed by the Sandinista National Liberation Front [FSLN], a nine-person directorate. They established a new army, an internal security apparatus, and a variety of controlled organizations like neighborhood defense committees, trade unions, professional groups, and media organs.

By encouraging their democratic allies to participate in the executive branch institutions of the new government, the Sandinistas were able to maintain their credibility and receive substantial ($1.6 billion) western aid through 1982.

Late in 1979, shortly after the Sandinista victory, a plan was launched to isolate and bring under Sandinista control the various democratic groups, including political parties, labor unions, and the media. The Sandinistas acknowledged that these groups had to be allowed to exist because of international opinion, but they planned to gain control of them from within.

And what of the promises made during the revolution to replace the Somoza dictatorship with new social, political, and economic systems based upon the principles of pluralism, free elections, a mixed economy, and observance of human rights?

Special tribunals, outside the judicial system, were established to try the cases of suspected counterrevolutionaries, thus denying them legal protection afforded by the regular courts.

Using both the powers of government and the capacity for intimidation of Sandinista organizations, the Nicaraguan Government continues to harass opposition political parties, independent labor confederations, the private sector, the Catholic Church, and the independent media.

There is no free press. Censorship of print and electronic media continues. The editors of La Prensa, the only independent source of news in Nicaragua, claim that between January and October 1983, the government censored over 50 percent of their stories on current national and international events.

The various Sandinista organizations, particularly the Sandinista defense committees, seek out dissidents and coerce people into participating in Sandinista-sponsored activities.

Through both legal and extra-legal means, the government seized the private property of several prominent citizens; it warned that neutrality in

the struggle against armed opposition forces might be punishable by confiscation.

In December of 1981, the Sandinistas began destroying more than 40 villages of Protestant, English-speaking indians in northeastern Nicaragua. About 15,000 escaped into Honduras. The remaining indians were either killed by the FSLN or forcibly relocated to detention camps. The proof of these atrocities is undeniable.

The Cuban and Nicaraguan revolutions demonstrate a historical method of operation for a communist takeover of a revolution:

First, unification of the extreme left;

Second, establishment of a broad coalition, led by the extreme left but including some non-Communist or democratic elements, which makes direct or ambiguous promises of a broad-based government after victory;

Third, use of the broad coalition, systematic propaganda, and political action techniques to obtain non-Communist international support and isolate the target government from Western political and material assistance; and

Fourth, providing Soviet bloc, Cuban, and other anti-Western military support as an incentive for extreme left unity.

The correlation between Communist strategy and events in Central America is obvious. And while there is certainly room for reasonable men to differ on exactly how our Nation should conduct its foreign policy, we should be able to agree on the fundamentals of a system of government which we must oppose:

First, the goal of communism is world domination;

Second, the Communists do not negotiate for purposes of achieving peace unless they are forced to do so by the realization that they cannot profit from further conflict;

Third, communism cannot coexist with capitalism;

Fourth, there are no absolute moral imperatives in Communist philosophy; morality is relative: that which enhances the state is moral; and

Fifth, communism cannot coexist with any religion that acknowledges a being superior to the state.

Sadly, we don't seem to be able to agree on these fundamentals. We maintain that if only we constrain our inordinate fear of communism, if only we would refrain from building this or that weapons system, if only we would negotiate with this or that terrorist/revolutionary force—we could be at peace with the Communists.

This is naive and dangerous thinking. There is no historical basis for this line of reasoning. The Communist definition of peace is not the same as the American definition. Peace talks and negotiations are a tactic to be engaged in only to the extent that they may further the goal of world domination.

We do our Nation a profound disservice if we fail to realize that Communists have gone to great lengths to understand the American mindset. Not only do they understand how we think, but they are masters at using our compassion, integrity, and sense of justice and fair play against us.

On the matter of this social and moral conscience, many U.S. religious and political groups opposed to assisting the Contras repeatedly point to purported violence and terrorism which the Contras inflict on their own countrymen.

I invite those moral arbiters who seem to show compassion only for the victims of rightwing tyranny—but, oh, perish the thought, never from the left—to examine the record of brutality, deceit, inhumanity, and vicious oppression which the Sandinista regime has accumulated in the past 5 years.

Among the several of my colleagues who have taken an interest in and spoken out on the situation in Nicaragua, my friend BOB LIVINGSTON from Louisiana has given us a truly stark and horrible glimpse into the ghastly atrocities perpetrated by the Sandinistas on those considered to be opponents of the government. His statement reciting the litany of horrors is printed in the April 4 CONGRESSIONAL RECORD.

In addition, one of the original Sandinista leaders of the 1979 revolt, Arturo Cruz, has recently concluded that the revolution has been betrayed by President Ortega and his ruling junta. Echoing the sentiments of the inter-American Human Rights Commission, he charges that the Sandinistas have consolidated power at the expense of freedom and democratic principles. The Contras have emerged as the only viable internal force which can combat this evil. In his words, "they have gone from being an instrument of U.S. policy to a social movement."

Another facet not be overlooked is the undeniable connection between the Sandinistas and world terrorism. Scores of leftwing militants have settled in Nicaragua, where they plan their next ventures and plot destruction with the less-than-benign acquiescence of the Sandinista government.

Italian members of the Red Brigades, German adherents to the Baader-Meinhof Gang, Basque ETA separatists, Honduran Cinchoneros, Peruvian Shining Path militants, Argentine Montoneros, Uruguayan Tuparmaros, and a host of others inhabit the ranks of these terrorists. And, not insignificantly, the Palestine Liberation Organization, Iran's Khomeini, and Libya's Qadhafi also figure prominently. From their Nicaraguan base, these terrorists export violence to their respective homelands and throughout the world.

In order to blunt justified criticism of their outrageous policies, the Sandinistas have sought closer ties to the political left here in the United States as well as worldwide. These open-minded liberals are reminded of the excesses of the Samoza regime and are fed the obligatory rhetoric about human rights, sympathy for revolutionary ideals, and compassion for the Earth's downtrodden masses. Aid to counterrevolutionaries like the Contras would be a dastardly exhibition of U.S. imperialism.

One can only wonder what it takes to convince these people that tyranny of the left is no less an evil than that of the right. It is astonishing, distressing, and sickening to see the American left (though not all of it) defend the Sandinistas, perhaps not directly, but certainly by their denying assistance to those who wish to preserve the democratic ideals of the 1979 revolution.

By their words, they represent themselves as world humanitarians. By their actions, they reveal themselves to be no better than the tyrannical despots who enslave peoples and annihilate freedoms.

"Be sober, be vigilant; because your adversary the devil, as a roaring lion, walketh about, seeking whom he may devour."—1 Peter, 5:8

Mr. Chairman, I ask for the adoption of the resolution.

Mr. AuCOIN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Chairman, I think it is not the question of $14 million that we are talking about here; $14 million in today's economy, especially in this administration, will probably be enough to buy a couple of pliers and maybe a few hammers.

The fact of the matter is that we are talking about a difference of basic philosophy in terms of policy in Central America.

For those of us who understand the culture of the people of South America, we can only say to those who stand here today asking us to send money to the Contras so that a Garcia can continue shooting at a Rodriguez, a Rodriguez can continue shooting at a Gonzalez, a Gonzalez can continue shooting at an Ortega. The bottom line to all of this, for those of us who understand, is that for many, many decades the United States has continued to intervene in Central America.

When you go to Nicaragua, what is the first thing they say to you? They talk about the exploitation of the large companies in the twenties and the thirties, who came into Nicaragua.

Today, we go, and what do they talk about? They talk about, once again, intervention.

Look, I do not believe there is a person on this floor who is happy with Daniel Ortega. Those of us who have had opportunity to meet with him to talk with him, we all, I think, agree that the people of Nicaragua could do a heck of a lot better.

But let me say to my colleagues I believe it is absolutely essential that what takes place in Central America be decided by the people of Central America.

We sit in this Chamber and we decide what other countries are going to do with their own country. I believe that it is their country, it is their part of the world and they are entitled to make those decisions whether they are wrong or right.

For those of us who have participated in a shooting war, and I think there are Members on both sides of the aisle who have participated in a shooting war, we know that war is hell and we stand on this floor and we pontificate and talk about who is more macho than the other.

The bottom line is that people are getting killed. The only way we are going to solve the Central American problem is by getting those persons who are truly interested, bringing democracy there, to get together.

Let us say, for example, we send half a billion dollars into Central America tomorrow, especially into Nicaragua and, let us say, that we were able to beat back every Sandinista, that war will continue. The only way we are going to stop that war is having those people and the neighboring countries get together and decide what is best for them.

I think the time has come for this Congress and this country called America to let people decide their own fate.

Please, I think we have had enough of the Garcias and the Rodriguezes shooting and killing each other. We are talking now about a part of the world that has been dominated by, first, oligarchy, and now it has shifted over to the other extreme.

I say to my colleagues, to all of you here, that there is no perfect solution to what is going on in Nicaragua, but I would say to each and every one of you that whatever the solution is it should be decided upon by the people who live in that part of the world.

The President's policy with regard to Nicaragua is an excellent example of the contradiction between morality and perceived strategic interest. The Kissinger Commission on Central America stated that a primary goal of our policy toward the region should be: "To preserve the moral authority of the United States."

Does aiding the Contras contradict this goal? I think so. Certainly the World Court believes so, as do many of our European allies. Even Margaret Thatcher protested the mining of Managua's harbors last year.

This is not to say that a totalitarian regime in Nicaragua wouldn't threaten our security interests in the region. Perhaps, but the arguments that the Reagan administration has put forth in favor of aiding the Contras are based on the premise that force is the only way to handle the Sandinistas.

Certainly force can be very persuasive, but the Contras, as they are presently constituted, are not a credible bargaining chip.

They are factionalized. Many within their ranks are heirs to the worst excesses of the Somoza regime. Their human rights record reflects this. They may not all be mercenaries, but they are certainly not all freedom fighters. More importantly, they have no chance of taking control of Managua—even with massive amounts of aid.

Without the Contras how do we bring about change in Nicaragua? We start by working through Contadora. We gain nothing by ignoring the Sandinistas. I don't like the Chilean Government, but I would never suggest that we stop talking to Santiago. It is my belief that with patience and the right amount of pressure, Managua—that is the Sandinistas—may be forced to institute changes that are more democratic.

It is important that we understand that even a full scale invasion by the United States will not put an end to the Sandinistas. Yet, such an invasion would succeed in tearing our country apart. That is something none of us can afford.

The President's supporters have said that we should support the Contras so that American troops won't have to go to Nicaragua. That's faulty reasoning. My concern is that by supporting the Contras we will only serve to fan the flames in Nicaragua, in Honduras, in Costa Rica, and finally back at the White House, leading us into an unnecessary conflict that will, in the end, do notning to help the people of Central America or to protect our security interests.

There is no more telling statement of how devastating an unpopular war can be than a recent picture published in Time magazine showing President Lyndon Johnson leaning over his desk in anguish as he listens to a tape recording from his son-in-law, Chuck Robb, describing the loss of his men in battle in Vietnam. Even our military commanders do not want to see a reoccurrence of this in Nicaragua or elsewhere in Central America, and there isn't support from the people of this Nation for a war. There doesn't seem to be a great deal of support for even a covert war.

It is my feeling that the people of this Nation would like to see a negotiated end to this conflict, to our problems with Nicaragua. I believe that the American people are counting on us to come up with a better plan to settle our differences with the Sandinistas, than mining their harbors, and waging war by proxy.

We've got to continue to pressure the Sandinistas diplomatically and economically. There is no argument about that. The argument stems from what our tactics should be. I do not believe for a moment that we will be able to break the backs of the Sandinistas—and that is what the President seems to want—by intimidating them militarily. We can win this conflict peacefully because we are the better Nation, because our system is the better system. It will prevail.

We can't hang the threat of military intervention over the heads of the Sandinistas and expect them to cry uncle. They won't. The President had the right idea on how to handle our problems with the Sandinistas when he sent Ambassador Schkaudman to Manzanillo to talk to the Nicaraguan Deputy Foreign Minister. What the President must do is to continue with this line of thinking without holding out the threat of armed conflict. There can be no effective negotiations if we hold a gun to the head of the Sandinistas.

The President's plan must be defeated so that we can send a clear signal to all the people of the world who truly support democracy that we believe that we can solve our differences through negotiations, that our system will prevail because it is a better system. The nations of Latin America, in particular, are waiting for a sign from us, showing that we will try to settle this with their help off the battlefield and at the negotiating table.

I would like to leave you with a quote from the Kissinger Commission Report on Central America that I believe should serve as a guiding principle in our dealings with Nicaragua and all the nations of the region: "It is a common failing to see other nations as caricatures rather than as portraits, exaggerating one or two characteristics and losing sight of the subtler nuances on which so much of human experience centers as we have studied these nations; we have become sharply aware of how great a mistake it would be to view them in one-dimensional terms. An exceptionally complex interplay of forces has shaped their history and continues to define their identities and affect their destinies."

I'm afraid the President has chosen to look at Nicaragua and its experience with this Nation in one-dimensional terms. He has chosen to ignore the complex interplay of forces shaping the destiny of that nation. It's time he listens to the lessons on history.

Mr. Chairman, I yield back the balance of my time.

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. BOULTER].

Mr. BOULTER. Mr. Chairman, there he goes again. In the 11th hour—just before the crucial vote we will take today—Commadante Ortega has offered up a "peace" plan that will end civil strife in Nicaragua. Trouble is, it would also spell the beginning of the end for freedom and democracy in Nicaragua.

We were conned by the Sandinistas in 1979, and they're at it again in 1985. When will we learn our lesson. Time and time again—in its eagerness to dispose of an issue—Congress embraces the best case scenario, in which all the people of the world, including our sworn enemies, share common goals, good will and a desire for peace. Well, folks, this happy ending rarely comes about.

What will come about is an increase in instability and terrorism throughout Central America. And very soon afterwards we will witness a flood of refugees into the United States. Indeed, Mr. Chairman, a rising tide lifts all boats. And when we speak of the rising tide of communism in Central America, we can expect a massive exodus that will inevitably crash on our shores and across our borders. I take little comfort in knowing that 10 percent of the Cuban population left Cuba after Castro came to power. Can we afford to open the gates to 10 percent or more of the over 100 million people now living in Central America and Mexico?

If we truly want to see the evolution of a democratic process in Nicaragua, then we must continue to pressure the Sandinista government to recognize a legitimate opposition. This pressure has to be applied through a resumption of aid to the freedom fighters. To give hope to neighboring countries struggling to erect a democratic system of government, U.S. aid is necessary to combat the Sandinista's attempts to export their revolution.

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This is a real danger, which must be understood by the American people. Tomas Borge, the Nicaraguan Interior Minister, was once asked the question: "Will the revolution be exported to El Salvador, then Guatemala, then Honduras, then Mexico?" His response: "That is one historical prophecy of Ronald Reagan's that is absolutely true."

Mr. Chairman, we must not turn our backs on those who constitute the first line of democratic resistance to the Communist aggression in our own back yard. If we fail now, then the Communists will be able to consolidate their gains and continue the exportation of their revolution with Mexico as their ultimate target.

The Contras are the first line of resistance. We must support the freedom fighters of Nicaragua, and I urge you to vote for House Joint Resolution 239.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I rise in opposition to the military aid demanded by the President.

The President has requested $14 million from the American people to wage a war that has not been declared, a war that will be waged by mercenaries and substantially led by former members of the Somoza dictatorship, a war that the American people do not want and will not support.

This is not the first time the President has come to this Congress to ask for help in waging this war. The logic of his first request was to stop the flow of arms to El Salvador. When this was found to be spurious, a new argument for funding the Contras was found; the Sandinistas needed to be pressured by the Contras if they were going to negotiate.

And this too did not work because, much to the consternation of the Reagan administration, the Sandinistas did negotiate and even accepted the treaty worked out by the Contadora nations.

With last year's election safely behind him the President recently unveiled his newest and most revealing rationale. The Sandinistas must surrender or face war.

In other words the President of the United States, during peace time and with diplomatic relations with Nicaragua, was asking the Congress to fund a war whose object was the overthrow of a Western Hemisphere government.

The public outrage at such a shortsighted policy has led the White House public relations team to heights of ingenuity. Now the aid is humanitarian as long as the Sandinistas do as Ronald Reagan dictates. Should they actually wish to have some say in their own country's affairs the so-called humanitarian aid would revert to the President's original purpose, the provision of arms to the Contras.

The administration's intentions are clear despite such novel approaches in dealing fairly with the American people.

The President wants to wage war by proxy.

And who are these proxies the President has called the "moral equal of our Founding Fathers"?

Virtually the entire military apparatus of the Contras, 46 of the top 48 posts, are former members of the infamous national guard of the Somoza regime. It should hardly be mentioned that when they wore the uniform of the national guard these henchmen were not known as ardent supporters of democracy or human rights. They have committed unspeakable crimes of terror perhaps the most famous of which was the execution of an entire wedding party.

Are these the actions of the moral equivalent George Washington and Thomas Jefferson?

If they are I have read very different history books than the President. As I understand it Washington never committed acts of cruelty and terror, and Jefferson never advocated the use of political assassination. The Contras have much more in common with the Waffen SS troops buried at Bitburg than with those giants buried in Virginia.

We have no illusions about the Sandinistas and their form of government. We do not advocate it for the people of Nicaragua or any of the other nations in Central America. They have not kept faith with their revolution and must reverse their antidemocratic policies if we are to develop a positive future with them.

The irony of the President's policy is that it has not led, nor will it, to a democratic Nicaragua. From the day he has taken office the President has laid seige to the Managua regime. He has mined their harbors, aided terrorists, and intimidated them with countless military exercises on their border. Can anyone really wonder if the Sandinistas do not take this President at his word?

It is time to strike out in a bold new direction—a direction that emphasizes negotiations, that reduces conflict rather than escalates it, that constructs incentives for meaningful peace rather than brandishing threats that propel the Sandinistas down a path no one wants.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Chairman, few Americans and, I am sure, no Members of this House, want to see a Communist regime in Nicaragua. Most Americans and, I hope and believe, most Members of this House would, however, not jump straight to the conclusion that we must, therefore, support military force to establish our kind of regime in Nicaragua. That would be a fatal error. We learned that in Vietnam, I think. Yet that is the error that President Reagan seems determined to repeat in Nicaragua.

The same sort of overblown rhetoric, the dire predictions of a "domino effect," the escalation of U.S. military advisers, and, above all, confusion of goals and repeated deception of Congress and the American public—all tell us that this administration has not only failed to learn the lessons of Vietnam, but is bent on going the military route in Nicaragua, regardless of the

objections or desires of the overwhelming majority of the American people.

A recent article by James McCartney of Knight-Ridder Newspapers, printed in the Akron Beacon Journal of April 14, 1985, concludes that in the administration's efforts to popularize military solutions to the problems of Central America, the Administration has simply ignored the lessons of Vietnam. Worse yet, as McCartney puts it, "The political mindset that led the nation down the garden path into the war in Vietnam, where more than 55,000 Americans needlessly died, remains the mindset of many in positions of power to this day."

Influenced by the far rightwing, who dominate this administration, policy is being based on the myth that we might have won the Vietnam war if we had gone all out and used all of our available military power. As McCartney notes, those who hold this revisionist view "still have not learned the central lesson of Vietnam. That lesson was that a great and powerful nation cannot necessarily solve political problems with raw military power." McCartney also notes that it is the military men who have learned the lessons of Vietnam best, as he says, "They know that Vietnam was a mistake and a lost cause and it is they, along with a good many smart Congressmen, who have been providing the brakes on further military involvement in Central America."

Mr. Chairman, it is not too late for the United States to deescalate the tensions in Central America. We should make it clear, and I believe we have made it clear, to the Sandinista government that we will not tolerate any attempt to use force to export Marxist revolution to our allies in the region, nor will we tolerate the establishment of Cuban or Soviet military bases in Nicaragua. If the Sandinistas understand anything, I am sure they understand that. At the same time, we must offer the carrot of economic assistance and the stick of economic sanctions, depending on whether the Sandinista regime is or is not willing to recognize basic human and political rights. Such assistance would, in the end, be far more productive and far less costly than support of the Contras or other forms of military action.

The kind of approach we ought to be following was well expressed recently by Senator SAM NUNN in a speech to the Coalition for a Democratic Majority on April 17. An excerpt from his speech was printed on the editorial page in today's Washington Post and deserves to be quoted again. Senator NUNN said:

> The challenge is to move the military option to the back burner while keeping it on the stove and honoring our commitment to the democratic forces in Nicaragua. This means resuming an adequate amount of humanitarian aid both now and for the foreseeable future with no arbitrary termination dates . . .
>
> While resuming humanitarian aid, I suggest that the diplomatic and economic options be moved to the front burner. I agree with President Reagan's call on the Nicaraguan government to accept the recent proposal of the democratic resistance to agree to an immediate cease-fire in place and commencement of a national dialog.
>
> Further, I believe the United States should call on the Nicaraguan government to suspend its state of emergency, thereby lifting press restrictions and allowing for full freedom of association and assembly. If the Sandinistas agree to a cease-fire, open a dialog and suspend the state of emergency, the United States should suspend military maneuvers in Honduras and off Nicaragua's coasts. The United States should call on the Nicaraguan armed opposition to purge from its ranks all those responsible for serious human rights abuses. Congress must be convinced that we are supporting the true democrats, men like Arturo Cruz.
>
> I do not believe this diplomatic approach will work without some form of pressure on the Sandinistas . . . . [T]he President should make every effort to enlist the nations of the region in a coordinated effort to bring maximum economic pressure on the Sandinista government. One option that should be considered immediately is an economic embargo, enlisting our other allies throughout the world to the extent possible.

Mr. Chairman, today we have an opportunity to make a fresh start in Nicaragua. We can do this, first, by rejecting the President's request for $14 million in aid to the Contras and, second, by adopting the bipartisan Hamilton substitute.

The full text of James McCartney's article from which I have quoted appears elsewhere in the RECORD under my name.

Mr. ADDABBO. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I cannot help but be outraged over the administration's policies in Central America, and I rise today to address the issue.

President Reagan is once again asking this body to approve further funding for the Contra groups that are—and our Government freely acknowledges this fact—attempting to overthrow the elected Government of Nicaragua. Let no one misunderstand this fact: Our Government, the United States of America, is using our tax dollars to deliberately overthrow a foreign government.

This is not, of course, a new policy for the Reagan administration. Since 1981, the Reagan administration has spent between $70 and $100 million to help the Contra rebels "destabilize" the Nicaraguan Government and to "neutralize" any opposition. With the direct approval of the present administration, our Central Intelligence Agency has carried out a deliberate policy of providing training, equipment, and logistical support to the Contras—the so-called freedom fighters. Our CIA has engaged in a massive military buildup in that troubled and unstable region, and has tried in any way it possibly can to intimidate the Sandinista government, including encouraging private groups to fund the Contras.

At first, we were told that the United States had to pursue this covert policy in order to prevent the flow of arms from Nicaragua to the guerrillas in El Salvador. But that excuse just did not hold up, so the administration tried a new tack.

We need the covert war, the administration then claimed, to pressure Nicaragua to reduce its ties to the Soviet Union and Cuba. But we all know that the administration's support of the Contras only pushed the Sandinistas closer to the Soviet Union and Cuba. So, the administration needed a new argument.

Now, President Reagan insists that we support the Contras in order to change the "present structure" of the Nicaraguan Government. It did not take long to realize that the President was admitting that the United States was footing the bill for an overthrow of the Sandinistas.

And what is it, exactly, that we are paying for? President Reagan say we are paying for removal of the "totalitarian communism" practiced by the Sandinistas. He also says that we are paying to prevent the communist menace from moving into America's backyard. But where is our money really going?

To be perfectly frank, our money is supporting and encouraging a group of individuals who use rape, pillaging, kidnaping, torture, and the cold-blooded murder of innocent civilians as common instruments of war. Only recently, the Contra forces massacred a wedding party in Nicaragua—no one in the party was armed, and most of the guests were women. Three months ago, Contra forces kidnaped 18-year-old Tomas Lopez, the son of two religious leaders. His body was found 3 days later; his toes and fingers had been broken, his shoulders had been pierced by bayonets, and acid had been poured in his face. Lopez was a civilian.

Last July, Contra rebels attacked two trucks full of civilians. Seven were killed, including a 3-year-old and pregnant mother. Thirty-five others were injured.

I could stand here for hours recounting the horrible details of countless, crimes perpetrated by the Contra rebels—a group of mercenaries our President has compared to our own Fore Fathers—crimes committed by a groups financed and trained by the U.S. CIA. Let no one doubt the goal of our President and the methods of

those he supports; we are, in effect, paying for state-supported terrorism.

In an effort to maintain the illusion of having taken the high road, the President has proposed a new peace plan for Nicaragua. Under this plan, $14 million in previously appropriated funds would be released by Congress to provide humanitarian aid to the Contras. Military aid, under the plan, would be withheld for a period of 60 days during which the Nicaraguan Government has an opportunity to make progress at solving problems that have taken years to develop. But is our Government truly committed to a peaceful settlement in that country, I do not think so.

Despite repeated attempts by the Sandinista government to discuss the Central American situation, the Reagan administration has shown little, if any, interest in such dialog. Only 3 months ago, this administration broke off talks that had been going on since last summer—talks that were aimed at providing a peaceful solution to the trauma engulfing Nicaragua. If the administration was serious about working things out in Nicaragua, then why did our Government pull out of one of the primary forums of dialog?

I do not believe for 1 minute that his administration seeks, or, for that matter, wants a peaceful solution in Nicaragua unless it involves the achievement of its immediate aim—the ousting of the Sandinista regime. Instead, I am convinced that talk of peace proposals is, in effect, a smokescreen enabling the President to push through aid to the Contras now, and convert that aid to military aid at the end of the 60-day period. We have an opportunity today to prevent that policy from being carried out, by refusing to release any funds for the provisions of aid to Nicaragua.

There has been a great deal of talk in recent days about several compromise packages that would allow aid to go to Nicaraguan refugees, or through agencies other than the CIA. But I have my doubts about whether there is any sure way to prevent money from reaching the Contras short of withholding it completely.

I am convinced that the administration is charting the wrong course in our relations with Nicaragua, and, indeed, much of Central America. And by charting this course of aggression and military assistance, the President is predetermining the outcome. I need not remind any of my colleagues that military solutions breed military responses—and the outcome is bloodshed, and loss of innocent life, and little is accomplished.

Instead, our Government ought to faithfully pursue the course chartered by the Contadora group. These nations, which have acted in the most courageous and honorable manner, have attempted to provide a forum for meeting political, social, and economic problems with peaceful solutions. Their presentation of the Contadora Act for Peace and Cooperation in Central America provides a framework for peaceful coexistence and democratic development in Central America.

I am firm in my conviction that we ought to promote peace in Nicaragua, and throughout Central America, by supporting the Contadora Peace Initiative. For that reason, earlier in this session I introduced H.R. 1335, which would:

First, provide for direct consultations between the United States and the participants of the Contadora process in order to develop a common policy for promoting peace in Central America. Under this legislation, the United States would work actively to persuade other governments involved in the region to join in observing the conditions for peace established by the Contadora process;

Second, provide for a resumption of direct, bilateral negotiations between the United States and Nicaragua; and

Third, suspend temporarily all U.S. support for, or participation in, military or paramilitary activities in Central America. Under this legislation, there would be a 90-day freeze on military assistance and construction programs, military training exercises, and reconnaissance flights on behalf of other nations.

Having traveled to Central America myself, last autumn, I know that the Contadora group alone cannot solve the vast problems of that region. The United States has a tremendous opportunity to support this process for peace, and put an end to the violence and loss of life that now defines Nicaragua.

The answer to that region's problems does not lie in the allocation of money for military aid, nor does it lie in the perpetuation of falsehoods and smokescreens which seek to obscure the real issues. The answer, instead, lies in good-faith negotiations and military cease-fire. I, therefore, strongly encourage my colleagues to refuse to provide aid to the Contras in Nicaragua, and to commit themselves to pursuing the peaceful course of the Contadora nations.

There is an old Chinese proverb that says that "a journey of 1,000 miles begins with the first step." That first step is always the hardest, but the Contadora group has already taken it. I implore my colleagues not to cause those steps to falter. Let us instead join the Contadora group, and walk side-by-side with them in the common pursuit of peace.

Mr. STUMP. Mr. Chairman, I yield 6 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, last week, one of my constituents called my office to express his strong opposition to any aid to the Nicaraguan freedom fighters. He stressed his knowledge of the issue, as a political science professor and a Latin affairs scholar, and was quite emphatic in his belief that such a policy was immoral, illegal, and tantamount to supporting terrorists.

Although support among my constituents for President Reagan's Central American policy is running nearly 2 to 1 in favor, I was frustrated by this particular expression of opposition. While I was impressed with my constituent's sincerity, I was quite frankly, shocked at his assessment of U.S. policy in Central America. I felt that the reports he gave credence to told only half of the story, and that he was unaware or chose to ignore so many facts that are essential to a full understanding of the conflict in Nicaragua. So, as I speak today, my colleagues, I am speaking not just to you but to those of my constituents and your constituents who have not recognized the seriousness of the Communist threat in Central America, nor the importance of a strong American response to that threat.

The first area of misunderstanding, as I see it, is the character of the Sandinista regime itself. I honestly don't know why there is any misunderstanding on this point because the facts are quite clear. The Sandinistas openly espouse Marxist-Leninist means and goals. They are closely allied with Cuba and the Soviet Union, who have steadily supplied them with arms, advisers, strategy, and technology since the Sandinistas assumed power in 1979. In fact, there are roughly 10,000 Soviet, Cuban, Eastern bloc, Libyan, and Palestinian forces in Nicaragua, who serve not only as military advisers but as teachers, and Government personnel as well. It is essential that this foreign influence be viewed in the context of the expressed goal of communism, which is quite simply a worldwide communist revolution. Ironically, nearly three-quarters of the M-16 rifles captured from the guerrillas in El Salvador can be traced to American weapons left behind in Vietnam.

Today, Nicaragua's total armed forces exceed 110,000, including some 60,000 active duty troops. This is five times the size of Somoza's national guard and larger than all other armies in Central America combined. Those who want to explain this massive and unprecedented military buildup as a defensive reaction to American meddling are dead wrong, and they must know it. The buildup began immediately when the Sandinistas took power, at a time when the United States was leading the world in providing economic assistance to the new regime. But our $118 million and our good intentions could not persuade the

Sandinistas to keep their promises to the Organization of American States or to their own people—promises of political pluralism, economic revitalization, human rights, and neutrality. They turned immediately to the Communist bloc and prepared to export their revolution to their neighbors in Central America through the use of force if necessary.

The Sandinistas have given arms, advice, and sanctuary to the Salvadoran rebels, an act of aggression that has not gone unnoticed by the struggling democracies in the region. Those who think the United States is the only country concerned about the spread of communism in Central America have not been listening to our neighbors in Latin America, who are looking to us for assurance that we do care about what happens in our hemisphere. I think it is significant that a Democratic American President who based his foreign policy on the principle of human rights stopped American assistance to Nicaragua when it became apparent that the Sandinistas were abandoning the democratic aspirations of the Nicaraguan people.

And it is precisely this abandonment of democratic ideals and processes that has resulted in the formation and growth of the democratic resistance. The Contras are not former Somocistas terrorizing the Nicaraguan people as some would have us believe. This is the second major area of misunderstanding. While some are indeed former members of Somoza's national guard, many more are former Sandinistas, including some very high ranking Sandinistas, as well as simple workers and peasants. All are disillusioned by the Sandinistas' broken promises. Press censorship, religious persecution, rationing, economic turmoil, restrictions on assembly, political repression, government threats and human rights abuses—these are the totalitarian controls that the Contras are fighting against. They do not specifically desire to overthrow the government. But they are willing to risk their lives to drive their country back toward moderation and democracy.

The third area of misunderstanding stems from the first two. Those who misunderstand the true nature of the Sandinistas and of the freedom fighters who oppose them cannot help but fail to understand American policy in the region. Far from my constituent's claim that supporting the Contras is immoral, I feel strongly that failing to support them is the immoral position for the United States to take. Our refusal to provide aid to those who struggle for freedom against a heavily armed and foreign-supported regime is inconsistent with our own history.

George Will has appropriately pointed out that President Reagan's policy is the Truman doctine after 38 years of Communist advance. I would make another comparison as well for the benefit of those who feel the United States is illegally interferring in the internal affairs of another nation. How many German Jews could have been saved if other countries had the courage and foresight to meddle in the internal affairs of Nazi Germany? Let's face it. Sometimes, what goes on behind the borders of another country is our business. And when that country seeks to force its repressive system on its neighbors, who happen to be our neighbors as well, then we are fully justified in supporting those who are willing to risk their lives to preserve freedom and democracy in our hemisphere. Far from moving the United States closer to commitment of American troops, providing aid to the Contras is a way of avoiding such a commitment. History has shown time and time again that aggression must be stopped sooner or later, and that the later we act, the higher the cost.

Americans have developed a tendency in the last 40 years of wanting to bury our heads in the sand. We don't want to make tough foreign policy choices. We don't want to get involved. We take our own freedom and security so much for granted that we look skeptically at claims that they are threatened.

This tendency has been strengthened by what is popularly known as the lessons of Vietnam. But I would propose that we are only learning selective lessons when we fail to read the final chapters of the Vietnam lesson book. In this 10th anniversary year of the fall of South Vietnam, we should also be reminded of what happens when we abandon those who struggle against Communist tyranny. We must assume some of the responsibility for the hundreds of thousands of Southeast Asians who have suffered and died at the hands of one of the world's most repressive regimes, and for the thousands more who have flooded foreign shores as refugees.

Some say we will have another Vietnam if we support the Contras. I think it is much more likely that we will have another Vietnam if we don't support them. The President's plan to keep the pressure on the Sandinistas by assisting the Contras while working for a cease-fire, serious negotiations, and free elections, is a good one.

I urge my colleagues, my constituents, and the American people to have the courage to make the difficult decisions now and to firmly establish the American commitment to supporting those who are fighting for freedom in Nicaragua. They are fighting for our freedom as well.

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Mr. ADDABBO. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, America's policies in Nicaragua have been evaluated many ways. Some have spoken of other options available to our country, some of values, some of America's image in the world. There is another consideration. This policy needs to be evaluated also on its own terms.

Three years after the Contra invasion began, it has yet to liberate its first town, win its first province, or even claim a single military victory.

Four years ago the administration claimed that there were 900 tons a year of Soviet military equipment going to Nicaragua. This year it is 18,000.

Four years ago they spoke of a few Cuban advisers. Now they speak of thousands.

No longer helicopters. Now they warn of planes.

This policy has radicalized the Nicaraguan regime. It has become a pretense for Soviet military involvement. It is, beyond all other failures, a military failure. It needs to be ended tonight so tomorrow we can begin to construct, to build a new policy that will genuinely meet the threats in the region.

Mr. ADDABBO. Mr. Chairman, I yield 7 minutes to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I rise in opposition to this resolution because it reflects a policy based on deceit, misrepresentations, and coverup; it is a policy which is wrong in the first place, which is not in our long-term interests, and, as such, is ultimately doomed to fail.

The President's oft-stated charge against the Nicaraguan Government is that it is a "totalitarian Marxist dungeon", unconcerned with human rights and bent on militarily subverting the hemisphere. This is a propaganda campaign of the worst kind for it is creating a set of false beliefs that will lead us into a losing policy.

Let us be quite clear about the falsehoods of the President's statements on this matter.

In Nicaragua there are no death squads. In U.S.-supported El Salvador, the right wing death squads have been responsible for the vast majority of the more than 40,000 civilian murders over the past 5 years.

In Nicaragua, the press has occasionally been censored. In El Salvador, opposition journalists have been murdered and their newspapers have been bombed into silence. Until Nicaragua has death squads like those of El Salvador, our claim to be fighting to restoring civil rights in Nicaragua is fatuous.

Nicaragua is not totalitarian. In the internationally monitored elections last November, 80 percent of the population turned out to vote—as compared

to 53 percent in the United States—for seven different political parties who now hold seats in the National Assembly. In Nicaragua these parties were given public financing and free television and radio time but there were, regrettably occasional restrictions. In El Salvador, by contrast, opposition leaders are often tortured and murdered and in its last election, voting was mandatory and the ballots were placed in transparent ballot box and monitored by the El Salvadoran military.

With 60 percent of the Nicaraguan economy in private hands, it is not a Marxist economy, albeit further to the left than our own. But neither God nor the last U.S. election gives us the right to kill our neighbors if they do not copy our economy.

In the past 5 years, the Nicaraguan Government has brought down illiteracy from 55 percent to 13 percent and, by nearly every objective measure of human rights, has demonstrated that it is much more concerned with the welfare of its people than are the governments of El Salvador, Guatemala, and Honduras.

The charge that Nicaragua is bent on militarily subverting the region is also without factual basis. After 4 years of spending over $100 million to fund the Contras for the alleged purpose of interdicting arms, not one single cache of weapons has been interdicted. Furthermore, Nicaragua has agreed through the Contadora process to meet every stated security concern of the administration's including a withdrawal of all foreign military advisers and support if the administration would stop the undeclared war against Nicaragua. Yet, the administration blocked this Contadora process giving no intelligible reason as to why.

Finally, if we ever really have a legitimate security threat, we have the most effective military tool to deal with it: we have control over the seas.

Every premise about the need for a war against Nicaragua is based on lies and deceptions which provide a pretext for imposing the type of government that the administration wants to see in Nicaragua. It is wrong, it won't work and I am tired of the deception, my constitutents are tired of the deception and the American people, by at least 70 percent, are tired of the deception.

For over 132 years, we have opposed in Central America every move for social reform. Here again we are trying to impose our kind of government in Nicaragua for dubious reasons. Let us not fool ourselves as to what funding for the Contras really is: it is imperialism. Only now we are doing it by illegally mining harbors, distributing manuals of death and by funding former Somoza national guardsmen who make up 46 of the 48 leadership positions within the Contras.

It is time to stop the rhetoric, cut off the hired army for good, practice what we preach and butt out. It serves our military, economic, and human interests to make friends among our neighbors. A good place to start is to stop attacking them. Better if they say "amigo" than "uncle."

The administration's proposal to resume funding to the Contras epitomizes everything that is wrong with our Nicaraguan policy. The Contras have been a tragedy for the Nicaraguan people, who, according to every independent human rights group, have been systematically brutalized and murdered by the Contras. Moreover, the Contras will not be able to succeed in imposing a different government in Nicaragua, a point which is now conceded even by our own commanders, including General Gorman. Finally, it will backfire in terms of isolating us from the Contadora countries who oppose the Contra funding. It will also confirm in the minds of the Nicaraguan people their beliefs about U.S. imperialism making possibilities for the future friendship between our two peoples less likely.

Until there is a peaceful settlement, any aid will only prolong the murder and mayhem. Once there is a ceasefire and negotiations begin, then we should be dealing with the question of refugee resettlement. First, however, we must stop contributing, directly or indirectly, to the creation of these refugees.

The CHAIRMAN. The Chair announces that the time remaining to the gentleman from Illinois [Mr. BROOMFIELD] is 58 minutes and the time remaining to the gentleman from New York [Mr. ADDABBO] is 53½ minutes.

Mr. STUMP. Mr. Chairman, I yield 4 minutes to the gentleman from New Hampshire [Mr. SMITH].

Mr. HYDE. Mr. Chairman, will the gentleman yield to me?

Mr. SMITH of New Hampshire. Certainly. I would be glad to yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I just want to make a couple of comments on speeches that I have heard.

Negotiation. Ambassador Shlaudeman has had nine meetings with the Sandinistas and gets nowhere. He talks himself blue in the face. They will not move. They are intransigent. They continue to refuse to negotiate with their internal opposition, the only people that can settle this problem.

Second, poverty is the enemy, but the gentleman on the other side talk as if they never heard of the Kissinger Commission, which proposed $8 billion for Central America over a 5-year period. Trying to get that passed is quite a task.

In addition, Honduras is the poorest country in Central America. They do not have a major Communist insurgency. So while poverty is a problem down there, it has not led to a serious Communist insurgency.

And last, I ask my friends, who is going to invest in Central America in an area of guaranteed instability when the Communists take over, as they surely will.

Mr. SMITH of New Hampshire. I thank the gentleman from Arizona for yielding this time to me.

Mr. Chairman, I want to lend my voice to those who have already risen in support of aid and also in support of House Joint Resolution 239.

Before I begin to explain why I support the aid, I would like to just for a moment address the issue of public sentiment on the President's Central American policy. If it was solely up to the opponents of the administration's policy, one could not help but be led to believe that there is little or no public support for the President's efforts in Central America. I want to inform my colleagues that in the State of New Hampshire this is not the case. I want to let my colleagues know that the New Hampshire House of Representatives recently voted overwhelmingly in favor of a reduction in support of the President's Central American policy. Indeed, I believe once people become aware of the facts about Central America, they cannot help but agree with the need to stop Communist aggression.

Unfortunately, Central America has been subject to a massive misinformation campaign by the left.

Mr. Chairman, at this point I include in the RECORD the resolution passed by the New Hampshire House, as well as a letter from the Clerk of the New Hampshire House.

The letter and resolution follow:

H.R. 17—STATE OF NEW HAMPSHIRE

Whereas, throughout the annals of history, the United States of America, under presidents both republican and democrat, has pursued in the western hemisphere diplomatic and military policies predicated upon preserving maximum national security for our people from real or potential aggressors; now, therefore, be it

Resolved by the House of Representatives:

That the honorable house of representatives of the sovereign state of New Hampshire supports the United States policy of resisting Communist aggression in Cental America.

STATE OF NEW HAMPSHIRE,
HOUSE OF REPRESENTATIVES,
Concord, March 20, 1985.

Hon. RONALD REAGAN,
President of the United States,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The House of Representatives, on February 26, 1985 in session convened, adopted House Resolution

Number 17, relative to South America, by a roll call vote of Yeas 289—Nays 111.

Sincerely,

CARL A. PETERSON,
House Clerk.

Mr. SMITH of New Hampshire. The threshold question is: Are we willing to accept a Soviet Communist Marxist state in Central America? Are we willing to accept another Cuba in Nicaragua and in Central America? I say we cannot afford to do that.

To not support aid to friendly nations in Central America is to risk national security problems for future generations of Americans and to risk oppression for millions in our neighbors south of the border.

In conclusion, in response to a remark made by my colleague on the other side of the aisle a few minutes ago, talking about the real situation; the real situation in comparison to Vietnam. Along with many of my colleagues here, I spent some time in Vietnam. Let us take a look at what happened in Vietnam after we left. Let us take a look at the oppression that took place afterwards. Read Parade magazine center section in the Sunday edition of the Washington Post. Take a good look at that and find out what communism does and find out who violates human rights, my colleagues.

Let us talk about human rights violations. Let us read. Let us read facts that are not just coming from one source but are coming from many sources. There will be human rights violations all right, and they are going to be on the part of the Communist Sandinistas.

I urge my colleagues to support this resolution.

Mr. ADDABBO. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. AUCOIN] an esteemed member of the Subcommittee on Defense.

Mr. AUCOIN. I thank the gentleman for yielding this time to me.

Mr. Chairman, over the past 3 years Congress and the White House have been engaged in an emotional tug-of-war over U.S. policy in Nicaragua. What began as a consensus that U.S. covert aid would be used solely to intercept illegal arms traffic has evolved into a policy of military aid to the 5,000 so-called "Contras" seeking to overthrow the Sandinista government.

Along the way the administration has engaged in a lot of rhetoric. A little negotiation, and some disturbing sideshows such as a walkout at the World Court which I think embarrassed Americans, and the mining of Nicaraguan harbors, which shocked most Americans.

Now, 3 years and some $80 million worth of forceful "persuasion" later, the Sandinista government shows no signs of crying "uncle." A close look at our policy tells why. The covert war simply doesn't pose a direct threat to the security of Nicaragua. As Gen. Paul Gorman, former head of United States forces in Central America admitted earlier this year, the Contras, right now, have no hope of overthrowing the Sandinista government. Can the Contras do enough damage to make the Sandinistas see the light as the administration would want it to? According to General Gorman, that would take "years."

Mr. Chairman, there are serious problems with both the structure and the policies of the Sandinista government. We've known that since at least 1980 when President Carter made the decision to suspend U.S. assistance to Nicaragua. But, instead of pursuing a policy of forceful diplomacy, the Republican administration created a mercenary army to make war against the Sandinistas, providing them an excuse to continue their own "State of Emergency"—weakening the judicial system, cracking down on freedom of religion, imposing broad censorship, and silencing free labor groups. That is what happens when a government is under siege.

Instead of a realistic assessment of the Nicaraguan military, we in this country and in this Congress have gotten a lot of scare tactics and innuendo, including the idea that Nicaragua, with virtually no air force or navy, poses a threat to U.S. shipping lanes. We have gotten descriptions of the Contras as modern Thomas Jeffersons and fighters for freedoms. These are people who have killed civilians and even attacked wedding parties in Nicaragua.

□ 1930

And just last week, instead of an innovative new peace plan that we were all promised in the Congress, Congress instead received a report from the administration that calls for a doubling of the Contra forces. Increasing the size and efficiency of the Contras is not going to destroy the Sandinistas or suddenly create American-style democracy and free markets in Nicaragua that all of us would like to see.

By the way, the CIA told me in the Defense Committee just last week that the private sector makes up 60 percent of the economy in Nicaragua. That is something my friends on the other side of the aisle seem to misunderstand in their exaggerations and incendiary comments in this debate tonight.

Instead, what increasing the number of Contras will do is to increase the potential for a clash with neighboring Honduras and widening the conflict and increasing the risk of involvement of the United States military.

Mr. Chairman, a vote against convert aid is not a ticket to the Sandinista fan club. It is a call to end the current stalemate and pursue policies that have a realistic chance of insuring our interests and the interests of our allies in Central America.

The United States has yet to explore all options for developing a regional peace plan under the auspices of the Contadora group. Instead, we have seen an all-too-familiar pattern of deception of Congress and shifting rationalizations of our policy as the months have unfolded.

The Sandinistas do not rule Nicaragua because the people of that country are committed to Marxism-Leninism. They rule because the Sandinistas were an alternative to a neo-Fascist government led by a man named Somoza.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. AUCOIN] has expired.

Mr. ADDABBO. Mr. Chairman, I yield 2 additional minutes to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I have not heard anyone on the Republican side of the aisle criticize Somoza, and it was a neo-Fascist regime that he ran. It was a regime of terror. It was a regime that this country supported simply because he was clever enough to say he was anti-Communist. Well, Hitler was anti-Communist, too, and I think there ought to be a better standard set than simply saying some country must be anti-Communist before that country warrants our aid.

When will our administration and our Republican allies learn about root causes of insurrection? If you want to stop left-wing uprisings, stand up against neo-Fascism first, stand up against Pinochet, against Marcos, against the racists of South Africa, and against the Somozas of the world.

I heard one of my colleagues say that the Democrats are not concerned about communism. That is a cheap smear. It would be more accurate to say tonight that the root problem is that that gentleman who made that statement and his allies are not sufficiently concerned about fascism, which causes the roots of insurrection which all of us deplore.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. Mr. Chairman, I yield back the balance of my time.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. IRELAND].

Mr. IRELAND. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to say, first, that 50 years ago, in 1935, Winston Churchill spoke these words:

> Want of foresight, unwillingness to act when action would be simple and effective, lack of clear thinking, confusion until the emergency comes, until self-preservation strikes its jarring gong, these are the features which constitute the endless repetition of history.

With these words, Churchill attempted to warn his countrymen of the impending danger posed by the rearming of Germany and of the urgent need for Great Britain to take action. Churchill was a minority in a nation that desperately wanted peace and blinded itself to the danger of war. The prevailing British attitude permitted a deteriorated military posture and an unfavorable shift in the balance of power that allowed for the rise of Hitler's Germany, as the gentleman before me just said, and led to the very war that all in Britain wanted to avoid.

Churchill's observations on the inability to learn from history are as relevant today as they were in 1935. Just like Britain in that earlier era, I hear from the President's critics in the debate today the same smooth-sounding platitudes that dominated Britain in the 1930's. I see the same inability to come to grips with the unpleasant facts of Soviet aggression and a similar failure to accept reality when it departs from the hopes of our idealism. Too many American leaders, many of them here today, and others in every walk of American life are opting for popular positions, no matter how distant they may be from the real needs of this Nation.

The CHAIRMAN. The time of the gentleman from Florida [Mr. IRELAND has expired.

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. SILJANDER].

Mr. SILJANDER. Mr. Chairman, the Sandinista's overthrow of the Somoza dictatorship in Nicaragua was originally welcomed by most of the international community with optimistic enthusiasm. The United States, in fact gave the now Sandinista regime over $130 million grant to sustain the Nicaraguan Government in the first 2 years, including an $8 million grant to sustain the Nicaraguan Government in the first hours of the revolution. This optimism faded, however, into a cruel nightmare for the Nicaraguan Jews and Christians as well as the neighboring nations of El Salvador, Honduras, and Costa Rica. The reason: The Sandinista's selling of their country to radical Marxist elements, most notably, the Cubans and the Palestine Liberation Organization [PLO].

In a recent speech in London, Aleksandr Solzhenitsyn stated:

> Within the philisophical system of Marx and Lenin and at the heart of their psychology, hatred of God is the principal driving force, more fundamental than all their political and economic pretensions. Militant atheism is not merely incidental or marginal to Communist policy; it is not a side effect, but the Central pivot. To achieve its diabolical ends, Communism needs to control a population devoid of religious and national feeling, and this entails the destruction of faith and nationhood.[1]

Nicaraguan leadership by proclaiming itself a revolution without borders and by declaring itself in solidarity with Yasser Arafat in the world revolution and by its harsh persecution of religious groups has set itself up as a model example of Solzhenitsyn's analysis. Most likely because of the Sandinista's link to the PLO, the Jews have been the most thoroughly oppressed religious group in Nicaragua, if not in numbers than certainly in the completeness to which their exile and cultural genocide took place.

The PLO desire to overthrow the Somoza regime had nothing to do with the legitimate revoluton of Nicaraguan citizens against the dictatorship. It had historical roots of its own. Just why Nicaragua is of concern to the PLO is best explained in the autobiography of Jerusalem's Mayor Teddy Kollek, entitled "For Jerusalem." He revealed that Nicaragua played a major role in obtaining arms for Israel during the crucial period of its creation in 1948. Kollek met the older General Somoza in Nicaragua to plead Isreal's case.

According to Kolleck:

> Somoza as well as the Nicaraguan foreign minister cooperated because of their strong basic sympathy with our cause. Our agreement included the understanding that Nicaragua would vote for Israel in the United Nations whenever the occasion arose, a point to which they pledged themselves out of genuine conviction.

Prior to the 1979 Sandinista revolution, Nicaragua had consistently supported Israel in the United Nations and was one of the very few nations that voted against the resolution condemning Zionism as racism.[2]

Clearly, the PLO had a vested interested in overthrowing the Somoza regime in Nicaragua. The results of the alliance between the Sandinistas and the PLO are evident upon Nicaragua society. This paper will examine the PLO-Sandinista link and attempt to demonstrate the existence of the religious persecution in Nicaragua and other Central American countries, particularly against the Jewish community.

ARAB INVOLVEMENT IN LATIN AMERICA

Latin America has always been an important source of support to Israel in the United Nations. In Israel's first 25 years of existence Latin American nations provided more than half of the U.N. votes supportive of Israel. During the 1967 war, Latin America was more supportive of Israel than any other bloc of countries. However, by the seventies their support has weakened as Latin American nations began to split into political factions. Still today, Israel and Arab nations perceive Latin America to be important politically to the survival of Israel.

In a visit to Mexico in 1975, Egypt's Vice Chancellor Gamal Mansour expressed the importance of Latin American U.N. votes.

> For the Arabs, the support of Latin American countries is essential because they hope to obtain a majority for a resolution in the next Assembly of the United Nations . . . recognizing the right of the Palestinians to convert themselves into a political entity; to permit the Arabs to recuperate the territories occupied in the war of 1967 and confirm the principle that no country can acquire territories of another by force.

Gamal Mansour's visit was only one of many such Arab missions in the Arab League campaign to sway Latin America toward a pro-Arab stance. The Latin American governments resisted Arab efforts; however, the 1973 quadrupling of oil prices put new pressures upon their economics and international policies.

The Arabs began to use petrodollars and vitally needed oil to pressure the Latin American nations into the Arab camp. Fouad Naffah, who was the Lebanese Foreign Minister and acting as a representative to the Arab League in 1973, traveled to seven Latin American nations. In his tour, he informed the governments that "no underdeveloped country that backs the just cause of the Arab world will suffer from an energy shortage." In addition to a guaranteed oil supply, Naffah also made promises of Arab investments to strengthen the suffering Latin American economies.

In 1981, Arab representatives met in Tunis and decided to focus on gaining the support of Latin America in an effort to oust the Israelis. In conjunction with this decision:

> They decided to unleash an anti-Semitic campaign designed to undermine the status of Jews in Latin America to nullify the political and economic support which the Latin American Jewish communities provide Israel.[3]

The Palestine Liberation Organization was selected as the primary instrument of the campaign in Latin America:

> Arab ambassadors, other high ranking emissaries and representatives of the PLO have been crisscrossing the region in a coordinated, heavily financed effort to secure authorization to establish an official PLO office in every Latin American capital.[4]

The PLO has made limited progress during the past 3 years in its attempt to open offices in Latin American capitals. So far, the PLO has established offices in Cuba, Ecuador, Nicaragua, Peru, and Mexico. Brazil and Venezuela were thought to be prime candidates for the PLO; however, they have resisted the heavy Arab economic and political pressures. The main obstacle the PLO faces is the fact that it is an international terrorist network; and to allow the PLO to legitimatize themselves in the region by opening an office would endanger the security of Latin American nations and help pro-

mote anti-Semitism in our hemisphere.

CRIMES AGAINST RELIGIOUS FREEDOM

The Sandinista government has been responsible for many abuses against the right to freedom of religion in Nicaragua. The Jews, so far, have been the most intensely targeted group for persecution. The government began its campaign of persecution in the quasi-official government newspaper Nuevo Diario. On July 15 and 17, 1982, the paper carried articles that were not only anti-Zionist but also anti-Semitic. Jews were blamed for the crucifixion of Christ, using the "myth" of the chosen people to massacre Palestinians, and using financial power to gain political control of the United States. The articles referred also to "Synagogues of Satan," and rehearsed old canards that "world money, the banks and finance are in the hands of descendants of Jews, the eternal protectors of Zion." [5]

Although resident in Nicaragua for more than a century, the Jewish community has always been exceedingly small. The 1972 population of about 200 shrank to about 80 after the earthquake. After the overthrow of Anastasio Somoza in 1979, many Jews fled into exile, along with others close to the regime. Today, there are about 8 to 10 Jews living in Nicaragua, and only a few Jewish-owned firms. These individuals and businesses exist under the suppressive conditions of the Sandinista regime.[6]

The main reason for the departure of Nicaraguan Jews is the manner in which the revolutionary government treated them. Their properties were among the first to be confiscated. Jews who owned factories and stores were ejected from their homes and places of business. Their properties were turned over to Arabs and local workers. Many accusations were made against them without proof. Often, their individual safety was threatened.[7] The foregoing took place in an environment politically and emotionally charged. Jews were accused of support for the Somoza government and blamed for Israeli assistance to the Somoza government.[8]

The final blow against the Jewish community came when Sandinista supporters scorched the doors of the only synagogue in Managua while worship services were in progress. The Sandinistas then seized the synagogue, destroying all religious items and putting pro-government posters over all religious symbols. The synagogue then became "an elite social club for the children of high-ranking Sandinista officials." [9] Since then, Jews have tried to regain their property and return to their homes, but the Nicaraguan Government has directed the courts not to act on any request by a Jew seeking to return to Nicaragua.[10]

On a number of occasions there have been attacks against religious leaders which have, at times, become violent. These attacks are not only specifically aimed at the Jewish religion, but also at the Christians, most notably the Catholics and the fundamental Moravian Church. The uneasy situation is caused by the fact that most Nicaraguan citizens are professed Catholics. These attacks have been sponsored by so-called divine mobs or confrontation groups of the Sandinista Front for the Liberation of Nicaragua [FSLN].[11] Harassment has also been extended to Pope John Paul II who in March of 1982 visited Nicaragua and was subjected to inexcusable abuse. The Pontiff was forced to speak from a platform that had revolutionary billboards as a backdrop. Also during his homily, the Pope was barely audible to the large crowd because the Sandinista government provided him with a poor sound system which could not compete with the shouting of pro-government slogans by the "devine mob."[12]

In addition, the government banned from publication letters from Pope Paul II which criticized the governments effort to create a Marxist "peoples" church.[13] The leaders of this "peoples" church have insulated the Catholic Church by trying to change the Christian doctrine of the Immaculate Conception of the Virgin Mary. The offensive reinterpretation depicts Mary, the mother of Jesus, as in fact not the mother of Jesus, but the "Mother of the Revolutionary."[14] The government has also gone so far as to discredit the divinity of Jesus and instead label him "the First Sandinista." [15]

The government actively discriminates between those clergy who share its political viewpoints and those who are indifferent or critical.[16] An example of this was seen when the regular church sponsored televising of the Mass was replaced with broadcasts of priests who took a pro-government position.[17]

Of the east coast Indians and Creole natives in Nicaragua, 80 percent are members of the Protestant Moravian Church. The government has repeatedly described the Moravian Church as a center of counterrevolutionary sentiment. As a result, the Sandinistas have reportedly burned more than 50 churches, confiscated church property, harassed church leaders, and taken other actions to undermine the traditional role of the church. In addition, government groups had stepped up attacks on Jehovah's Witnesses, Mormons, and Seventh Day Adventists, accusing the sects of having direct links to the U.S. Central Intelligence Agency.[18]

The anti-semitic curtain that has descended over Nicaragua, and any other place where Sandinista inspired revolutions have spread to, is one of serious repercussions for all Jews. To emphasize, one of the first moves taken by the Sandinistas government when it took control was to cut off all diplomatic ties to Israel.[19] Obviously, this is consistent with the Sandinistas' stated intention to root "Zionism" out of Central America. In fact, a block of Salvadorans based in Washington, DC, and loyal to the Sandinistas were asked to provide:

> . . . a condemnation of the Zionist state of Israel, because of its participation in maintaining the deplorable conditions under which the Peoples of Palestine, El Salvador and South Africa are forced to live.[20]

The ideological union between the PLO and the Sandinistas begins to be exposed with this statement of direct anti-Semitic attitudes toward Israel.

THE PLO, THE SANDINISTAS AND THE SALVADORAN GUERRILLAS

On January 12, 1983, Daniel Ortega Saavedra, the commander of the revolution and a member of the FSLN delivered a speech to a special ministerial meeting of the coordinating bureau of the nonaligned Countries on Latin America and the Caribbean. In this speech he labeled Israel's policies towards the Palestinians as being irresponsible and that criminal actions were being taken against "the herioc Palestinian people" by Israel.[21] As the Palestinians were being praised and exhorted by the Sandinistas, the Jewish citizens of Nicaragua were being essentially expelled from their own country. The Nicaraguan Jews blame the loss of their jobs, homes and businesses along with the general persecution on the presence of the PLO.[22]

Late in 1979, 1,000 delegates from Arab and Latin American nations met in Caracas, Venezuela. These delegates formed two organizations. The first is known as the Pan-American Institute of Arab Culture headquartered in Buenos Aires, and the second organization is the Arab-American Information, Publicity, and Communications Center based in Santiago, Chile. One of the basic initiatives of these two organizations is made clear in a communique published by the delegates saying that they would:

> . . . work for the free self-determination of the Palestinians and their right to a homeland . . . we consider the PLO the legitimate representative of that people . . .[23]

Victor Ananias of Chile, president of the federation, was quoted in Agence France Presse, October 6, 1979, as stating:

> The solution we propose for the Middle East is the disappearance of Israel to make way for a secular, democratic Palestinian state.[24]

Other delegates were asked whether the PLO was a terrorist organization? Their reply was that the PLO armed activity was "legitimate defense." [25]

The PLC's involvement in covert operations with the Sandinistas is not a recent occurrence. Active cooperation

between these two revolutionary groups has existed as early as 1969 when Bonito Escobar of the Sandinistas met with three high ranking PLO officials in Mexico City. As a result of this meeting, 50 Sandinistas were sent to training camps at PLO facilities in Tyre, Lebanon. Not only did they accept training, but they fought side by side with the PLO against King Hussein of Jordon in 1970. Patrick Arguello Ryan, a Sandinista trained in the Middle East, was Leila Khased's partner in an abortive attack on an El Al airliner just outside of Amsterdam—Ryan was killed in the attack.[26] The ties between the two groups has continued for 15 years without interruption.

As a result of this relationship, not much attention was given when the PLO announced a grant of $12 million to Nicaragua for economic aid.[27] The PLO also has helped the Sandinistas to gain support from other radical Arab countries such as Mu'ammar Qadhafi's Libya which has given $100 million under an "agricultural appropriation."[28] Qadhafi has in the past aided many other terrorist organizations such as the Montoneros in Argentina and the Revolutionary Coordinating Junta founded in 1974 as the first bridge between Latin America and Cuba. From January 25 to February 1, 1981, Libya sponsored a meeting with the Sandinistas, PLO, Montoneros, the JLR plus two other Marxist groups from Chile—the United Popular Action Movement and the Movement of the Revolutionary Left. The stated reason for the meeting was "* * * to draw up a unified plan of struggle against all types of fascism and imperialism in America."[29]

In addition to money, the PLO has been sending massive shipments of armaments to Nicaragua and El Salvador. U.S. News & World Report stated that there had been an interception of a plane load of weapons in Tunis which was sent to the Sandinistas by the PLO.[30] Weapons are always in abundance and training is also being provided for leftist forces in Central America.[31] The PLO cadres who have infiltrated into Nicaragua and El Salvador are providing this training.[32] Yasser Arafat has himself admitted that Sandinistas had received training in PLO camps.[33] The PLO stated in 1982 that it was fighting alongside of the Sandinista guerrillas. These were actual PLO troops participating in combat in both El Salvador and Nicaragua.[34]

According to the Washinton Post of July 12, 1979, there were Sandinista fighters training in PLO camps located in Algiers. The activity of the PLO was best summed up by this statement by Jorge Mandi, FSLN spokesman to the Kuwaiti newspaper Al Watan.

He said:

> . . . there is a longstanding blood unity between us and the Palestinian Revolution. Many of the units belonging to the Sandinista movement were at Palestinian Revolutionary bases in Jordan . . . it is natural that in our war against Somoza we received Palestinian aid for our revolution in various forms.[35]

These various forms included PLO pilots sent to Nicaragua and PLO "freedom fighters" sent to El Salvador.[36] Also a plane load of weapons in route to Nicaragua from the PLO labeled as medical supplies, just as the recent Libyan shipment, was intercepted in Brazil.[37] Those are suspected to be just two of many such shipments. In May 1982, the PLO gave a Boeing 707 jet to Nicaragua presumably for the purpose of transporting arms.[38] In addition, there is a Belgian Air-Charter Service that is wholly owned by the PLO that is used to transport arms to the insurgents in El Salvador, through Nicaragua.[39]

Diplomatic relations between the Sandinistas and the PLO started with a similar ideological base and has expanded to their commitments to overthrow governments that are contrary to their vision. In a letter from a group of Salvadorans based in Washington, DC, and loyal to the Sandinistas, they stated, "* * * Our situation is very much the same as the Palestinan freedom fighters."[40] Because of the unity between the FSLN and the PLO, Nicaragua cut off diplomatic relations with Israel and granted diplomatic status to the PLO on July 22, 1980. The office representing the PLO was officially opened in Managua with a staff of 70. The PLO's presence in Managua was accepted warmly as evidenced by the hero's welcome Arafat received when he visited Nicaragua on the first anniversary of the Sandinista takeover.[41] In his speech, Arafat praised the "strategic and militant ties between the Sandinista and Palestinian revolutions."[42]

Tomas Bouge Martinez, the Interior Minister of Nicaragua, stated to Yasser Arafat: "We say to our brother Arafat, that Nicaragua is his land and the PLO cause is the cause of the Sandinistas." In response to this statement of goodwill Arafat replied: "The links between us are not new. Your comrades did not come to our country just to train, but also to fight. Your enemies are our enemies."[43] Of course, the enemies of the PLO are the Jews, particularly those living in Israel. To demonstrate the joint efforts of the PLO and the Sandinistas against Israel, a bomb exploded in the Israeli Embassy in San Salvador. The People's Revolutionary Army claimed responsibility and said the bombing was in "solidarity with the Palestinian people."[44]

THE PLO AND MEXICO

In 1975, Mexican President Luis Echeverria met with Yasser Arafat and gave the PLO permission to open an office in Mexico. The succeeding President of Mexico, Lopez Portillo, reluctantly honored his pedecessor's commitment, and allowed the opening of a PLO office. However, the office was limited to a staff of one person without diplomatic status. In cooperation with the Association Mexicana de Amistad con el Pueblo Palestino [AMAPP], the PLO office has used cultural events to spead its message. In addition, the office has recruited exiled leftists and revolutionaries living in Mexico to work for their cause. Examples of the PLO activities in Mexico include anti-Israeli advertisements, publications, and demonstrations attacking "Zionism as Racism."

THE PLO AND COSTA RICA

On May 8, 1982, President Luis Alberto Monge announced an extensive policy of internal security in order to combat the increasing terrorist activity in Costa Rica. In his speech he specifically expressed concern about the PLO and Libyan threat. The National Security Agency [ASN] of Costa Rica confirmed that Libya has been training young Costa Ricans as terrorists. The ASN has also linked Libya to the secret terrorist training camps operating in Costa Rica.

Many citizens of Costa Rica were alarmed with former President Rodrigo Carazo Odio's embrace of the Arab cause. It was reported that the Arabs had offered financial assistance to the President's pet project, the University of Peace, in exchange for permission to open a PLO office. Ambassador Yamuni of Costa Rica increased the controversy when he announced to reporters that the government had officially recognized the PLO. However, Foreign Minister Bernard Neibaus quickly denied the statement with good reason since Costa Rica has been struggling with high oil prices and terrorist activity.

THE PLO AND PANAMA

The Panamanian-Arab League of Solidarity with the Palestinian People and the PLO [LIGASOPOLP] have been working to gain support among the people of Panama. Carlos Perez Herrera, cousin of the late Gen. Omar Torrijos, was the first Secretary General of LIGASOPOLP. Torrijos was a commander of the Panamanian National Guard and the eminence gris of Panamanian politics. After the death of Torrijos in 1981, there has been a decrease in governmental support for the PLO. However, PLO activity and propaganda directed against the Panamanian Jewish community has been disruptive. LIGASOPOLP will continue to function in Panama with Libya as its main financial sponsor. The Panamanian Government has kept it promise to prevent the opening of an official PLO office, and there are no

indications that they will break this promise.

CONCLUSION

PLO activity in Central America has been increasing, and there are no indications that their involvement will diminish. In 1981, Yasser Arafat, expressing the commitment of the PLO in that region of the world, stated:

We are a great revolution that can never be intimidated. We have connections with all the revolutionary movements throughout the world, in El Salvador, in Nicaragua—and I reiterate Salvador—and elsewhere in the world.[45]

"The way to Jerusalem leads through Managua," was more than just an empty statement made by Yasser Arafat on July 27, 1980. Arafat clearly intends to have Nicaraguan and Salvadoran support in his effort to destroy Israel and establish a Marxist regime.

The PLO, combined with the Soviet and Cuban presence, poses a serious threat to the security of the vulnerable Central American governments. The United States must take into consideration the Soviet-Cuban-PLO dimension, along with the PLO threat to the Jewish community, in order to have an effective American policy which protects our interests as well as Central American democracies and religious freedom.

As anti-Semitism grows in this hemisphere, as was stated last week during the Holocaust memorial, never again.

FOOTNOTES

[1] Aleksandr Solzhenitsyn, "Men Have Forgotten God," National Review, July 22, 1983, p. 874.
[2] Belden Bell, "The PLO is at Work Subverting America," Human Events, Nov. 25, 1978, p. 990.
[3] Rabbi Morton M. Rosenthal, "ADL International Report: PLO Activities in Latin America," New York, May 1982, p. 3.
[4] Ibid. p. 3.
[5] Op. cit., "Human Rights: Nicaragua's Human Rights Record," p. 33.
[6] B'nai B'rith, 1983.
[7] Op. cit., "Human Rights: Nicaragua's Human Rights Record," p. 32.
[8] Ibid., p. 32.
[9] Richard Araujo, "The Sandinista War on Human Rights," Backgrounder, the Heritage Foundation, Washington, DC., July 19, 1983, p. 5.
[10] Ibid., p. 5.
[11] Op. cit., "Human Rights: Nicaragua's Human Rights Record," p. 26.
[12] Humberto Belli, "Heckling the Pope in Sandinistas-Land," the Washington Times, Apr. 6, 1983, p. 1C.
[13] Op. cit., "Human Rights: Nicaragua's Human Rights Record," p. 28.
[14] Ibid. p. 28.
[15] Patrick J. Buchanan, "Jesus—the First Sandinista, the Washington, Inquirer, June 10, 1983, vol. III, No. 23, p. 7.
[16] Op. cit., "Human Rights: Nicaragua's Human Rights Records," p. 25.
[17] Max Singer, "Nicaragua: The Stolen Revolution," publication of the United States Information Agency, 1982.
[18] Ibid., p. 32.
[19] The Jerusalem Post, "Unholy Alliance," Aug. 14, 1981.
[20] The bloc of Salvadorans in solidarity with the Revolutionary Popular Bloc, Washington, DC.
[21] Speech by Daniel Ortega Saavedra at the ceremony inaugurating the 5th special ministerial meeting of the coordinating bureau of the movement of Nonaligned Countries in Latin America and the Carribean, Jan. 12, 1983.
[22] Rabbi Morton M. Rosenthal, Anti-Defamation League of B'nai B'rith, March 1983.
[23] Jacob Koradioff, "Latin America: The Arab Connection," the American Jewish Committee, 1979.
[24] Agence France Presse, March 1982.
[25] Ibid.
[26] U.S. News & World Report, Sept. 1, 1980.
[27] London Daily Telegraph, Dec. 2, 1981.
[28] Op. cit., "ADL International Report: PLO Activities in Latin America," pp. 8-9.
[29] "Unholy Alliance," the Jerusalem Post, Aug. 14, 1981.
[30] U.S. News & World Report, Sept. 1, 1980.
[31] Rabbi Morton M. Rosenthal, "ADL International Report," May 1982.
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Mr. ADDABBO. Mr. Chairman, I yield 4 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the issue we are considering today involves much more than $14 million. How we spend this money, or whether we spend it at all, will decide how we approach Central America and its problems. When you cut through all of the rhetoric and partisan hyperbole, the issue boils down to a simple choice—peace or war?

Historically, the American people have been peaceloving, but have not shrunk from war when there was no other alternative. As the major power in the Western Hemisphere, we have a wide range of political, economic and cultural resources to shape events in Central America without bankrolling a war. The American people know this instinctively and overwhelmingly oppose any further aid to the Contras. We should heed this grassroots wisdom and develop a policy that goes to our strength, while leaving us with a range of options short of war. Even more than taxes, war should be a last resort; not the first thing you think of.

We must have no illusions about the nature of the Sandinista government. Nor should we ignore our vital interests in the region. We all oppose censorship. We are all offended by Sandinista rudeness to the Pope. We reject arbitrary arrest. We all agree that it is not in our interests for Nicaragua to become firmly fixed along a Soviet-Cuban axis.

By the same token, we should have no illusions about the Contras. Most of their leaders are the same people who were ousted in a popular revolution. The Contra effort in Nicaragua has been characterized by bloody human rights violations. Most of the victims have been civilians. What is more, top U.S. military officials concede that the Contras lack the strength or popularity to shoot their way to power. Providing this group with military of humanitarian aid will not serve our policy objectives. Instead, approval of the $14 million to aid the Contras would violate the spirit of F.D.R.'s Good Neighbor policy and bring back the ugly American who drives his Latin American neighbors away from us.

What we seem to have with this administration is $14 million in search of a policy. Initially, the administration argued that aid to Contras was needed to interdict arms shipments to the rebels in El Salvador. When no evidence could be produced to support that claim, the administration goal became to get the Government of Nicaragua to cry uncle, whatever that means. Even the President agrees, though, that it should not mean we are trying to overthrow the Government of Nicaragua. He knows, just as we all do, that under international law it is illegal to make war or commit acts of war without a declaration of war. Yet by providing the Contras with the means to wage war against a government that we officially and publicly recognize, we would be making war without admitting it openly and officially. The administration acknowledged as much when it refused to defend its policy before the World Court.

What is lacking in the administration approach is a sense of proportion. Forgetting that Nicaragua is a small country of 3 million people with a per capita income of less than $900, the administration has raised the stakes to try to turn this issue into a showdown between East and West. There has been no convincing evidence, however, of any major aid to the rebels in neighboring El Salvador or anywhere else. Administration claims that Soviet crates contained Soviet Mig fighters turned out to be no more accurate that the claim that the Pope endorses military aid to the Contras. The President's comparison of the Contras to Washington, Jefferson, Hamilton, Franklin, and the other giants of the American Revolution is an offense that would not be worth mentioning were it not for the fact that this is the kind of crude exaggeration that has been the basic justification for the administration's policy.

Let us support a more rational, less hysterical approach. First, let us recognize that we have interests in Central America that are worth promoting and, if necessary, worth defending. Then let us recognize that we have ample resources short of war to pro-

mote a responsible policy in Nicaragua and the rest of Central America.

We should not begrudge $14 million to promote our interests in Central America. Nicaragua's neighbors who have organized the Contadora process have vital interests at stake that are no less compelling than our own. Since they share borders and cultural affinity with Nicaragua, they are well positioned to promote peace. The International Red Cross has long had a reputation for its humanitarian work. Let us provide the funds to these two entities and begin to chart a new course in Central America. With our enormous resources, we can help to shape a better future for Central America and develop a better approach that serves the interests of our region.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding.

Some years ago during the period of time when Somoza was in charge in Nicaragua, I traveled to Nicaragua. Some 3 years ago on a kodel that was headed by the majority leader, JIM WRIGHT, I went back to a Nicaragua that was headed up by the Sandinistas.

I must say that I found a much more oppressive government under the Sandinistas. We found an economy that was in shambles, and we found human rights that were absolutely disregarded.

We even had a situation where army officers stormed into the hotel that we were staying in order to confiscate film that was taken from the hotel window.

You can only find this type of oppression in a Communist-type of government; but yet we found a glimmer of hope. We found it from some of the population statements, such as, "Don't give up on Nicaragua."

I regret to inform my colleagues that was 3 years ago. Since then those who have told us not to give up on Nicaragua have served time in jail, some of them still in jail. Some of them have shown up in south Florida in Miami as refugees.

I would ask the Members of this House to watch the Members from Florida and how they vote on this issue.

We have had personal contact with these people who have been disenfranchised and have lost their country. They are people that their revolution has betrayed and they are coming by the tens of thousands, let there be no doubt about it.

Being an area of the country in south Florida that is the destination for a large part of these people from not only Nicaragua, but from the other countries to which they are exporting their revolution, I say to you, let us look at what has happened in Nicaragua. We do bear a responsibility for the corrupt regime that has developed there because we gave it much assistance in its beginning and we were largely responsible, it not totally responsible, for Somoza leaving that part of the world.

Our goals were high and I do not fault anyone for that decision, but we were not to know that the corrupt form of government that was to follow and anybody that thinks that we can bring about a correction of that big mistake by simply leaving them alone or giving them aid other than the aid of the rebellious overthrow of that government, does not know history.

We have heard today in great detail as to the goals of communism throughout the world and anybody that cannot read that I would say we have a choice before us this evening. We can do it with Nicaraguans today or later with Americans.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in opposition to the administration request before this body.

Mr. Chairman, today this House is debating and deciding whether the cornerstone of our foreign policy in Nicaragua and Central America will be one based on a commitment to negotiation and diplomacy or whether it will be based upon an escalation of military conflict. There can be no doubt that the United States is vitally interested and conerned about the future of Nicaragua and the other nations of Central America. We share a common concern with the people of Central America for the advancement of democratic social and economic reforms which will lead to the establishment of just societies. The real question which we must face today, however, is not one of goals but of the U.S. policy path we follow to achieve these goals.

During the past 4 years, the Reagan administration policy toward Nicaragua has increasingly emphasized conflict and confrontation over negotiation and diplomacy. The President's initial 1985 appropriation request proposed that Congress provide $14 million in military aid for the Contras seeking to overthrow the Government of Nicaragua. At the 11th hour, however, when it became abundantly clear that there were significant doubts among many Members on both sides of the aisle about the wisdom of the administration's policy, the President announced that he would support a compromise by providing for humanitarian aid; a sharp change of course for one so committed to military action against the Sandinistas.

Originally, the Reagan administration supported and participated in talks with the Sandinistas to discuss democratic political reforms. On another track, the administration gave at least rhetorical support to the Contadora process which has been and still is the only regional multilateral effort to solve the outstanding issues between the Sandinistas and their political opponents. But somewhere in the course of this process, the administration lost interest and stayingpower for negotiation and diplomacy. The administration walked out of the Manzanillo talks with the Sandinistas which were occurring in Mexico over 6 months ago and has steadfastly refused to return to the bargaining table. The administration then renounced its support for a proposed agreement worked out by the Contadora nations and Nicaragua because it could not support every element of the proposed settlement. In short, the administration has been willing to lend rhetorical support to the Contadora process which is halfhearted and when some limited progress or agreement was attained, the administration, rather than encouraging continued dialog, discredited and heaped scorn on the participants. The President's policy incorrectly assumes that the United States has veto power over all policy and agreements in Central America. We have not exhausted U.S. diplomatic skills and options. The end result of this bad faith U.S. policy has been to relegate negotiation and diplomacy to the back burner and insure an ever-escalating military confrontation with the Sandinistas by intensive support for the Nicaraguan rebels, the Contras.

Clearly U.S. policy must be such that we are not working in isolation, alone unilaterally as is the case today. We should not seek to superimpose our policy on any Central American nation but rather should be working with other nations in the area and with our Western allies within a multilateral framework. Within the longstanding provisions of treaties and international law, the Contadora initiatives provides a positive basis for such U.S. cooperation.

Did anyone in the Reagan administration seriously doubt that the outstanding political and philosophical differences between the United States and the Nicaraguan Sandinista government would be significant? Did anyone doubt that serious political negotiations with the Sandinistas would be lengthy and would test our resolve to promote democratic reforms? Isn't it the responsibility of this administration to pursue the diplomatic process that promises a peaceful settlement for the people of Nicaragua?

The Reagan policy toward Nicaragua and Central America stems from tunnel vision; a view of history which contends that Marxism is the root of all evil in Nicaragua and Central America. In reality, however, the many political, social, and economic

problems which face this region predate the existence of the Sandinistas and the existence of Marxism. Centuries-old policies which consolidated the control of land and wealth have created a long legacy of injustice and abuse across Central America. Other real enemies which we face and more immediate problems, in Nicaragua and Central America today are disease, hunger, and poverty. These are the elements that destabilize societies and create the political conditions in which repression occurs. We do not serve the needs of the people of Nicaragua or any other nation by pursuing policies which add more fuel to the fire and which foment an escalation of civil war. Previous American administrations recognized this reality. That is why we have a Peace Corps and why we created a Food for Peace Program. That is why we had a Good Neighbor policy under the Roosevelt administration which was designed to help the political and economic development of the nations of Central and South America. These are the bright spots in our historic relationship with the nations of that region which counterbalance our historic unilateral intervention and occupation of the region to serve our other interests.

I urge my colleagues to defeat this resolution and to send the Reagan administration's a message that we must support a peaceful and sensible course in our relations with Nicaragua and all of the nations in Central America. To do otherwise risks a catastrophe for the people of Central America and for our own country.

Mr. ADDABBO. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

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Mr. GEJDENSON. The issue that must be addressed here is what the ramification will be if we accept the President's policy, a policy that began with misrepresentation to this Congress and the American people as simply an opportunity to interdict arms headed for the rebels in El Salvador. Not many Members in this Chamber nor many Members in the other body, or people around this country believe for 1 minute that the administration initially wanted simply to interdict arms. It was clear from the beginning an attempt to overthrow the Government of Nicaragua.

If we take a look at how this process has developed to date we find that our own intelligence agencies, our own military have assessed the situation and have responded with a conclusion that says the President's policy, if continued, will fail. It will fail to overthrow the Nicaraguan Government. It will fail to create the kind of change in Nicaragua that we are seeking.

But it will accomplish certain goals. It will certainly accomplish the goal of pushing the Nicaraguans deeper and deeper into the Soviet orbit. It will push the Nicaraguans more into the debt of the Cubans.

My parents fled the Soviet Union in 1946. They came to the United States because this country represents a difference. It represented a different standard of behavior than what the Soviets had shown in Eastern Europe when they found client states not following their policy such as when the Soviet Union moved in on Hungary and Czechoslovakia. If there was any sort of divided thought in any of those countries, the Soviets came down hard.

Here we are given an even worse choice. We are put in a position where the President asks us to support a policy that will neither bring change to Nicaragua nor will it bring the Nicaraguan Government and its people closer to America's position in the Western Hemisphere.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. GEJDENSON. If we examine the options that are put before us by the committee, they take account of realistic alternatives.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. GEJDENSON. Not until I have finished.

They give the Congress and the President an opportunity to attempt to utilize economic pressures, economic pressures that have a far greater opportunity to be successful than the present failed policy.

The 8,000 to 15,000 Contras who now exist on Nicaragua's northern border are not going to bring the Sandinista government down. To the contrary, they will give the Sandinistas the excuse for every failure of their revolution. Each time that a crop does not come in in the planned amount, every time that their society experiences censorship or other forms of Government control, they can easily point to the United States as the cause.

Here a small country in Central America is the focus of the largest military might in the world. It is a great argument to bring back to our own people. We would like to have free press, they can tell them, except for the Americans that are on our northern border. We would like to open up the political process further but the Americans are on the northern border.

It might be worth that kind of cost if there was some chance for success. There is clearly no chance for success. There is only an opportunity to find more violence against Nicaraguan citizens, the kind of horror stories that we have seen before our committee where innocent civilians, mothers and children and grandmothers are tortured and raped by the Contras.

This Congress and the American people cannot afford to continue such a failed policy. It is the same sort of failed assessment that was used in designing the Bay of Pigs, the hope that half the Cuban Army would divert once the rebels had landed at the Bay of Pigs. The hope that the population would create a simultaneous uprising in support of the rebels.

Mr. SHAW. Will the gentleman yield?

Mr. GEJDENSON. I will not yield.

In talking to people in the region initially, the concept was that the Nicaraguan Army would disintegrate once the Contras began their attack, that we would see a public uprising against the Nicaraguan Government. To the contrary, we are helping to consolidate the Sandinista hold on Nicaragua.

We need to change that policy and we have that opportunity here tonight.

Mr. STUMP. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, at this point in the debate, I would like to take a few moments to put the events in Nicaragua in their proper historical perspective. For these past several years, whenever our country's policies in Central America have been debated in Congress, we hear the same continuous refrain: That the United States has overreacted to the actions of the Sandinista leadership in Nicaragua—that the United States does not understand the dynamics of revolutionary change in a developing like country like Nicaragua—that the Sandinistas would see the error of their ways if we would only treat them right.

Mr. Chairman, all of these arguments are variations on the theme of "Blame America First!"—the battle cry of the new isolationists, those who have grown weary of that "long twilight struggle" that President John F. Kennedy summoned us to join.

But I would suggest here today that there is another explanation for the tragic spectacle in Nicaragua that has been wrought by the Sandinistas. I would suggest there is another explanation, an explanation with ample historical precedent and contemporary relevance. This explanation is that the Sandinista revolution in Nicaragua was stolen by ideologues and extremists who would rather pay obeisance to a foreign ideology and to the foreign capital that ideology represents—Moscow.

I have been deeply impressed by the statements of prominent Nicaraguans who participated in the revolution, Nicaraguans who sincerely wanted to build a new and democratic society—but whose hopes and dreams have been shattered by the Sandinistas.

Consider, for example, Arturo Cruz, the leader of the democratic opposition in Nicaragua, a former member of the Sandinista military junta, as well as a former ambassador from the Sandinista regime to the United States. Mr. Cruz had this to say 2 years ago:

. . . dogmatism and adventurism seem to have wiped out the Democratic and pluralistic ideals which, in 1979, united all Nicaraguan advocates of freedom . . . in April of 1980, after 9 months in government, I was confronted with a difficult decision. I had already become deeply disturbed by the indiscriminate and speedy radicalization of the revolution amid a great deal of confusion and sudden changes.

Mr. Cruz went on to lament that "totalitarian trends are gaining the upper hand in the process of defining Nicaragua's revolution. In the pursuit of a thorough emasculation of the 'establishment,' the radical zealots are prone to exhibit iconoclastic contempt for highly respected people and institutions."

Keep in mind, my colleagues, that these statements were made 2 years ago—and Mr. Cruz is describing events that he observed as an official in the Sandinista regime before the Contras had even taken to the field in opposition to the regime. Only last September, Government-controlled mobs attacked Mr. Cruz's car and resorted to other harassment tactics to intimidate Mr. Cruz and his political supporters.

Before moving on, allow me one more quotation from Mr. Cruz, again describing his experiences in the Sandinista regime before there were Contras opposing it:

. . . our foreign policy began to show how senseless our goals were. Instead of dedicating all our energy to building the ideal society for which our people had hoped, we were chasing Chimeras abroad . . . declaring ourselves nonaligned, we were, in fact, leaning to the Socialist bloc. Our actions belied our lipservice to nonalignment; it was difficult to explain our position vis-a-vis the Soviet invasion of Afghanistan. No less astonishing was our silence about the heroic struggle of solidarity in Poland.

Let us continue to look at the record of the Sandinistas, the record that regime had compiled before there even were Contras taking up arms. In the days immediately after the Sandinistas seized power in Managua in July 1979, the United States and other countries in the free world moved decisively to supply assistance to Nicaragua. By the end of 1981, more then $1 billion had been committed by the free world to support Nicaragua. The United States spearheaded this effort, providing more bilateral assistance to the Sandinistas in 1 year than we had provided to the Somoza regime over the previous 10 years. The Inter-American Development Bank provided more funding in 1 year to the Sandinistas than Somoza had received over the previous 20 years.

What did the Sandinistas have to show for all of this?

By the end of 1981, the Sandinistas had managed to amass an external debt equal in size to the debt that was accumulated by the Somoza regime over a period of 40 years.

By the end of 1981, more than 200,000 people—nearly 10 percent of all Nicaraguans—had fled the country.

By the end of 1981, a country that had been running a trade surplus at the time of the revolution was losing $2.5 million a day.

By the end of 1981, inflation had hit 35 percent and unemployment was at 30 percent in Nicaragua.

By the end of 1981, the public sector in Nicaragua was controlling over 50 percent of the Nicaragua economy, compared to 15 percent at the time of the revolution.

By the end of 1981, agricultural production in Nicaragua had fallen by 50 percent. The country was importing sugar, rice, beans, and corn—staple foods in which Nicaragua was self-sufficient at the time of the revolution.

By the end of 1981, the Sandinistas had sponsored an effort to consolidate the several guerrilla movements in El Salvador under Nicaraguan control. Training agreements with the PLO had also been negotiated.

By the end of 1981, the Sandinistas had suppressed free trade unions in Nicaragua, cracked down on freedom of the press, and were harrassing the Catholic Church—an effort, may I say, that reached a climax of sorts when the Pope was publically jeered during staged demonstrations when he visited Nicaragua in 1983.

By the end of 1981, thousands of Miskito Indians had been herded into concentration camps, all in the name of a literacy campaign.

By the end of 1981, the Nicaragua permanent Human Rights Commission was investigating reports of hundreds of disappearances and executions in the country. The commission, which had been founded when Somoza was in power, was subsequently closed under the Sandinistas and its archieves were confiscated.

Finally, surprise! surprise! by the end of 1981, Humberto Ortega, Sandinista Minister of Defense and brother of Daniel Ortega, had decided to belabor the obvious when he admitted: "Marxism/Leninism is the scientific doctrine that guides our revolution * * * without Marxism/Leninism, Sandinismo cannot be revolutionary."

No, Mr. Chairman, what we have in Nicaragua is not a case of American policy having failed—it is a case of a revolution having failed; the hopes and dreams of a people being crushed; the leaders of a revolution subverting the very liberties that revolution was intended to establish.

If the Sandinista leadership was content to act as self-conscious parody of the ideals the Nicaraguan people were fighting for in 1979, that would be bad enough. But when that same leadership surrenders the country's sovereignty to act as a surrogate for foreign powers and to spread the false hope of revolution to neighboring countries, it is the concern of every country in the hemisphere.

Mr. Chairman, the Sandinistas in Nicaragua must stand indicted in the court of world opinion for betraying their own revolution. And true to form, they have resorted to a psychology of crisis, a psychology of ongoing revolution as the only justification for continuing their disgusting regime. Communism always sponsors revolution against everything except communism itself, which is, in fact, the most reactionary model for political and social development ever devised.

If the Sandinistas were fulfilling the hopes their revolution inspired:

There would not be 40 percent of all Nicaraguan males over the age of 18 now in uniform;

There would not be 7,500 Cuban personnel now in Nicaragua to oversee the military buildup and the political repression presently taking place;

There would not be a Nicaraguan armed force significantly larger than any other armed force in Central America—and over four times larger than the armed force maintained by Somoza!

Finally, if the Sandinistas were fulfilling the hopes their revolution inspired, there would not today be more political prisoners in Nicaragua—more prisoners at this moment—than the cumulative total of prisoners for all the years Somoza was in power.

Mr. Chairman, I would like to make one final observation. In the course of a congressional session, we debate American policy toward many countries: Chile, just yesterday; South Africa, the Philippines, and many others are sure to come. Why is it, Mr. Chairman, that whenever we discuss a country that has not had a grand and glorious left-wing revolution, we always do so in terms that suggest an inevitability, a historical necessity for change that must inexorably come? But, whenever we talk about a Communist state, like Nicaragua, we do so in terms that suggest an acceptance of the present tyranny as a permanent fact of life.

Mr. Chairman, that is precisely what is at stake in this debate. The real issue is whether or not we and our democratic allies in Central America must accept and tolerate the presence of a destabilizing and tyrannical state in our hemisphere, a Communist state whose leadership has sold out to foreign powers in the name of spreading the same perverted revolution throughout the region.

I urge support for the Contras. A figure of $14 million is a small sum to

spend in defense of our friends in Central America, and, ultimately, in defense of ourselves.

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. SWINDALL].

Mr. SWINDALL. Mr. Chairman, in listening carefully to the arguments of those in opposition to H.R. 239, I reached the inescapable conclusion that those opposing H.R. 239 are either intentionally or unintentionally blind to world history, or simply bound and determined to repeat it.

For example, one of the opponents argued that from Vietnam we should certainly learn that our fears of the spread of communism and the validity of the domino theory are unjustified. Yet I would suggest that the lesson to be learned from Vietnam is precisely the opposite.

By the same token, I have heard the argument that rather than seek military aid in this corridor we should work closely with the Sandinistas. I would suggest that history demonstrates that we have already done precisely that.

In July 1979 it was the former administration that actually prevailed upon Somoza to leave and go to Miami, and then in fact, as we all know, 1 year later in Paraguay he was assassinated. But yet in hopes of keeping the Sandinistas from moving to the Marxist-Leninist-Soviet network, we aided them to the tune of $118 million.

It was only after several years that the Carter administration upon recognizing that the Sandinistas had absolutely no intention of living up to their own promises, made voluntarily in July 1979 to the OAS with respect to free elections, withdrew the aid. And it was in that posture that the current administration inherited the problem. It was in that posture that we saw the liberation army grow from a mere 5,000 to the present force of over 60,000.

Yet the gentlewoman from Ohio pointed out we are talking about a population of a mere 3 million. Why then would we see a standing army of over 60,000?

By the same token, we learned that they have argued for self-determination. My question is what about self-determination in El Salvador. What about those that are seeking to hold their democracy in El Salvador only to find the insurgents being trained in Nicaragua by some 3,000 Cuban-Soviet advisers in the region are seeking to undermine that democracy?

Once again, we must remember that we are talking about Nicaragua a country that has a population of only 3 million. I cannot help but reach the conclusion that those who argue against this in reality are simply sticking their heads into the sand in hopes of ignoring the reality of what the facts, rather than emotion, demonstrate.

I urge all of those who are concerned about preventing the loss of American lives and the security of this country and our neighbors in Central America to take this opportunity to avoid shedding American blood, to seize upon this opportunity to aid those who share our goal of true self-determination. In this case we are aiding the actual individuals who were a part of that original revolution. Adolfo Calero, for example, was actually one of the ones who before Somoza was deposed held the palace for over 24 hours and yet, again, we hear arguments that these individuals are part of the original Somoza national guard.

Statistics and intelligence tell us if we are concerned about the fact that in reality what we find is less than 2 percent of the 15,000 comprising the Contras are comprised of former Somozans. The leadership is overwhelmingly comprised of the individuals who stood with their colleagues in the Sandinista army in hopes of establishing a true and free democracy.

Finally, I urge consideration of what is at stake regarding the threat of our early warning system which are worth facing-designed on the premise that Central America poses no threat. Additionally, we can ill afford to have reconnaissance flights on our western seaboard similar to those now being flown over our eastern seaboard as a result of the Soviet presence in Cuba. This is especially true in light of the defense facilities positioned in the western United States.

Mr. Chairman, I urge the support of H.R. 239.

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Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, there are a lot of experts on Central America, I see, as I watch the debate. Since I spent 5 days in El Salvador and Nicaragua I assume that I qualify as an expert as well.

I thought that I might share some of the benefits of my quick visit there. One is that I did vote for military aid to El Salvador and I came back from Nicaragua with a concern about what I saw. I did not see a Cuba but I saw a country where there are a lot of Eastern European military vehicles floating around; I talked to the editor of La Prensa about the press freedom and lack thereof that is going around.

I am concerned about the expansionist tendencies. But I think the situation is complex. I think we have to ask ourselves what are the U.S. goals in this? No. 1, are we trying to overthrow the government directly? Or, two, are we trying to destabilize the regime so they may be overthrown or weakened? No. 3, are we trying to prevent the Soviet Union and Communist countries from entering the picture? Four, are we trying to prevent the Sandinistas from moving into other countries in Central America? Or, five, are we trying to improve the internal operations of their government?

Now, these are five potential goals. I happen to think that as long as we retain diplomatic relations with the country, which we do, as long as we have an Ambassador in Managua, which we do, as long as we are dealing with them, I do not think that we ought to provide aid to the Contras to overthrow the government or to destabilize the regime so that they would be overthrown. But that does not mean that we are paralyzed, that we cannot act. I am not particularly thrilled with all the language of the Barnes-Hamilton resolution because I am not sure that it speaks clearly to what our goals are in this region. But that is a start.

Other places are a possible trade embargo, a conditional trade embargo against the importation of Nicaraguan goods like beef or bananas or other things in the event that they are involved in these kinds of activities I mentioned.

The Contadora process is one that ought to be encouraged. Warning the Soviets which we did when they were here on their visit, the Politburo and the Supreme Soviet, about the fact that we will not tolerate Soviet military equipment in there; recalling our Ambassador if necessary; or even possibly breaking off diplomatic relations, if necessary. But that is not what is being proposed now.

What is being proposed is providing aid to the Contras to destabilize their government when we have diplomatic relations to this country. I think that is an improper way for us to act as a great power.

I think there is still potential for stabilizing relations between the Nicaraguan Government and the United States. But with covert aid that potential is destroyed. Nicaragua ought to know that if it stops its internal problems that we find so offensive that it might in fact find that it has a lot more to gain from the United States than to lose. It ought to be in their interest to in fact cooperate with us. If they do not, if they engage in these actions, I think we ought to deal with it directly and not indirectly in the form of Contra aid.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. HARTNETT].

Mr. HYDE. Mr. Chairman, will the gentleman yield to me?

Mr. HARTNETT. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I want to make one comment about my good friend Mr. GLICKMAN who spoke so eloquently, as usual, in the well. He talked about how the Ortega government could learn that it had more to gain by cooperating with us than by being hostile to us. That is very true. But I look at Fidel Castro who since 1959 has impoverished his country because he is an ideologue who is wedded to extending and spreading revolution all over the globe. When you get committed, dedicated Marxists they do not care about what is good for their country. All they care about is spreading the faith.

Mr. HARTNETT. Mr. Chairman, I would like to reclaim my time and I would like to continue.

Mr. Chairman, and my colleagues, the gentleman who preceded me in the well made reference to experts on Central and South America.

Mr. Chairman, I am anything but an expert. I am 44 years old and I have never been to Nicaragua. I have never shaken the hand of President Ortega. Nor have I ever met any of the benevolent members of his administration. I have never spoken in broken English or in poor Spanish to archbishops, nor have I ever had the pleasure of looking a Nicaraguan in the eye and asking him how he feels about my country and telling him how I feel about his.

But, you know, Mr. Chairman, the eloquence of the speakers on the other side of the aisle who preceded me this evening has been brilliant; their logic and their rationale, Mr. Chairman, I think in some instances is a little lacking. They have tried to equate this to Vietnam and it will be another Vietnam, Mr. Chairman, if our foreign policy and our assistance to the Nicaraguan people are run by some of the left element of the Congress.

Now, Mr. Chairman, I have never been to Nicaragua; many of my colleagues have. The thing that concerns me, Mr. Chairman, is that I have made it for 44 years almost now and never had to know, I have a 14-year-old son that if we stand by and do nothing will be down there by the time he is 18, and my daughter, maybe, who is 12. That is my concern; now what is best for Nicaragua, but what is best for the vital security interests of these United States.

We have been somewhat of a force in this hemisphere, Mr. Chairman, because we have had some control over activities in our own hemisphere. That has made for somewhat of a peaceful existence for us and our neighbors in Central America. But if we stand by and do nothing, I am afraid, Mr. Chairman, that we are not going to ever know these United States in the future like we have in the past, nor our own security.

Forty-four years never having ventured to that small country for this aging, middle-aged Congressman, and some, some chance that my 18-year-old son will be there in a very hostile environment in a short time. I would not trade places with him, Mr. Chairman. I do not think many of the sons of my colleagues would either.

Mr. ADDABBO. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. I thank the gentleman for yielding.

Mr. Chairman, I do not rise tonight to defend the Sandinistas. Along with the gentleman from North Dakota who spoke earlier, I visited that country and returned disillusioned and as disappointed as he. Nor in fact do I rise tonight to criticize our President or his party or their goals in the region for I think we have goals in common as Republicans and Democrats, most importantly as Americans.

But I think this policy is flawed in three ways. First, it cannot work. $14 million is not enough to do the job. That is why the administration will be requesting for next year double that, $28 million, and that is why they seek also to double the number of Contras. Nor does the policy have the kind of broad based political support it requires at home in our own country or abroad where our allies feel, and I think rightly so, that we have rejected the Contadora process.

Finally, Mr. Chairman, any effort on the part of our own Government directly or indirectly to overthrow a duly constituted foreign government with which we are not at war and with which we enjoy diplomatic relations, is unseemly.

There is an alternative. The alternative to be offered by the gentleman from Maryland [Mr. BARNES] and the gentleman from Indiana [Mr. HAMILTON] that alternative, ladies and gentlemen, sends a clear, strong message to President Ortega and his government, a message to end the censorship, a message to end the religious restrictions, a message to reach a political settlement with his neighbors.

Between tonight and the end of this fiscal year we have 5 months to permit the Nicaraguan Government to demonstrate that they have heard the message of Barnes/Hamilton. Tonight the vote we cast is a message to Mr. Ortega to join with us in seizing the historic moment.

I think that we can shift the direction of the tragedy that is unraveling in Central America if we reject the administration's policy and try something different.

This is a risk, but if it fails nothing is lost.

Mr. Chairman, I think that it can succeed.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, I rise in support of H.R. 296.

The one irrefutable fact in this debate is that the high ideals and purpose of the original Nicaraguan revolution have been subverted. That revolution was waged with the pledge that the Somoza dictatorship would be replaced by a society based on political pluralism, civil liberties, a mixed economy, and nonalignment.

Nicaragua today is a far cry from the society promised by the Sandinistas. The elections held last November, for instance, were neither free nor fair. As the inter-American Human Rights Commission had documented, the elections were a sham. Legitimate opposition parties were prevented from freely organizing and compaigning. In the end, the Sandinistas used their absolute control of the state to give themselves an insurmountable electoral advantage—an advantage they have since used to consolidate their power.

There are no freedoms today in Nicaragua. There is no freedom of expression, freedom of movement, freedom of the press. It is no surprise that the early supporters of the Sandinistas now shun the regime. Carlos Andres Perez, for instance, a former president of Venezuela and now Vice Chairman of the Socialist International, publicly declined to attend Daniel Ortega's inauguration, saying that he and others who supported the original revolution felt—and I quote—"cheated" by the current state of affairs in Nicaragua and the lack of electoral freedom.

As a consequence, there exists today in Nicaragua a legitimate, native, and growing opposition to the repressive Sandinista regime. Today we focus on the military aspects of that opposition, but that opposition has a real social basis. You cannot manufacture a revolution; nor can a policy decision here in Washington put 15,000 men in the field. The freedom fighters in the field are backed by a broad, growing social movement—they are not merely instruments of U.S. foreign policy.

The freedom fighters are not demanding political power in their struggle. They are demanding a national dialog and a constitutional solution, and they are asking that we help offset the unfair advantage of Soviet intervention on behalf of the Sandinistas. Is this too much to ask?

Those who respond by saying "no" also say "no" to the leadership of that respected Democratic President, John F. Kennedy. They pervert the words of his inaugural address to read: "Let every nation know, whether it wishes us well or ill, that we shall pay no price, bear no burden meet no hardship, oppose any friend, support any

foe to assure the survival and success of accommodation."

Let's not let the light of liberty and freedom be extinguished in Nicaragua. Let's help return the original Nicaraguan revolution to the Nicaraguan people—support H.R. 296.

□ 2010

The CHAIRMAN. The Chair announces that the time left of the gentleman from Michigan [Mr. BROOMFIELD] is 33½ minutes and the time of the gentleman from New York [Mr. ADDABBO] is 31½ minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, and Members, I am reminded of my first exposure to the country; Managua. The tune, if I were BOB MICHEL, would go something like:

Managua, Nicaragua, what a beautiful spot,
There's coffee and bananas and a temperature hot.
Managua, Nicaragua, in our mind's eye a dream vacationland,
A spot in our own hemisphere, a happy people, beautiful tropical sunshine.

When I arrived in the Congress in 1979, the country came to my mind's eye in an entirely different fashion. I found the debate that was raging for this new freshman Congressman to be most disconcerting.

I did not pretend to have a lot of answers and tried to listen. What struck me most was that in the debate that had taken place between 1974 and that time, there had been significant shift in this House, regarding our views about what ought to be a future we can support in Nicaragua.

It was clear that there was growing unrest in our country about Somoza and his regime. It was clear that people were asking serious questions about totalitarian systems that oppress people, that did not allow freedom, that did not allow for a free press, did not allow for private economic opportunity and growth.

The Sandinista movement had gained broad support in this House and broad support at home. In the middle of that first year, with the majority developing here, our Government, then the Carter administration, and the House of Representatives as well, applied pressures to the Organization of American States to have Somoza step aside, and the Sandinistas had won what they described as their revolution.

Now my colleagues, I would ask us to step back and attempt once again to listen. Is that which we see as a Sandinismo today what we were voting about in 1979 or talking about in the years before. Absolutely and clearly it is not.

Member after Member was on the side of the overthrow of Somoza, has stood and condemned the Sandinista government. Why have they done so? That government came about as a result of a dual-track revolution. One that we were involved in. The other, on the other hand, that the FSLN was involved in, and a few who were very closely tied to Cuba as well as having loyalty to the Soviet Union.

Now Members and my colleagues, it is critical for us to realize that we were arguing for, you voted for, a chance for freedom, for democracy, for free press; and there is none of that at this point.

Any reasonable review would cause us to understand that it is time for us to think again. The church has done that. I commend to you a book entitled, "The Barren Fig Tree," written by a group of Christians who are concerned about the change from what they expected and what they see. The bishops of Central America supported initially the Sandinista. They encouraged their educational programs only to find that those educational programs were undermining a form of education that gave a chance for freedom in that country.

The church began to back off. In the early period, we supported the Sandinista, $117.2 million in the first 18 months, and then Jimmy Carter was forced to look again, because he found that that other revolution had really gained control; they had strategically placed themselves in a position to take over the revolution, put in place their own. And they are now in the process of attempting to destroy a hope for democracy in the region.

Those who suggest that we are here to talk about the Contras somehow overthrowing the Sandinista just aren't looking at reality. That is not what they are about. They are fighting to see if there is a chance to preserve some time for democracy, to hold in place the chance for this new revolution to grow.

The people who now make up the opposition forces that you call the Contras; those people are Nicaraguans. They represent a broad mix. Some were in the former government, some were supporters of the Sandinistas; some were neither. But a groundswell is taking place, and we must have time for it to succeed.

Mr. Chairman, the issue before us is, are we going to support a Communist Sandinista government, or are we going to vote against that sort of government, and give hope for democracy within our hemisphere.

I fear that if we do not follow the latter path, support democracy, that our hope for democracy in the region is at a loss.

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, here is the frontpage of today's New York Times. It reads, "Nicaraguan Rebels Appear Ready To Fight On If Aid is Cut Off." And most assuredly they will, because I hold here a message from the combat front in Nicaragua, from the No. 1 hero of the successful revolution against the dictator Anastasio Somoza.

This letter is from Commandante Zero, Commander Eden Pastora. It is directed mostly to the majority party in the House, but it is surely a message to all of us.

"I will continue our struggle against the Managua regime even if the U.S. Congress stipulates that funds approved will go only to humanitarian aid for refugees and not the rebel groups." "If Congress does that, I will be very sorry, that they don't want to help those of us who are fighting; sorry that they don't want to give military aid to those of us who are fighting with weapons in our hands for the liberty of our people against a dictatorial government of the extreme left. We will continue to fight with or without the aid of the Congress, because it is the revolutionary duty of the Sandino who have no commitment to the Congress or the administration. If the administration proposes humanitarian aid instead of military aid, well then, the administration will know how to settle its differences with Nicaragua. We know how to settle our differences here inside Nicaragua."

With or without the U.S. aid, we will continue to fight, just as we did against Somoza. If it is necessary to fight for another 20 years, then we will fight for another 20 years!

□ 2020

"We do want Democrats to help those of us with weapons in our hands for freedom of the press, just like the U.S. Democrats have. So that the press, Army, party and government will not be one and the same. Those of us who are fighting international communism with the union of treason want a democratic system like the U.S. Democrats have; and we ask them not to conduct U.S. politics at the expense of our people's suffering.

"The Democrat and Republican Parties should settle their differences in the United States and should not create obstacles for those who want to help us in the struggle against the Russians and the Cubans who have invaded us." Signed, Eden Pastora.

"Let every nation know, whether it wishes us well or ill, that we will pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to ensure the success and the survival of liberty."

Those stirring words are from the magnificent inaugural speech by the youngest elected President ever to raise his hand and swear to defend our Constitution. Those words were

spoken 25 years ago on the steps of this great Capitol. Young President John F. Kennedy went on to say that "the trumpet summons us again, it is a call to bear the burden of a long twilight struggle . . ."

There have passed since the January 1961 day a brutal 24 years and 4 months. In that magnificent speech, President Kennedy let the whole world know that the twilight struggle of which he spoke was to be against disease, and we have a better record in that fight than any country in the history of the world; against proverty it is the United States that works hardest in trying to stop the Communist aggravated famine in Ethiopia.

Yes, he spoke out that we would have to fight for as long as we could see into the in this twilight struggle, against the curse of war. But he also said that the twilight struggle was against tyranny. And it is against the tyranny in Managua that I rise today to support my President's foreign policy.

Now, two magnificent things have happened in this House chamber today. One, no one trashed El Salvador, and two, we have had almost 10 hours of excellent, high quality debate. The tone was set by the Honorable EDWARD P. BOLAND of Massachusetts, and with rare exceptions it has been fought on a very high level. It has not at all resembled the debates in the National Assembly in Managua which, when it adjourned right before Easter, had members cursing at one another while other members stormed off the Assembly floor in outrage. The pain of that Assembly, because of Sandinista oppression is truly a mirror reflection of the final spasms of Kerensky's Duma in 1917 Leningrad before that free legislature was snuffed out, never again to meet in free discourse and debate as we so fortunately have been able to do here in our Capital for over 196 years.

Exactly 14 years ago this very day, April 23, 1971, I witnessed the most disgusting, the most obnoxious——

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

Mr. STUMP. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. DORNAN of California. I witnesses in April of 1971 the most disgraceful conduct of U.S. Members of Congress that I could ever have imagined on the west front of this Capitol. On that sunny day, while this distinguished gentleman from Arizona Mr. MCCAIN was still rotting in a Honoi dungeon but thanking his lucky stars that most of his torture was behind him due to the heroic Son Tay raid attempted rescue, I saw a Communist flag of North Vietnam, larger than this beautiful Old Glory behind our Speaker, drapped over one of the front marble railings, behind the railing a speakers podium. And speaking over the Communist flag was a Senator from Indiana, no longer here, thank God, a New York Congresswoman no longer here, thank God. And two more U.S. Senators working the crowd. I grabbed that massive flag and I tore it to shreds. Then the mob, the 1971 "turbas divinas", had their way with me for a while. However, very weak street fighters those pro-Hanoi fools.

Yes, we have come a long way in just 14 years. We have debated in this Congress with almost no one paying lipservice to Communists. I repeat, the success of El Salvador is brilliantly glowing by its near absence in our deliberations. I made my eighth trip down there on Palm Sunday, and I witnessed a fiesta of free religion and free politics. The people's appreciation and enjoyment of the electoral process and love of their liberty was a joy to behold. I was deeply honored to be an official observor of that fourth free election in just over 2 years.

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

Mr. STUMP. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. DORNAN of California. The absence of discussion of El Salvador in our debate today, its relegation to the back burner with an attendant absence of hot, burning rhetoric about no democracy in El Salvador shows that President Reagan has had a magnificent foreign policy achievement in that Central American nation. The Hondurans also yearn to be our friends, and in both of those countries Mr. VIN WEBER of Minnesota and heard those people say, including President Duarte on his election victory night, that the reason that those two countries are relatively stable now is because other mothers' sons are dying for them fighting for liberty with the resistance forces in Managua.

VIN WEBER and I visited a Contra field hospital in Honduras. It was a very rudimentary shed, clean but very rough. It was located somewhere between Tegucigalpa and the Honduran border. It brought tears to our eyes to see these campesino peasant fighters cheer when Mr. WEBER told them that Ronald Reagan would not desert them. They knew they were fighting for a worthy cause and they told us so in clear uncomplicated terms. My heart is with them.

"Those who wait on the Lord renew their strength and shall mount up on wings like eagles; they shall run and not be wary; they shall walk and not faint." So with these fighters for freedom.

I know that these brave men and women will fight on with our aid or without it. I want us to be with them.

Mr. Chairman, at this point I wish to call to the attention of this body the attached letter and resolution which has come to me from the Hungarian Freedom Fighters' Association. This resolution calls on the Congress to honor the President's request for assistance and to help the Freedom Fighters of Nicaragua to join the ranks of other valiant men and women who have fought against Communist tyranny. The Hungarian Freedom Fighters' Association, of which I am proudly an honorary member, accurately calls attention to the implications around the world of our vote here tonight. How often have we failed to count the cost in diminished influence in recent years, when we tossed off our concerns as if they mattered not a farthing. The people of Hungary, whose cousins here have provided us a strong reminder in this resolution, know that it does matter.

I place this statement in the RECORD, and urge my colleagues to heed its admonition.

COORDINATING COMMITTEE OF HUNGARIAN ORGANIZATIONS IN NORTH AMERICA,
Rockville, MD, April 21, 1985.

Hon. ROBERT DORNAN,
House of Representatives
Washington, DC

DEAR CONGRESSMAN DORNAN: The Hungarian Freedom Fighters' Federation unanimously passed a resolution on the issue of aid to the Nicaraguan Freedom Fighters. This resolution was endorsed by the Coordinating Committee of Hungarian Organizations in North America. Copies of the resolution were sent to more than 60 members of Congress in the hope that it will be considered by them before they cast their vote on this issue.

We respectfully request you—as one of the honorary members of the Hungarian Freedom Fighters Federation—to insert the resolution and our Committee's endorsing letter in the Congressional Record on Monday, April 22, 1985, so that all members of Congress can take note of it.

Respectfully yours,

ISTVAN B. GEREBEN.

HUNGARIAN FREEDOM FIGHTER'S FEDERATION,
Rockville, MD.

RESOLUTION ON AID TO NICARAGUAN FREEDOM FIGHTERS

(Unanimously adopted by the Executive Committee of the Hungarian Freedom Fighters' Federation at its semi-annual meeting held in Washing ton, DC on April 13, 1985)

Since World War II the United States encountered numerous opportunities to influence the course of history to stop the advancement of tyranny. Few of these opportunities were exploited. In most cases gullibility, apathy, expedience, ignorance, well intentioned naivete resulted in disastrous consequences for America. Of these cases the most painful for us, Americans of Hungarian descent, was the political and diplomatic paralysis which characterized the United States during the 1956 Hungarian Revolution. Fear of war resulted in appeasement of the oppressors of Hungary and a

greater danger of war today. Since then we learned that fear was baseless and a more principled stand could have resulted in a situation in Hungary which would have brought more freedom for the Hungarians and greater security for the world. Similar mistakes chilled the Prague Spring and U.S. "pragmatism" resulted in the abandonment of Solidarity in Poland, withdrawal from Asia paved the road to the genocide of the Cambodians, marginal support for the Afghan Freedom Fighters prevents the decisive outcome of the struggle for a free Afghanistan.

Now the United States is at a critical point of history again. The eyes of the world are on Washington again. Today we confront Marxist tyranny in our own hemisphere. The Soviet inspired reign of terror, with an appetite to consume our neighbors, is knocking on our southern border.

Our President recognized the futility of continuous moral surrender. He supports those, who have the capability and the desire to fight for their own people's freedom. We—who fought alone and learned the cost of abandonment—urge the members of Congress to stand with the President and give him the resources to financially help the Nicaraguan Freedom Fighters.

It is not only Nicaragua's fate at stake. The people of Europe, Asia, and Africa living under the yoke of Soviet tyranny will draw far reaching conclusions as the consequence of America's attitude towards the Nicaraguan Freedom Fighters. The people of the Third World are watching also, and will be influenced as well.

As citizens of our adopted country, the United States, we feel obliged to warn against the follies which have so often put the United States in the position of denying effective help to those who fight for the very principles upon which this country was built.

The Hungarian Freedom Fighters' Federation therefore supports the President's efforts on behalf of the Freedom Fighters of Nicaragua and urges all members of Congress to vote for the aid presently under consideration by the Congress of the United States.

Washington, D.C. 13 May 1983.

Hungarian Freedom Fighters' Federation
Dr. ANDRAS POGANY,
President.

This resolution is endorsed by the Coordinating Committee of Hungarian Organizations.

ISTVAN B. GEREBEN,
Executive Secretary.

Mr. Chairman, I also include for the RECORD, two of the finest articles on Nicaraguan oppression this month. They are by the brothers Bob and Sam Leiken, published in the New Republic.

NICARAGUA'S UNTOLD STORIES
(By Robert S. Leiken)

The 72-year-old senora lives in a solid stone house constructed by the Sandinista government. Her son, German Pomares, was a founder of the Sandinista National Liberation Front (F.S.L.N.) who perished leading the final offensive against Somoza in 1979. Set off by a well-kept garden from the shacks of the cotton field workers of El Viejo, Mrs. Pomares's home appears comfortable. But inside, the mother of the nationally revered martyr sleeps on a cot covered with rags, and she hobbles through bare, unfurnished rooms. She lives on a pension equivalent to $10 a month. She has made four trips to the local hospital, but has yet to succeed in getting a doctor's appointment. Three times she has requested an audience with Comandante Tomas Borge, now the sole surviving founder of the F.S.L.N. Each time, her son's old comrade has refused to receive her.

For one who has sympathized with the Sandinistas, it is painful to look into the house they are building, but it is unwise not to. I spent ten days in Nicaragua in August, accompanied by my brother, a trade unionist from Boston. It was my sixth visit since the revolution, and my longest since 1981. I have testified in Congress against aid to the *contras* and have supported (and continue to support) negotiations to end the civil war in El Salvador. Yet each succeeding trip to Nicaragua drains my initial reservoir of sympathy for the Sandinistas. Last year I wrote in my introduction to a book treated by the press as the "Democratic alternative to the Kissinger Report" that the Sandinistas' "failure to preserve the revolutionary alliance with the middle class and small producers as well as sectarian political and cultural policies [had] polarized the country, led to disinvestment, falling productivity and wages, labor discontent, and an agrarian crisis." This visit convinced me that the situation is far worse than I had thought, and disabused me of some of the remaining myths about the Sandinista revolution.

Everywhere we went we confronted the disparity between these myths and the unpleasant truth. The Sandinistas blame Nicaragua's economic crisis on the *contras* war and U.S. economic sanctions. Yet the standard of living in Nicaragua was deteriorating well before the U.S. backed *contras* turned to economic sabotage in the spring of 1983. A December 1981 internal staff memorandum of the International Monetary Fund found that real wages had fallen 71 percent since July 1979. They have continued to decline in succeeding years. And even with the U.S. "economic boycott," over 25 percent of Nicaragua's exports still go to the United States, not much less than under Somoza. Nicaragua can no longer sell sugar at subsidized prices to the United States, but what it has lost in this market it has sold to Iran at prices above those of the world market. The war and U.S. sanctions have compounded a mess created by the Sandinistas themselves.

Nicaraguans themselves do not seem to accept Sandinista claims that *Yanqui* aggression is responsible for the general scarcity of consumer goods. Peasants are obligated to sell their goods to the Ministry of Commerce and Industry, and contend that its prices are too low to enable them to make ends meet. A large portion of the peasantry is now producing only for its own consumption, and the resulting shortages have dramatically driven up prices. The marketplace, once the bustling center of Nicaraguan life, is now a daunting experience for buyers and sellers alike. As shoppers make the rounds looking for rice, beans, milk, toilet paper, soap, or light bulbs, the shopkeepers' constant reply is *"No hay"*. (There isn't any). For anyone unable to afford the inflated prices or without the foreign exchange to shop at the new foreign currency stores, Eastern European-style queuing is now routine.

One of the most depressing aspects of our trip was to hear from so many that their lives are worse today than they were at the time of Somoza. Before the revolution Nicaraguans ate well by Central American standards. Thanks to the country's fertile soil and its small population, even poor Nicaraguans were accustomed to beef and chicken. Now consumer goods available to the masses in other Central American countries are no longer obtainable. Barefoot children are hardly uncommon in the region, but I had never seen so many completely naked. As we encountered them, their distended stomachs displaying the telltale signs of malnutrition, Nicaraguans would bitterly recall the government slogan, *"Los niños son los mimados de la revolucion"* ("Children are the spoiled ones of the revolution").

The shortage of basic necessities is also breeding pervasive corruption. When we asked a rural storekeeper why he was able to sell Coca-Cola while many restaurants in Managua were not, he said that he had obtained the soft drink with a bribe. We later met Ramiro, a Coca-Cola deliveryman in Leon and a former member of the F.S.L.N., hitchhiking home from the city of Chinandega. He was returning from his five-hour weekly excursion after work to procure the three bottles of milk his children need. The milk cost him 150 cordobas, 30 percent of his weekly wages. (The official exchange rate is 28 cordobas to the dollar; the real, or black market, exchange rate is 250 to 1.) To get the money, he told us, he accepts bribes from some of his customers for extra cases of Coke. "This system is corrupting me against my will," he said.

Ramiro's desperate measures hardly merit censure. But others, especially high-ranking Sandinistas, are turning big profits from the scarcity. Members of a leather workers cooperative in Masaya told us that they are officially allotted 10,000 meters of leather a month; they receive between 5,000 and 7,000 meters. The cooperatives' Sandinista directors sell the remainder in Managua's Eastern Market and pocket the money. It is now a general practice for coordinators of the neighborhood Sandinista Defense Committees (C.D.S.) to sell part of the provisions allotted to them by the government on the private market. The people are then informed that provisions have run out.

In the village of El Transito, two hours northwest of Managua, most of the people belonged to the C.D.S. at the outset of the revolution. Now there is but one member, the coordinator, formerly the village's leading Somocista. (The transformation of Somocistas into Sandinistas and of Sandinistas into oppositionists is very common. In every town we visited we were told that former Somoza officials are now running C.D.S.s.) The coordinator enriches himself by selling C.D.S. foodstuffs and supplies in the Eastern Market. As we passed his house, we were able to peer through the window and see him standing there in his dark glasses, isolated and reviled.

The life-styles of the new rich contrast vividly with that of the rest of the country, and with official rhetoric. A Sandinista nomenclatura has emerged. Party members shop at hard-currency stores, dine at luxury restaurants restricted to party officials, and vacation in the mansions of the Somoza dynasty, labeled "protocol houses." Vans pull up daily at government and party offices, to deliver ham, lobster, and other delicacies unavailable elsewhere. In a private state dining room, I ate a sumptuous meal with a comandante at a long table, attended by five servants. The image of the protruding stomachs of the "spoiled ones of the revolution" intruded while we consumed our lemon meringue pie.

Intellectuals and former officials claim that decadence is endemic in upper govern-

ment and party echelons. A former Sandinista diplomat recounted tales of high jinks and extravagance by Sandinista officials on foreign junkets, and women state employees complained of the same sexual harassment and blackmail that is common elsewhere in Central America. The swinging Sandinista leadership cynically presents an image of revolutionary asceticism to the outside world while being addicted to the very vices that it routinely denounces in "degenerate bourgeois society."

The widespread corruption from the lowest to the highest levels of government makes it hard for Nicaraguans to accept the notion that their problems originate from abroad, or that they should endure further sacrifices "to confront the imperialist enemy." A jobless worker in the Indian town of Monimbo complained, "The C.D.S. insists that we unscrew the street lights to conserve energy in the fight against imperialism. People are falling in holes while the Sandinistas get rich on our misery. What are their sacrifices?"

Those Sandinistas who have refused to be corrupted recognize that their dreams have turned into a nightmare. One government official, a good friend, told me, "We have given birth to a freak. But we must keep him alive." Yet what is to be done when the freak becomes a menace to its people and neighbors? There is a general impression among those in the United States properly aghast at the C.I.A. mining of ports and U.S. support for the professional torturers among the *contras* that the Sandinistas are the victims, not the victimizers. Inside Nicaragua, however, the image is reversed.

The word Nicaraguans employ the most frequently to describe the Sandinista government is *engaño* (hoax or trick). In the city of Chinandega, we talked with transport workers from an opposition union who on their own time and with their union dues had painted road signs to make the city safer for driving. The Sandinista government took credit for the improvement. The national literacy campaign is one of the most vaunted achievements of the revolution, praised even by many of the government's critics. Yet two "graduates" of the literacy program in a peasant village told us they could not read their diplomas. We couldn't find one student from the campaign there or in the neighboring village who had learned to read. The campaign did somewhat better in the larger cities such as León, where, we were told, some had learned to read in follow-up courses. But most had forgotten the little they had learned, and at best could now only sign their name for election registration.

The most outrageous *engaño* occurred during Pope John Paul II's visit to Managua in March 1983. According to Sandinista accounts, the Pope's mass had been "spontaneously" interrupted by the crowd, offended by the Pope's failure to heed the request of mourning mothers who wanted him to pray for their sons killed in the battle against the *contras*. Two former government officials, who are still Sandinista supporters, told us a different story. They had been appalled at the interruptions made by cadre from the Sandinista women's organization, furnished with microphones and loudspeakers. After the Pope left, the crowd departed in disgust and the Sandinista leadership was left awkwardly standing on the platform. The two officials, depressed by the spectacle, retired to a bar located next to the offices of the F.S.L.N. radio station. They overheard a group of Sandinista radio employees at an adjoining table bragging about how they had played pre-recorded tapes of crowds chanting Sandinista slogans into the sound system.

The Sandinistas *engaño* has been most successful among the resident foreign press. Journalists familiar with the atrocities of the right-wing tyrannies of Central America wish to believe, quite understandably, that the Sandinistas present an alternative. In today's Nicaragua it is easy to confuse desire with reality. The resident press also frequently merges with the larger population of "internationalists," a term which embraces all those foreigners expressing solidarity with the Sandinistas, from Bulgarian and Cuban apparatchiks to idealistic North Americans and West Europeans. It is the general feeling among Nicaraguans that the foreign press in Managua strongly sympathizes with the government, and that it is dangerous to speak openly with them. Disaffected Sandinista intellectuals, friends of friends, who poured their hearts out to me in Managua were afraid to meet with reporters from the U.S. press. We spoke with a resident of Monimbo, where a spontaneous insurrection had ignited the revolution against Somoza in February 1978. We had spent an evening together a year before with a mutual friend, yet initially he was still distrustful. He told us that the revolution had produced "many advances for the people"; two hours later, he was saying, "Monimbo appears to be sleeping, the way it was during the time of Somoza, but the people are united. One day soon they will stand up again."

One of the most common means of sustaining the myth of popular support is the Sandinistas' use of the rationing system as a lever. In numerous villages and cities, we learned that ration cards are confiscated for nonattendance at Sandinista meetings. In Masaya we were told that before one of the "Face-the-People" meetings (in which commandantes meet with local residents) the ration cards of the members of cooperatives were collected; their return was made conditional on attendance. At one such meeting in Chinandega, Ortega branded talk of inflation "a counterrevolutionary plot." A pound of beans could still be purchased for five cordobas, he claimed. A man in the audience stood up and shouted, "Commandante, here's ten cordobas. Please get me a pound of beans." According to his neighbors, he was imprisoned later that day.

Although Nicaraguans still for the most part bow to government pressure, they do so sullenly and without conviction. We witnessed two Sandinista demonstrations, one in Masaya and the other in Chinandega, two historically pro-Sandinista cities. The Chinandega rally, held at 10 on a Wednesday morning, celebrated the fifth anniversary of the literacy campaign. It was attended entirely by students obligated to go by school authorities. As they marched through the streets chanting slogans distributed to them on small pieces of paper by their Sandinista instructors, pedestrians did not so much as turn their heads. None of the presumably grateful, presumably literate, people came to greet the comandante sent from Managua.

In Masaya the demonstration did not even benefit from student participation. As we approached the gathering in the fading afternoon, a large group of students stood on the steps of the Catholic school. They had refused to join the demonstration because the Sandinistas had removed several of their Catholic teachers. The small group of demonstrators had glazed looks in their eyes as the last speeches wound down. I asked a *campesino* in attendance whether any of the comandantes had come. He answered, "I don't know. I slept through it."

The Nicaraguan populace has been saturated with Sandinista bombast which issues from radio, television, newspapers, local and national political meetings, and block committees, and which is propagated in the schools, the factories, and the cooperatives. The people resist in different ways: with the indifference and boredom we saw in Chinandega and Masaya; with a resurgence in religious feelings which has filled churches and Catholic schools; with suspiciousness and bitter humor.

Jokes and wisecracks against the Sandinistas are proliferating. The two pro-Sandinista newspapers, *Barricada* and *Nuevo Diaro*, are referred to as *Burricada* (as in bore) and *Nuevo Diablo*. The F.S.L.N. is "the Somocista National Liberation Front." "Why do people prefer *Tona* [one of the two Nicaraguan beers]? Because the other, *La Victoria*, is bitter." Suspicions of the government are so deep that families of the war dead no longer believe that the government coffins shipped back from the front contain the bodies of their sons. (The coffins are sealed as a matter of policy.) People believe, improbably, that the coffins hold rocks or banana tree trunks. In Monimbo we were told that when a family and friends tried to open a coffin with a hammer and chisel, they were carried off by the police.

Nor is popular discontent restricted to these forms of passive resistance. Sympathy with the *contras* is becoming more open and more pervasive. I was stunned to hear peasants refer to the *contras* as *Los Muchachos,"* the boys—the admiring term used to describe the Sandinistas when they were battling the National Guard. It was apparent that many Nicaraguans are listening to the "Fifteenth of September," the *contra* radio station. It must be noted, however, that the *contras* do not operate in the areas we visited, and sympathy toward them may well be proportionate to absence of direct contact.

Draft resistance has become a mass movement in Nicaragua. The government passed legislation last September under which Nicaraguan men between the ages of 16 and 40 can be drafted for two years. When we were in Nicaragua, four hundred women gathered outside the draft board in La Paz Centro, a trading town thirty-five miles northwest of Managua, to protest forced recruitment of their sons. The demonstration was the latest in a string of anti-draft demonstrations in cities and towns throughout Nicaragua. *New York Times* correspondent Stephen Kinzer, one of the few resident reporters to sniff out the *engaño* of Sandinista policies, reported on June 26 that "draft evasion is widespread," and found that high school attendance in six major provincial capitals had declined by as much as 40 percent. A student in León said that his high school class of forty-five had fallen to fourteen during the past year. Honduran researchers say Nicaraguan draft evaders pay 25,000 cordobas to be transported across the border, part of the money going to Nicaraguan Army officials in bribes. The demand is so great that border smugglers are now requiring groups no smaller than five. Draft resistance strikes a powerful blow at the myth of widespread popular support for the government. Young people have historically been the mainstay of Sandinista support.

Perhaps the most illuminating political event in the five years of Sandinista rule was a rally held for opposition presidential candidate Arturo Cruz in Chinandega on August 5. On that Sunday morning, Sandinista chicanery, censored domestic and lackadaisical international press coverage, and the growing vigor of the opposition converged.

Chinandega, a city of approximately 60,000, was historically the heart of Sandinista organizing efforts and support. These efforts radiated out to the surrounding cotton and sugar fields, to the country's two largest sugar refineries nearby, to the stevedores at Corinto, Nicaragua's largest port, and down to León, another center of anti-Somoza resistance. One would have expected that here the opposition would be weakest, the government strongest.

The Chinandega demonstration was the last series of six held in support of Cruz. Each rally had been larger than the last. The organizers were denied access to Sandinista-controlled TV stations. They were able to place an ad on the one local non-Sandinista radio station, but they relied chiefly on two vehicles with loudspeakers, and on word-of-mouth. Two days before the rally three "angels," as members of the state security are commonly known, called on the organizers of the demonstration and accused them of being CIA agents. The *turbas divinas*, "divine mobs" of Sandinista supporters, circled their houses at night beating sticks against cans and chanting until the small hours of the morning. (Somoza's version of the *turbas*—the *Nicolasa*—used to employ the very same method against the opposition.) Meanwhile, Sandinista newspapers and television branded the opposition as consisting of *contras* and agents of American imperialism, and announced that further "aggressions" by them would not be permitted. Local authorities implied that the demonstration would be declared illegal. The day before the rally, Daniel Ortega, the head of the Sandinista government and the Sandinista presidential candidate, spoke to two hundred youths in El Viejo, a village three miles away. El Viejo's residents later claimed that the youths had been incited against the demonstration's leaders.

Fearing an attack by the *turbas*, organizers did not put up the banners or placards until early on the morning of the demonstration. But as they were working, fifty *turbas* burst into the soccer field, tearing down the banners and dispersing the organizers. They returned later during the day to try to repair the damage.

We spoke with two organizers—middle-class, professional women who had belonged to the F.S.L.N. before the revolution. (According to one, "the F.S.L.N. says that the opposition is Somocista. But most of the old Somocistas are working with the government. The opposition has remained the same. It is the F.S.L.N. that has changed.") They told us that after the *turbas'* nighttime serenading, they went to complain to the offices of the party representative, the chief of police, and the chief of state security, and to the Sandinistas. They were assured that the *turbas* would be controlled and that the demonstration would not be obstructed. After the early-morning attack, the two women went to the house of the local party leader. The door was open, and they entered. In the next room they heard the *turbas* informing him of the success of their mission.

There is no question that many who wished to go to the Cruz rally stayed at home. On the day of the rally, local authorities impeded traffic from outlying areas into Chinandega. As Cruz marched through the city, many people opened their doors, gave him the "V" for victory sign, and then ducked back into their homes to avoid the ever-present eyes of the C.D.S. One woman said she did not go to the demonstration because she lived too close to the Sandinista youth office. She told of others who received threatening phone calls. Two weeks after the demonstration, a gas station attendant in Managua told us he had gone to the rally and that three friends who had accompanied him were in jail.

As might be expected, estimates of the turnout vary. Opposition figures soared as high as 20,000; local newsmen said 7,000. Given Sandinista efforts to reduce attendance, even 7,000 seems an impressive number, especially since three months before, the F.S.L.N. only managed to get 2,500 to Chinandega for the country's principal May Day rally. NBC taped the entire Cruz demonstration. Should this tape ever be shown publicly, experts will be able to make an accurate judgment about the number of demonstrators. When I viewed the tape it was evident that these thousands of demonstrators were hardly "bourgeoisie," as the Sandinistas claimed. They were overwhelmingly workers, peasants, and young people. I learned later that workers had hired their own trucks to come from the San Antonio Refinery and from the port of Corinto. They chanted slogans like *"El frente y Somoza son la misma cosa."* ("The Sandinistas and Somoza are the same thing.")

When Cruz began to speak, dozens of *turbas* armed with sticks, stones, and machetes surrounded the field. They came in on what appeared to be army trucks chanting, "Power to the people." They proceeded to break the windows and puncture the tires of demonstrators cars. The police seemed to make no serious effort to restrain them. When the *turbas* attacked the demonstrators themselves, opposition youths dispersed, only to return wielding their own sticks and stones. Out numbered, the *turbas* were routed.

The almost complete absence of foreign and domestic press coverage enabled Sandinista officials to characterize the demonstration their own way. We encountered a Sandinista official drunk at midday on the streets of *El Viejo*. He told us that the demonstration had taken place at the private home of a bourgeoisie and was attended only by a handful of plutocrats. In Managua, the Sandinistas told us that there had been several hundred demonstrators. The following day the Nicaraguan press carried no mention of the events except for one photograph in the official newspaper *Barricada* which purported to show the *turbas* attacked by *"fascist"* demonstrators. *La Prensa* had devoted several articles and photographs to the demonstration and the clashes, but these were all censored, and the paper did not appear. This was the very day that Daniel Ortega had announced the lifting of press censorship.

The demonstrations for Cruz's candidacy tested the popular mood and the prospects for "the first free elections in Nicaragua," as the Sandinistas' slogan puts it. Among the conditions that Cruz and his supporters have laid down as indispensable for participation are guarantees of freedom of movement, assembly, and equal access to the press and television; sufficient time to campaign; international observers; and, most importantly, guarantees that if he won the election he would be allowed to take office. What happened at Chinandega strongly suggests that neither a genuine election nor a genuine campaign can take place.

Chinandega also exposed the Sandinistas' electoral stratagem. Their decision to hold elections in November was based on a rudimentary political calculation. They judged that the external legitimacy provided by elections would more than compensate for their internal cost. They knew that power does not often change hands in Central America through elections. Somoza's elections had proven that, and the Sandinistas are in a far better position to control elections than Somoza ever was.

Yet their calculations were wrong on two counts. First, they failed to account for the Nicaraguan people. High-level Sandinista officials to whom I have spoken seem to live, along with their international supporters, in a dream world. They deem that the "anti-imperialist sentiments" of the Nicaraguan people allow them to bear any sacrifice even when their "anti-imperialist" leaders bear none. They receive favorable reports from lower-level cadre whose jobs depends on the perception of success. The Sandinistas knew that after five years of enforced political paralysis, the opposition was poorly organized, divided, and amateurish. The spontaneous popular reception for Cruz took them by surprise. Second, they failed to recognize the degree to which they have alienated progressive opinion in Latin America and Western Europe. Cruz's recent highly successful trip to Costa Rica, Venezuela, and Colombia, and his support from European Social Democrats like Spanish Socialist Prime Minister Felipe Gonzalez, has confounded the F.S.L.N.'s electoral plans.

Thus the Sandinistas find themselves in a quandary. Will they back down and permit Cruz to run under reasonable conditions, or will they go ahead with a discredited election? Thus far at least, the Sandinistas seem unwilling to pay the price of submitting their rule to a popular test. One Sandinista official, whom I have always considered a moderate, told me privately that they would prefer a U.S. intervention because it would "vastly accelerate the Latin American revolution against U.S. imperialism." He told me that the Nicaraguan Army would immediately invade Honduras and Costa Rica and be greeted as "liberators" by the people.

One can only hope that cooler Sandinista heads will prevail. Authentic elections may be the last chance to avert full-scale civil war. If democratic channels cannot be opened, the civilian opposition will be forced to link up with the armed opposition—which is exactly what happened in the 1970s in El Salvador after fraudulent elections. The United States, which has a monstrous record in Nicaragua, can do something to help. What is needed now most urgently is a bipartisan effort in support of authentic elections in Nicaragua.

As we pulled out of Managua in the fading light of a Sunday afternoon, we found ourselves directly behind an army convoy made up of about twenty vehicles. But unlike the army convoys I have seen in El Salvador, Honduras, and elsewhere, it would not permit traffic to pass. A large vehicle with a blinking light occupied the left lane, forcing vehicles coming toward us off the road. A soldier with a machine gun was poised on the rear truck. It took us four hours to cover the fifty miles to León. It was a grueling microcosm of Nicaragua today: the Sandinistas in the "vanguard" preventing the

normal flow of traffic, whether out of real fear, paranoia, or bullying. Behind them the rest of the population followed, inconvenienced, irritated, and enduring another pointless "sacrifice" for the Sandinistas' militarism. Our convenience was only four hours: the Nicaraguan people experience this twenty-four hours a day. Their patience has worn thin.

LABOR UNDER SIEGE

In the last several years, a number of union friends of mine have returned from Sandinista-sponsored tours of Nicaragua with enthusiastic reports of the achievements of the revolution. I visited Nicaragua myself this summer, meeting with members of both the official Sandinista labor federation and the independent unions. I didn't expect to discover a workers' paradise in this underdeveloped and crisis-ridden region, or to see workers running the factories. But I did hope to find signs of progress toward empowering the workers and peasants. Instead, I saw a labor movement battling a "Socialist" government which resists worker demands with tactics ranging from state-controlled unions to spurious arrests and violent goon squads.

In the 1970s labor was united against the Somoza regime, and workers expected that it would remain united to rebuild the country in the aftermath of Somoza's fall. But after assuming power, the Sandinistas sought a large measure of control over the workers by enrolling all Nicaraguan unions in the Central Sandinista de Trabajadores (C.S.T.). In 1980 the C.S.T. joined the World Federation of Trade Unions, headquartered in Prague. "The F.S.L.N. wanted to impose a central union, not build one," one opposition labor leader told me.

When centralizing efforts failed, the Sandinistas used state power to penalize unions unwilling to affiliate with them, to organize disruptive factions, and ultimately to jail opposition union leaders. I was told of death threats, beatings, police raids on union headquarters, military conscription of union dissidents, and blacklisting. Opposition leaders are now reluctant to use the recently restored right to strike for fear of being charged with "economic sabotage" and "abetting imperialism."

I talked with truckers from the port city of Corinto who had voted to disaffiliate their local from C.S.T. and to join the independent C.U.S., which is associated with the AF.L.-C.I.O. through the International Confederation of Free Trade Unions. Soon thereafter, the local's office was attacked by police and *turbas*. Later some had their drivers' licenses revoked, and a half-dozen union leaders were jailed. In another incident a leader of the other independent union, the C.T.N., said he had been beaten and his nose broken by *tubas* at the Managua airport in full view of military and civil police.

The Sandinistas have also alienated workers in their own unions, which has led to increasing numbers of wildcat strikes. Several years ago, when the Sandinistas nationalized the German Pomares sugar works, they ousted the independent union. Then, to ensure a docile new leadership, they stacked the vote by trucking in illiterate cane cutters. This summer workers at the refinery defied their leaders; they struck after the union allowed management to cut back worker access to the company store's superior goods and low prices.

While we were in Managua there was a wildcat sit-in at the government-owned Victoria Brewery. Truck drivers there earn 3,000 cordobas a month. Rents average 1,000 a month, and a pair of pants costs 1,000. One deliveryman told me, "We've had the same salaries for the last five years and now hunger has made us explode." The Victoria workers knew that to return to work without a contract can spell defeat. Forced to go back on the job, they effected a slowdown as a way to sustain their leverage.

The official F.S.L.N. newspaper, *Barricada*, carried a single article on the Victoria "Labor dispute." It quoted Sandinista union leaders as saying that they offered "full support to the workers," but also said that they were urging them to return to work immediately. In contrast, *La Prensa* carried a front-page picture of 200 Coca-Cola drivers parading their trucks in solidarity with the Victoria workers. I was able to confirm *La Prensa's* report that solidarity brigades were sent by the competing brewery Tona, La Milca fruit punch, Pepsi-Cola, and Standard Steel. Several of these unions also have announced impending strikes.

The dissident labor leaders I met were plainspoken, accustomed to dealing with concrete facts. The C.S.T. official I spoke with talked grandly about how the Sandinistas reorganized Nicaragua's tiny, undeveloped labor unions "by industrial branch." Yet he was at a loss to explain why they had abolished the Nicaraguan equivalent of the U.S. National Labor Relations Board (*Tribunales de Trabajo*).

He often contradicted what the workers had told me. The workers at the San Antonio sugar refinery said that they launched a wildcat strike last February to uphold a wage agreement reached between workers and management. According to the workers, the labor minister, backed by the C.S.T. leadership, disallowed the labor contract because its wages exceeded government guidelines. The C.S.T. official claimed that the labor had rejected the contract because its wages were too *low*, and even credited the C.S.T. with leading the strike to raise wages. He went on to dismiss the Victoria wildcatters as "backward" and "disobedient." He saw his role not as a representative of the workers, but as their "intermediary" with the employer.

Numerous dissident union leaders described their situation as closely resembling that of the Solidarity movement. One leader, comparing Nicaragua to Poland, told me: "We are both small countries and have suffered many invasions. We both experience long lines and scarcity while many of our products are shipped off to the Soviet bloc. We are Catholic countries with close ties between the unions and the church. We live under regimes where citizens can be jailed at will. And both governments brand independent unions' anti-Socialist agents of imperialism.' " Listening, I found myself wishing that some of my fellow union activists had come with me to Nicaragua. They would have been as shocked and disappointed at the repressiveness of this "government of workers and peasants" as I was.

SAM LEIKEN.

(Sam Leiken, who has spent the last decade as a machinist and labor activist, is studying at the Kennedy School of Government at Harvard.)

Mr. AUCOIN. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Chairman, I rise in opposition to the administration covert plan and for the Hamilton substitute.

Mr. Chairman, the Hamilton substitute legitimizes our efforts to support the political aspirations of those genuinely committed to democracy in Nicaragua. This initiative prevents the United States from continuing an armed struggle which simply is not working.

I share the administration's objective with respect to preventing the establishment of a Soviet satellite in Central America. But covert aid for military purposes has not and will not achieve that objective.

Covert military assistance has not interdicted the flow of arms from Nicaragua to the armed insurgents in El Salvador. Covert aid has not terminated Cuban armed shipments to Nicaragua.

What covert aid has done is to contribute to further bloodshed and repression. Covert military assistance has not induced the Sandinistas to fulfill their promises to the Nicaraguan people. In fact, just the opposite has happened. The Sandinistas have used the threat of the Contras as a convenient mechanism to perpetuate further repression. While I do not doubt that certain elements within the Contras are committed to democracy, the evidence clearly shows that many of the insurgents have committed atrocities against innocent civilians.

A vote for the Hamilton substitute does not represent an abandonment of the Nicaraguan people in their struggle to achieve democracy and human rights. This measure coupled with our existing security policy and military presence throughout Central America represents a credible alternative to what has been a misguided policy.

Mr. Chairman, I strongly urge our colleagues to vote against the administration's proposal and for the Hamilton substitute.

Mr. LIGHTFOOT. Mr. Chairman, I rise to indicate my support for funding for the Nicaraguan "freedom fighters" in battling the Sandinista government. My support for this effort is based, for the most part, on two points:

First, no U.S. troops should ever fight and die in Central America; and,

Second, a hostile Marxist/Communist government should not be permitted to follow on its self-professed aim of destabilizing legitimate governments throughout the region—ultimately threatening U.S. security.

First of all, some express doubt that the Sandinistas are exporting revolution to other countries in the region. A 1983 Washington Post article said:

The Sandinistas say openly the they provide moral support and "office space" to the Salvadoran guerrillas. Nicaraguan Commander Bayardo Arce, in charge of relations with other revolutionary movements, said in an interview last year (1982) that the Sandinistas had shown the Salvadoran rebels the clandestine connections and networks they used to get arms for their own insurrection.

In addition to training, the Nicaraguans give Salvadoran guerrillas money, weapons, logistics, intelligence, communications, and sanctuary. According to State and Defense Department officials, some 6,000 to 7,000 rifles and machineguns were delivered to the Salvadorans by Nicaragua. In addition, the FMLN, the Salvadoran guerrillas, have two command centers in Nicaragua, and the FMLN high command lives in Managua.

In the 1969 FSLN—Sandinista—declaration of goals, quoted in David Nolan, the Ideology of the Sandinistas and the Nicaraguan Revolution, it was stated, "We will 'struggle for a true union of the Central American peoples within one country,' beginning with support for national liberation movements in neighboring states."

Add to this the fact that if we cut off aid to the democratic forces in Central America, we will be ensuring a permanent military imbalance in the region and only contribute to the victory of totalitarian forces. Consider that over 40,000 metric tons of military hardware were delivered to Nicaragua during the first 4 years of the Sandinista government by Soviet-bloc countries. In spite of considerable U.S. support in the first years—$117 million in direct economic aid and $500 million in loans to help the Government get on its feet—the Sandinistas continued a huge military buildup—an army of regulars and irregulars totaling 111,000 men, more than 3 times as large as any other army in the region. Tell me this is a purely defensive force.

Arguments that we haven't given the Sandinistas a fair chance simply don't hold water. The aid we gave the Sandinistas was more than the aid we had given the Somoza government in the previous 20 years combined. The opposition has presented the Sandinista government with at least five separate proposals for starting a peace dialog since February of last year. Our Government has been involved in at least three separate offers for negotiations with the Sandinistas, as well, since 1981. In addition, U.S. special envoy Ambassador Harry Shlaudeman held nine separate meetings with the Nicaraguans between June and December of 1984.

The Sandinistas, however, refuse to negotiate with the opposition, even though their supporters claim that the democratically elected Government of El Salvador should negotiate with its armed opposition.

Until the Sandinistas show a sincere willingness to cease support for forces hostile to other governments in the region, the United States must be concerned with stemming the flow of Nicaraguan arms to the rebels in El Salvador.

According to article 51 of the United Nations Charter, countries have the right to individual and collective defense. Given Nicaragua's subversion of El Salvador, "the United States is entitled to respond with whatever action is necessary and proportional in order to create and sustain an effective defense. Article 51 of the U.N. Charter and Article 3 of the Rio Treaty, and Articles 21, 22, 27 and 28 of the OAS (Organization American States) Charter, make it clear that such actions in response to an armed attack are permissible * * *. "Under article 3 of the Rio Treaty, such a defensive response is obligatory. This obligation is virtually identical to the same obligation of the United States under article 5 of the NATO treaty * * *."

"Such assistance, whether it" were to "consist of U.S. * * * forces," or "whether it * * * takes the form of aid to the * * * freedom fighters "is lawful under article 51 of the U.N. Charter and article 3 of the OAS Charter," according to Law Prof. John Norton Moore, of the University of Virginia, who served as Ambassador to the Law of the Sea Treaty talks.

From 1977 to 1979, those who supported the Sandinista revolution manned the heights on "human rights," "international law," and negotiated settlements, but those same individuals have failed to demand the same standards of the current rulers in Managua. Many of those defending Nicaragua's sovereignty under international law today were demanding that we violate that sovereignty in 1977-79.

This is not the only inconsistency in the human rights debate. Many are attacking alleged atrocities committed by the Contras. Have we forgotten that more than 200,000 people fled Nicaragua during 1979-81? During the first year of their rule, the Sandinistas executed 7,884 people, according to the Nicaragua Committee of Jurists. Since 1979, 20 radio news programs have stopped broadcasting. Only one radio news program is not FSLN-controlled, but even it is heavily censored. Both TV stations and two of three major newspapers are controlled by the Sandinistas. The only independent newspaper, La Prensa, has had 50-80 percent of its published information censored. In 1982, the Government claimed a "right to detain and jail persons indefinitely without having proved that they committed a crime. The right to habeas corpus is suspended. Under the decree, strikes continue to be banned, no collective contracts may be signed, and no trade union demonstrations or public meetings are allowed." This information is courtesy the AFL-CIO Free Trade Union News.

The Nicaraguan Permanent Commission on Human Rights, which frequently criticized the Somoza regime—now in exile—has documented mass graves, unexplained deaths, widespread use of torture, illegal arrests, and jailings.

Some have charged that the Constras we are aiding are nothing more than disgruntled Somozistas. However, primary opposition leaders like Arturo Cruz, Adolfo Calero, and Eden Pastora also opposed the Somoza regime. Most have spent time in jail during the Somoza regime as a result. Though present Contra ranks remain about one-third former guardsmen, one-third of them are former Sandinistas, and one-third are recruits which had not previously been aligned with either group.

What has taken place since the United States first began support for the freedom fighters? The location of Contra forces between Honduras and the Nicaraguan border has served to deny the Sandinistas the most direct line of shipments of weapons to the guerrillas in El Salvador. The Contras have, in fact, attacked a number of staging and shipping areas, not only capturing weapons intended for El Salvador—incidentally, the source of some of these weapons?—73 percent of the captured guerrilla M-16's were traceable to American weapons left behind in Southeast Asia—but denying Salvadoran guerrillas use of those areas in the future. Key, however, is that success of Contra operations in these areas has forced the Nicaraguan Government to divert their attention from El Salvador to its own defense. Thus, a number of weapons which may have eventually been sent to El Salvador have remained in Nicaragua for use in anti-Contra operations.

Some have argued that Contra activities have prompted the Sandinista government to become more repressive, rather than encouraging more freedoms. Yet, the evidence is pointing to an increase in Sandinista willingness to negotiate and be responsive to international concerns.

As a good faith effort, the President has called upon the Contras to extend their April 20 deadline for a ceasefire until June 1, in order to allow them to enter into negotiations with the Sandinista government with the Catholic Church. This proposal has been well received by the Contra leadership and leaders in Costa Rica, El Salvador, and Colombia, even though it has been rejected by the Sandinista government.

If we don't face this responsibility today, we will have to commit far greater resources to the promised expansion of hostile forces in the future. Through all of the debate and discussion, there has been no sincere promise of a cessation of expansionist policies on the part of Nicaragua, or for that matter, on the part of Cuba or the Soviets.

When will we meet this responsibility if we do not meet it now? Of the narrow choice of policy options available to us, we could pursue:

A policy of containment, by aiding the other countries in the region. This means physically providing a great deal more military hardware to Honduras, El Salvador, and possibly Costa Rica—with a questionable chance of success; or

A policy of seeking, through pressure, to modify Sandinista behavior while helping to strengthen the political, economic and military capabilities of the countries directly threatened; or

Use of U.S. military force.

I certainly don't want to support the last option and the thought of the first option is not heartening, but promises many long years of involvement.

This is a vital strategic choice for the future of U.S. security and the future of the people of Central America to freely govern themselves.

● Mr. WIRTH. Mr. Chairman, today we must decide once more whether or not to financially assist the Nicaraguan Contras. We must decide, despite the fact that the Congress and the American people have repeatedly opposed American involvement in what is essentially an undeclared war on the Nicaraguan Government with which we have full diplomatic relations. We must decide, despite the fact that the American people overwhelmingly favor a diplomatic solution to the deeply rooted social and economic conflicts erupting in Central America.

The preference for a diplomatic course of action and the American people's opposition to war against Nicaragua is so clear that the administration has chosen to disguise its proposed funds for the Contras as "humanitarian aid."

But let's take a closer look at House Joint Resolution 239 which, if approved, would release the aid to the Contras. The resolution would permit the transfer of $14 million in fiscal year 1985 funds to the Contras for "supporting, directly or indirectly, military or paramilitary operations in Nicaragua." The Contras' use of these funds are in no way limited by the resolution. And the funds will be given directly to the Contras, and not disbursed through an intermediary, such as the International Red Cross, which could monitor the use of this aid.

How can we be sure that this aid will be used for humanitarian purposes, as the administration alleges? If House Joint Resolution 239 is approved, we must rely on the administration's word of honor that the Contras will purchase food, medicines, and other basic, nonmilitary necessities, rather than armaments and other tools of war. We must rely on the word of an administration that has authorized, without the knowledge of the Congress, the CIA mining of Nicaragua's key ports and the creation and distribution of manuals that advocate low-level terrorism and the assassination of local Nicaraguan officials. We must rely on the administration's word that it will provide only humanitarian aid to the Contras, in spite of its declaration that it will continue to pressure the Sandinistas until they cry "uncle."

Mr. Chairman, the administration's record on aid to the Contras clearly contradicts its assertion that any aid to the rebels will not be for military purposes. Moreover, the Contras are not the type of military force to take any aid and turn it into food, clothing, and other humanitarian aid for the population in the areas under their control.

Reports from nonpartisan human rights groups such as Americas Watch document abuse after abuse of the Nicaraguan civilian population by the Contras. These abuses include the torture, mutilation, and murder of civilians and prisoners of war, even those that have been removed from combat because of wounds they have suffered. Are we to entrust our humanitarian aid to rebels that do not even recognize the most basic human rights of noncombatants?

And are we to deliver this aid to the rebel forces' leaders, many of whom are former national guardsmen under the dictatorial and repressive Somoza regime? Many of my colleagues will point out that less than 2 percent of the Contras are made up of former guardsmen, and that the bulk of the rebel fighting forces are peasants disaffected with the Sandinista regime. I do not doubt the validity of this fact, nor that it is an important signal of the unsatisfactory way in which the Sandinistas are governing Nicaragua. But this statistic conceals the important point that former guardsmen make up the large majority of the Contra leadership. For example, of the 48 positions in the rebel command of the chief Contra force, the Fuerzas Democraticas Nicaraguenses, 46 are held by former guardsmen. I find it hard to believe that these officers, so dedicated to upholding the corrupt and unjust Somoza regime, will provide Nicaragua with the democratic government which all of us so ardently desire. In short, the Contras' brutality and their links to the Somoza past demonstrate that these rebels are by no means comparable to our Founding Fathers. Mr. Speaker, we should continue to heed the American people's demand for a halt to further funding or convert assistance to the Contras.

The elimination of funding for the Contras should not imply that we support the Sandinista regime, as it is presently constituted and operates. I share my colleagues' concern about the increasingly repressive tendencies of the Sandinistas. But the roots of these tendencies are unclear to us. The Sandinistas are operating under a siege mentality. They have had to confront not only the Contra forces, but also one of the world's largest military powers, which has conducted large-scale military operations near the Nicaraguan-Honduran border, which has mined its harbors, and which has instructed Nicaraguans in the methods of terrorism and sabotage. It is important that we distinguish between Sandinista repression stemming from Marxist-Leninist dictates and repression as a response to external hostilities.

But we cannot make this distinction without diplomacy, without open communication between the United States and Nicaragua. The Contadora countries—Mexico, Panama, Venezuela, and Colombia—have offered their good offices to mediate and resolve the conflict in Nicaragua. But the administration has not availed itself of this opportunity. For example, when the Sandinistas accepted a draft Contadora treaty which held the potential for removing all external forces from the region and guaranteeing the principle of nonintervention on a regional basis, the United States immediately dismissed this move as propaganda and failed to further explore the possibilities of a negotiated peace.

Diplomacy will enable us to determine the sincerity of the Sandinistas in achieving a plural, democratic government that will not intervene in the affairs of its neighbors. And diplomacy is what the Barnes-Hamilton substitute offers this troubled region. It would terminate all funding for the Contras and for CIA covert operations against that country, and would provide funding for humanitarian assistance to Nicaraguan refugees, to be administered by the International Committee of the Red Cross and the U.N. High Commissioner for Refugees. Accordingly, we can evaluate the Sandinistas' claims that its restrictions on civil rights and its increasingly militarized society are the product of war, and not ideology.

At the same time, the Barnes-Hamilton substitute promotes a U.S. policy toward Nicaragua that encourages a negotiated regional settlement under the auspices of the Contadora countries and the Organization of American States. The substitute also provides $4 million toward the implementation of any agreement reached under the Contadora process.

It should be noted that this substitute does not foreclose the use of pressure on Nicaragua—the United States and its hemispheric allies can invoke trade sanctions against Nicaragua if it fails to remove foreign military advisers or restore civil liberties and press freedoms. Moreover, the President is permitted to request new aid for the Contras after October 1. Any requests would be handled in an expedited fashion, and could be evaluated in

light of Sandinista responses to the termination of Contra funding and renewed diplomatic initiatives by America and the Contadora countries.

Because of the Barnes-Hamilton substitute's balance between diplomacy and pressure, because of its emphasis on multilateralism, and because of its provision for future sanctions, it has drawn widespread and bipartisan support. I urge my colleagues to support this important amendment, and steer our country away from our present militarily based approach to Nicaragua, which has produced nothing but terror, bloodshed, and oppression, and can promise nothing more. Let's give diplomacy a chance where violence has failed—vote for the Barnes-Hamilton substitute.●

● Mr. MATSUI. Mr. Chairman, the administration's proposal on Nicaraguan aid represents a deliberate attempts to mislead Congress and the American people on its intentions in the region. It is an insidious effort, Mr. Speaker, and it is time that we bare the administration's head on this issue.

The administration says the $14 million in aid will go to pay for food, medicine, and other humanitarian items for Nicaraguan Contras. But the administration's record toward Nicaragua completely and irrefutably belie any peaceful intentions. Its policy always has been one of unreasoned and open confrontation, and it is a policy that has failed and failed miserably. Indeed, it is no surprise that the President's proposal allows these funds to be used for military purposes at the end of 60 days.

Mr. Chairman, I oppose the repressive and antidemocratic nature of the Sandinista government. But the administration policies, continue to backfire, galvanizing the Nicaraguan people against the United States and causing resentment toward the United States throughout the area. It is time, Mr. Speaker, that this administration work within the Contadora process, and begin addressing the crisis of poverty and economic hardship in the entire Central America region.●

● Mr. LIPINSKI. Mr. Chairman, I rise in support of this resolution for two principal reasons. First, it is in the best interest of the United States to prevent another Russian beachhead in North America. There is no doubt in my mind that the Sandinista regime is Communist. When they and others in Nicaragua overthrew Somoza, primarily because we finally stopped supporting his dictatorial and oppressive regime, we gave them $20 million in aid. The Carter administration stopped another $75 million in aid when it became apparent they were moving toward becoming a totalitarian form of government and enlisting the aid and assistance of Russia, Cuba, and other Communist countries. I also have no doubt that if the Contra pressure is allowed to wither and die for lack of military aid, the Sandanistas will consolidate their power and with the aid of Russia, Cuba, and other Communist countries spread their Communist ideology into other Central American nations.

This brings me to my second and more important point in support for this resolution. I firmly believe the Sandinistas, with the support of Russian, Cuban, and other Communist countries, will spread their revolution to other Central American countries. And sometime in the next 3 or 4 years, this Communist revolution so very near our border will become a clear and present danger to our security. And the American people and their Government representatives will have this clear and present danger crystallize in their minds and galvanize their resolve to stop and remove this danger from our hemisphere. However, by that time, our only option will be to send American troops to Central America. This can be prevented if we aid the Nicaraguans fighting for democracy and freedom against the Communist Sandinistas. Today, I believe, we vote to stop totalitarian communism in Central America with willing, dedicated Nicaraguans or risk stopping it in the future with Americans—it is our choice.●

● Mr. BUSTAMANTE. Mr. Chairman, I wish to contribute a short note to the debate on the obligation of funds to the people of Nicaragua and against the Government of Nicaragua. For some time, I have been concerned that sending $14 million in aid to the Contras—or to the freedom fighters—will not accomplish much in the way of contributing to the prospects for peace in the region of Central America.

After meeting with President Reagan today and with President Duarte of El Salvador a week ago, I believe that we must seek the capitulation of the Ortega government through reform in Nicaragua. The Sandinistas have shown no inclination to respond to anything short of a threat of force. But a threat of force alone contributes only to prolonging the status quo in Central America—and the status quo amounts to war, declared and undeclared, with the prospect for escalation implied in each congressional action.

In any context, with or without superpowers, with or without the Monroe Doctrine and the Alliance for Progress, our aim in Congress has been to support our allies in a given region and to hope for the peaceful establishment of democratic governments. In this connection, I wish to express my hope that we will consult with other Central American governments, particularly with our neighbor Mexico, as we anticipate building a bipartisan policy toward Central America which is something more than a quick fix. We cannot, then, give up on the idea of dialog with the Ortega government, even though we may mistrust its ambitions. Nor can we tolerate the positioning of a foreign base in Nicaragua that would endanger the interests of democracies in this hemisphere. But, we must allow for a period of testing—perhaps as long as 5 to 6 months—in the interest of seeing whether or not the Sandinistas live up to their word. To date, their record in telling the truth has not been a good one. But we cannot ignore the prospects for peace in the region, and we must not convince ourselves that $14 million buys peace of mind in Central America.●

● Mr. DANIEL. Mr. Chairman, let us stop for a minute and reconsider what it is that we are debating today. In 1979, the Sandinistas came to power in Nicaragua on the promise that totalitarian rule in that country was finished. And on the promise that there would be elections, genuine nonalignment, and respect for the sovereignty of their neighbors, the Sandinistas garnered enough international support to prevail.

We believed them, Mr. Chairman, as did the Organization of American States. We believed them to the tune of $117 million in direct aid through mid-1981, aid that provided more money per Nicaraguan citizen than in any other country in the world. And because the Sandinista leadership still included internationally-respected Nicaraguan patriots in those days, we continued to deal with the Sandinistas in good faith long after their actions began to belie their words. This continued as they built in all of the repressive mechanisms of the Marxist Police State. Kangaroo courts, Mr. Chairman. Secret police informers down to the block level in each neighborhood or village. The perversion of the literacy campaign which made their educational system a mockery and a political propaganda tool.

We continued out of hope and misplaced trust well into 1982—and what did it get us? What did it get for the American States unlucky enough to be the neighbors of the new Sandinista regime? What it got us was an army in Central America, configured not for defense but for offensive warfare, of 119,000 men, over half of whom are on active duty. It got us tanks, and armored personnel carriers, and artillery and rocket launchers, and the MI-24 hind hunter-killer helicopter used by the Soviets to terrorize Afghanistan. In short, Mr. Chairman, while we and our American neighbors were telling ourselves that these were the growing pains of a latent democracy in Nicaragua, what was actually happening was the growth of a deadly malignancy. There are no moderate elements, men

of good will, left as part of the Sandinista regime. They've all been forced out, Mr. Chairman, as healthy tissue is displaced by deadly cancer cells. And the analogy is the same for Nicaragua's American neighbors. The Sandinista malignancy is insinuating Marxist revolution and subversion throughout the region. The Sandinistas are proud of that, Mr. Chairman. Over and over, we have been treated to their slogan: "The Sandinista revolution knows no national boundaries. Ours is not a national revolution." They are exporting guns and revolution to their neighbors, Mr. Chairman, and more recently, illicit narcotics to the United States to help them get the hard currency to pay for revolution.

Ambassador Motley has said that the Nicaraguans do not come to the negotiating table because they admire it as a piece of furniture; they come to the negotiating table only because of the Contras. And if we are not going to provide the aid necessary for the Contras to keep military pressure on the Sandinistas, then we must convert that aid to a form which will permit the organization of an effective, legitimate political opposition internationally recognized as a counterweight to the Sandinistas. It must be an opposition which represents the true ideals of the original Nicaraguan revolution, and not the subsequent theft and perversion of that revolution by the Sandinista police state. We cannot vote today for a measure that will turn tens of thousands of freedom-loving Nicaraguans into stateless refugees, into an equivalent of the boat people of the 1970's. We cannot vote for a measure which will permanently extinguish the desire to be free on the part of the people of Nicaragua.

If we do not fashion a solution which combines effective aid to a legitimate opposition, and effective moral, political, and economic sanctions to the Sandinistas if they fail to represent the legitimate aspirations of the Nicaraguan people, then we have not only failed our American neighbors, but we have failed our constitutents.

I have grandchildren, Mr. Chairman, who are coming of age to be riflemen—infantry soldiers—and who may well end up as soldiers if we ignore the malignancy in Central America. We can talk, and posture, and fail to act until we and our neighbors run out of time, or we can do something effective there today. We have a choice. And we may not have that luxury too much longer.

In supporting the Sandinistas, I hope that no one is doing so under the illusion that it is a legitimate political party. They gain power by deceit and rule by force. Communism is not political; it is an international conspiracy, and its purpose is to rob people of their freedom and their liberty.

In 1947, President Harry Truman crafted the doctrine which bore his name, setting forth the goal of containment of communism which was then attempting, through subversion, to overthrow the Government of Greece. Fifteen years later, when the Soviet Union attempted to install missiles in Cuba, President Kennedy successfully pressed for their removal so close to our shores.

What is needed now—what is desperately needed—is a reinstatement of these two positions: That we will resist communism where it is found, and that we will employ the means available when Soviet weapons are found so close to our borders.

Thank you.●

● Mr. FAUNTROY. Mr. Chairman, I rise in opposition to House Joint Resolution 239, to approve the obligation of funds available under Public Law 98-473 for supporting military or paramilitary operations in Nicaragua.

I also rise urging support of the amendment in the nature of a substitute which will be offered later by our distinguished colleague Congressman LEE HAMILTON.

On four previous occasions, this body has opposed, with reason, the administration's effort to impose a military solution on the people of Nicaragua. On four previous occasions this body has voted to cut off assistance to the Contras, who seek the violent overthrow of the established Government of Nicaragua.

In doing so the House of Representatives exercised considerable wisdom, restraining a policy that has escalated violence in the Central American region, strengthened militarism and reaction, and worked against the forces of democracy and pluralism, serving to isolate our Government from many of our friends in that region and the world.

What is needed is an alternative that prevents the disbursement of funds to the Contras, works toward a nonviolent resolution of the Central American conflict, and meets the basic human needs of refugees.

We will have an alternative before us that offers such a possibility after we again defeat the latest proposal of support for the Contras. This alternative comes to us through the resolution offered by our distinguished colleague Congressman MICHAEL BARNES, as it will be presented to us for debate and consideration as an amendment in the nature of a substitute offered by our valued colleague Congressman LEE HAMILTON. This substitute would provide $4 million for the implementation of a peaceful resolution in conformity with the 21 Contadora Principles if such an agreement is arrived at. Additionally, this substitute would provide $10 million in humanitarian assistance for refugees outside of Nicaragua, regardless of whether they are associated with the Contras. Quite importantly, this $10 million would be allocated through the International Committee for the Red Cross or the United Nations' High Commissioner for Refugees. The substitute prohibits the use of any of these funds for supplying combat units of any type and most importantly, continues indefinitely the present prohibition on funding for military or paramilitary operations in Nicaragua, unless and until Congress enacts a joint resolution repealing this prohibition.

This measure also contains a number of policy recommendations encouraging a cease-fire and peace negotiations within a regional context and under the Contadora framework.

I urge my colleagues to reject House Joint Resolution 239, and any other proposal that would provide assistance to the Contras by U.S. Government agencies, and urge their support of the alternative offered in the Barnes resolution/Hamilton substitute.●

● Mr. DIOGUARDI. Mr. Chairman, as a freshman, I gave my word to look closely at both sides of this issue and not come to a hasty decision on the matter. After reviewing the facts, however, I believe that the proper course of action is clear.

Tonight, I will be casting my vote in favor of aid to the Contras. I will do so because I view the current Sandinista Government as a direct threat to the national security of the United States.

The proximity of Nicaragua to the United States and the vital Caribbean sealanes, not to mention the Panama Canal, presents a clear and present danger to the political and economic stability of the region.

When we look at Central America today, we see President Duarte of El Salvador negotiating with the Communist opposition in his country. Meanwhile, Nicaragua and Cuba continue to ship offensive arms to the very people with whom Mr. Duarte is negotiating. Why is it not justifiable for the Sandinistas also to engage in negotiations with the opposition movement in Nicaragua?

The President is seeking to engage the Sandinistas in talks aimed at removing all Soviet, Cuban, PLO, and Eastern bloc advisers in Nicaragua. Many of my colleagues who are against the President's plan say the root cause of the problems in Nicaragua are ignorance, poverty, and disease. I could not agree more—but it is quite clear to me that the Sandinistas are using the human misery in their country to attain the legitimacy of their regime that they could not attain by holding free elections.

I believe that the inherent military pressure associated with keeping the Contra forces alive is a useful diplomatic tool in getting the Sandinistas back to the bargaining table. When

will the United States draw the line? It wasn't Cuba. If not Nicaragua, where?

It is self evident that the Sandinistas are biding their time by using the Contadora process, and yes, the Western media as a smokescreen—a smokescreen for consolidating their power, and ultimately the Soviets political and military power.

I am voting for military aid because I would rather attempt to cure a cold now than arrest pneumonia later. By acting to aid the Contras, we will prevent the possible need for greater involvement later. We are being asked to provide aid to people who are willing to fight for their own freedom and self determination.●

● Mr. LEHMAN of California. Mr. Chairman, today the House begins deliberations on whether or not to release $14 million in military aid to the Contras in Nicaragua.

Today we can help decide whether the conflict between the Contras and Sandinistas continues, or whether the United States takes a more constructive role in seeking a negotiated peace in the region.

Today we can take a step closer to achieving the goal of political and economic stability in Nicaragua by sending a signal to those countries participating in the Contadora peace process, that this government does not want to contribute to the continuing military escalation in the region and that we would like to make a positive contribution to the Contadora process.

Our covert military involvement in Nicaragua so far has been a violation of international law, morally reprehensible, and contrary to the best interests of the United States in this hemisphere.

I agree with the administration that we should support democratic changes and institutions in Nicaragua, just as we should support democratic changes in Chile and South Africa. However, I disagree on the means of achieving those democratic goals.

The alternative to a foreign policy which emphasizes military might is one which achieves peace through negotiations—negotiations with the Sandinista Government and its neighbors.

I urge my colleagues to resist the administration's public relations campaign and oppose the continuation of funding for the Contras.●

● Mr. MAVROULES. Mr. Chairman, I rise in opposition to the resolution before us today that would make available $14 million in military aid to the rebels in Nicaragua. No matter how it comes, military aid to the Contras in Nicaragua is unacceptable policy for the United States.

The administration has cried wolf on this issue too many times. I would like to ask this administration, "Where is the evidence to support your arguments?"

First, the administration sounded the alarm when it suspected that the Soviet Union was shipping Mig-21 aircraft to Central America. But, the administration has no evidence that those crates ever left the Soviet docks. Where are these Mig-21 aircraft?

Then, last year, the administration accused the Sandinistas of exporting large quantities of arms into El Salvador. But, the administration has yet to come to Congress with evidence to support this claim. Where are those shipments of arms?

And, this year, to defend this very resolution, the administration claimed the aid would be used as bargaining leverage in negotiations between the Contras and the Sandinistas. But, where are the negotiations?

And, more recently, the administration claims it has the support of Costa Rica and Colombia. But, where are those words of support from President Monge and President Betancur?

Finally, the administration claims that only one-third of the Contra command structure is former Somoza National Guardsmen. The Arms Control and Foreign Policy Caucus not only claims that 46 out of 48 Contra leaders are Somoza heirs, but also names them. Where are the names that support the administration's claims?

There are just too many inconsistencies in the administration's Central American policy.

All Americans want to see an end to the violence in Central America and the restoration of stability in the region. We want to be able to offer the people of Central America an alternative to totalitarian and dictatorial leadership, as well as an alternative to further military conflict. Basic liberties and human rights only mean something if they can be exercized in peace.

The Contra war against the Sandinista regime in Nicaragua does not contribute to stability in Central America. It contributes to neither peace nor democracy.

A vote against this resolution is not a vote for communism. It is a vote against a military solution to the problems in Central America. It is a vote that rejects the administration's military priorities.

Later on, we will have an opportunity to offer the people of Nicaragua and Central America a peaceful alternative. A constructive policy in Central America means support for the Contadora process. And economic development aid that will solve the indigenous economic problems in Central America that lead to political instability.

I urge my colleagues to oppose this resolution.

Thank you.●

● Mr. BROWN of California. Mr. Chairman, it is time that the United States stopped trying to singlehandedly change the Government in Nicaragua through military intervention. We have learned from past experiences in Vietnam and elsewhere that this is not often a successful policy, and is one which requires tremendous American resources: a tremendous amount of money and an unacceptable loss of lives.

Aid to the Contras has been one of the most debated policies in Congress. We have thoroughly discussed the ill effects of our current policies, the "perceived" Communist threat of the Sandinista government to the United States, as well as the need for some form of pressure on the Sandinista government to improve its human rights record and to limit its power to extend revolution to other countries.

What we have learned from this debate is that the situation is not as black and white as the President portrays it. We have seen further that the President's military aid to the Contras has proved to be neither a popular, nor a very effective policy.

We have seen that military aid to the Contras has not accomplished our goals. Nor can we realistically expect a limited amount of military aid to be instrumental in the overthrow of the Sandinista government. Even if this somewhat dubious goal were achieved, what guarantee would we have that the new regime would be more democratic, that it would be more consistant with American interests, or even that it would hold the support of the Nicaraguan people?

Revolution is not new to Central America, nor will it go away through military force. The problems leading to political instability in Nicaragua, as well as in all of Central America, results mainly from poor living conditions. The area is plagued by unemployment, inflation, poverty, hunger, illiteracy, disease, and declining growth and investment. In order to find long-term solutions to regional and local unrest, we must address these sources of political instability as well.

Our military pressure on the Sandinistas, by supporting the Contras, simply justifies the militarization of Nicaragua and the oppressive measures taken by the Sandinista regime. The threat of the "Imperialistic Yankee" from the north gives the Sandinista leader Daniel Ortega a collosal enemy to rally his forces against, and helps him to generate popular support.

In addition, our unilateral military approach hurts U.S. credibility in the international community, especially when the legality of our policy is at best, questionable. Our policy of supporting the terrorist activities of the Contras underscores the international perception of the United States as an aggressive bully pursuing its own in-

terests rather than that of a nation pursuing peaceful world coexistence.

Mr. Chairman, instead of continuing the battle over an unacceptable policy, I feel it is time to develop a better approach. President Reagan maintains that we must overthrow the Sandinista government because it is a threat to its neighbors in Central America. But the United States can no longer play the role of the big brother to all countries. Battling our own huge Federal deficit, we do not have the economic resources to undertake such a protective role on our own, nor do we have the ability to individually impose our will upon others.

If the Sandinista government is indeed considered a threat by neighboring countries in Central America, then it is the Central American community which should put pressure on Nicaragua, not just the United States.

If there is not support and participation by the countries which we are claiming to protect, then we are not acting like the big brother the United States prides herself on being, we are acting like the local big bully. This unilateral military dominated approach simply undermines the U.S. position in Nicaragua.

Mr. Chairman, it is time that the United States stop trying to solve the world's problems on her own and begin to recognize the ability and the clout that lies in international cooperation. In Central America, we should be encouraging multilateral approaches to resolving conflicts. A multilateral approach would promote world support and engender an international consensus.

We can begin by supporting and adhering to international agreements such as the OAS. This include following the provisions in this agreement ourselves.

We can support the efforts of the Contadora group, which is made up of the countries which are supposedly threatened.

We can require that any efforts to influence the actions of Nicaragua be supported and participated in by the Central American countries whose security is ostensibly threatened. If the decision is made that military intervention is warranted, then that should be made by the neighboring countries as a whole, and participated in by these countries.

There are several forms of "peer" pressure Central American countries can place on Nicaragua. These measures would include both "carrot and stick" approaches involving diplomatic, trade, and technology transfer, and border-related incentives and disincentives.

Mr. Chairman, the United States need not be out on a limb by herself in Nicaragua. I appeal to my colleagues on both sides of the aisle to vote against and put aside the question of military aid, which has lost the support of the majority of the American people.

I am not asking us to turn our backs on Nicaragua. Instead, I am calling upon all Americans to look deeper into the dynamics of the Central American region, and to look for a more acceptable and effective U.S. policy. I am calling upon the United States to work with the countries in Central America and to support a multilateral approach to Nicaragua.

Finally, I ask that we learn from our failed policies in Nicaragua. I ask that we reassess our policy not only toward Nicaragua, but toward less developed countries [LDC's] in general. Military containment of communism simply has not worked in Third World countries. The problem which we are confronted with in Nicaragua today will be present in other countries tomorrow. We must develop a more intelligence, comprehensive approach in coping with insurgencies in LDC's. Countries in Central America, Africa, and the Middle East lack economic, political, and social infrastructures and institutions necessary for political stability. To improve United States and world security, we must explore alternatives which address the causes of instability as well as holds the support of the international community.

Mr. Chairman, Nicaragua is a good place to start.●

● Mr. FORD of Michigan. Mr. Chairman, I rise in support of House Joint Resolution 247, a resolution which would provide both humanitarian aid and strong support for regional peace negotiations in Central America.

The policy set forth in this resolution is to seek peace in Nicaragua and Central America through the Contadora process, while preventing the administration from continuing its covert war against Nicaragua through the Contras. This alternative lends support to regional peace efforts and gives diplomacy a chance to work while maintaining pressure on the Sandinistas to change policies that have destabilized the region.

Unlike House Joint Resolution 239, the Barnes resolution provides absolutely no funds for the Contras. Even the administration has admitted that there would be no effective controls on how the Contras used the funds, even if the President pledged that the funds would only be used for humantiarian purposes. Therefore, instead of funding the Contras and their war against Nicaragua, this resolution would place the United States on the side of the Contadora group of nations that have been working for 3 years toward a peaceful solution of the conflicts in Central America.

House Joint Resolution 247 would provide $10 million for refugee assistance in Central America, to be distributed only by the Red Cross or the United Nations refugee agency. This ensures that the Contras will not receive aid and prevents the distribution of aid by the Central Intelligence Agency, which has actively aided the Contras for years.

The Barnes resolution would also apply pressure to the Sandinista government by explicity stating that future congressional decisions on aid to the Contras, and in foreign aid to Nicaragua, will take into account the behavior of the Sandinistas. This approach makes clear congressional concern about the Sandinistas' excessively close links to Cuba and the Soviet Union, their violations of human rights and their attempts to abet unrest in the region.

President Reagan asserts that his plan of action must be followed to stem the spread of communism on our continent. I agree with him and the rest of the Nation that to sit back on our heels and watch Central America subverted to Communist influence would be a grave error in American foreign policy. However, aiding the Contras to attack Nicaragua is no way to assure political stability in the region.

Mr. Chairman, I strongly believe that if the administration was really interested in a peaceful settlement of its difference with Nicaragua, it would not be seeking funding for more war against that government, but would be supporting the efforts of the Contadora group which has produced several draft treaties on ending conflict in Central America.

I urge my colleagues to support the Barnes resolution, an alternative which serves U.S. peace and security interests in the region, and promotes political pluralism and the observance of human rights in Nicaragua.●

● Mr. CROCKETT. Mr. Chairman, once again we are faced with an ultimatum from President Reagan—bow to his will and send $14 million in aid to the Contras, our so-called brothers in Nicaragua, or we will contribute, Mr. Reagan says, to Nicaragua's becoming a Communist terrorist arsenal.

Once again we are asked to deny what we hear and see and read about the atrocities committed by these brothers of ours against civilians in Nicaragua; we are asked to ignore the serious efforts by the Contadora nations to bring a true peace to the region; and we are asked to forget the history lesson taught by Vietnam—that there is no way the CIA or the American military will get just a little involved in the affairs of another nation.

Members of this body are well aware of our involvement in Nicaragua, and how the United States has continually interfered in that nation's government. For more than a century, we have involved ourselves politically,

economically and militarily in the governing of that small nation.

Yet today we are asked to forget that history, and to continue along the path of imperialism by seeking to again impose our will on the Nicaraguan people and make their government "cry uncle."

In his attempts to convince Congress to go along with this plan, President Reagan has apparently decided that sleight-of-hand and mirrors will confuse the issues. First Congress was told that support for the Contras was necessary to intercept the flow of arms from Nicaragua to El Salvador. We soon found out that, in fact, no such flow existed, and that the Salvadoran rebels were getting arms from the very army they were fighting. Next Congress was told that the Contras were made up solely of disaffected peasants and farmers, and that they were led by former Sandinistas. We soon found out, in fact, the military leadership of the Contras was dominated by former Somoza national guardsmen. Congress was also told that the Contras were "the moral equivalent of our Founding Fathers," and that they were committed to democracy and human rights. We soon found out that, in fact, the Contras were terrorists, who attacked civilian populations and read CIA manuals that preach the art of assassination.

Now, in the last-ditch effort to garner support for his policy, the President has put forward the argument that the $14 million is a "bargaining chip" that the Contras must have to force the Nicaraguan Government to come to the peace table. If the Sandinistas will only accede within 60 days, the argument goes, to those talks, the $14 million will be used for the humanitarian purposes of food and health care. If they do not bargain with the terrorists, our aid can and will be used by the Contras for military purposes.

Despite these smokescreens of our real purposes in Nicaragua, it is clear that the intention of the Reagan administration is nothing short of toppling the Nicaraguan Government and replacing it with one more amenable to an imperialistic rightwing philosophy.

President Reagan says that he is concerned about the well-being of the Nicaraguan people, whom he claims are brutally repressed by the Sandinista government. Daniel Ortega, the democratically elected President of Nicaragua, has said publicly that if Mr. Reagan really wanted a restoration of political and civil rights and an end to the present state of emergency he need only stop the war. Clearly, human rights would be best served if resources now used to defend the country against terrorist attack could be made available for health care, education, and agriculture. It would seem that if Mr. Reagan were sincere about his concern for the Nicaraguan people, he would stop the aggression, and offer genuine support for the Contadora peace process.

The President has proposed a deal that gives the appearance of a commitment toward peaceful negotiations. In reality, the so-called peace proposal is a sleight of hand that would allow the administration to continue its doomed policy. What the administration does not want people to realize is that their humanitarian aid would allow the Contras to use all the money they now receive from private sources in the United States strictly for military purchases. In effect, nothing is changed, and the Contras can continue their destructive activities. The Sandinistas understood this, and were thus inclined to reject the administration's proposal, as we should.

Congress must hand the administration a new agenda in Nicaragua—one that precludes violence and aggression, and delivers a chance for peace. Let us take a lead in helping the Nicaraguan people build a life for themselves, unencumbered by the perpetual threat of an invasion. Let us work with other countries of the region, as they have asked, to begin demilitarizing the region. Let us return with a clear conscience to the framework of international law. And let us use our creativity to explore more peaceful alternatives to the present policy.●

● Mr. TRAFICANT. Mr. Chairman, it was my honor to recently travel to Nicaragua as part of a group sponsored by the Commission on United States-Central American Relations.

The Commission on United States-Central American Relations is a nongovernmental organization dedicated to improving the climate of the hemispheric relations by employing alternative U.S. policies in Central America. This commission has issued a statement concerning the Contra aid vote and its belief that the Contra Program imperils U.S. national security interests by undermining democratic institutions throughout Central America, especially in Honduras, Costa Rica, and Nicaragua.

I believe that it would be very beneficial for all of my colleagues to review this issue statement prior to casting their vote today. Thank you.

COMMISSION STATEMENT OPPOSING AID TO THE CONTRAS

Since its inception in 1982, the Commission on U.S.-Central American Relations, an association of citizens concerned about the direction of U.S. policy in Central America, has been deeply disturbed by the role of our government in financing, directing and otherwise aiding the guerrilla army (or "contras") fighting to overthrow the Nicaraguan government.

In April of 1983 the Commission sponsored a fact-finding delegation to Honduras and Nicaragua to investigate U.S. covert activities in the region. This group consisted of experienced and objective observers, including two current members of Congress, Reps. Berkley Bedell and Robert Torricelli. The Reagan administration was then describing the covert operation as an effort to interdict arms allegedly being supplied by the government of Nicaragua to the Salvadoran insurgents.

In a public statement released upon their return to the United States, this group concluded that "there is no doubt that our government is deeply involved in covert activities aimed at overthrowing the government of Nicaragua" and that "no convincing evidence was presented to us that significant men or materials were being sent by the Nicaraguan government to El Salvador or other countries in the area." This latter judgement was corroborated by the U.S. Embassy in Managua.

Since then the secret war against Nicaragua has grown in scope. The Reagan administration's justification for its continued support has grown increasingly broad, leading to a seemingly open-ended commitment to aid the contra army in the overthrow of Nicaragua's government. In response to a series of alarming revelations concerning CIA operations in Honduras and Nicaragua (mining of harbors, the CIA manual, contra atrocities against civilians), Congress has increasingly asserted its authority to terminate what Rep. Hamilton has termed an illegal, immoral and ineffective program.

We join with the majority of the American people and Members of Congress in condemning all U.S. efforts designed to aid the overthrow of Nicaragua's government. These actions violate the will of Congress and constitute a direct violation of Article 18 of the OAS Charter to which our nation is solemnly committed. The U.S. government's attempts to avoid Nicaragua's complaint in the International Court of Justice serve only to flout our government's violations of international law before the court of world opinion.

But above and beyond the legal aspects of this issue, we deplore these actions because they violate the moral principles of the American people. We are not a nation that condones the murder and torture of innocent civilians, which have become a common feature of the contra war that our taxes are financing. Recent press accounts provide chilling evidence that the contra war is exacting an extremely high toll in lives and suffering among the people of Nicaragua.

Further, we strongly believe that this intervention does not serve the cause of building democracy and increasing economic well-being for the people of Central America, which are the stated goals of U.S. policy. Our intervention:

Is not geared toward achieving its stated purposes of interdicting arms or pressuring the Nicaraguan government to further liberalize its internal political process.

Encourages the Nicaraguan government's reliance on Soviet Bloc economic and military assistance.

Alienates the Nicaraguan population, the majority of whom bitterly oppose our support for the contras and resent the hardships imposed by our policies.

Confirms the concerns of our Latin American allies that the U.S. is returning to its historical pattern of unilateral intervention in the internal affairs of Latin America and Caribbean nations.

Extends and regionalizes the Central American conflict by fomenting confrontation between Nicaragua and her neighbors,

which have been used as forward bases from which the contra army launches attacks.

Inflames the regional conflict by extending superpower confrontation into Central America.

Threatens the future of democracy in Honduras by strengthening military and extra-legal means of policy execution, thereby undermining democratic institutions.

Imperils Costa Rica's traditional neutrality as the Reagan administration seeks to enlist that country in the destabilization of Nicaragua.

The Commission on U.S.-Central American Relations reiterates its strong support for the use of diplomatic means to resolve regional conflicts in Central America. We regret that our government has suspended bilateral talks with the Nicaraguan government, which held the potential of reducing tensions and obtaining verifiable security guarantees of mutual interest for both nations.

The contra program is fundamentally incompatible with the long term national interests of our government and those of our allies in Latin America. We thus urge the Congress to reject a resumption of contra aid, and to exercise its oversight responsibilities to assure an end to all forms of U.S. funding for the contras, whether overt, covert, direct or indirect through third parties.

PARTIAL LIST OF SIGNERS*

Harold Berry, president, Berry Enterprises.
Dick Clark, former U.S. Senator, Iowa.
Frances Tarlton Farenthold, attorney.
Edward Feighan, U.S. Representative, Ohio.
Floyd K. Haskell, former U.S. Senator, Colorado.
Mary King, executive director, Young Ideas, Inc.
John McCarthy, Auxiliary Bishop, Diocese of Galveston-Houston.
Rt. Rev. H. Coleman McGehee Jr., Episcopal Bishop of Michigan.
Arthur Schlesinger Jr., City University of New York.
Wayne Smith, Johns Hopkins School of Advanced International Studies.
Donald Stone, Carnegie-Mellon University.
Paul H. Strege, Association of Evangelical Lutheran Churches.
Robert Torricelli, U.S. Representative, New Jersey.
Robert E. White, former Ambassador to El Salvador.
Rev. William Wipfler, National Council of the Churches of Christ.
Lt. Col. John Buchanan, USMC, ret.
John De Mars, National Education Association.
Mike Farrell, actor and writer.
Dr. Richard Feinberg, economist and author.
Terry Karl, Harvard University, Center for International Affairs.
Sr. Barbara Kraemer, vice president, School Sisters of St. Francis.
Cynthia McClintock, George Washington University.
Augustus Nasmith Jr., National Academy of Sciences.
Jack Sheinkman, Amalgamated Clothing & Textile Workers Union.
Don Stillman, Union Auto Workers.
I.F. Stone, journalist.
Marge Tabankin, former director, VISTA.
John Tunney, former U.S. Senator, California.
Murat Williams, former Ambassador to El Salvador.

*Organization listed for identification purposes only.●

● Mr. FEIGHAN. Mr. Chairman, I am baffled and disturbed by the debate over providing aid to the Contras in Nicaragua. I am baffled because the word humanitarian, thrown into this equation by an administration bent on passing some kind of aid to the Contras, has succeeded in shifting our focus dramatically; and I am disturbed most of all because if we accept the concept of humanitarian assistance to the Contras—whether for 60 days or for 1 year, we give the President his victory—albeit watered down some—on the policy in Nicaragua. This should not be.

The central question is whether or not the United States should be supporting the Contra forces with aid. I think not. And, from what I have seen and heard over the past several weeks, I think most of my colleagues in this body think not. Is our support for the Contras any less real if we call the funds humanitarian? Of course not. Humanitarian aid is support money that has traditionally gone to feed, clothe, and sometimes house or provide medical supplies for a people in need. When we provide food, clothing and medical supplies to armies, it is called military support, not humanitarian aid. To borrow from Gertrude Stein, aid to the Contras is aid to the Contras is aid to the Contras.

If the President is committed to peace in Nicaragua, and not simply to the removal of the Sandinistas, why has he consistently rejected the Contadora initiatives? Time and again, we offer rhetorical support of that process, yet continue to fund those who seek a military solution. Why have we rejected the World Court's jurisdiction when we are the torchbearers of justice? Why have we actively mined harbors and taught terrorist tactics when we decry those actions by others around the world? Mr. Speaker, I believe the administration cannot support a real peace initiative in Nicaragua because its bottom line is not peace and self-determination. This administration wants an end to the Sandinista government, and it will change the wrapping on that package as often as is necessary to achieve that goal.

But it is simply not enough to change the wrapping. The question of U.S. support for the Contras has been and remains a fundamental choice of how best to move toward peace in that country. Let us at least be clear on that point: No matter how one feels toward the Sandinistas, no matter how strongly one feels about communism—and I share my colleagues' abhorrence of that oppressive system—our goal in Nicaragua is peace for the people of that country, and the freedom to enjoy it. Overthrowing the Sandinistas is not a plan for peace.

This administration has never put forward a peace plan for the people of Nicaragua. They have simply advocated a more and more sophisticated and costly and deadly war. We have not destroyed communism in Nicaragua; we have helped to destroy a struggling economy, we have helped destroy innocent lives, and we are on the verge of destroying those people's faith in the United States as the moral kingpin of the world.

It is our responsibility here in Congress, as the Representatives of an overwhelming number of Americans who have been flooding our offices with pleas not to continue any support of the Contras, to forge an alternative that does stand up for peace, that does throw the full weight of our democratic principles into action, that does send the signal to the people of Nicaragua that we support their quest for freedom. And what is the most promising vehicle for peace? Clearly, it is the Contadora process.

The Contadora nations, without significant backing from the United States—in fact with considerable negative reaction from us—have continued to try to address the major problems in the region, forging a peace initiative which calls for a loosening of the restrictive policies of the Sandinistas, a withdrawal of foreign advisers, and a ban on military aid to rebel groups in other countries. Right now, the Contadora nations are trying to iron out the specifics of how to implement such moves fairly—concerns raised again by our administration.

Mr. President, I appeal to you to support the peaceful, democratic process that is the Contadora initiative. I challenge you to risk a trial of that program in place of your military campaign. The money that Congress is debating can be put to good use, but let us stop this charade of promoting democracy by funding terror. In Honduras, 20,000 Nicaraguan refugees live in squalid camps, desperate for food, for medicine, and for shelter. These are the refugees that President Reagan himself called "the innocents of the war—people without politics, people who * * * are both innocents and victims." We can help these people who have been forced from their country. And while we help them, we can help forge the foundations for peace in Nicaragua by providing the means to implement a peace. Mr. Chairman, that is a humanitarian proposal, and one that we can all support.

Tonight we have the opportunity to act as defenders of freedom. Tonight we have the opportunity to stand up for the American ideal of self-determination. Tonight we have the opportunity not only to stop what is so painfully wrong, but to take action finally on a program that is strategically, legally, and morally correct. As a still relatively new Member of this body, I retain the hope that we have the

strength and commitment to our ideals and our constituents to deliver an unequivocal "no" to an untenable military posture in Nicaragua. Let us start today to create a future for the people of Nicaragua, rather than destroying their past. We have the tools; I desperately hope that we also have the courage to use them wisely.●

● Mr. LOWERY of California. Mr. Chairman, on this day, Congress will decide what form, if any, aid to the democratic opposition in Nicaragua will take. This issue, more than any other in recent years, has garnered national and international attention amidst an unparalleled propaganda blitz of charge and countercharge.

At this time it is appropriate for the Congress to ask itself a simple question: Does the United States have any obligation to oppressed people suffering from a regime that denies them the basic freedoms and liberties that we Americans enjoy? Do we owe anything to individuals subjected to intransigent and oppressive regimes?

Some argue that we do have an obligation and that it extends the world over, regardless of where the subjected peoples reside. Others maintain that our Nation's responsibilities end at our borders—that activities outside this country are matters beyond our jurisdiction. Most of us, however, recognize that when our national security is at stake, the United States must move boldly to promote democracy and protect our vital interests.

Certain facts regarding the Sandinista rise to power provide insights as to the nature of their government. Prior to the ousting of Somoza, the Sandinistas and the other rebel forces pledged to the Organization of American States that Nicaragua would become a democratic and nonaligned government that supported open elections and a free press. On July 22, 1979, 3 days after the revolution, the first American shipment of food arrived in Nicaragua. During the first 18 months of the new government, the United States gave some $118 million in bilateral economic help, $24 million in emergency food, medical and reconstruction assistance, and endorsed $262 million in loans from multilateral lending institutions. This aid was advanced to help the fledgling government in Nicaragua attain a stable economy so fundamental to an orderly shift to a democratic and free society. Unfortunately, the Sandinista government reversed course to the radical left, ignoring their previous promises, while building a military force unmatched in the region.

In just over 5 years, the Sandinistas have realized an active duty force of approximately 62,000 persons, and a total force—including reserves and militia—that exceeds 119,000. The tank and armored personnel carrier inventory numbers 340; moreover, the addition of a radar air defense system and the Mi-24/HIND D, one of the world's most sophisticated attack helicopters, has further increased the military capability of the Sandinistas. It would be ludicrous to believe that this capability was achieved without Cuban and Soviet backing.

This unilateral military buildup has been totally out of proportion to the capabilities of Nicaragua's neighbors or to any possible foreign threat. In tanks and armored vehicles, Nicaragua surpasses all other countries of Central America combined. Costa Rica has no army per se, and relies on an essentially constabulary Civil Guard of 8,000. Honduras has a military of about 18,000—less than one-third the size of the Sandinistas' active duty forces. Clearly, the Sandinistas' buildup is consistent with any possible defensive needs of a country in that region, and it represents a powerful offensive threat to Nicaragua's neighbors.

Internally, the Sandinistas have taken steps to repress human rights and institute a police state. Both TV stations and two of three major newspapers are controlled by the Sandinistas. La Prensa, the only independent newspaper, still faces a high degree of censorship. In April 1984, the Nicaraguan bishops called for peace and national reconciliation. The Sandinistas responded by labeling the pastoral message the work of the CIA, arresting Father Pena for so-called counter-revolutionary activities, and then expelling 10 priests for allegedly violating Nicaraguan law.

Coinciding with this rise in repression has been an increase in opposition fighters seeking to direct Nicaragua toward democracy. Disillusioned by the succession of events, many opponents of General Somoza and supporters of the revolution have left the Sandinista government. The freedom fighters, or Contras, now number 15,000 and among them are former Sandinista junta members Alfonso Robelo, Arturo Cruz, and Eden Pastora.

Mr. Chairman, virtually every objective observer and my colleagues on both sides of the aisle recognize the unsavory nature of the Sandinista government. The President's proposal offers Nicaragua a credible chance for peace and self-determination while maintaining some form of pressure on the Sandinistas. The immediate precursor of the President's proposal was the Nicaraguan bishops' acceptance on March 22 of the mediation role proposed in the March 1 announcement by the internal and external democratic opposition. The opposition's call for church-sponsored dialog and a cease-fire was characterized as fair and promising by a wide spectrum of observers. The Sandinistas rejected the entire idea. Now President Reagan is asking them to reconsider and has asked us to help provide the incentive for success.

Let me remind my colleagues that the $14 million in aid is for humanitarian purposes and prohibits these funds from being used to purchase military or paramilitary materials as long as the cease-fire continues—presently designed to last until June 1, 1985.

This proposal is entirely fair and reasonable. The Sandinistas protest the war and here is an offer to stop it. How must they pay? Only by joining a process that points to the original goals of their own revolution. Think of it: An offer by the opposition to put down arms and to start about achieving the Sandinista's own early promises is dismissed as a hostile conspiracy. The hostility is clearly being instigated by the oppressive Sandinistas.

As Adolfo Calero stated so lucidly:

> We Nicaraguans see the main issue as internal—a struggle by Nicaraguans for self-determination, democracy and social justice. It is a struggle against other Nicaraguans and foreigners who * * * have imposed a tyranny on their fellow citizens with the help of the Soviet Union * * * We ask only for enough help so that we can have a reasonable, even chance in our fight for freedom.

As Members of Congress, and indeed, as American citizens, we do have a responsibility to oppressed peoples; especially to those in neighboring countries; especially to those in a country with direct access to the vital Caribbean shipping lanes; and especially to those subjected to a Soviet and Cuban supported regime openly hostile to the United States. I urge my colleagues to support the President's proposal and vote "yes" on House Joint Resolution 239.●

Mr. BROOMFIELD. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 63]

Ackerman	Bentley	Burton (CA)
Addabbo	Bereuter	Burton (IN)
Akaka	Berman	Bustamante
Alexander	Biaggi	Callahan
Anderson	Billirakis	Campbell
Andrews	Bliley	Carney
Annunzio	Boehlert	Carper
Anthony	Boland	Carr
Applegate	Boner (TN)	Chandler
Armey	Bonior (MI)	Chappie
Atkins	Borski	Cheney
AuCoin	Boucher	Clay
Barnard	Boulter	Clinger
Barnes	Boxer	Coats
Bartlett	Breaux	Cobey
Barton	Broomfield	Coble
Bateman	Brown (CA)	Coleman (TX)
Bates	Brown (CO)	Collins
Bedell	Broyhill	Combest
Beilenson	Bruce	Conte
Bennett	Bryant	Conyers

Cooper	Jacobs	Pickle
Coughlin	Jenkins	Porter
Courter	Johnson	Price
Craig	Jones (NC)	Quillen
Crane	Jones (OK)	Rahall
Dannemeyer	Jones (TN)	Rangel
Darden	Kanjorski	Ray
Daschle	Kaptur	Regula
Daub	Kasich	Reid
Davis	Kastenmeier	Richardson
de la Garza	Kemp	Ridge
DeLay	Kennelly	Rinaldo
Dellums	Kildee	Ritter
Derrick	Kleczka	Robinson
DeWine	Kolbe	Roe
Dickinson	Kolter	Roemer
DioGuardi	Kostmayer	Rogers
Dixon	Kramer	Rose
Donnelly	Lagomarsino	Rostenkowski
Dorgan (ND)	Lantos	Roth
Dornan (CA)	Leath (TX)	Roukema
Dowdy	Lehman (CA)	Rowland (CT)
Downey	Lehman (FL)	Rowland (GA)
Dreier	Levin (MI)	Roybal
Duncan	Levine (CA)	Rudd
Durbin	Lewis (CA)	Russo
Dymally	Lewis (FL)	Savage
Dyson	Lightfoot	Saxton
Early	Lipinski	Schaefer
Eckart (OH)	Livingston	Schneider
Edgar	Lloyd	Schroeder
Edwards (CA)	Loeffler	Schuette
Edwards (OK)	Long	Schulze
Emerson	Lott	Schumer
English	Lowery (CA)	Sensenbrenner
Erdreich	Lowry (WA)	Sharp
Evans (IA)	Lujan	Shaw
Evans (IL)	Luken	Shelby
Fawell	Lundine	Shumway
Feighan	Mack	Sikorski
Fiedler	MacKay	Siljander
Fields	Madigan	Sisisky
Fish	Manton	Skeen
Flippo	Markey	Skelton
Florio	Marlenee	Slattery
Foglietta	Martin (IL)	Slaughter
Foley	Martin (NY)	Smith (FL)
Ford (TN)	Martinez	Smith (IA)
Fowler	Matsui	Smith (NE)
Frank	Mavroules	Smith (NH)
Franklin	Mazzoli	Smith (NJ)
Frenzel	McCain	Smith, Denny
Gallo	McCollum	Smith, Robert
Gejdenson	McCurdy	Snowe
Gekas	McDade	Snyder
Gephardt	McEwen	Solomon
Gibbons	McGrath	Spence
Gingrich	McHugh	Spratt
Glickman	McKernan	St Germain
Gonzalez	McMillan	Staggers
Gordon	Meyers	Stallings
Gradison	Mica	Stangeland
Gray (IL)	Michel	Stenholm
Green	Mikulski	Stokes
Gregg	Miller (CA)	Strang
Grotberg	Miller (OH)	Stratton
Guarini	Miller (WA)	Studds
Gunderson	Mineta	Stump
Hall (OH)	Mitchell	Sundquist
Hall, Ralph	Moakley	Sweeney
Hall, Sam	Molinari	Swift
Hamilton	Mollohan	Swindall
Hammerschmidt	Monson	Synar
Hansen	Montgomery	Tallon
Hartnett	Moore	Tauke
Hatcher	Moorhead	Tauzin
Hawkins	Morrison (WA)	Taylor
Hayes	Mrazek	Thomas (CA)
Hefner	Murphy	Thomas (GA)
Heftel	Murtha	Torres
Hendon	Myers	Torricelli
Henry	Natcher	Towns
Hertel	Nielson	Traficant
Hiler	Nowak	Traxler
Hillis	O'Brien	Valentine
Holt	Oakar	Vento
Hopkins	Oberstar	Visclosky
Horton	Obey	Volkmer
Howard	Olin	Vucanovich
Hoyer	Owens	Walker
Hubbard	Packard	Watkins
Huckaby	Parris	Weber
Hughes	Pease	Weiss
Hunter	Penny	Wheat
Hyde	Perkins	Whitehurst
Ireland	Petri	Whitley
Whittaker	Wolpe	Yatron
Wirth	Wortley	Young (AK)
Wise	Wyden	Young (FL)
Wolf	Yates	Zschau

□ 2040

The CHAIRMAN. Three hundred sixty-three Members have answered to their names, a quorum is present, and the Committee will resume its business.

The Chair recognizes the gentleman from New York [Mr. ADDABBO].

Mr. ADDABBO. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Chairman, 136 years ago, a first-term Congressman stood up in this Chamber and suggested the United States had become enmeshed in a war in Latin America—a war that had in his judgment been "unnecessarily and unconstitutionally commenced" by an American President.

That Congressman was Abraham Lincoln. He didn't win many elections in his life—partly because he was so uncompromising on issues where morality and legality intertwined.

As a Member of Congress I recognize that in foreign affairs the benefit of the doubt should be given to the President; as a Republican I believe it should be given to the leader of my party. But the issue before us today should not primarily be considered in a partisan context; nor as reflective simply of philosophical differences between Members of this body and the Executive. Fundamentally, the issue at stake is the constitutional process and the role of law, domestic as well as international.

Today, Congress faces an awkward and largely unprecedented dilemma. In the case of Vietnam, Congress abdicated to executive discretion both in the appropriations process and in the Tonkin Gulf Resolution. But in the case of Nicaragua, Congress passed a resolution, which with Presidential signature became the law of the land, specifically proscribing U.S. efforts to overthrow that government.

Now Congress is faced with the problem of responsibility. Once the executive, against congressional will, has armed and equipped rebel forces to inflict chaos in Nicaragua, is Congress obligated to continue assisting them? If it refuses, will it validly be accused of undercutting the word of the President and leaving courageous freedom fighters in an indefensible breach?

It is the view of this Member that our intervention in Nicaragua lacks a constitutional imprimatur because it lacks legislative sanction. Nevertheless, we have an American responsibility for events that our Government has precipitated.

What then should be done? In the first instance, it is imperative not to allow the decisionmaking process within the executive to force congressional complicity with dubious policy. Congress should not be railroaded by events. Neither can Congress deny responsibility for the effects of executive actions. A fine line must be walked between refusing to endorse the single-minded policy of one branch of government and the collective responsibility we must all assume for U.S.-initiated policies.

Under the circumstances it would seem that the most reasonable and compassionate approach is for Congress to authorize a significant upgrading of humanitarian assistance to all refugees in the region, regardless of the side they may have chosen in the conflict, and to funnel this assistance through the International Committee of the Red Cross and the U.N. High Commissioner for Refugees to ensure that such assistance is not provided in such a way as to assist military units preparing for armed struggle.

The debate this evening pits those who seek to have the United States identified with interventionist policies against those who would prefer a more pristine legal neutrality. In this regard, it is my belief that every Member of this body, whether or not supportive of the notion that covert action against Nicaragua may be efficacious, should be morally incensed that the law of the land which we ourselves crafted and the law of nations as reflected in treaties and covenants to which our country is party have been so cavalierly disregarded.

Not only has U.S.-supported covert action against Nicaragua strayed beyond the bounds of U.S. law—the Boland amendment—it has struck a damaging blow to world order. International law, we are obligated to recall, explicitly prohibits the overt or covert destabilization of existing governments of whatever political stripe. Article 2.4 of the United Nations Charter states that:

> All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state . . .

In 1970, the U.N. General Assembly adopted by consensus the "Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations." That declaration includes in its authoritative elaboration of the general principles contained in the U.N. Charter the following:

> . . . No State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State.

Article 18 of the Charter of the Organization of American States [OAS] likewise states:

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State.

Not only does it prohibit such intervention by use of armed force, but by—

. . . Any other form of interference or attempted threat against the personality of the States or against its political, economic, and cultural elements.

The United States is a party to both of these international treaties.

Supporters of the administration's position respond to charges that U.S.-backed covert operations violate international law by arguing that these operations are undertaken for the ultimate purpose of self-defense. While there is little room for doubt that the governments of Nicaragua and Cuba are aiding the insurgents in El Salvador in their quest to overthrow the Government of that country, any right to self-defense belongs logically to the Government of El Salvador. For the United States to act in the place of El Salvador in the exercise of any right of self-defense, if such an act of becoming an alter ego in itself would be consistent with international law and the exercise of natural sovereign rights, would probably have to be at the specific and formalized request of the Government of El Salvador, and the United States could not undertake that right to any greater degree than El Salvador could. That nation would not necessarily have the right to organize and train troops in Honduras and then assist them in Nicaragua, directly or indirectly, to disrupt that political system solely as a rectifying action to prevent arms from reaching insurgents within its own borders. Under the circumstances, that kind of response might well be considered a disproportional response. It would itself probably be classified as an unlawful act.

If we were to accept the administration's thesis that our covert actions are justified by Nicaragua's support for the guerrillas in El Salvador, will we then be forced to accept, under the same rationale, future administration actions to destabilize the Cuban and/or Soviet Government for their part in aiding those rebels?

If proponents of the covert action are not arguing some vaguely defined principle of individual self-defense where the United States is concerned, but are arguing instead the principle of collective self-defense, does that right include the right to commit the prohibited acts cited earlier under the U.N. and OAS Charters? Further, if the right to collective self-defense is being asserted, why have the procedures under the Rio Treaty and the U.N. Charter not been followed?

It is important for those who would raise the argument of the principle of individual or collective self-defense under international law to review the conditions set forth in international law which are to be a guide to the exercise of that right. One of the most often cited legal references authorizing acts of self-defense is article 51 of the U.N. Charter which states that:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations . . .

However, the remainder of article 51, which many fail to cite in full, adds.

. . . until the Security Council has taken measures necessary to maintain international peace and security.

Article 51 goes on to mandate:

Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council . . .

If, as some argue, the covert operations against Nicaragua are legal under this article, then the remaining obligations under that article ought to be equally honored and the covert action reported to the Security Council. This has not occurred. In fact, it is Nicaragua, not the United States, which proposes Security Council intervention in this issue.

Under the OAS Charter, there are similar rights and obligations. Article 21 states that:

The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense . . .

Articles 23 and 24 further mandate that all disputes arising between states in this hemisphere are to be submitted to peaceful procedures including direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and other means. In the event of an act of aggression committed against a state of the OAS, it is to be considered an act against all members. Such acts, it is important to note, are not limited to "armed attack" but may include any act of aggression short of armed attack, extracontinental conflicts, conflicts between two or more American states, or "any other fact or situation that might endanger the peace of America."

In the event a state is confronted with such aggression, a number of steps are to be taken under the Inter-American Treaty of Reciprocal Assistance of 1947 [Rio Treaty], to which the United States is a party. First, article 3 of the Rio Treaty provides that in instances of armed attack against a treaty party, all other parties may determine the measures they will take at the request of the victim to fulfill their obligation to "assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations." Furthermore, the Organ of Consultation, consisting of the Foreign Ministers of the states party to the treaty, is to meet immediately to examine the measures which have already been taken and to agree upon collective measures to be taken.

To date, Nicaragua has not yet undertaken a direct, armed attack on any of its neighbors although the capacity and opportunity to do so are certainly obvious. Were it to engage in such an action, however, any state which is the victim of that attack could call on other parties to the treaty, including the United States, to respond to that action and the Organ of Consultation could be convened immediately to determine what collective measures would be taken. Short of a direct armed attack, however, provisions in both the Rio Treaty and OAS Charter recognize that there may be other forms of aggression which may violate the integrity of the territory or the sovereignty or political independence of another state and thus endanger the peace of this hemisphere. In such cases, article 6 of the Rio Treaty states that:

. . . The Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or . . . the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent.

If two or more American states are engaged in conflict, the parties to the Rio Treaty are to call upon the countries involved to cease hostilities and restore matters to the status quo ante bellum. In addition, the parties to the Rio Treaty may take other measures necessary to reach a peaceful resolution of the dispute. Whether a state accepts such peaceful measures is critical in identifying who the aggressor is and in applying the agreed upon measures.

Article 8 of the Rio Treaty outlines the measures which the Organ of Consultation may decide to take under the treaty. Those actions include:

. . . Recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, and radiotelephonic or radio telegraphic communications; and use of armed force.

If it is the informed judgment of the United States Government that the actions of the Nicaraguan Government pose a threat to the peace and security of this hemisphere and endanger the sovereignty and independence of neighboring states, we have a legal obligation to abide by our treaty commitments to take such matters before other parties to the OAS Charter and the 1947 Rio Treaty. The United States is not justified under

any reasonable interpretation of contemporary international law to conduct a covert war to topple a government with which it maintains formal diplomatic relations. The principle of tit-for-tatism—that is, our illegal acts are justified by similar illegal acts of others—by which the administration is operating is neither good government nor a legally sanctioned rationalization for political behavior. In fact, article 14 of the OAS Charter explicitly warns against such behavior:

The right of each State to protect itself and to live its own life does not authorize it to commit unjust acts against another State.

The policy of symmetry—tit-for-tatism—thus has the effect not only of lowering us into the gutter of our enemies but of driving a stake right into the heart of international law.

Article 60 of the Vienna Convention of the Law of Treaties has been cited by some as providing a legal remedy authorizing reciprocal approaches to international law. Yet clearly this extraordinary article was designed to be a shield and not a sword. It does not provide an excuse for the commission of a mutual breach of international law or condone an action which would otherwise be in violation of any treaty. The so-called wronged party is still bound by its treaty commitments to other treaty parties as well as to the international community.

If, as publicly reported, the new legal rationale for U.S. involvement in Nicaragua is not merely to interdict arms but to pressure and disrupt that Government, then in effect the United States is violating the same international legal principles that we assert we seek to uphold. Our attempt, directly or indirectly, to affect a change in the political elements within Nicaragua would be tantamount to an unlawful intervention in that nation. Two violations of law do not make a legal right.

We all recognize that in international politics there are often imperfect alternatives, involving "no win" options. This could not be truer of the situation with which we are confronted today. But the key issue before this body is not whether a particular policy is effective, which is in serious doubt, but whether this body will demand of the executive branch an accounting for its actions under the laws of the United States which it has a constitutional duty to faithfully execute. No branch of government is above the law.

Congress is faced today with difficult choices under difficult circumstances. However, it would appear wiser to err on the side of respect for the rule of law rather than on the side of those who may pay lipservice to democracy but whose actions demonstrate a willingness to flaunt the law and to finance anarchy in foreign countries. Congress simply should not give the administration license to compound errors already made.

In this regard, administration logic has an ominously familiar ring. A phenomenon which might be described as a "domino theory of decisionmaking" confronts us today as it did not long ago in another war half a world away. One bad decision had been followed by still others, leading this Nation down the long tunnel of a counterproductive foreign entanglement. Under Presidents Kennedy, Johnson, and Nixon, the commitment of a small number of troops in Vietnam and the failed policies which followed led progressively to the commitment of greater numbers of troops and still other policies which failed to progressively greater degrees. We have an opportunity today to ensure against a repetition of that experience in Central America and to reverse the direction of U.S. policy in that region before it is too late.

While analogies to Vietnam are necessarily facile, there is one new dimension to American policy which is to some extent more ominous than that which applied to Indochina. This relates to recent administration efforts to privatize the conflict in Central America.

As a Republican, I feel compelled to note that the tradition of my party is one of constitutionalism, of law and order, of playing carefully by the rules, of not devolving too much authority to the Executive. Thus it is particularly upsetting to find a Republican administration appearing to encourage private citizens to involve themselves in the conflict in Nicaragua in violation of all traditional governmental norms of behavior.

Under vastly different geopolitical circumstances, Congress in 1794 passed the Neutrality Act to ensure that U.S. citizens did not engage in private actions abroad which could rebound to jeopardize general national security. The times may have changed, but the principle is still valid today. Citizens still carry with them an obligation not to, by their private acts, craft a foreign policy for an entire nation.

The Neutrality Act reflects the democratic premise that the United States should engage in warfare only with congressional approval. Presidential use of covert private armies undermines a view of warfare that was incorporated into the Constitution: War should be public rather than private; jointly sanctioned by the Executive and the legislature. Private actions that involve armed intervention undermine the democratic decisionmaking processes protected both by the Constitution and the Neutrality Act.

Respect for the law is at the heart of both our national tradition and the fluid contract between the Executive and legislative branches on foreign policy. But today private citizens, frustrated with the struggle between their elected representatives over Central American policy, have decided to take the law, and foreign policy, into their own hands. They have become international vigilantes, provisioners of posses accountable to no government. In so doing, they have become the international counterparts to New York's infamous subway celebrity, though the stakes for our national security are potentially much higher.

Apart from reflecting these important democratic and constitutional values, the Neutrality Act also reflects a crucial international norm. Despite the increase in violations, the prevention of covert military interventions remains an important part of the principle of territorial integrity affirmed by the United Nations and in numerous treaties to which the United States is a party. The duty of one nation to prohibit the initiation of hostile expeditions by persons within its territory against another nation has become an accepted principle of international law. It should not be thrown lightly to the winds.

The difficulty of the lack of state control over private expeditions is as clear today as it was in the 1800's. The Bay of Pigs operation demonstrated that exile groups are extremely difficult to control. Similarly, as in the Nicaraguan situation where a regional peacekeeping negotiation is underway under the leadership of the Contadora group, the use of private armies makes attempts to terminate hostilities extremely problematic. Troops under Presidential command, as was the case in Vietnam, are clearly preferable to private armies precisely because they are state led and politically accountable.

For decades there has been debate about whether the Untied States should play the role of policeman for the world, with some arguing that it is a chore for which we lack either a legal imprimatur or adequate resources to undertake. But a new dimension to this debate is implicit in the administration's privatization of the war in Latin America. The administration seems to be suggesting that not only will we play the role of world policeman, but rather than enforcing the law, the interventionist cops American citizens are encouraged to support are themselves above the law.

From a policy perspective, the administration is today in the ironic position of standing foursquarely in El Salvador against forces which are armed and financed from abroad who would shoot their way into power. In Nicaragua, on the other hand, it is standing with such forces; American citizens, following the precedent of

their Government, have become financiers of anarchy.

In embracing these tit-for-tat policies, we have lowered ourselves into the gutter with the violence-prone revolutionaries we so loudly condemn and in the process have undercut the moral imprimatur upon which U.S. policy in the region must be based. Subversion to halt subversion, terrorism to stop terrorism, is of dubious legal or moral validity. As profoundly, this state-sponsored terrorism appears not only to be counterproductive in the region, but of such a nature to spark a general breakdown in international order. The conduct of foreign affairs is always controversial, but seldom have both our ideals and our actions been so thoroughly at odds.

The history of the 20th century demonstrates that viable and deeply rooted indigenous democratic institutions cannot be easily built by outside military intervention. The historical analogies offered by the sorry debacle at the Bay of Pigs in 1961 and the CIA overthrow of the Arbenz regime in Guatemala in 1954 indicate both the likelihood of failure as well as the long-term counterproductive effects of any short-term successes. The era of great power interventionism in Central America policy may not have been entirely eclipsed on the clock of history, but practical considerations of national self-interest would seem to argue against continued U.S. support for the Contras in their secret war.

It is difficult to comprehend what practical benefit the administration believes it will gain by identifying with the ex-Somocistas who just 4 short years ago lost a massively popular revolution. It is not difficult to anticipate, however, the likely price the United States will pay in the future for such an association with allies of a despised dictator. The energies of nationalism, which too many confuse exclusively with the zeal of Marxism, are easily mobilized to the advantage of the Sandinista regime. Portraying the insurgents as agents of Yankee imperialism serves to consolidate the undeserved and unwarranted power of a few. It helps vindicate repressive internal policies and pro-Soviet and pro-Cuban external ones. Just as the Bay of Pigs operation helped consolidate Castro's brand of socialism, so Contra efforts, despite the courage implied, are likely in the final measure to prove counterproductive.

There is an apocryphal story that dated back to the Kennedy administration that deserves attention today. The story has it that in the Israeli Knesset a member suggested that Israel's economic policies could be righted simply by declaring war on the United States. After 2 days of conflict, he conjectured, the white flag could be raised and Israel would immediately become entitled to massive foreign aid. In rebuttal, a colleague then inquired: What if we win?

The point of the story is that even if one presumes a Contra victory—which few strategic analysts suggest is likely—the aftereffects would almost certainly include a continued bloody civil war and the transformation of a small pacific country into a violence-ridden republic. What moral right do we have to impose such a future on the people of Nicaragua and potentially as well on her neighboring states? Can we be confident that the objectives we and so many concerned citizens of Nicaragua wish to achieve are not more likely to be obtained under conditions of peace rather than war?

As a visitor to the Nicaraguan border 2 years ago, I can attest to the effect which the paramilitary operations are having on innocent civilians, victimized by the violence spawned by the military mobilization of the Contras. Priests in the region tell visitors of the kidnapings and frequent killings. The inescapable and ugly reality is that the poverty-stricken masses of rural Nicaragua are being treated as pawns in an East-West conflict they hardly understand. If, as the administration argues, it is not supporting the violent overthrow of the Sandinista government, one can only conclude that much of the violence this Congress is financing is violence without a purpose. The United States has become a rebel without a cause.

The most fundamental issues of world politics are, in the first instance, how we contain and constrain weapons of mass destruction and, in the second, how we can best advance the rule of law. To refuse to submit disputes to the World Court and abide by arbitration decisions of that body is to deny our heritage.

It is difficult not to conclude that our foreign policy is becoming increasingly, elitist, if not authoritarian. A bipartisan foreign policy can only be established with bi-institutional sanction. On trial in this country at this time is not only a particular policy but the Constitution itself.

Two and a half millenia ago in a chronicle of the Peloponnesian War, Thucydides recorded how the Athenian assembly voted to send by ship a force to conquer the island of Melos whose people declared they wanted to remain neutral in the great struggle of the Greek age. The day after the fleet was ordered to sail, the assembly reconsidered and a vessel was ordered to convey new orders of restraint. Melos received a reprieve.

Thirty years later the same issue was revisited. This time the order was not reconsidered and Athenian forces landed on Melos, killing the males and enslaving the females of the island.

Thucydides' account was intended to portray the flowering and then the decay of Athenian democracy. Today America stands as the Athens of our time; the Soviet Union, an ideologically more rigid Sparta. The question we must ask ourselves, as our democratic forefathers did 2,500 years ago, is whether it is possible to respect the right of a small country to self-determination even if it implies living with a government in our region which articulates a philosophy repugnant to our own?

It would be the hope of this Member that in a world far more complex than that confronted by prenuclear and pregunpowder Athenians that our ships will be recalled, that Periclean democracy can be revisited in these halls in this century.

What this country lacks at this time is not just a sense of the importance of law, of playing by the rules of the game, but a sense of history. Nicaragua, after all, is less strategically consequential to the United States than Melos was to Athens. The Constitution is more important than the President; the rule of law more valuable than any short-term military victory that might be achieved in a small Central American republic.

A constitutional crisis has been precipitated. Let's resolve it in a manner consistent with our heritage and support humanitarian rather than military aid in the region.

□ 2050

Mr. ADDABBO. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. JONES].

Mr. JONES of Oklahoma. Mr. Chairman, this issue of Nicaragua is so difficult because there are no clear-cut solutions. I became involved in this issue for two reasons. No. 1, I truly believe that our major foreign policy opportunities and threats in the near future lie in Mexico and in Central America.

No. 2, 3 weeks ago I headed a delegation of U.S. observers looking at the election in El Salvador. In that country, democratic institutions are in fact growing. They are actually beginning to work and to take hold. Our policies in Nicaragua are not that clear cut. When we returned from El Salvador, I thought about this week's debate and the option was that we would either spend $14 million in military assistance to the Nicaraguan Contras or we would do nothing and walk away. Neither one of those options were acceptable to me.

For myself and a number of other moderates in both parties, we felt a middle course was in order. That is when we set about under the leadership of the gentleman from Indiana [Mr. HAMILTON] and the gentleman from Maryland [Mr. BARNES] to work out a middle-course alternative, an alternative that denied military assistance for the rest of this fiscal year, an alternative that primarily gave hu-

manitarian assistance, administered through the Red Cross and the U.N. High Commissioner for Refugees.

We had two goals in mind. No. 1, to have an immediate cease-fire as quickly as possible.

No. 2, to get all the warring factions to reenter a dialog and to get them back to a conference table. To achieve those twin goals, we felt it was necessary to have a series of incentives and disincentives and to set forth some measurement so that the Congress and the President could let the American people know whether progress was being made toward peace and democracy.

I have had some experience in another administration in trying to build support for policies using a military option, that in Vietnam. One thing is certain. They cannot be successful. A military option cannot be successful without the support of the American people and the American people do not suport the military use of pressure in Nicaragua today. So we have to let the American people know how progress and if progress is being made.

The incentives are that Congress will revisit this question under the Hamilton alternative and if progress is being made toward peace and toward democracy in Nicaragua, we will consider as additional assistance, economic assistance to build that country, agricultural assistance, technical assistance, Peace Corps, and the like and if progress is not made the President will report in the new fiscal year to the Congress on the same fast-track procedure that we are dealing with today and this whole question of aid will be revisited.

Now, let there be no mistake. We do not support, we flatly oppose the Sandinista government's repression of freedoms, its military ties with Cuba and the Soviet Union, and its export of war to its neighbors.

In the Hamilton alternative, these measurements of progress away from these things we oppose and toward peace and democracy are clearly set forth so that when we visit this question again we will be able to determine with some accuracy whether or not the incentives or the disincentives ought to be used.

Lastly, our colleague in the other body, the senior Senator from Georgia, made a speech in which he said we must change our policy toward Nicaragua. We must change, make a change that will move diplomatic pressure for peace to the front burner and move military pressure to the back burner, but keep both on the stove. That essentially is what we are attempting to do through this middle course, to give diplomatic pressure an opportunity to work toward peace, toward lasting friendship between the people of Nicaragua and the United States.

□ 2100

I believe we have a great opportunity there and we can be successful if the United States will present a set of policies that are viewed in Nicaragua and throughout Central America as a promoter of peace and not a purveyor of war.

I urge support for the Hamilton alternative.

The CHAIRMAN. The Chair announces to the gentleman from New York [Mr. ADDABBO] that he has 20 minutes left and the gentleman from Michigan [Mr. BROOMFIELD] has 21½ minutes left.

Mr. BROOMFIELD. Mr. Chairman, at this time it is my pleasure to yield 7 minutes to the distinguished gentleman from Arizona [Mr. MCCAIN].

Mr. PARRIS. Mr. Chairman, will the gentleman yield?

Mr. MCCAIN. I yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Chairman, 23 years ago President Kennedy felt so strongly about the threat of Soviet military intrusion in the Western Hemisphere that he took this Nation to the very brink of war. President Kennedy blockaded Cuba, and turned away Soviet ships carrying missiles to a Cuban base just 90 miles from the Florida coast.

I applauded that action then, and today I rise to ask this Congress to support President Reagan's strong position to again guard against an invidious Soviet presence in Nicaragua.

The National Bipartisan Commission on Central America clearly showed us that Cuba and the Soviet Union are exploiting the economic and social injustices which have faced this region for decades. This is the same type of collaboration which brought Marxists to power in Angola in 1975, and to Ethiopia in 1977.

The Sandinista's successful opposition to Somoza focused on repression of the press, lack of fair elections, the repression and murder of political opponents, and the political uses of the Nicaraguan Army. As we now approach the sixth anniversary of the Sandinista takeover of Nicaragua, the opponents of the Sandinista dictatorship focus their complaints on the same repressions that the Sandinistas pledged to resolve by their overthrow of Somoza.

In 1979 the Sandinistas were praised for liberating the Nicaraguan people from a repressive regime, but during the last 6 years we have watched the Sandinistas systematically reject the ideology which brought them their original populist support. Censorship of the press, imprisonment, and murder of political opponents, an unprecedented buildup of the Sandinista army, and the meaningless elections held last year prove that the Sandinistas are rapidly gaining totalitarian control over the people of Nicaragua.

The Soviet Union has given the Sandinista army one-half a billion dollars in military hardware in the last 5 years to support this repressive regime. Today we are being asked to release $14 million in aid already appropriated for the Contras.

I submit that this is a ridiculously low price to pay to close the Soviet door to the Western Hemisphere which was propped open by the Sandinistas in 1979. It is therefore my intention to support this resolution which is clearly beneficial to the national defense of this Nation and therefore consistent with our best interests.

Mr. MCCAIN. Mr. Chairman, four times today during debate which I have observed most of the day, a good and honorable military officer, General Gorman, was quoted by those who were opposing the resolution before us by stating that he said that $14 million would not have an impact on events in Nicaragua. We received a phone call from General Gorman. He greatly resents that distortion of his remarks and he says, and I quote:

> Adequately supporting the Nicaraguan resistance forces can indeed bring pressure to achieve changes for democracy that they seek. Without U.S. support the freedom movement in Nicaragua is doomed.

That is the full quote that I just received from Mr. Gorman. I think he and the rest of us would appreciate very much him not being quoted out of context in the course of this debate.

I am also very interested to hear the continuous lessons from Vietnam and Indochina that are usually quoted from this side. Though I do not agree with those lessons as they have been enunciated, I also feel that is well to view our activities and the vote we are about to take in light of those lessons.

One relevant lesson to this debate is that in the final analysis the people must wage their own war, must gain their own freedom and must be willing to fight to preserve that freedom. There is no better example of that than what has taken place in El Salvador. Under the leadership of Jose Napoleon Duarte the people of El Salvador, with our help, have installed a pluralistic and indeed free society.

Tonight and tomorrow we will decide whether to aid another group of people who are willing to undertake this struggle. Indeed, we are making a decision critical to the existence of the democratic forces within Nicaragua. Make no mistake about it, this decision will have an impact well beyond the boundaries of Nicaragua.

We are being watched by all of Central America and the Caribbean. We are being watched in Thailand and Pakistan and Japan and West Germany, and most of all we are being watched in Moscow and in Havana.

Many of my colleagues have asked why should we involve ourselves in

Nicaragua. They ask why do we fear an impoverished nation with an economy near collapse.

I believe they ask the wrong question. The question should be why not act to further the cause of freedom. The longer we delay the higher the cost.

Those who oppose personal freedoms, those who support the supremacy of the state over the individual, will only gain in strength and influence.

Last week in the Western Hemisphere Subcommittee hearings on Nicaragua I heard a number of individuals state that seriously we must give the Sandinistas more time, time to reform their behavior, time to fulfill the promises they made to the OAS and to their own people. And if the Sandinistas fail to reform, we can then contemplate serious actions against them.

There were two courses of action that I heard. One, trade embargo and economic sanctions. There is no time in history where trade embargoes and economic sanctions as instruments of foreign policy have been successfully used.

The other one, and greatly more alarming to me, by certain people who are much more liberal than I am, was that we can always impose a naval blockade such as we imposed on Cuba in 1962.

A showdown on the high seas between the Soviet Navy and our own naval forces is a degree of brinksmanship which I do not want and I do not believe anyone in this body seeks. That, my friends, is a policy that we cannot follow and we cannot reach that point.

If we do not provide the aid to the democratic forces that we are considering tonight, we are going to be faced with two situations: a Hobson's choice which I think is untenable. One, a Cuba on the mainland of Central America, which we will have to, of course, accommodate for all of the problems and the challenges that that provides us; or the direct involvement of U.S. military troops.

I do not like either option. I do not believe we should have to face those conditions.

While some of my colleagues agree with my statements, they do not find the so-called Contras worthy of our support. They decry the human rights situation, they talk of the instability that the Contras create in the neighboring countries.

While these are valid concerns, I am troubled by certain questions. Do we really believe that the end of the democratic forces within Nicaragua and the consolidation of the Marxist Sandinista regime will improve the human rights situation? Do we really believe that the end of the Contras will result in more stability and less insurgency in El Salvador, Honduras, or Costa Rica? What evidence exists in the annals of history to support an affirmative answer to those questions?

Here I believe our experience in Indochina is illuminating. Many claim if we only end our military aid to the region and its corrupt governments, the result would be peace and a prosperous future.

One and one-half million Vietnamese have fled, 3 million Cambodians never had the chance to flee, and the suffering goes on. To these people, talk of human rights is nothing but a cruel joke.

Finally, there are still others in Congress who believe that the Contras deserve a form of assistance but it should be channeled through some international group known for its benevolence or opposition to force such as the Hamilton amendment.

Whatever the noble intention of these proposals, the result is the same. The democratic forces will eventually cease to exist. They will become the boat people of Central America, fleeing to other countries including the United States seeking refuge. They will lose their ability to effect any positive change. Their hopes of a pluralistic society, freedom of the press and religion, will become nothing more than a distant vision.

Mr. Chairman, I find it very regrettable that this issue has become so highly partisan, that opposition to the President's Central American policy has become a litmus test for many Members of this body. For many reasons, the American people turned their backs on Vietnam, and those who were responsible for our failure were not held accountable. This time the American people will not be able to turn their backs on American policy failure. The blame will rest with those whose action causes failure.

In the last analysis we must all live with the decisions we make and our failure to properly influence events. However, it is our children who will endure the consequences of these actions.

I urge this body to support a policy which will sustain pressure on both the Sandinistas and the Contras, call for a cease-fire, mediation, the remaining of President Ortega in place, and bring this unhappy tragedy and unhappy chapter to a rapid and peaceful solution.

Mr. ADDABBO. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, in the years I have served in the Congress, rarely have I encountered an issue which so divides us. In recent months, we all have had the opportunity to meet with leaders of the military and political opposition to the Sandinistas, Nicaraguan businessmen and exiles, as well as Sandinista leaders. We have had ample opportunity to be briefed by our State Department and intelligence sources. The American people are also divided. On one hand are those who view current policy as inconsistent with our traditions and our mission of encouraging a more just and stable world. On the other hand are those who view our support for the Contras as a necessary countermove to Soviet and Cuban infiltration into Central America.

Mr. Chairman, essentially the Congress, by resolution at the conclusion of this debate, will express American policy in Central America, and particularly toward Nicaragua. The elements of such a policy expression, I submit: First, recognizes reality; second, advances U.S. self-interest in the stability and security of the region; and third, promotes Democratic institutions and self-determination for the peoples of the countries in Central America.

The reality of the present regime in Nicaragua is that it is repressive internally and supports insurgency against the legitimate Government of El Salvador. The reality is that the Sandinistas have made a mockery of the promise of the revolution of 1979 and are perceived by their neighbors as a force of subversion, and even military threat.

United States self-interest is in regional stability and security, advancing a cease-fire and peace negotiations, nurturing democratic institutions, ending human rights violations, and the departure of foreign military advisers and of international terrorists.

Promoting self-determination cannot be achieved by suppression of individual liberties, suppression of political expression, suppression of freedom of worship, and suppression of the independence of the media. Self-determination is promoted by the free expression of political views. To achieve this, our support for the political resistance to the Sandinistas should not be doubted.

Mr. Chairman, the issue before the Congress is not these policy goals, for they reflect American values and tradition. They are within our legitimate interest and in accordance with principles of international law. Rather, at issue is the means to achieve these objectives.

I submit these policy goals are embodied in the Hamilton or bipartisan alternative.

To date, the means to implement this policy has been to finance and support military operations by those opposing the Sandinistas. If justified on the basis of arms interdiction, it has failed. If justified by a reduction in Soviet and Cuban influence or a military buildup in Nicaragua, it has failed. It has also placed the United States in the uncharacteristic and unfortunate posture of violating interna-

tional law. It clearly is in violation of our treaty obligations, and I fear, diminishes our claim to leadership of the free world.

The bipartisan alternative offers another route. It seeks to encourage a cease-fire and negotiations. It squarely puts the Congress in support of the Contadora process as an appropriate framework for achieving peace and security in the region. What are some of the components of this framework?

They are the observance of the principles of international law that regulates relations among States. A few of these are the right of free determination of a people, nonintervention, a peaceful settlement of controversies, respect for territorial integrity, pluralism, the observance and encouragement of human rights, and the proscription of terrorism and subversion. These principles parallel the self-interest of the United States. The moneys allocated for expenses arising from implementation of an agreement based on Contadora principles include peacekeeping, verification and monitoring systems.

The bipartisan alternative, in clear terms, spells out the objectives of our policy goals in Nicaragua: First the removal of foreign military advisers; second the end of Sandinista support for insurgencies; third the restoration of individual liberties, political expression, freedom of worship, and independence of the media; and fourth, progress toward a pluralistic democratic system.

Our alternative calls on the Sandinistas to shape up. It calls on the United States through appropriate organizations to seek to maintain multilateral pressure on Nicaragua to address our concerns. It states clearly our disposition to support sanctions adopted by such organizations.

Appropriately, this resolution for the Congress itself to monitor the behavior of all combatants. It makes clear that in 5 months we expect to see our concerns addressed. It affirms congressional readiness to wield sanctions: economic, diplomatic, political—yes, even military—if Managua fails during this period to enter a negotiating process and make progress toward these goals.

There should be no doubt but that the legitimate security interests of the United States will not permit foreign military bases in Central America, the presence of foreign military advisers, nor the exportation of the means or philosophy of an antidemocratic revolution.

The President's reports required by this resolution will describe actions by the Sandinistas and by groups opposing that government by armed force, which have contributed to or hindered efforts toward peace and democratic institutions. There are many options available to the United States—a partial or full economic embargo, seeking the cooperation of multilateral organizations to reduce or deny aid or credit, and a break in diplomatic relations.

It is significant that the second alternative to be offered this body calls for a trade embargo. This certainly is our most important economic option as the United States is Nicaragua's largest trading partner. The bipartisan alternative, however, goes further, much further. It leaves our options open. Our response can be flexible, allowing Congress to decide at a later date what degree of severity is warranted.

If it is determined by the Congress that progress toward peace and the development of democratic institutions in Nicaragua is being made, the resolution embraces the traditional American role of a willing neighbor and valuable friend.

Mr. Chairman, I urge the acceptance of this policy alternative as a means by which we can implement a policy most consistent with our Nation's values and traditions.

□ 2110

Mr. BROOMFIELD. Mr. Chairman, I yield 6 minutes to the gentleman from Louisiana [Mr. ROEMER].

Mr. ROEMER. I thank the chairman.

Mr. Chairman, listening to the debate today, I would say that many in America are frozen in a world growing smaller, and more dangerous, and demanding action, we are frozen somewhere between Cuba and Vietnam. In Cuba, we were shocked by the turnabout of Castro and frightened by the might of the Soviet Union and we asked ourselves the question: Did we do enough? In Vietnam, we were pained to the core by the death and defeat and we asked ourselves did we do too much? Between the extremes of too little and too much we need a plan to plant democracy on the barren soils of inexperience and on the rocky shores of Third World poverty.

Frankly, I am tired of the temptation of having to embrace dictatorships on the right because they are anti-Communist dictatorships of the left; so I voted against Chile yesterday. But is there nothing in between? For it is in the in between that we will cultivate democracy and it will not be easy. It is in between that there are no easy answers, no blacks, no whites, just grays, and browns, and more gray. No easy answer.

For example, one Member today rose and said that we have no right to interfere in the affairs of another country. Yet this same Member supports strong measures of economic sanctions against the racist Government of South Africa. Different, he will say; but it is the same. No easy answers.

Another Member rose and said that he could not support the Contras because they were thugs, Somoza's men in Contra gear. Now some are, but not in the main. In the main is it not true. The vast majority of the Contra leaders fought on the side of the Sandinistas against Somoza and were then betrayed. Oh, they are warriors and they are not perfect but talk with the Suma and the Roma Indians, and talk with the Miskitos, and talk with Steadman Fagoth, and compare their dreams with the realities of the Sandinistas and see who comes closest to our dreams of middle-ground freedom. The Contras do. No easy answers but we must choose. We cannot be 100-percent certain but we must stand somewhere or not stand at all.

On this issue I stand with the President. As long as he continues to pressure the Sandinistas to stop exporting revolution to their neighbors, as long as he continues to pressure the Sandinistas to eliminate offensive military weapons, to pressure the Sandinistas to begin a meaningful dialog with the freedom fighters about power sharing. In my opinion the best way of maximizing the pressure is a combination of military and economic aid for the Contras coupled with economic sanctions on Nicaragua.

I feel that we should stand with the freedom fighters in their war until the Sandinistas agree that they will talk to the Contras in peace.

Unfortunately, the combination of military and economic package is not to be voted on. Instead we have three relatively weak propositions of which we must take the best.

On the first vote, minimum military assistance to the Contras, it is a moot point. It is dead. The President buried it days ago.

The only reason, in my opinion, that we will make the first vote is to embarrass the President. My party, the party, which, during the Lebanon fiasco, said that in foreign policy matters partisan politics stops at the water's edge; my party, of which I am usually proud, in my opinion will take a cheap, gratuitous, unnecessary, partisan, counterproductive slap at the President.

I stand with the President when he is right.

On this issue the President is imperfect in his approach, but closer to the truth than his critics.

You know, I disagreed with the President about Lebanon. The marines were the target, not policemen; they were sitting ducks, not eagles. We brought them home.

I disagree with the President on his South African policy. Economic pressure on South Africa, a nation that treats human beings like animals, is long overdue. I disagree with the President on the price of reconcilia-

tion with West Germany. My God, even inadvertent recognition of SS honor is too high a price to pay.

But I stand with him in his pressure on the Sandinistas.

On the first vote I will not slap the President. I will stand with him.

□ 2120

The vote on Hamilton is an interesting one, because the resolution does nothing. It huffs, it puffs, but nothing happens.

We pay people to leave Nicaragua, we threaten pressure—oh, we are tough—finally, it is the ultimate copout. On the battlefield of freedom it is the old "check's in the mail speech."

Finally, we will vote for Michel. Not perfect, not enough, but at least it gives flexibility to the President's methodology, $14 million in aid to the Contras, and keeps pressure on the Sandinistas.

We could do much more. We should do no less. Thank you.

The CHAIRMAN. The Chair announces that the gentleman from New York [Mr. ADDABBO] has 14 minutes remaining; the gentleman from Michigan [Mr. BROOMFIELD] has 8½ minutes remaining.

The Chair recognizes the gentleman from New York [Mr. ADDABBO].

Mr. ADDABBO. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. BARNES].

Mr. BARNES. Mr. Chairman, I think my colleagues on the Committee on Foreign Affairs on both sides of the aisle would agree that many of us have been trying over the last couple of years to find bipartisan answers to the crisis that our hemisphere confronts in Central America.

One of my frustrations tonight—really, it is sort of a sense of sadness tonight, is that we continued to be struck with this issue on which we struggle still to find an answer around which we can develop a consensus.

On a lot of other issues, we have been coming together in ways that might not have been thought possible even 1 year or 18 months ago. The election of President Duarte in Salvador; now the fact that the Christian Democrats have 34 seats in the 60-seat assembly in Salvador I think makes it much more possible for us to find a bipartisan approach to U.S. policy with respect to El Salvador.

We did not see it last night on the vote on Chile, but I think even on Chile, there has been some movement in the administration that some of us who have been very critical of the administration's approach to Chile can support.

On a whole range of issues in our hemisphere, we have been able to find much more of a bipartisan policy than ever would have been thought possible even 12, 18 months ago.

But on this one issue of U.S. support for the groups fighting to overthrow the Government of Nicaragua, we have not been able, as yet, to find a bipartisan approach.

It was in that spirit, I think a very sincere spirit, a sincere desire to try to find a bipartisan approach to what is a very difficult and important issue, that Chairman HAMILTON of the Intelligence Committee, Chairman JONES, a number of Members on the other side of the aisle; Mr. FISH, Mr. ZSCHAU, Mr. LEACH, Mr. GRADISON, and I sat down and tried to come out with a different approach; one that is not a compromise so much as a different approach, one that we hope could bring together Members from both sides of the aisle in support of a policy that could unite the American people.

Why did we feel that the current policy is not one that is likely to achieve the goals that we all have? Well, one thing, we looked at what our Latin neighbors, the people who have most at stake in this, were telling us.

When President Reagan unveiled his initiative a couple weeks ago, it was said that the leadership of the Contadora nations supported his initiative.

Well, then we learned that the Government of Mexico does not support it. In fact, the President of Mexico issued a statement saying specifically he could not endorse the President's proposal.

We learned that the Government of Venezuela does not support it. The Government of Venezuela was forced to issue statements indicating they did not support it.

We learned that the Government of Panama does not support it. The President of Panama said he believes that the President's approach is in violation of international law. And we learned that the Government of Colombia does not support it; the President of Colombia who had been cited as a supporter of the President's initiative said it is not a peace proposal; it is a preparation for war.

We were told that His Holiness, the Pope, supports the President's initiative and supports all of his efforts in Central America and the Vatican had to take the rather unusual step of issuing a formal statement repudiating that and saying that that is not the case.

We were told that the President of Costa Rica, President Monge, supports President Reagan's initiative, and I have just received a letter from the Embassy of Costa Rica, including a statement issued by President Monge of Costa Rica just 5 days ago, in San Jose, Costa Rica, in which he said in response to the question: Would you support an action in which those $14 million were to be given to the insurgents for war purposes in Nicaragua?

President Monge of Costa Rica responded:

No, I could not support such an action contrary in nature to the neutrality of Costa Rica. I could not support this type of aid to the insurgents.

Well, why is it, why is it that the President of Colombia, the President of Costa Rica, the President of Venezuela, the President of Panama, why is it that these Democrats in our own hemisphere do not support this approach?

Is it because as we have been told all day, that they want to see the consolidation of a Marxist-Leninist dictatorship in Nicaragua? Is it because they want to see communism spread throughout our hemisphere?

Of course not. These are Democrats who are just as concerned as anybody in this body; maybe more, because they are closer to it than we are, about what might be happening in Nicaragua, and they are not blind to what is happening in Nicaragua. They know that is happening in Nicaragua. They have been there more than any of us. They are closer to it than any of us.

Why is it that they are opposed to what we are being asked to vote for tonight? Which is $14 million in military assistance to the Contras fighting in Nicaragua.

They will argue, as President Betancur did when he was here just a couple of weeks ago and he met with members of the Committee on Foreign Affairs, they will argue as the President of Argentina did when he stood at that microphone and spoke to a joint session of the Congress just 3 or 4 weeks ago, they will argue that there is a better way to deal with the challenge that we all recognize is there.

If they were here tonight, if the democratically elected presidents of the democracies of Latin America were standing here in the well tonight, they would plead with all of us to vote against this military approach, and they would plead with us to give their effort an opportunity to work.

They say—and they have said it to many of us in this room, they say that when the United States holds a gun against the head of the Sandinistas and says 'Cry uncle or we'll shoot," there is no better way to assure that the Sandinistas will not do what we all want them to do.

They say, allow us the opportunity; that is the Contadora nations, allow us the opportunity to bring pressures from the Latin neighbors on Nicaragua to achieve these goals.

That is the argument they make to us. Tonight, at this very moment, there are more than 100 Latin American diplomats working on the Contadora effort to try to find peaceful answers in Central America, and to try to bring pluralism and democracy to all of the countries of Central America.

What we who are opposed to this military approach now are saying is,

why not give them some time to see if this thing can play out and work? They say it can. President Betancur told us he is very optimistic about the Contadora process succeeding in achieving the goals that we all want.

□ 2130

Well, you can say, "I do not think it will work, I think it is better for us to engage in a military intervention in Nicaragua despite the fact that we all recognize the problems with that."

Well, that option is not going to go away. That option is going to be there 3 months from now, 6 months from now, a year from now. The United States gives up none of its alternatives if it gives peace an opportunity to work as our neighbors are asking us to do.

It seems to me it is a very simple choice tonight. Do we vote to continue a program which our neighbors tell us is counterproductive, will not achieve the goal we want, in fact will make it almost impossible to achieve, given the historical context in which it happens? if you were a Nicaraguan and you were being told you have got to change your form of government or the United States is going to change it for you, given what your nation has been through—the United States has intervened in Nicaragua, as I understand it, 12 times, historically—given what your nation has been through, and given what you went through to overthrow the United States-imposed Somoza dictatorship, I do not think there is a stronger argument you could hear for maintaining what you are doing and refusing to change.

So let us take the opportunity that we have tonight to do what we are being asked to do by our friends, the Democratic friends in Latin America, and that is, let us give them a chance to make their initiative work. It is a Latin initiative. And if ultimately it is necessary to take military force—and that is not ruled out, that option is always there, it is there under the Rio Treaty, it is there under the charter of the OAS—if ultimately it is necessary to use military force, ladies and gentlemen, would it not be better if it is not the gringos who do it, would it not be better if it is a choice that is made by the Latin Americans themselves to deal with the problem that they recognize? they recognize it as surely as anyone here today who has given these eloquent speeches denouncing communism. Let us give our friends, our Democratic friends, an opportunity to do the job they are trying to do.

Mr. BROOMFIELD. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, today we have heard the pros and cons of the President's policies in search of peace, stability, and democracy in Central America.

Now the choice is clear: Are we going to support the forces for freedom in Nicaragua through humanitarian aid, or are we through our action, or inaction, going to let the professed Marxist-Leninist leadership of Nicaragua prevail with all that means to its long suffering people and to our own legitimate interests in the area.

President Reagan has presented a solid peace proposal. He has also promised not to use the appropriated $14 million for arms. To those who have raised the specter of U.S. troops in Nicaragua, let me say that the President has given assurances that this legislation will not be used to justify the use of U.S. Armed Forces. In plain English this legislation is no back door for sending troops there.

The legislation before us is in the national interest of our country. We must choose whether to support the President in his efforts to stop Soviet encroachment by proxy in our hemisphere. If we fail this test, the world will know we are not serious in our support of freedom. I urge a vote on this resolution for freedom in Central America.

Mr. ADDABBO. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New York is recognized for 4 minutes.

Mr. ADDABBO. Mr. Chairman, we have indeed had a lengthy and arduous debate today, in the great tradition of this great deliberative body. We have now come to that time to vote. The question is simple on the vote tonight. It is not a complicated question. We have received and again I will read the letter of transmittal from the President accompanying his classified report submitted to Congress. It reads as follows:

Pursuant to provisions of title VIII, section 8066 of the Department of Defense Appropriations Act, 1985 (Public Law 98-473, enacted October 12, 1984; 98 Stat. 1935), I herewith transmit a classified report on U.S. support for the democratic resistance movement in Nicaragua. On the basis of this report, I have determined that assistance for military or paramilitary operations now prohibited by Section 8066A of that Act is necessary.

The resolution we will be voting on tonight, very shortly, is House Joint Resolution 239 introduced by the gentleman from Illinois [Mr. MICHEL], which again says:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves the obligation and expenditure of funds available for fiscal year 1985 for supporting, directly or indirectly, military or paramilitary operations in Nicaragua.

There is not one word in the classified report submitted by the President or the resolution on humanitarian aid. That is a Gulf of Tonkin resolution. It provides military aid pure and simple.

If the President wants to use funds for humanitarian aid, he cannot use these funds. These funds are earmarked for military purposes and he has asked for release of these funds for military purposes. If he wants these funds to be used for humanitarian aid, after the Congress votes down House Joint Resolution 239 tonight, he can send a letter in support of BOB MICHEL's resolution, if he wishes, which talks about humanitarian aid. A letter from the President, a press release from the President, a discussion by the President on humanitarian aid is not law. This resolution is law. House Joint Resolution 239 which you will be asked to vote on very shortly, that is law. And if you vote for House Joint Resolution 239, you will be voting to give the President $14 million for one purpose and one purpose alone, and that is for additional military aid, the foot in the door for future increases of military aid to Nicaragua.

It is simple. Tomorrow you can vote on humanitarian aid, whether it be the Hamilton resolution or whether it be the Bob Michel resolution. That will cover humanitarian assistance. Tonight the resolution before you is simple and clear cut. As I have pointed out to you, it provides for paramilitary or military aid as requested by the President.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for yielding. I wish to associate myself with the gentleman's remarks and support his position most vigorously, and I rise in opposition to House Joint Resolution 239 to release $14 million in previously appropriated funds for use "to support directly or indirectly military or paramilitary operations in Nicaragua." This position is consistent with earlier votes I have cast on this subject, and it also demonstrates my belief that the release of these funds at this time could have ominous consequences in the future.

We find ourselves in the unenviable position of having to, in effect, choose between the lesser of two evils. The first evil is the Sandinista government—a government of deceit. The second is increased support on the part of the United States for the Contras, and the potential it has for involving us more deeply than ever in the conflict. I contend that the second evil has far graver consequences for our Nation and its people. No one can quarrel with the premise that efforts must be undertaken to bring peace to Central America. It is also hard to disagree with the premise that we must work to put pressure on the Sandinistas to engage in a good faith diplomatic process aimed at a promotion of self-determination in Nicaragua. As I see it, Mr. Chairman, the issue before us today is what is the distinction be-

tween pressure and involvement? I contend it is a very fine but distinct line which must be respected and honored. Providing aid for the purposes espoused in this resolution would violate that line and transform it into a dangerous blur that can only confuse the people of Nicaragua and provoke fears among people in this Nation.

The Congress has long held the position I take today, and I suspect will vote later today to reaffirm that position. We are opposed to providing that aid which can be converted for military or paramilitary use. We have had amendments after amendments, almost since our involvement in Nicaragua commenced earlier this decade, spelling out that this was not aid to be used to plunge us into a conflict. I voted as recently as last fall to bar the release of any U.S. funds to Nicaragua until the President certified need.

Our problem is compounded by the simple but powerful observaton made this week in the Congressional Quarterly Weekly Report that "the Reagan administration has never made clear its long-term policies toward Nicaragua."

We were told initially that our aid was needed to help interdict a flow of arms crossing into Nicaragua from Honduras. Then we began to see the dramatic unraveling of our supposed "covert" operations through bungled maneuvers such as the unsuccessful mining of Nicaraguan harbors. Then came reports in late 1982 and early 1983 that the guerrillas, or Contras, had as their main objective the overthrow of the Sandinista regime. Then, in April 1983, the President restated our goal as being the prevention of the flow of arms. Then, in 1984, the President charges that the Sandinistas went back on their word and we would continue to support the Contras. Finally, in February 1985, the President stated as his goal the "removal" of the Nicaraguan Government.

This confusion in policy statements has caused great apprehension here and throughout Central America. Passage of this resolution can only serve to prolong this confusion and clearly plunge us far deeper than we should ever be in Nicaragua.

The challenge before us is this: If we are to spend $14 million in Nicaragua, can't we spend it in a productive and humane fashion. I contend we can and we must. There is an urgent need for humanitarian assistance in Nicaragua—there is compelling human need. There is an equally urgent need for new incentive to regain the diplomatic momentum in Central America.

If it is pressure we wish to exert on the Sandinistas then let us continue our support, but let us not in any way allow it to be converted into military purposes. Let us abandon the theory that the solution here can only be a military one. This would make us sound like the British and their positon relative to Northern Ireland. But never let us accept the yielding of Nicaragua into the Communist camp. Let us pursue the diplomatic route with our full strength and let it produce the desired result of a political solution featuring self-determination for all the people of Nicaragua. Militarism will beget militarism and we will find ourselves pitched in a new superpower conflict that will only result in fear and apprehension—for the entire world.

I urge the rejection of this resolution because its approach is flawed and dangerous. Let us look for another way for the United States to involve itself in the struggle for peace in Nicaragua and all of Central America.

Mr. ADDABBO. Mr. Chairman, I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Chairman, I would like to inquire of the gentleman from New York [Mr. ADDABBO] how many speakers he has left.

The CHAIRMAN. The gentleman from New York, Mr. ADDABBO, has no time remaining. The gentleman from Michigan [Mr. BROOMFIELD] has 6½ minutes remaining.

Mr. BROOMFIELD. Mr. Chairman, to conclude the debate, I yield the balance of our time to the gentleman from Illinois [Mr. MICHEL], the distinguished minority leader.

The CHAIRMAN. The gentleman from Illinois [Mr. MICHEL] is recognized for 6½ minutes.

Mr. MICHEL. Mr. Chairman, after almost 10 hours of intense debate, the fundamental facts remain the same.

In 1979, a small clique of Communists stole a revolution from the Nicaraguan people.

These Communists immediately began to install the apparatus of a totalitarian state. Even while we were sending them over $100 million in aid they were engaged in systematic abuse of human rights.

Today this same clique holds power through the barrel of a gun. If they get to the point of consolidating their takeover at home they will surely spread their poison throughout the region.

They have received aid from Cuba the Soviet Union the PLO and other totalitarian nations and groups.

The democratic forces of Nicaragua who oppose the Communists have pledged themselves to the democratic principles of the San Jose Declaration. It could be for all practical purposes the Magna Carta of the Nicaraguan people.

The choice we face is between the San Jose declaration on one hand and the consolidation of Communist power on the other.

Every other argument is irrelevant.

The Sandinista force has 62,000 active duty personnel a total force of 119,000 including reserves and militia.

This Sandinista force has Soviet MI-24 hind attack helicopters. It has 150 tanks, 200 other armored vehicles, and some 300 to 400 surface to air missiles. The Sandinistas have nearly completed a runway long enough to service any aircraft in the Soviet or Cuban inventory.

We are told this arsenal is a reponse to our aid to the democratic forces.

Why, that is a reversal of the law of cause and effect. It is because the Sandinistas have turned Nicaragua into an armed camp that we aid the democratic forces not the other way around.

When Harry Truman asked for aid to stop the Communists from taking over Greece, almost 40 years ago, he was told that the democratic forces in Greece were corrupt and didn't deserve our aid. We heard the same myth today.

But Truman was stubborn. And Greece was saved.

We are told that if only we'd stop aiding the democratic forces, the Sandinistas wouldn't be driven into the hands of the Soviet Union and they wouldn't abuse human rights.

But the Sandinistas always have been ideologically committed to the international cause of the Soviet Union. They imposed a Marxist-Leninist dictatorship before the Contras ever existed.

And do you known why? Because such a dictatorship is an article of faith with them. They have faith in communism. Oh, that we had such faith in democracy.

Let me conclude by saying:

There are voices that matter in this debate who haven't had a chance to be heard, today.

They are the voices of the victims of totalitarianism now in the past, all over the world.

Voices from Cuba, from Afghanistan from eastern Europe. Voices from the Gulag. Voices from the Nazi death camps. Voices from Vietnam, Laos, and Cambodia. Voices crying out: "Remember our fate."

If we abandon the democratic forces in Nicaragua they will join the long, tragic, forced march toward the grave that marks the fate of all freedom lovers under totalitarian domination.

□ 2140

I regret that maybe there is sufficient time to read a copy of the President's letter that was addressed to two of our colleagues in the other body earlier today before that resolution was adopted by a 53-to-46 vote. It incorporates the same language as embodied in the language that we have before us today.

The CHAIRMAN. The Chair would advise the gentleman that it is a breach of order to refer to a particular vote in the other body.

Mr. MICHEL. I understand, Mr. Chairman.

THE WHITE HOUSE,
Washington.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: I announced on April 4 a proposal to promote peace in Central America by fostering a dialogue between the Government of Nicaragua and the democratic resistance, accompanied by a ceasefire in the conflict between them. My proposal was intended, in the words of the Contadora Document of Objectives agreed to by Nicaragua and its neighbors, "to promote national reconciliation efforts . . ., with a view to fostering participation in democratic political processes in accordance with the law."

Since April 4, I have had the benefit of many fruitful discussions with Latin American leaders and with members of the Congress. I have been encouraged by these discussions, which have shown that a broad consensus exists on the need for reconciliation in Nicaragua, based on democratic principles, as an essential aspect of achieving peace in Central America.

Today the Senate will vote on a resolution, S.J. Res. 106, the test of which is required by a law enacted last October. That text purports to release appropriated funds and free the Executive Branch from restrictions against the support of military or paramilitary action in Nicaragua. However, my intentions are founded on a different approach. Accordingly, I want to make clear to the Senate, as it approaches this important vote, how I will proceed in pursuit of peace if S.J. Res. 106 is enacted.

First, I will provide assistance to the democratic resistance only for food, medicine, clothing, and other assistance for their survival and well-being—and not for arms, ammunition, and weapons of war. Second, I will not use more than the $14 million already appropriated during the current fiscal year for such assistance. No other U.S. Government funds would be spent for such material assistance to the armed democratic resistance. I will personally establish thorough procedures for the detailed management and accountability of the program in order to assure that these limitations on both the nature and amount of U.S. assistance are scrupulously observed.

I recognize the importance some Senators have attached to bilateral talks between the United States and Nicaragua and the establishment of a ceasefire. I have considered these views and believe that such steps could help to promote the internal reconciliation called for by Contadora and endorsed by so many Latin American leaders.

Therefore, I intend to resume bilateral talks with the Government of Nicaragua and will instruct our representatives in those talks to press for a ceasefire as well as a church-mediated dialogue between the contending Nicaraguan factions. I must emphasize, however, that such bilateral talks must be in support of the Contadora process and the internal dialogue and cannot become a substitute for these efforts to achieve a comprehensive, verifiable agreement among all the nations of Central America. Also, as I said on April 4, peace negotiations must not become a cover for deception and delay. If the Sandinista government shows bad faith by seeking to gain unilateral advantage, for example, through a further arms buildup during a ceasefire or intransigence in negotiations, I would feel obligated to respond accordingly in our diplomatic efforts and would not expect the democratic resistance to continue to observe a ceasefire which was unfairly working to their disadvantage.

I will report to the Congress no later than September 1, 1985, on the progress made in achieving a verifiable peace and reconciliation in Nicaragua based on democratic principles. Such report shall also include an accounting for the funds obligated or expended under this joint resolution and may include such recommendations as I deem appropriate with respect to Nicaragua. I shall expect any recommendations for additional legislation for further assistance or sanctions to receive expedited handling.

While economic sanctions are unlikely by themselves to create sufficient pressure to change Nicaragua's behavior, the Sandinistas should not benefit from their present access to the U.S. market while continuing their intransigence on issues affecting our national security. The Administration will favorably consider economic sanctions against the Government of Nicaragua and will undertake multilateral consultations with other Central American states in this regard.

The U.S. condemns atrocities by either side in the strongest possible terms. We will use our assistance to help ensure against wrongful acts by those who seek our help and we will urge them to take steps to investigate allegations of such acts and take appropriate actions against those found to be guilty.

The United States now stands at a moment of judgment. Experience has shown that a policy of support for democracy, economic opportunity, and security will best serve the people of Central America and the national interests of the United States. If we show consistency of purpose, if we are firm in our conviction that the promising developments over the past year in El Salvador, Honduras, Costa Rica, and Guatemala also show the way for a better future for Nicaragua, then over time we can help the democratic center prevail over tyrants of the left or the right. But if we abandon democracy in Nicaragua, if we tolerate the consolidation of a surrogate state in Central America, responsive to Cuba and the Soviet Union, we will see the progress that has been achieved begin to unravel under the strain of continuing conflict, attempt at subversion, and loss of confidence in our support.

There can be a more democratic, more prosperous and more peaceful Central America. I am prepared to devote my energies toward that end. But, I also need the support of the Congress. I hope that you will give me your support today.

Sincerely,

RONALD REAGAN.

And so, as you vote, I ask you to listen. Listen to the voices of those who learned too late what totalitarians can do. Listen to those voices of the doomed innocents and then cast a vote in support of our President who wants so desperately to do the right thing down there.

I urge the Members to support the resolution.

The CHAIRMAN. All time for general debate has expired.

The text of House Joint Resolution 239 is as follows:

H.J. Res. 239

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves the obligation and expenditure of funds available for fiscal year 1985 for supporting, directly or indirectly, military or paramilitary operations in Nicaragua.

The CHAIRMAN. Pursuant to Public Law 98-473, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. REID, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 239) to approve the obligation of funds available under Public Law 98-473 for supporting military or paramilitary operations in Nicaragua, had directed him to report the joint resolution back to the House.

The SPEAKER. Pursuant to Public Law 98-473, the question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were ayes 180, noes 248, not voting 5, as follows:

[Roll No. 64]

YEAS—180

Archer	Erdreich	Mack
Armey	Fascell	Marlenee
Barnard	Fiedler	Martin (NY)
Bartlett	Fields	McCain
Barton	Flippo	McCandless
Bateman	Franklin	McCollum
Bentley	Gallo	McEwen
Bevill	Gekas	McGrath
Bilirakis	Gibbons	McMillan
Billey	Gingrich	Mica
Boulter	Grotberg	Michel
Breaux	Hall, Ralph	Miller (OH)
Broomfield	Hall, Sam	Miller (WA)
Brown (CO)	Hammerschmidt	Molinari
Broyhill	Hansen	Monson
Burton (IN)	Hartnett	Montgomery
Callahan	Hatcher	Moore
Campbell	Hendon	Moorhead
Carney	Henry	Murtha
Chappell	Hiler	Myers
Chappie	Hillis	Nelson
Cheney	Holt	Nichols
Coats	Hubbard	Nielson
Cobey	Huckaby	O'Brien
Coble	Hunter	Ortiz
Coleman (MO)	Hutto	Oxley
Combest	Hyde	Packard
Coughlin	Ireland	Parris
Courter	Jenkins	Pashayan
Craig	Kasich	Pepper
Crane	Kemp	Petri
Dannemeyer	Kindness	Porter
Darden	Kramer	Pursell
Daub	Lagomarsino	Quillen
DeLay	Latta	Ray
DeWine	Leath (TX)	Ritter
Dickinson	Lent	Roberts
DioGuardi	Lewis (CA)	Roemer
Dornan (CA)	Lewis (FL)	Rogers
Dowdy	Lightfoot	Roth
Dreier	Lipinski	Rowland (GA)
Duncan	Livingston	Rudd
Dyson	Loeffler	Saxton
Eckert (NY)	Lott	Schaefer
Edwards (OK)	Lowery (CA)	Schuette
Emerson	Lujan	Schulze
English	Lungren	Sensenbrenner

Shaw	Solomon	Thomas (CA)
Shelby	Spence	Thomas (GA)
Shumway	Stangeland	Vucanovich
Shuster	Stenholm	Walker
Siljander	Strang	Weber
Sisisky	Stratton	Whitehurst
Skeen	Stump	Whittaker
Slaughter	Sundquist	Wilson
Smith (FL)	Sweeney	Wolf
Smith (NH)	Swindall	Wortley
Smith (NJ)	Tallon	Wylie
Smith, Denny	Tauzin	Young (AK)
Snyder	Taylor	Young (FL)

NAYS—248

Ackerman	Garcia	Neal
Addabbo	Gaydos	Nowak
Akaka	Gejdenson	Oakar
Alexander	Gephardt	Oberstar
Anderson	Gilman	Obey
Andrews	Glickman	Olin
Annunzio	Gonzalez	Owens
Anthony	Goodling	Panetta
Applegate	Gordon	Pease
Aspin	Gradison	Penny
Atkins	Gray (IL)	Perkins
AuCoin	Gray (PA)	Pickle
Barnes	Green	Price
Bates	Gregg	Rahall
Bedell	Guarini	Rangel
Bellenson	Gunderson	Regula
Bennett	Hall (OH)	Reid
Bereuter	Hamilton	Richardson
Berman	Hawkins	Ridge
Biaggi	Hayes	Rinaldo
Boehlert	Hefner	Robinson
Boggs	Heftel	Roe
Boland	Hertel	Rose
Boner (TN)	Hopkins	Rostenkowski
Bonior (MI)	Horton	Roukema
Bonker	Howard	Rowland (CT)
Borski	Hoyer	Roybal
Bosco	Hughes	Russo
Boucher	Jacobs	Sabo
Boxer	Jeffords	Savage
Brooks	Johnson	Scheuer
Brown (CA)	Jones (NC)	Schneider
Bruce	Jones (OK)	Schroeder
Bryant	Jones (TN)	Schumer
Burton (CA)	Kanjorski	Seiberling
Bustamante	Kaptur	Sharp
Carper	Kastenmeier	Sikorski
Carr	Kennelly	Skelton
Chandler	Kildee	Slattery
Clay	Kleczka	Smith (IA)
Clinger	Kolbe	Smith (NE)
Coelho	Kolter	Smith, Robert
Coleman (TX)	Kostmayer	Snowe
Collins	LaFalce	Solarz
Conte	Lantos	Spratt
Conyers	Leach (IA)	St Germain
Cooper	Lehman (CA)	Staggers
Coyne	Lehman (FL)	Stallings
Crockett	Leland	Stark
Daschle	Levin (MI)	Stokes
Davis	Levine (CA)	Studds
de la Garza	Lloyd	Swift
Dellums	Long	Synar
Derrick	Lowry (WA)	Tauke
Dicks	Luken	Torres
Dingell	Lundine	Torricelli
Dixon	MacKay	Towns
Donnelly	Madigan	Traficant
Dorgan (ND)	Manton	Traxler
Downey	Markey	Udall
Durbin	Martin (IL)	Valentine
Dwyer	Martinez	Vento
Dymally	Matsui	Visclosky
Early	Mavroules	Volkmer
Eckart (OH)	Mazzoli	Walgren
Edgar	McCurdy	Watkins
Edwards (CA)	McDade	Waxman
Evans (IA)	McHugh	Weaver
Evans (IL)	McKernan	Weiss
Fawell	McKinney	Wheat
Fazio	Meyers	Whitley
Feighan	Mikulski	Whitten
Fish	Miller (CA)	Williams
Florio	Mineta	Wirth
Foglietta	Mitchell	Wise
Foley	Moakley	Wolpe
Ford (MI)	Mollohan	Wright
Ford (TN)	Moody	Wyden
Fowler	Morrison (CT)	Yates
Frank	Morrison (WA)	Yatron
Frenzel	Mrazek	Young (MO)
Frost	Murphy	Zschau
Fuqua	Natcher	

NOT VOTING—5

Badham	Daniel	Vander Jagt
Byron	Rodino	

□ 2200

The Clerk announced the following pair:

On this vote:

Mr. Badham for, with Mr. Rodino against.

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution (H.J. Res. 239) to approved the obligation of funds available under Public Law 98-473 for supporting military or paramilitary operations in Nicaragua, and that I may be permitted to include certain tables and extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con Res. 37. Concurrent resolution providing for acceptance of a statue of Jeannette Rankin presented by the State of Montana for placement in National Statuary Hall, and for other purposes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1402

Mr. KOLTER. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of the bill, H.R. 1402.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make the following announcement.

Following the 5-minute special orders, Members who had been granted permission to address the House for special orders on the calendar day of Tuesday, April 23, will be recognized after the remaining special orders for the legislative day of Monday, April 22. Except for those Members who had been granted a special order for both days, only the first such special order will be called.

INTRODUCING A PRIVATE BILL FOR THE RELIEF OF STANISLAV LEVCHENKO

The SPEAKER. Under a previous order of the House, the gentleman from Florida [Mr. YOUNG] is recognized for 5 minutes.

● Mr. YOUNG of Florida. Mr. Speaker, I have introduced today a private bill for Stanislav Levchenko, a defector who has given U.S. intelligence agencies critical information concerning the activities of the KGB and the identities of KGB agents. Mr. Levchenko's information and his assistance to U.S. intelligence agencies has contributed immeasurably to the security of the United States. Despite this outstanding contribution to our national security, Mr. Levchenko has been hampered in his efforts to become a full-fledged American citizen. The bill I have introduced would rectify this situation. Mr. Levchenko's activities show that he clearly deserves to become a citizen of the United States.

The bill is identical to H.R. 6354 which I introduced in the 98th Congress. Because of the press of time, it was not possible to consider the bill in the closing days of that Congress.

Mr. Levchenko is a 43-year-old former KGB major who was assigned from 1975 to 1979 to the Soviet Mission in Tokyo under cover as a journalist for the Soviet magazine New Times. In October 1979 he walked into a U.S. Army installation in Tokyo and requested political asylum in the United States. He defected for ideological reasons: an intense disillusionment with the Soviet system and a strong desire to fight that system. Since his defection, he has been completely cooperative in sharing with the U.S. Government all of his knowledge on the KGB, particularly in the field of Soviet covert action, or what the Soviets call active measures.

One example of this cooperation is his testimony before the House Permanent Select Committee on Intelligence, in July 1982, in which he presented a detailed explanation of Soviet active measures and answered numerous questions from the members of the committee. The committee subsequently published these hearings, providing the Congress and the American people with a unique document outlining in detail—from a former KGB specialist's personal experience and knowledge—Soviet active measures objectives and techniques.

Of critical importance to U.S. counterintelligence efforts, Mr. Levchenko has also provided the identities of KGB staff officers and KGB foreign agents, including some in high foreign government positions and the foreign media. He has discussed the KGB's use of agents of influence, and the overall KGB methods of operating, in-

cluding KGB field procedures and mission training.

In addition, Mr. Levchenko has, as an independent consultant, given advice on how to counter hostile Soviet actions. For example, he has met with members of the National Security Council, the U.S. Information Agency, the State Department, the FBI, and other U.S. agencies. He has also spoken at the Army War College, the President's Foreign Intelligence Advisory Board, and the Government's special Technology Transfer Group.

A Soviet military tribunal tried Mr. Levchenko in absentia and sentenced him to death. Despite this threat to his life, he has continued to speak out in press and television interviews and in writing, exposing, and explaining Soviet espionage and deception practices. For example, in recent months he has cooperated closely in the writing and publication of a major new book on the KGB and another book on Soviet "Disinformation." His press interviews continue to be published in this country, in many West European countries and in the Far East, as he seeks to make a broad audience aware of Soviet realities. He also continues to consult and lecture to governmental and research groups studying Soviet intentions and activities.

Mr. Levchenko's efforts have made a great contribution to U.S. national security. The director of the Federal Bureau of Investigation, who has primary responsibility for countering Soviet espionage in the United States, issued a formal FBI commendation to Mr. Levchenko in 1982 for his unique contribution to the security of the United States.

Mr. Speaker, Mr. Levchenko deserves the gratitude of the American people for what he has done to ensure their security. Mr. Levchenko helped U.S. intelligence because he believed in America and American principles of freedom and democracy. The least we can do is help him to qualify to become a citizen of this country. The bill I have introduced will do so. The bill modifies the applicability to Mr. Levchenko of some technical provisions of the Immigration and Nationality Act concerning residency and past membership in a proscribed organization. Mr. Levchenko still will be required to meet all the other requirements for naturalization.

I urge my colleagues to support this bill, which will enable the man who has contributed so much to the American people, to become one of the American people.●

□ 2210

SPECIAL ORDERS

The SPEAKER. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER], is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, last night my colleagues on the Republican side of the aisle took a series of special orders to express or to restate, rather, their position on the McIntyre-McCloskey race in Indiana. While we Democrats on this side of the aisle have various opinions concerning that race, and while many of us have reserved judgment on the final outcome of that race pending the filing of the report which is forthcoming, and while many of us would disagree with the tactics employed by our colleagues to restate their position, we nonetheless vigorously support their right to state that position.

I would like to publicly thank those Members of the Congress who stayed here during the wee hours last night on the Democratic side, sitting patiently, listening to the arguments which we have heard before.

So I publicly acknowledge the gentleman from Kentucky [Mr. PERKINS], the gentleman from Illinois [Mr. GRAY], the gentleman from Pennsylvania [Mr. KANJORSKI], the gentleman from Illinois [Mr. DURBIN], the gentleman from Illinois [Mr. BRUCE], the gentleman from Minnesota [Mr. SIKORSKI], the gentleman from New Jersey [Mr. TORRICELLI], the gentleman from Massachusetts [Mr. FRANK], the gentleman from Washington [Mr. FOLEY], the gentleman from Ohio [Mr. ECKART], the gentleman from Oklahoma [Mr. SYNAR], the gentleman from Oklahoma [Mr. WATKINS], and the gentleman from Massachusetts [Mr. EARLY], together with loyal staff assistants, Steve Skardon, John Mack, and Barbara Rourk, and a number of other doormen, clerks, police, and security guards who sat here during the night in order to assure that our colleagues have the right to say those things that they wish to say.

Donn Anderson, in the cloakroom on our side, Barry Sullivan, Tim Friedman, Butler Bernard, Joe Hettich, David Pinkowitz, Brent Maynard, Christopher Davis, Mike Hollenbeck, Fred Gortler, Henry Arrett, Gary Hever, Harold Caviness, Les Davis, Ed Frazier, Charlie Hoag, Tim Donohoe, and Bob Gordon.

To these hardy souls we are grateful.

We are also grateful to the following additional employees:

EMPLOYEES OF CLERK OF THE HOUSE WHO WORKED DURING SPECIAL ORDERS ON APRIL 22, 1985

Immediate office; Tom Ladd.

Legislative operations: Robert Berry, James Bromwell, Mary (Meg) Goetz, Jack Gregory, Kevin Hanrahan, John Jenkins, John Overstreet, Maxine Snowden, and Lee Thomas.

Official reporters: Jon Alexander, Russ Greenwood, Charles Gustafson, Susan Hanback, Dan Hawkins, Chris Heil, Florence Leahy, Heather Mapes, Bill Pennekamp, Brad Roe, George Russell, Mary Stahl, Tony Tartaro, Gay Topper, John Ulmer, and Edward White.

Recording studio: Mike Allen, Linda Barrow, Pat Bauley, Don Berger, Bill Clarke, Bill Collins, Dave Cox, Alex Cusati, Gary Denick, Tom Edwards, Dick Fordham, John Foster, Randle Harris, Rick Hughes, Steve Johnson, Steve Mathis, Howard Musser, Marjorie O'Brien, Dan Popp, Dan Stiles, Patricia Trimbath, and Cris Walker.

Office of the Parliamentarian: Bill Brown, Charles Johnson, Peter Robinson, Thomas Ducan, Dallas Dendy, and Muftiah Koach.

PERSONAL EXPLANATION

The SPEAKER. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

● Mr. NELSON of Florida. Mr. Speaker, due to official business in my congressional district, I was unable to be present Monday afternoon, April 22, 1985, for rollcall vote Nos. 60 and 61, and on Tuesday morning, April 23, 1985, for rollcall vote No. 62.

Had I been present, I would have voted "aye" on House Resolution 125, condemning the Government of the Soviet Union for the murder of Maj. Arthur D. Nicholson, Jr.

Had I been present, I would have voted "nay" on House Concurrent Resolution 52, as amended, calling for the restoration of democracy in Chile.

Had I been present, I would have voted "aye" on House Resolution 136, providing a rule for consideration of House Joint Resolution 239.●

ADMINISTRATIVE NATURALIZATION

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, today I am introducing legislation to amend the Immigration and Nationality Act to facilitate the often time-consuming and frustrating process of acquiring U.S. citizenship by allowing for administrative naturalization.

For those immigrants adopting this country, U.S. citizenship is a priceless possession. In return, our country is enriched with their contributions and each nationality and heritage is woven into a rich tapestry of American society.

The avenue toward U.S. citizenship as it exists today is a cumbersome one for those who want to enjoy the rights of this great land, the right to practice religion freely, the right to participate in a democratic form of government, the right of free expression, and the inalienable rights of life, liberty, and the pursuit of happiness. In order to accommodate the increasing numbers

of persons who seek citizenship and provide a more effective means to obtain naturalization, I have introduced a bill to bring the entire naturalization process within the Department of Justice.

The legislation vests authority for naturalization in the Attorney General whose designated representatives would carry out the functions of what is currently a judicial process by allowing immigration judges to conduct ceremonies for naturalizing citizens of the United States. This bill simply streamlines the process by which persons become citizens and does not alter existing statutes with respect to the prerequisites for obtaining citizenship.

The Naturalization Amendments of 1985 first directs that the sole procedure for naturalization shall be through the Attorney General. Second, it allows judges designated by the Attorney General to conduct naturalization ceremonies. These most important provisions change existing law by consolidating under the Attorney General what is currently a two-step process engaged in by both the executive branch and the judicial branch. This means a qualified applicant for naturalization must simply submit an application for naturalization on to the Immigration and Naturalization Service and it will be on one track through the final swearing of allegiance ceremony consecrating the ultimate act of gaining citizenship.

Third, the bill retains significant elements of the judicial system in order to retain the dignity and decourm generally associated with the citizenship ceremony. It requires ceremonies be conducted in "open session" and that the Attorney General designate certain days for final hearing on citizenship cases. It also retains a certain period of residence in the State for purposes of filing an application for naturalization.

Fourth, the bill provides for a de novo hearing at the district court on denied applications for naturalization.

The time has arrived, I believe, to relieve the applicant for naturalization from some of the onerous paperwork requirements currently on our statute books. The courts now conducting naturalization ceremonies already have heavy dockets in other areas and the backlogs of those awaiting naturalization frequently causes tremendous inconvenience to the applicants. In many cases, delays result in denial of employent opportunities, travel plans, and, most importantly, exercise of their right to vote. The progress currently being made by the Immigration and Naturalization Service in reducing their backlogs in the naturalization area has been encouraging and demonstrates the priority attached to this area by the Service. I believe my bill will complement this effort.

Additionally, immigration judges—who will become the designated ceremonial agents under my bill—have demonstrated a high caliber of professionalism and I am confident that they will look upon their proposed duties with enthusiasm.

I believe this step to be a timely one in view of the impending 100th anniversary of the Statue of Liberty and I would urge this positive step on behalf of the new immigrants who have contributed volumes of history to this new land.●

THE ELECTION IN INDIANA'S EIGHTH CONGRESSIONAL DISTRICT

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, let me begin as the gentleman from Arkansas a few moments ago to thank the staff of the House and the staff of the minority and majority side who spent time with us here last evening as we discussed matters that we regarded as important to this body. And we felt strongly that there were issues that needed to have the attention drawn to them that the all night session last night we thought did. And the staffs I think performed nobly. We appreciate their hard work and know that they work on behalf of the whole House, and we are very grateful for their indulgence of the kind of activities that we Members engage in.

Mr. Speaker, I think that it is also important to recognize that we are sincere in attempting to address issues that we regard as extremely important on the minority side; namely, the issue of the seating of Mr. McIntyre in the Eighth District of Indiana, and I am somewhat disappointed that some of the reactions from your side of the aisle has been rather questionable in terms of content.

For instance, members of the Speaker's staff were quoted in a newspaper article as trying to trash the process of the special orders here indicating that there was a report of the Clerk of the House talking about how much money these particular special orders cost, and they were talking about staff salaries and talking about the amounts of money that it cost for printing in the CONGRESSIONAL RECORD.

I make the point simply because I called the Clerk of the House today myself. The Clerk of the House informs me that no such report exists, that it is in fact a distortion to suggest that such a report has ever been done. When I asked for that report to be given to me, to lay this out, I was told by the Clerk that it does not exist, that the staff salaries that are quoted around here in such reports are in fact a total misnomer because the people who are indicated in those reports are in fact people who are salaried, are not on hourly pay. So it costs no more money to have them here for special orders than it would any other time. And that the entire idea that we could assign costs to this kind of a thing are in fact a distortion, except in one instance, and that is that the CONGRESSIONAL RECORD, of course, is an item of some cost in order to print.

However, it is less money to print the CONGRESSIONAL RECORD for the Members who are speaking here on the floor than the Members who refuse to come out and participate on the House floor where they will be challenged on what they say, and instead use special order time to dump large pages of documents into the CONGRESSIONAL RECORD without ever having said anything on the House floor with regard to the subject matters that they are addressing. So that is where the real abuse is taking place in the CONGRESSIONAL RECORD. That is where the real cost is, and I am surprised that the majority never seems to raise that, because some past counts of the CONGRESSIONAL RECORD show the majority is far more abusive of pages in the CONGRESSIONAL RECORD than any Members of the minority.

I just want to make that clear because I think there is a conscious attempt on the part of the majority to try to trash the process of special orders, and it seems to me that this is an important forum for many of us to have a chance to make points that we do think are important.

Mr. DURBIN. Will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman.

Mr. DURBIN. So that I understand the point the gentleman is making, first let me preface this by saying in order to preserve your right and the right of any Member to speak on the floor of the House, I do not believe that the question should be raised as to cost. I believe that it is important that we have this opportunity.

Mr. WALKER. I agree with the gentleman.

Mr. DURBIN. But the gentleman is not suggesting we can go all night long in this Chamber with all of the staff present, the lights burning, the televisions running, without some additional cost to the taxpayers, is he?

Mr. WALKER. I would say to the gentleman that it is very minimal because the lights that burn might be a little bit of an additional cost, and television cameras, but the staff salaries, the largest single component, the so-called claim of the Clerk's report, it is $6,000 in the article today, that in fact is a total distortion. The Clerk has never issued such a report. The Clerk tells me, unless the Clerk is lying to this Member, and I talked to

him personally, I am told that the people who are listed in that report are in fact salaried personnel.

Mr. DURBIN. Would the gentleman yield further?

Mr. WALKER. I will be glad to yield to the gentleman.

Mr. DURBIN. When I felt at midnight last night, after having had the opportunity to preside, I saw a rather substantial number of security officers, as one might expect when the House is in session. And it is my understanding that the way they work is on an hourly basis. They are not salaried employees.

Would the gentleman concede that there might be some employees who have to stay because some Members would have to have their special orders go on through the night?

Mr. WALKER. I asked specifically about that, and it may well be there would be a few police that would be involved in that. I would say to the gentleman, however, that the Clerk informs me that some of the police officers would in fact receive their regular pay because they would simply be working their regular number of hours and would be here anyhow.

□ 2220

And that there are a minimum number of security people required when the House is in session. So I am simply saying to the gentleman that it is in fact a total distortion to suggest, as some staff on your side of the aisle have suggested, that somehow special orders are costing the taxpayers large amounts of money per hour. The Clerk has issued no such report. The Clerk told me that today. There is no such report.

I would be glad to yield to the gentleman.

Mr. DURBIN. I might just conclude by thanking the gentleman for yielding and suggesting again that I will continue to defend his right and the right of any Member to use a special order even if I disagree with the content of the special order. It is an important element in this House.

But I think we all must concede that you cannot have a special order running all through the night without incurring some additional expense to the taxpayers of the United States.

Mr. WALKER. The gentleman is absolutely right. There is some minimal additional expense to the House. But I would say to the gentleman that to do as the majority side has done now on several occasions, to suggest that the processes of this House that the minority uses are in fact costing the taxpayers money and so therefore the minority is doing something irresponsible by using the processes of the House, I appreciate the gentleman's words, that some of these things are important and ought to be continued and that the cost to the taxpayers is certainly something which is budgeted as a part of the House proceedings, and it is at best a minimal expense involved in this. It is not even a few thousand.

I yield to the gentleman.

Mr. FAZIO. I appreciate the gentleman yielding.

I guess we probably have both said that freedom is not free. So obviously there are some costs involved here. But license can be costly. I guess my thought is there are times when we ought to be weighing the relative benefits of taking the time that we do take here on the floor with no dispute from most of the parties at issue here. We understand the right that the gentleman has. But it does cost money. There are people who work here who would not have to work here. It is not just a matter of salary.

Mr. WALKER. I would say to the gentleman the only point I am making is that those people are salaried, they are on annual salaries. It is not costing the House additional money for those people to be here.

Mr. FAZIO. Let me say that the law enforcement personnel are not really in a position to simply accept salary. This is a matter of overtime for most of our policemen.

Mr. WALKER. My understanding of the matter, and the gentleman is more expert in these matters than I am, but my understanding is that the security contingent is in fact here whether we are here or not at night, and there may be a few additional people, but it would be a question as to whether or not they are working more hours than they would otherwise work as to whether or not they get overtime pay.

Mr. FAZIO. There are people here, we agree, who would not have to be here if we were not keeping the House in session all night.

Mr. WALKER. And most of those are salaried people who we do not have to pay additional amounts to.

I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. First of all, I thank the gentleman for yielding, and let me say, first of all, that I have been in this body for 9 years, and I can tell you that if the leadership of this House would get to some sort of rational scheduling process so that we did not waste long hours in this Chamber doing nothing and then try to go into the late hours of the night, in the last minutes, trying to rush something through, we would save far more money than has been spent on all of these special orders.

I would also say that when we are talking about an issue of such transcendent importance as the seating of a Member of Congress and going through a procedure that has so violated the Constitution of this country, it does not make any sense to stand here and protest that a Member of Congress should not be able to debate and bring forth the issues about the seating of a Member and the violation of the Constitution because we are having to pay overtime to security. That seems to me to be getting things totally backward.

Mr. Speaker, I commend the gentleman for the time he has taken to bring to this House and to the public this important matter.

Mr. WALKER. I thank the gentleman. I do want to make the point that another little bit of research that we went ahead and did was how much it cost for us to have the pro forma sessions which are scheduled by the leadership regularly around here. In fact, the pro forma sessions cost more money than any amount of money that has been spent as a cost to the taxpayers through special orders done by the minority side. Now that is the majority scheduling, and they do not seem to worry too much about the fact that their pro forma sessions are costly. You know, maybe that is as it is, the House rules require us to have pro forma sessions, too. But let us just understand that the cost goes both ways.

I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

I did not bring this issue up, but I did want to engage in some dialog on it.

Clearly, the gentleman would not be protesting as much as he is if he were not somewhat concerned about the costs that do occur.

Mr. WALKER. Let me say to the gentleman, the reason why this gentleman brings it up is consistently every time we have had, and there have been only two of them in my time in the House, one of these long special orders we have had somebody from your side of the aisle quoted in the newspaper saying that it is irresponsible to hold this because of the cost to the taxpayer and what they do is they quote the Clerk of the House.

The only point this gentleman is making is that is a lie. The Clerk does not have such a report. I just thought that it was important to put on the record the fact that no such report exists and that to continue to use that is to distort the entire process.

I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding further.

I am sure we can document what the costs are, and I am sure that the gentleman and others on his side will calculate that those costs are worth absorbing, given the other weighty issues at stake. It is always a relative judgment as to whether the exercise of your rights are worth the cost. You happen in this case to think it is. I just think the issue should be clear for the

public to decide so we can put in the RECORD the costs that will occur as a result of these late night sessions, which I grant your side's right to engage in. But I do think you have to be willing to own up to the costs and the public has to know about it.

Mr. WALKER. I hope the gentleman will come forth with that kind of report, because every time this has come up I have requested a copy of the report.

At one point the majority leader was out there on the floor brandishing a sheet of paper that purported to talk about the cost to the taxpayer of doing certain things. I was told in that colloquy that that came from the Clerk. I called the Clerk's office and said since that Member had it couldn't this Member get a copy? I was told there was no such report that exists.

We never prepared such a report.

If the gentleman wants to prepare that report and give us the breakdown, I would sure love to see it, because I do not think that you can come up with anything that comes anywhere close to the kinds of figures that the gentleman's side of the aisle has been brandishing around here as purporting to be costs to the taxpayers.

Mr. FAZIO. I will see if we can clarify this matter. I just hope that the gentleman will accept the fact that there will be costs. The gentleman can toss them off as the price we have to pay for democracy, but I think that price should be known to the public.

Mr. WALKER. Well, I thank the gentleman. One thing that has amused me over the years is we even have people around here who do not like to come over to the floor and vote. They have put a cost on coming to the floor and voting on matters. You know, I really do think we have got to the point where the majority side simply does not want anybody doing anything on the House floor because they prefer to do things in the back room, and that somehow does not cost us anything.

I will be glad to yield to the gentleman from Georgia.

Mr. SWINDALL. I would like to make a point that has nothing to do with what the gentleman was speaking about. But as I was walking over here to cast my vote tonight on the aid to the Contras bill, what was already a level of outrage with regard to what is going on in the Eighth District of Indiana, soared to even greater heights of outrage as my gaze focused on a poster that I had seen many times, but I guess the words never really struck me as they did on this occasion. They said, "Count all the ballots; McCloskey wins."

The reason I became so outraged, as I saw that, is before coming to this august body I was a trial attorney and on occasion I tried criminal cases, and any time I was a trying a criminal case I alway tried to go back and find documentary evidence that in some way showed the frame or bent of mind of the criminal before he was actually apprehended, because there you somehow find what was really going on with respect to their intent.

With that in mind, I noticed that it said, "Count all the ballots; McCloskey wins."

Then it occurred to me that was printed long before the recount, which was supposedly an objective recount, where numbers of individuals defended that they were going to go into it objectively, and whoever won, won. Well, I submit to actually print a document before the recount is over that states, "Count all the ballots, McCloskey wins," is a very revealing fact, because it tells us that before all of the ballots were counted, this step was already contemplated to the point that they knew who would win.

□ 2230

Mr. WALKER. I thank the gentleman, and the problem of course is the fact that, having paraded that sign around for some time, then they decided at the last time not to count all the ballots, which is the angle that ends up being extremely unfair.

Mr. SWINDALL. If the gentleman will yield further, that is the other point, because that just stuck out even that much more, because it says, count all the ballots. As did a number of my colleagues this morning.

Mr. WALKER. I noticed that a lot of those signs have come down since we got the final result, because they know doggone well that there were at least 32 ballots that they did not count, including those of our servicemen.

Mr. SWINDALL. If the gentleman will continue to yield? Would you say that perhaps the evidence is being hidden?

Mr. WALKER. I think that might be an analysis that would stand scrutiny.

Mr. DURBIN. Would the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Illinois.

Mr. DURBIN. First let me say to my new colleague from Georgia [Mr. SWINDALL] that the use of the words "theft of the election" I think is an excessive term, but it has become a fashionable term on the floor of the House. If everyone who used that term had their words taken down, we would have done nothing else over the last 48 hours but take words down, and I will not ask for that.

I would like to comment, if I might, if the gentleman would refer to the war of the posters and look at his own party's posters, long before the recount was taken, your poster claims, "Seat McIntyre, He Won."

Again, if there was a conclusion as to what the result might be, we are all hopeful as to the result and in fact we now have the result, and Mr. McCloskey is the winner by four votes.

Mr. WALKER. I think that our poster was a statement of fact, however. We had a certified winner from the State. Just as he came to this body with a certification from his State that he won his election, so did Mr. McIntyre come with a certification that he had won his election.

He was in fact the winner. That is the reason why we thought he should be seated. Under all precedents of the House of Representatives, he should have been seated. He was not seated because there was an arbitrary decision made to not seat him and to go through this charade of a process of declaring someone else a winner who could not win an election on his own in Indiana, but could only win by having the House of Representatives count.

The House of Representatives then went through a process where they did not count all the ballots; they counted some of the ballots. They continued to count up until that time when McCloskey took the lead, and then they stopped counting.

That is the process that we regard as unfair, a process that I think is very revealing based upon your posters which stated, if you count all the ballots, McCloskey wins, and then refuse to count all of the ballots.

I will be glad to yield to the gentleman from Idaho.

Mr. CRAIG. I appreciate the gentleman yielding to me.

Mr. Speaker, on January 3, I stood on this floor and admonished my colleagues on this side not to vote against the duly elected and certified Congressman from the Second District of Idaho, because the delegation from Indiana was going to attempt to hold him from his certification as the Members on this side of the aisle held Mr. McIntyre from his certification.

I took the floor that day to argue the point that although there was still a question in the race in the Second District of Idaho, and although the incumbent, who had been defeated, had filed some protests because of some irregularities alleged in certain precincts in the Second District of Idaho, that it was not a question of a recount; there were no irregularities in the count in Indiana. In fact, the incumbent had not filed a protest, and there was a recount underway.

I said, and I believed it then and I believe it now, that the gentleman from Idaho should be seated until there was some evidence that irregularities could be proven that might change the election outcome.

Because that gentleman, Mr. RICHARD STALLINGS, had a valid certficate of election from the secretary of state of the State of Idaho, as did our colleague, Mr. McIntyre.

I took the floor that day and asked the members of the Indiana delegation not to use the congressman from the Second District of Idaho, just elected, as an example in protest. I believe I was right then and I think I am right now in saying that was the thing that should have been done because that was the constitutional and responsible act of this House.

So there were some limited protest votes, but the movement was backed off from. I made only one mistake that day, and that mistake was to believe that this body would attempt, through a fair and just constitutional process, to determine who was elected or who was not elected.

The bottom line was and is still remaining, that there is a gentleman from the Eighth District of Indiana who holds a certificate of election, but he has been denied by the majority of this House, through an absolute display of arrogance and power that they can in fact un-elect and re-elect as they decide. Not as the citizens of the Eighth District of Indiana decided; not as the citizens of the Second District of Idaho decided, and therefore by their act ask the secretary of state to so certify.

I can only apologize to the citizens of the Eighth District of Indiana that the arrogance of power is so massive in this House today that they will deny those voters, as they almost attempted to deny in Idaho, the right of the duly-certified individual to serve in this body.

I am disappointed. I thought we were a constitutional body, but I do recognize that power by the majority can and does and has overridden the Constitution of this great country.

Mr. WALKER. I thank the gentleman for his remarks.

Mr. KANJORSKI. Will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Speaker, I was standing on the floor when I heard your statement, and I would like the gentleman to define what is minimal, if I may. Do you have an opinion?

Mr. WALKER. Well, I do not really know—I assume the gentleman is talking about the cost. I simply reflected the fact that the salaries of the employees around here that are being included in the cost estimates given to us by the majority side, whoever is peddling that story around here, which is a false story, is not true because the salaries are paid annually whether or not the people are here or not. Just as the salaries for my staff are paid whether they work 12 hours a day or 18 hours a day.

Mr. KANJORSKI. Will the gentleman yield further?

Mr. WALKER. Sure.

Mr. KANJORSKI. Now, I happened to spend most of the good evening last night with my friends from the other side. We had a rather heavily involved conversation, and I was impressed that it had to be costing us something.

Since I heard your comment, at my request, I asked the Sergeant at Arms to give me a cost per hour of the extra police protection for having kept the House of Representatives in session.

I think you will agree, on that question that you were discussing yesterday, we at least were in session an additional 14 hours. Would you agree to that?

Mr. WALKER. I have no idea.

Mr. KANJORSKI. Well, the Sergeant at Arms informs me that the minimal cost for the services of the police force alone are $1,500 an hour. That is $20,000 for police protection alone.

Mr. WALKER. Well, I thank the gentleman for his observation——

Mr. KANJORSKI. Mr. WALKER, in my book and in my district in Pennsylvania—I do not know about yours—that is enough to employ one man for an entire year and raise a family, and that is not minimal.

Mr. WALKER. Well, I thank the gentleman, and it is a great deal of money. Of course, the gentleman realizes that we have security around this body whether we are here or not, and I would be somewhat suspicious of those figures since no one is able to document that kind of thing.

Mr. KANJORSKI. Will the gentleman yield further?

Mr. WALKER. I did not yield to the gentleman.

Mr. KANJORSKI. Is there a reason now we cannot have a byplay?

Mr. WALKER. I am simply trying to make my point, and I will be very glad to yield.

Mr. KANJORSKI. I ask the gentleman to yield. We have the Sergeant at Arms in the Chamber.

Mr. WALKER. The Sergeant at Arms. I talked earlier today to the Clerk, and I will say to the gentleman, the point is a peripheral point, because I am simply making a point that what we saw in the paper today——

Mr. KANJORSKI. Is now peripheral, is that correct?

□ 2240

Mr. WALKER. The gentleman from Pennsylvania is marked by his rudeness, and the only point that I would say to the gentleman is that the reflection I made earlier was that in a newspaper article there was a claim that the Clerk of the House has issued such a report. No such report exists. That report is a lie. If the gentleman wants to in any way refute that, I would suggest that he talk to the Clerk of the House.

I will be glad to yield to the gentleman from Georgia.

Mr. GINGRICH. I just want to say that I think the gentleman from Pennsylvania is, frankly, getting drawn into a quicksand that is not relevant.

Mr. WALKER. The gentleman is absolutely correct.

Mr. GINGRICH. Let me say unequivocably to the gentleman from Pennsylvania that if he wants to make a case about the Speaker's major trips, which are vastly more expensive, if you want to take on a number of things that are done in this place that are very expensive, then we will take you seriously. But the fact is that among many of your colleagues during the 1950's and the 1960's, all-night sessions in the other body, which were involving isssues of the Constitution and of civil rights, were heroic, they were noble, they were useful.

Mr. KANJORSKI. Will the gentleman yield?

Mr. GINGRICH. No. Let me finish my statement.

Mr. KANJORSKI. You know, it is interesting, you are constantly asking us to listen.

Mr. WALKER. Mr. Speaker, could we have regular order?

Mr. GINGRICH. I would be glad to yield in just a second.

The SPEAKER pro tempore. Will the gentlemen please maintain decorum?

Mr. WALKER. I think we ought to forgive the gentleman from Pennsylvania. He may be somewhat inexperienced and not familiar with the rules of the House. But it seems to me that at the very least he ought to respect the courtesies of the House as they relate. I have been good enough to yield to the gentleman. I will again. But I think the gentleman ought to try to respect the courtesies of the House.

I would be very glad to yield to the gentleman from Georgia.

Mr. GINGRICH. I would just like to finish what I was saying.

It is fascinating to have people come down here who are willing to spend virtually any amount of money on virtually any domestic idea that drifts through, to have people come down here who spend billions of dollars randomly, whenever they have a project, who proudly announce back home hundreds of thousands of dollars, millions of dollars, who are perfectly happy to have massive amounts of overseas travel, who have staffs around this building and offices around this building in their party's keep, which are an enormous cost, and then they rush down, suddenly, because we are speaking and they talk as though they were fiscal conservatives. It is a wonderful mockery, I think it is a beautiful act, it is a nice thing for them to do, but let us put it all in perspective.

Mr. KANJORSKI. Will the gentleman yield?

Mr. WALKER. I think it is important to understand that we have had a few votes around here about bringing down the cost of this place by reducing the number of staff around here and doing that. Invariably, the majority party votes absolutely against those reductions in staff and the kinds of things that would save big money.

Mr. McCANDLESS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from California.

Mr. McCANDLESS. I thank the gentleman from Pennsylvania.

I have listened very intently to my colleagues about the cost of operating this House, and having come from the private sector and also from local government, I have become very conscious of what it costs to operate anything, including this House of Representatives. And I must say, in all candidness, what we are talking about here is like a grain of sand on a beach compared to the cost of operating this House.

For example, here is the whip notice of the activities of the House of Representatives for this week: On Monday there were three suspension items. That is it. On Tuesday, self-explanatory. Tomorrow the House meets at noon. We may or may not take up what is the authorization of the State Department, but that is subject to a rule. Thursday is a pro forma session. The House meets at 11 a.m. In plain English, that means nothing will happen. The House is recessed on Friday.

Now, could any kind of a business anywhere in the United States function with that kind of a calendar with the overhead that this House has, whether it meets or not? And I think the object and the answer is absolutely no.

Now, a little personal note: I happen to represent a district from the west coast which has a considerable cost of travel. The changes made on the spur of the moment, without any apparent reason, of day after day, week after week, month after month, of this House of Representatives' program costs the Federal Government a bundle of money in changing reservations to get back to the district to meet the obligations of not only this Member but I am sure many other Members of this House because there evidently is not thoughtfulness enough to understand that every hour that this House is operating there is a cost.

To me, what happened last night is a basic constitutional issue and demonstrates the need to speak out for something that obviously is out of order.

Mr. WALKER. I thank the gentleman. I just want to make the point that in the matter that we are discussing, the Eighth District race, the Democrats had no hesitancy whatsoever of paying two people for one job during the period of time that they were taking time in order to change the election result in Indiana. That particular cost to the taxpayer, paying those two people for one job, comes to more money than even under the rather questionable figures of the gentleman from Pennsylvania the cost to debate in the House last night.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from California.

Mr. FAZIO. I would just like to make several points, and then I will leave the floor so the gentlemen can continue their internal discussions about their view of what happened in Indiana.

The last 6 years the legislative branch budget has been held down to a far greater degree than any budget of the executive branch.

Mr. WALKER. But it still has increased.

Mr. FAZIO. And we have still made progress on a yearly basis on eliminating personnel. We have had in the last 2 years declines in the number of employees in the legislative branch, net. We have been doing our job to set an example. I think we have done it in a bipartisan way. I simply wanted the record to show that we have had some success, and I think we will continue to have it this year. We are making every effort we can to make reductions not in the rate of increase but absolute reductions in the legislative branch once again. That would be the third consecutive year.

So I would hope that as the gentlemen defend their positions in terms of the time that was taken—and it is one that can be defended, from their perspective—that they would not play fast and loose with the facts as they relate to the spending that is taking place in the legislative branch.

We are now in a far different mode than we were 10 or 20 years ago. The gentleman from Georgia can cite history, but the fact is that today we are making progress on this, and I think we are doing it in a cooperative spirit, one that should not be trashed by the kind of late-night historics that occasionally impact us here.

Mr. WALKER. Well, I thank the gentleman. I would simply say to the gentleman that the point being that there evidently are some costs that are involved that the people from his side of the aisle get up here and posture against all the time when they happen to affect the minority. Our point is that many of the costs of running this body are involved with the fact that our committees around here are overstaffed, we have far too many subcommittees, we have a whole raft of staff around here that many of us think could be cut back and that we think there are ways of saving big bucks, and all the time what we hear is that the minority should not be allowed to debate, that would really save the money.

Mr. SUNDQUIST. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to the yield to the gentleman from Tennessee.

Mr. SUNDQUIST. I thank the gentleman for yielding.

I thank the gentleman from Pennsylvania for pointing out that the information that has been floated erroneously is not accurate.

Mr. WALKER. It is a lie, I would say to the gentleman.

Mr. SUNDQUIST. I think he said it was a lie. That the fixed expenses, if you would, of this body, continue, with the exception of some items. But I would like to pose a question to the gentleman from Pennsylvania: Is not the real question here—and perhaps the other side of the aisle should be focusing on that—what is the cost to the system, what is the cost to the system when the minority is trampled? What is the cost to the system when the State of Indiana is trampled in terms of certification of a candidate? What is the cost to the system when people lose faith in the system, this House of Representatives has to have two people being paid, as you said.

Mr. WALKER. Both are on the payroll.

Mr. SUNDQUIST. Which is far in excess of any additional electricity or a few security patrolmen.

Would the gentleman care to comment on the cost to the system?

Mr. WALKER. That brings it back to the real issue, which of course is the issue that the gentlemen on that side of the aisle do not want to discuss, because they do realize that, despite all of their rhetoric, despite all of their rhetoric of counting the ballots, they have refused to do that, that they stopped counting; and so, therefore, they send up smokescreens all the time.

When we get out on the floor and discuss the real facts, make our points very clearly to the American people, they then raise peripheral issues in order to try to divert the attention away from the real facts. They are spending their time talking about all kinds of matters in order to divert attention away from the real facts of the matter here and the real cost of this body, the real costs to our constitutional system if in fact they are allowed to pervert the Constitution in a way that they have moved thus far in the State of Indiana.

Mr. SUNDQUIST. I thank the gentleman. If he would continue to yield, I wonder where the Members are who

were talking about the few dollars of police protection.

Mr. WALKER. Oh, they do not want to talk about this issue.

Mr. SUNDQUIST. If they could address the question of the cost to the constitutional process.

Mr. WALKER. Well, they all voted to pay two people for the seat in Indiana at the same time. They all voted in that direction, and they do not want to get out here and discuss that matter because they are on record as having voted that way, which cost the taxpayers far more than anything the minority has done thus far. So they are not about to come out and discuss that issue. The gentleman I think is kind of deluding himself if he thinks that they are really willing to discuss real issues out here on the floor. They want to take their time on issues of nonimportance.

Mr. SUNDQUIST. I thank the gentleman.

Mr. WALKER. I would be very glad to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding, and I absolutely cannot believe my ears. This, majority leaders of the House, is not National Orange Juice Week that we are talking about, it is not National Transcription Week, it is not any of a number of somewhat perhaps nonmeritorious subject that we get up and talk about at great lengths at cost to the taxpayer. This is a matter of seating a Member of this body who is certified by a State as having won an election twice. And I have seen no Members on the other side of the aisle, on the Democrat side, get up and make any type of a substantive defense of the Democrat majority refusing to count the last 29 ballots in this race, those same unmarked ballots, the absentee ballots, that had been counted up to that point, until the Democrat contender got four votes away or basically pulled ahead of the pack by four votes, and then they said, "We don't want to count the ballots any longer," and then they stopped counting.

□ 2250

Let me tell you something: You had over 60 Members of the Republican conference in this special order that took place all night. These people left their families, they left their homes, they left other business engagements, they did a lot of sacrificing to be out here to talk about something that was very important to them and that is democracy in this United States. It is basic fairness in seating Members of Congress.

Let me tell you also that it was not simply conservatives, it was not simply liberals, it was a cross-section of all the Republican conference. Republicans are outraged; a lot of Democrats are outraged, my friends, and a lot of people in Indiana and across the Nation are outraged. Because it means that the Democrat majority for the first time, "You really do not have to get 50 percent of the vote to win a congressional seat, you guys come close out there and we will see what we can do."

Let me tell you something else for the gentleman that got up and said, "Well, it looks like we won by four votes." I got news for you: I predicted 4 weeks ago that you would win by a couple of votes. Some people in my District said what are you talking about; the Republicans are some 400 votes ahead? I said when the Democrat task force gets finished analyzing and controlling which votes will be counted, they will not be some 400 and some votes ahead; the Democrat will have won and the Republican will have lost.

They said, "My gosh, that is a cynical view." I said I am sorry. There were very few betting people in America when that 2-to-1 task force took off for Indiana who were willing to bet that the Republican would come out the winner, and it looks like they were right.

Let us say something else about propriety and the appearance of impropriety. One of the best points that was made last night, and I hope Members listen because this was not a filibuster where some Member of the other body gets up and reads a phone book so he can claim some time. There were very articulate statements made. The one gentleman, Mr. COUGHLIN from Pennsylvania, made one of the best comments and best statements about this body I have ever heard. He said, you know this body runs on comity, and comity means respect. It means respect for the minority. And he said essentially that task force should have bent over backward to accommodate the Republicans. They should have bent over backward to be fair. How can any Democrat stand up there and say how can you be made Republicans? When they counted those ballots, they counted those absentee ballots until they pulled four votes ahead, and then they said, "Now we think perhaps that the State of Indiana was right, and we are going to stop counting the ballots and we are not going to count those last 29 ballots."

How could they have expected any other reaction except outrage from the Republican side, from our leadership right on down. That starts with Mr. MICHEL and goes right through the ranks. Everybody was outraged; liberals in the Republican Party; conservatives in the Republican Party. In fact, I saw some conservatives stand here last night and wince a little bit when some of our more moderate Members got up and really explained very graphically what they think about this outrage that occurred.

I think every Member saw a number of them this morning, a number of people who are very, very concerned about civil liberties in this country, and about the right to representation. I would like to ask something else about cost: How about the 100 days-plus of cost that the citizens of Indiana experienced in not having a Representative? How about that cost? What is the cost to democracy? Well, I will tell you something: If you go over to the Soviet Union, you are not going to have many all-night sessions; you are not going to have many sessions at all.

If they are saying essentially other forms of government can run more effectively than those in which Members get up and speak their mind on subjects, they are probably right.

Mr. WALKER. Let us understand: Dictatorships tend to be very efficient. They are not very nice to live under, as we know on the minority side, because what we are hearing from the Democrats around here is they like efficiency. So when we do something like this, it is not very efficient, and so they do not particularly like that. It just happens to be democratic, however.

So what we have is a contrast here between democracy and dictatorship. It gets played out all the time in this body and on this floor, and I think that we have seen a few more examples of it here this evening.

I yield to the gentleman from Utah.

Mr. MONSON. I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, all this talk about cost has really outraged me even more. We have had a cost going on for the last 3 months that we did not even have to have and that is the recount process, period. We never needed to do that because we had a certified winner. We never needed to go through this process at all. We never needed to worry about whether we were going to pay two salaries. This was all immaterial because we knew who the winner was.

Then we go through all this process and what have we been left with? We have been left with a situation where they have counted spoiled ballots. Ballots that no one would count under normal circumstances because we know that they were spoiled and they were set aside and someone was given a new ballot because they had asked for a new ballot because they had spoiled the first one. They have counted some of those, and then the real abuse, when they get to the end, it takes them all but 32 votes before their man can pull ahead, and then they quit counting because all of a sudden they have a lead.

We do not know those last 32 votes would go, but we know that they were not counted, and until those are counted, and until you can eliminate

all those spoiled that should never have been counted, giving us in some precincts more people voting than signed the register, I do not see how we have learned a thing from this. We have just extended the period more; created more uncertainty; lack of credibility in the voter's minds, and we have committed one of the biggest outrages this House has ever committed.

Mr. WALKER. The gentleman makes a very good point. I wonder if some of those Democratic staff people who seem to have these figures instantaneously at their fingertips for the majority side has some figures as to how much that task force has cost us and all this recounting they have done. Getting the GAO and doing all this. I wonder if they have that kind of figure. I doubt it; I doubt they have it at their fingertips. I imagine they will try to bury that somewhere because they are not going to want to know, they are not going to want the American public to know just how much it cost in taxpayers' money to steal this election.

I yield to the gentleman from California.

Mr. DREIER of California. I thank the gentleman for yielding.

Mr. Speaker, it seems sadly ironic that today, as we are faced with the vote on $14 million in assistance for those who are fighting for freedom and free and fair elections in Nicaragua, that we are faced with this kind of dispute here.

I was just talking to my good friend from California [Mr. HUNTER] about this quandary, and I wonder if he might have any comments on a comparison he could see between this dispute which exists, because we know very well that in 1979 there was a promise made by the Sandinista regime that we would in fact see free and fair elections.

I wonder if my friend from California sees my comparison in this.

Mr. WALKER. I would be glad to yield to the gentleman from California, and the gentleman from California knows that the gentleman from Virginia has been waiting too.

Mr. HUNTER. I would simply say I think in that letter that the Sandinistas sent the OSA promising free and fair elections, they were not referring to the Indiana Eighth; I think that is obvious.

Mr. DREIER of California. They had no idea at that point that the dispute would exist, I am sure.

Mr. HUNTER. That is right.

Mr. DREIER of California. I thank the gentleman very much.

Mr. WALKER. I thank the gentleman and I am glad to yield to the gentleman from Virginia.

Mr. WOLF. I thank the gentleman for yielding.

Mr. Speaker, I really do not think the cost is very significant. Obviously, we are dealing with principle. If I were the Speaker of the House, frankly, I would let most of the staff go home on almost all these special orders. I think we keep too many of the staff people around. I think those who have families ought to be able to go home.

Mr. WALKER. I agree with the gentleman.

Mr. DREIER of California. Shall we take a vote?

Mr. WOLF. Well, we could take a vote tonight.

On the question of what I think should be done, I think something like this really helps to tear the House apart. I know, obviously, what I would favor would be that Rick McIntyre ought to be seated.

I want to again read something that I referred to again today. It was an editorial in today's Washington Post, and it is significant because the Washington Post is an independent newspaper. It is here within Washington, DC; within the Beltway. It responded immediately after the task force made their recommendation.

This is what the Washington Post said:

> The controversy now rapidly coming to a conclusion in the House over who actually won last November in the Eighth District of Indiana inevitably raises one question: Can it ever be determined with certainty who won such a close election? The proceedings before the 3-Member Task Force, which has concluded two-to-one that Democrat Frank McCloskey beat Republican Richard McIntyre by 4 votes suggests that the answer to this question is no.

That means no, it will never be a certainty. It will always be in the minds of everyone. Frankly, I know it will be in the minds of the Members on the other side. It will be in their minds as to whether or not they actually robbed Rick McIntyre of his seat.

Members know how hard it is to run for Congress. I had to run 3 times before I got elected I was defeated in 1976 and 1978, and I did not get here until 1980.

□ 2300

Do you know the hurt, the pain, and the agony when somebody is defeated, particularly in a situation whereby they think they are going to be seated and then they are not seated, and back and forth? Frankly, I would feel the same way. My heart would go to McCloskey if he were in that same situation. I mean it just is not fair. So I think no one in this Chamber will ever know for sure.

The editorial goes on to say: "The House, embroiled in an ear-splitting dispute over the outcome"—and it is ear-splitting—"should in fact declare the seat vacant and let Indiana hold another election."

It concludes by saying: "But when the margin is so close"—as this is, four votes—"doubts inevitably remain"—as I said before, we will always wonder; I think we will wonder who should have been seated and ask, did we do the right thing?—"and the candidate who is declared the winner will hold the office, so far as some of his colleagues and constituents are concerned, under a cloud."

I think, quite frankly, if we do not hold a special election, you will see McIntyre or McCloskey walking around and you will sort of whisper and say, "Hey! I wonder if he really won that election. I wonder, do you think he won that, or did we do the right thing?" You will always wonder. Whether it be McCloskey or McIntyre, as they walk down the corridor of the Capitol, people will say, "There's the guy who won by four votes, and it really didn't count." There will always be this cloud.

The Post goes on to say, and I agree completely: "In these circumstances the by no means unusual or cumbersome remedy of a special election is in order."

Now, I think we ought to seat Rick McIntyre, but certainly I would appeal—and I know we are going to have an opportunity to vote on this next week—to Members, and Members will say, "What is the fairest thing we could do?"

First, I think it is fair to have a special election. Second, if you care, not only about that Indiana Eighth District but care about the traditions of the House and you care about whether or not this body will be torn apart—because, frankly, the Members on my side of the aisle are really angry about this, and I am not sure what is going to be done, but frankly something will be done—I think in order to keep peace and show fairness, the best thing we could do for Rick McIntyre, for Frank McCloskey, and for the Congress is to hold a special election and allow the people of the Eighth District of Indiana to make a decision as to who should sit in this body and forever remove that cloud.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I think the gentleman will agree with me that the one thing that is not fair in this process is the seating of Frank McCloskey when the only way he could win the election is when his buddies in the House did the count. That we know is not fair. There may be other options that would be fair but that we know is not.

Mr. WOLF. I agree.

Mr. WALKER. That is precisely why the minority feels so strongly and so deeply that that process cannot go forward without the minority's reacting in a vehement fashion.

Mr. BOEHLERT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman for yielding, and I want to compliment him for the outstanding effort he has underway here.

I would like to identify myself with the remarks of my predecessor, the distinguished gentleman from Virginia.

There is an ironic twist to this, because I have heard some Members from the other side criticizing the Member in the well for this special order and for the minimal cost of that special order. It just so happens that I have before me on my desk a copy of the Congressional Quarterly for March 30 and there is a story entitled. "House Votes Increase in Committee Funding." The story says, and I quote exactly:

> At the same time many of its members are advocating freezing federal spending programs, the House voted to authorize more money for its own committees March 26.

Now, we are not talking about nickels and dimes because the resolution authorized $48 million for investigative costs of these House committees.

Mr. WALKER. Will the gentleman repeat that figure?

Mr. BOEHLERT. It is $48 million for investigative costs. And that is only the half of it. It is estimated that we will spend $86 million on committees in the House of Representatives during this year when so many people are talking about costs.

Mr. WALKER. Was that $86 million?

Mr. BOEHLERT. That is precisely right. The gentleman is exactly right.

And the interesting twist to this is that some of the Members who were so critical of the gentleman in the well for taking this special order and for giving the minority one of its rare opportunities to speak its will, to address the American people and let them know the seriousness of the matter we are discussing, these very Members, I noticed as I looked back at the scorecard, voted for this.

Mr. WALKER. They voted for $86 million?

Mr. BOEHLERT. Well, they voted for only $48 million in this increment. It is an incremental thing. The House takes very good care of itself, as the gentleman well knows.

I would commend the gentleman in the well. I checked him on this, and he voted no on that resolution.

Mr. WALKER. Thank goodness.

Mr. BOEHLERT. I want the gentleman to know that I also voted no, and a good number of us did because we were concerned about this excessive spending.

But the fact of that matter is that these special orders, I think, are extremely important. They give those of us who are in the minority an opportunity to discuss at some length with reason, with cogent arguments, very important issues like the issue of the race in the Eighth District of Indiana, and I would like to commend the gentleman for what he is doing in this special order.

Mr. WALKER. Mr. Speaker, I thank the gentleman very much.

Mr. LOWRY of Washington. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Washington.

Mr. LOWRY of Washington. Mr. Speaker, I thank my friend, the gentleman from Pennsylvania, for yielding.

I would like to point out that I voted with the gentleman in the well last week on a cost-saving measure relative to the NASA Program.

Mr. WALKER. I appreciate that. I noticed that. You and a number of your colleagues voted that way, and we very much appreciate that. We saved a few million bucks there.

Mr. LOWRY of Washington. The gentleman is absolutely right.

Mr. Speaker, I only came to the well because I thought there was a nice statement made by our friend, the gentleman from Virginia, who read the first paragraph of the Washington Post editorial, and I was hoping that we would read the second paragraph of the Washington Post editorial, which says this:

> We reach this conclusion not because we think the Task Force acted unfairly or negligently. On the contrary, it seems clear that it counted the votes it believed were cast with great accuracy and that it reached its conclusions as to which votes were cast on principles that can readily be defended as impartial and fair. We don't agree with Republicans who are describing the Task Force's proceedings as a "rape."

That was the next paragraph of the Post editorial.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. LOWRY of Washington. It is his time.

Mr. WALKER. Mr. Speaker, if I might reclaim my time and then yield to the gentleman from Virginia, I would simply say to the gentleman that I have a feeling that the editorial was written or I know it was written before the task force met today or before the House Administration Committee met today, where the official counter for the task force did in fact admit there were ballots that he would have counted that the task force did not count. I wonder if the Post, upon hearing the words of the official counter, will in fact be as confident of the second paragraph that the gentleman read.

Mr. LOWRY of Washington. I have no idea. I just wanted to read the second paragraph.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Virginia.

Mr. WOLF. I never used the word that the gentleman made the comment on, and if the gentleman checks the RECORD, he will find I never used that word about the task force.

Mr. LOWRY of Washington. What word? I am sorry. I did not use a word.

Mr. WOLF. The editorial goes on to say, if the gentleman wants to read the very next paragraph:

> But at the same time, to decide which votes should be counted, the Task Force had to make exceedingly fine judgments about which, inevitably, fair-minded people might reasonably disagree. By a 2-1 bipartisan vote, for example, the Task Force decided to count absentee ballots that were not notarized and were sent by county clerks to precincts. But by a 2-1 partisan vote, the Task Force decided not to count unnotarized absentee ballots that were retained by county clerks.

Then it ends, as I made the comment before—and the point I was trying to make is for a special election—and it says: "In these circumstances the by no means unusual or cumbersome remedy of a special election is in order."

The point I was trying to make is—and I know the gentleman is a fair-minded person, too—darn, you know you want to do the right thing by both of these people, and reasonably it will make a difference with different counties involved and everything else, but a special election would turn it back to the people of the Eighth District of Indiana and let them make a decision. I think that is fair, and that is the point I was trying to make.

Mr. LOWRY of Washington. I agree. I just wanted to get the rest of the editorial in.

Would the gentleman agree that a description of the task force's proceedings as a "rape" might not be a fair description, as a fair-minded person?

Mr. WALKER. Yes. The gentleman from Colorado, I think, expressed our sentiments. We think that might be a little mild.

Mr. LOWRY of Washington. You think that might be a little mild?

Frankly speaking, I watched the debate last night, and I, frankly, do not know what went on in the task force and I for one am very interested in finding the technicalities.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. LOWRY of Washington. Just a second. It is his time.

Mr. WALKER. I continue to yield to the gentleman from Washington.

Mr. LOWRY of Washington. I watched it last night. I do not know the technicalities of this question, and I am very interested in finding out the answers to the technicalities of this question. If I think technically the vote was misconstrued, I will vote that way. I do not know the technicalities, and I want to hear them. But there were descriptions last night that were absolutely out of order with the decorum of this House.

□ 2310

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I hope the gentleman understands that one of the reasons that is taking place is because there is a very, very strong feeling on our side of the aisle. I am not certain that many of the Members on that side of the aisle understand the depth of concern about this issue. It is a concern with an issue that we feel is fundamental to the minority; that if in fact this process is allowed to go forward conducted in the way it has been conducted thus far, that it runs the risk of perhaps disenfranchising much of the minority over a period of time.

Mr. LOWRY of Washington. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman.

Mr. LOWRY of Washington. One of the things I was noticing last night, I happen to be chairman of a small subcommittee. I am proud to be chairman of the small subcommittee. I have an outstanding ranking minority member by the name of JACK FIELDS from Texas. Last night it was consistently said all the time about suppressing the rights of the minority.

Now, I feel pretty confident, to tell you the truth, that the subcommittee that I happen to have the privilege of chairing, that I do not think the minority would say that.

The first bill that will come to this floor out of that subcommittee is the bill sponsored by the excellent ranking minority member, JACK FIELDS from Texas. That is the first bill we acted upon.

I mean, there were descriptions last night saying things we do in the majority that were absolutely inaccurate.

Mr. WALKER. Let me yield to the gentleman from California and then I will get to the gentleman from New York.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

Since the gentleman listened to the debate last night——

Mr. LOWRY of Washington. Three hours is all.

Mr. HUNTER. Let me just ask the gentleman this. The point of our argument was this. It was that they counted unnotarized absentee ballots that had been distributed to the precincts, which actually was an improper move under the task force analysis; but when Mr. McCloskey got four votes ahead and they had some 29 unnotarized absentee ballots with real people's names on them and real people's addresses on them, the task force says, "Even though there were notarized statements or there were sworn statements from the county clerks that they had secured those ballots, nobody messed with them," they said, "We don't want to count the last 29 ballots."

Now, my question to the gentleman, and he has asked some fair questions of us, would the gentleman have counted the last 29 ballots?

Mr. LOWRY of Washington. It depends on what the certification was. I do not have the information, I do not.

Frankly, if a person was not very close within this task force situation, I, frankly, do not know how we would have the information. I know that the chairman of the task force makes an argument on those 29 ballots. I have not heard that. I think we are going to have a chance to hear that tomorrow. I want to hear that argument. I have heard the argument the gentleman said. I want to hear that other argument.

Mr. HUNTER. I would ask the gentleman to make that analysis when it comes forth, to look at the facts and come back and tell us he would have counted all the ballots.

Mr. LOWRY of Washington. I say to my friend from California, I will absolutely do that. I want to have a chance to see all the facts. I have not.

Mr. WALKER. I hope the point is made in the gentleman's caucus tomorrow that the official counter hired by the House at some expense did in fact tell the task force and tell the House Administration Committee today that he would have counted the ballots. That is something that is getting lost in this whole process.

We are dealing in very fine technicalities, but the person that we hired, who supposedly was to tell us how this election should have been conducted, said today on the record, it is on tape of him saying that he would have counted the ballots. It was a task force decision not to count the ballots.

Mr. LOWRY of Washington. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I will yield to the gentleman.

Mr. LOWRY of Washington. I will complete on this and then I will sit and listen some more.

I will make sure I ask that question tomorrow, I say to the gentleman from Pennsylvania.

I also want to say that I did not raise the point on the cost of this special order.

I also want to say, the gentleman forgot about that special order. There was a special order here 2 or 3 years ago on behalf of the nuclear weapons freeze. It really was on behalf of the nuclear weapons freeze, but it was the whole nuclear arms race that went all night. I participated in that. I was part of the organizer of that and I thought that was a very good thing to do.

I am not a person that thinks that having a special order on an important issue is wrong. I think it is right; but I do believe that we all have a responsibility to deal with fairness to the facts and try to get as much information as we can.

Mr. WALKER. Well, I thank the gentleman. I think the gentleman makes an excellent point.

The thing is about the special orders is that they do provide an opportunity to discuss in depth a lot of issues. The loss of that by nitpicking, as has been going on, I think would be a tremendous disservice to the House of Representatives and a tremendous disservice to the future of debate of serious issues in the House of Representatives because as the gentleman well knows, even though he is from the majority, there are some issues that sometimes cannot get scheduled for legislative debate and the only way we can deal with those important national issues is to bring them to the floor under procedures such as this. I know the gentleman has done that and I think it is extremely important that in the House we do it.

ORDER OF BUSINESS

Mr. McCANDLESS. Mr. Speaker, I ask unanimous consent that my special order may be taken out of sequence at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE OUTRAGE OF THE INDIANA EIGHTH TASK FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. McCANDLESS] is recognized for 60 minutes.

Mr. McCANDLESS. Mr. Speaker, I have a number of people who are interested in participating in that part of the program that I have. I yield first to the gentleman from Colorado [Mr. BROWN] who has been very patient. I am sure he has something of substance to contribute.

Mr. BROWN of Colorado. Mr. Speaker, I thank the gentleman.

I wonder if I might ask some questions of our colleague, the gentleman from Pennsylvania, regarding this matter, if he would be willing to respond.

I appreciate the gentleman from Pennsylvania being willing to respond to the issue.

As I have listened to the debate on this issue over last night and the preceding weeks, there have been a number of key points that I am not sure have been spelled out clearly in the press.

First of all, if I understand the case correctly, this election was certified and then a recount was taken and it was recertified, that the Democratic candidate had some concerns about the rules that were followed in counting the ballots.

Let me ask the gentleman from Pennsylvania if the procedure that Indiana used was challenged in court.

Mr. WALKER. It is my understanding that a case could have been brought under the Federal Contested Elections Act if in fact there was a

valid court case, but the gentleman from Indiana, Mr. McCloskey, who it seems to me has the burden of proof on him because he was not certified and Mr. McIntyre was, never brought a suit under the Federal Contested Elections Act.

Mr. BROWN of Colorado. Let me see if I understand this correctly. The House is questioning the validity of the Indiana State laws as to whether or not they are proper and constitutional and yet the loser in that election, the Democratic candidate, chose not to contest those Indiana laws in the courts of this country.

Mr. WALKER. Well, if the gentleman will yield, I would say to the gentleman that that is correct, and not only that, but when we got to the question of whether or not Indiana laws had resulted in fraud, the task force itself reported, the gentleman from California [Mr. PANETTA] reported to the task force that they found absolutely no evidence of any kind of fraud within the process, so that in fact we were not dealing with a situation as was described to us on opening day where an election was held under questionable circumstances.

Mr. DORNAN of California. Mr. Speaker, would the gentleman hold this off for 1 second and yield to me?

Mr. McCANDLESS. I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I thank the gentleman for yielding.

Would the other two gentleman from California on the floor please take the microphones? This is very important. There is one open at the Democratic leadership desk.

Mr. McCANDLESS. Are we going to call this the "California connection"?

Mr. DORNAN of California. I wanted to point out to the gentleman from California that the gentleman from California [Mr. McCANDLESS] is now a historical figure. During the gentleman's special order we have now set a House record for the longest continuous session in 197 years and I think that it is a proud moment for the State of California that all of us are here protecting the Constitution under the tutelage of the two distinguished gentlemen whose fascinating conversation I so historically interrupted.

I would just like to say that the questioning and probing of this gentleman and all of us is going to continue to elucidate the facts tonight.

Mr. DREIER of California. Mr. Speaker, will be gentleman yield?

Mr. McCANDLESS. I yield to the gentleman.

Mr. DREIER of California. Mr. Speaker, I thank the gentleman for yielding.

It is quite apparent that more than 150 years of precedent has been set by the decision that was made by this House in not seating a representative from any district, not only the Eighth District.

We all know that precedent indicated that a Member should have been seated and then if there was a question that had taken place as to whether or not that Member had been duly elected, he should have stepped aside.

So while the gentleman says that precedent has been set as far as the length of this special order, it is tragic that the precedent was set in not providing a half million people of the Eighth District of Indiana an opportunity to have a representative in the most important deliberative body in the world.

I thank my friend for yielding.

Mr. McCANDLESS. Mr. Speaker, I thank my two colleagues from California.

I would like to reiterate that it is not with the desire or gladness that we break the record, but it was with the need to express ourselves on a subject that goes far beyond the time that was involved.

I yield again to my colleague, the gentleman from Colorado.

Mr. BROWN of Colorado. Mr. Speaker, I thank the gentleman from California.

I have just two other questions for the gentleman from Pennsylvania, if he would be so kind to respond.

□ 2420

We had established that the Democratic candidate who lost the election in Indiana did not object or contest the validity of the Indiana laws in the courts of this country.

Let me ask the House of Representatives. Did the Democratic majority who have thus far set aside the laws of the State of Indiana, can the gentleman tell me the laws that they have set aside, what their purpose was?

Mr. WALKER. I would say to the gentleman that I am not familiar in enough detail with the specifics of the task force to know exactly what they set aside.

In adopting their rules, however, they did set aside certain of the procedures in the State of Indiana that I would interpret as being the guards against fraud.

Mr. BROWN of Colorado. In other words, the laws that were set aside here were ones that were meant to protect the ballot box against fraud and provide proper authentication and so on?

Mr. WALKER. That would be my interpretation for the reasons for those laws. And most of the ones set aside were in fact in that category.

Mr. BROWN of Colorado. Do I understand also, were the laws of Indiana set aside by the Democratic majority, do those laws conflict with Federal laws in this area? Is there a Federal statute that outlaws those? Does the Voting Rights Act outlaw the Indiana law?

Mr. WALKER. No. The only thing I would say to the gentleman is that the Federal Contested Elections Act was set up in order to resolve such disputes and that if in fact you believe that the laws of your State have somehow disenfranchised voters, or in some way impacted adversely upon your election, you can take those kinds of contests to the Federal Courts, to the Federal Contested Elections Act. That was the whole reason for putting it into place, and it is passing strange that the gentleman from Indiana, Mr. McCloskey never sought to use that remedy as a part of the case that he made.

Mr. BROWN of Colorado. Let me just review the facts if I understand them. If I have misstated them I hope Members of the House will correct me.

But first of all, if I understand correctly, the Democratic candidate did not choose to contest the Indiana laws in court. No challenge was brought to that certification of the Republican candidate in the courts of this country.

Second, those laws were meant to protect the validity of the ballot box and protect the integrity of the process.

Third, the House has chosen to set aside those laws even though they do not conflict with the Federal standards and the Federal statutes that are on the books.

I just would observe one thing. I think it is terribly important that this body, when it makes its final decision, answer the question of why in breaking the rules and setting up new rules they were not applied consistently.

One last thing from the gentleman from California, if I might be permitted just a few seconds more. I would like to observe with regard to the cost of this body, I think it is very appropriate we begin to think about the cost to this body and we ought to talk about specifics. The fact is we have 1,200 policemen that guard this building and our offices, 1,200. If we want to control spending and we are concerned about the costs, let me suggest that we can get by with less than half that.

Mr. DREIER of California. How many elevator operators?

Mr. BROWN of Colorado. We have in the past spent close to a million a year for elevator operators. Actually that sum is down, but there is still a large number of them.

The folks who are listening to these proceedings should understand that those are elevators that are automatic, that require no operator.

I would just mention with regard to the committees, it was mentioned as to the cost of the Congress in the past. The district that I represented when I came to Congress is the Fourth District of Colorado. The chairman for many, many years of the Committee on Interior and Insular Affairs in the

House of Representatives was a Democratic Member. When Wayne Aspinall came to Congress there were four full-time staffers on the Interior and Insular Affairs Committee. They did more work when they had four staffers than at any time since. That is not a subjective judgment. I mean the number of bills and the number of bills referred to the committee, and the number of bills passed and acted on, and the legislation performed by four full-time staffers.

I think Americans would be shocked to realize that we had 73 full-time staffers last year and they do less work than the 4 people did.

I mean any time we want to talk about cost around this place, let me assure the gentleman all we have to do is drive in the garage and you pass seven parking attendants to get to your parking spot in this place. Now you know even Members of Congress can find their parking spot after a while.

If we want to talk about waste and extravagance and expense, I think it is an important subject and I would hope that we might deal with that subject directly, because, believe me, there is no part of the Government, the executive, the judicial or anything involved in the legislative process that has overspent and wasted money as badly as this House of Representatives. And I hope that we will take that subject up as we consider the debate.

I thank the gentleman from California for yielding.

Mr. McCANDLESS. I thank the gentleman from Colorado for his comments. They are well taken and I certainly subscribe to some of the cost cutting that I also have observed.

Mr. COBLE. Will the gentleman yield?

Mr. McCANDLESS. I yield to the gentleman from North Carolina [Mr. COBLE] who has been very patient.

Mr. COBLE. The gentleman from Pennsylvania earlier when we were discussing costs indicated that all of the majority have voted to pay two Congressmen or two Members from Indiana. I believe technically there were four or five on the other side who voted with us, so technically they all did not vote in an exercise of extravagance. That is a technical point and I think the gentleman probably did not intend to imply they all did. I think four or five did vote to seat McIntyre.

I will be very brief. I thank the gentleman again for having yielded.

Someone called attention to the fact that the Washington Post did not agree with the descriptions that were used on this floor last evening regarding the rape that was committed against the minority Members of this House in the task force decision to refuse to seat McIntyre in the Indiana contest. I think that is subject to interpretation as to whether or not a rape occurred.

The fact that the Washington Post has in fact called for a special election in the case clearly indicates to me that the Post editorial board was not happy with the manner in which the task force conducted itself. Certainly the majority members of that task force, and I am in agreement, I think perhaps that, as was said earlier, Mr. Speaker, the word "rape" very likely was an appropriate descriptive term as to what occurred to the voters in the Eighth District of Indiana.

I thank the gentleman from California for yielding.

Mr. McCANDLESS. I thank the gentleman from North Carolina.

Mr. DREIER of California. Will the gentleman yield?

Mr. McCANDLESS. I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. I thank my California colleague for yielding. I must say what I said just a few moments ago, that precedent had been set by not seating a Representative from the Eighth District of Indiana. But really there has been a continual performance of abuse by the majority party in several processes. One of the most important was that of the process of redistricting in California.

In the last election we received as Republicans 49.6 percent of the votes to the Democrat's 48.4 percent of the vote. Yet because of that process of gerrymandering we, as Republicans, only hold 40 percent of those seats while the majority party holds 60 percent of the seats.

We have one of the victims, fortunately having returned as a new Member of Congress, but he was a victim of that redistricting process, and that is my good friend from California [Mr. DORNAN]. I would like to hear from him a little assessment of what that process did to him and if there was in fact continued abuse on the part of the majority party.

Mr. McCANDLESS. I yield to my other colleague from California [Mr. DORNAN]

Mr. DORNAN of California. I thank the gentleman. There is a great sociological as well as adventure work of written art called "Lord of the Rings" by a famous British author, and it shows how a group of young students in an airplane crash on an island, without the benefit of adult supervision passing on tradition to them eventually returned to a barbaric and a primitive state. It has been stated by many anthropologists and sociologists that civilization is only 18 years at any given point from barbarism, assuming that it takes from 1 to 18 years of educating our young daughters and sons into our civilization to save them from reverting to this barbaric state.

Now, if that is true, that means that the depth of our civility, our traditions, and in a House like this the word we discussed at length last night, the comity, the good feeling that we have for one another, those traditions are built up over a long time. And they can unravel very quickly.

I maintain since my distinguished friend from California has brought it up that the reapportionment, butchery would be a better way to describe it than gerrymandering, because Gov. Elbridge Gerry from Massachusetts, who did his handicraft work with maps in the period of 1809, 1810 and gave the name salamander to a district that has a long swooping tail on it and probably included the Cape Cod area, that rough use of the pencil to craft out maps to someone's political advantage is nothing resembling the butchery that took place in California.

□ 2330

Now I maintain that the arrogance of what the Democratic majority got away with in the State of California so impressed, in an ugly and negative way, some of the Members on the majority side of the aisle in this House that it began to desensitize them to civility, to decency, to the comity in the House.

Mr. DREIER. I would like to ask my friend about his particular case. What exactly happened?

Mr. DORNAN of California. My district was a coastal district that had been slowly put together through two prior reapportionments. Because people tend to hold onto their property longer when it is near the ocean and has a beautiful ocean breeze and my prior district with the number of 27, much different than the 27th represented now by MEL LEVINE of California, was really a district that was smog-free because the ocean breezes blowing off beautiful Santa Monica Bay held back the infamous Los Angeles smog. That district was a string of pearls, I call it, of Republican cities along the coast because they had deep tradition of people putting down roots and staying in these beautiful cities.

When it was conceded to the Republican Party, adjoining four Democratic districts as it did, after the 1960 census and the 1970 census I knew getting elected in 1976 that I would be up against it in 1982 to hold onto this seat if the Democratic majority played with it at all.

Now the late gentleman that some Members here are trying to break precedent and name Federal parks after, Mr. Phillip Burton, carried a longstanding grudge against me. I do not mind talking about the past. He is probably in heaven now so he could not care.

He came on my television show in Los Angeles in another life and he ac-

cused a great Senator, George Murphy, of being a racist.

Senator Murphy, when he got elected, jerked the appointment of a gentleman who he didn't even know, they were just names on a piece of paper. One of them I believe was called Cecil Poole, who happened to be a fine black attorney from the San Francisco area, a Democrat, an activist. Senator Murphy did not know who he was. He just jerked the name to put in his appointee. After all, he had beaten Pierre Salinger.

With this, Burton, who was either in the assembly in California or just in the State senate, said that George Murphy was a racist. I told him there was not a racist bone in Senator Murphy's body. He is still alive and well and can take care for himself. He was in Washington. This was in Los Angeles.

So I said "Retract that statement and if you do not retract that statement you are not half the man he is and if you do not I will throw you off my television show."

Burton would not retract the statement so I threw him off my television show.

Well, Phil Burton had a long memory. So he told our colleague, JERRY LEWIS, told our colleague, BILL THOMAS, "I am going to get DORNAN if it is the last thing I do." So I got on the train on the way to the Rayburn Building one day and I said, "Phil, tell me, would you really carry a grudge for over a decade? Are you going to do any particular carving on my seat?" And he looked at me with that big innocent look that he could affect and he said "I am a mere servant of the Lord." That is why I have to assume he is in heaven because he is a servant of the Lord.

Mr. DREIER of California. Will the gentleman yield?

Mr. DORNAN of California. Well, he proceeded to cut my seat up, if you want to step on my punchline. But no, go ahead. He cut it in three pieces is what he did. And the northern piece is now represented by a fine Congressman, MEL LEVINE, a middle piece is kind of spread out over several areas. The bottom half, beautiful Palos Verdes, is represented by our colleague, DAN LUNGREN, very well. So that was the end of the 27th District. He did me a favor. He pushed me into the U.S. Senate primary. I got to see northern California. That was a delightful year for me. Then I was on the beach for 2 years. I was hanging around the Cloakroom, walking around the floor; sometimes you guys would say hello to me, sometimes you would not. Usually you are nice to me.

Then BILL DANNEMEYER said, "DORNAN, I found your seat. What was left of the 27th District slid into Orange County and some guy named Jerry Patterson has it. Go take it back from him." And I did and it is a happy ending. I was even walking through the halls today thinking what a lucky fellow I am.

Mr. DREIER of California. We are very happy that you took that seat back. I think what you have just demonstrated is the arrogance that we are seeing and the treatment of the election of the Eighth District of Indiana is a continuation of behavioral patterns that we have seen in the past on the part of the majority party.

I thank my friend from California for yielding.

Mr. DORNAN of California. If the gentleman from California would allow me to just bridge this assumption of mine which I think is quite valid, I do believe that that act of arrogance in chopping up our California congressional, senate, and State assembly seats was so overdone that even Phillip Burton in his wildest dreams never thought he would get away with it. They thought with Reagan's big victory in 1980, his tremendous legislative victories in this House in 1981 and 1982 that they were doomed in 1982. Now this is early 1982. They thought they were going to get wiped out again in the 1982 midterm elections.

Well, Burton said, "I will draw the most outlandish district in the history of this Nation in two centuries." And he proceeded to do it and announced to the world, "This is my contribution to abstract modern art." And he laughed, expecting to get his knuckles rapped.

When the American public did nothing, when the Republican Party did nothing, a few thousand dollars were allocated to fight back, and they got away with it, they passed around the maps in the Democratic Cloakroom and they said, "My God, what is this crap? These are your maps in California? Why the Republicans are doormats. Let's walk on their faces. We can get away with anything. Look at these stupid maps."

Mr. DREIER of California. So they are doing the same to us in Indiana right now.

Mr. DORNAN of California. That set the pattern of what we are seeing here with a sleazy three-vote margin. Three votes was not good enough, three. I told TONY COELHO in the hall 2 days earlier, "TONY, you had better come up with five. Anything else really stinks, reeks to high heaven like a rotting fish held up to the moonlight." You know what? They could not quite get it to five because they had the three win and they know that sounds kind of funny. Three, twee. A twee-vote win. They looked at it. They had 22 ballots that cut 11/11. So that would have brought it up, both sides even still with the three spread.

Ask BILL THOMAS about that ugly last session with much yelling. Again they decided, "Well, here is a ballot that has a mark on it. Is that a mark? I don't know. Get the magnifying glass. Yes, it looks like a mark to me. Throw it out. Then it will only come up 10 and 11." Or I think it was 12 and 11. They squeaked out in the last session, THOMAS shouting back no and the other two saying, "Sorry, 2-1, we whipped you." They even took the fourth vote. So then it had the ring of four instead of twee.

And that is the sleazy way this whole operation went. The truth is I am embarrassed for the majority party, I am embarrassed for my friends in that party, I am embarrassed for this House. It seems like a bad dream. I do not believe this is happening.

Mr. DREIER of California. Does it surprise you, though, based on the California redistricting?

Mr. DORNAN of California. Yes, I admit to being stupidly naive. I sat over here with our good friend, HENRY HYDE, when Rick McIntyre was not sworn in and he was seated a few chairs away. I said, "HENRY, I think they have got themselves in a bind. They have got their juices flowing a little overeagerly, It happens sometimes in the NRCC. TONY COELHO is trying to play catch-up with GUY VANDER JAGT in the money department. He is falling way short. He is a little bit jealous and angry. So they are reaching here. The Speaker is a tough Irish politician. I love him because I like to think of myself as a tough Irish politician at least one day a week." And I said further, "The Speaker is uncomfortable with this. So is the very eloquent gentleman, the articulate gentleman from Texas. They are going to go through some motions here and they will eventually seat Rick McIntyre. Why not put up a little fight? The sad thing, it is going to cost them some money."

Now we find out we are going to pay them.

You know what HENRY HYDE did? He pulled back in his chair and he looked at me and he said, "BOB, you have got to be kidding. What is the matter with you? Don't you know they will not go through this operation without stealing this seat? What do you think they did to you in California with these ugly maps out there that you showed me that I still can hardly believe?"

I said, "HENRY, this is before the public. This is a man's congressional seat. No way."

Well, I was wrong. I mean I am shocked, surprised, abused; I feel like a little kid in school who had my balloons blown up in front of me. I do not believe yet that they can pull this off. I still think there is a chance that wiser heads like our great Speaker and our great majority leader will pull back from this and say, "Let's have a

special election and let's have Tony and Guy duke it out in the Eighth District of Indiana with great 30-second spots. We'll all go up into the precinct. It will be a great catharsis and we will all be satisfied with whomever wins."

□ 2340

I do not believe they are going to get away with three votes pushed up to four, and pull off this rape. I do not believe they will do it.

Mr. McCANDLESS. I yield to the gentleman from Tennessee.

Mr. SUNDQUIST. Mr. Speaker, with a great deal of reluctance to subject the citizens of Indiana to more politicking than anyone should have to endure just to have a voice in Congress, there is only one way to settle the mess in the Eighth District of Indiana once and for all.

We must conduct a special election in that district, and if the majority party in this House has any shred of decency and fair play left, they will agree to do so.

From the very beginning, this has been a case which the majority party has used to shatter precedents.

I should note that it hasn't been just Republicans crying foul play on this case. Newspapers all over the country, including the Washington Post, have editorialized that Mr. McIntyre should have been seated regardless of whether the House conducted a recount—for the obvious reason that no district should be denied representation in Congress, regardless of how close the election was.

Unfortunately, it wasn't enough for the House leadership to deny the people of that district representation for 4 months. The task force has held out of the count 29 nonnotarized absentee ballots, even though many other ballots improperly marked and identified have been counted in this recount. It's not surprising to learn that those 29 ballots are held by county clerks in counties that McIntyre won.

Mr. Speaker, this entire episode has reminded me of an Aesop's Fable, a fable that clearly reminds us of the importance of taking responsible action—and having the courage to do what is right.

This fable was recorded more than 2,500 years ago, but its message speaks clearly to our responsibility here today:

A certain cat that lived in a large country house was so vigilant and active, that the mice, finding their numbers grievously thinned, held a council, with closed doors, to consider what they had best do.

Many plans had been started and dismissed, when a young mouse, rising and catching the eye of the president, said that he had proposal to make, that he was sure must meet with the approval of all. "if," said he, "the cat wore around her neck a little bell, every step she took would make it tinkle; then, ever forewarned of her approach, we should have time to reach our holes. By this simple means we should live in safety, and defy her power."

The speaker resumed his seat with a complacent air, and a murmur of applause arose from the audience. An old gray mouse, with a merry twinkle in his eye, now got up, said that the plan of the last speaker was an admirable one; but he feared it had one drawback, He had told them who should put the bell around the cat's neck.

Mr. Speaker, it is time the majority party in this House does what is right—by conducting a special election to settle this matter once and for all.

Together, Mr. Speaker, we must put the bell on the cat.

Mr. McCANDLESS. I thank the gentleman from Tennessee.

I yield to the gentleman from Colorado.

Mr. STRANG. I thank the gentleman from California, and I congratulate those gentlemen from California who were here at this particular historic moment, Mr. Speaker, notwithstanding the fact that the speaker himself is from California; probably had not planned to spend his time on this historic occasion, but I think it is an important one.

Briefly, Mr. Speaker, we are going to be faced with a decision in the next day or two to decide on whether or not to seat Frank McCloskey from Indiana in a seat which he lost and never contested.

This was an election—and we must remember this—in which the proper procedures in the State of Indiana were followed at all times. The proper Representative was sent here with certification. The loser, Mr. McCloskey, never disputed this election.

The procedures followed by this House of Representatives in counting the ballots have been totally and entirely in contravention of Indiana law. There is no provision in Indiana law for the kinds of procedures and countings that went forth.

The problem comes even beyond that. That was the failure of our Representatives to follow out their own plan of counting. And so we find, we get down to the end, we find ballots that were counted that should not have been counted, ballots that should have been counted that were not counted, and in some cases, more ballots counted then there were people registered on the lists.

Mr. Speaker, this is an appalling charade, and I hope and I trust that the words from the distinguished gentleman from Washington will be heeded by his colleagues.

Let us look at these items one by one by one, and I, for one, will join them in comity to try to resolve this terrible problem.

Mr. McCANDLESS. I thank the gentleman from Colorado for his remarks.

A lot has been said in the prior hours of the special orders, a lot of partisanship has surfaced, unintentionally, and probably will be felt for many years to come.

□ 2350

Unfortunately, what we have here in the way of an issue does have to take on the partisan aspect of the House. It is difficult to work in a subcommittee, to work in a committee, work here on the floor of the House, without the cooperation of your colleagues. That cooperation is essential not only for the legislative process but for the good and long-term benefit of the Nation as well as this House of Representatives. But in this particular case, irrespective of whether this went on all last night, or whatever took place, the subject matter is so deep and so strongly felt by some of us—in my case, a person who spent 12 years in county government responsible for the electoral process—that we had to vent our spleen, so to speak.

But, in summary, I would like to bring up four points that I feel are relevant to the subject that have a direct bearing on why that one straw, when it hit the camel, the camel went down, his back broken. The House Democrats claim that Indiana's election law failed to produce an election result upon which the House can confidently rely. They demand a process that was timely, regular and fair, one untainted by partisan pressures.

The task force failed to meet these standards. But to say they failed to meet these standards, one must say why, and there are four basic reasons. One, inconsistency, the unnotarization of absentee ballots. Let me explain.

In their second hearing when McCloskey was behind 12 votes in the running totals, the task force voted to count unopened, unnotarized, absentee ballots mistakenly sent to precincts on election day. In their final hearing, when McCloskey had moved into a three-vote margin, the task force voted not to count the identical ballots held by and kept secure by county clerks.

Item 2, the ad hoc rulemaking on distinguishing marks. In deciding whether to count more than 30 ballots bearing stray marks, the task force made numerous, subjective and inconsistent decisions. In its final meeting, the task force counted the ballots bearing a large star or an asterisk as the voter's mark, despite the fact that the task force recount director used that very symbol as an example of a prohibited distinguishing mark when instructing the GAO auditors.

Item 3, not a full, fair count ballot reconciliation. In 103 instances, there were more votes than voters or more voters than votes. When McCloskey needed votes, spoiled or invalid ballots were counted, despite this problem. When a McIntyre ballot was at issue, the task force used a reconciliation of

the poll book figures and ballots to invalidate the vote.

Four, a blatantly political process, conclusions before reasons. Indiana was never given the opportunity to rebut unsubstantiated charges that its election certification and recount were inconsistent and haphazard. The task force simply adopted so-called counting rules which replaced Indiana election law with procedures claiming to count every ballot on which the intent of the voter could be determined.

When McCloskey took a slim lead, the task force majority concluded that the remaining absentee ballots were of a different class and should not be counted.

So much for the intent of the voters.

Mr. Speaker, I yield back the balance of my time.

RICK McINTYRE SHOULD HAVE BEEN HERE TO VOTE TODAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker and my colleagues, there have been many votes in this House that have been decided by one, two or three votes. It is not just the affront to our Constitution that concerns us about the seating of Rick McIntyre in Indiana's Eighth District; it is the fact that over this next year and 8 months there may be a vote before this distinguished deliberative body that actually will be determined by one vote.

If Mr. Rick McIntyre had been here today—and I have heard the gentleman speak, he is very articulate, he is eloquent—I believe he would have spoken in support of the President.

There is an historical piece out of Time magazine dated May 5, 1947, that I came across today, and it reminded me of two of the beautiful statues, one the heroic figure of a woman and one of a man on the north side of our Archives Building here in Washington, DC. The beautiful statue's base to the east side of the northern facade of the building has emblazoned on the front of the stand, "What is past is prologue." On the other side is the admonition, "Study the past."

Well, as far as studying the past of this House, it was mentioned several times that there was a direct analogy to the debate in this Chamber and the other body over the assistance in 1947 and 1948 to Greece and to Turkey, the Greek freedom fighters being those very people fighting in the shadow of the Acropolis and the beautiful Parthenon to keep Greece part of the free world, and that was a successful struggle.

Here is something to jog our memories in that Time magazine of May 5, 1947 that begins with the vote tally, 67 to 23, in support of Democratic President Harry Truman to help the Greeks and Turks.

It opens up with this paragraph:

If Congress fails to act, aggression will get the green light and the rest of the world, including America, will get the red light.

They way Sen. Arthur Vandenberg defined the issue last week, the Truman Doctrine was sure to win Senate approval. However reluctant some Senators might be, they concurred with Vandenberg's warning against "the cost of noncompliance. Even the opposition floor leader, Sen. Edwin C. Johnson, who charged the $400 million program to bulwark Greece and Turkey against Communist Russia was "in reality a declaration of war"—

We had our alarmists then, too—

knew he was fighting a losing battle.

By the way, do you know what $400 million would have been worth in 1947 compared to this paltry $14 million that we are trying to eke out for the Democratic resistance forces fighting for all of us here on North America's soil in the northern and southern parts of the nation in Nicaragua? I believe $400 million in 1947—and this is a wild guess—would be equivalent to about $2 billion of economic and military aid today.

Back to the short Time story:

"Once 2 weeks of soul-searching debate ended on last Tuesday, April 22"—incidentally, Lenin's birthday—"the Senate voted 67-23"—no 10 hours of debate. We thought we were being so gracious here today deciding Nicaragua's fate in 10 hours, they debated 2 weeks in the Senate about the Greek and the Turkish aid. Then once the voting was over, here is the breakdown: 35 Republicans for aid to Greece and Turkey and 32 Democrats. There is a bipartisan foreign policy that stops division once you cross the beach to face out to the rest of the world with a unified foreign policy.

"The noes comprised a rare alliance of 16 Republicans (mostly Midwestern isolationists)"—and we saw a few of those today—"4 conservative Democrats"—names consigned to history—"(Johnson, Kenneth McKellar, Harry S. Byrd"—I overlap him by a few years—"and W. Lee O'Daniel), and 3 Wallace-minded leftwing Democrats . . ." can you believe that Newsweek and Time and the networks used words like "leftwing" in those days? Today they only use words like "rightwing." Everybody else is just an honorable liberal. But three leftwing Wallace-minded Democrats. Get these names: James E. Murray, Glen Taylor and CLAUDE PEPPER.

□ 2400

Senator CLAUDE PEPPER, our own, beloved Congressman CLAUDE PEPPER. It shows that you can mature and change in your positions, because we were pleased to see not only my chairman of the Foreign Affairs Committee, the Honorable DANTE FASCELL, voting with President Reagan today, but there was CLAUDE PEPPER. Educated over the years by all of the great and honorable Cubans who have fled to his beautiful State of Florida, and all of the Nicaraguans that are already there, and the Salvadorans, and the Hondos, and the Tikas and the Nikas and the Guademateks, and all the people fleeing Central America to watch Miami Vice, in Miami, on Friday nights.

Now, the story concludes:

Specifically, the Senate voted, one: To send $150 million in Greek economic rehabilitation; an equal amount for Greek military aid. No pikers then; they know you have to send military aid to protect the economic aid. And $100 million for Turkish military aid. Even then the Greek lobby was stronger than the Turkish lobby here in the Halls of Congress.

Two, furnish military equipment. And three; this would send shivers through some of the majority speakers today; send military missions and civilian supervisory staffs. That was to see where the money was going.

By the way, in those days we all had only two or three staffers, so we needed a little help to see where the money was going. And four, here is the idealism, four: Authorize the United Nations to take over the program should it be willing and able; the United Nations that is.

The concluding paragraph. Broadly, the Senate's vote was a vote against the traditional ideas of isolationism and neutrality. A vote in favor of containing communism; thank you, President Truman. A vote for shouldering international burdens formerly carried by the British Empire. A vote to support President Truman's plan to help free peoples to maintain their free institutions and national integrity against aggressive movements that seek to impose upon them totalitarian regimes.

But although the Secretary of State, George C. Marshall, attached the highest order of urgency to immediate passage, the Greek-Turkish aid ran into delay in the House of Representatives because of bitter bickering.

What has changed since 1947? The bickering goes on here; the Contra freedom fighters, the Democratic Resistance in Nicaragua runs lower and lower on ammunition. Some mother's sons are fighting for our freedom down there, and the disinformation goes on.

However, we turned a corner today. El Salvador was not woven into the debate today as an integral part of the debate with much hot rhetoric about right wing death squads and the terrible mess that El Salvador is in. Why? Because Mr. JIM JONES on the other side, with me, and Mr. VIN WEBER of Minnesota saw democracy in action on

Palm Sunday. Beautiful processions with Jesus Christ statues being held and palms being laid at the feet of the processionists. No "Turbas Devinas," undevine, ugly mobs beating up on people, practicing their religion as goes on in the neighboring country of Nicaragua.

Intermixed with all of these Palm Sunday processions was the great celebration of a free, open election in the small country named after Jesus Christ himself. The formal name being, "Nuestro Senor El Salvador del Mundo." In that country named, "Our Lord, the Savior of the World," Jose Durate had a great victory, and in the midst of his euphoria reminding me of all of us politicians on our election nights, I asked the President, "Are you having this great election freedom and this fine triumph for you in the National Assembly because kids are dying in Nicaragua taking the pressure off you?"

He said, "That is precisely correct, Congressman." Congressman JIM JONES was sitting there as he said it, and so was VIN WEBER of Minnesota.

I wish that Rick McIntyre had been with us to vote today. Then, although we lost 40 Republicans, that would have been one more Republican with us. It would have made the vote that much closer, because I repeat, we have turned the corner on this.

I think what I will do, out of deference to the great staff that we have here in the House, the unsung heroes in all of the various rooms and performing all of the very necessary functions to make this great Congress of the United States function. I completely associate myself with the words of my distinguished colleague from Arkansas [Mr. BILL ALEXANDER], that everybody has shown great forbearance and respect for the system by just loyally carrying on during this, the longest session in the history of the Congress of the United States in 196½ years.

I hope that the staff knows that although we do not say it nearly as often as we should, we do appreciate their great efforts on our behalf and in working for their country with such diligence.

With those well-deserved words for our great staff here in the Congress of the United States, I would like to move that we adjourn.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BADHAM (at the request of Mr. MICHEL), for today, on account of illness in the family.

Mr. DANIEL (at his own request), until further notice, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MILLER of Washington) to revise and extend their remarks and include extraneous material:)

Mr. YOUNG of Florida, for 5 minutes, today.

Mr. LAGOMARSINO, for 10 minutes, today.

Mr. MCCANDLESS, for 60 minutes, today.

Mr. WOLF, for 60 minutes, today.

(The following Members (at the request of Mr. HOYER) to revise and extend their remarks and include extraneous material:)

Mr. ALEXANDER, for 5 minutes, today.

Mr. PENNY, for 5 minutes, today.

Mr. NELSON of Florida, for 5 minutes, today.

Mr. LEVIN of Michigan, for 60 minutes, on April 24.

Mr. FRANK, for 60 minutes, on April 25.

Mr. ROSE, for 60 minutes, on April 25.

Mr. RODINO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LIVINGSTON, to include extraneous material with his preceding statements.

Mr. LIGHTFOOT, prior to vote on House Joint Resolution 239.

(The following Members (at the request of Mr. MILLER of Washington) and to include extraneous matter:)

Ms. SNOWE.
Mr. BARTON of Texas.
Mr. MOLINARI.
Mr. FIELDS in two instances.
Mr. HYDE.
Mr. YOUNG of Florida in two instances.
Mr. MADIGAN.
Mr. LOWERY of California.
Mr. DANNEMEYER.
Mr. LEWIS of California.
Mr. MCKINNEY.
Mr. WYLIE.
Mr. BATEMAN.
Mr. STANGELAND.
Mrs. VUCANOVICH.
Mr. STRANG.
Mr. HARTNETT.
Mr. SOLOMON.
Mr. GRADISON.
Mr. DIOGUARDI.
Mr. SHUSTER.
Mr. KINDNESS in two instances.

(The following Members (at the request of Mr. HOYER) and to include extraneous matter:)

Mr. BEDELL.
Mr. LUNDINE.
Mr. OBEY.
Mr. GUARINI in two instances.
Mr. LIPINSKI.
Mr. GAYDOS.
Mr. GARCIA in two instances.
Mr. DOWNEY of New York.
Mr. FASCELL in two instances.
Mr. ROE.
Mr. HOYER.
Mrs. COLLINS.
Mr. MINETA.
Mr. EVANS of Illinois.
Mr. LANTOS in two instances.
Mr. LEHMAN of Florida.
Mr. CLAY.
Mr. TRAFICANT.
Mr. MOAKLEY.
Mr. RODINO.
Mr. TAUZIN.
Mr. DONNELLY.
Mr. FEIGHAN.
Mr. MARKEY.
Mr. SOLARZ in two instances.
Mr. COELHO.
Mr. SMITH of Iowa.
Mr. FRANK.
Mr. LEHMAN of California.
Mr. TORRES.
Mr. SYNAR.
Mr. MILLER of California.
Mr. BERMAN.
Mr. NICHOLS.
Mr. MATSUI.
Mr. WAXMAN.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 63. Joint resolution to designate the week of April 21, 1985, through April 27, 1985, as "National DES Awareness Week."

ADJOURNMENT

Mr. DORNAN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 6 minutes a.m.), under its previous order, the House adjourned until Wednesday, April 23, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[April 23 (legislative day, April 22), 1985]

1091. A letter from the Acting General Counsel, Department of Energy, transmitting a draft of proposed legislation to authorize appropriations for exploration, prospecting, conservation, development, use, and operation of the naval petroleum reserves, for fiscal year 1986 and fiscal year 1987 and for other purposes; to the Committee on Armed Services.

1092. A letter from the Assistant Secretary for Legislation and Public Affairs, Department of Education, transmitting the Department's annual report for fiscal year

1984, pursuant to Public Law 96-88, section 426; to the Committee on Education and Labor.

1093. A letter from the Chairman, National Advisory Board for International education Programs, Department of Education, transmitting the Board's annual report for fiscal year 1984, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

1094. A letter from the Executive Director, Intergovernmental Advisory Council on Education, Department of Education, transmitting the Council's annual report for fiscal year 1984, pursuant to Public Law 96-88, section 213(b)(1)(D); to the Committee on Education and Labor.

1095. A letter from the Under Secretary, Department of Labor, transmitting the initial report on the experimental projects undertaken, pursuant to Public Law 89-73, section 502(e)(3)(C) (95 Stat. 1606); to the Committee on Education and Labor.

1096. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting a copy of Presidential Determination 85-4, signed on February 4, 1985, pursuant to section 3(a)(1) of the AECA, which finds that the sale of defense articles and defense services to the Government of Malawi will strengthen the security of the United States and promote world peace; to the Committee on Foreign Affairs.

1097. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting a copy of Presidential Determination 85-6, signed on February 11, 1985, pursuant to section 3(a)(1) of the AECA, which finds that the sale of defense articles and defense services to the Government of Togo will strengthen the security of the United States and promote world peace; to the Committee on Foreign Affairs.

1098. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting a copy of Presidential Determination 85-12, signed on April 10, 1985, pursuant to section 3(a)(1) of the AECA, which finds that the sale of defense articles and defense services to the Government of Algeria will strengthen the security of the United States and promote world peace; to the Committee on Foreign Affairs.

1099. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting a copy of Presidential Determination 85-7, signed on February 11, 1985, pursuant to section 3(a)(1) of the AECA, which finds that the sale of defense articles and defense services to the Government of Mozambique will strengthen the security of the United States and promote world peace; to the Committee on Foreign Affairs.

1100. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting a copy of Presidential Determination 85-5, signed on February 5, 1985, pursuant to section 3(a)(1) of the AECA, which finds that the sale of defense articles and defense services to the Government of Sierra Leone will strengthen the security of the United States and promote world peace; to the Committee on Foreign Affairs.

1101. A letter from the Chairman, Federal Election Commission, transmitting recommendations for legislative action, pursuant to Public Law 92-225, section 307(d)(2) (93 Stat. 1354, 1356); to the Committee on House Administration.

1102. A letter from the Clerk, U.S. Claims Court, transmitting a certified copy of the court's judgment order of April 1, 1985, entering judgment for the plaintiffs in case No. 228; *Gila River Pima-Maricopa Indian Community* v. *The United States*; to the Committee on Interior and Insular Affairs.

1103. A letter from the Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education, transmitting a report on the activities of the Advisory Council on Dependents, Education during calendar year 1984, pursuant to GEPA, section 443(a)(2); jointly, to the Committees on Armed Services and Education and Labor.

1104. A letter from the Comptroller of the Currency, transmitting the annual report on consumer complaint processing activities for calendar year 1984, pursuant to the act of September 26, 1914, chapter 311, section 18(f)(6) (88 Stat. 2197; 93 Stat. 95; 94 Stat. 174); jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

1105. A letter from the Comptroller General, General Accounting Office, transmitting a report on the activities of the Merit System Protection Board and the Office of Personnel Management covering fiscal year 1984, pursuant to 5 U.S.C. 2304(b); jointly, to the Committees on Government Operations and Post Office and Civil Service.

1106. A letter from the Comptroller General, General Accounting Office, transmitting a report on the examination of the Panama Canal Commission's financial statements for the years ended September 30, 1983 and 1982 (GAO/NSIAD-85-26; April 17, 1985), pursuant to 22 U.S.C. 3723(b); jointly, to the Committees on Government Operations and Merchant Marine and Fisheries.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[April 23 (legislative day, April 22), 1985]

By Mr. BROYHILL:

H.R. 2166. A bill to extend for 5 years the existing temporary duty-free treatment of double-headed latch needles; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 2167. A bill to amend title XVIII of the Social Security Act to permit flexible billing and payment arrangements where a physician substitutes on an occasional basis for another physician in solo practice; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. COLLINS:

H.R. 2168. A bill to amend title XVIII of the Social Security Act to freeze at 50 percent the proportion of hospital payments made on the basis of DRG prospective payment rates, and to freeze the current blend of regional and national rates in determining the DRG prospective payment rates, under the Medicare Program; to the Committee on Ways and Means.

By Mr. DANNEMEYER:

H.R. 2169. A bill to amend the Clean Air Act to promote competitiveness in the motor vehicle aftermarket and to preserve consumer freedom of choice to select parts and service, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DARDEN (for himself, Mr. THOMAS of Georgia, Mr. JENKINS, Mr. HATCHER, Mr. BARNARD, Mr. ROWLAND of Georgia, and Mr. GINGRICH):

H.R. 2170. A bill to amend the section of the Revised Statutes of the United States amended by the Civil Rights Attorneys' Fees Awards Act of 1976 to provide that attorneys fees may not be assessed under that section against members of the judiciary acting in judicial capacity; to the Committee on the Judiciary.

By Mr. DERRICK:

H.R. 2171. A bill to amend title 38, United States Code, to provide that Veterans' Administration grants to States for construction of State veterans' homes be made on the basis of need rather than by the order of application to the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. DOWNEY of New York (for himself and Mr. NELSON of Florida):

H.R. 2172. A bill to amend the Internal Revenue Code of 1954 to clarify the application of the investment tax credit, the deduction for depreciation, and the income source rules with respect to property used, and services performed, in space; to the Committee on Ways and Means.

By Mr. EVANS of Illinois:

H.R. 2173. A bill to amend title XVI of the Social Security Act to increase from $25 to $50 a month the amount of the personal allowance which is presently provided for eligible individuals and eligible spouses who are in medical institutions, with subsequent annual increases in the amount of such allowance to reflect changes in the cost of living; to the Committee on Ways and Means.

By Mr. FOLEY (for himself and Mr. MORRISON of Washington):

H.R. 2174. A bill to provide for the transfer to the Colville Business Council of any undistributed portion of amounts appropriated in satisfaction of certain judgments awarded the Confederated Tribes of the Colville Reservation before the Indian Claims Commission; to the Committee on Interior and Insular Affairs.

By Mr. GEJDENSON:

H.R. 2175. A bill to amend chapter 30 of title 38, United States Code, to allow certain Vietnam-era veterans with a break in service to become eligible for benefits under the new GI bill educational assistance program; to the Committee on Veteran's Affairs.

By Ms. KAPTUR:

H.R. 2176. A bill to require the Secretary of Housing and Urban Development to provide grants to public housing agencies to assist such agencies in providing child care services for lower income families; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MADIGAN (for himself and Mr. BROYHILL):

H.R. 2177. A bill to amend the Federal Food, Drug, and Cosmetic Act and related statutes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MOLINARI:

H.R. 2178. A bill to require reporting to the Occupational Safety and Health Administration of certain employee exposures to hazardous substances under the Occupational Safety and Health Act of 1970 and of certain releases of hazardous substances under the Federal Water Pollution Control Act and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; jointly, to the Committees on Education and Labor, Energy and Commerce, and Public Works and Transportation.

By Mr. MONTGOMERY (by request):
H.R. 2179. A bill to amend title 38, United States Code, to authorize the Administrator to provide respite care to chronically ill service-connected disabled veterans on a 3-year pilot test basis; to the Committee on Veterans' Affairs.

By Mr. ROYBAL:
H.R. 2180. A bill to amend the Immigration and Nationality Act to revise and reform the immigration and nationality laws, and for other purposes; to the Committee on the Judiciary.

By Mr. MONTGOMERY (by request):
H.R. 2181. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans and the rates of dependency and indemnity compensation for surviving spouses and children of veterans; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. OBEY (for himself and Mr. MOODY):
H.R. 2182. A bill to authorize the inclusion of certain additional lands within the Apostle Islands National Lakeshore; to the Committee on Interior and Insular Affairs.

By Mr. RODINO:
H.R. 2183. A bill to amend title 28 of the United States Code to make certain changes with respect to the participation of judges of the Court of International Trade in judicial conferences and for other purposes; to the Committee on the Judiciary.
H.R. 2184. A bill to amend title III of the Immigration and Naturalization Act to provide for administrative naturalization; to the Committee on the Judiciary.

By Mr. SLATTERY (for himself and Mr. COATS):
H.R. 2185. A bill to repeal certain sections of the Powerplant and Industrial Fuel Use Act of 1978 and to repeal the incremental pricing requirements of the Natural Gas Policy Act of 1978; to the Committee on Energy and Commerce.

By Mr. VANDER JAGT:
H.R. 2186. A bill relating to the tariff classifications of certain silicone resins and materials; to the Committee on Ways and Means.

By Mr. RALPH M. HALL:
H.R. 2187. A bill to amend section 456 of title 28, United States Code, to provide for payment of commuting expenses for justices and judges who reside within 300 miles of their official duty stations; to the Committee on the Judiciary.

By Mr. JACOBS:
H.R. 2188. A bill to amend the Internal Revenue Code of 1954 to reinstate the tax on interest received by foreigners on certain portfolio investments; to the Committee on Ways and Means.

By Mr. KINDNESS:
H.R. 2189. A bill to amend the Internal Revenue Code of 1954 to exempt college and university fraternities and sororities from the tax imposed on certain income; to the Committee on Ways and Means.

By Mr. SEIBERLING:
H.R. 2190. A bill to require the Secretary of the Treasury to reduce the amount of any deficiency assessed against a taxpayer by the amount of any credit or refund of any overpayment of tax to which such taxpayer would be entitled but for the expiration of any period of limitation if the Secretary determines an inequity would otherwise result; to the Committee on Ways and Means.

By Mrs. JOHNSON (for herself, Mr. ROWLAND of Connecticut, and Mr. MCKINNEY):
H.R. 2191. A bill to designate the West Branch of the Farmington River as a study area for inclusion in the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Ms. KAPTUR:
H.J. Res. 248. Joint resolution designating the week of May 5, 1985, through May 11, 1985, as "Women In Human Resources Management Week"; to the Committee on Post Office and Civil Service.

By Mr. BURTON of Indiana (for himself, Mr. KEMP, Mr. HYDE, Mr. LAGOMARSINO, Mr. CHENEY, Mr. HUNTER, Mr. SILJANDER, Mr. CRAIG, Mr. SCHAEFER, and Mr. COBEY):
H.J. Res. 249. Joint resolution to express congressional commitment to aid all nations and peoples in Latin America in their efforts to halt the spread of communism; to the Committee on Foreign Affairs.

By Mr. KINDNESS:
H.J. Res. 250. Joint resolution designating the week beginning July 8, 1985, as "National Bowhunter's Week"; to the Committee on Post Office and Civil Service.

By Mr. YATES:
H.J. Res. 251. Joint resolution to provide that a special gold medal honoring George Gershwin be presented to his sister, Frances Gershwin Godowsky, and a special gold medal honoring Ira Gershwin be presented to his widow, Lenore Gershwin, and to provide for the production of bronze duplicates of such medals for sale to the public; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SHUMWAY:
H. Con. Res. 127. Concurrent resolution expressing the sense of the Congress that the English language is the official language of the United States; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII,

[April 23 (legislative day, April 22), 1985]

89. Mr. RUDD Presented a memorial of the Legislature of the State of Arizona, relative to the Nation's money system; to the Committee on Banking, Finance and Urban Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

[April 23 (legislative day, April 22, 1985]

By Mrs. BURTON of California:
H.R. 2192. A bill for the relief of Chun Wei Wong; to the Committee on the Judiciary.

By Mr. FRANK:
H.R. 2193. A bill for the relief of Lawrence R. Machado; to the Committee on the Judiciary.

By Mr. FUSTER:
H.R. 2194. A bill for the relief of Mireille Laffite; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:
H.R. 2195. A bill for the relief of Stanislav Levchenko; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Submitted April 22, 1985]

H. Res. 125: Mr. GALLO, Mr. DENNY SMITH, Mr. LANTOS, Mr. WHITTAKER, Mr. SAXTON, Ms. MIKULSKI, Mr. EDWARDS of Oklahoma, Mr. HANSEN, Mr. ORTIZ, Mr. DARDEN, Mr. CRANE, Mr. FORD of Tennessee, Mr. MCGRATH, Mr. SLAUGHTER, Mr. PORTER, Mr. BURTON of Indiana, Mr. SMITH of New Hampshire, Mr. MAVROULES, Mr. ADDABBO, Mr. MOLINARI, Mr. COURTER, Mr. PRICE, and Mr. STRATTON.

[April 23 (legislative day, April 22), 1985]

H.R. 3: Mr. WIRTH, Mr. MORRISON of Washington, Mr. SCHAEFER, and Mr. MACKAY.
H.R. 241: Mr. COMBEST.
H.R. 242: Mr. COMBEST.
H.R. 288: Mr. CLAY, Mr. STOKES, and Mr. FORD of Tennessee.
H.R. 367: Mr. HAMMERSCHMIDT, Mr. SMITH of New Jersey, Mr. SUNDQUIST, Mr. HILLIS, Mr. SOLOMON, Mr. BILIRAKIS, Mr. SOLARZ, Mr. RIDGE, Mrs. JOHNSON, Mr. HENDON, and Mr. ROWLAND of Connecticut.
H.R. 512: Mr. BOUCHER and Mr. HORTON.
H.R. 585: Mr. EDWARDS of Oklahoma and Mr. BEREUTER.
H.R. 659: Mr. ROWLAND of Georgia, Mr. MCEWEN, Mr. HAMMERSCHMIDT, Mrs. HOLT, Mr. MANTON, Mr. BILIRAKIS, Mr. WYLIE, Mr. HENDON, Mr. LAGOMARSINO, Mr. FLIPPO, Mr. WATKINS, Mr. ALEXANDER, Mr. LOTT, Mr. GREGG, Mr. MURPHY, Mr. FISH, Mr. ROE, Mr. YOUNG of Florida, Mr. KANJORSKI, Mr. ROBINSON, and Mr. SNYDER.
H.R. 781: Mr. OWENS, Mr. RANGEL, Mr. GARCIA, Mr. MITCHELL, Mr. LEHMAN of Florida, Mr. STOKES, Mr. KLECZKA, Mr. FAUNTROY, Ms. MIKULSKI, Ms. KAPTUR, Mr. HAYES, Mr. TOWNS, Mr. CROCKETT, Mrs. MARTIN of Illinois, and Mr. MORRISON of Connecticut.
H.R. 796: Mr. CLINGER, Mr. MURPHY, Mr. PASHAYAN, Mr. RITTER, Mr. ROGERS, Mr. TRAFICANT, and Mr. EVANS of Iowa.
H.R. 825: Mrs. KENNELLY, Mr. FOWLER, Mr. DASCHLE, Mr. JACOBS, and Mr. RANGEL.
H.R. 870: Mr. BADHAM, Mr. BARTON of Texas, Mr. BLAZ, Mr. DANIEL, Mr. DAUB, Mr. DERRICK, Mr. DOWDY of Mississippi, Mr. FISH, Mr. FUSTER, Mr. GEKAS, Mr. JONES of North Carolina, Mr. LIGHTFOOT, Mr. MARTINEZ, Mr. MRAZEK, Mr. MURTHA, Mr. SHUMWAY, Mr. SMITH of New Jersey, Mr. SPRATT, Mr. STALLINGS, Mr. STUMP, Mr. VOLKMER, Mr. WHITLEY, Mr. WHITTAKER, Mr. WOLPE, and Mr. YATRON.
H.R. 874: Mr. BEDELL.
H.R. 883: Mr. EMERSON.
H.R. 947: Mr. DYMALLY, Mr. LEHMAN of Florida, Mr. CLAY, Mr. FRANK, Mr. STOKES, Mr. CROCKETT, Mr. FAUNTROY, Mr. ACKERMAN, Mr. OWENS, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. WHEAT, Mr. BIAGGI, and Mr. LOWRY of Washington.
H.R. 999: Mrs. BENTLEY.
H.R. 1124: Mr. MITCHELL.
H.R. 1140: Mr. GONZALEZ and Mr. VENTO.
H.R. 1141: Mr. GALLO, Mr. SMITH of Florida, Mr. FUSTER, Mr. BEVILL, Mr. STOKES, Mr. BRYANT, Mr. LUNDINE, Ms. MIKULSKI, Mr. MITCHELL, Mr. ENGLISH, Mr. SAXTON, Mr. HORTON, Mr. ROSE, Mr. KOLTER, Mr. ROE, Mr. KILDEE, Mr. OBERSTAR, Mr. MACK, Mr. TORRICELLI, Mr. MRAZEK, Mr. FAUNTROY, Mrs. BENTLEY, Mr. BLAZ, Mr. RIDGE, Mr. BARNES, Mr. BLILEY, Mrs. COLLINS, Mr. BILIRAKIS, Ms. KAPTUR, Mr. YOUNG of Alaska, Mr. BROWN of California, and Mr. MURPHY.
H.R. 1205: Mr. BARNARD, Mr. SCHAEFER, Mrs. BENTLEY, Mr. BOULTER, Mr. DORNAN of California, Ms. FIEDLER, Mr. GILMAN, Mr. GINGRICH, Mr. KASICH, Mr. MILLER of Washington, and Mr. MARTIN of New York.

H.R. 1309: Mr. WILLIAMS, Mr. PEASE, Mr. DASCHLE, Mr. GEJDENSON, Mr. WOLPE, Mr. BARNES, and Mr. MILLER of California.

H.R. 1349: Mr. LIGHTFOOT, Mr. HORTON, Mr. CLINGER, Mr. MCCANDLESS, Mr. PURSELL, and Mr. MONSON.

H.R. 1353: Mr. MATSUI, Mr. CARNEY, Mr. RICHARDSON, and Mr. DOWNEY of New York.

H.R. 1453: Mr. WOLPE and Mr. EDWARDS of California.

H.R. 1454: Mr. WOLPE and Mr. EDWARDS of California.

H.R. 1458: Mrs. BENTLEY, Mr. HAWKINS, Mr. MCCOLLUM, and Mr. SOLARZ.

H.R. 1474: Mr. MAZZOLI and Mr. MATSUI.

H.R. 1515: Mr. OWENS and Mr. CROCKETT.

H.R. 1553: Mr. DONNELLY, Mr. CARPER, Mr. SEIBERLING, Ms. KAPTUR, Mr. KOLTER, Mr. SMITH of Florida, Mr. SAVAGE, Mr. VENTO, Mr. DELLUMS, Mr. GLICKMAN, Mr. EVANS of Illinois, Mr. JEFFORDS, Mr. MORRISON of Connecticut, Mr. CROCKETT, Mr. FAZIO, Mr. LIPINSKI, and Mr. ANDREWS.

H.R. 1607: Mr. ADDABBO.

H.R. 1612: Mr. SCHUETTE.

H.R. 1613: Mr. WEAVER and Mr. EDWARDS of California.

H.R. 1630: Mr. OXLEY, Mr. SENSENBRENNER, Mr. FAZIO, Mr. SMITH of Florida, Mr. LAGOMARSINO, and Mr. STOKES.

H.R. 1650: Mr. BEDELL, Mr. ADDABBO, Mr. FRANK, Mr. SEIBERLING, Mr. BOLAND, Mr. LEVINE of California, Mrs. BURTON of California, Mr. GREEN, Mr. ROE, Mr. EVANS of Illinois, Mr. MATSUI, Mr. EDWARDS of California, Mr. MORRISON of Connecticut, Mr. REGULA, Mr. MITCHELL, Mr. HORTON, and Mr. BOSCO.

H.R. 1706: Mr. KEMP.

H.R. 1771: Mr. DICKINSON.

H.R. 1785: Mr. TOWNS, Mr. WHEAT, Mr. EVANS of Illinois, Mr. DELLUMS, and Mr. LELAND.

H.R. 1907: Mr. DANIEL.

H.R. 1908: Mr. COATS.

H.R. 1909: Mr. BEILENSON, Mr. WILSON, and Mr. SABO.

H.R. 1910: Mr. FOGLIETTA and Mr. FAUNTROY.

H.R. 2016: Mr. FRENZEL AND MR. WHITTAKER.

H.R. 2021: Mrs. MIKULSKI.

H.R. 2069: Mr. PORTER, Mr. COELHO, Mr. DOWDY of Mississippi, Mr. FOGLIETTA, Mr. GROTBERG, Mr. FAZIO, Mr. STUMP, Mr. WHITEHURST, Mr. SEIBERLING, Mrs. LLOYD, Mr. PASHAYAN, Mr. LAGOMARSINO, Mr. TAUZIN, Mr. DANIEL, Mr. CHAPPELL, Mrs. SCHROEDER, Mr. HUBBARD, Mrs. BENTLEY, Mr. DIXON, Mr. EDWARDS of Oklahoma, Mr. BLILEY, Mr. DARDEN, Mr. HUTTO, Mr. CARPER, Mr. FAWELL, Mr. KANJORSKI, Mr. CHAPPIE, Mr. MCDADE, Mr. GREGG, and Mr BARNES.

H.R. 2158: Mr. MONTGOMERY, Mr. RITTER, Mr. SKEEN, Mr. SILJANDER, Mr. MYERS of Indiana, and Mr. SENSENBRENNER.

H.J. Res. 4: Mr. MILLER of Ohio and Mr. SHELBY.

H.J. Res. 41: Mr. CHAPPELL.

H.J. Res. 46: Mr. WAXMAN, Mr. LEACH of Iowa, Mrs. MARTIN of Illinois, Mr. WHITLEY, Mr. CHANDLER, Mr. SPRATT, Mr. GREGG, Mr. OLIN, Mr. BOLAND, Mr. VOLKMER, Mr. BROYHILL, Mr. VENTO, Mr. LELAND, Mr. COELHO, Mr. BATES, Mr. BROOKS, Mr. BEDELL, Mr. DYSON, Mr. WISE, Mr. YOUNG of Alaska, Mr. MOAKLEY, Mr. HENDON, Mr. ROTH, Mr. BURTON of Indiana, Mr. VALENTINE, Mr. TRAXLER, Mr. MINETA, Mr. SHUMWAY, Mr. GARCIA, Mr. SISISKY, Mr. GUNDERSON, Mr. MCDADE, Mr. MCGRATH, Mr. FLORIO, Mr. WEBER, Mrs. ROUKEMA, Mr. MOODY, Mr. WALGREN, and Mrs. VUCANOVICH.

H.J. Res. 49: Mr. COMBEST.

H.J. Res. 78: Mr. ROWLAND of Georgia.

H.J. Res. 131: Mr. SHAW, Mr. MCGRATH, Mr. SPRATT, Mr. ADDABBO, Mr. KASICH, Mr. DONNELLY, Mr. MORRISON of Connecticut, Mr. HUTTO, Ms. KAPTUR, Mrs. MARTIN of Illinois, Mr. LIPINSKI, Mr. CONTE, Ms. MIKULSKI, Mr. PRICE, Mr. KOLTER, and Mr. DYMALLY.

H.J. Res. 154: Mr. KOSTMAYER, Mr. LEWIS of Florida, Mr. GUNDERSON, Mr. LOEFFLER, Mr. PEPPER, Mr. RODINO, Mr. FISH, Mr. MOAKLEY, Mr. MOORHEAD, Mr. MURTHA, Mr. KLECZKA, Mr. MCKINNEY, Mr. CARNEY, Mr. HEFNER, Mr. LIVINGSTON, Mr. MOLINARI, Mrs. COLLINS, Mr. MCDADE, Mr. THOMAS of Georgia, Mr. VALENTINE, Mr. WHEAT, Mr. WYDEN, Mr. KILDEE, Mr. MCMILLAN, and Mr. ACKERMAN.

H.J. Res. 156: Mr. AKAKA, Mr. HORTON, Mr. HYDE, Mr. MATSUI, Mr. NIELSON of Utah, Ms. OAKAR, and Mr. TRAXLER.

H.J. Res. 169: Mr. YOUNG of Florida, Mr. FRANKLIN, Mr. HOYER, Mr. VALENTINE, Mr. BIAGGI, Mr. HAYES, Mrs. BURTON of California, Mr. EMERSON, Mr. RAHALL, Mr. FAZIO, Mr. HEFTEL of Hawaii, Mr. EVANS of Iowa, Mr. COLEMAN of Texas, Mr. WIRTH, Mr. YOUNG of Missouri, Mr. GEKAS, Mr. SCHAEFER, Mr. SPRATT, Mr. MINETA, Mr. GARCIA, and Mr. IRELAND.

H.J. Res. 175: Mr. GEPHARDT, Mr. WHEAT, Mr. DREIER of California, Mr. RAHALL, Mr. MOLLOHAN, and Mr. ACKERMAN.

H.J. Res. 183: Mr. VENTO, Mr. MURPHY, Mr. DIXON, Mr. KOLTER, Mr. LAFALCE, Mr. LEVINE of California, Mr. SAVAGE, Mr. HOWARD, Mr. SPRATT, Mr. SLAUGHTER, and Mr. GEKAS.

H.J. Res. 192: Mr. NOWAK, Mr. KOSTMAYER, Mr. YOUNG of Alaska, Mr. SNYDER, Mr. LUKEN, Mr. DICKS, Mr. ROBERT F. SMITH, Mr. DIOGUARDI, Mr. LOWERY of California, Mr. BOEHLERT, Mr. DORGAN of North Dakota, Mrs. COLLINS, Mr. SCHUMER, Mr. WIRTH, Mr. BUSTAMANTE, and Mr. DELLUMS.

H.J. Res. 193: Mr. BEVILL, Mr. BERMAN, Mr. DAUB, Mr. FISH, Mr. SHELBY, Mr. MOAKLEY, Mr. CALLAHAN, Mr. ERDREICH, Mr. HUGHES, Mr. CROCKETT, Mr. FORD of Tennessee, Mr. MARTINEZ, Mr. ORTIZ, Mr. DWYER of New Jersey, Mr. FAZIO, Mr. WEISS, Mr. STOKES, Mr. BENNETT, Mr. RAHALL, Mr. ROE, Mr. SAVAGE, Mr. HAYES, Mr. LOWRY of Washington, Mr. MANTON, Mr. RALPH M. HALL, Mr. GINGRICH, Mr. ROWLAND of Connecticut, Mr. TORRICELLI, Mr. LEVIN of Michigan, Mr. ROBINSON, Mr. ACKERMAN, Mr. APPLEGATE, Mr. BOULTER, Mr. COBEY, Mr. COBLE, Mr. DORNAN of California, Mr. ECKERT of New York, Mr. FIEDLER, Mr. GILMAN, Mr. HENRY, Mr. KASICH, Mr. KOLBE, Mr. LOTT, Mr. MCMILLAN, Mr. MARTIN of New York, Mr. MYERS of Indiana, Mr. MILLER of Washington, Mr. MONSON, Mr. KOLTER, Mr. GEKAS, Mr. RICHARDSON, Mr. GALLO, Mr. DE LA GARZA, Mr. BATEMAN, Mr. BEDELL, Mr. SHAW, Mr. BIAGGI, Mr. MORRISON of Washington, Mr. YOUNG of Missouri, Mr. YOUNG of Alaska, Mr. WOLF, Mr. BONIOR of Michigan, and Mrs. LLOYD.

H.J. Res. 204: Mr. MANTON, Mr. BRYANT, Mr. SPRATT, Mr. KOLTER, Mr. GEKAS, Mr. MOODY, Mr. WAXMAN, Mrs. HOLT, Mr. ANDREWS, Mr. MARTINEZ, Mr. FISH, Mr. CARPER, and Mr. GREEN.

H.J. Res. 216: Mr. HAYES, Mr. HUTTO, Mr. PERKINS, Mr. BILIRAKIS, Mr. ROWLAND of Georgia, Mr. BATEMAN, Mr. RAHALL, Mr. HOWARD, Mr. FRANK, Mr. YOUNG of Alaska, Mr. BERMAN, Mr. ADDABBO, Mr. FUSTER, Mrs. BURTON of California, Mr. MOAKLEY, Mr. WEISS, Mr. EVANS of Illinois, Mr. ROE, Ms. KAPTUR, Mr. JACOBS, Mr. DANIEL, Mr. KASTENMEIER, Mr. MCKERNAN, Mr. FISH, Mr. KLECZKA, and Mr. FAZIO.

H.J. Res. 230: Mr. DANNEMEYER, Mr. DE LA GARZA, Mrs. MARTIN of Illinois, Mr. CARNEY, Mr. FRENZEL, Mr. SAXTON, Mr. KINDNESS, Mr. WILSON, Mr. MAVROULES, and Mr. BONER of Tennessee.

H. Con. Res. 10: Mr. MITCHELL, Mr. DELLUMS, Mr. STOKES, Mr. SCHUMER, Mr. OWENS, Mr. DIXON, Mr. SAVAGE, Mr. GARCIA, Ms. KAPTUR, Mr. MINETA, Mr. DWYER of New Jersey, Mr. DURBIN, Mr. HAWKINS, Mr. FISH, Mr. RICHARDSON, Mr. GRAY of Illinois, Mr. HORTON, Mrs. BENTLEY, Mr. WAXMAN, and Mr. WIRTH.

H. Con. Res. 18: Mr. KLECZKA.

H. Con. Res. 37: Mr. ROEMER, Mr. CARR, Mr. THOMAS of Georgia, Mr. HATCHER, and Mr. GINGRICH.

H. Con. Res. 60: Mr. CONYERS, Mr. COYNE, Mr. EVANS of Iowa, Mr. TOWNS, and Mr. YATES.

H. Con. Res. 64: Mr. SOLARZ, Mr. DWYER of New Jersey, Mr. LANTOS, Mr. DASCHLE, Mr. SYNAR, Mr. DIXON, Mr. LEVINE of Califonia, and Mr. KILDEE.

H. Con. Res. 68: Mr. WILLIAMS, Mr. ROBERTS, Mr. CLAY, Mrs. BOGGS, Mr. RICHARDSON, and Mr. FAZIO.

H. Con. Res. 69: Mr. EMERSON.

H. Con. Res. 74: Mrs. BENTLEY.

H. Con. Res. 77: Mr. OWENS, Ms. MIKULSKI, Mr. LEVINE of California, Mr. PURSELL, Mr. GREEN, Mr. SAVAGE, Mr. RICHARDSON, Mr. SPRATT, and Mr. DASCHLE.

H. Con. Res. 89: Mr. EVANS of Illinois.

H. Con. Res. 96: Mr. COLEMAN of Texas, Mr. RANGEL, and Mr. MITCHELL.

H. Con. Res. 125: Mr. ROEMER, Mr. FOGLIETTA, Mr. CARPER, Mr. BOUCHER, Mr. BRYANT, Mr. EDWARDS of California, Mr. CLAY, Mr. YATES, Mr. COOPER, Mr. FLORIO, Mr. RODINO, Mr. COLEMAN of Texas, Mr. HEFTEL of Hawaii, Mr. KILDEE, Mrs. SCHROEDER, Mr. PEASE, Mr. ECKART of Ohio, Mr. OWENS, Mr. MARTINEZ, Mr. EDGAR, Mr. GUARINI, Mr. SAXTON, Mr. DELLUMS, Mr. BUSTAMANTE, Mr. COYNE, Mr. ERDREICH, Mr. DASCHLE, Mr. LOWRY of Washington, Ms. KAPTUR, Mrs. KENNELLY, Mr. WEAVER, Mr. BONIOR of Michigan, Mr. GONZALEZ, and Mr. SIKORSKI.

H. Res. 56: Mrs. BENTLEY, Mr. CARNEY, Mr. COURTER, Mr. DASCHLE, Mr. DICKINSON, Mr. DIOGUARDI, Mr. DORGAN of North Dakota, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HYDE, Mrs. JOHNSON, Mr. LEVIN of Michigan, Mr. LIPINSKI, Mr. MCEWEN, Mr. MCKINNEY, Mr. MANTON, Mr. MINETA, Mr. MOAKLEY, Mr. NOWAK, Mr. PORTER, Mr. RINALDO, Mr. VANDER JAGT, Mr. VUCANOVICH, Mr. WILSON, Mr. WIRTH, Mr. MURPHY, Ms. SNOWE, and Mr. MARTINEZ.

H. Res. 82: Mr. DWYER of New Jersey and Mr. FORD of Tennessee.

H. Res. 91: Mr. STENHOLM, Mr. BUSTAMANTE, Mr. MORRISON of Connecticut, Mr. LELAND, Mr. COELHO, Mr. BOEHLERT, Mr. BONER of Tennessee, Mr. KINDNESS, Mr. RUDD, Mr. DAUB, Mrs. VUCANOVICH, Mr. LOEFFLER, Mr. MURPHY, Mr. LOWERY of California, Mr. WORTLEY, and Mr. WHITTAKER.

H. Res. 104: Mr. HAWKINS, Mr. CONTE, Mr. ROE, Mr. ZSCHAU, Mr. BEDELL, Mr. DIXON, Mr. ADDABBO, Mr. BRYANT, Mr. FAZIO, Mr. WEISS, and Mr. LOWRY of Washington.

H. Res. 127: Mr. LEVINE of California, Mr. COBEY, Mr. BROWN of California, Mr. GEKAS, Mr. SMITH of Florida, Mr. BLILEY, Mr. LATTA, Mr. WOLPE, Mr. MICHEL, Mrs. HOLT, Mr. BEREUTER, Mr. AKAKA, Mr. WEISS, Mr. HARTNETT, Mr. OXLEY, Mrs. ROUKEMA, Mr. HOYER, Mr. WAXMAN, Mr. WILSON, Mr. MILLER of Washington, Mr. MORRISON of Connecticut, Mr. VOLKMER, Mrs. BOXER, Mr.

GROTBERG, Mr. FRENZEL, Mr. MATSUI, Mr. SIKORSKI, Mr. RITTER, Mr. COURTER, Mr. BROOMFIELD, Mr. PURSELL, Mr. FIEDLER, Mr. MILLER of Ohio, and Mr. REGULA.

H. Res. 134: Mr. ROE, Mr. KLECZKA, Mr. STALLINGS, Mr. DINGELL, Mr. HENRY, and Mr. MARTINEZ.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

[April 23 (legislative day, April 22), 1985]

H.R. 1402: Mr. KOLTER.

PETITIONS, ETC.

Under clause 1 of rule XXII,

[April 23 (Legislative day, April 22), 1985]

86. The SPEAKER presented a petition of the American Foreign Service Association, Washington, DC, relative to comments on the fourth annual report on implementation of the Foreign Service Act of 1980; which was referred, jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

[April 23 (legislative day, April 22), 1985]

H.R. 2068

By Mr. PETRI:

—Page 28, after line 25, add the following new section:

SEC. 128. AN OFFICIAL RESIDENCE OF SECRETARY OF STATE.

(a) PROHIBITION.—Until the Congress expressly authorizes such acceptance by law, the United States may not accept a gift of any residence or other structure for the purpose of providing a place of official residence for the Secretary of State or any other official of the Department of State.

(b) STUDY AND REPORT.—The Secretary of State shall conduct a study of any offer of a gift described in subsection (a). Such study shall include an examination of the costs to the United States associated with accepting such gift which relate to the proposed acquisition, maintenance, security, and daily operation of a residence. The Secretary shall transmit the report of any study conducted under this section to the Committee on Foreign Affairs and the Committee on Public Works and Transportation of the House of Representatives and the Committee on Foreign Relations and the Committee on Environment and Public Works of the Senate.

EXTENSIONS OF REMARKS

HEALTH CARE HEARING FLOOR STATEMENT

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. RAY. Mr. Speaker, in February, my Georgia colleague, Congressman J. ROY ROWLAND and I held an informal hearing at Mercer University's Medical School on the subject of health care.

We heard testimony from 20 expert individuals, representing many facets of our Nation's health care system. The witnesses included physicians, dentists, hospital administrators, home health care professionals, and representatives of insurance companies and health-related Government agencies. We also heard from representatives of associations of older Americans as well as attorneys, businessmen, and educators.

These people raised varying concerns about our Nation's health care system. However, each one of them voiced concern over the continued ability of people to afford adequate health care. As several of the witnesses starkly described the situation, health care is rapidly moving toward the point where it will be available only to the wealthy or it will be completely subsidized by the Government.

Congressman ROWLAND and I are today transmitting this testimony to the Committee on Ways and Means, since we believe that it may benefit the committee. The people who spoke before us are professionals who can offer us practical insight into the problems that face us in health care. They defined for us several of the causes of high health care costs, and also offered several solutions. It is our hope that the committee will carefully consider their suggestions.

One of the witnesses, Charles Foster, Jr., administrator of the West Georgia Medical Center in Lagrange, GA and chairman of the board of the Georgia Hospital Association, made several recommendations which are both cost-effective and workable. He suggests that we consider a plan where hospitals work in conjunction with the Veterans' Administration to provide inpatient and outpatient services for veterans. To quote Mr. Foster, "As the administration is recommending reforms in Veterans' Administration benefits, it is possible that contracts with community hospitals could provide both services and savings under the aegis of the Veterans' Administration." He also offers some insightful advice to all of us in handling future changes in medicare.

I am inserting Mr. Foster's testimony, and I urge all of my colleagues to read and carefully consider his suggestions. We must begin to make commonsense changes if we are to maintain an affordable, private health care system. In my opinion, those changes should be made in coordination with those people who know health care best—those who work in it daily. Mr. Foster is one of these experts, and I commend his testimony to you.

HEALTH CARE HEARING, CHARLES L. FOSTER, JR., ADMINISTRATOR, WEST GEORGIA MEDICAL CENTER

SCHOOL OF MEDICINE, MERCER UNIVERSITY, MACON, GA

Representative Ray, Representative Rowland, fellow speakers and guests, my name is Charles L. Foster, Jr. I am the administrator of West Georgia Medical Center, a 276 bed acute care hospital and 150 bed long-term care facility in LaGrange, Georgia. I currently serve as Chairman of the Board of Trustees of the Georgia Hospital Association; as an advisory member to the Board of the Georgia Medical Care Foundation; as a member of the Board of the North Central Georgia Health Systems Agency; and, I was appointed by former Governor George Busbee to the State Council on Maternal and Infant Health. I also served on the Governor's Advisory Task Force which designed the current Medicaid Prospective Payment System for Georgia hospitals. It is my pleasure and privilege to bring to you today the perspective of Georgia hospitals in a rapidly changing health care environment.

The Georgia Hospital Association has prepared a position paper entitled "1985 Health Care Issues." The position paper was delivered to the Georgia Congressional Offices in Washington last week and I invite you to read the issues and their background. Recommendations have been made to assist the state's hospitals in fulfilling their mission to continue providing quality and cost effective health care to Georgians.

For your consideration today, I would like to cover some of the more important national issues affecting the hospital industry.

First, quality hospital services to Medicare patients must be reimbursed adequately by providing realistic annual allowances for inflation in the cost of goods and services, and changes in technology. Congress eliminated excessive increases in hospital payments three years ago by placing hospital inflation caps in the Tax Equity and Fiscal Responsibility Act of 1982. The Social Security Act of 1983 completely changed the payment mechanism and financial incentives by implementing prospective payments using Diagnostic Related Groups, or DRG's. The phase-in of the DRG system was just under way when Congress again cut hospital payments in the Deficit Reduction Act of 1984. Due to these new incentives all available information show that Medicare admissions are dropping below projections, Medicare length of stay is down and inflationary costs are now well under control.

In 1985, should Congress pass legislation freezing all federal payments, hospitals will bear their proportionate share of the burden to reduce the federal deficit. However, cutting Medicare payments without dealing systematically with other expenditures, may bring disillusionment with the phase-in of the DRG system. Hospitals will then have to deal individually with the lack of government commitment to adequately fund medical care services. Many will continue to cope with the annual cuts, but in time, most will have to focus on those services that they can support on a long-term basis. We ask that hospitals be dealt with in an equitable manner. If Congress freezes various programs by withholding increases for inflation, the Medicare budget, not the DRG rates, should be frozen. This would allow for continuation of the national phase-in of the DRG system and an in-depth examination of the components of the system.

Second, the deficit problem also will bring up the subject of Medicaid caps on federal matching payments. For the past three years, federal caps have caused the states to ration payments to Medicaid providers. All Medicaid providers including physicians, nursing homes and others, are now being paid only a step or two above the allowable costs in those rationed base year periods.

Georgia has just this year become the 35th state to attempt to improve health care access to a small segment of the indigent population through a medically needy program. Federal formulas to cap costs do not compensate for past inequities in services among states. It is our recommendation that if Congress finds it necessary to reimpose federal expenditure growth caps, that Georgia and the few other states which have just now implemented medically needy programs, be allowed to "grandfather" the annual cost of these programs into the "base cost".

Third, Georgia hospitals are very interested in working with the Veterans Administration to provide inpatient and outpatient services to veterans. Utilization of existing community facilities can save the federal budget millions of dollars in new construction. As the Administration is recommending reforms in veterans administration benefits, it is possible that contracts with community hospitals could provide both services and savings under the aegis of the Veterans Administration.

Fourth, Congress will deal with recommended changes to the Medicare hospital payment system and with other health care issues. The Georgia Hospital Association recommends that the issues of capital costs, medical education costs, payments for transferred patients and outpatient services, swing beds, medical malpractice, and peer review organizations be given due consideration for the impact on Georgia hospitals. These issues and recommendations have been outlined in the earlier mentioned 1985 Health Care Issues position paper.

Fifth, the Health Care Financing Administration has completed a new hospital wage index methodology which will be used to revise Medicare DRG payments in metropolitan statistical areas and rural areas. It

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

appears that, should Congress implement a payment freeze, most hospitals in Georgia will receive 6 to 8 percent less payment per DRG in 1986 due to the revised wage index for Georgia. In addition, legislation passed by Congress last year also provides that the wage adjustment be applied retroactive to October 1, 1983. I would like to recommend today that Congress repeal this retroactive adjustment to a prospective system. If it is not repealed, many Georgia hospitals will be paid up to 12 percent less in 1986, should there be a combined payment freeze and a retroactive pay back.

Sixth, before Congress are proposals to eliminate tax exempt financing, and to increase income tax receipts by adjusting charitable deductions. These proposals should not be adopted as they will immediately and seriously affect the ability of the hospital industry to support unprofitable services and to attract capital for equipment and plant costs. These proposals, if enacted, will immediately escalate interest costs and patient charges, adding to the cost of health care.

I would now like to take this opportunity to address two other very important issues. The first is who will assume the responsibility for indigent care? And the second is the competitive era which hospitals are entering.

On indigent care, the Georgia Hospital Association and a joint house and senate subcommittee of the Georgia General Assembly have independently prepared two reports. A few of the pertinent findings are that:

In the United States 12 percent of the population had income below the poverty level. In Georgia 17 percent of the population is below the poverty level.

Less than one-half of those classified as poor under federal guidelines can be legally covered by Medicaid.

One-third of Georgia's population, 1.8 million people, are uninsured or underinsured for health care.

One-half of the uninsured are employed, yet are not eligible for insurance programs.

When a Georgian uses hospital services, roughly 10 percent or more of the total bill goes to pay for indigent care.

In 1983, hospitals in Georgia lost approximately $188 million in uncollectible accounts and charity care and provided $21 million in free care under the Hill-Burton Act.

Thirty-nine counties have no hospitals, and 66 counties provide no funds to hospitals for indigent care.

And last; the report of The General Assembly's Joint Hospital Care for The Indigent Study Committee recommended that legislation be enacted to create an indigent care fund with financial responsibility to be shared by federal participation, state government, local governments, health care providers and indigent users.

I bring this information to your attention as the problem of indigent care funding is an emerging national issue which deserves your attention. In the past, indigent care was stated to be "the hospital's obligation". As hospitals have not had independent sources of revenues, they have been forced to proportionately increase charges to cover indigent care costs. This ability to cover uncompensated care costs by "cost shifting" is quickly coming to an end as private patients, commercial payers and self-administered employer funds are taking unprecedented steps to control health care outlays.

Consider the impact on the access to care for the poor, if Medicare freezes rates, Medicaid caps payments, third party insurers receive discounts and alternative delivery systems reduce hospital inpatient volume. With all parties cutting back on payments to support the community hospital, either contributions will have to rise to an unimaginable level, or significant local tax assessments will be necessary to provide care for the near poor and medically indigent.

As funding is required to cover indigent care, the federal government should be as cognitive of this issue as any other. For Georgia, federal support should be given to expand limited Medicaid coverage to the medically indigent. As noted earlier, new federal caps on Medicaid expenditures could disproportionately affect the ability of the Georgia provider community to care for a portion of the indigent population.

I have just mentioned third party insurer discounts and alternative delivery systems. I would like for you to know that the competition for the health care dollar, and the pressures that exist to contain costs are the greatest that they have ever been and they are increasing daily. In Georgia there are eight business coalitions, five health maintenance organizations, at least four preferred provider organizations; and unknown quantities of ambulatory surgical centers, minor emergency clinics, and numerous companies providing utilization review and billing audit services. These organizations exist for one reason, to reduce inpatient hospital utilization and related costs. In addition, employers and commercial insurance plans are encouraging cost conscious use of medical care by adding deductibles and coinsurance provisions.

All of these measures are having an effect on the hospital industry. Nationally, for the first nine months of 1984 versus 1983, there were 1.0 percent fewer admissions, 3.5 percent fewer patient days and full-time hospital employees dropped by 2.3 percent.

In the state of Georgia, many hospitals have had to eliminate positions and layoff employees due to a lower use of services. Less equipment is being purchased and increases in prices from suppliers are strongly resisted. Also hospitals are offering more outpatient and alternative health service, as well as participating with HMOs, PPOs, and the business coalitions to produce lower cost care.

My interest in addressing the changing environment of health care services is that some parties feel that the only solution to the high cost of health care is rate regulation of the hospital industry. The Georgia Hospital Association and its member institutions are vigorously opposed to rate setting and I have included with my testimony today a position paper of the GHA on this subject.

I would like to note that the Georgia Hospital Association is proud of the cost effectiveness of their member institutions and close by citing some data from the position paper:

Nationally the hospital cost per patient admission is 31 percent higher than in Georgia. In 1980, 41 other states had higher costs per stay, compared to 1983 when 44 states had higher costs per stay.

Georgia is the 19th lowest cost state on a per capita basis. The national average cost of $502 per capita is 20 percent higher than the cost of $420 in Georgia.

Georgia is the sixth lowest state in its daily semi-private room charge. According to the July, 1984 survey by the Health Insurance Association of America, the national average rate is $207 per day. This is *42 percent higher* than Georgia's rate of $146 per day.

Of the 11 states whose average cost per case exceeds $3,000, five are from the group of nine mandatory rate setting states; and those rate setting programs have been in effect about seven years.

In a comparison of education costs and hospital costs to national expenditures, 37 states have a higher average teachers salary than in Georgia, but 42 states pay their hospital employees more. In both professions, the average Georgia salary is 84 percent of the national average. Compared on a per capita basis, educational costs in Georgia are 83 percent of the national average while hospital costs are 84 percent of the average.

Rate setting proponents may cite "rate of increase statistics", however, I think these hard facts show that bureaucratic agencies with their formulas and statistics cannot match our performance in Georgia. In addition, it would be a grave mistake at this time to impose regulatory controls on the hospital industry which is faced with independent and competitive forces, requiring even greater cost efficiency efforts.

I would like to thank you for this opportunity to express the views of the Georgia Hospital Association on the direction of the hospital industry. We solicit your support and pledge to work with the public and private sectors to improve upon the Georgia health care delivery system as it exists today.●

CUTS IN HIGHER EDUCATION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. GARCIA. Mr. Speaker, for most families and individuals paying for college will continue to be the ultimate test of the ability to plan and provide for children. However, if President Reagan has his way, many families will be forced to fail this test.

President Reagan's budget calls for a $2.3 billion reduction in financial aid for college students, largely through the elimination of federally subsidized loans to students from families whose gross income is more than $32,500 a year. Senate Republicans have subsequently offered their own compromise budget plan. The Senate plan includes deeper cuts in higher education than the Budget Committee had originally proposed. However, before the Reagan administration or this Congress seeks to limit student financial aid, particularly guaranteed student loans, each should make sure that the benefits are worth the costs.

I firmly believe that economic well-being should be among our first and most important virtues. Education has yet to be proven to be detrimental to our economy in any way. Indeed, I fully believe that education is a priceless investment in our country's future financial and national security. Education has been the key to this country's technological prowess, cultural excel-

lence, and national superiority. Student financial assistance, such as guaranteed student loans, are an excellent vehicle through which this Nation's youth, regardless of financial status, may help to improve not only their own well-being, but also that of their country's. Because of the grave consequences any abrogation from our country's commitment to excellence in education may have, I implore my colleagues to fully investigate whether the policies proposed are worth the costs which are likely to be accrued.

Consequently, I would like to call to the attention of my colleagues an article which appeared on Higher Education and National Affairs on April 8, 1985. The article outlines the expected benefits and costs of the budget proposals which have thus far been outlined in regard to limiting Federal assistance for student financial aid.

[From the Higher Education & National Affairs, Apr. 8, 1985]

NEW BUDGET PLAN CUTS DEEPER INTO HIGHER ED

On the eve of the congressional Easter recess, Senate Republicans and the Reagan Administration agreed on a fiscal 1986 budget compromise that would make cuts in military spending and social programs and eliminate several federal programs.

Higher education's share of the agreement includes deeper cuts than the budget committee had originally proposed (see HENA, March 25, page 1), although the cuts would not be as drastic as those the President had first requested. Congress returns April 15, and the budget is expected to move onto the Senate floor for debate the week of April 22.

According to the Office of Management and Budget (OMB), the new proposal would limit eligibility for Guaranteed Student Loans (GSLs) to families with adjusted gross incomes of $60,000. The Administration has originally proposed a $32,500 income limit.

In addition, OMB said an $8,000 annual cap would be placed on the amount of college costs that would be allowed for purposes of determining federal support. For example, if school costs amounted to $12,000 and a family could contribute only $1,000, the student could receive no more than $7,000 in federal aid. The initial Reagan budget proposal sought a $4,000 annual cap for total federal support.

OMB said the entire agreement sought a reduction in funding of $350 million in fiscal year 1986, $822 million in 1987, and $1.049 billion in 1988, amounting to a three-year total funding cut of $2.2 billion. The budget committee resolution had sought $900 million in GSL savings over the three years.

The budget compromise is expected to run into serious opposition on the Senate floor. Sen. Robert T. Stafford (R-VT), chairman of the Senate subcommittee on education, has said he will oppose the $8,000 cap, which will penalize needy students attending private institutions. Those close to the issue say they expect floor amendments to increase education funding during floor debate and that the plan will have an even rougher time in the House.●

COMMENDING WAL-MART'S "BUY AMERICA" PROGRAM

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. BARTON of Texas. Mr. Speaker, I want to commend and call to the attention of the American people and the retailing community an effort by a major department store chain to keep Americans at work.

Sunday's Washington Post profiled the Wal-Mart Stores' "Buy America" program whereby the 753-store chain is making a determined effort to buy products that are made in the United States, instead of abroad.

In the words of company officials, the effort is to prove that American manufacturers can produce the quality of goods at prices comparable to imported goods.

There are many Wal-Mart stores in my congressional district in Texas and I believe consumers who are aware of our serious imbalance in trade will be aware buying at these stores will be restoring or saving jobs of their fellow Americans.

The Bentonville, AR firm which bought about 5 percent of its merchandise last year from foreign manufacturers, want to reduce that to 4 percent this year and even lower percentages in future years.

I am hopeful the chief executive officers of other retail chains will follow the lead of Wal-Mart Chairman Sam Walton.

I want to share the Post article with you and I wish Wal-Mart much success in their efforts.

[From the Washington Post, Apr. 21, 1985]

WAL-MART FLYS THE FLAG IN IMPORT BATTLE—PRODS U.S. PRODUCERS WITH FAVORABLE TERMS

(By Caroline E. Mayer)

Late last year, Sam Walton, the chairman of Wal-Mart Stores Inc., gave his merchandise buyers an order: Think of a product that American manufacturers have given up on because of competition from cheaper imports.

An apparel buyer suggested inexpensive flannel shirts, virtually all of which are now made outside the United States.

Today, the 753-store discount chain has a $600,000 contract with a small Brinkley, Ark., manufacturer for 240,000 flannel shirts—one-tenth of what the company anticipates it will sell next winter.

"We've set out to prove that American manufacturers can make merchandise we sell on a competitive basis with the same quality and value as products made overseas," said David D. Glass, president of Wal-Mart, one of the nation's fastest-growing and most successful discount chains, second to K mart Corp. in size.

"As a company, we are tremendously concerned with the trade deficit" Glass said. "We see a tremendous erosion of manufacturing jobs in this country as manufacturers accelerate the movement to go offshore to make their goods. None of us will believe what this country will be like five to 10 years from now if we continue to let this happen."

Between 1981 and 1984, an estimated 1.6 million American jobs were lost to imports, Walton recently pointed out in a letter to his suppliers. "In one year [1983 to 1984], non-oil-related imports grew $70 billion, an increase of 33 percent. The trade deficit reached $123.3 billion, an increase of 78 percent. Something can and must be done to reverse this very serious threat to our free enterprise system and our great country," he wrote.

Now Walton wants to try to turn the tide. Last month the company officially launched a novel and ambitious Buy-American campaign to prod domestic manufacturers to produce more goods at home. Last year the company purchased about 5 percent of its goods from foreign manufacturers. This year, Walton said he hopes to reduce that to 4 percent through his campaign, with further reductions in the years ahead.

By offering unusual favorable terms—including longer lead times and more advantageous financial agreements—Wal-Mart hopes to prove that American manufacturers can make quality products that will match or beat the prices of imported goods.

"We are willing to work with the domestic manufacturers to a greater extent than we have done before," Glass said.

Also, Wal-Mart is willing to lower its margins to sell the goods at a competitive price, Walton said. "We are asking our manufacturers to lower their margins; in turn, we will lower ours."

However, Walton contended that profitability for the company—which earned $240 million last year on sales of $6 billion—should improve because it will force the company to make better buys. Perhaps even more significantly, the campaign will be promoted in Wal-Mart's stores, creating more "enthusiastic and appreciative customers," Walton noted.

The contract for flannel shirts with Farris Fashions Inc. is the first test of Wal-Mart's resolve.

To help Farris Fashions Inc. be price-competitive, Wal-Mart has helped locate and finance the flannel material it needed to meet the contract. "Without Wal-Mart's help, I would have given up on the project long ago," noted Farris' president, Farris Burroughs. "I kept beating my head to find piece goods and financing," he said, noting that he had called every textile manufacturer he knew, unsuccessfully looking for material. Ultimately, Wal-Mart called manufacturers to find goods and promised favorable financing terms for the goods to help Farris get a start.

Additionally, Wal-Mart "has agreed to pay us a little quicker than normal," Burroughs said.

"If I didn't have that work, I'd be hard pressed to keep my 100 employees busy," said Burroughs. "Without that contract, I'd be out beating the bushes. And with business now very slow in the shirt and blouse business, those bushes are almost all beat out."

Wal-Mart didn't have to make these arrangements, Burroughs said. "People are beating down Wal-Mart's doors to sell them goods," he asserted. "All Mr. Walton has to do is to say 'give me so many dozen.' He doesn't need to worry about" where his goods are being manufactured.

Yet he said Walton does have a direct interest in the import problem: A lot of the Americans who are losing jobs as a result of

import competition are Wal-Mart customers.

"If his people are not working, they can't be buying anything. It's as simple as that," Burroughs noted.

Wal-Mart's campaign comes at the same time other major retailers are pressing the federal government to relax its import quotas on apparel. The retailers argue that the quotas hurt consumers by restricting the amount of lower-priced foreign-made goods, while raising the price of those goods that do reach this country.

"We're swimming upstream," Glass said.

Wal-Mart's Buy-American campaign was launched in a letter Walton sent to his major suppliers last month. To date, it has resulted in about half a dozen new contracts with American manufacturers, some of which already had been producing goods for Wal-Mart's stores. Most of the contracts are for work at plants in Wal-Mart's selling area in the South.

Julie Girl—which has four plants in the Southeast—has been making ladies sportswear and loungewear for Wal-Mart for the past 13 years. But under the Buy-American campaign, the company has entered into new agreements that, among other things, give Julie Girl more time to meet Wal-Mart's orders.

"Normally, big retailers go overseas and commit their orders a year in advance and then come back here and domestically place their orders closer to their needs," explained Louis Perlman, president of Julie Girl. "Wal-Mart is now making their commitments to us about the same time they make their commitments overseas. The longer lead time enables us to make better deals with domestic piece-good mills. It also gives us better production planning and allows us to become more efficient in our plants, thereby lowering our overhead and our costs."

The new Wal-Mart contracts will create about 200 more jobs for Julie Girl, Perlman said. At the same time, he added, it may have a snowball effect on Julie Girl's suppliers as they, too, are given a longer lead time in filling the manufacturers' orders.

Wal-Mart's Buy-American drive comes at a good time, noted Robert Welsh, president of Capital Mercury Shirt Corp., which has been one of Wal-Mart's longtime suppliers.

"A year ago, two years ago, even three years ago, it wouldn't be the right time because the prices overseas were very depressed," Walsh said. Today, higher labor costs and the quotas are pushing overseas prices up, "making it feasible for American manufacturers to be within striking distance," he said.

As a result of Wal-Mart's drive, Capital Mercury, which makes many of its men's shirts outside the United States, decided to bring some production back to this country and even expand some of its facilities in the hope that Wal-Mart's efforts will prod other retailers also to buy from domestic shirt makers.

"With Wal-Mart's advanced commitments as the nucleus of the Buy-American program, we believe we will now be able, on certain items, to equal or beat the offshore manufacturers—but not for all items," Welsh said.

Wal-Mart's drive goes beyond apparel. It also has entered into contracts to buy American-made electric fans and bicycles, and it has signed a $469,000 contract with a Ft. Smith, Ark., manufacturer of casual furniture to make outdoor stacking chairs that will be sold for about $15 each. Wal-Mart's had been importing the chairs from Taiwan. They've elected to give us the same arrangements they make overseas," said Don Flanders, chairman of Flanders Industries, a company with 100 employes and sales of $7 million a year. "They will make their commitments further ahead and they will pay us faster."

Typically, retailers agree to pay domestic manufacturers 30 days after an order is shipped, while they pay offshore producers at the time it is shipped, Flanders noted. By agreeing to pay Flanders when the chairs are shipped, Wal-Mart is enabling the company to produce the chairs "at less of a competitive disadvantage than an offshore firm." At the same time, the contract has created about 30 more jobs a year, Flanders said.

Until Wal-Mart offered to grant these favorable terms, Flanders said he would not have been able to include them in any of his contracts—even though they are standard provisions for his foreign counterparts.

"There are too many domestic manufacturers who compete with us that are not willing to make demands so they could get the business." Flanders said. "Only if we all went together and said, 'No, we won't do this unless you agree to this,' would it work—and that's against the law."

Not all manufacturers are enthusiastic about Wal-Mart's drive.

"One of the disappointing things is when a manufacturer says he doesn't want to participate," Glass said. "Some manufacturers who produce many of their goods offshore say 'why should I have the headaches managing people and running a plant? I'd rather contract offshore and have the goods manufactured by someone else.' "

The Buy-American drive is "more work," Glass acknowledged. "You have to work with a manufacturer—meet with him and visit his plant to inspect it for quality control. But we do it abroad."

The campaign is also a gamble, Glass noted. "Retailers are generally reluctant to commit to longer lead times to guard against economic downturns or changes in fashion. So we are taking some risks. . . .

"It is not a quick fix. Down the road, we may get to the point where we feel we are beating our head against the wall because, by ourselves, we won't make a difference."

Yet manufacturers say Wal-Mart's drive already is beginning to have an impact.

"We're getting rumblings from other retailers," said Capital Mercury's Welsh. "They won't let Mr. Walton steal the march on them because it's going to catch them."

One of the interested retailers is Wal-Mart's midwestern rival, Venture Stores, a 60-store discount chain owned by the May Co.

"Mr. Walton is absolutely right," said Julian M. Seeherman, Venture's chief executive officer. Buy-American "is the kind of statement we've been making but not getting publicity on," he added plaintively. Nonetheless, he said, Venture is contacting some of the same manufacturers Wal-Mart is doing new business with—and its own suppliers as well.

"We would be willing to help these people," he said. "One way would be to give them a guaranteed order before they buy the first dollar's worth of material."

In addition to retailers, some of the manufacturers also are receiving inquiries from outside investors.

"A New York financier called me to say he would like to get involved in helping me finance my purchases of raw material," said Farris' Burroughs.

So far, Wal-Mart's agreements have been relatively small, considering its annual purchases amount to $8.5 billion a year, noted Arkansas Gov. Bill Clinton, who has played an active role in Wal-Mart's campaign, partly because Wal-Mart is based in his state and partly because of the state's high unemployment rate. Among other things, Clinton was instrumental in linking Wal-Mart with Farris.

"I think this will take off. But it will have to have a slow start—because they need successes at the beginning," Clinton said.

Glass, Wal-Mart's president, said, "We don't think we're going to make a major influence in changing the trade balance in the country, but some one has to start."●

THE UNITED STATES AND ISRAEL: PARTNERS FOR PEACE AND FREEDOM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. LANTOS. Mr. Speaker, on Sunday, Secretary of State George P. Shultz delivered an outstanding speech at the Annual Policy Conference of the American Israel Public Affairs Committee.

He said on that occasion:

In the years to come, Israel and the United States will stand together in defense of our shared values and in support of our common goals. Our two peoples have the same vision of a better world—a world of peace and freedom, where the dignity of all men and women is respected by all nations.

In the spirit of a bipartisan foreign policy, which all of us agree is essential to the success of our international policies, I commend this excellent speech to my colleagues.

The text of the speech follows:

THE UNITED STATES AND ISRAEL: PARTNERS FOR PEACE AND FREEDOM

(Address by the Honorable George P. Shultz, Secretary of State)

We Americans are united by values and ideals that have guided us since the founding of this nation. We seek to preserve and promote freedom—freedom to vote, freedom to speak, write, think, and worship as one chooses. We believe in tolerance, and religious tolerance in particular. We believe in justice and equality under the law. We are committed to democratic government as the best, if not the only way to protect the rights, well-being, and dignity of all men and women.

We have also understood that to pursue these noble goals, we have to be strong enough to defend our country and our way of life against aggression. And we must have an equally strong commitment to international peace and security. A world of peace offers the best hope for the spread of freedom; and a world of freedom offers the best hope for lasting peace.

In the latter half of this century, both the defense of freedom and the achievement of peace have come to depend on American strength. There can only be peace when potential aggressors know that they cannot hope to achieve their aims through war. In the modern world, that means that Amer-

ica, as the strongest democracy on earth, has a responsibility to stand with those who share our hopes and dreams.

These principles inform every action we take in our foreign policy. Today, I would like to talk about how our ideals, our morality, and our responsibilities in the world apply to our relationship with Israel and to our hopes for peace in the Middle East.

The United States supported the creation of the State of Israel, almost four decades ago, because of moral convictions deeply rooted in the American character. We knew of the centuries of persecution suffered by the Jews, and we had witnessed the horror of the Nazi Holocaust. No decent American could fail to see the justice and necessity of a Jewish state where Jews could live without fear.

But the founding of the State of Israel also had a wider significance. Certainly, America's support for Israel has been a moral response to centuries of persecution. But the birth of Israel also marked the entrance onto the world stage of a new democracy, a new defender of liberty, a new nation committed to human progress and peace. In a world where such nations have always been the exception rather than the rule, the creation of Israel was a historic and blessed event.

When Lincoln spoke at Gettysburg of rededication to the cause of freedom, he was saying that the survival of liberty depended on peoples' faith in liberty. Israel's success as a thriving democracy helps sustain our faith in the democratic way of life not only in America but throughout the world. Today the principles of freedom and democracy are *more* alive than when Israel was founded. The number of countries around the world that are democratic or on the road to democracy is growing. I believe the example of Israel and the United States has something to do with this heartening trend.

No wonder, then, that the friendship between the American people and the people of Israel has grown so strong over the years. Our original moral commitment to Israel has never wavered, but over the years Americans have also come to recognize the enormous importance of Israel—as a partner in the pursuit of freedom and democracy, as a people who share our highest ideals, and as a vital strategic ally in an important part of the world. The moral and personal bonds that tie us together have strengthened us both.

AMERICA'S COMMITMENT TO ISRAEL'S SECURITY

For all these reasons, the United States has maintained its unwavering support for Israel's security for nearly four decades. Until peace was made with Egypt, Israel was completely surrounded by hostile forces since its birth, and it has had to fight four wars in less than forty years to defend its very existence. We know that the goals we share with the people of Israel—freedom, and peace—cannot be achieved unless both America *and* Israel are strong. That is why we are committed, and always will be committed, to helping Israel protect itself against any combination of potential aggressors. And that is why we must always make clear to the world—through our material and moral support for Israel, our votes at the United Nations, and our efforts for peace—that we are a permanent, steadfast, and unshakable ally of the State of Israel.

Every year we provide more security assistance to Israel than to any other nation. We consider that aid to be one of the best investments we could make—not only for Israel's security, but for ours as well. Even as we developed our own budget and worked with Israel on its economic program, we nonetheless went ahead with a major increase in our security assistance for Israel.

This is a statement of our commitment; it reflects our understanding of who our friends in the world are, who can be counted upon in times of crisis. Americans know that we have no more reliable friend in the world than Israel.

Our common interests afford us an opportunity—and a necessity—to work together on many issues.

We face, for example, the common threat posed by the Soviet Union. The American people and the people of Israel both know what is at stake in the struggle against the spread of Soviet power—not just territory and natural resources, but the very way of life for which both our nations have shed so much blood and made so many sacrifices.

The continuing persecution of Jews and other minorities by the Soviet government is an abomination. And we in America know that a threat to the rights of Jews anywhere is a threat to the rights of all peoples everywhere. In the Soviet Union today, Jews are not free to practice their religion, or to teach Hebrew or Yiddish to their children; they are actively discriminated against throughout the government and society.

In the face of this injustice, hundreds of thousands of Jews seek to leave the Soviet Union. Many want to settle in Israel. But Soviet authorities continue to restrict Jewish emigration, and only a tiny number are allowed to leave. Those who have sought emigration and been denied exit visas often suffer additional persecution; those who stand up for their rights risk prison, or confinement in so-called "psychiatric hospitals." The United States is doing all it can to urge the Soviet Union to set the Jews free. Nothing the Soviets could do would more convince us of their desire to improve relations than to release Anatoly Shcharansky, and others, and grant Soviet Jews their right to emigrate.

In addition to denying human rights at home, the Soviet Union has also consistently sought to undermine the strategic interests of both Israel and the United States. Today they seek to increase their influence in every corner of the globe, including within this hemisphere.

Today we are trying to check Soviet-backed aggression in Central America. Everyone in this audience, and supporters of Israel across the country, know that in the Middle East America is committed to the security of its democratic ally.

We all understand the need to negotiate from strength, not from weakness. We all understand the need for constant vigilance against aggressors heavily armed by the Soviet Union. Those who truly uphold these principles, which are the foundation of Israel's security, will see the vital importance of supporting these same principles elsewhere. The security of so vital a region as Central America is crucial to the global position of the United States. Let there be no illusions: A failure to contain Communist aggression so close to home will only erode the security of all our allies and friends around the world.

In the Middle East today, the Soviet Union and its radical allies continue to block peace and to threaten those who seek it. They exert influence by their ability to intimidate with guns and through the terrorists they sponsor and direct. The United States and Israel can work together to help ensure that such attempts fail.

Strategic cooperation between the United States and Israel has become a formal, institutionalized process. We have established the Joint Political-Military Group to improve cooperation so that we can resist threats to our common interests in the Middle East.

This kind of cooperation has been long overdue. Today it is an important part of our strategic relationship.

THE CHALLENGE OF PEACE

Americans are committed to the security of Israel because we want to ensure that the Jewish nation, and the Jewish people, never again face a threat to their very existence. But our permanent commitment to Israel's security serves another, related goal, as well: the goal of peace.

Military might has prevented defeat on the battlefield, but true security and peace can come only when Israel has gained the acceptance and recognition of its neighbors. That is why, even as we assist Israel's capacity to defend itself, the top priority of our efforts in the Middle East is to promote Arab-Israeli peace through negotiations.

We have learned many important lessons over the years. One of them is that a strong, visible, and permanent American commitment to Israel offers the best hope for peace. The history of the Arab-Israeli conflict shows, without question, that movement in the peace process can only come when there is no doubt of our commitment to Israel.

It can only come when no one in the Arab world or elsewhere has any delusions about the central reality that America's support for Israel can never be weakened. Israel has demonstrated beyond doubt that it will not bend or change its policies in the face of military or terrorist threats. Nor will the policies of the United States ever yield to terror or intimidation. On this principle, the United States and Israel stand together solid as a rock. So others should not miss the point: There are no military options. There are no terrorist options. The only path to progress, justice and peace in the Middle East is that of direct negotiations.

Negotiations work. We have tangible evidence of this today in the peace treaty between Israel and Egypt. This relationship is the cornerstone of the peace process. We must build upon it. The Egyptian-Israeli relationship itself must grow and be strengthened. And others must learn from the example that Egypt and Israel have set. President Mubarak is committed to peace. Others must join him. We are glad that King Hussein has re-established Jordan's diplomatic relations with Egypt. The process of building peace must continue, and the United States is committed to helping the parties move forward.

In recent months there has been much activity. Many people on both sides are working to further the peace process.

Today, for the first time in years, there are signs of a new realism and a new commitment on the part of key regional actors.

Prime Minister Peres has made clear Israel's desire to negotiate with Jordan without preconditions, and he has expressed his great respect for King Hussein. The King has also called for peace; he has undertaken an effort to organize the Arab side to negotiate peace with Israel on the basis of Security Council Resolution 242. There is also movement in the Palestinian community toward greater realism, and President Mubarak has played a constructive role in promoting negotiations.

Both Arabs and Israelis trust us, and they seek our help. They find reassurance in our participation as they face the risks and challenges of peace. Such an American role is indispensable.

We also know that those Arab nations that are moving toward peace are taking risks. Radical forces in the region use terrorism and threats of war not only against Americans and Israelis, but against responsible Arabs who have worked to bring Egypt back in the Arab fold and who have sought to promote negotiations with Israel.

As King Hussein took steps to move with the Palestinians to the negotiating table, we saw Jordanian diplomats killed; we saw Jordanian Airlines offices bombed. Those who take risks for peace should know that the United States will help them defend themselves. The United States must continue to support those who seek negotiations and peaceful solutions against those who promote violence and oppose peace.

Assistant Secretary of State Richard Murphy is now in the region, on the President's behalf, exploring practical steps that might be taken toward peace. But whatever opportunities may emerge, no one in the region or throughout the world can have the slightest doubt about America's policy: Israel's vital interests will never be compromised; Israel's survival and security will never be put at risk.

At the same time, we have also made clear our concern for the Palestinian people. Lasting peace and security for Israel will require a just settlement for the Palestinians that assures their dignity and legitimate rights. How ironic and tragic it is, therefore, that those who claim to act on behalf of the Palestinians have continued to block negotiations—the only course that can achieve a just settlement for the Palestinians.

Now is the time for the Arabs to let negotiations proceed. Now is the time for the Arabs to let King Hussein come forward. There is no alternative to direct negotiation; the longer this truth is evaded, the longer the Palestinian people are the victim. Those who chased illusions of "armed struggle," those who engaged in terrorism, those who thought that Soviet support would intimidate the United States and Israel, have only brought death to innocents and prolonged the suffering of the Palestinian people. Such methods have achieved nothing constructive, and never will.

But the way is open for progress—even early progress—and we know what that way is. President Reagan's initiative of September 1, 1982 remains the most promising route to a solution. Our policy will continue to be guided by six fundamental principles in the years to come:

First we will continue to seek a lasting peace that respects the legitimate concerns of all the parties.

Second, the United States will oppose violent and radical challenges to peace and security. We will oppose governments or terrorist organizations of whatever stripe in their efforts to undermine the State of Israel and our Arab friends in the region.

Third, United States policy toward the PLO is unchanged: We will never recognize or negotiate with any group that espouses violent solutions or refuses to accept Resolutions 242 and 338 or recognize Israel's right to exist.

Fourth, the only way to achieve a genuine, lasting peace is through direct negotiations between the Arab states and Israel. No other procedures can substitute. No other approach will get anywhere. No further plans or preliminaries are needed. There is one and only one place to negotiate—at the table, face to face.

Fifth, we will support a negotiated settlement by which the Palestinian people can achieve their legitimate rights and just requirements. We will not support the establishment of an independent Palestinian state in the West Bank and Gaza, nor will we support annexation or permanent control by Israel.

Sixth, and finally, we will always insist on Israel's right to exist in peace behind secure and recognized borders. As President Reagan said on September 1, 1982, "In the pre-1967 borders, Israel was barely 10 miles wide at its narrowest point.

The bulk of Israel's population lived within artillery range of hostile Arab armies. I am not about to ask Israel to live that way again." The United States stands firmly behind that solemn commitment.

If Israel and the United States continue to work together, we can make progress toward peace.

THE ECONOMIC CHALLENGE

We know that peace is essential to Israel's security. But there is another important element to that security. The strength of Israel also depends on the strength of its economy. Israel must work to overcome its economic problems. Because of our own deep interest in a strong, healthy, and secure Israel, we will also do our part in ways we can be most helpful.

We in America know what it is like to live through difficult economic times. Only in the past three years have we begun to pull ourselves out of the spiraling stagflation of the late '70s. We also know how hard it is to make the tough political decisions and the sacrifices needed to put an economy on a stable path of growth without inflation.

We know first-hand how tough it is to cut the budget. Yet these tough decisions must be made.

The Israeli economy is a spectacular success story. The Israeli standard of living has risen steadily and remarkably. Israeli goods compete successfully in the major international markets. In fact, in 1984 Israel increased its exports by 12.5 percent, while simultaneously reducing its imports by 2.5 percent. If the United States had done the same, our trade deficit would be more than $80 billion lower than it is today.

Still, the Israeli economy faces real problems. Israel is consuming more than it produces and its economy is beset by a large national debt, untenable budget deficits, structural rigidities, and powerful inflationary forces. There are no quick solutions to these problems—yet Israelis have proved during the State's early decades that they could pull together to build and maintain a dynamic, growing economy. Israel has all the qualities needed for economic success: an educated, dynamic people; impressive capacities for research and development of new technologies, and outstanding universities. Israel's economic achievements in previous years were a testament to the public spirit, bravery, creativity, and talents of its people. I have no doubt that those same qualities today hold out the promise of future prosperity.

But Israel must pull itself out of its present economic trauma. And the Israeli people must do it themselves; no one can do it for them. Israel will need support as it makes the needed adjustments, and here the United States can and must help. But our help will be of little avail if Israel does not take the necessary steps to cut government spending, improve productivity, open up its economy, and strengthen the mechanisms of economic policy. Israel and its government must make the hard decisions. Prime Minister Peres and Finance Minister Modai have shown courageous leadership; they deserve support, here and in Israel, for this effort.

From 1981 to 1984, the United States has provided almost $9.5 billion dollars in aid to Israel. In 1984, aid to Israel made up more than a quarter of our entire foreign aid program. Yet we must all understand that this aid cannot really help unless Israel makes hard and far-reaching decisions for structural adjustment.

The United States can also help Israel in other ways, over the long term, to achieve the economic success Israel is capable of achieving. Tomorrow, for instance, the United States and Israel will sign the Free Trade Area Agreement. This will guarantee Israel completely open access to the world's largest and most diverse market.

In 1983, the United States imported almost $1.5 billion worth of Israeli products. The Free Trade Area Agreement will strengthen our trade partnership even further.

And we have created a Joint Economic Development Group for a continuing dialogue on the problems of the Israeli economy and on ways that our cooperation can help.

The future belongs to the free, the venturesome, the educated, and the creative. The Israeli people are all of these. Their future is bright.

AMERICA'S PLEDGE

In the years to come, Israel and the United States will stand together in defense of our shared values and in support of our common goals. Our two peoples have the same vision of a better world—a world of peace and freedom, where the dignity of all men and women is respected by all nations. The evils we see all around us today— terrorism and the states that sponsor it, the persecution of Jews and other minorities in the Soviet Union, the outrages against Israel in the United Nations—these only strengthen our determination.

Every year thousands of Americans visit Yad Vashem—the memorial to the victims of the Holocaust. I will go there again next month. The images of Jewish suffering at Nazi hands still burn in our memories. Our pledge at the end of World Ware II was simple: Never again. And our support for Israel is the lasting embodiment of that pledge.

Our two nations know that eternal vigilance is indeed the price of liberty. The world will be safe for decency only if men and women of decency have the courage to defend what they cherish. Security and strength are the foundation of survival—and of any serious foreign policy. They are essential not only for the defense of liberty but for any hopes for peace. Those who would threaten peace and freedom must know that the champions of peace and freedom stand strong, and united.

America and Israel have learned this lesson. Together, we will set an example for all free peoples: We will work tirelessly for peace and for a better world.●

RUTH GREENFIELD: STANDING HER GROUND DOWNTOWN

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. LEHMAN of Florida. Mr. Speaker, some people talk and wring their hands about the need to revitalize the downtowns of our cities.

In downtown Miami, Ruth Greenfield has worked to improve the cultural climate by presenting to those who live and work in the area free lunchtime live arts concerts for public viewing and listening.

This determined and gifted native south Floridian has made a substantial difference in the community. In 1951 she founded the Fine Arts Conservatory which was the first integrated school in Dade County. Only when the public school system began to provide cultural arts courses in 1978 did the conservatory close and Ruth Greenfield moved on to other projects.

For all of her life downtown Miami has been important to Ruth. She has taught English and music classes in empty downtown store fronts. Passing along the spirit of music to others is a natural gift that Mrs. Greenfield possesses.

Although it is not mentioned in the following article, I want to bring to my colleagues' attention a very special effort that the Greenfield family made on behalf of the starving in Africa.

A few years ago I made a guest appearance at Ruth's mid-day downtown class. There I read passages from Matthew Arnold's poem, "Dover Beach." A line from that poem read: "With tremulous cadence slow, and bring the eternal note of sadness." Ruth does just the opposite. She brings the eternal note of gladness into our city.

A Miami Herald article about Mrs. Greenfield follows:

STANDING HER GROUND DOWNTOWN

(By Margaret Landers)

It is 11:40 a.m. on a Wednesday and a sea of gray and white-haired culture vultures are surging at the crimson velvet rope that separates the rococo lobby from the equally ornate anterooms at Gusman Cultural Center in downtown Miami. When the rope is lifted, as it always is at precisely 11:45 a.m., "it's like a burst of water," Ruth Greenfield says with an expectant twinkle in her eye.

She is ready. She has switched to the second of her two pairs of shoes, her "stage shoes," a respectable pair of strappy heels, and has stashed her cloddish rubber-soled walking shoes into the faded cotton tote that seems to grow, like a primeval appendage, from her shoulder. Inside the tote, along with the shoes and the extra concert programs ("just in case") are the four Baby Ruths she bought at Walgreen's ("I'm a sweets junkie") and eight 16-ounce plastic cups she brought along in case the dancers need more than a sip of water from the fountain.

Like a proud and generous mother, Greenfield welcomes her brood of regulars to the free Lunchtime Lively Arts concert/dance/lecture series she founded 13 years ago. She moves constantly, greeting people by name, grabbing their hands, asking about their health, answering their questions about the New Budapest String Quartet which will perform at noon today in the auditorium of the Downtown Campus of Miami-Dade Community College.

Close to half a million people have found their way to downtown Miami (she pronounces it "My-am-ma") to see the 431 performances that have taken place over the years—the first on a flatbed truck in the middle of Flagler Street, the second on the Dade County Courthouse steps. Every one of those concerts was held downtown.

It is downtown Miami, with its distinctly urban smells, its clash of old and new buildings and its steady stream of pedestrian humanity that triggers something special in the soul of Ruth Greenfield.

"You almost feel like a person downtown," she says.

"Even though my father's gone, I can still see him walking up and down the streets. I see the youth and the smallness of the city in those streets."

That's why she laces-up her rubber-soled walking shoes each Wednesday to trudge the five or so blocks from the Downtown Campus of Miami-Dade to Gusman Cultural Center on Flagler Street.

It's why she produced a three-day literary event downtown in 1980.

It is why she gladly taught English and music in empty downtown storefronts before the Mitchell Wolfson New World Center Campus was built. Budgets were so tight then that the music classes didn't even have stereos. Greenfield used to pull her car up on the curb so students could listen to symphonies on her car's cassette tape player.

"I don't feel part of any other area in Miami except for downtown," says the 61-year-old Key West native, who grew up in Miami when a telephone call to Coral Gables was long distance and homes along the "boulevard" (Biscayne Boulevard) were large and well-cared-for and the lawns were lush.

The old homestead may be gone, but she is happy to announce that downtown is beginning to flourish again. "I thought I had lost it for awhile."

So much else has been lost over the years. The house she grew up in has been torn down; Omni International now stands in its vicinity. The Fine Arts Conservatory she founded in 1951—the first integrated school in Dade County, established two years before the Supreme Court's decision requiring integration—closed its doors in 1978 when public schools finally got around to offering the kinds of arts and music classes the Conservatory already had offered for 27 years.

She lives, with her husband, Arnold, and two weimaraners, in a rambling, two-story gray wood house her grandmother built in 1911 "out in the country"—an area just on the north side of the Miami River now imprisoned by the concrete overpasses and underpasses of Overtown. The Greenfields reared four children in that house. They never once considered leaving it—not after the 1980 Overtown riots and the enforced curfews that followed, and not after losing innumberable party guests who were too timid to drive at night into the no-man's land surrounding the faded Spring Gardens neighborhood.

Indeed, Ruth Greenfield—a child prodigy who played her first piano concert in Bayfront Park at the age of 8—is wrapped in a cocoon of old-time connections, a strong thread of continuity that leads forward, not backward. Hers is a progressive nostalgia; always has been.

It might have been a yearning for the small-town Miami of her childhood—"When my sister got married, my father invited everyone in the telephone book"—that firmed her resolve in 1951. McCarthyism was raging then, Communists were feared to be hiding under every bed, and anyone espousing anything as radical as racial equality was considered suspect. Greenfield took the cause of a 13-year-old black boy who was denied the opportunity to play in a Miami Music Teacher's Association recital for National Music Week.

She brought the incident to the attention of the local media, which eventually shamed the Teachers' Association into letting him play. When she later founded the Fine Arts Conservatory and provided some full scholarships for children of all colors, her efforts got her blackballed from the Miami Music Teachers' Association, the local chapter of the National Music Sorority and most other music organizations in town. This, despite her own credentials—studies at the *Conservetoire Nationale* in Paris with Nadia Boulanger, Antoinette Dieudonne and world-famous pianist Robert Casadesus.

"When they asked me years later to join, I said I'd rather not."

Neighbors on Palm Island, where the Greenfields lived in the early '50s, tried to have them arrested when old, creaky buses from Booker T. Washington Junior High School pulled up to deposit more than 80 members of the school's Glee Club for an afternoon recital.

Conservatory students over the years included Sen. Carrie Meek's children and Wendell Graham who grew up to marry Judge Leah Simms. Teachers included sculptor Duane Hanson "before he got famous."

In many ways, Greenfield's background prepared her for the controversy she faced in the '50s and early '60s, especially the two post-World War II years spent in Paris with her husband. They were glorious bohemians then—she, the concert pianist; he, the Harvard Law School graduate who really wanted to paint. Both grew up in Miami, met again in Paris and married there. An oil portrait of the Place Odeon, as Arnold saw it from their tiny apartment, hangs over their living room sofa. The house is filled with mementos from their almost constant global wanderings, as well as photographs taken by their semi-famous 32-year-old son, Tim Greenfield-Sanders, whose fashion photography takes up six pages in the current issue of GQ magazine.

Her heady headline-making days may be over, but neither then nor now does Ruth Greenfield enjoy the spotlight. "Don't make me into a Pollyanna," she says. "I was a very selfish person. I did it because it gave me pleasure. I don't think we should be heroes because we want to be part of progress. There were a lot of people trying many ways to improve relationships. The arts provided an easy way for me."

It is 1:30 p.m. and a few stragglers are left in the cavernous coolness of the Gusman, Greenfield among them. She stands alone on the second-floor balcony of what was once the grand old Olympia movie theater. The Olympia had been downtown in Miami's glittering attraction in the '30s,

much as The Gusman is one of downtown's big attractions in the '80s. Only back then, she was Ruth Wolkowsky, Isaac's daughter, the little girl who couldn't stay away from the nine-cent hot fudge sundaes at the Red Cross Drug Store (now J. Byron's Department Store).

Greenfield's face brightens and a slow smile spreads across her unwrinkled contenance like warm butter melting.

"We've all gotten old together," she says.●

INEQUALITY IN EDUCATION PROPOSAL

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. GARCIA. Mr. Speaker, equal opportunity for all Americans has been a policy commitment of our country for the past two decades. Nowhere has this commitment been more prevalent, intensified or important as in our Federal commitment to excellence in education for all Americans.

However, with the recent educational budget proposals of the Reagan administration, our one time policy of equal opportunity will seemingly be replaced because of budget priorities. Despite the political rhetoric of the Reagan administration, its claim that higher educational budget cuts will affect only middle and upper income students with incomes of more than $25,000 is false. In fact, the proposed cuts would reduce Federal student aid for more than 105,000 minority students from families with incomes below $25,000. Therefore, the question of the hour is, will the American people once again be deceived by a policy which is not supposed to harm minority and less advantaged citizens? Or will the people of the United States, and their elected officials, finally see both the errors in such recent political chicanery as well as the merits of past educational policies?

Education has consistently been viewed as a ladder out of disparity and into the technical, cultural, and professional world of affluence and well-being for less financially advantaged citizens. The rationale for abrogating our commitment to equal opportunity in higher education is being disguised behind the political rhetoric of fiscal conservatism. Such budget demagoguery may appear politically convenient in the short term, but its tragic consequences for the dreams and hopes of minorities and less financially advantaged citizens seems inexorable. Poverty and ignorance are not susceptible to change when left alone. Instead, both must be combatted with enormous conviction, energy, and effort by the American people and their elected officials. In offering easy answers to complex issues, President Reagan's budget proposal does a serious damage and disservice to a two-decade commitment to quality higher education for all Americans.

In this regard, I would like to call to the attention of my colleagues an article which appeared in the April 8, 1985, issue of Higher Education and National Affairs. It explicitly uncovers the faults and consequences of the Reagan administration's proposals for minorities and the financially disadvantaged.

[From the American Council on Education Newsletter, April 8, 1985]

POLICY TRENDS ERODE MINORITY GAINS IN EDUCATION

The outlook for black and Hispanic Americans in higher education continues to appear bleak, says the latest report on the status of educational opportunities for minorities.

The report by the College Board, due out this month, says current social, economic, and policy trends threaten to wipe out the strides in educational opportunity and attainment blacks have made since 1960.

(In a related matter, the American Association of State Colleges and Universities late last week reported that thousands of low-income and minority students would be affected by the Reagan Administration's proposed cuts in student aid. See story on page 4.)

Titled "Equality and Excellence: The Educational Status of Black Americans," the College Board report was prepared for a conference of 47 prominent and predominantly black educators convened by the organization's Office of Academic Affairs.

It found that educational gains by black students have eroded since 1975 and that current policy trends—reductions in education funding, increased graduation and other requirements for students, and emerging teacher shortages—"threaten to reverse the movement toward equality.

"Excellence for black students will not become a reality unless and until they receive enriched curricular opportunities in elementary and secondary schools, sufficient financial assistance to pursue higher education opportunities, and instruction from well-qualified teachers," the report said.

An American Council on Education Office of Minority Concerns (OMC) report released last fall cited smiliar findings and warned of "devastating consequences" unless all Americans receive a quality education.

The OMC report, which found a leveling off in participation in higher education by minorities, said, "Obviously, the legislation of the '60s and '70s, designed to provide equal access, has not worked equally well for all minority groups."

Other barriers to blacks' educational achievement reflect social and economic changes over the past decade, the College Board said. For instance, female-headed households increased from 28 percent to 41 percent of all black families between 1970 and 1982, the report said, Also nearly half (47.6 percent) of all black children 18 years of age and younger lived in households below the poverty line in 1982, compared to 34 percent between 1970 and 1981.

Among the trends noted in the report are the following:

College attendance and completion rates have dropped for black students since 1975, despite the fact that high school graduation rates have improved for blacks over the past two decades.

This trend was corroborated by a report on student aid and minority enrollment released recently by the American Association of State Colleges and Universities (AASCU). The report found that although the number of black high school graduates increased by 29 percent between 1975 and 1981, their college participation rate dropped by 11 percent. The number of Hispanic high school graduates increased by 38 percent between 1975 and 1981, but their college participation rate dropped by 16 percent, AASCU said.

Financial aid greatly affects college retention rates, particularly for black students, who are nearly twice as likely to stay in four-year colleges with aid than without. A National Student Aid Coalition study has found, however, that disadvantaged and minority students often are unaware of their eligibility for student aid programs. The information simply does not reach them.

Black students are "seriously underrepresented" in graduate and professional schools, and their participation in postgraduate education has dropped since the early 1970's.

Compared to all students, black students continually lose ground in their progress through the educational pipeline. For example, in 1972 blacks represented 12.7 percent of all 18-year olds, 10.5 percent of all 1972 high school graduates, 8.7 percent of all college freshmen, and, four years later, 6.5 percent of all B.A. recipients. By 1979, blacks represented only about 4 percent of all professional and doctoral degree recipients.

For a copy of the report, send $6 to College Board Publications, Box 886, New York, NY 10101.●

SITUATION IN THE PHILIPPINES

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. FASCELL. Mr. Speaker, consistent with his great reputation for articulate and thorough presentation of the issues, Asian and Pacific Affairs Subcommittee Chairman STEPHEN SOLARZ has once again produced an inciteful discussion worthy of wide attention. In the April 8 issue of The New Republic, Chairman SOLARZ offered a concise, yet comprehensive, description of the troubling situation in the Philippines and the real problems this poses for the people of that land and for the United States. His article also provides a useful explanation of considerations taken into account as the Foreign Affairs Committee adopted provisions concerning the Philippines in the bill H.R. 1555, foreign assistance legislation that just passed the committee.

Since this bill will be considered soon on the floor of the House, this is an appropriate occasion for all Members to give due attention to matters affecting United States-Philippines relations. Therefore, I ask that the recent article by Chairman SOLARZ be included in the RECORD at this point

and urge my colleagues to give appropriate attention to his thoughts.

LAST CHANCE FOR THE PHILIPPINES

(By Stephen J. Solarz)

(Congressman Stephen J. Solarz, Democrat of New York, is chairman of the House Subcommittee on Asian and Pacific Affairs.)

The script is painfully familiar: a vain and increasingly isolated leader, an ineffectual and autocratic regime, a people plagued by poverty and deprived of democracy, a Communist movement mounting a potent political and military challenge. This time the scene is the Philippines, where the ghosts of Chiang Kai-shek, Fulgencio Batista, Ngo Dinh Diem, Nguyen Van Thieu, and Anastasio Somoza haunt the Malacanang Palace of Ferdinand Marcos.

The 10,000 to 20,000 peasant guerrillas of the Communist New People's Army are not yet in a position to take over Manila. But the guerrillas do not lack for recruits, and their leaders have skillfully shaped a strategy of rural revolution and urban encirclement. If current political and economic trends continue, by the end of the decade these Filipino Maoists are likely to pose a serious and perhaps irresistible challenge to the government of the Philippines.

A victory by the Communist guerrillas would eliminate whatever hope there is in the Philippines for the restoration of democracy. In power the Communist forces would surely carry out a far more systematic campaign of repression than the episodic variety practiced by Ferdinand Marcos. For the United States, a guerrilla triumph would destroy a historically close relationship with the Philippines, and would close off access to Clark Field and Subic Bay. These two facilities form the key element of our forward defense strategy in the Pacific. They play an essential role in our ability to preserve the peace and maintain a balance of power in Asia. The loss of Clark and Subic would generate—in Washington, Moscow, and all Asian capitals—a rapid rethinking of the Pacific security equation, with results potentially far more serious than those following the fall of Saigon in 1975.

Because of the unique and long-standing ties between our two peoples, the United States is inextricably involved and inevitably influential in the Philippines. The Filipino people will determine their own future, but the United States, no matter what it does, will exert a strong influence. The Reagan administration now seems to have awakened to the seriousness of the crisis in the Philippines, but it will probably be up to Congress to shape an American policy that can avoid disaster.

President Marcos's power base has now shrunk to the point where his support is largely restricted to his own family, a handful of close associates, and a few favored military and political appointees. The virtually complete collapse of confidence in his regime can be traced to several factors. A principal cause has been the system of "crony capitalism" he has established to enrich his political allies. Perfecting the art of politically connected plunder to a degree undreamed of by President Mobutu of Zaire and other expert practitioners of the trade, Ferdinand Marcos and his associates have directed millions of dollars from critical development needs for their private purposes. (See "The Marcos Mafia" by Robert A. Manning, June 25, 1984.) Over half the Filipinos live in poverty, but intimates of the first family have been able to live in imperial splendor.

Jaime Cardinal Sin, the head of the Catholic Church in the Philippines, summed up the sentiments of many Filipinos when he recalled the statement of Manuel Quezon, the Philippines' first president, who once said, "I would rather have a government run like hell by Filipinos than a government run like heaven by Americans." The cardinal then added, "Today . . . it would seem his wish has been fulfilled." Responding to this and other frequent criticisms by the cardinal, Marcos publicly complained that the cardinal was beginning to sound like the Ayatollah Khomeini. To which Cardinal Sin retorted, "If I am the ayatollah, then Marcos must be the shah."

Economic policy-making in the House of Marcos resembles the mercantilist dynasties of late medieval Europe. Individuals who demonstrate their fealty to the first family are granted resources or foreign-lona guarantees for investment projects they propose with little regard to the feasibility of the ventures or the managerial ability of their sponsors. When projects run into financial trouble, the government usually makes new loans or buys out the enterprises outright, saddling itself with bad debts or unprofitable companies.

The most egregious manifestation of crony capitalism is found in the economic monopolies. By presidential decree Marcos imposed a 75-percent tariff on imported cigarette filters, benefiting a palace intimate who owned most of the local cigarette manufacturing factories. For coconuts and sugar, presidential favorites enjoy the sole right of distribution, and are free to determine the spread between the price at which crops are purchased from growers and the rate at which they are sold on the market. The livelihood of 15 million to 20 million people—one-third of the populace—depends on coconut production. Enormous sums of money that otherwise would have been available to coconut farmers have instead been siphoned off by associates of the president.

The rise of crony capitalism has been one of the fundamental factors in the decline of the Philippines' economy. In the last year its free-market neighbors have enjoyed a dynamic economic growth; the Philippines have experienced a decline of five-and-a-half percent in GNP. At the same time, income inequality has become even more pronounced. Nevertheless, President Marcos has continued to spend huge sums to replicate the external trappings of far more developed countries: lavish government offices, large cultural showplaces, and highly specialized medical centers.

History demonstrates, however, that the poor do not rebel solely because of economic misery and willful mismanagement. Political repression is usually required for spontaneous social combustion. Here, too, the Marcos regime has created the conditions for its own demise.

Until the late 1960s the Philippines had a working democratic system, although one plagued by corruption and violence. Then in the early 1970s instability spread as radical university students demonstrated for a variety of causes, and separatist Moslems on the southern island of Mindanao fought for an independent state. Many Filipinos came to believe that the existing system was too corrupt and ineffective to handle the mounting problems. In September 1972, seven years after Marcos assumed the presidency, he declared martial law.

Had Marcos been content to purge the system of its anarchic tendencies and restore democracy, he would be regarded today as a national hero. He did take positive steps such as the confiscation of privately owned arms and the dissolution of local politicians' private militias. But he and his retainers chose also to use their extraordinary powers to perpetuate the rule of the Marcos dynasty. Thousands of government critics—including the charismatic Benigno Aquino—were arrested. Civilian courts were supplanted by military tribunals oblivious of due process of law. Freedom of assembly, speech, and the press ceased to exist.

Since 1972 political repression has spread through the countryside. To cope with the Moslem separatists and the nascent Communist New People's Army, the armed forces of the Philippines increased from 50,000 to 150,000 between 1972 and 1977. Quality declined as quantity grew. The professionalism of the Philippine officer corps gave way to factionalism and corruption. Within the ranks, training, discipline, and morale have suffered. Standards have also sunk in the constabulary, the government's first line of defense in rural areas.

Attempting to end the rural insurgency, the armed forces and the constabulary have usually shot first and asked questions later. Suspected Communists are given no mercy, and the word "salvaging" (a Filipino phrase meaning summary execution) has become part of the village vocabulary. The government borrowed the idea of strategic hamlets (employed unsuccessfully by the United States in Vietnam) in order to cut off the guerrillas from the civilian populace. The effect has been to disrupt village life and impose harsh restrictions on farm families already suffering from misguided economic policies. The guerrillas could not have asked for a better stimulus to recruitment than the pervasive pattern of human rights abuses by government forces.

The Communist Party of the Philippines was founded in December 1968, a Maoist splinter of the long-established, Moscow-oriented party. Adopting Mao's strategy of a rural-based people's war, the Communist Party created the New People's Army a few months later. Over the last decade, the Communists have transformed their movement from a tiny insurgency, with a force of a few hundred troops limited to the island of Luzon, into a nationwide insurrection.

Today the Communist Party has a membership of 30,000 and the guerrilla army has from 10,000 to 15,000 men under arms. The guerrillas are active in over two-thirds of the country's provinces, and have established a presence in one-third of the *barangays*, the lowest administrative unit in the Philippines. In the last year alone the number of military incidents initiated by the guerrilla army almost double. In the cities, the Communist Party's National Democratic Front can mobilize non-Communist student, human rights, and church-related organizations—and up to a million people—for demonstrations and other anti-government activities.

This degree of Communist success is remarkable for two reasons. First, it goes against the democratic grain of Filipino culture and political history. Second, there is no evidence of financial or weapons support from foreign governments, although the Soviet Union and China would undoubtedly compete to establish control over the party if it seemed on the verge of victory.

The guerrilla army's appeal in rural areas is not based on ideology, but on the sense of

grievance that the government's brutality, corruption, and inefficiency have created. In addition, the guerrillas often provide the basic services to the poor that Manila seems incapable of delivering. Like the security forces, the guerrilla army engages in violence. But unlike the Philippine military, which is random in its brutality, it directs its violence against officials and soldiers known to be corrupt and ordinary citizens who actively oppose its aims and activities. Guerrilla units recently have targeted the properties of Marcos' cronies for destruction, with telling political effect.

In the Philippines, as in medieval monarchies, the health of the ruler becomes the engine of change. It was Marcos' deteriorating medical condition that both moved Aquino to return to his homeland and presumably provoked elements in the Philippine government to engineer his assassination on the tarmac of the Manila airport. That event galvanized the democratic opposition, energized the previously apathetic masses, and thrust the government into a political and economic crisis from which it has yet to emerge. Marcos came under intense pressure to allow an open and objective investigation of the murder, to ensure that the May 1984 elections to the National Assembly would be free and fair, to institute the austerity measures necessary to get an agreement from the International Monetary Fund as well as new external loans, to make clearer arrangements for presidential succession should he die, and even to resign from office.

The concessions were made grudgingly and constituted the minimum necessary to satisfy the demands made. Nevertheless, the measures adopted were not trivial. The constitution was amended to clarify succession procedures. An investigating board charged Fabian Ver, a Marcos loyalist and armed forces chief of staff, with complicity in the assassination and subsequent cover-up. And the Philippines reached an agreement with the IMF and commercial banks that should stop the downward economic spiral.

Perhaps most important, elections conducted last May were reasonably fair in two-thirds to three-quarters of the election districts, primarily because 150,000 citizens volunteered to prevent government abuse. Yet irregularities in the remaining districts had a profound effect on the results. Candidates of the democratic opposition captured one-third of the assembly seats; a citizen poll-watchers group concluded that had the tally been totally honest, they would have won a majority. The May 1984 elections demonstrated that the Filipino people want democracy, not that democracy has been restored.

For the democratic opposition, the Aquino assassination meant the loss of a leader and the creation of an imperishable political symbol. Roughly four million Filipinos participated in some way in Aquino's funeral, and the democratic opposition has worked to channel that profound emotional outpouring into effective political action. In this effort, Marcos's democratic opponents have taken advantage of a significant relaxation of the restrictions on expression and assembly.

For the United States the assassination provoked a reassessment of policy. Before the tragedy the Reagan administration believed that "constructive engagement," Philippine-style, was ensuring cordial relations and the speedy conclusion of a new base-and-aid agreement. In 1981 Vice President Bush went so far as to toast Marcos with the ludicrous avowal, "We love your adherence to democratic principles and to democratic processes." Roused from its complacency by Aquino's murder and the unmistakable evidence that the House of Marcos was beginning to crumble, the administration had a change of heart. It feared that a continued embrace of the Marcos government would be more likely to jeopardize than guarantee our long-term access to the facilities at Clark and Subic.

There are many countries where our strategic interests clash with our human rights concerns, and where overriding national security objectives make it difficult to effectively promote our democratic beliefs. In the Philippines, however, the best and perhaps the only means of protecting our strategic interests is by advancing the process of democratization.

The United States must first recognize what it ought not to do. Recalling the lessons of Iran, Nicaragua, and other American foreign policy debacles, the U.S. should repudiate any notion of propping up Ferdinand Marcos. Not only would such a policy be doomed to failure, but it would also alienate the Filipino people, thereby undermining our ability to continue operations at Clark and Subic. (The current base agreement between the United States and the Philippines expires in 1991.) Our capacity to remain at those facilities rests ultimately upon the willingness of the Filipino people to have us there.

At the other extreme, the United States should reject any notion of removing President Marcos from power, either by organizing a coup against him or by eliminating the aid program. U.S. participation in the coup against President Diem in Vietnam hardly constitutes a promising precedent on which to act in the Philippines. Overthrowing a government we do not like is no more justified in Manila than in Managua. The withholding of funds is likely to bring down the Marcos regime, given that the total American military and economic assistance program accounts for only three percent of the Philippines' budget. Cutting off American aid would also harm millions of desperately poor Filipinos who benefit from our assistance. In addition, terminating our assistance could potentially jeopardize our access to the bases, inasmuch as President Marcos might be tempted to take a nationalist tack and close them down, on the grounds that we had violated the base agreement.

Nor would it be useful to legislatively condition our aid on the achievement of essential reforms. Based on our experience with conditionality in El Salvador, the Reagan administration would undoubtedly certify that the prescribed conditions had been met, no matter how little actual progress had occurred. President Marcos could then claim the official American seal of approval, while the democratic opposition would find new evidence for its suspicion that the United States cares more for Marcos than for its country.

In the second presidential debate last October with Walter Mondale, President Reagan claimed that Communism was the only alternative to Ferdinand Marcos. The president's simplistic statement ignores the fact that the real alternative to Communism is not a continuation of the present regime, but a restoration of democracy. Indeed, posing the choice as the president did can only increase the prospects for an eventual Communist victory.

The United States can improve the prospects for democracy by strongly encouraging fundamental economic, political, and military reforms. This will help to destory the roots of the guerrilla army's appeal and demonstrate to the Filipino people that U.S. policy is designed to help them rather than to embrace their embattled government. We should press for the dismantling of the monopolies that lie at the heart of crony capitalism. The International Monetary Fund and the World Bank are already insisting upon structural economic reform as a condition for new assistance, and the United States should continue to vigorously support that approach.

Specific political reforms should include the repeal of President Marcos' decree-making powers; the reconstitution of an independent elections commission and the resumption of free and fair elections; the revival of a genuinely free press, in which the opposition is assured access to the electronic media; guarantees of free expression and free association; and the restoration of an independent judiciary.

Finally, the United States should seek an end to military abuses that have driven thousands of Filipinos into the arms of the guerrillas. The Philippine government must be pressured to rigorously improve training and instill discipline and decency in its armed forces. Corrupt officers must be dismissed and a special inspectorate should be created to investigate military corruption and human rights abuses.

To date, the Marcos regime has been unwilling to make politically painful reforms. In the twilight of his career, Marcos seems to be unaware of his country's desperate straits. For one thing, he has said that he will reinstate Chief of Staff Fabian Ver if he is acquitted in the Aquino assassination trial. Such an action would be a signal that President Marcos intends to conduct business as usual, and would probably rule out the chances of any genuine military reform.

The most effective way to persuade President Marcos to initiate reforms and convince the Filipino people that the United States is committed to their economic well-being and political freedom is through the restructuring of the American aid program. Last year Congress, convinced that the problems of the Philippines are primarily social and economic, transferred $45 million of the administration's aid request from military to economic assistance. The shift sent a signal to Marcos that significant reforms would be necessary before additional military assistance would be extended. Although Marcos has not yet heeded the message, most Filipinos seemed to regard it as a salutary effort to bring pressure on the Manila government.

President Reagan appears intent on sending a very different signal. One year later, despite the lack of significant reforms, the administration is proposing an extraordinary 150 percent increase in military assistance. Congress should sharply cut this request and sharply increase economic assistance. What's more, military aid should be limited to nonlethal purposes, and economic aid should be largely directed through the Catholic church and private voluntary organizations rather than through the Marcos regime.

There is no guarantee that an American policy structured in this fashion will succeed. But it represents perhaps the only way of influencing events in the Philippines in a manner compatible with both our interests and our ideals.●

EASTPORT ON THE MOVE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Ms. SNOWE. Mr. Speaker, the city of Eastport, ME, has faced tough economic problems in recent years, including the complete collapse of the sardine canning industry at the hands of foreign competitors. The people of Eastport might well have lost hope in any economic regeneration.

Fortunately, they did not, and there now exists a growing community because of their efforts. The proud and determined nature of Maine's citizens was proven once again as Eastport developed its harbor into one of the deepest on the east coast, creating new jobs and injecting new vitality into the city. As the following article says, Eastport is working to "pull itself up by the bootstraps, fighting its long history of economic defeatism."

Mr. Speaker, I salute the people of Eastport, for having had faith in themselves and in their hometown.

I ask that a Boston Globe article on Eastport be included with my remarks.

EASTPORT IS LOOKING TO THE SEA—AGAIN

(By Brad Pokorny, Globe Staff)

EASTPORT, MAINE.—As its name might suggest, the sea has always been important to this isolated community in Down East Maine. In the 1800s, the island city was a bustling sailing stopover, a rival to Portland and Portsmouth.

As sailing faded, sardine canning boomed. By 1882, 18 sardine factories operated here, and the population reached 5000. But after World War II, the domestic sardine industry declined rapidly, battered by foreign competition and declining fish stocks. The last factory closed two years ago.

With its unemployment rate running at nearly double the state average in recent years and per capita income about 25 percent below what most Mainers earn, the city of 2000 has looked desperately for a way to boost its fortunes.

The sea, officials say, once again may provide the answer.

Last month, Eastport passed a major milestone on its comeback trail with completion of a $3.5 million pier extension that gives the harbor a full 40 feet of water for cargo ships that tie up to its wharf. That, officials say, allows world-class freighters to load in Eastport and enables the city to compete with major ports in Canada for a share of the paper pulp trade to Europe and the Far East.

It may seem a small thing to outsiders, but the project shows how a small community, with a little help from state and federal agencies is working to pull itself up by the bootstraps, fighting its long history of economic defeatism.

"The attitude here for years and years has been very negative," City Council President George Townsend said. "But then people just got together and said we're not going to have anything here unless the attitude changes."

Four years ago, the city began promoting the use of its wharf as a loading dock for the region's chief export: paper pulp. A port authority was established. A small, independent longshoremen's union was formed. Georgia Pacific, the region's largest pulp producer, was lobbied for its shipping business. Much of this was done by volunteer committees.

The key was to capitalize on existing resources. With the addition of a 50-foot extension to the wharf, the dockside now stands in 40 feet of water instead of 22—and that makes all the difference.

UP THERE WITH THE BIG PORTS

Since March, three large freighters have docked at Eastport, taking on roughly 10,000 tons of highly valued hardwood paper pulp. Marine specialists say 40 feet of navigable water puts Eastport on par with major seaports on the East Coast. Boston Harbor, for example, runs 40 feet deep at mean low tide, according to Rex Sherman at the American Assn. of Port Authorities in Washington. New York Harbor is the East Coast's deepest, with 45 feet of navigable water, Sherman said.

"It's a small project when you compare it to Massport or the Port of New York, but for Maine it is meaningful," said Robert Elder, director of ports for the Maine Transportation Department. His department helped obtain the $3.5 million in federal grants and state bond issues that financed the Eastport project.

Before the extension was completed, the port had already increased its export tonnage from nothing in 1980 to almost 60,000 tons in 1984. That was done by servicing shallow draft freighters and specialized barge-carriers that anchor offshore and receive fully loaded lighters. With the pier extension, tonnage is expected to double or even triple within two years.

"There is a lot of room to grow down there," Elder said. "I think they could get up to 150,000 tons if everything goes right for them." That compares favorably, he said, with Maine's two other international ports. Searsport and Portland, which handled 325,000 and 200,000 tons of cargo last year respectively.

OFFERS SHIPPERS LOWER COSTS

For Eastporters, the work translates into jobs. Since Eastport began shipping paper pulp four years ago, an independent longshoremen's union has been established, offering intermittent employment to roughly 40 men and women. With their own union, stevedores are able to offer shippers flexible work hours, and smaller, less costly loading gangs. Those jobs should expand and become full-time as tonnage increases.

"The bottom line for the shipper is it's cheaper here," said Bob Wallace, manager of Federal Marine Terminals Inc., Eastport's private cargo handler.

Wallace and others said that, for pulp and lumber mills as well, shipping through Eastport offers substantial savings in trucking costs. For example, most of the pulp output of a mill in nearby Woodland is shipped through the Canadian port of Saint John in New Brunswick, which is about 120 miles from the mill, "Eastport is 40 miles from the mill." Wallace said.

Trucking companies, merchants and restaurants also are getting spin-off business. "Every time a ship comes in, we get a lot more business." said Barbara Price, manager of the Schooner II, noting two Dutch sailors in her Water Street bar.

Eastport began looking to harbor expansion after plans for a major oil refinery faltered because of environmentalists opposition. "The difference was the other projects were all other people's ideas," Townsend said. "They came in and tried to sell things to the town. We had tremendous help from the state, but this has been pretty much a grassroots operation."

Buoyed by their success, some city officials are already talking about expanding the port, perhaps by building a second pier and adding a few warehouses. "You can't stand still," said City Councilor Nathan Cohen. "You've either got to go ahead or you've got to drop off behind."●

OUTSTANDING CITIZENS' AWARDS TO BE MADE AT McDOWELL POST VFW MARKING LOYALTY DAY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. GUARINI. Mr. Speaker, I would like to let my colleagues know of the awards ceremonies to be conducted by an outstanding veterans' organization, namely the Edward McDowell Post No. 2648, Veterans of Foreign Wars, at their post rooms, 510 81st Street, North Bergen, NJ.

These ceremonies will be held on Sunday, April 28 at 7 p.m. as part of the national program of the Veterans of Foreign Wars of the United States, which is ongoing annually, aimed at counteracting the menace of communism.

Marking May 1 as Loyalty Day and also Law Day and combining it with their Awards Night program, the McDowell Post is very adequately honoring citizens who have participated in preserving our American way of life during their joint ceremony.

Post Commander Albert Fischbach, and Ladies' Auxiliary President Theresa Grazicso are working closely with Post Commander Thomas Carli, who is chairman of this program.

New Jersey State Commander of the Veterans of Foreign Wars John T. Doonan will travel from Kenville, NJ, for this function, as will Rev. George (Beachhead) Gorman former State chaplain.

Aiding Past Commander Carli in the arrangements are George Parks, Marie Clegg, Exq., and Past Commander James Fitzgerald, who are working with a large committee.

Spotlighting the program will be outstanding citizens' awards made to members of the community who have, for many years, been guiding lights to all persons of good will advocating brotherhood, inspiration, and service.

The principal award will go to Joseph Coviello, who has been named outstanding citizen of Hudson County for VFW District 3 competition. He also has won the McDowell Post No. 2648 award and is now in State competition.

Joseph Coviello is best known as a football coach since 1937.

Born in 1914 in New York City, he moved to west New York in 1920 and was educated in that community's school system. He attended Public School No. 5 and Memorial High School where he was president of the 1932 class.

The next 4 years saw Joe Coviello at Columbia University, where he earned his bachelor of arts in history while playing under the immortal coach, Lou Little.

In 1936 he was captain of the famous team and was named All-East guard.

In 1937 he earned his master's degree in history from Columbia, and continued his educational program at Teacher's College and at the same institution earned an A.B.D.

In 1941 he married Catherine Telsca and they were blessed with a daughter, MaryLu who was born on September 8, 1949.

Coviello was a history teacher for 6 years in Berwick, PA, before he entered the U.S. naval service where he saw active duty in the Atlantic and Pacific theaters and earned the rank of lieutenant.

He returned to west New York, taught at Memorial High School for 14 years and then became vice principal and principal of North Bergen High School from 1960 to 1973.

From 1973 to 1985 he was the principal of Memorial High School, west New York, which in 1983 earned the coveted title of "Top Urban High School in New Jersey."

It was during his football coaching days at Memorial High School, from 1946 to 1961, where his teams earned a record of 117-18-1. His team won 13 Hudson County championships and 7 State championships. They compiled a State record for consecutive victories of 40 wins in a row, losing only once in 72 games.

On eight occasions he was named Hudson County "Coach of the Year" and New Jersey "State Coach of the Year" three times.

UNICO National saw fit to proclaim him the "Man of the Year" for 1957.

From 1962 to 1972 he was head football coach at North Bergen High School, earning five Hudson County championships with a record of 79-19-6.

From 1974 to 1978 he tried coaching at St. Peter's College, Jersey City, where his record was 20-20.

His overall football record was 243-15-10 in high school coaching, with a remarkable victory rate of 83 percent.

In December 1984 he received the New Jersey State Interscholastic Atlantic Association honor award for 1984 and was inducted into the National High School Sports Hall of Fame, the first New Jersey coach to be so honored. Only three football coaches nationally have been given this coveted award.

Other awards are to be given to Rabbi Emeritus Sidney Nissenbaum, retired from Temple Beth-el, North Bergen, and Rev. Howard L. Wilcomes, of Community Church of God, North Bergen, for their assistance in helping veterans' organizations with patriotic events for many years during Veterans' Day and Memorial Day ceremonies.

They will receive their awards from New Jersey State VFW Chaplain Fred W. Christiansen.

Also to be honored are two men of the North Bergen Police Department; namely, Police Chief George Lehman, who has given 40 years as a police officer, and John Broking, deputy police chief, who has helped the North Bergen post conduct its safety campaign.

During the ceremonies Marie Clegg, Esq., post ladies' auxiliary member, will speak on Law Day.

The McDowell Post must be commended for their patriotism and tenacity, constantly beating the drums of freedom in their Loyality Day and Law Day programs. Their post stands like a bastion in New Jersey, ever vigilant regarding movements which seek to undermine our American way of life.

In addition to service and comradeship, the McDowell Post live brotherhood. They work to remember forgotten veterans and their families. They teach love of God and country. They work for all segments of our society. In addition to veterans and their families, they provide programs of cheer for the young and cooperate in programs aimed at serving our older Americans.

Every member of the McDowell Post and its Ladies' Auxiliary echo the words of Franklin Delano Roosevelt in "The Four Freedoms":

In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms.

The first is freedom of speech and expression—everyhere in the world.

The second is freedom of every person to worship God in his own way—everywhere in the world.

The third is freedom from want—which, translated into world terms, means economic understandings which will secure to every nation a healthy peacetime life for its inhabitants—everywhere in the world.

The fourth is freedom from fear—which, translated into world terms, means a worldwide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor—anywhere in the world.

That is no vision of a distant millennium. It is a definite basis for a kind of world attainable in our own time and generation. That kind of world is the very antithesis of the so-called new order of tyranny which the dictators seek to create with the crash of a bomb.

The McDowell Post, and indeed the entire Veterans of Foreign Wars, and other organizations are reminders of:

PRIVILEGE AND OBLIGATION

To millions of people all over the world America is a magic name. Here are schools, roads, parks, libraries, and playgrounds; peaceful living and the right to choose our jobs and plan our lives. Such an ample way of life we may too readily assume to be our natural right. But every benefit, every right, was bought for us—at a price. When we think of the cost paid by our forefathers, we begin to realize that living in a great land is a responsibility as well as a privilege. As we share the experiences of Americans past and present, we may discover new reasons for wanting to keep our country the home of the brave and the free and the good.

I am certain that my colleagues here in the House of Representatives wish to join me in a well-deserved salute to those we have honored and to members of the McDowell Post.●

REPRESENTATIVE HYDE ANNOUNCES ESSAY CONTEST WINNERS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. HYDE. Mr. Speaker, I recently conducted my annual Sixth District Congressional Essay Contest for junior and senior high school students in my district, and today I am very pleased to announce to my colleagues the names of the junior high school winners. The first place winner is Sally Niermann of Zion Lutheran School in Bensenville; the second place winner is Scott Pettingill of St. Zachary School in Des Plaines; and the third place winner is Rob Ochonicky of Blackhawk Junior High School in Bensenville.

The essay contest theme I asked our junior high school participants to expound on was "What Are the President's Responsibilities in Our Government, and What Power Does the Constitution Provide to Meet Those Responsibilities?"

All three students have written excellent essays on the constitutional role of the President, and on the importance of leadership from our Chief Executive.

I commend all three students for their insightful essays, and am pleased to include them in the RECORD:

WHAT THE PRESIDENT CAN AND SHOULD DO ACCORDING TO THE CONSTITUTION

(By Sally Niermann, Zion Lutheran School, Bensenville, IL)

The powers and responsibilities of the President may be divided into two main groups. The first group are those specifically listed in the constitution itself, and the second are those the President takes upon himself within the limits of the constitution.

There are many specifically listed responsibilities such as the following: enforce laws, handle foreign affairs, keep our country strong, and act on bills already introduced and/or propose new ones.

The powers to meet these responsibilites are also listed in the constitution. For example, the President has power to appoint officials, cabinet members, and all federal judges which helps him to enforce laws. He/she may also recognize foreign governments and meet with representatives of other countries so as to handle foreign affairs. In order to keep our country strong, the President is Commander-in-Chief of the armed forces of the United States including the national guard when it is called into national service.

The President also has authority to act on bills already passed by congress either by vetoing them or by signing them into law. He/she may also propose new legislation of his own.

All of these responsibilities and powers are very important. But there is another kind that is just as or even more important. It is not listed in the constitution but is one which the President takes upon himself. He has the responsibility to give leadership, direction, and inspiration to the country. He does this by using all the powers of the office, but still not making himself above the law.

Examples of presidents who showed great leadership qualities were, of course, Washington and Lincoln. Franklin Roosevelt gave much inspiration during the great depression.

More modern day examples of presidents who have been effective leaders are John F. Kennedy and Dwight D. Eisenhower. Many people also think that President Reagan will be remembered as this kind of President.

For by using the responsibilities of his office wisely the President can and should make the country as a whole feel united and strong.

WHAT ARE THE PRESIDENT'S RESPONSIBILITIES IN OUR GOVERNMENT AND WHAT POWER DOES THE CONSTITUTION PROVIDE TO MEET THOSE RESPONSIBILITIES?

(By Scott Pettingill, St. Zachary School, Des Plaines, IL)

The President is leader of the Executive Branch of our government. To the extent that our Federal Civil Servants have need of common guidance, he alone is in a position to provide it, we can't realize the fullness of the President's duties unless we recall that he is held primarily accountable for the ethics, loyalty, efficiency, frugality and responsiveness to the public's wishes of the two and one-third million Americans in the national administration.

Both the Constitution and Congress have recognized his power to guide the day-to-day activities of the Executive Branch, strained and restrained though his leadership may be in practice, from the Constitution, clear or implied, he receives the twin powers of appointment and removal, as well as the primary duty, which no law or plan or circumstances can ever take away from him, to "take care that the laws be faithfully executed". From Congress, through such legislative mandates as the Budget and Accounting Act of 1921 and the succession of Reorganization Acts, the President has received further acknowledgment of his administrative leadership.

Although independent agencies such as the Interstate Commerce Commission and the National Labor Relations Board operate by design outside his immediate area of responsibility, most of the government's administrative tasks are still carried on within the fuzzy, edged pyramid that has the Office of President at its lonely peak. The laws executed daily, in the name of the president and under his general supervision number in the hundreds.

Article II of the Constitution summarized describes the office of President and Vice President. Included therein is specific information regarding length of term, method of election, qualifications for office and method of succession. It also prescribes the "oath of office", lists specific presidential duties and powers and tells how (when necessary) the President may be removed from office.

The President's responsibilities are vast and probably quite awesome to the average American Citizen. We must often wonder how any one man can accept this position as leader of the Executive Branch of our government and constantly strive to see that the laws of our country are faithfully executed. The office of President is a powerful one, therefore we should always strive to elect someone to this office whom we truly believe is concerned with the welfare of All People at All Times.

RESPONSIBILITIES OF THE PRESIDENT IN OUR GOVERNMENT AND CONSTITUTIONAL POWER PROVIDED TO MEET THOSE RESPONSIBILITIES

(By Rob Ochonicky, Blackhawk Junior High School, (Bensenville, IL)

The President of the United States is the chosen leader and representative of the people of our country. The Constitution gives him the responsibility of preserving, protecting and defending its articles and amendments through the functions of government agencies. Some duties of his office are stated in the Constitution, some are required by law, and others are simply a result of custom. However, they all work together to make him one of the most powerful figures in the world.

As Head of State and Chief Diplomat, he is a living symbol of the nation. Along with the Secretary of State and other advisors, he determines what foreign policy should be, appoints ambassadors, makes treaties (with Senate approval), and receives foreign representatives. President Reagan is presently planning arms control talks with the Soviet Union.

In the area of Domestic Administration he is Commander in Chief of the Armed Forces (including state militia). The Constitution states that only Congress can declare war, but the President can order troops sent to any part of the world. Domestic powers also include appointments of many domestic officials, and preparation of the national budget for Congressional approval. President Reagan is trying to improve the economy by controlling inflation, unemployment and taxes.

Another duty of the President is to be the Legislative Leader. He may call both Houses into special session, recommend measures to Congress and veto bills. He informs Congress of the nation's needs and how it is progressing through the State of the Union speech. He is also political leader of the party in power, and campaigns for party members who have supported his policies. This last function is not mentioned in the Constitution, and is based on custom alone.

As Chief Executive, the President appoints many officials in the Executive and Judicial branches. These include judges, cabinet members, advisors and department heads, all of whom must be approved by a majority vote in the Senate. He may also grant pardons and reprieves for federal offenses.

The Constitution states that the President must see that the laws are faithfully executed. A system of checks and balances helps him to monitor the other branches of government, and they in turn keep the Executive Branch from becoming all powerful. This arrangement allows our President to carry out his responsibilities within a well structured government that follows the guidelines drawn up in our Constitution. It is unique blending of power and balance that allows this nation's leader to be as big a man as he can be.●

SENATE—*Wednesday, April 24, 1985*

(Legislative day of Monday, April 15, 1985)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of grace, we thank You for the memories of Senator Sam Ervin and commend his family to Your gracious care in their loss.

Father in Heaven, the Senate has completed difficult debate and made a hard choice, only to confront challenging deliberation and elusive decisions. Refresh weary minds, bodies, and emotions as they seek a goal on which all agree while they struggle with the means about which there is much controversy. As the process unfolds, grant that truth will prevail rather than power. Millions depend upon 100 Senators to do what is right. Help them to remember that—and do it! Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, to be followed by special orders in favor of Senators PROXMIRE, LEVIN, SPECTER, D'AMATO, BOSCHWITZ, and METZENBAUM for not to exceed 15 minutes.

Special orders will be followed by routine morning business until the hour of 1:45 p.m., with statements limited therein to 5 minutes each.

Pursuant to provision of Senate Resolution 100, the official photograph of the Senate will be taken at 2 o'clock today. All Senators are asked to be in the Chamber and in their seats by 1:50 p.m.

Following the photograph, it is the intention of the majority leader to turn to Senate Concurrent Resolution 32, the budget resolution. We hope we might work out some agreement with the distinguished minority leader later on by which we will not have any amendments or votes today, but general debate.

Also, the Senate could turn to any Legislative or Executive Calendar items cleared for action by unanimous consent.

ORDER FOR CONTROL OF CERTAIN SPECIAL ORDERS

Mr. DOLE. Mr. President, I ask unanimous consent that special orders in favor of Senators D'AMATO, BOSCHWITZ, and METZENBAUM be under the control of the Senator from Pennsylvania [Mr. SPECTER].

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

Mr. BYRD. I ask unanimous consent that I may reserve the remainder of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that I may reserve the remainder of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for 15 minutes.

EFFECTIVE ARMS CONTROL REQUIRES AN END TO NUCLEAR WEAPONS TESTING

Mr. PROXMIRE. Mr. President, this is the third in my series of speeches on the conditions necessary for negotiation of successful arms control agreements with the Soviet Union. In my first speech, I outlined the overall conditions necessary for arms control to succeed. In my second speech, I discussed the first condition, which was a recognition that an arms control agreement by the United States required the commitment of one institution, in fact of one person, and that person alone. That person is the President. There is no possibility of success in arms control without the President's leadership. It is his exclusive ball game.

In this third speech on arms control, I advance the thesis that the control of nuclear weapons can only succeed if arms control stops the testing of all nuclear weapons anywhere and at any level of explosion. The 1963 treaty between the United States and the Soviet Union blazed the way. That treaty stopped testing nuclear weapons in the atmosphere, in outer space, or under the oceans. It specifically permitted underground testing. In 1974, the United States and the Soviet Union agreed to a second treaty to limit underground testing to explosions of 150 kilotons or less. Those two treaties protected the atmosphere, but they did little to end the arms race because tests of 150 kilotons underground permitted both superpowers to continue their technological advance at a rapid pace.

Indeed, the two superpowers have engaged in more than 1,000 tests since the 1974 agreement. The 150 kiloton limit and the confinement to underground testing means that the test ban treaty does nothing to slow the on-rushing between the superpowers to advance nuclear weapons with an even more devastating technology.

Far and away the most important element in both the 1963 and 1974 treaty was a pledge committed by both parties to the treaty to negotiate an end to all nuclear weapons testing. That was a solemn promise that the superpowers have never kept. Both nations have walked out on their pledge. Why is this commitment so critical? It is critical because an end to nuclear testing would, in the words of the head of the Livermore Nuclear Weapons Testing Laboratory, perform a frontal lobotomy on nuclear weapons research.

Why would the end of nuclear weapons testing stop the technological arms race in nuclear weapons? Because that arms race depends crucially on research, new breakthroughs, new developments which research alone can promise. As any high school freshman studying chemistry or any Nobel Prize winner in science can tell you, you stop testing and you inhibit research. Without testing we have theories, but unless we test those theories, they are empty and useless. This principle especially applies to nuclear weapons testing.

All of our Presidents since President Kennedy negotiated that 1963 treaty have failed to keep the promise of that treaty. This includes: Presidents Johnson, Nixon, Ford, and Carter, as well as Reagan. Why have they failed to keep our promise? The reason is easily understandable. This country

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

has immense technological and scientific advantages over the Soviet Union.

In his recent statement to Congress the Under Secretary of Research for research and engineering disclosed that in comparing the United States and the U.S.S.R. in 20 basic technologies, the United States is today superior in 15. The Soviet Union and the United States are equal in five. The Soviet Union is superior in none—not any. Furthermore, in deployed military systems out of 30 weapon systems, the United States is superior in 17. The two superpowers are equal in eight and the Soviet Union is superior in only five.

So, yes, indeed, this country does have a clear scientific, technological weapons superiority, for this reason Presidents have been persuaded that we should do what comes naturally for those with a superior advantage over an adversary in any respect. Exploit it, use it, take advantage of it. Why not? Why should we not continue to take advantage of our technological superiority? Why should we give it up by stopping testing? Do we not win by continuing this part of the arms race where we excel?

Sounds good. But, Mr. President, we must recognize that this is one race no one wins unless both stop. Unless both stop, both lose. Can anyone argue that if both the Soviet Union and the United States stop right now, right where we are in the testing production and deployment of nuclear weapons, we won't be better off than if we continue this arms race? This Senator thinks so. And the consistent expression of the American people in statewide referenda, in professional polls, and in town meetings shows an overwhelming three to one or more support for stopping the arms race now with a freeze that would include nuclear weapons testing.

Can we not stop short of stopping nuclear arms testing? Can't we simply agree to reduce the number of nuclear weapons on both sides? Can we not simply cut the megatonnage? Can we not just retire our intercontinental ballistic missiles or our submarine missiles or our cruise missiles? Will that not accomplish an effective basis for arms control?

The answer, Mr. President, is "No." The answer is that new technological developments in nuclear weapons can destroy the nuclear balance between the two superpowers that has kept the nuclear peace for the past 30 years. Yes, indeed, we are more likely than the Soviets to make the kind of nuclear weapons breakthrough that would give us a temporary advantage. That is probable. It is far from certain. The best chance for continued peace lies—as the overwhelming majority of the American believe—in stopping the arms race now.

RESIGNATION OF DEPARTMENT OF EDUCATION AIDES

Mr. PROXMIRE. Mr. President, last week's incident regarding the resignation of two aides from the Department of Education is past history. Before the final curtain drops, however, I want to express my admiration over the manner in which my colleague, LOWELL WEICKER, handled this situation. He was the first to raise any questions in the Congress regarding the suitability of these individuals at a recent hearing before his Appropriations Subcommittee on the Education Budget. Senator WEICKER acted responsibly that day and, in my judgment, fairly—making it very clear why the two aides, particularly in light of their extremist views regarding disabled Americans, should not be part of the Federal educational landscape.

I support the Senator's actions. We do not always vote the same way but I'm behind him all the way with this one.

A WRONGHEADED IDEA

Mr. PROXMIRE. Mr. President, there are many reasons people oppose the Genocide Convention. One reason is the wrongheaded idea that the Genocide Convention's ratification would override American law and threaten the constitutional rights of U.S. citizens. John Foster Dulles, Secretary of State in the Eisenhower administration, made the argument quite well.

> Under our Constitution, treaties become supreme law of the land. They are indeed more supreme than ordinary laws, for congressional laws are invalid if they do not conform to the Constitution, whereas treaty laws can override the Constitution.

The statement provides an interesting clue to the solution to the problem. The words "under our Constitution" dictate that treaty guidelines are spelled out by the Constitution, which sets the rules by which treaties are enforced.

The Supreme Court has consistently held that the Constitution is superior to all laws and treaties. Reid against Covert (1957) is an excellent example of the Court's attitude on this issue. In that case the Court held that "no agreement with a foreign nation can confer power on the Congress, or on any other branch of government, which is free from the restraints of the Constitution."

The Genocide Convention would require passage of legislation that was in accordance with the Constitution. The laws that would be enacted would be congressional laws making genocide a domestic crime. Being congressional law, as Mr. Dulles pointed out, they would have to conform to the Constitution. Any laws enacted for the purpose of making the convention functional must meet the test of constitutionality. The argument that the Genocide Convention would override American law and threaten the constitutional rights of U.S. citizens holds little water and is not a basis for opposition to the convention.

The Genocide Convention meets the test of constitutionality. The Supreme Court in Reid against Covert (1957) held the authority of the Constitution over all laws and treaties. The American Bar Association has endorsed the constitutionality of the convention.

One of the most conservative Justices of the Supreme Court, William Rehnquist, who is an eminent constitutional authority, testified on the Genocide Convention, on this very point. He testified to the Foreign Relations Committee that the Constitution is supreme and that there is no way any provision of the genocide treaty or any other treaty can override it. He did that, of course, in supporting the Genocide Convention.

Mr. President, now it is time for this body to take action on the convention. The Genocide Convention's time is due; it is time for the Senate to ratify the Genocide Convention.

RECOGNITION OF SENATOR LEVIN

Mr. PROXMIRE. Mr. President, does the Senator from Michigan want the remainder of my time?

Mr. LEVIN. I would appreciate it.

Mr. PROXMIRE. Mr. President, I am happy to yield the remainder of my time to the distinguished Senator from Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Michigan [Mr. LEVIN] is recognized for not to exceed 15 minutes.

Mr. LEVIN. I thank the Chair.

COMMEMORATION OF ARMENIAN MARTYR'S DAY

Mr. LEVIN. Mr. President, I am, once again, pleased to sponsor the Senate's commemoration of Armenian Martyr's Day. This year's commemoration is particularly significant for a number of reasons. Today is the 70th anniversary of the beginning of the 20th century's first genocide. This is a day that Armenians all over the world take pause to honor the memory of the 1.5 million Armenians massacred between 1915 and 1923 by the Turkish Ottoman Empire, a tragic event which is recorded by eyewitness accounts in historical archives throughout the world.

This week, many of the survivors of the Turkish atrocities against the Armenian people have traveled to Washington to pay tribute to the memory of those who perished. They will be participating in a weeklong series of

events as part of a national gathering of survivors sponsored by the Prelacy of the Armenian Apostolic Church of America. Just this past weekend, we say thousands of Armenian-Americans and survivors of the genocide gather on New York's Times Square and commemorate the genocide as part of a rally sponsored by the diocese of the Armenian Church of America.

Let those who deny the genocide of the Armenian people tell those who survived—men and women—in their 70's, 80's, 90's, and even 100's—that there was no genocide. The survivors should not have to respond to such a preposterous charge. Indeed, the look of sorrow in their eyes tells the stories of horror and grief of the loss of loved ones—stories that will live through the ages because we will not allow those who deny the genocide to change history.

This day also serves as a tragic reminder that the first genocide of the 20th century became the precedent for the Holocaust of World War II. The line from Armenia to Auschwitz is a direct one. As Adolf Hitler planned his invasion of Poland and the destruction of the Jewish people, he was able to scornfully state, "Who, after all, speaks today of the annihilation of the Armenians?" The world did not learn a lesson from the Armenian genocide. By commemorating the memory of these victims, we can try to prevent history from again repeating itself. Such tragedies can only be prevented in the future if they are remembered. This is the legacy our ancestors left to the surviving generations—a legacy to which we pay tribute today.

Mr. President, we also honor the memory of those victims of the genocide today. And it is the memory of those victims that we seek to honor with Senate Joint Resolution 101, a resolution that would designate today—April 24—as "National Day of Remembrance of Man's Inhumanity to Man," that Senator D'AMATO and I introduced on March 28 and a number of our colleagues have already cosponsored. It is identical to House Joint Resolution 192, introduced March 19. This would be a day of remembrance for all victims of genocide, especially the 1.5 million people of Armenian ancestry who were victims of the genocide perpetrated in Turkey between 1915 and 1923.

We expected opposition to Senate Joint Resolution 101 from the Turkish Embassy, which has mounted a campaign to deny Ottoman Turkey's role in the Armenian genocide. And we expected opposition from the State Department, whose policies are similar to the positions taken by Turkey relative to the Armenian genocide. But, quite frankly, we were saddened when President Reagan said on April 1 during meetings with Turkish Prime Minister Turgut Ozal:

> My Administration opposes Congressional action (on resolutions that commemorate the Armenian genocide). We are concerned such resolutions might inadvertently encourage or reward terrorist attacks on Turks and Turkish-Americans. We also oppose them because they could harm relations with an important ally.

It is ironic that, while this body is being urged by the President to ratify the Genocide Convention, we are also being urged by the same President to withhold acknowledgement that the first genocide of the 20th century ever happened. It also contradicts two previous statements by President Reagan in 1980 and 1981 which clearly recognized the existence and contemporary relevance of the Armenian genocide.

Mr. President, we deplore acts of terrorism against Turkish officials and condemn the use of violence in international affairs. However, our mutual abhorrence of terrorism and our common security interests cannot be invoked to justify denial of American and Armenian history.

Just as the President has dismayed many Americans with his planned visit next month to Bitburg Cemetery in West Germany where soldiers of the Nazi SS are buried, the President dismayed us with his insensitive statements on congressional attempts to commemorate the Armenian genocide. I do not understand the President's logic in which he links terrorist attacks on Turkish officials with rejections of these resolutions. However, Defense Secretary Caspar Weinberger attempted to define the administration's position when he said:

> This resolution would embarrass the United States and strain relations with this critical ally (Turkey).

Well, Mr. President, the United States has been embarrassed all right, and the administration's position has strained relations—between this Government and its own citizens. And as to the President's suggestion that these resolutions encourage terrorist attacks, quite the opposite is true. The current Turkish Government should acknowledge the role of its predecessor government—the Ottoman Turkish Government—in the Armenian genocide, just as the present West German Government has done about the Nazi crimes. If the Turkish Government would do this, if would make a real contribution to getting some of the terrorism behind us because it is the Turkish denial of history which is creating the frustration.

The Armenian genocide is a historical fact. Our American Ambassador to Ottoman Turkey, Henry Morgenthau, stated:

> I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared with the sufferings of the Armenian race in 1915.

Armenian-Americans point proudly to the fact that it was our own Ambassador Morgenthau who led the international outcry against the destruction that was taking place in Ottoman Turkey during World War I. As a Jewish-American, Morgenthau understood the parallel between earlier Jewish programs and the persecution of the Armenians. He used every tool available to him, including secret diplomatic cables, personal entreaties to Ottoman leaders and their allied German counterparts, and appeals to the international public to bring the wholesale slaughters to a halt.

Mirroring Morgenthau's efforts, the then-allied Governments of France, Great Britain, and Russia issued a declaration on May 24, 1915, denouncing the massacres of the Armenian population "as crimes against humanity and civilization for which all members of the Turkish Government will be held responsible together with its agents implicated in the massacres." These World War I American Allies, like Ambassador Morgenthau, understood that the Ottoman government was committing a crime of a type that the world had not yet encountered. While their phrase "crimes against humanity" was to be used later to describe the Nazi Holocaust, it was not until 1944 that the word "genocide" was coined by Prof. Raphael Lemkin. Lemkin, a lawyer who escaped Poland during the Nazi invasion of 1939, was the key figure in the history of making genocide a crime under international law. He lost 49 members of his own family in the Holocaust and worked tirelessly until his death in 1959 toward the adoption of the Genocide Convention.

Having been profoundly affected by the extermination of the Armenians in Ottoman Turkey in 1915, Lemkin first proposed "to declare the destruction of racial, religious, or social collectivities" an international crime at the International Conference on the Unification of Criminal Law held at Madrid in 1933 under the auspices of the League of Nations. Although at first rejected, his proposal gained new significance after the destruction of European Jewry in World War II and led to the drafting of the Genocide Convention by a United Nations committee in 1947-48. In his decade-long effort to obtain ratification of the treaty, Lemkin repeatedly noted the Armenian atrocities, together with the Holocaust, as prototypes of the crime of genocide.

Recognizing this progression of 20th century genocide, Professor Lemkin dedicated himself to ensure that individuals such as Talaat, Enver, and Jemal—the Young Turk triumvirate—would never again be permitted to con-

duct the wholesale destruction of a people, without accountability to the world.

Calls for such accountability has now been linked to the founder of modern Turkey, who acknowledged the truth of the mass slaughter of Armenians in Ottoman Turkey. A newly discovered interview with Mustapha Kemal—commonly known as "Ataturk"—published in the August 1, 1926, issue of the Los Angeles Examiner, documents Kemal's recognition that his predecessor regime, the Young Turk Party, "should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred." This acknowledgment is particularly significant because it constitutes highly placed, significant Turkish admission of the Ottoman crimes against Armenians and directly contradicts current Turkish denial of the genocide.

Mr. President, every April 24, Armenians all over the world reflect on the proud heritage and rich culture—from the time of St. Gregory the Illuminator, who led Armenia to become the first Christian nation of the world in A.D. 301, to the present, where Armenians make important contributions to the world of business, philanthropy, academia, the arts and sciences, and yes, politics. It it through such reflections that we are able to appreciate the reasons which have kept the Armenian people so vital a community and so valuable a part of our Nation.

While the survivors of the genocide mourn their lost ones, they also must pass along their stories of tragedy so that the memory of those who perished are not forgotten by the world. The martyrs live on through them—through each and all of us who remember. Those of the younger generation should never forget the sacrifice of the ancestors. They, also, should never forget the rich culture which has contributed so much to the world community. And together, they should perpetuate the story of the Armenian people and share its lessons with all the people of the world. Only in that way can some of the suffering of the genocide be redeemed.

Mr. President, I ask unanimous consent to have printed in the RECORD a factsheet on Raphael Lemkin from the Armenian Assembly, a national nonprofit organization representing views of the Armenian-American community.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Fact Sheet]

ARMENIAN ASSEMBLY OF AMERICA—RAPHAEL LEMKIN, THE ARMENIAN GENOCIDE, AND THE GENOCIDE CONVENTION

Professor Raphael Lemkin, a lawyer who escaped Poland during the Nazi invasion of 1939, was the key figure in the history of making genocide a crime under international law. Having lost 49 members of his own family in the Holocaust, he coined the term "genocide" in 1944 and worked tirelessly until his death in 1959 toward the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide.

Having been profoundly affected by the extermination of the Armenians in Ottoman Turkey from 1915 to 1923, Lemkin first proposed "to declare the destruction of racial, religious, or social collectivities' an international crime at the International Conference on the Unification of Criminal Law held in Madrid under the auspices of the League of Nations in 1933. Although at first rejected, his proposal gained new significance after the destruction of European Jewry in World War II and lead to the drafting of the Genocide Convention by a United Nations committee in 1947-48.

After coining the term "genocide" to describe the deliberate destruction of a people, Lemkin became the first person to characterize the atrocities of 1915-23 as the "Armenian Genocide." In his decade-long effort to obtain ratification of the Genocide Convention, Lemkin repeatedly noted the Armenian Genocide, together with the Holocaust, as a prototype of the crime of genocide.

QUOTATIONS BY RAPHAEL LEMKIN

(1) From letter to Mrs. Thelma Stevens, Methodist Women's Council, July 26, 1950:

"This Convention is a matter of conscience and is a test of our personal relationship to evil. I know it is very hot in July and August for work and planning, but without becoming sentimental or trying to use colorful speech, let us not forget that the heat of this month is less unbearable to us than the heat in the ovens of Auschwitz and Dachau and more lenient than the murderous heat in the desert of Aleppo which burned to death the bodies of hundreds of thousands of Christian Armenian victims of genocide in 1915."

(2) From Totally Unofficial, the autobiography (unpublished) of Raphael Lemkin:

(a) "In 1915, the Germans occupied the city of W. and the entire area. I used this time to read more history, to study and to watch whether national, religious or racial groups are being destroyed. The truth came out only after the war. In Turkey, more than 1,200,000 Armenians were put to death for no other reason than they were Christians . . . After the end of the war, some 150 Turkish war criminals were arrested and interned by the British Government on the island of Malta. The Armenians sent a delegation to the peace conference at Versailles. They were demanding justice. Then one day, the delegation read in the newspapers that all Turkish war criminals were released. I was shocked. A nation was killed and the guilty persons were set free. Why is a man punished when he kills another man? Why is the killing of a million a lesser crime than the killing of a single individual?"

(b) "I identified myself more and more with the sufferings of the victims, whose numbers grew, as I continued my study of history. I understood that the function of memory is not only to register past events, but to stimulate human conscience. Soon contemporary examples of Genocide followed, such as the slaughter of the Armenians in 1915. It became clear to me that the diversity of nations, religious groups and races is essential to civilization because every one of these groups has a mission to fulfill and a contribution to make in terms of culture . . . I decided to become a lawyer and work for the outlawing of Genocide and for its prevention through the cooperation of nations."

(c) ". . . A bold plan was formulated in my mind. This consisted (of) obtaining the ratification by Turkey among the first twenty founding nations. This would be an atonement for (the) genocide of the Armenians. But how could this be achieved? . . . The Turks are proud of their republican form of government and of progressive concepts, which helped them in replacing the rule of the Ottoman Empire. The genocide convention must be put within the framework of social and international progress. I knew however that in this conversation both sides will have to avoid speaking about one thing, although it would be constantly in their minds; the Armenians."

(Sources; Congressional Research Service; The Raphael Lemkin Papers, N.Y. Public Library)

Mr. LEVIN. Mr. President, I ask unanimous consent that the Detroit News "Michigan" magazine article about three survivors of the Armenian genocide living in the Detroit area be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

APRIL 24, 1915

(By Florence Mazian)

As an Armenian-American, I feel the pain and pride of my heritage. Pride in being descended from an ancient people who lived in the biblical land of Ararat. And pride at living in America—a country that permits us to remember who we were, as well as who we are.

But I also feel the pain of my people's past. For some 3,700 years, the Armenians—the first people to embrace Christianity as a state religion—lived in Ararat, which was occupied by the Turks in the 1600s. Tensions grew between the two sects over the next 300 years, finally culminating in a series of massacres that began in the late 1800s and climaxed on April 24, 1915—a day Armenians claim marked the Turks' "final solution." In Istanbul, teachers and priests were carted off, never to be heard from again. Killings spread to villages and towns throughout the land, with as many as 1½ million Armenians reportedly deported and killed.

Today, the Turkish government continues to deny that any of this occurred. However, a number of historians, diplomats and missionaries—William Gladstone of England, George Clemenceau of France, historian Arnold Toynbee, German missionary Johannes Lepsius and American medical director Dr. Mabel Elliot—corroborate the Armenian claims of genocide. Henry Morgenthau, U.S. ambassador to Turkey in 1915, documents the nightmare in his book, *Ambassador Morgenthau's Story.* Morgenthau says he pleaded with the Turkish government to stop the genocide, believing the Christian Armenians and Moslem Turks could live peaceably together. Talaat Pasha, head of the Turkish government, told him: "We have already disposed of three-quarters of the Armenians . . . we have got to finish with them."

Perhaps the most compelling evidence, however, is the stories of those who left Armenia in 1915. A number of them live in the Metro area today. The following stories are typical of the many I heard from the old Armenians who came to visit our home in Detroit as I was growing up. As a child, I did

not understand the tragedy behind their tales. Today, I do.

LEVONTI AZADIAN

(Levonti Azadian was born in 1907. After the genocide, she lived in Lebanon. She moved to Southfield in 1974 and lives there now with her children and grandchildren. A gentle, soft-spoken woman, she had an extended family that numbered 42 before the nightmare of 1915. Afterward, there were four.)

"When survivors like me die, the nightmare of the genocide passes before our eyes as we are dying. I will die like that, too. Even today, I feel fear when I think about it. I have horrible dreams. I will not sleep tonight. My heart will be pounding. When I talk about it, I am there. I am afraid, just as I was then.

"The Turkish police came to our houses with guns. They forced us to leave, and they locked the doors to our houses behind us. They told us that we had to go away for 15 days and then we could come back. They claimed that they were 'deporting' us to protect us, because the war was coming in our direction. Even before we were out of the city of Adana, a blind Turkish beggar who the Armenians, including my family, used to give food to, said: 'Bring me an Armenian, and hold him down across my knee, so that I might stab and kill a Christian and go to heaven.'

"Before we were marched out of Adana, my grandfather's throat was slit, and his body was thrown in a well. Then we were taken out of the city. Immediately, they began to steal everything we had, even our clothes. As we were marched along, Turkish villagers would come and take away the pretty girls. We would never see them anymore. We were marched into the desert to Aleppo, Syria, the men, women and children wearing nothing more than a small cloth over their hips—nothing more. The sun burned your face and your body so badly that you did not even look the same. When we came to water, we were forced to walk past it but not allowed to drink it. Those who bent over to get a drink were knocked out and their bodies would float way into the river.

"There were dead bodies everywhere we walked. They were from the Armenians who had been marched through before us. We tried to cover their bodies as we passed—the bodies of little children. At night, dogs from nearby villages would come out and dig up the bodies, chewing them up.

"A Turkish man was taking away my cousin—a girl. She was 15. Her mother grabbed her and embraced her. At that moment, during the embrace, a Turk stabbed the mother in the back, and she fell to the ground."

Even as she reflects on these tragedies, Levonti Azadian recalls something else that makes her smile: the nickname of one young Armenian girl. "We used to call her 'the millionaire.' She was a beautiful girl, about 18 years old. But she had so many lice—we used to say that she had a million lice. During the marches, people became dirty and diseased. This beauty had sores all over her mouth from being dirty and eating pieces of hard wheat found in the fecal matter of the Turks' horses. When you are starving, you eat anything. One day we saw a Turk take her away. Even with the sores, she was still stunningly beautiful.

"My father had a young brother, 28—very handsome. He was thrown to the ground, and the Turks took knives and cut him all over—his back was all cut up. He was so skinny and had so little fluid left in his body that only a little blood ran out of him. His throat was all swollen, and the Turks thought that he was dead. They left him there. We were hidden at a distance, and after they left, we went to him and gave him what little food we had. After three or four days, he started to improve, but he was left deaf and almost blind. Another of my father's brothers was hit on the head and died immediately.

"Later, in Syria, we were all taken to a valley. It was easy to kill us there because the Turkish soldiers could attack from all sides. There was a family from Zeitioun, an Armenian city in Cilicia. I remember that they put that whole family into a cave and sealed off the entrance to the cave. Guards were posted outside. They were buried alive in that cave. The Turks came and told them, 'You are going to be buried like Jesus Christ.'

"You know, I saw death all around me, but I never thought that I was going to die. Maybe it was because I was a child that I didn't think it could happen to me. I was always optimistic. But I prayed a lot not to die. Everyone did. While being forced into the deserts, we sang church hymns and prayed. Everyone who died, died praying. Armenians were killed while they were on their knees praying. I saw so much that I can't tell it all, but I remember it all of the time—day and night.

"Some years ago, I went back to Adana to see my family's house. Turks live there now. I could not stay there at all. After days, I started to feel sick. I began to see my dead family before my eyes. I remembered how we were driven out to our deaths. I met older Turkish people who still remembered my family. I recalled how the Turks had laughed when they were killing us. I left."

VERKIN KEVORKIAN

(Verkin Kevorkian was born in 1905. After the genocide, she lived in Canada. She came to the United States in 1949. She currently lives in a senior citizen residence in Dearborn. Before the genocide, her extended family numbered 51. Afterward, there was just one.)

"I used to be beautiful, you know," she says. Despite her disclaimer, she is still strikingly beautiful. She is a tall, stately woman. As we speak, she is seated comfortably on the sofa in her small apartment.

Verkin Kevorkian was 10 years old at the time the genocide began. Recalling that day, she says, "My father had never hit me, but that day he slapped me. 'Don't go far away from home, my child; it's very dangerous,' he said." Very softly, as though to herself, she repeats, "It's very dangerous." Today she understands why her father slapped her. It was for the first and last time. She would be the sole survivor of her family.

She tells how the Turks and Kurds came to each house, forcing out all of the occupants. "Someone came to our house and forced us to leave. With only a few clothes, you were forced to go. Someone came and hit me and took me away. For three days, they made us walk—thousands of us—not only people from my village of Osnag but also from many villages and cities in different provinces—Erzeroum, Erzingan, Trebizond. You know who some of the people were who were taking us to be killed—Turks from our village, people that I knew, neighbors, friends. They thought they could take our houses, our belongings and our lands.

"There were thousands of us! Then they found the place where they wanted to kill us—a big, big valley. Suddenly from all sides thousands of Turks and Kurds descended upon us. They were all over. You couldn't do anything. You didn't have a weapon to fight back with. They killed all of the Armenians. They killed everybody. The dead bodies, the dead bodies, all over the place. Within half an hour, I had lost my family—completely. I lost all of them. And I was left there—alive under all of those dead bodies.

"The bodies were too heavy, so I couldn't get out. Somebody pulled me out. I don't know who or why. If they didn't pull me out, I would have died. When I looked around I couldn't see anything except dead girls, dead people, just piled up—all over, all over. As far as I looked, I saw dead bodies. I was covered with blood, crying and crying, looking for my mother. I couldn't find her. No one. I had lost all of them. I lost them.

"I saw a man on the ground. His throat was slit, yet he was still mumbling. He was my cousin's husband. I saw it with my own eyes."

Now, Verkin Kevorkian stands and begins pacing back and forth within a 4- to 5-foot space. Her eyes reflect the terror she is reliving 70 years later. Her eyes grow large and disbelieving as the past flits through her mind. Shock, terror, fear—all are alive in her again. She has become a shadow of the past, of that day in 1915. For a matter of seconds, she is not in her apartment, but under the dead bodies in Turkey. Abruptly, she stops pacing. "I went crazy. I didn't know what to do. I didn't know where to go. Every time I go back, back, back, I go crazy.

"They took the beautiful girls away. If you wouldn't go with them, they would kill you. My aunt was one such woman. When she said that she would not go with a Turk, they wrapped her long hair around her neck and strangled her with it. Then they cut off her fingers to take gold rings that her husband had sent her from America. The Turks and Kurds didn't care if a girl was young, even if she was only 9 or 10 years old. They raped girls of any age.

"When the genocide began, they kidnaped our priest. They would not kill priests right away, because they wanted to torture them. They would make them suffer. My mother's brother was one of the priests in our village. I have forgotten his name. There were always priests on my mother's side. Before, in 1895, the Turks had killed another priest in my family.

"I walked and walked and walked. I went to Harpert, to Zaboot, to Paloo and many other places. I never spoke Armenian. I heard that they would kill me if I spoke Armenian. I spoke Kurdish and a little Turkish. I was forgetting Armenian. I was hungry. I had no shoes. My feet were bleeding. I met up with an old Kurdish woman who fed me. Later, an Armenian woman who had been forced to marry a Turk kept me. Her husband wanted me to marry a Turk so I ran away. I didn't even know where I was going.

"There were three soldiers behind me. I started running and crying. They yelled, 'Don't run. You can't get away. We're going to kill you.' I kept crying and running, even though my feet were bleeding. I stopped and collapsed by a big stone. I thought, 'I don't care. I'll sit here. They're going to kill me. I don't care.' I wanted them to come and kill me, to get it over with. You see, I couldn't run anymore.

"I started to pray. I said, 'Oh, God. Please help me. I can't run anymore. I can't walk or run. I'm going to die.' Suddenly it seemed as if someone hid me, as if something made

me invisible. I didn't see those soldiers anymore. They disappeared. Something happened. God heard me! God heard me! It was a miracle.

"When I got up later, I started walking and walking. I met a woman who asked me if I was Kurdish. 'Yes,' I responded, 'I'm Kurdish, too.' I was afraid to say that I'm Armenian. I said to her, 'You be my mother, I'll be your daughter. Let's go together.' But I ended up with a Turkish family. The lady was nice, but her son hated Armenians and used to beat me all of the time. This nice woman felt sorry for me and sent me to another Turkish family. There, the woman of the house cut my hair off completely so that I would not look good. She said that her husband was a dirty man and went after young girls. She also covered my face. I didn't mind. One day her husband offered me gold to sleep with him, so I ran away—back to the nice lady whose son beat me.

"While I was there, two Armenian guys found me and said that they would smuggle me to an Armenian orphanage in Merzin. Next morning, I got up and left with them. The Turkish woman came and yelled after me, crying, but it was too late. I wanted to go to the orphanage where there were Armenians. There were Protestant Armenian and Apostolic Armenian orphanages for homeless Armenian children. I went to the Apostolic Armenian one.

"In the genocide, they killed poor innocent people. They killed kids. They killed women, almost all of the women. If she were pregnant, they would cut her belly open and take the baby out on a sword. Then they would say, 'Where is your Jesus? Why doesn't he come to help you?" We were Christians, and the Turkish and Kurdish Moslems hate us. They completely butchered our people—with knives and swords. They cut people to pieces. That's what pains me.

"Today no Armenians live where I came from. Now our country is all empty. No Armenians. All empty."

MICHAEL NISHANIAN

(Michael Nishanian was born in 1901. He came to Detroit in 1920 and now lives in Southfield. His extended family numbered 44 people before the genocide; 11 after.)

"Someone yelled at me: 'Come and become a Turk. Your brother will never come back.' That same morning, when I was at the mill early in the morning with my brother, a policeman came. He took my brother and left. I was left alone. Alone, I was sitting and waiting. They told me that they took my father, too. I said, 'But my father is very old. You can't take him, too.' 'We took him, too,' they said. The police had gone to each house, one by one, each family, and took them into custody.

"I lived in a town called Choroum when the genocide began. That was our home. Now I had no home. Now I had nowhere to go. I was roaming around dazed, like I was half drunk.

"That night, I was on a mountain. Suddenly I saw a man coming toward me. I thought he was my brother and I ran to him. It was a Turk, our mayor's son, coming toward me. He had our donkey. He said that they had taken all of the men and killed them. Only the women and children were left. He told me that they wanted to kill me now, too. He tied my hands together so that people would think that he captured me. Then he took me to my home. Everybody was crying. This boy was a very good boy. He saved my life.

"I remember that they separated Armenians at one place we stopped. They said, 'Whoever will change to be a Moslem, stay on this side of the room. Whoever remains a Christian, go to the other side.' I remembered what my father always told me: 'If they try to force you, never say that you'll be a Moslem. You were born a Christian, and you will die a Christian.' 'All right, papa,' I said. 'All right.'

"Almost no one converted. The Turks did not kill you if you converted. That was at the beginning. That too passed. Later, a command came to the Turks not to force Armenians to convert but to kill all Armenians, including those who had converted. Soon we began to walk and walk. We were being 'deported' from our homeland—our homeland. This word 'deported'—it's a joke. They began killing us and marching us to death.

"They were deporting everybody—from Kayseri, Yozgat and all over and sending them to the Arabian deserts. I went with them. I was dressed like a girl, because if you were a 12-or 13-year-old boy they would kill you right away since you were old enough to fight back. You were dangerous. Later on the death march, when they found out I was a boy, they decided not to kill me because they could use me to do some dirty work.

"They wanted to send us to the deserts because they were told that a lot of dead bodies would cause disease, and many Turks might themselves die from disease. So it would be better if the Armenians were killed or died in the deserts.

"While we were being marched, I saw the first real massacre on the road. The Turks were killing Armenians, chopping off their heads, hands and feet. We kept going. I saw lots of things along the way. Many people died from thirst and starvation. . . .

"I will never forget what happened at a place called Bobb, near Aleppo. At that time, Aleppo belonged to Turkey. All of the Armenians were dying, and the Turks told me to pick up the dead bodies of Armenians, the 'dirt.' I was given a one-horse wagon.

"Chris was another Armenian boy about my age. We used to pile up three or four bodies in the wagon and take them to a huge hole in the ground—a dump. We threw 200 or 300 bodies in each dump and covered them up a little bit. The next day we did the same thing. Again and again, day after day. That's what I don't forget. I don't know how I lived through it. Just lucky, I guess.

"But there was much to suffer through yet. It seems I wasn't meant to die. Chris and I ran away. We had nothing to eat, nothing to drink. The desert was hot. Hot.

"One day, Chris sat down and couldn't move anymore. I thought, 'What am I going to do?' By now we had one horse. But the horse was no good. When you sat on the horse, the horse sat down, too. Before, near Der Zor (in the Syrian desert), I had seen some water. I told Chris, 'Don't move. You lay here.' Then I ran, ran, ran. I found water. I begged for bread from a passerby.

"I went back to Chris and told him I found water. 'No,' he said. 'Your're fooling me.' I had a tough time getting him to water, but we made it. Only then could we eat the piece of bread I got when I was begging. You know, when you're real thirsty you can't swallow bread. It won't go down.

"Chris and me. We went through so many things. We saw a lot worse things than burying bodies. But we both made it to America together. He died a few years ago.

"As I think back on my experiences in Turkey, I don't feel that the everyday, ordinary Turkish people wanted to kill us Armenians. They were always stirred up by government propaganda to be very anti-Christian. They were told that if you kill a Christian, you would go to heaven.

"Mind control is the worst thing in the world. It's dangerous, frightening. Even today."

Mr. PROXMIRE. Mr. President, will the Senator from Michigan yield briefly?

Mr. LEVIN. I yield.

Mr. PROXMIRE. Mr. President, first I commend my good friend from Michigan on a superlative speech. It is an excellent speech and it does recall, as the Senator points out, the genocide in which the Turks killed 1½ million Armenians. No question about it. Our Ambassador Morgenthau, as the Senator points out, was a witness to much of this.

The New York Times in 1915—I went through a series of references—reported in our most reliable newspaper one atrocity after another and the fact that hundreds and hundreds of thousands of Armenians are being killed.

The Senator so well recalls that Hitler did indeed say in 1938, "Who remembers the Armenians," at the time the final solution was in process and the Jews were being exterminated in Europe, "Who remembers that genocide?"

And as the distinguished Senator points out, Raphael Lemkin was the man who in the thirties began to expose and talk about the Armenian genocide, and he was also the man who coined the word "genocide" and he was also the man, as the Senator points out, who lost all of his family except his brother in the persecution of the Jews in Europe.

Finally, I think the Senator is exactly right in disavowing any terrorist attacks against Turks at the present time. I think both of us deplore any such attacks and would agree that remembering the genocide, remembering the awful violence and the terrible lessons of that time should discourage people from engaging in this kind of violence, exactly the opposite of what the Turks and the State Department now seem to believe.

But I thank the Senator for an excellent address and a memorable one.

Mr. LEVIN. Mr. President, before my friend leaves the Chamber, let me just tell him that someday there will be a pantheon of heroes who finally brought to the Senate floor—that will happen—the Genocide Convention. Lemkin is one and in that pantheon the name "Proxmire" will be high up there.

I know of no Senator who has so unequivocally and I may say relentlessly pursued an objective and a goal as the Senator from Wisconsin relative to bringing the Genocide Treaty to the floor of the Senate.

This is, I think, probably unheard of in the history of the Senate where a Senator almost every day—every day that I have listened—brings to the attention the genocides that have occurred in this world and the need to take action to punish those who perpetrate them and participate in them. And the Senator from Wisconsin is that Senator who has taken unto himself that extraordinary obligation to be sure that in our lifetimes—hopefully in this session of this Congress—we finally will vote on the question of ratification of the Genocide Treaty. Everybody that feels deeply about this issue is very deeply and permanently in his debt.

Mr. PROXMIRE. I thank my good friend.

Mr. CRANSTON. Mr. President, I join my colleagues and Armenian-Americans throughout our Nation today to mark the 70th anniversary of the beginning of the Armenian massacre and to honor the memory of the 1½ million men, women, and children who lost their lives between 1915 and 1923.

The anguish suffered by the relatives and descendants of those who perished as well as those who were displaced from their homeland during this terrible episode of history continues undiminished. It is intensified by the longstanding refusal of the Turkish Government to acknowledge that the Armenian genocide ever occurred, in the face of clear and ample documentation to the contrary.

I am again a cosponsor of the resolution designating April 24 as "National Day of Remembrance of Man's Inhumanity to Man." While the resolution elegizes all victims of genocide, it commemorates in particular those who were victims of the Armenian genocide.

Last year, action on a similar resolution in the Senate was blocked by the Reagan administration. To the survivors and to the relatives of the victims of this genocide, a National Day of Remembrance of Man's Inhumanity to Man is little enough to ask of the American people. That the Reagan administration felt compelled to withhold its support from this resolution—and indeed continues to do so—is an example of incredible insensitivity.

I strongly urge my colleagues in this body to support this resolution and to press for its prompt passage.

Earlier this month, I joined some of my colleagues in sending a letter to the Prime Minister of Turkey urging the Turkish Government to reassess its position on the Armenian genocide. I ask unanimous consent that our letter be printed in the RECORD, together with an excellent Boston Globe editorial on this matter which I commend to my colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 1, 1985.

HIS EXCELLENCY TURGUT OZAL,
Prime Minister of the Turkish Republic, Embassy of Turkey, 1606 23rd St., NW, Washington, DC.

DEAR PRIME MINISTER OZAL: We note with considerable concern that your government continues the policy of urging that the United States refrain from any recognition or remembrance of the Armenian Genocide. We sincerely regret that you continue to misinterpret the clear intent of Congress in commemorating the Armenian Genocide and that you have failed to acknowledge the consistent record of the United States in recognition of this historical fact.

There is ample, reliable, and unbiased documentary evidence from the archives of Ottoman Turkey's friends and foes alike detailing the attempted annihilation and displacement of the Armenian people. The same archival material conclusively identified the central role of the Young Turk government in the planning and execution of what U.S. Ambassador Morgenthau referred to as "a campaign of race extermination".

The Armenian Genocide is a historical fact. To deny that fact is to deny also the unprecedented assistance extended by the United States in an attempt to end the carnage and to aid those who survived. Recalling these facts does not, under any reasonable interpretation, imply disregard for Turkish lives lost today. We deplore, as you do, acts of terrorism against Turkish officials and condemn the use of violence in international affairs.

However, our mutual abhorrence of terrorism and our common security interests cannot be invoked by your government to justify denial of American and Armenian history. The unambiguous record of the Armenian Genocide and contemporary reaffirmations by President Reagan, former President Carter, the Senate, the House of Representatives, and the U.S. Holocaust Memorial Council, are realities based on an objective review of the subject.

We urge your government to reassess its position on the Armenian Genocide. The first step in this process must be an acceptance by your government that the United States has recognized and will ultimately reaffirm its historic position on this matter.

Sincerely,

TONY COELHO.
CARL LEVIN.
ALAN CRANSTON.
ALFONSE M. D'AMATO.
CHARLES PASHAYAN, Jr.

[From the Boston Globe, Apr. 18, 1985]

ARMENIA, HISTORY AND GUILT

President Reagan shocked many Americans with his explanation of why he thought he should not visit Dachau during his trip to Germany in May. The President said the German people have "a guilt feeling that's been imposed upon them, and I just think it's unnecessary." He intimated that Americans are wrong to expect German guilt for the Holocaust: that the Germans themselves feel no guilt; or that there was never anything for anyone to be guilty of.

The President displayed a similar confusion about history and morality earlier this month, before the visit of Turkey's prime minister. The White House released the text of a statement Reagan made to a Turkish interviewer in which he dissociated his Administration from a unanimous congressional resolution commemorating April 24th, the 70th anniversary of the Armenian genocide, as a National Day of Remembrance of Man's Inhumanity to Man.

The Turkish slaughter of 1,500,000 Armenians from 1915 to 1918 was a ghastly crime against humanity, the great precedent for 20th-century genocide. "Who still talks nowadays of the extermination of the Armenians?" was the rhetorical question Hitler posed to his top commanders on Aug. 22, 1939, as they prepared for the invasion of Poland.

This week, in response to public dismay, Reagan changed his mind and decided to make a symbolic visit to a concentration camp site. Generosity requires that Americans assume their President merely became confused and misspoke when he made his strange remarks about the imposition of guilt.

In his remarks to the Turkish interviewer, Reagan said: "I sympathize with all those who suffered during the tragic events of 1915. I also profoundly regret that Turks and Armenians have so far not been able to resolve their differences." This was a way of saying he would not contradict Turkey's official denial that the Armenian genocide even took place. He then said that he opposed the congressional resolution because it "might inadvertently encourage or reward terrorist attacks on Turks and Turkish-Americans" and because it "could harm relations with an important ally."

The world can only deplore the insane acts of a few Armenian terrorists. They harm the just cause of the Armenian people. Nevertheless, Reagan violates logic when he pretends that the existence of Armenian terrorists constitutes a reason for rejecting the resolution.

Testifying against the resolution in February, Defense Secretary Casper Weinberger asserted that "such resolutions are counterproductive in that they serve to encourage Armenian terrorists." Like the President, Weinberger revealed his true motive when he said, "This resolution would embarrass the United States and strain relations with this critical ally (Turkey)."

For reasons of State, Weinberger and Reagan have distorted history and offended the victims of genocide. The American people owe an apology to Armenians for the callousness of American officials.

Mr. GLENN. Mr. President, I rise today to join my colleagues in remembering the Armenian genocide on this the 70th anniversary of the first, but sadly not the last, genocide of the 20th century. Some have asked why do we bother to remember a long ago event in a faraway land. I believe it is imperative that we remember, partly to pay tribute to the memory of the victims, but more importantly to rededicate ourselves to insuring that such instances of man's inhumanity to men are not repeated. To date, we have not been successful in eradicating the scourge of genocide from our planet. The Armenian genocide was followed by the horrors of the Holocaust and the massacre of Cambodians. But because our century has seen such horrors is, in my mind, not an argument

for trying to forget, it impels us to remember. For if you truly contemplate the unthinkable, the systematic annihilation of well over 1 million people, you cannot help but be moved to vow never again. And if the Armenian genocide is to be more than a tragic fact of history, its horrors must remain ever before us so that our vigilance and resolve do not falter.

I salute those of Armenian descent who have worked hard to ensure that the genocide of their people does not fade into historical irrelevance but remains a shocking lesson and horrendous example of the inhumanity of man to man. And I make common cause with them in remembering today the victims of the Armenian genocide and in pledging our every effort to ensure that such a tragedy is never again visited upon any people anywhere on this Earth.

Mr. DECONCINI. Mr. President, today I join my colleagues on Armenian Martyrs' Day in commemorating the 70th anniversary of the beginning of the genocide in the Ottoman Empire. It is a day of remembrance for victims of all genocides, but especially for the nearly 1.5 million Armenians who were mercilessly persecuted for 8 long years between 1915 and 1923.

The senseless persecution and slaughter of Armenians during the outbreak of World War I, resulted in the banishment of thousands more Armenians, scattered into a diaspora, forming a worldwide community who, today, urge all people of good faith and conscience never to forget this tragedy. We must never lend credibility to the all too frequently lamented remark that the Armenian genocide is the "forgotten genocide." Because of the war and the isolationist attitude of the United States, at that time, our Government did not, unfortunately, more forcefully protest the actions of the Ottoman Empire. Sadly, the Armenian genocide was not the last but the first of many—too many—acts of genocide which have been perpetrated in this century. Six million Jews under Hitler, untold numbers of Soviet citizens in the Gulag under Stalin, and countless Cambodians under Pol Pot were also victims of the atrocity of genocide. To remember these victims is to make a statement. It is to say, I will not shut my eyes to the pleas of my brethren, for to stand by is to be an accomplice to a crime as serious as the act of genocide itself. To remember these victims is, most importantly, to move toward a better future, a safer future, for our children and the generations to come.

While I look forward to the future, I am concerned. I am concerned that President Reagan's upcoming trip to Germany, which includes a visit to the Bitburg Cemetery where so many Nazi-SS men are buried, overlooks the fact that when the lesson of history's mistakes is not learned well, history becomes reality once again. President Reagan's visit to Bitburg negates a statement which he himself made in a proclamation for the Days of Remembrance for Victims of the Holocaust on April 22, 1981. He said: "Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other people—the lessons of the Holocaust must never be forgotten." Let us not forget and let us not lay a wreath on the graves of those who committed the heinous crime of genocide against innocent people.

It is also a great disappointment to me that the Reagan administration cannot support a resolution, indeed an active lobby against a resolution, which recognizes and condemns man's inhumanity to man. To say that this would harm relations with an ally does not recognize the extent of the atrocity that we gather here today to remember.

The purpose of Armenians Martyrs' Day is just that—to never allow the atrocity of genocide to be forgotten. And so, on this day, I honor those innocent dead. I extend my sincerest sympathy to those Armenians who were victims of ruthless murder, and to their descendants and the descendants of all people who have fallen to genocide. And I pledge that we never will forget.

Mr. METZENBAUM. Mr. President, April 1985 may someday be recorded as the month in which the current administration established an all-time record for callous insensitivity.

April 1985 is the cruel month in which the President of the United States equated the murdered innocents of the Holocaust with the brutal executioners of the Waffen SS.

And it is also the month in which the President opposed a congressional resolution commemorating the terrible massacre in the early years of this century of 1.5 million Armenian men, women, and children at the hands of the Ottomon Turks.

Why is the President opposed to this resolution?

Because, he says, passage of the resolution "might inadvertently encourage or reward terrorist attacks on Turks and Turkish Americans."

And also, says the President, the resolution "could harm relations with an important ally."

That is an outrageous statement.

Yes, there have been terrorist attacks by Armenian extremists against Turkish individuals and installations.

These attacks are insane—they are criminal—and they ill-serve the Armenian cause.

I condemn without equivocation the perpetrators of those atrocities—and so do the leading Armenian-American civic and religious organizations.

But to say that because of these terrorists, we should ignore the historical reality of the Armenian genocide—that is totally unacceptable.

We have in Northern Ireland today groups that are addicted to the politics of the gun and the bomb.

Does that mean that we should ignore or deny the tragic history of Ireland?

Of course it does not.

And it is a disservice to the American people and, in fact, to our Turkish friends to go along for political reasons with the sadly misguided efforts of the Turkish Government to deny a monumental atrocity—but one for which the Turks of today cannot be held accountable.

The President describes Turkey as "an important ally."

But, Mr. President, the Federal Republic of Germany is also an important ally.

And just as we cannot for political reasons deny that today's democratic Federal Republic was built on the ashes of the Third Reich, we cannot diminish, deny or demean the agony, suffering, and death inflicted by Ottoman Turkey upon the Armenian people.

I am very much ashamed, Mr. President, that the leaders of our Government have once again paid more attention to politics and to lobbyists than to the cause of justice and truth. And I hope that the Senate will demonstrate by passing this commemorative resolution that we, at least, respect the memory of the martyrs of Armenia.

COMMEMORATING THE ARMENIAN GENOCIDE

Mr. RIEGLE. Mr. President, today we pay tribute to all the victims of genocide, particularly the 1.5 million Armenians who suffered at the hands of the Turkish authorities. As part of that tribute, today has been designated as a "National Day of Man's Inhumanity to Man." The leadership of my colleague from Michigan, Senator LEVIN and his staff member, Steve Serkaian, in focusing the Senate's attention on this important issue year after year is commendable. For only through commemoration of these victims can we educate the American people about the Armenian experience and prevent history from repeating itself.

This year is particularly significant because it marks the 70th anniversary of the beginning of the genocide perpetrated in the Turkish Ottoman empire between 1915 and 1923. As many of the survivors of the genocide travel to Washington on this day, we join with them in honoring the memory of those who perished.

The genocide began on April 24, 1915, when hundreds of Armenian religious, political and intellectual leaders were rounded up, exiled and eventually murdered in remote places in Ana-

tolia. Within several months, the approximately 250,000 Armenians serving in the Ottoman Army during World War I were disarmed and placed in forced labor battalions where they were either starved or executed. The Armenian people, deprived of their leadership and young able-bodied men, were disarmed under threat of severe punishment, and then deported from every city, town, and village of Asia minor and Turkish minor. The majortiy of the deportees died on the marches from starvation, disease, and massacre. Approximately 500,000 refugees escaped to the north across the Russian border, south into Arab countries, or to Europe and the United States. Thus, the Armenian community of the Ottoman empire was virtually eliminated as the result of a carefully executed plan of genocide.

As we recall this brutal massacre of 1.5 million men, women and children, we are reminded that this first genocide of the 10th century became the precedent of the Holocaust of World War II. In observing this national day of man's inhumanity to man, we seek to insure that this massacre will not be forgotten.

Despite the overwhelming evidence documenting the awful events of 1915 through 1923, the Turkish Government continues to deny or distort the truth. This toleration of genocide and its acceptance as a solution leads only to its repeated use, just as the aftermath of the Armenian genocide led Hitler to cite it as a precedent and justification for his own crimes.

The use of genocide as an instrument of national policy, by any nation at any time, is a crime against all humanity, and it must be universally condemned. There can be no statute of limitations on the crime of genocide.

Ratification of the genocide convention would be a positive step for the Senate to take in reaffirming its commitment to guard against the recurrence of genocide. The convention seeks to outlaw genocide and guarantee the rights of survival for all ethnic, racial, religious, and national groups. To date, 96 other nations have ratified the measue. Ratification now is essential in order to ensure that the United States maintains its position as a leader in defending the basic human rights of all the world's people.

Finally, the genocide of the Armenians has very real and immediate implications that involve the United States and require serious consideration. This country has an obligation to maintain pressure on our Turkish ally to acknowledge the reality of the Armenian genocide and deal with it constructively. We have been waiting too long for an end to the campaign of denial, distortion, and harassment which continues to be directed at Armenian communities around the world.

To honor all victims of genocide and to protect future generations from sharing their awful fate, all the world must speak with one voice in condemning that crime and preserving the truth of these tragedies, so that future generations may know of the dangers and be watchful.

70TH ANNIVERSARY OF ARMENIAN GENOCIDE

Mr. WILSON. Mr. President, let me note in much the same fashion that April 24 marks the 70th anniversary of the Armenian genocide when an estimated 1.5 million Armenian people perished as victims of another unfathomable holocaust. I rise today to support a resolution which places the United States on record so that this tragedy will continue to live in the memories and writings of mankind. If we learn nothing else from the 20th century, from this holocaust, from the one that followed it, it must be that never again can decent people simply ignore the kind of oppression, the kind of genocide, that we have seen at least twice in this century.

Let us be instructed and admonished by the Polish writer Yashinsky who survived a Nazi concentration camp only to die in a Russian gulag. He said:

> Fear not your enemies for they can only kill you. Fear not your friends for they can only betray you. Fear the indifferent who permit the slayers and betrayers to walk safely on Earth.

Mr. President, that is not a cynical comment. It is a sentiment that came from the tragic experience that has been shared by all too many innocent victims, victims not only of the manifest cruelty which they suffered, but victims of the indifference of good people who simply lack the awareness or lack the courage to intervene at a time when they might have made a difference.

In the proper act of remembering the injustice of the past, we must be sensitive to the concerns of today.

Mr. President, in no way does the raising of a historical truth undermine the solid relationship that the United States enjoys with our present Turkish allies any more than we remember the inhumanity of the Nazi generation in any way undermines the value that we place upon the character and courage of present day West Germany.

Indeed, we celebrate and value our West German allies. They are essential to our alliance.

But, Mr. President, I do not believe and cannot believe that the Government of Turkey, which has made giant strides in recent years toward the kind of democracy and justice that we would hope for all people, because of a simple, straightforward resolution, will fail to continue in that progress or fail in their adherence to the principles which make of them staunch allies in our NATO alliance.

Mr. President, Turkey and the United States today are solid friends who can withstand the judgments of history.

There is not a people whose history does not bear some blemish. There is not a people whose history does not hold forth some episode that makes them not proud but sorrowful. It is in no one's interest that the story of the Armenian tragedy be buried and forgotten. It should and must be told—not to stir up division—but to encourage reconciliation. Not just to recall the suffering of the past, but to strengthen the commitment to standards for today of decency and humanity.

Mr. HEINZ. Mr. President, today I join with my colleagues in solemnly commemorating one of the dark moments in history, the senseless slaughter of 1.5 million Armenians from 1915 to 1918. We stand here today to commemorate the 70th anniversary of this heinous crime against humanity, and we look back in the hope that our collective conscience will not let this grave episode in history repeat itself.

We all deplore genocide and condemn those who have perpetuated this act, whenever and against whomever it has been committed. We must stand firmly against those who have practiced this systematic policy to destroy their fellow man, be it because of race, creed, or some other distinguishing characteristic.

Today we recall the tragedy which befell the Armenians early in this century. History has shown, Mr. President, that some have a very short memory. Just two decades later, in 1939, Adolph Hitler rhetorically asked his top commanders, "Who still talks nowadays of the extermination of the Armenians"? Well, today we cannot forget what happened to the Armenians, just as we do not—indeed, we cannot—forget what happened to 6 million Jews 40 years ago. Those that forget the past are condemned to repeat it.

Countless times in the past, this Nation, assuming its role as the guardian of liberty, has demonstrated its indignation against such acts of injustice. We must continue to condemn and deplore barbaric acts in the future. The moral integrity of our great Nation must never be compromised, and we must lead the world community in expressing our outrage at the inhumane and deplorable act of genocide.

We solemnly commemorate this 70th anniversary. We remember those who have perished so that the world will never forget. We show our resolve to prevent tragedies such as that which befell the Armenians from ever happening again.

Mr. MITCHELL. Mr. President, Adolf Hitler's most notorious pronouncement was "Who, today, remembers the Armenians?"

Hitler asked that rhetorical question when he was planning the central crime of our century, the liquidation of Europe's Jews.

Only the combined might of the Western Allies and the Soviet Union was able to put an end to the nightmare of the Holocaust and not before 6 million defenseless men, woman, and children had been slaughtered and centuries-old Jewish communities had been obliterated from the face of the Earth.

From the experience of the Holocaust arose the determination among the survivors, their children, and their liberators never to permit the knowledge of this crime to be forgotten by the nations and people of the Earth.

It was a determination to put to the lie Hitler's easy assumption that in time, even the most horrendous crimes are forgotten, their outrages softened by distance, their victims silenced forever.

It is therefore a source of deep regret to me that our Nation's President, who represents the collective spirit of all our people, should have so misread the purposes and sufferings of the Second World War as to be able to say, as he recently did, that both Jews and SS stormtroopers were, in a sense, victims of the Nazis.

The survivors of the camps are more than simply victims along with wounded soldiers and displaced persons and bombed out civilians. The survivors are our witnesses to the depths of evil of which human beings are capable.

The camps stand as a grim reminder that, no matter what the reason or the provocation, we must not be seduced into believing that we are forever immune to that evil.

The camps and those slaughtered in them were not murdered by uniquely evil people. If they had been, this occasion would not be necessary. But the camps were administered, the poison gas was sold, and the furnaces were built by ordinary people. It is that distressing fact—the knowledge that in certain circumstances otherwise normal periods are capable of the most horrible crimes—that makes remembrance of the Holocaust so imperative.

It is right and just to commemorate and celebrate the 40 years of German democracy since 1945. It is right and just to strengthen our alliance and our friendship.

But German democracy can be honored and our friendship can be strengthened without denigrating the meaning of the Holocaust or its central role in the history of our times.

This observance of the 40th anniversary of the liberation of the camps comes as the survivors are meeting in Philadelphia. Today, these American men and women relive in their own minds the horrors through which they passed. A man describes how he is haunted by the vision of his son's face with blood streaming from an SS bullet hole. A woman describes seeing a stormtrooper kick another to death.

These memories and the horror of which they are representative remain the fabric of life for 200,000 survivors worldwide. It is vital that we others preserve the memory of their agony so that when no survivors remain, the terrible warning that is the Holocaust will not be forgotten.

Only through such a living memory can the civilized world ensure that, in truth, such a thing can never again happen.

Mr. KASTEN. Mr. President, I rise today to join my colleagues in commemorating the 70th anniversary of the Armenian genocide. We must never forget the 1.5 million Armenian men, women, and children who perished in the early part of this century. Today we honor these courageous people who were exterminated in the same century as the Holocaust. The Holocaust is a reminder to the fact that those who have forgotten history are condemned to repeat it. Both the Armenian genocide and the Holocaust show us the insensitivity and cruelty man is capable of. We can never forget the horrible treatment experienced by the Armenians and the Jews. We must keep remembering so that history does not continue to repeat itself. Only when we recognize the past violations of innocent people's rights can we understand the need for treating others as individuals whose hopes and desires are as worthwhile as our own. We cannot erase the past horrors that remain with Armenians wherever they might be. It is a travesty that such genocide continues in this world. We must rededicate ourselves, as individuals and as a country, to learn from these hard lessons and do what we can so that it will never happen again in this world.

Mr. LAUTENBERG. Mr. President, I am pleased to add my name as a cosponsor of Senate Joint Resolution 101, which designates April 24, 1985, the 70th anniversary of the Armenian genocide, as "National Day of Remembrance of Man's Inhumanity to Man."

Today we recall with deep sorrow the Armenians who were victims of the first genocide of the 20th century. Between 1915 and 1923, over 1½ million Armenians perished from starvation and butchery at the hands of the Ottoman Turks. For the last 14 years, Congress has set aside a special day to commemorate and reflect upon this ghastly crime against humanity. Our remembrance and acknowledgement of the Armenian genocide is particularly fitting this year, since 1985 not only marks the 70th anniversary of the Armenian genocide, but the 40th anniversary of the liberation of the Nazi concentration camps which ended the tragic genocide of the Jews.

We must be ever vigilant against those who would deny the truth or downgrade the horror of the Armenian genocide. It is our responsibility, year after year, to help keep its memory alive and vivid for future generations. This resolution affirms that the lessons of the past will not be forgotten, and that we will never waver in our determination to fight against persecution and inhumanity in the world today.

Mr. SARBANES. Mr. President, today we mark the 70th anniversary of the Armenian genocide as a National Day of Remembrance of Man's Inhumanity to Man. This day has profound significance: We commemorate the Armenian genocide in part to pay tribute to its survivors and to the memory of its victims, and in part to reinforce our own determination to insure such acts of inhumanity will not be repeated. This year especially it has great meaning for all of us. One must not forget one of this century's most appalling human tragedies.

In the wake of that tragedy, many of the survivors settled in this Nation and America has been greatly enriched by the contributions of the Armenian-American citizens. Armenian principles of devotion to family, religion, and hard work are reflected in every aspect of American life. The diversity of achievement is remarkable: George Deukmejian, the Governor of California, Vartan Gregorian, distinguished president of the New York Public Library, and the late William Saroyan, an author who brought to life for millions of Americans the reality of his Armenian heritage. These achievements express the high character, courage, and perseverance of the Armenian people. Armenian-American Marylanders in the Baltimore and Washington metropolitan areas and throughout Maryland daily make valuable contributions to the vitality of our State.

All of us as citizens of a nation founded on the ideals of human dignity and freedom, have a solemn responsibility to uphold the principles on which this Nation was founded and which, in a very real sense, order our daily lives. As self-respecting human beings we can never remain indifferent or impassive in the face of an assault like the Ottoman assault of 1915. The Boston Globe made this point recently in an editorial recalling the events of 1915–18:

> The Turkish slaughter of 1,500,000 Armenians from 1915 to 1918 was a ghastly crime against humanity, the great precedent for 20th-century genocide. "Who still talks nowadays of the extermination of the Armenians?" was the rhetorical question Hitler posed to his top commanders on August 22, 1939, as they prepared for the invasion of Poland.

This day has meaning everywhere for Armenians, a people who have

lived with tragedy, and are committed to the proposition that the world will comprehend, as they do, and it cannot be stated too often that the Armenian tragedy does indeed have meaning for all of us. Remembrance and understanding are universal imperatives, essential to decent people and decent societies everywhere; they are not the special province of the victims of the genocide who lived to talk and write about it.

It is now 70 years since the Armenian tragedy. In one sense, of course, the past is behind us; but in certain fundamental ways it is not, nor should it be. To ignore or forget the past is to remain its prisoner. Only remembrance and understanding offer us the means of coming to grips with its legacy. Mr. President, I ask that the views of my colleague, Senator PELL, and those of my own, as printed in the Foreign Relations Committee report on Senate Resolution 241, a resolution to express the sense of the Senate that the foreign policy of the United States should take account of the genocide of the Armenian people, be printed in the RECORD at this point.

ADDITIONAL VIEWS OF SENATORS PELL AND SARBANES

As cosponsors of Senate Resolution 241 and as Members working vigorously to bring about the long-overdue ratification of the Genocide Convention by the United States, we believe that the record should show clearly that the United States recognized the campaign against the Armenian people as "genocide" not only in recent years but also at the time that it took place. For example, in June 1915, the U.S. Consul in Aleppo, Syria—one of the stopping points along the deportation routes—reported that it was "without a doubt a carefully planned scheme to thoroughly extinguish the Armenian race." The following month, Henry Morganthau, the American Ambassador in Constantinople, sent a cable to the Secretary of State which stated in part:

"Deportation of and excesses against peaceful Armenians is increasing and, from harrowing reports of eye witnesses, it appears that a campaign of race extermination is in progress under a pretext of reprisals against rebellion."

In April 1920, Major General John G. Harboard, head of the American Military Mission to Armenia, reported to the Senate that the deportations and massacres in 1915 were organized "under definite system, the soldiers going from town to town"; characterized them as a "wholesale attempt on the race * * *"; and, stated that "the massacres have always been ordered from Constantinople."

In introducing Senate Resolution 241, Senator Levin mentioned recent "inconsistencies" in the position taken by the United States on the Armenian genocide. Senator Levin was referring to a "note" which was appended to an article in the August 1982 Department of State Bulletin. This note read, in part: "Because the historical record of the 1915 events in Asia Minor is ambiguous, the Department of State does not endorse allegations that the Turkish Government committed a genocide against the Armenian people." In view of the historical record as cited above, we and many other Members of Congress were deeply concerned about this "note."

The Department of State issued a clarification of U.S. policy in the May 1983 issue of the Bulletin: "The article * * * which appeared in the August 1982 issue of the Bulletin, and its accompanying note and footnotes were not intended as statements of policy of the United States, nor did they represent any change in U.S policy." On April 24, 1984, the 69th anniversary of Armenian Martyrs Day, Senator Levin noted that the historical record "documents the crime perpetrated against the Armenian nation and people by the Turkish Ottoman Government as the first genocide of the 20th century" and stated that the State Department's clarification "should not have been necessary to make in the first place." We wholeheartedly share this view.

REMEMBERING THE ARMENIAN GENOCIDE

Mr. CHAFEE. Mr. President, as a cosponsor of Senate Joint Resolution 101, I would like to say a few words in honor of the memory of the 1.5 million Armenians who perished in the tragic events taking place between 1915 and 1923.

This day—April 24, 1985—represents a terrible confluence in the history of man's inhumanity to man. As if to remind us of the inexorable link between two of the greatest tragedies this century has witnessed, history has juxtaposed them: at the same time as we pause to reflect on the horror of the Nazi Holocaust, we also pay homage to the victims and survivors of the Armenian genocide—the century's first, but sadly not its last.

Testimony to this link is found in the words of Hitler himself. In a 1938 speech exhorting his SS commanders to carry out the terrible course he had set, he asked the rhetorical question: "After all, gentlemen, who today speaks of the annihilation of the Armenians?"

Today in my home State, survivors of the massacres will visit the Armenian Martyr's Memorial at the north burial ground in Providence to grieve for those who lost their lives. I ask unanimous consent that an account from the Providence Journal of one of this week's memorial ceremonies be printed in the RECORD.

The PRESIDING OFFICER without objection, it is so ordered. (See exhibit 1.)

Mr. CHAFEE. Mr. President, in the face of such monumental tragedies, remembrance is a duty we must bear, for we can do nothing more. To fail to do so would be to shirk the elemental responsibility we have to future generations. Let us therefore pause, reflect and remember, lest we once again prove the unalterable truth of George Santayana's dire warning: those who do not remember the past are condemned to repeat it.

EXHIBIT 1

SURVIVORS REMEMBER ARMENIAN MASSACRE

(By Karen Lee Ziner)

PROVIDENCE—In 1915, the Kurdish soldiers led everyone away from the village and killed them—her grandparents, parents, sisters and brothers, aunts and uncles.

For Sarah Leylegian, the memories of those atrocities have not paled after 70 years.

"Some they took in the church and poured gasoline on them and burned them alive. Some they killed with guns, and some by big knives—they thought the bullets were to good to use on them says Leylegian, 78, of Providence.

Yesterday, hundreds gathered at the site of the Armenian Martyrs' Memorial at the North Burial Ground in Providence to mark the 70th anniversary of the massacre of 1.5-million Armenians by the Turkish government.

That massacre occurred at a time when the Turks, regarding the Armenians as a dangerous foreign element and a threat, decided to deport the whole Armenian population, which had lived as a nation under Turkish rule for 600 years. Many either died or were killed en route.

One speaker yesterday, Ramon Zorabedian of the Armenian Martyrs' Memorial Committee, demanded Turkish responsibility for the Armenian genocide.

"It's high time our government showed its power. We should tell the Turks what to do, rather than have our genocide denied," he said.

"We demand from our officials in Washington to bring our problem to the forefront. We want our day in court," said Zorabedian.

Mayor Joseph R. Paolino Jr. read a proclamation marking yesterday in memory of the 1.5 million "murdered by the Turkish Ottoman empire."

Recognizing the 10,000 Armenians in Rhode Island, he told those gathered. "You are part of the fabric of our community. We remember the torture, the massacres . . . and condemn the atrocities committed 70 years ago."

The Rev. Jean Zarifian, pastor of the Armenian Euphrates Evangelical Church in Providence, spoke of the indomitable spirit that has kept survivors going.

"Seventy years has not dimmed the intensity of our bitterness or the depth of our grief," said Zarifian.

But while April is "a month of passion" and the month marking Armenian genocide, "it is also the month of Easter and resurrection," he said.

"Seven decades ago, our people were also rejected, scorned, tortured, crucified. But like the legendary Phoenix, we soared from the ashes. . . . Those who nailed us to the cross could not kill us," he said.

Before yesterdays ceremony, Leylegian stood quietly in the dry grass behind the Martyrs' Memorial and spoke of the massacre that decimated her entire family.

"We were seven children under one roof. Out of seven children, I am the only one alive. They were all killed . . . and I was left all by myself on the street."

She was eight years old then. After that, she spent several years in an orphanage in Turkey, until the Turkish government "ordered all Armenians out of the country."

From there she went to Lebanon and lived in another orphanage until "a distant relative in the United States sponsored me" to come here.

"The more we talk about it, the more it hurts. To you, it seems like a story. To me, I know what it is," she said.

Another survivor, John Bargamian, 79, wept yesterday as he told his story in broken English.

"In Turkey, they had an order, to kill all the males (Armenians). There was two Turks in our village. One was like a wolf, the other was like an angel. They were two brothers," he said.

"One killed over two hundred and fifty. he tied them and he'd cut them piece by piece."

But the good brother saved his life, Bargamian said, "by hiding me and my brother under the bed of his sick son."

They escaped with their mother and eventually were reunited with their father in the United States.

"My mother was a servant over there. She had to learn to pray in Turkish, so when the soldiers came she could pray and they'd thinks she was Turkish."

"She had to have it exactly right, or else they'd kill you," he said.

70TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. BINGAMAN. Mr. President I rise today to join Senator LEVIN and my other colleagues in commemorating the 70th anniversary of one of the most tragic events in mankind's history, the slaughter of 1.5 million Armenian men, women, and children at the hands of the Ottoman Turkish Government.

The facts of this genocide, this World War I holocaust, are clear. All during the war, the Ottoman Turkish Government systematically sought by persecution, exile, and massacre, to eliminate the Armenian population from its traditional homeland within the Ottoman Empire. And they succeeded all too well, reducing the Armenian population from some 2.5 million at the beginning of World War I to fewer than 100,000 by 1923.

In August 1914 general mobilization of the Ottoman Turkish army was declared. All able-bodied Armenian men with few exceptions, were called up for military service. Beginning in February 1915, the Armenians in the armed forces were segregated into labor battalions, disarmed, and ultimately worked to death or massacred. Also in August 1914 the government controlled by the Young Turk Party began to release murders and other confirmed criminals from prison throughout Asia Minor and placed them in the Special Organization for the express purpose of ending the "Armenian Question" by annihilating the Armenians. Whole Armenian villages were massacred outright in the fall and winter of 1914 in the eastern provinces of the empire. And on this date, April 24, 70 years ago, about 200 Armenian religious, political, and intellectual leaders were arrested in Constantinople and exiled or taken to the interior and murdered. Following the promulgation of Edict of Deportation on May 24, 1915, the slaughter continued until the Armenian genocide within the Ottoman Empire was virtually complete.

As Henry Morgenthau, our Ambassador to Turkey at the time, who led the diplomatic effort to try to stem the bloodshed, stated in 1918: "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the suffering of the Armenian race in 1915."

It is inexplicable to me why the current Turkish Government would choose to deny the historical facts, so well documented by the press and by our own diplomatic personnel at the time. Indeed, the founder of the modern Turkish state, Kemal Ataturk, recognized the crimes committed by his predecessor regime in an interview published in the August 1, 1926, issue of the Los Angeles Examiner. In that interview he stated that the Young Turk Party "should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred." Kemal was right to acknowledge the genocide and to call for punishment of the perpetrators.

Punishment is no longer an issue today for those who carried out these crimes surely now are almost all dead. And no one condones the actions of current-day Armenian terrorists who assassinate Turkish diplomats and Turkish citizens. Two wrongs do not make a right. And these modern day terrorists dishonor their ancestors' cause.

But acknowledgment of these atrocities is unfortunately an issue, for the current Turkish Government is not willing to follow the lead of Kemal Ataturk. And our own Government, apparently at the urging of diplomats without the courage of Ambassador Morgenthau, increasingly goes along with the Turks, lest we offend our erstwhile ally.

We do no one any good to deny the past. Instead, we must learn from it. We must try to ensure that genocides such as befell the Armenians 70 years ago and the Jews 40 to 50 years ago and which Khmer Rouge under Pol Pot visited on their own people in Cambodia less than 10 years ago never happen again. It would be far better for the Turkish Government to follow Chancellor Kohl's lead in visiting the Bergen-Belsen concentration camp a week ago, recalling the crimes committed under the Nazis, and saying such events must never happen again.

I hope that we will see such statesmanship from the Turkish Government some day. And I trust that soon our own Government will see the light and stop being more concerned about current Turkish sensitivities than they are about stating the truth about the Armenian genocide. "Who still talks nowadays of the extermination of the Armenians?" was the rhetorical question Hitler posed to his top commanders on August 22, 1939, as they prepared for the invasion of Poland and the slaughter of millions of Slavs and Jews. Our Government needs to be talking about it today to deter future Hitlers. And I am glad that the Senate is addressing the issue today. I commend Senator LEVIN for organizing this colloquy, this reminder of man's potential for inhumanity to his fellow man.

Mr. PELL. Mr. President, today marks the 70th anniversary of the genocide perpetrated against the Armenian people by the Ottoman Empire during World War I. I am pleased to join Armenians throughout the world in paying tribute to the victims and survivors of this evil crime.

Before World War I, Armenians, a gentle and highly cultured people, demanded only tolerance and freedom from the rulers of the Ottoman Empire. In response, Ottoman rulers launched a coordinated drive to round up and eliminate every Armenian man, woman, and child. In 1915 the Empire began deporting Armenians and from that time until the Empire collapsed, an estimated 1.5 million Armenians—some 60 percent of the Armenian population—were killed or died of disease or exposure. Today, we honor those courageous individuals who were exterminated for no other reason than that their national heritage was considered alien by those who ruled the Ottoman Empire.

The modern state of Turkey bears no responsibility for the tragic acts committed by the Ottoman Empire against the Armenian people. It should, however, acknowledge that these events took place. Kemal Ataturk did so many years ago when he condemned the massacres of millions by his Ottoman predecessors. The present government should do no less.

The Armenian genocide reminds us that man possesses the pernicious quality of bigotry and the capacity to be cruel. We must never forget the despicable, inhuman treatment suffered by the Armenians at the hands of their fellow men.

In recalling the Armenian genocide, we should make it absolutely clear that we are not condoning violent acts of vengeance against Turkish nationals. The way to commemorate the suffering of the Armenian people is not through terrorism but rather by keeping the memory of the Armenian genocide alive and by reaffirming our commitment to human life and dignity.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania [Mr. SPECTER] is recognized for not to exceed 15 minutes. However, the Chair will advise the

Senator from Pennsylvania that the Chair recognizes that he has control of the floor for 1 hour.

THE 40TH ANNIVERSARY OF THE HOLOCAUST

Mr. SPECTER. As noted by the distinguished Presiding Officer, 1 hour has been set aside at this time for proceedings in the Senate in remembrance of the 40th anniversary of the Holocaust. It is entirely fitting that this occasion be noted in this body because of the national and international remembrance which is being noted in this 10-day period with ceremonies here in the Capitol, as witness last week's very moving ceremony in the rotunda; the ceremony at Independence Hall in Philadelphia this past Sunday; a week before that, a distinguished group of artists assembled in the Lincoln Center in New York City, all to note the 40th anniversary of the Holocaust.

We have focused on the concentration camps, the locations of Auschwitz, Treblinka, Dachau, and Bergen-Belsen, as sites of the greatest atrocities which have been recorded in the history of mankind.

Considering the atrocities which have been recorded over the past 5,000 years, that is an extraordinary digest of the barbarous conduct and activities of the Nazis during World War II.

From those activities has arisen a worldwide denunciation of genocide as Adolph Hitler sought to eradicate the Jewish people with a plan calculated in advance, written in advance, openly discussed and advocated, and then, with a vicious, violent, concerted effort to carry out the extermination of the Jewish people.

Some 6 million Jews perished in the Holocaust in the most despicable act in human history. We focus on it 40 years later, as we have focused on it every year in the interim, not only to denounce that conduct but to remind the world of the atrocities of the Holocaust with a view that that conduct may never again be repeated.

It is very important to do so because of the repeated evidence that people already tend to forget. It is not only the inhumanity against the Jewish people which is the focus of the Holocaust, although that was certainly violent, but it is the avoidance of a repetition of that conduct against any people that must be the fervent objective of civilized society.

One issue which has been the focus of attention during the course of the past several months has been the intensified effort to find Joseph Mengele, the so-called Angel of Death who inflicted such barbarous and cruel treatment on so many Jewish children and so many Jewish men and women.

The occasion of the 40th anniversary of the Holocaust has started a renewed effort to find Mengele, to extradite Mengele, to prosecute Mengele, and to punish Mengele, and, depending upon the tribunal, the exercise of discretion with the death penalty would certainly be appropriate for his murderous conduct again and again and again during World War II.

My distinguished colleague, Senator D'AMATO, took the lead on this issue in initiating litigation to compel the disclosure of certain documents under the Freedom of Information Act. A series of hearings have been held by the Juvenile Justice Subcommittee of the Judiciary Committee, because as a starting point Mengele used children, twin Jewish children.

During the course of our inquiry, we found evidence that the U.S. Army had Mengele in its custody early on but did not act on prosecuting Mengele.

Evidence has been disclosed that the CIA had information about Mengele, his international travels, and his activities in Paraguay as recently as 1979.

To the credit of the U.S. Government, there has been an intensified effort to apprehend Mengele. The Attorney General of the United States initiated a full-scale investigation early this year following efforts of the hearings by the Juvenile Justice Subcommittee pointing out certain omissions by the Department of the Army, the Secretary of the Army promptly launched a full-scale investigation.

In hearings before the Foreign Operations Subcommittee of the Appropriations Committee at the urging of Senator D'AMATO and myself, Secretary of State Shultz pledged full cooperation by the Department of State in efforts to track down Mengele.

The observance of the 40th anniversary of the liberation of Europe his prompted a visit by President Reagan to Germany. This trip has become highly controversial in light of the President's announced intention to visit the Berger-Belsen concentration camp and the Bitburg Cemetery.

It is my hope, as we speak today in this Chamber, that the plan to visit Bitburg will yet be revised. I believe there is a very pressing reason to do so. The fact that SS troopers are buried in Bitburg is very distasteful and repugnant to veterans of World War II, to the Jews who have survived the Holocaust, and to the memories of those who perished in World War II: U.S. fighting men; fighting men from Allied forces; and all of those who perished in the concentration camps—Jews, Gypsies, many others of different national origin.

It is a mistaken notion that there is any reconciliation for those atrocities as evidenced by a visit by our President to a cemetery like Bitburg.

A number of us have had discussions with representatives of the White House. I had a discussion with the President last Thursday at the conclusion of a meeting on another subject. The President obviously is perceived in good faith on his efforts at reconciliation. But as outlined yesterday in meetings with Senators and representatives of the administration, the President proceeded on a plan to visit the Bitburg Cemetery on the representation that SS troopers were not buried at Bitburg. Once it was determined that those representations were false, as we now know, it seems to me that the President is fully justified and warranted in changing those plans and altering the arrangements which have been made with Chancellor Kohl and the West German Government.

Under traditional principles of contract, any contract based on misrepresentation or material errors of fact may be nullified. This certainly should be the course to be followed on the proposed visit to Bitburg.

Mr. President, this is a matter which has attracted enormously strong reactions by veterans groups and Jewish groups, as evidenced at the Holocaust ceremonies at Independence Square in Philadelphia last Sunday, a subject which has already been discussed at some length on this floor and a subject which will be discussed beyond.

Mr. MATHIAS. Mr. President, Auschwitz, Treblinka, Dachau and Bergen-Belsen—these names rank among the most despised in human history. They are the names of the Nazi death camps. And behind the camps' now rusty gates are buried the names of most of the 6 million Jews killed by the Nazis from the mid-1930's to 1945.

Forty years ago this month the gates to these cities of death were opened to reveal the unspeakable. Forty years after the last oven was tamped down, the last gas chamber gutted, the last laboratory leveled, we still remember. We remember our disbelief, our shock and our horror as the first reports and newsreels of the Nazi atrocities reached us. We remember wondering how, in this century, in this universe, such evil could be conceived and executed. We remember, finally, not because we like to, but because we must.

Today, dispersed throughout the world, are living reminders of the Nazi death camps. There are the rotting walls of the camps themselves—and then there are the survivors. This anniversary is more than an opportunity to commemorate the liberation of Auschwitz, it is an opportunity to share the burden of those who survived.

And what a terrible burden they bear. They witnessed the most heinous crimes in human history, and it is they who must keep the dreadful memories alive in the conscience of mankind. But we can help them, and we must.

In the Philippics, Cicero wrote: "The life of the dead is placed in the memory of the living." The memory of the victims of the Holocaust must live in each of us and we must pass it on from generation to generation "to the last syllable of recorded time." That is both our duty to the dead and to ourselves as we struggle to make a better world.

REMEMBERING THE HOLOCAUST: A SACRED AND SOLEMN DUTY

Mr. D'AMATO. Mr. President, as we solemnly commemorate the Holocaust, we come face to face with evil on an unprecedented scale; 6 million slaughtered. Who can comprehend that? Somehow we must find the way.

At the hearing held yesterday in Philadelphia on the search for Josef Mengele, we heard directly from the survivors of his atrocities. Listening to them, you begin to comprehend. They tell of the air filled with the constant screams of the victims, their ashes blotting out the Sun.

The survivors tell you of the selections—of pregnant women stomped to death under the heels of evil incarnate. You hear of the forced starvation, of injections that served only to torture and to induce sickness and you begin to see.

Painful as they are, we must keep these memories alive, because in the words of Elie Wiesel: "From the Holocaust, we have learned that we are responsible for the past and for the future as well."

The time for meeting our responsibility grows short. Mengele is 74 years old. He, and all the other Nazi war criminals, must be captured. They must be tried, and they must be punished. Justice demands this.

So does our responsibility to the truth. We must defeat all attempts to deny the Holocaust. While we have made great progress toward this goal by establishing the U.S. Memorial Council, and the Holocaust Memorial in New York, there will always be more to do.

As we recall what Elie Wiesel has described as the "unprecedented extinction of an entire world," we must redouble our efforts to oppose anti-Semitism in all its forms.

We must live by the words inscribed at Yad Vashem in Jerusalem:

Son of Man, keep not silent, forget not deeds of tyranny, cry out at the disaster of a people, recount it unto your children and they unto theirs from generation unto generation.

I thank the Chair.

Mr. GORTON. Mr. President, the memories of World War II still shape America's view of the world, and no one memory shapes our outlook more painfully yet compellingly than the Holocaust. The systematic murder of 6 million Jews should, and shall, never be forgotten. The magnitude of this crime is beyond our comprehension, but it is our duty to recall it as best we can, and to teach succeeding generations about it so that history may not repeat itself.

The Holocaust must continue to mean several things to us and our children. First, it must serve to remind us of the persistence of anti-Semitism. While no part of the world is free of this disease, in some regions, such as Eastern Europe, it is imbedded in Government policy.

Second, the Holocaust must remain a symbol of man's inhumanity to man so that the international community can never ignore, let alone condone, the persecution or genocide of one group by another. A lack of concern or response by the international community clears the path for those who would commit genocide. This means that we must be ever vigilant, ever internationalist, and ever ready to act when it is in our power to do so and when the bounds of moral behavior are exceeded to the point where our own inaction would render us no better than a willing accomplice.

Mr. MATTINGLY. Mr. President, last Thursday in the Capitol rotunda, the national civic commemoration ceremony of the Days of Remembrance 1985, took place. It was a solemn occasion, as any ceremony marking history's darkest hour must be. This year's national commemoration ceremony was particularly significant for me since I attended this ceremony not only as a Senator, or a citizen, but also as a newly appointed member of the U.S. Holocaust Memorial Council.

Here in the great hall of freedom, I listened to survivors of the Holocaust tell again the story that has been repeated so often, the story of tyranny so great that the normal human mind has difficulty comprehending it. As I listened in this place, I grasped the truth of the Holocaust in a way that I had not done so before. Looking back at history, and at the Nuremberg laws, I began to see our work in the Senate in a new light.

It was the Nuremberg laws ultimately that laid the foundation for the atrocities Hitler would perpetrate against 6 million Jews. Law then, and law now, is not neutral, for it expresses a moral code and system of beliefs which underlie it. The memory of the Holocaust, and of the Nuremberg laws, are a challenge to use to be ever conscious of this as we go about our daily activities in this place.

And I recognized once more the importance of observing again the Days of Remembrance. The Holocaust is a blight on the complexion of history, an episode which is tragic, and so painful, it would be easy or convenient to forget. But the world must never forget. It is our memory of the atrocities which will prevent us from allowing them to happen again, for the errors we forget are easily repeated.

Another thought came to me as I sat in the rotunda, among the survivors of the Holocaust, among those who had lost the members of their family, or years of their youth. It was not an original thought, but nonetheless sobering: Evil prevails when good men are silent.

The chronicle of the Holocaust is one of unfathomable horror, of immeasureable loss, that cannot and should not be ignored. But this afternoon, I join a host of others in remembering the triumph of good men over evil, the 40th anniversary of the liberation of the Nazi concentration camps by allied forces.

The Czech author Milan Kundera has written:

The bloody massacre in Bangladesh quickly covered over the memory of the Russian invasion in Czechoslovakia, the assassination of Allende drowned out the groans from Bangladesh, the war in the Sinai made people forget Allende, the Cambodian massacre made people forget Sinai, and so on and so forth until ultimately everyone lets everything be forgotten.

It must not be so. This day, the remembrance, is for victims of the Holocaust. But it is for our posterity as well.

CONCENTRATION CAMP LIBERATION—40TH ANNIVERSARY COMMEMORATION

Mr. COHEN. Mr. President, there is a corollary to the oft-repeated maxim that those who do not learn from history are doomed to repeat it and that is that active remembrance of that history is the best insurance against its recurrence. It is thus altogether fitting that we take these few moments to collectively commemorate the 40th anniversary of the liberation of the European death camps. I wish to commend my colleague from Pennsylvania, Senator ARLEN SPECTER, for organizing this effort.

The lessons of the camps are many and bitter. Perhaps the most chilling is discovery of the capacity for accommodation and complicity on the part of an ordinary unvigilant citizenry. At a time when the death camps worked their evil, the spectacle of ordinary shop keepers and small businesses competitively vying to supply crematoria components has always seemed to me particularly stupefying. The following excerpts from a letter by a small German firm are quoted from William Shirer's monumental "The Rise and Fall of the Third Reich." They capture this moral degradation well:

Following our verbal discussion regarding delivery of equipment of simple construction for burning bodies, we are submitting plans for our perfected cremation ovens which operate with coal and have hitherto given full satisfaction (in Dachau).

We suggest two crematoria furnaces for the building planned, and we advise you to

make further inquiries to make sure the two ovens will be sufficient for your requirements.

. . . We guarantee the effectiveness of the crematoria ovens as well as their durability, the use of the best material and faultless workmanship.

Awaiting further word, we will be at your service.

Heil Hitler,

C.H. KORBI.

This commemoration today, while recalling for us the tragedy and the horror, should also strongly remind us of the ultimate capacity of good to triumph over evil when we are sufficiently resolute. The inception of the Nazi era and the long European night evokes for us today the words of Lear on the edge of madness.

I will do such things—what they are yet
I know not—but they shall be
the terror of the earth.

The final lesson of the Holocaust is surely that we must never relax our vigilance nor sit silent in the face of injustice, hatred and other "terrors of the Earth."

HOLOCAUST REMEMBRANCE

Mr. SARBANES. Mr. President, today marks the closing, in Philadelphia, of the Inaugural Assembly of the American Gathering of Jewish Holocaust Survivors. The assembly meeting took place during the Days of Remembrance, a time when the Nation reflects on the awesome human tragedy we call the Holocaust.

It is now 40 years since the liberation of the death camps. In one sense, of course, the past is behind us; but in certain fundamental ways it is not, nor should it be. To ignore or forget the past is to remain its prisoner. Only remembrance and understanding offer us the means of coming to grips with its legacy.

In short, the Holocaust cannot be written off with the passage of time. If we are not ourselves survivors of the camps, we are with the survivors in spirit. Remembrance and understanding are universal imperatives, essential to decent people and decent societies everywhere; they are not the special province of the victims of the Holocaust who lived to talk and write about it. In these Days of Remembrance in 1985, we do well to recall the admonition of another age on the meaning of humanity:

Any man's death diminishes me, because I am involved in Mankind; And therefore never send to know for whom the bell tolls; It tolls for thee.

Mr. DODD. Mr. President, in light of the recent controversy about the planned Presidential visit to Germany our commemoration of the liberation of Nazi concentration camps is especially important.

We must not allow any confusion to arise on the identity of the victims and the victimizers during the reign of Nazi Germany.

It is an abomination to compare those who died defending a genocidal regime to those innocents who were destroyed by it.

Surely we can all endorse the point made by Elie Wiesel who told the President that Bitburg Cemetery, where dozens of the SS are buried, is not the place for a President of the United States to be. The President's place, as Mr. Wiesel pointed out, is with the victims of genocide. It is their memory we must honor.

Any number of commentators have remarked on what they see as a lack of historical consciousness among the American people. It has been said that, for every new foreign policy issue that comes along, American political debate goes back no further than the previous administration.

I cannot accept such a sweeping indictment, but it would be pointless to deny that there is some truth in it.

Yet there are events in human history which time must not be allowed to diminish. If there has been progress in history, if there is to be progress for the future of humanity, like a student correcting mistakes, we must remember where we have gone wrong.

The great Czech writer, Milan Kundera, has written:

The bloody massacre in Bangladesh quickly covered over the memory of the Russian invasion of Czechoslovakia, the assassination of Allende drowned out the groans of Bangladesh, the war in the Sinai made people forget Allende, the Cambodian massacre made people forget Sinai, and so on and so forth, until ultimately everyone lets everything be forgotten.

Mr. President, we can all extend this list indefinitely. We do tend to become distracted from and to forget events of enormous significance when they fade from the headlines of the daily papers and the nightly news programs. That is why it is imperative—as few things are imperative—that we remember the Holocaust today.

One of the most frightening things about the Holocaust is that it was not, properly speaking, wholly unprecedented. In the brutal sweep of human history, whole peoples have sometimes died out, been enslaved or killed off in the most cruel and deliberate manner possible under the circumstances.

But the Holocaust was different from those earlier genocidal acts—first in the scale of the effort, second in the organization and technology of the execution, and finally, in the nature of the country in which this monstrous crime was perpetrated.

The final solution was not carried out by a nation commonly understood to be uncultured or uncivilized. Nor was there even a remotely plausible threat to German security from the Jews and so many others targeted for mass murder by the Nazis.

Quite simply, an entire nation was seized by a collective madness.

What the Holocaust teaches us is that such things are possible. What the Holocaust requires of us is to remember, with humility and passionate conviction, that it is up to us to see to it that such things are not repeated.

One step we can take to prevent future Holocausts is the ratification of the Genocide Convention. It will not stop the Pol Pots of the World. But it is a step in the right direction—a step the United States must endorse, as a world leader in the struggle for human rights and civilized standards of governmental conduct.

But beyond what we do as a nation, each of us as individuals must bear witness to the reality of the Holocaust. We must not honor those who committed it. They were not soldiers. They were murderers. They were not patriots. They were psychopaths.

Instead, we must honor the victims of the Holocaust. We must not forget their sacrifice, for if we forget, and if we allow the passions and controversies of the day to distract us from the enormity of these crimes, we shall do a grave injustice to the victims of the Nazis.

Such a failure would make further genocides more possible. We must remember, so that we can rededicate ourselves to the simple, irreducible proposition: "Never again."

Mr. HECHT. Mr. President, as a Jewish member of this body, I'd like to join my colleagues in commemorating the 40th anniversary of the liberation of the Nazi concentration camps.

According to Rabbi Marvin Hier, who has coauthored and coproduced an Oscar-winning documentary on the Holocaust, 150,000 war criminals—members of the Gestapo, SS, and their collaborators—committed crimes against humanity. Only about 40,000 were ever formally charged, and only about 10,000 were convicted.

It is fitting that this commemoration is about freedom. On the other side of the Iron Curtain, the nations of Eastern Europe remain under the yoke of communism because Joseph Stalin refused to keep a pledge to hold free elections in the liberated territories.

We will never forget the horrors of the Holocaust and we should not forget. We should also remember that much of the rest of the world remains chained to the Soviet Union.

Mr. BAUCUS. Mr. President, I join with my colleagues today in commemorating the 40th anniversary of the liberation of the Nazi concentration camps.

In one sense it is almost unseemly to stand here and speak about this. The Holocaust was and remains something unspeakable. Our words can add nothing. A kind of awed silence might be more appropriate. Yet we must speak—in hushed but outraged tones.

We must speak because our silence might be misunderstood.

It is through speech—and through pictures—that we teach. Those alive who witnessed the Holocaust must pass their knowledge on to those too young to have seen the horror. And we in turn must pass that knowledge on to those born after the Holocaust's end. We do this not because our words can change the past but because we believe they can prevent its repetition.

We remember not to dredge up the past or harm the present but to guard the future. Each of us must carry in his/her soul the knowledge of what evil it is possible for man to do. I wish I thought it could never happen again, but we can never be sure. We can only salute those who paid the price and pledge eternal vigilance.

BITBURG

Mr. EAGLETON. Mr. President, President Reagan's trip to West Germany to build a spirit of reconciliation is a laudable purpose. Regrettably, that spirit will be irreparably marred if he persists in his scheduled visit to the military cemetery at Bitburg in which 47 members of the Waffen SS are buried.

The President has stated that he was not aware of the presence of SS graves in the Bitburg Cemetery at the time the visit was scheduled. I accept that statement. But now he is aware.

Elie Wiesel, Holocaust survivor, preeminent author, and recent recipient of the Congressional Gold Medal from President Reagan for his tireless efforts to remind us of the horrors of the Nazi concentration camps, made an eloquent appeal to President Reagan to find an alternative way to demonstrate reconciliation with the German people. He said:

That place, Mr. President, is not your place. Your place is with the victims of the SS.

I urge the President to heed Mr. Wiesel's plea and to distance himself from any symbolic reconciliation with the most hideous of crimes against mankind.

ON REMEMBRANCE OF THE HOLOCAUST AND THE VISIT TO THE BITBURG CEMETERY

Mr. KENNEDY. Mr. President, today we join in the Senate and across America to commemorate the 40th anniversary of the liberation of the Nazi concentration camps at the end of World War II. This solemn occasion marks the closing day of the second annual assembly of the American gathering of Jewish Holocaust survivors meeting this year in Philadelphia. This special gathering has deep meaning for all of us this week. But its larger meaning is that remembrance must carry beyond a few short days in April, that the struggle against bigotry and injustice must never end.

Sadly, on this major anniversary, we are dismayed by the President's plan to visit the German military cemetery at Bitburg. In the past, the President has demonstrated both understanding and commitment to the Jewish people. I hope that, while there is still time, he will heed the eloquent words of Elie Wiesel at the White House last Friday, when he told the President that Bitburg was not his place.

We all know the reasons why Bitburg is not the President's place. In the words of the Passover song, Dayenu, any one of these reasons would have been enough. The 19,000 Americans killed and the 77,000 wounded during the Battle of the Bulge would have been enough. Nazi SS graves in the cemetery would have been enough. And Chancellor Kohl's declaration Monday that Germans bear a "never-ending shame" for the Holocaust, the greatest crime in history, would have been enough.

All Americans applaud the spirit of reconciliation that has flourished over the past four decades between the peoples of the United States and the other allied nations and the people of West Germany. That spirit must continue to grow and be strengthened, but there is no inconsistency between reconciliation and remembrance, and reconciliation at the expense of remembrance is wrong.

Listen to the names and the messages they send to us across the years on this anniversary of remembrance—Auschwitz, Buchenwald, Bergen-Belsen, Dachau, Majdanek, Ponar, Treblinka, Landsberg, Flossenburg, Nordhausen, Torgau, Ohrdruf, Ravensbruck, Sachsenhausen, Oranienbrug, Neuengamme, Papenburg, Stutthof, Grosfrosen, Mausenhausen, Ebensee, Theresienstadt, Sered, Malines, Westerborg, Drancy, Nantzweiler, Grus, Jasenovak, Zeman, Plaszou, Chelmno, Sobibor, Belzec, Warsaw, Kiev, Babi-Yar, Amsterdam, Czernowitz, Nuremberg—these are haunting names whose history is forever embedded in the soul of humanity. They are the camps and towns and cities where Jewish people lived and died; their names will stand for all eternity as symbols of the tyranny and massive cruelty of the Nazis and their systematic and brutal attempt to exterminate the Jewish people and other minorities.

But April is also a time of rebirth, a time to renew our courage and faith that the best instincts of humanity will ultimately prevail over even the darkest evil. In honoring the martyrdom of the millions of innocent men, women and children who died in the Holocaust, we also celebrate the indestructible spirit of the Jewish people. We remember how, in April 1943, the courageous citizens of the Warsaw ghetto rose up in defiance of their fate; against all odds, they fought for themselves, for their families already gone, for their dignity as human beings. And we remember in this month of anniversaries not only the liberation of the survivors of the death camps, but the miracle that emerged from the horror of the Holocaust, the miracle of April 1948, the birth of the State of Israel.

By looking back today, we can see ahead more clearly, recalling the prophecy of Santayana that those "who cannot remember the past are condemned to repeat it." Never again must such atrocities and barbarous crimes against humanity take place. And so we renew our pledge to work even harder in the days and years to come, to ensure that all those responsible for these crimes, such as Josef Mengele, the infamous "Angel of Death" at Auschwitz, are finally brought to justice.

On this day of commemoration, let us rededicate our efforts to end for all time the evils of religious and racial injustice wherever they exist. Let us redouble our efforts to ease the suffering of Soviet Jews, to stamp out anti-Semitism wherever it appears, to ratify the Genocide Convention in the Senate of the United States, and to build a world of true and lasting freedom—freedom from war and want, from fear and oppression. The struggle for justice is never over, and none of us must rest until liberty is secure at last for all peoples in every land on Earth.

In the 40 years since he emerged from the nightmare of Buchenwald, Elie Wiesel's life work has been the creation of a testament of peace dedicated to the dead of World War II—and to the living of today and the generations still to come. He has the capacity, like few others I have ever met, to touch the conscience of all peoples on this planet. He did so again last Friday at the White House, and I ask unanimous consent that a transcript of his remarks in accepting the Congressional Gold Medal be placed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 20, 1985]

WIESEL: "I HAVE SEEN THE SS AT WORK . . . THEIR VICTIMS"

Mr. President, speaking of reconciliation, I was very pleased that we met before so a stage of reconciliation has been set in motion between us. But then, we were never on two sides. We were on the same side. We were always on the side of justice, always on the side of memory, against the SS and against what they represent.

It was good talking to you and I'm grateful to you for the medal. But this medal is not mine alone. It belongs to all those who remember what SS killers have done to their victims. It was given to me by the American people for my writings, teaching, and for my testimony.

When I write, I feel my invisible teachers standing over my shoulders, reading my words and judging their veracity. And while I feel responsible for the living, I feel equal-

ly responsible to the dead. Their memory dwells in my memory.

Forty years ago a young man awoke and he found himself an orphan in an orphaned world. What have I learned in the last 40 years? Small things. I learned the perils of language and those of silence. I learned that in extreme situations when human lives and dignity are at stake, neutrality is a sin. It helps the killers, not the victims.

I learned the meaning of solitude, Mr. President. We were alone, desperately alone. Today is April 19th, and April 19, 1943, the Warsaw ghetto rose in arms against the onslaught of the Nazis. They were so few and so young and helpless. And nobody came to their help. And they had to fight what was then the mightiest legion in Europe.

Every underground received help, except the Jewish underground, and yet they managed to fight and resist and push back those Nazis and their accomplices for six weeks. And yet, the leaders of the free world, Mr. President, knew everything and did so little, or nothing, or at least nothing specifically to save Jewish children from death.

You spoke of Jewish children, Mr. President. One million Jewish children perished. If I spent my entire life reciting their names, I would die before finishing the task.

Mr. President, I have seen children—I have seen them being thrown in the flames alive! Words—they die on my lips. So I have learned, I have learned to fragility of the human condition.

And I'm reminded of the great moral essayist, the gentle and forceful Abe Rosenthal, having visited Auschwitz, once wrote an extraordinary reportage about the persecution of Jews, and he called it, "Forgive them not Father, for they knew what they did."

I have learned that the Holocaust was a unique and uniquely Jewish event, albeit with universal implications. Not all victims were Jews. But all Jews were victims. I have learned the danger of indifference, the crime of indifference. For the opposite of love, I have learned, is not hate, but indifference.

Jews were killed by the enemy, but betrayed by their so-called Allies who found political reasons to justify their indifference of passivity.

But I've also learned that suffering confers no privileges. It all depends what one does with it. And this is why survivors of whom you spoke, Mr. President, have tried to teach their contemporaries how to build on ruins, how to invent hope in a world that offers none, how to proclaim faith to a generation that has seen it shamed and mutilated. And I believe, we believe, that memory is the answer—perhaps the only answer.

A few days ago, on the anniversary of the liberation of Buchenwald, all of us Americans watched with dismay and anger as the Soviet Union and East Germany distorted both past and present history. Mr. President, I was there. I was there when American liberators arrived. And they gave us back our lives.

And what I felt for them then nourishes me to the end of my days, and will do so. If you only knew what we tried to do with them then, we who were so weak that we couldn't carry our own lives—we tried to carry them in triumph!

Mr. President, we are grateful to the American Army for liberating us. We are grateful to this country—the greatest democracy in the world, the freest nation in the world, the moral nation, the authority in the world. And we are grateful especially to this country for having offered us haven and refuge and grateful to its leadership for being so friendly to Israel.

Mr. President, do you know that the ambassador of Israel, who sits next to you, who is my friend and has been for so many years, is himself a survivor? And if you knew all the causes we fought together for the last 30 years you should be prouder of him. And we are proud of him.

And we are grateful, of course, to Israel. We are eternally grateful to Israel for existing. We needed Israel in 1949, as we need it now. And we are grateful to Congress for its continuous philosophy of humanism and compassion for the underprivileged.

And as for yourself, Mr. President, we are so grateful to you for being a friend of the Jewish people, for trying to help the oppressed Jews in the Soviet Union, and to do whatever we can to save Scharansky and Abe Stolar and Josef Begun and Sakharov, and all the dissidents who need freedom. And, of course, we thank you for your support of the Jewish state of Israel.

But, Mr. President, I wouldn't be the person I am, and you wouldn't respect me for what I am, if I were not to tell you also of the sadness that is in my heart for what happened during the last week. And I am sure that you, too, are sad for the same reasons.

What can I do? I belong to a traumatized generation. And to us, as to you, symbols are important. And furthermore, following our ancient tradition—and we are speaking about Jewish heritage—our tradition commands us "to speak truth to power."

So may I speak to you, Mr. President, with respect and admiration of the events that happened. We have met four or five times. And each time I came away enriched, for I know of your commitment to humanity. And, therefore, I am convinced as you have told us earlier when we spoke that you were not aware of the presence of SS graves in the Bitburg cemetery. Of course you didn't know. But now we all are aware. May I, Mr. President, if it's possible at all, implore you to do something else, to find a way, to find another way, another site. That place, Mr. President, is not your place. Your place is with the victims of the SS.

Oh, we know there are political and strategic reasons. But this issue, as all issues related to that awesome event, transcends politics and diplomacy. The issue here is not politics, but good and evil. And we must never confuse them, for I have seen the SS at work, and I have seen their victims.

They were my friends. They were my parents. Mr. President, there was a degree of suffering and loneliness in the concentration camps that defies imagination. Cut off from the world with no refuge anywhere, sons watched helplessly their fathers being beaten to death. Mothers watched their children die of hunger. And then there was Mengele and his selections, terror, fear, isolation, torture, gas chambers, flames, flames rising to the heavens.

But, Mr. President, I know and I understand, we all do, that you seek reconciliation. So do I. So do we. And I, too, wish to attain true reconciliation with the German people. I do not believe in collective guilt, nor in collective responsibility. Only the killers were guilty. Their sons and daughters are not. And I believe, Mr. President, that we can and we must work together with them and with all people. And we must work to bring peace and understanding to a tormented world that, as you know, is still awaiting redemption.

I thank you, Mr. President.

Mrs. HAWKINS. Mr. President, last week I joined with other members of the Holocaust Memorial Council, colleagues, and survivors of the Holocaust in a moving ceremony in the Capitol rotunda commemorating the 40th anniversary of the liberation of the Nazi death camps by Allied troops. This extremely memorable event once again reminded us that the Holocaust must not be forgotten.

This is perhaps now more important than ever, as mass deaths—in Cambodia, in Ethiopia—become a feature of daily life around the world once again. If we allow the memory of what was done in the Holocaust to dim—we are virtually guaranteeing repetition of the Holocaust around the world. A willingness to slaughter those with real or imagined differences is not limited to Germans or Nazis.

There are also reminders of the Holocaust here in America. We are regularly seeing examples of Nazi mass murderers who were permitted to enter the United States after the war. The effort to continue to ferret out these people must continue. We cannot allow the distrubing argument, now unfortunately heard from time to time, that whatever these men did should be forgotten, because it was a long time ago, to prevail.

There can be no official forgiveness for these crimes. Official forgiveness can far too easily become official sanction in the minds of many. In this respect, I am especially encouraged that the hunt for Josef Mengele is being intensified. It is a disgrace that our Government apparently had information in the past on his whereabouts and took no action to apprehend him; I only hope we can be successful in bringing this monster to answer for his crimes before time removes him from human jurisdiction.

Remembering the Holocaust is important not only to the Jewish people, or to the other groups who perished by the thousands and millions in Nazi concentration camps, but to all of us. Holocausts are enivitable consequences of tyranny. They are the ultimate proof, if proof be needed, that absolute power corrupts absolutely. Those of us who value freedom around the world can look for renewed holocausts as the price of any failure on our part to maintain freedom here and abroad.

COMMEMORATION OF END TO THE NAZI HOLOCAUST

Mr. GRASSLEY. Mr. President, today we are commemorating the ending of one of the most dreadful periods in the history of mankind—the Nazi Holocaust. We have survived that period and today we are rejoicing in the birth of the State of Israel—a nation which grew out of the horrors of World War II.

Mr. President, the President's upcoming visit to the Federal Republic of Germany is designed to celebrate the end of this terrible conflict and the atrocities that men committed upon other men. It is important to the fostering of the Western alliance and important as a show of unity between our two nations. However, a pallor has been cast over this visit which will, unless things change, cloud the significance of this trip for years to come—the President's laying of a wreath at the Bitburg cemetery.

A few days ago, I joined 52 of my colleagues in urging the President to choose an alternate site to demonstrate the reconciliation of Germany and America. It is difficult for me to see the purpose behind honoring SS soldiers whose organization not only directly participated in carrying out the systematic annihilation of the Jews of Europe, but brutally massacred hundreds of U.S. soldiers. In fact, one of my staff members suffered the loss of two uncles at Malmedy, where they were violently executed at the hands of the SS.

In addition to contacting President Reagan, I have been in touch with the German Ambassador and several German Parliamentarians in hopes that Chancellor Kohl would consent to revise the President's itinerary.

I'm taking this opportunity to again urge the President to change his plans and visit a site which will truly represent the spirit of the modern day relationship between our two nations. This episode has only contributed to hostility and has proved to be divisive rather than unifying. Let us not let concerns of appearances of succumbing to pressure, disuade us from doing the right thing. If we do not, the stigma of this visit will last much longer than any temporary fallout that might result in a change of plans.

Mr. KASTEN. I rise today to join my colleagues in calling attention to the Jewish Holocaust. The Holocaust was a systematic extermination of 6 million Jews by the Nazis during World War II. In the Nazi program of genocide, the primary victims were exterminated simply because they were Jews. While gypsies were killed throughout Europe, Nazi plans for their extermination were never completed nor fully implemented. However, plans for the innihilation of European Jews were not only completed but thoroughly implemented. The Holocaust was not a throwback to times of medieval torture or barbarism. It was a thorough modern expression of bureaucratic organization, industrial management, scientific achievement, and technological sophistication. To remember the Holocaust is to sensitize ourselves to the lessons it teaches us. Nazism was brought on by the breakdown of democracy and the collapse of social and economic cohesion. By remembering we learn again that democratic governments must function and perform for the people. Remembering is not easy for it challenges our perceptions and our complacency. Focusing on the Holocaust encourages us to renew our commitment to democracy and humanity. But make no mistake that capacity for evil did not end at the death camps. The proof is around the world. Whether it is state-sponsored terrorism, genocide in Cambodia, or anti-Semitism masquerading as antizionism at the United Nations, we must all take responsibility and work to end these injustices. We can best serve those who died in the Holocaust by preventing such inhumanity in the future.

Mr. SPECTER. Mr. President, I wish at this time to notify all of our colleagues who are listening to this on the squawk box that there will be time for statements in the order of their arrival in the Senate Chamber.

At this time, Mr. President, I yield to my distinguished colleague from New Jersey [Mr. LAUTENBERG].

The PRESIDING OFFICER (Mr. ANDREWS). The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank my colleague from Pennsylvania for yielding me time.

The PRESIDING OFFICER. The Senator may proceed.

COMMEMORATION OF 40TH ANNIVERSARY OF LIBERATION OF NAZI CONCENTRATION CAMPS

Mr. LAUTENBERG. Mr. President, I am pleased to join my colleagues in the Senate in speaking in commemoration of the victims of the Holocaust and the 40th anniversary of the liberation of the Nazi concentration camps.

The liberation of the camps in 1945 revealed to the entire world the horrible evidence the Holocaust. From the day the first allied soldiers opened the gates of the camps, revealing their ghastly history, remembrance became in obligation for those who endured, those who saw the horror firsthand, the rescuers, and for those who were only distant witnesses.

The term "Holocaust" uniquely defines this, one of the most profound of tragedies in the history of our civilization. It is not now, nor may it ever be, fully understood. No sane person could conceive the magnitude of this devastation of humankind. The destruction of Eastern European Jewry, both the people and their life, their history and culture, was uniquely the Holocaust.

The Holocaust was a reign of terror in this, the most advanced century of mankind. Six million Jews and millions of other innocent victims of Nazi oppression had their lives extinguished by a modern state using advanced management systems and technology under the full powers of the law, not to preserve or enhance human life and dignity, but to degrade and dehumanize, and finally murder its victims.

The events of the Holocaust were not, as we often prefer to think, a random outbreak of maniacal lawlessness; rather they were the rigorous, systematic, bureaucratically organized, legally sanctioned murder of millions of innocent people whose only crime was the Jewish identity of one of their grandparents.

The evil did not begin with extermination. It commenced slowly, in gradual stages, escalating from discrimination and random violence. After each move, Hitler and his Nazi colleagues waited, assessing the reaction, wondering aloud if anyone cared. By 1941, Hitler was ready to go forward with what was called "the final solution of the Jewish question." That was the terrible bureaucratic name for the plan to annihilate the Jews of Europe. And so the concentration camps became death camps. The drum roll of their names echoes inside our heads with a chilling awesomeness: Auschwitz, Maidanek, Treblinka, Belzec.

And while the death camps were performing their dreadful tasks, the civilized world stood silent. In the chronicles of those horror-stricken days, while the odor of burning flesh putrefied the air of the rural countryside where the death factories did their work, not a single bombing raid on the railroad tracks leading to the camps or the mass destruction machinery was permitted. Even a few days of interruption in the death works might have saved thousands of lives. By silence, by inaction, those who knew of the horror, without intention or malice, contributed to the process. Silence helps only the oppressor, never the victim.

And yet, in the midst of the most evil period in modern history, human resilience persisted. In the Warsaw ghetto, young Jews resisted the efforts of the Germans to deport them. To almost the last person, they held the German Army at bay for more than 3 weeks, longer than the armies of many European countries were able to do. Non-Jews, like the Danish people, showed courage too. They resisted the Nazis and saved almost all the Jews in their land. They merely treated these citizens as neighbors in their community. The ordinary became extraordinary in the Holocaust.

We must also remember the survivors. Forty years ago their skeletal bodies and staring eyes shocked the world. Even more than the rows of stacked corpses, the sight of those ravaged faces represented the horror of the Holocaust to the outside world.

The courage, the indomitable human spirit of the survivors must truly be remembered and honored. They endured the worst hell that man can contrive, and they maintained the

will to live. Theirs was the true victory, not the victory of the battlefield.

The exceptional determination of the survivors is a true wonder. Women who saw their first families perish in flames somehow found the courage to bring human life into this world again. Sons who parted from fathers had the tenacity to share life anew with their sons. The people who saw the collapse of all vision, who understood that despair was a correct understanding of our reality, learned to dream and to hope. Many rebuilt their lives in this country, while others restored themselves in a recreated homeland in Israel.

And so we set aside the days of remembrance each April to keep alive the memory of those who were killed and to honor the survivors. If we let the memory slip away, if we fail to remember, then the enemies of humanity will finally conquer. That would be unthinkable. And so we pause in the daily rhythm of our lives to remember.

As we remember, I offer the hope that President Reagan will alter the itinerary of his trip to Germany to eliminate the visit to the Bitburg cemetery, where SS members were buried. Reconciliation between nations after such a devastating war takes place over a long period of time, not on a single occasion or with one ceremonial visit. The alliance with West Germany is important to this country, but the President is mistaken in his belief that he can accelerate reconciliation with our country and West Germany by paying tribute to those who killed our soldiers and millions of innocent people throughout Europe.

I fear that unless we remember, unless we act, the tragedy of the Holocaust may become a precedent, and precedent invites repetition. Human solidarity, our collective efforts and our sense of empathy can make a difference. Together we must strive to affirm the resilience of the human spirit and the power of compassion while recognizing the vulnerability of life and its value. We must strive to live in harmony and in peace, and to use government in service of humanity. Together, we pause to remember those who died in the Holocaust so that their memory may serve as a warning and as a blessing in our rededication to life.

Mr. SPECTER. Mr. President, I yield to the Senator from Minnesota [Mr. BOSCHWITZ].

Mr. BOSCHWITZ. Mr. President, I rise to speak about the commemorative occasion of the 40th anniversary of the liberation of the death camps in Europe which marked the end of the Second World War. What a sad thing it is to remember. I really did not have a sense of what was happening in those days. I was too young. But much of my family was involved in that holocaust. None of them survived. None of them was liberated 40 years ago—only those who had been fortunate enough to leave Europe a little earlier, as we did.

My family dispersed all around the world. Some were in the Union of South Africa, Australia, Shanghai, Kenya, Cuba, Argentina—you name it. They were able to get out ahead of Mr. Hitler, who sought out people only because they were Jews and sought out other people. He brought horror not only to the Jews, but also to other millions in those death camps and brought death to many of his own people and scores of millions of people throughout Europe and all over the world.

It is a sad thing to remember. But as my friend and colleague from New Jersey said, we must remember, or we will become the victims of history once again; because if we have no memory, then indeed we perhaps will repeat some of the horrors of bygone years.

It is disappointing sometimes to read history. Even as we talk about this holocaust, we are reminded of other holocausts, those that took place very recently in Kampuchea, the deliberate starving of the Hungarian people in the 1930's, the murder of upward of 2 million Armenians at the time of the First World War. But never was it done in such a systematic way as was done by Mr. Hitler and his henchmen in the Second World War, deliberately seeking to eliminate an entire people. He was not successful, as we know.

Even as we celebrate the 40th anniversary of the freeing of those people who survived in those camps, looking at us with their hollow eyes and their tender and emaciated bodies, we are made to think that these things should never happen again.

Mr. President, tomorrow morning we will have before us in the Foreign Relations Committee the Genocide Convention, and it has been before this body for nearly 40 years. It has not been ratified despite the fact that over a hundred nations, I believe, have ratified the convention.

Somehow, we are led to believe that if this convention is ratified, the sovereignty of the United States will be impacted in one way or another, that we cannot submit ourselves to the World Court or to international courts of justice or to other international jurisdictions, that some mischievous nation that means us ill will bring us before that body on some trumped up charge. Yet, the imperative of ratifying the Genocide Convention is even greater than the comparatively very slight academic type of risk that is associated with this convention.

How can the world stop the genocidal feelings which seem to arise in each generation, unless the greatest and most powerful Nation in the world signs onto this convention? It is a mystery to me why this convention, which has such broad appeal and such broad support, cannot find the support of all the Members of the Senate. Clearly, most Members—the overwhelming majority—support it. On the other hand, the rules of the Senate are such that a few Senators can frustrate the intention of the vast majority.

So it is my hope that as we consider the Genocide Convention tomorrow in the Foreign Relations Committee, we will report it intact, without reservation; that we will bring it to the Senate floor for rapid action; that it will be ratified; that it will become part of international law; so that we, too, as a country, on the Senate floor and on the House floor and on the street corners, as well as in our news publications, will decry genocide and state that we, as a nation, can no longer be part of this inhuman practice.

I think of many things on the 40th anniversary of the freeing of those people, those few who survived in those camps, and we see their eyes and their emaciated bodies.

We say to all our friends and to our adversaries that this is something we will not let happen again; that if this country stands for anything, we will not let that happen again; that we will not allow such acts to take place in this world; that we will express ourselves not only on the Senate floor but also will take such steps and such actions internationally that are necessary to prevent it from happening again.

Those, Mr. President, are my thoughts on this sad 40th anniversary of the freeing of those camps, the thoughts that are associated with the deaths of 9 or 10 million people—6 million of them Jews, 1 million of those 6 million being children. It was a sad period for the Jewish people and for the world, and it should never be repeated.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Minnesota [Mr. BOSCHWITZ] for those comments.

I think it appropriate to note the outstanding leadership of Senator BOSCHWITZ on this issue and many other issues of human rights.

I yield 5 minutes to the distinguished Senator from Illinois [Mr. SIMON].

The PRESIDING OFFICER [Mr. DURENBERGER]. The Senator from Illinois.

Mr. SIMON. Mr. President, I thank my colleague from Pennsylvania and I thank him also for taking time of this body at this point to acknowledge this important anniversary.

I remember when I was in the Army stationed in Germany going to Dachau, seeing that statute, that emaciated statue, that haunts anyone who

sees it and seeing in various languages the words "never again."

I think these days are days when we have to remind ourselves again of those words "never again."

Three quick points, Mr. President, and my colleagues: One is what happened in Germany is a reminder to us in this body and to the American people that we have to be careful of the leaders we select. Leaders can bring out the noble in us, leaders can bring out the beast in us, and there is both the noble and the beast in all of us.

If you visit the Simon household out in the countryside of southern Illinois or you visit our apartment here in Washington, you will see a mezuzah on the door. I happen to be the son of a Lutheran minister; my wife happens to be Roman Catholic, but we have a mezuzah on the door because of my experience in Germany. Germany is a country that is half Lutheran, half Catholic and so our household feels a special responsibility there.

I think the second thing we ought to do is to remind our leader of the sensitivity of this subject and I hope that this body will be able to vote within the next few days on a resolution that Senator METZENBAUM will be introducing urging the President not to visit the cemetery at Bitburg.

Gestures are important. Christmas Eve the Prime Minister of Israel visited Bethlehem. It was just a small thing. It was a gesture but gestures create the kind of an atmosphere where substance is possible, and I think the President's action, and I do not suggest it is taken out of malice, but I think it shows an insensitivity that we do not want to convey either to the American public or the public in Germany or the public anywhere in the world, and let us add thankfully that in Germany there have been tremendous strides from those tragic, tragic days.

Then, finally, I think this is a good time to remind ourselves that racism can rear its ugly head again. What happened in Germany is you had institutional racism and the United States was not opposed to it. Oh, our leaders said we were opposed to it but we did not use any economic muscle against Hitler. We did not open our shores to the refugees. And we discovered that since institutional racism was not changed peacefully, it erupted in violence and that violence was not contained within the borders of that one country.

We have institutional racism again in the world in South Africa and just as certain as what happened in Germany spread beyond Germany, because it was not changed, if South Africa is not changed peacefully, it will erupt in violence and that violence will not be contained within the borders of that country.

We are now treating South Africa as we did Hitler in the thirties. We are saying "naughty, naughty, we do not approve of what you are doing" but we are not standing up firmly as we should.

This is the day, this is the time, when we repeat "never again" as those words appear in the concentration camps on various memorials. Never again not only in Germany, never again here in the United States, never again—let us not let it happen in South Africa, or anywhere else.

Again I commend my colleague from Pennsylvania for taking the time to help remind us and help remind the Nation of this important occasion.

Mr. ANDREWS. Mr. President, will my colleague yield?

Mr. SPECTER. Mr. President, I yield to the distinguished Senator from North Dakota, Senator ANDREWS.

Mr. ANDREWS. Mr. President, I appreciated the opportunity of hearing the remarks of my friends. I think the Senator from Illinois has said it so well. We are not here just to talk about Holocaust of the tragedy that befell millions of people at that point in time, but America really came out of many persecutions over the years.

Our own family got chased out of another country. They had to flee for their lives in 1640, a long time ago—they bet wrong on politics—just as other people were persecuted by the political leaders during the 1930's.

But America has served as a beacon of hope, of justice, of equity for all of the troubled people, all of the persecuted people over the years.

I think that great heritage that we have come into through no fault really of our own—we were born into—the opportunity of being in this country most of us is the most cherished thing that we have might I say, Mr. President, to protect in the decades yet to come.

We cannot possibly live up to our heritage if we do not remember that if any group or any individual is persecuted because of their politics, their race, their creed, it diminishes us that much.

That is why this type of comment on this day in the Senate stands in such a great tradition of all that is good and right about the United States.

So let us never forget that it is our heritage to live up to keeping that challenge of freedom even brighter as the decades go by.

I appreciate my colleague yielding and salute him and yield the floor.

Mr. SPECTER. I thank the distinguished Senator from North Dakota. I am pleased now to yield to my distinguished colleague from Ohio, the leader in this movement, Senator METZENBAUM.

Mr. METZENBAUM. Mr. President, I thank my colleague from Pennsylvania. I appreciate his leadership in bringing this issue to the floor.

I commend all of those who have spoken prior to my own remarks because what they have said touches very much upon this entire issue. Each of us in his or her own way feel very deeply about the Holocaust and what occurred 40 years ago.

I had occasion over the weekend to be present and speak at the dedication of a torah in a Jewish synogogue in Chattanooga, TN, and that torah, which is 200 years old, came from Kromerz in Czechoslovakia where it belonged to a large and vibrant Jewish congregation. All that is left of the Jews of Kromerz is that torah. It was their torah and it was taken by the Nazis and the Nazis took all of the Jews and sent them to the concentration camps.

That specific torah was to become an exhibit in a grotesque Nazi project. Hard to believe, human beings who called themselves civilized, human beings were going to erect the museum of the extinct race, the museum of the extinct race. That torah was rescued in 1945 by the British Army and it was sent to London to the Westminster Synagogue and then it was sent as one of a number of torahs to some select congregations throughout this country and the world.

One cannot forget the unspeakable horror that extinguished the Jews in Kromerz and the Jews of so many other cities and not only the Jews but the Christians and the Gypsies and many others.

There are 11 million who were lost in the Holocaust. Six million of them were Jews and 5 million people of different religions.

Elie Wiesel, prominent writer, Auschwitz survivor himself, chairman of the U.S. Holocaust Commission, was pictured this week in one of the national news magazines as one of those who were in Auschwitz. It is hard to believe, when you look at his face in this picture, that he was fortunate enough to survive and is with us now.

He said to a Senate committee in March of this year about the nature of that horror:

> Hundreds and hundreds of communities were wiped out in a tempest of blood and steel and reduced to ashes. When the Jews of my town arrived at a place unknown to us then, Auschwitz, the death factories anihilated 10,000 human beings a day. At times, their success was so great that the figure was much higher—17,000; and once they recorded for their history 22,000 a day.

Now, I do not have to point out to you that so often we see on national TV a report about a child whose life is in danger in need of a kidney and the whole nation is gripped by this tragedy and wants to help to find a kidney for that child. Or we see a picture of a missing child and we grieve with the parents about that missing child and

share their concern. The whole nation becomes perturbed and it becomes the top of the news on the national networks when a miner is buried in a landslide and we pray and hope that he will be saved because we recognize the precious value of life and we recognize that every human being is important.

Yet we look back to the days of the Holocaust and it was not a human being, it was 10,000 a day just at Auschwitz alone, 17,000, and in 1 day 22,000 carried into the furnaces at Auschwitz. That is the horror of the Holocaust.

Let me go back to what Mr. Wiesel said to that Senate committee because he said it so much stronger than I could possibly say it. He said:

> Mr. Chairman, I have seen the flames, I have seen the flames rising to nocturnal heavens; I have seen the parents and children, teachers and their disciples, dreamers end their dreams and woe unto me, I have seen children thrown alive into the flames.

The flames—the living children thrown into the fire—the tortures of those who were experimented upon.

I attended a hearing conducted by Senator SPECTER in Philadelphia the other day where women came forward and others as well to talk about the experiments that were performed upon them by the infamous and perfidious Joseph Mengele, who had the audacity to call himself "doctor." Experiments upon human beings—twins to see what different reactions they would have; no worry; no care; no concern about the lives of the people upon whom the experiments were being conducted.

Recently, the same Mr. Wiesel that I mentioned before was awarded the Presidential medal on the basis of the congressional enactment. And in the White House he said:

> I have seen the SS at work. I have seen the victims. They were my friends. They were my parents. There was a loneliness and suffering in the concentration camps that defies imagination—sons watched helplessly their fathers being beaten to death. Mothers watched their children die of hunger. And then there was Mengele in the selections. Terror, fear, isolation, torture, gas chambers, flames, flames rising to the heavens.

That is why it is so important for all of us today and every day for all humanity to be certain that it never be forgotten, never diminished, never denied. The camps at Auschwitz, Dachau, Bergen-Belsen, and so many others can and never should be forgotten.

We here in the Senate have an obligation to be doing something about it. That is what genocide is all about. And we have been waiting 36 years to ratify the Genocide Convention. Ninety-six other nations have seen fit to do so, but this Nation drags its feet. And now there are some who say, "Well, yes, let's ratify it, but put a condition on."

No conditions. No conditions. We ought to put our stamp of approval upon the Genocide Convention which outlaws genocide of a whole people and do it now.

As a matter of fact, in that connection, we promised to do it the first order of business when we returned this session and here it is April and it has not been on the floor as yet. Why not? Why not?

And while all of this is going on about memorializing the Holocaust and we drag our feet with respect to the ratification of the Genocide Convention, our President is planning a visit to Germany. And no one would deny that our President has often spoken with genuine feeling on the subject of the Holocaust and I accept his words as well as his concern.

But then I have to say, "Well, why, Mr. President, are you insisting upon going to Bitburg?" Why does he insist on going to a military cemetery and then in recent days telling us that his visit to Bergen-Belsen for the Nazis is comparable to his visit to Bitburg. You cannot equate the two. Certainly, the President should visit Bergen-Belsen, the site of so many of the atrocities. But why visit Bitburg where so many of the SS Waffen Nazi soldiers, the crack corps, the Nazis are buried? Something is wrong with this whole affair.

At first, when we learned of the President's visit to Bitburg, we chalked it up to bad staff work or perhaps to monumental insensitivity or maybe even to a mistake.

But the bottom line is this: The idea that an American President should lay a wreath in honor of the men dying and fighting for the Third Reich is unacceptable to the American Legion, to the Veterans of Foreign Wars, all Americans, and to decent-minded people throughout the world. And when the President recently tried to make the comparison and said, "I think there is nothing wrong with visiting that cemetery where those young men are victims of nazism. Also, even though they were fighting in the German uniform, drafted into the service to carry out the hateful wishes of Nazis." Said the President: "They were victims just as surely as the victims in the concentration camp."

Mr. President, I disagree. A soldier dies with a fighting chance. The victims in the camps had no chance. They were tortured and treated as animals, and used for Nazi medical experiments. They were the aged, and they were the littlest children.

Mr. President, you cannot in good conscience compare the victims of the Nazi Holocaust with Nazi soldiers who killed 18,000 American soldiers, inflicted 87,000 American casualties in the Battle of the Bulge, and the soldiers on whose graves you want to plant a wreath in Bitburg, a number of them who are buried at that very cemetery. And even worse, the same SS troops who are buried there are the troops who turned Europe into a charnel house and who on December 17, 1944, at a place barely 30 miles from Bitburg marched 100 defenseless American prisoners of war into a field, tied their hands behind their backs, and cut them down with machineguns. To honor SS Waffen men is more than unacceptable. It is an abomination.

Mr. President, 53 Senators joined together the other day on both sides of the aisle and urged you not to visit Bitburg. Mr. President, I can say to you that the first time in my experience in the United States with a letter of this kind, Senators have come up to me since that time and said, "We wished we had had an opportunity to sign. Why didn't you call upon us?"

I believe this body as a whole is prepared to express itself in the strongest possible terms to the President urging him not to make the visit. And I attempted just a few days ago to get unanimous consent in order that I might bring a resolution to the floor authored by Senator CRANSTON, myself, and Senator KENNEDY, so that this body might have an opportunity to express itself to our President, and I was refused. But I say loudly and clearly that I have indicated to the majority leader and the assistant majority leader and to anyone else who cares to hear that somehow, some way, I hope to bring to the floor of this body a resolution calling upon the President not to visit Bitburg, and letting him know the sentiments of this U.S. Senate.

I hope that the President will change his mind. And I want to report that this morning the German Ambassador was kind enough to accept my invitation to come to my office to discuss this subject. And I met with him in the group of U.S. Senators, and said to the German Ambassador, "We would like to put this issue to bed, to rest." We believe that for 40 years reconciliation has been effective between the Federal Republic of Germany and the United States of America. And we want to build upon that relationship. The American people understand and recognize the fact that Germans today are not guilty of group guilt, and that it would be unfair to blame them for that which occurred 40 years ago, that the peoples of America and the peoples of Germany have no continuing disagreements but that a visit by the President of the United States at the invitation of the Chancellor of the Federal Republic of Germany to visit Bitburg will only exacerbate the situation and add to the publicity that has already been made to become such a public issue. It is enough already. We

do not need more publicity. We do not need more divisiveness. We do not need more to be reminded of some of the atrocities that occurred 40 years ago. I hope and respectfully urge that the German Chancellor will indicate his approval of a change in the plans of the President of the United States. We suggest a change not in any way to detract from the right of the German government to make its own determinations and to conduct its own affairs in any manner it deems appropriate. But in this instance we say that reconciliation, friendship, cooperation, and so much more can be achieved if the Germans joined with our President in determining that there should be another location where he may pay his respects to the Federal Republic of Germany.

The damage has already been done. Let us not have more of it. Let us bring it to a halt. And I do not mean political damage to the President or to Chancellor Kohl. I am talking about damage that lies in trivializing the Holocaust, the damage that comes about by reason of this meaningless gesture of reconciliation which would occur by the President's visit to Bitburg. I think that no one needs to be reminded that the Federal Republic of Germany is not the Third Reich. And on that subject let me quote to you a moving editorial that appeared last week in one of Germany's most prestigious newspapers, the Sud-Deutsche Zeitung of Munich.

The shame of having waged and carried on the most horrible of all wars, fighting for an unjust cause, and for criminal goals, is something we Germans have to deal with. The same is true for the sorrow and tears, for the lives this nation had to give. Leave us Germans alone with it. Nobody will be able to overcome it in our place just by making a "gesture."

That editorial was right. It says it all.

Of all subjects, the Holocaust is one that cannot and must not be trivialized. Today as we stand here on the floor of the U.S. Senate and join together and refreshing the recollection of so many about the devastation that occurred during the Holocaust, let us also raise our voices and let the President of the United States know that it would be better, far better, if he were to see fit not to visit Bitburg.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SPECTER. Will the Senator desist from suggesting the absence of a quorum?

Mr. METZENBAUM. I certainly do.

Mr. SPECTER. I thank the distinguished Senator for the very worthwhile comments, and I would like to yield to the distinguished Senator from California, Senator WILSON.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I thank my good and distinguished friend from Pennsylvania.

Mr. President, as the Inaugural Assembly of the American Gathering of the Jewish Holocaust Survivors is concluded this week at their meeting in Philadelphia, PA, one thought comes clearly to mind. It has become virtually a slogan for those Holocaust survivors, but not for them alone; far more importantly, for all the rest of us who were not required to endure what they did manage to endure. The phrase, of course, is "Never again." Never again can the world stand idly by and look the other way as an incredible tragedy—not just an injustice, but one of such monumental horror—takes place as to virtually condemn all those who simply look the other way.

When we think of that terrible, sorrowful past, probably the lowest point in man's history, and its episodic inhumanity to man, it stirs the soul to think that there are countervailing influences, and at the same moment one of these has permitted us to celebrate the 37th birthday of a nation which was born from the Holocaust aftermath.

The nation of Israel arose from the Holocaust, and, as we remember the darkest side of man in that evil history of the Holocaust, let us also recall that our country was settled by religious refugees seeking their own new Jerusalem, and let us not forget that many of our most generous impulses have their roots in that shared Christian-Judeo tradition.

In the words of John Winthrop,

We must delight in each other, make others' conditions our own, rejoice together, mourn together, labor and suffer together; for we must consider that we shall be as a city upon a hill, the eyes of all people upon us.

Mr. President, we have drawn inspiration from that metaphor, from that other city upon a hill, that ancient cradle of civilization miraculously reborn in our century. The old Jerusalem has become the new, and we derive inspiration from an extraordinary people, the people of Israel, who truly have withstood horrendous storms, challenges to their survival, challenges to the fundamental thesis of democracy which they represent as a model for others.

Mr. President, I feel that a strong partnership exists between peoples of this Nation and the nation of Israel, a common bond between the Jews of all nations and those who desire freedom. This partnership of those who love their freedom as they love their God, who believe that common men can be capable of uncommon achievement, uncommon courage, uncommon generosity to one another even as they are enduring the most inhumane of conditions.

Mr. President, I celebrate the 37th birthday of that new nation celebrating the old values of man's most decent impulses to his fellow man, even as we mourn the tragedy that the survivors of the Holocaust have indelibly stamped upon them.

Mr. SPECTER. Mr. President, I ask unanimous consent to proceed for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank my distinguished colleagues for coming to the floor for this rememberance of the 40th anniversary of the Holocaust.

Mr. President, I ask unanimous consent that my letter of April 18, 1985, to the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 18, 1985.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I write to commend your recent decision to visit a death camp to pay tribute to millions of Jews and other innocent victims slaughtered by the Nazi regime during World War II. But I urge you to reconsider the reported plan to visit the German military cemetery in Bitburg because of the burial there of S.S. storm troopers who participated in the Holocaust. Visiting that cemetery would be an affront, not only to Jews, but also to all American veterans.

I am personally well aware of your own feelings about the horrors of the Holocaust from hearing you talk about the film you made following World War II on the liberation by allied armies of the death camps. I also know from hearings I have recently held in my Judiciary Subcommittee of the diligent and aggressive efforts of the Justice Department, under your administration, to find and prosecute Nazi war criminals, particularly Dr. Josef Mengele, the notorious "angel of death" who was responsible for torture and barbaric medical experiments on children and others, and, finally, for countless murders.

While a visit to a different military cemetery in Germany might advance reconciliation between our two countries, Bitburg is inappropriate. Surely a cemetery can be located that contains the remains of German soldiers but not S.S. storm troopers.

Bitburg is also inappropriate because it is the burial site of S.S. troops who massacred U.S. soldiers during the Battle of the Bulge. For an American President to honor these German war dead would derogate memories of their American victims. How can the millions of American families whose members were killed or injured during World War II accept their own President's honoring of those guilty of unspeakable atrocities? As one whose father was injured fighting German soldiers in World War I, I can strongly empathize with the feelings of such American families.

Accordingly, I urge you to forego visiting Bitburg and any other German cemetery containing S.S. soldiers and, if necessary, any cemetery at all.

I would appreciate your careful consideration of these observations which I believe involve our most basic moral values as Americans.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Mr. President, I ask unanimous consent that the text of "A Tribute to the Million Children of the Holocaust," performed at the Lincoln Center on April 14, 1985, be printed in the RECORD.

Mr. President, participating in this tribute were many leading artists and performers who volunteered their great talents so that the world will not forget the 1 million children who perished in the Holocaust.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO THE MILLION CHILDREN OF THE HOLOCAUST

POEMS, SONGS, STORIES BY THE CHILDREN OF THE HOLOCAUST AND RECOLLECTIONS BY SURVIVORS

(Arranged by Jack Garfein and Valerie Lumbroso)

THE PARTICIPANTS

Blanche Baker, Barbra Barrie, Theodore Bikel, Mike Burstyn, Martin Charnin, Betty Comden, Joan Copeland, John Cullum, John David Cullum, Dr. Yaffa Eliach, Tovah Feldshuh, Ann Fish.

Giora Feidman, Herschel Garfein, Luba, Gurdus, Emily Hacker, Elizabeth Holtzman, Shoshana Kalisch, Manny Katz, Liliana Komorowska, Richard Kiley, Elisa Loti, Mary Tyler Moore, Joseph Papp, Estelle Parsons.

Tony Roberts, Elan Santo, Shuvi Santo, Marvin Scott, Jenny Stein, Sen. Arlen Specter, Richard Sarpola, Susan Strasberg, Martha Schlamme, Dalit Paz Warshavy, Hilan Dov Warshow, Paul Zim.

A total of 15,000 children under the age of 15 passed through the Terezin (Theresienstadt) Concentration Camp between the years 1942 and 1944.

Because Terezin served as a kind of way station to Oswiecim (Auschwitz) and other extermination centers, it was meant to be a model camp which foreigners could be shown and it was actually called a ghetto. Yet every one of its inhabitants was condemned in advance to die.

The drawings and poems are all that is left of these children. Of those who signed their names to their work, it has been possible to find out a few facts: the year and place of their birth, the number of their transport to Terezin and to Oswiecim, and then the year of their death. For most of them, it was 1944, the next to last year of World War II.

Sonja Waldsteinová was born in Prague on November 28, 1926, and was deported to Terezin on March 6, 1943.

TEREZIN

That bit of filth in dirty walls,
And all around barbed wire,
And 30,000 souls who sleep
Who once will wake
And once will see
Their own blood spilled.

I was once a little child,
Three years ago.
That child who longed for other worlds.
But now I am no more a child
For I have learned to hate.
I am a grown-up person now,
I have known fear.
Bloody words and a dead day then,
That's something different than bogie men!
But anyway, I still believe I only sleep today,
That I'll wake up, a child again, and start to laugh and play.

I'll go back to childhood sweet like a briar rose,
Like a bell which wakes us from a dream,
Like a mother with an ailing child
Loves him with aching woman's love.
How tragic, then, is youth which lives
With enemies, with gallows ropes,
How tragic, then, for children on your lap
To say: This for the good, that for the bad.

Somewhere, far away out there, childhood sweetly sleeps.
Along that path among the trees,
There o'er that house
Which was once my pride and joy.
There my mother gave me birth into this world
So I could weep . . .

In the flame of candles by my bed, I sleep
And once perhaps I'll understand
That I was such a little thing.
As little as this song.

These 30,000 souls who sleep
Among the trees will wake,
Open an eye
And because they see
A lot
They'll fall asleep again . . .

HANUS HACHENBERG, 1944.

Hanus Weinberg was born August 18, 1931, and deported to Terezin on December 5, 1942. In Terezin, he lived in boys' dormitory number 11. He died in Auschwitz December 15, 1943.

IT ALL DEPENDS ON HOW YOU LOOK AT IT

Terezin is full of beauty
It's in your eyes now clear
And through the street the tramp
Of many marching feet I hear.

In the ghetto at Terezin
It looks that way to me,
Is a square kilometer of earth.
Cut off from the world that's free.

Death, after all, claims everyone,
You find it everywhere.
It catches up with even those
Who wear their noses in the air.

The whole, wide world is rule
With a certain justice, so
That helps perhaps to sweeten
The poor man's pain and woe.

MIROSLAV KOSEK.

Hana Grunfeld was born on May 20, 1935 and deported to Terezin on December 14, 1941. She lived in Block IV at Terezin and died at Auschwitz in 1944.

PAIN STRIKES SPARKS ON ME, THE PAIN OF TEREZIN

Fifteen beds, fifteen charts with names,
Fifteen people without a family tree.
Fifteen bodies for whom torture is medicine and pills.
Beds over which the crimson blood of ages spills
Fifteen bodies which want to live here.
Thirty eyes, seeking quietness.
Bald heads which gape from out the prison.
The holiness of the suffering, which is none of my business.

The loveliness of air, which day after day
Smells of strangeness and carbolic,
The nurses which carry thermometers
Mothers who grope after a smile
Food is such a luxury here.
A long, long night, and a brief day.

But anyway, I don't want to leave
The lighted rooms and the burning cheeks,
Nurses who leave behind them only a shadow
To help the little sufferers.

I'd like to stay here, a small patient,
Waiting the Doctor's daily round,
Until, after a long, long time, I'd be well again.

Then I'd like to live
and go back home again.

ANONYMOUS.

Marion Mayer was born in 1935. There is no record of the date of her arrival in Terezin, nor of her death. The painting shows that she was nine years old and lived in barracks CIII 104.

THE GARDEN

A little garden,
Fragrant and full of roses.
The path is narrow
And a little boy walks along it.

A little boy, a sweet boy,
Like that growing blossom.
When the blossom comes to bloom.
The little boy will be no more.

FRANIA BASS.

Hana Lissau was born February 4, 1930, in Lany and deported to Terezin on February 25, 1942. She lived in house number 28 at Terezin and belonged to group A. She died at Auschwitz on October 16, 1944.

ON A SUNNY EVENING

On a purple, sun-shot evening
Under wide-flowering chestnut trees
Upon the threshold full of dust
Yesterday, today, the days are all like these.

Trees flower forth in beauty,
Lovely too their very wood all gnarled and old
That I am half afraid to peer
Into their crowns of green and gold.

The sun has made a veil of gold
So lovely that my body aches.
Above, the heavens shriek with blue
Convinced I've smiled by some mistake.
The world's abloom and seems to smile.
I want to fly but where, how high?
If in barbed wire, things can bloom
Why couldn't I? I will not die!

ANONYMOUS, 1944.

Eva Bulova was born July 12, 1930, at Revnice near Prague and brought to Terezin on September 12, 1942. At Terezin, Eva lived in house number 28 and was put into Group A. She died October 4, 1944 in Auschwitz.

THE BUTTERFLY

The last, the very last so richly, brightly, dazzlingly yellow.
Perhaps if the sun's tears would sing against a white stone . . .

Such, such a yellow is carried lightly 'way up high.
It went away I'm sure because it wished to kiss the world goodbye.

For seven weeks I've lived in here.
Penned up inside this ghetto
But I have found my people here.
The dandelions call to me
And the white chestnut candles in the court.
Only I never saw another butterfly.
That butterfly was the last one.
Butterflies don't live in here.

In the Ghetto.

PAVEL FRIEDMANN, 1942.

Ruth Hain was born on February 19, 1934 in Prague and brought to Terezin on July 30, 1942. She lived in House Number C III 104 and later in Building 1, House 16, and belonged to Group 1. She died in Auschwitz on October 23, 1944.

The poor thing stands there vainly.
Vainly he strains his voice.
Perhaps he'll die. Then can you say
How beautiful is the world today?

ANONYMOUS.

EVA BULOVA

I wish I were a little bird
Up in the bright blue sky
That sings and flies just where he will
And no one asks him why.

CHILDREN OF IZIEU

In France in 1941 Jewish children were being hidden in various homes by organizations for the rescue of the children. At the end of 1942 when the free part of France was occupied, Mrs. Zlatin moved forty-four of the children in hiding to a summer camp in the town of Izieu. Izieu, located in the Rhone Valley, in the proximity of Lyon was supposedly a safer zone.

One of the children in that camp was Hans Ament. His father, Max Ament, from Austria, was deported and killed in Maidanek in 1943. His mother, Ernestina Reisz, from Hungary, was dying of tuberculosis in a sanatorium a few miles from Izieu when she received the following letter.

DEAR MUMMY: I received your letter which I liked (a lot). I didn't write to you because I didn't have a card but a boy gave me some. Here it doesn't snow much anymore. Are you almost cured and is it nice there? I eat well and I'm in good health. Is it cold where you are and write to me if it snows. When there was a lot of snow here we went sledding at some slopes. We had a lot of fun. Write Freddy that he must not write to me in German. At the children's camp there is a beautiful dog whose name is Tommy. The school is in the house and there is a teacher just to teach us school. She teaches very well. Next to the house there is a farm with four dogs. I kiss you a hundred million times.

Your son Jeannot who always thinks of you.

JEANNOT.

Look on the back.

KORCZAK AND HIS CHILDREN

Janusz Korczak, a writer and a doctor, whose real name was Henryk Goldzmidt, devoted his life since World War I to the upbringing of children in a Jewish orhanage in Warsaw. At the end of 1940, he and his children were all moved into the Ghetto where he continued his care and devotion. The group consisted of 192 children ranging in age from one to fifteen, and eight adults.

On July 18th, 1942. Korczak sent invitations to his friends and possible donors to attend a production of Rabindranath Tagore, "The Post Office"—a play that he was putting on with the children. The invitation was supplemented by the poem of the ghetto poet, Wladyslaw Szengel:

"Something more than the text—the mood."
"Something more than emotion—the experience."
"Something more than actors—the children."

The play is about a frail little Indian boy who was condemned to seclusion and inaction by ill health, and was put in an upstairs room. The leading role was played by the violinist Abrasha, age 13. When Korczak was asked later why he had chosen this particular play, he answered, "I would like my children to learn how to receive with dignity and peace the Angel of Death."

On the morning of August 5th Korczak was sitting at his desk trying to write. At 8:00 a.m., SS Obersturm-fuehrer Klostermayer, in charge of the morning's operation, stationed himself in front of the orphanage and blew his whistle twice. Soldiers who had reached their prearranged positions on schedule fanned out the entire length of the four streets, sealing the block to be evacuated.

When Korczak heard the two sharp blasts and saw the German sentry outside his window click his heels and snap to attention, he put down his pen. Obersturmfuehrer Klostermayer, accompanied by half a dozen Jewish policemen and three Ukranians carrying guns slug casually over their shoulders, marched into the courtyard. A squad leader bellowed, Alle Juden raus, alle Juden Hinunter."

Korczak quickly removed his green apron and hung it on a peg behind the door of his room. He rushed to open the front door, dressed in his old World War Polish Officers' uniform.

The nattily dressed SS officer and the old Jew in the faded uniform studied each other for a moment. "I have a request, said Korczak, speaking first. "You are an officer?" Klostermayer asked. "Yes, a major."

"What do you want then, Jewish Major?"

"I have been promised that I will lead my children, not one of your men," said Korczak. "The children will be frightened if it is done any other way. I am their guardian and they will follow me. If you don't trust me, my bald head is a good target."

Klostermayer smiled, "Very well, he said. "Permission granted. The main thing is to see that it all goes off smoothly. We will bring up at the sides and the rear, not the front.

Korczak went into the dining room where the children were finishing their breakfast of potato soup. Clapping his hands for attention, he apologized for interrupting their meal. "But, he explained, "we are going to the country sooner than I expected. We leave in fifteen minutes. Go to your lockers at once, put on your best clothes and pack a small bag or rucksack with your valuables. The younger children can bring a toy or two. Be outside in the courtyard promptly in ten minutes."

As the children went off to their lockers Abrasha stayed behind. "Is music allowed where we are going?" he asked. Korczak answered, "Music is allowed. Bring your violin."

Hanka Faynar arrived at the orphanage for her daily visit with her brother Nussen as the children began assembling in the courtyard. Nussen, wearing clean shorts and shirt, ran to her side. Excitedly he blurted out his good news. "We are going for a treat to the camp at Goclawek."

Hanka was a ghetto child, and she knew what the soldiers in the courtyard meant. She found Korczak in the middle of the courtyard busying himself with some of the younger children, buttoning the coat of one, tying up the package of another. She tugged on his jacket and pulled him to one side.

"Why did you tell Nussen and the others that they were going for a treat?" she asked. "You know that isn't the truth."

"The children don't need to know where they are going," Korczak said firmly. "They should sing and be happy. You must leave quickly. I don't want Nussen to see you crying."

Some of the younger children carried beach toys or sand pails. A few of the older children carried rucksacks slung over their shoulders with clothing, personal belongings, or books. Abrasha, carrying his precious violin, had struggled into the crowd to get a place next to Regina. Everyone was wearing a Jewish armband.

When Klostermayer saw Abrasha's violin case he asked him to play a tune while the children lined up. There was a string or two missing from his violin. He had only played a couple of minutes when Klostermayer said, "put that violin away, Jew boy. We leave now * * *"

Hanka Faynar, who was hidden in a doorway across the street, saw the group march from the courtyard. Korczak was at the head of the procession holding Nussen's hand and carrying his godchild, five-year old Romcia Stockman, who was crying. Musik was next to Korczak carrying the orphanage banner.

The banner was green, as dreamed of by little King Mat, a character from Korczak's own book, "King Mat the First." On the green background was a design of chestnut flowers, the symbol of eternal blossoming. On the reverse side of the banner was the blue star of David, against the background of purity-white.

To him the star of David was a symbol of temporary suffering and eternal night. It was a sign which stamped out tragedy and imprinted greatness and the pride of Judaism.

(During the description of the banner, two of the children enter and pick up the banner from the pile of toys and exit through the center aisle of the theatre.)

Mrs. Steffa was at the end of the line, which was surrounded on both sides by soldiers and policemen.

The group of orphans marched half a kilometer to the Catholic Church at All Saints Square, arriving there a little after 9:00 a.m. Thousands of other Jews who were to be evacuated that day had been gathered in the street.

"Thousands of people were in the crowd being marched by. The Ukrainians had whips and every few minutes the Germans would shout "Schnell" and the Ukrainians would begin to beat people. Some people tripped and fell and their luggage spilled open, tripping others. Those who fell were shot by the SS if they did not get up quickly enough. But Korczak's group seemed to be marching by itself! The SS were merely walking alongside.

It was getting hot: the weather at noon was a muggy 84 degrees. It must have been torture for the children to walk, trying to hurry, on the uneven cobblestones. By the time they reached the bridge with its seventy steep steps many must have been near the end of their strength. "The smaller children had to be shoved up the steps to the top. Below on Chlodna Street were hundreds of jeering Poles, yelling, "Good-bye Jews"! Many of the children fell or were pushed down the steps on the other side."

Korczak, exhausted and anguished, refused to be daunted. At the corner of Dzielna and Karmelicka he called Kloster-

mayer to him and said, "We could save a lot of time by turning west here."

"Why?" asked the German.

"Because, the Jewish cemetery is less than three blocks away."

"It was hell, impossible to describe, just hell," said the Jewish policeman who had escorted the orphanage. At the railroad station, Klostermayer ordered another count of the children. Then their stars were snipped off and thrown into the center of the courtyard. It looked like a field of buttercups.

There were shouts from the SS. Whips snapped. The doors of the waiting freight cars were tugged open by the Jewish police. Korczak entered the freight car first, followed by the youngest children; Mrs. Stefa and the rest went into the next car. At 12:55 the train left on schedule for the extermination camp—Treblinka.

The exact date and manner of the death of Janusz Korczak and his orphans is not known.

But as General Hahn feared, Korczak became a martyr, one of the sparks which fired the revolt. "Remember Korczak's orphans" became a rallying cry; a spur to prod the remaining Jews in the ghetto who refused to believe that they, too, were doomed to extermination. Just two weeks after the orphanage was evacuated the first blow of the resistance movement was struck.

LETTER FROM RUSSIA

This letter was found by Major Vladimir Demidov in the small town of Byten in the Baranovichi "Ablast". It was written by twelve year old Junita to her father.

To Mr. VISHNER,
Orange, New Jersey, U.S.A.,
July 31, 1942.

DEAR FATHER: I say good-bye to you before dying. We very much want to live, but all is lost—they won't let us! I am so afraid of this death, because the small children are thrown alive into the graves. Good-bye forever. I kiss you over and over. A kiss from G.

Your I (ta).

DIARIES

Historian of Polish Jewry Emanuel Ringelblum wrote his memoirs in 1943 almost a year after the destruction of the ghetto. He hoped, no doubt, that it could be smuggled out to the leaders of the Polish underground movement and that it might influence them to help the survivors hiding in Polish homes.

On March 6, 1944, a Polish traitor led the Gestapo to the cellar in the home of Mieczyslaw Wolski, a worker, who had given shelter to Ringelblum, his wife, and 13 year old son, as well as 35 other Jews, who had survived the battle in the Warsaw Ghetto. All of them were shot in the courtyard of the Pawak Jail. His last memoir was miraculously saved.

I knew one twelve year old boy who jumped for joy as he approached the ghetto wall, over which he had to be lifted to the Aryan side. He cried: "I shall survive the war!"

I know of a little girl who was dying in a hospital far from her parents. She kept her identity concealed to the very end, even during the death throes, when a human being is normally freed of all earthly restraints and cannot control himself. But this child did not give herself away by a single word or the slightest sign. When a nurse standing by her side called her by her Jewish name, Dora, she did not respond. She remembered her training to answer only at the sound of her Aryan name, Eva. I remember a four year old boy whom I tried to trick with a question frequently used by agents of the police. Asked unexpectedly what his name used to be, he gave his Aryan name and stated he had never had any other.

I have heard the story of a four year old who won her return to the ghetto by virtual blackmail. After being away from her family for a long time, the child was seized with such homesickness that one day she threatened her foster parents that if they did not let her go back to her real parents, she would go to the Germans and tell them she came from the ghetto. The "blackmail" had the desired effect. Her parents had to take her back. Sometimes, unfortunately, Jewish children have been the victims of real blackmail. There are authenticated instances of children being kidnapped and held for ransom.

Once at the door of the Warsaw Ghetto, I saw a youngster of perhaps six years, all of whose smuggled goods the gendarmes had confiscated. The child was crying, but despite the lashes on his head and body, he returned to the checkpoint where his treasure had been taken from him.

Christian youngsters on the "other side" of the gate joyfully watched the cruel treatment of the Jewish boy by the Nazis. Their laughter encouraged the gendarmes to more zealous flogging of the unfortunate Jewish boy. He had against him the Nazi guards, the Polish police, the Christian crowd, and even the Jewish police, but he refused to give up and kept trying to retrieve the food he had purchased for his last pennies.

I knew a five year old orphan who had lost his parents during the "great action". He lived on the Aryan side, paying five zlotys for a night's lodging. This boy smuggled newspapers into the ghetto, making several zlotys profit per copy.

On August 12, 1942, I saw while walking along a street in Warsaw two carts loaded with the bodies of Jewish children. None of which appeared to be older than the age of two.

On the 19th of August, I saw a group of between 150 and 200 Jewish children. They were walking huddled together pressing against each other in terrible fright. Some were crying, others biting their fingers in terror. German guards walked alongside with their guns pointed at them.

At the corner of Okopowa Street, I saw a group of Jewish women waiting. As soon as the children came near, one of the women ran up to the German guards and began telling him something, pointing to one child in the group. The German shouted at her, pushed her back and then raised his rifle and shot her. The children began to cry louder but were hurried on towards the station.

What happened to them? The same that happened to those I saw a week before. They were killed.

I was walking towards the ghetto when all of a sudden I heard a terrible cry coming from a side street. A group of more than 100 Jewish children, boys and girls, of which the oldest could not have been more than eight or nine, was being driven through the street by about a dozen armed Germans. Some children were crying out: "Mother! Mother!". If they halted they were prodded on by rifle buts.

One child made a sign towards a window in Grodzka Street where a woman could be seen. The German guards immediately fired a shot at the window. The children were forced to walk on. I followed them part of the way towards the station and later was told that they were all packed into the wagon like herrings in a barrel so that many of them must have died before they reached the slaughter camp to which they were being taken.

In September of 1939, the Gestapo came to Lanzut to capture Jews on the streets. They were imprisoned for several months, then taken to the cemetery and shot.

I managed to leave Lanzut before the massacre. I hid in cornfields and potato patches during the day, or with a friendly peasant. I also was able to hide my sister's two children, a girl of seven and a boy of nine, in the stable of their former home. They were half-starved, so I stole vegetables for them from the fields. But in a few days someone denounced them to the Gestapo. They were seized and interrogated, in hopes they would reveal hideouts of other Jews. But the children endured their tormenting and betrayed no one.

As the children were led to the cemetery they were urged not to cry, for they would "go to heaven, and meet their mother, father and aunts." After the children had been shot the Gestapo took their bodies to the circus performing in Lanzut, to be eaten by the beasts.

NO MORE RAISINS, NO MORE ALMONDS

There are no raisins and no almonds
Your father's not trading, home not coming
Lu, Lu, Lu, my son.
Lu, Lu, Lu, my son.

He has left us, gone away,
To the World's end, who can say—
Lu, Lu, Lu, my son.
Lu, Lu, Lu, my son.

Owls are screeching, the wild wolves bay.
God will pity us, I pray.
Lu, Lu, Lu, my son.
Lu, Lu, Lu, my son.

He's standing somewhere keeping watch,
Almonds, raisins, oh so much
Lu, Lu, Lu, my son.
Lu, Lu, Lu, my son.

There's no doubt that he will come
Back to you, my darling one.
Lu, Lu, Lu, my son.
Lu, Lu, Lu, my son.

"I rarely perform this song because it affects me too deeply and I find it difficult to control my voice. Ruth Rubin recounts its history in A Treasury of Jewish Folksong." Leah Rudnitzky, who was born in Lithuania in 1916, heard of a three year old child found alive after a massacare by the Nazi's of some 4,000 Jews in Ponar—she wrote this lullaby for the child, left fatherless and motherless—later Leah Rudnitsky herself "disappeared"—in Maidenek.

Poem by Hirsh Glick (1922-1944), music by Dmitri Pokrass. The song became the hymn of the United Partisan organization in 1943. It spread to all the camps in Eastern Europe and later to all Jewish communities the world over. It was translated into several languages. Today it is sung at memorial meetings for martyred Jews. Published by Yehude Ayzman in 1945.

PARTISAN SONG

(By Hirsh Glick)

Never say, This is the last road, the end of the way,
Though leaden skies now hide the light of day,
The hour we long for will at last appear,

Our tread will fall like thunder—we are here!
From the land of palms to the distant land of snow, We come with our sorrow and our woe,
Wherever a drop of our blood was shed,
There our courage will lift its head.
The morning sun again will gild our day,
The past will with the enemy fade away,
Yet should the sun delay, and spring be late,
This song for generations will reverberate.
This song is written not with ink, but blood,
It is not the song of a free bird in the wood,
This song a people sang between collapsing walls,
This song to future generations calls.
So never say, this is the last road we have gone,
This is the last time that the sun has shone,
The day will dawn, the sun will reappear,
Our tread will fall like thunder—we are here!

Mr. SPECTER. I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. SPECTER. I will.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business with statements limited therein to 5 minutes.

SENATOR BOB DOLE: PROFILE IN COURAGE

Mr. THURMOND. Mr. President, 40 years ago a young American second lieutenant led a brave platoon of men into the teeth of enemy resistance on a remote mountainside in northern Italy. The date was April 14, 1945, to be exact—1 day in the long and costly campaign to liberate Italy. For one of our esteemed colleagues, however, that 1 day was to forever change the direction of his life. Of course, I am talking about our distinguished majority leader, Senator BOB DOLE, who was cut down by a burst of gunfire near the town of Castel D'Aiano on that April day 40 years ago. At the time, the young Mr. DOLE was a superb athlete, a hard-working student, and an ambitious Kansan who had his mind set on a career in medicine. After his terrible war trauma, however, the only relevant question was not whether he could become a doctor, but whether he would live. That is when those around him began to understand the kind of determination all of us have come to know as the hallmark of this great American.

Yes; he would live, and despite paralysis, he would walk again, a slow but steady journey that would take him from 39 months of hospitalization to a slot on the 1976 Presidential ticket with Gerald Ford, to the leadership of the greatest deliberative body on Earth, the U.S. Senate.

Our majority leader's courageous comeback from almost hopeless adversity has been an inspiration to millions of Americans and many others, especially the grateful citizens of Castel D'Aiano, whom Lieutenant DOLE helped free from the grasp of Nazi terror.

Mr. President, 2 weeks ago, I, along with Senators COCHRAN, PRESSLER, LAXALT, and MCCLURE, and with Joanne Coe, Secretary of the Senate, Howard Green, secretary to the Republican majority, and other Senate employees, had the privilege fo accompanying Senator DOLE to Europe on a four-nation visit to NATO allies. The trip ended in Rome where we were able to participate in a moving ceremony that marked the anniversary of that cruel day in the rugged Italian mountains four decades ago.

In recognition of BOB DOLE's personal sacrifice, the Italian Government presented him with a handsome silver commemorative plate; and the mayor of Castel D'Aiano delivered a special medal to his town's American war hero.

I do not mind telling this body that it was a special moment. Those of us who were present that day in Rome will never forget it.

In my view, the spirit of the ceremony in Rome symbolized not only an individual sacrifice, but also recognized the commitment to peace this country and its allies have held so sacred since the end of the last global war.

As President pro tempore, I believe it is fitting that this body pause to remember the sacrifice of BOB DOLE and to salute all those other brave soldiers who helped end the nightmare years on the European Continent.

ON THE DEATH OF MAYOR DOUGLAS J. MOORE OF MARION, AL

Mr. HEFLIN. Mr. President, I rise for a point of personal privilege. It is with great regret that I inform the U.S. Senate of the death of an individual whose life has epitomized the best in public service. Douglas J. Moore was the mayor of Marion, AL. He passed away this past Sunday. Marion, AL is not a large city but a typical city of Alabama. It has had its problems and will continue to have them. However, over the last two decades, leadership has brought that city through many periods of turmoil. The motivating leadership factor that has prevailed and produced the significant results has been the integrity of Doug Moore. One could not be around him and hear him discuss problems without sensing his deep commitment to integrity.

Honesty can quell strife, bring peace, and make one understand another's point of view. Honesty was the guiding force that made Doug Moore's public service so successful.

Douglas Moore was elected the mayor of Marion four times without opposition. I believe this fact speaks better than words can express the universal love that the people of Marion had for him.

He was not just a leader in Marion, but served with great distinction as president of the Alabama League of Municipalities in 1981. He was also chairman of the Alabama-Tombigbee Regional Planning Commission.

Each year he would come to Washington with city officials when the Alabama League of Municipalities made their annual trip to Washington. He generally brought one of his grandchildren with him and spent considerable time telling the grandchild about America and the historic sites in our Capital City.

I have said on occasions when a friend passed away that he will be indeed missed. Those words are strong, but not strong enough to express the void that has been left by the death of Douglas Moore. Most public servants are replaced with good men. I doubt if we will ever see a replacement for Douglas Moore, for he was truly a concerned and considerate public servant—indeed a man of unblemished integrity.

DEATH OF FORMER U.S. SENATOR SAM J. ERVIN OF NORTH CAROLINA

Mr. THURMOND. Mr. President, it is with sadness that I rise today to acknowledge the death of and pay tribute to one of the Senate's most distinguished former Members, Senator Sam J. Ervin, Jr. of North Carolina. To his lovely wife, Margaret; his two daughters, Leslie and Laura; and his son, Sam J. Ervin III; I extend my deepest sympathies.

Sam Ervin first came to the Senate in 1954, about 6 months before I was elected for my first term. During the entire time he served the people of North Carolina in this Chamber, I knew him as a man of great integrity, dedication, and courage. His death is a great loss not only for the people of North Carolina, who loved and admired him, but for our Nation as well.

Sam Ervin became a national figure during the Senate Watergate hearings in 1973 as chairman of the select committee designated to investigate the break-in of Democratic headquarters at the Watergate Hotel here in Washington.

He handled the hearings very ably and distinguished himself as a Constitutional scholar and a man dedicated to the fair administration of justice.

Mr. President, I knew Sam Ervin as a man devoted, above all else, to his country and its constitutional form of government. A graduate of the Harvard School of Law and the University

of North Carolina, Senator Ervin developed a love of studying the Constitution and the history of our Government, which he carried with him into retirement from the Senate in December of 1974. He was recognized by Democrats and Republicans alike as one of the Senate's foremost constitutional experts and scholars. During his service in the Senate, Sam Ervin always subordinated his partisan beliefs to his respect and love for the U.S. Constitution. That steadfast belief in our system of Government earned him the admiration of us all.

Senator Ervin's entire career was dedicated to serving his State and Nation. He was a decorated veteran of World War I, where he served in France and earned the Distinguished Service Cross, the Silver Star, and two Purple Hearts for heroism as an enlisted man.

The Senator also served three terms in the North Carolina Assembly, and later was chosen for a seat on the State Supreme Court, where he served with distinction from 1948 to 1954.

After his election to the U.S. Senate, Sam Ervin continued to serve his State and Nation for 20 more years, until his retirement, when he returned to his home in Morganton, NC. I know my colleagues who were here during his Senate service join me in saying that it was a distinct privilege to serve with Sam Ervin.

However, Senator Ervin's retirement did not mean an end to his work. He became an author of critical acclaim, writing a book of amusing and entertaining anecdotes, entitled, "Humor of a Country Lawyer."

That was, perhaps, one of Sam Ervin's greatest talents. He could, with his marvelous sense of humor, make us see the best in ourselves, our neighbors, and our great Nation. His contributions were numerous, but we will always remember him as a decent, entertaining man, who used his skills as a great lawyer to serve his Nation and his fellow man. His death is a loss for all of us.

So that my colleagues can have even more information about his accomplishments and career, I ask unanimous consent that an article in the April 23, 1985, edition of the Charlotte Observer be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EX-SENATOR ERVIN DIES AT 88

(By Ken Eudy)

Former U.S. Senator Sam Ervin Jr., whose devotion to the Constitution helped drive an American president from office, died Tuesday of respiratory failure at Bowman Gray Medical Center in Winston-Salem.

Ervin, who was 88, sprang to the American consciousness in 1973 when he was appointed chairman of the Senate Committee on Presidential Campaign Activities, known as the Watergate Committee.

During committee hearings televised live nationwide, Ervin became known as "Senator Sam." Eyebrows aflutter, jowls quivering and tongue stammering in a syrupy Southern drawl, Ervin liked to call himself "just a good ol' country lawyer." But Ervin was a North Carolina-born, Harvard-educated lawyer who quoted Shakespeare, the Bible and the Constitution with ease. He was recognized as the Senate's greatest constitutional authority of his generation.

The same understanding of the Constitution that led Democrat Ervin to oppose Republican President Richard Nixon during Watergate compelled him to oppose civil rights legislation, the Equal Rights Amendment and school busing to achieve integration.

Ervin's Watergate hearings set the stage for Nixon's resignation in August 1974, four months before Ervin ended a 10-year Senate career and retired to his home in Morganton.

Ervin died about 4:15 p.m., said Roger Rollman, a hospital spokesman. "The cause of death was attributed by his doctors to respiratory failure which developed during the day," Rollman said. "The kidney failure for which Mr. Ervin was admitted to the center was a significant contributing factor in the death."

Ervin was moved to Bowman Gray on Monday after suffering acute renal failure and doctors determined he needed more specialized treatment than was available at Grace Hospital in Morganton, said Mary McBryde, his secretary.

Ervin had been a patient at Grace Hospital for more than three weeks prior to his move to Winston-Salem. He suffered from a variety of ailments during that time, and at one point was plagued by a high fever.

Ervin's fame came late in his political career. Most of his Senate tenure was spent in the shadow of other Southern Democrats such as Richard Russell of Georgia, Harry Byrd, Sr. of Virginia and John Stennis of Mississippi. Later, other younger southern senators such as Russell Long of Louisiana and Herman Talmadge of Georgia eclipsed Ervin in senatorial influence.

In fact, Ervin never chaired a major committee until 1972, when he was named chairman of the Select Governmental Operations Committee.

Little major legislation bears his name. And one year, Ervin was on the losing side of Senate votes more often than any other Democratic senator.

Like other Southern senators, Ervin opposed almost every civil rights bill. Civil rights legislation, Ervin wrote in his 1984 autobiography, "is in essence thought-control legislation."

"I opposed civil rights bills presented to the Senate during my service because I entertained the abiding convictions that some of them were unnecessary, some of them were tyrannical and some of them were unconstitutional," he wrote.

When the Senate passed the Equal Rights Amendment in 1972, Ervin told his colleagues on the Senate floor, "It is almost impossible to conceive the state of legal chaos which will ensue if this amendment is ratified by the states. It will invalidate thousands of laws which make legal distinctions between men and women, many of which are based upon . . . a recognition of the fact that God did create two sexes."

Ervin's primary national identity—as an obstructionist of civil rights legislation—changed in early 1973, when he was appointed chairman of the committee to investigate the Watergate break-in.

Ervin's respect for the Constitution, which led to his Watergate assignment, came from his lawyer father, Sam Ervin Sr., and his mother, Laura Theresa Powe.

His parents, said Ervin, imbued him with what he once called a "Scotch-Irish Presbyterian conscience."

"A Scotch-Irish Presbyterian conscience will not keep one from sinning, but it will keep him from enjoying his sin. Moreover, it commands him to do what it tells him is right, and smites him unmercifully if he does not obey.

"Consequently, the victim of a Scotch-Irish Presbyterian conscience has the trait that his supporters praise as firmness and his adversaries condemn as obstinacy."

One of 10 brothers and sisters, Ervin graduated in 1917 from UNC, where he was senior class president.

After graduation, Ervin enlisted in the Army and was twice wounded in World War I. Ervin won the Silver Star and the Distinguished Service Cross, and twice was commended for bravery.

When he returned to North Carolina in 1919, he passed the state bar examination before enrolling in Harvard Law School.

A year after graduating from Harvard, Ervin was elected to the first of three terms in the N.C. House.

While in the House, that Scotch-Irish Presbyterian conscience led Ervin to fight the anti-Darwinism that was sweeping the South in 1925.

The N.C. House was debating a bill that would forbid the teaching of evolution in public schools. Ervin, a 29-year-old House member, argued against the bill, saying, "I don't see but one good feature in this thing, and that is that it will gratify the monkeys to know they are absolved from all responsibility for the conduct of the human race."

The N.C. House killed the anti-Darwinism bill.

From 1935 until 1937, Ervin served as a Burke County criminal court judge, and from 1937 until 1943, Ervin was a superior court judge.

Ervin served one year in the U.S. House in 1946 upon the suicide of his younger brother, Joe Ervin, who suffered from a bone disease.

In 1948, Ervin was appointed an associate justice of the N.C. Supreme Court. He might have ended his public career as its chief justice but for the 1954 death of U.S. Sen. Clyde Hoey.

Gov. William Umstead, a college friend of Ervin, appointed him to fill the seat, and Ervin was sworn in by then-Vice President Richard Nixon. He was elected on his own later that year, and often was returned to the Senate without opposition.

Early in Ervin's Senate career, he again opposed a popular political cause: McCarthyism.

Vice President Nixon appointed Ervin in 1954 to a committee to determine whether Sen. Joe McCarthy had engaged in conduct unbecoming a senator in his attempts to uncover communists in the federal government.

During the hearings, McCarthy attacked Ervin and two other committee Democrats as "unwitting handmaidens" of the communists.

Ervin took to the Senate floor to respond. "The issue before the American people is simply this: Does the Senate of the United States have enough manhood to stand up to Sen. McCarthy? . . . The honor of the Senate is in our keeping. I pray that senators will not soil it by permitting Sen.

McCarthy to go unwhipped of senatorial justice."

Two weeks later, the Senate censured McCarthy.

In the intervening years, Ervin became known as the Senate's expert on the Constitution, but he rarely made the national spotlight.

That changed in 1973, when Senator Majority Leader Mike Mansfield, D-Mont., picked Ervin to head a committee to investigate the Watergate break-in because, as a former judge, Ervin had more judicial experience than any senator. Also, Mansfield said, Ervin was the lest partisan Senate Democrat and at 76 harbored no presidential ambitions.

"Sen. Ervin was the only man we could have picked on either side of the aisle who'd have had the respect of the Senate as a whole," Mansfield said then.

During those hearings, which opened May 17, 1973, former White House counsel John Dean revealed that Nixon had been told of the Watergate burglary days after it occurred and that Nixon had participated in the cover-up. White House aide Alexander Butterfield disclosed the existence of a White House taping system with which Nixon taped private conversations.

The Watergate Committee heard a parade of witnesses describe what came to be known as "dirty tricks"—tactics designed to help Nixon win reelection in 1972 and punish his political enemies.

While Ervin's committee hearings didn't establish that Nixon had prior knowledge of the Watergate break-in, the daily televised hearings focused public attention on alleged misdeeds of the Nixon administration. Eventually the Supreme Court ordered Nixon to surrender tapes that implicated him in the Watergate cover-up.

Ervin defended the committee from charges by Republicans that he had created the constitutional crisis forcing Nixon from office. "As a general rule, people are the authors of their own misfortunes. And President Nixon is the sole author of his own misfortune in this case," Ervin said. "He had too much thirst for political power and not enough scruples about how political power's obtained."

Ervin chose to retire in 1974 rather than seek reelection. He had been active in the years since his retirement, however, practicing law in Morganton and writing three books: "The Whole Truth: The Watergate Conspiracy," "Humor of a Country Lawyer" and "Preserving the Constitution: The Autobiography of Senator Sam Ervin."

Ervin had become such a national celebrity, American Express used him in a television commercial promoting its credit card.

Ervin is survived by his wife, Margaret; a son, U.S. Appeals Court Judge Sam Ervin III of Morganton; and two daughters, Margaret Hansler of Pennington, NJ, and Laura Smith of Morganton.

MAN'S INHUMANITY TO MAN

Mr. PELL. Mr. President, why are we memorializing the most massive and darkest example of man's inhumanity to man? Why?

The reason is to seek to prevent such inhumanity occurring again—and to be alert to the need to snuff out those same dreadful instincts that turned human beings like you and me into beasts.

Let us remember, too, Dante's words so often quoted by our murdered colleague, Bob Kennedy, "He who sees, stands by and does nothing, as evil is performed, is just as guilty as he who performs it."

Here we must remember how we of the so-called civilized world stood by as millions of Jews and Gentiles and gypsies were murdered.

Examples?

We returned the passenger vessel *St. Louis*, with its load of 900 Jews back to Bremen and the concentration camps of Europe.

We declined to change our immigration laws one jot.

Even then, we declined to take in most of those unfortunate human beings who were clamoring at our consulates for visas. In fact in 1944, only 9 percent of our visa allotment was even used.

And, as reads our War Department telegram presently exhibited at Vad Yashem, we even refused to bomb the rail line between Kosice and Presov over which the Nazi victims were transported to Auschwitz.

We did all too little 40 years ago. What can we do now?

One thing we in the Senate can do is to ratify the Genocide Convention—and this I look forward to our soon doing in as unhampered a form as possible. And here I have a personal interest, too, as its ratification would have given much satisfaction to my father, Herbert Pell, who was the American representative to the United Nations War Crimes Commission and who played such a role in having genocide considered a war crime by our Government just 40 years ago this spring.

More important, let us remember that the seeds of evil are always present, but their growth can be halted by each of us not standing by when we see the start of evil. Ceremonies of remembrance like this and by the actions, activities, and advice of the Holocaust Commission.

In this regard, I would hope that President Reagan might heed our plea that he cancel his visit to the Bitburg cemetery.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the excellent statement of William J. vanden Heuvel, an old friend, who was formerly the Deputy Permanent Representative of the United States to the United Nations.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THERE CAN BE NO RECONCILIATION WITH NAZISM

(William J. vanden Heuvel [1])

President Reagan's state visit to the Federal Republic of Germany is appropriate and important. It is made in a spirit of reconciliation, commemorating the 40th Anniversary of the end of the Second World War in which our nations were enemies. It is a difficult trip because the memories of the Nazi period are a continuing, painful part of our lives. This difficulty has been compounded by the insensitivity of the proposal that the President visit the Bitburg cemetery, the final resting place of 2216 German soldiers who died in the desperate effort to resist the Allied armies in the Battle of the Bulge. The massacre of American prisoners at Malmedy by the Nazis during the battle is part of the historical shadow over the proposed visit.

Many of the tombstones marking the identity of the German soldiers buried in Bitburg carefully note their identity as members of the SS, the "elite Storm Troopers" of the Third Reich. It is not possible to visit such a cemetery without acknowledging the cause these soldiers served The SS built Buchenwald. Its officers administered Dachau. Its members murdered millions of Jews in the most brutal genocide of modern history. Eichman was an SS colonel. There can be no reconciliation with what these men represented.

The President's advisors apparently thought American soldiers were buried alongside the Germans in Bitburg. Presumably the President would then have an occasion to reflect on the irony and waste of war. But there are no Americans buried in Bitburg. That error alone should cause the President to cancel his planned stop. Chancellor Kohl continues to urge President Reagan to visit Bitburg, citing as a precedent the ceremony of reconciliation at Verdun presided over by President Mitterand and the Chancellor just months ago. But Verdun is in France, not Germany; and it was the site of the most brutal battle of World War I, not World War II; and French *and* German soldiers are buried there. Verdun is truly the symbol of the insanity of war. Over three million men were killed in that battle, destroying a generation of sons for both France and Germany. Most of those nameless victims are buried in mass graves. In the context of that meaning, it is altogether appropriate that the President of France and the Chancellor of the Federal Republic of Germany should stand together and weep in remembrance.

The Bitburg cemetery is a reminder of something else. The planners of the Presidential visit do not understand the anguish of the protest if they think they can balance the itinerary by adding a synagogue or restoring Dachau to the tour. President Reagan cannot go to Bitburg and honor those who murdered at Malmedy, who constructed and administered the concentration camps and spent years of their lives as part of a force that systematically carried out a genocide, a wound that can never heal.

The original purpose of the President's visit remains urgent, namely to honor the new Germany which has a respected and powerful place among the Western democracies. But the symbol of our reconciliation with Germany and its remarkable achievements is not the cemetery at Bitburg. It is the grave of Konrad Adenauer who resisted Hitler and everything the Nazis stood for and who survived to lead his country as Chancellor out of its murderous nightmare. It could also be the tomb of Ernst Reuter, another hero of the Resistance to the Nazis, the Mayor of West Berlin who stood with the Americans during the airlift of 1948 when the Soviet despotism tried to intimi-

[1] Mr. vanden Heuvel, an attorney in New York, was formerly the Deputy Permanent Representative of the United States to the UN.

date the possibilities of freedom. A tribute to Ernst Reuter and the people of West Berlin would give the President an opportunity to point across the Wall to the leaders of East Germany who continue the crime of the Nazis by refusing to acknowledge the Holocaust and who permitted a ceremony last week commemorating Buchenwald without even mentioning the thousands of Jews who were murdered there.

Chancellor Kohl should have insisted on the remembrance of the Holocaust as part of the President's trip to remind the world that the Nazis were mortal enemies of German democracy. The message then would be clear: it is the responsibility of all of us as the enduring monument to the Holocaust to pledge anew that we will not forget the terrible sacrifice of its victims. Arthur Koestler once suggested that each of us each day should take time for remembrance of the victims of Dachau, Buchenwald and the other Nazi horrors. His thesis was that in not forgetting, we could not permit the repetition of such cruelty. Such remembrance would also make clear that there can never be a reconciliation with the Germany of Hitler and Nazism. Our reconciliation is with the Germany of Adenauer, Reuter, Brandt, Schmidt and Kohl. The President of the United States is right in honoring them and the Federal Republic. It is not in human power to forgive the Nazis for what they did. We can only express our grateful admiration that a new Germany has emerged, a Germany of democratic commitment, a Germany as determined as we are to prevent Nazism from ever again gaining political power.

THANK YOU, ONCE AGAIN, SECRETARIES

Mr. MOYNIHAN. Mr. President, this is Professional Secretaries Week. Last year at this time, I took to the floor to pay tribute to the secretaries in my office. Since that time, much has changed. Vicki Baer, who was then and remains my personal secretary, has married, and we all now know and love her as Vicki Dodson. Her husband, Rick Dodson, is a lighting technician for NBC News. He may be seen frequently in the halls of the Capitol, and occasionally about my office, visiting his dear bride on a spare moment.

Another welcome change is the improvement in the health of Kelley Prunesti. We are glad to have her back this year.

One other notable turn is the addition of Ms. Mary Stealey to the staff. Mary replaced Fran Cochran, who has joined the ranks of the happily retired.

Yet, Mr. President, despite these changes, there is one constant: my gratitude to Vicki Dodson, Julie Smith, Kelley Prunesti, Emily Canvanagh, and Mary Stealey. They keep my office running. At all hours of the day and night, and even on weekends, they have worked tirelessly and, all too often, thanklessly. It is, alas, far too easy to forget how much we owe them.

I make amends now by offering these thanks. My appreciation and that of the rest of my staff to Vicki, Julie, Kelley, Emily, and Mary. What would we do without them?

DRUG ABUSE IN WESTERN EUROPE

Mrs. HAWKINS. Mr. President, we Americans are not alone in our problems of drug abuse. As we join our allies in the battle against this devastating international affliction, we discover more and more that it is a problem of growing significance all over the Western World.

It is the case with our Nation's oldest friend, for example. In France, 12 years ago, when the fabled "French Connection" was broken, drug addiction was rare in this nation. Now, it seems, the drug problem has returned to France, with a vengeance.

From solvents, to cocaine, to heroin, French citizens of all ages are consuming drugs at an alarming rate. It is estimated that the youth of this nation, finding illicit narcotics now readily available, are beginning to abuse drugs at 11 years of age, and this is the case at every level of society. Reports indicate that the decreasing costs of drugs—for example, one gram of cocaine costs 1,000 French francs, approximately $100—due to their increasing supply, and this situation makes their purchase that much more attractive to the general population. Latest estimates show that there are an estimated 200,000 drug abusers in France, which relative to the entire population of this nation, represents a remarkable figure. The problem is acknowledged as so serious in France that both the Federal and local governments are making it a priority, as indicated by recent efforts on the parts of both levels of government to create the organizational structure necessary to deal with every aspect of this problem.

Latest statistics all over Western Europe are equally disturbing: there are now an estimated 40,000 drug abusers in Great Britain; 6,000 in Ireland; and 250,000 in Italy. And in Italy, for example, a nation which reported no deaths caused by drugs before the mid-1970's, last year reported 257 deaths due to drug addiction.

From Dublin to Rome, the supplies of heroin and cocaine are seemingly limitless, and even though European police make more arrests and intercept more drug shipments every year, the mounting statistics reflect the growing problem.

It is felt by European populations that the most disturbing side effect of this situation is the paralyzing problem of crime. This is a new phenomenon in European cities, and a trend law enforcement officials are experiencing difficulty in stemming. Reports from Spanish police authorities, for example, indicate that 75 percent of their increasing rate of criminal activity is drug related.

The battle against drugs has, indeed, recommenced in force in Western Europe. Individual police forces in these newly beleagured nations report soaring numbers of arrests and seizures, and international cooperation is responsible in large part for many of the successes of European law enforcement officials.

We in the United States have fought the war against drug abuse relatively alone for a long time, and we have much information we would be only too happy to share with our friends across the sea. We have succeeded in many of our efforts, both public and private, and we have been unsuccessful in others. Regardless, we will capitalize on our successes, and learn from our failures, until we have achieved the eradication of drug abuse in our Nation. And part of our efforts will now include offering whatever assistance we can to our allies in Western Europe, as we now fight this war together.

PRIDE OF NEW JERSEY

Mr. BRADLEY. Mr. President, I rise today to acknowledge the unique abilities of eight citizens of New Jersey who have provided outstanding examples of private initiative and creative ideas to address the critical issues facing New Jersey today. I take great pride in joining with New Jersey Monthly in saluting this years recipients of the New Jersey Pride Awards. These dedicated citizens exemplify the pride that New Jerseyans feel about our home State.

I would like to commend the following New Jerseyans for their hard work and dedication in their respective fields:

In the arts, Lynne Kramer of Ridgewood who founded and directs Project Impact which offers cultural programs to 63 school districts throughout the State;

In economic development, Robert Ferguson, Jr. of Essex Falls who chaired the Governor's Management Improvement Program and developed recommendations to save the State millions of dollars;

In education, Edward E. Barr of Englewood, former chairman of the State's Board of Higher Education, who has been a leader in improving academic quality in New Jersey's State and county colleges;

In health, Kate Luscombe of Belmar, founder of PRIDE—Parents Resolving Infant Death Experience—at Jersey Shore Medical Center and an ardent speaker on public awareness on how to handle parents when crisis occurs;

In social services, Kathleen DiChiara of Summit who organized the

Community Food Bank of New Jersey, a food program to feed the hungry by getting large corporations to donate "seconds" and truckers to deliver the donations;

In sports and recreation, Jon F. Hanson of Far Hills, chairman of the New Jersey Sports and Exposition Authority, who developed the Meadowlands and was instrumental in negotiations that brought the Devils, the Generals, the Jets, and a CART Grand Prix to New Jersey;

In community development, Joan Quigley of Jersey City who initiated the Jersey Journal "Women of Achievement" awards in 1963 and organized the "Save Our Boulevard" and the "Save Our Courthouse" committees in Jersey City; and in,

Energy and environment, David Moore of Frenchtown, executive director of the New Jersey Conservation Foundation, a tireless leader in protecting New Jersey's natural resources.

Along with these first recipients of New Jersey Pride Awards are two other outstanding citizens who received honorable mention from the committee: Harriet Bryan of Princeton, who has devoted herself to "dignified and affordable" housing for seniors; and Richard Herring of Basking Ridge, who is a major contributor in the field of communications for the deaf.

All of these individuals deserve the recognition and gratitude of the people of New Jersey.

Mr. President, New Jersey is indeed blessed to have such outstanding and dedicated citizens as these 10 individuals. I am proud to serve them as their Senator and I ask that my colleagues join in appreciation of their efforts. On behalf of the people of New Jersey, I offer my sincere thanks to the 1985 Pride of New Jersey Award winners.

TWENTIETH ANNIVERSARY OF TITLE I/CHAPTER I

Mr. BRADLEY. Mr. President, 20 years ago today, President Lyndon Johnson signed into law title I of the Elementary and Secondary Education Act, a central component of the war on poverty. Having grown up in rather humble surroundings in central Texas, Johnson often attributed his success to the education he received in a one-room school house. "As the son of a tenant farmer," said Johnson, "I know that education is the only valid passport from poverty."

Looking back over the past 20 years should provide us with a sense of satisfaction. By nearly any standard, the title I/chapter I program has been a success in improving the achievement of educationally disadvantaged youth. While the evaluation of a program as complex as this is bound to tax the ingenuity of the best researcher, the accumulated evidence suggests that compensatory education programs have had both short- and long-term positive effects on low-achieving youth.

Some of the most compelling evidence comes from the National Assessment of Educational Progress [NAEP], a congressionally-mandated study of basic educational skills. Three national assessments have been conducted and fully analyzed: 1970-71, 1974-75, and 1979-80. Students with varying histories of educational achievement have been contrasted with respect to their NAEP performance, with the results indicating very clearly that students in the lowest achievement groups have demonstrated the greatest gains in performance between 1971 and 1980. Put differently, educationally disadvantaged students, those specifically targeted by title I/chapter I, have shown the greatest improvement in those basic skills measured by the NAEP. Furthermore, those schools most likely to receive Federal compensatory education funds, disadvantaged urban and rural schools, have shown the greatest improvement over the 10 years covered by the national assessments. According to Roy Forbes, former director of the NAEP:

"Across the board, the data show that the greatest gains were found for the lowest performers, those Title I was designed to serve."

In short, title I/chapter I works. Even former Secretary of Education Terrel Bell admitted during testimony in 1981 that these programs have proven successful.

Further evidence offering support for title I/chapter I programs comes from a series of studies evaluating the effects of early childhood education programs on later academic performance. One of the best known of these programs, the Perry Preschool Project, has demonstrated long-term positive changes for participants in the areas of school achievement, graduation rates and scores on functional competence tests, criminal arrest rates, employment rates, and welfare participation. The careful evaluation of this project, documented in a book titled "Changed Lives," details the potential value of a thoughtfully carried out program of early childhood education for disadvantaged youth.

In spite of the success of the title I/chapter I program, recent years have witnessed a change in political climate with respect to the Federal role in education. This new climate has necessitated a strong defense on the part of supporters of the title I program to secure its future. In 1981 the administration attempted to replace title I with a noncategorical block grant. Instead, Congress responded with its own alternative, the Education Consolidation and Improvement Act, under which title I became chapter I. Unfortunately, this legislative maneuver included several changes which have, in my estimation, substantially weakened the original legislation. Reductions in State administration funds for the program, along with reduced State monitoring requirements, appear to substantially cut back State oversight activities. A 1984 study by the Children's Defense Fund indicates that 25 States have either decreased or halted altogether oversight visits to chapter I program sites. The same study notes that the elimination of a requirement mandating parent advisory councils has resulted in a significant decrease in parental involvement in these programs. This result should be disturbing to an administration which has expressed such a strong concern for parental involvement in education.

Congress has also repeatedly been put in the position of fending off administration proposals to dramatically slash chapter I funding. For example, the President proposed cutting chapter I funding by roughly one-third for fiscal year 1982 and fiscal year 1983. Congress rejected this request but, unfortunately, funding levels have been severely eroded by inflation. Chapter I funding during the present fiscal year represents a 19.2-percent reduction, in constant dollars, from the fiscal year 1980 level. This funding erosion has not resulted in a reduction in the type or quality of services. Rather it has had the unfortunate consequence of reducing the number of children being served by between 500,000 and 700,000. In considering these figures, one should keep in mind that only about 45 percent of all chapter I eligible children are currently being served by the program. Once again, the President is asking us to allow inflation to eat away at a program of proven value, to remove even more children from this program.

The time has come to bring a halt to the whittling away of this most important and successful program. President Johnson was absolutely correct when he identified education as an individual's best ticket out of poverty. By what stretch of the imagination does it make sense to cut the funding of a program serving the educationally disadvantaged which has been widely acknowledged, even by administration officials, to be extremely effective? Logic would seem to dictate that we invest further in cost-effective programs such as chapter I.

On this 20th anniversary of title I/chapter I, I would like to recognize the dedication and hard work of the teachers and program administrators who have made the program a success, who have made an important difference in the lives of so many children. Their commitment and their belief in children who once were written off has changed the future of many of these

children. I would also like to commend my colleagues in the Senate and the House who have come to the defense of this program year after year, and request that we join together again this year as we shape the budget and oppose any further cuts to chapter I.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12 noon, a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 67. Concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes.

HOUSE MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H. Con. Res. 67. Concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MATHIAS, from the Committee on Foreign Relations, without amendment:

S. 998. An original bill to require the imposition of sanctions against the Government of South Africa if, within 2 years, significant progress has not been made toward ending its policy of apartheid, and for other purposes (with additional views) (Rept. No. 99-37).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

William Emerson Brock III, of Tennessee, to be Secretary of Labor.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. GOLDWATER, from the Committee on Armed Services:

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. "M" Staser Holcomb, 561-54-9492/1310, U.S. Navy.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOLE (for himself, Mr. DURENBERGER, Mr. BAUCUS, Mr. QUAYLE, and Mr. BENTSEN):

S. 984. A bill to provide two additional members of the Prospective Payment Assessment Commission; to the Committee on Finance.

By Mr. GRASSLEY:

S. 985. A bill to protect the rights of victims of child abuse; to the Committee on the Judiciary.

By Mr. BOREN (for himself, Mr. BUMPERS, Mr. FORD, Mr. MELCHER, Mr. PROXMIRE, Mr. PRYOR, Mr. GORE, Mr. DECONCINI, and Mr. ROCKEFELLER):

S. 986. A bill to amend the Internal Revenue Code of 1954 to disallow any deduction for advertising or other promotion expenses with respect to arms sales; to the Committee on Finance.

By Mr. EXON:

S. 987. A bill to recognize the organization known as the Daughters of Union Veterans of the Civil War 1861-65; to the Committee on the Judiciary.

By Mr. WALLOP:

S. 988. A bill to amend title XVIII of the Social Security Act to prohibit the Secretary of Health and Human Services from requiring certain physician certifications relating to inpatient hospital services, and to allow physicians to charge Medicare beneficiaries without regard to the fee freeze if the patient chooses to pay the physician from private sources; to the Committee on Finance.

S. 989. A bill to amend title XVIII of the Social Security Act to allow physicians to charge Medicare beneficiaries without regard to the fee freeze if the patient chooses to pay the physician from private sources; to the Committee on Finance.

By Mr. DANFORTH (for himself, Mr. PACKWOOD, Mr. GORTON, and Mr. STEVENS):

S. 990. A bill to consolidate and authorize program support and certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce; to the Committee on Commerce, Science, and Transportation.

By Mr. DANFORTH (for himself, Mr. PACKWOOD, Mr. GORTON and Mr. STEVENS):

S. 991. A bill to provide authorization of appropriations for certain fisheries activities; to the Committee on Commerce, Science, and Transportation.

By Mr. COHEN (for himself, Mr. ROTH and Mr. CHILES) (by request):

S. 992. A bill to discontinue or amend certain requirements for agency reports to Congress; to the Committee on Governmental Affairs.

By Mr. HATCH:

S. 993. A bill to amend the Internal Revenue Code of 1954 to allow a credit for the occupational training of displaced homemakers; to the Committee on Finance.

By Mr. JOHNSTON:

S. 994. A bill to facilitate the national distribution and utilization of coal; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself, Mr. MATHIAS and Mr. DOLE):

S. 995. A bill to express the opposition of the United States to the apartheid policies of the Government of South Africa and to encourage South Africa to abandon such policies; to the Committee on Foreign Relations.

By Mr. CHILES:

S. 996. A bill to amend Public Law 96-350 to further define the customs waters for the purposes of certain drug offenses; to the Committee on Commerce, Science, and Transportation.

By Mr. BRADLEY:

S. 997. A bill to improve the operation of the Strategic Petroleum Reserve and to authorize emergency financial assistance during an oil supply disruption; to the Committee on Energy and Natural Resources.

By Mr. MATHIAS:

S. 998. An original bill to require the imposition of economic sanctions against the Government of South Africa if, within 2 years, significant progress has not been made toward ending its policy of apartheid, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. MATHIAS:

S.J. Res. 121. Joint resolution to designate June 15, 1985 as "National History Day"; to the Committee on the Judiciary.

By Mr. BRADLEY:

S.J. Res. 122. Joint resolution to authorize the President to proclaim the last Friday of April each year as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. HOLLINGS, Mr. NUNN, Mr. LEAHY, Mr. SYMMS, Mr. LUGAR, Mr. LEVIN, Mr. BOREN, Mr. DURENBERGER, Mr. PRYOR, Mr. MATSUNAGA, Mr. LAUTENBERG, Mr. BAUCUS, Mr. BRADLEY, and Mr. WILSON):

S.J. Res. 123. A joint resolution to designate Dr. Jonas Salk Day; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BRADLEY:

S. Con. Res. 44. Concurrent resolution relating to a permanent site for the Olympic Games; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE:

S. 984. A bill to provide for two additional members of the Prospective Payment Assessment Commission; to the Committee on Finance.

ADDITIONAL MEMBERS FOR THE PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

Mr. DOLE. Mr. President, the bill which we are introducing today expands the membership of the Prospective Payment Assessment Commission by two, from 15 members to 17.

COMMISSION BACKGROUND

The 1983 Social Security amendments created a new hospital reimbursement system for Medicare known as the prospective payment system. This new system was designed to revolutionalize the way we pay hospitals, moving away from the old retrospective cost based system to a new system of prospectively determined rates.

As with any new program, there were inevitably going to be difficulties with implementation intensified by the complexities of this new system. Recognizing this, the Congress established the Prospective Payment Assessment Commission to assist it in its work of reviewing the program and making sure the system is kept up to date.

COMMISSION RESPONSIBILITIES

As originally proposed, the Commission was given the responsibility of making recommendations to the Secretary on the appropriate percentage change in payment rates for hospitals under the system. In addition, the Commission is expected to assist the Secretary in evaluating the need to update existing diagnosis-related groups, establishing new diagnosis-related groups, and making recommendations on a range of other issues that would be involved in assuring that this new payment system is adequate to assure the delivery of safe, efficacious, and cost effective care.

The Commission is currently made up of 15 members whose terms are staggered so as to provide for an orderly changeover of the members over the years to come. Because of the importance of the work of the Commission, the Director of the Office of Technology Assessment was directed to seek nominations for appointment to the Commission from a wide range of groups so as to assure that the membership provided expertise and experience in all aspects of the provision and financing of health services. Obviously because of the limits on the size of the Commission, not all possible interests could be represented. This limitation will be dealt with in part with new appointments to the Commission over the years which are made when the current members' terms expire. However, there are two areas in particular which I believe need immediate attention: Rural hospitals and nursing services. I should also note that other Senators believe that input from the business community is also missing and should be accommodated through changes in the membership of the Commission.

Rural hospitals, while similar to all hospitals in many respects, have some very special needs, in part because of the small volume of patients many of them admit. Though they represent a relatively small percentage of total Medicare revenues, they are a critical source of care for those living in rural areas. An understanding of their problems, which will result in part from a representative being part of the Commission's deliberations, will be necessary to enable us to make appropriate adjustments and modifications in the payment system to accommodate the needs of these institutions where appropriate.

With respect to nursing services, it goes without saying that the input of nursing will be essential in any attempt to make the payment system relevant to the care being provided in hospitals. Nurses remain a primary source of direct patient care in hospitals and, on average, spend more time than any other group with hospital inpatients.

It is true that due to the staggering of terms of appointment there are scheduled to be three vacancies on the Commission this year, however, two of the individuals whose terms expire hold important subcommittee chairmanships and it is hoped by many that they will stay through this formative period. As a result, it is not likely that many new members will be appointed this year. It is for this reason, in part, that we recommend expanding the Commission at this time. In addition, we believe the amount and complexity of the work assigned to the Commission to be sufficient as to warrant some expansion.

However. notwithstanding our desire to expand the Commission to meet these needs it is not our intention, nor do we believe it would be appropriate in the future, to automatically expand the Commission to accommodate specific interests. The staggering of the terms of appointment and this small increase in the size of the Commission, should be adequate to meet future needs.

CONCLUSION

Mr. President, as I indicated at the outset, the work of the Propac will be critical to our efforts to keep the payment system up to date, and in my view, input from the rural hospital community and from the nursing community is absolutely critical to the Commission's deliberations.

There are a great many interests that should appropriately be represented on the Commission. For example, the manufacturers of the equipment utilized by hospitals; hospital financial managers; health care economists; consumers; insurers; hospital employee groups; and of course, hospitals themselves. The modest increase in the size of Propac that we suggest in this legislation will help to allow for an appropriate broadening of the representation on the Commission.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1886(e)(6)(A) of the Social Security Act is amended by striking out "15 individuals" and inserting in lieu thereof "17 individuals".

(b) The Director of the Congressional Office of Technology Assessment shall appoint the two additional members of the Prospective Payment Assessment Commission, as required by the amendment made by subsection (a), no later than 60 days after the date of the enactment of this Act, for terms of three years.

Mr. DURENBERGER. Mr. President. I join my colleague from Kansas [Mr. DOLE] in introducing this amendment to expand the membership of the Medicare Prospective Payment Assessment Commission by two positions. The Commission, authorized by the Social Security Amendments of 1983, was designated to make recommendations to the Secretary of Health and Human Services and the Congress on the annual increase in Medicare payments for hospital discharges and what adjustments, if any, should be made in prices for treatments or procedures by the Medicare Program to accommodate changes in medical practice and technology.

The 15 members of the Commission were chosen last year by the Congressional Office of Technology Assessment [OTA]. The OTA made these appointments without sufficient consultation with the congressional policymakers who originated the Commission. I know Senator DOLE, as well as myself and others, were concerned about the selection process of the Commission and have expressed these feelings publicly on other occasions. I am confident in the future that the selection process to fill expired terms in the Commission will be conducted with greater guidance from Congress.

Stuart Altman, the Commission's Chairman, was an excellent choice and the Commission clearly includes other qualified individuals. The Commission,

nevertheless, does not have representatives from important sectors such as the business community, nursing, or rural health care. Expanding the Commission at this time would allow the reappointment of certain members whose 1 year terms expire but hold critical the subcommittee positions on the Commission, while providing positions for new appointments from business, nursing and rural health care.

The expansion of the Commission is appropriate because the body is still in its formative stages and needs to retain certain talent critical to its early work as well as to accommodate other prospectives. The amendment is not meant to set a precedent for the expansion of the Commission to meet the needs of every interest group, but only to assure the Commission will be appropriately representative of the areas affected by its work.

Mr. BAUCUS. Mr. President, I am pleased to join our distinguished majority leader in introducing S. 984, a bill to strengthen the Medicare Prospective Payment Assessment Commission by establishing seats for two additional commissioners.

This Commission—usually referred to as Propac—was established as part of the 1983 prospective payment legislation to advise the Secretary of Health and Human Services and the Congress on the operation of the new medicare payment system for hospitals.

MEDICARE PROSPECTIVE PAYMENT

The prospective payment system represents a fundamental change in the way Medicare pays for inpatient hospital services. After a transition period, the payment rate for a patient's stay will be based primarily on the patient's diagnosis. A separate payment rate is established for each of 469 diagnostic related groups [DRG's].

The use of DRG's as a basis for pricing hospital services has been a subject for study over a number of years, and the New Jersey Hospital Rate Setting Program has had limited experience with DRG's. However, the new Medicare hospital payment system must be recognized for what it is—only a good beginning. Propac will be needed to advise the Secretary and the Congress on a number of important, complex, and controversial issues and decisions that must be dealt with over the next several years as the new system develops.

Perhaps the most important of these issues concerns the percentage by which the DRG payment rates will be increased from year to year. While the law directs the Secretary to set the payment rates for 1984 and 1985 so as to duplicate the outlays that would have resulted had the prior law remained in effect, the statute gives the Secretary very broad discretion for setting the payment levels for later years.

In addition, it will be necessary under the new payment system for the Secretary to revise existing DRG's, establish new DRG's, and raise and lower payment rates for specific DRG's so that the new system will keep pace with changes in technology and hospital practices.

PROPAC

The Prospective Payment Assessment Commission, which I sponsored, was established to advise the Department and the Congress on these and numerous other difficult issues. It is presently composed of 15 independent experts, selected by the Director of the Office of Technology Assessment, who have expertise and experience in the provision and financing of health care. Medicare beneficiaries are represented on the Commission.

I urged establishing Propac in 1983 because I strongly believe that without a strong, independent, and broadly representative Commission to monitor the new prospective payment system, there would be a significant risk that we will see hospital payment rates develop in this country that do not bear a rational relationship to the cost of the kind of care we seek to purchase for the elderly. This would mean wasteful spending for some DRG's. In other cases, it would mean less care or poorer quality care for the elderly, the shifting of costs to other patients, and increased demands by hospitals that they be permitted to charge the elderly for the part of their costs that is not borne by Medicare.

NEED FOR BROADENED REPRESENTATION

As the Commission has worked to prepared its first report, gaps in its membership have become apparent. First, none of the members can speak from the perspective of the business community. This is a serious omission because private businesses pay for much of the health care that people under age 65 receive. Moreover, business has played an increasingly important role in containing hospital costs. Much of the recent success in dampening the rise in health costs is attributable to private efforts.

A second omission is the lack of a representative from the nursing profession. As hospitals are forced to find ways to become more cost effective in treating patients, there is always a danger that the quality of care delivered to Medicare patients will suffer. The peer review organizations [PRO's] have a great deal of responsibility in this regard, but members of the nursing profession are on the front lines and can offer timely advice and criticisms.

The most serious omission, Mr. President, is the lack of representation of small, rural hospitals. While these hospitals are of vital importance to the millions of Americans who live in sparsely populated areas, their unique character and needs are sometimes overshadowed by the concerns of the larger, urban hospitals, who all too often tend to dominate policy debates.

Continued access to quality health care in rural areas is a serious concern in Montana. Of the 67 hospitals in Montana, half have fewer than 50 beds. Most of these small hospitals are in small communities and isolated rural areas. Each provides essential services—if one closes, its patients might easily have to drive 100 miles or more for emergency medical care.

Cutbacks in Medicare payments hit small, rural hospitals particularly hard because they have so many Medicare patients. Half the patients in my rural Montana hospitals are Medicare patients, mostly because rural populations nationwide are aging as younger people move into larger cities and towns. When Medicare cuts back on its payments for these patients, there is often no way a small hospital can make up the loss.

CONCLUSION

The Prospective Payment Assessment Commission should be enlarged to accommodate members from the business community, the nursing profession, and small rural hospitals. Adding two seats will help make this possible. I believe it is vitally important that rural hospitals in particular are added to the Commission as quickly as possible.

With these important additions, Propac will be better able to present balanced, informed advice to the administration and to the Congress. I urge my colleagues to support this important initiative.

Mr. QUAYLE. Mr. President, I join my fellow Senators, Mr. DOLE and Mr. DURENBERGER, in introducing this amendment to increase the membership of the Prospective Payment Assessment Commission [Propac] by two slots. Propac was authorized by Public Law 98-21, which established the prospective payment system, for the purpose of establishing an advisory body to the Secretary of Health and Human Services. Specifically, Propac is charged with making recommendations to the Secretary regarding the need for adjustments to the DRG system based on its evaluation of scientific evidence regarding new practices, including the use of new technologies and treatment modalities.

The purpose of this amendment is to provide more appropriate representation on the Commission while allowing it to retain the expertise of a number of its current members serving in key subcommittee positions. It is my expectation that new appointments will be made to ensure that input is provided from representatives of the nursing and business communities and from the sector of the health field concerned with rural health care. I am deeply concerned that many of our

rural hospitals are being impacted disproportionately by the prospective payment system. Therefore, I believe that it is essential that this voice be heard on the Commission.

The rationale behind the establishment of Propac highlighted the need for the prospective payment system to be able to account for the technology factor. I think Propac can make, and should be allowed to make, an important contribution in this area. The last few decades have seen a proliferation of new health care technologies, which include increasingly sophisticated drugs and medical and surgical procedures requiring expensive equipment. In many cases, new technology had led to increased cost without apparent benefits. The health care system, at present, has not always been able to appropriately evaluate health care technologies. Thus, the activities of both Propac and the private sector in technology assessment are vitally needed.

Mr. BENTSEN. Mr. President, I am pleased to join the majority leader as an original cosponsor of S. 984, a bill to increase the number of members of the Prospective Payment Assessment Commission [Propac] by two. As many of our colleagues may be aware, Propac was created by the Social Security Amendments of 1983—Public Law 98-21—to advise the executive and legislative branches on implementing and updating the prospective payment system used to reimburse hospitals and health care providers under the Medicare Program. The Congress intended members of the Commission to be knowledgeable about health care issues and sufficiently independent to ensure that recommendations which they develop are technically sound. By law, the Commission must include individuals with expertise and experience in health care delivery, financing and research. A review of the current membership confirms that we have been successful in attracting to the Commission the highest caliber of talent from the health care professions, academia, industry, business, labor and nonprofit organizations. However, conspicuous by their absence from the Commission are representatives of rural health delivery facilities and the nursing profession. Failure to incorporate these interests into regular deliberations deprives the Commission of the special perspective which the smaller community and its professionals can lend. Because Medicare is vital to the survival of many rural facilities and to the continued availability of quality care in nonurban areas, it is particularly appropriate that spokespersons for these interests be added to the Commission.

I commend the distinguished Senator from Kansas for his initiative in developing this legislation, and encourage each of our colleagues to join with us in support of this constructive revision in the current membership of Propac.

By Mr. GRASSLEY:

S. 985. A bill to protect the rights of victims of child abuse; to the Committee on the Judiciary.

CHILD ABUSE VICTIMS RIGHTS ACT

● Mr. GRASSLEY. Mr. President, Congress has often been accused—correctly, in many cases—of being ineffective and slow to act on the major issues of the day. But Congress can point with pride to its recent accomplishments in one area—combating the scourge of child pornography.

Last year, we passed, and the President signed, the Child Protection Act of 1984, which I had sponsored with Senator SPECTER and others. The Child Protection Act removed the requirement that child pornography meet the murky definition of "obscenity" to fall afoul of Federal law, and also removed the requirement that this hideous form of exploitation be undertaken for a commercial purpose.

The results of this legislation have been dramatic. In recent testimony before a Senate Governmental Affairs Subcommittee, the Justice Department credited the Child Protection Act with a large increase in prosecutions.

In the last 9 months, according to the Justice Department testimony, 63 defendants have been indicted on child pornography charges—almost as many as in the previous 6½ years. And the number of convictions nearly tripled last year over 1983.

But as effective as the Child Protection Act has been in stepping up Federal efforts to guard our young people, we have only scratched the surface in terms of what could be done.

Federal and State enforcement officials need additional tools to end the outrage of child exploitation—and our young people need additional protection.

Accordingly, I am today introducing a new series of initiatives in the continuing fight against those who would destroy the lives of our children for their own cheap and tawdry pleasure and profit.

The first of these initiatives would make sections 2251 and 2252 of title 18, United States Code, predicate offenses triggering the racketeering and influence of corrupt organizations [RICO] statutes. Placing the child pornography sections of the code under RICO would provide the additional penalties and fines available under that statute against these organizations, and might also reach pedophiles who infiltrate legitimate childcare, educational and recreational organizations to gain access to potential victims.

In addition, RICO would provide the personal civil remedies now sorely lacking under Federal law, including injunctive relief to halt the dissemination of pornography across State lines—out of the reach of State remedies—and treble damages for personal injuries.

This provision differs from earlier efforts in this area in that it limits the expansion of RICO coverage to injuries to the person to violations of sections 2251 and 2252.

The second provision of this package is a variation on legislation I introduced in the last Congress to provide a national clearinghouse on cases involving child abuse and allow child-care organizations to conduct employee background checks.

In hearings on this legislation last year, the FBI objected that such a data base would be a costly duplication of information already existing in the FBI's Identification Division and in the National Crime Center's interstate identification index, that starting such an effort from scratch would cause it to miss many past offenses, and that such an effort would undermine decentralization efforts undertaken by the FBI under Public Law 92-544.

However, the existing data bases are inadequate in that they do not provide information on the victim's age—that is, whether the offense involved a child victim—or on the relationship between the accused and the victim.

Not only would this lack of specificity hamper background checks, it also limits the effectiveness of studies on child abuse based on information contained in these files.

Therefore, I have included in this package a provision directing the FBI and the National Crime Information Center to update their information-collecting efforts by including information on the age of the victim and the relationship to the perpetrator, and to provide a uniform definition of a "child" to for the purpose of classifying crimes as being committed against children.

Since I introduced the data base bill last year, Senator DECONCINI was able to amend last year's continuing resolution to provide additional child abuse training funds for States which establish procedures pursuant to Public Law 98-544 requiring employee background checks by facilities primarily dealing with children. It is important that we act to update the index if the DeConcini amendment is to have any vitality and if we hope to encourage States to take advantage of the information available to child-oriented employers.

Two additional provisions would protect children against repeat offenders through mandatory sentences. Section 5 of the bill provides for a mandatory life sentence for kidnaping of children under 18 by nonparents, and gives the judge discretion to issue a sentence of

death if the kidnaped child is murdered.

We must substantially increase penalties for this vicious crime to deter potential perpetrators and prevent repeat offenses.

Section 6 of the bill provides for mandatory 5-year sentences for repeat violations of sections 2251 and 2252. Again, evidence indicates that many pedophiles are repeat offenders who will strike again if they are released from custody.

Section 7 of this legislation is aimed at a troublesome roadblock to prosecution of offenses against children: the investigative, prosecutorial and courtroom procedures which discourage the use of child victims as witnesses.

Children with the requisite intelligence and communications skills are competent to testify in most jurisdictions. Indeed, the child victim is often the best and/or the only witness against an abuser. A recent conviction in Rockville, MD, where the 5-year-old daughter of an abuser was a key witness, is a well publicized case in point.

However, the justice system erects a number of barriers to the participation of child victims in trials for abuse and exploitation. As if courtrooms were not sufficiently intimidating, often children must confront their tormentors, who in many cases have threatened to harm the children or their loved ones if they tell of their abuse.

Then, once on the stand, they may be confronted with hostile and complex questioning designed to take advantage of their nervousness and inexperience. News reports from the McMartin case in California indicate that the young witnesses were subjected to long, complex and confusing lines of questioning intended to throw them off guard, produce inconsistencies and therefore reduce their credibility.

But the continued torment of these young victims by the system sworn to protect them begins long before they come to the stand. Testimony in hearings conducted last year indicates that repeated interviews by attorneys, investigators, and social workers may cause the child to relive their horror so many times that they may become zombie-like in retelling the story. This also has the effect of reducing their credibility at trial.

And investigators not trained in dealing with the special problems of child witnesses may botch potential prosecutions. News reports indicate that exactly that kind of mishandling of testimony by youngsters led to all the charges being dropped in the Jordan, MN, case, despite the conviction of investigators that a number of children were indeed abused.

It is little wonder that many parents of child abuse victims decide not to subject their children to the ordeal of testifying against their attackers.

If we hope to increase the number and quality of child exploitation prosecutions, we must act to remove the barriers to participation by child witnesses. And the place to begin is with the procedures employed by the Federal Government in child abuse and exploitation prosecutions.

This legislation would direct the Attorney General to study possible changes in the Federal Rules of Evidence, Criminal Procedure, and Civil Procedure and other Federal courtroom, prosecutorial, and investigative procedures to facilitate the use of child witnesses in these cases. The study must include, but is not limited to, the use of closed-circuit cameras and two-way mirrors for live observation of child witnesses; allowing judicial discretion to circumscribe the use of harassing, overly complex and confusing questions against child witnesses; videotaping interviews to reduce repetition in the course of investigation and pretrial discovery and other streamlining of investigative procedures; and improved training of Federal prosecutorial, enforcement and investigative staff in the special problems of child victims.

The Attorney General is directed to report with findings and recommendations within 1 year of passage. It is my hope that such a study would produce an institutional commitment on the part of the Justice Department behind a set of recommendations, and provide the impetus for congressional action before the end of this Congress. I further hope that, though the Federal Government engages in fewer abuse and exploitation prosecutions than local authorities, the Federal influence would encourage parallel changes at the State level.

A final provision in the legislation would have the effect of allowing John and Noreen Gosch of Des Moines, IA, to share a seat on the board of the Missing Children's Center. John and Noreen's son Johnny, a Des Moines Register carrier, disappeared in 1982. Instead of withdrawing, which would have been an understandable reaction, John and Noreen have carried on a relentless search for their son, and have become experts in the area of protecting children from kidnaping and exploitation. They have become much in demand as speakers and have traveled widely, educating parents to protect other children from the fate that befell their son. They have earned the honor of a place on the board—and the board needs their expertise and energy.

I introduce this package knowing full well that it does not encompass the entire universe of possible approaches to carrying on the fight against the abuse and exploitation of our children. I acknowledge and welcome the initiatives of a number of other Senators who share my interest in this area. I offer this package in the hope that it will help us build on the momentum we have established on this issue, and promote a full hearing and debate on all the measures that have been introduced to date.

The continued interest on the part of my colleagues in providing protection for children provides further proof that there is much more that can be done. The battle to save our children is a never-ending one—and there is no time like the present to launch the next offensive.

Mr. President, I ask that the text of the legislation be inserted in full at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Abuse Victims Rights Act of 1985".

FINDINGS

SEC. 2. The Congress finds that—

(1) child exploitation has become a multimillion dollar industry, infiltrated and operated by elements of organized crime, and by a nationwide network of individuals openly advertising their desire to exploit children;

(2) Congress has recognized the physiological, psychological, and emotional harm caused by the production, distribution, and display of child pornography by strengthening laws proscribing such activity;

(3) the Federal Government lacks sufficient enforcement tools to combat concerted efforts to exploit children proscribed by Federal law, and exploitation victims lack effective remedies under Federal law;

(4) child molesters and others who prey on children frequently seek employment in or volunteer for positions that give them ready exposure to children;

(5) Congress has encouraged background checks to prevent individuals with a record of child abuse from attaining such positions; however, current Federal files contain insufficient information to identify crimes involving abuse of children;

(6) abductions of children under the age of 18, frequently involving noncustodial parents, cause considerable emotional and physical trauma, yet individuals convicted of such offenses are rarely sentenced and noncustodial parents are rarely prosecuted;

(7) mandatory sentences for kidnaping of children would provide an effective deterrent for such offenses and reduce recidivism; and

(8) current rules of evidence, criminal procedure, and civil procedure and other courtroom and investigative procedures inhibit the participation of child victims as witnesses and damage their credibility when they do testify, impairing the prosecution of child exploitation offenses.

INCLUSION OF SEXUAL EXPLOITATION OF CHILDREN UNDER RICO

SEC. 3. Section 1961(1)(B) of title 18, United States Code, is amended by inserting after "section 1955 (relating to the prohibition of illegal gambling businesses)," the fol-

lowing: "sections 2251 and 2252 (relating to sexual exploitation of children),".

AUTHORIZATION OF CIVIL SUITS UNDER RICO FOR PERSONAL INJURY

SEC. 4. Subsection (c) of section 1964 of title 18, United States Code, is amended to read as follows—

"(c) Any person injured—

"(1) personally by reason of a violation of section 1962 of this chapter if such injury results from an act indictable under sections 2251 and 2252 of this title (relating to sexual exploitation of children); or

"(2) in his business or property by reason of any violation of section 1962 of this chapter,

may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee.".

DEATH SENTENCE OR MANDATORY LIFE IN KIDNAPING OFFENSES INVOLVING THE MURDER OF A MINOR

SEC. 5. Section 1201 of title 18, United States Code, is amended—

(1) in subsection (a) by striking out "except in the case of a minor by the parent thereof,";

(2) in subsection (a) by inserting, "except as provided in subsection (g) of this section," before "be punished"; and

(3) by adding at the end thereof the following:

"(g)(1) If the victim of an offense under subsection (a) is a person who has not attained the age of 18 years, the punishment shall be imprisonment for life. Notwithstanding any other provision of law, the court, in imposing a life sentence under this subsection, shall not sentence the defendant to probation, nor suspend such sentence, and the defendant shall not be eligible for release on parole.

(2) If during the course of an offense for which the punishment is provided by this subsection, the offender kills such victim, the judge may, in lieu of the punishment provided in paragraph (1), sentence such offender to the penalty of death. The procedures made applicable to the penalty of death in aircraft piracy cases by section 903(c) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1473(c)) shall also be applicable to the penalty of death under this subsection, except that, notwithstanding paragraph (7) of such subsection, the court may decline to impose the sentence of death.".

MANDATORY MINIMUM SENTENCE

SEC. 6. Section 2251(c) of title 18, United States Code, is amended by—

(1) striking out all that follows the fifth comma and that precedes the first period, and inserting in lieu thereof "such person shall be imprisoned not less than five years nor more than 15 years, and may also be fined not more than $200,000".

(2) adding at the end thereof the following: "Notwithstanding any other provision of law, the court, in imposing sentence for a person with a prior conviction under this section, shall not sentence the defendant to probation, nor suspend such sentence, and the defendant shall not be eligible for release on parole until he has served not less than five years.".

(b) Section 2252(c) of title 18, United States Code, is amended by—

(1) striking out all that follows the fifth comma and that precedes the first period, and inserting in lieu thereof "such person shall be imprisoned not less than five years nor more than 15 years, and may also be fined not more than $200,000".

(2) by adding at the end thereof the following: "Notwithstanding any other provision of law, the court, in imposing sentence for a person with a prior conviction under this section, shall not sentence the defendant to probation, nor suspend such sentence, and the defendant shall not be eligible for release on parole until he has served not less than five years.".

ATTORNEY GENERAL REPORT

SEC. 7. (a) Within one year after the date of enactment of this Act, the Attorney General shall submit a report to Congress detailing possible changes in the Federal Rules of Evidence, the Federal Rules of Criminal Procedure, the Federal Rules of Civil Procedure, and other Federal courtroom, prosecutorial, and investigative procedures which would facilitate the participation of child witnesses in cases involving child abuse and sexual exploitation.

(b) In preparing the report, the Attorney General shall consider such changes as—

(1) use of closed-circuit cameras, two-way mirrors, and other out-of-court statements;

(2) judicial discretion to circumscribe use of harassing, overly complex, and confusing questions against child witnesses;

(3) use of videotape in investigations to reduce repetitions of interviews;

(4) streamlining investigative procedures; and

(5) improved training of prosecutorial and investigative staff in special problems of child witnesses.

REQUIREMENT OF DETAILED FBI OFFENSE CLASSIFICATION SYSTEM

SEC. 8. The Attorney General shall modify the classification system used by the National Crime Information Center in its Interstate Identification Index, and by Identification Division of the Federal Bureau of Investigation in its Criminal File, with respect to offenses involving sexual exploitation of children by—

(1) including in the description of such offenses the age of the victim and the relationship of the victim to the offenders; and

(2) classifying such offense by using a uniform definition of a child.

MEMBERSHIP OF ADVISORY BOARD ON MISSING CHILDREN

SEC. 9. Subsection (a) of section 405 of the Missing Children's Assistance Act (Title IV of Public Law 93-415), as added by section 660 of the Comprehensive Crime Control Act of 1984 (Public Law 98-473) is amended by—

(1) striking out "9 members" and inserting in lieu thereof "10 members";

(2) striking out "and" after the semicolon in clause (5);

(3) striking out the period at the end of clause (6) and inserting in lieu thereof "; and"; and

(4) inserting at the end thereof the following:

"(7) One member position to be filled by the parents of a missing child to be selected from the State of Iowa based on their knowledge of child abuse prevention and their contributions in the area of missing children.".●

By Mr. BOREN (for himself, Mr. BUMPERS, Mr. FORD, Mr. MELCHER, Mr. PROXMIRE, Mr. PRYOR, Mr. GORE, Mr. DECONCINI, and Mr. ROCKEFELLER):

S. 986. A bill to amend the Internal Revenue Code of 1954 to disallow any deduction for advertising or other promotion expenses with respect to arms sales; to the Committee on Finance.

DEFENSE CONTRACTOR ADVERTISING EXPENSES

Mr. BOREN. Mr. President, the legislation I am introducing today with my colleagues, Mr. BUMPERS, Mr. FORD, Mr. MELCHER, Mr. PROXMIRE, Mr. PRYOR, Mr. GORE, Mr. DECONCINI, and Mr. ROCKEFELLER, is very simple. It eliminates the tax deductions that defense contractors presently enjoy for public relations costs. This is a small but important step to demonstrate to the American people that the Congress is interested in controlling the costs of defense.

The Internal Revenue Code provides a deduction for ordinary and necessary expenses of doing business. The defense industry sells almost entirely to the Federal Government; therefore, little advertising and promotion is necessary.

The question comes to mind: Why treat defense contractors differently? Well, Mr. President, defense contractors are already treated differently. What other companies have their research and development costs paid for? What other companies have government-owned facilities in which to conduct business? What other companies receive 90 percent of their costs each month? What other companies have a public law to provide "Extraordinary Contractual Relief Costs?"

For many months, stories about waste and possible fraud continue to flood the front pages of this Nation's newspapers. The Department of Defense continues to flounder in attempts to correct these abuses. The latest is a "Certificate of Overhead Costs" to be signed by a corporate official verifying the contents of their claims. It is very unclear as to what official must sign, what the penalty would be and to whom it would be charged. DOD also recently published changes in its regulations to control the present practice of collecting public relations costs in the contracts. And yet, the reports of abuse continue to mount.

In 1985, 54,000 personnel in the Department of Defense will have the responsibility of supervising 15 million contracts, according to the recent series in the Washington Post. There are 20,000 prime contractors and 150,000 subcontractors and vendors. The purchasing rules alone number 7,500 pages.

Mr. President, at this point in time I am not in the least convinced that we can get a handle on the immense problem of defense contract accounting. This bill would at least insure that contractors cannot collect for advertising and other public relations costs and then turn around and deduct them as ordinary business costs from their taxes. The American public de-

serves a better deal than the defense corporations presently seem willing to give.

I urge my fellow colleagues to join me in sending a strong signal to the defense industry that it is long past time to assist the administration and the Congress to insure the strongly possible defense posture at the least possible cost to the American taxpayer.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items not deductible) is amended by adding at the end thereof the following new section:

"SEC. 280H. ARMS SALES PROMOTION EXPENSES.

"(a) GENERAL RULE.—No deduction shall be allowed under this chapter for any arms sale promotion expense.

"(b) ARMS SALE PROMOTION EXPENSE.—For purposes of this section—

"(1) IN GENERAL.—The term 'arms sale promotion expense' means any amount otherwise allowable as a deduction under this chapter with respect to—

"(A) any advertisement primarily for purposes of—

"(i) promoting the sale of arms, or

"(ii) informing or influencing the general public (or any segment thereof) with respect to defense expenditures, or

"(B) any of the following incurred or provided primarily for purposes described in subparagraph (A)—

"(i) travel expenses (including meals and lodging),

"(ii) any amount attributable to goods or services of a type generally considered to constitute entertainment, amusement, or recreation or to the use of a facility in connection with the providing of such goods or services,

"(iii) gifts, or

"(iv) other promotion expenses.

"(2) ARMS.—The term 'arms' means any arm, ammunition, or implement of war designated in the munitions list published pursuant to the Military Security Act of 1954.

"(c) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purpose of this section.".

(b) The table of sections for part IX of subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 280H. Arms sales promotion expenses.".

(c) The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act in taxable years ending after such date.

Mr. PROXMIRE. Mr. President, I am pleased to join the distinguished Senior Senator from Oklahoma [Mr. BOREN] in introducing legislation to prohibit weapons makers from passing along to the Government their public relations and advertising costs. This legislation would disallow business expense deductions for money spent advertising or promoting the sale of any weapons system to the U.S. Government.

Current Pentagon regulations are sufficiently ambiguous to permit contractors to bill the Government millions of dollars annually to recover their public affairs costs. The Defense Contract Audit Agency and the General Accounting Office recently estimated that this costs taxpayers $140 million each year. Another GAO review of 12 contractors placed the figure at $500 million. Even assuming the more conservative figure is correct, we are dealing with sufficient funds to purchase 7,000 antitank missiles for the Army, 140 Harpoon anti-ship missiles for the Navy, or 7 F-16 fighter planes for the Air Force.

Instead of supporting our soldiers in the field—where it belongs—this money now is buying plastic models of military equipment; glossy advertisements in trade magazines and general publications; and exhibit space in military trade shows.

I am aware that the Pentagon has attempted to revise the regulations responsible for this significant loophole. The current fiscal situation, however, requires immediate action to close it. At a time when the Congress is being asked to cut back or eliminate so many worthwhile domestic programs, we cannot turn a blind eye to such a blatant waste of Government resources.

Specifically, this bill would amend the Internal Revenue Code to prohibit business expense deductions for any advertisements promoting weapons sales to the United States. We simply do not need to subsidize slick media spreads, especially when the advertising promotes weapons we've been buying for years from a single source. What's the point of it?

Weapons advertising doesn't influence Government officials who make procurement decisions. In fact, the Government is not the intended recipient of these ad campaigns at all. The real purpose is to get the company's name before the public, generate name recognition, and thereby promote the firm's other products or services. When viewed in this light, there simply is no way to justify any taxpayer subsidy fo such advertising costs.

This legislation also would disallow business deductions for promotional travel and entertainment expenses. Moreover, it would discontinue subsidizing expenditures for gifts such as models and calendars, even when less than the current $25 business-gift maximum. Our Nation's military needs high-quality weaponry, not plastic models of it. It needs the best available tanks, ships, and planes, not a media blitz about them. In short, our defense dollars should be subsidizing muscle, not Madison Avenue.

Mr. President, I strongly urge the Senate to follow Senator BOREN's lead by approving this much-needed reform legislation. We need to stop defense contractors from passing their advertising expenses along to the Government.

Mr. President, I ask permission that my speech be inserted in the RECORD following the remarks on this subject by the senior Senator from Oklahoma, Senator BOREN.

Mr. FORD. Mr. President, for the last several months the press has carried what seems to be almost daily accounts of more than questionable billing practices by defense contractors and extremely lax oversight of contracts by the Department of Defense. This waste of our defense dollars sickens and angers me. How can this occur at a time of record Federal deficits, at a time when the Congress, in trying to bring the budget back into balance, is having to cut deeply into domestic programs on one hand and is asked to increase defense spending on the other? It is incredible to me, and it is impossible to explain to my constituents. Among the numerous letters I have received from Kentuckians on the subject has come the suggestion that if private businesses operated the way the Defense Department does, they would be bankrupt, and I cannot argue with that.

We must try to get control of the defense contracting system. I do not know exactly how we are going to do this, but at the very least we are going to need direction from the President, plus the combined efforts of the Secretary of Defense, the Service Secretaries and the Congress. Stricter oversight is certainly necessary, but it will not come from within the Defense Department unless there is pressure from the top. While I do not feel it is the duty of the Congress to involve itself in actual oversight of defense contracts, we can tighten laws and guidelines and perhaps even reduce the Department's budget so that it will treat our tax dollars a little less cavalierly.

I have notice that several committees are investigating these latest reported abuses by defense contractors, and I am sure that some corrections in the system will result from this. Additionally, a number of my colleagues have ideas on how to turn around the waste, fraud and abuse in the Department of Defense budget that appears, I am sorry to say, to be more flagrant than originally anticipated. I am joining their efforts today as I cosponsor with the senior Senator from Oklahoma legislation designed to close a loophole in the Internal Revenue Code.

The bill, which I recommend to my colleagues, would eliminate the ability of defense contractors to deduct public relations expenses as a business expense. The Code provides deduction

for ordinary and necessary expenses of doing business. But the defense industry sells almost exclusively to the Federal Government, so why is advertising necessary, and why should we pay for it? Furthermore, as a double whammy, these contractors bill the defense department for advertising and other public relations costs, and then turn around and deduct them from their taxes.

If this were not bad enough, the list of items billed as the cost of doing business is shocking: Country club fees, dinner parties, babysitting expenses, golf shirts, hats, and promotional giveaways. To my mind, these are not legitimate tax-deductible expenses.

I hope our colleagues will join us in sending a strong signal to the Defense Department and to the defense industry that the Congress and the American people want more, a lot more, for their defense dollar.

By Mr. EXON:

S. 987. A bill to recognize the organization known as The Daughters of Union Veterans of the Civil War 1861-1865; to the Committee on the Judiciary.

DAUGHTERS OF UNION VETERANS OF THE CIVIL WAR

Mr. EXON. Mr. President, I am pleased and honored to offer a bill today which would grant "The Daughters of Union Veterans of the Civil War 1861-1865" a Federal charter.

We who live here in Washington or spend a good deal of time here are reminded more often than most Americans of the great struggle years ago which first divided our Nation and then inseparably bound it together. One does not have to venture far in any direction from this Chamber to find a monument or marker paying tribute to those who participated in that struggle. Many of the major battlefields of the Civil War are located just a short drive from Washington and today provide scenic parks in which to spend a relaxing day.

The Civil War is part of our rich American heritage and its events and outcome should be remembered by all Americans.

One organization which has worked hard to preserve this part of our national heritage is "The Daughters of Union Veterans of the Civil War 1861-1865." This fine organization of 7,000 members nationwide encourages the preservation of historic sites and the construction and preservation of monuments commemorating the struggle between the North and South. It maintains a museum of Civil War history and a library containing official documents of the Civil War, as well as artifacts, biographies, and personal accounts of the conflict. Both are open free of charge to the public.

The efforts of The Daughters of Union Veterans of the Civil War go well beyond preserving the Civil War as part of our history. Members also care for veterans of all wars through volunteer programs in Veterans' Administration medical centers and in homes and other institutions maintained by our States for the welfare of our veterans. The organization also conducts scholarship programs at the State and national levels, encourages contests of educational merit, and works with other groups devoted to American history, veterans' affairs, and community interests.

I first heard of the many efforts of this fine organization through one of its leading members and a fellow Nebraskan, Leah Way.

"The Daughters of Union Veterans of the Civil War 1861-1865" is an organization that merits the recognition of the Congress and all Americans. The granting of a Federal charter this year, the centennial of the organization's existence, would be a most appropriate gesture.

By Mr. WALLOP:

S. 988. A bill to amend title XVIII of the Social Security Act to prohibit the Secretary of Health and Human Services from requiring certain physician certifications relating to inpatient hospital services, and to allow physicians to charge Medicare beneficiaries without regard to the fee freeze if the patient chooses to pay the physician from private sources; to the Committee on Finance.

S. 989. A bill to amend title XVIII of the Social Security Act to allow physicians to charge Medicare beneficiaries without regard to the fee freeze if the patient chooses to pay the physician from private sources; to the Committee on Finance.

MEDICARE LEGISLATION

● Mr. WALLOP. Mr. President, today I am introducing two bills to amend the physician services part of the Medicare Program. The bills will correct several problems in the operation of this program which have been brought to my attention by Wyoming physicians.

The first bill involves the so-called penalty statement which the Health Care Financing Administration requires physicians with Medicare patients to sign. The form is basically a statement by physicians that they are not crooks. I cannot think of a more demeaning or arrogant exercise of bureaucratic power.

It is my understanding that the form is required because the Inspector General at HHS and other authorities are worried that physicians might abuse the Medicare prospective payment system. The abuse would result from alleged misdiagnosis and utilization of unnecessary services. However, there are already several means by which the physicians are either self-policed or independently reviewed. For each hospital patient, Medicare or otherwise, a physician must sign the chart indicating the medical problem and method of treatment. Also, PRO's review Medicare cases. The penalty statement is obviously uncalled for, and the bill I am introducing would prohibit HCFA from requiring that physicians sign such forms, either on a case-by-case basis, an annual basis, or once in a lifetime.

The second bill involves the Medicare physician fee freeze which was included as part of the deficit reduction of 1984. Under the act, physicians cannot, for a 15-month period, charge Medicare patients a fee higher than what was charged during a base period. This is similar to the fee freeze which was tried back in 1971 when wage and price controls were ineffectively used to bring inflation under control. In the next few days, we may vote here in the Senate to further extend the physician fee freeze.

The legislation introduced today responds to one small problem with the freeze. The fee freeze is in effect for every Medicare patient seen by a physician. However, some Medicare-eligible patients do not participate in the Medicare Program. They may pay for their medical expenses out of pocket, or they may still be working and are covered by private insurance. But, the physician's fees are frozen, regardless of the cost of the services or source of payment. My bill simply unfreezes the physicians whenever their Medicare-eligible patients have their medical expenses paid by a means other than Medicare.

Both bills provide some sanity to a very confusing, irritating and demoralizing situation. I would ask unanimous consent that the two bills I am introducing be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 988

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1886 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(h) The Secretary may not require, as a condition for payment for inpatient hospital services, that a physician make a certification with respect to the accuracy of the diagnosis of a patient who received inpatient hospital services, or with respect to the necessity of such services.".

(b) Section 1842 (j) of such act is amended by adding at the end thereof the following new paragraph:

"(5) Paragraph (1) shall not apply to any case where no payment is made or requested under this part with respect to the particular physicians' services involved.".

(c) The amendments made by subsections (a) and (b) shall apply to services furnished after the date of the enactment of this Act.

S. 989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Section 1842(j) of such Act is amended by adding at the end thereof the following new paragraph:

"(5) Paragraph (1) shall not apply to any case where no payment is made or requested under this part with respect to the particular physicians' services involved.".

(b) The amendment made by subsection (a) shall apply to services furnished after the date of the enactment of this Act.●

By Mr. DANFORTH (for himself, Mr. PACKWOOD, Mr. GORTON, and Mr. STEVENS):

S. 990. A bill to consolidate and authorize program support and certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce; to the Committee on Commerce, Science, and Transportation.

S. 991. A bill to provide authorization of appropriations for certain fisheries activities; to the Committee on Commerce, Science, and Transportation.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION REAUTHORIZATION LEGISLATION

● Mr. DANFORTH. Mr. President, today I am introducing, along with my colleagues from Oregon [Mr. PACKWOOD], Washington [Mr. GORTON], and Alaska [Mr. STEVENS], two bills to provide for comprehensive authorization of the National Oceanic and Atmospheric Administration's [NOAA] Fisheries Programs, Ocean and Coastal Programs, and program support functions.

Over the past several years, the Commerce Committee has worked to achieve a goal of bringing all of NOAA under active authorization, rather than operating under a standing authorization. The purpose of this approach is to ensure that NOAA is held fully accountable in carrying out its activities and functions.

This year, funding pressures on all Federal agencies, including NOAA, will be quite severe. Funding levels are expected to be frozen at the fiscal year 1985 level. The bills that I am introducing today reflect these budget concerns. Therefore, it is vital that we direct our limited resources to the areas of greatest need.

Reauthorization hearings on NOAA are expected to illuminate the areas and programs most deserving of support. The bills introduced, as part of a comprehensive NOAA package, freeze funding levels for these NOAA programs, setting the fiscal year 1986 level at the fiscal year 1985 appropriation level and allowing a 4.5-percent increase for fiscal year 1987. After the hearing process, authorization levels may be adjusted or shifted to reflect priorities identified during the hearings.

The Marine Fisheries Program authorization provides $64,710,000 during fiscal year 1986, and $67,621,950 for fiscal year 1987, for NOAA's National Marine Fisheries Service to carry out a portion of its duties in the areas of information collection and analysis, fishery conservation and management, and State and industry assistance programs. The balance of the funding needed by the fisheries service to carry out these functions is authorized under several cyclical authorizations, the primary one being the Magnuson Fishery Conservation and Management Act [MFCMA].

The fisheries authorization bill also includes a 2-year reauthorization of the Commercial Fisheries Research and Development Act at the fiscal year 1985 appropriation level of $4,500,000 for fiscal year 1986, and $4,702,500 for fiscal year 1987.

A 2-year reauthorization of the Anadromous Fish Conservation Act is also provided at a funding level of $3,500,000 for fiscal year 1986 and $3,657,500 for fiscal year 1987.

NOAA's Ocean and Coastal Programs and program support functions are contained in a second authorization bill. In the area of program support, $47,954,000 is provided for NOAA's overall executive management and retirement pay for commissioned officers of the NOAA corps during fiscal year 1986, and $50,111,930 for fiscal year 1987. NOAA's marine fleet operations are authorized at $64,886,000 for fiscal year 1986, and $67,805,870 for fiscal year 1987. Aircraft support services are authorized at $12,744,000 for fiscal year 1986, and $13,317,480 for fiscal year 1987. The bill proposes to fund the National Advisory Committee on Oceans and Atmosphere at the fiscal year 1985 appropriation level of $630,350 for fiscal year 1987.

Title II contains reauthorizations of two important ocean and coastal programs, the Ocean Dumping Research Program carried out under the Marine Protection, Research, and Sanctuaries Act and the National Ocean Pollution Planning Act. Also, the bill authorizes $2,000,000 during fiscal year 1986, and $2,090,000 during fiscal year 1987, for continuing programs associated with development of ocean mineral resources.

NOAA's ocean research activities are reauthorized at $28,471,000 for fiscal year 1986, and $29,752,195 for fiscal year 1987. Ocean service centers such as tide data surveys and operation of ocean service centers, are authorized at $20,314,000 for fiscal year 1986, and $21,228,000 for fiscal year 1987. Finally, reauthorization is provided for NOAA's mapping, charting, and geodesy functions, including production and distribution of nautical and aeronautical charts.

The authorization levels provided in these bills reflect the need to restrain Government spending and still provide essential services.●

By Mr. COHEN (for himself, Mr. ROTH, and Mr. CHILES) (by request):

S. 992. A bill to discontinue or amend certain requirements for agency reports to Congress; to the Committee on Governmental Affairs.

CONGRESSIONAL REPORTS ELIMINATION ACT

● Mr. COHEN. Mr. President, at the request of the administration, I am introducing today, along with Senators ROTH and CHILES, the Congressional Reports Elimination Act of 1985. This legislation is modeled after the Congressional Reports Elimination Act of 1982 (Public Law 97-375) and is designed to improve the effectiveness and efficiency of agency operations by eliminating or modifying recurring reports to Congress which, in the administration's view, no long serve a useful purpose.

Thousands of requirements in Federal law require agencies to make recurring reports to Congress. Periodically, the Office of Management and Budget [OMB] review these requirements to determine if they are serving their original purpose. Repeal or modification of the statutory reporting requirement is recommended if:

A report no longer serves its original purpose;

No congressional use is evident;

The information is available to Congress from other sources; or

The cost and time involved in preparing the report outweigh the benefit of the report to the public.

In this case, OMB has recommended repeal of 185 requirements and modification of 49 others.

Although the reports slated for repeal represent only a small fraction of the reporting requirements now in Federal law, I am well aware that not everyone in the Senate may agree with OMB's assessment of what is necessary and what is not.

Therefore, the Subcommittee on Oversight of Government Management, of which I am chairman, will carefully review the bill and distribute copies of it to each of the affected committee chairmen for their comments. If a chairman feels a report is still necessary, we want to know about it. Every effort will be made to respect the chairman's interests. I hope and trust, however, that the chairmen will not automatically request the retention of reports but will determine whether or not they are truly needed. We will also be happy to consider additional reporting requirements which any chairman believes should be eliminated.

Mr. President, I hope that we will be able to move quickly on this matter,

since it is estimated that passage of this bill will save the Government over $10 million each year.●

By Mr. HATCH:

S. 993. A bill to amend the Internal Revenue Code of 1954 to allow a credit for the occupational training of displaced homemakers; to the Committee on Finance.

DISPLACED HOMEMAKERS OPPORTUNITY ACT

Mr. HATCH. Mr. President, Mother's Day is less than a month away; on this day we will recognize and show our formal appreciation for the marvelous achievements and unselfish efforts of mothers everywhere. Mothers spend innumerable hours caring for children and ensuring that families have warm, comfortable homes. In so doing, they have often sacrified academic and employment opportunites. To be sure, these full-time homemakers have greatly enriched the lives of many American families and have earned the gratitude and admiration of us all.

Unfortunately, these deserving mothers are not always rewarded for their achievements and sacrifices. In fact, their sacrifices in particular place some of these homemakers at a severe disadvantage when they are faced with the death, divorce, or disablement of a husband. Suddenly, these homemakers must enter the labor market in order for their families to subsist. Since these displaced homemakers have devoted their time, energy, and creativity to raising and providing a home for a family, they often do not possess the skills necessary to obtain employment outside the home at wages high enough to maintain a family alone. Often, they must turn to forms of public assistance. In fact, of the over 10 million American families headed by women, 50 percent must resort to some form of public assistance.

Of these same 10 million family heads, 41 percent earn less than $5,000 per year and 60 percent earn less than $10,000 per year. In harsher terms, over half of the American families headed by women exist below the poverty level. If one considers the numbers involved here—6 million women and more than twice that many children—it is apparent that we need to investigate this disturbing problem and take steps toward its resolution. It is time our gratitude helped pay the rent.

We in the Congress can take these steps. We can provide greater opportunities for these displaced homemakers to receive job training. This training would improve their ability to command a decent wage, thus freeing these women from their dependence on public assistance. With these actions, we would greatly bolster these women's sense of self-sufficiency and self-worth.

The legislative initiative which I introduce today, the Displaced Homemakers Opportunity Act, would provide this needed assistance by expanding the number of private sector job training opportunities for this special category of women. The bill permits employers to claim a tax credit equal to 50 percent of wages for hiring a displaced homemaker and providing on-the-job training, or a credit worth 50 percent of the expenses incurred by sending a displaced homemaker to a qualified independent training program.

An employer may also take a credit for upgrading the skills of already employed displaced homemakers earning less than $10,000 per year.

The credit may be 50 percent of the training cost if release time is provided, or 40 percent if it is not.

This program could be implemented using IRS' existing administrative system, so it would not require new offices or significantly more personnel. Moreover, since the training program would be in the form of a tax credit, there would be no direct Federal Government expenditure and virtually no waste—a displaced homemaker is either employed and being trained in a job or she is not. It's that simple.

With this legislation, we will give these displaced homemakers greater opportunities for meaningful employment and independence from public welfare programs. The children of these displaced homemakers will have some sense of security as well as an appreciation for the benefits, satisfaction, and ethics of work. Furthermore, we will cease to penalize these mothers for their commendable efforts to be good mothers, good wives, and good homemakers.

I welcome the support of my colleagues in enacting the Displaced Homemakers Opportunity Act. With this legislation, we will be providing millions of American women with a way out of poverty and a way to achieve a true sense of independence and personal worth.

Mr. President, I ask unanimous consent for the text of the bill to be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Displaced Homemakers Opportunity Act".

SEC. 2. DISPLACED HOMEMAKER TAX CREDIT.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable against tax) is amended by inserting after section 44H the following new section:

"SEC. 44I DISPLACED HOMEMAKER CREDIT.

"(a) IN GENERAL—At the election of the taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) 50 percent of the aggregate wages paid or incurred by the taxpayer during such taxable year to displaced homemakers who received on-the-job training from the taxpayer, or

"(2) 50 percent of the aggregate amount paid or incurred by the taxpayer during the taxable year to a qualified training organization for the provision of occupational training services to displaced homemakers, or

"(3) 50 percent of the aggregate amount paid or incurred by the taxpayer to a qualified training organization for the provision of upgrade occupational training services to displaced homemakers who are compensated displaced homemakers, but whose earnings do not exceed $10,000 per annum, or

"(4) 40 percent of the aggregate amount paid or incurred by the taxpayer to a qualified training organization for the provision of upgrade occupational training services to displaced homemakers who are not compensated displaced homemakers, and whose earnings do not exceed $10,000 per annum.

"(b) LIMITATION.—

"(1) ONLY WAGES AND AMOUNTS PAID WITHIN 2 YEARS OF HIRING TAKEN INTO ACCOUNT.—Wages or other amounts paid or incurred by the taxpayer with respect to any displaced homemaker shall not be taken into account under this section if such wages or amounts are paid or incurred more than 2 years after the date on which the taxpayer first paid or incurred wages or other amounts with respect to such displaced homemaker which were taken into account under this section.

"(2) NO CREDIT IF ANY DISPLACED HOMEMAKER DISCHARGED WITHOUT REASONABLE CAUSE.—No credit shall be allowed under this section for the taxable year if—

"(A) the taxpayer was allowed a credit under this section for any taxable year preceding such taxable year with respect to any displaced homemaker, and

"(B) the taxpayer discharged such displaced homemaker without reasonable cause at any time prior to the close of such taxable year.

"(3) LIABILITY FOR TAX.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the credit allowed by subsection (a) for any taxable year shall not exceed the excess of—

"(i) the amount of the tax imposed by this chapter, over

"(ii) the sum of the credits allowable under a section of this part having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, and 43.

For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53(a).

"(B) SPECIAL RULE FOR PASSTHROUGH OF CREDIT.—In the case of an individual who—

"(i) owns an interest in an unincorporated trade or business,

"(ii) is a partner in a partnership,

"(iii) is a beneficiary of an estate or trust, or

"(iv) is a shareholder in an electing small business corporation (within the meaning of section 137(b)),

the credit allowed by subsection (a) for any taxable year shall not exceed the lesser of the amount determined under subpara-

graph (A) for the taxable year or an amount (separately computed with respect to such person's interest in such trade or business or entity) equal to the amount of tax attributable to that portion of a person's taxable income which is allocable or apportionable to the person's interest in such trade or business or entity.

"(c) DEFINITIONS.—For purposes of this section—

"(1) COMPENSATED DISPLACED HOMEMAKER.—The term 'compensated displaced homemaker' means any displaced homemaker who is paid wages by the taxpayer which—

"(A) are for not less than 5 of the hours per day during which such displaced homemaker receives occupational training services from a qualified training organization, and

"(B) are at the same rate of compensation the taxpayer pays such displaced homemaker for services performed when such displaced homemaker is not receiving such occupational training services.

"(2) DISPLACED HOMEMAKER.—

"(A) IN GENERAL.—The term 'displaced homemaker' means any individual who—

"(i) was a homemaker for 5 years,

(ii) had no occupation skills or insufficient occupational skills on the date on which such person was hired by the taxpayer,

(iii) entered the work force due to—

"(I) the death or disability of the wage-earning spouse of such person, or

"(II) the divorce of such person from the wage-earning spouse, and

"(iv) is employed by the taxpayer at the close of the taxable year.

"(B) MEMBERS OF TARGETED GROUPS.—The term 'displaced homemaker' does not include any individual with respect to whom the taxpayer has been allowed a credit under section 44B for any taxable year.

"(3) ON-THE-JOB TRAINING.—The term "on-the-job training' means any occupational training program which provides a displaced homemaker with the general training and supervision necessary to learn the specific tasks required for satisfactory performance of the work that comprises an occupation.

"(4) QUALIFIED TRAINING ORGANIZATION.—The term 'qualified training organization' means any organization which is certified by the Secretary of Labor as qualified to provide occupational training services.

"(5) OCCUPATIONAL TRAINING SERVICES.—The term 'occupational training services' includes—

"(A) remedial education and basic occupational skills training,

"(B) job counseling,

"(C) institutional skill training,

"(D) programs of advanced career training which provide a combination of on-the-job training and institutional training and internship assignments which prepare individuals for career employment,

"(E) programs to develop work habits and other services to individuals to help them obtain and retain employment,

"(F) upgrading of occupational skills,

"(G) retraining of occupational skills, and

"(H) literacy training and bilingual training.

"(6) WAGES.—The term 'wages' has the meaning given to such term by section 3306(b) (determined without regard to any dollar limitation contained in such section).

"(d) DENIAL OF DOUBLE BENEFIT.—No deduction or credit shall be allowed under any other provision of this chapter with respect to any amount for which a credit is allowed under subsection (a).

"(e) RECAPTURE OF TAX BENEFIT.—

"(1) IMPOSITION OF ADDITIONAL TAX.—If, at any time after the close of the taxable year for which the taxpayer is allowed a credit under subsection (a) with respect to a displaced homemaker, the taxpayer discharges such displaced homemaker without reasonable cause, then there is hereby imposed an additional tax on the income of the taxpayer which shall be in an amount determined with respect to such displaced homemaker.

"(2) AMOUNT OF ADDITIONAL TAX.—

"(A) IN GENERAL.—The amount of the additional tax imposed by paragraph (1) with respect to any displaced homemaker shall be equal to the sum of—

"(i) the excess of—

"(I) the income tax liability of the taxpayer for the taxable year in which the credit was allowed under subsection (a) with respect to such displaced homemaker (determined without regard to the portion of such credit attributable to the training of such displaced homemaker), over

"(II) the income tax liability of the taxpayer for such taxable year, plus

"(ii) interest on the excess described in clause (i) at the annual rate established under section 6621 for the period beginning on the date on which the return of the tax imposed by this chapter for such taxable year was required to be made and ending on the date on which payment of such additional tax is made.

"(B) INCOME TAX LIABILITY.—For purposes of this paragraph, the term 'income tax liability' means the tax imposed by this chapter reduced by any credit allowable against such tax.

"(3) DUE DATE.—The additional tax imposed by paragraph (1) shall become due and payable on the date which is 90 days after the date such tax is imposed.

"(4) STATUTE OF LIMITATIONS.—If an additional tax is imposed under paragraph (1)—

"(A) the statutory period for the assessment of such additional tax shall not expire before the expiration of 3 years from the date the Secretary is notified (in such manner as the Secretary may by regulations prescribe) of the occurrence which gives rise to the imposition of such additional tax; and

"(B) such additional tax may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.".

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 44H the following new item:

"Sec. 44I. Displaced Homemaker credit.".

(2) Section 6096(b) of such Code (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out "and 44H" and inserting in lieu thereof "44H, and 44I".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1983.

By Mr. JOHNSTON:

S. 994. A bill to facilitate the national distribution and utilization of coal; to the Committee on Energy and Natural Resources.

COAL DISTRIBUTION AND UTILIZATION ACT

● Mr. JOHNSTON. Mr. President, today I rise to introduce a bill that would facilitate the development of coal slurry pipelines. This measure would grant the Federal power of eminent domain to those interstate coal pipeline systems determined by the Secretary of Energy to be in the national interest.

More than ever I am convinced that the development of alternative modes of transportation is in the national interest. Coal slurry, in particular, is a known and reliable method of coal transport which is economical and causes minimal environmental impacts.

Legislation similar to this measure has been considered since 1974. This bill is essentially the same version as the Committee on Energy and Natural Resources reported favorably in the 98th Congress. I have made technical corrections, eliminated redundancies, and added a new section to allow pipeline operators to enter into long-term contracts.

I ask unanimous consent that the text of this bill be printed in the CONGRESSIONAL RECORD followed by a section-by-section summary of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 994

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Coal Distribution and Utilization Act of 1985".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that—

(1) the continuing dependence of the United States on foreign sources for petroleum and petroleum products entails grave national security risks, results in major balance-of-payment deficits, and increases inflation and unemployment in the domestic economy;

(2) the United States possesses extensive coal reserves that must be produced, distributed, and utilized to reduce the Nation's dependence on imported petroleum;

(3) domestic coal reserves cannot be developed and used for fuel unless adequate transportation systems and facilities exist for the efficient and economic distribution of large quantities of coal across great distances to markets in interstate and foreign commerce at competitive prices;

(4) the Nation's coal distribution system must include interstate coal pipeline distribution systems that will assist the Nation in the development and efficient utilization of coal resources;

(5) the construction of interstate coal pipeline distribution systems to distribute domestic coal will be facilitated by granting the power of eminent domain to certain interstate coal pipeline distribution systems;

(6) the construction of interstate coal pipeline distribution systems is a public use that justifies granting the Federal power of eminent domain to those systems for which a determination of national interest has been made pursuant to this Act;

(7) the water resources of the States are necessary for the development of other resources within those States, and State water laws or terms and conditions of permits and authorizations for the appropriation, use,

and diversion of water that restrict, limit, or condition the export of water in interstate coal pipeline distribution systems are reasonable and permissible means for the protection of the resources and the public interests of States;

(8) State water law and interstate compacts are carefully balanced and structured systems for the allocation of water;

(9) the national interest is best served by developing interstate coal pipeline distribution systems pursuant to those State water laws, interstate compacts, and laws governing the interstate allocation of water, including, notwithstanding any adverse impact such law may have on interstate commerce, laws relating to or prohibiting the export or use of water within or outside the State granting or denying such export or use; and

(10) the need for a national coal distribution system is subservient to the national interest in the primacy of State water law, interstate compacts, and laws governing the interstate allocation of water.

(b) The purpose of this Act is to facilitate the development of interstate coal pipeline distribution systems by granting the Federal power of eminent domain to those interstate coal pipeline distribution systems that are determined to be in the national interest: Provided, That such development is subject to State water law, interstate compacts, and laws governing the interstate allocation of water.

DEFINITIONS

SEC. 3. For the purposes of this Act the term—

(1) "coal" means any of the recognized classifications of coal, including anthracite, bituminous, semibituminous, subbituminous, and lignite;

(2) "interstate coal pipeline distribution system" means any pipeline system the primary economic purpose of which is the distribution of coal in a liquid or solid state—

(A) from one or more points outside a State to one or more points within a State or between two or more points within a State through another State, or

(B) from one or more points within Alaska to one or more points in a foreign country. Such a pipeline system shall be deemed to be in interstate or foreign commerce if coal that enters the pipeline system is delivered for commercial use in a State other than Alaska, in a territory of the United States, or in a foreign country.

An interstate coal pipeline distribution system includes line pipe, valves, pumping stations, water supply pipelines, and such dewatering facilities as are necessary. Such systems shall not include rail, port, highway, or other ancillary coal-gathering or coal-storage facilities.

(3) "private lands" means any interest in any land other than interests—

(A) owned by the United States or agency thereof or owned by any State or any political subdivision thereof;

(B) held in trust by the United States for an Indian or Indian tribe or owned by an Indian or Indian tribe subject to a restraint against alienation imposed by the United States or

(C) owned by a regional or village corporation established under the Alaska Native Claims Settlement Act, as amended, if such land was transferred to such corporation pursuant to said Act;

(4) "right-of-way" means such interest in private lands, excluding any interest in water, as may be necessary for construction, operation, and maintenance of an interstate coal pipeline distribution system;

(5) "Secretary" means the Secretary of Energy or his successor;

(6) "State" means a State of the United States and the District of Columbia; and

(7)(A) "State water law" includes but is not limited to all substantive and procedural State constitutional provisions, statutory law, judicial decisions, administrative regulations, and administrative decisions authorized by the State which apply to water; and

(B) in the case of any State water law which might be argued to be invalid as an improper burden, interference, or regulation of interstate commerce, such State water law shall not be deemed to be invalid for that reason insofar as such law applies to the export or use of water within or outside the State granting or denying the export or use of water for any interstate coal pipeline distribution system. State water law includes both existing law and that new law properly enacted or created in the future.

EMINENT DOMAIN AUTHORITY

SEC. 4. (a) AUTHORITY TO MAKE NATIONAL INTEREST DETERMINATION.— (1) Upon application of any person proposing to construct an interstate coal pipeline distribution system, who has filed and secured approval of a water permit or acquired other appropriate authorization to control, reserve, appropriate, purchase, transfer, use, export, divert, dedicate or claim water under State water law as provided in section 5, the Secretary shall determine whether the construction of such system is in the national interest.

(2) The determination of the Secretary under paragraph (1) shall be based on the record as a whole, taking into consideration each of the criteria set forth in subsection (b).

(b) FINDINGS.—In making a determination under subsection (a) the Secretary shall make findings concerning the extent to which the system—

(1) would help meet national needs for coal distribution and utilization considering, among other matters, alternative routes, or means of distributing coal;

(2) would enhance competition and provide new market outlets and opportunities for coal producers, including small and independent producers;

(3) would contribute to the national security by encouraging the displacement of imported petroleum, petroleum products, and coal with domestic coal;

(4) would result in economic benefits including—

(A) reduced coal transportation costs;

(B) reduced wholesale and retail electric rates; and

(C) enhanced reliability of supplies of both coal and electric energy; and

(5) would affect the environment, compared to the environmental impacts of alternatives, including—

(A) railroad transportation;

(B) alternative pipeline routes; and

(C) coal utilization facilities, including electric generating plants at coal mine sites and coal gasification plants.

(c) SMALL AND INDEPENDENT COAL PRODUCER ACCESS.—(1) For purposes of protecting small and independent coal producers, the Secretary shall require, as a condition of his determination under subsection (a), that the applicant, prior to application, shall offer to make available to such producers the lesser of—

(A) 10 per centum of the total pipeline capacity of the proposed interstate coal pipeline distribution system; or

(B) that portion of the total capacity necessary to satisfy the total interstate coal pipeline distribution system transportation demand of all such small and independent producers located in the geographic region (as determined by the Secretary) served by such pipeline;

under the same terms and conditions as other contracting entities.

(2) For purposes of this subsection, the term "small and independent coal producer" means a coal producer, or a broker or cooperative that represents individual coal producers—

(A) who produced two hundred thousand tons or less of coal during the calendar year preceding the calendar year in which the application is filed, and

(B) are not affiliated with any other company. For purposes of this subparagraph, a coal producer shall be treated as affiliated with another company if such company controls, is controlled by, or is under common control with such coal producer. The term "control" shall have the same meaning as provided by section 10102 of title 49, United States Code.

(d) PROCEDURES.—(1) Any decision under subsection (a) shall be made after notice and opportunity for presentation of written data, views, or arguments in accordance with section 553 of title 5 of the United States Code. If the Secretary, in his discretion, decides to hold hearings, the Secretary shall expedite such hearings and proceedings, and shall schedule all hearings, proposed findings and conclusions, exceptions and any recommended decisions so that the Secretary's final decision under this section shall be issued and completed within eighteen months from the date of receipt of a complete application, except that the Secretary may, for good cause, extend such eighteen-month period for additional periods of not more than ninety days.

(2) Within thirty days after receipt of an application for a determination under this section, the Secretary shall determine whether the application contains all of the information required for its consideration whereupon he shall, within seven days, publish notice of receipt of the application in the Federal Register. The Secretary shall further notify the Governor of each State in which the interstate coal pipeline distribution system will be located. Each notification shall identify the lands over which the interstate coal pipeline distribution system is to be constructed or operated and the water source to be used. If the Secretary determines that all of the required information is not in the application, he shall immediately notify the applicant of all the deficiencies in the application and provide a reasonable period of time for such applicant to provide additional information.

(3) Each applicant for such a determination shall reimburse the Secretary for administrative and other costs incurred by the Secretary in processing the application in such manner as the Secretary shall, by rule, prescribe.

(e) ANTITRUST REVIEW.—(1) Not later than ten days after any application for a determination under this section is received by the Secretary, the Secretary shall notify the Attorney General of the filing of such application and shall provide the Attorney General with a copy of such application and such other information as the Attorney General may request. The Attorney General shall conduct an antitrust review to determine the likely effects upon competition of ap-

proval of such application, and not later than one hundred and twenty days after the date of receipt of such notification shall advise the Secretary of the results of such review, including, but not limited to, findings, and recommendations concerning such terms and conditions as the Attorney General deems necessary to protect and promote competition. No application may be determined to be in the national interest under this section if the Attorney General advises the Secretary in writing that, on the basis of such review, approval of such application is not consistent with the antitrust laws.

(2) For the purpose of paragraph (1), the term—

(A) "antitrust laws" has the meaning such term has under section 1 of the Clayton Act (15 U.S.C. 12); and

(B) "antitrust review" has the meaning the term "antitrust investigation" has under section 2 of the Antitrust Civil Process Act (15 U.S.C. 1311).

(f) EMINENT DOMAIN AUTHORITY.—(1) Any person proposing to build an interstate coal pipeline distribution system, the construction of which has been determined by the Secretary to be in the national interest, may, after making good faith efforts to acquire such rights-of-way by negotiations between such person and private landowners, acquire rights-of-way over, under, upon, or through private lands by exercise of the power of eminent domain in the United States district court for the district in which such lands are located or in the appropriate court of the State in which such lands are located. In any action or proceeding to acquire rights-of-way under this section, such action or proceeding shall conform to the laws, practices, and procedures relating to the general eminent domain law of the State where the property is situated, except that in the case of any such State law, practice, or procedure, the effect of which would prohibit any acquisition under this section, or which discriminates against interstate coal pipeline distribution systems, such State law, practice, or procedure shall not be applicable.

(2) Nothing in this section shall be construed to permit any person to acquire any water right through the exercise of the power of eminent domain granted under this Act.

(3) No interstate coal pipeline distribution system constructed pursuant to the authorities of this section shall be considered to be a Federal project for purposes of the application for or assignment of water rights.

(4) Unless there is no feasible and prudent alternative to the acquisition of right-of-way and reasonable planning is made to minimize harm resulting from the acquisition, no such right-of-way may be acquired through exercise of the power of eminent domain under this Act if such right-of-way is over, under, upon, or through—

(A) lands of National, State, or local historic significance as determined by the Federal, State, or local officials having jurisdiction thereof; or

(B) lands held by a qualified organization as defined in section 170(h)(3) of the Internal Revenue Service Code of 1954 primarily for wildlife refuge, sanctuary, recreational or natural resource conservation purposes.

(g) ALTERNATIVE ROUTES.—(1) Nothing in this section shall be deemed to prohibit the applicant from amending his application to request a right-of-way over any alternative route.

(2) The Secretary may require the relocation of any right-of-way sought pursuant to this Act upon a showing that—

(A) such relocation is necessary to enable the United States to realize fully the value of its mineral interest;

(B) such alternative route is available; and

(C) such relocation would not result in unreasonable expense.

(h) PAYMENT FOR FEDERAL COAL.—(1) Each application for a determination of national interest filed pursuant to subsection (a) shall list each instance where the proposed right-of-way crosses lands wherein the United States maintains a mineral interest regarding coal (hereinafter referred to as "Federal coal"). Not later than ten days after any such application is received by the Secretary, the Secretary shall notify the Secretary of the Interior of the filing of such application and shall provide the Secretary of the Interior with a copy of such application and such other information as the Secretary of the Interior may request.

(2)(A) The Secretary of the Interior shall evaluate the effects of approval of such application upon the ability of the United States to realize the value of such mineral interest as a result of approval of the application.

(B) The Secretary of the Interior shall—

(i) establish terms and conditions necessary to minimize the impact of such right-of-way on the establishment of logical mining units; and

(ii) determine the extent to which alternative routes are available which would minimize the impact of granting the right-of-way on the ability of the Federal Government to realize the value of Federal coal.

(C) The Secretary of the Interior shall establish the fair market value of the Federal coal precluded from being recovered as a result of the proposed right-of-way. The Secretary of the Interior shall also establish the amount of reduction of the fair market value of Federal coal which will be more costly to recover as a result of the proposed right-of-way.

(3) The Secretary shall thereafter establish such terms and conditions requiring the applicant to pay the United States the amount established by the Secretary of the Interior pursuant to subparagraph (C).

(i) RULES AND REGULATIONS.—The Secretary shall promulgate such rules and regulations as are necessary for the expeditious exercise of the authority granted in this section.

(j) ADDITIONAL REQUIREMENT.—In implementing this section, the Secretary shall be subject to the provisions of section 210 of Public Law 90-537, as amended (43 U.S.C. 1511).

PRIMACY OF STATE WATER LAW

SEC. 5. (a) No person, legal entity, or governmental entity (including the United States, a State or subdivision thereof), their agents, permittees, licensees, or transferees, or any interstate coal pipeline distribution system, shall control, reserve, appropriate, purchase, transfer, use, divert, dedicate, dispose of, distribute, acquire, exercise, export or claim water, or any right or interest therein, for export or use within or outside the State granting or denying the export or use of water in an interstate coal pipeline distribution system, unless such control, reservation, appropriation, purchase, transfer, use, diversion, dedication, disposal, distribution, acquisition, exercise, export or claim takes place pursuant to and in compliance with the State water law of that State. Such State water law shall be enforced even though enforcement would result in the failure to build an interstate coal pipeline distribution system, and even though it would result in uneven and disparate effects on interstate commerce.

(b) In full recognition of its powers under Article I, section 8, of the United States Constitution, Congress expressly delegates to the States the power to regulate the use or export of water in interstate coal pipeline distribution systems, through State water laws, notwithstanding any adverse impact such delegation may have on interstate commerce or on any interstate coal pipeline distribution system. This delegation expressly includes but is not limited to provisions of State water law which provide for the establishment or exercise of terms or conditions (including terms or conditions terminating use or relating to or prohibiting the export of water) on permits or authorizations for, interests in, or rights to control, reservation, appropriation, purchase, transfer, use, diversion, dedication, disposal, distribution, acquisition, exercise, export or claim of water for the export or use in any interstate coal pipeline distribution system.

(c) Nothing in this act shall—

(1) impair the validity of or preempt any provision of state water law, or of any interstate compact governing water;

(2) alter the rights of any State to its apportioned share of the waters of any body of surface or groundwater, whether determined by past or future interstate compacts, or by past or future legislative or final judicial allocations;

(3) preempt or modify any State or Federal law or interstate compact dealing with water quality or disposal;

(4) confer upon any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resources; or

(5) affect water rights of any Indian or Indian tribe which were established by the setting aside of a reservation by treaty, executive order, agreement or Act of the Congress.

(d) No waters to which a Federal right can be asserted shall be used or exported in any interstate coal pipeline distribution system, unless authorized pursuant to and subject to State water law in the same manner as provided for in subsection (a).

APPLICATION OF STATE AND LOCAL LAWS OTHER THAN STATE WATER LAW

SEC. 6. (a) Nothing in this Act shall impair the validity of or preempt any State or local law, regulation, or rule of law pertaining to the location, construction, operation, or maintenance of an interstate coal pipeline distribution system except where such State or local law, regulation, or rule of law discriminates against interstate coal pipeline distribution systems.

(b) Access to water for the operation and maintenance of an interstate coal pipeline distribution system shall be governed by State laws and procedures except where such State laws and procedures would discriminate against such access.

UNDERGROUND CONSTRUCTION

SEC. 7. All coal pipelines granted Federal powers of eminent domain, pursuant to the provisions of this Act, for rights-of-way and extensions thereof shall, to the maximum extent practicable, consistent with environmental protection, safety, and good engineering and technological practices, be located underground, and the person holding such right of Federal eminent domain shall replace sufficient topsoil on disturbed areas

so that a vegetative cover, comprised of native species where practicable, can be re-established at least equal in extent of cover as that which sustained the natural vegetation in the area.

CONTINUING JURISDICTION OF STATE PUBLIC UTILITY COMMISSIONS

SEC. 8. Nothing in this Act shall be construed to require any forms of automatic passthrough of, or preempt the ratemaking authority of any State utility regulatory agency or the Federal Energy Regulatory Commission with respect to costs related to construction, operation, and maintenance of any interstate coal pipeline distribution system, whether or not such costs have been provided for by contract between a utility and the interstate coal pipeline distribution system operator.

LIMITATION ON FURTHER REGULATION

SEC. 9. Nothing in this Act shall be construed to authorize the further regulation of, or to relate to or otherwise affect the regulation of, interstate common carriers.

APPLICABILITY OF ENVIRONMENTAL CONTROL LAWS

SEC. 10. Any interstate coal pipeline distribution system authorized under this Act shall be subject to the requirements of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), and any other applicable Federal environmental control laws.

WATER DISCHARGE REQUIREMENTS

SEC. 11. Prior to the issuance of any findings pursuant to section 4 of this Act, the Secretary shall notify the Administrator of the Environmental Protection Agency of his consideration of the application for a determination under subsection (4)(a). The Secretary and the person applying for such determination shall provide such information as the Administrator shall require to conduct a review of the ability of the proposed interstate coal pipeline distribution system to comply with Federal water discharge requirements. The Administrator shall have one hundred and twenty days from the date of receipt of such notification to conduct such review and to advise the Secretary with respect thereto. The Secretary shall not issue any findings pursuant to section 4 unless he has received a report from the Administrator of the Environmental Protection Agency advising that, in the judgment of the Administrator, it can reasonably be expected that the water discharge can meet the requirements of the Federal Water Pollution Control Act.

ACCESS TO COAL PIPELINE TRANSPORTATION CONTRACTS

SEC. 12. (a)(1) By filing a contract between a prospective shipper and a pipeline carrier with the Federal Energy Regulatory Commission (hereinafter referred to as the Commission), within ten business days of signing said contract, any person operating or proposing to operate an interstate coal pipeline distribution system may enter into contracts with one or more shippers of coal to provide transportation under specified rates, terms and conditions but may not unreasonably discriminate by refusing to enter into similar contracts under similar rates, terms and conditions with other shippers who are seeking service from the same origin areas to the same terminus areas and are ready, fit, willing, and able to enter into such contracts in a contemporaneous period. The term "ready, fit, willing and able" as used in this section includes, but is not limited to financial fitness. Such contract filing shall include all rates, terms and conditions of said contract.

(2) Service under a contract executed pursuant to paragraph (1) of this subsection is deemed to be a separate and distinct class of service. Persons operating interstate coal pipeline distribution systems shall be obligated to perform only those duties specified by the terms and conditions of any such contract in connection with the services provided under such contract. Service under such contracts shall not be interrupted for the purpose of prorating or allocating to other shippers the pipeline capacity committed to service under such contracts.

(b)(1) Any person operating or proposing to operate an interstate coal pipeline distribution system who files contract under this section for the transportation of a volume of coal that would totally obligate the capacity of the pipeline shall, in the 60-day period beginning on the date of the filing of such contract, enter into contracts with shippers who are ready, fit, willing and able to enter into such contracts under rates, terms and conditions similar to the rates, terms and conditions contained in the contract that has been so filed. That person shall enter into such similar contracts in the chronological order in which binding written offers to enter into such similar contracts are submitted to such person. The obligation imposed by this subsection shall remain in effect—

(A) until the capacity of the pipeline is totally committed for providing transportation under contracts approved under this section, or

(B) until the end of the 60-day period, whichever occurs first.

(2) Not later than the 30th day following the end of such 60-day period, a shipper of coal may file a complaint with the Commission on the grounds that the person operating the interstate coal pipeline distribution system is violating this subsection.

(3) If, following a notice and an opportunity for a hearing, but not later than the 30th day following the filing of a complaint in accordance with paragraph (2) of this subsection, the Commission finds that the person is violating this subsection and has, with respect to the complaining shipper, an obligation under this subsection to enter into a contract, the Commission shall order that person to provide the service specified in the offer under such rates, terms and conditions contained in the contract that is filed with the Commission under paragraph (1) of this subsection. In addition, if the Commission finds that a person is violating this subsection by entering into contracts with shippers of coal pursuant to paragraph (1) of this subsection in an order other than the order in which binding offers are submitted, the Commission shall establish the proper order of such for approval under subsection (c) of this section.

(4) The Commission may not approve, under this section, any contract for the transportation of coal by pipeline—

(A) if approval of such contract will result in the total tonnage of coal obligated to be transported by the pipeline in any period under contracts approved under this section exceeding the maximum capacity of the pipeline in such period; or

(B) if the provision of coal transportation services under such contract would result in a destructive competitive practice.

SUMMARY

Section 2 sets forth the findings and purpose of the bill which is to facilitate the development of interstate coal slurry pipeline systems by granting the Federal power of eminent doman to those systems that are determined to be in the national interest. Any such development shall be subject to state water law.

Section 3 sets forth the definitions within the bill. Significant among these is a definition of "state water law". This phrase, as defined, includes existing and future substantive and procedural statutory law, State constitutional provisions, judicial decisions and administrative law which apply to water. It also makes clear that State water law which might be invalid in the absence of this legislation on the grounds that it poses an impermissible burden on commerce, shall not be deemed invalid as it applies to interstate coal pipeline systems.

Section 4 sets forth procedures for granting and acquiring the Federal power of eminent domain. Subsection (a) requires the Secretary of Energy to determine whether the construction of the proposed interstate coal pipeline system would be in the national interest. Prior to a determination, the applicant must file and secure approval of a water permit or other appropriate authorization.

Section 4 (b) requires the Secretary of Energy to make findings on five specified criteria as a basis for determining whether the pipeline is in the national interest. The criteria include transportation needs, competition, economic benefits, national security, and the environment.

Section 4 (c) sets aside a portion of the capacity of the pipeline for small and independent producers, defined as those who produce 200,000 tons of coal or less, and are not affiliated with other companies.

Section 4 (d) provides for procedures and time limitations on proceedings required for the Secretary to make a national interest determination.

Section 4 (e) requires the Attorney General to assess the effects upon competition of approval of the application for an interstate coal pipeline system. No application may be determined to be in the national interest if the application is not consistent with the antitrust laws.

Section 4 (f) authorizes the use of Federal eminent domain power to those persons whose applications for constructing an interstate coal pipeline system have been determined to be in the national interest. This provision imposes certain limitations on rights-of-way that may be acquired by exercising the power of eminent domain.

Section 4(g) permits the applicant to amend his application to request a right-of-way over any alternative route. The Secretary may also require the relocation of any right-of-way under certain circumstances.

Section 4(h) requires the Secretary of the Interior to evaluate the effects of a proposed interstate coal pipeline system upon the ability of the United States to recover the value of affected mineral interests. The Secretary shall require the applicant to pay the fair market value of coal precluded from being recovered as a result of the proposed right-of-way.

Section 4(i) requires the Secretary of Energy to promulgate rules and regulations necessary to exercise the eminent domain authority provided for in this section.

Section 5 establishes the primacy of State water law. Subsection (a) prohibits any person from using water for export or use in any interstate coal pipeline system, unless such export or use is pursuant to the substantive and procedural law of the State

where the diversion takes place. State water law shall be enforced even if such enforcement means that an interstate coal pipeline system shall not be constructed.

Section 5(b) delegates to the State the power to regulate the export or use of water in an interstate coal pipeline system, even if it would constitute an impermissible burden on interstate commerce.

Section 5(c) provides that this bill does not impair the validity of or preempt any provision of State water law or interstate compact governing the use of water.

Section 5(d) denies the use of any water for which a Federal right can be asserted unless it is authorized under State water law.

Section 6(a) provides that State and local laws and regulations are not preempted by the bill unless such laws discriminate against interstate coal pipeline systems.

Section 6(b) provides that access to water for the operation and maintenance of an interstate coal pipeline system shall be governed by State laws and procedures except where they discriminate against such access.

Section 7 requires underground construction, to the maximum extent practicable, of interstate coal pipeline systems. This section also requires the replacement of topsoil in disturbed areas.

Section 8 makes clear that nothing in this measure requires any form of automatic passthrough of, or preempts the ratemaking authority of any State utility regulatory agency or the Federal Energy Regulatory Commission with respect to costs associated with the interstate coal pipeline system.

Section 9 makes clear that nothing in this bill shall be construed to authorize the further regulation of interstate common carriers.

Section 10 provides that interstate coal pipeline systems authorized by this bill are subject to the requirements of the Federal Water Pollution Control Act, and other relevant Federal environmental control laws.

Section 11 requires the Administrator of the Environmental Protection Agency to conduct a review of the ability of an interstate coal pipeline system to comply with Federal water discharge requirements. The Secretary shall not make a determination of national interest unless the Administrator reasonably expects that the water discharge from the proposed system can meet the requirements of the Federal Water Pollution Control Act.

Section 12(a) provides that any person who proposes to operate an interstate coal pipeline system, and files with the Federal Energy Regulatory Commission a contract between a prospective shipper and a pipeline carrier within ten business days of signing the contract, may enter into long-term contracts with one or more shippers of coal to provide transportation under specified rates, terms and conditions. Coal pipeline operators are obligated to perform only those duties specified by such contract. These contracts shall be enforceable and are not subject to prorationing once in effect.

Section 12(b) provides that in cases where the pipeline operator files a contract under this section for the transportation of a volume of coal which is less than the total pipeline capacity the operator shall enter into subsequent contracts with shippers in the chronological order in which written offers are submitted, provided the shipper is "ready, fit, willing, and able". This section also provides a shipper with the right to file a complaint with the Commission if access to the pipeline is unfairly denied by the pipeline operator. This provision further provides that the Commission may not approve a contract if it would result in a transportation obligation that exceeds the maximum capacity of the pipeline, or if it would result in a destructive competitive practice.●

By Mr. LUGAR (for himself, Mr. MATHIAS, and Mr. DOLE):

S. 995. A bill to express the opposition of the United States to the apartheid policies of the Government of South Africa and to encourage South Africa to abandon such policies; to the Committee on Foreign Relations.

OPPOSITION TO APARTHEID POLICIES OF THE GOVERNMENT SOUTH AFRICA

● Mr. LUGAR. Mr. President, today I introduce on behalf of myself, Senator MATHIAS, and Senator DOLE a bill to address the important issues surrounding American policy toward the Republic of South Africa. The bill seeks to provide direct, tangible assistance to the black majority in South Africa in its effort to gain full political, economic, and social rights in South Africa and to provide that in the absence of progress in eliminating apartheid, it shall be American policy to consider economic measures against the Government of South Africa.

The bill provides for the creation of a $15 million scholarship program for black South Africans, one-third of which will be reserved for programs to enable black teachers to improve their educational credentials. Education has been a high priority for blacks in South Africa, since it will only be through the creation of a strong, viable, and well-educated black community that they will be able to wage successfully their own political struggle for human rights and justice.

The bill also provides for making permanent the Kassebaum Human Rights Fund, which was started in 1983, and for increasing the funding level of this program to $1.5 million. This program provides small grants to community organizations in South Africa promoting a more just society or aiding the victims of apartheid. The grants are small in part to avoid turning the community organizations into U.S. Government aid programs. It is important to remember, in our desire to help, that the impetus for change in South Africa must always be from the South African people themselves. We can support their efforts, but we cannot seek to manage or control their efforts.

The Sullivan Principles effort has been a major success story of American private initiative in fostering a more just society in South Africa. Much of the credit for this effort must go to the leadership of the Rev. Leon Sullivan of Philadelphia, who had the courage and vision to come up with an innovative approach to the challenge that apartheid presents the world. The bill we are introducing today provides for the Sullivan Principles to be mandatory for all American companies in South Africa which employ more than 25 persons there. The penalty for failing to comply with the principles is the denial of U.S. Government assistance for export activities of noncomplying firms, and a prohibition on new investment in South Africa for those firms. A company which is not a good corporate citizen in its operations in South Africa should not benefit from the prestige of the U.S. Government in carrying out its activities in either South Africa or in other parts of the world.

The bill also addresses the employment practices of the U.S. Government in South Africa. The U.S. Government is one of the larger American employers in South Africa, with some 181 direct hire, contract, or official residence employees. As a government, we are not taking those positive steps that other American employers have deemed necessary to enable black employees to overcome the handicaps that inevitably arise in an apartheid society. For instance, many American employers in South Africa provide assistance to their black employees to move into new career fields because the opportunity to have done so in the past was so severely limited. Under standard government employment practices, we are limited to providing only training and education to enable employees to carry out their present duties more effectively. Some of the American companies provide additional assistance to their black employees to enable them to send their children to nonsegregated private schools rather than to the segregated public schools. Others make a deliberate effort to channel contracts to the emerging black business community. These are examples of ways in which we should be acting in South Africa, to set an example for other American entities in South Africa rather than legislating for others what we do or not do as a government.

The bill also directs the Export-Import Bank and the Overseas Private Investment Corp. to carry out their activities in an effort to promote black business enterprise. For many years, black South Africans were severely hampered in their independent businesses by a host of apartheid laws. These laws are being changed, but their legacy has been to deny black South Africans the financial resources to take advantage of today's opportunities. Perhaps in some small way, we can help them overcome this legacy of apartheid. And I believe firmly that we should assist black South Africans to overcome the legacy of apartheid in this as well as in other areas.

OPIC will be directed to provide a full range of its services on behalf of joint ventures between Americans and black South Africans as long as the

South African partner or partners have a majority interest in the venture or as long as there is a program for the South Africans to assume a majority position over the term of the joint venture. American businesses have taken the lead in this field, and it is time the American Government got behind their efforts. American banks helped provide the financial backing that created the first black-owned bank in South Africa, and IBM recently helped establish the first black-owned computer dealership in the heart of the formerly white-only Johannesburg downtown business district. Mobil and Ford have helped launch black automobile dealerships. More can be done with our assistance.

Finally, the bill incorporates the language of the Mathias bill reported by the Committee on Foreign Relations on March 27 by a vote of 16 to 1. This bill sets forth American expectations for progress on the elimination of apartheid and states that the President shall make a report to Congress within 2 years on the progress that is being made to eliminate apartheid. In the event the President determines that sufficient progress has not been made, he will recommend one or more of a specified list of economic measures. I sincerely hope that the South African Government will so conduct its policy that the President will be able to report to Congress that significant progress has been made.

The message of the bill is a two-fold message: Apartheid must end and the United States stands ready to provide tangible help to South Africans to enable them to overcome the burdens of apartheid. As President Reagan said 4 years ago, apartheid is abhorrent. He also asked "Shouldn't we be trying to be helpful?" I think he spoke for all Americans. This bill is a step toward ending apartheid and beginning the process of erasing its effects on South Africa. I ask that all Members of the Senate consider this approach carefully and join as cosponsors of this bill. It is important that the Senate speak with a strong, united voice on this important and complex foreign policy issue.●

● Mr. MATHIAS. Mr. President, today I join in sponsoring a bill introduced by Mr. LUGAR and supported by Mr. DOLE that addresses the problem of apartheid in South Africa. The heart of this bill is the legislation adopted by the Foreign Relations Committee by a vote of 16 to 1 on March 27, which I introduced. That committee passed bill is also being reported to the Senate today.

The administration's policy of constructive engagement has born little fruit and needs to be reassessed. The massacre at Uitenhage reinforced for Americans everywhere the daily discrimination and dangers faced by South Africa's black population. The abhorrent policy of apartheid that led to this massacre must end. It is time for the U.S. to act.

The question that faces the Senate is how best to fashion legislation which creates the rewards and punishments needed to bring reform to South Africa. To answer this question, I turned to the principles of Bishop Tutu who is a South African and can best tell us what will work in his country.

Bishop Tutu's advice was to create a time period for reform, perhaps 2 years, and to put the Government of South Africa on notice that economic sanctions would be imposed if certain reforms were not made. I believe Bishop Tutu was wise in the advice that he gave because it allows for human nature. Economic sanctions imposed now and implemented immediately could simply lead to a hardening of South Africa's policies because they would have already paid the penalty and no incentives are provided.

The bill states that it is now the policy of the United States to implement economic sanctions if within 2 years significant progress has not been made toward ending the policy of apartheid. It provides both a carrot and a stick. The carrot is continued economic relations on the current basis if reforms are made. The stick is economic sanctions if these reforms are not made.

I also turned to the works of Bishop Tutu to determine which specific reforms are of immediate importance to the blacks of South Africa. The bill requires the President to report to Congress on Bishop Tutu's criteria by March 1, 1986, and to use them in making a judgment as to whether significant progress has been made in reforming apartheid. It will be clear to the Government of South Africa what they have to do to maintain their current economic relationship with the United States.

The criteria that I understand were suggested by Bishop Tutu and contained in the bill are progress in: First, housing black workers with their families; second, abolishing the pass laws which prevent blacks from moving freely into the cities; third, terminating the migrant labor system; fourth, allowing unrestricted labor union rights for all; and fifth, increasing local investment in black education and training.

If the President, using these criteria, determines that significant progress has not been made, then it will be the policy of the United States to implement economic sanctions. The bill lists four sanctions for the President to consider. If the President under these circumstances fails to impose sanctions, the bill also provides for expedited procedures in the Senate and highly privileged procedures in the House of Representatives for any joint resolution seeking to implement sanctions.

In addition to these measures, the bill calls upon the President to raise the issue of reform in South Africa during the upcoming economic summit and to suggest the creation of an Inter-Allied Working Group on South Africa. The effort to reform apartheid will not work unless the effort includes all the industrialized democracies.

The bill which I am cosponsoring with Mr. LUGAR and Mr. DOLE contains other provisions which should ease the plight of some black South Africans while reforms are hopefully being made to the apartheid system. These provisions include:

A $15 million scholarship program for black South Africans.

The provision of $1.5 million for the Human Rights Fund for South African blacks.

Authority for the Overseas Private Investment Corporation and the Export Import Bank to encourage black-run business in South Africa.

The establishment of model labor practices for blacks in South Africa employed by the U.S. Government.

Strong incentives for U.S. businesses in South Africa to use these same model labor practices.

Mr. President, these measures may not convince the Government of South Africa. We do not control that government, we can only try to influence it. I believe the measures contained in my bill, as reported by the committee, and now those in the bill I have cosponsored with Mr. LUGAR and Mr. DOLE, offer a reasonable prospect of persuading that government to join the march of history toward justice and freedom.●

By Mr. CHILES:

S. 996. A bill to amend Public Law 96-350 to further define the customs waters for the purposes of certain drug offenses; to the Committee on Commerce, Science, and Transportation.

JURISDICTION OF DRUG TRAFFICKERS IN INTERNATIONAL WATERS

● Mr. CHILES. Mr. President, for years our Nation has been fighting a war against drug traffickers. Florida has been on the front lines of that war since the beginning.

While we are still a long way from winning the war, we have won some battles. Several years ago, we amended the posse comitatus statute so that now the military can assist, to a limited degree, in drug interdiction missions.

Unfortunately, drug traffickers have found a legal loophole which enables them to escape conviction even after our law enforcement agencies, often aided by the Coast Guard, Customs and the military, have made arrests.

Their defense tactic argues that the United States does not have jurisdiction in international waters to arrest or seize foreign drug ships. This argument has held up in court even in cases when our Coast Guard has received authority from the flag country for the arrest.

To remedy this problem I am introducing companion legislation to H.R. 2132, introduced by Congressman SHAW in the House, which will close that loophole by amending 21 USC sec. 955(a). With this change, the law will more clearly define the kind of authority we must obtain from a foreign country in order to have jurisdiction over drug traffickers in international waters. The intent of the law we seek to amend was to allow the United States to interdict criminals in international waters. This legislation will restore the enforcement power to that law.●

By Mr. BRADLEY:

S. 997. A bill to improve the operation of the strategic petroleum reserve and to authorize emergency financial assistance during an oil supply disruption; to the Committee on Energy and Natural Resources.

EMERGENCY PREPAREDNESS ACT

Mr. BRADLEY. Mr. President, today I am reintroducing the Emergency Preparedness Act of 1985. This bill is similar to the bill I introduced last year that was marked up in the Energy and Natural Resources Committee last June, and it is similar to the bills and amendments I have offerred in committee and on the floor since 1981.

The state of our preparedness for the next disruption to our oil supplies is, ironically, both shocking and well known. We know that the world now relies, and will increasingly rely, on oil from the Middle East, a region continually buffeted by instability, confrontation, and war. We know that a disruption in the world's oil supply will raise the price of oil in all economies that participate in the world oil market. We know that the increase in oil prices will be about the same in all countries, no matter how much the countries depended on Middle East oil the day before the disruption. The United States, with our relatively low level of purchases from the Middle East, will face the same price increase as Europe and Japan, with their relatively high levels of purchases from the Middle East.

We know all this, and yet we hesitate to fill our strategic petroleum reserve. We allow the procedures for extracting oil from the SPR to be cumbersome and untested. We neglect to make any allowances for those people and local governments who will be least able to adapt to the higher prices that will accompany the oil supply disruption. The bill I am introducing addresses these glaring deficiencies in our preparedness for the inevitable.

The bill is straightforward. First, it allows the President to conduct a test sale of the oil in the SPR. A test sale would demonstrate that the oil can be withdrawn, sold, transported, and refined. Current law prohibits such a demonstration.

Second, the bill allows the President to divert oil destined for the SPR onto the market if an oil supply disruption appears imminent. Again, this is not allowed under current law.

Third, the bill authorizes the President to establish programs to sell a limited portion of SPR oil in anticipation of, instead of in response to, an oil supply disruption. One promising method is the sale of SPR options.

Finally, the bill require the President to prepare, and authorizes him to implement, a program of emergency block grants to States to enable them to deal with the effects of suddenly higher oil prices during an oil emergency. These block grants would be sent to States pursuant to an emergency supplemental appropriation which would also specify how much emergency assistance would be provided to each State.

Mr. President, we are not prepared for the next oil supply disruption. The provisions of this bill, together with continued construction and fill of the strategic petroleum reserve, are desperately needed. The Energy and Natural Resources Committee will soon take up the reauthorization of the Energy Policy and Conservation Act. This law provides the basic emergency authorities, including SPR authorities. This reauthorization is the logical vehicle for the authorities contemplated in the bill I introduce today. I look forward to the hearings on this reauthorization at which I will ask the witnesses for their opinions on the privisions of this bill.

I urge my colleagues to examine and support this bill. I ask unanimous consent that the full text of the bill be included at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This act may be cited as the "Emergency Preparedness Act of 1985."

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) Congress finds and declares that—

(1) disruptions in the supply of imported oil are likely during the next decade;

(2) such emergencies will disrupt normal petroleum market operations; the Strategic Petroleum Reserve should be used, and used early, to mitigate the potential for market turmoil;

(3) if oil stockpiles are unavailable or insufficient to fully offset the reduction in oil available to the world oil market, oil prices will rise, possibly rapidly and to high levels;

(4) without compensating action, such high prices will create severe economic dislocations and individual hardships;

(5) severe oil supply disruptions constitute a threat to public health, safety and welfare which can most effectively, efficiently, and equitably be dealt with through early use of the Strategic Petroleum Reserve and prompt fiscal action by the executive branch of Government; and

(6) no emergency program will be able to avoid entirely the market disruptions and personal hardships that will accompany a petroleum supply disruption; however, prompt fiscal action by the executive branch of Government will reduce individual hardships and economic dislocations more effectively than other mechanisms used in the past.

(b) The purpose of this Act is to grant the President of the United States authority to sell in advance of a supply disruption options to purchase SPR oil, to improve the operation of the SPR, to authorize a test sale of SPR oil, and to provide financial assistance to low-income Americans during an oil supply disruption.

SEC. 3. (1) Definitions "United States" means the several States, the Commonwealth of Puerto Rico, the District of Columbia, and the Trusts and Territories of the United States.

(2) "State" means the 50 states, the Commonwealth of Puerto Rico, the District of Columbia, or the Trusts and Territories of the United States.

TITLE I—STRATEGIC PETROLEUM RESERVE

SEC. 101. Part B of title I of the Energy Policy and Conservation Act (42 U.S.C. Sec. 6231-6247) is amended by inserting after section 167 the following new section:

"STRATEGIC PETROLEUM RESERVE PETROLEUM TEST SALE

"SEC. 168(a). Notwithstanding any provision of this Part other than this section, the Secretary of Energy may conduct a test sale of at least 1.0 million but not more than 5 million barrels of Strategic Petroleum Reserve petroleum products.

"(b) Any such test sale shall be in accordance with the provisions of the Strategic Petroleum Distribution Plan and implementing regulations and contract provisions, modified as the Secretary of Energy believes appropriate to adjust them to the artificialities of a test and the absence of an actual energy supply shortage.

"(c) All petroleum products shall be sold during test sale at a price not less than that which the Secretary of Energy determines appropriate in the circumstances of the test nor, in any event, at less than eighty (80) percent of the price estimated by the Secretary of Energy for comparable petroleum product being sold in the same area at the time the Reserve's petroleum product is offered for sale.

"(d) For any fiscal year in which a test sale is conducted, the minimum required fill rate in effect under section 160(c) and Public Law 98-146 shall be reduced by the amount of any oil withdrawn, pursuant to the test sale, from the Strategic Petroleum Reserve during the fiscal year in which the test sale occurs, and the minimum required fill rate otherwise in effect for next fiscal year shall be increased by the same amount."

CONFORMING AMENDMENTS

SEC. 102. Section 167(b) of the Energy Policy and Conservation Act (42 U.S.C. sec. 6247(b) is amended—

(a) in the first sentence, by adding "test sales of petroleum products from the Reserve," before "and the drawdown", and

(b) in paragraph (3) by adding "test sale under section 168 or" before"drawndown".

PREDRAWNDOWN DIVERSION OF SPR OIL

SEC. 103. Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding the following new subsection:

"(g) If the President finds that a severe energy supply interruption appears to be imminent and that the world price of crude oil has as a result begun to increase, then the execution of new contracts for the purchase of petroleum products for and the injection of petroleum products into the Strategic Petroleum Reserve may be curtailed or suspended, and the provisions of sections 160 (c) and (d) shall not apply. The period during which such Presidential declaration is in effect and the quantity of any petroleum products involved shall be disregarded in applying the provisions of such subsections for periods following the effective period of such declaration. When such a declaration is in effect, the Secretary is authorized to sell, in accordance with the rules or regulations which he shall promulgate, any petroleum products acquired by contract and produced for storage in, but not injected into, the Strategic Petroleum Reserve. The receipts from such sales shall be deposited in the "SPR Petroleum Account" under section 167 and shall be subject to section 167(d)."

STRATEGIC PETROLEUM RESERVE OPTIONS

SEC. 104. The President may by rule establish programs which provide for the sale in advance of an oil supply disruption, notwithstanding section 161 of the Energy Policy and Conservation Act, of oil from the strategic petroleum reserve. Such programs may include the sale in advance of an oil supply disruption of rights to be exercised at the option of the buyer to purchase SPR oil at a specified price during a limited period of time following the sale of such rights. The programs established by such rule shall serve the purpose of Section 151(b) of the Energy Policy and Conservation Act and shall only permit the sale of the volume of strategic petroleum reserve oil that the President determines to be consistent with national security interests and international obligations, and in no case more than 30 percent of the total volume of oil in the strategic petroleum reserve at the time of the sale.

TITLE II—EMERGENCY FINANCIAL RESPONSE

AUTHORITY TO PROVIDE EMERGENCY ASSISTANCE

SEC. 201. (a) The President shall under the authority of this Act supplement the rules implementing the Low Income Energy Assistance Program to provide an independent mechanism for emergency financial assistance in the form of standby block grants to State Governors (acting in accordance with State law) as part of the Federal Government's response to a petroleum disruption.

(b) The standy block plan under subsection (a), to the maximum extent practicable, shall provide for—

(1) the maintenance of essential public services so as to protect public health, safety, and welfare;

(2) the mitigation of extreme personal hardship caused by higher prices during the petroleum supply disruption; and

(3) maintenance of economic efficiency.

(c) The standby block grant plan shall include guidelines and requirements for State Governors (acting pursuant to state law) under which the block grants are conditioned, including provisions for submittal of State plans to ensure the objectives listed in subsection (b) are met. Reasonable accounting and auditing procedures shall be established. The standby block grant plan shall be developed in consultation with State Governors and State Legislatures and with the benefit of public participation.

(d) The requirements described in subsection (c) shall provide for a limitation on the percentage of the funds that may be used by state agencies for planning and administrative costs.

(e) The Secretary shall submit to the Congress within 90 days the standby block grant plan described in this Title.

IMPLEMENTATION OF THE STANDBY BLOCK GRANT PLAN

SEC. 202. If the President determines to implement the standby block grant program, then he shall transmit his determination to the Congress together with his request for an emergency supplemental appropriation, including his recommendation for a formula allocating the appropriated funds among the several States.

DIRECT FEDERAL ASSISTANCE

SEC. 203. The President shall within 90 days of the enactment of this Title provide to the Congress his recommendations for changes in existing law so as to provide for direct Federal assistance to recipients to complement the standby block grant plan established under this Title. The President's recommendations shall provide for changes in existing Federal direct assistance programs, such as the Low-Income Energy Assistance Program or for such other forms of direct federal assistance as he deems appropriate, where the use of such programs in conjunction with the standby block grant plan would more effectively or more efficiently achieve the objectives in Sec. 201(b).

AUTHORIZATION OF APPROPRIATIONS

SEC. 204. There are hereby authorized to be appropriated such funds as may be necessary to carry out this title; the allocation of such funds among the several States shall be determined as provided in the emergency supplemental appropriation required by Section 202 of this Act.

By Mr. MATHIAS:

S.J. Res. 121. Joint resolution to designate June 15, 1985, as "National History Day;" to the Committee on the Judiciary.

NATIONAL HISTORY DAY

Mr. MATHIAS. Mr. President, today I introduce a joint resolution to designate June 15, 1985, as "National History Day." This special designation highlights the contribution the National History Day Contest makes to our young people's interest in history.

Since 1974, when the program started, it has attracted more and more attention among scholars and students; 10 years ago, only 100 students from one State were involved. Last year nearly 150,000 students from all over the United States took part in the competition. Local and regional contest winners progress to the national finals held at the University of Maryland where they display their research, reports, or rehearse their plays, all dealing with an annual theme.

The competition encourages greater understanding of world history, develops research skills, and fosters creative expression. It also produces better educated and more civic-minded citizens. Such results surely deserve our attention and support.

The success of our national effort to improve the American educational system will to a very large extent determine our potential for continued world leadership. Of particular importance to this effort is encouraging the study of history. History not only allows us to understand our past; it also illuminates our present society and provides a framework for the future. The study of history also helps our children to become responsible citizens—the bedrock of a democratic society.

On June 15, 1985, the award ceremony of the national history contest will be held. By adopting this resolution, the Congress can pay tribute to this program and the important contribution it makes to the teaching of history in the United States. I urge my fellow Senators to join me in cosponsoring this joint resolution.

By Mr. BRADLEY:

S.J. Res. 122. Joint resolution to authorize the President to proclaim the last Friday of April each year as "National Arbor Day"; to the Committee on the Judiciary.

NATIONAL ARBOR DAY

Mr. BRADLEY. Mr. President, I am pleased to introduce today a joint resolution to designate the last Friday in April as "National Arbor Day."

In 1970 and 1972, Congress legislated and the President proclaimed "the last Friday in April" in those 2 years as National Arbor Day. The legislation I am introducing would make this observation an annual event.

Our Nation's trees are one of our most important natural resources. Trees not only provide the raw materials for some of our basic industries, they are important stabilizers of our environment and they also provide natural grace and beauty to our lives. The establishment of an annual National Arbor Day would provide an important reminder to all our citizens to appreciate and protect this vitally important natural resource. Furthermore, this observance need not cost the Federal Government a cent. There is no need to establish an agency or a staff. The news media would gladly promote this date, provided it is on a uniform date each year.

The importance of this natural resource ought to also impel us to act promptly on the problem of forest decline. Scientists have observed growth declines, serious damage and death of a number of species of trees in large areas of Europe and the Eastern United States.

The most extensively documented case of forest damage is occurring in West Germany. In 1982, the Federal Minister of Food, Agriculture and Forestry reported damage to 8 percent of all trees; coniferous species were most seriously affected. In 1983 this figure increased to 34 percent. Today an estimated 55 percent of West Germany's forested area is damaged. And the damage does not end at the West German border. Switzerland, Austria, and Czechoslavakia report 10 percent of their forests have suffered damage or have died.

Here in the United States, damage to forests has ranged from decline in growth of several species of pines in southern New Jersey to widespread damage to the ponderosa pine in southern California. A number of other coniferous species have experienced growth decline in an 11 State region extending from Maine to Alabama.

While forest damage is well documented, the scientific debate continues as to the exact causes. Several causes have been hypothesized including such factors as aluminum toxicity, magnesium deficiency, ozone damage, excess nutrients and general stresses such as drought or insect infestation. Even though the mechanisms are as yet unclear, the role of air pollution in general and acid deposition in particular seem directly related. Research efforts have indicated that nitrous oxides may play an equal or greater role than sulfur oxides in damaging forests.

Last year I introduced legislation to transfer Forest Service resources from road building to pollution damage research. While research efforts continue, we must explore potential intermediate steps to protect this precious national resource.

Because of our concern about damage to our forests and trees it is particularly appropriate that we annually take special note of the importance of trees through designation of a National Arbor Day.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. HOLLINGS, Mr. NUNN, Mr. LEAHY, Mr. SYMMS, Mr. LUGAR, Mr. LEVIN, Mr. BOREN, Mr. DURENBERGER, Mr. PRYOR, Mr. MATSUNAGA, Mr. LAUTENBERG, Mr. BAUCUS, Mr. BRADLEY, and Mr. WILSON):

S.J. Res. 123. Joint resolution to designate Dr. Jonas Salk Day; to the Committee on the Judiciary.

DR. JONAS SALK DAY

● Mr. MOYNIHAN. Mr. President, I rise today to introduce a resolution honoring the man who developed the first vaccine against polio, Dr. Jonas E. Salk, by designating May 6, 1985 as Dr. Jonas E. Salk Day. Thirty years ago, in April 1955, the Salk polio vaccine was officially declared safe and effective for general use.

Many still remember the days when poliomyelitis, more commonly known as polio, killed and crippled thousands of men and women each year. The disease is known to have existed in ancient Egypt, but it was not identified in this country until 1894. By 1916, it had become a dreaded affliction. In that year more than 6,000 people died and 27,000 more were crippled by polio. Another outbreak in 1921 left Franklin Delano Roosevelt paralyzed from the waist down. Nearly four decades later, in 1949, more than 24,000 people were stricken. Polio was a grim part of American life. Four years later, Dr. Salk developed the vaccine, sparing millions from the disease.

Dr. Salk was born in New York City in 1914, the son of a garment worker. He attended City College on a scholarship, and graduated from the New York University School of Medicine in 1939. After a 2 year internship at Mount Sinai Hospital in New York, he became a professor of epidemiology at the University of Michigan. In the late 1940's, while serving as director of the Virus Research Laboratory at the University of Pittsburgh, Dr. Salk began his extensive research on influenza and poliomyelitis. In 1953, he developed the polio vaccine. The vaccine consists of the three principal strains of the polio virus, neutralized with formaldehyde and injected into the body. The neutralized virus stimulates the body to produce polio antibodies, which then can repel later exposure to the polio virus. Dr. Salk and his own family were among the first tested with the experimental vaccine.

In 1954, the March of Dimes led a massive nationwide project to test the vaccine's effectiveness. More than 20,000 physicians and public health officials, 40,000 registered nurses, 220,000 volunteers and a half million school children participated in the tests; and finally, on April 12, 1955, the Salk vaccine was declared safe and effective for public use. The benefits were immediate, and by the time the Sabin oral vaccine was approved 7 years later, polio outbreaks had declined 97 percent. President Dwight D. Eisenhower awarded Dr. Salk the Congressional Medal of Honor for this "great achivement in the field of medicine."

Today, 90 percent of American children between the ages of 5 and 14 have received one of the polio vaccines, and in 1983, just eight cases of this disease were reported in the United States. It is difficult to fully express our thanks to Dr. Salk and the others who developed the polio vaccine. This resolution, to honor Dr. Salk on the 30th anniversary of the Salk vaccine's approval, is one small way to pay tribute.

Mr. President, I ask unanimous consent that a copy of the joint resolution be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 123

Whereas Dr. Jonas E. Salk discovered the first effective vaccine that was approved for widespread use against poliomyelitis in 1955 and was awarded a congressional gold medal for the discovery;

Whereas poliomyelitis epidemics were a fact of life in the United States before the Salk vaccine was discovered;

Whereas during the most severe epidemic of poliomyelitis, which occurred in 1952, 57,626 persons were stricken with the disease and 3,330 persons died;

Whereas the incidence of poliomyelitis in the United States was reduced by 97 percent through the use of the Salk vaccine before another effective vaccine against the disease was discovered;

Whereas Dr. Salk still serves the Salk Institute for Biological Studies, which he founded in 1963, as a distinguished professor of international health sciences;

Whereas the Salk Institute for Biological Studies, under the leadership of Dr. Salk, has earned a reputation for being in the vanguard of basic biological research on molecular-cellular mechanisms in genetics, immunology, and neurobiology;

Whereas on May 6, 1985, the City University of New York will host a dinner to honor Dr. Salk, who is a graduate of the City College of New York, and to celebrate the 30th anniversary of the licensing of the Salk vaccine for public use;

Whereas the proceeds from the honorary dinner for Dr. Salk will be used to support the Jonas E. Salk Scholarships for Medical Study; and

Whereas the historic achievement of Dr. Salk deserves recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 6, 1985, hereby is designated "Dr. Jonas E. Salk Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

● Mr. D'AMATO. Mr. President, I rise today to join my colleague, Senator MOYNIHAN, as a cosponsor of a resolution designating May 6, 1985, as "Dr. Jonas E. Salk Day."

Dr. Jonas Edward Salk, a native New Yorker, is both a brilliant physcian and scientist and a great American. His ability was recognized at a young age when he was described as a person who "read everything he could lay his hands on, tried to be a perfectionist in school work, and earned high grades"—New York Times, October 11, 1953. He earned his BS degree from the College of the City of New York

and then studied medicine at New York University College of Medicine.

Dr. Salk's most notable achievement has been the development of a killed-virus vaccine that proved to be effective in preventing polio. His efforts are responsible for virtually eliminating polio as a public health threat. In 1952 he tested a group of children with polio and found that after innoculation their antibody levels rose significantly. The vaccine was then administered to persons who had never had polio. By the end of 1954, the results indicated that the vaccine was safe and effective in reducing the incidence of polio. Dr. Salk, confident of his vaccine, tested it on himself, as well as his wife and children. He also pledged that he would be personally responsible and accountable for its use.

Dr. Salk's honors include the Congressional Gold Medal, a Presidential Citation, and the Presidential Medal of Freedom.

Dr. Salk's polio vaccine is responsible for reducing polio from epidemic proportions in 1952 to a rare virus today. He has saved many lives and assisted many others who may have been affected by polio. It is fitting that we honor Dr. Salk as a great American hero.

Mr. President, I urge adoption of this resolution.●

ADDITIONAL COSPONSORS

S. 23

At the request of Mr. MOYNIHAN, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 23, a bill to reauthorize trade adjustment assistance for workers and firms.

S. 49

At the request of Mr. MCCLURE, the names of the Senator from Maine [Mr. COHEN], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 49, a bill to protect firearm owners' constitutional rights, civil liberties, and rights to privacy.

S. 58

At the request of Mr. BENTSEN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 58, a bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education.

S. 104

At the request of Mr. THURMOND, the name of the Senator from Delaware [Mr. ROTH] was added as a copsponsor of S. 104, a bill to amend chapter 44, Title 18, United States Code, to regulate the manufacture and importation of armor-piercing bullets.

S. 140

At the request of Mrs. HAWKINS, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 140, a bill to amend the Child Abuse Amendments of 1984 to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of sexual child abuse cases.

S. 274

At the request of Mr. DENTON, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 274, a bill to provide for the national security by allowing access to certain Federal criminal history records.

S. 275

At the request of Mr. DENTON, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 275, a bill to protect the internal security of the United States by creating the offense of terrorism, and for other purposes.

S. 276

At the request of Mr. DENTON, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 276, a bill to amend the Freedom of Information Act to provide for the protection from disclosure of records related to terrorism and foreign counterintelligence.

S. 377

At the request of Mr. DECONCINI, the names of the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 377, a bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes.

S. 408

At the request of Mr. WEICKER, the name of the Senator from California [Mr. CRANSTON] and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 408, a bill to amend the Small Business Act to provide program levels, salary and expense levels, and authorizations for the Small Business Administration's programs for fiscal years 1986, 1987, and 1988, and for other purposes.

S. 426

At the request of Mr. WALLOP, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 426, a bill to amend the Federal Power Act to provide for more protection to electric consumers.

S. 599

At the request of Mr. EXON, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 599, a bill to amend title 31, United States Code, to authorize 1 ounce, one-half ounce, one-fourth ounce, and one-tenth ounce gold coins.

S. 625

At the request of Mrs. HAWKINS, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Utah [Mr. HATCH], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 625, a bill to include the offenses relating to sexual exploitation of children under the provisions of RICO and authorize civil suits on behalf of victims of child pornography and prostitution.

S. 627

At the request of Mr. DOMENICI, the name of the Senator from Arizona [Mr. GOLDWATER] was added as a cosponsor of S. 627, a bill to promote and expand the vitality of the U.S. copper industry.

S. 704

At the request of Mr. THURMOND, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 704, a bill to establish an intercircuit panel, and for other purposes.

S. 725

At the request of Mr. BENTSEN, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 725, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1986, 1987, 1988, 1989, and 1990.

At the request of Mr. CHAFEE, the names of the Senator from New York [Mr. D'AMATO], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Wisconsin [Mr. KASTEN], the Senator from Maryland [Mr. MATHIAS], the Senator from Florida [Mrs. HAWKINS], the Senator from Indiana [Mr. LUGAR], the Senator from North Dakota [Mr. ANDREWS], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 725, supra.

S. 729

At the request of Mr. DURENBERGER, the names of the Senator from New Mexico [Mr. DOMENICI], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 729, a bill to amend the Internal Revenue Code of 1954 to make permanent the rules relating to imputed interest and assumption of loans, and for other purposes.

S. 744

At the request of Mr. COCHRAN, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 744, a bill to amend the Agriculture and Food Act of 1981 to provide protection for agricultural purchasers of farm products.

S. 795

At the request of Mr. EXON, the names of the Senator from Montana [Mr. MELCHER], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Arkansas [Mr. PRYOR], and the

Senator from South Dakota [Mr. ABDNOR] were added as cosponsors of S. 795, a bill to amend section 13(i) of the Federal Deposit Insurance Act.

S. 827

At the request of Mrs. HAWKINS, the names of the Senator from Mississippi [Mr. STENNIS], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 827, a bill to amend the Public Health Service Act to provide for the compensation of children and others who have sustained vaccine-related injuries, and for other purposes.

S. 855

At the request of Mr. PRYOR, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as cosponsor of S. 855, a bill for the relief of rural mail carriers.

S. 975

At the request of Mr. DOMENICI, the names of the Senator from Illinois [Mr. DIXON], and the Senator from South Dakota [Mr. ABDNOR] were added as cosponsors of S. 975, a bill to amend the Securities Exchange Act of 1934 to provide a moratorium on hostile corporate takeovers financed by "junk" securities, to prohibit federally insured institutions from holding "junk" securities, and for other purposes.

SENATE JOINT RESOLUTION 40

At the request of Mr. LUGAR, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Joint Resolution 40, a joint resolution to designate the month of October 1985 as "National Down Syndrome Month".

SENATE JOINT RESOLUTION 55

At the request of Mr. COCHRAN, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from California [Mr. WILSON], the Senator from Ohio [Mr. METZENBAUM], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 55, a joint resolution to designate May 24, 1985, as "National Self-Help Housing Day".

SENATE JOINT RESOLUTION 66

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Joint Resolution 66, a joint resolution designating June 14, 1985, as "Baltic Freedom Day".

SENATE JOINT RESOLUTION 78

At the request of Mr. SYMMS, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Nevada [Mr. LAXALT] were added as cosponsors of Senate Joint Resolution 78, a joint resolution to provide for the designation of June 10 through 16, as "National Scleroderma Week".

SENATE JOINT RESOLUTION 83

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Joint Resolution 83, a joint resolution designating the week beginning on May 5, 1985, as "National Asthma and Allergy Awareness Week."

SENATE JOINT RESOLUTION 92

At the request of Mr. DENTON, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Mississippi [Mr. COCHRAN], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 92, a joint resolution to designate October 1985 as "National Foster Grandparents Month".

SENATE JOINT RESOLUTION 101

At the request of Mr. LEVIN, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Ohio [Mr. GLENN], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 101, a joint resolution to designate April 24, 1985, as "National Day of Remembrance of Man's Inhumanity to Man."

SENATE JOINT RESOLUTION 107

At the request of Mrs. HAWKINS, the names of the Senator from Utah [Mr HATCH], the Senator from Ohio [Mr. METZENBAUM], the Senator from Nebraska [Mr. ZORINSKY], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 107, a joint resolution to designate the month of May 1985 as "Older Americans Month."

SENATE JOINT RESOLUTION 116

At the request of Mr. PELL, his name was added as a cosponsor of Senate Joint Resolution 116, a joint resolution to assure the cost of living adjustments for Social Security recipients.

SENATE JOINT RESOLUTION 118

At the request of Mrs. HAWKINS, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 118, a joint resolution to designate May 25, 1985 as "Missing Children Day."

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. MOYNIHAN, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Concurrent Resolution 14, a concurrent resolution to express the sense of the Congress that Josef Mengele should be brought to justice.

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. CRANSTON, the names of the Senator from California [Mr. WILSON], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Concurrent Resolution 20, a concurrent resolution expressing the sense of the Congress that payments by the Veterans' Administration to veterans as compensation for service-connected disabilities should remain exempt from Federal income taxation.

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. CRANSTON, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Concurrent Resolution 22, a concurrent resolution to express the sense of the Congress that sufficient appropriations should be made available for the Job Corps Program in order to maintain it as a viable Federal effort to assist economically-disadvantaged youths in obtaining and holding employment and contributing to society.

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. MATTINGLY, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Concurrent Resolution 24, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the Social Security benefit disparity known as the notch problem.

SENATE RESOLUTION 50

At the request of Mr. CRANSTON, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Resolution 50, a resolution reaffirming the Senate's commitment to the Job Corps Program.

SENATE RESOLUTION 81

At the request of Mr. ARMSTRONG, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of Senate Resolution 81, a resolution to establish regulations to implement television and radio coverage of proceedings of the Senate.

SENATE RESOLUTION 112

At the request of Mr. COHEN, the name of the Senator from Missouri [Mr. EAGLETON] was added as a cosponsor of Senate Resolution 112, a resolution relating to bilateral discussions between the United States and the Soviet Union to ban chemical weapons.

SENATE RESOLUTION 134

At the request of Mr. PELL, his name was added as a cosponsor of Senate Resolution 134, a resolution to assure the cost of living adjustments for Social Security recipients.

SENATE CONCURRENT RESOLUTION 44—REGARDING A PERMANENT SITE FOR THE OLYMPIC GAMES

Mr. BRADLEY submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 44

Whereas the Olympic games, which were begun more than 2,000 years ago in Greece to foster peace and goodwill among the city

states, have more and more frequently become an arena not for sport but for nations to further their own political goals;

Whereas it is the athletes who suffer when nations use the Olympic games for propaganda purposes;

Whereas when nations boycott the Olympics it deprives the participating athletes from pitting their strength, skill, and endurance against all of their competitors to determine the best in the world;

Whereas the participants in the Olympic games form friendships that cross political and geographic borders and lead to better world understanding;

Whereas many millions of people cross this nation believe that the Olympic games should be insulated as much as possible from politics: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the International Olympic Committee should establish a permanent facility for the Olympic games on a site that is suitable for insulating the games from the unwarranted and disruptive international politics that have plagued the games in recent years.

Mr. BRADLEY. Mr. President, last year's withdrawal by the Soviet Union from the 1984 summer Olympic games provides an important opportunity. We have the chance to remove the games from the political arena and return them to their original purpose—to be an international gathering of the world's youth for the purpose of promoting mutual understanding.

Today, I will seize that opportunity and resubmit a concurrent resolution in the Senate calling for the establishment of a permanent facility for the Olympic games.

Since the Olympic games first began, they have been buffeted by politics. There were the Nazi Olympics of 1936; the withdrawal of the Swiss and Dutch in 1956 in condemnation of the Soviet invasion of Hungary; the events of 1968 and the assassinations of 1972, followed by the withdrawal of 28 Third World countries from the Montreal Olympics of 1976.

I remember when I participated in the games in Tokyo in 1964 waking up in the middle of the night to a commotion in the next dormitory. It was the North Koreans pulling out of the games.

It is time to remove the games from politics and give them a permanent home. One possible permanent site for the games is Greece, where they were held for nearly 12 centuries. Putting the summer Olympics permanently in Greece and the winter games in their own home would help the Olympics become a strong institution rather than short-lived competitions vulnerable to political or economic exploitation by temporary host countries and other nations.

If the games had had a permanent home in a neutral country, it is probable that neither the United States in 1980 nor the Soviet Union in 1984 would have withdrawn from the games. Given a stable, enduring setting, the games could take on a special identity of their own, much like the celebrations of old.

A permanent site for the Olympics should also be coupled with an extension of the games from 2 weeks to 2 months. One of the primary purposes of the games has always been to promote mutual understanding and brotherhood. The way to do this is by expanding the experience of the athlete who lives in the Olympic Village. That was the most enjoyable and memorable aspect of my experience.

I remember the athletes I shared those weeks with, and I remember the sense of pride and achievement. The Olympic games would be more participant oriented. Too often, the athlete is lost amid the multimillion-dollar construction projects. Too often the years of grueling training and individual discipline are overshadowed by extraneous events.

The Olympics should provide the basis for the beginnings of understanding. It requires bold planners to initiate a true permanent site with games that are true to the original goals. It requires the willingness to share the financial burden by hundreds of nations. It requires a revision of the rules, and personnel who govern the Olympic movement. It requires the belief on the part of all of us that peace can prevail. The time is now.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Subcommittee on Nutrition of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on child nutrition programs, focusing on reauthorization and budget issues.

Senator RUDY BOSCHWITZ will chair the hearing which will be held on Thursday, May 2, 1985, at 9:30 a.m., in room 328-A, Russell Senate Office Building.

For further information call the committee staff at 224-2035.

ADDITIONAL STATEMENTS

CONGRESSIONAL CALL TO CONSCIENCE

● Mr. ARMSTRONG. Mr. President, now that negotiations with the Soviet Union are certain, we have an excellent opportunity to once again draw attention to the plight of those in the Soviet Union who suffer daily under the tryanny of Soviet rule. Therefore, I am very pleased to take part in the Congressional Call to Conscience in which many of my colleagues are participating on behalf of Soviet Jews.

Time and again we hear the horror stories of abuses suffered by Jews and other religious and minority groups in the Soviet Union. However, many people are unaware that the number and severity of incidents are increasing at an alarming rate. The State Department document, "Country Reports on Human Rights Practices in 1984," states that 1984 was an exceptionally difficult year for the Jewish community. According to the report, 1984 "saw the beginning of a major, sustained crackdown on Hebrew teachers and other Jewish cultural activists." The methods used by Soviet authorities included threats, beatings, and harsh sentences to forced labor camps where conditions can only be described as subhuman. And for what reason? Simply because Jews are practicing and teaching their faith.

Under these conditions, it is becoming impossible for Soviet Jews to maintain their dignity and their heritage. In fact, it appears that a serious effort is being made by the Soviet leadership to exterminate all religious belief and believers as quickly as possible. This seems to be confirmed by the State Department report which indicates that more people are disappearing into the gulags and that only an incredibly small number of people are being allowed to emigrate.

In the past, when Soviet-United States relations have been good, the Soviet leadership has allowed increased numbers of Jews to emigrate. A pattern developed where emigration numbers began to increase prior to formal negotiations and while East and West experienced relatively higher levels of cooperation. During the period between 1968 and 1981, more than 250,000 Jews received permission to leave. However, as Soviet-United States relations declined over the course of the 1970's, Jewish emigration dropped. In fact, fewer than a thousand Jews escaped Soviet tyranny in the last year.

Certainly, Soviet-United States agreement or disagreement is not the only factor in the sharp decline in Jewish emigration. Once emigration policies were relaxed, applications for emigration flooded into Moscow, much to the chagrin of the Soviet leadership. Instead of dampening the desire to leave the Soviet Union, Jews started lining up to depart as quickly as possible, followed closely by the other religious and minority groups seeking freedom outside the Soviet state.

One of the questions that most disturbs me about Soviet-United States negotiations is this question of emigration. Instead of the normal Soviet action of increasing emigration prior to negotiations with the West, the Soviet Union is continuing to clamp down on the number of Jews receiving permission to leave. And at the same time, we hear rumors, as reported in the New York Times and the Wash-

ington Post last month, that a substantial increase in annual emigration might be possible if the Soviets get what they want from the talks.

As a matter of principle, it is appalling to me that the Soviet Union may be willing to barter with the lives of its own citizens for a more advantageous bargaining position.

Therefore, I hope instead that in the spirit of good will, the Soviets will begin to allow the free practice of religious and cultural beliefs within their country regardless of the progress of the talks. But just as importantly, I hope they will allow a policy of open emigration—based not just upon the upcoming negotiations, but as an ongoing humanitarian policy.

Until we see real progress in Soviet policy, we in the United States must remain vigilant. The Soviet Union has made promises—in the U.N. Universal Declaration of Human Rights, in the Helsinki Final Act, and elsewhere—that it will uphold basic human rights for its citizens. Therefore, it is both our duty and our right to actively work for the freedom of the individual regardless of boundary lines.

Many of my colleagues have joined in the Call to Conscience to make others aware of the plight of Soviet Jews. But we must not stop here. Let us continue to encourage the ideals of freedom that we in the United States claim as our right. Only by aiding others who suffer under the tyranny of regimes such as the Soviet Union will we guarantee our own freedom.●

STUDENT AID

● Mr. SIMON. Mr. President, going through some newspapers that accumulated prior to the election of last year, when I did not have a chance to do much reading and reflecting—something all of us are guilty of before an election, I am afraid—I came across an article from The Washington Post of October 1 of last year, about the difficulties people have getting their children through college; and, particularly, the tragedy that is facing our country in the ability of fewer and fewer blacks, minorities and poorer families to take advantage of a college education.

This, I hasten to add, was all written before this administration decided it would reduce student aid much more drastically.

There are those who seem to believe that the college aid program we have now is some massive doling out of money that is handed to students almost at whim.

The article by Jane Bryant Quinn shows that is not the case.

If we were to make a judgment on the basis of the national need, we should be increasing student aid, not cutting it back, as this administration wants us to do.

I am also submitting for the RECORD a letter to the editor, written by Bob Anderson, that appeared in the Washington Post last month.

It effectively refutes the statements some people have been making in this administration.

The Jane Quinn article and the Bob Anderson letter, together, form a powerful message I hope this Congress will not ignore.

I ask that the article and letter be printed following my remarks.

The material is as follows:

DWINDLING COLLEGE AID HAS NARROWED WORLD FOR NEEDIEST STUDENTS

(By Jane Bryant Quinn)

NEW YORK.—There's an untold story behind the stark figures that show fewer blacks and minority students in college today. The colleges and universities are no longer recruiting them seriously, if there incomes are low. Admissions directors are still going after the superblacks, with top grades or special athletic talent. But for the average inner-city student, the open door of a decade ago is swinging shut.

The reason is money. The federal government quit adding big bucks to the programs that help educate lower-income youngsters, and private sources can't fill the gap.

"The economically deprived need many thousands of dollars to meet college costs," says Charles Marshall of the National Association of College Admissions Counselors, "and the schools are no longer in a position to offer them a full package of aid. Rather than raising false hopes among these students, the college recruiters are staying away."

Low-income students may have other choices. Many are going to inexpensive two-year community colleges; financial-aid expert Robert Leider told my associate, Virginia Wilson, and they might make it into a four-year college later. But finding the money will still be hard.

Here's what is happening to college aid, and the extent to which its loss has narrowed the world for a generation of the neediest students:

Low-income students depend primarily on federal grants. But the size of the average Pell grant (now $1,089) has not kept up with tuition inflation, so it covers a much smaller portion of college costs than it did a decade ago. The purchasing power of the maximum Pell for the very poorest students ($1,900) is down even more.

The G.I. bill for Vietnam-era veterans started running out toward the end of the 1970s; education benefits through Social Security started phasing out in 1982. Both programs were disproportionately used by lower-income people. In theory, Pell grants and other federal programs should have taken up the slack for the truly needy, but they never did.

Since 1980, the amount of federal money allotted to National Direct Student Loans has been cut nearly in half. The colleges make these loans to the neediest students, at only 5 percent interest. The big loss of funds, along with other problems in the program, has led directly to a substantial decline in the number of blacks in graduate schools, reports Mary Carter-Williams of the Institute for the Study of Educational Policy at Howard University.

A handful of states have increased the total amount of aid they give to low-income students, but many others are giving less. A study done for the National Association of State Scholarship and Grant Programs shows that the average amount of state aid per needy student has declined.

According to the National Student Aid Coalition, the talented but poor are 20 to 25 percent less likely to go to college than their wealthier peers; the poor of average ability are 40 percent less likely to get a college education.

One important point should be made about the access of low-income people to college. A study done for the American Council on Education shows that from 1974 to 1981, before the Reagan administration's scholarship cuts, the percentage of low-income blacks in college declined while the percentage of low-income white students was going up.

Those were years when inflation was badly eroding the value of financial aid, but why did it have a more harmful effect on minority students? The answer, Marshall believes, lies in the better counseling often available to students in predominantly white high schools.

Linda Berkshire of the National Student Aid Coalition says that many minority students don't know much about student aid, don't get enough personal counseling in their schools and don't have ready access to up-to-opaque language of personal finance. Some parents simply refuse to cooperate.

The smart and aggressive among the high-school counselors in inner-city schools are struggling for ways to meet the problem. They offer seminars on finding financial aid. They help parents fill in the application forms. They try to get students thinking early about college, to allow more time for financial planning.

Although their efforts can squeeze out more dollars from present programs for eligible students, they cannot awaken those of careless social conscience to the waste and tragedy of the unnecessarily undereducated. Taking money out of higher-education programs for the poor is a decision this country will come to regret.

[From the Washington Post, Mar. 16, 1985]

WHO DECIDES WHO "DOESN'T BELONG" IN COLLEGE?

(By Bob Anderson)

I get angry when I hear college-educated, upper income professionals mouth off about colleges being filled with those who "don't belong there." The latest in this cynical round of "college bashing" comes from Robert J. Samuelson, who arrogantly asserts that we should "Tighten Up College Aid" because "what you don't pay for isn't highly valued" [Business Feb. 27]. He adds gratuitously that "the cheapening of a college education is a well-intentioned crime in which we are all the ultimate victims." Well, enough is enough!

In the first place, going to college isn't cheap. Students and their families pay for college in hard work, sacrifice—and dollars. Next to a home mortgage, college costs are the largest single investment an American family makes, and coming over a short period of four or five years this financial obligation hits very hard. The current "student debt" stands at around $40 billion.

Nor has a college education been cheapened. By any measure we have the finest system of higher education the world has ever known. We educate more people to higher levels than any other nation ever dreamed possible. How good is it? Not good

enough, but it is the best there is and getting better.

It doesn't take a college graduate to understand the message these malefactors are peddling: It says that a college education ought to be an exclusive privilege reserved to those within our society who already "have," and that those who "have not" should be denied this means to a better life. This retrograde view of access and equity in higher education is widely held in the Reagan administration, and to describe it as "elitist" obscures the truth of the matter.

I have five children. Two of them are college graduates, two more along with my ex-wife are in college now, and my youngest will start next fall. I doubt that any of us could give Samuelson or, say, Secretary of Education William Bennett, a satisfactory justification for his or her being in college, and I won't make the attempt. But college has been very good for everyone in my family.

I have watched each of us grow with the experience in so many different ways. We are all of blue-collar, working-class roots out of the suburbs of Milwaukee—not a college graduate among us less than 25 years ago—and today we can talk with each other about science, mathematics, philosophy, history, literature, music and art. Those of us who have finished college hold good jobs. More important, we have grown in our understanding of the democratic ideal and spirit, which make it possible for ordinary folks to participate more fully in the richness of American life.

Yes, my oldest son and I received "federal assistance" through the GI Bill; the others had hoped for some modest level of "student aid" next fall. We have all "scrimped," borrowed, and worked part-time jobs. All of us pay taxes, and we don't complain about it. We believe that everyone ought to go to college. We understand that some may not want to and others may be unable. What we don't understand is why a person of Bennett's education and experience should want to exclude anyone from a college education.

As for me, I would have great difficulty deciding which ones in my family "don't belong" in college. Perhaps Samuelson feels qualified to make that decision. I certainly do not.●

NATIONAL POLICIES AND GLOBAL PROSPERITY

● Mr. LUGAR. Mr. President, I would like to call to the attention of my colleagues an important statement by Secretary of State George Shultz on the subject of "National Policies and Global Prosperity" given at the Woodrow Wilson School of Public and International Affairs on April 11, 1985. This is a remarkable statement on the problems and opportunities inherent in our current economic situation. I commend it to all colleagues, and ask that it be inserted, in full, into the RECORD at this point.

The statement follows:

NATIONAL POLICIES AND GLOBAL PROSPERITY

(Following is an address by Secretary of State George Shultz before the Woodrow Wilson School of Public and International Affairs, Princeton University, Princeton, New Jersey, April 11, 1985.)

My theme today is simple: the American economy is a success story—a dramatic success story. But success brings with it new challenges, which we must address with great energy in order to preserve and build on the success we have achieved.

We face a paradox. In the past 2 years, our economy had made the strongest recovery of any in the last three decades, and the expansion remains robust. Yet we also see, in our domestic and international economic relations, some unusually large and important imbalances:

A large net capital inflow;

An exceptionally strong dollar;

The largest trade deficit in our history; and

Large and continuing deficits in the U.S. Federal budget.

What relationship is there, if any, between our clear economic success and these equally clear imbalances? How do these imbalances relate to each other? What are our prospects if the imbalances continue? And what conclusions follow for economic policy—in this country and in other countries? These are the issues I would like to discuss with you today.

The economic policies of this Administration—reducing the role of government, promoting private initiative, and encouraging free trade—have led the United States out of recession and toward prosperity. We can be proud of our economic performance. Our expansion has led to export-induced recoveries abroad—underscoring the interdependence among the world's economies.

In large part, the imbalances I mentioned have contributed to our economic success; some are partly the result of it. To a degree, they have been exacerbated by the economic policies of other nations. Whatever their source, my main conclusion can be stated up front: these imbalances are interrelated, and they must be corrected if we are to maintain the momentum of our economic success. We—and other countries—share a responsibility to make some hard political decisions.

Let me focus on these imbalances, first as they impact on the American economy and then as they are mirrored in other countries. Then I will lay out the policy responses I see as necessary—responses by all nations—to keep the world economy on the path of sustained, noninflationary growth.

CAPITAL FLOWS

First, the large net capital inflows into the United States.

An impressive investment boom has driven American economic expansion in the past 3 years. To a large extent, this boom reflects the new investment incentives the Administration provided in its first term—including incentives for vital research and development, which is the source of future investment. Gross saving by individuals, business, and state and local governments also recovered from its recession low of 18% of GNP [gross national product] in 1982 to 20% in 1984.

But with the Federal deficit, gross national saving alone could not finance this higher level of investment. In 1984, gross saving in the United States by individuals, businesses, and state and local governments ran about $730 billion. On a net basis of capital consumption, the figure was $325 billion. These are healthy amounts by recent standards. After taking account of the large Federal deficit, however, total national saving amounted to only about $150 billion on a net basis or $555 billion on a gross basis—considerably less than the $635 billion recorded in gross private domestic investment in 1984.

As measured by our current account deficit, net capital inflows into the United States were about $100 billion last year. This is almost one-fifth the size of our gross national saving—and two-thirds the size of our net national saving—and has been an important factor in financing the expansion of our investment and, therefore, of our economy.

These inflows have come about largely because of the health and vigor of our own economy, in contrast with the less attractive conditions for lending and investment in other countries. But they come, to some degree, at the expense of building up foreign claims on the United States. On the basis of current trends, the United States will soon become a large net debtor nation—our foreign liabilities could exceed our foreign assets by $100 billion by the end of the year.

And underlying conditions are bound to change in the future. As opportunities to invest improve in other countries, capital inflows into the United States will slow down and outflows will increase. In other words, even if we are prepared to finance investment in the United States through a continuing net inflow of funds, we cannot count on attracting adequate funds indefinitely. Without a compensating increase in domestic saving to support our own investment—and if our Federal deficit continues to preempt a large portion of domestic saving—lower capital inflows could force a decline in our investment and impair the long-term growth of the American economy.

THE STRONG DOLLAR

These large net capital inflows into the United States have produced an extraordinarily strong dollar. Although the dollar has receded somewhat in the last month, it is still, on a trade-weighted basis, about 80% above its 1980 average in nominal terms.

The exchange value of the dollar today is determined far more by capital movements than by trade balances. Many factors have contributed. The restoration of America's economic vitality and leadership on the world scene has had an important effect on investment decisions. Our economic success—and our bright prospects—cause investments in dollar assets to be judged more attractive and less risky than others despite the dollar's high value. The dollar market also offers the widest selection and greatest liquidity. And dollar assets are serving not only as a store of value but as a political safehaven as well. Exchange markets reflect all these considerations, particularly as they contrast with the poor growth performance in Europe, the financial problems of the developing world, and the large excess of saving over domestic investment in Japan.

The net inflows of foreign capital, and the resulting high dollar, have certain advantages. By reducing the cost of imports and forcing domestic suppliers to compete more effectively, the strong dollars has helped restrain inflation in the United States. The net capital inflows have helped moderate interest rates as well. Abroad, the growth of American imports and slower growth of American exports have stimulated export-related jobs and generated economies of scale for foreign producers. The high value of dollar also makes offshore procurement, tourism, and American foreign direct investment in other countries all less expensive.

But the extraordinarily high dollar also has important disadvantages.

It reduces the competitiveness of our exports and the potential for their growth. Even through our exports have increased and the United States is still the world's

largest exporter, our share of the world market for exports of manufactured goods in volume terms is estimated to have declined by 25% since 1980.

Because of increased domestic demand, economic activity in the United States has not yet been appreciably restricted. But that may change.

The dollar's strength is causing painful structural adjustments in many of our export-related industries; it is altering the character of the American economy in a basic and, in my view, undesirable way. Lower costs in other countries—due to exchange rates—are leading many American firms to locate abroad production facilities that would otherwise be competitive in the United States. Such decisions to locate or expand abroad would be both difficult and costly to reverse if the dollar's exchange value came down.

The large decline in the value of other currencies against the dollar has also eroded the value of existing foreign investments, sales, and earnings denominated in foreign currencies.

In the meantime, the growth of our imports is spurring protectionist demands for tariffs, nontariff barriers, and export subsidies. Whatever short-term relief for specific industries such measures might provide, the overall long-term cost to the mettle of the American economy, to the American consumer, and to the world economy would be devastating. Let us never forget the catastrophic effects of protection in the 1930s and the exhilarating impact of more open trade in the decades following World War II.

THE TRADE ACCOUNT

This leads me to the most visible international consequence of the strong dollar: its role in our huge and growing trade deficit, which reached a record $123 billion in 1984.

Despite the strong dollar, our exports, in fact, grew last year by 9% to a total of $218 billion—demonstrating the underlying strength of the American economy and reflecting adjustments in efficiency occurring within the market place. Nevertheless, the growth of imports overwhelmed the growth of exports, increasing 24% in volume terms and 26% in value terms. Over half of the $85 billion deterioration in the U.S. trade account since 1980 has been attributed to the strong dollar.

I have already mentioned the growing demands for protectionism. The Administration is resisting these pressures, and I will have more to say about our approach to trade policy in a moment. But one point is crucial here: we should not delude ourselves into thinking that a lowering of foreign barriers will have a decisive or even substantial impact on the trade deficit.

We can break the back of the trade deficit only through a combination of, first, a strong worldwide recovery and, second, a strengthening of other currencies in relation to the dollar as the performance and prospects of other economies improve and as these prospects are recognized by the markets. Even with movement on these fronts, the effects on the trade deficit will be gradual.

With depreciation of the dollar, U.S. imports would become more expensive and there would be some increase in inflationary pressure, at least initially. The growth of imports should slow down but probably with a lag. Purchases of raw materials, energy products and petroleum, specialized capital goods, and many consumer goods do not respond quickly when their prices rise.

The growth of our export sales will depend on several factors: on our ability to remain competitive; on a faster pace of economic recovery in other nations, notably Europe; on the success of adjustment efforts in developing countries; and on long overdue action by Japan to open its markets. Exports to the developing countries, particularly to those in Latin America burdened by debt, will still depend upon their ability to expand their exports to pay for our goods. This means our markets and those of other industrialized countries must remain open to their products. And many American exporters have already lost major foreign markets, recoverable only with a major effort.

THE U.S. FEDERAL DEFICIT

I have discussed the large net capital inflows, the strong dollar, and the huge trade deficit. It is no coincidence that these imbalances are accompanied by huge Federal budget deficits.

As long as there are ample unused resources in our economy, the Federal budget deficit does not cause major immediate problems for the United States. But current deficits are simply not sustainable indefinitely. These deficits can become a habit and weaken an essential discipline over Federal spending and over the size of the Federal Government. They drain off national savings, leading to increased reliance on foreign capital or curtailment of needed investment. And, as our expansion begins to stretch our resources, continued large deficits pose an increasing danger to that very expansion.

We can all continue to debate what combination of policies is best designed to deal with all the imbalances I have discussed—budget deficits, large capital inflows, the dollar on a financial high, and trade deficits. But a consensus has emerged that action to reduce the Federal budget deficit is an essential part of our response. The President has shown the way with his proposals and in his negotiations with the Congress. Special interests must give way to the general interest.

Control of government spending, coupled with vigorous growth, must be the key to our effort. We must cut spending in a way that does the least harm to the economy's investment and growth potential and to basic national security. But significant cuts must be made now. Tax rate increases are not the answer. To the contrary, the recent Reagan tax cuts, like the Kennedy cuts two decades earlier, have stimulated investment, fueling the recovery and contributing to the future productive potential of the economy. In fact, further tax simplification and reform could be very helpful in reducing tax-induced distortions in economic activity and in stimulating additional growth.

OTHER INDUSTRIALIZED COUNTRIES

So far I have focused primarily on the American economy. But in our interdependent world, the impact of domestic policies and performance on the economies of other nations is a two-way street. Other countries face challenges in their own domestic policies. They, too, must meet their challenges if the world economy is to correct the imbalances that cloud our common future. The imbalances can do harm also to important political relationships. We all have a job to do.

The major industrialized countries are recovering from the 1980–82 world recession at different rates. Whereas the United States and, to a lesser degree, Japan and Canada have expanded vigorously, Western Europe still lags. Average real growth in the four major European economies (Germany, France, the United Kingdom, and Italy) accelerated in 1984, but only to a year-over-year annual rate of 2.4%. This rise represented less than half the average of the American, Japanese, and Canadian rates. The Japanese and Canadian expansions, however, have depended heavily on the stimulus of exports to the U.S. market. The increase in Canadian exports to the United States amounted to over half the increase in Canadian GNP in current prices between 1982 and 1984, while the increase in Japanese exports to the U.S. market was over 10% of the increase in current-price GNP over the same period.

The slowness of recovery in Europe results from conditions that stifle investment, particularly structural problems in labor markets and government disincentives to adjustment and growth. The rigidities in European labor rates and conditions also tend to bias investment toward capital-intensive technologies—further inhibiting the growth of employment. There has been essentially no net job creation in Europe since 1970, compared with the American record of over 26 million new jobs during the same period. Over 7.5 million net new jobs have been created in this country since the trough of the recession in 1982.

Expressed as a share of output, gross investment in Europe has declined steadily since the first oil shock in 1973 and is now well below its share in the 1960s. Since investment opportunities in Europe have been less attractive than elsewhere, capital has flowed elsewhere. Much of the capital has come to the United States, either as investment in U.S. assets by foreigners, disinvestment by American investors abroad, or a reduction in the previous rate of foreign lending by U.S. banks. At the same time, it is estimated that half of Western Europe's growth in 1984 came from export sales to the United States. These exports amounted to $75 billion or nearly 22% of total U.S. imports last year.

Capital outflows from Europe and a dependence on exports to the United States—like the other imbalances I have mentioned—cannot be expected to continue indefinitely. Other OECD [Organization for Economic Cooperation and Development] governments must find ways to stimulate growth-oriented investment, thereby making their investment opportunities attractive to domestic and international capital. At stake is an efficient allocation of global resources—a system which responds to economic potential. This will require sound economic policies and hard political decisions—but the result will be sustained growth, job creation, and a brighter economic future.

Japan is a special case. The $37 billion U.S. trade deficit with Japan, as we all know, is a source of intense friction in our bilateral relationship and the cause of much of the growing demand for protectionism in this country. But the more meaningful measure of Japan's external imbalance is not our bilateral imbalance but Japan's overall trade surplus, estimated at $44 billion in 1984.

The Japanese could reduce their trade surplus with the world by pursuing policies to offset the impact of their high savings rate. Gross private saving in Japan is over 30% of GNP, about 50% higher than the average of the other OECD countries. This high rate of saving means low consumption. The excess of production over private and

public consumption is not being used in domestic investment. It, therefore, appears as net exports. Or, to put it another way, under current conditions, Japan relies on a large excess of exports over imports to maintain full employment.

Opening up investment opportunities within Japan would be one way to use such resources and reduce the pressure to export. The needed decisions are more difficult for Japan politically than economically. The structural rigidities in the Japanese economy restrict access by even Japanese firms and investors. If the Japanese Government would improve incentives and reduce restrictions that currently restrain domestic and foreign firms from investing in Japan, all nations, especially Japan, would benefit. Steps are already underway to liberalize the Japanese capital market so as to channel Japanese savings more efficiently to both foreign and domestic uses and to widen the financial opportunities facing Japanese firms. As this proceeds, and as the international role of the yen expands, we would expect the value of the yen more fully to reflect the strength of the Japanese economy.

On the trade side, the removal of barriers to the sale of foreign goods and services in Japan would expand market opportunities for foreign suppliers, increasing Japan's imports. Prime Minister Nakasone's recent speech and the Japanese Government's package of measures to lower trade barriers and encourage imports are a laudable and encouraging beginning. More specifics must come.

All these steps would help defuse protectionist pressures in other countries. But Japan must deal with its savings-investment imbalance if its chronic imbalance in trade is to be corrected.

THE DEVELOPING COUNTRIES

The external accounts of the developing countries, like those of the European countries, help make up the mirror image of ours. The United States takes nearly 60% of all manufactured exports of developing countries to the industrial world. At the same time, our capital inflows from the developing nations are, in part, the result of American investors bringing their money home or of American banks reducing their foreign lending as opportunities in those countries appear less attractive.

Despite the progress made since the 1982-84 debt crisis, many developing countries still face the need for fundamental changes in their economies and economic strategies.

Several high-debt countries have successfully tackled the job of stabilizing their economies. They have cut public sector spending to more nearly match their resources, priced currencies to reflect better their market value, and set interest rates to encourage saving. They now face the need to get away from massive price subsidies or public sector dominance of investment resources and economic activity.

The emphasis should be on the positive. Austerity is not an end in itself. For difficult adjustments to be undertaken and sustained, a country's citizens must be able to see real prospects for future growth. Economic expansion, fueled by increased investment and exports, is the only way these countries can raise living standards for their people.

This is a theme that applies to many of the issues I have discussed today. Adjustments such as these are more difficult politically than economically—requiring new ways of thinking even more than they require resources. The cuts we must make in our own Federal spending are painful, but they are justified because they safeguard the continued growth of the productive private sector of our economy. The structural reforms in Europe that will ensure an attractive investment climate for domestic savings and international capital are necessary to restore Europe's own growth and technological advance. For the Third World, structural adjustment is the key to economic development.

The developing countries will clearly need financing as they go through this process. But where will this financing come from? No one can realistically expect that official development assistance, bilateral and multilateral, is likely to expand; the net flows are already very large—around $34 billion from official donors. And it is a fact of life that commercial bank lending will not return to the high levels of the past decade. Even increases from current levels are unlikely until developing countries improve their creditworthiness and offer productive investment opportunities. In any case, most developing countries already have more debt than they can readily handle.

There is no escaping this hard conclusion: domestic saving and private foreign equity investment will be the main sources of funds available to finance development and stimulate growth. Development and growth will come only to countries with sound domestic policies that stimulate domestic savings, promote trade, and attract external resources.

India is a striking example of a country that finances 92% of its investment needs from domestic savings. India's recent growth has been impressive and its prospects are bright.

Protectionism in the developing world can be a further drag on growth. The barriers to trade among developing countries are a hindrance to Third World expansion, and the barriers to outside trade and investment also retard development.

The value of foreign equity investment cannot be measured by the volume of funds alone. Foreign investors often bring technological and management skills that cannot be easily obtained in other ways. The enterprises of such investors tend to grow more rapidly and export more of their output than the economy as a whole. Moreover, there is no conflict between what needs to be done to stimulate foreign and domestic investment; both respond to a stable and predictable regulatory environment and to an expectation that they will be treated fairly.

Many developing countries seem reluctant to encourage foreign investment. It is their decision to make. But a number of countries have shed once fashionable mythology and recognized the opportunity. Now, after consistent application of sound policies, they are reaping the benefits.

INTERNATIONAL TRADE

For developed and developing countries alike, economic growth clearly depends also on the continued openness of the world trading system and, indeed, on a further liberalization of world trade. This is a collective international responsibility.

Protectionism is not the remedy to an illness. It is itself an illness. It is a hidden tax on the consumer, often an extremely regressive tax. Hold onto your pocketbooks when politicians start trying to "protect" you against buying what you want to buy. Even in the relatively open U.S. market, one estimate is that U.S. protectionist policies cost American consumers directly almost $60 billion in 1980. That was over $250 for every man, women, and child in the country. Protectionism keeps prices up, reduces living standards, and stifles growth.

Trade promotes the flow not only of goods and services but also of ideas. All countries benefit from the further division of labor that permits a broadening of the international marketplace. Those developing countries will grow the fastest that reduce impediments to trade and exploit their comparative advantage. Nor can developed countries repeal the laws of economics and defy the principle of comparative advantages; they must be prepared, over time, to phase out industries in which they are no longer competitive.

The ninefold growth in the volume of international trade since World War II reflects the success of the world trading system. During this period, world trade increased considerably more than world production. In the prewar period, by contrast, protectionism and a decline in world trade thrust the world into depression. A new initiative is needed to sustain what has been achieved.

The United States has proposed—and strongly urges—a new round of multilateral negotiations early next year to liberalize trade, particularly to eliminate nontariff barriers such as quotas, voluntary export restraints, and subsidies. We want the GATT [General Agreement on Tariffs and Trade] to extend its coverage to trade in services, agriculture, and high technology and to strengthen its system of safeguards and dispute settlement. Progress in these areas will provide new opportunities and new markets, bringing tangible benefits to both developed and developing nations. It will also contribute to the fight against protectionism. In the absence of progress on the multilateral front, pressures for protection and a retreat to reciprocal bilateral arrangements will mount.

From a global perspective, a splintering of the multilateral trading system into a multilateral of bilateral arrangements would be a backward step. Bilateral free trade agreements, however, such as we have negotiated with Israel and have offered to discuss with other countries, need not have this result; they can stimulate trade and strengthen the multilateral system. Free trade agreements are sanctioned by the international rules and involve a tighter trade discipline; they can promote freer trade than the multilateral system is currently prepared to accommodate. Our hope, nonetheless, is that the example of greater liberalization—and the recognition that the United States can pursue another course—will help motivate a larger group of nations to tackle the job of expanding trade on a global basis.

But we cannot forget our responsibility here at home. We in the United States are today more affected by the health of the global economic system than we have ever been before. And as the world's largest economy, we cannot escape the reality that any protectionist action here can do enormous harm to the global economic system. So in our own long-term self-interest, we must remain loyal to our long-standing tradition—our proud commitment to free and open trade.

A PROGRAM FOR SUSTAINED GLOBAL GROWTH

Let me conclude with a message and a program that emerge from my analysis. The message is twofold: first, the main objective, and the key to success, is to accelerate growth in the world economy. That's what

this is all about. And second, growth in the world economy is the result of interaction among sound national policies. That is the most important common ingredient in the policy steps that nations must take to correct the imbalances I have discussed.

Together, these steps are a program of international action to protect the current recovery and move us decisively onto the path of sustained, noninflationary growth.

First, for our own part, and even for purely domestic reasons, the United States must—and will—substantially reduce its Federal spending and deficit.

Second, the West Europeans should adopt policies that reduce the obstacles to change and innovation, that attract capital, and that stimulate domestic investment.

Third, in addition to opening its markets to foreign products, Japan should reduce the impact of its high rate of domestic saving on its trade surplus. This could be done by a combination of steps, including liberalized capital markets that internationalize the yen and measures to stimulate investment in Japan by Japanese and foreigners alike.

Fourth, the developing nations, especially those heavily indebted, should continue to make the structural adjustments needed to stabilize their economies, reduce the economic burden of government, expand their trade, and stimulate growth. They should encourage domestic savings and foreign equity investment.

Fifth, all nations should support freer international trade and prepare for early commencement of a new international trade round. We must reject a surtax on imports; other countries must contain political pressures that threaten trade.

Finally, our approach to the strength of the dollar should concentrate on the fundamental market forces at work. Intervention in exchange markets addresses only the symptoms of the dollar's strength—and not at all successfully. An easy monetary policy, undertaken in an illusory effort to reduce interest rates, would only reignite fears of inflation, raise interest rates, and weaken economic prospects. Instead, we should maintain consistent, noninflationary growth in monetary aggregates to accommodate economic growth while continuing the trend to lower inflation.

This program of action calls for many hard decisions. But they are the right decisions. We stand at the threshold of what can be, if all governments meet their responsibilities, a long period of global economic expansion and a new era of unprecedented prosperity.

The benefits that economic growth can bring to all the world's people transcend the purely material—though for the world's poor and hungry, this alone would be a monumental blessing. A strong and growing global economy will help advance all of America's most fundamental goals: a world of cooperation, peace, stability, and progress, a world where human rights are respected and freedom flourishes. We have great opportunities to help build such a world, but we will succeed only if we have the will and the wisdom to recognize the dangers and confront them. We know what must be done. But we must act on that knowledge if our hopes for a better world are to become a reality.●

CARL PERKINS' SUPPORT OF EDUCATION

● Mr. SIMON. Mr. President, our House colleague, Representative WILLIAM D. FORD, chairs the Subcommittee on Postsecondary Education, which I formerly had the honor of chairing. Recently, he wrote a letter that appeared in the Chronicle of Higher Education, which is right on target.

I can understand why an observer of the political scene did not sense that the late Carl Perkins was a strong advocate of education and an effective chairman. He had a slow, deceptively casual method of conducting hearings and proceedings; but there was a backbone there and a tiger at work, I can assure my colleagues.

Representative BILL FORD modestly did not include himself among those who were continuing to provide vigorous leadership in the field of education, and he should have done that. He has been a strong leader for this good cause.

I ask that Representative FORD's letter be printed in full after my statement.

The letter follows:

THIRTY-SIX YEARS IN CONGRESS IN SUPPORT OF EDUCATION

TO THE EDITOR: I must take strong exception to a statement by Norman J. Ornstein quoted in your article "Lawmaker Happy with Seat on Unpopular Education Panel" (February 20). Mr. Ornstein states, "He [former Education and Labor Committee Chairman Carl D. Perkins] had many positive qualities but he was not as strong a chairman as he could have been," particularly with respect to education.

Chairman Perkins was the most determined and effective champion that education programs have ever had. The $18-billion in education programs focused primarily on providing educational opportunities to the disadvantaged of our nation are a monument to his 36 years' work in Congress in support of education. The fact that education programs sustained $12.8-billion *less* in cuts than were proposed in President Reagan's first five budgets is further testimony to Chairman Perkins' success in recent years in sustaining our national commitment to education.

Congressman "Gus" Hawkins, who has chaired the Education and Labor Committee since the untimely death of Carl Perkins last fall, is continuing the tradition of vigorous leadership in support of education.

WILLIAM D. FORD,
Chairman, Subcommittee on Postsecondary Education, Committee on Education and Labor, U.S. House of Representatives, Washington.●

RULES AND MEMBERSHIP—COMMITTEE ON FOREIGN RELATIONS

● Mr. LUGAR. Mr. President, I am pleased to report to the Senate that the Committee on Foreign Relations has adopted its rules and subcommittee structure for the 99th Congress. For the benefit of all colleagues, I submit for the RECORD the committee rules and the membership of the six subcommittees of the Foreign Relations Committee.

The material follows:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted February 21, 1985)

RULE 1—JURISDICTION

(a) *Substantive.*—In accordance with Senate Rule XXV.1(j), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Ocean and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) *Oversight.*—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that ". . . each standing Committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the committee."

(c) *"Advice and Consent" Clauses.*—The Committee has a special responsibility to

assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) *Creation.*—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the Chairman or by vote of a majority of the Committee. If the Principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

(b) *Assignments.*—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the Committee may serve on more than three subcommittees at any one time.

The Chairman and Ranking Minority Member of the Committee shall be ex officio members, without vote, of each subcommittee.

(c) *Meetings.*—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving reporting expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee. Meetings of subcommittees shall be scheduled after consultation with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full Committee.

The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

RULE 3—MEETINGS

(a) *Regular Meeting Day.*—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) *Additional Meetings.*—Additional meetings and hearings of the Committee may be called by the Chairman as he may deem necessary. If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon filing of the request, the Chief Clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour.

(c) *Minority Request.*—Whenever any hearing is conducted by the Committee or a subcommittee upon any measures or matter, the minority on the Committee shall be entitled, upon request made by a majority of the minority members to the Chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

(d) *Public Announcement.*—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearings, unless the Chairman of the Committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date.

(e) *Procedure.*—Insofar as possible, proceedings of the Committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the Chairman, in consultation with the Ranking Minority Member and with the advice of the Chief Clerk. The Chairman, in consultation with the Ranking Minority Member, may also propose special procedures to govern the consideration of particular matters by the Committee.

(f) *Closed Sessions.*—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of Committees staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(g) *Staff Attendance.*—A member of the Committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at Committee meetings.

Each member of the Committee may designate members of his or her staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14.

In addition, the Majority Leader and the Minority Leader of the Senate, if they are not otherwise members of the Committee, may designate one member of their staff with a Top Secret security clearance to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14. Staff of other Senators who are not members of the Committee may not attend closed sessions of the Committee.

Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

The Committee, by majority vote, or the Chairman, with the concurrence of the Ranking Minority member, may limit staff attendance at specified meetings.

RULE 4—QUORUMS

(a) *Testimony.*—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the Committee and each subcommittee thereof shall consist of one member.

(b) *Business.*—A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

(c) *Reporting.*—A majority of the membership of the Committee shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all meas-

ures and matters before the Commitee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

RULE 6—WITNESSES

(a) *General.*—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

(b) *Presentation.*—If the Chairman so determines, the oral presentation of witnesses shall be limited to ten minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) *Filing of Statements.*—A witness appearing before the Committee, or any subcommittee therof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the Ranking Minority Member following their determination that there is good cause for failure to file such a statement.

(d) *Expenses.*—Only the Chairman may authorize expenditures of funds for the expenses of witnesses appearing before the Committee or its subcommittees.

(e) *Requests.*—Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The Chairman shall determine whether to grant any such request and shall notify the Committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) *Authorization.*—The Chairman or any other member of the Committee, when authorized by a majority vote of the Committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. When the Committee authorizes a subpoena, it may be issued upon the signature of the Chairman or any other member designated by the Committee.

(b) *Return.*—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled Committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the Chairman or any other member designated by him may convene a hearing by giving two hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

RULE 8—REPORTS

(a) *Filing.*—When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) *Supplemental, Minority and Additional Views.*—A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the Chief Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views.

(c) *Rollcall Votes.*—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee.

RULE 9—TREATIES

(a) The Committee is the only committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent. Because the House of Representatives has no role in the approval of treaties, the Committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the Committee and remains on its calendar from Congress to Congress until the Committee takes action to report it to the Senate or recommend its return to the President, or until the Committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress "shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon."

(d) Insofar as possible, the Committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) *Waiting Requirement.*—Unless otherwise directed by the Chairman and the Ranking Minority Member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) *Public Consideration.*—Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) *Required Data.*—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a confidential statement and financial disclosure report with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the four preceding years; and (5) for persons nominated to be chiefs of mission, a report on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11—TRAVEL

(a) *Foreign Travel.*—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the Ranking Minority Member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee within 30 days. This report shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded of Senate Rule XXXV.4 requiring a determination by the Senate Ethics Committee in the case of foreign-sponsored travel.

Any proposed travel by Committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking minority member prior to submission of the request to the Chairman and Ranking Minority Member of the full Committee.

When the Chairman and the Ranking Minority Member approve the foreign travel of a member of the staff of the Committee not accompanying a member of the Committee, all members of the Committee shall be advised, prior to the commencement of such travel, of its extent, nature, and purpose.

(b) *Domestic Travel.*—All official travel in the United States by the Committee staff shall be approved in advance by the Staff Director, or in the case of minority staff, by the Minority Staff Director.

(c) *Personal Staff.*—One member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the Ranking Minority Member of the Committee. During such travel, the personal staff member shall be considered to be an employee of the Committee.

RULE 12—TRANSCRIPTS

(a) *General.*—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides otherwise. Transcripts of public hearings by the Committee shall be published unless the Chairman, with the concurrence of the Ranking Minority Member, determines otherwise.

(b) *Classified or Restricted Transcripts.*—

(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and security of classified or restricted transcripts.

(2) A record shall be maintained of each use of classified or restricted transcripts.

(3) Classified or restricted transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Except as provided in paragraph 7 below, transcripts classified secret or higher

may not leave the Committee offices except for the purpose of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized persons with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, D.C., unless adequate assurances for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(7) Subject to any additional restrictions imposed by the Chairman with the concurrence of the Ranking Minority Member, only the following persons are authorized to have access to classified or restricted transcripts:

(i) Members and staff of the Committee in the Committee rooms;

(ii) Designated personal representatives of members of the Committee, and of the Majority and Minority Leaders, with appropriate security clearances, in the Committee's Capitol office;

(iii) Senators not members of the Committee, by permission of the Chairman;

(iv) Members of the executive departments involved in the meeting, in the Committee's Capitol office, or, with the permission of the Chairman, in the offices of the officials who took part in the meeting, but in either case, only for a specified and limited period of time, and only after reliable assurances against further reproduction or dissemination have been given.

(8) Any restrictions imposed upon access to a meeting of the Committee shall also apply to the transcript of such meeting, except by special permission of the Chairman and notice to the others members of the Committee. Each transcript of a closed session of the Committee shall include on its cover a description of the restrictions imposed upon access, as well as any applicable restrictions upon photocopying, note-taking or other dissemination.

(9) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a Committee meeting, members and staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Chairman, the Ranking Minority Member, or in the case of staff, by the Staff Director or Minority Staff Director. A record shall be kept of all such authorizations.

(c) *Declassification.*—

(1) All restricted transcripts and classified Committee reports shall be declassified on a date twelve years after their origination unless the Committee by majority vote decides against such declassification, and provided that the executive departments involved and all former Committee members who participated directly in the sessions or reports concerned have been consulted in advance and given a reasonable opportunity to raise objections to such declassification.

(2) Any transcript or classified Committee report, or any portion thereof, may be declassified fewer than twelve years after their origination if:

(i) the Chairman originates such action or receives a written request for such action, and notifies the other members of the Committee; and

(ii) the Chairman, Ranking Minority Member, and each member or former member who participated directly in such meeting or report give their approval, except that the Committee by majority vote may overrule any objections thereby raised to early declassification; and

(iii) the executive departments and all former Committee members are consulted in advance and have a reasonable opportunity to object to early declassification.

RULE 13—CLASSIFIED MATERIAL

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as "Top Secret" shall be filed in the Dirksen Senate Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members of authorized staff only. All classified material sent to members' offices, and that distributed within the working offices of the Committee, shall be returned to the office designated by the Chief Clerk. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified "Top Secret," after being indexed and numbered, shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure committee offices as may be authorized by the Chairman or Staff Director.

(e) In general, members and staff shall undertake to confine their access to classified information on the basis of a "need to know" such information related to their Committee responsibilities.

(f) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

RULE 14—STAFF

(a) *Responsibilities.*—

(1) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Staff Director; provided, however, that such part of the staff as is designated Minority Staff, shall be under the general supervision of the Ranking Minority Member and under the immediate direction of the Minority Staff Director.

(2) Any member of the Committee should feel free to call upon the staff at any time for assistance in connection with Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to originate suggestions for Committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) *Restrictions.*

(1) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(i) Members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group.

(ii) Members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or the Ranking Minority Member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action.

(iii) Staff shall not discuss their private conversations with members of the Committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Staff Director or Minority Staff Director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

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RULE 15—STATUS AND AMENDMENT OF RULES

(a) *Status.*—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the Committee with respect to certain matters, as well as the timing and procedure for their consideration in Committee, may be governed by statute.

(b) *Amendment.*—These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, rules of the Committee which are based upon Senate rules may not be superseded by Committee vote alone.

SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS

Jesse Helms, Chairman.
Nancy L. Kassebaum.
Frank H. Murkowski.
Paul S. Trible.
Daniel J. Evans.
Edward Zorinsky, Ranking.
Christopher J. Dodd.
Thomas F. Eagleton.
John F. Kerry.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, OCEANS, AND ENVIRONMENT

Charles McC. Mathias, Jr., Chairman.
Rudy Boschwitz.
Frank H. Murkowski.
Paul S. Trible.
Daniel J. Evans.
Christopher J. Dodd, Ranking.
Thomas F. Eagleton.
John F. Kerry.
Claiborne Pell.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Nancy L. Kassebaum, Chairman.
Jesse Helms.
Charles McC. Mathias, Jr.
Larry Pressler.
John F. Kerry, Ranking.
Paul S. Sarbanes.
Claiborne Pell.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Rudy Boschwitz, Chairman.
Nancy L. Kassebaum.
Larry Pressler.
Richard G. Lugar.
Paul S. Sarbanes, Ranking.
Alan Cranston.
Claiborne Pell.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Larry Pressler, Chairman.
Charles McC. Mathias, Jr.
Rudy Boschwitz.
Paul S. Trible.
Richard G. Lugar.
Joseph R. Biden, Ranking.
Paul S. Sarbanes.
Edward Zorinsky.
Thomas F. Eagleton.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Frank H. Murkowski, Chairman.
Jesse Helms.
Daniel J. Evans.
Richard G. Lugar.
Alan Cranston, Ranking.
Edward Zorinsky.
Christopher J. Dodd.●

THE COMPUTER AND THE SMOKESTACK INDUSTRY

● Mr. SIMON. Mr. President, I recently received a copy of the speech made by William D. Swanson, vice president of the National Steel Corp., and the general manager of their Granite City Steel plant. I recently had the opportunity to visit the Granite City Steel plant to meet some of the officers there to discuss their needs and their potential.

In 1983 the steel companies that accounted for 80 percent of domestic production reported a combined loss of $3.6 billion, and yet National Steel, the sixth largest corporation steel company in the United States has, for seven quarters, posted a profit. It is the only domestic integrated steel company to have such a record.

Part of the key to their success is undoubtedly getting capable people like Bill Swanson to be part of the leadership.

Part of the key, also, is the marriage of the latest technology with production.

I get an uncomfortable feeling when I hear people say that we have moved to becoming an informational society or that high tech, and not smokestack industries, is the wave of the future.

The reality is that I cannot eat information. I cannot sit in information. I cannot drive in information. I need concrete things to improve the quality of my life and to sustain existence.

The United States cannot move away from the production of those concrete thngs.

What is the answer? I think National Steel is helping to provide the answer.

One other aspect of National Steel that may or may not be part of the future is that 50 percent of it is now owned by Nippon Kokan. Undoubtedly the Japanese involvement has been part of the National Steel ability to move on the latest developments.

Whether that is the pattern for the future and whether that ought to be encouraged, I am not sure.

But I do know that the merging of the latest technology with the production of concrete goods has to become the wave of the future for the United States if we are to remain competitive, and if we are to improve the standard of living for our people.

I am taking the liberty of inserting William Swanson's speech in the RECORD. I would add to my colleagues that some of it is technical. I, frankly, do not understand all of the references to various pieces of equipment, for example, but any of my colleagues who read the speech will come away with a better understanding of where we as a nation have to go.

I ask that the speech be printed the RECORD.

The speech follows:

THE COMPUTER AND THE SMOKESTACK INDUSTRY—PARTNERS IN PROGRESS

Thank you, John, for that gracious introduction, and thanks to the AISE for asking me here tonight.

This evening I'd like to present for your consideration a proposal that I believe is being overlooked by a majority of the people of this country.

I submit that much of the high technology revolution in this country is not limited to the Silicon Valley of California, nor is it limited to the IBM's, Honeywell's and the aerospace industry. Instead, the real high technology revolution in the United States is taking place and growing on a daily basis in the so-called basic—or smokestack—industries.

Put another way—while it is the role of the IBM's of the world to create computer technology—and, I should point out that it is a role in which they excel—an equally important function is being fulfilled by basic industry—such as steel—in providing the fertile ground for the application of that technology into process control, business systems, and information retrieval systems.

It is this relationship between the creation of computer technology and its application in basic industry which led me to the title of my remarks tonight—"the computer and smokestack industry—partners in progress."

I will use some very specific examples of the application of high technology at Granite City Steel. These will illustrate practical examples of the computer/smoke stack industry relationship which have resulted in helping us return to profitability, and which have even greater potential for long-term benefits.

I should point out that I don't believe we're unique in this situation. We have seen many other examples—such as in the auto industry—where applications of high technology can help improve quality, reduce costs and improve margins. I believe this is a high tech revolution second to none. Furthermore, it's time for a renewed public appreciation of the contribution basic industry makes to our economy.

It is time for Americans to reject the idiotic concept that America can be kept great by silicon chips and fast food chains—that most people can be employed in high technology so as to support the rest of the economy which will be involved in services. That is a theory which neglects the fact that the production of real goods provides the most jobs.

Now, let's turn to Granite City Steel division and its parent company, National Steel Corporation, as an example of what can be done. I will give you a brief background on the steel industry in recent years, some of the actions we took at National Steel to respond to the challenges we faced, and how the applications of computer technology have figured in those actions.

First, let's look at the steel industry as a whole.

BACKGROUND OF DOMESTIC STEEL INDUSTRY

Almost everyone knows that the domestic steel industry has undergone some traumatic times in recent years with a loss of markets, reduction in employment, the suffering of large financial losses and a trimming of capacity as older, outmoded facilities have been closed.

According to Dr. Authur T. Denzau in his recent report on the domestic steel industry for Washington University's Center for the

study of American Business, "The American steel industry has been sick for a long time."

In only one year since 1959 has the domestic steel industry earned a rate of return on equity equal to the average for all manufacturing. In 1983 steel companies accounting for 80 percent of domestic production reported a combined loss of $3.5 billion. The previous year's combined loss was $3.2 billion. The 1984 projections are for a loss of one-half a billion.

How did what was once a proud American industry ever get into such terrible shape? Surprisingly, the fault didn't lie in lack of investment. As a matter of fact, the industry invested more than $24 billion between 1969 and 1978. That was three times as much as they paid in dividends. Yet, productivity growth averaged only three percent a year in that time. This says that the investment was not effective. Only two completely new integrated steel mills were built in the U.S. since World War II.

At the same time, 80 percent of the steel capacity in Japan was built since 1945, most of it using advanced steel making technology. And, the Japanese made advances in the continuous casting of steel, and extensive process control development, and very aggressive customer-oriented marketing concepts.

Yet, the domestic steel industry acted as though there was no immediate danger, and in the 1970s was putting out news releases claiming that—and I am quoting—"the domestic steel industry employs the most advanced steelmaking technology in the world. . .", or try this one. . . "new technology has not been and is not likely to be the answer to the immediate profit problem. . ." and, finally, "there is no new steelmaking technology in sight."

In retrospect, such statements seem ridiculous at best and stupid at worst.

At the same time that this was going on, we were seeing not only a flood of imports from modern steel mills in Japan and other nations, but a shrinking of markets as alternative materials such as plastics began to replace steel, and automobiles started getting smaller.

Management wasn't alone in its malaise. Labor demanded—and continued to get exorbitant wages, costly benefits, and protection of outmoded work rules.

Instead of looking to technology, improved quality and more flexibility in work rules as an answer to the dilemma, the industry sought relief from imports.

I am not going to argue the case for or against import quotas tonight except to say that while we will take all the help we can get, quotas are not the answer to the long-term needs of the industry.

As a result of the malaise I have described, losses soared; the markets were lost to superior quality and more competitively priced foreign steel, and jobs in the steel industry diminished by nearly 140,000 in the past three years alone.

Where did Granite City Steel fit in this picture? We, too, suffered from the adverse conditions the industry faced, and our losses were staggering.

But, I am pleased to report that National Steel has proven to be a leader in many instances for the industry. While we certainly are not the largest—being sixth in the nation—we have already taken many of the steps which knowledgable industry observers have cited as being essential if the domestic steel industry is to survive these troubled times.

As result, we at National Steel have recorded an operating profit for seven consecutive quarters—the only domestic integrated steel company to enjoy such a record. Although a large part of National's strength relates to their balance from raw materials to shipped product, they are technologically advanced in many areas.

Let's look at some of the steps National has taken at Granite City Steel. These will include a review of the technology in our steelmaking process including the basic oxygen furnace, our continuous caster, and a new multi-million dollar computer in our hot strip mill. I'll also discuss the application of some new technology that is part of a $60 million capital expenditure program at Granite City Steel for 1985, including a new iron desulfurization process, caster improvements, ladle metallurgy and the establishment of a new operations technology department.

Time will not permit me to cover all of the computerization at Granite City Steel. However, I would like to give you a sense of the magnitude of this effort. Let me touch briefly on the three areas of computerization; process control, commercial system applications, and the information center environment.

Process control is the application of computer technology to physically control a process to achieve the consistent production of a high quality product. To support these process control applications, commercial systems must be integrated into the scheme. Functions such as production reporting, inventory accounting, unit scheduling and cost forecasting provide management with the tools needed to deliver a low cost, high quality product to the customer when he wants it.

The final integration of computerization is the information center. Through an extensive network of over 300 terminals, granite city staff and operations people are able to monitor and analyze statistical, financial and metallurgical data without going through the data processing department. Data of all types can be retrieved from central data banks and analyzed or reported as desired. In addition, over 30 word processors and personal computers have been installed at Granite City Steel.

However, tonight I would like to look more closely at some major examples of process control technology, since this is the area which must grow rapidly to keep us competitive in the market place.

HOT STRIP MILL COMPUTER

Actually, Granite Steel has had a long history in the application of technology. It started at our 80" hot strip mill nearly twenty years ago when we were one of the first steel mills in the world to introduce extensive computer controls.

Now, in 1985, the 80" hot strip mill is entering a new phase of technological advancement at Granite City Steel as we complete the successful startup of a new $5 million hot strip mill computer. It's a DEC VAX 11-780 that is interfaced to our existing IBM and G.E. systems.

This new system is significant for another reason. The programming was done entirely in-house, making it the largest in-house programming effort of its type ever attempted (according to our sources). We had five programmers dedicated to this task for more than two years. I believe this type of expertise is yet a further indication of the "high tech" revolution that is occurring in our industry. Only a few years ago, I doubt that such capabilities would have existed in any steel mill in this country.

The role of the hot strip mill computer in ensuring a quality product cannot be overestimated. It controls production functions from the time slabs are put into the furnace until they move down the conveyor as hot rolled bands. As the bar makes its track through the mill, the computer monitors its width and thickness by controlling horizontal and vertical rolls.

Also, the computer system controls cooling of the strip by varying its speed through the mill and on the runout table and by applying the laminar water needed in the process. At times, a thin strip may reach speeds of 50 miles an hour, so you can see that highly accurate and instantaneous monitoring is essential.

Computer models have been utilized in setting up roughing mills, the crop shear, finish mill speeds, finish mill screw positions and looper tensions.

The final coiling temperature is controlled by the computer, based upon another in-house developed model. Additionally, there are two x-ray gauges at the end of the finish mills which are connected to the computer for thickness control. The finished coil weights are recorded by a computer. We are quite proud of this new system as you might expect, and we believe it to be the equal of any in the world.

BOF COMPUTERS

We have also incorporated extensive computer technology at our basic oxygen furnace shop.

There we have a supervisory computer. It is a DEC PDP 11-44 which interfaces with our IBM computers and to a digital 11-73 that acts as a control computer. The supervisory computer is linked to CRT's, eight of which are analytical devices for our laboratories at the BOF.

The control computer monitors all signals and passes data to the supervisory computer once every five seconds to provide a history which is used if problems occur.

As of March 27, the control computer will be in control of the new LBE refining process recently installed on our #1 vessel. It will adjust the lance height, our top oxygen flow rates and our bottom gas flow rates. All of this is aimed at greater efficiency and predictability in the process.

I mentioned earlier that the supervisory computer is also linked to the laboratory analytical devices. These include two optical emission spectrometers, three carbon-sulfur analyzers, a nitrogen-oxygen analyzer, two liquid steel oxygen analyzers and two steel temperature measuring probes.

All the analyses made on these devices are stored in the supervisory computer.

This provides a more accurate monitoring of the process—and, we hope, improved yield and quality.

CONTINUOUS CASTER

Next, I'd like to take a brief look at a real success story for Granite City Steel—that's our continuous caster. Currently, we are continuously casting about 65 percent of our steel at Granite City Steel. National steel as a whole is somewhat higher than that.

We're not satisfied, though. Our goal is to reach the 100 percent figure that is achieved by some Japanese mills and many of the newer steel mills around the world.

Our continuous caster is controlled by a digital PDP 11-34 which we are in the process of upgrading to an 11-44 model. This computer is linked to 16 CRT's and performs a host of functions including:

Monitoring mold cooling parameters and sounding the alarm if conditions outside a given critical value arise.

Secondary spray cooling. The computer sets water flow rates for each zone of the caster as the slab is being cast, so that a specified volume of water per square foot of steel is applied to the slab from the time it exists the spray chamber.

The computer also provides a report for heats cast which is being expanded to assign automatic internal and external quality points for each slab cast.

The assignment of such quality points will allow the upgrading or downgrading of a slab before it is cut. This will improve our ability to match the characteristics of steel to the customer's needs as it is produced and therefore increase our performance in critical applications.

A LOOK AT THE FUTURE

As I said earlier, time doesn't allow me to take an in-depth look at all of the applications of technology on a daily basis throughout the mill, but I hope these few examples will illustrate my point. However, we must not be satisfied with what we have achieved. We must be looking ahead.

In the next year, we have planned further computerization of the mill, all of which will, I believe, improve our competitive position.

In the ironmaking area, we will use a micro-computer to control the scale cars which supply raw materials to the blast furnace. The blast furnace control parameters will be monitored by a distributed process control system.

Also, each blast furnace will have a supervisory computer which will be linked to the process control system, the scale car system and to an "area level computer."

This area level computer will be placed in the ironmaking area and will provide the communications to all levels of our growing computer hierarchy.

On the steelmaking side, a new ladle metallurgy station will contain a supervisory level computer and will pass control information into a programmable logic controller. Again, this computer will be integrated into our growing network.

All analytical devices now connected to the BOF computer will be connected with the area level computer, as will most of the CRT's and the caster computers.

In the finishing area, a computer will be used for cold mill shape control. This computer will control roll bending, screw positioning, interstand tension, and cooling water to provide a flat product.

However, I don't want to leave you with the impression that computer technology alone will provide the solution to the profit crisis facing the industry.

At Granite City Steel, we will continue to rely greatly upon the expertise of our people. As I mentioned earlier, our programming for the hot strip mill computer was done entirely in-house, making it, as nearly as we can tell, the largest job of its kind.

Another example of how we rely on people is our newly created operations technology department.

This group will have three major duties:

Development of SOP's for each unit.

Installation of statistical process and quality control methods.

Development of process improvement through technical problem solving.

Here is the way the three functions should interact:

The SOP identifies the key process elements that must be controlled and identifies the procedures that must be used to control them in order to produce a consistent product at our present state of the art.

Statistical process control methods are identified for each of the control elements and written into the SOP. This provides means to control these elements and allows us to monitor if they are in control. This may include graphs, X bar charts, or pre-control charts. The objective is to determine when the key control variables are going out of control and to take corrective action in order to prevent loss of control.

The technology teams are involved with improving the process. They will be highly qualified engineers (mechanical, electrical, chemical and metallurgical). They study deficiencies and formulate solutions. The SOP's are then modified to include these improvements.

If it all works as it should, we develop an upward spiral in quality and consistency.

1. Develop SOP's;
2. Monitor SOP's;
3. Develop improvements;
4. Modify and formulate improved SOP's; and
5. Continue the improvement spiral.

The program has just gotten underway. We expect to finish SOP's on four major units this year and complete SOP's on all major units in three years. During 1985, we expect to have twenty people working in operations technology.

The implications for process control resulting from this group are tremendous. Measuring the key control variables and charting them in the statistical process procedure may initially be manual. In the long run, however, we must develop automatic devices to measure the key variables, tie them to computers, and computerize the monitoring of these key variables. Furthermore, computerization of the SOP's will be essential in order to visually present them to the operators as they are performing the processes. This is a huge challenge.

At this point, let's discuss the impact of Nippon Kokan which is a 50 percent owner of National Steel Corporation.

Kokan is regarded by most industry observers as being a leader in the use of technology, and while we are only now beginning to explore some of the areas of potential cooperation with our new Japanese partner, I am confident that we will benefit tremendously from their knowledge.

It will be a major responsibility of the operations technology department to work hand in hand with Kokan and transfer what is learned throughout our operations.

So you can see that we are committed to the application of technology. We believe that this will be the key to helping National Steel, our parent corporation, become this country's first world-class steel producer.

SUMMARY

In closing, I'd like to briefly review my main points. We've talked about the morass that the domestic steel industry has found in. Much of this was undoubtedly due to our head in the sand—or elsewhere—approach of a decade ago.

I've talked about some of the examples of applied technology at our mill. And, we're not unique within National Steel, because a similar case could be made for our other divisions. We at National are already one of this Nation's most modern steel producers, and we're committed to accelerating the pace of our technological advancements.

Because of this, I have urged that policymakers, the public, and this audience to consider what I believe to be a natural relationship between so-called high-tech industries and the smokestack industries. Perhaps, the definition of a high-tech industry is ready for some broadening.

Technology alone, of course, cannot be the answer. But it must be a major contributor to an attack on the problems of quality and costs which have besieged the steel industry in recent years.

For this to happen, the steel industry itself must be willing to use the tools of technology rather than rely solely on relief from competition through artificial restrictions in the marketplace.

There are too many Americans who will not be sympathetic to the industry's pleas, unless they see a self-help program in progress.

Because of that, I hope that steel—of which I am proud to be a part—can capitalize on the technological opportunities which await it. For most steel firms, survival will depend upon the degree to which they become a customer-oriented producer of consistently high-quality, competitively-priced steel. This is our goal at Granite City Steel and at National Steel Corporation.

Speaking for Granite City Steel and National Steel, I believe that technology must play a vital role in helping us get there. And our success can be a part of the historical reshaping of one of the great industries of this country—an industry without which America cannot be great.

Thank you.●

BILL ORDWAY

● Mr. DECONCINI. Mr. President, Bill Ordway has served the State of Arizona as State transportation director since the establishment of the Arizona Department of Transportation [ADOT] in July 1974. His public service career spans 35 years, 27 of which have been spent with ADOT and its predecessor, the State highway department. Arizona is losing one of its finest and most cherished servants; Bill Ordway has announced his intention to retire.

As ADOT director, Bill has presided over a tripling of Arizona's transportation construction program which will exceed $400 million this year. His agency has produced this increase in product with a manpower reduction of more than 1,200 since the peak interstate construction year through an aggressive program of operational cost reductions, use of new technology and systems, and calling on private sector services rather than increasing ADPT's full-time work force.

Bill is the only Arizonan to ever become president of the prestigious American Association of State Highway and Transportation Officials [AASHTO], service which he completed in December 1984. He has also headed the Western Association and has served in various leadership capacities in the national and regional transportation groups over the past 10 years.

Bill has served in the cabinets of four Arizona Governors. His expertise and experience will be sorely missed in Arizona. We are eternally grateful to Bill for his work on behalf of the State of Arizona.●

PETITION OPPOSING ELIMINATION OF TVA LAND BETWEEN THE LAKES PROGRAM

● Mr. GORE. Mr. President, I am pleased to present to the Senate a petition from residents of Stewart County, TN. The petition, signed by 513 citizens, underscores the strong opposition many in my State have expressed about administration proposals to drastically reduce the Federal budget for TVA activities in our region.

The Office of Management and Budget has targeted TVA for a 70-percent reduction in its nonpower programs, including local economic development, natural resources activities, fertilizer research and development and other fertilizer programs, agricultural resources development, and other activities.

One of the extremely worthwhile programs conducted by TVA in recent years is the management of the Land Between the Lakes, an area within the banks of the Tennessee River which is now providing not only recreation, conservation, and research opportunities, but hundreds of new jobs in an area hard hit by the recent recession—an area which has, like much of Tennessee, not enjoyed the fruits of the economic recovery in other parts of the country.

TVA's orderly management of resources at Land Between the Lakes would end under the OMB proposal. I have expressed my strong opposition to such a proposal, and will continue to do so if such an ill-conceived reduction is part of the President's final budget soon to be presented to Congress.

Mr. President, too often budget numbers are only abstract reflections of Government activity. This petition from more than 500 Tennesseans provides a moving testimony that a Federal program, in this case the Land Between the Lakes activity by TVA, is of widespread benefit to many.●

GENOCIDE CONVENTION

● Mr. SYMMS. Mr. President, I would like to recommend that my colleagues read the editorial by Senator HATCH which appeared in the New York Times of April 3, 1985. The Senator's article vividly describes the potential consequences of American ratification of the Genocide Convention. As is apparent from Senator HATCH's article, it is not the countries which commit genocide that need to fear punishment under the treaty—for they are only engaged in "political solutions"—but those such as Israel and the United States who support democracy and oppose communism which would be persecuted under this fatally flawed document.

I ask that the article be printed in the RECORD.

The article follows:

[From the New York Times, Apr. 23, 1985]

REJECT THE GENOCIDE CONVENTION

(By Orrin G. Hatch)

WASHINGTON.—The Senate should proceed with the utmost caution next week when the Genocide Convention comes up for ratification for the sixth time since it was proposed in 1949. Today, as before, there is every reason to reject the treaty in its current form, which could so easily play into the hands of those hostile nations that wish to make trouble for America and its allies.

Consider the following scenario. The year is 1990. Israeli Defense Minister Yaakov Levin, in New York City to make a speech before B'nai B'rith, has been arrested in the lobby of his hotel on a Federal warrant charging him with genocide against the Palestinian inhabitants of the West Bank. The warrant was issued by the United States Attorney's Office upon a complaint filed by the United Nations Secretary General. After arraignment, he is to be turned over to the International Genocide Penal Tribunal, at the United Nations. (The United States had participated in the creation of the tribunal the year before through an executive agreement.)

The Defense Minister will be held incommunicado, for under the Genocide Convention there is no right to bail, no probable-cause hearing and no due-process protections afforded to defendants. He personally is charged with genocide, since according to the convention only individuals can commit such acts. Governments are exempt from liability and cannot even be accused of complicity.

The particular crimes in question are: causing serious bodily and mental harm (undefined), deliberately inflicting conditions of life calculated to bring about the destruction of the Palestinian people in whole or in part and forcibly transferring Palestinian children from the West Bank. There are additional counts of conspiracy, incitement, attempt and complicity.

The Defense Minister is accorded no presumption of innocence. He has no immunity as a government official. He will be given the right to an attorney, not necessarily of his own choosing, but does not have to testify on his own behalf. He does not have a right to confront his accusers, cannot prevent heresay evidence from being introduced, has no fundamental fairness protections in court procedure and does not have to be proved guilty beyond a reasonable doubt.

He has no right to a jury trial and, if convicted, will not be able to make use of any appellate review process. He cannot be released, even temporarily, by means of habeas corpus, since that doctrine does not apply under the Tribunal Statute. He cannot prevent extradition to the United Nations custodial authorities, for the executive agreement binding the United States to Genocide Tribunal discarded traditional American extradition protections and bound us to deliver any accused person to the United Nations authorities for trial.

After a three week media extravaganza, the Defense Minister is convicted on all counts by a 13-2 vote—unanimity is not required—with only the American and Zairian judges finding in his favor. He is sentenced to life imprisonment at hard labor and transferred to Syria to begin his sentence.

Israel, in the meantime, dramatically withdraws from the United Nations, angrily accusing the United States of betrayal. When Syria does not meet Israeli demands for return of the imprisoned minister, Israel mobilizes its army, and within days another Arab-Israeli conflict has begun. The Soviet Union immediately threatens the United States with retaliation. Israel is then declared an outlaw state in an overwhelming vote by the General Assembly, which calls upon all members to assist Syria.

Israel is a favorite target of Arab states and United Nations organizations. But under the provisions of the Genocide Convention as submitted to the Senate and the international court statute that would theoretically guide the establishment of the Penal Tribunal, this could happen to any foreign government official visiting the United States.

United States approval of the convention, as endorsed and interpreted by the Reagan Administration, could lead to this sort of fantasy becoming harsh reality. This must not be permitted, for the sake of our own national interests and world stability. We are all opposed to genocide, in any form, but the Genocide Convention, as proposed, is unacceptable.●

JOHN R. McINTIRE

● Mr. LEVIN. Mr. President, I would like to take this opportunity to commend John McIntire for his exemplary leadership as president of the Samaritan Health Center, of Detroit. Through his efforts, Samaritan Health Center has developed into a hospital facility that is responsive to the health, social, and economic needs of the community.

John McIntire came to Detroit in October 1977 to serve as director of the transition team responsible for planning the merger, in April 1978, of St. Joseph Mercy Hospital with Evangelical Deaconess Hospital. The merger of the two hospitals formed one entity, Samaritan Health Center, with John McIntire as president and chief executive officer.

At the time of the merger, two pressing issues were decreasing the cost of health care and reducing the number of acute care beds on Detroit's east side. The population was declining, while its characteristics were changing: The neighborhood was becoming older, poorer, and largely made up of minorities. These characteristics of the community increased health care needs at a time when primary care physicians were leaving. Under John McIntire's leadership, the new Samaritan Health Center responded to the growing health care needs of the east side community.

Later, a network of family health centers were built. Located in federally designated "Medically Underserved Areas" and "Health Manpower Shortage Areas" on Detroit's east and northwest sides, these modern, convenient health centers make basic health care available for many Detroiters. At these centers no one is denied service because he or she cannot pay.

The construction of General Motors' industrial park project near Hamtramck forced Samaritan Health Center to relocated its St. Joseph Mercy Hospital Unit. The planning and construction of Samaritan's inpatient replacement facility on Connor, by October 1984, represents an outstanding accomplisment in the construction of health facilities.

Furthermore, Samaritan's new Conner Campus has served as a nucleus for needed community and economic development on Detroit's east side. Through John McIntire's vision and leadership, a coalition of representatives from area businesses, institutions, and residents, joined resources to improve the quality of life for those living and working in the Warren/Conner area of Detroit's east side.

John McIntire has made an outstanding contribution to the Michigan hospital community in the field of facilities planning and construction. In addition, his leadership has benefited the larger community through community planning and revitalization efforts which are responsive to the social and economic needs of all citizens.

The Detroit community as well as the Samaritan Health Center will miss John McIntire. I join them in wishing John the best in his new position as chief executive officer responsible for merging two health facilities in the Minneapolis/St. Paul area for the Sisters of St. Joseph of Carondelet. I am sure that through his leadership health care facilities will continue to grow more responsive to the needs of the communities they serve.●

THE RETIREMENT OF FATHER JOHN NACCA

● Mr. D'AMATO. Mr. President, on May 15, 1915, a great man, a fine friend, and a leader was born, Father John J. Nacca. I rise today in honor of the full life he has led and the enormous contributions he has made in creating a better, more caring world for all of us. His outstanding contributions warrant our appreciation and honor on the occasion of his retirement.

Father Nacca was ordained into the priesthood on June 7, 1941. In hopes of offering his life to the service of others, his church, and God, John became assistant pastor at St. Francis d'Assisi Church and then assistant pastor of St. Francis Xavier in Rochester, NY. Fate brought Father Nacca to St. Mary's of the Assumption in Fairport, to later become pastor of St. Francis d'Assisi in 1949. At age 34, he became the youngest pastor in the diocese of Rochester and now has the longest tenure as pastor in the diocese.

As a result of the caring efforts of Father Nacca, his parishioners were led to provide the generosity necessary to help build a new school, a shrine dedicated to Our Lady of Lourdes, and a new church building. But John Nacca was not interested in providing these benefits for just his surrounding community, he also wanted to reach out to other lands so that these people could appreciate some of the many opportunities that we so often take for granted in the United States. For example, he guided his parishioners and friends to fund the establishment of six mission churches including one in Africa, two in South Vietnam, and three in India.

John has been committed to helping people not only through the nourishing of their souls, but through the nourishing and clothing of their bodies as well. When an earthquake ripped through Italy in 1980, Father Nacca, along with his parishioners, labored to raise $10,000 in aid and tons of clothing. As a man who constantly sought out suffering individuals in need, not just in crisis times, he annually encouraged those around him to donate tons of clothing as a part of the Thanksgiving Day appeal.

The father even extended his efforts to educating the minds of the youth around him: Believing in the complete individual he strove to nurture the soul, the mind, and the body. He offered this last part of assistance directly by teaching religion to 1st through 12th graders. So great have been his efforts that he was "Man of the Year" as honored by the Christopher Columbus Commemorative Committee. Above all these things, if a man's life can truly be valued by how much he is loved by others, then Father John Nacca has truly led a great life. We honor him and all that he stands for, and may he continue to share his joy with us, as it truly illuminates our lives.●

APPALACHIAN REGIONAL COMMISSION

● Mr. SARBANES. Mr. President, this is not the first time the Reagan administration has asked Congress to terminate the Appalachian Regional Commission. For 5 years the administration has sought to end it, and for 5 years Congress has wisely rebuffed the administration's request. In the 20 years of its existence, the ARC's objective has been economic development throughout the region, and its accomplishments are noteworthy: introduction of dozens of carefully developed projects, expansion of employment opportunities, strenghtening of education and job training and retraining programs, and improvement in health care. The demonstrable success of its work is reflected in the dramatic decline in poverty levels and the concomitant rise in levels of personal income, education and health. In light of the achievements of the Commission, the administration's attempts to put it out of existence are shortsighted and self-defeating.

Mr. President, in a recent editorial, the Baltimore Sun made a persuasive case for extending the life of the Appalachian Regional Commission. I ask to have the editorial printed in the RECORD.

The editorial follows:

KEEP APPALACHIA GROWING

The Appalachian Regional Commission, one of the most popular weapons in Lyndon Johnson's War on Proverty, is being phased out by the Reagan administration. It is dying of competition for tighter federal bucks and the fact that Jennings Randolph and Howard Baker, two influential regional champions, are no longer in the Senate. The panel is also a victim of its own success.

Created in 1965, the commission has since spent $5 billion, $3 billion on the vast Appalachian Development Highway System. The network of roads was built to free inhabitans from their regional isolation. According to federal figures, the system is working. Health, education and personal income levels have risen sharply since the highways were built.

Continued cutbacks in federal aid, however, are being felt in Appalachian states from New York to Alabama and Mississippi. In Western Maryland, both Allegany and Garrett county governments rely heavily on commission money, which in some cases is supplemented by the state. Governor Hughes has committed state funds to complete Western Maryland's National Freeway, now that the Reagan administration has set a 1990 deadline for receiving Appalachian highway money.

Any society committed to protecting citizens against sickness, proverty and ignorance should be happy with the commission's achievements. The dollars spent on training the young and retraining the jobless are two good reasons poverty has dropped from 31 percent of the region's residents in 1960 to 11 percent today. They are also two good reasons why the administration should think twice before turning out the light of opportunity to Appalachia prematurely.

The popular program still has plenty of support in the House of Representatives, including Western Maryland's Beverly Byron. But without Messrs. Baker and Randolph in the Senate, there is not enough muscle to stop the presidential phase-out. This is particularly unfortunate for the many villages lying in Appalachian hollows without water and sewer systems, or proper roads to carry them to jobs in neighboring towns already on their way to recovery. Admittedly, the president had serious choices to make, considering the budget-deficit situation. But when Congress finally approves a budget for this year, Appalachia should not be forgotten.●

HARVESTING THE TAX CODE

● Mr. BOSCHWITZ. Mr. President, the current tax structure in our country provides for agricultural tax shelters that permit high-income investors to shelter nonfarm income in agricultural investments. This not only adds to our agricultural surpluses, but also

costs our Government billions of dollars every year in lost tax revenues.

To remedy this situation, my esteemed colleague from South Dakota, Senator JAMES ABDNOR, has introduced legislation to limit to the national median family income at $23,000, the amount of off-farm income that can be used to offset a farm loss. This will help to make farming the Tax Code substantially less attractive to those in search of tax shelters. I commend Senator ABDNOR on having taken the leadership here in the Senate in addressing this problem in our tax structure and have added my name as cosponsor of Senate bill 244.

Recently, Newsweek magazine published an article on Senator ABDNOR's involvement with this issue. I ask that this article, "Harvesting the Tax Code," from the March 18 edition of Newsweek be inserted into the RECORD.

The article follows:

HARVESTING THE TAX CODE

The need for shelter is almost as basic as the need for food, and some enterprising humans have figured out a way to satisfy both. The past 20 years have produced a bumper crop of agricultural tax shelters, generally designed to shelter nonfarm income with farming losses. But in the midst of the deep agricultural depression, there is a growing belief that farming the tax code is making matters worse. Republican Sen. James Abdnor of South Dakota argues that the phenomenon "adds to our surplus-production problems," drives up land prices—and may even be accelerating soil erosion by encouraging the planting of marginal lands.

As a result, Abdnor is one of several farm-belt legislators leading a drive to make agricultural shelters less attractive. In terms of deals marketed to investors, such shelters amounted to less than .5 percent of the $18.6 billion in limited partnerships sold in 1984, according to tax-shelter consultants Robert A. Stanger & Co. But the various types of agricultural shelters cut a wide swath through farming. In 1981 farm net income reported to the Internal Revenue Service totaled $8.5 billion; farm tax and operating losses equaled $16.3 billion.

Most of those losses were incurred by full-time farmers aiming to make a profit, but a large portion were reported by several kinds of tax-code farmers. An estimated 60 percent of farm operators also earn income off the farm—and they may incur tax losses in farming that they apply against their nonfarm income, sometimes leaving them with little or no tax liability. But there are also high-income earners—many of them professionals or celebrities—who live on or own farms that may produce as little as $1,000 in sales each year. These "gentlemen farmers" often use tax benefits from farming—such as investment tax credits or depreciation of farm equipment and live stock—to shelter nonfarm income, if they live on a farm, they may be able to deduct almost all their living expenses and generate huge tax losses. Finally, there are also passive tax-shelter investors who simply buy into an agricultural Partnership, drawing many of the same tax benefits they would get from other forms of shelters.

Tax-code farming may produce a number of distortions in the economics of agriculture. Take, for example, the development of the "supercow"—a superior milk producer that is artificially induced to produce dozens of calf embryos a year. Because cows are eligible for investment tax credits, rapid depreciation and other tax benefits, these are bought and sold frequently, bidding up prices to statospheric levels. And because they and their offspring are so good at producing milk, some dairy farmers complain that they are exacerbating the nation's huge dairy surplus. "Is it fair? Hell, no," says George Morgan, a Walton, N.Y., dairy farmer who manages cows for investors. "But [I don't believe] the current tax system [is] fair at all."

Some economists think critics of tax-code farming overstate its ills. The current overproduction of cow embryos should be self-correcting; if the embryos "aren't very marketable," says Allen Bock, a professor of agricultural law at the University of Illinois, the business should shrink. Moreover, government dairy price supports are far more responsible for the dairy surplus than any number of supercows. Nonetheless, Abdnor has introduced a bill to limit to $23,600 the amount of off-farm income that any individual can offset with farm losses. The bill is considered a long shot, but if it passes, it could send many absentee farmers looking for shelter somewhere else.●

FCC POLICYMAKING

● Mr. GORE. Mr. President, over the past few years we have seen this country's telecommunications policies thrown into disarray by the divestiture of AT&T, the proliferation of new products and services, and the extraordinarily competitive environment that has ensued. The Congress has been continually involved, in an effort to gauge the impact on universal telephone service in particular. As a member of the House Telecommunications Subcommittee, I was active in this debate, and now, as a member of the Senate Communications Committee, I have continued that involvement.

These have always been extremely difficult, complicated issues to reduce to policy terms. In fact, it has often been alleged that new technology has always been one step ahead of the Congress' efforts to produce policies that are in the public interest.

Adding to this condition of confusion and complexity has been the new reluctance of the Federal Communications Commission to aggressively represent the public interest through commonsense regulation. Instead, the Commission has taken an ideological position, that the private marketplace will take care of any problems which face consumers in this new telecommunications environment.

I believe the Senate should actively consider whether the FCC has abandoned its traditional role. I recently came across an article in Legal Times by Harry M. Shooshan III and Erwin Krasnow, who make a strong case that the Commission has lost its bearings. I do not necessarily agree with all of their assumptions or conclusions, but the article is one of the most comprehensive recent examinations of the relationship between the FCC and Congress. I have worked with Mr. Shooshan when he was counsel to the House Telecommunications Subcommittee, and I commend this article to you.

The article follows:

[From the Legal Times, Apr. 8, 1985]

NEW CHECKS, BALANCES AFFECT FCC POLICYMAKING

(By Harry M. Shooshan III and Erwin G. Krasnow)

Throughout its 50-year history, the Federal Communications Commission has been a target of more criticism and prolonged investigation by Congress than any other federal agency. While the FCC technically may be an "independent" agency, its independence is circumscribed by its role as an "arm of the Congress," and its expertise is tempered by political concerns.

To Congress, the independence of the FCC means independence from White House domination, not independence from its congressional parent. Thus, the commission is free to make decisions, but must keep its eye on the House and Senate to protect its operating budget and political capital.

Congressional influence on FCC policymaking has assumed many forms, including statutory directives, budgetary limitations, and oversight by various congressional committees. However, during the last four years, the commission has been subject to more rigorous congressional control than at any time in its history. Congress has intervened to block or reverse an unusually large number of major FCC decisions, using legislative moratoriums, periodic authorizations, and 11th-hour riders to appropriations bills.

What has emerged is a new system of checks and balances on the FCC's decision-making power in matters of policy. Traditionally, if parties lost at the commission, they filed appeals with the courts. If that route proved unsuccessful, those parties could seek remedial legislation from Congress. Parties now are taking their cases directly to Capitol Hill, often before the commission has even completed its formal proceedings.

Do these new checks and balances constitute more effective oversight or unwarranted interference? The answer may depend on which side of the substantive issues one embraces. As one wag observed, "Where one stands in Washington depends on where one sits." But the rules of the game clearly have changed, and lawyers as well as clients must deal with the consequences of those changes.

LEGISLATIVE VETOES AND MORATORIUMS

Over the last decade, Congress has frequently passed legislation to override specific agency initiatives. The Federal Trade Commission, the Food and Drug Administration, and the Department of Transportation are among those agencies that have been affected. Until recently, the FCC has escaped such action, even though it has made a number of very controversial decisions.

For example, the FCC's decisions to open up the domestic telecommunications market to competition were carefully reviewed by Congress in the 1970's after criticisms from interested parties but were never vetoed. Similarly, the FCC's decisions to deregulate cable television, radio, and television were

controversial, yet they did not precipitate congressional intervention.

In 1983, however, Congress twice used the threat of legislation to reverse FCC decisions before they had been finally adopted. On Nov. 10, 1983, the House of Representatives passed H.R. 4102, which reversed the FCC's telephone access charge proposal and prohibited the commission from imposing a monthly $2 "customer access line charge" on residential customers and a $6 charge on business users. On Nov. 10, 1983, the House passed H.R. 2250, which imposed a six-month moratorium on the FCC's efforts to revise its restrictions on television networks operating in the syndication market—the so-called financial interest/syndication rules.

Neither bill was enacted because the FCC retreated in the face of letters from key senators urging the commission to back off from its proposed actions. As a result of this pressure, the commission delayed imposing any end user charges on residential and small business customers for 18 months and ultimately scaled back its proposed access charge to $1 in December 1984. In addition, the commission abandoned its efforts to reform the financial interest/syndication rules and put this controversial topic "on the back burner" despite its careful deliberations on a voluminous record.

In both instances, the losers at the FCC built successful political coalitions on Capitol Hill to thwart the commission's initiative. In each case, Congress threatened to enact legislation that amounted to a "veto" of the commission's decision.

A moratorium is an attractive legislative tool. It offers relative political safety because supporters can argue that they are not taking sides on the merits, but are seeking only a fuller consideration of the issue. Since a moratorium has the effect of preserving the status quo, it places a heavy burden on those parties supporting change to demonstrate that the prevailing rules are "broke" and need fixing.

Such legislation—or even the threat of it—has substantive consequences for the FCC. While this form of legislative duress is not new, the 98th Congress marked the first time it was used to block FCC rulemakings.

PERIODIC AUTHORIZATIONS

The commission also faces more rigorous oversight because of its loss of status as a permanently authorized agency. Historically, most federal programs were permanently authorized; at the end of World War II, nearly 95 percent of the federal budget was under permanent authorization. A permanent authorization usually has no fixed term and does not refer to any specific fiscal year.

Moreover, it usually contains no dollar limitations, authorizing "such sums as may be necessary." Annual control over a permanently authorized agency's budget—and often over its substantive decisions—rests with the Appropriations Committees.

Beginning in the 1970s, Congress shifted an increasing number of agencies from permanent to annual or multiyear (i.e., two-to-five-year) authorizations. Only about half the federal budget now remains subject to permanent authorization. This change in the nature of authorizations reflected the proliferation of subcommittees and the growth of congressional staff. As Congress developed more expertise, the legislative committees and their subcommittees wanted to exercise tighter control over the agencies and programs within their jurisdictions.

Furthermore, since the use of annual authorizations reduces the time available for consideration by the Appropriations Committees, it virtually ensures that the legislative committees retain primary oversight and policy responsibility. While constraints on the appropriations process are less severe with multiyear authorizations, the need for Congress to authorize an agency on a periodic basis strengthens the legislative committees.

Elimination of the FCC's permanent authorization initially received attention with the introduction in 1978 of the first proposed "rewrite" of the Communications Act. Rep. James T. Broyhill (R-N.C.), the ranking Republican member of the House Energy and Commerce Committee, subsequently proposed a three-year authorization for the FCC. His approach was endorsed in 1981 by a coalition of key Republican leaders in the Senate. One of the Senate cosponsors, Bob Packwood (R-Ore.), made it clear that he was proposing the change in order to enable the Commerce Committee, which he chaired, to monitor the commission's activities more closely.

Spurred by their Republican colleague's interest in reform, House Democrats introduced legislation to require the annual authorization of the FCC. Both Republican and Democratic members of Congress clearly wanted to keep the commission on a tighter rein, and their concerns related to substantive policy rather than simply budgetary matters.

Neither the Senate nor the House bill passed. But a rider to the Budget Reconciliation Act of 1981 eliminated the FCC's permanent authorization and replaced it with a periodic authorization that was set initially at $76.9 million for fiscal years 1982 and 1983. The conference committee report accompanying the fiscal year 1983 federal budget confirmed that the congressional objective was to "increase Commission accountability for the implementation of Congressional policy."

The shift to periodic authorizations not only strengthened the oversight roles of the House and Senate Commerce Committees, but also created an important legislative vehicle for changing the Communications Act every two years. Because an authorization statute is necessary to keep the FCC functioning, this legislation can carry the weight of amendments to the Communications Act that otherwise would be much more difficult to approve on their own.

The FCC Authorization Act of 1983 demonstrated that Congress would not be reluctant to use this power. The legislation contained 12 substantive provisions, including prohibitions on the Corporation for Public Broadcasting's funding of National Public Radio, relaxation of the regional concentration of ownership rules for certain broadcast stations that made changes to technical facilities to improve service, and bans on obscene messages made available over "Dial-It" telephone services.

The most significant amendment to the Communications Act was the adoption of a national policy "to encourage the provision of new technological and services to the public". Congress created a statutory presumption that any new technology or service is in the public interest and required the FCC to make a public interest determination as to any new technology or service within one year after a petition of application is filed.

Four of the provisions were added after the authorization bill had been reported by the House Energy and Commerce Committee, demonstrating Congress' creation of a biennial "communications Christmas tree" for any manner of amendment.

APPROPRIATIONS: RIDERS AND REPORTS

Through its hold on the FCC's purse strings—a power shared to a limited extent with the Office of Management and Budget—Congress can control not only the total amount of money allocated to the commission but also the purposes for which funds may be used. Perhaps more vividly than any other form of influence, the appropriations process underscores the myth of the FCC's "independent" status. The impact of the 97th and 98th Congresses on FCC policymaking was even more significant because of changes in the traditional use of the appropriations process as an FCC oversight tool.

A common form of congressional control over regulatory agencies is for the Appropriations Committees to incorporate policy directives and restrictions in the reports accompanying appropriations bills. This practice became especially prevalent after Congress shifted from a line item to a "lump-sum" agency budget approach.

Although their committee reports are not law, the Appropriations Committees expect that they will be regarded almost as seriously as if they were—an expectation that the FCC usally fulfills. The FCC's ill-fated involvement in the "family viewing hour" plan came in response to an informal directive in a 1974 House Appropriations Committee report to deal with the effects of televised violence and sexually explicit material on children.

In 1983, a congressional appropriations bill report urged the commission to expedite the processing of applications for low-power television stations. Low-power television was a new service for which the FCC had begun to accept applications in 1980. At the time the FCC authorized this service, it had given little or no thought to how the thousands of applications would actually be processed. As the backlog increased, congressional pressure began to build, especially from Senate Democrats who charged that the Republican-controlled commission might be "soft" on fostering competition while taking a hard-line in support of deregulation.

HISTORICAL RELUCTANCE

Historically, the Appropriations Committees have been reluctant to use reports to make broad policy statements. In the 98th Congress, however, a Senate Appropriations Committee report reiterated congressional support for the FCC's political broadcasting rules and warned the commission not to weaken or eliminate the rules in any way. The committee's intent was to head off FCC rulemakings aimed at removing the personal attack and political editorial rules and modifying the general Fairness Doctrine. The FCC sagely retreated in the face of this congressional pressure, even though as a matter of law a committee report does not have the same force and effect as a statutory restriction.

Congress can also attach "provisos" to appropriations bills that limit expenditures, prohibit expenditures for certain purposes, or require expenditures for particular activities. Such provisos legally require the FCC to follow the congressional directive.

However, provisios and other statutory limitations can create problems under House rules that prohibit the inclusion of legislation in appropriations bills. There is

often a fine line between telling a federal agency how it should spend its funds and establishing new law or policy. Consequently, these rules have generated a substantial body of interpretation and precedent.

The rules were intended to protect and preserve the oversight jurisdiction of legislative or "substantive" committees. Therefore, any appropriations bill with a legislative provision is subject to a point of order on the Senate of House floor. Congress nevertheless has used riders to make policy on issues ranging from prayer to gay rights.

In the 98th Congress, Congress used an appropriations bill rider to block the commission's liberalization of its television group ownership rules. The FCC originally decided to increase the maximum number of stations from seven to 12 and to "sunset" its group ownership rules altogether in 1990.

Even before the commission had the opportunity to act on reconsideration, opponents took their case to Congress. The primary party was the Motion Picture Association of America, which was concerned that the new rule would increase the power of the three commercial television networks.

Immediate criticism of the FCC's action came from Sen. Pete Wilson (R-Calif.), a member of the Senate Appropriations Committee, and Rep. Tim Wirth (D-Colo.), chairman of the House telecommunications, consumer protection, and finance subcommittee. Wilson attached a rider to the supplemental Appropriation bill (H.R. 6040) that prohibited the FCC from changing its ownership rules until April 1, 1985.

Despite the fact that FCC Chairman Mark Fowler agreed to withhold action—as he had done with access charges and the financial interest/syndication rules—the House adopted the Senate-passed measure in the closing days of the 98th Congress. The FCC's proposed decision had, in effect, been "remanded" by Congress before its final adoption by the agency.

In December 1984, the FCC modified its original decision by eliminating the sunset provision, granting special treatment for minority ownership, and adding a limitation on the audience reach of a group's stations. Wilson, who helped negotiate the amended rule with FCC commissioners, hailed the FCC's action as an enlightened compromise, while Commissioner James Quello said the agency had been hit by an "absolute steamroller."

Clearly, excessive use of these forms of legislative duress undermines the independence of the agency. This is especially true when the threat of veto is in the hands of legislators who have influence over the FCC but who do not represent majority views in the Congress. Former FCC Chairman Newton Minow pointed out that "it is easy—very easy—to confuse the voice of one congressman, or one congressional committee, with the voice of Congress."

More recently, in a farewell address to the Federal Communications Bar Association, Commissioner Robert E. Lee observed:

"Every Commissioner is tested in his or her early days by requests for special attention. Many times these requests are legitimate; they seek redress for unreasonable delay or bureaucratic red tape. Of course, one must respond. But if special favors are granted, the requests never stop and one finds 535 bosses calling the tune."

Individual members of Congress may be subverting the intent of the Administrative Procedure Act. Wilson's private discussions with Fowler on rewriting the FCC's original television group ownership decision apparently had much greater impact than the pleadings filed by interested parties and the commission's staff. Wilson has apparently also been quitely active in opposing FCC efforts to liberalize its restrictions on network ownership of cable systems. Such behind-the-scenes "lobbying" by individual senators and congressmen tends to subvert the role of public participation in rulemaking proceedings mandated by Congress in the Administrative Procedure Act.

When more individual congressmen and interest groups recognize and capitalize on the changing relationship between the FCC and Congress, the commission may find itself threatened with legislative retaliation at every turn. Ironically, a political standoff in Congress on a given issue may neutralize the political pressures on the commission and allow the FCC to reclaim some of the independence it has lost over the last four years.

And while the commission's independence may have been challenged, its importance in establishing communications policy actually may be increasing. On many controversial issues, Congress has found that it is easier to defer to the FCC than to pass new legislation. While Congress stands ready to take legislative action to keep the FCC from moving too quickly, too soon, or too far in a "wrong" direction, Congress may have abdicated much of its legislative function to the FCC by merely reacting to commission initiatives rather than advancing its own proposals.●

ON THE DEATH OF PATRICIA ROBERTS HARRIS

Mr. MATHIAS. Mr. President, an unswerving champion of civil rights and of a decent home and basic human services for those of limited means has passed from our midst.

Patricia Roberts Harris, who died March 23, had a long and distinguished career as a dedicated public servant.

Among the public posts to which Pat Harris brought grace, dignity, and a conviction of purpose were delegate to the United Nations; Ambassador to Luxembourg; Secretary of Housing and Urban Development; and Secretary of Health and Human Services. She carried out her duties in each of these positions with versatility and a quick command of the situation.

At no time, however, did she allow the power or prestige of these high public offices to go to her head. Pat Harris was well aware of and never forgot her roots as the daughter of a Chicago pullman car porter. Her experiences as a black woman and her sensitivity to the needs of black and other minority Americans during, not only times of segregation, but also times of more subtle and sophisticated discrimination, were always with her and never forgotten. She translated that sensitivity into a sense of purpose to right the wrongs of our society. She constantly challenged us to do better.

I had the good fortune to work closely with Pat Harris when she served as Secretary of Housing and Urban Development from 1977 to 1979. As the ranking member of the Appropriations Subcommittee on HUD and Independent Agencies, I was impressed by her command of the facts and her single-mindedness of purpose to provide housing for those of low and moderate income.

In 1977, Secretary Harris came to me and asked me to introduce amendments to the Fair Housing Act to strengthen HUD's enforcement role in conciliating between the parties in individual housing discrimination complaints. I was proud to introduce the legislation which, after numerous hearings and markups, was passed by more than a two-thirds bipartisan majority in the House but failed by filibuster to pass the Senate.

Pat Harris did not mince words. When she saw a wrong to be corrected she went at it relentlessly, bringing her acumen in the law to bear.

For example, in testimony before the Senate Judiciary Subcommittee on the Constitution, in response to a Senator skeptical of the fair housing bill, who feared it represented Federal Government oppression of property owners, Secretary Harris had this to say:

I think that objectively, as one examines the history of this country and especially the history of housing discrimination, efforts to bring equality to the one area that I know about that is consistently refused, the offer of money by persons who are black, is not oppressive.

It is an effort to bring equality to the marketplace of housing and I cannot agree that an effort, a genuine, concerned effort to bring equality to an area which is clearly fraught within equality today, is an example of Federal oppression.

It is an example of the implementation of the 13th, 14th, and 15th amendments.

And before the counterpart House Judiciary Subcommittee, she got right to the heart of the matter:

Our present authority is limited to a purely voluntary process of "conference, conciliation, and persuasion." I will not dwell on the ironies associated with a law that mandates HUD to investigate and to establish the existence of violations of law, and then limits the Secretary to asking the discovered lawbreaker whether he wants to discuss the matter.

And again, in 1979, before the same House Subcommittee, Secretary Harris challenged the Congress to act on a fair housing bill with these words:

Let me say that there are so many consequences of our failing to solve our housing problem in this country, that failure to make a major effort now, with sufficient enforcement powers, may lead us to racial problems in the generation of the grandchildren of, certainly, not mine but of my relatives. We must have the ability in our lifetimes or in the foreseeable future to bring this commodity of shelter within the purview of people who are able to purchase it. It is the only market in which the color of the money is less important that the color of the purchaser or the race or national origin of the purchaser.

Mr. President, it would indeed be a fitting testimonial to Patricia Roberts Harris if a bipartisan majority in both Houses would again take up her challenge to us and move a fair housing bill to enactment. We will miss her continuing challenge to our consciences.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. DOLE. Mr. President, if Senators would take their seats, we could send out for the absentees. It will only take about 5 minutes or so. There will be eight pictures taken, but we want to make certain that every Senator who can be here is present.

Mr. President, I believe we have identified the Senators we need to check on, so for about a couple of minutes, I suggest the absence of a quorum. But do not leave your seats.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

OFFICIAL SENATE PHOTOGRAPH

Mr. DOLE. Mr. President, I am advised that all the Members who can be here are here and that we can proceed. If all Members will take their seats, it will be about a 5-minute process. There will be eight flashes. We will try to keep taking one until everyone looks good.

[Laughter.]

In any event, we will get on with the picture.

(At this point, the official photograph of the Senate was taken.)

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER [Mr. PRESSLER]. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(During the quorum call the chair was occupied by Mr. COCHRAN and Mr. ABDNOR.)

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Without objection, it is so ordered.

THE BUDGET RESOLUTION

Mr. DOLE. Mr. President, there may be some who wonder what we have been doing this afternoon. Some of us have been wondering ourselves.

But let me indicate that we had hoped to call up Senate Concurrent Resolution 32 and get some agreement that we could have discussed it for 3 or 4 hours today and that the resolution would be limited to debate only, no amendment. Because, very frankly, the President will make a stirring address this evening at 8 p.m., a nationwide address on television. There will be great interest in what the President has to say. We believe it will be helpful to the process and not in just strictly partisan sense, but I believe Americans—Democrats, Republicans, Independents, whatever—will listen carefully to the President and also listen carefully to the distinguished minority leader who will respond to the President. I assume they will be saying pretty much the same thing.

But, in any event, it seemed to us that it might be less than strategic to call up the resolution and perhaps get into some amendment process before we had had the benefit of the President's statement and the distinguished minority leader's statement which follows the President's address.

It is also fair to say that we have been trying to put together a way that we could have an early vote on the so-called leadership package. Again I would hope that we would have a unanimous vote, both sides, bipartisan, nonpartisan, but I doubt that may happen as early as tomorrow.

So we have been working with the distinguished minority leader—and I must say he has been very helpful, very willing to take up the bill this afternoon without amendment, but there were objections from other parts of the Chamber and they have just been lifted. And I doubt at this hour it would serve any purpose to call up Senate Concurrent Resolution 32.

But I did want to ask the distinguished chairman of the Budget Committee if he was prepared to indicate how he has been making progress this afternoon. We have been together, so I could report that he is on the verge of progress. It is our hope that we can devise a process whereby the first vote will be on the so-called leadership package. Now, if that succeeds, it is still open to amendment, and motions to strike and amendments of all kinds can still be offered. But you do need, as I understand it, what they call mathematical consistency, is that correct?

Mr. DOMENICI. That is correct.

Mr. DOLE. I never understood that, but the chairman of the Budget Committee does. So I think at this point I would yield the floor in the hope that the chairman of the Budget Committee might give us an up-to-date report on the status of everything.

Mr. DOMENICI. Mr. President, let me first say to our distinguished leader that I think we have been making headway. I am sure there are, as he indicated, some who wonder what we have been doing and I from time to time feel like echoing his sentiment. I too have wondered what we were doing. But anytime I begin to wonder too much my mind is filled with $200 billion and $250 billion deficits. So I do not wonder very long before I come to the conclusion that clearly the reason we are having some difficulties is because this is a very difficult problem.

As a matter of fact, while I am not a historian, I clearly do not believe that, regarding economic matters, the Senate of the United States has ever had a more serious problem than this. Yet, out in America, many people still think things are OK.

I believe we have succeeded, however. I do not want to belittle anyone in this institution when I say I think we have succeeded in convincing Senators on both sides of the aisle that this country cannot long endure $200 and $250 billion deficits as far out as you can see. And that leads me to believe that the time we have spent in the Budget Committee, the time we have spent since then working with representatives of the President of the United States, the time we have spent in the last few days finishing up the leadership-administration package is time well spent.

From time to time, I feel that I am somewhat of a nuisance to our many committee chairmen. They have a lot of responsibilities. This is a magnificent institution. I think I have grown to understand it better. I did not feel that way a few years ago I wondered what I was doing here. But it is a magnificent institution.

We do not have any real clean, easy way, considering everybody's jurisdiction around here, to address issues of this magnitude. It is tough however you try to do it. Clearly it has been heartening for this Senator, and I hope for our distinguished leader, to see the willingness on the part of Senators to cooperate, to see the willingness on the part of chairmen who have some tremendous areas of responsibility and who want to get on with their work cooperate day after day in an effort to put together something that has a chance of working, something that we can vote on eventually that will significantly reduce this deficit.

Part of my thoughts here tonight are filled with the hope that these chairmen with high, high priorities and very broad responsibilities will

read this RECORD, if they have not heard me before, and believe that I understand their situations. I also understand that the budget process is not perfect. But while I say that, I am quick to ask where in the world would we be today with this kind of deficit without something like a budget process to focus in on this kind of a problem?

And that brings me to just a brief discussion for my colleagues about the budget resolution reported by Senate Budget Committee and the leadership-administration proposal, which is ready but for a few items that we have to alter. I would like to take a look at that and just ponder a minute what it really tries to do. Both the Budget Committee resolution and the leadership-administration amendment propose to dramatically reduce deficits by altering entitlement programs and by asking authorizing committees of the Congress to change laws so that Federal programs which we feel we no longer need or need reforming will be changed so we can count on some substantial savings.

I understand that this process that I have just described is an adjunct to the goal-setting of a budget resolution named reconciliation. I do not know why it was named that. I think I understand how those who first drew this law came up with the name.

But basically what we are going to try to do is to ask not the Budget Committee but the U.S. Senate and ultimately the U.S. Congress to set goals for spending that will cut the deficit in half. At the same time we will ask—I repeat not the Budget Committee but this institution—to direct its committees to reduce spending that is authorized within their jurisdiction in each of the next 3 years.

Whether that is what reconciliation was 8 years ago or not, it is reconciliation as we have practiced it here for a while. It is clearly reconciliation as we did it in 1981, 1982, and 1 year before that. We are going to hear a lot of debate and discussion about whether that budget resolution with those kinds of dollars requires cuts in programs by specific mandate. I have tried my very best to explain to everyone that there is no reconciliation of that type. People might assume that in the reconciliation instruction to the Agriculture Committee we are going to require changes in REA or in three or four of the foreign aid programs. But clearly this is intended to send, if it ultimately is the will of the Congress, a direction to the Agriculture Committee to draw an authorizing bill as part of reconciliation that achieves the savings mandated in the resolution. And we want to achieve these savings in a way that brings the authorizing committees into this cycle of budget reduction by saying that they have to be part of it, that we cannot leave it solely to the appropriators or to the entitlement and direct spending committees.

I hope those who are wondering whether there are mandated program changes will just read the Budget Committee resolution. I hope when we introduce the Republican leadership-administration proposal that they will just read it because we are going to hear a lot of debate about REA. We are going to hear debate about the farm loan programs, and several other programs.

Frankly, you are not going to find those in the reconciliation instructions. You are going to find dollar savings. If you then read on in the report, you will find that the Budget Committee made certain assumptions as to how you get to those numbers. Some people say you ought not make the assumptions. Well, if we did not make the assumptions, somebody would stand up and say, "you just pulled a number out of the sky. How are you going to get there?"

So historically, whether it was reconciliation in the last year of Jimmy Carter, or the last time we did it in any major way in the first year of Ronald Reagan, if you look in the report there are assumptions. But then if you look to the authorizing committees who did the work, it is their laws we are paying for, and the bills they have passed. They have not always done it the way that the report assumed. That is up to them. The Governmental Affairs Committee is a pretty good example. They will get an instruction—if what we hope to do lives through the next 5, 6, 10 days—telling them to save money within their jurisdiction, and clearly they have a lot of latitude. But we had to come up with some assumptions so that the goals that they are charged with meeting make some sense. But I repeat, the only binding part of these instructions is the total savings figure. For those that would prefer that we make no assumptions, clearly they can disregard the report. They can do their own thinking and they can analyze the committees that they are concerned about and the programs. They can talk to their staff and the experts on the committee, and see how they would get there. Maybe they would get there differently than the assumptions we made.

I have done my very best to explain this to everyone. I think there is a growing understanding about it. That is not to say there is not some chagrin. There might even be some serious concern about it. I hope that anyone who has concern about it from the standpoint of whether we should do it or not will give some serious thought to what might happen if we do not.

I do not like to say anything that I cannot follow up on 6, 8, or 9 days from now if this process goes on that long and we are on the issue of reconciliation. Frankly, I do not believe you are going to find any way—any way—to get savings of the type needed to bring this deficit under control unless you use the reconciliation procedure. And I clearly hope that everyone that is worried about that will give me and others who are terribly concerned an opportunity to explain why this does not take away anyone's jurisdiction. I hope they will give us a chance to explain why it indeed calls upon everyone's jurisdiction, every committee sharing this work. Frankly, I cannot imagine how during the rest of this year and all of next year we could get changes in the substantive law of this land of sufficient magnitude with sufficient certainty and in a timely manner to reduce the deficit by this amount if we did not have this process. Frankly, that is not something that I say because I am chairman of the Budget Committee. I serve on a lot of committees. I have a lot of concerns in other areas.

I probably have participated but for the revenue side of this Government in as many laws in the last 5 or 6 years as anyone else here. I work with the Environment and Public Works Committee, even in the Agriculture Committee from time to time I get my two bits in. The Superfund, the environmental laws, most of the energy laws, and in the last couple of years even on the Appropriations Committee. Frankly, I hope everyone will just think about that, unless you really do not want to do a package of any real magnitude, in which event you must be willing to expect some miracle so that deficit reduction is not necessary.

I ask everybody to really think carefully about how we do it any other way. This is not an argument about my package or about BILL ARMSTRONG's suggestion. It is not an argument about the Republican leadership-Presidential package, and it is not an argument for the Budget Committee package. It is merely a statement, as I see it, of the facts. We have a wonderful institution. We could not operate without these committees of jurisdiction, be they authorizing, appropriations, committees with direct spending jurisdiction, or committees that have an awful lot of entitlement jurisdiction. That is a very orderly way for parliamentary societies to govern. I have no desire to change it, at least not be way of the process that I am involved in chairing.

But I merely ask that everybody involved in all of those to take a real serious look not at their particular jurisdiction but at this deficit and how we have to make some material changes in the substantive law of our land in order to get this thing under control.

So we will discuss that. In the meantime, I am very proud of the work that

we did in the committee, and I am very proud of the work we have done in the last few weeks. I make no apologies for the couple of days of delay. Frankly, I make no apologies for having worked with the President's people to get the President to come along with a budget that is substantially different from the one he sent us. Indeed, it is that. It is substantially different. Rather than criticize, I compliment. I think it is good that the President has dramatically changed his defense requirements.

I think it is excellent he has helped with the entitlement programs, including the pensions. I think it is also absolutely essential that we work with him.

So, clearly, we have done some things in this package we are going to propose that he wanted that we did not put into ours. Frankly, I hope everybody thinks that even if they cannot support it, there is nothing wrong with that. After all, he is the President. He did win an election by a landslide. He does have some understanding of what we ought to be doing. So I am not the least bit apologetic about having put something together with him. I am hopeful we will pass something very close to it.

I do not want to stand here and say there cannot be any changes. We do need to get the issue before the Senate, before the American people, in some way that everybody can understand. We are not just talking about amendments. We are talking about something everybody can understand. That is what our leader has been trying to put together by way of a procedure. It is not to pull the wool over everyone's eyes, not to deny amendments, but to put it up there where everybody understands.

Here is one package and it is clear. If you do not like the President, that is anybody's prerogative. But to the leadership on this side and to many others, that is it.

It does things. It cuts the deficit in half, assuming reasonably good economics.

If we can get it up there and everybody has a chance to vote for it so it is the pending business, it is there and not only is it the pending business but it is a resolution that you start amending.

I do not think that is asking too much. If somebody wants less for defense, they can propose it. We will put up a little chalkboard and say, "OK, we will save more in defense if they win and the deficit is lower."

We can look up there and if somebody says, "I do not like small business funding the way it is in that. I would like to add some more money to that function." We will put it up there so everybody understands we add about $600 or $700 million a year.

They can put taxes in to take its place, that is an option, or they find the money in some other program of Government. But I think it would be clearly understandable and everybody would abide by that kind of basic, simple rule. I think it would put everybody in a position where their rights and opportunities to offer amendments are all there and nobody would be saying when we did that it is all finished, that we have a package. But, clearly, we have something to measure against which is pretty concrete, pretty understandable, and has a certain kind of support. It is not 51 Senators, not 80 Senators, not 10 million Americans. We do not know how many. But we know at that point that the President and the leadership on this side and maybe 35 Senators do, for starters. I think that is a pretty good point to start.

Mr. HELMS. Will the Senator yield for a question?

Mr. DOMENICI. Yes.

Mr. HELMS. The Senator alluded to the assumption in the package. I think it cannot be too strongly emphasized that the distinguished Senator from New Mexico and his committee, with those of us who worked on it, did not just reach into thin air for these assumptions. They are the result of countless hours of consultation, debate, discussion and research.

I must say this for the Senator from New Mexico, Mr. President: I have never seen anybody in this body more diligently apply himself to fairness and accuracy than he has in the preparation of this package.

That does not mean that all Senators are going to agree with the assumptions.

Mr. DOMENICI. That is right.

Mr. HELMS. But it is a fair balance between the spectrum of opinion about various items. That is the case, as the Senator knows, relative to farm matters.

Mr. DOMENICI. To agriculture, yes.

Mr. HELMS. I commend the Senator for the diligence he has devoted to coming up with realistic assumptions which will be debatable, which will be amendable. The Senator is on the right track and I did want him to know I am proud of him.

Mr. DOMENICI. I thank the Senator.

I just want to make one more comment and then I will yield the floor. I see my good friend from Colorado has been waiting too long to speak. I should not have taken so much time. Frankly, I am speaking much more calmly than I normally do. That makes me speak much more slowly. When I am a little more worked up, I speak faster. So the Senator has had to wait a little longer than normal.

Basically, and I say this for all Senators on both sides of the aisle, we are going to participate in what I believe will be an historic week or historic 7, 8, or 9 days. We really believe it is important that we get a major deficit reduction package through. We really believe there is no more important work that we could be doing. Se we are not worried about how much time it has taken us and how much wear and tear has been involved. The only thing I hope, as one Senator, is that there is nobody who thinks we have done this in any way that was unfair, in any way to take advantage of anyone, or in any way trying to impose on this institution or its processes or its committees.

On the other hand, I would be remiss and probably not stating things as they are if I did not say you really cannot get anywhere with a problem as difficult as this unless you push. So I do not deny that we have pushed a little, and I do not deny that there are some who will not like what they are being asked to do. Frankly, with a problem of this type, when you have deficits under less than good economic times that could be as high as $250 billion in deficits—in another recession, if we had one, that could be $400 billion—and yet a budget that defense, Medicare, Social Security and interest total 80 percent of the budget, there is no question that to get that down you are talking about some big issues affecting a lot of people and affecting a lot of ideas, a lot of concepts.

But I have been governed by a very simple rule. When it comes to programs of our Government, I am one who genuinely tries to let them work. I tried many of them when I was mayor. Frankly, I have applied a very simple rule, and where people have doubts and are not sure they want to do something, I have asked them to apply just a little different test this year. Let me take one program as an example.

The Job Corps. Sure, the Job Corps does a lot of good. I have two programs in my State, a small State. I visited them. I have seen the teachers. I have seen the improvements we have made. I have seen the young people we have helped.

But I asked myself this: If I have taken the defense number down as far as I can and feel safe about our future, if I have done all I dare do to change the pension programs and Medicare programs that have brought our senior citizens from poverty 15 years ago so that very few are in poverty today, if I have done as much as I can, with a $200 billion deficit, would I today vote to start the Job Corps program? If it was not in here, if we had not dreamed it up yet? With those kinds of facts, would I have voted to start it up? Wherever I could say no, I said no, and I have recommended dramatic cuts and maybe even termination.

I have done the same thing on small business. I understand the Small Business Administration. But I ask myself, with the $200 billion-plus deficits, maybe $250 billion in deficits, would we start that program today or would we find some other way to help those few small business people that we are helping?

My answer on those was I could not see my way clear to vote aye to start that kind of program. I would have to first get that deficit under control.

Conversely, I have said if we are trying to set a pattern for the next 5 or 6 years, would I cut the programs of those that are poor in our country, and my answer is no, I have not recommended in any of these nor have I voted yes either in this package with the President or in my committee to cut programs like WIC, to cut programs like food stamps, to cut programs that help those who truly need it. Because I believe that those have to be a permanent part of what we are going to pay for. I do not think we ought to kid anyone. If there is a deficit with those programs, then we have to find some other way to take care of that deficit—not the programs.

So, those are the basic premises and ideas that I have used as I went through this not pleasant job.

I do not dislike any of these programs, and I do not dislike any of the people we are trying to help or any of the people who get subsidies, whether it is the people who get subsidies from Eximbank or those who get it from small business or those who get some exceptional-type loans under the farm program. I do not dislike anyone.

I think we are only talking tough when we are saying we cannot afford them. I think those are programs we need for the general economic good of the American future. Therefore, when I have come down on the side of reform, change, or termination, it is with the exception of the programs I discussed a few moments ago, that I believe take some kind of precedence in our particular national policy.

Mr. President, I yield the floor.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER (Mr. DENTON). The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, my only regret about the debate beginning tomorrow is that there will not be any TV cameras in the Chamber, because if the debate over the next couple of weeks were televised—and I must say it is tempting for me to ask unanimous consent that that be permitted, but I believe I shall withhold on that for a later time—if television viewers could watch the process that is going to unfold here over the next few weeks, I think it would make them proud of their country and make them proud of the U.S. Senate.

In any case, in the process of watching what is going to occur in the next 2 weeks in the Senate, I think the average American voter would learn probably more about the real priorities of this country's Government than they could learn in any other way, because we are beginning tomorrow a truly remarkable debate. I am not going to say much just now about the substance of the legislation which we shall consider tomorrow. I hope to have a chance to say something about that when we begin the actual debate. But I do want to make one observation about the process by which we have come to this point.

Particularly, I want to compliment the chairman of the Budget Committee, our colleague and friend from New Mexico [Mr. DOMENICI] for an extraordinary accomplishment in bringing us this far.

When the Budget Committee sat down to hold its hearings and then mark up the bill a few weeks ago, most of the cynics said we would not be able to produce any kind of meaningful resolution. In fact, a lot of people said we would not be able to produce a resolution of any kind. That stated it would not be possible to get a majority of the committee to agree on even a basic resolution without specific figures.

But with great pleasure, great vision, and a tremendous, remarkable mastery of the detail of the budget process, the chairman [Mr. DOMENICI], over a period of a couple of weeks, not only succeeded in bringing a resolution out with a favorable recommendation, but, in fact, produced a budget which was, in many ways, better then that which had been submitted by the President of the United States—better, at least, in the sense that it resulted in a greater reduction of deficits and a more positive approach to actually reforming some of the programs. The cynics said that could not happen.

Then, when we got it out of committee, they said, "You will never begin to get enough votes to put anything together on the floor." And again, our colleague from New Mexico, with the help of the majority leader, began to patiently, one by one, go around and see what kind of support he could muster from Members of this body. The result of that process and the negotiations with the President of the United States is the leadership package which we shall present here tomorrow.

I am proud of that package, Mr. President. I think it represents probably the most fundamental reform, particularly in the domestic entitlement program area, that has ever been seriously considered by the U.S. Congress. I do not know whether it is going to pass tomorrow. My sense is that we are very close to having the votes to actually adopt as the basis for further action the proposal which will be laid down by the majority leader and by PETE DOMENICI, and of which 15 or 20 of us are proud to be cosponsors.

The fact of the matter is that we have already accomplished a lot more than seemed possible only a few weeks ago, so I feel good about what we are undertaking. I hope, as my colleagues reflect on how they want to vote tomorrow, they will keep in mind a couple of fundamental facts: First, that this so-called leadership plan, while it is not perfect, is probably the only game in town. It is easy to be the Monday morning quarterback and say, this is a lousy plan, it has things in it I do not approve of, it cuts too far here, it does not cut far enough in another area, they sure could have done a lot better on that.

And it is not hard to hold press conferences and issue statements about what is wrong with the plan, and I could do that because there are some things I do not approve of. There are some programs funded at higher levels than I approve of and some funded at lower levels. But the fact is that this is the only plan before the Senate which has even a reasonable prospect of passage. Somebody can say, we have a better idea, we are going to have more in taxes, we are going to cut defense, we are going to increase social security, we are going to make all kinds of adjustments. But I am not aware that anybody has a plan which even approaches having enough votes to actually pass. And I do not claim at this moment that we have the votes to pass the so-called leadership plan. I think we are close.

But, as Senators reflect overnight about how they are going to vote on the first fateful vote of this process, they might well remember that there are really only about three possibilities. One is that we are going to pass the leadership plan. Second is that we are going to pass something else, and I do not think there is really a viable alternative on the radar scope at the moment.

Or third, we are going to have chaos. That is just a fact. If we just do nothing, we prove the cynics are right, that we do not actually have the capacity to pass a budget resolution that makes meaningful reductions in the deficits over the next few years and this country is going to go through a wringer.

I cannot predict what the future is, Mr. President, but instinctively, we all know that is the case. If there is one thing on which there is agreement, not only in this Chamber but throughout the country, it is that if Congress does not do something to get these deficits corralled and do it now, interest rates are going to rise, the economy is going to stall out, unemployment is going to go back up, and there is going to be an unraveling of the

public confidence which has fueled the recovery in the last 35 or 38 months. I think that is just inevitable. I believe the vast majority of Senators share that perception.

Certainly, I have talked to a lot of people around the country who know far more about how the economy works than I will ever know who agree on one thing, and that is that we have to do something on the deficits, and chaos and much hardship is the inevitable result if we fail to address that in a meaningful way.

If Senators want to know what we are going to do, I just hope they will keep in mind that there are a lot of packages that have even a prospect of success. Maybe something else will be presented, but after months of thinking about it, I am not aware that any Senator or any House Member or any outside person has proposed a comprehensive package that shows even the slightest sign of getting the 50 or 51 votes. The majority leader has not told us exactly how many votes he has for this plan. My own suspicion is that with a little good luck, a little statesmanship, and a little help on both sides of the aisle, we may pass this thing.

Mr. President, that brings me to something I want to mention which the viewers of the television screen would see in the next couple of weeks. I think they will see a few instances in the next couple of weeks when the cynics will be proven wrong.

There is a rumor running around that the minority party is going to be nothing but obstructionists, that they are going to let us stew in our own juice, that they are going to lock up and not give us votes. Maybe that is going to happen. I think not. Maybe in the final analysis, while both parties have the reason to jockey for political position, when push comes to shove, there is going to be a better degree of statesmanship on both sides of the aisle than some people are freely predicting.

I do not think we can pass our plan without some help from the Democratic side of the aisle, and at the crucial moment I believe we will get that help. I cannot tell you those names, and if I knew, I would not reveal them tonight. I am confident that we are not going to deadlock for four or five votes on the other side of the aisle to help us get over some tough points.

I do not want to go into detail on our plan. I will save it for tomorrow. But I should like to focus on why we think it is important to pass this leadership plan. It is not just to stave off the economic disaster that many people is inevitable if we do not pass this, but because it will have an extraordinarily positive effect on the economic future if we put it in place.

We did a telephone survey recently of Wall Street economists, and they say that just the passage of this plan will result in a 1-percent or 2-percent decline in interest rates in a very short time. That means a stronger economy. It means lower prices for potential home buyers. It means a tremendous advantage for the farmers and ranchers of this Nation.

Do you have any idea what a 1-percent change in the interest rate would mean for somebody buying a home? For the average home buyer today, it means $600 less per year on your house payment—just a 1-percent change in interest rates.

Many economists think we could expect in a reasonably short time a 2-percent or 3-percent change in interest rates. Do you have any idea what that would mean for farmers? In Colorado and a lot of other places, farmers, and ranchers, and other people in rural America are having a tough time, and there will be a great deal of debate about how to best help farmers and ranchers. The best thing is to bring interest rates down.

Net farm income this year will be around $20 billion. Just a 1-percent change in interest rates would add 10 percent to net farm income; 1 percent on marginal interest rates is $2 billion profit for the farmers of this country. A 2-percent change would be twice that, and so on.

Mr. President, I send to the desk at this time a few key points that should be in tonight's RECORD, so that Senators can look at them in the morning as a point of reference of what it will mean if we pass the leadership budget. I ask unanimous consent that these statistics be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE EFFECT ON THE ECONOMY

A telephone survey of Wall Street economists indicates that passage of this package would mean a drop of at least 1 percentage point in interest rates over the short term and 2 to 3 percentage points drop over the longer term.

This would mean a stronger economy. The economic assumptions of the budget package are based upon enactment of this package and show the economy growing in real terms at 4 percent a year, with unemployment dropping to 6.4 percent. (CBO economic assumptions do not assume enactment; however Dr. Rudy Penner, Director of CBO, said enactment would mean lower interest rates and that the economic assumptions are "not unreasonable".)

This budget plan is a plan for prosperity:

Almost 7 million new jobs by 1988.

Housing starts back at the 2 million unit level.

Low inflation, remaining at around 4 percent.

National personal income increasing $800 billion by 1988.

THE AVERAGE AMERICAN FAMILY

Protecting the gains of the past

This is a low inflation, no tax increase, pro-economic growth plan. Without it the average American family could find themselves returned to the high tax, high inflation, no growth period of the Seventies.

Look how far we've come in the last four years:

Almost 8 million new jobs.

Inflation down from over 13 percent to just 4 percent.

Interest rate drop from 21 to 11 percent.

The strongest economic recovery in almost 30 years.

A median income house that now costs $73,000 would cost $100,000 had the late Seventies inflation continued; similarly, the monthly food bill is about $100 less than it would have been.

Tax cuts of $2,016 over the 1981-84 period for the median income family.

This budget package is the best insurance that average Americans can find to make the Eighties the Decade of Prosperity.

Guaranteeing the future

What does strong recovery throughout the rest of the decade mean for the average American family?

An increase in purchasing power (after inflation income) of $1,430 by 1988, and a total of $2,690 over the next four years for the median income family (presently earning $25,540).

With a 2 percentage point drop in interest rates, a reduction of nearly $100 a month in monthly mortgage payments on the median priced home ($80,000).

More job opportunities—7 million new jobs by 1988, and 13 million jobs over the 1985 through 1988 period.

No tax increases. In fact the faster we get our deficits under control, the faster the country can move to reform the tax system.

SMALL BUSINESS

With the increased economic growth made possible by the reduction of the deficits, there will be 7 million new jobs and an increase of personal income of nearly $800 billion by 1988. This means more sales and profits for small business.

Separate from the effect of a growing economy, the drop in interest rates from deficit reduction will improve the bottom line for business.

	Annual sales	Net income	Dollar benefit of— 1 percentage point drop	2 percentage point drop
Number of employees:				
1 to 19	$505,000	$16,600	$1,485	$2,970
20 to 99	2,527,800	63,475	8,110	16,230

Source: Dun & Bradstreet, SBA.

Without a deficit reduction plan that only cuts spending, anything can happen in the years to come—higher interest rates, pressure for tax increases. Can small business afford either?

The benefits from a decline in interest rates means a hefty increase in net income: For a 2-percentage-point decline in interest rates, net income increases 18% for a firm with 19 or less employees; 26% for a firm with 20-99 employees.

FARMERS—GENERAL EFFECT OF INTEREST RATE DROP

Net farm income is estimated to be between $19 to $24 billion in 1985 and 1986. A 1 percent drop in rates means a $2.15 billion (10%) increase in net farm income; a 2 percentage point drop means $4.30 billion (20%) increase in income.

What does an interest rate drop mean to the average farmer?

	Dollar benefit of—	
	1 percentage point drop	2 percentage point drop
$40,000 to $100,000 annual sales ($7,300 income from farm operations):		
Average debt/equity ratio (19.8 percent)	$1,260	$2,520
As percent of farm operation income	18	35
Financially troubled (D/E 55 percent)	$3,618	$7,236
As percent of farm operation income	50	99
$100,000 to $200,000 annual sales ($22,500 income from farm operations):		
Average debt/equity ratio (21.8 percent)	$2,441	$4,882
As percent of farm operation income	11	22
Financially troubled (D/E 55 percent)	$6,168	$12,335
As percent of farm operation income	27	55

SENIOR CITIZENS

SSI recipients—the aged, blind, and disabled receive a full COLA.

Social Security benefits are INCREASED under this plan.

Recipient	Annual benefits				Total increase
	1985	1986	1987	1988	1985–88
Widow(er), 2 children	$11,832	$12,576	$13,284	$13,992	$2,820
Retired couple	9,360	9,624	9,912	10,188	1,644
Retired worker, alone	5,400	5,532	5,700	5,844	876

The 2% COLA is guaranteed. Present law says that if inflation falls below 3 percent there is no COLA.

There is insurance protection if inflation starts to get out of hand: for every increase in inflation above 4 percent there is an exactly equal increase in the COLA: no cuts, no minuses, etc. So if inflation runs at 5 percent, you get the guaranteed 2 percent plus an additional 1 percent COLA to make up for the additional inflation.

But this is a low inflation budget. This means a lot to low income senior citizens who spend most of their money on necessities. Back in the late seventies even a full COLA didn't help you; necessities inflation was running at 17%, 4 percentage points above the COLA. With low inflation, the necessities inflation rate has been running at or below the COLA.

HOME BUYERS

At present the mortgage interest rate on a 30 year, fixed rate mortgage is 13.5 percent.

Here's what a drop in interest rates could mean to a home buyer purchasing an $80,000 home with a 25 percent downpayment.

	Annual mortgage payments	Annual savings from present level
Mortgage rate:		
13.5 percent	$8,796 ($733 per month).	
12.5 percent	$8,196 ($683 per month).	$600 ($50 per month).
11.5 percent	$7,608 ($634 per month).	$1,188 ($99 per month).
11 percent	$7,308 ($609 per month).	$1,488 ($124 per month).

The National Association of Realtors estimates that a 1 percentage point drop would mean 300,000 more existing home sales; a 2 point drop would mean a 600,000 increase. With present sales for these homes at about 3 million, the increase in sales ranges from 10 to 20 percent.

FARMERS—INTEREST SAVINGS FOR SPECIFIC OPERATIONS

The dollar benefit from interest rate declines is listed below for various farm operations which have an average debt to equity ratio of 21.8 percent.

Product	Size of operation	Interest cost	Dollar benefit of— 1 percentage point drop	Dollar benefit of— 2 percentage point drop
Wheat	1,000 acre	$20,230	$2,023	$4,046
Corn	600 acre	30,744	3,074	6,149
Soybeans	500 acre	14,805	1,481	2,961
Dairy	80 cows	15,264	1,526	3,053
Feeder cattle	1,000 head per year	42,200	4,220	8,440

The financially troubled farmer has a much higher debt to equity ratio. At a ratio of 55 percent, for the same size operation, the benefits are much higher.

	Dollar benefit of—	
	1 percentage point drop	2 percentage drop
Wheat	$5,104	$10,208
Corn	7,755	15,514
Soybeans	3,737	7,474
Dairy	3,850	7,700
Feeder cattle	10,647	21,294

Source: USDA, ERS data.

Mr. ARMSTRONG. Mr. President, I will make one final prediction and go home to get some rest, because I suppose we will have a pretty busy couple of weeks or 10 days. My final prediction is that after all the complaining about the hardship of this package and about how the draconian cuts, so-called, are too tough for us to follow, we are going to put together a package. I believe it will look very much like what the leader intends to lay down tomorrow. It is a fair package, one which calls upon every segment of the budget for some restraint. It is a package that rejects the notion that there are sacred cows and that you can solve the budget dilemma without touching national defense or Social Security or that an interest group here or there is too powerful to be included in the general need for restraint. In fact, the very strength of it is that it is fair and across the board.

I have probably talked to every interest group and people in communities in my State and elsewhere who are affected by the decisions we reach. I have talked to a lot of Social Security recipients, and they tell me this: "Please don't do anything to our cost-of-living adjustment." I have said to them, "No, I'm not going to, unless I have to, in order to put together a budget that means prosperity for the economic future of this country; and even then, I am not going to do it unless it is everybody, unless absolutely everybody is in the package."

They say in response, "If everybody is in the boat, then we will be in the boat, too."

I have spoken to farmers, some of whom are on the brink of losing their places, being foreclosed on farms which have been in their families for 80 or 100 years. They say, "What can you do to help?"

I say: "I can't vote to continue the present farm program. The best we can do is balance the budget and bring down the interest rates."

They say, "OK, we'll participate even if it hurts us. We're willing to bear our share of the burden if it's fair and everybody is covered."

In fact, there is some interesting polling data which shows that in a recent nationwide survey, a sizable minority of people in this country think that the enactment of a budget such as the one we are going to take up tomorrow would actually adversely affect their personal economic well-being. In other words, people think they will be personally disadvantaged by the enactment of a budget such as this. When you ask them, "What should we do?" They say, "Go ahead and do it anyway, because it's for the good of the country."

I believe it was a New York Times poll. I will dig that out and have it available for Senators tomorrow. While I do not have the numbers before me, that is the conclusion a huge number of people in this country reached because they see it as important for the future of this country.

Last, but not least, is that this package that the majority leader has hammered out with a remarkable display of patience and legislative skill is not chiseled in stone. I do not think it is. I think it can be changed. Maybe it will have to be changed. Maybe, as some predict, we will have a turkey shoot or a demolition derby.

As Senators decide whether they want to vote for this package and whether they want to change it, I hope they will be cautious. It can be changed. It just takes a majority of those in the Chamber to change it. Twenty-six could change it. Fifty-one could change it at any time. The question is, after we change it, can we pass it?

After looking at hundreds and maybe thousands of specific possible amendments to this budget package and talking to virtually every Member of the Senate and to everybody interested in it downtown, at the White House, OMB, and interest groups, I do not know how you can change this package in a way that makes it more likely to be passed.

If you feel, as I do, that passage of some sort of budget package of this kind is absolutely essential and that the alternative is chaos and dislocation for the farmers, ranchers, businessmen, and working men and women and everybody else, I hope my colleagues will be very cautious when it comes to entertaining amendments, even amendments we might otherwise think are very desirable.

Mr. President, I want to close as I began, by congratulating Chairman DOMENICI and the majority leader for

getting us to this stage. We have come a long way. The proposal which the leader will lay down tomorrow is a very fine, well-balanced, fairly conceived proposal which has been discussed more widely, I believe, than any budget which has ever been considered in the modern history of this country, certainly in the years I have been in Congress. There has been more real participation by Senators and other interested persons than anything I have seen before. That is one reason why it deserves to pass and why I believe it will pass.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Colorado, Senator ARMSTRONG, a member of the Budget Committee, and also a member of the Republican leadership and the very able chairman of the Budget Committee, Senator DOMENICI, who was speaking prior to Senator ARMSTRONG.

They have actually had more to do with putting this budget package together than probably anyone in this Chamber right now.

Obviously the chairman has spent a great deal of time. Senator ARMSTRONG is the ranking member on the Budget Committee, if I am correct. So they have had a lot of responsibility.

And let me repeat what both Senators have indicated: We would like very much to have a vote some time tomorrow or tomorrow night on the so-called leadership package, one that the President signed off on and the Republican leadership agreed upon. Again it is no effort to isolate Democrats. We welcome Democrats to join us in this exercise. We have made some overtures. Thus far there has been less than enthusiasm. But in any event, it would seem to me that this would sort of set the stage for a discussion and if in fact we can secure 50 votes for that procedural move then it would indicate to the American people that we are serious about a $300 billion package, and as the Senator from Colorado just pointed out some of that may be dropped out and other things may be added.

But if we sort of set the parameters at, say, $300 billion deficit reduction over a 3-year period, I think it would send the appropriate signal all across the country.

That does not mean we are going to shut off anyone. We are not going to preclude amendments. Senators may still offer amendments. Amendments could be voted upon. Senators may still offer a substitute. It can be voted on.

As I understand, there is a Hollings package and a Chiles package and maybe other packages on this side.

But in my view it has the advantage of moving right up front the focus on what we are about to do in this Chamber the next 7 to 10 days.

The other option—in fact, there are many options—the other option would be to call up the Senate Budget Committee resolution and send a substitute to the desk and then just permit everyone to start hacking away at it, striking this, and striking that, and before we ever have a chance to vote on a total figure we have it down to, say, $200 billion instead of $300 billion.

So the advantage of this is it gives Senators a chance to go on record right up front that they want substantial deficit reduction.

It also adds a bit of discipline, because having checked with the Parliamentarian, if in fact we could adopt the so-called leadership package, there are some few more constraints and a bit more discipline because then, for a Member who offers amendments, it has to be mathematically consistent, so you either have to confess you are going to make it up some way by cutting some other program, or you are going to get into revenues.

Again some Senators feel so strongly about their amendment that the deficit is not a big problem, and that is fine. We are not going to preclude that amendment.

And I am hopeful, and I have discussed this with the distinguished minority leader, that we can work out some agreement whereby we can offer that leadership package by unanimous consent after some discussion. Otherwise, it is my understanding that you have to sort of build this tortuous process that could take 5 to 7 hours before we had a vote. There could be a total of five amendments offered to sort of build the tree, and then we would finally vote. That could be some time. Maybe during all those 7 hours no one would say anything, which is not too exciting, but sometimes it beats what happens on the Senate floor.

So we hope to win that effort. Not many people think we can. We do not have the votes yet.

We have been meeting with our colleagues throughout the afternoon. We met with about 40 of our colleagues between 11 a.m. and 12:30 p.m. today, and throughout the afternoon we have met one on one, one on two, whatever, trying to make certain that everyone had an opportunity to express themselves.

So that is precisely where we are.

I am not trying to surprise anyone. I am not trying to cut off anyone's rights.

But in my view, a view I think shared by the Senator from Colorado, the American people have waited long enough for us to do something.

I happened to visit my State over the weekend, and I keep being asked by taxpayers, "Why haven't you done something," not "What are you going to do," "Why haven't you done something," and done something substantial enough that would have the impact on interest rates recited by the Senator from Colorado, Senator ARMSTRONG, and some economists even think that we could have a total of a 3-percent drop in the long term if the package is substantial.

So I certainly want to invite my colleagues on the other side of the aisle. This might be a good—maybe we should have television for this proceeding, because then in every living room in America that happened to be tuned in they could keep a scorecard, "Is my Senator voting to reduce spending or to raise my taxes or to add spending?"

It might be quite a revelation to a lot of people because sometimes, not often, but there are some precedents for some Members of Congress who make one statement in the home and vote another way either in the House of Representatives or the Senate. Now that is certainly an exception, but now and then it happens. But this way the viewer could not only watch his Senator vote but we could remind the viewers throughout the day what the score was and who the players were and how they were voting.

That will not happen because we have not authorized TV in the Senate.

So I just suggest this is very serious business. We had hoped to dispose of at least 4 hours of time this afternoon, but my colleague from Ohio, Senator METZENBAUM, felt constrained to object or would have objected to an effort to get unanimous consent to proceed without amendment this afternoon unless we would agree to take up the so-called Bitburg resolution which would have asked the President to reconsider his decision to visit the Bitburg cemetery and to find a more appropriate way to demonstrate the reconciliation.

It seemed to me that at least we should have had a chance to look at that. Senator METZENBAUM has been kind enough to furnish me a draft. But in any event, we will be on it tomorrow. Hopefully, we will have a vote some time tomorrow to be followed by a number of votes tomorrow and Friday.

We will not be in session on Saturday. Many of my colleagues have been asking that.

It seems to me that there will be absentees on each side, that it would not be a very productive day if we were in session.

Mr. President, having said that, I now would be prepared to propound routine unanimous-consent requests. I understand the distinguished minority leader has cleared the unanimous-consent requests which are routine in nature.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 11:30 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11:30 a.m. on Thursday, April 25, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Mr. President, I further ask unanimous consent that following the recognition of the two leaders under the standing order there be special orders in favor of the following Senators for not to exceed 15 minutes each: Senators PROXMIRE, WALLOP, and MURKOWSKI.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I also ask unanimous consent that, following the special orders just identified, there be a period for the transaction of routine morning business not to extend beyond 1 p.m., with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, following morning business, the Senate will turn to the consideration of Senate Concurrent Resolution 32, the budget resolution, under a statutory time limitation of 50 hours.

Rollcall votes can be expected throughout Thursday's session, and the Senate is expected to be in late Thursday night and all day Friday.

RECESS UNTIL 11:30 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11:30 a.m., Thursday, April 25, 1985.

The motion was agreed to; and the Senate, at 6:28 p.m., recessed until Thursday, April 25, 1985, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 24, 1985:

DEPARTMENT OF STATE

John Arthur Ferch, of Ohio, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 5142, to be chief of chaplains, U.S. Navy:

Commodore John R. McNamara, Chaplain Corps, [redacted]/4100, U.S. Navy.

HOUSE OF REPRESENTATIVES—*Wednesday, April 24, 1985*

The House met at 12 o'clock noon.

Archbishop Mesrob Ashjian, prelate, the Armenian Apostolic Church of America, New York, NY, offered the following prayer:

In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

Almighty God, giver of all that we possess, we especially thank Thee for Thy most precious gift, the spirit of liberty. We ask that Thy every blessing be showered upon this Nation where that freedom and human justice proceed triumphant. Reveal always Thy infinite and Holy Spirit to the Members of this House that they may be inspired to achieve for all mankind the goals of our Founding Fathers, life, liberty, and the pursuit of happiness.

In particular, we beseech Thee, to be mindful of the Armenian people who this year commemorate the 70th anniversary of the martyrdom of 1½ million Armenians. Mindful of the teachings of Thy Son, our Lord, Jesus Christ, we ask not for retribution or revenge but for repentance and redemption. We pray, Almighty God, that never again on this Earth will the horror of genocide afflict any of Thy children.

Grant to all the nations of mankind, the compassion and love which Thy Son offered to us with His sacrifice, that we may all live freely with joy and happiness amidst all of the glories of Thy creation. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GINGRICH. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and on a division (demanded by Mr. GINGRICH) there were—yeas 12, nays 12.

The SPEAKER. The Chair "aye."

Mr. GINGRICH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 236, nays 171, answered "present" 2, not voting 24, as follows:

[Roll No. 65]

YEAS—236

Ackerman	Garcia	Obey
Addabbo	Gaydos	Olin
Akaka	Gejdenson	Ortiz
Alexander	Gephardt	Panetta
Anderson	Gibbons	Pease
Andrews	Glickman	Pepper
Annunzio	Gonzalez	Perkins
Anthony	Gordon	Pickle
Aspin	Gray (IL)	Price
Atkins	Gray (PA)	Rahall
AuCoin	Guarini	Rangel
Barnard	Hall (OH)	Ray
Barnes	Hall, Ralph	Regula
Bates	Hall, Sam	Reid
Bedell	Hamilton	Richardson
Beilenson	Hatcher	Robinson
Bennett	Hawkins	Roe
Berman	Hayes	Rose
Bevill	Hertel	Rostenkowski
Biaggi	Horton	Rowland (GA)
Boggs	Howard	Roybal
Boland	Hoyer	Rudd
Boner (TN)	Hubbard	Russo
Bonior (MI)	Huckaby	Sabo
Bonker	Hughes	Savage
Borski	Hutto	Scheuer
Bosco	Jenkins	Schneider
Boucher	Johnson	Schumer
Boxer	Jones (NC)	Sharp
Breaux	Jones (OK)	Shelby
Brooks	Jones (TN)	Sisisky
Broomfield	Kanjorski	Skelton
Brown (CA)	Kaptur	Slattery
Broyhill	Kastenmeier	Smith (FL)
Bruce	Kennelly	Smith (IA)
Bryant	Kildee	Snowe
Burton (CA)	Kolter	Snyder
Bustamante	Kostmayer	Solarz
Carper	LaFalce	Spratt
Carr	Lantos	St Germain
Chappell	Leath (TX)	Staggers
Coleman (TX)	Lehman (CA)	Stallings
Collins	Lehman (FL)	Stark
Conyers	Leland	Stenholm
Cooper	Levin (MI)	Stokes
Coyne	Levine (CA)	Stratton
Crockett	Lipinski	Studds
Darden	Lloyd	Swift
Daschle	Long	Synar
de la Garza	Lowry (WA)	Tallon
Dellums	Luken	Tauzin
Derrick	MacKay	Thomas (GA)
Dicks	Manton	Torres
Dixon	Markey	Torricelli
Donnelly	Martinez	Towns
Dorgan (ND)	Matsui	Traxler
Dowdy	Mavroules	Udall
Downey	Mazzoli	Valentine
Dwyer	McCurdy	Vento
Dyson	McHugh	Visclosky
Early	Meyers	Volkmer
Eckart (OH)	Mica	Walgren
Edgar	Mikulski	Watkins
Edwards (CA)	Miller (CA)	Waxman
English	Mineta	Weaver
Erdreich	Mollohan	Weiss
Evans (IL)	Montgomery	Wheat
Fascell	Moore	Whitley
Fazio	Morrison (CT)	Whitten
Feighan	Mrazek	Wilson
Flippo	Murphy	Wirth
Florio	Murtha	Wise
Foglietta	Natcher	Wolpe
Foley	Neal	Wright
Ford (TN)	Nelson	Wyden
Fowler	Nichols	Yates
Frank	Nowak	Yatron
Frost	Oakar	Young (MO)
Fuqua	Oberstar	

NAYS—171

Archer	Green	Oxley
Armey	Gregg	Packard
Bartlett	Gunderson	Parris
Barton	Hammerschmidt	Pashayan
Bateman	Hansen	Penny
Bentley	Hartnett	Petri
Bereuter	Hendon	Porter
Billirakis	Henry	Pursell
Bliley	Hiler	Quillen
Boehlert	Hillis	Ridge
Boulter	Holt	Rinaldo
Brown (CO)	Hopkins	Ritter
Burton (IN)	Hunter	Roberts
Callahan	Hyde	Roemer
Campbell	Ireland	Rogers
Carney	Jacobs	Roth
Chandler	Jeffords	Roukema
Chappie	Kasich	Rowland (CT)
Cheney	Kemp	Saxton
Clay	Kindness	Schaefer
Clinger	Kolbe	Schroeder
Coats	Kramer	Schuette
Cobey	Lagomarsino	Schulze
Coble	Latta	Sensenbrenner
Coleman (MO)	Leach (IA)	Shaw
Combest	Lent	Shumway
Conte	Lewis (CA)	Shuster
Coughlin	Lewis (FL)	Sikorski
Courter	Lightfoot	Siljander
Craig	Livingston	Skeen
Crane	Loeffler	Slaughter
Dannemeyer	Lott	Smith (NE)
Daub	Lowery (CA)	Smith (NH)
Davis	Lujan	Smith (NJ)
DeLay	Lungren	Smith, Denny
DeWine	Mack	Smith, Robert
Dickinson	Madigan	Solomon
DioGuardi	Marlenee	Spence
Dornan (CA)	Martin (IL)	Stangeland
Dreier	Martin (NY)	Strang
Duncan	McCain	Stump
Durbin	McCandless	Sundquist
Eckert (NY)	McCollum	Sweeney
Edwards (OK)	McEwen	Swindall
Emerson	McKernan	Tauke
Evans (IA)	McKinney	Taylor
Fawell	McMillan	Thomas (CA)
Fiedler	Michel	Vander Jagt
Fields	Miller (OH)	Vucanovich
Fish	Miller (WA)	Walker
Franklin	Molinari	Whitehurst
Gallo	Monson	Whittaker
Gekas	Moorhead	Wolf
Gilman	Morrison (WA)	Wortley
Gingrich	Myers	Wylie
Goodling	Nielson	Young (AK)
Gradison	O'Brien	Zschau

ANSWERED "PRESENT"—2

Dymally	Kleczka

NOT VOTING—24

Applegate	Grotberg	Moody
Badham	Hefner	Owens
Byron	Heftel	Rodino
Coelho	Lundine	Seiberling
Daniel	McDade	Traficant
Dingell	McGrath	Weber
Ford (MI)	Mitchell	Williams
Frenzel	Moakley	Young (FL)

□ 1220

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

amendments in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 33. Joint resolution designating the week of April 29 through May 5, 1985, as "National Child Safety Week."

ARCHBISHOP MESROB ASHJIAN

(Mr. PASHAYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASHAYAN. Mr. Speaker, His Eminence has served the Armenian community in the Eastern United States and Canada as Prelate of the Armenian Apostolic Church of America since 1978.

Early in the 1970's, he was a graduate student at the Princeton Theological Seminary in New Jersey, when he traveled extensively in the United States and Canada visiting Armenian communities.

He was born in Beirut on January 3, 1941, to Nercess and Martha Ashjian.

He attended the St. Nishan Armenian School and was later accepted to Cilician Seminary in Antelias, Lebanon. On May 28, 1961, upon completion of his theological and armenological studies, he was ordained celibate monk by Catholicos Zareh I.

On September 1, 1963, he received the degree of Vartabed having met the required credentials.

His Eminence attended the Vossey Ecumenical Institute in Switzerland following which he came to the United States to continue his studies at Princeton Theological Seminary. In 1970, he received the master of theology degree.

Upon completion of his doctoral studies, in July 1973, he was elected to the Diocese of the Armenian Church in Iran and India as primate, and in October 1977 he was consecrated bishop by Catholicos-Coadjutor Karekin II at St. Gregory's Cathedral in Antelias, Lebanon.

In June 1983, during his pontifical visit to the United States and Canada His Holiness Catholicos Karekin II elevated the prelate to the rank of archbishop.

TRIBUTE TO JUDGE SARAH T. HUGHES OF DALLAS

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, I am saddened today to report to the House the death of U.S. District Judge Sarah T. Hughes of Dallas. I take this time today to comment on Judge Hughes' passing because of the extraordinary nature of her life.

Mr. Speaker, Judge Sarah Hughes was a leader in the area of women's rights, long before there was a women's rights movement.

Her life is an example to women and men everywhere. She will be best remembered for her role in swearing in President Lyndon B. Johnson that tragic day in Dallas 21 years ago. However, she accomplished much more during her many years of public service.

Elected to the Texas State Legislature in the 1930's, she served as a State district judge in Texas for 25 years before being appointed as a Federal district judge by President Kennedy in 1961 at age 65. She had a brilliant legal mind, and there is little question that she would have been the first woman appointed to the U.S. Supreme Court had she been born later.

Judge Hughes was a member of the three-judge Federal panel that decided the landmark Roe versus Wade abortion case, a decision which ultimately was upheld by the U.S. Supreme Court.

I had the privilege to serve as Judge Hughes' law clerk the year following my graduation from law school. That year was one of the highlights of my life.

Mr. Speaker, the city of Dallas, the State of Texas, and the Nation are poorer today, as a result of the death of Sarah T. Hughes.

□ 1230

LEGISLATION TO ESTABLISH THE PEROT COMMISSION ON AMERICANS MISSING IN SOUTHEAST ASIA

(Mr. HENDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENDON. Mr. Speaker, quite often from this well I have quoted Lt. Gen. Eugene Tighe, former head of the Defense Intelligence Agency, who says U.S. POW's are still being held in Southeast Asia. Today in the Wall Street Journal General Tighe says more. He says that analysts at DIA "show a mindset to debunk the intelligence they receive on our POW's" and that "they have been disclaiming good reports for so long it has become habit forming."

General Tighe suggests that a Presidential commission be appointed to examine the U.S. POW effort.

Well, good luck, General; I requested such a commission over 1 year ago and my request was denied by staff.

So today I am introducing legislation to create an independent Congressional Commission headed by Texas Industrialist H. Ross Perot, to determine once and for all how to get our men home.

As the Wall Street Journal said, today, "Getting these men back would demonstrate a moral commitment few nations possess." What better way to exhibit our commitment than to create this commission and what better man to head it than H. Ross Perot?

INTRODUCTION OF CHILI WITHOUT BEANS RESOLUTION

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Today I serve venison chili to all Members in the House and their guests in the dining room.

Mr. Speaker, today I join with my distinguished colleague from New Mexico, [Mr. LUJAN], in introducing a House joint resolution to designate chili in its true form, without beans, as the national food.

I do this, Mr. Speaker, because after sponsoring the annual Chili Day at the Capitol for 18 years I have come to realize this House's deep admiration and regard for the art of chili preparation and consumption. My colleagues have demonstrated, year after year, their love for the particular brand of chili that is made with venison, deer meat for you city slickers, and the special ingredients of WICK FOWLER'S chili recipe. Of course, there are no beans in this recipe, but, for the bean lover, chili can be served with pinto beans on the side.

I hope that my colleagues will sample the chili I have made available to them in the House Restaurant, the Cloak Rooms, the Members Only Alcove, and the restaurant proper for Members and their guests by request. Staff and press are also invited to partake of this delicious Texas Red in room H-137 of the Capitol Building.

After sampling this chili, I think you will agree with me and the gentleman from New Mexico, that chili is truly the essence of American eating pleasure and should be designated the national food.

Mr. Speaker, we ask that you eat all you want but beware because two-alarm chili has got "La Fuorza."

MASS IMMUNIZATION DAY IN SAN SALVADOR

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, this past weekend, I had the privilege of joining President Napolean Duarte in San Salvador in kicking off the third mass immunization day. Our delegation included Dr. Albert Sabin—developer of the oral polio vaccine and officals for UNICEF and DAHO. Two earlier vaccination days were held on February 3 and March 3 and as you know, Mr. Speaker, a series

of three shots or doses are necessary for certain vaccines to be effective.

It is estimated that up to 300,000 El Salvadorian children were vaccinated on Sunday against five horrible diseases—whopping cough, tetanus, diphtheria, measles, and polio. The need to protect Central American children—all children for that matter—from these chronic diseases couldn't be more compelling. Last year, 90,000 children in Central America died from preventable diseases and hundreds of thousands more suffered needlessly.

I rise this morning to offer my congratulations to President Duarte for his leadership, compassion, and vision in the bold health initiative.

Clearly President Duarte has demonstrated to the world that even a country torn by terrorist activity can, if its leaders care enough, protect its most vulnerable citizens—children—from the ravages of serious disease. Clearly the vaccination project is a success story, an inspiration, an example to be duplicated in the rest of the developing world.

DON'T GO, MR. PRESIDENT, DON'T GO

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, can you imagine a President of the United States honoring even inadvertently the actions or service of the Wafen SS? The SS troopers killed 6 million Jews in World War II, shot defenseless American prisoners by the dozens at the Battle of the Bulge, executed an entire French village including more than 200 children because of the war death of a single SS officer, and killed 1 million Jewish children in the flames of Dachau and Auschwitz, and more.

As Elie Wiesel said Friday to our President's face, "a million children; if I were to recite each name, I would die before I finished. A million children," he said; "flames; I can see flames to the heavens."

Can you imagine a President of the United States honoring even inadvertently the actions or services of the SS? I can't; I just can't. I do not know if anybody at the White House listens or cares; but, assuming that they do; don't go, don't go, don't go.

THOU SHALT NOT STEAL

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, in my tenure in the Congress, I have seen a number of rules broken, but it was not until this week that I witnessed the breaking of one of mankind's most cherished rules, "Thou shalt not steal." That rule, Mr. Speaker, is being broken today.

The action by the House Administration Committee, and the action in which we are now engaged, is an act of political necessity by the Democratic majority. This action brings to mind the saying, "necessity is the plea for every infringement of human freedom."

Frankly, Mr. Speaker, we should not be debating the seating of Mr. McCloskey over Mr. McIntyre. Rather, we should discuss the actions on the part of the Democratic leadership that brought us to where we are today.

In order for the "recount" to have the required result for the Democrats, new rules had to be written; rules so the majority could "win" the seat back. This required unique talent and careful planning. Those rules needed to eliminate Indiana State election law as an obstacle. This was accomplished by rewriting the law, in effect, and stealing the election by changing the rules.

Mr. Speaker, this corrupt action will achieve the goal of the majority; Mr. McClosky will be seated but only by the sheer numbers on the majority's side. But a fraud has been committed on the voters of the Eighth Congressional District of Indiana and a fraud on the American people. The election was won by Mr. McIntyre. And if the House of Representatives now sanctions this corrupt action, Mr. Speaker, I can only remind the Members of the words of a great Democratic stateman, Adlai Stevenson, who said, "Those who corrupt the public mind are just as evil as those who steal from the public purse."

Mr. Speaker, we are stealing from the citizens of the Eighth Congressional District, their duly elected voice in Congress. It is a dark day for this body.

HISTORY TELLS US THE DIFFERENCE BETWEEN MURDERERS AND THEIR VICTIMS

(Mr. ANDREWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, many Americans who were not there can never know the unique horror and damnation of the Nazi death camps; we can only try to comprehend that terrible passage of world history.

The most moving experience of that time for me occurred in Jerusalem at the Holocaust Museum. There, I listened to a close friend, whose parents had been in the Warsaw Ghetto and at Dachau, tell me their story, and I saw vivid photographs that I will never forget of Hitler's SS troopers killing young children. It is a painful and emotional memory, but one I want to remember.

It is in part because of my personal experience that, like many other Americans, I am deeply troubled and dismayed by the decision of President Reagan to visit the German military cemetery at Bitburg.

In spite of the fact that the President and his staff are now aware that the cemetery contains the graves of SS troops, he rigidly persists in his mistaken decision to honor them.

His statement that the German soldiers "were victims just as surely as the victims in the concentration camps" is wrong. Surely history tells us the difference between murderers and their victims. We have come to learn that American GI's were murdered by units of the very SS troops buried at Bitburg and yet the President insists on honoring them in the name of reconciliation.

In this, the 40th year of peace in Europe, it is important to honor and praise the friendship that has developed between ourselves and our former adversaries. In fact, that reconciliation process began shortly after the end of World War II with the advent of the Marshall plan and the dramatic Berlin airlift. Those two events signified the beginning of our present-day alignment with the Republic of Germany. We have made tremendous strides with a democratic West Germany in 40 years and that is worth celebrating. However, to celebrate that history and be so insensitive to another history that should forever be remembered is unbefitting the leader of the free world.

It is for these reasons that I have joined in cosponsoring the Wyden resolution which implores President Reagan not to visit Bitburg. In the words of Elie Wiesel: "That place, Mr. President, is not your place. Your place is with the victims of the SS."

RIVERBOAT GAMBLERS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I would like you and your Democratic colleagues to reflect on the high-roller's gamble you are playing with the McIntyre seat—the Indiana congressional seat you are trying to steal.

The odds you are playing, Mr. Speaker, are 70 to 1. You Democrats now have a 70-seat majority in the House. And you seem willing to put it all on the line—let it all ride—on the chance of scooping up one more.

Maybe you'll muscle your way to a 71-seat majority. Maybe the courts won't care. Maybe the American people won't notice. But maybe they will. Maybe this one event will awaken them to the abuses of majority power you Democrats have engaged in over

the past three decades. Maybe they will learn about gerrymandering, seat stealing, committee packing, and all the rest.

You Democarats have been riding high in the House for a long, long time, Mr. Speaker. But perhaps the American people will decide that the proper title for your successor should be minority leader.

JOINT RESOLUTION COMMEMORATING THE ARMENIAN GENOCIDE

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, today is the Armenian Martyrs' Day in honor of the 1.5 million Armenians who were killed by the Turks between 1915 and 1923.

And in recognition of this special day, I am proud once again to sponsor House Joint Resolution 192, along with 220 House cosponsors, to commemorate the Armenian genocide.

Our resolution would establish today as a National Day of Remembrance of Man's Inhumanity to Man, and I urge its speedy consideration and passage.

Unfortunately, the Reagan administration and the Turkish Government strongly oppose our bipartisan resolution. The White House says it is concerned about hurting relations with the Turkish Government.

But Mr. Speaker, I believe the U.S. Government and our people must always stand for the greater good, and we cannot continue to ignore the fact that this genocide took place—and the fact that it was wrong

As the President struggles in the next few days with the realities surrounding another equally deplorable genocide, I hope that he will reconsider his opposition to our resolution, as well as his visit to the Nazi cemetery.

THE FARMING GAME

(Mr. MORRISON of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON of Washington. Mr. Speaker, from this well in this 99th Congress, we have heard more about farming than perhaps any session of the Congress for many years.

Now all Members of the Congress can participate in the farming process right in their own offices. You will be able to play "The Farming Game."

Tomorrow, American Agri-Women, farm women from all across the Nation, will be distributing to all congressional offices a game, The Farming Game. It is exciting, it is challenging, it is entertaining, it is frustrating, but more than that, it is educational. You will learn about farming by playing this game.

This game is currently used in over 1,500 schools across the United States to illustrate the family farm economy: Vocational agriculture, economics and social studies classes, including some of America's most prestigious universities.

So I urge all congressional offices to welcome these farm leaders when they appear at your doors to try this game, to learn something about what we have been talking about for many years, to learn the plight of and develop an appreciation for America's family farmers in this new fun way.

BET ON THE OSTRICH

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, during the past 2 weeks, a Member of this body, whose ornithological knowledge is as sadly deficient as his courtesy, heaped undeserved insult on the ostrich, not to mention on his colleagues.

He described as "ostriches" his Republican and Democratic colleagues who opposed President Reagan's Nicaragua policies.

One would hope that the merits of U.S. policies in Central America could be discussed without insulting birds or colleagues.

Over the millenia, the ostrich developed defensive and offensive capabilities that enabled it to survive in lands where lions and other carnivorous predators abounded. It runs at high speeds—up to 40 miles an hour—and if riled or cornered, can deliver a vicious, lethal kick.

With large eyes and keen vision, the ostrich is ever alert. Contrary to myth, the ostrich does not stick its head in the sand. Nor does it spend much time booming at C-SPAN cameras in an empty Chamber. When necessary, it lies on the ground as a means of camouflage.

Finally, it has simple needs, grazing mainly on plants and capable of going without water for long periods of time.

So there you have it. The ostrich is a rugged, wiley, and frugal bird. Indeed, in a scrap between the Member of Congress and an ostrich, I would bet on the ostrich.

SOVIETS DO NOT TAKE THEIR WORD SERIOUSLY

(Mr. ROWLAND of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. ROWLAND of Connecticut. Mr. Speaker, what is the value of someone's word?

Apparently it is not much when it is the word of the Soviet Union. Last week, the Soviets gave us their word that they would not use force against military liaisons in Germany after the brutal murder of my constituent, Maj. Arthur Nicholson. The Soviets gave us their word that they would consider our very reasonable request to compensate his family.

Yesterday, we read in the papers just how seriously the Soviets have taken these spoken agreements. The Soviets arrogantly denied they ever agreed not to use force, and they have turned thumbs down on our request for compensation, or even recognition of any wrongdoing.

Mr. Speaker, I realize more and more that Congress did the right thing on Monday by voting to condemn the Soviet Union for the Major Nicholson murder, and as disgusted as I am at this sad affair, it is more important than ever that we continue with peace and arms reduction in Geneva, but we have relearned a very, very important lesson this week.

That is, any arms reduction agreement that we have with the Soviet Union better have every T crossed and every I dotted, or else we are going to see another song-and-dance routine after the fact.

MAKE NO RECONCILIATION WITH THE NAZI PAST, MR. PRESIDENT

(Mr. MAVROULES asked and was given permisson to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAVROULES. Mr. Speaker, today over 250,000 American service men and women in West Germany are the living symbol of the "reconciliation" between the American and German people.

These Americans, many living under difficult circumstances, and thousands of miles from home, have for more than three decades, helped preserve the security of the German people and all of Western Europe.

Yet, with one ill-scheduled "photo opportunity" at Bitburg, the administration has succeeded in reaching back into a world of terror, fear, and humiliation.

Reconcile with the German people? Yes, Mr. President, we have done that.

Reconcile with the horror of the Nazi past?

Mr. President, never!

SUPPORT FUNDING FOR NATIONAL ENDOWMENT FOR DEMOCRACY

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTER. Mr. Speaker, of the warnings Alexander Solzhenitsyn has given us, one stands foremost in my mind: "You have the impression that

democracies can last. But you know nothing about it. Democracies are lost islands in the immense river of history. The water is always rising."

Mr. Speaker, democratic government is one of those things which everyone praises and admires, but few know how to plan and implement. Americans ought to aid that process wherever we reasonably can. Our National Endowment for Democracy, privately directed but operating on Federal funds, is in an excellent position to render such assistance overtly and cleanly. It represents American public diplomacy of the best kind.

Today, we may consider the budget for the U.S. Information Agency, and, within it, the small authorization for the NED. I hope that my colleagues will do for it everything that they can.

MALPRACTICE INSURANCE PREMIUMS

(Mr. ROWLAND of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Georgia. Mr. Speaker, yesterday in Albany, NY, some 5,000 physicians out of 40,000 physicians in that State gathered at the State capitol to focus attention on the malpractice insurance premium problem that we are experiencing in our country today.

To me, that is really impressionable that this many physicians would have taken time away from their practice to focus attention on such a severe problem that we now have.

Mr. Speaker, the practice of medicine is not an exact science. Any procedure that is undertaken has some element of risk; any treatment that is prescribed has some element of risk. Physicians are beginning to view each case, each illness that they have as a potential malpractice suit.

It is thought by many now that it may contribute as much as $15 to $40 billion to the increase in cost of medical care in our country, and in my State alone, it is estimated that it may add as much as $3 billion.

The quality of care is now being affected to some extent because there are many physicians who are practicing obstetrics that are beginning to drop out of that practice simply for the reason of the threat of malpractice.

How long are we going to continue to ignore this growing threat that is going to undermine the quality of medical care in our country?

□ 1250

ARMENIANS DAY

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute.)

Mr. DORNAN of California. Mr. Speaker, except for the occasions when I have engaged in colloquys, I have always started my remarks before this House for the last 4 months, with the words, "Let justice be done; seat Rick McIntyre." I will change that today for the first time, to an intense plea for the majority to call for another election in the State of Indiana's Eighth District. I never thought I would do this. There has already been an honest election. But so as not to destroy the feeling of good will among my colleagues for the next year and a half, I beg for a special election.

Change of subject: Mr. Speaker, the reason that Adolf Hitler thought he was able to slaughter millions and escape earthly condemnation is easily discovered in his own words. Hitler bragged, "My brownshirts, my Gestapo, my SS will kill millions of Jews," because look what happened to the Armenians. Nobody cared, nobody even remembers." He spoke. He acted. And then hell ruled part of the Earth for 12 bloody years.

We must in America recognize formally, with a day of remembrance, the agony of the Armenian people. They suffered the first massive genocide of this century.

To establish 1 day a year to honor the over 1½ million innocent Armenians who were slaughtered by the Ottoman Empire. This is not an insult to the nation of Turkey. The Ottoman Empire lasted for precisely 400 years, from 1517 to 1917. The worst of the massacres of Armenians in Turkey happened during the last 2 years of that decaying, rotting old empire. The modern Turkey, restructured by the great hero of that country, Ataturk, should have admitted and rejected the ghastly genocide of its Armenian citizens. It does not insult our Turkish friends to recognize this century's first horrible examples of man's inhumanity to man by the incomprehensible crime of genocide. Actually, President Ataturk, the George Washington of Turkey, acknowledged the 1915 genocide in August 1926 but it was tragically denied by subsequent governments. Truth is truth. Honor demands that our Nation do what is right.

THE LATE HONORABLE SAM B. ERVIN, JR.

(Mr. VALENTINE asked and was given permission to address the House for 1 minute.)

Mr. VALENTINE. Mr. Speaker, today we mourn the death of a great North Carolinian and statesman, Senator Sam B. Ervin, Jr.

Sam Ervin was a World War I hero, Harvard Law School graduate, judge, and U.S. Senator. He served the 10th District of North Carolina in the U.S. House of Representatives, 1946-47, before he was appointed to the North Carolina Supreme Court. Yet he chose, Mr. Speaker, to refer to himself as "just a country lawyer from North Carolina." He considered the Constitution a sacred scripture and he spent his whole life defending it.

His passion for truth, for civil liberties, the many freedoms that we at times take for granted yet he so dearly believed in, transcended all races, religions, creeds or economic status as he fought for the protection of all human beings under the law.

He was a national symbol of dignity and integrity in politics. He embodied a wisdom and wealth of knowledge, from his down home country stories to his quotations from Shakespeare, that was unsurpassed in American politics. He was truly a national hero who bridged both the 19th and 20th centuries as he carried our Nation through the dark hours of the Watergate affair. Through his unyielding search for truth, he helped to diffuse one of the most devastating events in American politics.

As Senator Ervin said at the Watergate hearings some 12 years ago, in words which bear repeating today:

> And I think that those who participated in this effort to nullify the laws of man and the laws of God overlooked one of the laws of God, which is set forth in the 7th verse of the 6th chapter of Galatians:
>
> Be not deceived. God is not mocked; for whatsoever a man soweth, that shall he also reap.

Our Nation has been enriched and made stronger by all that Senator Sam was and believed in. He will be sorely missed.

TRADE STATISTICS HAVE NEGATIVE CONSUMER IMPACT

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, in October of last year, Crompton Inc., the oldest textile company in the United States—178 years—filed for a chapter 11 bankruptcy. It was the sole producer of velveteen in America and one of the few remaining producers of corduroy.

In less than 1 year, 1982-83, 2,000 Crompton workers were laid off in three States. Bankruptcy in 1984 laid off another 2,450 in two more States.

In that same month, October 1984, the price of velveteen coming from Japan jumped $1 per yard.

Velveteen fabric may not be vital to defense, but the profits of making velveteen and selling it, the taxes paid by this company and its workers, and the ultimate higher price which is being paid by consumers for products will prove to be very vital in our future.

It is happening in steel, in machine tools, and ball bearings, in shoes, and

in velveteen. It has already come to pass in television sets, radios, watches, and fasteners.

When other countries make the product, they set the price. What happens to the American consumer then?

ONE HUNDRED AND FIFTY YEARS OF SUGAR IN HAWAII

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. AKAKA. Mr. Speaker, the Midwest is concerned about Japanese auto imports and its declining industrial base. In the Southwest, the concern is over the recession in the copper industry and price dumping of cement by Mexico. The Northwest is concerned about the health of their timber industry and the Southeast wants protection for textiles.

In Hawaii, we fear the decline of our sugar industry. Sugar is the backbone of Hawaii's agricultural economy. Hawaii produces 1 million tons of sugar annually; nearly 1 of every 5 pounds of sugar produced in the United States comes from Hawaii's sugarcane fields. Three out of every four acres of Hawaii's cropland is in sugarcane. The cultivation, harvesting, processing, and refining of Hawaii's sugarcane is responsible for 26,000 jobs in Hawaii and on the west coast.

Mr. Speaker, the period since the mid-1970's has been one of great turmoil for the domestic sugar industry. Over the past 10 years, 24 cane and beet sugar refineries and processing plants have gone out of business. This is a distressing statistic. Sugar producers in Hawaii are determined to avoid the drastic unemployment and economic turmoil that would result from being added to this growing list of casualties among the domestic sugar industry.

The real threat to our domestic sugar industry is the excessive sugar price supports of the European Common Market. Common Market countries have high production costs and no economic advantage over the major sugar-producing regions of the world. At great expense, they have established a price support policy for sugar which is excessive by any form of measurement. Under this program, sugar which costs 25 to 30 cents per pound to produce is currently being dumped on the world market at less than a nickel a pound. This lucrative price support program has transformed the Common Market from an importer of sugar less than 10 years ago to an exporter of close to 6 million tons of sugar last year.

Mr. Speaker, no domestic industry can operate in such a climate and expect to survive. That is why domestic sugar farmers need a fair and equitable program in the 1985 farm bill.

Further evidence of the importance of sugar to the economy of Hawaii is contained in the latest issue of Economic Indicators prepared by First Hawaiian Bank, which I am including at this point in the RECORD.

[From Economic Indicators, March-April 1985]

ONE HUNDRED AND FIFTY YEARS OF SUGAR IN HAWAII

As we recognize the 150th sesquicentennial anniversary of the sugar industry in Hawaii, the industry is facing the greatest threat to its existence in its history. If the proposed modifications to the U.S. Agriculture and Food Act of 1981 (the Farm Act) are enacted by the U.S. Congress, the Hawaiian sugar industry could be devastated.

According to the Department of Planning and Economic Development, total sugar-related employment comes to around 19,200 jobs or 4 percent of all jobs in the state. However, on the Neighbor Islands, sugar-related employment accounts for 29 percent of jobs on Kauai, 17 percent on Hawaii, and 13 percent on Maui, compared to 1 percent on Oahu. Likewise, income from sugar in 1982 came to 21 percent of total income on Kauai, 13 percent on Hawaii, 12 percent on Maui, compared to 1 percent on Oahu. Sugar occupies 188,395 acres or 71 percent of all the agricultural land in Hawaii, accounting for 97 percent of all cultivated lands on Kauai, 75 percent on Hawaii, 65 percent on Oahu, and 57 percent on Maui. Sugar also contributes around 10 percent of total state tax revenues. Loss of the industry to Hawaii would be an economic disaster of unprecedented magnitude.

The Hawaii sugar industry is now protected by Title IX of the Farm Act. The provisions include a sugar loan fund where a producer unable to sell his crop is eligible for a loan using his crop as collateral. The loan rate is based on an estimated average cost of production, and was set at 17.75 cents per pound in 1984. Congress also specified that the government should avoid accumulating stocks of sugar by establishing a Market Stabilization Price (MSP). The MSP estimates the actual price that producers must receive to sell their crop, and is composed of the loan rate plus transportation costs, interest, and a producers incentive margin. The MSP is currently at 21.57 cents a pound, 3.82 cents a pound over the loan rate of 17.75 cents a pound. To assure that the actual market price of sugar reflects the MSP, and producers sell their crops, a system of country-by-country import quotas controls the supply and, ultimately, the price of sugar in the U.S. That is possible because about a third of the sugar consumed in the United States is imported.

The need for such a system reflects the realities of the world sugar market. At present, over 40 countries around the world produce around 100 million tons of sugar. Surplus sugar not domestically consumed or traded, roughly 20 million tons a year, is dumped on the so-called "world market." Prices in this market bear no relation to production costs, and fluctuate according to available supply. In 1980, the price was 40 cents a pound. In 1984 it fell to less than 4 cents a pound. Thus, the current price-support system protects our sugar industry from the volatile world surplus market, while maintaining stable prices to insure a steady supply of domestically produced sugar.

The proposed changes in the Farm Bill would cut the loan rate for sugar to 12 cents a pound. Sugar import quotas would be terminated, thereby allowing the domestic market price to fall to world levels. In expectation of industry losses as a result of falling prices, a contingency program of direct payments would subsidize producers based on the difference between the market price and a predetermined target price set to decline to 12 cents in 1990. The payments, however, would be meaningless to Hawaii's large corporate growers because of a limitation of $10,000 per operator set for 1988.

Proponents of the changes argue that easing import restrictions would reduce the domestic price of sugar, and cut back federal dollars needed to support the industry. However, under the proposed changes neither market prices, target prices, nor loan rates will bear any relation to the costs of production. Producers may not be able to either sell or borrow, and will ultimately be forced to accept government payments. Opening the American market, which is roughly 9 million tons annually, to foreign sugar would eliminate any surplus and erase any price advantage the world price seemed to offer. Erratic price fluctuations would eventually drive American producers out of business, creating a total dependency on an unreliable supply of imported foreign sugar. The result would be lost jobs, increasing welfare costs, and an increase in the balance-of-trade deficit by an estimated $2 billion a year.

The Farm Act has cost nothing because whatever support the program extends is in loans. Domestic producers borrowed $650 million on 1,312,500 tons of sugar in the 1983/84 sugar season. But, all loans were repaid at market interest rates, and the government did not accumulate any forfeited sugar.

True, federal deficits demand a serious examination of government expenditures. But, eliminating programs that have been costless for economic benefits which are illusory, while at the same time destroying a major portion of Hawaii's economy, is no solution to the problem.

Our responsibilities as a community are clear in supporting the work of our leadership to defeat the changes to the Farm Bill. Hawaii needs the existing support system. Recent developments in Congress appear encouraging. But, let it not be said in retrospect that 1985, the 150th anniversary of sugar's birth in Hawaii, was the year of sugar's demise as an industry.

SUGAR AND HAWAII

The first sugar plantation was started in 1835 at Koloa, Kauai, by New England merchants. After years of difficulties, the operation folded in 1845 and was sold. Fortunately for Hawaii, the problems of this early venture did not deter later sugar growers. In fact, the stumbling steps of the pioneering Ladd and Company mill in Koloa marked the beginning of an industry whose growth and dominance in Hawaii has profoundly shaped the evolution of the state, and molded the profile of its people.

It was in Hawaii's political and social history that the sugar industry's influence was most profound. After being elected King of Hawaii in 1873, David Kalakaua, aware of the economic importance of sugar and supported by foreign interests, began to forge stronger ties between Hawaii and the United States by securing a treaty of reciprocity between the two nations that would

allow Hawaii's sugar to enter the U.S. duty free. This put Hawaii in a better position to compete against low-cost sugar from the Philippines and China. In return, the treaty provided the U.S. with a new source of sugar, for which demand was rising due to the California gold rush and the loss of southern sugar supplies during the Civil War. America was also granted exclusive use of what is now Pearl Harbor, thus establishing Hawaii as a strategic defense outpost.

The Reciprocity Treaty helped to firm relations between Hawaii and the U.S., which had feared that the growing influence and interest of Great Britain in the islands might lead to the colonization of Hawaii. The treaty was thus a significant stepping stone in the growing diplomatic relationship between Hawaii and America, which would lead to annexation, and ultimately statehood.

With passage of the Reciprocity Treaty, a huge jump was triggered in sugar production. Exercising the right of foreigners to buy land established by the Hawaii legislature in 1850, plantations expanded by 20,000 acres in just five years, reaching 55,000 acres in 1880. New mills were constructed and equipment modernized according to the latest available technology. More significantly, increased labor requirements spurred the importation of foreign workers.

The waves of immigrants brought in by the plantations are the most significant example of sugar's great influence on Hawaii. The growing and harvesting of sugarcane was hard work, requiring many hands and strong backs willing to meet the demands of the seasons and the vast acreage of the plantations. Moreover, after 1876, sugar production boomed, from 20,000 tons in 1879 to 50,000 tons in 1882 and 100,000 tons in 1890. To meet these needs, the plantations recruited labor from Asia and Europe, and thereby forever changed the cultural complexion of the islands.

Between 1876 and 1885, Hawaii recruited contract laborers from China (25,555), Portugal (10,216), the South Seas islands (2,221), and Northern Europe, mainly Germany (1,176).

However, even this massive importation effort did not satisfy sugar's need for workers. After their contracts expired, most of the Chinese left the plantations to settle in towns, and the cost of transportation made it prohibitive to bring more Portuguese to Hawaii. Finally, after years of negotiations with their government, the first Japanese contract laborers arrived in Honolulu on February 9, 1885, the first of 218,418 who would eventually enter the sugar industry's workforce.

Korean immigrants also came in large groups between 1903 and 1906, but the flow was halted by the federal Immigration Act of 1907. This Act was sponsored by the State of California, which saw the massive migration of Asian workers as a social threat. To make up for the loss of the Asian labor pool, sugar plantations turned to Portugal, Spain, the Philippines, and Puerto Rico for their continuing labor needs. In all, over 350,000 immigrants came to Hawaii.

LEGISLATION TO CORRECT CONTRADICTION IN U.S. POLICY REGARDING IMPORTATION OF PRODUCTS FROM NICARAGUA

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, why is the United States subsidizing the Marxist Government of Nicaragua to the tune of $150 million in 1984 and continuing that support in 1985?

The United States imports many products from Nicaragua which provides the cash to buy Soviet and Cuban weapons to continue their war against the U.S.-backed freedom fighters. Americans have unknowingly helped to provide the means to wipe out the Meskito Indians, suppress religion, and turn thousands of Nicaraguans into refugees.

Last year alone, the United States imported $21 million in bananas, $7 million in fresh beef, $2 million in cane sugar and many other products from Nicaragua.

I have introduced H.R. 2158 to prohibit the importation of bananas, beef, and sugar products into the United States from Nicaragua. This sanction would continue until the President finds that the policies of Nicaragua regarding a free democratic form of government are consistent with its own revolution and the promises made to the Organization of American States.

I urge my colleagues to join with me in correcting this contradiction in U.S. policy by cosponsoring H.R. 2158.

NATIONAL MARK TWAIN DAY

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, November 30 of this year will mark the 150th anniversary of the birth of Mark Twain, one of American literature's greatest figures. In order to honor this truly great American, I am today introducing a House Joint Resolution to proclaim November 30, 1985, National Mark Twain Day.

We in Missouri are especially proud that Mark Twain is our native son. His experiences in Missouri became the basis for two of his most famous novels, "The Adventures of Tom Sawyer" and "The Adventures of Huckleberry Finn." Mark Twain's works, however, are truly national in scope.

Mark Twain lived in Nevada, California, New York, and Connecticut, as well as Missouri; and traveled greatly during his lifetime. His combined experiences greatly enhanced his works and enabled him to capture the American spirit in a way which no other author has been able to duplicate. It is fitting that we honor such a truly great American personality as Mark Twain with a national day.

□ 1300

STE. GENEVIEVE DAY

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, today is a very proud day for one of the proudest communities of the great State of Missouri: Ste. Genevieve, the "Mother City of the West."

As my colleagues will remember from their history books, Ste. Genevieve was the first permanent settlement to be established in the upper Louisiana territory—and as such, represents the first real step in what would later become the great westward expansion of this Nation.

And this year, Mr. Speaker, this landmark community, located on the bank of the Mississippi River, is celebrating its 250th year of existence. Given the tremendous historical significance of the community, and of this milestone, the Governor of Missouri has proclaimed that today, April 24, be observed as "Ste. Genevieve Day" by all Missourians, and I am here to join in this observance and ask that this House recognize not only this community's place in history, but also the dedication of its residents in preserving that history.

Later today, I will be holding a special tribute to Ste. Genevieve, and I would urge my colleagues to join me in that tribute and appropriately commend what is undoubtedly one of the Nation's greatest historical treasures.

SENATE BUDGET COMPROMISE—COMPROMISES STUDENT AID

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, the budget compromise that is currently before the Senate promises to further erode educational opportunity for students who depend on these programs for their college training.

The two major proposals—the $8,000 mega-cap on all Federal student aid that an individual would be allowed to receive—and the means test to be imposed on students with family incomes between $30,000 and $60,000—would reduce aid to thousands of needy students and their families—especially those at private colleges and universities.

Consider the impact of this proposal of students in my own State of New York:

The $8,000 mega-cap would mean a loss of $28 million in GSL loans—which translates into the reduction or loss of loans to 18,260 students;

The means test required of students with family incomes between $30,000 and $60,000 would mean a loss of $105 million—which translates into 59,000 students having their loans reduced or eliminated.

In 1978, Congress established a national policy of providing some form of aid to all students regardless of income. We have seen substantial retreat from this position since 1981.

To further erode the purchasing power of student aid dollars—by taking away dollars—should not be accepted by either House of Congress. I urge my colleagues to join me in opposing any measure that seeks to cut these programs further. The Senate's compromise on student aid, with the blessing of the administration, compromises the promise of educational opportunity.

THE BARNES-HAMILTON RESOLUTION IS MUST READING

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, my Democratic colleague from Colorado earlier defended ostrich Democrats and redefined the ostrich. The Barnes-Hamilton resolution represents bipartisan ostriches with amnesia. It provides for surrender to communism in Central America, a unilateral disarmament of freedom fighters, and in fact its rejection of the U.S. Government as a legitimate vehicle for aid entitles anyone who votes for Barnes-Hamilton to wear a button that instead of saying "I Love New York," says, "I Despise America."

I challenge every Member to read this nine-page resolution before voting for it. It is an incredible document of totally confused logic, and remarkably anti-America as a legitimate vehicle for aid kind of thinking.

THE BITBURG CRISIS

(Mr. MRAZEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MRAZEK. Mr. Speaker, yesterday, I began to circulate a letter among my colleagues to Chancellor Helmut Kohl which I hope might contribute to a resolution of the Bitburg crisis.

It is clear that the decision to visit Bitburg cemetery has become an embarrassment for President Reagan, awakening deep and bitter emotions among thousands of Holocaust survivors and eliciting a wave of criticism from our Nation's veterans and Jewish groups. I do not believe that President Reagan or Chancellor Kohl were aware of the fact that 47 SS soldiers were buried at Bitburg when the decision was made to visit the site, nor do I believe that the President would have made such a decision if he had known this fact. At the moment, the only remaining reason for his visit to Bitburg is his concern for offending Chancellor Kohl and the German people.

The letter I am circulating urges Chancellor Kohl to withdraw his Government's invitation to the President to visit Bitburg. Instead, it asks him to extend an invitation to President Reagan to visit some other appropriate site to express his friendship and respect for the German people. Such a move would satisfy our shared goal of fostering peace and understanding between our two nations and would resolve a crisis which threatens of create lasting divisions within our Nation. It is my hope that with enough congressional support this approach to Chancellor Kohl will help contribute to a solution to this crisis and I invite my colleagues on both sides of the aisle to join me in lending their support to this initiative.

WE MUST FOLLOW OUR INTELLIGENCE AND CONSCIENCE

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, the report of the House Administration Committee on the Eighth District of Indiana election has been issued. I do not believe the minority report has been issued yet, so I have been reading the remarks of the minority on special orders. I must say those remarks are riddled with inconsistencies.

You know, earlier, the position of the minority was count as few ballots as possible; now, it is count as many. Before it was no special election; now it is a special election at any cost. Before it was apply Indiana law; now it is disregard it. While some in the minority are referring to the importance of comity in this House, others in the minority have been casting aspersions on the character of their Democratic colleagues.

Each of us needs to follow our own intelligence and our conscience on this matter. I have faith that my Democratic colleagues will do just that.

CHILI: AMERICA'S FOOD

(Mr. LUJAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUJAN. Mr. Speaker, today I am privileged to introduce legislation which, although incendiary and almost sure to provoke heated debate among my distinguished colleagues, would designate chili as America's official food.

In the past there have been those who would place the turnip at this pinnacle instead of chili. We find no fault with their desire to elevate this lowly tuber. We only question their good judgment. There are those who would name apple pie to this lofty position. We think apple pie makes a wonderful dessert—after a bowl of chili. There are many wonderful foods in America and we love and respect them all. However, we still contend chili enjoys a universal popularity throughout the width and breadth of this great land that is unequaled by other American foods.

I would urge each of my colleagues to study carefully the resolution that I am introducing today. After you have done so, I am sure you will agree to join me in this great movement.

LEGISLATION TO SAVE AMTRAK

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, today I am introducing a bill to save Amtrak by freezing its funding with no inflation increase, plus a study to determine it further, whether it be privatization or whether it be a public sale.

I welcome the opportunity to say that my support for a viable rail passenger service is unequivocal—I believe such service to be vital to our economy, to our security, to our national health and well-being. While the importance of our rail passenger system is sometimes eclipsed by the orbits of the space shuttle, few would deny the fact that almost 20 million persons used Amtrak rail service in 1984 alone; that Amtrak's long-haul passengers are largely drawn from the elderly and the poor; that in the instance of a national emergency, we will all be grateful our rail passenger service was supported by the American people and the Congress of the United States.

The Reagan administration recently recommended zero funding for rail passenger service in this country. While this President seeks to eliminate a vital service to our citizens, the governments of every other major industrial country in the world affirm their support for rail passenger service through reasonable rail subsidies; they provide us with ample evidence that success results from government cooperation and commitment.

This leads us to the question of what the basic role of the Federal Government should be in providing rail passenger service to this country—I will answer this question by saying the role is real. The role is important and the role is substantial. I do not advocate unlimited and indiscriminate funding of rail passenger service—in fact, I advocate just the opposite—I advocate judicious use of the Federal dollar, evidence of a willingness to save taxpayer's money, the need to cut back, support for alternatives to subsidization. This is why I will introduce a bill today which will do just that—it

will freeze Amtrak funding at fiscal year 1985 levels for the next 2 years and will study ways to further reduce Federal subsidies. Nonetheless, I believe rail passenger service to be important to the future of the country and Government support too important to the future of rail passenger service.

Mr. Speaker, I do not deny that I have an interest in preserving the Amtrak system—many New Mexicans are employed by this service, it means $10 million additional to my economically depressed district each year, and Amtrak's trains stop in five towns I have been elected to serve. And while I have a personal interest and commitment to seeing that these benefits continue, I would point out that I am not alone—Amtrak serves over 500 communities nationwide—more than all the major airlines combined; Amtrak serves 161 communities that have no air service; Amtrak serves 52 communities that have no bus service; Amtrak serves 29 communities which have neither air nor bus service; and Amtrak employs 21,000 people across the country.

The administration tells us it is committed to economic growth and commerce—how much commerce will occur in those 29 cities which will have no transportation services whatsoever when Amtrak is gone? How much economic growth will result when 21,000 people lose their jobs?

The administration tells us it is committed to national security—how secure will we be if we eliminate 76,000 rail seats that could be used by military personnel in the event of a national emergency?

This administration tells us it is committed to private enterprise and competition—well, we all are, but have there been any takers for rail passenger service?

This administration professes support for a strong, diversified economy—how strong, how diversified will we be with no rail system, no mass transit systems, no airline subsidies, no bus transportation, no Government commitment to national transportation needs?

Mr. Speaker, the gauntlet has been thrown to the 99th Congress—we can take this opportunity to express our commitment to a strong, lean, efficient rail passenger service or we can have none at all. The choices are very clear and I urge everyone here today to make that choice which is best for this country—a rejection of the administration's misguided notion that we can do without rail passenger service and an affirmation of our support for the Amtrak system.

□ 1310

THE BITBURG DILEMMA

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, we have all heard my colleague from New York, BOB MRAZEK, express the views of so many of us about this pitiful Bitburg problem.

At this point everything has been said on the subject that needs to be said and Elie Wiesel, and our colleague STEVE SOLARZ, said it all with grace, restraint, eloquence, and no little bit of class. At this point, I think any further President bashing or administration trashing would serve no useful purpose. The question is how do we get out of this painful, awkward, and unpleasant dilemma.

I join with my colleague, BOB MRAZEK, in urging Chancellor Kohl to exercise some compassion, some sense of collegiality and sensitivity and invite President Reagan to recognize the profound feelings of sadness and regret the American people could harbor toward all war dead, toward all soldiers who fell in battle.

Perhaps Chancellor Kohl could invite our President to visit the grave of Chancellor Konrad Adenauer at Rondorf, or Pastor Martin Niemöller at Wiesbaden, these two soaring spirits who represent the greatness and mobility of Germany and everything that the new Germany stands for. In this way, perhaps, we can get beyond the mistakes and the misunderstandings of the recent past and on to a fine, full and richer relationship with the German people.

REAGAN POLICIES REGARDING GENOCIDES

(Mr. LEHMAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of California. Mr. Speaker, it comes as no surprise to me that President Reagan chose to honor German soldiers killed during World War II, and not the victims of the Nazi sponsored genocide of that war, until a public outcry forced Mr. Reagan to reverse himself.

Sadly, this is a familiar pattern. Two weeks ago, President Reagan announced his opposition to a congressional resolution to commemorate what is commonly known as the first genocide of the 20th century, the Armenian Genocide. At that time, Mr. Reagan said that his support for a day of remembrance honoring the 1½ million Armenians murdered or driven from their homes by the Ottoman Empire in 1915 would: "harm relations with an important ally."

Oddly, this is the same reasoning Mr. Reagan used in deciding not to visit the death camps of the Jewish Holocaust on his visit to Germany next month. Today, American Jews and American war veterans feel the same bitter anguish that Americans of Armenian descent felt 2 weeks ago. The anguish that come from the realization that their President would ignore their historical heritage for the convenience of today's international politics.

Mr. Speaker, the appropriate remembrance of these horrors of history allows all of us to put them in perspective and to deal with them emotionally. Our alliances with Germany and Turkey are vitally important to America and the preservation of peace. But, we need not prop them up with an evasion of truth.

NEW FORMULA FOR THE CONTRAS

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, there are two big stories today in the newspaper.

Coca-Cola has a new formula for its soft drink, and President Reagan has a new formula for aiding the Contras. Both are a little sweeter, but each is really the same old thing.

Congress must not abandon its goal of bringing peace and reconciliations in Central America. Because President Reagan has not abandoned his goal of overthrowing the Nicaraguan Government. The issue is startlingly simple: Are we going to fund a war to overthrow the government of another country? Congress has said no to that. So when we vote today, let's be honest. Let's cut the doubletalk. Combat boots and K-rations are not humanitarian aid. Let's heal the wounds of war in Central America. Let's move to restore normalcy to that godforsaken country.

KEEP THE HOUSE IN SESSION 24 HOURS A DAY EVERY DAY

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I take this time to congratulate those of my colleagues whose sincerity and conviction lead them to stay up for 24 hours debating an issue of importance to them. The only problem is that the initiative in the congressional seating race in Indiana seemed to have conked out around midnight last night, and I want to express my deep regret at this show of insincerity about the conviction and passion for which they stayed up only 24 hours the night before.

Lest this be misinterpreted as a sign of weakness or giving up on the cause, I would encourage my colleagues to let us rally around this issue, and keep the House in session for 24 hours every day from now on until justice is reached in this matter. Move forward. If you need some Democratic colleagues, I will do my best to try to supply them, but do not stay up until midnight and then move away from this issue for the rest of the night. If you are going to do it, let us do it right, and protest this cause for 24 hours.

WIC PROGRAM IN JEOPARDY

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I am sad to report to the House of Representatives that once again the Reagan administration, under the leadership of David Stockman, has engaged in a direct attack on newborn infants and their mothers.

We find that once again, in spite of overwhelming bipartisan support and in spite of direct directions from the Agriculture Appropriations Committee that they were to spend money for the Women, Infants and Children's Program, the leading program that we have to diminish the incidence of mental retardation, of birth defects, of handicapped children, and even more importantly, of reducing infant mortality in this country, we now discover that once again this administration is failing to send the money so that these women who have been certified at high nutritional risk, at great risk of giving birth to a less than perfect child, are once again being thrown off of the rolls. Their pregnancy will not stop because this administration decided not to put forth the money. Their pregnancy does not know fiscal years, it does not know continuing resolutions.

So what we now have is this administration taking direct actions to increase the number of children in this country who will be born with birth defects, who will be born at low birth weight, children who will not have the same opportunity at success in the American society as others. This is a direct onslaught. They make it with absolute foreknowledge of the detrimental impact that they will provide to these women and to these children.

I would hope again that the Congress would rally, as it has in the past, both Republicans and Democrats, to tell Mr. Stockman, who is also waiting for his first child. He is hoping for a healthy pregnancy. I would hope he would understand that each and every mother and father of these children is hoping for that, but they will have a far greater risk of their child dying, of their child being handicapped, of their child being retarded, than Mr. Stockman's newborn baby will.

MAKING APPROPRIATIONS FOR AID TO NICARAGUA

The SPEAKER pro tempore. Pursuant to House Resolution 136 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 247).

□ 1318

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 247) to provide U.S. assistance to foster peace and nurture democratic institutions throughout Central America with Mr. BROWN of California in the chair.

The Clerk read the title of the joint resolution.

□ 1320

The CHAIRMAN. Pursuant to House Resolution 136, the first reading of the joint resolution is dispensed with, and the joint resolution is considered as having been read for amendment under the 5-minute rule.

The text of House Joint Resolution 247 is as follows:

H.J. RES. 247

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNITED STATES SUPPORT FOR PEACE IN CENTRAL AMERICA.

The Congress finds and declares the following:

(1) The United States desires peace in Nicaragua and throughout Central America. United States policy toward Nicaragua should encourage all combatants to establish a ceasefire and come together in peace negotiations in order to resolve the internal Nicaraguan conflict, nurture democratic institutions in that country, and promote peace and stability, as part of a regional settlement through the Contadora process or the Organization of American States.

(2) The countries of Central America, working through the Contadora process, have agreed to 21 principles (set forth in the Contadora Document of Objectives issued on September 9, 1983) which provide an appropriate framework for achieving peace and security in the region.

(3) Combatants on both sides of the conflict in Nicaragua have expressed in words their goals for peace and democracy in Nicaragua and throughout the region. United States policy should be designed to encourage these goals, including through the resumption of bilateral talks between the United States and Nicaragua.

(4) There are disturbing trends in Nicaragua's foreign and domestic policies, including—

(A) the Sandinista government's curtailment of individual liberties, political expression, freedom of worship, and the independence of the media;

(B) the subordination of military, judicial, and internal security functions to the ruling political party;

(C) the Sandinista government's close military ties with Cuba, the Soviet Union, and its Warsaw Pact allies, and the continuing military buildup that Nicaragua's neighbors consider threatening; and

(D) the Sandinista government's efforts to export its influence and ideology.

(5) The Congress will continue to monitor developments in Nicaragua to determine whether progress is being made to curtail these disturbing trends. Such progress will be a key element in congressional consideration of future economic and security assistance requirements in the region.

(6) If the Congress determines that progress is being made toward peace and development of democratic institutions in Nicaragua, consideration will be given to initiating a number of economic and development programs, including but not limited to—

(A) trade concessions,
(B) Peace Corps programs,
(C) technical assistance,
(D) health services, and
(E) agricultural development.

(7) Should Nicaragua not address the concerns described in paragraph (4), the United States has several means to address this challenge to peace and stability in the region, including political, diplomatic, and economic means. In addition, the United States—

(A) should through appropriate regional organizations, such as the Organization of American States, seek to maintain multilateral pressure on Nicaragua to address these concerns;

(B) should, if called upon to do so, give serious consideration to supporting any sanctions adopted by such an organization; and

(C) should consider the imposition of trade sanctions.

(8) In assessing whether or not progress is being made toward achieving these goals, the Congress will expect, within the context of a regional settlement—

(A) the removal of foreign military advisers from Nicaragua;

(B) the end to Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to the rebel forces fighting the democratically elected government in El Salvador;

(C) restoration of individual liberties, political expression, freedom of worship, and the independence of the media; and

(D) progress toward internal reconciliation and a pluralistic democratic system.

(9) The Congress is deeply concerned about human rights violations by both the Sandinista government and the armed opposition groups.

SEC. 2. PROHIBITION ON FUNDING FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA.

The prohibition contained in section 8066(a) of the Department of Defense Appropriations Act, 1985 (as contained in section 101 of Public Law 98-473) shall continue in effect without regard to fiscal year until the Congress enacts a joint resolution repealing that prohibition.

SEC. 3. ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT AND HUMANITARIAN ASSISTANCE FOR REFUGEES.

(a) IMPLEMENTATION OF CONTADORA AGREEMENT.—During fiscal year 1985, the President may allocate $4,000,000, which shall remain available until expended, for pay-

ment to the Contadora nations (Mexico, Panama, Colombia, and Venezuela) for expenses arising from implementation of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems.

(b) HUMANITARIAN ASSISTANCE FOR REFUGEES.—During fiscal year 1985, the President may make available up to $10,000,000 for the provision of food, medicine, or other humanitarian assistance for Nicaraguan refugees who are outside of Nicaragua, regardless of whether they have been associated with the groups opposing the Government of Nicaragua by armed force. Such assistance may be provided only through the International Committee of the Red Cross or the United Nations High Commissioner for Refugees, and only upon its determination that such assistance is necessary to meet humanitarian needs of those refugees. To the maximum extent feasible, such assistance should be provided to those organizations in kind rather than in cash. Assistance may not be provided under this subsection with the intent of provisioning combat forces.

(c) WAIVER OF LAWS.—Assistance under this section may be provided notwithstanding any other provision of law, except that section 531(c) of the Foreign Assistance Act of 1961 (prohibiting the use of funds for military or paramilitary purposes) shall apply to any assistance under subsection (b).

(d) SOURCE OF FUNDS.—Funds used pursuant to this section shall be derived from the funds appropriated to carry out chapter 1 of part I (relating to development assistance) or chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 or section 2(b) (relating to the "Migration and Refugee Assistance" account) or section 2(c) (relating to the Emergency Refugee and Migration Assistance Fund) of the Migration and Refugee Assistance Act of 1962.

SEC. 4. REPORTS TO THE CONGRESS.

No less frequently than once every 3 months, the President shall submit to the Congress a written report—

(1) describing any actions by the Sandinista government, and the groups opposing that government by armed force, which have contributed to or hindered efforts to establish a political dialogue in Nicaragua, to find a peaceful solution to the conflict, and to nurture democratic institutions in Nicaragua;

(2) describing the status of the Contadora process and United States efforts to begin the political dialogue in Nicaragua and to find a peaceful solution to the conflict;

(3) containing an accounting of any funds used under section 3 for implementation of a Contadora agreement or for humanitarian assistance for refugees; and

(4) containing such recommendations as the President deems appropriate with respect to future United States policies regarding Nicaragua.

SEC. 5. PRESIDENTIAL REQUEST FOR AUTHORITY WITH RESPECT TO NICARAGUA.

(a) PRESIDENTIAL REQUEST.—On or after October 1, 1985, the President may submit to the Congress a request for authority to take specified actions with respect to Nicaragua.

(b) CONGRESSIONAL ACTION ON PRESIDENTIAL REQUEST.—A joint resolution which grants the President the authority to take those actions specified in the request submitted pursuant to subsection (a) shall be considered in accordance with the procedures contained in section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in section 101 of Public Law 98-473), except that references in that section to the Committee on Appropriations of each House shall be deemed to be references to the appropriate committee or committees of each House. For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced after the Congress receives the President's request pursuant to subsection (a), the matter after the resolving clause of which is as follows: "That the Congress hereby authorize the President, notwithstanding any other provision of law, to take those actions with respect to Nicaragua which are specified in the request submitted to the Congress pursuant to Public Law 99- .", with the public law number of this joint resolution inserted in the blank.

The CHAIRMAN. No amendments are in order except the following amendments, which shall be considered as having been read, shall be considered only in the following order, and shall not be subject to amendment: First, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of April 22, 1985, by, and if offered by, Representative HAMILTON of Indiana; and said amendment shall be debatable for not to exceed 2 hours, to be equally divided and controlled by Representative HAMILTON and a member opposed thereto; and second, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of April 22, 1985, by, and if offered by, Representative MICHEL or his designee, and said amendment shall be debatable for not to exceed 2 hours, to be equally divided and controlled by Representative MICHEL or his designee and a Member opposed thereto.

For what purpose does the gentleman from Indiana [Mr. HAMILTON] rise?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HAMILTON

Mr. HAMILTON. Mr. Chairman, pursuant to the rules, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. HAMILTON: Strike out all after the resolving clause and insert in lieu thereof the following:

SECTION 1. UNITED STATES SUPPORT FOR PEACE IN CENTRAL AMERICA

The Congress finds and declares the following:

(1) The United States desires peace in Nicaragua and throughout Central America. United States policy toward Nicaragua should encourage all combatants to establish a ceasefire and come together in peace negotiations in order to resolve the internal Nicaraguan conflict, nurture democratic institutions in that country, and promote peace and stability, as part of a regional settlement through the Contadora process or the Organization of American States.

(2) The countries of Central America, working through the Contadora process, have agreed to 21 principles (set forth in the Contadora Document of Objectives issued on September 9, 1983) which provide an appropriate framework for achieving peace and security in the region.

(3) Combatants on both sides of the conflict in Nicaragua have expressed in words their goals for peace and democracy in Nicaragua and throughout the region. United States policy should be designed to encourage these goals, including through the resumption of bilateral talks between the United States and Nicaragua.

(4) There are disturbing trends in Nicaragua's foreign and domestic policies, including—

(A) the Sandinista government's curtailment of individual liberties, political expression, freedom of worship, and the independence of the media;

(B) the subordination of military, judicial, and internal security functions to the ruling political party;

(C) the Sandinista government's close military ties with Cuba, the Soviet Union, and its Warsaw Pact allies, and the continuing military buildup that Nicaragua's neighbors consider threatening; and

(D) the Sandinista government's efforts to export its influence and ideology.

(5) The Congress will continue to monitor developments in Nicaragua to determine whether progress is being made to curtail these disturbing trends. Such progress will be a key element in congressional consideration of future economic and security assistance requirements in the region.

(6) If the Congress determines that progress is being made toward peace and development of democratic institutions in Nicaragua, consideration will be given to initiating a number of economic and development programs, including but not limited to—

(A) trade concessions,

(B) Peace Corps programs,

(C) technical assistance,

(D) health services, and

(E) agricultural development.

(7) Should Nicaragua not address the concerns described in paragraph (4), the United States has several means to address this challenge to peace and stability in the region, including political, diplomatic, and economic means. In addition, the United States—

(A) should through appropriate regional organizations, such as the Organization of American States, seek to maintain multilateral pressure on Nicaragua to address these concerns;

(B) should, if called upon to do so, give serious consideration to supporting any sanctions adopted by such an organization; and

(C) should consider the imposition of trade sanctions.

(8) In assessing whether or not progress is being made toward achieving these goals, the Congress will expect, within the context of a regional settlment—

(A) the removal of foreign military advisers from Nicaragua;

(B) the end to Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to the rebel forces fighting the democratically elected government in El Salvador;

(C) restoration of individual liberties, political expression, freedom of worship, and the independence of the media; and

(D) progress toward internal reconciliation and a pluralistic democratic system.

(9) The Congress is deeply concerned about human rights violations by both the Sandinista government and the armed opposition groups.

SEC. 2. PROHIBITION OF FUNDING FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA.

The prohibition contained in section 8066(a) of the Department of Defense Appropriations Act, 1985 (as contained in section 101 of Public Law 98-473) shall continue in effect without regard to fiscal year until the Congress enacts a joint resolution repealing that prohibition

SEC. 3. ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT AND HUMANITARIAN ASSISTANCE FOR REFUGEES.

(a) IMPLEMENTATION OF CONTADORA AGREEMENT.—During fiscal year 1985, the President may allocate $4,000,000, which shall remain available until expended, for payment to the Contadora nations (Mexico, Panama, Colombia, and Venezuela) for expenses arising from implementation of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems.

(b) HUMANITARIAN ASSISTANCE FOR REFUGEES.—During fiscal year 1985, the President may make available up to $10,000,000 for the provision of food, medicine, or other humanitarian assistance for Nicaraguan refugees who are outside of Nicaragua, regardless of whether they have been associated with the groups opposing the Government of Nicaragua by armed force. Such assistance may be provided only through the International Committee of the Red Cross or the United Nations High Commissioner for Refugees, and only upon its determination that such assistance is necessary to meet humanitarian needs of those refugees. To the maximum extent feasible, such assistance should be provided to those organizations in kind rather than in cash. Assistance may not be provided under this subsection with the intent of provisioning combat forces.

(c) WAIVER OF LAWS.—Assistance under this section may be provided notwithstanding any other provision of law, except that section 531(c) of the Foreign Assistance Act of 1961 (prohibiting the use of funds for military or paramilitary purposes) shall apply to any assistance under subsection (b).

(d) SOURCE OF FUNDS.—Funds used pursuant to this section shall be derived from the funds appropriated to carry out chapter 1 of part I (relating to development assistance) or chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 or section 2(b) (relating to the "Migration and Refugee Assistance" account) or section 2(c) (relating to the Emergency Refugee and Migration Assistance Fund) of the Migration and Refugee Assistance Act of 1962.

SEC. 4. REPORTS TO THE CONGRESS.

No less frequently than once every 3 months, the President shall submit to the Congress a written report—

(1) describing any actions by the Sandinista government, and the groups opposing that government by armed force, which have contributed to or hindered efforts to establish a political dialogue in Nicaragua, to find a peaceful solution to the conflict, and to nurture democratic institutions in Nicaragua;

(2) describing the status of the Contadora process and United States efforts to begin the political dialogue in Nicaragua and to find a peaceful solution to the conflict;

(3) containing an accounting of any funds used under section 3 for implemention of a Contadora agreement or for humanitarian assistance for refugees; and

(4) containing such recommendations as the President deems appropriate with respect to future United States policies regarding Nicaragua.

SEC. 5 PRESIDENTIAL REQUEST FOR AUTHORITY WITH RESPECT TO NICARAGUA.

(a) PRESIDENTIAL REQUEST.—On or after October 1, 1985, the President may submit to the Congress a request for authority to take specified actions with respect to Nicaragua.

(b) CONGRESSIONAL ACTION ON PRESIDENTIAL REQUEST.—A joint resolution which grants the President the authority to take those actions specified in the request submitted pursuant to subsection (a) shall be considered in accordance with the procedures contained in section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in section 101 of Public Law 98-473), except that references in that section to the Committee on Appropriations of each House shall be deemed to be references to the appropriate committee or committees of each House. For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced after the Congress receives the President's request pursuant to subsection (a), the matter after the resolving clause of which is as follows: "That the Congress hereby authorizes the President, notwithstanding any other provision of law, to take those actions with respect to Nicaragua which are specified in the request submitted to the Congress pursuant to Public Law 99- .", with the public law number of this joint resolution inserted in the blank.

The CHAIRMAN. Pursuant to House Resolution 136, the amendment in the nature of a substitute is considered as having been read.

The gentleman from Indiana [Mr. HAMILTON] will be recognized for 1 hour, and a Member opposed will be recognized for 1 hour.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I rise in support of this amendment. This amendment seeks to move toward a negotiated solution which will protect the national interests of the United States in Central America:

It deemphasizes a military approach. It encourages a ceasefire.

It prohibits military aid to the Contras, until Congress acts otherwise.

It encourages a regional approach to peace. It encourages the Contadora process and the use of the OAS.

It encourages diplomacy. It encourages bilateral talks between the United States and Nicaragua.

It offers incentives to Nicaragua if it conducts itself in a way which promotes peace and development.

It promises sanctions if it does not.

It makes available humanitarian aid for the refugees of the conflict through international groups.

It provides for a Presidential report, congressional monitoring, and an assured reconsideration of policy in light of changing circumstances.

All of us in the House share common goals. We want peace in Central America. We want national reconciliation in Nicaragua. We want the removal of Soviet and Cuban military advisers. We want Nicaragua to stop its excessive military buildup, and its destabilization of the region.

The question before us is how best to achieve these goals. Until recently, the President has favored military assistance to the Contras. Now the President has changed his views and favors U.S. assistance for economic and humanitarian aid to the Contras. That is a significant change and the President is to be commended for it. That change has altered the entire nature of the debate, and, in my judgment, for the better.

The question before us today, thus, is no longer about continuing military assistance, it is about what form this economic and humanitarian assistance will take:

What agencies will administer this aid;

What kinds of oversight and accountability provisions will exist to insure that this assistance is for truly humanitarian purposes; and

Whether funds shall be available for the Contadora process.

These are narrower questions than the previous issue before us concerning whether the United States would continue to fund a covert action against Nicaragua.

The $14 million under discussion today is a relatively small sum of money, but the shift in policy by the President away from military and toward economic and humanitarian assistance, can be a key signal of the future direction of U.S. policy.

This amendment would:

Provide $4 million for expenses arising from the implementation of a Contadora agreement, such as expenses for peacekeeping, verification, and monitoring systems;

Provide $10 million humanitarian assistance for refugees who are outside of Nicaragua, regardless of whether they are associated with the Contras. This assistance may be provided only through the International Committee of the Red Cross or the U.N. High Commissioner for Refugees upon the determination of such organizations that the assistance is necessary for humanitarian purposes and may not be provided for the provisioning of combat units;

Require that the President must report to the Congress every 3 months on progress made in achieving the ob-

jectives of the resolution and on any expenditure of funds under the resolution and may, under expedited procedures, request further action by the Congress any time after October 1, 1985;

Continue in effect the prohibition of funding for military or paramilitary operations in Nicaragua;

Support a cease-fire in Nicaragua, peace negotiations and a regional settlement of the conflicts in Central America through the Contadora process or the Organization of American States;

Notes the disturbing trends in Nicaragua's domestic and foreign policies, set up a procedure for monitoring those trends and make curtailment of them a key element in future congressional decisions;

Call for consideration of economic and development programs for Nicaragua and technical and trade assistance should progress be made in bringing peace and democracy to that troubled nation; and

Call for consideration of political, diplomatic, and economic steps by the United States unilaterally and through the OAS should progress not be made by Nicaragua in addressing these concerns.

Mr. Chairman, this amendment, embodying a constructive new policy for peace in Central America, deserves strong support for several reasons:

First, this proposal is bipartisan proposal. It is cosponsored by three Democrats and four Republicans. We contend today over the one major aspect of U.S. policy toward Central America on which there is no consensus. But that obscures the progress that has been made in recent months toward a consensus on Central American policy. Following the constructive contribution of the Kissinger Commission and of others, there is today a growing recognition of the importance of Central America to the United States, of the social and economic deprivation which has existed there, of the external threat, and of the need to provide both economic and security assistance to friends in the area.

Yet, on Nicaragua there are deep divisions.

This amendment is sponsored by Members with a variety of views and approaches to the problems of Central America in an effort to get beyond the deep divisions which have plagued Central American policy and get the United States behind regional peace efforts and negotiations aimed at national reconciliation in Nicaragua. It is an effort to help build on the emerging consensus on policy toward Central America.

Second, this amendment emphasizes the importance of a regional peace settlement.

U.S. efforts alone will not bring peace and stability to Central America. We must work with, and have the support of, our friends in the area. U.S. policy should be directed toward promoting regional peace and stability through the Contadora process. This amendment is based on the premise that the best way to achieve U.S. goals in Central America is through close coordination with the Contadora countries and the other friendly governments in the region.

The Contadora countries believe that they are now close to achieving a regional peace settlement, according to President Betancur of Colombia. As a sign of our additional commitment to the diplomatic process, this resolution provides $4 million for expenses arising from implementation of an agreement among the countries of Central America based on the Contadora principles.

There does not exist, at present, an established Contadora administrative unit capable of receiving funds to implement such an agreement, but the Contadora nations have over 100 diplomats working on a Central America agreement. Costs will be associated with peacekeeping, verification and monitoring provisions of any regional peace settlement.

We do not now know the precise costs associated with implementing agreements or how much of them the United States will be expected to pay. However, we believe we should be prepared to support and encourage Contadora diplomacy. The $4 million is seed money for peace. It is a tangible demonstration of our commitment to support regional diplomatic efforts toward a peace agreement.

Third, this proposal shifts the emphasis of U.S. policy away from military options to the pursuit of nonmilitary, diplomatic, political and economic strategies.

The amendment is based on the view that we have not fully pursued available diplomatic, economic and political options.

The amendment provides for tough-minded diplomacy. It encourages the United States to take its case and its evidence to the OAS, the United Nations, and the Contadora nations. It encourages a regional settlement with the involvement of the Contadora countries and other friendly governments in the region.

By deemphasizing military options and allowing time for negotiations, the amendment tests the stated desire of the Government of Nicaragua to pursue negotiations with the Contadora countries and the resumption of bilateral talks with the United States. Negotiations among the parties to the internal conflict in Nicaragua will not be easy, but that is the whole point of negotiations. If there were no disagreements, negotiations would not be necessary.

If negotiations do stall or if Nicaragua's disturbing policies continue, the United States has several policy options it can pursue which can make life difficult for the Sandinistas. These include:

Strengthening the defense capabilities of Nicaragua's neighbors;

Taking political and economic steps against Nicaragua in conjunction with our allies in Europe and Japan; and

Acting through regional security mechanisms and in cooperation with our friends in the region.

To date, the United States has been unable to pursue these alternatives effectively because our friends and allies are reluctant to support our efforts while we support the covert war against Nicaragua.

The amendment does not preclude, at a later date, the consideration and pursuit of military options against Nicaragua. Those military options should be a choice of last resort, not the means early employed, in U.S. policy.

It is my view that measured nonmilitary policies to protect and promote U.S. interests, in conjunction with the broad-based regional diplomatic process, offer the best hope to achieve regional peace and stability in Central America.

Fourth, this amendment is balanced. It seeks to put equal pressures on all parties to the conflict in Nicaragua.

This amendment:

Puts equal pressure on all sides of the internal Nicaraguan conflict to enter a negotiating process to achieve national reconciliation in Nicaragua and promote a pluralistic, democratic system in that nation;

It expresses our deep concern about the disturbing external influences in Nicaragua and the conduct of the Nicaraguan Government;

It criticizes both the Sandinistas and the groups opposing the Sandinistas on human rights; and

It provides incentives for Nicaragua if its conduct changes in ways the United States considers important for the peace and stability of the area, and sanctions if it does not.

Because this balanced approach puts pressure on all parties, it has a more realistic chance of promoting a negotiating process. No government wants to negotiate with a gun at its head or when its opponents have incentives for negotiations to fail.

We must be both fair—and tough—in our approach. That balance is in this amendment and that combination is more likely to win the respect and support of other states in the region and around the world. The military action denied us that respect and support.

We all have our objections to Nicaragua's policies and doubts about dealing with the Sandinista government. But

if pressures and incentives are to work on that government, there must be time to begin a negotiating process and the absence of undue and unbalanced pressure on the parties. This resolution provides that time and balance.

It also tells the Nicaraguan Government, that if they do not grasp the opportunity offered, the United States will pursue policies that will make life even more difficult for them.

Fifth, this proposal provides for the humanitarian relief of refugees.

There are growing numbers of refugees outside of Nicaragua, and these people need help.

People who are in need of food, clothing, and shelter should be helped, and that aid should be provided on a nonpolitical basis. The $10 million in this proposal is not intended to help carry on a war. It does not provide food and medicine and clothing to the Contras so the assistance they receive from other sources can be used to carry on the war. It is intended to help those who have been victims of the war. This aid is to be provided regardless of whether refugees have been associated with the groups opposing the Government of Nicaragua by armed force.

To insure that this humanitarian assistance reaches those in need, the vehicles for its provision are the U.N. High Commissioner for Refugees and the International Committee of the Red Cross. Both of these organizations have long assistance in refugee assistance and in this region. This assistance would be provided according to the standard procedures under which these organizations normally operate. These procedures include that aid cannot be provided to armed groups or individuals.

Sixth, this proposal provides for Executive reporting and congressional review of policy to determine what additional steps are necessary, as circumstances change.

Should the diplomatic process not move forward, the Congress will weigh that fact heavily. The Congress will consider carefully which parties have been helpful in advancing peace and which parties have been a hindrance.

Congressional ability to reopen this issue at a later date is an important signal, and incentive, to all parties to the conflict.

The Sandinistas would know that if they did not participate in such a dialog, they will have strengthened the case for aid to the Contras.

The Contras would know that their own good faith efforts, as well as their willingness to address human rights violations, would be carefully monitored by Congress.

This process of report and review will build restraint and incentives into the process. At each step, as circumstances unfold, the Congress will have an opportunity to review and adjust its policy.

Under this amendment both the Congress and the Executive must work together in future consideration of policy. Neither can proceed alone, but the executive branch will have the assurance that Congress will not be able to delay action because of expedited procedures.

The CHAIRMAN. For what purpose does the gentleman from Michigan [Mr. BROOMFIELD] rise?

Mr. BROOMFIELD. Mr. Chairman, I rise in opposition to this ill-advised amendment, and I yield 5 minutes to the gentleman from Illinois [Mr. HYDE].

The CHAIRMAN. The gentleman from Michigan [Mr. BROOMFIELD] is recognized for 1 hour, and the gentleman yields 5 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I noticed that the distinguished gentleman from Indiana said that this legislation will facilitate bringing this matter before the OAS and the Contadora countries. I wonder why we do not bring it to the World Court. Everyone seems to think the World Court is so great, with its Soviet judge, with its Iranian judge, and with its judge from Communist Poland. That would be a great place to bring this controversy. But I digress.

Now, all problems, someone said, are caused by solutions, and this legislative solution certainly creates a lot of problems. The Democratic Party's felt need for an alternative has produced this bizarre creature. I mean no disrespect, but this bill reminds me of a dog with emotional problems. It barks at its friends and wags its tail at its enemies. It says, with Communists, pressure won't work, so let's kill them with kindness."

Well, I sit on the Foreign Affairs Committee with the chief sponsor of this legislation, and I sit at the feet of some great statesmen, and one to whom I pay strict attention on that committee is the gentleman from New York [Mr. SOLARZ], who has introduced legislation to provide $5 million in military aid to the non-Communist resistance in Cambodia.

□ 1330

One of the things he said during the markup, which I have almost committed to memory, is as follows:

> And while it's very true that ultimately the Vietnamese might react with more force, everybody recognizes that there is no way the non-Communist resistance is ever going to force Vietnam out. That's clearly impossible. But what is possible is that an increasingly effective resistance, by increasing the price Vietnam has to pay for their occupation of Cambodia, might induce the Vietnamese to agree to a political settlement.

Now, this legislation is not benign. It is not even merely cosmetic. It is not huff and puff, as the gentleman from Illinois said last night.

This legislation does direct and deadly damage to the democratic resistance in Nicaragua. It is retreat. It is disarmament. It is surrender. How you are going to have tough-minded diplomacy, having vacated the field altogether boggles the mind. It turns freedom fighters into refugees, into exiles from their own country and, of course, they can live on the handouts that the United Nations decides to let them have.

It does nothing to encourage the Sandinistas to stop their internal repression, their external subversion or to negotiate in good faith. It throws in the towel. It runs up the white flag and signals the Sandinistas to consolidate their revolution. It tells them they do not need the pretense of pluralism now. It helps them squeeze smaller the available space that the democratic opposition might have in Nicaragua.

Honduras and Costa Rica must be saying, "With friends like this, who needs enemies?"

Do we really want to transform them into a giant refugee camp, another Lebanon? Do Honduras and Costa Rica want to yield their sovereignty to the U.N. Commissioner on Refugees or to the Red Cross?

And the appropriation to the Contadora group of $4 million to implement a peace treaty is a triumph of hope over commonsense, since this bill encourages surrender, disarmament, and permanently decapitates the Contras by permanently prohibiting military assistance to the democratic resistance, no matter what.

How in the world are they going to have any incentives to negotiate? We offer those of whom the Washington Post yesterday said we owe a "decent concern," we offer them disarmament, surrender, and refugee status. We turn Central America into an area of guaranteed instability, which is a euphenism for concentration camps for thousands of refugees.

This is not mere indifference. This is despair. This is disaster and it says to people willing to fight and die for their freedom, "We won't help you fight, but we'll help you flee. If Honduras and Costa Rica won't accept you, let's ask the United Nations to buy you some boats." Then our pullout will have created boat people in this hemisphere as well as Southeast Asia.

Mr. FOWLER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. Mr. Chairman, I rise in support of the Hamilton substitute, of which I am an original cosponsor. As a one-time supporter of military assistance to the Contras let me explain why my thinking has changed,

and why I support only humanitarian aid at this time.

The originally stated goal of U.S. aid to the Contras was to help slow the flow of arms from Nicaragua to El Salvador—a goal which is as sound today as it was at the onset. With the disclosure of the mining of the Nicaraguan harbors it took no great imaginaiton to realize that the reasons for aid had been broadened far beyond what the Congress and the American people had originally been told. And this was done in such a way as to put in danger the lives and property of Nations friendly to the United States whose ships frequent Nicaraguan ports—hardly a way to build international support for the Central American policies of the United States. My change of view on Contra aid dates from the disclosure of the mining.

My concern deepened with the reports—growing in frequency—of alleged atrocities committed by Contras against unarmed citizens. Many specific allegations were brought to my attention by constituents, both lay and clergy, who are respected citizens in my community. Frankly, I don't know whether these allegations are true or not. Upon inquiry both to the House Intelligence Committee and the administration, I was advised that no comprehensive inquiries into the accuracy of these charges have been made by our Government. That to me is simply unacceptable. I can think of no higher priority than assuring the Congress and the American people that those who receive our assistance will not misuse it.

Without such assurances, I could not support the President's request. If there is truth to the charges that the Contras have indulged in torture, murder, kidnaping, and rape of innocent civilians—and I repeat I don't know whether such charges are correct—U.S. military aid should not be resumed until there are adequate controls to stop such activities in the future. I say this not with a Pollyanna view of war or to suggest that the Sandinistans are a bunch of choir boys—they are clearly guilty of unspeakable crimes against humanity—including genocide—and the export of revolution and violence. I am adamant on this issue because I do not believe that the Contras—by descending to the level of the Sandinistas as has been alleged—can, by such tactics, expect to win the hearts and minds of the people of Nicaragua whose support is crucial to the success of the Contras' cause. One must doubt that the Founding Fathers would have succeeded in their revolution if they had indugled in such tactics.

As for humanitarian aid the principles are clear, and flow from the finest traditions of our people. Nicaragua is racked by civil strife producing a steady flow of refugees. It is clearly appropriate to provide food and medicine to such refugees, whether Contras or not, and this can be done most efficiently through established international organizations with proven records and experienced staffs.

Let me close by indicating that I don't understand the partisan cleavage on this issue. I consider myself a supporter of the long and distinguished bipartisan foreign policy traditions of the late Senator Robert Taft, who lived in the district I now have the honor to represent. The substitute to which I have lent my name drafted by a group of us about equally divided between the two parties. During the process I offered to exchange ideas with the administration in the hope that the disagreements we see in this debate over how to provide humanitarian aid could be avoided and we could as a government speak with one voice on this issue. Only when there was no response to my offer did I decide to cosponsor the Hamilton substitute which I believed then and believe now sets policies which offer the best chance for achieving U.S. aims in Central America.

Mr. BROOMFIELD. Mr. Chairman, I yield 7 minutes to the gentleman from Ohio [Mr. DEWINE], a member of the Foreign Affairs Committee.

Mr. DEWINE. Mr. Chairman, as we begin this debate today or continue what we started yesterday, I would ask my colleagues to do one thing. This may be a shock to all of us, but I will admit that very few of us read every word of every resolution that comes in front of us. That may be a shock to our constituents, but certainly not to us.

Read this. Read this substitute. Read what they are proposing and tell me what it does to facilitate peace, what pressure it puts on the Sandinista Communists, who have already rejected peace offer after peace offer from the Contras, who even though the United States gave over $100 million of aid after they came to power, continue to move toward the Soviets.

What is in here? There is nothing wrong with this amendment. It just doesn't have a darn thing to do with this debate. It has nothing to do with what we are talking about today.

Let me just go through some of the words in this amendment and again I would ask my colleagues to read this.

We are going to "monitor" developments in Nicaragua and then if they do not move in the right direction, what are we going to do? We are going to refuse to send the Peace Corps. We are not going to send technical assistance. We are not going to send health services. These are all things, most of them, that we did anyway in 1979. It was the Carter administration that pulled them back. We have already tried that approach.

Another word that is used is that we "give serious consideration" to support sanctions adopted by the OAS. Let me get down to section 2, which is the real guts of it. Section 2 continues basically the confirmation by this Congress of the Brezhnev doctrine, which basically says, "What is free is negotiable and what is the Soviet Union's you can't touch." It confirms that. No military aid to this area, no military aid to the Contras. It reaffirms that doctrine.

Then we get to the heart of the amendment. It is really going to accomplish something; $10 million, and what is that going to be used for? It is going to be used for refugees outside of Nicaragua. Now, that may be all well and good. That may be fine. Maybe we should do that, but it has nothing to do with the issue at hand.

Then we get to the $4 million that is going to be held out for the Contadora process. Again, there is nothing wrong with that, but let us not kid ourselves about what this does.

I spoke yesterday about asking my colleagues on this side of the aisle what steps they were using to get the Sandinistas to change their ways.

□ 1340

I kept receiving the answer yesterday that we were going to get it, we were going to get it today with this amendment.

Mr. WEISS. Will the gentleman yield?

Mr. DEWINE. I yield to the gentleman from New York.

Mr. WEISS. It seems to me that it has been said repeatedly that what we are supposed to be doing is getting the Contadora process in action with the verification of all of the various things, for removing advisers, for having the arms reduction in that area. That is the way to move, and the gentleman, it would seem to me, would support that, and that is what this resolution does.

Mr. DEWINE. I certainly support that. What I am saying is that there is nothing really wrong with what your resolution does. It just does not do much. That is the tragedy of it, it just does not do much.

I would ask some of my colleagues on this side of the aisle, you were saying that we are going to come back and revisit this issue in 6 months. I love that word. I never learned that word until I came to Congress. Now it is a new word. We are going to revisit this issue in 6 months.

Well, gentlemen, let me ask you, let us put the ball right over there in your court. Tell us, tell the American people today that assuming, let us just assume, and maybe we are naive, but let us assume that the Sandinistas do not become democrats in 6 months. Let us assume that they do not have good negotiations. Let us assume that

none of these things happen. Who among you is going to vote for military aid to the Contras? Let us start with that.

Mr. FOWLER. Will the gentleman yield.

Mr. DEWINE. I will yield, but let me phrase the question first. Then I will yield to the gentleman in just a second.

I would like to know, just yes or no, who, if assuming all of those things will come in this Chamber, who will say yes, yes I am going to vote for military aid to the Contras?

Mr. FOWLER. I will discuss it, if the gentleman will yield.

Mr. DEWINE. How many more?

Mr. FOWLER. Will the gentleman yield to me?

Mr. DEWINE. Yes, I will yield to the gentleman.

Mr. FOWLER. I would say to the gentleman if this is as serious a problem as the gentleman describes, is he willing to bring in a declaration of war, the United States against Nicaragua? Why are you not?

Mr. DEWINE. If I can reclaim my time to answer the question, I think the whole point of the debate today is that, my God, we do not want to have to do that. But we have another viable option and it is certainly not this piece of paper that is in front of us, although there is nothing really wrong with it.

The other option is to keep the pressure on the Sandinistas by the military.

Mr. MCCAIN. will the gentleman yield?

Mr. DEWINE. And I yield to my friend from Arizona [Mr. MCCAIN].

Mr. MCCAIN. It is very interesting that we keep bringing up the question, "Are you prepared for a declaration of war?" The gentleman from Georgia obviously knows that none of us support such action and the reason why we are so strongly in opposition of this idiotic proposal is because we do not want to have to be in a situation where this Nation may have to declare war, and the gentleman from Georgia knows that.

Mr. RICHARDSON. Will the gentleman yield ?

Mr. DEWINE. I yield to my friend from New Mexico.

Mr. RICHARDSON. I appreciate the gentleman yielding.

I would like to tell my colleague that should these principles not be adhered to by the Sandinistas, I see this resolution as basically a message to Managua that there will be Members of Congress like myself who agonized over this vote who will not continue to support the Sandinista efforts as we have indirectly.

If these declarations are not adhered to, that they stop their exporting of revolution, that they continue the human rights violations and persecutions, that they not negotiate with the Contras, here is one Member that will change his vote accordingly.

The gentleman asked for that.

Mr. DEWINE. I appreciate that from these two Members. I would like to hear it from some others.

Mr. LAGOMARSINO. Will the gentleman yield?

Mr. DEWINE. I yield to my colleague from California.

Mr. LAGOMARSINO. I want to make this point too, that I agree, this amendment is not bad, but it does not do anything. And the worst thing about it is, I guess, it makes it look like we are doing something.

Mr. DEWINE. It is a sham.

Mr. LAGOMARSINO. It is a sham. And I think the people proposing it know that they will not, probably cannot get an agreement with the other body on this anyway, so we are not going to be doing anything about this.

Mr. DEWINE. If I can reclaim my time for a moment, it does nothing about this issue. Maybe from a humanitarian point of view it is good, but it does nothing about the issue.

Mr. LAGOMARSINO. With all due respect to my colleagues, I appreciate what they said, and I am certainly sure they meant it and will do that if the Sandinistas do not come through as they are expected to do. The only problem is who is going to be there to give the military aid?

Mr. DEWINE. Will there be any Contras left?

Mr. MCCAIN. Will the gentleman yield?

Mr. DEWINE. I yield to the gentleman from Arizona.

Mr. MCCAIN. I think the point of the gentleman from California is very clear. The Barnes amendment simply encourages refugees.

Do we really believe that they are going to sit there as refugees and wait until next October, and still be able to take up arms against the Sandinista government which has opposed them and suppressed them?

In the meantime, what is the Sandinista government doing? They are setting up free fire zones, they are continuing their importation of 18,000 tons last year of military equipment, from the Soviet Union, that flow of arms continues on unabated, and they continue to increase their ability to destroy freedom fighters. At that time we will be faced with a much more difficult situation.

Mr. FOWLER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. ZSCHAU].

Mr. ZSCHAU. I thank the gentleman for yielding.

Today is a new day. I had hoped it would be a day where we could begin to forge a bipartisan policy toward Nicaragua.

Goodness knows we need one. We need a policy on which there is broad consensus. Without consensus, a foreign policy cannot be sustained. If a policy cannot be sustained, it is not going to be effective.

The intense debate yesterday obscured the broad areas of agreement on this issue. It was my hope that we could build on those areas of agreement to establish a policy toward Nicaragua that would attract bipartisan support.

It came through loud and clear in the debate yesterday that we agree—at least most of us—that Nicaragua has betrayed the goals of its revolution and poses a threat to its neighbors.

The question has been: What do we do about it?

Some say we should do nothing; it is none of our business. Others say we should support armed resistance to force the Sandinista regime to change its way.

I say that achieving change by force in Nicaragua would be difficult at best and with a lack of broad support in this country that policy is doomed to failure.

But we do have relatively broad agreement in the Congress and the administration that regional economic development and a regional treaty among the Central American countries is a most promising approach to solving the problems posed by Nicaragua. A verifiable treaty under which all countries in the region would respect the rights of their own citizens and the security of their neighbors would address the concerns that we have.

We have such a negotiation under way. The Contadora process was started 2 years ago. In September of 1983, the five Central American countries plus the Contadora countries of Mexico, Venezuela, Panama, and Colombia agreed to 21 objectives having to do with protecting human rights, establishing democracy, and ending foreign military involvement in the region and support of the insurgencies in neighboring countries.

I talked with a State Department official just last week, and I was amazed to learn how much progress there had been in the negotiations. It's surprising with the issues being so complex and with so many participants just how few sticking points there still are in those negotiations. It is quite possible that by the end of this year there could be an agreement designed to meet the Contadora objectives that could be signed by all of the countries in the region.

Where we've had the most disagreement on this issue is over the question of how we in the United States can foster these Contadora negotiations. Some say we need to pressure the Sandinistas and that the Contras are the best instruments of pressure.

Others, including the leaders in the Contadora nations, say the Contra ac-

tivities are counterproductive, that they give a reason, or at least a rationale, for the Sandinistas to increase their military capabilities.

The Barnes/Hamilton resolution is not perfect, but I support it because I believe it can provide the basis for a new policy toward Nicaragua which would attract bipartisan support. Perhaps it can be improved in conference with the other body. It offers an approach that emphasizes diplomacy while retaining all other options. It would call for a cease-fire and a dialog within Nicaragua, support of the Contadora process, and provide some humanitarian assistance, although, as the gentleman from Arizona [Mr. McCAIN] has indicated, such assistance would be restricted to those outside of Nicaragua because it is specifically designed not to support continued fighting.

I believe this policy does provide pressure on the Sandinistas. It monitors specific items of concern—removal of foreign forces, end to insurgency support, restoring liberty in the country, and reconciliation with the armed opposition—and it provides some incentives. Most importantly, anytime after October 1 of this year the President can bring to the Congress and have considered under expedited procedures, any new proposal for stepped up pressure on Nicaragua if there is a lack of progress, or for an improved relationship, if there is progress.

□ 1350

The question was asked: Which Members would support stronger action if there is no programs? Would any supporters of Barnes-Hamilton support military and paramilitary assistance to the Contras if there is no progress or if there is an escalation of Sandinista military activity in the region? This Member, would support strong actions under such circumstances and I believe other Members would do so as well.

It has been charged that the Barnes-Hamilton resolution "does nothing." That's true if you assume that "doing something" necessarily means military activity.

When we deal with the Middle East which is a very complicated situation, we do not assume that we have to support insurgencies in some of the countries in order to "do something" to bring peace to that region. I do not think we should have such a narrow definition of "doing something," restricted to just military activity alone.

This resolution will not be attractive to all Members. If you believe we have no business in the region and we should not try to influence the outcome, it will not be attractive to you. If you want to increase Contra fighting capability it will not be attractive to you. If you do not want a regional treaty that would restrict all foreign military involvement in the region, including ours, it will not be attractive to you.

But if you want to begin to build a new bipartisan policy that gives diplomacy a chance, I ask your support.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. Mr. Chairman, we have spent a lot of time over the past few days debating the merits of U.S. policy in Central America. Many of us have traveled to the area, some of us on more than one occasion. With only a few exceptions, nearly every Member I've talked to or traveled with, has decried the evil nature of the regime that today holds power in Nicaragua.

During the debate on this floor for the past 2 days I have repeatedly heard Democratic members including the sponsors of the Barnes alternative admit that the regime in Nicaragua does censor the press, violate human rights, hold fraudulent elections, engage in subversion against its neighbors, and serve as the host country to vast numbers of Cuban, Soviet, East German, Libyan, and PLO advisers. Most Members of this body have concluded, or would conlcude, if they took the time to study the matter that what we have in Managua today is a Marxist-Leninist, Communist government. The more liberal wing of the Democratic Party, and that includes virtually all of the leaders and would-be leaders of the Democrats in the House of Representatives, claim to be concerned about the possible spread of communism in this hemisphere. They claim to be sincerely committed to pursuing policies designed to do something about the strife and turmoil and tragedy in Central America.

But Mr. Chairman, it is difficult to take them very seriously when they bring before us something as watered down and basically irrelevant as the proposal now before us.

The Barnes plan plays right into the hands of the Communist government in Nicaragua.

The Barnes-Hamilton amendment signals to the Sandinistas that they are free to consolidate their internal control and repression.

The Barnes plan urges the Nicaraguan resistance to give up and leave Nicaragua. It seeks to turn the Nicaraguan resistance into refugee exiles dependent on handouts from the United States and our allies.

What is even worse, is that the Barnes plan does absolutely nothing to encourage the Sandinistas to stop internal repression, stop external subversion, and negotiate in good faith.

The Communist government is in the midst of a civil war and there will be no peace in Nicaragua until they negotiate with their own people. Until they attempt to accommodate the other pluralistic elements within Nicaragua, such as the church, the business community, and other political beliefs, there will be no lasting peace in Nicaragua.

This Barnes-Hamilton amendment is a fascinating document—it really is. I don't know why generations of American diplomats didn't think of this approach to halting and reversing the spread of communism. Why, think of what Harry Truman could have done with this when faced with the crisis in Europe after World War II—instead of spending billions on the Marshall plan and on building NATO he could have made a donation to the International Red Cross. And instead of sending American troops to Korea to save South Korea from the Communist aggression of the North Koreans, he could have made a donation to the International Red Cross.

This is a whole new doctrine in American foreign policy—the Barnes doctrine.

This is how it will work in Central America. Got a problem with the Communist government in Nicaragua—are they censoring the press? Why we'll give a donation to the International Red Cross.

Are they persecuting the Catholic Church and other religions? Give a donation to the International Red Cross.

Have they engaged in a massive military buildup that grossly distorts the balance of power in the region? Give a donation to the International Red Cross.

Have they invited thousands of Cuban, Soviet, East German, Libyan, and PLO advisers into Central America?

Do they hold fraudulent elections and commit human rights violations even on their own people?

Have they engaged in efforts to subvert the governments of El Salvador, Honduras, and Costa Rica?

Are they doing everything in their power to create a Soviet-Cuban style, Communist dictatorship in Central America? Give a donation to the International Red Cross.

Now, in all fairness to my colleagues who authored this amendment, they do also ask for negotiations. It wouldn't be right to leave you with the impression that they only want to give money to the International Red Cross.

Now I would like to believe it's that simple for us to hold our own against our Soviet adversaries in Third World conflicts—but I don't believe it is. I think the record is replete with evidence, from the last two administrations that we have done everything humanly possible to persuade this government in Managua that we want to work with them, to help them develop, to see them become a free and independent nation. And no matter what we've tried we find that they are driv-

ing, more out of consideration for their relationship with the Soviet Union, than they are by a true concern for the circumstances of their people.

I would have greater confidence in the proposals of our Democratic colleagues if I thought there were any circumstances under which they would come to this floor and recommend a more decisive course of action. Or if I believed that a year from now after this policy has failed, they would come to the well of the House, admit the policy had failed, and support a more effective policy. But I have a hunch, that when this policy fails, and it will fail, they will blame the administration, rather than this policy.

The question of providing lethal assistance, weapons and ammunition, to the FDN, the democratic forces fighting to reclaim their revolution, is unfortunately, not before us today. The only choice is between the proposal of Mr. BARNES and Mr. HAMILTON, or the proposal of the Republican leader, Mr. MICHEL. I don't think that it is a difficult choice. The Michel option at least preserves the principle of U.S. support for the only people in the hemisphere who are willing to put their lives on the line, to defend their nation against those who would pose a Communist ideology from outside the hemisphere.

The International Red Cross may run good refugee camps, but they will need a lot more than $14 million, if the Communist government in Nicaragua is able to consolidate this power and the remaining non-Communist elements are forced to become refugees. And the Red Cross is irrelevant if our objective is to oppose further subversion and aggression in Central America.

In the final analysis, Mr. Chairman, if you believe we are faced with a serious, Soviet-backed, threat in Nicaragua, you should defeat the Barnes-Hamilton package, and support the Michel substitute.

If you believe, as I do, that the FDN Contra forces are dedicated to defeating the Communists and restoring democracy to the Nicaraguan revolution, then you should defeat the Barnes-Hamilton proposal.

And finally, if you are truly interested in avoiding even deeper involvement of U.S. forces in Central America, you should vote to help the Nicaraguans help themselves. If this House refuses to go forward with at least humanitarian aid to the Contras, the ultimate cost to the Nation in terms of lives and treasure will be far more than $14 million.

Mr. McCAIN. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from Arizona [Mr. MCCAIN].

Mr. McCAIN. Mr. Chairman, I intended to take my turn later on but I think it is very important to point out the absence of incentive for negotiations as part of the Barnes-Hamilton amendment.

There is also a prohibition on military assistance to Nicaraguan resistance which remains in place in this amendment.

I think it is very important to hear what Managua radio Sandino Network said this morning while they applauded the congressional vote last night. I will only read the last paragraph:

> In conclusion, the Nicaraguan Government wishes to reiterate its firm irreversible position that it will never accept any kind of a dialog with the mercenary forces directed and financed by the United States Government regardless of the pretext to stage this dialog.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. FOWLER].

Mr. FOWLER. Mr. Chairman, I regret that my colleague from Wyoming, Mr. CHENEY, refused to yield for debate, for what he said deserves to be answered.

The speech that he read has been read in this Chamber by him and others many times before. Only the name of this year's country has been substituted.

A few years ago I heard the same speech read by similar spokesmen for this administration when we were supporting a government in Ethiopia against Marxists, as they called themselves, in Somolia. After pursuing this policy—thought to be in the best interest of the United States—for a while we found that events change and now ironically we are supporting the Somolians even though Mr. Barre calls himself a Marxist, against the Communists in Ethiopia.

□ 1400

I remember when that speech was read a few years ago by administration spokesmen about Albania, which was first a Soviet satellite, second, a Chinese Communist satellite, and is now some form of xenophobic nationalism, I guess, which our country embraces.

I remember when that speech was read by administration spokesmen in this body about Algeria, a country that we condemned as Communist, but to which we are now providing arms and understanding.

I remember when that speech was read about the Sudan and Zimbabwe and Marxist Mozambique, but have now changed our policies. I remember too well the accusations heard here today that there is no reconciliation, no negotiation possible; that we cannot find a way to solve our problems, eliminate hostile influences, and to support the forces of democracy short of waging war.

I urge my colleagues to put the problem of Central America in that perspective of recent history. Central America is important to the United States. It is not at this moment vital to the United States.

But the United States is vital to the freedom and economic development of Central America. We can sustain a better course; 40 Republicans along with 40 Democrats last night said a military solution is not the only solution and not a bipartisan solution.

The amendment offered by Mr. BARNES today is first step in achieving a sustainable U.S. foreign policy in minimizing hostile influences in Central America. I hope you will support it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. HARTNETT].

Mr. HARTNETT. Mr. Chairman, I listened yesterday to the debate on a similar issue to the one we have before us; and I have tried to listen patiently today. I guess I consider myself somewhat more unlike those who are on the floor here and maybe more like those who are in the gallery or walking around outside in the street.

I do not know a lot about foreign policy. I do not known a lot about Albania and Ethiopia. I care because there are people there, human beings who have a body and soul. I care for their well-being. I do not know a lot about them, and I guess to some degree I am not as concerned about them as I am about the people that I call my fellow Americans here in these United States.

My colleague that preceded me here in the well, Mr. CHENEY, rhetorically asked some questions:

Do you believe that Nicaragua exports terrorism?

Do you believe that Nicaragua oppresses free speech and religion?

Do you believe that Nicaragua is a bastion now for Soviet military hardware and advisers and Cuban advisers?

Do you believe these things?

Do you believe that communism and Marxism in this hemisphere is a threat to life in the United States the way we have known it?

My friends, if you do not believe these things then, of course, anything that I would say today is going to fall on deaf ears.

If you do not believe that communism is a threat to our way of life in these United States and if stability in Central America is not of great concern to these United States, then you may as well not even be present in this Chamber.

Do you not think that it is in the best interests of the United States for us to have some control of activities in Central America? Do you not believe that if Nicaragua were to go unabated in exporting terrorism to all Central American countries, that ultimately

they would be knocking on the door of the borders of Texas from Mexico?

Do you believe that our whole economic structure in these United States would be unalterably changed? Do you not believe that really we should put our country first and not be so concerned about world opinion?

What is the reason for the presence of Soviet military advisers and Cuban military advisers and hardware in Nicaragua? For its own self-protection? An armed force in excess of 60,000 men for its own protection from bordering countries who scarcely have active police forces?

Do you wonder some time the confusion that the American people must experience when they feel a great surge of pride in this country; a great surge of patriotism, a great sense of America being first in the hearts of their fellow countrymen, and they look to this Congress, which has been referred to by some as the "superbowl of hypocrisy?" And see some of you here in Congress always blaming America for all the world's problems.

You express concern about stability. You express concern about your neighbors, and yet still you support a plan such as this put before us by Mr. BARNES and Mr. HAMILTON. A plan which would sell out the freedom fighters of Nicaragua.

Mr. Chairman, people like me, just simple little Americans that do not have the fancy educations and all the liberal ideas that perhaps some of you have; we wonder. We wonder, what is it you are doing? Why do you not have your own country's best interest at heart?

Because most assuredly when this plan fails, and it will, the same voices that have been raised from this Chamber today will be blaming this administration, for once again having failed with its foreign policy in Central America.

No, I guess I am just like the poor little old farmer maybe from Kansas, or the peach grower in Georgia, or maybe the realtor in Charleston or the insurance agent in Raleigh who thinks, "Why can't there be a simple solution? Why can't we just tell Nicaragua, 'Either straighten up or we're coming down?' "

Mr. FOWLER. Will the poor little peach farmer yield?

Mr. HARTNETT. I will not yield. Mr. FOWLER, you've had your say, thank you.

Mr. HAMILTON. Will you yield to me?

Mr. HARTNETT. No, I will not, sir.

My colleagues, America is asking itself; CBS, NBC, and ABC notwithstanding, "Won't somebody tell us the truth? Won't somebody tell us what really is going on in Nicaragua?"

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROOMFIELD. I yield 1 additional minute to the gentleman from South Carolina.

Mr. HARTNETT. For once, I would urge my colleagues on the other side of the aisle, let us not, all of us, collectively try to set foreign policy; let us not all of us be experts after 2, 4, 6, 8 years in Congress of what is best for us in Central America. Let us try to help to some small degree people who are vitally concerned about their own future, as we should be about ours.

Please defeat this Barnes-Hamilton plan and let those folks up there in the gallery and out there on the streets who are wondering "What kind of a menageria is this place?" Let them know that we have the best interests of you at heart, our fellow Americans, and that best interest would be to see that there is stability in Central America and that the Contras be allowed to continue their effort to bring about the type of government they want in their country and let us really be against oppression, and let us really be against tyranny and communism and Marxism in our own hemisphere and maybe the confusion, I am sure which so many of our fellow Americans suffer from will be cleared up once and for all when we act with one clear voice and say, we are going to help those people who are trying to help themselves.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I urge support of the Hamilton substitute, because I think it is a viable alternative. It is bipartisan—and my colleagues on the other side—if they bother to read the names of the cosponsors, they will see that this is a bipartisan effort.

It is the President of the United States who started this positive process when he first came forth with his plan for humanitarian aid. He should be given credit for this initiative.

I think that the message or alternative is, Mr. President, that we share your objective, peace, but we think we have a better way to achieve it through negotiations, through peace, through compromise, through the Contadora, through bilateral discussions with the Nicaraguans, and finally, between the Contras and the Sandinistas.

This is a good provision. It says the following: The Contadora process, which has been flawed, needs some pumping up in the areas of verification and inspection, so let's give them the foundation to achieve these mechanisms. Should there be a treaty with peacekeeping forces required, this provision makes that foundation a lot closer to reality.

It also sends another message. It says that the Contras are violating human rights, but it also more forcefully says that the Sandinistas are doing an equal amount of damage to internationally recognized human rights and human decency. This provision says that both sides must clean up their act.

□ 1410

This is a substitute that, in essence, says that this is a message to Managua, and that message to Managua is this: You have got to negotiate with the Contras besides cleaning up your act or else. And Mr. Cruz' proposal, I think, is a positive point of departure, an extremely good set of democratic principles. It says to the Sandinistas very forcefully: You have to reduce your Soviet and Cuban ties.

It makes a number of points which are important for peace and negotiation. It makes a number of points that are critical. Most importantly, it says that aid will be funneled through the Red Cross and the U.N. High Commissioner on Refugees, to respectable international organizations that would be in charge of disseminating this assistance responsibly and equitably.

There is another issue which has not been brought up, one that has been sparked and provoked by a recent Supreme Court decision. I will call it the Morrison decision, which severely restricts the flow of Government information to the press and public and the Congress. So sweeping was the Court's language that the CIA could, if it wished, now hold back unclassified sources of information—newspaper clippings, for example—from release from the Freedom of Information Act.

What I am saying is that this decision, which has been pursued by the Justice Department, and which Mr. Meese refused to answer whether he would jail a reporter if the reporter published classified information, even if it was leaked, even if it was the lowest classification, which is limited official use. What we are doing in the Hamilton substitute is preventing this potential kind of abuse by chanelling this assistance through the Red Cross.

So this is one Member of Congress who, if many of these provisions in this resolution are not followed by the Sandinistas, I will not vote again to limit a punitive response to them. I think that this is a very clear message to Managua, which expires on October 1, a date many Members like myself will be looking at to see if the Sandinistas can clean up their act. I think this amendment gives peace a chance. It spurs for negotiations within Contadora countries. It puts the United States very clearly on the side of a negotiated settlement. It provides a foundation to carry out the Contadora process, which has been flawed on

both sides, on our side for not backing it, but also from the side of many of the Contadora nations that have clearly tilted toward the Sandinistas.

I urge the full support for this provision which is a bipartisan effort, which is also supported by several Republicans in this body as well the majority of Democrats. Let us not look at foreign policy as a partisan issue. Let us not call each other ostriches and other adjectives. Let us call ourselves American Congressmen who are willing to give peace a chance.

I am in strong support of the Hamilton measure, which combines humanitarian aid with a sound approach to U.S. foreign policy in Central America. The International Red Cross and the U.N. High Commission on Refugees are universally respected as a humanitarian aid organizations. The UNHCR provides protection and support services to refugees of conflicts throughout the world.

There are now more than 25,400 refugees in Honduras and several thousand in Costa Rica who have fled the conflict in Nicaragua. In Honduras, many of these refugees were at first received at the Mocoron Refugee Reception Center and then were transferred to smaller communities under the protection of the U.N. High Commission on Refugees [UNHCR]. The UNHCR has protection officers present in the refugee camps and has contracted out services through the World Relief Organization. In Costa Rica the Socorro Internacional Organization has also done a fine job in providing services to several thousand refugees. Including many Miskito, Sumo, and Rama who have fled the conflict. Individuals, such as Kennith Serapio, a Miskito doctor who continues to provide services to his people inside the refugee camps, deserve our support and encouragement.

Mr. Speaker, the UNHCR has been very careful to focus its support services in a way that avoids ideological preferences. I expect that the indigenous peoples in these camps will have access to their political leaders without violating this precept, including leaders from the Misurasata organization.

This measure is the humane thing to do, it is consistent with our overall objective of achieving diplomatic solutions to the regional crisis and it is in line with our stated support for the Contadora process.

I would like to insert for the record two articles, one that describes the potential negative effecting the Supreme Court decision, the other a New York Times article reporting on General Gorman's testimony before the Senate. General Gorman's statement was the subject of much contention in the debate yesterday. I insert it for purposes of clarifying the record. I also include articles from the Washington Post.

The articles follow:

[From the Los Angeles Times]

REAGAN WINS ANOTHER BATTLE FOR GOVERNMENT SECRECY

(By David Wise)

The Supreme Court's decision giving the Central Intelligence Agency blanket power to keep its sources of information secret is a stunning victory for the Reagan Administration in a program to restrict the flow of government information to the press and public.

Last Tuesday's 7-2 decision, written by Chief Justice Warren E. Burger, allows the CIA to refuse to reveal names of researchers who participated in a program that tested mind-altering drugs on unsuspecting Americans. The program, known as MK/ULTRA, lasted from 1953 to 1966 and resulted in at least one death.

So sweeping was the court's language, that the CIA could, if it wished, now hold back unclassified sources of information—newspaper clippings, for example—from release under the Freedom of Information Act. Mark Lynch, counsel to the American Civil Liberties Union National Security Project, said: "It in effect gives them [the CIA] complete discretion to withhold anything they want. The information doesn't have to have anything to do with national security."

The timing of the court's decision could not have pleased the White House more. It comes just as the Justice Department is prosecuting what may be the most significant national security case in modern times—a case that could lead to government crackdowns on officials who leak to the press and on reporters.

The arrest by the FBI last October of Samuel Loring Morison on charges of espionage briefly made headlines, as much for the distinguished name he bears as for the circumstances of the case. Morison is the grandson of the late Samuel Eliot Morison, the Harvard historian.

Samuel Loring Morison was charged with selling classified satellite photographs of a nuclear-powered Soviet aircraft carrier to Jane's Defense Weekly, a British military magazine. Morison worked for the magazine part time, in addition to his job as a photo analyst at the Naval Intelligence Support Center.

It is clear that the Reagan Administration intends to use the Morison case to break new ground in the continuing battle between government and press over the control of information. Not since the 1971 Pentagon Papers case and the subsequent prosecution of Daniel Ellsberg, who gave that history of the Vietnam War to the New York Times, has Justice Department sought to apply the espionage statutes to an official who leaks information to the press.

And if the government succeeds in convicting Morison, will reporters be next? Floyd Abrams thinks so. Abrams, an authority on government secrecy and co-counsel for the New York Times in the Pentagon Papers case, declares: "One of the risks [in the Morison case] is that the interpretation of the espionage law now offered by the Justice Department might well be applicable to reporters. Merely publishing classified information could constitute a crime. It's a harrowing prospect."

Morton H. Halperin, a former deputy assistant secretary of defense and director of the Center For National Security Studies, also believes that the Administration may be using the Morison case to lay groundwork for future prosecution of reporters under the espionage laws.

"If Morison is convicted and the statute upheld, they'll indict more government officials who leak," Halperin said. "Then they'll . . . start indicting reporters and move right down the line with the press."

All this fits a pattern of information control. In 1982, Ronald Reagan issued a new executive order on the classification of government documents. The order eliminated automatic declassification of new documents and made it easier for government bureaucrats to classify information. In 1983, Reagan issued another order that would have required hundreds of thousands of government workers to take lie detector tests. It would also have forced 122,400 officials to sign agreements to submit books and other writings containing intelligence information for government review, even after returning to private life. Under pressure from Congress, the directive was suspended, but many officials had already signed agreements.

Does the Reagan Administration really intend to go after reporters for printing government secrets? Atty. Gen. Edwin Meese III offered little comfort on that score. "I think it depends on the circumstances of the case," he said when questioned at the Washington Press Club on March 20.

What makes government lawyers particularly confident about the Morison case is an unprecedented ruling by a federal district court judge in Baltimore on March 14. Judge Joseph H. Young, refusing to dismiss the Morison case, held that the spy laws could be applied to government officials who leaked to the press. That issue was never reached in the Morison prosecution, which was dismissed, because of improper government actions.

But now that a federal judge has held that leakers can be prosecuted for espionage, it may be a short step to apply the same laws to reporters who receive and publish leaked information.

To understand the cat-and-mouse game over official secrets, the Espionage Act of 1917 must be viewed together with the classification system. That system first established for civilian departments by President Harry S. Truman in 1951 creates three categories of classified documents: confidential, secret and top secret. These are defined as information that, in turn, could cause "damage," "serious damage" or "exceptionally grave damage" to the national security if released.

With certain narrow exceptions, it has not been against the law for a government official to give a classified document to a reporter. "There has been no suggestion up to now that the classification system has been brought under the espionage statute," Abrams says. "Maybe the Morison case will provide a backdoor method to apply the classification system to persons outside the government." It was precisely to close the gap between the classification system and the espionage statute that the CIA recently proposed a law to make it a crime for government employees to disclose "classified information." The White House has since dropped the proposal.

But that decision is not what is seems. As Halperin points out, "It would be absurd to ask Congress to enact a statute at the very moment that the government is in court in the Morison case trying to prove that the statute already exists." Lynch, one of Mori-

son's attorneys, thinks the government has adopted a "two track strategy. If they lose, they go for the statute. If they win, they don't need it."

Robert F. Muse, another Morison attorney, expressed deep disappointment with Judge Young's opinion. "What gets lost in the judge's opinion," he said. "is the nature of information in a democracy. The people are supposed to know."

They will know less under the new Supreme Court decision. Congress has already passed a law exempting CIA "operational files"—covert operations and clandestine intelligence collection—from public disclosure. The Supreme Court ruling goes far beyond that. In the information war, the press and public are clearly losing.

[From the New York Times, Feb. 28, 1985]

U.S. GENERAL SAYS NICARAGUA REBELS CANNOT WIN SOON

(By Bill Keller)

WASHINGTON. February 27.—The retiring commander of American military forces in Central America said today that the Nicaraguan rebels were incapable of overthrowing the Sandinista Government in "the foreseeable future" regardless of whether they received American aid.

But the commander, Gen. Paul F. Gorman, told the Senate Armed Services Committee that support of the rebels should be resumed, along with diplomatic measures, to keep up economic and political pressure and "bring the Sandinistas to a reckoning."

Asked after the hearing how long such pressure would take to produce changes in the Nicaraguan Government, he replied, "Years."

OVERTHROW SOON NOT FEASIBLE

General Gorman, who will turn over his command on Saturday, said that while most of Nicaragua's neighbors had unofficially told him that they would favor a change in the Sandinista Government, the rebel forces were too small and ill trained to accomplish such an objective.

"I would argue that you build your policy on what's possible." he added later. "I don't think overthrow is feasible in the near future."

In Managua, Nicaraguan officials said today that they had asked for a meeting between President Daniel Ortega Saavedra and Secretary of State George P. Shultz to renew "dialogue" between the two nations.

In Costa Rica, Reagan Administration officials said, the Government is considering whether to curtail relations with Nicaragua, a development that the officials said could help persuade Congress to renew aid to the Nicaraguan rebels. [Page A10.]

POWER SHARING CALLED AIM

The Administration's justification for supporting the rebels has evolved in the past year from blocking arms shipments to neighboring countries, to pressuring Managua to amend its behavior in the region, to seeking a change in the Nicaraguan government.

President Reagan, at a news conference six days ago, said the goal of United States policy was to "remove" the "present structure" of the Nicaraguan Government. The President said he wanted the Sandinistas to "say 'uncle' " to the rebels and allow them to share power.

General Gorman said today the rebels had not succeeded in cutting off arms shipments from Managua to Salvadoran guerrilla groups. But he said the civil war in Nicaragua had "drawn off the energies of the Sandinistas and has diverted one heck of a lot of money" that would have gone to underwrite the Salvadoran revolution.

"Whatever you were investing in those 16,000 fighters, you got more than your money's worth," he said.

But as far as actually winning their military struggle, he said, the Nicaraguan rebels are "marginally able to sustain" their troops and cannot expect victory "in the foreseeable future."

SALVADOR REBELS IN SWITCH

General Gorman said that in El Salvador military gains by the Government had forced a major reversal in the strategy of the rebel Farabundo Marti National Liberation Front.

He said the United States had obtained copies of "instructions" from rebel leaders in Managua to field commanders to abandon a strategy of fighting the Salvadoran Army in large formations, to break down their formations into smaller units and to return to urban warfare that had been abandoned a few years ago.

As a result, he said, the number of guerrillas in the capital city of San Salvador had grown recently from 50 to 500, with missions to kill and kidnap Government officials as well as attack economic targets.

SHOOTINGS SAID TO RESTART

"The shootings have started again in San Salvador, and in my judgment, most of the violence has been a product of this F.M.L.N. decision," he said, using the initials in Spanish of the rebel group.

In response to a question from Senator Edward M. Kennedy, Democrat of Massachusetts, the general said there was "no reason to believe" that the violence was caused by death squads operating with Government approval.

General Gorman's appraisal, given at a three-hour hearing, was the finale of a 22-month assignment as commander of the Southern Command during which he was credited with building the American military operation from a sleepy backwater to a forceful instrument of foreign policy. The general has announced he is retiring, after 40 years' service, to a farm in Virginia.

His successor, Gen. John R. Galvin, was at the hearing today and said he planned to depart for the command headquarters in Panama on Thursday.

General Gorman's appearance came as the Administration is pressing Congress to permit $14 million in covert aid to the Nicaraguan rebels. A vote is expected in April or early May.

General Gorman said that despite the absence of United States assistance, which was cut off by Congress last year, the ranks of the rebels had been growing. He put the strength of the several rebel groups at 16,000 armed men and said they could field "half again as many fighters in several months" if given financial support.

The main accomplishment of the rebels, he said, has been to drain resources that the Nicaraguan Government would otherwise use to subsidize Salvadoran guerrilla groups.

Praising the Nicaraguan rebels as "freedom fighters" whose goal is to oust the Sandinistas, he said: "I don't see any immediate prospect that these guys in blue suits in the hills are going to march into Managua. It seems to me that the whole resistance movement has got another year or more of slogging to go before that were ever in prospect."

"The answer," he added, "lies in some kind of combination of pressures and diplomacy."

Later General Gorman alluded to the controversy in Congress last year over reports that the Central Intelligence Agency had supplied the rebels with training manuals in guerrilla warfare.

"Most of these folks, as I understand it from talking to the Hondurans and Costa Ricans, are uneducated campesinos," he said. "Most of them can't read. I think the only people that have used the manuals that were produced for them effectively is members of this body."

Questioned after the hearing, General Gorman said United States aid would not change the prospects for a rebel victory. "I don't see how you could imagine that a force of 16,000 is going to overthrow a government that has under its control 10 times that number of people in their army."

He told the committee that without a renewal of aid to the rebels, "the campaign will begin to peter out, wear down."

"The nature of the beast is that you join what you think is a winning cause," he said.

Such a guerrilla reversal would be followed, he predicted, by an exodus of rebels and their families into neighboring Honduras that would swell the refugee population there to more than 50,000.

The general said that leaders he had talked to in other Central American countries, especially Costa Rica and Honduras, while publicly calling for diplomatic measures, had unofficially said the Nicaraguan Government "must change."

"The leaders that I have had discussions with on this subject have stated unanimously that they cannot deal with a Marxist-Leninist garrison state in their midst. They must change. They will then usually go on to say, 'If that means they must be removed, then so be it.' "

[From the Washington Post, Apr. 8, 1985]

CIVILIANS QUIT BORDER ZONE—MANAGUA CLEARS SITE TO ISOLATE CONTRAS

(By John Lantigua)

MURRA, Niacaragua—Large areas of the northern Nicaraguan mountains have been cleared of civilians, according to government military officials, who say those wilderness areas are now strictly war zones in which the Sandinistas will increase their firepower.

On a recent trip beyond this town 120 miles north of Managua, I walked about seven miles into one of those newly militarized zones where until now the rebels had been able to find food, refuge, information and recruits.

The residents evacuated in the past two months were among at least 7,000 families that the Sandinistas say they are in the process of relocating to less remote areas.

According to local military officials, the road I followed is being improved to facilitate the Army's access to the mountainous zone, considered strategic because it is just across the border from Honduras and the largest of the rebel camps, called Las Vegas.

The spine of hills that runs out of Honduras and by Murra has been a principal thoroughfare for the *contra* rebels who enter Nicaragua from that camp, Sandinista officials say.

Houses along the road were abandoned and had been emptied of all possessions. In some cases, roofing material had been dragged away and the insides of the stripped houses were exposed to the ele-

ments. In other houses, bread ovens and primitive cooking stoves made of clay had been smashed to prevent use by the rebels.

There were no people to be seen. Chickens, pigs and cows, which normally surround such rural houses and which the rebels have been known to buy from farmers, were also gone.

On trees, the Sandinistas had posted a message telling the rebels that 1985 would be a year in which they "continue to be defeated" and offering them amnesty.

Entitled "A Letter of Return," the poster featured a drawing of a uniformed rebel turning in his rifle and being welcomed joyfully by his family.

"The Popular Sandinista Army agrees to respect your life, our physical integrity and agrees to give you just and dignified treatment if you deliver yourself with this document to our troops or to the nearest militia post with your equipment," it said.

After almost two hours of walking, I rounded a bend and was stopped by the sound of a bullet being shifted to the chamber of a bolt-action rifle. No one was visible. As I raised my hands, a Sandinista soldier stepped out from behind a canvas lean-to farther up the road.

Lt. Felix Sanchez, who was at a makeshift camp around the next bend, said no civilians were to be in the area. He said the next Sandinista outpost, at an abandoned hamlet called Rosario overlooking the border, had been besieged last month by hundreds of rebels, and that 11 Sandinistas had died there.

Sanchez said his men, who patrol for three miles around their camp, taking them close to the border, had not seen a contra in two weeks.

"We think they are in Honduras reorganizing," he said. "They used to take advantage of people who lived in areas like this. They used to get food from them, but now they can't anymore and they are having to reorganize."

In an interview in Managua, Tomas Borge, minister in charge of internal security, said that with civilians removed from the area "it makes it easier to use our artillery. It clearly becomes a war zone."

Observers said they expect to see use of Soviet-made Mi24 helicopter gunships.

Asked if the Mi24 would be used in the new militarized zones, Borge said: "If such helcopters were here, it would be stupid to have them as museum pieces."

Borge said he expected rebel attacks soon in conjunction with a congressional vote on whether the United States should renew their funding.

[From the Washington Post, Apr. 8, 1985]

NICARAGUAN REBELS CUT MILITARY OPERATIONS—LOSS OF CIA FUNDING IS SAID TO TAKE TOLL

(By Edward Cody)

MANAGUA, NICARAGUA.—Short of supplies and transport, anti-Sandinista rebel forces recently have reduced the scope and level of their three-year-old guerrilla war.

U.S. and rebel officials have attributed the reduction in rebel activity mainly to lack of funds, which apparently is catching up with the main guerrilla force nine months after Congress imposed a ban on CIA financial aid.

Interior Minister Tomas Borge said the shift also reflects recent successes by the Popular Sandinista Army in driving rebel forces northward toward the border region with Honduras and, for many, across the border into camps within Honduras. In a reflection of this, Defense Ministry reports have shown a clear drop in the number of incidents in recent weeks.

"This favors us, because the war is going away from the interior of the country and toward the border," Borge said in an interview, referring to the decline of rebel activity in the more populated and economically important central zone.

"But at the same time, it implies a certain risk, because a border war is always dangerous for the implications it might have for a neighboring country, in this case Honduras. We will try to be very careful not to give any pretext that could provoke an incident."

U.S. officials in Honduras have expressed similar fears that more regular rebel crossings of the border area raise the risk of clashes between Honduran and Nicaraguan troops in the frontier hills.

At the same time, the increase in rebel troops on Honduran territory has intensified nervousness within the Honduran armed forces over that country's role in aiding the U.S.-backed insurgents.

The Honduran government protested sharply when 17 Nicaraguan soldiers drove across the border and were arrested Tuesday in what Managua said was an accident. But an aide to Borge expressed confidence that the soldiers and their military trucks will be returned without major complications.

Borge estimated that 6,000 to 7,000 guerrillas from the main rebel group, the Nicaraguan Democratic Force, gathered recently in camps in southern Honduras near the mountainous border with Nicaragua. This is up sharply from the number late last year, when most of the rebels were reported inside Nicaragua ambushing Sandinista Army and government vehicles and agricultural cooperatives.

U.S. and rebel officials have put the number inside Honduras at 5,000 to 6,000 from a total strength estimated by rebel officials at more than 12,000.

Miskito, Sumo and Rama Indian rebels in the Atlantic coastal region and Eden Pastora's independent anti-Sandinista guerrillas along the border with Costa Rica have another several thousand armed men. But they have been largely inactive for a number of months because of a lack of supplies, their leaders have acknowledged.

Borge said the Popular Sandinista Army has done better against the Democratic Force rebels in recent months because it has adapted to guerrilla tactics and increased the number of special units.

Sandinista forces also have put special emphasis on striking at rebel supply lines to prevent guerrilla troops from remaining for long periods inside Nicaragua, he explained.

Rebel leaders have told visitors to their camps in Honduras that they have had trouble resupplying forces inside Nicaragua. But they attributed this to lack of consistent ammunition deliveries and adequate maintenance of aircraft used to make drops. This, they explained, was a result of money shortages.

Adolfo Calero, the chief Democratic Force political figure, said the organization has raised more than $5 million since the congressional fund cutoff last spring. But aides of the rebel military chief, Enrique Bermudez, said they have been unable to continue supply drops at the same pace as when CIA funds and logistic help were available.

After barring further CIA aid a year ago, Congress voted last fall to make $14 million more available to finance rebel forces, but only on the condition that the funding be approved this spring in another vote.

On Thursday, President Reagan proposed that the $14 million be used only for humanitarian assistance should Nicaragua begin talks with the rebels. Managua rejected this approach, and Congress is to vote on the money this month.

Before the cutoff last spring, the CIA had provided rebel forces with a sum estimated by congressional sources at $80 million since 1981.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. I thank the gentleman for yielding.

Mr. Chairman, last night I quoted President John F. Kennedy, when he said that "The trumpet summons us again to bear the burden of the long twilight struggle." How did that young American hear the trumpet of liberty. Well, President Kennedy sent the Peace Corps to Colombia for one. Then, President Kennedy sent economic aid to the nation of Colombia when it was in trouble. But President John F. Kennedy also sent Green Berets as advisers to Colombia. He understood the nature of the enemies of liberty. One of the best moments in what I thought was a quality debate on this House floor yesterday came from a gentleman on the majority side of the aisle. He delivered his remarks as well as President Reagan has ever communicated with this House of Representatives. He commanded our attention. Obviously he spoke from his heart and his keen mind. It was stirring the way in which the gentleman from Louisiana, Mr. ROEMER, delivered his speech. And here is part of what he had to say about the Hamilton-Barnes amendment. He said "The resolution does nothing. It huffs, it puffs, but nothing happens."

He went on. "We pay people to leave Nicaragua * * * it is finally the ultimate copout. On the battlefield of freedom it is the old 'check's in the mail speech'." These ringing words are Churchillian. And that check is not even a bilateral check that we will get credit for because we are giving the money to a terrified, politicized local Red Cross.

Now, I have seen the author of this amendment, Mr. HAMILTON, flash his fangs for freedom on the Middle East and on other issues. I know he can be tough. But here in totally uncharacteristic style he lays down like a doormat and tells the Communists in Managua that they won, here walk on our face. I know the cosponsor Mr. BARNES has a big heart. But I do not recall seeing him ever flash his fangs in righteous indignation at Communist terror anywhere in this hemisphere. But he does speak out strongly on human rights, and I repeat, he has a heart. But in this case, with this amendment, he puts his Neville Cham-

berlain bumpershoot under his armpit and, also, lays down on the ground and invites his face to be walked upon by the comandantes.

Now, one of the things that the gentleman from Louisiana said last night was that he would not slap the President in the face, that he would stand with him on that tough vote last night. Forty Republicans, however, slapped the President egregiously. I understand someone in the White House said go ahead, hit us in the kisser, it's OK, we are going to lay down on this one and we are going to fight later on for the Michel amendment. The Michel amendment has teeth, not very big ones, but it is the way to go right now in the spirit of compromise, because even the other body had to be given a personal assurance from the President that the money would be used for humanitarian purposes before they would give him a 53-vote victory.

Let us analyze out of respect for history, because we are commanded by the statutes in front of the Archives to study the past, what would have happened if this Congress in 1947, when Greece and Turkey were begging for aid to fight communism, if we had given the money to the Greek Red Cross. First of all, one of the Members who voted to support the President last night, Mr. CLAUDE PEPPER of Florida, voted against giving money to Greece and Turkey in 1947.

We should all heed his advice by vote and profit from his wisdom gained over almost four decades of experience watching Communists break promises. I have here a May 5, 1947, article from Time magazine. It says that the money to save Greece from communism was delayed for weeks after Senate passage because of bitter bickering in the House of Representatives. Of course people were dying in Greece during that bickering.

The most interesting thing about that 1947 debate on aid to save Greece, a country then with a population about equal to today's Honduras and Nicaragua combined, was how much money was voted to help freedom. Greece is barely reaching 10 million citizens now, three decades later. So for a small land mass, low population country in mortal peril, how much money did our generous Nation provide? $300 million in 1947 dollars. The economic aid to Greece was $150 million, and the military aid was exactly the same—$150 million; $100 million went to Turkey. In 1947 dollars that is billions that we were giving to Greece and Turkey. And now we renege on only $14 million. Do you really grasp what $14 million buys in defense? Well, that amount of money would not buy one single F-16 fighter. Not one, because an F-16 comes in now at just over $15 million. An Abrams M-1 tank, is over $2 million each. Way over. Precisely $2,553,700. What the President wants in food for the democratic forces is less in dollars than six M-1 tanks in defense dollars. If the Managua government continues on its Communist course this early $14 million assist to the refugee families of freedom fighters may turn out to be the security bargain of the century.

The comandantes are laughing in our faces over the Managua radio today because of last night's vote. They appreciated those who slapped the President last night. They would love to see this pussy cat amendment send money only to the Red Cross. Of course they do not want the Michel amendment to pass later today. If we are going to truly keep their attention vote for the Michel amendment. Some of these comandantes have had brothers or wives that were killed by Somoza's Guardia. They are dedicated to totalitarian rule and bound by a blood debt. The way to really make them truly happy is to vote for Hamilton. I want them worried not happy. I will vote for the Michel amendment. If you want to cover your political assets vote for both. But I suggest showing some true grit in the name of freedom. Humanitarian aid for those who are willing to die for freedom is the very least we can do.

I submit for the RECORD the May 1947 Time magazine article on Greek/Turkish aid.

WHAT IS PAST IS PROLOGUE

If Congress fails, to act, aggression will get the green light and the rest of the world, including America, will get the red light.

The way Sen. Arthur Vandenberg defined the issue last week, the Truman Doctrine was sure to win Senate approval. However, reluctant some senators might be, they concurred with Vandenberg's warning against "the cost of noncompliance." Even the opposition floor leader, Sen. Edwin C. Johnson, who charged the $400,000,000 program to bulwark Greece and Turkey against Communist Russia was "in reality a declaration of war," knew he was fighting a losing battle.

Once two weeks of soul-searching debate ended on last Tuesday, April 22, the Senate voted 67-23, to authorize the Greek-Turkish aid. Voting Aye were 35 Republicans and 32 Democrats. The Noes comprised a rare alliance of sixteen Republicans (mostly Midwestern isolationists), four conservative Democrats (Johnson, Kenneth McKellar, Harry F. Byrd, and W. Lee O'Daniel), and three Wallace-minded left wing Democrats (Claude Pepper, James E. Murray, and Glen H. Taylor).

Specifically, the Senate thus voted to: (1) spend $150 million on Greek economic rehabilitation, as much for Greek military aid, and $100,000,000 for Turkish military aid, all before July 1, 1948; (2) furnish military equipment; (3) send military missions and civilian supervisory staffs; and (4) authorize the United Nations to take over the program, should it be willing and able.

Broadly, the Senate's vote was a vote against the traditional ideas of isolationism and neutrality, a vote in favor of containing Communism, a vote for shouldering international burdens formerly carried by the British Empire, a vote to support President Truman's plan "to help free peoples to maintain their free institutions and their national integrity against aggressive movements that seek to impose upon them totalitarian regimes.

But although Secretary of State George C. Marshall attached "the highest order of urgency to immediate passage," the Greek-Turkish aid ran into delay in the House because of bitter bickering over a separate bill to provide $350,000,000 for post-UNRRA relief to hungry peoples.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, it was my bad fortune last night to come to the well immediately after the eloquence of the gentleman from Louisiana, and this afternoon to follow my colleague, the gentleman from California.

Let me say at the outset that we are talking today, right now, about the Hamilton alternative. I have heard BARNES' name mentioned. There is no debate time allocated under the rule for the Barnes amendment. So we are addressing the Hamilton alternative. This is therefore the key vote.

A lot has been said about the money issue. I think it is overstated. It is the context in which this whole issue came before us, but we are talking about the process of developing a policy toward Central America, particularly Nicaragua, and the money is really a secondary importance. The Secretary of State stated that the refugee money was not even needed.

□ 1420

I submit that the arguments that say that the refugee money will promote Contra refugees is extraneous because the language in the bill is permissive; the President need not allocate 5 cents of the $14 million if he does not want to.

This measure is called weak, a huff-puff. Last night I addressed the House, and I am not going to repeat my remarks here. I submit it is by far the strongest of the alternatives with far more teeth in it than anything else that is before us.

What I want to dwell on, Mr. Chairman, however, is something that I was not aware of when I talked last night, quite late, to this body saying that I thought that the Hamilton alternative expressed the policy that we all shared. What I did not have before me was the eloquent letter that the President had delivered to Senator DOLE that afternoon prior to the vote in the Senate.

My colleagues, obviously there are differences in that letter with respect to the allocation of money, but in many important respects, this letter tracks the Hamilton alternative. This, my friends, is the President's statement of what he is going to do in Nicaragua. What we did last night, what the Senate did yesterday is irrelevant.

It has nothing to do with what the President says he is going to do.

In his letter, he talks about the resumption of bilateral talks between the United States and Nicaragua; it tracks Hamilton. He says that these talks must be in support of the Contadora process. The Hamilton alternative is the only vehicle before us that comes out statutorily in support of the Contadora process.

He says the response to bad faith by the Sandinistas will be diplomatic efforts. Compare this with HAMILTON'S call for immediate multinational pressure on Nicaragua to address our concerns. The President condemns atrocities by both sides; compare Hamilton's language on human rights.

The report to the Congress that the President says he will give includes progress in achieving peace which is contained in the Hamilton alternative reporting requirement. An accounting of the funds obligated is contained in the Hamilton alternative. The President writes: "It may include such recommendations I deem appropriate," an invitation contained in the Hamilton alternative. Finally, a request for expedited handling, which is spelled out in detail in the Hamilton alternative.

My colleagues, this, again, is what the President says he is going to do. Hamilton says what the President says he is going to do. If we do not pass Hamilton, we will not go to conference with the Senate with any language that is near to what the President says is the policy of the United States. We will have wasted this entire week contributing nothing toward the development of a policy in Central America and with respect to Nicaragua.

Only if we go with the Hamilton alternative will we be able to come out of the conference with something that approximates what the President wishes, a statutory expression of what the President wishes to do in that part of the world.

Mr. BROOMFIELD. Mr. Chairman, I yield 6 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I thank the gentleman for yielding me this time.

Mr. Chairman, the preceding speaker is very distinguished, but to use the President's letter to defend explicitly what the President opposes is a bit much. The Barnes-Hamilton resolution is a remarkable document worthy of opposition. It is a collection of inaccurate history, muddled analysis, misleading platitudes, and remarkably strange proposals.

This is only a nine-page document. Earlier the gentleman from New Mexico, who I had yielded to yesterday, would not yield to me, but I was going to comment on two things he had said. First, he had described that the Sandinistas are bad too, that they violate human rights too. However, Barnes-Hamilton unilaterally disarms the freedom fighters. Somehow, it does not get a Soviet-Cuban agreement to disarm the Sandinistas.

Second, he said we ought to give our money to, and I am quoting the exact word, "respectable" international organization. To which I would have asked, "Is there no American Government agency which is respectable?" Is it so impossible to trust your own government, to respect your own government, to have any belief in the American Government, that you are going to believe in the United Nations for Pete's sake?

You are going to turn to the United Nations as one of the two options? An institution increasingly dominated by anti-American sentiment, by dictatorships and by people who, on occasion, can hardly be described as favoring our values?

But this nine-page document is worth studying in more detail because it is a classic study of "ostrichism," which is, on occasion, bipartisan. Which does involve much of the State Department, and which infects much of the academic community and news media. This, however, is an extreme example of ostrichism with amnesia, in that the ostriches frankly cannot even remember their own history.

Let me walk through it. "The United States desires peace in Nicaragua and throughout Central America." I agree. "We should encourage all combatants to establish a cease-fire." Well, in the first place, if you read Marxism-Leninism, that is a little tricky since they say flatly they cannot concede any kind of cease-fire with the West. In the second place, if you look at the way Barnes-Hamilton operates, we strip the defenders of Western values, while the Cubans and Soviets keep pouring in support for the people who would oppress Western values.

It talks about an internal Nicaragua conflict; about nuturing democratic institutions in that country. Promoting peace and stability; wonderful language. But let us look at it in the context of Marxism-Leninism. I just say on page 2, paragraph 3, is one of the finest examples of ostrichism in modern American history. "Combatants on both sides of the conflict in Nicaragua have expressed in words their goals for peace and democracy in Nicaragua." Adolf Hitler must somewhere be burning in hell, wishing he had lived two generations later so he could manipulate Americans instead of Englishmen.

Expressed in words? How mindless do you have to be to visit Ortega who says he is a Marxist-Leninist, to not read the Grenada Documents where they say specifically, "Our job is to lie to the Americans." To not read Arce's speech where he says specifically, "Our job is to lie to the Americans." To talk about Communist words, goals of peace. Andropov used those words; he was the head of the KGB and locked people up, and put them in insane asylums. Adolf Hitler used those words. How incredibly ostrich-like do you have to be?

They talk about disturbing trends in Nicaragua. It says:

> The Sandinista government's close military ties with Cuba, the Soviet Union and its Warsaw Pact allies and the continuing military buildup is a bad trend.

Now, yesterday I had weapons here on the floor that came from Bulgaria, North Vietnam, Libya; we might mention the Palestine Liberation Organization. There are a lot of people involved in Nicaragua who are bad people who hate America, who want to destroy freedom. What do they promise to do? This is a wonderful example of ostrichism. Page 3, paragraph 5:

> The Congress will continue to monitor developments in Nicaragua.

Can you see Ortega now turning to his Cuban and Soviet advisers going, "Well, my many friends who have been down here, who I visit with regularly are going to monitor us." I would say to my Democratic friends: We have evidence in the Grenada Documents that at least one Democratic Congressman actually submitted documents to the Grenadian Government which they thought they were supposed to edit.

As you monitor Nicaragua under this threatening, decisive Barnes-Hamilton offer, are you going to let them edit it? Are you going to include their advice? Are you going to sit down and negotiate with them over what the report ought to say? Are you going to really be tough with them and say, "You know, gosh, fellas." Remember the Comandante Ortega letter a year ago? They have not done a single thing that you wrote them and asked them to do. What are you doing in response to their intransigence? You are unilaterally disarming freedom in Central America.

This is your toughness? These are your threats?

Let us go on. Let me just say two last things. In light of our great experience with communism in Angloa, we are now on page 5 imposing, in effect, the Clark amendment for Central America to stop freedom fighters anywhere in Central America from getting our kind of help from us.

On page 6, we talk about refugees. I just want to make two final comments. First, it is nice for the people, who, in the past having undermined freedom, saw as a consequence of their votes to cut off aid to freedom boat people, refugees from Afghanistan, refugees from Vietnam, refugees from Cuba, to now say, "Well, who do we not in advance recognize there are going to be lots of refugees?"

There are only two things wrong with your acceptance of refugees. One is you do not admit honestly in Barnes-Hamilton what will really happen which is the refugees are going to come to America, and they are going to cost a lot more than $10 million.

□ 1430

Second, in what I think is the most unbelievable statement I have seen recently, you in effect say you despise America and the American Government so much you would rather give the money to the United Nations Relief Commissioner than have the American Government handle it. It is the most incredible proposal I have seen in a long time, and as I said earlier, I think anybody who votes for it could wear an "I Despise America" button with a great sense of dignity.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. I thank the gentleman for yielding this time to me.

Mr. Chairman, I am for our country first. That does not mean always sending in the troops. There has been a terrible breakdown in bipartisanship in foreign policy these last few years, and that breakdown is only furthered by the wild charges that are thrown about here, and also the distortions by opponents of the Hamilton resolution.

For example, the gentleman from Ohio and the gentleman from Georgia, they read from page 3 and attack the resolution for lacking any teeth. They do not refer to the further actions that are threatened in this resolution if certain conditions do not happen. They do not refer to the fact there is a reference to supporting OAS sanctions. They do not refer to the fact that this Congress would consider the imposition of trade sanctions.

Are we serious about considering such actions. The answer is yes. Are there circumstances under which we would support such actions? The answer to that is yes.

Proponents of the Michel resolution talk in terms of humanitarian assistance, but in truth it represents a continuation of a policy of undeclared war.

Mr. Chairman, here is the basic issue as I see it: Should the United States, not de jure but de facto, declare war today on the Government of Nicaragua? Those who support the policy of such declaration have not carried the burden of proving the wisdom of that policy. I am pleased to join other colleagues on a bipartisan basis in supporting the Hamilton resolution. It will help to revive a spirit of bipartisanship that has been lacking in foreign policy under this administration, and the lack of which is causing, for this country and the world, unfortunate consequences.

Mr. BROOMFIELD. Mr. Chairman, I yield at this time 5 minutes to the gentleman from Pennsylvania [Mr. GOODLING], a member of the Select Committee on Intelligence.

Mr. GOODLING. I thank the gentleman for yielding this time to me.

Mr. Chairman, as colleagues on both sides of the aisle know, I have not supported covert aid to Nicaragua before I was on the Intelligence Committee, while I was on the Intelligence Committee, or after I was on the Intelligence Committee, although I was a strong supporter of making sure overtly that, as a matter of fact, the Sandinistas could not export revolution and could not be a conduit through which arms would flow into El Salvador.

However, having said that, I realize we have a real moral and ethical obligation to supply humanitarian aid to the Contras. Why are the Contras there? The answer is simple. We, the Congress of the United States, saw to it that as a matter of fact they are there, doing what we asked them to do; not the President of the United States, not the CIA, but as a matter of fact, the Congress of the United States. And do not tell me you did not know what they were going to do. I read all that testimony when I was on the Intelligence Committee.

There were two issues, two issues all the time, from the very beginning in what you read: to have them turn inward and interdict arms, in that order and in that importance. I think it is important to understand that.

So we have a moral and an ethical responsibility now to provide humanitarian aid.

I wish I could support the initiative of the gentleman from Indiana [Mr. HAMILTON]. I have a great deal of respect for him. On the surface, it looks like it could be rather attractive.

First of all, it talks about aid for those who are refugees and I would like to get some aid to Costa Rica, which is having refugee after refugee after refugee land on their border and come into their country, 13-, 14-, 15-, 16-year-old kids who do not want to serve in the Sandinista army. They do not want to serve because they do not believe what they are doing and they do not want to serve because, as a matter of fact, they will be fighting their brothers, their fathers, and even their grandfathers.

It looks good on the surface because, of course, it gives us all an out. If we are wrong, myself included, because we did not go ahead with military aid, and if a few years from now we discover that that was positively the wrong thing to do, we have an out, because in this resolution, or in this amendment, we say things like, "We are not very happy with what you are doing as a Sandinista government. We think you are misbehaving. We would like you to change your ways, and if you do not change your ways we will have the President do something else, or we will ask OAS or we will get the Contadora process involved, and we will really do things."

The Contadora process. We are asking countries who have more problems than they know what to do with, and they are going to have more and more as revolution spreads throughout the area, and we are asking them to somehow do something about bringing order in that particular area.

I will send money to do something about Colombia, but that something is to try to prevent them from, as a matter of fact, sending all sorts of drugs into this country, but let us not be duped by what appears to be a good solution. Let us show the world, as a matter of fact, that we will be ethical and we will be moral. We put them there and we will provide humanitarian aid, and we can do that, as a matter of fact, with Michel II.

The Speaker for 10 years while I was here used to talk about "Give one to America. Do things for America. Put America first." Well, in the 3 months that I have been here this year it is rather disgusting because I have a feeling we now have a different banner: "Win one for the Tipper." That seems to be the name of the game. Well, we should not be winning one for the Tipper, we should not be winning one for the Gipper. We ought to go back to what we heard about the first 10 years. Let us do something for America. Let us put America on top and show that, as a matter of fact, we have a moral responsibility, we have an ethical responsibility. We put them there. Now let us support them with humanitarian aid and we can do that with Michel II.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. I thank the gentleman for yielding this time to me.

Mr. Chairman, first I would like to compliment my leader, Mr. MICHEL, for crafting a compromise that is preferable to the Senate-passed approach and represents at least a half victory for critics of American policy in Central America.

Why, then, would I argue it is not good enough and that the approach of Mr. HAMILTON and Mr. BARNES should prevail in today's debate?

The primary issue before us today is not political judgment about what's happening in the region, where American citizens are honestly divided; the primary issue is one of due process, the method by which decisions are made in our democratic society.

Here, Vietnam analogies are facile. There is great disagreement in this country about what we should have done in that struggle.

But the main lessons of Vietnam do not relate to reassessments of policies but how those policies were determined.

In this regard, the profoundest issue before us is not that of policy, but that of the constitutional process.

If you believe the constitutional process has been scrupulously followed in Nicaragua, that the Boland amendment which specifically proscribed attempts to overthrow the Government of Nicaragua was not violated, then vote for the Michel substitute.

If you believe the rule of law is advanced by the U.S. decision to withdraw from jurisdiction of the World Court, vote for the Michel substitute.

If you believe U.S. policy should not involve invoking the Rio Treaty or U.N. Charter, vote for the Michel substitute.

If on policy grounds you believe humanitarian aid should be of such a nature as to have the effect of provisioning troops involved in or preparing for armed conflict, vote for the Michel substitute.

If, on the other hand, you believe the Constitution stipulates that war making authority is designed to be the joint responsibility of Congress and the executive, then vote for the Hamilton-Barnes amendment.

If you believe the responsibility of Congress is to redress humanitarian problems in the region regardless of whether recipients are Contras, and that aid should be administered neutrally by the International Committee of the Red Cross and the U.N. High Commissioner for Refugees, vote for the Hamilton-Barnes amendment.

In the final measure, the issue before this body is primarily a constitutional one. As a Republican member of this body—one who holds a conservative view on constitutional issues—I would urge my colleagues to pay heed above all to this issue of due process. It, in the final measure, is more important than the different policy perspectives we all share.

□ 1440

Mr. Chairman, I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, so that there will not be any misconstruction of the President's position on Barnes-Hamilton, I would like to submit for the attention of the Members of the House a letter addressed to the minority leader, Mr. BOB MICHEL, dated today, April 24, 1985, which reads in part:

The proposal to be offered by Mr. Barnes and Mr. Hamilton would divert funds from existing economic assistance and refugee accounts for humanitarian assistance to refugees outside Nicaragua and for the expenses of implementing an eventual Contadora agreement. Members of Congress should be under no illusion about this proposal. Its adoption would damage our national security and foreign policy interests. By providing a financial inducement for members of the resistance to leave Nicaragua and become refugees in other countries, it relieves pressure on the Sandinistas while, at the same time, it increases the burdens imposed on the neighboring democracies. As a result, fragile democracies would be weakened, their economic recovery would be stalled, their security would be diminished—and the civil war in Nicaragua would go on.

Mr. Chairman, the Barnes-Hamilton proposal may be a bipartisan effort, but its authors may well have spared themselves the time. It really does absolutely nothing to satisfy the very real problems of Nicaragua.

The people of the United States may often feel that Central America is unimportant to us, but sooner or later they are going to come to realize that Central America and we are on the same continent. We are neighbors, our histories are intertwined, and our futures are inseparable. What happens today in Central America could very well foretell events in the United States tomorrow.

Similarly, what we do or fail to do in Central America today directly affects our mutual relationship, as well as our combined futures.

Those who have opposed the President's policies in Central America were wrong when they said we should have pulled out of El Salvador 5 years ago. They are wrong again in saying we should pull out of Nicaragua today. The United States may have made many mistakes in the region in the past, but its policy over the last 6 years represents a conscientious effort to remedy those mistakes.

Support for the freedom fighters, whether through provision for military hardware or humanitarian assistance, is consistent with U.S. objectives to preserve democracy and freedom in Central America. The Nicaraguan Sandinista government has rejected every opportunity to bring peace and freedom to its people ever since the fall of Somoza, and they give us absolutely no indication that their intentions have changed in the slightest in recent months. Just 2 weeks ago they pushed Nicaraguan terrorists into Honduras, smuggling arms and intending to foster an armed rebellion against the existing government.

Mr. Chairman, for the United States to fail at this time to support the only people in Nicaragua who espouse free elections, pluralistic government, and an end to tyranny and oppression is to tell Central America and the world that the Monroe Doctrine is dead, and that the United States will accept any threat to its security that the Soviet empire wishes to impose in the Western Hemisphere.

Mr. Chairman, the Barnes-Hamilton proposal is a farce. It does absolutely nothing to foster democracy in Nicaragua or in Central America.

As an answer to Communist aggression, it offers an incentive, an inducement to innocent Nicaraguan citizens to flee the offending tyrants in their homeland and to accept and depend upon U.S. refugee assistance in other nations. Furthermore, it provides wholly unneeded money for diplomatic cocktail parties and the like for participants in the Contadora process.

I am not sure that the 3,500 political prisoners who are being tortured and jailed under subhuman conditions in Nicaragua will thank us if Barnes-Hamilton passes. Neither do I think that the Indians whose villages have been pillaged and burned, or the mothers, the wives, and the families of those who have been impressed into the national army, or the relatives of those who have been summarily executed, will have much good to say about us.

But Daniel Ortega, Miguel D'Escoto, and the other members of the Marxist junta will be absolutely delighted. And I am sure they will have quite a party on us tonight. But they will get over it soon enough, for, after all, tomorrow they will have to go back to work, for we must remember they promised to spread revolution throughout Central America.

Mr. Chairman, let me say to my colleagues that I hope we will defeat this proposal and, at the very least, vote for Michel II.

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. LUKEN].

Mr. LUKEN. Mr. Chairman, I rise in support of the Hamilton substitute.

The administration has been sounding the alarm on Central America for some time now.

But has our covert military involvement against the Sandinista regime in Nicaragua contributed to stability in Central America or advanced the peace process? I think not. It does one thing, it ensures more bloodshed.

By adopting the Hamilton substitute, we can place the United States on the path toward a more constructive role in seeking a negotiated peace in the region.

By adopting the Hamilton substitute, we will send a signal to those countries participating in the Contadora peace process that the United States wants to make a positive contribution to the peace process and strongly opposes the continuing military escalation in the region. This is the only resolution which moves directly to support Contadora.

All Americans want to see an end to the violence in Central America and

the restoration of stability in the region. And we want the people of Central America to have an alternative to dictatorial government and military conflict.

The Hamilton substitute adopts a carrot-and-stick approach that makes clear congressional concern about the Sandinistas' close links to Cuba and the Soviet Union, their violations of human rights, and their efforts to destabilize the region. These are specified along with removal of a military adviser and the offer of economic and development programs.

But it also places the United States squarely on the side of the Contadora group of nations that are seeking a peaceful solution of the conflict in Central America.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the genetleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding the time to me.

The Hamilton amendment that we are debating right now, for those Members who during the debate have forgotten the main thrust of it, does simply two things: No. 1, it gives $10 million in humanitarian aid to refugees outside the country of Nicaragua; and, No. 2, it gives $4 million for the implementation of a treaty that has not been negotiated, that has not been worked out.

Looking at it on its face, but for the $4 million in appropriations to enforce a process that has not been completed, it is not a bad amendment. It deals with money to refugees. If the problem in Nicaragua was a drought, if the problem was a great flood, if the problem was an earthquake and, therefore, there were a lot of refugees outside the borders of Nicaragua, I could understand voting for $10 million, or $14 million, or $25 million in humanitarian aid, but that is not the problem.

□ 1450

That type of humanitarian aid could be dealt with by a separate bill, a supplemental, increased appropriations to the United Nations, increased appropriations for a foreign aid bill.

The problem is the fact that the situation in Nicaragua is inside. It is internal. The problem is not the fact that there are refugees. That is an unfortunate result, and a terrible consequence, and a tragic result of what is going on inside the country, which is a lack of liberty, a lack of freedom, a closed society, no right to petition their government, increased censorship, no independent judiciary, the lack of habeas corpus, a growing Sandinista army which is now 15 times the size of the army of Mr. Somoza; involvement of the PLO, involvement of the Libyans; that is what the problem is and that is the flaw in the Hamilton amendment. It does not address the problem which is internal, inside the country of Nicaragua.

Indeed, we are distraught as to what is happening with that country. The Soviet bloc advisers, the involvement of the Palestinian Liberation Organizatio, the subjugation of free trade unions, the devastation of the Miskito Indians, a lack of free press, that has all been mentioned before. We have seen all the evidence, but many of us still miss the forest for the trees. Some of us believe that these are separate problems that can be attacked separately. Indeed, they cannot.

The central problem is Marxism-Leninism. The problem is the fact that they are now controlling more every day the internal policies and structure in that country. There is one single major problem in Nicaragua, communism. There is one solution and that is internal reconciliation through the democratic process, living up to the commitments made in 1979.

Mr. Chairman, we have a moral obligation in Nicaragua. This is an obligation to see that the promises of the Nicaraguan revolution of 1979, of democracy, of pluralism, of civil rights and justice, are fulfilled. We took this obligation on ourselves in 1979 and we must not forget that fact.

In our recognition of the Sandinistas in 1979, what this Congress did, what this Government did was make a conditional recognition. It was not carte blanche regardless of how the Sandinistas acted. It was conditional. It was based on the fact that they would fulfill the promises of the revolution of 1979 and in fact they did not.

If we do not do something, if we do not assist, if we do not give some signal that we will assist the democratic freedom fighters in that country, it will give two gigantic signals throughout the entire world. First, that the United States will allow a Marxist-Leninist totalitarian dictatorship in our own hemisphere.

Second, the story will be that we cared enough about Nicaragua under Somoza, we cared enough about Nicaragua in 1979 and the Nicaraguan people to help eliminate Somoza but we do not care enough about the Nicaraguan people in 1985 to help eliminate totalitarianism. That would be a shame.

Finally, Mr. Chairman, I read earlier today a statement of Alexandr Solzhenitsyn in a different context. I think that quotation by him is more relevant today than earlier:

> You have the impression that democracies can last forever. But you know nothing about it. Democracies are lost islands in the immense river of history. The water is always rising.

Democracy is fragile. It deserves our support.

Mr. STUDDS. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. JONES].

Mr. JONES Of Oklahoma. Mr. Chairman, my complaint about our involvement in Nicaragua is that there does not seem to be any coherence to the policy there. I was just visiting with a group from Oklahoma outside this Chamber and they said:

> How do you explain the United States' incoherent policy, on the one hand being the largest purchaser of Nicaraguan products from a government we supposedly despise, and on the other hand taking American tax dollars to try to overthrow that government through military means?

These same Oklahomans said:

> It doesn't appear that we really have used the diplomatic pressure that is at our command, nor have we used the economic pressure to try to bring democracy to that country.

Well, that is my concern also and that is what really was behind the development of the Hamilton alternative. This proposal is a genuine bipartisan effort to chart a middle course between a military option and getting out entirely.

What this alternative does is to set up a series of incentives and disincentives or threats, if you will, that can be imposed by our Government after we have had an opportunity to measure progress toward peace and democracy.

The whole purpose is to try to bring some semblance of peace to that wartorn country immediately by having a cease-fire and by getting the warring parties back to the conference table.

This alternative, unlike the Michel alternative, sets forth a measurement by which we can judge whether or not progress is being made toward peace in a framework of a policy, a sensible policy, toward Central America. If progress is being made, there are several incentives that the alternative of Mr. HAMILTON says Congress will consider: economic development, agricultural assistance, Peace Corps assistance for Nicaragua, and if progress is not made, the same fast-track procedure that we are dealing with this week will be available to the President and to the Congress to revisit the entire aid question, including military aid.

Furthermore, we will be able to add to the military option a whole series of economic and trade sanctions that will be a disincentive to the Sandinista government, if indeed they have no interest in moving toward peace and stability in that country.

This is not an easy question. I have discussed it with several of my friends on the other side of the aisle. We want the same thing and I think we are sincerely trying to find the best way to get there. That is my concern and I deeply believe that the Hamilton alternative is the best way to get a cease-fire and a movement toward peace in Nicaragua.

Mr. STUDDS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I doubt very much there is much to be said on a matter of policy in this area that has not been said in the course of the 10 hours yesterday, much less earlier today.

I do think, however, that it is in order to direct the attention of Members to the two substitutes that are before us, one now and one that will follow, because there are some extraordinarily significant differences.

I address my remarks in particular to Members on my side who may be in some doubt as to which of the two they would vote for, or, in many cases, as to whether to vote for either of the two.

We heard a moment ago a quote from a letter, I believe dated today, from the President, in which he was quoted as saying that the Hamilton-Barnes proposition would "damage our national security."

Let me suggest to the Members that one could only believe that if indeed one felt that military assistance to the Contras was necessary, and that, may I say, is precisely one of the issues that is at stake between the Hamilton-Barnes substitute on the one hand and the Michel on the other.

I urge Members' attention to that. I urge your attention to section 2 of the Barnes-Hamilton proposition. This is at the heart of the matter and I am quite certain it is what the President has in mind when, from his perspective, he argues that adoption of the Hamilton-Barnes matter would "damage our security."

Section 2 in the Democratic alternative reads in part as follows:

> The prohibition contained in the Department of Defense Appropriations Act of 1985 shall continue in effect without regard to fiscal year until the Congress enacts a joint resolution repealing that prohibition.

□ 1500

Mr. Chairman, that is the so-called Boland amendment. That is the provision which stands at the moment in law and which prohibits U.S. military assistance to the Contras. But it stands in law only in the current appropriations bill for the Department of Defense and will therefore expire on the last day of September.

The President's original proposition provided for military aid 2 months from now. Now, the only difference between what the President initially requested which this House rejected last night, and the alternative to be offered later today by the gentleman from Illinois [Mr. MICHEL] is that the case of the President's original request we would have had to have waited 2 months for military aid to be resumed, while under the Michel amendment we will have to wait 5 months for the existing statute to expire, as it will at the end of this fiscal year.

In the Democratic alternative there is a continuation of that prohibition indefinitely in law, a law which this House and this Congress would have to act affirmatively to repeal in order for there to be a resumption of U.S. military assistance through any other channel.

Absent this provision, if we were not to adopt the Democratic alternative, then on October 1 the President would become free, through a variety of means available to him, through covert funding, to resume military assistance without any other action on the part of this House.

That, it seems to me, is vital difference number one for those Members who are debating in their own minds whether or not to support one of these alternatives and, if so, which one.

No. 2, let me refer you to the text of the Michel resolution: "$14 million made available to the Nicaraguan democratic opposition for humanitarian assistance," and they exclude arms, munitions, or other weapons of war. Look at that first loophole. You could drive literally and figuratively trucks through that. Trucks are not weapons of war. All kinds of logistic support could go.

But section 2 is the crucial one. It reads as follows: "The Administrator of AID shall have such powers as may be necessary to carry out section 1," that is the $14 million, "notwithstanding any other provision of law relating to the administration, disbursement or use of funds."

Read that once, read it twice, and what it says is that, if he so chooses, the Administrator of AID could turn the money over to the Central Intelligence Agency, which is precisely what the President has made clear he wishes to do, and they could administer it. Who else, I ask you, is in place in Nicaragua to administer the funds? Surely not AID. They are not operating at the moment, as I understand it, in Nicaragua. And only, God knows, the CIA has some kind of infrastructure through which these funds could be administered, and given the wording of the Michel resolution that could very clearly be the case.

Mr. Chairman, the Democratic substitute expresses justifiable concern about the domestic and foreign policies of the Government of Nicaragua without committing the United States to policies that would also be unwise.

It would put into place a policy that would provide genuine incentives for a negotiated solution to the difficulties that exist between the United States and Nicaragua; and to the problems that divide the Nicaraguans themselves.

The Hamilton resolutions would not bring us into conflict with international law or with the publicly stated views of Latin American governments. I think it would set the United States on a course that should be welcomed not only by democratic governments within the region, but also by democratic individuals who are presently opposed to many policies of the regime in Managua, but who are reluctant, as well, to become associated with the Somozist military leadership of the FDN.

I am not convinced that any congressional action with respect to Nicaragua is required. Our commitment to Contadora, to democracy and social justice in Latin America, to international law, and to the peaceful resolution of disputes should not be in doubt. We should not have to restate our position on these issues. But the policies of this administration have cast doubts about our national commitment to these values, and the Hamilton substitute should relieve that concern.

I think we are all well aware that the question of military aid for the Contras is not dead. But I am confident this House will never approve such aid unless the Contras reform themselves dramatically, and unless the Government of Nicaragua begins to act in a manner requiring a regionally sanctioned military response. I do not believe either event is likely. The Hamilton substitute will permit us to consider future Presidential requests for military aid on an expedited basis, and while I don't believe this ought to be necessary, I do believe that future events will make the military approach even less supportable as time goes on.

For these reasons, I urge adoption of the substitute.

Mr. BOLAND. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. I thank the distinguished gentleman for yielding.

I just want to address myself to colleagues who feel strongly about no aid for Nicaragua, no matter what the circumstances. I think if you are opposed to the President's military plans for Nicaragua and the use of taxpayer's money to implement those plans, you really have to vote for the Hamilton amendment. In my judgment, and very clearly, this is the only way we will help to defeat the President's bid to have that kind of military intervention.

Certainly vote no on Michel which would, in fact, or possibly the money might be channeled because of the ambiguity of the language, it could possibly be challenged through the CIA. And I think we want to be out of that whole situation.

So I urge my colleagues who are tempted to vote no across the board to vote "yes" on Hamilton and "no" on Michel.

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS.]

Mr. CONYERS. Mr. Chairman, although I was positive about what I was doing yesterday, I am not so sure about what is happening today.

First of all, I have some grave reservations about us being in Nicaragua even for those so-called peaceful purposes. The reasons are several.

First of all, to offer sanctuary from the war in Nicaragua will cause a great amount of migration among Nicaraguans to Honduras where they may be recruited through intimidation by the Contras. Indeed, it has already been documented that this has been done in certain numbers.

Next, all proposals for humanitarian assistance make no differences between Contras and displaced civilians; therefore, we have the same problems as the Michel substitute to support the Contras, a proposal which is contrary to our long-term interests in the region.

Finally, if I vote for Barnes or vote for Hamilton, who is going to vote with me "No" at the end? We have already voted, and I would like somebody to talk with me about this. We do not need to be sending any kind of joint resolution to the other body to be compromised in conference where everybody that supported Barnes will end up sorry that they ever did it. Why do we not just terminate these proceedings now? We have debated the Republican-Reagan joint resolution. It was passed in the other body; it was defeated here yesterday. I propose we do not go any further.

Now, I need somebody to join me and the members of the Black Caucus who are going to vote no on final passage. And I hope that we will consider these problems.

The Barnes joint resolution is, quite frankly, defective as it stands now. I am hoping that we will get some support about this one way or the other.

Mr. STUDDS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. SAVAGE].

Mr. SAVAGE. I just want to explain that while I am going to vote for the Hamilton substitute, it is only to have some basis to defeat the Michel substitute in this committee. I do not want the Michel substitute to pass, for it is worse.

But, mind you, the Hamilton substitute is also wrong.

We won the victory last night when we said no to the President. There is no need for any further compromise.

The Democrats must not be confused over the rejection of the Reagan premises. We have language in the Hamilton substitute that justifies the kind, rationalizes the kind of continued interference that the Reagan administration proposes.

So when we go into the House today after this committee report I am going to vote against what I hope will pass in committee. I am going to vote against it and the Hamilton substitute. There should not be a dime laid out in any way of our taxpayers' dollars involving us in the situation in Nicaragua. Let the Nicaraguans decide on their own destiny.

Mr. STUDDS. Mr. Chairman, I yield 1 minute to the gentlewoman from Louisiana [Mrs. LONG].

Mrs. LONG. Mr. Chairman, recently, President Alfonsin was recognized for his achievements in restoring democracy to Argentina. He was the recipient of the first Democracy Award.

In President Alfonsin's address to a joint session of Congress, he said that militarism is not a solution to the problems of Central America and the Contadora process must be strengthened to achieve peace in the region.

The people of Louisiana and those of Latin America have always enjoyed a unique relationship—a relationship built on mutual respect, trade and a common desire for progress.

Militarism is not working. Furthermore, the continued use of military force in Central America alienates Latins and threatens U.S. markets in the Western Hemisphere.

Louisiana farmers sell tons of rice to Latin America. Enactment of the Barnes-Hamilton amendment would support a political framework to establish and maintain democracy and preserve the opportunity of Louisiana farmers to promote their products in Latin America.

Mr. STUDDS. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. I applaud the remarks of the gentlewoman from Louisiana who just spoke a minute ago pointing out a very important fact that heretofore has been ignored in this debate. I first took notice of the threat that our current policy is having to the markets in Central America about a year ago when the President of Mexico, Miguel de la Madrid, said that the U.S. policy in Central America of naval operations and military maneuvers is alienating the Latin American people.

□ 1510

My colleagues, there are 500 million Latin Americans. Their staple is beans and rice. The largest markets for beans and rice produced in the United States is the Western Hemisphere.

If our policy is threatening our markets in Central America, we have another reason to be concerned about U.S. policy in that region. Of course we are concerned primarily with peace and with democracy and with what we perceive to be a threat of communism and, above all, we are concerned about our own national security.

But in addition to those things the failure of our current policy, a United States policy that is out of control in the region, costing millions, maybe even billions of dollars, threatening the lives of brave Americans, alienating our allies in the Western Hemisphere, is also threatening commercial markets that our people need in this country during difficult times. And especially the American farmer, who is suffering a depression-like condition throughout the farm community.

I urge my colleagues from the farm States to vote for the Barnes-Hamilton substitute, to provide some process for negotiation in the region and to address the policy in that region that will find support among our allies and that will not alienate Latin Americans and that will continue the opportunity for our farmers to sell our rice and our beans in the Western Hemisphere.

The CHAIRMAN. The time of the gentleman has expired.

● Mr. BOUCHER. Mr. Chairman, I rise in support of the Barnes-Hamilton resolution. The Barnes-Hamilton resolution puts the Sandinista government on notice that we will not tolerate a pattern of abuses of the basic principles of fair play and pluralistic government.

The resolution states clearly that the United States will reward future efforts on the part of Nicaragua to move toward pluralistic democracy and reconciliation with its opponents, and that we will act swiftly and decisively to impose multinational pressures on Nicaragua if that country does not remove foreign military advisors, end its support for regional insurgencies, restore individual liberties and press freedoms, and make progress in conducting free and fair elections. The substitute puts the Sandinista government on notice that future congressional decisions on aid to the Contra forces and foreign aid to Nicaragua will rest heavily on the actions of the Sandinistas.

The Sandinista government should not assume that adoption by this body of the Barnes-Hamilton substitute is a signal to conduct business as usual. Such an interpretation does not invite reconciliation between our two governments. Rather, it ensures our mistrust of and hostility toward the goals of the Sandinista regime.

To the Sandinistas, the message of Barnes-Hamilton is loud and clear: Join the community of peoples who value democracy and you will remain our friends. Preach the virtues of civil liberties, religious freedom and a free press and you will be welcome in the company of the democracies of the Western Hemisphere. The choice is yours. We can walk together as free peoples or return to a period of confrontation and mistrust.

Mr. Chairman, I hope the Sandinistas and President Ortega hear and heed our message.●

● Mr. DONNELLY. Mr. Chairman, I rise in support of the substitute offered by the distinguished gentleman from Indiana, the chairman of the House Permanent Select Committee on Intelligence, Mr. HAMILTON. The

substitute continues the prohibition on further U.S. military aid to the Contras. It provides $10 million for humanitarian assistance to refugees outside of Nicaragua, and it provides $4 million for implementing a Contadora agreement if one is achieved. The substitute calls for escalating diplomatic, political, and economic pressures on Nicaragua if the Sandinista regime fails to reverse repressive policies within Nicaragua, or fails to end its activities aimed at destabilizing its neighbors.

Further funding of the Contras can only serve to enkindle wider hostilities that could engulf the entire region. That flawed policy provides the Sandinistas with an opportunity to portray itself as the defender of the Nicaraguan people against foreign-financed paramilitaries. It provides the Sandinistas a convenient excuse for their failure to live up to their original promises to build a more open and just society in Nicaragua. An open and just society does not import Soviet and Cuban military advisors to oversee an arms buildup far beyond the legitimate requirements of self defense. An open and just society does not harass church personnel and disrupt church affairs. An open and just society does not assist insurgencies against its neighbors. An open and just society allows the full participation of opposition political parties in elections. An open and just society strives not to impose oppressive censorship on a free press, but strives instead to defend individual liberties and the freedom of expression.

The Sandinista regime contends that its oppressive policies are necessary measures in the face of the threat posed by the Contras. The Contras cannot be blamed for all the societal ills and shortcomings in Nicaragua since the revolution of 1979.

Today's vote is not on the record of the Sandinista regime in power in Nicaragua. It is a crucial vote on the direction of American policy in Central America. It is a vote on whether we are willing to put our full and committed support behind the principled initiative of the Contadora nations to bring peace and stability to Central America not through military means, but by regional negotiations. The negotiations proposed by the Contadora nations are aimed at attaining practical, worthwhile results such as; bringing an end to support for insurgents against a cosignator, and limiting national military forces to legitimate self-defense roles and configurations. The goals of Contadora are very similar, if not identical, to the expressed purposes and aims of American policy in Central America. We as Americans have a profound desire that the people of that troubled region should have the opportunity to live in democratic societies that defend their individual rights, and which promote peaceful relations with neighboring countries. The Hamilton substitute is well-crafted. It gives diplomacy a chance to work. Military escalation will do nothing to improve conditions inside Nicaragua. Instead, it will impose greater suffering on the people of Nicaragua, and draw us closer and closer to the commitment of American troops to that region. We have before us today, in the Hamilton substitute, an alternative to the administration's request for additional military aid to the Contras in Nicaragua. It seeks to draw American policy toward Central America away from the direction of wider military confrontation. It deserves the support of this House.●

● Mr. FAUNTROY. Mr. Chairman, while I have urged my colleagues to support the Hamilton amendment as a matter of legislative strategy, I also have grave reservations concerning this resolution, which was the best but flawed alternative placed before us.

I have severe objections to the provision contained in the Hamilton amendment that would permit the reopening of the question of aid to the Contras after October 1, 1985.

The Congress has spoken on this question numerous times and with wisdom in opposing such assistance to the Contras.

I, therefore, urge the defeat of any proposal on final passage that would contain a provision that would reopen this debate.●

● Mr. HUGHES. Mr. Chairman, as my colleagues well know, the issue of continued U.S. military aid to counterrevolutionaries fighting in Nicaragua has been difficult. It truly defies some of the simplistic analysis we have heard during this lengthy debate from both sides.

On the one hand, we have heard that the Contras are little better than bloodthirsty remnants of the dictatorial Somoza regime, who are willing to kill women and children to regain their control of this nation. The Sandinistas, we are told, are no real threat to the United States.

From the other side, we are told that the Sandinistas are mere puppets of Libya, the PLO, Cuba, and the Soviet Union, who are bent on destabilizing all of the Americas, and bringing the United States to its knees. Under this scenario, the Contras are the moral equivalent of George Washington and Thomas Jefferson, if not Joan of Arc.

Mr. Chairman, I think we know that there is some truth in what has been claimed by both sides. We know too that there has been some exaggeration by both sides.

The issue before us, however, is not whether we have our differences with the Sandinista government. We most certainly do have our differences—very serious ones.

The issue before us is whether those differences can only be settled by furnishing direct military aid to the counterrevolutionaries in Nicaragua. We are being asked to choose between that military option and some other option that might lead to a negotiated settlement.

Let's examine the military option. Stated another way, the military option is the use of armed force to achieve a foreign policy objective.

Should we be using armed force to achieve foreign policy objectives? Without getting into the morality of using force for purposes other than self-defense, I certainly could not rule out the use of force in Central America under certain circumstances.

But I feel many would agree with me that the use of armed force should be the last resort in settling major disputes with other nations. The problem with the administration proposal is that military force is being used as a first resort.

Have we broken diplomatic relations with Nicaragua? No, we have not.

Twenty percent of Nicaragua's exports go to the United States. Have we cut off trade? No.

Have we denied landing rights to Nicaraguan airlines? Again, the answer is "no."

Have we attempted to work with our allies to deny bank loans and international financial aid to Nicaragua? Again, no.

What about denying visas to Nicaraguan citizens? Cutting off investment? Isolating Nicaragua through diplomatic pressure on its neighbors? The answer is "no, no, no."

Instead, we have persisted in aiding the insurgents as a means of overthrowing the Sandinista government.

The irony is that the Contras simply are not in a position to accomplish that goal. Yet, our military aid to the Contras gives Cuba and the Soviets the excuse they need to increase their military presence in the region—and it is that presence that we use to justify our support for the insurgents in the first place.

The further irony is that, even if our approach was the correct approach, the $14 million requested by the administration is not nearly enough to assure its success. In fact, it would probably take closer to $100 million per year to raise and support the type of army that might have a chance of overthrowing the Sandanista regime, and even then it would probably require direct military assistance from the United States.

I think that the truth of this matter is that the situation in Nicaragua under present circumstances is ill-suited for a military solution.

We do now have an opportunity, however, to attempt a diplomatic solution, by working with others in the

region and supporting the Contadora process.

In this regard, the alternative before us today, the Hamilton-Barnes amendment, puts us on record as supporting a peaceful resolution to our disagreements with Nicaragua. It furnishes $10 million for humanitarian assistance, to be administered by the Red Cross and the High Commissioner for Refugees; $4 million set aside for the Contadora process.

It gives us an opportunity to reduce the deaths, and move toward the democratic process in Nicaragua. Nicaragua has stated that, if given the opportunity, it will reduce outside advisers and broaden democratic participation.

The Hamilton-Barnes approach gives Nicaragua exactly such an opportunity to show that it is willing to become a responsible member of the regional community. It calls their bluff by affording the Sandanistas some 5 months to demonstrate their good faith.

Mr. Chairman, I believe that the approach outlined by Representatives HAMILTON and BARNES, although not perfect, is preferable to the Michel substitute. If we do not see progress—if the Sandanista government does not respond as they have suggested they will—then we will have an opportunity in a few months to consider other options in an expedited manner.●

The CHAIRMAN. For what purpose does the distinguished gentleman from Texas, the majority leader, rise?

Mr. WRIGHT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following members responded to their names:

[Roll No. 66]

Ackerman	Boehlert	Chappell
Addabbo	Boggs	Chappie
Akaka	Boland	Cheney
Alexander	Boner (TN)	Clay
Anderson	Bonior (MI)	Clinger
Andrews	Bonker	Coats
Annunzio	Borski	Cobey
Anthony	Bosco	Coble
Archer	Boucher	Coelho
Armey	Boulter	Coleman (MO)
Atkins	Boxer	Coleman (TX)
AuCoin	Breaux	Collins
Barnard	Brooks	Combest
Barnes	Broomfield	Conte
Bartlett	Brown (CA)	Conyers
Barton	Brown (CO)	Coughlin
Bateman	Broyhill	Courter
Bates	Bruce	Craig
Bedell	Bryant	Crane
Beilenson	Burton (CA)	Crockett
Bennett	Burton (IN)	Dannemeyer
Bentley	Bustamante	Darden
Bereuter	Callahan	Daschle
Berman	Campbell	Daub
Bevill	Carney	Davis
Biaggi	Carper	DeLay
Bilirakis	Carr	Dellums
Bliley	Chandler	Derrick
DeWine	Johnson	Olin
Dickinson	Jones (NC)	Ortiz
Dicks	Jones (OK)	Owens
DioGuardi	Jones (TN)	Oxley
Dixon	Kanjorski	Packard
Donnelly	Kaptur	Panetta
Dorgan (ND)	Kasich	Parris
Dornan (CA)	Kastenmeier	Pashayan
Dowdy	Kemp	Pease
Downey	Kennelly	Penny
Dreier	Kildee	Pepper
Duncan	Kleczka	Perkins
Durbin	Kolbe	Petri
Dwyer	Kolter	Pickle
Dymally	Kostmayer	Porter
Dyson	Kramer	Price
Early	LaFalce	Pursell
Eckart (OH)	Lagomarsino	Quillen
Eckert (NY)	Lantos	Rahall
Edgar	Latta	Ray
Edwards (CA)	Leach (IA)	Regula
Edwards (OK)	Leath (TX)	Reid
Emerson	Lehman (CA)	Richardson
English	Lehman (FL)	Ridge
Erdreich	Leland	Rinaldo
Evans (IA)	Lent	Ritter
Evans (IL)	Levin (MI)	Roberts
Fascell	Levine (CA)	Robinson
Fawell	Lewis (CA)	Roe
Fazio	Lewis (FL)	Roemer
Feighan	Lightfoot	Rogers
Fiedler	Lipinski	Rose
Fields	Livingston	Rostenkowski
Fish	Lloyd	Roth
Flippo	Loeffler	Roukema
Florio	Long	Rowland (CT)
Foglietta	Lott	Rowland (GA)
Foley	Lowery (CA)	Roybal
Ford (MI)	Lowry (WA)	Rudd
Ford (TN)	Lujan	Russo
Fowler	Luken	Sabo
Franklin	Lungren	Savage
Frenzel	Mack	Saxton
Frost	MacKay	Schaefer
Fuqua	Madigan	Schneider
Gallo	Manton	Schroeder
Garcia	Markey	Schuette
Gaydos	Marlenee	Schulze
Gejdenson	Martin (IL)	Schumer
Gekas	Martin (NY)	Sensenbrenner
Gephardt	Martinez	Sharp
Gilman	Matsui	Shaw
Gingrich	Mavroules	Shelby
Glickman	Mazzoli	Shumway
Gonzalez	McCain	Shuster
Goodling	McCandless	Sikorski
Gordon	McCollum	Siljander
Gradison	McCurdy	Sisisky
Gray (IL)	McDade	Skeen
Gray (PA)	McEwen	Skelton
Green	McGrath	Slattery
Gregg	McHugh	Slaughter
Grotberg	McKernan	Smith (FL)
Guarini	McKinney	Smith (IA)
Gunderson	McMillan	Smith (NE)
Hall (OH)	Meyers	Smith (NH)
Hall, Ralph	Mica	Smith (NJ)
Hamilton	Michel	Smith, Denny
Hammerschmidt	Mikulski	Smith, Robert
Hansen	Miller (CA)	Snowe
Hartnett	Miller (OH)	Snyder
Hatcher	Miller (WA)	Solarz
Hawkins	Mineta	Solomon
Hayes	Mitchell	Spence
Hefner	Moakley	Spratt
Heftel	Molinari	St Germain
Hendon	Mollohan	Staggers
Henry	Monson	Stallings
Hertel	Montgomery	Stangeland
Hiler	Moody	Stenholm
Hillis	Moore	Stokes
Holt	Moorhead	Strang
Hopkins	Morrison (CT)	Stratton
Horton	Mrazek	Studds
Howard	Murtha	Stump
Hoyer	Myers	Sundquist
Hubbard	Natcher	Sweeney
Huckaby	Neal	Swift
Hughes	Nelson	Swindall
Hunter	Nichols	Synar
Hutto	Nielson	Tallon
Hyde	Nowak	Tauke
Ireland	O'Brien	Tauzin
Jacobs	Oakar	Taylor
Jeffords	Oberstar	Thomas (CA)
Jenkins	Obey	Thomas (GA)
Torres	Waxman	Wolf
Torricelli	Weaver	Wolpe
Towns	Weber	Wortley
Traxler	Weiss	Wright
Valentine	Wheat	Wyden
Vander Jagt	Whitehurst	Wylie
Vento	Whitley	Yates
Visclosky	Whittaker	Yatron
Volkmer	Whitten	Young (AK)
Vucanovich	Williams	Young (FL)
Walgren	Wilson	Young (MO)
Walker	Wirth	Zschau
Watkins	Wise	

□ 1530

The CHAIRMAN. Four hundred ten Members have answered to their names, a quorum is present, and the Committee will resume its business.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. LAGOMARSINO], the ranking minority member of the Subcommittee on Western Hemisphere Affairs.

Mr. LAGOMARSINO. Mr. Chairman, Hamilton-Barnes says that the United States should provide only humanitarian aid and that this should be channeled through the U.N. High Commissioner on Refugees or the International Red Cross, and then only if they should decide to do it to meet humanitarian needs. These are respectable organizations, but there are respectable U.S. Government organizations capable of doing that, too. In addition, there are reasons why the proposed recipients might not be receptive to the two organizations named in the amendment.

People familiar with the plight of those who have fled Sandinista rule and familiar with the activities of the UNHCR say this would be a sure way to weaken and dishearten the regime's opponents.

Personal testimony comes from Dr. Othniel J. Seiden, a Denver physician who spent 3 weeks in Honduras close to the Nicaraguan border caring for Miskito Indian victims of the Sandinista regime. Dr. Seiden was a volunteer sponsored by the Victoria and Albert Gildred Foundation for Latin American Health and Education.

At first he thought he'd work in the UNHCR refugee camps. But Miskito leaders in Honduras persuaded him to come to their own villages where there were thousands of Nicaraguan Miskito refugees who desperately needed medical care. The Miskito leaders explained that the UNHCR medical teams refused to go to the villages but insisted the refugees come to the UNHCR camps. This most of the Indians refused to do.

According to Dr. Seiden, the Miskito refugees claimed they were much better off in the villages of their own people than in the UNHCR camps.

Working in the villages and in visits to UNHCR camps, Dr. Seiden found that all the Miskito leaders said was true. In the villages he talked to whole families who had left the camps and in

the camps he talked to families who planned to leave. Not only was the food skimpy and poor and the medical care often inadequate, but the refugees said they were subject to "political extortion."

As Dr. Seiden puts it, "The Indians were very anti-Sandinista. After all, that was why they had fled Nicaragua. They found the U.N. personnel pro-Sandinista and always exerting pressure on them to stop supporting the Contras and go home and back the Sandinistas."

The Miskitos' most serious charge, according to Dr. Seiden, was that U.N. personnel would regularly question refugees to ascertain whether any relatives were serving with the Contras.

"If they were, the whole family was denied food rations," Dr. Seiden said.

"Based on my experiences," Dr. Seiden said, "Our channeling any kind of aid through the UNHCR would be like giving it to the Sandinistas."

Contrary to the belief of many, the ICRC has not been neutral in Nicaragua. The proof comes from none other than the former president of the Nicaraguan Red Cross, Mr. Ismael Reyes, who fled Nicaragua in 1982 and now lives in exile in Guatemala.

Mr. Reyes, who was a prominent Nicaraguan businessman, told in an article in the newspaper Diario de Las Americas on November 11, 1983, how the ICRC let the Sandinistas renege on an agreement and send thousands of their opponents to their deaths or to long prison terms.

Under a bargain struck between the Sandinistas and the Carter administration, if the United States exerted pressure on President Somoza to leave the country in 1979, then the new Nicaraguan Government would form a new army made up of former members of the National Guard and former Sandinista guerrillas. The Carter administration kept its part of the bargain—Somoza went into exile. But the Sandinistas, as has since become a pattern, did not keep their part.

Instead, most National Guardsmen, barred from the Sandinista army, were left adrift, feeling demoralized and threatened. Many wanted to leave the country or to go to rural areas and resume premilitary lives as farmers. According to Mr. Reyes, then the president of the Nicaraguan Red Cross, the ICRC reached an agreement with Tomas Borge, the Sandinista Interior Minister. Under the agreement, National Guardsmen who surrendered and took refuge in ICRC-protected buildings, the military hospital, or the churches, would be guaranteed proper treatment and, if they wished, safe conduct out of the country.

That agreement was broadcast nationwide and persuaded more than 4,000 National Guardsmen to surrender.

Reyes says he suspected the Sandinistas might violate their pledge and therefore suggested to the ICRC's chief delegate that the prisoners be moved to foreign embassies or given some other kind of protection. The ICRC delegate refused. Shortly afterward, the army, by then almost entirely Sandinista forces, raided the sanctuaries and rounded up all those who had surrendered.

Reyes says he pleaded with the ICRC chief delegate to denounce the roundup. He says the delegate replied that he had explicit instructions from ICRC headquarters in Geneva not to protest.

According to Reyes, many of the prisoners were summarily executed by the security police. Almost all the rest were tried by illegal special tribunals which condemned most to penalties of more than 15 years. They had committed no crime under either Nicaragua or international law; their only crime was to be members of the national guard and, therefore, potential opponents of Sandinista absolute rule.

The treatment of the prisoners was so scandalous that the Inter-American Commission on Human Rights and the International Commission of Jurists condemned the tribunals. But the ICRC kept silent.

Reyes continued as president of the Nicaraguan Red Cross until August 1982 when a Sandinista mob seized the Red Cross headquarters and Reyes was forced to flee the country. Again, the ICRC did not even protest.

Today, of course, all Red Cross activities in Nicaragua are wholly controlled by the Sandinista regime. It would be either folly or deliberate betrayal to channel U.S. humanitarian aid through the Red Cross.

THE WHITE HOUSE,
Washington, April 24, 1985.

DEAR BOB: I announced on April 4 a proposal to promote peace in Central America by fostering a dialogue between the Government of Nicaragua and the democratic resistance, accompanied by a ceasefire in the conflict between them. My proposal was intended, in the words of the Contadora Document of Objectives agreed to by Nicaragua and its neighbors, "to promote national reconciliation efforts. . ., with a view to fostering participation in democratic political processes in accordance with the law."

Since April 4, I have had the benefit of many fruitful exchanges with Latin American leaders and with members of the Congress. I have been encouraged by these discussions, which have shown that a broad consensus exists on the need for reconciliation in Nicaragua, based on democratic principles, as an essential aspect of achieving peace in Central America.

Today the House will vote on competing proposals on how to proceed with our policy in Central America. The choice to be made is a fundamental one that will have a lasting effect on the prospects for democracy, economic opportunity, and peace in this vital region.

The proposal to be offered by Mr. Barnes and Mr. Hamilton would divert funds from existing economic assistance and refugee accounts for humanitarian assistance to refugees outside Nicaragua and for the expenses of implementing an eventual Contadora agreement. Members of Congress should be under no illusion about this proposal. Its adoption would damage our national security and foreign policy interests. By providing a financial inducement for members of the resistance to leave Nicaragua and become refugees in other countries, it relieves pressure on the Sandinistas while, at the same time, it increases the burdens imposed on the neighboring democracies. As a result, fragile democracies would be weakened, their economic recovery would be stalled, their security would be diminished—and the civil war in Nicaragua would go on.

The other proposal before the House, to be offered by Mr. Michel, would appropriate $14 million in new funds to enable the Agency for International Development to provide humanitarian aid for the Nicaraguan democratic opposition. This alternative meets most of the objectives in my effort to promote a dialogue within Nicaragua which regional leaders have recognized is essential for peace in Central America. Rather than abandon the opposition, the Michel proposal would help to sustain it, giving peace a chance.

If Congress approves $14 million for assistance during the current fiscal year, no other U.S. Government funds would be spent for such material assistance to the armed democratic resistance. I will personally establish thorough procedures for the detailed management and accountability of the program in order to assure that these limitations on both the nature and amount of U.S. assistance are scrupulously observed.

I recognize the importance some members have attached to bilateral talks with the Government of Nicaragua. I am instructing my representatives to meet with representatives of the Government of Nicaragua. In their talks, the U.S. representative will press for a ceasefire as well as a church-mediated dialog between the Sandinistas and the united democratic opposition. I must emphasize, however, that such bilateral talks must be in support of the Contadora process and cannot become a substitute for these efforts to achieve a comprehensive, verifiable agreement among all the nations of Central America. Also, as I said on April 4, peace negotiations must not become a cover for deception and delay. If the Sandinista government shows bad faith by seeking to gain unilateral advantage, for example, through a further arms buildup during a ceasefire or intransigence in negotiations, I would feel constrained to respond accordingly in our diplomatic efforts and would not expect the democratic resistance to continue to observe a ceasefire which was unfairly working to their disadvantage.

While economic sanctions are unlikely by themselves to create sufficient pressure to change. Nicaragua's behavior, the Sandinistas should not benefit from their present access to the U.S. market while continuing their intransigence on issues effecting our national security. The Administration will favorably consider economic sanctions against the Government of Nicaragua and will undertake multilateral consultations with other Central American states in this regard.

The U.S. condemns atrocities by either side in the strongest possible terms. We will use our assistance to help ensure against wrongful acts by those who seek our help and we will urge them to take steps to inves-

tigate allegations of such acts and take appropriate actions against those found to be guilty.

The United States now stands at a moment of judgment. Experience has shown that a policy of support for democracy, economic opportunity, and security will best serve the people of Central America and the national interests of the United States. If we show consistency of purpose, if we are firm in our conviction that the promising developments over the past year in El Salvador, Honduras, Costa Rica, and Guatemala also show the way for a better future for Nicaragua, then over time we can help see the democratic center prevail over tyrants of the left or the right. But if we abandon democracy in Nicaragua, if we tolerate the consolidation of a surrogate state in Central America responsive to Cuba and the Soviet Union, we will see the progress that has been achieved begin to unravel under the strain of continuing conflict, attempts at subversion, and loss of confidence in our support.

There can be a more democratic, more prosperous, and more peaceful Central America. I am prepared to devote my energies toward that end. But, I also need the support of the Congress. Yesterday, the Senate in a bipartisan vote for peace and democracy confirmed the commitment of the United States to those who struggle for liberty. I urge that the House of Representatives support such a measure today.

Sincerely,

RONALD REAGAN.

VIRGINIA, *April 22, 1985.*

To the U.S. Congress

MEMBERS OF CONGRESS: I am writing you on behalf of Mr. Wycliffe Diego, a Miskito Indian who has been a leader of the ethnic organization of Nicaragua, Alpromisu, later named Misurasata, and now called Misura.

Mr. Diego has learned of the debate going on the Aid to the Nicaraguan rebels and is concerned about the outcome of your decision. The points he has asked me to convey to you are—among others—the followings:

The Miskito Indians believe that would be a moral responsibility of the US Congress to create thousands of refugees by not supporting the will of Nicaraguans who are looking to regain their country and their rights. They ask you to continue supporting their struggle.

To grant the status of "refugees" to those who are fighting would be to replicate the tragedy that more than 40,000 Indians and Creolles suffer both in Costa Rica and Honduras, as well as to augment the number of those "relocated" under the iron fist of the Sandinista regime.

Mr. Diego asks you, *where are the refugees who are today in Honduras and in Costa Rica going to go? Where will go those who are inside Nicaragua expecting the liberation from the rebel forces and from their "allies"? What nationality will have the children born in a refugee camp? What rights do they have?*

According to Mr. Diego the Miskito Indians have a long and sad experience with the condition of being a refugee, of being repressed and harassed in their own country and of being forgotten and negotiated by those who are in a position of power, away from the day-to-day poverty and suffering. he asks that you review the complaints presented before the Organization of American States Inter-American Commission on Human Rights by the Miskito Indians—through their Council of Elders—in November 1982; they reported about the mistreatment given to the Miskito Indians by some staff of the UNHCR as well as the bias approach they had in favor of the Sandinista regime. He states that even today they feel an attitute that favors the return of the refugees to Nicaragua despite the fact that conditions that caused the Indians exodus continue to exist in Nicaragua's Atlantic Coast. (ACNUR works through World Relief in Honduras and Mr. Diego acknowledges some improvement on the implementation of the programs but he says that the sympathy towards the Sandinista regime continues to pressure the refugees.

Mr. Diego will be in town next Wednesday and Thursday; he will try to visit you at that time. Thank you for the attention you give to this letter.

Very sincerely,

WYCLIFFE DIEGO.
ADRIANA GUILLEN.

□ 1540

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts Mr. BOLAND the former chairman of the Select Committee on Intelligence.

Mr. BOLAND. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of this amendment.

I do so with the firm conviction that the House should move beyond the failings of the Sandinistas—real as they are—and consider a workable program for the resolution of our differences with Nicaragua.

I believe it is time for this country to move beyond simply lashing out at the Sandinistas.

It is time to develop a coordinated policy toward Nicaragua that has a chance for peace:

That has the support of the Congress and the American people;

That can be endorsed—publicly and privately—by the nations of the region;

That makes use of regional bodies such as the OAS and the Contadora group; and

That encourages negotiation with Nicaragua.

And yet it is also clear that we must not abandon those who legitimately oppose the repression of the Sandinista regime;

Those who seek to halt its support for insurgencies, in the region;

Those who wish to revitilize its economy; and

Those who simply wish to live in Nicaragua in peace.

Mr. Chairman, we would not be here today debating this resolution if military pressure on the Sandinista regime had worked. Because it has not, we must seek other, more productive, ways to address the problem Nicaragua represents to us, to its neighbors and to its people.

The Hamilton-Barnes amendment does this by emphasizing collective action with our Latin and Central American neighbors:

By supporting strongly the Contadora process,

By encouraging in every way a ceasefire in Nicaragua and a dialog between the Sandinistas and their opposition—both armed and unarmed.

The incentive to the Contras for a cease fire is U.S. aid in the form of humanitarian assistance.

For the Sandinistas, the incentives are both positive—improved relations and trade—and negative—economic sanctions and congressional reconsideration of the military option. The boost to Contadora is a U.S. policy of full support, material assistance, and a cessation of U.S. efforts to overthrow the regime in Managua.

Yet, Mr. Chairman, the amendment is not blind to the failings of the Sandinistas. Indeed, it sets them forth in some detail. It acknowledges Sandinista repression, the Sandinista military buildup, and Sandinista threats against their Central American neighbors. It acknowledges human rights abuses on both sides.

But instead of a military response, the amendment offers the prospect of better relations with Nicaragua:

If there can be a reconciliation between the Sandinistas and their opponents; if support to insurgenices ends; and if Cuba and Soviet influence can be removed.

So there are incentives for the Sandinistas to try to make the peace process work.

There are also some incentives of a negative kind.

The United States will not abandon the Contras. It will provide assistance to feed, clothe, and treat them during the period of the negotiations. Although the resolution places no deadline for the successful completion of negotiations, it does provide that the President can request military aid for the Contras after October 1. That review is designed to give the Sandinistas clear warning not to misinterpret last night's vote. They should realize that Hamilton-Barnes keeps the Contras in the game and, by doing so, recognizes their right, and that of the unarmed opposition, to a say in the future of their country.

So the Sandinistas must realize their conduct over the coming months—their response to these openings we create—must be positive and in good faith. If it is not, I believe they will find the Congress much less patient the next time this issue arises. The Contras, like the Sandinistas, also have a choice. They can avail themselves of up to $10 million in refugee assistance at sites outside Nicaragua, during the period of the various negotiations. This assistance will not permit them to wage their war. It will encourage a cease fire, but does not force one upon them.

Mr. Chairman, the need for this kind of approach is real. We have so many more diplomatic, economic, and military capabilities which could be brought to bear on the problem that Nicaragua represents. And, we want to do so in a way that sets us apart from the Soviets and the Cubans, that makes us a good friend and partner.

Mr. Chairman, what is striking about this resolution is that it builds so greatly on goals and concerns shared by the majority of the House. In effect, it takes up where the President's plan left off. It offers incentives to both the Sandinistas and their opponents. It deserves our bipartisan support and our best efforts to implement.

The CHAIRMAN. The gentleman from Michigan [Mr. BROOMFIELD] has 6 minutes remaining, and the gentleman from Indiana [Mr. HAMILTON] has 6 minutes remaining.

Mr. BROOMFIELD. Mr. Chairman, to close the debate in opposition, I yield my remaining time to the gentleman from Mississippi [Mr. LOTT].

Mr. IRELAND. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Florida.

Mr. IRELAND. I thank the gentleman for yielding to me.

Mr. Chairman, the Barnes amendment provides a one-shot authorization of $10 million to support Nicaraguan refugees in Honduras and Costa Rica. That money is only a tiny fraction of what it will take to help the new Barnes plan refugees.

The Barnes plan will increase the number of refugees from Nicaragua. The plan creates a serious long-term refugee problem, but provides only a small amount of money for a short term to deal with the problem.

If we adopt the ill-advised Barnes plan, we should prepare ourselves for a long-term and probably massive commitment to refugee relief, and perhaps even to resettlement in the United States.

There are sound reasons to anticipate a major increase in the refugee problem. Recent history in Afghanistan and El Salvador should be enough to convince us that the problem is real. As economic and political conditions deteriorate under the Sandinista regime, the exodus from Nicaragua will continue. We have already seen the increase in Nicaraguan young men escaping the Sandinista military draft. We could easily be faced with an exodus proportionate to that of the Vietnamese and Afghans. I remind you that it is estimated that one-third of the Afghans now are refugees.

There are about 180,000 Nicaraguans already in Costa Rica and Honduras. The Foreign Minister of Costa Rica told a House Intelligence Committee delegation last week that there are now over 150,000 Nicaraguans in Costa Rica, and that there are many others on their way. Costa Ricans already are complaining that this has caused a substantial drain on their economy.

In Honduras the number of known Nicaraguan refugees has doubled in the past year. The general policy of both Costa Rica and El Salvador is to resist incorporating the refugees into their societies because they fear the political economic consequences. Permanent refugees will have to be resettled elsewhere, and the United States may end up having to accept a large number of them.

Let's consider for a moment the costs of sustaining refugees in Central America. Right now, only about 30,000 of the 180,000 or more Nicaraguan refugees in Honduras and Costa Rica may be receiving U.S. or U.N. aid. Currently the U.N. program supporting mainly Nicaraguan and Salvadoran refugees in Costa Rica has a budget of $7 million and helps 12,000 refugees. In short, in Costa Rica the United Nations is spending $600 per refugee, and is reaching only a fraction of the actual number of refugees.

I won't assume the worst case—that one-third of Central Americans would flee communism, as in Afghanistan. Instead, suppose that 10 percent might do so.

From Nicaragua alone we can bet on 300,000 additional refugees as the Sandinistas continue their repression. As things get worse under the Barnes plan, we could anticipate the necessity of helping 1½ million refugees. At an estimated $600 cost per refugee, sustaining them in Central America simply for a year might cost $900 million. If $10 million from the Barnes plan is added to existing U.S. and U.N. refugee aid for Honduras and Costa Rica, the current total will be $32 million. The Barnes plan is not even close, Mr. Chairman, not even close.

If the Barnes plan is going to increase the flood of refugees—as it surely will—the Barnes plan ought to include the real cost of taking care of them, not a puny $10 million drop in the bucket.

Mr. LOTT. I thank the gentleman for yielding me this time.

Mr. Chairman, the first question in my mind is what does the Barnes-Hamilton resolution do about the situation in Nicaragua? The answer is: Nothing.

But before I get into the substance, I will remind you once again how we got here. This resolution is not here after a hearing in the Foreign Affairs Committee or after a hearing or action in the Appropriations Committee. The Appropriations Subcommittee and full committee was moving last Thursday, and all of a sudden, when it was realized that they could not get something through the Appropriations Committee to be here on this floor by Tuesday, all of a sudden we showed up in the Rules Committee at a hearing on a resolution we did not have before us. When I asked the gentleman from Maryland what his proposal was, he did not have all the details worked out. Luckily, we finally got a rule that is basically fair, but I tell you, this is still no way to legislate on an issue this important in foreign policy.

What happened to the genuine, bipartisan efforts that were being made? You know, I really hoped for that, and I know that there were negotiations or discussions between the administration and Members on both sides of the aisle.

I personally talked to somebody and said, "Can we not find accommodation here?" As a matter of fact, how little can we do? If we accommodate or compromise any more than what is in the Michel resolution, we might as well send a love letter and say "Good luck and goodbye." I tell you, that is about what the Barnes resolution does.

□ 1550

I suppose what we have here is an effort by those opposed to the people who are fighting against communism in Nicaragua to have something to offer so it would not look like they were just saying, "Let us shut our eyes and ignore this problem and hope it will go away."

What is the alternative? Not very much. The Barnes-Hamilton amendment provides money to implement treaties not yet agreed to, rather than providing any impetus toward achieving that end. The Barnes-Hamilton alternative provides humanitarian assistance only for Nicaraguans already driven from their country and not one red cent for those who have chosen to remain behind inside their country to reclaim their land and their freedom. It is more of a reparation for democratic defeat and retreat than it is a reward or an incentive for democracy's triumph.

Mr. Chairman, contrary to our Spirit of '76, we seem to be saying the only good freedom fighter is an ex-freedom fighter living in exile. That is the one we will try to reward. It is almost like we are saying to the Sandinista regime, "Let us help you rid yourself of those undesirable elements in your country by rewarding them for fleeing your country and withdrawing all support from those who have stayed behind to fight for democracy and freedom. This is how we will bring peace to your troubled land."

Well, this approach may bring peace of mind to the Sandinista, but it will certainly not pacify or liberate or even accommodate the democratic resistance inside Nicaragua. It will only make their valiant struggle more difficult.

What does the Barnes resolution do to help the Contras? Nothing. Not

even humanitarian aid. What does it do to really encourage the people inside Nicaragua to talk to each other and work out a settlement? Not anything.

The Michel substitute, on the other hand, the next issue we will be considering, puts us on the side of freedom and democracy and against tyranny, yet by providing only nonlethal survival assistance to the Contras, humanitarian aid. We have defined what the humanitarian aid is. We say it will go through AID and we encouraged the President to impose a trade embargo if they do not have good-faith negotiations.

The Michel amendment has the support of the President. I hope that this House will turn to support the President in his efforts as chief foreign policy spokesman and architect. We cannot speak with 535 voices when it comes to negotiating with foreign heads of states or advancing peace initiatives as we have been doing more and more often over the recent years.

Let us come together in a bipartisan fashion on the Michel amendment, not the Barnes substitute, to provide only humanitarian assistance to the democratic forces in Nicaragua. That is the least we can do as the leader of the free world. Reconciliation will only come if those forces of freedom are not abandoned.

Think about it. Vote "no" on Barnes and let us vote "yes" on the Michel substitute.

Mr. HAMILTON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today to discuss the two Contra funding alternatives before the House.

I must admit that I have some difficulty with the Hamilton alternative. This compromise would provide $4 million to assist the Contadora peace process and $10 million in humanitarian aid to Nicaraguan refugees via the Red Cross or the U.N. High Commissioner for Refugees.

My difficulty with this proposal is that it opens up the possibility of continued Contra military funding. This could happen either in the House-Senate conference committee or in coming years after current hostility to Contra aid has died down.

It is my belief that even this alternative is an interference in the affairs of the Nicaraguan people. Though its sponsors' intentions are surely good, my opposition to even the most benevolent intrusion is so strong that I would vote against this alternative if I was not fearful that the Michel alternative might pass.

I am completely opposed to the Michel alternative which would provide $14 million in supposedly nonlethal aid to the Contras. It is understood that the President wants the CIA to handle but not to control this money.

It is easy to see how this aid could be misused. The CIA might not control this money but they surely would be responsible for distributing it. Yet the CIA has rarely acted as a refugee relief agency. If we want to help refugees, we should do so through respected channels such as the Red Cross or the U.N. High Commissioner for Refugees.

Even if the $14 million were used exclusively to buy food and medicine, the Michel alternative would still be providing military aid to the Contras. This is because the Contras could easily divert the money otherwise needed for food and medicine to buy weapons and ammunition. In this way, the President's nonlethal aid would be as deadly as any military funding we could provide.

Mr. Chairman, my other major concern with funding of the Contras is that a downpayment on our own direct military involvement in Central America—$14 million may not be enough to overthrow the Sandinistas. Yet combined with the $80 million the CIA has already provided to the Contras, it may be enough to commit us to long-term military involvement there.

Approving any form of aid to the Contras today may make future U.S. military action in Nicaragua inevitable. As our aid continues, our stake in the military situation grows. We have seen this vicious cycle before in Vietnam and can now observe it in El Salvador.

Now that I have compared the two alternatives before the House, I would like to say a few words about the President's peace proposal, a misnomer if ever there was one. It is my belief that it is merely a ploy to gain congressional approval of Contra funding.

Furthermore, we all know that this "new" package of proposals is nearly identical to one offered by the Contras themselves earlier this year. The Sandinistas rejected them at that time. One Latin American statesman summed up the President's offer to Nicaragua as "Drop dead or I'll kill you." This comment surely rings true.

Mr. Chairman, we must unequivocally cut off all aid to the Contras thus preventing our young men from ever dying in the jungles and mountains of Nicaragua.

Mr. HAMILTON. Mr. Chairman, I yield the remaining time, 6 minutes, to the chairman of the Subcommittee on Central America and Latin America, the gentleman from Maryland [Mr. BARNES].

Mr. BARNES. I thank the gentleman for yielding this time to me.

Mr. Chairman, it is an honor for me to have the privilege to close this 2 hours of debate on the proposal that has been presented by the distinguished chairman of the Intelligence Committee, the gentleman from Indiana, Mr. HAMILTON, along with Chairman JONES and four members of the Republican Party, Mr. ZSCHAU, Mr. LEACH of Iowa, Mr. GRADISON, and Mr. FISH.

We have before us this afternoon, as everyone is aware, two alternative approaches. We have the bipartisan alternative that has been offered by Chairman HAMILTON and we have the alternative that has been offered on behalf of the Republican Party and, we have been told, has been supported by the President by the distinguished minority leader, Mr. MICHEL.

What is the difference between these two proposals and why should you support the Hamilton proposal and oppose the Michel proposal? That is the issue before us. What are the differences? Why vote for Hamilton? Why vote against Michel?

It is very simple. Let us focus first on the Michel proposal because that is the easiest one, I think, to focus on. If you voted last night against military aid to the Contras, then unless you believe in the tooth fairy and the Easter bunny, you want to vote against the Michel proposal this afternoon, because if you are against military support for the Contras, then you have got to be against providing $14 million in logistic supplies to the army, to the Contras. That is what the Michel proposal does.

Someone wiser than I once said an army marches on its stomach. Well, Mr. MICHEL will provide to that army food, medical supplies, other logistical support, it does not rule out transportation, I suppose trucks and other logistical support. So if you are against military support for the Contras and you voted that way last night, you have got to vote this afternoon against Michel.

Why would you want to vote for the Hamilton proposal? What is it in the Hamilton proposal that is attractive? We have been told all afternoon that the Hamilton proposal does nothing; it does nothing to the Sandinistas. I would suggest to you that what it does is call their bluff.

Within the last few days, the Sandinistas have said, President Ortega of Nicaragua has said, that if the United States does not fund the Contras and votes down what we did last night, so we have already taken one step, and votes down the Michel proposal this afternoon, and we just need to take one more step, if we do that, we have been told, and I do not know if it is true or not, they have told us things before that have turned out not to be true, but we have been told that if we do this, if we vote down the Michel

proposal this afternoon, then they will do a number of things.

They will call a cease-fire. They will lift the censorship. They will lift the emergency restrictions. They will limit the number of foreign military advisers. They will get rid of some Cubans and some Soviets.

That is what we have been told will happen if we vote this afternoon against the Michel proposal.

I suggest to this Chamber that we find out if that is true. The Hamilton proposal says let us give the remainder of this fiscal year, just a little over 5 months, to see whether something positive can be worked out. The Michel proposal and the proposal we voted down last night say, "Let us go to a military approach. Let us finance an army that is trying to overthrow the Government of Nicaragua." I ask you ladies and gentlemen who are so anxious to move to this military approach and were at the beginning of it 3 or 4 years ago, why have we not used some of the other options that are available to us?

Why have we not, for example, used diplomatic initiatives and diplomatic pressure? We have not done that. Talk to the Contadora nations. They will tell you we have undercut their effort. We have not supported it. Why is it, if Nicaragua is so bad, that we have to finance a war against them? Why is it that Nicaragua has most-favored-nation trade status with the United States today? Why is it that the United States is Nicaragua's leading trading partner if the Sandinistas are so bad? Why did we first decide to use the military option? There are other options that are available to us.

We are a great power. What the Hamilton proposal says is let us go back and look at the other options. We have 5 months, and ladies and gentlemen, we are going to be back with this issue next fall. We are going to be looking at U.S. relations with Nicaragua. We are going to have to decide next fall what is an appropriate approach.

We have the option this afternoon to call the Sandinistas' bluff, to give time for diplomacy, to give time to see if the Sandinistas are going to keep these commitments they have made. Let us vote for the Hamilton alternative, a bipartisan alternative brought in good faith by Republicans and Democrats to this floor to try to create a consensus. Let us vote for Hamilton and let us vote against the Michel proposal.

□ 1600

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Indiana [Mr. HAMILTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HAMILTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 219, noes 206, answered "present" 3, not voting 5, as follows:

[Roll No. 67]

AYES—219

Ackerman	Gaydos	Oakar
Addabbo	Gejdenson	Oberstar
Akaka	Gephardt	Obey
Alexander	Gibbons	Olin
Anderson	Gilman	Ortiz
Andrews	Glickman	Owens
Annunzio	Gonzalez	Panetta
Aspin	Gordon	Pease
Atkins	Gradison	Penny
AuCoin	Gray (IL)	Pepper
Barnes	Gray (PA)	Perkins
Bates	Green	Pickle
Bedell	Guarini	Price
Beilenson	Hamilton	Rahall
Bennett	Hatcher	Rangel
Berman	Hawkins	Reid
Biaggi	Hayes	Richardson
Boehlert	Hefner	Robinson
Boggs	Heftel	Roe
Boland	Hertel	Rose
Bonior (MI)	Horton	Rostenkowski
Bonker	Howard	Rowland (GA)
Borski	Hoyer	Roybal
Bosco	Hughes	Russo
Boucher	Jacobs	Sabo
Boxer	Jones (NC)	Scheuer
Brooks	Jones (OK)	Schneider
Brown (CA)	Kanjorski	Schroeder
Bruce	Kaptur	Schumer
Bryant	Kastenmeier	Seiberling
Burton (CA)	Kennelly	Sharp
Bustamante	Kildee	Sikorski
Clay	Kleczka	Sisisky
Clinger	Kolter	Skelton
Coelho	Kostmayer	Slattery
Coleman (TX)	LaFalce	Smith (FL)
Collins	Lantos	Snowe
Conte	Leach (IA)	Solarz
Conyers	Lehman (CA)	Spratt
Cooper	Lehman (FL)	St Germain
Coughlin	Leland	Staggers
Coyne	Levin (MI)	Stallings
Crockett	Levine (CA)	Stark
Daschle	Lipinski	Stokes
de la Garza	Long	Studds
Dellums	Lowry (WA)	Swift
Derrick	Luken	Synar
Dicks	Lundine	Thomas (GA)
Dingell	MacKay	Torres
Dixon	Manton	Torricelli
Donnelly	Markey	Traxler
Dorgan (ND)	Martinez	Udall
Downey	Matsui	Valentine
Durbin	Mavroules	Vento
Dwyer	Mazzoli	Visclosky
Dymally	McCurdy	Volkmer
Early	McHugh	Walgren
Eckart (OH)	McKernan	Watkins
Edgar	McKinney	Waxman
Edwards (CA)	Mica	Weaver
English	Mikulski	Weiss
Evans (IL)	Miller (CA)	Wheat
Fazio	Mineta	Whitley
Feighan	Moakley	Whitten
Fish	Mollohan	Williams
Foglietta	Moody	Wirth
Foley	Morrison (CT)	Wise
Ford (MI)	Mrazek	Wolpe
Ford (TN)	Murphy	Wright
Fowler	Murtha	Wyden
Frank	Natcher	Yatron
Frost	Neal	Young (MO)
Garcia	Nowak	Zschau

NOES—206

Anthony	Armey	Barton
Applegate	Barnard	Bateman
Archer	Bartlett	Bentley
Bereuter	Hansen	Parris
Bevill	Hartnett	Pashayan
Bilirakis	Hendon	Petri
Bliley	Henry	Porter
Boner (TN)	Hiler	Pursell
Boulter	Hillis	Quillen
Breaux	Holt	Ray
Broomfield	Hopkins	Regula
Brown (CO)	Hubbard	Ridge
Broyhill	Huckaby	Rinaldo
Burton (IN)	Hunter	Ritter
Callahan	Hutto	Roberts
Campbell	Hyde	Roemer
Carney	Ireland	Rogers
Carper	Jeffords	Roth
Carr	Jenkins	Roukema
Chandler	Johnson	Rowland (CT)
Chappell	Jones (TN)	Rudd
Chappie	Kasich	Saxton
Cheney	Kemp	Schaefer
Coats	Kindness	Schuette
Cobey	Kolbe	Schulze
Coble	Kramer	Sensenbrenner
Coleman (MO)	Lagomarsino	Shaw
Combest	Latta	Shelby
Courter	Leath (TX)	Shumway
Craig	Lent	Shuster
Crane	Lewis (CA)	Siljander
Dannemeyer	Lewis (FL)	Skeen
Darden	Lightfoot	Slaughter
Daub	Livingston	Smith (IA)
Davis	Lloyd	Smith (NE)
DeLay	Loeffler	Smith (NH)
DeWine	Lott	Smith (NJ)
Dickinson	Lowery (CA)	Smith, Denny
DioGuardi	Lujan	Smith, Robert
Dornan (CA)	Lungren	Snyder
Dowdy	Mack	Solomon
Dreier	Madigan	Spence
Duncan	Marlenee	Stangeland
Dyson	Martin (IL)	Stenholm
Eckert (NY)	Martin (NY)	Strang
Edwards (OK)	McCain	Stratton
Emerson	McCandless	Stump
Erdreich	McCollum	Sundquist
Evans (IA)	McDade	Sweeney
Fascell	McEwen	Swindall
Fawell	McGrath	Tallon
Fiedler	McMillan	Tauke
Fields	Meyers	Tauzin
Flippo	Michel	Taylor
Florio	Miller (OH)	Thomas (CA)
Franklin	Miller (WA)	Vander Jagt
Frenzel	Molinari	Vucanovich
Fuqua	Monson	Walker
Gallo	Montgomery	Weber
Gekas	Moore	Whitehurst
Gingrich	Moorhead	Whittaker
Goodling	Morrison (WA)	Wilson
Gregg	Myers	Wolf
Grotberg	Nelson	Wortley
Gunderson	Nichols	Wylie
Hall (OH)	Nielson	Yates
Hall, Ralph	O'Brien	Young (AK)
Hall, Sam	Oxley	Young (FL)
Hammerschmidt	Packard	

ANSWERED "PRESENT"—3

Mitchell	Savage	Towns

NOT VOTING—5

Badham	Daniel	Traficant
Byron	Rodino	

□ 1610

The Clerk announced the following pair:

On this vote:

Mr. Rodino for, with Mr. Badham against.

Mr. TOWNS changed his vote from "aye" to "present."

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. MICHEL. Strike all after the resolving clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any monies in the Treasury not otherwise appropriated, for the Agency for International Development for the fiscal year ending September 30, 1985, namely:

Agency for International Development, for food, clothing, medicine and other humanitarian assistance for the Nicaraguan democratic opposition, $14,000,000, *Provided*, That none of the funds made available by this resolution may be used to provide arms, munitions or other weapons of war to any person, group or organization, directly or indirectly.

SEC. 2. The Administrator of the Agency for International Development shall have such powers as may be necessary and proper to carry out section 1 of this joint resolution, notwithstanding any other provision of law relating to the administration, disbursement or use of appropriated funds.

SEC. 3. The President is strongly urged and encouraged to take the steps necessary to impose an embargo on trade between the United States and Nicaragua if the government of Nicaragua does not enter into good faith negotiations with the Nicaraguan democratic opposition.

The CHAIRMAN. Pursuant to House Resolution 136, the amendment is considered as having been read.

The gentleman from Illinois [Mr. MICHEL] will be recognized for 1 hour, and a Member opposed will be recognized for 1 hour.

The Chair recognizes the gentleman from Illinois [Mr. MICHEL].

□ 1620

Mr. MICHEL. Mr. Chairman, I should like to designate the gentleman from Michigan [Mr. BROOMFIELD] to make the allocation of time on our side of the aisle.

The CHAIRMAN. The gentleman from Michigan [Mr. BROOMFIELD] is designated to control the time for the gentleman from Illinois [Mr. MICHEL].

Mr. BROOMFIELD. Mr. Chairman, at this time I yield 5 minutes to the gentleman from Pennsylvania [Mr. MCDADE].

Mr. McDADE. Mr. Chairman, I rise in support of the amendment of my good friend, the distinguished Republican leader, BOB MICHEL.

Winston Churchill once described Russian foreign policy as an enigma wrapped inside a riddle. Mr. Chairman, by a margin of just five votes the House passed a resolution which I believe is riddled with contradictions, full of enigmas.

There is much in it that we can agree with and I would urge my colleagues to look at the resolution that was just passed because there are parts of it, indeed as we seek to reach a resolution of this problem, that we can all agree with.

The first paragraph says we desire peace. The Government of the United States desires peace. Of course we do.

Look at paragraph 4 on page 2 of the resolution. It says that there are, and I quote, "disturbing trends in Nicaragua's foreign * * * policies."

I would scratch "disturbing trends" and I would insert the words "appalling trends in Nicaragua's foreign * * * policies."

Look at the resolution you just passed and read what it says. "The Sandinista government's curtailment of individual liberties, political expression, freedom of worship, and the independence of the media." That is what the resolution says. Of course we agree.

It says it subordinates "military, judicial, and internal security functions to the ruling political party," and we agree.

It says, and I quote that resolution again, "The Sandinista Government's close military ties with Cuba, the Soviet Union and its Warsaw Pact allies, and the continuing military buildup that Nicaragua's neighbors consider threatening" and we agree.

And, Mr. Chairman, it says finally, if you read paragraph (4)(D) of the resolution that just passed, it condemns the Sandinista government's efforts to "export its influence and ideology," and, my friends, we agree.

We would stipulate in this House on both sides of the aisle to all of those proposals, I believe.

Then we come to the operative section, after the words, after the stipulations, to the effective language of the resolution that by a five-vote swing passed the House. And what did it do? It attempts to fly under the heading of humanitarian aid.

And what does it say? It says if you oppose, oppose the very government they have just condemned in order to get aid, you must leave your country. You must become a refugee or you are not eligible to receive 1 cent of the so-called humanitarian aid. That is a riddle and an enigma in this resolution. There is absolutely no way for one of those citizens who wishes to put his life on the line and fight for freedom of the press, and fight for freedom of religion, and fight for freedom of assembly to receive humanitarian aid unless he agrees to become a refugee.

Mr. Chairman, the resolution that this House just passed denies aid to the victims of oppression. The victims are the ones who are cut off from humanitarian assistance.

That ought not to be the policy of this Government. That ought not to be the policy of this House. That ought not to be what you go home and say to your constituents that you voted to do.

Do you really want to cut off humanitarian assistance to the victims of the Sandinista regime? That is what you just voted to do.

We can correct that in the next vote by voting for the amendment offered by my friend from Illinois [Mr. MICHEL]. I hope the House will do so in a broad bipartisan way. It is a straight-out effort at humanitarian aid, only humanitarian aid to those who would fight for the principles of democracy embodied in the Contadora documents which the Sandinista government repudiated, embodied in the charters that we believe in, embodied in what this Nation stands for.

I urge my colleagues to help the victims of oppression and vote for the Michel amendment.

□ 1630

Mr. BARNES. Mr. Chairman, I yield 5 minutes to my friend, the distinguished gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR of Michigan. Mr. Chairman, last night, the House upheld what has now become a proud tradition of courageous leadership in this body. We dealt U.S. involvement in the war in Nicaragua a resounding defeat—its largest defeat ever, yesterday's vote was a significant step, but surely not the last step, in the long and difficult process of bringing peace to Central America.

Today we must face that issue again on two more tough votes. And make no mistake about it—we face the very same issue today as we faced yesterday. The Michel substitute is cloaked in the soothing language of humanitarian aid but it is nothing less than continued aid to the Contras.

The Michel substitute is more direct aid to a brutal army waging a terrorist campaign against the people and Government of Nicaragua. Its funds can be used for communications equipment, trucks, uniforms, boots, and other materials essential to the war effort. In the past year, funds administered by the Agency for International Development, the very agency that the Michel substitute would fund, have been used along the Honduran border for roads and bridges—uses that directly facilitate troop movements.

The funds in the Michel substitute can be used to supply troops operating inside Nicaragua. They can be used to free up other Contra funds—and the Contras will surely not be short of funds from other sources—that can be used for the purchase of weapons.

Most importantly, the Michel substitute fails to reinstate the existing prohibition against diverting other U.S. funds to the Contras. It could free up far more than $14 million for future military aid.

Finally, it gives the Contras the official stamp of congressional approval that they have long sought. If we want

to end this illegal and unjust war, we must defeat the Michel substitute.

The stakes are high. A recent New York Times article clearly documents that the administration views the present $14 million request as part of an effort to expand the U.S.-supported guerrilla forces to a 35,000-member army. This enlarged army will require substantially increased funding of at least $100 million per year. Even more disturbing, the administration sees aid to the Contras as part of a policy which considers the direct application of U.S. military force as an eventual option.

The Hamilton substitute provides an alternative to increasing U.S. military involvement in the region. It is grounded in the principles of international law, in the principles of democracy and respect for the sovereignty of nations that are our proud heritage as a nation. These are the principles, not our overwhelming military power, which give us the right to claim leadership among the community of nations. These are the principles we must embody in our policy in Central America today.

The Hamilton substitute emphasizes diplomacy over military intervention. It provides a strong endorsement and incentives to implement the Contadora peace process. And it provides genuine humanitarian assistance to refugees from Nicaragua, aid that will be supervised through internationally recognized relief organizations in areas where such assistance is truly needed.

The issue we face today is simple, it is clear. The war we are currently funding in Nicaragua, is a war that the American people do not want. A vote for the Michel substitute is a vote to continue that war. The American people are looking to us for a peaceful alternative, for leadership, and the courage of our convictions as a nation. The Hamilton substitute provides that alternative. I urge my colleagues to stay with Hamilton and defeat Michel.

Mr. BROOMFIELD. Mr. Chairman, I yield 6 minutes to the gentleman from Texas [Mr. LOEFFLER].

Mr. LOEFFLER. Thank you very much.

Mr. Chairman and Members of this body, the substitute which just passed does absolutely nothing to encourage the Sandinista Marxist-Leninist regime to stop repression, suppression, oppression internally or subversion internationally.

Mr. Chairman, the time has come for all Americans to sober up and understand that the stakes are exceedingly high. For us in this body, the time has come for us to put partisan politics aside and recognize what is so important with respect to foreign policy within our own hemisphere.

We must support the Michel substitute because it is through the Michel substitute that we provide assistance to those people within Nicaragua who desperately seek to live under a government by democracy, not a government by oppression.

It is the Michel resolution which will allow the United States of America to honor its responsibility to the free world—that we continue to be the beacon of democracy and provide support for those who want to have a life and a government like us. And there is no question that there are hundreds of thousands of people in Nicaragua that want this.

If, on the other hand, it would be the action of this body to disallow the passage of the Michel substitute, in my judgment, that would be a tragic mistake; tragic because then we are unilaterally abandoning the U.S. ability to assist in the formation of democracy while we are doing nothing to curb the activity of the Sandinistas in Nicaragua

If we in this body make a decision that we are unwilling to support the Michel resolution, that we are unwilling to take responsibility and adequate action to back up these people who need our help, then there is no question in my mind that in the years ahead we will pay a much higher price not only with respect to dollars but potentially with that ultimate option that I hope I never see placed on the table—the deployment of American troops in Central America to preserve our freedom and that of those within that region who need our help.

We simply cannot rip from the hands of a freedom-seeking people, the people of Central America who want what we have, the ability to achieve economic, social, and political attainments brought about by peace through the framework of a democracy defined in their own terms.

□ 1640

I have traveled in Central America, and I have looked at literally hundreds of people whose eyes express something that our Founding Fathers probably had as well; something that fortunately, we as Americans have never had to go through, but something that we must make certain that we stand up and support.

They want their freedom. They want a government in Nicaragua that honors a commitment that was made in 1979; that is democracy, not repression. That is democracy, the ability of people to move forward and enjoy the freedoms of religion and of the press, to be able to move forward in the private sector as members of labor unions and as entrepreneurs.

Mr. Chairman, when I was in Central America, as many of you who have traveled there, yes, I was greeted by government officials, but different than what we experience here when we receive officials from other nations; they were dressed like many of us on this floor today, but in addition they carried M16 weapons.

As many of you, they escorted us about their nation, in armed vehicles. As I reflect upon that type of environment, I had to think about my own State; about my own district that represents more than 500 miles of the Rio Grande River, more than a quarter of the entire border with Mexico.

I never want to see in Mexico what many of us have been greeted by in other parts of Central America. We must recognize that the matter we are now considering is much more than just Nicaragua. This is much more than just Central America; Panama, Costa Rica, Honduras, Guatemala, El Salvador, and Belize. The country of Mexico must be a major factor for consideration.

The pearl of the aggressor, Nicaragua, is not countries within Central America, it is Mexico. I implore you to understand that we are talking about more than just the people seeking democracy in Nicaragua. We are talking not only about Central America; we are talking about North America as well, and our friend and neighbor just across the Rio Grande River and the boundaries of New Mexico, Arizona, and California.

Mr. BARNES. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, as the chairman of the Appropriations Subcommittee which has jurisdiction over AID activities, I want to tell you that if anyone votes for the Michel amendment, they should not kid themselves; and they should not try to kid anybody else, either here or in their home district.

If you vote for the Michel amendment, I want to tell you that you will be voting to allow military aid to the Contras; there is no question about it. Now, I do not describe the Contras, as some have, as being bloodthirsty. Some of them are; I think many are not.

If there is any individual Nicaraguan citizen for whom I have personal respect, it is Adolfo Calero. I regard him as an old friend. I relied on his advice extensively when we had the issue of whether or not to provide assistance to Nicaragua immediately after the revolution.

It was largely upon his advice that I supported that for a time. As I say, I regard him as a friend. He is, for the uninitiated, the political head of the Contras.

My objection to the Michel amendment is not my objection to Mr. Calero or a number of people who surround him. My objection is that the Michel amendment will not do the job that is necessary in bringing the Sandinistas to heel. I think that the Hamilton

amendment, in contrast, has a much greater chance of accomplishing that.

I have no illusions about where the Sandinistas are trying to head. The question is not whether you like the Sandinistas or not. The question is not whether we are going to fight Marxism in Central America. The question is how to do it. The question is whether you are going to do it smart or do it stupid. And in my judgment the Michel amendment does not do it smart.

The problem with the Michel amendment is that it allows the Sandinistas to continue to make us the object of argument rather than turning that argument exclusively on their own conduct. That is what you do if you pass the Michel amendment.

Now allegedly, under the Michel amendment, this money goes to AID for humanitarian, nonmilitary purposes. But I tell you, as chairman of the subcommittee that has jurisdiction over AID, there is absolutely no way that I or anyone else can guarantee to you, in conscience, that that money will not go either to the CIA or to the Contras for military-related purposes, as has already been indicated.

Under this amendment, aid can go for logistics, aid can go for helicopters, aid can go for C-47's, aid can go to build the roads and bridges that facilitate the providing of military aid to the Contras. It can go for certain kinds of dynamite.

I want to remind you, there is not, in this amendment, the usual protection of a reprogramming process which is normally the case. Normally our subcommittee has an opportunity to review exactly how administration aid is being shifted, and if a shift would occur from one program to another or from one agency to another, our committee has the right of review. Under this amendment, there is no such right of review. Under the Hamilton amendment you did not need it because the money clearly would not go, under any circumstances, to the Contras. But under this amendment, it is simply military aid in other garb. It will get there; it will have the same effect. And it will enable the Sandinistas to resist the internal changes that I believe are necessary.

I think we do have to have pressure on the Sandinistas. I think we've got to have pressure on them for all four of the reasons that the administration has indicated.

But I really believe that there are only three actions that can legitimately—I ask for 1 more minute.

Mr. BARNES. Mr. Chairman, I yield 2 additional minutes to the gentleman.

Mr. OBEY. I really believe it is absolutely misguided to assume that the application of military, rather than economic pressure, can force this crowd in Nicaragua to change their tune in terms of their domestic policies.

The reason I believe that is because I honestly believe based upon my personal observations of them that you have half of the Sandinistas in control of that country now who would rather see a military invasion of Nicaragua, would rather be booted out of office, than to change their policies.

I really believe that half of them would much rather lose power temporarily on the assumption that having been forced out of office, they would then become the new Sandinos, not just within Nicaragua, but regionwide.

I think we ought to deny them that opportunity to be self-styled heroes.

Economic pressure is the greatest leverage we have in forcing internal change, in forcing divisions among the leaders of the Sandinistas. Economic pressure is what will cause the populace to raise questions about Nicaragua economic and social policies.

Hamilton has it; Michel does not; Michel is a slippery way to provide military aid—do not kid yourselves about it, and that military aid will be provided if you pass this amendment.

□ 1650

I urge you to follow the prudent course and stick with the Hamilton amendment.

Mr. BARNES. Will the gentleman yield for a question?

Mr. OBEY. I yield to the gentleman from Maryland.

Mr. BARNES. The gentleman is about out of time. I yield the gentleman 1 additional minute.

I think it is particularly important that the gentleman, who is the chairman of the subcommittee which has oversight responsibility with respect to the Agency for International Development, is in the well opposing the amendment that is before us, the Michel amendment.

One of my concerns about the Michel approach is precisely the fact that it places the Agency for International Development in the position of providing assistance to armed insurgents who are inside another country with which we have diplomatic relations and they are trying to overthrow that government. AID would be, if we adopt the Michel proposal, required to provide logistical assistance to armed forces inside another country. I wonder what the gentleman feels about the precedent of using the Agency for International Development as the mechanism for providing assistance to the armed insurgents in Nicaragua. What does that do to AID?

Mr. OBEY. In my judgment, what it does is to allow any enemy of the United States an opportunity to argue in the Third World that AID is nothing but a cover for our own military operations or desires around the world. That is not in our national interest.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has again expired.

Mr. BARNES. I yield 2 additional minutes to the gentleman from Wisconsin.

If the gentleman will yield further, I think the gentleman makes a very important point. One of the allegations that is sometimes made about AID, I believe falsely, but one of the allegations that is sometimes made against AID is that it is engaged in covert activities or is in some way in collusion with the Central Intelligence Agency or is part of the intelligence services of the United States. And we have historically been very careful to maintain that separation between our intelligence gathering services and AID. Does the gentleman share my concern that if we adopt the Michel proposal we will be confirming those suspicions and confirming those allegations that are sometimes made that AID is not simply in the business of providing development assistance and helping people but really is engaged in some other kinds of activities?

Mr. OBEY. I think the answer is clearly yes. We will be playing into the hands of any enemy of America who wants to bring into question any activity of AID anyplace in the world. As I say, that is not in our national interest.

Mr. BARNES. Let me say further that I have heard from people within AID of their concern about this proposal, that it places AID in a dangerously unprecedented situation. The Michel approach providing aid to armed insurgents in another country through AID is a serious mistake.

I have one last question for the distinguished chairman.

Mr. LIVINGSTON. Will the gentleman yield on that point?

Mr. BARNES. Let me complete my series of questions, and I know there is plenty of time on the gentleman's side.

As I understand it, AID does not operate refugee camps to provide assistance——

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has again expired.

Mr. BARNES. I yield 1 additional minute to the gentleman from Wisconsin.

AID does not operate camps to provide assistance to refugees or to feed people and to provide medical assistance. My understanding—and the gentleman can confirm this or deny it, I am not positive about this—the way AID operates, when it wants to provide that kind of humanitarian assistance, is that it normally would provide it through an international agency or private voluntary organization.

Mr. OBEY. That is correct.

Mr. BARNES. Or the U.N. High Commissioner for Refugees, or the International Committee of the Red Cross. Am I correct in that?

Mr. OBEY. That is absolutely correct. The difference is that under the Hamilton amendment we provide that aid directly to the agencies that normally provide that kind of humanitarian assistance. Under the Michel amendment there is a potential sleight of hand which goes on which allows that to be diverted for other purposes without the protection of the normal reprogramming processes which protect the congressional interest and the national interest on an issue like this.

Mr. BARNES. I thank the gentleman for his answers.

I think it is very important that our colleagues understand what the chairman of the oversight subcommittee has just said about this proposal.

Mr. LIVINGSTON. Will the gentleman yield on that point?

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Chairman, I rise in support of the Michel amendment. An amendment which honors the American commitment to stand by those who fight for democracy and who have defended U.S. strategic interests in Central America.

The Michel plan does three things:

First, it appropriates $14 million in fiscal year 1985 for humanitarian assistance to the Nicaraguan democratic opposition.

Second, this assistance is to be administered by the Agency for International Development.

Third, the Michel amendment urges the President to take steps to impose a trade embargo on Nicaragua if the Sandinistas do not negotiate in good faith with the Nicaraguan democratic opposition.

Now, let me state what the Michel amendment does not do:

The Michel amendment does not provide any military or paramilitary assistance to any group in or outside Nicaragua.

The Michel amendment only provides funds during fiscal year 1985 for humanitarian assistance. The statutory prohibitions against any type of military assistance are not repealed, they continue throughout the entire period that these funds are available.

The Michel amendment does not authorize the CIA to administer this overt humanitarian assistance.

The Michel amendment does not place in a permanent statutory language a prohibition against further U.S. aid. This is not another Clarke amendment.

The Michel plan does not support the Sandinista government and it does not punish our friends and allies by saddling them with an enormous refugee problem.

Ten days ago the President of Honduras and the Foreign Minister of Costa Rica told me that "This is a vital year for Central America." This is not a year that the United States should waiver in its commitment to peace, freedom, and democracy in the region.

In a nutshell, the Michel amendment sends the right signals:

It signals our commitment for those who fight for democracy in Central America.

It signals our commitment to a peaceful resolution to the internal conflicts in Nicaragua.

It provides the Sandinistas with an incentive to end their internal repression and external subversion.

The Michel plan is a realistic, common sense amendment which deserves broad congressional support.

The Michel amendment may not go as far as I may personally wish it to go, and it may go further than others may prefer.

However, I think the Michel amendment is an amendment we all can and should support.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. I thank the gentleman for yelding.

I am one of the Members who in the past has voted against military aid, and I stick to that position. But I do see some useful aspects to the Michel substitute, and I want to have some of my questions explained and clarified.

There has been some debate, both privately and in the press, as to whether AID—and we just heard part of that discussion—has the statutory authority to administer the humanitarian aid provided by the substitute. Does the Michel substitute grant adequate legal status to AID so that it may perform these duties?

There has also been some speculation that the funds granted to AID could in fact be administered by the CIA. What guarantees and assurances can you give me that this diversion will not take place?

Mr. BROOMFIELD. In response to the gentlewoman's question, on section 2 of the Michel amendment, it is very specific on that point. The Administrator of the Agency for International Development shall have such powers as may be necessary and proper to carry out section 1 of this joint resolution, notwithstanding any other provision of law relating to the administration, disbursement, or use of appropriated funds.

I think the point is there "notwithstanding any other provision of law," so they do have ample protection there.

Mrs. ROUKEMA. The second question: The Michel substitute contains no provision that would prohibit the CIA or any other organization from utilizing funds from other sources for military assistance to the Contras. To what extent would legal prohibitions remain which would prevent the CIA from allocating other moneys for military assistance to the Contras?

Mr. BROOMFIELD. Again, in response to the gentlewoman's question, the Michel amendment provides only fiscal 1985 money. The prohibitions on military assistance to the Contras in fiscal 1985 continue to apply under the Michel amendment. Prohibitions are in section 8066, Department of Defense Appropriaton Act, 1985, and in section 801, fiscal 1985 Intelligence Authorization Act.

Mrs. ROUKEMA. I thank the gentleman. That is very helpful.

The substitute of the gentleman from Illinois [Mr. MICHEL] does not speak to the question of a cease-fire or the Contadora process, but the President, I know, has sent a letter to this House that is very explicit on that part of the issue.

Mr. MICHEL. If the gentlewoman will yield, that is true, and when I take some time I will specifically enumerate those provisions of the President's letter that are appropriate to this debate.

Mrs. ROUKEMA. I thank the gentleman. This has been very helpful to me.

Mr. BROOMFIELD. Mr. Chairman, I yield 4½ minutes to the gentleman from Arizona [Mr. MCCAIN].

□ 1700

Mr. MCCAIN. I thank the gentleman.

Mr. Chairman, I would like to make a few points, one of them, to start with, is in regards to the very eloquent statement made by the subcommittee chairman, Mr. BARNES, concerning all of the commitments that he said we were given by the Sandinistas, and he said we would be calling the bluff of the Sandinistas. Lifting of censorship; free elections; all the freedoms might be reinstalled if the United States terminates its support of the Contras.

In every single hearing that we have had of almost every witness and nearly every spokesman on both sides have declared that an integral part of the peace process in Nicaragua is dialog with the Contras, with the freedom fighters. Just as our subcommittee chairman justifiably demanded last year that the Salvadoran government and Mr. Duarte engage in negotiations with the rebels in El Salvador. What Mr. BARNES failed to mention, either on purpose or because he is unaware, is the statement of the Nicaraguan Government broadcast this morning over Managua Radio Sandino Network. I quote:

In conclusion, the Nicaraguan government wishes to reiterate its firm, irreverable position that it will never accept any kind of a dialog with the mercenary forces directed and financed by the U.S. government regardless of the pretext to stage this dialog.

Mr. BARNES. Mr. Chairman, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman.

Mr. BARNES. I think the gentleman makes a very important point here, and I agree with the gentleman.

Mr. McCAIN. I wish you had mentioned it when you were speaking.

Mr. BARNES. I agree with the gentleman that the Government in Nicaragua should sit down and talk with the opposition within its own country. If the gentleman will recall, not less than 18 months ago, the Government of El Salvador issues statements almost identical in wording to the one the gentleman from the Sandinista government, saying we will never talk under any circumstances; there will be no dialog; it is impossible to talk to these people. What I am suggesting is maybe we will see the same kind of change in Nicaragua. Maybe we will not, but we are hoping that taking the steps that we have urged in the Hamilton approach will bring us that.

Mr. McCAIN. I thank the subcommittee chairman. His version of history and mine are dramatically different. In fact, I was down in El Salvador before the elections, which you stated last year would cause Mr. Duarte to be in trouble with the Army if he won. This is a quote from your floor statement against military aid to El Salvador. Napoleon Duarte ran on the promise that he would negotiate with the rebels, and the Salvadoran people supported him on that, and they elected him, and now El Salvador has a legislature which strongly supports him.

So I do not believe the subcommittee chairman is accurate.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman.

Mr. LAGOMARSINO. In support of what the gentleman said, the Managua Domestic Service in Spanish dated yesterday, April 23, question:

Commander, can you tell us something more about the proposal that you made and sent through the two Congressmen and that Mr. Shutz has described as a fraud?"

Ortega:

We were exchanging views with the Congressmen. The truth is that we have presented nothing new, as Mr. Shultz and President Reagan's spokesmen have tried to imply. Instead, we simply arranged the peace proposals that Nicaragua has always made. Since these are logical and reasonable proposals, they have been well received.

We all know what those have been and what they have led to.

Mr. McCAIN. Thank you. May I just add to that, according to the Associated Press, Mr. Ortega this morning was asked about President Reagan's statement that there are Soviet military advisors in war zones in Northern Nicaragua. Ortega said:

The Reagan administration is trying to use symbols to try to impress Congress in that way so that it will approve of his warmongering plan.

You notice that Mr. Ortega did not deny the presence of Soviet troops in Northern Nicaragua. I would just like to as quickly as possible say that if we allow 6 months to go by, the Sandinistas will consolidate the revolution. They are building free-fire zones; they are relocating thousands of people in order to consolidate their power. At the same time, the freedom fighters will have extreme difficulty staying in existence.

We need to support the Michel amendment to give these people a chance and for us all to support, I hope in a bipartisan fashion, negotiations, a cease-fire, mediation by the Bishops, and a peaceful resolution to this very difficult issue.

Mr. BARNES. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. I thank the gentleman for yielding me this time.

Mr. Chairman, I have had an unusual advantage the last couple of days. I have had to spend most of the time at home recovering from an operation, and I have watched this whole debate on television. Let me say that what is coming across to the television viewers is an outstanding discussion of what American foreign policy in Central America ought to be, regardless of your position on the particular issue.

There is a considerable consensus on both sides, at least among most of the people on both sides, despite some of the overblown rhetoric that I have heard. There is a consensus that we do not like the Sandinista government. I have not heard anybody defending the Sandinista government. I do not like the Sandinista government.

There is also a consensus that we ought to do something, with the powers available to the United States, to get that government to moderate some of its policies. I do not think there is a consensus that we ought to make them cry "Uncle," and try to force them to become a model U.S.-type of democracy, much as we would like to. But there is agreement as to certain interests that we and the neighbors of Nicaragua have. One is that the Sandinistas not try to use force and violence to export their revolution. Another is that they do not become a base for Soviet or Cuban military activity in Central America. We all agree on that. So there is agreement that we do not like the Sandinista government, and that some of the policies of that government ought to be changed. The basic disagreement is not over what kind of government Nicaragua should have but what kind of a government should the United States have. The question is whether our Government is going to follow policy that is consistent with our tradition of decency, of respect for law, of abhorrence of violence and terrorism, of openness and honesty toward the American people and the Congress. That is what debate is all about.

If you want to understand why a lot of people on my side of the aisle are voting the way they are, it is because we have been down this road before in Vietnam, and I do not need to recount what all that involved.

The real question is how do we use the powers of the United States to protect our interests and those of our friends in Latin America and at the same time, avoid escalating a war and getting in bed with some people who are doing things that would make any good American ashamed to be any part of that kind of activity.

Now, the problem I have with the gentlemen who are supporting the amendment that has been offered by Mr. MICHEL, is that they have not really said they are not going to use the military option. They have not said they intend to focus on the Contadora process, to use diplomacy and use our economic and other powers and mobilize opinion to get the Sandinistas to meet certain basic requirements of human decency and respect for the territorial and political integrity of their neighbors.

They continue to favor military options as the prime method for dealing with the Sandinistas. That is where we part company. There is nothing in the Michel amendment that puts the administration in a position where it cannot keep right on doing what it is doing; Supporting the Contras surreptitiously, giving them logistical support so, come the end of the fiscal year, they can go right on as though the Boland amendment and all of the policies we have hammered out here never existed. So it is clear where we need to focus if we are to get a constructive policy worked out. Thanks to the chairman of the committee, Mr. BARNES, and Mr. HAMILTON and the bipartisan supporters of the Hamilton resolution, we have the groundwork laid for that kind of an approach.

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Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I am glad to yield to the gentleman from California.

Mr. DORNAN of California. I thank the gentleman for yielding.

Mr. Chairman, please, please listen to these horrible examples of persecution in Nicaragua researched by Laura

Ingraham, senior research fellow at the Council for Inter-American Security.

The nine comandantes know that in the end the religious faith of the people of Nicaragua will be their undoing. That is why they persecute religion. Laura Ingraham documents carefully.

RELIGIOUS PERSECUTION IN NICARAGUA

Totalitarian regimes are, by the inner logic of their ideology, violently opposed to religion. On the practical level any state which seeks total centralization of all power cannot allow an independent authority to stand aside and criticize their actions, especially not one which will criticize from the vantage point of transcendent morality. On the deeper level of ideology totalitarians, in a powerful perversion of our Judaeo-Christian heritage, believe that the state is the true salvific vehicle for a secular transformation of man into god. These humanist utopians therefore demand absolute allegiance to the state and will tolerate no competition in the arena of salvation history.

Although the Sandinista rulers of Nicaragua are self-admitted Marxist-Leninists, many had hoped that they would be different. Nicaraguan Christians of all denominations favored replacing Somoza with a more democratic government and originally supported the new regime. The enthusiastic endorsement of North American Christians was even more marked. One visitor, a Catholic priest from Michigan, proclaimed in 1983 that "the reign of God has arrived in Nicaragua." Unfortunately, however, the *evidence of serious religious persecution* documents that life in Nicaragua today is in fact an ongoing Calvary.

Religious faith runs deep in Nicaragua, especially among the poor. Thus the Sandinistas developed a novel program to eradicate this religious influence. *Their two-pronged attack consists of serious covert persecution reinforced by occasional overt persecution.* This covert persecution is founded upon using radical Christians, who are Marxist revolutionaries first and Christians second, to reinterpret Christian beliefs in ways that turn them into Marxist tenets of man and society. Father Ernesto Cardenal, Sandinista minister of culture, bluntly states, "Christ led me to Marx" and "For me, the four Gospels are all equally Communist" (National Catholic Reporter, Sept. 7, 1984). Then these Marxist Christians openly attack and undermine the orthodox church members and leaders, thus sparing the Sandinistas the onus of such action. Once the church is divided, the government is more able to control it directly, as is now happening.

Shocking evidence of the Sandinistas' fundamental hospitality to religious practice is revealed in plans for their first Christmas. A scant four months after the revolution, Julio Lopez, head of propaganda and political education for the FSLN, addressed a memo to the regional leaders of the FSLN:

* * * we are working to reorient the celebration of Christmas. We want to make it a special day for the children, *one with a different content, fundamentally political* * * *. Only five months after the triumph of the Revolution, *it would be rather foolish to directly confront a tradition of more than 1979 years* * * *. Sixty-two years of revolution in the Soviet Union have not been enough to completely eradicate this religious tradition. Therefore, to pretend to uproot such a tradition from our people in such a short period of time could only constitute a petit bourgeois revolutionary attitude.

Beside showing that from the start the Sandinistas took the Soviet Union as their model, this memo clearly depicts their willingness to work covertly, over a long period of time, to "completely eradicate this religious tradition."

The first groups to be targeted for overt persecution were the less mainstream religions: the small Jewish community, the Moravians, Jehovah's Witnesses, Mormons, 7th Day Adventists, and Pentecostals. Nicaraguan Jews have been so intimidated by anti-Semitic actions including death threats, confiscation of property and businesses, and the torching and eventual confiscation of the only synagogue in Nicaragua, that most have fled the country.

The campaign to destroy the *Pentecostals* is well testified to by one miraculous survivor, campesino and Pentecostal preacher Prudensio de Jesus Baltodano Silva. In Washington this past May to testify before Congress and the Organization of American States (OAS), he told a nightmare story of torture at the hands of a specialized army unit made up of Sandinistas and *Cubans.* Exclaiming "You still don't know what we do to the evangelical pastors," the soldiers severely beat Baltodano, cut off his ears, slit his throat and left him to bleed to death, taunting him to pray to God to save him. Not so fortunate was 80-year-old fellow Pentecostal pastor Miguel Flores, who was grotesquely tortured and murdered by the Sandinistas (Washington Times, May 4, 1984).

According to journalist Kate Rafferty of the Open Doors News Service, "*Campus Crusade for Christ* has suffered a great deal of harassment, including office break-ins and the beating of leaders." When questioned by the Institute on Religion and Democracy about a National Council of Churches report which alleges that five *Nazarene* churches were "lost" because of contra attacks, Miss Rafferty responded:

I've travelled throughout Nicaragua and spoken with hundreds of pastors and church members, and I've never heard of such an incident. Moreover, *according to the National Council of Evangelical Pastors* (a Nicaraguan Protestant body of over 520 pastors from 65 denominations), *none of their churches have been attacked by the contras. Actually the Sandinistas tend to think that evangelical churches near the border might help the anti-Sandinista guerillas.* The government has ordered a numbered of these churches closed. (emphasis added)

The greatest tragedy, however, is the Sandinista *persecution of the Miskito, Sumo and Rama Indians* on Nicaragua's desolate Atlantic coast. The Sandinistas have never acknowledged the Miskitos' local system of government and started immediately in 1979 (long before any contra activity in the area) to replace Indian councils with Sandinista Defense Committees. When the Indians resisted, the Sandinistas initiated a brutal cultural levelling campaign. According to testimony from the Indians' Council of Elders, in January and February 1982 alone:

The FSLN with the pretext of 'spreading national sovereignty' destroyed 49 communities, burning more than 4,000 houses, and then, so that no one could return to their land of origin, cut down the fruit trees, shot all the domestic animals . . . and forced the persons that lived there to begin a forced march that took 11 to 15 days in order to arrive at the different concentration camps . . .

As inhuman as these policies are, however, *the Miskitos most resent the religious oppression.* More than 55 churches (mostly Moravian) were destroyed by 1982 with many ministers either killed or forced into exile. Berkely professor Bernard Nietschmann reported to the OAS that churches were used as jails and army barracks; Bibles and hymn books were destroyed; Sandinista soldiers desecrated churches by such methods as defecating and urinating in them and burnt many as well. He summarized the grave Sandinista oppression: "The Miskitos are a very religious people, and they have suffered greatly from the denial of their freedom of religion. In almost all of my discussions with hundreds of Miskito men and women, this was a principal grievance they reported to me."

The partially *covert persecution of the Catholic Church,* while not yet as violent as that experienced by minority denominations, is in the long-run more destructive of all religious freedom. The alliance of revolutionary Christians who preach a radical liberation theology, with the Sandinistas, works to politicize the Gospel and divide the Church. They teach that to be a true Christian one *must* be committed to the Revolution. The political implication of this view is that *those Christians who are not members of the FSLN are not really Christian.* Therefore, anyone who is not a party member is an enemy of the people and of Christ as well. *Following this reasoning, it has been easy for both the Sandinistas and the radical Christians to deny any charges of religious persecution: those non-Sandinista Christians who are oppressed are not, after all, Christians but only reactionaries masquerading as religious men and women.*

Ex-Sandinista Humberto Belli, in his extraordinarily well-documented book *Nicaragua: Christians Under Fire,* notes with great insight: "In practice the revolutionary Christians do not preach to Marxists in order to attract them to Jesus Christ, but to Christians in order to attract them to Marx." Much of this preaching occurs in the parallel Sandinista church, the "People's Church."

Modeled after similar parallel churches in Communist countries such as China, Marxist theologians preach the existence of two churches: the church of the "poor," the People's Church of pro-Sandinista Christians, and the church of the "rich," the institutional Church of the Catholic hierarchy. The Sandinistas have joined in this campaign with *Barricada,* the official Sandinista newspaper, promoting a pro-Sandinista priest, Fr. Arias Caldera, as "the Archbishop of the Poor." Archbishop Miguel Obando y Bravo, the actual Archbishop of Managua, explained to the National Catholic Register (July 29, 1984) that *the People's Church* (or Popular Church) *and the Sandinistas are "the same thing."*

Attacks on Archbishop Obando y Bravo have reached the point of labeling him "the anti-Christ," while a recent cartoon in "*Barricada* shows the archbishop with a hammer and boards as he converts a cross into a swastika" (National Catholic Reporter, Sept. 7, 1984). These smears conveniently ignore the fact that Somoza in his turn attacked Obando as a "communist".

Obando, usually accused of holding reactionary aristocratic sentiments, in fact is of humble Indian and mulatto ancestry and is immensely popular with the poor Nicaraguans for his practical sharing of their sufferings. A country pastor before his unexpected promotion to archbishop in 1970, he

rode a donkey throughout his rural mountain pastorate living as his peasant parishioners did. He organized the first peasant union in Nicaragua and strongly denounced Somoza's human rights violations, which resulted in one attempt on his life.

Open persecution of the Catholic Church accompanies the insidious covert persecution. In 1981 the Sandinistas suspended the Church's only remaining access to television, the televised Mass celebrated by the Archbishop of Managua. Next the Catholic radio was forbidden to broadcast for a month and finally, in March 1982, a State of Emergency which included full *censorship* of all media was declared (Belli). Agents from the ministry of interior now read all the material to be broadcast over the radio 24 hours in advance (National Catholic Reporter, Ibid.).

Even Pope John Paul II is not exempt from this censorship. In June 1982 he sent a pastoral letter to the people of Nicaragua condemning the Marxist People's Church, but the government banned its publication. Only after vigorous protests and three closings of *La Prensa*, the opposition newspaper, was the ban finally lifted.

The *"Turbas Divinas,"* or Divine Mobs—FSLN militants from the neighborhood Sandinista Defense Committees—began in late 1981 to *physically attack Catholic priests and bishops.* Miguel Bolanos Hunter, defector from the Sandinista State Security apparatus, explains that Tomas Borge, FSLN founder and current minister of interior, created the divine mobs and organized them so that "State Security controls them" (interview with Institute on Religion and Democracy, Dec. 1983).

The first mob incident was against the then-bishop of Juigalpa, Pablo A. Vega and was followed in a few weeks by an attack on Archbishop Obando's jeep (Belli). The *turbas* continue their harrassment of orthodox priests. The *National Catholic Reporter* (Sept. 7, 1984) notes that on June 17, 1984, in the town of El Sauce, "nearly 300 *turbas* tried to break up a Mass officiated by Nicaragua's nine bishops. Several fist fights broke out between the *turba* members and nearly 3,000 people attending the Mass."

A June 20, 1984 communique of the Bishops Conference of Nicaragua decries the escalating persecution and recalls eight major examples including:

The *Sandinista sacrilege of the Pope's March 1983 Mass in Managua.* (Bolanos Hunter has revealed in great detail how Sandinista security disrupted the Mass.)

The Christmas exodus to Honduras in December 1983 *of Bishop Salvador Schlaefer and over one thousand Miskitos.* During this exodus, the Sandinistas falsely broadcast the supposed kidnapping and assasination of the bishop by the contras, to cover-up their own attempts to kill him.

The expulsion for unproven accusations of six *priests and* three *nuns* over the last few years. (The July 1984 expulsion of ten priests raises *the total number to 19*).

The many times that *trained mobs have profaned liturgical celebrations* with slogans and shouting.

The crudely fabricated attempt to publicly humiliate Father Bismark Carballo, director of public relations for Archbishop Obando, with a supposed love-tryst. (Bolanos Hunter explains "the husband wasn't the husband; they weren't making love, they were just having lunch. I mean, everything was fabricated. The girl was an agent of Security. Everyone was part of the plan.")

The Episcopal conference issued the above-mentioned June 20 communique to denounce the Sandinistas when they *framed Father Luis Amado Pena,* a priest well-known for his truly Christian work in the poor slums, and claimed that he was carrying explosives to a contra group. After the bishops defended Fr. Pena, the *turbas* stormed his Mass, threatened the congregation and, according to Archbishop Obando, climbed up to the top of the Church and began to rip off the roof.

Finally, in July, the archbishop led a protest march of over 300 people as "a pilgrimage of solidarity and support for Father Pena." *The Sandinistas' shocking retaliation caused an international outcry* when on the same day Tomas Borge expelled ten key foreign priests for "carrying out labors against the government." *The Pope* called the action "openly harmful to the Church" and "a painful, particularly grave event" (July 12, 1984 *New York Times, Washington Times*). He was joined by the *Archbishop of San Jose, Costa Rica, the Episcopal conferences of Bolivia, Colombia, Chile, Mexico, and Guatemala, and the government of Spain*—all of whom made strong protests to the Nicaraguan Government.

In *the United States,* Bishop James W. Malone of Youngstown, President of the National Conference of Catholic Bishops, criticized the expulsions as "unjustified and detrimental to the cause of justice and peace." Both he and Cardinal Joseph Bernardin of Chicago cited the Pope's condemnation of Borge's action.

This serious violation of the Church's freedom caused *Archbiship Obando y Bravo* to *affirm publicly that the situation of the Church now is "worse" than it was under Somoza* (*Diario Las Americas,* July 12, 1984). Obando also told the National Catholic Register (July 29, 1984) that *"this government is totalitarian . . . an enemy of the Church . . . they are hurting the poor."*

These are damning words, for the archbishop at one time supported the Sandinistas. Beginning in 1971 the Bishops Conference, under Obando, issued pastoral letters repeatedly calling for a genuine Christian response to abuses from Somoza. These letters culminated on June 2, 1979, when the bishops proclaimed the right of the people to engage in revolutionary insurrection. Archbishop Obando actually celebrated a Mass of Thanksgiving when the FSLN entered Managua a few weeks later.

In November 1979 another pastoral letter fully endorsed the revolutionary process but added that it must follow guidelines such as: freedom of expression, political parties, religious practice and education. The bishops kept to these guidelines; the Revolution did not. By *Easter 1984,* the Episcopal Conference issued a *Pastoral Letter of Reconciliation* which condemned the People's Church for abandoning ecclesiastical unity, surrendering to the tenets of materialism and sowing confusion through a disinformation campaign within and without Nicaragua. It also called for peace through a sincere dialogue which would have to include the contra groups.

With the massive evidence of serious religious persecution in Nicaragua, why is there still such confusion in the United States about the reality of this persecution?

This confusion is a testimony to *the great success of the Sandinistas' new tactic of religious subversion: co-option through the establishment of parallel institutions.* Archbishop Obando warned the N.C. Register in his July 29, 1984 interview:

The first thing that the North American Church needs is good information. They receive a lot of information from the Popular Church and the Sandinistas—which is the same thing. The government here manipulates all the groups that come. And any letter that we send to the bishops never arrives there.

As an example, liberal Catholic "peace and justice" groups such as the Jesuit founded Center of Concern send fact-finding trips to Nicaragua, talk with Sandinistas Daniel Ortega and Fr. Fernando Cardenal, S.J., and conclude "I don't understand why John Paul II looks at it as persecution" (Fr. Philip Land in Washington Post, July 23, 1984).

Congressional testimony from Catholic bishops and staff members of the U.S. Catholic Conference (USCC)—which does *not* represent the teaching authority of the Church, nor even the majority opinion of the U.S. bishops—has minimally criticized a "pattern of harassment," especially the Marxist indoctrination required in the educational system, while also opposing U.S. aid to the contras and supporting U.S. economic assistance to Nicaragua. Elliott Abrams, assistant secretary of state for human rights and humanitarian affairs, noted in an interview with the Catholic newspaper the *Wanderer,* that the bishops haven't spoken out more strongly against the religious persecution because *"the information the bishops are getting from the Church is coming from a very small group of people at the USCC who are sending biased collections of facts reflecting their own political views"* (Feb. 9, 1984).

The Protestant churches seem to suffer from the same problem of disinformation. In September 1983 a *World Council of Churches* delegation visited Nicaragua, met with no members of the local Catholic hierarchy, and reported that "there is complete freedom of worship" in Nicaragua (Religious News Service, Sept. 30, 1983). The *National Council of Churches* (NCC) states that it is an "error" to infer "that the Nicaraguan Government has mounted an 'attack upon the Christian churches of Nicaragua.' Protestant and evangelical churches in this country have received no evidence to substantiate such a claim" (statement of July 20, 1984).

Apparently the NCC does not consult the *National Association of Evangelicals.* The NAE, according to one of its spokesmen, "hasn't spoken out in clear fashion" about religious persecution in Nicaragua because they are "trying to protect" their member churches there from the repercussion of increased persecution. This fear is well-founded as leaders of the National Council of Evangelical Pastors (CNPEN) currently are being harassed by the Regional Sandinista Defense Committee because of the Institute on Religion and Democracy's interview with Kate Rafferty (see above, p.2).

A final example of the success of Sandinista disinformation is the *controversy over CEPAD,* the Nicaraguan Evangelical Committee for Aid to Development. CEPAD was established as relief and development group to receive overseas financial support after the 1972 earthquake. It now is accepted in the U.S. as speaking for Nicaraguan Protestants, and the NCC proudly admits it provides "substantial financial and material resources for CEPAD's programs." Yet CEPAD is but another religious institution co-opted by the Sandinistas, which, according to Kate Rafferty, withholds funds from pastors who are "viewed as insufficiently supportive of the Sandinistas," and recently even "donated eleven four-wheel drive vehi-

cles for use by the Sandinista police." CNPEN split from CEPAD two years ago because of such compliance with Marxist manipulation. *Sandinista disinformation, institutional co-option, and covert/overt persecution reveals the new face of totalitarian technique.*

Mr. KASICH. I thank the gentleman for yielding this time to me.

Mr. Chairman, several weeks ago I stood on this floor and argued that America is a good, decent, just nation. I said we ought to, as Americans, shed the guilt that too many Members of Congress carry on this floor. I said the "Blame America First" crowd is wrong. I said that we are a good, just, and decent people and stood on the high-moral ground and argued that the tradition of this country has been to go to the ends of the Earth to help people in need. Whether they are hungry. whether they are sick, or whether they are victims of natural or manmade disasters, our legacy is to help.

Why do we do it? We do it because we are good. We do it to provide a decent way of life for human beings, to give them a chance to control their own lives, to control their own destiny, to secure them from the jaws of death and, yes, ladies and gentleman, to secure them from the jaws of repression.

Yes, I made this statement, if you will recall, as this House voted $1 billion in aid to Africa, including aid to Communist Ethiopia, whose leaders have aggravated the problems in their nation, whose leaders are more interested in relocation and more interested in resettlement and in consolidating their power than in feeding starving people. In fact, Communist leaders have used trucks that could have carried grain to starving people to relocate resisters to their regime in northern Ethiopia. These are the same Communist leaders who spent $10 million celebrating the Marxist revolution while America watched with horror the tragedy of starving millions who desperately needed that $10 million in foodstuffs.

This body has approved aid to Communist Angola. This body has approved aid to Communist China. This body has approved aid to Communist Mozambique and, of course, this body, believe it or not, has approved in the past $118 million in aid to the Sandinistas, until even Jimmy Carter, America's leading Democrat ostrich, recognized the repression and called for a halt.

Is it too much to provide $14 million in humanitarian aid to freedom fighers, people who want to determine their own destiny, people who want freedom of the press, people who want freedom of speech and freedom of religion, like the Moskito Indians, who are willing to fight and die for freedom? Does it not make sense to provide aid to these kinds of people at the same time we provide aid to Communist Ethiopia and Communist Angola and Communist Mozambique and Communist Red China, yet we do not want to give $14 million in humanitarian aid to freedom fighters in Nicaragua who desire nothing more than the freedom of press and freedom of speech and to have a pluralistic society?

I am at a loss to understand how anyone can vote humanitarian aid to a Communist government, whose tactics in delivering that aid are highly questionable, while at the same time voting to deny humanitarian aid to people who have as their goal a free, pluralistic society that guarantees human dignity to its citizens.

In light of this, ladies and gentlemen, why should we not support humanitarian aid to freedom fighters against the government that we all agree censors the press, subverts its neighbors, hosts Cuban, Soviet, and East German advisers, and clearly promotes Communist doctrine and simply denies basic rights to its citizens?

We are now not debating military assistance, but with the Michel amendment we are saying to those forces in Nicaragua who oppose communism and support human rights and freedoms that the United States stands ready and willing to give you basic human relief and human assistance, and to single you out as a group who deserves America's support.

Let us take the moral high ground once again. Let us shed the guilt too many carry. Let us recognize America's basic decency and be consistent in our support of needy people throughout the world.

Mr. BARNES. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding this time to me.

Mr. Chairman, the tragedy of the Michel substitute is that it does nothing to end the killing and to end the violence that is taking place in Nicaragua. It does nothing to change the activities and the actions of the Contras that has come to light over the past several months in terms of the atrocities that have been committed by those individuals.

What it does is to continue us on the same road that we have been on for some time now, a road that was started in 1981, and now we are out of control. It continues the effort by the CIA to overthrow the Government of Nicaragua and inflict punishment on the people of Nicaragua by engaging the Contras to conduct warfare inside of the borders of that sovereign country.

This amendment simply says that we will provide all of the logistical support for the Contras, direct aid to the Contras by the United States of America, and then I suspect what we will find out is the same private organizations that have been raising money to support the Contras will provide the guns and the munitions.

I think we ought to be concerned about that. We have heard an awful lot of people in this Chamber over the last couple of days talk about keeping pressure on the Sandinistas. Let me suggest to you that very few of the Sandinista leaders, if any, will feel the pressure you are talking about, but scores more of Nicaraguan citizens will feel that pressure, will feel that violence, will feel the murder that has engaged their country for the past 3 years because they are the ones who are feeling the pressure.

That is a nice euphemism because what you are talking about doing is continuing the killing, the taking of lives, the violence against these citizens, so that somehow that may be translated to the Sandinista government and they will cry "uncle." How many more women, how many more children, how many more men, how many more civilians will you have the Contras kill before you have reached the threshold that you would desire the Sandinista government to say "uncle," because that is who is paying the price for the war that we are conducting.

What this is is a declaration by the Congress that we will go back from the time when we cut off aid over the last several votes in the House of Representatives. We are now saying we will go forth and we will provide something called humanitarian aid, but what we are really providing is the logistical support for the prosecution of this war against Nicaraguan citizens.

There is no question that many Nicaraguan, Sandinista soldiers have been killed, but the toll of civilians has run into the thousands, and as we have seen time and again as the footage has come back into our living rooms, as the news magazines have come back into our living rooms, time and again we have seen the victims of the Contras who have been members of the private sector who were trying to harvest coffee, coffee pickers who were trying to help them harvest their coffee who were killed for that act and that act alone, people who have tried to harvest cotton to keep the economy going have been killed for that act and for that act alone. People who went out and recruited workers to come onto their plantations and to harvest cotton have been killed for that reason and that reason alone.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. Yes, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, if those facts are as the gentleman says, if those are facts,

why are hundreds of thousands of people fleeing Nicaragua and why are people fleeing the Army down there and joining the Contras voluntarily?

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Mr. MILLER. of California. Hundreds of thousands of people are fleeing Nicaragua for the same reason they have fled El Salvador and for the same reason they have fled Guatemala, because they are fleeing the violence, because what we have now created is almost free-fire zones in whole sectors of the area. And the war knows little difference at this point, because we now have the Sandinista leaders and the Contra leaders both saying there is no difference between military and civilian targets, there is no difference between the farm co-op and the military garrison. As they said when they killed the four little children, they said the Sandinistas put guns in those children's hands and they were military targets.

That is the ugly side of war. I have talked with these people as they fled the violence in El Salvador. I have met with them in Mexico.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

Mr. BARNES. Mr. Chairman, I yield 2 additional minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I have met with them in Mexico as they have fled the violence of Guatemala, and the fact of the matter is, as in every war, the civilians pay a much higher price.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman will yield further, when I was in Nicaragua, I heard it said that they were chasing young people down the street to force them into the military, and my question or the second part of my question is: If it was so good with the Sandinistas and so bad with the Contras, why are people fleeing the military and joining the Contras?

Mr. MILLER of California. That is not the question. The reality is that of war. It is not a question of whether it is so good to be with the Sandinistas or so good to be with the Contras. The fact of the matter is that thousands of citizens have been caught in between them and they have been killed by the bullets and they have been killed by the knives. It makes little difference to them and to their families who has killed them.

But the fact of the matter is that the violence we are now being asked to underwrite with taxpayers' dollars is taking its toll. We sit in this Chamber and we kid ourselves that this is pressure. That is a fantastic euphemism. But the fact of the matter is, what "pressure" is translated into is death and violence in Nicaragua against the citizens of that country. We ought not to be part of that. We have been told by our Latin neighbors that we ought not to be part of that. We have been told that they would rather pursue the diplomatic path.

They are the ones who are supposed to be threatened by the Sandinistas. Yet, those very nations, the leaders of those nations are saying, "Don't do this. Don't provide this kind of assistance to the Contras." And you know what? When I visited Nicaragua better than a year and a half ago, we asked them what was going to happen with this war, and our own Embassy people and staff sat there in the room and they said, "It is going to be counterproductive. It is going to allow all the things you and others have said you don't like about the Sandinistas. It will allow them to be able to consolidate their base."

And interestingly enough, somebody talked about the hungry children. We asked the Embassy what the Sandinistas have done best. They talked about health care, they talked about literacy, and they talked about feeding them. That does not make them a perfect government. But what I am saying is, if you think you can win the hearts and minds of the Nicaraguan people by killing them, you are making a dramatic mistake, and as they go to choose their partners, as we have seen in other Latin nations, I think they will stick with the Sandinistas and continue to be against the United States because this is the kind of violence we are perpetrating on their nation.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. HUNTER].

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, the issue we are debating today will impact on U.S. policy responses to events in Latin America for some years to come. The issue is what is the proper U.S. policy response which holds true to our founding principles of freedom and democracy, is effective and is not so belligerent as to alienate or threaten our allies in Latin America.

Does the United States have the right to militarily interfere in another country's internal affairs? In certain cases it does, when there is a clear threat to the United States and its allies. In this instance thus far, Congress has decided that such a threat does not yet exist and that we do not have the right to work for another government's overthrow with whom we have diplomatic and economic relations.

But, the United States does have the right to expect the governments in the world, and especially in this hemisphere, to act responsibly, to respect the rights of its citizens, and to respect the sovereignty of its neighbors.

A responsible neighbor does not threaten other countries with a military buildup, with menacing Marxist-oriented language and with a growing dependence on Cuba and the Soviet Union.

When a nation acts irresponsibly, the world community has the right to apply the necessary pressure to change its behavior. We are a great nation. We do not need to use military force or covert operations to pressure other nations. There are many other means which are both acceptable and effective.

The Michel substitute provides just such a program. It does not abandon the Contra forces, whom I believe, are sincere in their fight to establish a democracy and to provide a better life for the Nicaraguan people. In addition to humanitarian aid, it also provides incentives to the Sandinista government to negotiate with the democratic opposition with the use of economic sanctions.

Specifically it reads as follows, "The President is strongly urged and encouraged to take the steps necessary to impose an embargo on trade between the United States and Nicaragua if the Government of Nicaragua does not enter into good faith negotiations with the Nicaraguan democratic opposition."

The Nicaraguan economy is in shambles. The people are suffering severe deprivation as a result of the Sandinista's emphasis on military expenditures. We can and should use economic leverages, as well as political and diplomatic ones, to pressure the Sandinistas into behavior that will benefit their people. Equally important, we should by example urge the Soviets to provide humanitarian aid instead of military. I support the Michel substitute and urge my colleagues to do likewise.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding.

The previous speaker,the gentleman from California, made some misstatements that I would like to correct real quickly.

No. 1, the people of Nicaragua are fleeing because of the repression of the Sandinista government, and, No. 2, the young people down there are fleeing the military and joining the Contras in order to get their freedom back or get their country back.

Mr. HUNTER. Mr. Chairman, I thank the gentleman.

Let me just say to my friend, the gentleman from California, who just spoke, that in his statments I see some tremendous misstatements that are belied by history. Really it was said by one of the gentlemen who preceded us that the Hamilton amendment, with its passage, is a success and a great thing, and that it follows the tradition of courage in this House. I think it follows the tradition of abandonment, because we encouraged the Cuban freedom fighters and abandoned them at the Bay of Pigs, and we encouraged the Cambodian resistance and we abandoned them.

And let me remind my friend, the gentleman from California, that the skulls of all the people who were killed by the Communists after we abandoned them in Cambodia following speeches very similar to those of very good will like that of the gentleman who just spoke, would not fill this Chamber.

Mr. MILLER of California. I would remind the gentleman that——

Mr. HUNTER. I am not going to yield. I have just a couple of minutes.

Mr. MILLER of California. Think about the scores of people who have died after speeches like yours, young man.

Mr. HUNTER. Mr. Chairman, let me just say that in Cambodia the policy of the U.S. Congress resulted in millions of people being killed by the Communists, not because we stayed out but because we abandoned them, and we are basically on the threshold, I think, with the Hamilton amendment, of doing that right now.

Let me just ask some of my friends—and maybe they can answer it on their own time because my time is drawing short—if you do not try to make the decision about who is good and who is bad in this war—and lots of statements have been made concerning that—and let us talk about the Soviet Union.

The Soviet Union is building a 10,000-foot airfield in Punta Huete. It has got jet revetments, it has blast retention walls, it is a military airfield, and it is built to accommodate every single military aircraft that the Soviet Union builds. That puts the Backfire bomber, a nuclear-capable bomber, within a thousand miles of the United States.

This Congress must do something about that, and I would ask my friend, the gentleman from Maryland [Mr. BARNES], if he could comment very briefly. What does he intend to do about the Soviet airfield that is going into Nicaragua right now, the 10,000-foot airfield that will accommodate military aircraft, including nuclear-capable, swept-wing bombers?

Mr. CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

Mr. HUNTER. Mr. Chairman, I would ask that I be given an additional 30 seconds so the gentleman can answer that question.

Mr. BROOMFIELD. Mr. Chairman, they have plenty of time over there.

Mr. BARNES. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I would like to address my remarks to those Members who voted yesterday to continue the policy which this House has had for the last 2½ years of not providing funding for the war which was started by the CIA under the direction of the Reagan administration.

No matter what the guise of the Michel amendment, it is really intended as a legitimization of the Contras, the counterrevolutionaries, who are fighting against the legitimate Government of Nicaragua, legitimate no matter how much any of us may dislike any number of things which they may have done. The reason this House has voted continuously, and yesterday by a margin of 68 votes, against continued funding of that war, no matter the guise of "humanitarian" assistance, is because the American people have made it clear in every single poll and survey that has been taken that they are opposed to American involvement in that war.

Two weeks ago the Gallup organization released the results of a survey that they had taken concerning the President's conduct of his office. Sixty-one percent of those questioned felt that Ronald Reagan did the kind of job as President that they approved of, but when those same people were asked whether they approved of the President's job performance in Nicaragua, only 26 percent of the American people said "Yes."

So again I urge the Members to keep faith with the American people and to keep faith with the vote that was taken yesterday and the three or four votes that were taken over the course of the past 2½ years in opposition to that war.

The amazing thing is that we are right now on the verge of having a diplomatic settlement of the Nicaraguan war.

□ 1730

The Contadora countries painstakingly over the course of the past 2 years have brought us to a position where there has not only been agreement on general principles, but they are now discussing the final stages of an agreement providing for the verification of the removal of outside military forces from Central America, the removal of military advisers and the reduction of armaments.

On April 11, the first day of the Contadora resumption meeting, a resolution that was drafted by the Contadora countries, with the assistance and involvement of the Canadian Government, was accepted in toto by the Nicaraguan representative.

The people who are looking for fine tuning at this point are Costa Rica, El Salvador, and Honduras. We are that close at this point to having a regional settlement.

Why in heaven's name would we want to be undermining that kind of regional effort which most of our friends in Latin America are supporting?

It will not do, it seems to me, to lump together every evil thing that anybody who has ever been a Marxist-Leninist committed and say that that is a reason to continue a war against 2½ million poverty stricken people who live in Nicaragua.

I must say as one who supported the United States boycott of the 1980 Olympics, and the suspension of grain sales to the Soviet Union because of its invasion of Afghanistan, to equate the people of Afghanistan who are fighting for their very existence with the counterrevolutionary forces led by Somoza's national guardsmen, debases the language and makes us party to an unholy act.

Let us uphold yesterday's action. Vote "no" on the Michel amendment.

Mr. BROOMFIELD. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana [Mr. BREAUX].

Mr. BREAUX. Mr. Chairman, I miss those days of bipartisan support on sensitive foreign affairs involving our country. In the last election Americans told this Congress that they had a fear that we had lost our will to even defend our legitimate interests around the world. Congress should listen to that message.

The majority of all our constituents believe that we have a legitimate interest in what happens in Nicaragua. A majority of all our constituents do not want American troops in Nicaragua. They do not want another Vietnam. Nicaragua's fight is for Nicaraguans; but a majority of this body wants financial assistance going to Nicaragua. We all agree on that. We even agree on the amount, $14 million on both sides of the issue.

The question really is who delivers the package and whether it can even be spent in the country in which it is intended to help, or do we want to force the people who we are trying to help to have to leave their own countries in order to be helped? What kind of help is that? I think the answer is very clear.

The money should now go for humanitarian purposes. The money if it is going to be American taxpayers' money should be handled by Americans. It should not be handled by the United Nations. It should not be handled by the Red Cross. It is our money.

It is our legitimate interest and we should handle it.

I support the Michel amendment.

Mr. BARNES. Mr. Chairman, will my friend yield, will the gentleman from Louisiana yield?

Mr. BREAUX. If I have got 20 seconds, I will yield.

Mr. BARNES. Perhaps the gentleman is not aware that this is the way we normally provide money in humanitarian assistance, through AID, through the Red Cross, or through UNHCR or other such organizations.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, I support the Michel amendment.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Chairman, did you read the superb Washington Times lead editorial of April 22? Here it is:

HISTORY'S VICTIM, OR MASTER?

There is nothing inevitable about history, as the Soviets would have us believe. History is neutral, to be shaped by political and military leaders, not media stars and public opinion pollsters, which seems to be our new way of government. The "contra" games being played on Capitol Hill may seem like good clean democratic fun. However, the French Fourth Republic was brought to its knees with similar games. But what was tolerable for a medium-sized power like France in the throes of decolonization in the mid-1950s is a recipe for disaster for the world's only countervailing power in the mid-80s.

Whether an American president can still make history remains to be seen. The War Powers Act of 1973, like the Neutrality Act of the 1930s, has seriously undercut the executive in the exercise of its principal constitutional responsibility—national and international security.

History is not being made in Geneva at the arms limitation talks. It is being made in Central America—right now and not by the U.S., but by its enemies.

Whatever happened to President Kennedy's pledge, following the Cuban missile crisis, when he said, "The U.S. is determined to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime of Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of the hemisphere, and to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States"? Analysts in Moscow or Havana watching recent congressional actions would be tempted to conclude that JFK's pledge is at this point so much rhetoric.

President Reagan has told us—correctly, in our judgment—that Central America is just as important to our strategic interests as NATO Europe or the Persian Gulf. With all due respect, Mr. President, you have not used the full powers of your office to prove your case.

Next to Alexander Solzhenitsyn and Vladimir Bukovsky, the Soviet writer Vladimir Maximov is doubtless the Russian exile who has most contributed to the Western awakening in the intellectual battle against totalitarianism. At a recent Paris conference, Mr. Maximov said that "today the fate of democratic civilization is being decided in Nicaragua and Afghanistan. If the West retreats in these two countries, it will simply be a question of time before the Western democracies perish." When people are no longer willing to fight and die to preserve their freedoms, when congressmen are not willing to authorize $14 million for people who are willing to fight and die to preserve our freedoms, then the totalitarian temptation cannot be far behind.

The "compromise" being fashioned to provide $14 million in "humanitarian" aid for the Nicaraguan resistance is no compromise: It is a resounding defeat for the president and a grotesque message to those who fight totalitarianism anywhere in the world.

We urge each member of Congress to read and ponder the letter Michael Novak wrote to Rep. Henry Hyde.

And, please, Mr. Chairman and my colleagues, read this report from Diana Wilson at Rus Rus Refugee Camp, Honduras on March 20, 1985.

The Nicaraguan Sandinista government, supported by many church groups and liberal members of Congress, has another story to tell, say Nicaraguans living in the Rus Rus refugee camp in Honduras. These refugees tell of villages being bombed without warning, leaders killed and decapitated, and children forced to either join the Sandinista army or be taken away for education in Cuban run Marxist schools.

The refugee camp is located on the Ocho Rios river near the Nicaraguan border and is inhabited by members of the MISURA organization. MISURA is the abbreviation for Miskoto, Sumo, and Rama, the three Indian tribes that lived in the Northeast corner of Nicaragua prior to the revilution.

The MISURA report that more than 50,000 Indians have been killed and many more put in concentration camps in the last five years.

Gary Bennett and I went to Honduras and Nicaragua to see for ourselves if the shocking genocidal reports coming from the MISURA refuges were true. Bennett represented Civilian Military Assistance, a private group seeking to support Nicaraguans opposed to the Sandinista regime.

Prior to the Sandinista revolution, the MISURA were largely left alone, neither conscripted into the army nor forced politically to support Somosa. They lived as they had for centuries, hunting, fishing, and growing small crops in the jungles and forests, according to their deeply held ethnic and family traditions.

During the Sandinista revolution, however, the Black Creoles, who were more urbanized, fought against Somosa's forces. The Black Creoles are a mixture of Indian, French, English, and African ancestry. They lived in the eastern area of Nicaragua around Bluefields. They speak a native language as well as English and Spanish. Many have English names because the English controlled the area during the 1880's.

Efrim Smith fought as a Lieutenant in the Sandinista Army. He rejoiced at the fall of the dictator Somosa. After seven months under Sandinista leadership, he said, the political climate went sour.

A professional before the revolution, and the father of four children, Smith became alarmed when his children were forced to attend a Marxist indoctrinational school run by Cuban teachers. Although he continued to serve in the Army, he made his objections widely known. After four months of challenging the government to reinstate the normal school curriculum, he was arrested and imprisoned. Smith said, "I was treated well in prison because I had been considered a hero in the revolution." His captors felt that his daily "reeducation seminars" would eventually make him support the Marxist policies being forced on the country.

Smith wasn't allowed to see his family during this nine months imprisonment, but heard that they had been denied food coupons and were starving. He decided it would be necessary to appear to cooperate with the Sandinistas. He was released and given his Lieutenant commission back, but immediately escaped to Honduras when the the Sandinistas found out he was forming a group to fight the regime.

Smith has not communicated with his family for 2½ years because the Sandinistas are known to take the families of Contras hostage and kill them or torture them for information.

A literate and educated man, Smith reads American newspapers when he can get them. He says he is appalled and dismayed at the favorable world opinion of the Sandinistas. While in prison, he saw many men, women, and children tortured and killed because they would not support the Marxists or tell where the Contras were located.

Another Black Creole leader, Theofilo Archibald Willson, also suffered at the hands of the Sandinista torturers. Willson, in his fifties, was a farmer when he was elected leader of a small farming village in Nicaragua. He did not fight in the revolution or take sides, but protested when Cuban teachers came to his village in Nicaragua, rounded up the children at gun-point, and took them to Marxist learning camps. His protests earned him a prison sentence of 1½ years. While in prison, his fingernails were torn out with special pliers used for that purpose. He was also beaten repeatedly across the stomach and kidneys until unconscious.

Like Smith, he too after a time told his Sandinista captors he would cooperate and escaped. When freed he immediately escaped to a Costa Rican refugee camp. Willson said, he was then put aboard a small boat with 24 other refugees and set adrift with little food or water. Willson recounts that all but six people died on the way to the Honduran refugee camps.

Today Willson wears his hair in a ponytail and says he will never cut it again until his country and family are free. His fingernails have not grown back and he bears the disfigurement as a badge of what the Sandinistas are capable of doing. He too, does not understand the American church's infatuation with the Sandinista government. Daily refugees enter the Rus Rus refugee camp with little more than the clothes on their backs. Living in small hastily built huts to protect them from the elements, they live on a bare and sometimes starving existence. Many of the children have swollen bellies because of long term malnutrition and parasitic infections. Very few of the children have clothes and most are naked.

The Miskito and Sumo Indians seem to suffer the most, because of the upheaval of their traditional lifestyle. The Rama Indians were used to a completely independent existence in the jungles.

Old shrapnel wounds inflicted when villages were bombed without warning by the Sandinistas are as old as 4 or 5 years and festering in many of the refugees. Many have never received any medical attention and before escaping to Honduras were forced from camp to camp by the Sandinistas.

Because Rus Rus is not close to a major town and no highways exist to transport aide, it is the most impoverished of all the refugee camps in Honduras. Only recently a small generator donated by the Civilian Military Assistance group from Alabama runs six electric lights used for three hours at night.

A clinic and a hospital made from an abandoned army tent, houses untreated civilians and homeless orphaned children. Many of the children escaped, they say because they were playing in the jungles when the attack occurred. Diahrrhea is prevalent in all the children and many have died of it.

The camps day starts one hour before daylight at 4:30 a.m. The Indians are devout Christians and meet to sing hymns in their native language and Spanish. Afterwards they pray outloud individual prayers and listen to words of encouragement from their elders. The Indians say, that under the Sandinista regime, they would break up their predawn meetings at gun-point and Ministers were taken away and some were never heard again.

Although tribal by nature, the camp is a model of Democracy. Many cannot read or write, but have a tradition of electing their leaders. Women are given special status and their needs are listened to carefully before decisions are made.

The day our group arrived, a discussion was underway regarding a pregnant womans whose husband had died. She wanted to return to Nicaragua in order to have her baby with some of her family left there. Although she wanted to go back into an area controlled and protected by the Contras, the leaders of the camp felt it was a dangerous trip. However, they arranged for precious food and protection for the woman's return.

"Our group crossed into Nicaragua by dugout canoe where we went to see bombed and burned out villages. It had been reported in one bombed out village that more than 200 men, women and children had been killed there. Evidence of more than thirty huts burned to the ground could be seen. They had since been overgrown by bamboo and jungle undergrowth.

"Skulls showing evidence of having been shot in the back of the head were seen by our group. It was explained by Efrim Smith, that the leaders of the small village had been shot and decapitated then the heads stuck on stakes to warn the villagers not to come back into the area. The bodies of the victims had then been thrown into the river. Those who had escaped the bombing and attacks of the Sandinistas escaped across the river into the refugee camps of Honduras.

"At an undisclosed camp in Nicaragua, the Contras boasted that with the United States help they were able to protect a "nine-days-walk" area of Miskitos left in the area. And although they point out they have had no funding for almost a year, they are still able to protect a sizable area by capturing Sandinista convoys.

"Sandinistas, the Contras report still take patrols into the area and cross into Honduras where they fire upon contras and civilians alike. The Contras say they have wide support and when both groups are in an area, the civilians feed and protect them.

"Captured Sandinistas are taken into the Contra camps and treated well, it appears. Our group counted approximately thirtysix prisoners kept in an open compound. They were fed the same food as the rest of the camp and did not seem mistreated in any manner. Their primary duties were to clean the compound each morning.

"The prisoners were required to attend daily lectures on Christianity and the evils of Marxism. When asked why they were so lenient with the captured Sandinistas, the MISURA Contras say their religion forbids bad treatment of prisoners. They also reminded us that they too were Sandinistas at one time.

"One Contra camp leader said, that out of 110 captured Sandinista soldiers thirty-six had defected and were now a part of the main stream of "freedom fighters." One the leader said, had recently risen to the rank of captain. He added, that of those freed, none have returned to the Sandinistas.

"Most alarming to the Contras and the MISURA refuges along the border is news of a coming confrontation which is scheduled to occur after the rainy season is over in June. More alarming and not understood by them, is why they were abandoned nine months ago, by the United States. They do not understand how the American people can elect a President who is against Marxism, but cannot help them.

"Besides cutting off their only means of self-defense, food, clothing and medical care, they feel they will not be able to face the coming "holocaust." The Sandinistas have been trying to clear a large area of civilians twenty miles from its borders in order to launch a large offensive mopping up campaign.

"Soviet rocket-bearing helicopters with impenitrable defense shields have been seen in Managua and the Contras intelligence gatherers have said they will be used specifically against them. At this time, they do not have any kind of weapon to fight this type of terrible instrument of war, they say.

"Although the MISURA cooperate with the FDN, the do not want to be lumped with them, as the FDN receive public support from wealthy Nicaraguans living abroad, Cubans and other interested parties. The MISURA traditionally poor do not have any supporters or backers outside of their own refuge camps. Being resourceful and having a tradition of living from the land, they have been able to survive on a subsistance level without any outside help.

"However, extreme poverty, starvation and lack of medical attention has taken a great toll.

"The Honduran government already strapped by its own people and political problems and 40,000 documented refugees, cannot offer much help. The Hondurans although kind and sympathetic to the Miskitos plight, discourage them from growing crops because they are not legal residents of the land.

"Church and missionary help is rare and it was told to our group that the missionaries feel that if they help the refugees they well be branded as Contra sympathizers. Also many of their American congregations support the Marxist Sandinista government.

"And although Honduras has the largest number of Peace Corp volunteers in the American hemisphere, they too are politically strapped and cannot help the refugees.

"Alarming to the MISURA is a new church missionary group which has recently set up near the camp called the "Friends of the Americas." The "Friends" tell the refugees that the Sandinistas have "forgiven" them and want them to come back into Nicaragua. The MISURA are shocked by these statements of the "Friends" because of daily accounts of the horrors of civilians being forced from their homes and the continual influx of refugees.

"It is estimated by the MISURA office located in Tegucigalpa that before the revolution, there were more than 125,000 Miskito, 25,000 Suma and Rama Indians and 22,000 Black Creoles living peacefully in Nicaragua. An offical count by the MISURA estimate that more than 50,000 of their number have been killed and many more unaccounted for, possibly forced into concentration camps somewhere inside Nicaragua. Over 40,000 refugees have chosen to live in Nicaragua they say. Because the Sandinista government will not disclose even to relief and amnesty organizations how many are in the camps or imprisoned that number is not known, but it is estimated to be between 20,000 to 50,000 people.

"Willson and Smith say that the genocide of the MISURA and the Black Creoles have been going on for more than five years now and want to know why the American people and its press organizations have not addressed their plight. They also want to know why church groups support a government that suppresses and discourages religion of all kinds. They point out, that Americans seem to be more concerned with the plight of Africans more than 5,000 miles away, while their next door neighbors are being slaughtered and starved.

"While a Lieutenant in the Sandinista army and considered a hero, Smith said after the revolution and the takeover by Ortega he was made acutely aware that Ortegas Marxist government had full intention of destroying the peace of the rest of Central America and Mexico.

"The MISURA office in Tegucigalpa is highly aware of the fight for the 14-million dollar package proposed by President Reagan. They say that if the funding is not forthcoming, that the refugees along the border and the Contras left inside Nicaragua will not be able to withstand the next Soviet and Cuban backed onslaught. Castro's Cuba now under a full and far reaching dictatorship they say will be the model for Nicaragua and any other country scheduled to be the next target, and many millions more will flood to the United States to escape to freedom.

"Smith's goal, is to be put on the United Nations agenda and try to reach out to the rest of the world. He wants to speak as a Citizen of Nicaragua, an ex-Sandinista hero and now as a "freedom fighter" against a cruel and inhumane dictatorship not seen since the genocidal acts of Hitler's regime during World War Two."

Mr. WOLF. Mr. Chairman, yesterday I spoke to you about my meeting last year in Nicaragua with Archbishop Obando y Bravo and how impressed I was with this leader of the Catholic Church who has called for a national reconciliation in his country and who is trying against mounting odds to bring justice to the citizens of Nicaragua.

His statements to me take on even more significance today as we learned that Archbishop Bravo was among a group of Catholic prelates, including Archbishop Bernard Law of Boston

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and Archbishop John J. O'Connor of New York, to be elevated to Cardinal by Pope John Paul II. This announcement indicates the Pope's confidence in Archbishop Bravo and underscores the outstanding humanitarian work of this Nicaraguan patriot.

It is important to remember that the Cardinal-elect is the same person who negotiated the release of Daniel Ortega during the revolution.

He is the person against whom Somoza fills his memoirs with invective and who Somoza once called Comandante Obando.

As we consider whether or not to provide $14 million in aid for food, clothing, medicine, and other humanitarian assistance for Nicaragua's democratic opposition, to be provided through the Agency for International Development, I believe it is important to heed the message of this soon-to-be cardinal in the Catholic Church for he speaks the truth about conditions in his country today: Cardinal-elect Bravo has said:

Marxism is trying to eliminate the Church in Nicaragua because Marxism is the enemy of the Church.

The Sandinista government intends to eliminate the Catholic Church in order to implant the so-called Popular Church.

We want to state clearly that this government is totalitarian * * *. We are dealing with a government that is an enemy of the Church.

The major part of the (Nicaraguan) people are unhappy but they are also afraid * * * we are fighting a monster that includes the Soviet Union, Bulgaria and Cuba * * * and this revolution could spread to Mexico or other parts of the hemisphere.

In the face of censorship of sermons and harassment of priests and churchgoers, Cardinal-elect Bravo still continues to pursue basic human rights and freedoms which the people of Nicaragua were promised after the 1979 revolution. He continues to be the true voice of the people, not the Popular Church which has been set up by the Sandinistas as a propaganda piece, and his faith is reflected in this statement:

We believe the Church will continue to exist, and history, which is the mother of life, teaches us that the Church has always witnessed the burial of those who persecute her.

Mr. Chairman, I urge my colleagues to support this humanitarian aid package to keep the pressure on the Sandinista government to enter into good-faith negotiations with the democratic opposition and provide the people of Nicaragua with some hope for a future free from oppression.

Mr. BARNES. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the gentleman from Virginia, my friend [Mr. WOLF], just referred to the elevation of some members of the church to the position of archbishop. One of those who was just announced by the Pope yesterday is the Most Reverend John J. O'Connor, archbishop, just elevated to the position of cardinal. He just returned with a delegation of representatives of the church in the United States from Nicaragua where they had extensive meetings with their colleagues in the church in Nicaragua. Upon their return after those meetings with their colleagues they issued a statement which was presented as testimony before my subcommittee, the Subcommittee on Western Hemisphere Affairs. I will just read a couple sentences from Archbishop O'Connor, now Cardinal O'Connor's testimony before our committee. He said:

Direct military aid to any force attempting to overthrow a government with which we are not at war and with which we maintain diplomatic relations is illegal and in our judgment immoral and therefore cannot merit our support. We are convinced that such military aid undercuts the possibilities of a political solution within Nicaragua and jeopardizes the political process elsewhere in the region. We believe that it violates existing treaty obligations and undermines the moral standing of the United States within the international community.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. BARNES. I am happy to yield.

Mr. McEWEN. Mr. Chairman, I appreciate the statement there by the cardinal now that he opposes military aid.

Is there anything before this Chamber presently that would include military aid?

Mr. BARNES. Yes; the Michel proposal is for direct assistance to the armed insurgents who are fighting in Nicaragua. It would provide them with logistical support to continue the war. There is no question as to what it is we are discussing this afternoon.

Mr. McEWEN. That is not what Cardinal O'Connor objected to and that is not what this does. The President has assured us that it would not go for military purposes. It is a question as to whether or not we believe the commitments that were made by Daniel Ortega or whether or not we believe in the commitments that were made by the President of the United States.

□ 1740

The President said this will not go for military purposes and we can trust that.

Those appearing for the last 15 minutes seem to be saying trust the committee and trust Mr. Ortega.

Mr. BARNES. I will reclaim my time. I reclaim my time.

They have reiterated that they are opposed to the Michel approach.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, I have not voted for military assistance for the Contras in the past. I do not think it is appropriate for our Government to make those kind of direct contributions that can in effect say we are going to overthrow the government of another nation in this hemisphere

That does not mean that I approve of the government of the Sandinistas. Far from it. Just the opposite.

It would seem to me though, we ought to keep two things in mind at this juncture. No. 1, we ought not to just abruptly cut off any kind of assistance, particularly humanitarian assistance to the Contra group. We have worked with them for 3 or 4 years now. We have not supported them militarily, but at least they are there and they are a group trying to find a better form of government, particularly a democratic form of goverment.

Therefore it seems to me that we ought not to abruptly cut them off and just leave those 10,000 to 12,000 people there without any U.S. support at all.

Second, it would seem to me that we ought to try to keep the pressure on the Sandinista government. I do not believe that Mr. Ortega and the Sandinistas are going to bargain just out of the clear sky because they want to see if they can work something out. I believe we have got to keep the pressure on them. Therefore it seems to me that we are better served if we have the Michel amendment at this point.

Now, I supported a few minutes ago the Hamilton substitute because I think it is a sincere expression on his part to do something of assistance for noncombatants in a humanitarian way. I therefore can vote for either one, and I voted for the substitute offered by the gentleman from Indiana [Mr. HAMILTON] because he is a very strong and sincere leader of this Congress.

But the best interests of the United States would be served, I believe, by our support for the Michel amendment; to give some form of assistance to these forces, to keep them there. We can best be sure it will not be military assistance, and in this way we can best keep the pressure on the Sandinistas to negotiate with the United States.

So therefore, Mr. Chairman, I would urge that we vote for the Michel amendment. I think a lot of people who have voted for the Hamilton amendment should consider also that they can vote for the Michel amendment. It is certainly in the best interests of the United States.

Mr. BARNES. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. I would ask the gentleman from Michigan [Mr. BROOMFIELD] if he would engage in a colloquy that would perhaps clarify some the ambiguities that exist in this amendment.

Under the Michel amendment only "arms, munitions or other weapons of

war" are prohibited. This implies, but does not state, that items covered by the Arms Export Control Act, the U.S. munitions list and the international traffic in arms regulations may not be provided with the $14 million.

Now, under the Michel amendment then it would appear that certain items not covered by these controls, with possible "humanitarian justification," but also with military utility, could be provided.

I would ask the manager of the Michel amendment to answer a few questions. All the aircraft that have been reported in the Contra air force, the C-47 cargo plane, the Cessna light fixed-wing aircraft, and the Hughes 500 helicopter, could they be provided to the Contras under this amendment?

Mr. HYDE. Would the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Illinois.

Mr. HYDE. I would say the spirit of the legislation is as important as the wording, and since we are pledging humanitarian aid it would be humanitarian.

The gentleman is very suspicious and cynical. I would suggest that that would not happen. The President of the United States will live up to his commitment, and this aid will be humanitarian within the spirit as well as within the letter of this legislation.

Mr. MARKEY. You do not anticipate that under this amendment you could provide to the Contras the C-47 cargo plane, the Cessna light fixed-wing aircraft, or the Hughes 500 helicopter?

Mr. HYDE. I would say not unless we have to evacuate some people to hospitals perhaps. I would not insist that they walk or ride a bicycle.

Mr. MARKEY. But I am saying the point is that you would not support their conversion into military use by adding guns, rockets, and bomb racks?

Mr. HYDE. No, sir; not under this legislation. I think that would be a breach of the letter of the legislation, and certainly the spirit.

Mr. MARKEY. And uniforms and parachutes for dropping humanitarian supplies, perhaps these could easily become a part of the military operation.

Mr. HYDE. The gentleman would not object to dropping food into remote areas by parachute or dropping medical supplies, would he?

Mr. MARKEY. I would if the intention was to divert these materials to military uses.

Mr. HYDE. That intention would not obtain. I do not think that intention is permissible under this legislation.

Mr. MARKEY. Military helmets and bayonets have just been taken off the U.S. munitions list. They could be justified for purposes of self defense in the Contra camps. Would the gentleman think that these military helmets and bayonets would potentially be covered by the amendment of the gentleman from Illinois?

Mr. HUNTER. Will the gentleman yield?

Mr. MARKEY. I will be happy to yield.

Mr. HUNTER. I thank the gentleman for yielding.

I see in the representation of the amendment that is offered by the gentleman from Illinois [Mr. MICHEL], signed by the gentleman in his letter, the notice of the amendment signed by Mr. MICHEL, and I think his word is good, and I think the President's word is good. He says that the Agency for International Development, for food, clothing, medicine, and other humanitarian assistance for the Nicaraguan democratic opposition, provided that none of the funds made available by this resolution may be used to provide arms, munitions, or other weapons of war.

I think that that is the spirit of that letter which is something that should be honored by the gentleman who is talking right now.

Our minority leader has so represented that.

Mr. MARKEY. I will reclaim my time.

The point is that we are trying to clarify what is, in fact, humanitarian and what is military.

For example, construction equipment for building roads, bridges, and runways to assist in the delivery of aid could also be used as an improved infrastructure for the fighting capacity of the Contras. And it is clearly the intention of anyone who is going to be voting here tonight to know what in fact is the use to which this construction equipment would be put.

Mr. HUNTER. I think we can trust the leadership on both sides of the House to do what they say they are going to do.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. ROWLAND].

Mr. ROWLAND of Connecticut. Mr. Chairman, I rise in strong support of the Michel amendment. Yesterday I was one of the Republicans that voted against the $14 million in military aid, and I agree with the previous speakers who have been talking about staying away from military involvement.

But I think this proposal is quite clear. It is not for military aid in any way, shape, or form.

And we have talked about the Contras and we have got to agree, I agree that they have gotten some bad reviews. But we also have to agree that the Sandinista puppet show should have been closed down a long time ago.

Communism is alive and well in Central America, and wearing the face of Daniel Ortega. Opposition to communism in this hemisphere has been the policy of every administration in this country, Republican and Democrat, dating back to Harry Truman. For us as Americans to just ignore the situation in Nicaragua and hope it goes away by itself, is just plain foolish. Communism is not like the measles, it just does not attack once and then go away. It is a bad, reoccurring rash.

It can be controlled, but it has to be treated carefully and it has to be treated properly.

What do we really think the Sandinistas are doing down there? Does anyone honestly believe that they have some secret plan to transform themselves into a democracy?

Does anyone truly believe that Daniel Ortega plans to be something other than a Soviet puppet? Even the critics of aid to the Contras concede that the Sandinistas are avowed Marxist-Leninists.

I believe we have to face the facts. The only hope of preventing a complete entrenched Soviet satellite is by giving the Sandinistas the incentive to sit down and negotiate. We should not be willing to sit on our hands in the hopes that that spread of communism will somehow go away.

Yes, I have concerns about the Contras and I expressed those yesterday in my no vote. But the Sandinistas are the known quantity we are dealing with. They are sworn enemies of our country by nature of their Marxist doctrine. And they have a poor 6-year record that the Contras do not have.

If we defeat humanitarian aid today we will be pulling the rug out from under the Contras and defeating any effort to check the entrenchment of communism in Nicaragua. If we defeat aid today there will be absolutely no reason for Ortega and the Sandinistas to engage in meaningful negotiations or any dialog.

□ 1750

The result I suspect will be more meddling by the Sandinistas in El Salvador, more meddling along the borders of those nations, an expanded relationship with Cuba, an expanded relationship with the Soviet Union and the wholesale institution of communism in Nicaragua.

A vote against humanitarian assistance is a clear signal to the Sandinistas that they have got a free ride in Central America to spread communism and terror.

Ladies and gentleman, the proposal before us is not the beginning of gunboat diplomacy, as some would have us believe; it is merely lifeboat diplomacy, a way of providing humanitarian assistance to the only people who can force the Sandinistas to negotiate. To abandon them completely would be nothing short of a copout on our part.

The minority leader's proposal provides humanitarian assistance to the group that should receive it, the Contras, while the other proposal will result in such aid being channeled to the Sandinistas.

I urge all my colleagues today to support the Michel amendment.

Mr. BARNES. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I think many have spoken about what the intent and the spirit of this legislation is. Let me say at the outset that I had a meeting with the President and I am convinced of his sincerity and his commitment towards peace, and the same with the gentleman from Illinois [Mr. MICHEL], the author of this amendment.

However, I think that there is quite a bit of difference between what we are voting on right now and the Hamilton/Barnes provision and, remarkably, similar provisions and intent between the vote yesterday, which was on military aid, and what could happen under the Michel amendment.

I respect what the gentlemen are saying about the spirit of this resolution and I respect the commitment of the President. However, the record is not very good in terms of the bureaucracy.

Let me recite that the CIA proceeded without consulting Congress to mine the harbors of Nicaragua; the CIA proceeded to do a manual and then circumvented Congress when it explained that manual; the CIA is involved in training many of the rebels.

In my judgment this is what could happen legally under the Michel amendment: First, it would permit the Contras to continue the war by providing them direct logistic support; second, it automatically permits military assistance from the CIA's contingency reserve to the Contras after October 1 without any Congressional action; third, it would mean that the Contras are well provided for in fiscal 1985 and could supplement U.S. humanitarian assistance with arms purchased with private donations.

This proposal differs from the original Presidential proposal of April 4 in only three respects.

I think the original proposal is basically a good plan and well intentioned.

It differs in these three respects: First, aid is all direct humanitarian assistance; second, additional economic sanctions against Nicaragua are urged; and third, military assistance could resume after 5 months, not 2 months.

Third, the Michel amendment permits assistance only for the Nicaraguan democratic opposition, but not for other refugees and victims of the conflict going on in Nicaragua or in the region. What about the independent peasant or the person that has no political affiliation? Most of these refugees do not know who they are for or who is even fighting.

Fourth, this provision allows for the entire military infrastructure of the Contras to remain intact and be strengthened. Funds could be used for improving infrastructure including presumably nonlethal military items and logistical support such as trucks, uniforms, since only "arms, munitions, or other weapons of war" are prohibited by the Michel amendment.

Section 2 gives AID wide powers: "such powers as may be necessary and proper to carry out section 1."

This could enable AID to administer humanitarian aid through even the CIA and there would be incentives, if this amendment passes, to do that because the CIA has an infrastructure in the field, the CIA is the only agency that has the infrastructure to do this.

It is unworkable because there are no incentives here to move the situation from war to peace. There is no incentive for a cease-fire whatsoever. There is no incentive for the Contras to negotiate.

I think I stated very clearly that there are human rights violations of the Sandinistas and the Contras, that both the Sandinistas and the Contras should come to the bargaining table under the Contra plan. I have no problems with that.

In addition to that, this provision tries to put unequal pressure on the parties to the conflict: If the Contras do not negotiate, they get aid anyway, under this provision; if the Sandinistas do not negotiate, they get economic sanctions and resumption of war effort.

This offers no policy, no sense of direction, and provides only a stopgap approach and does not encourage or strengthen Contadora or OSA action.

Last, it does not address the fiscal year 1986 funding or policy issues. The Intelligence Committee has to mark up the authorizing legislation soon and Congress may have to focus on it within a few weeks. There is no useful purpose to be served by having another round on this issue.

Mr. HYDE. Mr. Chairman, will the gentleman yield to me?

Mr. RICHARDSON. I yield to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I would like to allay the fears of the gentleman from New Mexico about any of these funds being used for military purposes. The language in the continuing resolution, section 8066, section 801 of the Intelligence Authorization Act for fiscal year 1985 is still the law. It was drafted by Mr. BOLAND and it forbids the use of any funds for military purposes in Nicaragua. That is still the law.

The Michel amendment does not amend that. So the gentleman's fears and those of Mr. MARKEY are really groundless. And I am sure Mr. O'NEILL and other competent staff over there from the bipartisan Intelligence Committee will fill the gentleman in on that, that the law prohibits that and that is not amended by the Michel amendment.

I thank my friend for yielding.

Mr. RICHARDSON. Once again I would like to stress to my colleagues that I am not impugning the motives of anybody here. I respect the sincerity of the President and Mr. MICHEL. But this looks like an administration-drafted amendment that permits a lot of trucks to go through.

Now, all I am doing is saying that under this amendment, and legal counsel has been drafting some of these possibilities, what I just mentioned could happen. That is all I am pointing out to my colleague.

Mr. HYDE. Mr. Chairman, will the gentleman yield further?

Mr. RICHARDSON. I yield to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I thank the gentleman for yielding further.

This legislation, Mr. Chairman, cannot operate in a vacuum It is within the context of existing law. It would not permit violating existing law.

Mr. RICHARDSON. I would like to ask my colleague if he is aware of the recent decision of the Supreme Court, a 7 to 2 vote, that gave the CIA wide powers to keep classified information from being disseminated either to Congress or to reporters. Is my colleague aware of that? It is called the Morrison decision.

Mr. HYDE. Yes; I am well aware. I think it is a good decision. But that has nothing to do with the statutes which forbid the use of funds for military or paramilitary use in Nicaragua. That is the law.

Mr. RICHARDSON. What is exactly the meaning of this language, and let me read the language: "The Administrator of the Agency for International Development shall have such powers as may be necessary and proper to carry out section 1 of this joint resolution"?

Mr. HYDE. Within the framework of existing law. It does not amend existing law. It merely gives the AID whatever powers it needs to fulfill the mandate of this humanitarian assistance to these people in Nicaragua.

Mr. RICHARDSON. So, using the CIA contingency reserve, no CIA personnel can be used to carry this out; is that what my colleague is saying?

Mr. HYDE. It would seem apparent that that is so.

The gentleman [Mr. RICHARDSON] is more suspicious than any John Bircher that ever lived.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM].

□ 1800

Mr. McCOLLUM. I thank the gentleman for yielding.

Mr. HYDE. Will the gentleman yield?

Mr. McCOLLUM. I would be glad to yield to the gentleman from Illinois.

Mr. HYDE. I thank my friend for yielding, and I have tried to be brief, but you know, a sense of deja vu overcomes me. Five years ago, June 5, 1980, we heard these same arguments made on the floor by many of the same people.

The majority leader now, then just an influential Member of the House, had an amendment which required the then President to report every 90 days to this House on the condition of human rights in Nicaragua. That was very great concern, and he assured us that they did not want to be dominated by Cuba or by the Soviet Union.

Then he asked this House to give him the tools on a trip down there where he could say, "We do expect you to establish free political institutions, to have regular, free, and orderly elections. We want you to respect private property and want you to respect human rights. So long as you do these things, we want to work with you and we want to help you in such ways as we may to solve the gnawing economic problems that beset your country."

Then furthermore the gentleman said, let us extend the hand of helpfulness; not a handout. If you will abide by those human rights recognized by enlightened humankind, if you respect private property as you say you will, if you will continue to respect the right of free expression as you have demonstrated recently that you are willing to do with regard to television and with regard to La Prensa, and if you will hold those free elections you have promised, we will be your friend.

Now, that is 5 years ago, and we gave them the money, and they went the other way.

Now, there are two kinds of ignorance: invincible and vincible. I do not know what you call people who, after 5 years of watching them go into the Communist orbit, and we gave them the money, now you still have not learned.

Mr. McCOLLUM. I want to reclaim my time. I am pleased to have yielded to the gentleman from Illinois.

Mr. Chairman, I want to make a point. Following his statement I think is the appropriate time to do this. There are two primary reasons why the Michel amendment should be adopted today. One of them was very clearly articulated by the gentleman from Texas [Mr. PICKLE] a few minutes ago when he pointed out the fact that there is only one way that we can realistically expect to achieve the kind of pressure necessary to bring about fundamental changes in the way the Sandinistas do business that will assure us of having freedom of democracy in that hemisphere just below us, and to assure that they will quit meddling in their neighbors' businesses.

That kind of pressure can only be brought about if the Contras continue to be able to at least exist on the burner. And they are not going to be able to continue to exist unless we provide the direct kind of humanitarian aid and assistance that is the Michel amendment.

The fact of the matter is that anything else that we are talking about in the way of providing some incentive for them to negotiate is a version of the tooth fairy fairy tale, as I heard some of my colleagues say earlier this afternoon.

They have to be viewed as people who think differently from the way we think. They are Marxist-Leninists. They are Communists. They are of the Soviet mold. They are of the same mold as the Soviets that looked upon the issue of the Korean Air Line incident the way they did.

Mr. BROOMFIELD. I will be glad to yield an additional minute and a half to the gentleman.

Mr. McCOLLUM. The fact of the matter is that we have got to bring this kind of pressure to bear on them and the existence of the Contras in one form or another during the next 2 months and next year, perhaps, or whatever it takes is absolutely essential.

Now there is a second reason. That is basically the humanitarian reason that is involved. The fact is that we have an obligation to these people that is paramount in our consideration, both from the standpoint of the history of our relationship with them and the fact that they stand for freedom and democracy and from a self-interest standpoint.

For after 1969 when the Sandinistas took over, I want you to know that more refugees, more Nicaraguans fled Nicaragua in the 4 years after that, immediately after that than in the 45 years of Somoza rule; more than 60,000 of them.

I have spoken with a lot of them in the U.N. operated refugee camps, and I can tell you they left because the Sandinista oppression. That is what they say; that is why they left; and I believe them.

The fact is that if we do not provide this assistance, many more are going to leave. Our embassy in Honduras estimates between 150,000 and 200,000 more are going to come across after the Contras, if they collapse, and those people are going to come, frankly, to the United States very quickly; not to mention the thousands and possibly millions more who will follow if consolidation of a Communist regime takes place at that point in time.

So I beseech you: Two reasons, vote to keep up the pressure and vote for humanitarian reasons for the Michel version.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GEJDENSON. Mr. Chairman, I yield myself 5 minutes.

The problem with the assessment of my friend and colleague from Illinois is that the last 4 years have not made the kind of improvements in the situation in Nicaragua that we would all like to see; that funding a military force on Nicaragua's northern border has not given the moderate voices in Nicaragua more strength; that funding a military unit that has been savaging many of the citizens of northern Nicaragua has not created a country that is more moderate or less indebted to the Soviets or the Cubans.

To the contrary, anyone in Nicaragua who would like to develop the kind of totalitarian government that he speaks of has been given aid and comfort by the Reagan administration by this feeble effort that simply terrorizes the citizens of Nicaragua.

What they have done is provided the ammunition.

Mr. HYDE. Will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman.

Mr. HYDE. For the life of me, and I say this with all the sincerity I can muster, how can someone stand and defend a regime that drove every Jewish family out of Nicaragua? How can you do it?

Mr. GEJDENSON. Reclaiming my time, the gentleman obviously was not listening to my statement. I was not defending the regime; what I was saying is that the Reagan administration provides assistance—and I will get to the rest of your question—provides assistance to those forces within Nicaragua that want nondemocratic institutions.

In Nicaragua today I met with the Jewish community, and that seems to be a major area—there were six when I was there; I am not sure how many were there—there were about 200 Jewish families or individuals, 200 to 400 during the Somoza days. Many of them left when the Sandinistas took over, for a number of reasons.

Whether or not we provide assistance to the Contras, it will not improve that situation, it will not change it. What we need to do is address what is in the best interests of the U.S. Government. Not what is the most impressive act, not what will look good in a fight against communism, but what will really make some progress for the people of Central America and the people of Nicaragua.

I know this gentleman knows, my parents fled the Soviet Union in the late 1940's. To understand what we are up against is to understand that what the President proposes is simply the most ineffective, it is the most counterproductive, it is the most dangerous of approaches to the crisis in Central America.

What we should have learned a long time ago in this great democracy is that the people of this country need to be consulted when we engage in a policy. That this administration started this policy by arguing to the Congress and to the American people that this was simply a process to interdict arms to El Salvador.

That cover has long since been blown. The history and the development of the Contras, how the administration picked the political leadership to try to give it a decent cover over the Somocista guardsmen that run the military is now clear and history.

What we have today is a choice whether we will take a new path, with no guarantees for success. The mistakes in Nicaragua go back too far. American marines at the beginning of this century, and returning to Nicaragua for a dozen years at a time, have created a history with that country that gives us considerable problem, considerable challenges.

Aiding the Contras will not turn the situation around in Nicaragua. It may make you feel better when you leave here that you bought some bullets and maybe some bread for people who were going in and savaging northern Nicaragua.

You may dream that you are chasing out communism, but what you are doing is you are pulling the Soviets and the Cubans in even deeper. What you are doing is taking away every opportunity to use the countries of the region for a peaceful development, and let me tell you, this same debate must have existed in the 1960's as the failed effort of the Bay of Pigs.

If this Government continues to engage in programs like this one that failed, we undercut our position in the world. We ought to be using the policies—in pulling the countries of the region together, we ought to be using the levers that are effective, and not the ones that are ineffective.

This is a failed policy. It is a policy that will cost the United States dearly in Central America. There is no easy road out of the problems we face, but if there is a sure road to disaster, it is support of the Michel amendment here today.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. MCEWEN].

□ 1810

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. McEWEN. I yield to the gentleman from Illinois.

Mr. HYDE. I just want to respond very briefly to the sentiments expressed by the gentleman from Connecticut.

The fact is, the historical record is, we tried the other way. We tried the non-Reagan way, if you will; we tried the Carter way. Send millions of dollars down to the Sandinista government and pray. We did that. I did that. I joined in that hope and in that expectation. And the result that we got was a Marxist-Leninist revolutionary government. We tried their way and it failed. But it keeps coming back on that side of the aisle. They just never learn. The cost of their not learning, however, is a lot of lives and a lot of freedom.

I thank my friend for yielding.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. McEWEN. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I rise in support of the Michel substitute. This body has a moral obligation to give humanitarian aid to those fighting to liberate their country from an increasingly repressive government of broken promises.

At the time the Contra forces were organized 3 years ago, it was an accurate statement that a large measure of their training and leadership came from the Government of the United States. Most of us would acknowledge that the resistance was, at that time, composed mainly of former national guardsmen—Somocistas. But that is not true today. The forces of democracy are increasingly attracting a large number of Nicaraguans disenfranchised from the policies of the Marxist-Leninist—and that is their own term—regime in power.

The Nicaraguan democratic forces—the FDN—is now composed mainly of those who opposed and fought Somoza's rule in Nicaragua. Signatories of the San Jose Declaration, the Manifesto of the FDN, included Arturo Cruz, former Sandinista Ambassador to the United States; Fernando Chamorro, who personally attempted the assassination of Somoza; Adolfo Calero, a life-long opponent of the Somoza regime and Alfonso Robelo, a former member of the original revolutionary junta. The list goes on and on; it is a matter of public record, if my colleagues care to look.

So why are we aiding the Contras? Why have we chosen to give aid to those fighting against a regime in our hemisphere? There can be no doubt that the Sandinista government is aiding guerrilla forces in Central America that are intent on overthrowing democratically elected allies of the United States. The Contras have proven themselves to be a legitimate political force dedicated to freedom. The Sandinista regime must negotiate not with the United States, not with the Reagan administration, but with the Nicaraguan democratic front. We asked—we pressured—President Duarte into negotiating with smaller guerrilla forces with less popular support than the Contras enjoy today. In a cynical gesture last weekend, the Sandinistas offered to negotiate with the United States and offered a ceasefire with FDN, but only if the United States would agree to withdraw aid from the FDN. In other words, abandon more than 15,000 Nicaraguans bent on bringing democracy to their country, and the Sandinistas will negotiate with Washington.

It is not appropriate for the United States to negotiate on behalf of 15,000 men and women fighting for democracy. If the Sandinistas truly wished to bring peace to their country, they would negotiate with those men and women disenfranchised by the Sandinista regime—the FDN. They would permit free elections, they would allow political parties to flourish, they would permit freedom of the press, and they would cease the intimidation, torture and murder of their political opponents. If we cease aid to the Contras, we will be responsible for terminating the only effective democratic resistance to the increasingly repressive policies of the Sandinistas.

This morning, in response to our vote last night against militry aid to the Contras, the Sandinista government said, in part:

> The Nicaraguan Government wishes to reiterate its firm, irreversible position that it will never accept any kind of a dialogue with mercenary forces directed and financed by the U.S. Government regardless of the pretext used to stage this dialogue.

This is a demand for unconditional surrender. We cannot and we will not accept such a demand. We must support those who fight for democracy in every corner of the world.

In an editorial published in the New York Times last December, Arturo Cruz, the former Sandinista Ambassador to the United States, wrote:

> Congress is sadly wrong if it imagines that it can obtain peace by cutting off aid to the Nicaraguan insurgents. The insurgency is no longer a product of United States intervention: it is the revolt of Nicaraguans against oppression by other Nicaraguans. Those who oppose support to the insurgents have a moral obligation to insist that the Sandinistas restore Nicaragua's liberties and that the Communist world take its hands off our country.

I challenge opponents of the Michel substitute to come up with a realistic, alternative that would restore civil liberties in Nicaragua, and remove Soviet influence from that country. With the Michel substitute, we are given the opportunity to vote for nonlethal aid to the Contras. I will vote for the Michel substitute, in the belief that such aid

is consistent both with the principles on which this Nation was founded, and with the efforts of Nicaraguan freedom fighters to restore democracy to their country. I fought in one war as a naval officer. As a Congressman, I do not intend to lead this country down the path to another war by abandoning Central America to Sandinista expansionism. I urge my colleagues to vote for the Michel substitute.

Mr. McEWEN. Mr. Chairman, it has come to my attention that tomorrow's edition of the New York Times will report that Daniel Ortega's trip to Moscow is for the purpose of signing an agreement for further financial support to make up the gap caused by the recent loss of World Bank and other loans.

My question to this body now over the next 40 minutes as we make this decision: Does anyone truly believe that our refusal to send the Peace Corps to Nicaragua next year will make a permanent impact on their aggressive Marxist revolution and its desire to overrun all of Central America?

The Archbishop that was just appointed today to cardinalship has said that Marxism is attempting as a goal to eliminate the church in Nicaragua. The Sandinista government intends to eliminate all of the Catholic Church. It has been pointed out that the Jewish community has been totally destroyed in all of Nicaragua. The question that I have deals with human rights, and in just 120 seconds I want to say these two points:

I met recently with the head of the Human Rights Commission in Nicaragua. The chairman pointed out that under the Somoza regime whenever there was a human rights violation the international press paid full attention. He pointed out that after the Marxist revolution there was no longer attention to human rights violations even though they had exploded in number. He sent a delegation to one of his major supporters in Geneva and asked why they had discontinued funding to the Human Rights Commission in Nicaragua. The answer that came back was this: They said, "We are no longer concerned with human rights violations in Nicaragua. El Salvador is now our next target." No. 1.

Point No. 2: This Congress has discovered and those Marxists in El Salvador have discovered that a way to get a Congressman's attention on this floor is if the Marxist guerrillas in El Salvador will murder anyone at will, thrust their body in the town square, call the international press, the Washington Post and American newspapers will print the picture and the story, and this front row will line up with 1-minute speeches in opposition to the El Salvadoran Government.

They have also learned very effectively that Nicaragua need only go into a village and have an atrocity and attribute it to the Contras. Many well meaning individuals in this body will then become very concerned about policy.

Let me tell you: We have learned that the Sandinista army has developed Contra squads that have the single purpose of going into villages to murder those people. They then identify themselves as Contras, they murder the males or anyone in support of the effort, and leave, call the international media that comes in, interviews the orphans or the widows, and then they come and portray it here before us today.

I believe that the conflict we are facing is international in scope. It is clear. The question is whether or not we will deal in tactics or whether or not we will deal in strategy and recognize what is at stake in this vote now.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Chairman, it is certainly not in the best interests of the United States, or consistent with the historic principles of the Monroe Doctrine, to have another military surrogate of the Soviet Union in Central America. That is the bottom line.

A vote for nonmilitary aid to those opposing the Sandinista regime is a calculated yet cautious message that the United States deems it in its own best interests, and those of its neighbors, to encourage a course of moderation through negotiation in Nicaragua. The United States actively supports the Contadora process aimed at achieving a political solution to the situation in Central America.

Remember, it was the United States that tried to foster good relations when the Sandinistas replaced the oppressive Somoza regime. I served in Congress and supported the U.S. cosponsorship, in June 1979, of an Organization of American States resolution calling for replacement of the Somoza regime. I also supported authorization of $118 million in bilateral aid to the new Sandinista government, far more than the United States supplied to any other country in the region.

In turn, the Sandinista National Liberation Front [FSLN] pledged that it would promote political pluralism, a mixed economy and a nonaligned foreign policy.

What happened? Within a week of the Sandinista victory in 1979, Cuba placed about 100 military advisers and security personnel in Nicaragua. That number has now grown to 2,500-3,000, along with another 4,500 Cuban specialists, some 200 Soviet and East German military advisers, and another 50 from Libya and the Palestine Liberation Organization.

Hardly an ideal supporting cast for a country whose government is intent upon living peacefully with its neighbors.

Long before any armed opposition arose, Nicaraguan active duty forces grew to more than 60,000, some five times the size of Somoza's national guard even at its peak. The Nicaraguan Army is supported by at least 340 Soviet-made tanks and armored vehicles, scores of artillery pieces, rocket launchers and dozens of helicopters, including several MI-24's, the Soviets' top-of-the-line attack gunship.

In short, the evidence belies claims of nonbelligerence and friendship.

Facts? Sandinista leader Daniel Ortega made regular trips to Havana and Moscow. He hosted Iranian Prime Minister Mii Husein Masari.

In November 1980, Sandinista security forces gunned down Jorge Salazar, the vice-president of the private sector umbrella group, Supreme Council of Private Enterprise. In November 1980 and again in March 1981 the Sandinistas blocked the Nicaraguan Democratic Movement Party headed by former Sandinista junta member, Alfonso Robelo, from holding peaceful rallies.

Early in 1981, the Sandinistas arrested the president of the Permanent Commission on Human Rights, Jose Estebon Gonzalez. He now lives in exile.

Member after member of the original Sandinista junta as well as thousands of other Nicaraguans, mostly poor peasants, have become disillusioned by broken promises and denials of liberty.

All of this, combined with evidence that the Sandinistas were materially aiding the Communist guerrillas in El Salvador, hardly depicts the FSLN government of Nicaragua as promoting political pluralism, a mixed economy, and a nonaligned foreign policy.

There are many well-meaning Americans who have visited Nicaragua and met with representatives of the Sandinista government. They have been shown examples of progress in Nicaragua—and there have been improvements in education and medical care.

These well-meaning Americans cite atrocities committed by the Contras. There have indeed been excesses on both sides. Yet, to paint one side as white and the other black is to ignore the realities of Central American politics and governments.

The truth in Central America is elusive and hard to find. But there is enough truth to show that people suffer from government oppression and brutalities—whether committed by the left or the right.

Somewhere between the repression of the Somocistas and the oppression of the Sandinistas lies the answer to reasonable government for Nicaragua.

The choices for the United States in Nicaragua are difficult. I voted to limit aid to the Contras to humanitarian as-

sistance, and to embargo trade between the United States and Nicaragua if negotiations do not begin. We are still Nicaragua's largest trading partner.

That seems the best solution to keeping the pressure on the Nicaraguan Government to achieve the bottom line—a less militant and nonaligned Nicaragua. The next step now is up to the Ortega regime.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I am in receipt of a letter addressed to the gentleman from Illinois [Mr. MICHEL] from the Administrator of the Agency for International Development, and he advises:

This is to advise you that the Agency for International Development fully supports your amendment House Joint Resolution 239 to permit humanitarian assistance to the democratic opposition in Nicaragua. If your amendment is enacted, we will move expeditiously to assure that the funds authorized for the above purpose are effectively and properly applied for humanitarian needs in accordance with the intent of Congress.

That letter is signed by M. Peter McPherson, Administrator, Agency for International Development.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. O'BRIEN].

Mr. O'BRIEN. I thank the gentleman for yielding.

Mr. Chairman, just to get a bipartisan or two-side-of-the-street view of this thing, the Michel amendment seeks to provide food, clothing and medicine, and it provides no arms. It is no match for 8,000 Cubans, Russians, Bulgarians, PLO, and Libyans. It has no helicopters, it has no tanks, it has no rockets, it has no missiles. It has no antipersonnel devices.

With respect to a statement made by my friend, the gentleman from Virginia [Mr. WOLF], I was down in that country some 6 or 7 years ago. I had lunch with the dictator. I have never felt the pressure of military hardware more closely. An hour later I had a chance to visit with the then Bishop Bravo, Bishop of Nicaragua, now His Eminence, Archdiocese of Central America. And he had no stomach for Somoza any more than he does for the Sandinistas now.

And let me comment also that if I am concerned about the conditions in the Diocese of New York, I do not go to Nicaragua and ask that bishop. So O'Connor ought to stay out of that.

Mr. BARNES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. LUKEN].

Mr. LUKEN. Mr. Chairman, the Michel substitute does nothing to promote the peace process in Central America. Instead, it merely continues aid to the Contras in the name of the "democratic opposition."

The substitute of the gentleman from Illinois [Mr. MICHEL] contains no assurances that the money will be used to end the killing and the violence, as the Hamilton substitute did. The Michel plan represents nothing more than a continuation of the flawed administration policy.

Now, initially, a little while ago, Congress and the American people were told by this administration that American aid was needed to cut off the flow, to interdict the flow of arms from Nicaragua into Honduras and El Salvador. Later we learned from the same administration that these Contras that we were to aid were actively seeking to overthrow the Sandinista government.

Now, earlier we were asked to trust the word of the President. It is not a question of trusting the word of the President, because we do know the aims of this President. This President is the one who has indicated that he wants to overthrow that government. He has asked for arms aid time and time again for that purpose. Although we may respect these aims, we disagree and we disagree strongly.

By contrast, the Hamilton proposal which we adopted earlier offers the Sandinistas the incentive to participate in the process leading to peace negotiations by withholding aid. The Michel amendment contains none of these assurances, contains none of these caveats. It does not contain the carrot and the stick approach, the approach of diplomacy, the carrot and the stick which shows the clear congressional concern in the Hamilton substitute about the Sandinistas' links to Cuba and would penalize any violation of human rights.

I suggest we stick with the Hamilton substitute.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. RITTER].

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Mr. RITTER. I thank the gentleman for yielding me this time.

Mr. Chairman, let us be clear about what the impact of a loss of this Michel resolution means. It means betrayal. It means that we betray men whom we supported; put in the field to fight, perhaps to die, for ideals which we hold dear ourselves.

We also betray freedom fighters everywhere who are watching this vote carefully; we betray those fighting in Afghanistan, under Son Sann in Cambodia, and in Africa. The whole world is watching this vote, and in particular they are watching this vote in Moscow and in Castro's Cuba.

A central fact of our time is that men and women have taken up arms against Communist totalitarian regimes. It is our obligation to be on their side. Pulling the rug out from just such people in Nicaragua, those people who hold the same ideals, defeats the purpose of freedom fighters everywhere.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. ROEMER].

Mr. ROEMER. I thank the gentleman for yielding me this time.

Mr. Chairman, I wonder if we have the stomach for these kinds of decisions in the House. I am proud to be a Member of the House. I have enjoyed my 4 years and 3 or 4 months here; I know I have got a lot to learn, but it seems that these are the most difficult kinds of decisions for us when the choices are not clear to some of our colleagues.

Now, to me, maybe it is because I am of different or maybe a more simple mind, but the choices are clear here today. If we leave our work down with only the Hamilton amendment, we have done nothing. If we end our day leaving passed only the Hamilton amendment, we have done nothing. Oh, we have created a new welfare program. We have created a new Amtrak program; we pay people to leave Nicaragua.

It is fluff and huff and puff and there is no teeth to it. Hamilton is without gums; forget the teeth. If we stick with Barnes-Hamilton, we do nothing for the freedom fighters, not even medicine. It prohibits aid inside Nicaragua to those who believe in freedom.

It is not right, it is not right. If we leave our work done with that, we have taken a step backward. I think that JAKE PICKLE said it as well as anyone: We must keep the pressure on the Sandinistas. We decided to send no weapons, no bullets, no guns, no bombs; but if we want to keep the pressure, allow through the Michel amendment, the money to be spent to help those who are willing to give their lives and fight for freedom.

We had a speaker here early today on my side of the aisle say that there is no comparison with the men of the Contras and what is happening in Afghanistan. There is a direct comparison, a direct comparison. In Afghanistan, the Soviet Union has directly invaded a nation, directly. The response there by those who believe in freedom more important than their lives was to fight.

In Nicaragua, the same thing happened. The Soviet Union with their slave and captive states, circumvented and thwarted their own revolution. It is the people of Nicaragua who are asking for this help. You know, the problems in Nicaragua are not the fault of America. I stand here and reject the notion that Nicaragua is America's fault; it is not unless today we leave here only doing Hamilton.

Because if we do that, we have done nothing at all.

Mr. BARNES. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. I thank the gentleman for yielding me this time.

Mr. Chairman, I have recently returned from Nicaragua; my second trip down there. I can assure my colleagues that there are no people down there with white hats. Neither the Contras nor the Sandinistas are repositories of virtue. Neither one are the reincarnation of the Franciscan Order as sometimes depicted by their supporters or others.

But to call the Contras freedom fighters and to equate them to the Founding Fathers or the French Resistance fighters is going too far. I refer to a Newsweek article of April 29, 1985, which many of you have seen. If you have not, I urge you to. It shows firsthand an eyewitness account photograph of a cold-blooded murder by the Contras of a totally unarmed civilian who is lying passively. His throat is cut on camera. That is a freedom fighter. I am afraid that we have to admit that the people we are supporting down there are committing some very serious atrocities.

Now, the question is do we keep on supporting them logically, militarily or any other way? We have put ourselves in a terrible box as a nation because we have created them. Now do we walk away from them or do we keep them going?

We have made some mistakes, but I think it is better to cut those mistakes, face the facts, as General Gorman says, we cannot win with this group militarily. We are losing a lot of ground politically in the region, and we had better cut our losses, as painful as that is going to be.

Finally I would make the point that we have not done nothing with the Hamilton-Barnes measure. One of the points the Kissinger Commission made again and again, and I would urge my colleagues on that side that read the Kissinger Commission report and support the conclusions, the Kissinger Commission said that unilateralism is extremely dangerous in Central America. The danger is unilateralism in Central America, the most dangerous pitfall to avoid at all costs.

The Hamilton-Barnes measure gives the explicit stamp of approval of this Congress to multilateralism. It signals that we want the Contadoras to work on the problem. Almost unheard of in Latin America is four democracies getting together to try to solve a regional problem. Here is a golden opportunity; I urge you not to walk away from that measure.

● Mr. FRENZEL. Mr. Chairman, this latest debate on aid to Nicaraguan Contras is perhaps the most frustrating so far. We have run out of good alternatives. We are left only with ones which do not seem to offer promise of effectiveness.

I fear that Nicaragua will continue to be a bad influence in the region and pursue objectionable internal policies. After listening to the debate yesterday, my guess is that a resolution condemning the Sandinista government, and calling for major changes in their policies, would pass by a wide margin.

Our problem is that none of the proposals offers hope for the people of Nicaragua. They will bear the suffering and the repression no matter what we do.

Congressman EDWARD BOLAND, the former chairman of the House Intelligence Committee and author of the Boland amendment cutting off Contra aid last year, made the point clearly in yesterday's debate. While he opposes military aid to Contras, as do I at this point, he too believes the Sandinistas are not a positive influence. Speaking of events in Nicaragua during his tenure as Intelligence chairman, he said:

> The facts were that the Government of Nicaragua was providing arms, ammunition, communications, logistics, training and safe haven to insurgents attempting to topple the Government of El Salvador. The facts were that the Government of Nicaragua was on a Marxist-Leninist drift. The facts were that the Cubans had a large presence in Nicaragua and a great deal of influence within the Nicaraguan Government. The facts were that there was a military buildup in Nicaragua.

The problem is that governments like Nicaragua's tend not to be changed by congressional resolutions. The Sandinistas have made it clear that they will not negotiate with Contras. They will not even negotiate with former members of their own government, who happen to disagree with them.

At the same time, the alternatives look equally bad. The Contadora nations and their objectives are laudable. But they have no teeth nor enforcement procedures. The United States cannot force Nicaragua to negotiate in good faith. Neither can the Contadora nations, or the OAS.

I don't think the Contras have succeeded, nor can they succeed, either in offering a viable alternative to the Sandinistas, or in forcing the Sandinistas to make the minimum necessary policy changes. I am disturbed at the idea of continung to support a covert military effort against a government we still recognize, especially where the effort has not worked.

Trade sanctions usually fail. Although the United States is the largest trading partner for Nicaragua, it seems unlikely that U.S. trade sanctions alone can do the job.

Some say that if we only understood the Sandinistas, and tried to be friends with them, they would mend their ways. That, too, seems naive in view of our past experiences. From July 1979 through mid-1981, we provided Nicaragua $120 million in aid—more than that offered by any other nation. We gave more aid and credit to the Sandinistas in those 2 years than we gave Somoza in the previous 19 years. We offered Peace Corps volunteers.

All that happened was that many of the original members of the Government, those not a part of the hardest line Sandinista view, were forced out of the Government. The Sandinistas, during that period, built their armed forces to be the largest in Central America. They built political block groups to exert control over jobs, markets, and opportunity. They nationalized industry.

Congress is left with no good alternatives. Congress isn't in a position to develop and implement policy. Only the President can do so. All Congress can do is to frame some options. It can rule out some options. It can endorse others, but cannot make them policy.

The President's proposal is simply a continuation of military support for Contras. That's why I voted against it. The Barnes/Hamilton amendment, I feel, is all carrot and no stick. It does offer the possibility of trade sanctions, but here the Michel amendment is a little better. I also don't want to distribute aid through the United Nations. The United Nations has some useful functions, but it is the world's worst distributor of aid moneys.

My judgment is that the Michel amendment is the least bad of the series of imperfect alternatives. It says that negotiations should be pursued. Though I have no great hopes for negotiations success, we ought to try as best we can.

The Michel amendment says we should consider trade sanctions if the Sandinistas do not consider negotiations. Though I dislike trade sanctions as a rule, they are a last resort to be used when other means fail. That is where we are now. Moreover, they seem to be about the only unused tool Congress can use to encourage Nicaraguan seriousness in negotiations.

The amendment recognizes that we were largely responsible for the formation and contribution of the Contras. We have an obligation not to cut them off abruptly. We ought to help them end military activities. The Michel amendment is not a means to keep them alive. To me, it is a means to phase them out. Though we cannot outlaw the Contras, we can and should withdraw military support.

In the end, this vote says that the President's alternative is not good enough. His suggestions, and those made by Congress, in my judgment, are inadequate to change Nicaraguan intransigence.

The United States cannot ignore Nicaragua. Likewise, we ought not con-

tinue support for a military effort that offers us nothing better. We need a new course. Only the President can provide that new direction.●

● Mr. MINETA. Mr. Chairman, the difference between the two proposals before us today is simple: The first makes the United States a power for peace in the region. The substitute will make us the quartermaster corps of the Nicaraguan Contras.

The first resolution, just passed, provides true refugees with true humanitarian assistance. The substitute gives the Contras boots, rations, and other military assistance—everything an army needs save for weapons. They can get those elsewhere with the money they save.

The argument that somehow our Nation will have "clean hands" by giving Contras only the so-called humanitarian aid just won't wash. The bottom line is still military support—whether you are the quartermaster corps or the ordnance corps.

What sort of humanitarian aid can we expect from this administration? With its track record, you will see humanitarian aid that includes helicopters outfitted for the medical evacuation of soldiers. Never mind that the helicopters may be outfitted with rocket pods purchased from another source. When the press reports on such actions appear, you can be sure that the administration will shrug its shoulders and say, "We have no control over what they do."

Today, my colleagues, we can control what happens. Reject this substitute as last night we rejected the measure that spawned it.●

● Mr. SHELBY. Mr. Chairman, today's debate has once again highlighted the problems endemic to this body's exploratory process—a process which often leads us to be too preoccupied with the "how," "where," and "what" rather than the "why." This is understandable. It is easy to focus attention on Contra human rights abuses. It is far more difficult to dwell on the systemic oppression which has come to permeate Nicaraguan society—an oppression which has provided the fertile ground from which the Contras have spawned.

The Sandinistas have betrayed their own revolution. They have betrayed their supporters at home. They have betrayed their supporters abroad. Most of all, they have betrayed themselves.

The Sandinista dictatorship is a totalitarian state, and it has done what all totalitarian states do: it has stifled both democracy and those who so ably uphold its values—the press, the church, and ultimately the voters.

There are those who say this isn't America's problem. Why should it matter if Nicaragua is a totalitarian state? Well, this seems to beg the question. Free elections, I've been told, are a rare commodity in totalitarian states. Dissent is a precarious occupation. Ask Mr. Castro's political opponents what they think about Cuban political debate.

Mr. Chairman, democratic states do not attack their neighbors. Democratic states do not readily carry out war. Democratic states, as we well know, are reluctant to spend a great deal of money on arms. In short, democratic states are not, nor will they ever be a threat to the free world.

The Contras are not angels. There are certainly objectionable elements among their ranks. But as Winston Churchill once said: "Democracy is the worst system in the world except for all of the others." For all of their faults, the Contras are far preferable to the alternative—the alternative of millions of "foot people" fleeing possible totalitarian states in Central America, the alternative of our borders being overrun by millions of hungry refugees who only desire to live in peace, and the alternative of Soviets satellite governments sitting astride the Rio Grande.

Closing our eyes and wishing the threat away may temporarily work in Afghanistan, but to abrogate our duty here in our own backyard does not bode well for the future of a nation such as ours.

Vote to aid the Contras.●

● Mr. DIXON. Mr. Chairman, although I initially voted for the Hamilton substitute amendment to House Joint Resolution 247, I cannot in good faith support the final passage of this resolution. I agree with the principles offered by Representative Hamilton's substitute amendment prohibiting aid to the Contras, yet providing both humanitarian aid and support for the regional peace negotiations. However, last night, the Senate passed its own version of this resolution, and agreed to the Reagan administration's request to give the Contras $14 million in aid to continue the covert war in Nicaragua. Our two resolutions are at opposite ends, and I am not convinced that a compromise can be reached between the House and the Senate versions that will provide the necessary safeguards to end terrorism and violence in Nicaragua and achieve our common goals of peace, internal reconciliation, regional security, and democracy. I am, therefore, voting against this resolution.

Our decision whether to provide funds to the Contras will have a profound influence on the shape and direction of our foreign policy not only in Nicaragua and Central America but throughout the world. I strongly believe that only through diplomatic channels and regional negotiations involving the Sandinistas, the Contadora countries and the United States, can a peaceful solution be found to end the raging conflict in Nicaragua that has destroyed thousands of innocent men, women, and children.

Last night, I voted against House Joint Resolution 239, which would fund the Contras, encourage covert activity aimed at overthrowing the Sandinista government and undermine American foreign policy in the region. I also voted against the substitute amendment offered by Representative MICHEL that provides $14 million in assistance to the Contras, to be distributed by the U.S. Agency for International Development. We should have learned from our painful experiences in Vietnam—American expansionism will not bring peace or an end to the undeclared war in Nicaragua.

Even if the United States could overthrow the Sandinistas by funding the Contras, America's credibility and resolve for democratic principles would be forever compromised in the eyes of our allies throughout the world.

Even if the Reagan administration could convince the American people that the Contras were, indeed, freedom fighters who are risking their lives to defeat communism and install democracy in Nicaragua, rather than a band of terrorists and international criminals, still the United States would set a dangerous precedent. The administration is fomenting political instability, rather than seeking peaceful means to the end of respect for human rights, democracy, and cooperation in the region.

Even if the administration demonstrated that Nicaragua and the Managua regime is a threat to the United States, it would not justify these actions which are clearly seen as illegal and immoral in the world community and the World Court.

The Reagan administration claims not to interfere in the internal affairs of other countries, but seeks an involvement which is neither justifiable or realistic in promoting the cause of freedom and democracy. If we truly wish to promote the cause of justice and freedom, we must use the weapons of diplomacy, dialog, and political determination, not the hired guns of the Contras.

I agree with my colleagues—and hundreds of constituents who have written to me in recent months—that resuming aid to the Contras will sabotage any chance of peacefully resolving the conflict in Nicaragua; will prolong suffering and bloodshed; and will serve to strengthen, rather than weaken the worst elements of the Sandinista regime.

● Mrs. LLOYD, Mr. Chairman, I want to rise and say a few words in support of the Michel amendment.

After lengthy deliberation, I have concluded that adoption of Representative MICHEL's proposal to provide $14 million in humanitarian assistance to the Nicaraguan democratic opposition

during the remainder of fiscal year 1985 is the best action for this House to take today.

In view of the alarming trend in Nicaragua toward a centrally controlled one party state dominated by the avowedly Marxist-Leninist Sandinista National Directorate; and in light of the heavy and expanding Soviet-Cuban military presence in Nicaragua; and considering the documented aid being provided to Marxist guerrillas in neighboring states by the Sandinista government; we must take action to maintain pressure on FSLN leadership.

The Sandinista National Directorate has betrayed the promise of a democratic revolution in Nicaragua. The FSLN has refused to honor the promises to institute free elections, political pluralism, a mixed economy and nonaligned foreign policy which were made in 1979 in return for OAS recognition. Many of the former Sandinista leaders have gone into exile to join the Contra forces. Over 120,000 people have fled the country, driven by the totalitarian turn the Sandinistas have taken. Many sectors of the population are discontent and object to the methods and goals of the present FSLN leadership. The Nicaraguan democratic opposition is fighting for the original democratic goals of the Nicaraguan revolution. The Nicaraguan democratic opposition is the only force actively opposing a complete consolidation of FSLN control over Nicaragua.

I submit that the United States has strategic, military, political and economic interests in assuring a stable, democratic Central America. These vital interests would be in jeopardy if a Soviet base of operations is established in Nicaragua. By combating a regime that moves ever closer to Cuba and to the U.S.S.R., the Nicaraguan democratic opposition has furthered American interests in the region.

The Michel amendment is a compromise proposal. It provides for direct humanitarian aid to the opposition forces, demonstrating our continued support for their efforts to force the Sandinistas to honor their original democratic promises. Yet, the amendment prohibits the use of these funds for arms, munitions or weapons of war, thus alerting the Contras to our reservation about the questionable methods which certain of their members have used in pursuing their laudable aims. The Michel amendment is a balanced proposal which indicates both our willingness to pursue any Sandinista proposals for good faith negotiations with the Nicaraguan democratic opposition, and our determination to take steps, including a possible embargo on trade between the United States and Nicaragua, if the Sandinistas continue on their present alarming course.●

Mr. BROOMFIELD. Mr. Chairman, I would like to inquire of the gentleman from Maryland [Mr. BARNES] how many speakers he has left: we are getting toward the end.

Mr. BARNES. Mr. Chairman, how much time is left, please?

The CHAIRMAN. The gentleman from Michigan [Mr. BROOMFIELD] has 7 minutes remaining, and the gentleman from Maryland [Mr. BARNES] has 6¼ minutes remaining.

Mr. BARNES. Mr. Chairman, we have three very brief speakers.

Mr. BROOMFIELD. If the gentleman would go ahead with those, we will wind up with one, our final speaker, the gentleman from Illinois, [Mr. MICHEL].

Mr. BARNES. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to urge my colleagues to reject Michel just as we accepted the Hamilton amendment. In my judgment, it is a prelude to our own direct military involvement. We have indirectly funded these individuals which is, in a sense, against the spirit of American law. This is a prelude. I find it interesting that many in this body who are among the most vocal about our military involvement have never served in the military. Not all, but many who are among the most vocal, to get us involved in the military situations of Nicaragua have never served.

I necessarily do not believe that the Michel amendment is the solution.

□ 1830

I want to say this as well. I have found it very disparaging concerning the very negative remarks made about the American religious clergy who are opposed to the Michel amendment and who are trying to set the tone of our own moral involvement throughout the world. I, for one, am very grateful to the ministers and rabbis and priests and nuns and lay people who have thought enough of their moral responsiblity to take a bold stand on this. I, for one, am glad for their instruction.

I hope that we solidly reject the Michel amendment, which is a prelude to direct military involvement, just as our beginnings in Vietnam were a prelude to losing more than 50,000 American men and women in that terrible war.

Mr. BARNES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. FOWLER].

Mr. FOWLER. I thank the gentleman for yielding this time to me.

Mr. Chairman and my colleagues in the House, at the end of this debate I just want to say that I am more optimistic than many of the speakers that we have heard in this 2 days.

We see some flourishing of capitalism in Communist China. Mr. Gorbachev in the Soviet Union today opened some doors to capitalistic development. Albania, a former enemy, is now dealing with the White House. Algeria, a former enemy, is now dealing with the White House. Somalia, a former enemy, is now dealing with the White House and we are offering to send arms.

I ask you to consider just one thing, and that is that one of the mistakes that many of us on both sides of the aisle believe that has been made by our country is to use the CIA in a political role in Central America. Whether or not it is ultimately a success or not remains to be seen. We all hope it will be, regardless of how we vote. But we have seen that the politicalization of the CIA in a war role has hurt our clandestine collection activity and made its activity suspicious.

I ask you only one thing: The Michel substitute would call into question the role of the Agency for International Development, which has never before in this country been politicized. It has never been questioned as an instrument of covert activity or wartime policy of the United States of America, and regardless of how you feel about the ultimate outcome of our Nation's goals in Central America, to compromise another institution of our Government that has never been subject to compromise before is not in the best interest of the foreign policy of the United States of America.

Give the Hamilton approach the 6 months to see if we can succeed. If we do not, then strong measures can be taken and strong measures will be taken.

Mr. BARNES. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me make very quickly some, I think, key points that have already been discussed in this debate before we go to the vote.

First of all, the argument is made that what we are voting on is humanitarian aid. That is a misnomer. We are voting on logistical support for an army. In any other circumstances, this would be called military assistance. When we vote our defense budget, we do not call part of it humanitarian aid to our army and the other part of it military. It is all military, and that is what we are voting on here.

If you voted last night against military aid to the Contras, the consistent, clear vote would be now to vote against this military aid, and we do not even know what it is, because earlier during the discussion one of our colleagues asked the authors of this proposal, "What is the military aid? Does it include airplanes, helicopters, uniforms, construction equipment, trucks, helmets, dynamite?" And we

were told they did not know what it included.

Mr. MICHEL. Will the gentleman yield? Is the gentleman asking me that question?

Mr. BARNES. I would be glad to yield to the gentleman from Illinois.

Mr. MICHEL. You know that is just absolutely a falsehood and trying to characterize my amendment as the same language as yesterday's, which admittedly was for military and paramilitary equipment, is not the case today, and it is a bald-faced lie to characterize it this way.

Mr. BARNES. The leader accuses me of lying. Let me say to the leader, the leader was not on the floor when the gentleman from Massachusetts asked the gentleman from Michigan [Mr. BROOMFIELD] whether or not these items were included in the gentleman's amendment, and we were told that we had to accept the word of various people, but the amendment did not specifically prohibit these actions. That was the response that we were given during the debate.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BARNES. I would be happy to yield to the gentleman from Illinois.

Mr. HYDE. I suggested that the continuing resolution and the Intelligence Authorization Act of last year contains language drafted by Mr. BOLAND that still is operative, is not amended by the Michel resolution.

Mr. BARNES. But that will expire at the end of this fiscal year; is that correct?

Mr. HYDE. Sir, it is the law, and this does not amend that, and it forbids any military or paramilitary aid going into Nicaragua.

Mr. BARNES. It prohibits everything but logistical support to the Contras. We did have a discussion on this earlier. We do not have time for it now.

But I say to the distinguished leader that there was no desire to misrepresent. What I stated was what was stated earlier during the discussion.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. BARNES] has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Michel-Broomfield approach will be a step toward peace.

The proposal before us permits the U.S. Agency for International Development to provide $14 million in humanitarian assistance to the Nicaraguan democratic opposition. This proposal also urges the President to impose an embargo on trade with Nicaragua as one sanction which could be used if Managua continues on its current path. This would be done if the Government of Nicaragua fails to negotiate in good faith with the democratic opposition.

This amendment gives humanitarian support to the democratic forces in Nicaragua. This is the least we can do for a group of men who relied on American constancy in this struggle. No arms would be provided under this program. This amendment provides a real incentive for the Sandinistas to seriously search for peace in the region.

America must press the Sandinistas to modify their behavior. Democracy doesn't need a congressionally imposed setback in that nearby region. I ask my colleagues to join me in this responsible approach to solving the problems in our backyard, and help democracy in the region.

As the President indicated in his letter today to Mr. MICHEL, the Michel amendment would give peace a chance. Let's support the Michel amendment.

I would also like to take this opportunity, Mr. Chairman, to compliment you on your fair and evenhandedness in handling the Committee of the Whole on what I think has been a very excellent debate, and I can assure you we on this side appreciate it.

The CHAIRMAN. The Chair appreciates all the compliments he can get.

Mr. BROOMFIELD. Mr. Chairman, I would like at this time now to yield the balance of our time to the minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. I thank the gentleman for yielding this time to me.

If the gentleman from Maryland [Mr. BARNES] would like to have a minute to make a point, I would be happy to yield him a minute of my time.

Mr. BARNES. I thank the distinguished minority leader, and I regret that the leader was not on the floor during the earlier discussion and felt that I was somehow representing his amendment.

What I was trying to do was to describe the discussion that had taken place earlier in the leader's absence, during which it was pointed out that the items that I just listed could, in fact, be provided under the gentleman's amendment. That was the discussion that was had earlier. I was not trying to represent the gentleman's amendment. I was simply trying to represent the discussion that had taken place earlier. As we have just been reminded by staff, this is new money through AID, and the other restrictions that applied to the funds that went through the intelligence process would not apply to this funding. So only those items on the munitions list, bullets, and so on, would be restricted.

So we would be able to provide, under the gentleman's amendment, as it has been explained to me and as was discussed earlier during the debate, anything in the nature of logistical support that is nonlethal.

Mr. MICHEL. It all depends on the characterization of what humanitarian assistance is. But let me say to our membership that the language of the amendment which is pending was not written by anybody other than those of us in the office, without administration assistance.

You all know yesterday we had a completely different tenor of amendment that was before us, and I outlined to the membership of this House under the restrictions which were imposed upon me to write that language in that form, which was military and paramilitary. I recognize, as you all know through public statements I have made, that the administration, that that, as such, would not fly in this House, and recognizing that we needed some give, this is the kind of language we came up with, which is talking about humanitarian assistance.

If I might refer to several paragraphs of the President's letter to both the Speaker and to the gentleman from Illinois under today's date:

THE WHITE HOUSE,
Washington, April 24, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I announced on April 4 a proposal to promote peace in Central America by fostering a dialogue between the Government of Nicaragua and the democratic resistance, accompanied by a ceasefire in the conflict between them. My proposal was intended, in the words of the Contadora Document of Objectives agreed to by Nicaragua and its neighbors, "to promote national reconciliation efforts . . ., with a view to fostering participation in democratic political processes in accordance with the law."

Since April 4, I have had the benefit of many fruitful exchanges with Latin American leaders and with members of the Congress. I have been encouraged by these discussions, which have shown that a broad consensus exists on the need for reconciliation in Nicaragua, based on democratic principles, as an essential aspect of achieving peace in Central America.

Today the House will vote on competing proposals on how to proceed with our policy in Central America. The choice to be made is a fundamental one that will have a lasting effect on the prospects for democracy, economic opportunity, and peace in this vital region.

The proposal to be offered by Mr. Barnes and Mr. Hamilton would divert funds from existing economic assistance and refugee accounts for humanitarian assistance to refugees outside Nicaragua and for the expenses of implementing an eventual Contadora agreement. Members of Congress should be under no illusion about this proposal. Its adoption would damage our national security and foreign policy interests. By providing a financial inducement for members of the resistance to leave Nicaragua and become refugees in other countries, it relieves pressure on the Sandinistas while, at the same time, it increases the burdens imposed on the neighboring democracies. As a result, fragile democracies would be weakened, their economic recovery would be stalled,

their security would be diminished—and the civil war in Nicaragua would go on.

The other proposal before the House, to be offered by Mr. Michel, would appropriate $14 million in new funds to enable the Agency for International Development to provide humanitarian aid for the Nicaraguan democratic opposition. This alternative meets most of the objectives in my effort to promote a dialogue within Nicaragua which regional leaders have recognized is essential for peace in Central America. Rather than abandon the opposition, the Michel proposal would help to sustain it, giving peace a chance.

If Congress approves $14 million for assistance during the current fiscal year, no other U.S. Government funds would be spent for such material assistance to the armed democratic resistance. I will personally establish thorough procedures for the detailed management and accountability of the program in order to assure that these limitations on both the nature and amount of U.S. assistance are scrupulously observed.

I recognize the importance some members have attached to bilateral talks with the Government of Nicaragua. I am instructing my representatives to meet with representatives of the Government of Nicaragua. In their talks, the U.S. representative will press for a ceasefire as well as a church-mediated dialogue between the Sandinistas and the united democratic opposition. I must emphasize, however, that such bilateral talks must be in support of the Contadora process and cannot become a substitute for these efforts to achieve a comprehensive, verifiable agreement among all the nations of Central America. Also, as I said on April 4, peace negotiations must not become a cover for deception and delay. If the Sandinista government shows bad faith by seeking to gain unilateral advantage, for example, through a further arms buildup during a ceasefire or intransigence in negotiations, I would feel constrained to respond accordingly in our diplomatic efforts and would not expect the democratic resistance to continue to observe a ceasefire which was unfairly working to their disadvantage.

While economic sanctions are unlikely by themselves to create sufficient pressure to change Nicaragua's behavior, the Sandinistas should not benefit from their present access to the U.S. market while continuing their intransigence on issues affecting our national security. The Administration will favorably consider economic sanctions against the Government of Nicaragua and will undertake multilateral consultations with other Central American states in this regard.

The U.S. condemns atrocities by either side in the strongest possible terms. We will use our assistance to help ensure against wrongful acts by those who seek our help and we will urge them to take steps to investigate allegations of such acts and take appropriate actions against those found to be guilty.

The United States now stands at a moment of judgment. Experience has shown that a policy of support for democracy, economic opportunity, and security will best serve the people of Central America and the national interests of the United States. If we show consistency of purpose, if we are firm in our conviction that the promising developments over the past year in El Salvador, Honduras, Costa Rica, and Guatemala also show the way for a better future for Nicaragua, then over time we can help see the democratic center prevail over tyrants of the left or the right. But if we abandon democracy in Nicaragua, if we tolerate the consolidation of a surrogate state in Central America responsive to Cuba and the Soviet Union, we will see the progress that has been achieved begin to unravel under the strain of continuing conflict, attempts at subversion, and loss of confidence in our support.

There can be a more democratic, more prosperous, and more peaceful Central America. I am prepared to devote my energies toward that end. But, I also need the support of the Congress. Yesterday, the Senate in a bipartisan vote for peace and democracy confirmed the commitment of the United States to those who struggle for liberty. I urge that the House of Representatives support such a measure today.

Sincerely,

RONALD REAGAN.

□ 1840

Mr. Chairman, I will tell the gentleman that if it was his President, of whatever stripe, when a President of the United States elected by all the people of this country, and certainly by the big majority of this President, gives me that kind of commitment in writing, be I Democrat, Republican, liberal, or conservative, I am going to believe my President. His credibility is on the line out there.

I say that you remove one part of the fragile but growing consensus for democracy in Central America and you weaken all the rest. This is why it is important for our Government to provide direct humanitarian aid to democratic forces within Nicaragua. We are not only demonstrating our personal concern for them, we are also telling the border States that we will not abandon our commitment to the democratic process in Nicaragua. If the democratic forces in Nicaragua are seen as a cohesive unit with a part to play in the future of their country, then, believe me, the Sandinistas are going to take them seriously, but if we force the democratic forces to abandon their own country in order to receive humanitarian aid, we will break their will and their unity. And then what possible incentive will there be for the Sandinistas to negotiate with those forces?

I have some other things to say, but there is one thing I would like to say in conclusion. I see that the Speaker is on the floor, and I hope I am not violating any confidence. The President called the Speaker this afternoon and asked the Speaker's assistance in support of my amendment versus the amendment offered by the gentleman from Maryland. The Speaker, I think quite appropriately, told the President that he and the President had a difference of opinion on this issue, and that frankly Members on the Democratic side were free to vote their conscience.

I doubled back with the Speaker because I wanted to know the gist of the conversation that took place. I know how strongly the Speaker feels on this issue, and I respect that feeling, just as I respect the feelings of those that have been expressed by other Members here today on both sides of the aisle. This is not the first time I have made an appeal on your side, because we frankly do not have sufficient votes on our side to pass anything in this House when we are 70 votes behind.

So keeping that one expression on the part of the Speaker in mind that my Democratic friends here are free to vote their conscience, I know that some of you have talked to me in private about what your deep-seated feelings are on this issue, how strongly you feel, and what you know is right, and I would say for this occasion, "Damn the politics, let's do what is right for the country." We will appreciate your vote.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MICHEL] has expired. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois [Mr. MICHEL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED NOTE

Mr. BROOMFIELD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 215, not voting 5, as follows:

[Roll No. 68]

AYES—213

Archer	Dickinson	Hutto
Armey	DioGuardi	Hyde
Barnard	Dornan (CA)	Ireland
Bartlett	Dowdy	Jenkins
Barton	Dreier	Johnson
Bateman	Duncan	Kasich
Bennett	Dyson	Kemp
Bentley	Eckert (NY)	Kindness
Bereuter	Edwards (OK)	Kolbe
Bevill	Emerson	Kramer
Biaggi	English	Lagomarsino
Bilirakis	Erdreich	Latta
Bliley	Fawell	Leath (TX)
Boulter	Fiedler	Lent
Breaux	Fields	Lewis (CA)
Broomfield	Flippo	Lewis (FL)
Brown (CO)	Franklin	Lightfoot
Broyhill	Frenzel	Livingston
Burton (IN)	Fuqua	Lloyd
Byron	Gallo	Loeffler
Callahan	Gekas	Lott
Campbell	Gibbons	Lowery (CA)
Carney	Gilman	Lujan
Chandler	Gingrich	Lungren
Chappell	Goodling	Mack
Chappie	Gregg	Madigan
Cheney	Grotberg	Marlenee
Clinger	Gunderson	Martin (IL)
Coats	Hall, Ralph	Martin (NY)
Cobey	Hall, Sam	McCain
Coble	Hammerschmidt	McCandless
Coleman (MO)	Hansen	McCollum
Combest	Hartnett	McDade
Coughlin	Hatcher	McEwen
Courter	Heftel	McGrath
Craig	Hendon	McMillan
Crane	Henry	Meyers
Dannemeyer	Hiler	Mica
Darden	Hillis	Michel
Daub	Holt	Miller (OH)
Davis	Hopkins	Miller (WA)
de la Garza	Hubbard	Molinari
DeLay	Huckaby	Monson
DeWine	Hunter	Montgomery

Moore	Roth	Spence
Moorhead	Roukema	Stangeland
Morrison (WA)	Rowland (CT)	Stenholm
Myers	Rowland (GA)	Strang
Nelson	Rudd	Stratton
Nichols	Saxton	Stump
Nielson	Schaefer	Sundquist
O'Brien	Schuette	Sweeney
Ortiz	Schulze	Swindall
Oxley	Sensenbrenner	Tallon
Packard	Shaw	Tauke
Parris	Shelby	Tauzin
Pashayan	Shumway	Taylor
Pepper	Shuster	Thomas (CA)
Petri	Siljander	Thomas (GA)
Pickle	Sisisky	Vander Jagt
Porter	Skeen	Vucanovich
Pursell	Skelton	Walker
Quillen	Slaughter	Weber
Ray	Smith (FL)	Whitehurst
Regula	Smith (NE)	Whittaker
Ridge	Smith (NH)	Wilson
Rinaldo	Smith (NJ)	Wolf
Ritter	Smith, Denny	Wortley
Roberts	Smith, Robert	Wylie
Roemer	Snyder	Young (AK)
Rogers	Solomon	Young (FL)

NOES—215

Ackerman	Florio	Mikulski
Addabbo	Foglietta	Miller (CA)
Akaka	Foley	Mineta
Alexander	Ford (MI)	Mitchell
Anderson	Ford (TN)	Moakley
Andrews	Fowler	Mollohan
Annunzio	Frank	Moody
Anthony	Frost	Morrison (CT)
Applegate	Garcia	Mrazek
Aspin	Gaydos	Murphy
Atkins	Gejdenson	Murtha
AuCoin	Gephardt	Natcher
Barnes	Glickman	Neal
Bates	Gonzalez	Nowak
Bedell	Gordon	Oakar
Beilenson	Gradison	Oberstar
Berman	Gray (IL)	Obey
Boehlert	Gray (PA)	Olin
Boggs	Green	Owens
Boland	Guarini	Panetta
Boner (TN)	Hall (OH)	Pease
Bonior (MI)	Hamilton	Penny
Bonker	Hawkins	Perkins
Borski	Hayes	Price
Bosco	Hefner	Rahall
Boucher	Hertel	Rangel
Boxer	Horton	Reid
Brooks	Howard	Richardson
Brown (CA)	Hoyer	Robinson
Bruce	Hughes	Roe
Bryant	Jacobs	Rose
Burton (CA)	Jeffords	Rostenkowski
Bustamante	Jones (NC)	Roybal
Carper	Jones (OK)	Russo
Carr	Jones (TN)	Sabo
Clay	Kanjorski	Savage
Coelho	Kaptur	Scheuer
Coleman (TX)	Kastenmeier	Schneider
Collins	Kennelly	Schroeder
Conte	Kildee	Schumer
Conyers	Kleczka	Seiberling
Cooper	Kolter	Sharp
Coyne	Kostmayer	Sikorski
Crockett	LaFalce	Slattery
Daschle	Lantos	Smith (IA)
Dellums	Leach (IA)	Snowe
Derrick	Lehman (CA)	Solarz
Dicks	Lehman (FL)	Spratt
Dingell	Leland	St Germain
Dixon	Levin (MI)	Staggers
Donnelly	Levine (CA)	Stallings
Dorgan (ND)	Long	Stark
Downey	Lowry (WA)	Stokes
Durbin	Luken	Studds
Dwyer	Lundine	Swift
Dymally	MacKay	Synar
Early	Manton	Torres
Eckart (OH)	Markey	Torricelli
Edgar	Martinez	Towns
Edwards (CA)	Matsui	Traxler
Evans (IA)	Mavroules	Udall
Evans (IL)	Mazzoli	Valentine
Fascell	McCurdy	Vento
Fazio	McHugh	Visclosky
Feighan	McKernan	Volkmer
Fish	McKinney	Walgren
Watkins	Whitten	Wyden
Waxman	Williams	Yates
Weaver	Wirth	Yatron
Weiss	Wise	Young (MO)
Wheat	Wolpe	Zschau
Whitley	Wright	

NOT VOTING—5

Badham	Lipinski	Traficant
Daniel	Rodino	

□ 1900

The Clerk announced the following pair:

On this vote:

Mr. Badham for, with Mr. Rodino against.

Mr. GUARINI changed his vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, no additional amendments are in order, and the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BROWN of California, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 247) to provide U.S. assistance to foster peace and nurture democratic institutions throughout Central America, pursuant to House Resolution 136, he reported the joint resolution back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 123, nays 303, not voting 7, as follows:

[Roll No. 69]

YEAS—123

Alexander	Clay	Fish
Anderson	Clinger	Foglietta
Andrews	Coelho	Foley
Aspin	Coleman (TX)	Fowler
Barnes	Conte	Frost
Bennett	Cooper	Gejdenson
Biaggi	Coughlin	Gephardt
Boehlert	Coyne	Gibbons
Boland	de la Garza	Gilman
Bonior (MI)	Dicks	Glickman
Boucher	Donnelly	Gordon
Brooks	Durbin	Gradison
Brown (CA)	Dwyer	Guarini
Bruce	Early	Hamilton
Bryant	English	Hatcher
Bustamante	Feighan	Hefner
Hertel	Moody	Skelton
Horton	Mrazek	Slattery
Howard	Murtha	Snowe
Hoyer	Neal	Spratt
Hughes	Nowak	St Germain
Jones (OK)	Obey	Staggers
Kanjorski	Olin	Swift
Kaptur	Ortiz	Synar
Kastenmeier	Penny	Thomas (GA)
Kleczka	Petri	Traxler
Kostmayer	Pickle	Udall
LaFalce	Price	Valentine
Leach (IA)	Pursell	Vento
Levin (MI)	Rahall	Visclosky
Levine (CA)	Reid	Volkmer
MacKay	Richardson	Watkins
Manton	Robinson	Weiss
Mavroules	Roe	Whitley
McCurdy	Rowland (GA)	Whitten
McDade	Sabo	Wirth
McHugh	Schneider	Wolpe
McKernan	Seiberling	Wright
McKinney	Sharp	Yatron
Moakley	Sikorski	Young (MO)
Mollohan	Sisisky	Zschau

NAYS—303

Ackerman	Dixon	Johnson
Addabbo	Dorgan (ND)	Jones (NC)
Akaka	Dornan (CA)	Jones (TN)
Annunzio	Dowdy	Kasich
Anthony	Downey	Kemp
Applegate	Dreier	Kennelly
Archer	Duncan	Kildee
Armey	Dymally	Kindness
Atkins	Dyson	Kolbe
AuCoin	Eckart (OH)	Kolter
Barnard	Eckert (NY)	Kramer
Bartlett	Edgar	Lagomarsino
Barton	Edwards (CA)	Lantos
Bateman	Edwards (OK)	Latta
Bates	Emerson	Leath (TX)
Bedell	Erdreich	Lehman (CA)
Beilenson	Evans (IA)	Lehman (FL)
Bentley	Evans (IL)	Leland
Bereuter	Fascell	Lent
Berman	Fawell	Lewis (CA)
Bevill	Fazio	Lewis (FL)
Bilirakis	Fiedler	Lightfoot
Bliley	Fields	Livingston
Boggs	Flippo	Lloyd
Boner (TN)	Florio	Loeffler
Bonker	Ford (MI)	Long
Borski	Ford (TN)	Lott
Bosco	Frank	Lowery (CA)
Boulter	Franklin	Lowry (WA)
Boxer	Frenzel	Lujan
Breaux	Fuqua	Luken
Broomfield	Gallo	Lundine
Brown (CO)	Garcia	Lungren
Broyhill	Gaydos	Mack
Burton (CA)	Gekas	Madigan
Burton (IN)	Gingrich	Markey
Byron	Gonzalez	Marlenee
Callahan	Goodling	Martin (IL)
Campbell	Gray (IL)	Martin (NY)
Carney	Gray (PA)	Martinez
Carper	Green	Matsui
Carr	Gregg	Mazzoli
Chandler	Grotberg	McCain
Chappell	Gunderson	McCandless
Chappie	Hall (OH)	McCollum
Cheney	Hall, Ralph	McEwen
Coats	Hall, Sam	McGrath
Cobey	Hammerschmidt	McMillan
Coble	Hansen	Meyers
Coleman (MO)	Hartnett	Mica
Collins	Hawkins	Michel
Combest	Hayes	Mikulski
Conyers	Heftel	Miller (CA)
Courter	Hendon	Miller (OH)
Craig	Henry	Miller (WA)
Crane	Hiler	Mineta
Crockett	Hillis	Mitchell
Dannemeyer	Holt	Molinari
Darden	Hopkins	Monson
Daschle	Hubbard	Montgomery
Daub	Huckaby	Moore
DeLay	Hunter	Moorhead
Dellums	Hutto	Morrison (CT)
Derrick	Hyde	Morrison (WA)
DeWine	Ireland	Murphy
Dickinson	Jacobs	Myers
Dingell	Jeffords	Natcher
DioGuardi	Jenkins	Nelson

Nichols	Savage	Studds
Nielson	Saxton	Stump
O'Brien	Schaefer	Sundquist
Oakar	Scheuer	Sweeney
Oberstar	Schroeder	Swindall
Owens	Schuette	Tallon
Oxley	Schumer	Tauke
Packard	Sensenbrenner	Tauzin
Panetta	Shaw	Taylor
Parris	Shelby	Thomas (CA)
Pashayan	Shumway	Torres
Pease	Shuster	Torricelli
Pepper	Siljander	Towns
Perkins	Skeen	Vander Jagt
Porter	Slaughter	Vucanovich
Quillen	Smith (FL)	Walgren
Rangel	Smith (IA)	Walker
Ray	Smith (NE)	Waxman
Regula	Smith (NH)	Weaver
Ridge	Smith (NJ)	Weber
Rinaldo	Smith, Denny	Wheat
Ritter	Smith, Robert	Whitehurst
Roberts	Snyder	Whittaker
Roemer	Solarz	Williams
Rogers	Solomon	Wilson
Rose	Spence	Wise
Rostenkowski	Stallings	Wolf
Roth	Stangeland	Wortley
Roukema	Stark	Wyden
Rowland (CT)	Stenholm	Wylie
Roybal	Stokes	Yates
Rudd	Strang	Young (AK)
Russo	Stratton	Young (FL)

NOT VOTING—7

Badham	Lipinski	Traficant
Daniel	Rodino	
Davis	Schulze	

□ 1920

Messrs. BREAUX, ROSTENKOWSKI, TAUKE, and VOLKMER and Mrs. LONG changed their votes from "yea" to "nay."

Mr. COYNE and Mr. VOLKMER changed their votes from "nay" to "yea."

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BARNES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on House Joint Resolution 247, the joint resolution just defeated.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Maryland?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1555, INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 99-57) on the resolution (H. Res. 140) providing for the consideration of the bill (H.R. 1555) to amend the Foreign Assistance Act of 1961, the Arms Export Control Act, and the Agricultural Trade Development and Assistance Act of 1954, to authorize development and security assistance programs for fiscal year 1986, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 1869, REPEAL OF CONTEMPORANEOUS RECORDKEEPING REQUIREMENTS ADDED BY THE TAX REFORM ACT OF 1984

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1869) to repeal the contemporaneous recordkeeping requirements added by the Tax Reform Act of 1984, and for other purposes, with Senate amendments thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and without objection, appoints the following conferees: Messrs. ROSTENKOWSKI, GIBBONS, PICKLE, RANGEL, STARK, DUNCAN, ARCHER, and VANDER JAGT.

There was no objection.

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of inquiring of the distinguished majority leader the program for the balance of this evening, tomorrow, the rest of the week, next week or whatever.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. WRIGHT. If my distinguished friend the minority leader would yield.

Mr. MICHEL. I am happy to yield.

Mr. WRIGHT. This concludes the business for today. Initially we had planned, as the gentleman may be aware, to have a pro forma session tomorrow.

It came to our attention in whisps of rumor and other diverse and somewhat surreptitious ways that votes were going to be demanded tomorrow by individuals asserting their rights under the rule to get votes of one kind or another, and based upon that understanding or that supposition, we will meet at 11 as originally planned, and will take up only the rule and general debate on the State Department and related agencies authorizations for fiscal years 1986 and 1987.

The thought behind this is that if Members are intent on causing some votes, let us get them out of the way early and do some good with them, at least by achieving some progress in the legislative schedule, and then hope that they will permit their colleagues to pursue other plans that their colleagues have made, by being able to get away at a reasonable hour.

There will be no session Friday, and we have no plan at this moment to announce the schedule for next week; we would announce that tomorrow.

Mr. MICHEL. I thank the gentleman.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 192

Mr. COELHO. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Oregon [Mr. ROBERT F. SMITH] be removed from the list of cosponsors of House Joint Resolution 192.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

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NATIONAL CHILD SAFETY WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 33) designating the week of April 29 through May 5, 1985, as "National Child Safety Week," with Senate amendment thereto, and concur in the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments, as follows:

Strike out all after the resolving clause and insert:

That the President is authorized and requested to issue a proclamation designating the month of May 1985, as "National Child Safety Awareness Month", and to call upon Federal, State, and local government agencies, and the people of the United States to observe the month with appropriate programs, activities and ceremonies for the better protection, security, and safety of all children.

Amend the preamble so as to read:

Whereas more than 1,500,000 children have been reported missing in the United States;

Whereas many of these children are never found;

Whereas missing children are often innocent victims of physical and sexual abuse;

Whereas many local volunteer groups already are working enthusiastically to promote child safety;

Whereas the Missing Children Act and the Missing Children's Assistance Act have facilitated the investigation and prosecution of crimes involving missing and exploited children;

Whereas there is now a national clearinghouse, The National Center for Missing and Exploited Children, and a toll-free hotline to centralize the efforts to locate missing children;

Whereas The National Center for Missing and Exploited Children provides educational child safety materials and information about identification procedures, such as voluntary fingerprinting, dental charting and photographing of children;

Whereas information received through the toll-free hotline is disseminated to appropriate law enforcement agencies;

Whereas the protection, safety, and security of all children should be one of our highest priorities; and

Whereas it is essential that we continue to increase public awareness and provide information and assistance to combat and prevent the increasing problem of missing and exploited children: Now, therefore, be it.

Amend the title so as to read: "Joint resolution designating the month of May 1985, as 'National Child Safety Awareness Month' ".

Mr. GARCIA (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object but I would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, House Joint Resolution 33 is identical to the bill passed by this body on April 4, 1985, which designated the week of April 29 through May 5, 1985, as National Child Safety Week. The other body amended the bill, and it now designates the entire month of May as National Child Safety Awareness Month.

Mr. Speaker, under my reservation, I yield to the gentleman from Florida [Mr. LEWIS], who is the key sponsor of House Joint Resolution 33.

Mr. LEWIS of Florida. I thank the gentleman for yielding.

Mr. Speaker, I only want to clarify for the Members of this body that this is the same legislation which passed the House on April 4.

However, the other body has made a minor change; that is, this resolution now designates a month, rather than a week, in honor of child safety.

As the chief sponsor of this bill, I lend my support to this modification and encourage my colleagues to join me in passing this worthwhile legislation.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered and adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REMARKS OF SPEAKER THOMAS P. O'NEILL, JR., ALFRED M. LANDON LECTURE ON PUBLIC ISSUES, KANSAS STATE UNIVERSITY

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SLATTERY. Mr. Speaker, on Monday, April 22, the Honorable THOMAS P. O'NEILL, JR., Speaker of the House, delivered the Landon lecture at Kansas State University. His remarks were received enthusiastically by a standing room only crowd. The Speaker's comments are a tremendous testament to 50 years of progress in our Nation and the Government's role in helping to create a better society for all Americans. His remarks are an excellent addition to this distinguished lecture series, and I wish to share them with my colleagues. I commend the Speaker's comments to you because they carry a message of optimism for each of us.

REMARKS OF SPEAKER THOMAS P. O'NEILL, JR.

President Acker, Governor Carlin, Congressman Jim Slattery, members of the board of regents, faculty, students and friends.

Forty nine years ago, the name of Governor Alf Landon appeared on the ballot as the Republican candidate for President of the United States. In the Commonwealth of Massachusetts, there appeared on some of the same ballots the name of a young Democratic candidate for State Legislature—Tip O'Neill.

That was my first successful campaign for public office. And I appreciate the opportunity to come out here today, to the home state of Alf Landon, to honor the man who headed the other political team back in 1936.

I am glad to be here for another reason. As you know, President Reagan often invokes the words of Franklin Delano Roosevelt. I think it is only fair that if a conservative Republican President can bring himself to honor a great liberal, Democratic President, the least I can do is come out here and honor the Republican who ran against him.

I would like to take this opportunity to say something complimentary about our President. When President Reagan was first elected, I, like many others, made the mistake of underestimating his unique abilities. When I first met him I kidded him by saying "Welcome to the big leagues, Mr. President."

After five years of dealing in close combat with the President, I can now attest to the fact that when it comes to communicating with the American people, when it comes to stating his philosophy clearly and plainly, when it comes to making the strongest possible public case for what he believes in, Ronald Reagan, our President, is in a league by himself.

In the few minutes I have this morning, I want to offer you my own view of our country's history, my own philosophy of our American democracy and of our American government. I want to put today's headlines in perspective, to review what our country has achieved in the past, what challenges it faces today, and what role it can play in the future.

First, I want to report to you on two matters that have been very much in the headlines: my recent visit to Russia and tomorrow's vote in the Congress on Nicaragua.

A week ago today, I returned from an important and dramatic visit to Moscow and Leningrad. Our delegation was bi-partisan and I carried with me a letter from the President to Mr. Gorbachev, the new General Secretary of the Communist Party.

I have returned with a strong determination that relations between our countries be improved. It is clear to me that the new Soviet chairman is a tough, vigorous and shrewd leader. He proved to us in a meeting lasting almost four hours that he is a skilled advocate of his government's positions and could be a tough negotiator.

The key question for the United States is whether this change in leadership will lead to a change in relations between our two countries. Beginning with the Soviet invasion of Afghanistan in 1979, Soviet-American relations have declined steadily. We are experiencing what one historian has called a "period of peril" in our relations, similar to the one just after World War II.

These periods of high tension between the United States and the Soviet Union are a cause of enormous concern. Our two nations are nuclear superpowers. We have the capability of destroying not only each other but all of civilization.

For forty years, we have been locked in an economic, ideological, technological, and strategic competition with the Soviet Union, a competition that spanned every corner of the globe. The invasion of Afghanistan, the suppression of Solidarity in Poland and suppression of human rights in their own country, the shooting down of the Korean Airliner, and the recent shooting of an American military officer in Germany have worsened our view of Soviet policies and intentions.

Yet, fortunately for the world, the intense feelings between our two countries has not led to a direct military conflict. One of the reasons is that our two governments have maintained full diplomatic relations, consulted regularly and concluded several important arms control treaties.

I have returned from my trip to Russia convinced that, at the very least we need to maintain these vital lines of communication.

I have come to appreciate something more—

Too often in the past, we have reacted to Soviet behavior with sanctions, such as a grain embargo, that have hurt us almost as much as they have hurt the Soviets. We have to be tough in our dealings with them, but we also have to be smart.

Recent Soviet behavior in Afghanistan, Poland and internally has created major obstacles on the road to normal relations between our two countries. The road to smoother relations is a long and difficult one, but this much is clear: the farther we advance down that road the easier it will be to avoid war and to guard the peace.

My visit to the Soviet Union reminded me of the difference between a democratic and

communist country. Here in the United States we have the opportunity to freely discuss our differences. We have the right to speak openly, to question national policy and to propose alternatives.

Let me say a word about an area of national policy that is the source of major controversy at the present time. I refer to the Administration's policy in Central America.

The Congress, as you know, has voted to give massive amounts of military and economic aid to the government of El Salvador. The purpose of this aid is to help that country build a united, democratic nation that is secure against aggression.

It is one thing to help a country like El Salvador that we support. It is another to aid in the overthrow of a government like Nicaragua that we do not support. Too many times in this century, the United States has tried to solve Latin American problems with the use of force. So-called "gunboat diplomacy" has gotten us nowhere; it has only earned us enemies in the region.

Instead of acting to overthrow governments, we should be working with those Latin nations attempting to build peace in the region. Our best bet in Central America is not gunboat diplomacy but smart diplomacy. We need to ally ourselves with the process that began at Contadora and base our policy on a firm foundation of regional cooperation.

I came here today to discuss a broader, philosophical debate on our country's future. It deals with the role of government in American life, what we can and should do together to improve the chances of every citizen for "life, liberty and the pursuit of happiness."

I want to begin by doing what President Reagan does so often, quoting Franklin Roosevelt.

The year was 1942, in the dark early days of World War II. The Nazis controlled almost all of Europe. In Asia, the Japanese Empire was at its zenith. Our country, having just entered the war, faced the terrible challenge of mobilizing a peacetime economy, still staggering from the Great Depression, into a war machine capable of stopping and beating the worst menace to mankind in history. Franklin Roosevelt never doubted what a united American people could accomplish.

"The most significant fact in recent American history," he said, "is the ability of the American people to face a tough situation and to take orderly and united action in their own behalf—and in behalf of the things in which they believe."

Those are not merely the stirring words of a great leader. I testify, as an eye-wintess, to what our American democracy can accomplish. I know, because I have witnessd it myself, in my own lifetime, what America can achieve.

There are those who come to young people today and preach to them gloom and doom. They tell everything that is wrong with our political system and with our government. They tell you how great things were way back when, and how bad things are today.

Don't believe the message. People who talk about the "good old days" have either forgotten about the past or never lived through it in the first place.

Let me take a moment to describe a country to you—

This country is a desperate place. Half the people live in poverty. Twenty five percent of the workforce are unemployed. Life is little better for those who are working. The policeman works 12 hours a day—84 hours a week. The fireman is on duty even longer—108 hours a week. The postman delivers mail even on Christmas day. For most, the work week is six days long. The only time workers have for themselves and their families is on Sunday. If you become sick, your world collapses. For most people, health insurance is out of the question.

Life for the elderly is filled with uncertainty, dependency and horror. When you get old, you are without income, without hope. Only the lucky few have pensions. Social Security does not exist.

In the country I describe there is only the very rich at the top and millions of poor at the bottom—with huge and terrible distance in between. There is no middle class whatever: only a small elite, just three percent, go to college.

This land I describe is not some third-world nation in Africa. It is the United States of America, the America of the 1930s, the America I knew when I first entered public life.

When I look at the problems we face today, I never forget how far we have come in a half century. By the 1970's, we had cut poverty in this country from 50 percent, where it was in the 1930's, to just over 11 percent.

The America of the 1980's is no longer a nation with a small upper class and giant lower class. There is a broad middle class of Americans. 65 percent of our young men and women are able to go on to college. 99 percent of our workers have some form of health insurance. Social Security has made it possible for people to retire with a minimal, steady income, not to have to live in fear and dependency. Without such protection, half of those people now living on Social Security would be living in poverty.

This massive improvement in American life did not come about by accident. It happened because, in F.D.R.'s words, our people faced up to a tough situation and took united action in behalf of the things they believed in. It resulted from national policies that stimulated development in energy, housing, transportation and every other sector of the economy. Economic growth came about, most of all, because government at every level was willing to invest in the most vital of all national resources, the individual human mind.

These achievements in economic and social progress were not the work of just one political party.

America survived the dust bowl of the 1930's because of the grace of God and because the American farmer developed the know-how to take agriculture to the level of a science in this country.

Our agriculture is the wonder and salvation of the world because of universities like Kansas State, established more than a century ago through the inspiration of the greatest of all Republican Presidents, Abraham Lincoln.

It was Franklin Roosevelt who saw the calamity that old age could be and founded Social Security. It was FDR again who signed the GI Bill of Rights that gave so many of your parents and grandparents the chance to go to college and that helped create the great American middle class we have today.

It was President Dwight Eisenhower of Abilene, Kansas who oversaw construction of our great interstate highway system that has helped to open up the heartland of America to economic progress and development. It was this same Republican President who signed the National Defense Education Act, which offered so many deserving young Americans the opportunity to go to college and which established education as a vital element in our nation's strength and security.

The social progress of the past fifty years has improved working conditions, provided health protection through Medicare and provided secure retirements through Social Security. At the same time, our society has accepted a strong role in caring for those who cannot take care of themselves: the sick, the handicapped, the elderly. We have provided a safety net for those who need protection, who cannot, for whatever reason, fend for themselves.

Such achievements are rarely recognized today. Whenever I meet with a group of successful business people, someone always stands up and says we would be better off without government. For such persons, I have a very simple question: Who paid for your college education? Was it a state government that helped pay for a state university? Was it a community college or a city university? Or was it the GI bill that financed your education—or a government-sponsored loan?

Then, I have another question for them: If they, the "success stories" of this country, needed a helping hand up the ladder of success, why should we not try and give the same help to those young people who are trying to get ahead today? If government could offer opportunities to young people back in the 1950's and 1960's, why should we deny that same help to young people in the 1980's?

I believe it is wrong for someone who has found his way up the economic and social ladder to pull that ladder up behind him, to deny those at the bottom the chance to pull themselves up. No society can exist on a public philosophy of I Got Mine; Forget the Others.

We Americans believe in fair play. As citizens of this country we accept the duties as well as the privileges of a democratic society. Just as parents must take care of their children when the children are young, so must children ensure the livelihood of their parents when they grow old. That is the basis of modern society and of civilization itself.

Too often we hear politicians and journalists demean the role of government enterprise and tell us what we cannot accomplish. But those who argue that government cannot perform valuable services go against the grain of our history.

America has worked, America has progressed, because we have combined our enterprise, both public and private, for the good of all. That is how we pulled our nation from the Great Depression, won the Second World War, released the power of the atom and put Americans on the moon. That is how we built the fairest, free-est, most progressive society in the world.

Much of our progress has been based not on the work of one party acting alone but through the building of a consensus between our two great political parties.

In the days after World War II, President Harry Truman launched the Marshall Plan which saved Europe and laid the foundation for the Western Alliance. He could not have done so without the aid of such Republicans as Senator Arthur Vandenberg of Michigan.

In the 1950's, President Eisenhower did not dismantle the New Deal, but accepted such advances as Social Security.

President Lyndon Johnson could never have signed the great civil rights legislation of the 1960's without the bipartisan support of Republican leaders like Senator Everett Dirksen of Illinois.

Many times in our history, one party has managed to learn from the other party.

For years, Democrats argued we should end the isolation of China and open up ties with the People's Republic. When a Republican President finally took this historic step, we Democrats applauded him.

For years, we Democrats have argued for a reform of the tax system, for the need to make the system fairer. If President Reagan presents such a measure, we Democrats will be there to help.

For years, Republicans argued against the evils of big deficits. They convinced many Americans, including many Democrats, of the need for greater fiscal responsibility. Unfortunately for the country, some Republicans seem to have forgotten their own lesson along the way.

Today, we face serious challenges.

Despite the economic recovery of the past two years, there are serious pockets of economic despair.

The poverty rate, which had declined dramatically by the 1970's, has risen to 15 percent of our population. It is particularly high among young Americans. A disturbing twenty five percent of our children of preschool age are living below the poverty line.

Across much of America's industrial belt there is a rust bowl to rival the dust bowl of the 1980's. We need to rebuild American industry and to establish fair trade laws that give our industry a fair chance to compete in world markets.

Hundreds of thousands of American farm families face a terrible dilemma. They are caught in a tightening vice of high interest rates that drive up the cost of doing business and a high-priced dollar that cuts into their markets both here and abroad. While the Administration remains opposed to our legislation to extend farm credits, I am hopeful that it will take some steps to cut interest rates and restore a reasonable price for the dollar.

Most of our problems relate to the budget. Our national debt has doubled since 1981. It will triple again by the end of this Administration unless we take the tough steps that are needed. If President Reagan accepts tough reductions in Pentagon waste, we will be ready and prepared to find savings on the domestic side. Just as we reached agreement on revenue policy in 1982, and Social Security reform in 1983, we can achieve agreement on budget and tax reform in 1985.

I cite these challenges not because they are insurmountable but because they can and will be overcome.

I began my public life in 1936 on a slogan of "Work and wages." I remain convinced that our greatest goal is to give the average family the opportunity to earn an income, to own a home, to educate their children and to have some security in their later years. That is still the American dream and it is still worth fighting for.

Today, there are those who argue that the way to achieve this dream is to go it alone, to forget about those less fortunate. This new morality says that the young should forget about the old, the healthy should ignore the sick, the wealthy should forget the poor.

That is an alien philosophy to our country. We Americans believe in hard work, in getting ahead, but we also believe in looking out for the other guy. That is our tradition, from the early days when settlers got together for barn-raisers. It continues today, as Americans, down to the youngest school child, chip in to help the starving in Africa. Thanks to the know-how of the American farmer and the generosity of our country itself, you here in the breadbasket of America are pursuing the work not only of man, but of God.

I have just come from a country, the Soviet Union, that recognizes neither the existence of God nor the rights of man. I have returned to a nation that has insisted from its earliest beginnings that the individual human being is of fundamental value; that the humblest, meekest person has the right to be treated with dignity and with respect.

Our whole history has been a two hundred year struggle to strengthen and enlarge the benefits of democratic freedom; to include women and minorities and young people in our electoral process; to protect the individual rights and welfare of all our citizens, to build social and economic opportunity for everyone. Looking back on a half century of public life, I have seen the greatness of this struggle and I have seen truth in the optimism of my friend John F. Kennedy—

"Our problems are manmade—therefore, they can be solved by man. Man's reason and spirit have often solved the seemingly unsolvable and we believe they can do it again."

With American ingenuity and American generosity, this, our one nation under God will not only survive our current challenges; it will prevail and flourish.

VANISHING AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 5 minutes.

Mr. RAY. Mr. Speaker, I rise to call attention to a group of vanishing Americans, the American Indian and the American farmer.

Yes, the American farmer, Mr. Speaker, is decreasing in great numbers. Only 1.4 percent of all of the Americans in this great land produce the food and the fiber which we take for granted.

Mr. Speaker, America has traditionally been called the melting pot of the world, for no where else do you find people from so many backgrounds and philosophies living and working together.

It is the diversity of the people of this country that makes us so strong—and it is the unity that we have that makes us successful.

But, there are times, Mr. Speaker, when the diversity of this country works against the common good. Such is the case now with the problems facing our agricultural system.

American agriculture is not limited to just a few commodities or to a single area of the country. Instead, our agriculture system grows almost every type of food imaginable, and there are farmers in almost every section of the country.

We have a complex and extensive agribusiness community in this country and most of the food our Nation consumes is grown, marketed, and sold right here.

So, when you talk about American agriculture, you're talking about farmers and ranchers of every type. The companies who buy and market the products have an interest in how agriculture is run in this country. Retailers who sell the food are a part of this system. And, of course, the consumer who buys groceries at the supermarket is a part of this network.

In between, there are thousands of other people who are involved in American agriculture. In short, Mr. Speaker, there are estimates that 25 percent of our population is in some way directly or indirectly employed because of the success of America's farmers.

But, right now, America's farmers are facing tremendous financial difficulties, and their problems are causing repercussions throughout the agricultural network.

High interest rates, the strong American dollar, and increases in production costs have made it almost impossible for farmers to make a profit. As their debts mount up, many of them are losing their farms, and the banks that loaned them money aren't getting it back selling the farms in today's depleted farm real estate market.

As farmers go out of business and find it harder to borrow money, many agribusiness companies are affected. For example, the market for farm equipment declines, and both the manufacturer and the retailer suffer.

Our farm problems have caused repercussions this far along the chain, Mr. Speaker, and the negative effects will continue to be passed along. Inevitably, the problems our farmers are having will affect you and me, the American consumer. If our farms continue to close and it continues to be difficult to make a profit farming, then eventually, our food supply in this country will begin to drop. Once it does, we will have to turn to imports or invest considerable Government capital to provide food for our citizens. And, if we let it reach this point, then the low-priced food products we enjoy now will be only a memory.

There is also tremendous danger for our Nation's security if we allow ourselves to become dependent on other countries for our food. Not only can this be used as a method of political blackmail, but it is impossible to make solid defense plans when you cannot guarantee a stable food supply for your troops and populace.

The greatest difficulty we now face in finding a solution to the agricultural problems is that the various and diverse people that are involved in this

chain can't seem to get together. There is no unity within the agricultural community of this country—only fighting to save individual products, commodities, or regions.

We have never been able to solve problems in this country by infighting. Workable, effective solutions have only come about when all the different factions stopped protecting their own interests long enough to seek a comprehensive solution.

I will be introducing a sense of the Congress resolution on Thursday that will encourage a vehicle for uniting our agricultural community. This resolution urges the administration to form a blue-ribbon agricultural commission, made up of the best minds from all the various segments of agriculture.

This task force would be called together to look at the overall picture of American agriculture. It would not replace current agricultural committees we now have, since they have been very effective in examining the individual aspects of agriculture. Instead, it would be a mechanism for pulling together the now divided farm community.

So far, 59 of my colleagues, from both sides of the aisle, have joined me in sponsoring this bill, and the administration has already indicated its interest in forming such a task force. I am inserting a list of those cosponsors for the RECORD, Mr. Speaker.

I want to urge my colleagues who are concerned about the future of agriculture in this country to join me Thursday as I introduce this bill. The problems of America's farmers affect us all. Those of us who represent heavily rural districts are feeling the effects now. But let me assure you, if we don't find an answer soon, our entire Nation will feel the repercussions.

ORIGINAL COSPONSORS OF THE CONCURRENT RESOLUTION

Mr. Foley, Mr. Jones of Tennessee, Mr. Hatcher, Mr. Thomas, Mr. Barnard, Mr. Bates, Mr. Bennett, Mr. Bevill, Mr. Boucher, Mrs. Byron, Mr. Daniel, Mr. Darden, Mr. Dellums, Mr. Durbin, Mr. Dyson, Mr. Fowler, Mr. Gekas, Mr. Gingrich, Mr. Glickman, Mr. Gonzalez, Mr. Gray of Illinois, Mr. Gray of Pennsylvania, Mr. Gunderson, Mr. Ralph M. Hall, Mr. Sam B. Hall, Jr., Mr. Hayes, Mr. Hefner, Mrs. Holt, Mr. Hopkins, Mr. Ireland, Mr. Jenkins, Mr. Kasich, Mr. Kolter, Mr. Leath, Mr. Leland, Mrs. Lloyd, Mr. McCurdy, Mr. Martinez, Mr. Mavroules, Mr. Montgomery, Mr. Myers, Mr. Nichols, Mr. Ortiz, Mr. Pickle, Mr. Roe, Mr. Roemer, Mr. Rowland of Georgia, Mr. Shelby, Mr. Sisisky, Mr. Skelton, Mr. Slattery, Mr. Stenholm, Mr. Stratton, Mr. Sundquist, Mr. Swindall, Mr. Valentine, Mr. Weber, Mr. Whitley, and Mr. Wise.

□ 1940

VERTICAL RESTRAINTS GUIDELINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 5 minutes.

● Mr. FISH. Mr. Speaker, today, I am introducing a concurrent resolution expressing the sense of the Congress that the antitrust enforcement policy guidelines entitled "Vertical Restraints Guidelines," published by the Department of Justice on January 23, 1985, do not have the force of law, do not accurately state current antitrust law, and should not be considered by the courts of the United States as binding or persuasive.

The Justice Department issued the guidelines for the stated purpose of explaining Federal enforcement policy under the Sherman Act and the Clayton Act with regard to nonprice vertical restraints of trade and to achieve "a reduction in antitrust uncertainty." No Government cases of this nature have been filed, however, for over 4 years. Vertical restraints are imposed by a seller on others downstream in a chain of distribution and limit the conditions under which firms may purchase, sell, or resell a product or service.

Despite a disclaimer to the contrary, the vertical guidelines in fact extend well beyond nonprice restraints, such as territorial restrictions and exclusive dealing arrangements, into price-related restraints such as resale price maintenance. The Supreme Court held in 1911, in deciding *Dr. Miles Medical Co.* v. *John D. Parke and Sons Co.*, 220 U.S. 373, that resale price maintenance is a per se violation of the Sherman Act, which means that its effect on competition is so destructive that it is held flatly unlawful without further analysis of its specific anticompetitive effects. That has been the settled law ever since.

Although the guidelines state that vertical price fixing is per se illegal, they actually contain an astonishing invitation to evade the per se rule. The following statement appears on page 11:

> If a supplier adopts a bona fide distribution program embodying both nonprice and price restrictions, the Department will analyze the entire program under the rule of reason if the nonprice restraints are plausibly designed to create efficiencies and if the price restraint is merely ancillary to the nonprice restraints.

In short all one has to do is add enough plausible nonprice restrictions to a vertical price-fixing scheme to make the latter merely ancillary and the entire distribution program will be analyzed by the Department under its efficiency-weighted rule of reason. This is not what current antitrust law provides or intends.

The guidelines are troubling in other ways as well. Contrary to current antitrust jurisprudence, they state that intrabrand restraints on competition are of minimal concern, and suggest that vertical price-fixing is lawful as long as such agreements do not set specific retail prices. The guidelines also ignore the common law of corporate responsibility and agency in suggesting that the Department may refuse to attribute to corporations illegal conduct by lower-level employees, although they are acting within the scope of their authority.

Mr. Ira M. Millstein, a distinguished member of the New York antitrust bar and a former chairman of the American Bar Association section on antitrust law, declared in a statement submitted to the Monopolies and Commercial Law Subcommittee this week that—

> [T]hese official yet so-called informal guidelines have the force and effect of regulation if not of law; they have the full force of government enforcement policy behind them. They impact business decision making—in a major way. In bringing cases or filing amicus briefs, the government attempts to persuade the courts to adopt the principles stated in the guidelines.

When the vertical guidelines are demonstrably in error, therefore, it is the duty of Congress to declare that such is the case. This is precisely what the resolution I am introducing today will do. It states clearly that the guidelines are not an accurate expression of the Federal antitrust laws or of congressional intent with regard to the application of such laws to resale price maintenance and other vertical price-related restraints of trade, and that they should not be accorded any force of law or be treated by the courts of the United States as binding or persuasive. They further declare that the guidelines should be recalled by the Attorney General for review and should not be reissued before providing fair procedures to allow public participation in the formulation of such policy guidelines, including public notice and hearings. Even such procedures cannot, of course, endow the guidelines with the force of law or enable them to modify or supersede the antitrust laws.

My resolution complements and is fully consistent with H.R. 1467, the Antitrust Procedural Fairness Act of 1985, which I introduced with bipartisan cosponsorship on March 7, 1985. That bill would require the antitrust enforcement agencies, the Department of Justice, and the Federal Trade Commission, to meet certain procedural due-process requirements, including providing the opportunity for public notice and comment, before guidelines are issued in final form. I am pleased to note that Mr. Millstein is fully supportive of such legislation. As he has written:

> I see no reason why these statements and guidelines should not be developed with public participation as is other government regulation or legislation. At a minimum, public participation in developing such "policy" statements would help to ease the perception that an agency is governing a

field without regard for or responsibility to Congress or the public.

I am confident that H.R. 1467 will ultimately be enacted into law. My resolution regarding the vertical guidelines is the vehicle for a more immediate response by the Congress, which is urgently required as well.

Mr. Speaker, I invite cosponsorship of this resolution by those who are as concerned as I am about vigorous and effective enforcement of our antitrust laws against resale price maintenance and other vertical restraints of trade.●

H.R. 1575, EQUAL ACCESS TO COMMERCIAL CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana [Mrs. BOGGS] is recognized for 5 minutes.

● Mrs. BOGGS. Mr. Speaker, I would like to call the attention of my colleagues to legislation recently introduced by our colleague the gentleman from Maryland [Mr. MITCHELL] which would ensure equal access to business or commercial credit for women and minorities. I have been honored to work with Mr. MITCHELL in developing the legislation and to be the original cosponsor of the bill, H.R. 1575.

The bill clarifies the application of the Equal Credit Opportunity Act of 1974 to commercial or business credit. As you are aware, the Equal Credit Opportunity Act prohibits discrimination in credit transactions on the basis of race, color, national origin, sex or marital status, or age. Despite the congressional intent that the act apply to commercial as well as consumer transactions, certain exemptions provided for in the Federal Reserve Board regulations implementing the act have been widely interpreted to mean that the provisions of the act do not have to apply to commercial credit in actual practice.

The Federal Reserve Board regulations exempt business and commercial credit from provisions of the act which provide for: First, notification of adverse action regarding a loan application, including a written statement of reasons for the adverse action; second, retention of records, including information used in evaluation of the credit application; and third, information concerning marital status. Our bill would provide for renewable 5-year exemptions after a full administrative hearing and formal written determination that the exemption would not substantially interfere with effecting the purposes of the Equal Credit Opportunity Act.

We have been made aware that access to credit has been a significant problem for women and minority entrepreneurs or would-be entrepreneurs. We must not allow discrimination against women and minority business owners to continue. Discrimination in business credit transactions not only is not in compliance with the intent of the Equal Credit Opportunity Act, but it serves to stifle the growth, development and vitality of a significant and promising portion of the small business sector.

H.R. 1575 is critically needed to insure fairness and equity for women and minorities and to permit the vitality of American entrepreneurship to flourish.

We are proud of this important legislation. I urge my colleagues to join us in cosponsoring H.R. 1575 and I hope we will see early and favorable consideration of the measure by the House Committee on Banking, Finance and Urban Affairs.●

OUR ENDLESS SPIRIT OF VOLUNTARISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. DIOGUARDI] is recognized for 5 minutes.

Mr. DIOGUARDI. Mr. Speaker, one of the greatest facets of American culture that makes this Nation the best and most caring on Earth is our endless spirit of volunteerism. Throughout our Nation's history, millions of people have given their time, energy and individual talents to help better the lives of others.

Individuals, churches, businesses, schools and other organizations have made special contributions to this spirit. Sponsoring activities and other initiatives to promote the welfare of the whole community is to be commended. All too often, many people are unwilling to participate in philanthropic endeavors unless there exists some form of material benefit. This is unfortunate because the sense of helping others and knowing that you have made a contribution to the betterment of society is the greatest award any individual can achieve.

The spirit of volunteerism is especially important today. At a time when we see the Federal Government moving away from many social responsibilities and placing these tasks upon the private sector and the American people, we must make every effort to promote individual initiative on the behalf of others.

Each year, the Volunteer Services Bureau of Westchester, Inc., an organization which has an outstanding record of community service, honors those individuals and groups that have displayed extraordinary dedication and commitment to the volunteer spirit.

Mr. Speaker, I rise to recognize those special winners of the 1985 Westchester Volunteer of the Year Awards. They are:

Volunteer of the year, William E. Goff;

Group award, the Lakeland Children's Center, Founders;

Student award, Frank Mastracchio;

RSVP award, Mrs. Hannah Churgin; and

Corporate award, Adopt-A-School Volunteers.

I submit for inclusion in the RECORD, statements which detail the accomplishments of these groups and individuals.

1985 WESTCHESTER VOLUNTEER OF THE YEAR

Mr. William Goff was chosen as 1985 Westchester Volunteer of the Year because of his dedicated service at Peekskill Mental Health and in particular his efforts toward the opening of "Bargains Galore Boutique", a project of the Peekskill Community Advisory Board of Harlem Valley Psychiatric Center.

Bill is the type of volunteer every agency covets. He is dedicated, reliable, flexible and multi-talented. He joined the Retired Senior Volunteer Program (RSVP) in 1982 and has been involved in numerous volunteer activities in the Peekskill community such as the Red Cross, the Montrose Veteran's Administration Hospital and the Peekskill Presbyterian Church.

At Peekskill Mental Health he assisted in several vocational groups and in the Sheltered Workshop at the "New Beginnings Program". His flexibility and good nature endeared him to both clients and staff. Although he has no formal training in psychology, clients open up to him and he is a good listener with an empathetic ear.

Mr. Goff's commitment and indispensability grew during the thrift shop project. He prepared the store for occupancy and took part in all the tasks necessary to open the shop. Since its opening, the boutique has been a marvelous success largely due to his hard work. Bill does the maintenance, provides plant care and greats each customer with a smile.

Bill Goff's volunteer service has made a difference to everyone—to the clients and staff and to the customers at the shop. He approaches each person and task with care and dedication that make him certainly deserving of the 1985 Westchester Volunteer of the Year Award.

GROUP VOLUNTEER OF THE YEAR

The founders of the Lakeland Children's Center are the reward recipients in the "group" category for 1985 Westchester Volunteer of the Year. They are: Gayle Leaversuch of Mohegan Lake who is currently President of the Center; Judy Shepard, also of Mohegan Lake, Vice President responsible for fundraising; Barbara Knapp of Yorktown Heights, Assistant Treasurer of Lakeland; Lea Seiden of Yorktown Heights who serves as Chairperson of Public Relations; and Carolyn Sweet of Peekskill, who is Chairperson of Personnel for the Center.

These women joined together in September 1981 out of their common concerns over the needs of "latch-key" children and the lack of suitable after-school day care in their area. The common sense solution to their problem was to utilize existing facilities, i.e., school buildings. With the support of the school board, district staff, and other community volunteers, the group was able to open three in-school centers simultaneously, named the Lakeland Children's Center which provide after-school supervised care for children aged 5–12.

The Center currently provides child care services to over 120 children who might otherwise return to an empty home following school dismissal. The paid staff consists of an Executive Director (part-time), three teachers and three adult aides. There are also 14 student volunteers. The children can select from a variety of enrichment programs, relax in a quiet place, or just play with other children.

The founders of the Lakeland Children's Center are to be commended for identifying a problem, finding a solution and seeing it through. Over the past three years they have donated their own special talents and have been responsible for finding other volunteers to provide accounting, legal, marketing, public relations, and fund raising services to the Center. Their involvement has not only made a difference in the lives of the families served by the Center but also enriched the lives of all who have participated in development of a Community Project.

STUDENT VOLUNTEER OF THE YEAR

The 1985 Student Volunteer of the Year is Frank Mastracchio, a senior at White Plains High School. His volunteer activities cover a broad spectrum of interests ranging from American Red Cross to the Civil Air Patrol to regular service with the Valhalla Ambulance Corps. His first volunteer experience was as a fifth grader when he served for two years with the Westchester Association for Retarded Citizens (W.A.R.C.)

Mastracchio's three year interest in the Westchester County Red Cross started with his participation in the 1982 Swimathon and has continued to this day.

His service with the Ambulance Corps has come as a result of the First Aid and Safety course offered by the Red Cross. He became interested in the Civil Air Patrol through his experience as an Explorer Scout and the opportunity to participate in disaster relief and air search programs.

Although he has been teased somewhat by his peers for "wasting his time and not getting paid", he counters by saying, "to volunteer and extend one's hand and heart to others is the ultimate feeling."

Next year, Frank plans to begin pre-med courses at the City University of New York.

RSVP VOLUNTEER OF THE YEAR

The Retired Senior Volunteer Program's (RSVP) Volunteer of the Year is Hannah Churgin of White Plains. R.S.V.P. is part of a nationwide network designed for persons 60 years of age and older who wish to use their skills, life experiences, time and energy in serving community needs. Mrs. Churgin who retired in 1976 from a manufacturing firm, moved from the Bronx four years ago and immediately became active in the Tower Club, whose members carry out many programs of volunteer service. As she says, "what I'm doing now keeps me going. I enjoy it—I've got to do something."

One of Mrs. Churgin's primary interests is the Westchester Association for Retarded Citizens (W.A.R.C.) where she contributes over three days a week to the Red Balloon Gift Shop. She serves as a stock and price analyzer, sales representative and is a member of the Gift Shop Advisory Committee. The gift shop provides specially selected clients with a therapeutic work experience.

As a member of the WARC staff explains, "Hannah's pleasant disposition plays a vital role in initiating positive interrelationships between our clients and other customers. She exhibits patience, warmth, and flexibility while serving our mentally disabled clients."

Another of Mrs. Churgin's interests is the Women's American Organization for Rehabilitation Training (O.R.T.) where she has been a member for 19 years, the past 11 as secretary and treasurer of her chapter in the Bronx, which includes a large Westchester membership. She also takes on projects for the American Cancer Society and the County Office for the Aging.

CORPORATE—ADOPT-A-SCHOOL VOLUNTEERS

Represented by Rosemarie Siragusa, Chairman of the Youth Committee of the Westchester Private Industry Council (WPIC) and Joan Gilbert of Texaco, Chairman of the (WPIC) Adopt-A-School Committee.

The Adopt-A-School program is a partnership between business and education which entails a mutual commitment to improving the educational experience for students in a local school district. Upon "adoption," school and business partners plan and conduct activities which enhance the learning opportunities for students. Adopt-A-School is based on a true volunteer concept since the corporations and schools are giving of themselves by sharing staff and resources on a direct basis other than just corporate funding of grants.

A unique aspect of the program is that it can be taken on by either small or large companies. Thirteen companies of various sizes who are currently involved are: Avon, Chemical Bank, Citibank, N.A., General Electric Conference Center, Houlihan/Lawrence Realty, MONY, Planned Expansion Group, Rye Town Hilton, Seidman and Seidman, Stouffers, Tarrytown Hilton, Texaco and Westchester Rockland Newspapers.

Ms. Rosemarie Siragusa, Chairman of the WPIC Youth Committee and Ms. Joan Gilbert of Texaco, Chairman of the WPIC Adopt-A-School Committee introduced the program to Westchester in 1984 and continue to give their time coordinating the efforts of the participants and influencing other corporations to join. Ms. Gilbert, catalyst for the program, says that the matching process is very successful and more corporations and schools are showing interest.

Mr. Speaker, in closing, I would like to say that it gives me great pleasure to know that the spirit of volunteerism is still thriving in America today. The American people are truly this Nation's most valuable asset and I am proud to present the Westchester Volunteer Award winners to my colleagues in this great body.

RESTITUTION AMENDMENTS ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BOUCHER] is recognized for 5 minutes.

● Mr. BOUCHER. Mr. Speaker, 2½ years ago the Congress unanimously enacted the Victim and Witness Protection Act of 1982 (Public Law No. 97-291) in order to make the Federal criminal justice system more responsive to the needs of victims. One of the important changes made by the act was to make restitution to the victim a separate punishment for most Federal crimes. The act creates a presumption in favor of restitution and requires a Federal judge who decides not to order restitution, or to order only partial restitution, to state on the record the reasons for his decision. The act identifies the losses for which restitution can be ordered and spells out in detail the procedure to be followed in ordering restitution (Public Law No. 97-291, § 5(a), 96 Stat. 1253-55).

The Sentencing Reform Act of 1984 enacted last Congress (Public Law No. 98-473, title II, chapter II, 98 Stat. 1987-2040) made significant changes in Federal sentencing practices and procedures, most of which are scheduled to take effect on November 1, 1986. There are some minor differences between provisions of the Sentencing Reform Act and the provisions of current law enacted by the Victim and Witness Protection Act of 1982.

I am today introducing legislation that makes technical and conforming changes to harmonize current law with the provisions scheduled to take effect on November 1, 1986. I do not believe that these changes will be controversial. The legislation also makes a substantive change that should not prove to be controversial.

One of the significant changes made in Federal sentencing practice and procedure by the Sentencing Reform Act is to set forth the purposes to be served by criminal penalties. That act set forth several purposes, such as deterring criminal conduct and protecting the public (Public Law No. 98-473, § 212(a)(2), 98 Stat. 1989-90 (enacting 18 U.S.C. 3553(a))). Unfortunately, the act omits what should be one of the principal purposes of our criminal law—restoration of the victims of the crime. My bill corrects that oversight by requiring that a Federal judge, when imposing sentence, consider the restitution needs of the victims of the offense.●

SCHOOL PRAYER: A VOICE OF REASON AND LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CROCKETT] is recognized for 5 minutes.

● Mr. CROCKETT. Mr. Speaker, Wade McCree, the former Solicitor General of the United States, was asked in 1982 to address the American Bar Association's annual prayer breakfast. Mr. McCree, now a distinguished professor of law at the University of Michigan, used the occasion to question the propriety of the very event at which he was speaking.

In spite of that fact, his remarks drew the somewhat surprised speaker a standing ovation from those present.

I think my colleagues would benefit from the eloquent comments Mr. McCree made on that occasion, and

insert them into the RECORD for their review:

Lucy is the name of a popular philosopher who appears in the comic strip *Peanuts*, authored and drawn by Charles Schulz. Her accustomed foil is a juvenile Everyman named Charlie Brown. In a recent episode, Lucy told Charlie that on the ship of life, some passengers have their deck chairs facing the bow to permit them to see where they are going. Others face the stern so that they can see whence they came. "On the ship of life, Charlie," she asked, "which way is your chair facing?"

He replied, "I can't seem to get my deck chair unfolded."

After having accepted President Brink's invitation to speak on this occasion, I shared Charlie Brown's frustration when I addressed the chore of preparing remarks appropriate to this prayer breakfast. The fact that I had spoken at an earlier prayer breakfast in 1970 when we held our annual meeting in St. Louis did not make my preparation for this talk any easier. I wanted to say something different yet pertinent to the occasion; and I ultimately decided to speak briefly about the recently proposed constitutional amendment which, in the words of the president of the United States, ". . . will restore the right to pray." The published transcript of his remarks when he announced his support of the proposed amendment quotes the president as saying, "The law of this land has effectively removed prayer from our classrooms. How can we hope to retain our freedom through the generations if we fail to teach our young that our liberty springs from an abiding faith in our Creator?"

The proposed amendment reads:

"Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any state to participate in prayer."

A straightforward reading of the proposed amendment in the light of current undisputed constitutional doctrine makes it evident that nothing currently prohibits individual prayer in public schools or other public institutions, and that no person is required by the United States or any state to participate in prayer. With the elimination of these two propositions as recitals of existing law, there remains in the proposed amendment only the restriction against prohibiting group prayer in public schools or other public institutions.

It is not clear at all what is meant by "group prayer," but it suggests the practice that the Supreme Court found offensive to the Establishment of Religion Clause of the First Amendment twenty years ago in *Engel* v. *Vitale*, the New York Regents' prayer case.

There can be no doubt about the power of the people to amend the Constitution, including the Bill of Rights, but serious questions about the wisdom of such a course confronts us. The religious clauses of the First Amendment were a considered response to the religious diversity of our young nation. Calvinists in New England, Friends in Pennsylvania, Catholics in Maryland, Anglicans in Virginia and a small dispersed Jewish community are not an exhaustive list of the several religious and denominational differences that characterized the fledgling country. Recognition of the divisiveness that religious differences can produce persuaded the proponents of the First Amendment that religious minorities should be protected from the possible tyranny of religious majorities.

In recent years, our nation has become even more pluralistic in its religious demography. Buddhism, Islam, Shintoism and Taoism are faiths that were not present in the original states but are embraced today by ever increasing numbers of new residents from Asia and the Middle East.

If in years past, a "common ground," as some would have it, could be found in a "Judeo-Christian" heritage, some of our recent arrivals would find themselves excluded from that umbrella and their children would experience the trauma of rejection or the stigmata of being "different."

Justice Frankfurter, concurring in a 1948 case invalidating an Illinois "released time" program which gave a dissenting pupil the right to leave the classroom during "group prayer," observed,

"That a child if offered an alternative may reduce the constraint; it does not eliminate the operation of influence by the school in matters sacred to conscience and outside the school's domain. The law of imitation operates, and non-conformity is not an outstanding characteristic of children."

The wisdom of the proposed amendment has been questioned by the broadest spectrum of commentators. I need not characterize James J. Kilpatrick's usual perspective, but in writing on this subject, he said,

"One problem with institutional prayer parallels the problem often found with institutional food. The group prayers that would be sanctioned by this amendment would be canned peas—bland, innocuous, inoffensive recitations, perfunctory rituals devoid of spiritual meaning. Heartfelt prayer demands something more."

I do not gainsay the need for moral precepts to guide our young people and to try to save them from the self-destruction of drug abuse or the arbitrary rejection of parental lifestyles for sometimes bizarre and frequently harmful nihilism. But group prayer in schools is unlikely to help in this respect.

My colleague, Yale Kamisar, in a recent opinion piece in the New York Times, cited two incidents that he attributed to Leo Pfeffer. A young boy asked someone to identify the "good Mrs. Murphy" who would follow him all the days of his life. It developed, of course, that he was referring to the "surely goodness and mercy" of the 23rd Psalm. Equally confused was the child of the suburban commuter who daily recited, "Lead us not into Penn Station."

Moral precepts are available to teachers in abundant secular works of all ages. For example, Ralph Waldo Emerson's writings contain all the guidance a pupil requires to teach him to be a person of good character. That religious scriptures also contain guides for right conduct is beyond the point. Religious writings also contain more: creeds, religious doctrine, and beliefs about the validity of which there is often fundamental disagreement. At this very moment, Iranian Shiite Moslems are engaged in a bloody war with Iraqui Sunnite Moslems, in part, over doctrinal differences despite the fact that they both worship God and claim the same prophet.

We Americans have given the world an example of the peaceful coexistence of a wide variety of people from Europe, Asia, Africa, and South America in a nation where individual freedoms surpass those enjoyed by any other people anywhere else. This accomplishment is too precious to permit it to founder on the rock of group prayer, which demonstrably will do very little to promote genuine devotion and likely will accomplish nothing more than to prove the political power of its proponents.

If I am correct in my assessment of the limited benefits to be gained by the adoption of the prayer amendment, you must agree that its cost in terms of the discordance that it will produce is unacceptable.

We as lawyers and citizens should go forth from this prayer breakfast resolved to save our nation from the consequences of forced piety. As Tennyson wrote, "More things are wrought by prayer than this world dreams of."●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. TRAFICANT] is recognized for 5 minutes.

● Mr. TRAFICANT. Mr. Speaker, do to a death in the family, I was unable to be present for the vote on the Hamilton substitute, as well as the Michel substitute. Had I been present, I would have voted "yes" on the Hamilton substitute, and voted "no" on the Michel substitute.●

THE FREE POSTAGE ELECTION PARTICIPATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 5 minutes.

● Mr. UDALL. Mr. Speaker, today I am introducing legislation which will assist election agencies with absentee voting and voting registration procedures. The Free Postage Election Participation Act proposes that any election agency may send, free of postage, absentee ballots for any Federal election, and voting instructions pertaining to such ballots. In addition, the election agency may send, free of postage, voter registration forms and instructions pertaining to such forms, enabling individuals to register to vote in a Federal election.

The Voting Rights Act of 1965 expanded the opportunity for millions of Americans to participate in the process of voting. Still, there are a great many people in this country who have failed to exercise their franchise under our election registration laws. Statistics show that in the 1984 general election, only 68.3 percent of the total eligible population registered to vote. A substantial and growing number of people are now using absentee ballots to participate in the election process. Indeed, the Federal Government already provides special assistance to those American civilian and military citizens residing overseas. I believe this measure will help ensure that our domestic voters are also able to participate in the political process.

The cost to State and local election agencies is considerable. The Nation's 13,000 election administrators oversee

elections to fill 500,000 Federal, State, and local offices. State governments provide 18 percent and local governments provide 82 percent of the $350 million cost of administering a Presidential election. This measure would ease some of this burden. Clearly, it is the Federal Government's responsibility to share some of the financial burden with election agencies during Federal elections.

I am proud to point out that this legislation has received strong support from State and local elections officials throughout the United States. It has also been endorsed by the National Association of Secretaries of State; the International Association of Clerks, Recorders, Election Officials, and Treasurers; the National Association of County Recorders and Clerks; and the International Institute of Municipal Clerks.

Last session, this legislation was cosponsored by over 45 of my colleagues. I strongly believe that this bill will encourage greater voter registration and participation. I urge my colleagues to cosponsor it.●

SPACE TAX INVESTMENT EQUITY ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

● Mr. NELSON of Florida. Mr. Speaker, I am pleased to join my colleague, the gentleman from New York, in introducing the Space Tax Investment Equity Act of 1985.

This bill illustrates the foresight necessary if we are to be prepared for this next economic frontier for America. Current law does not allow equipment that is used in outer space to apply the investment tax credit, accelerated depreciation, or the research and development tax credit to its value. Companies like Grumman, Fairchild, McDonnell Douglas, and 3M, who plan to begin manufacturing in space, are facing obvious extra expense because of this tax differential. This barrier is unintentional and will prove to be counterproductive.

Our bill would extend the investment tax credit, the accelerated depreciation tax benefits, and the R&D tax credit to those companies whose place of business is in outer space rather than here on Earth in the United States. When we first began the early flights into space, we did not anticipate that space would become a place of business. We must remove this unintended tax before these businesses are lost to the American economy. Investments in space activities already must compete with those here on Earth in the United States—as well as with those investments internationally, and it is clear that we will be facing stiff competition, particularly from the French, the Germans, and the Japanese.

This legislation will assure that space ventures are treated essentially the same as Earth ventures under our tax code. Clearly, the age of space commerce has dawned. Space will be the arena for expanding commercial activity including communications satellites, upper stage systems, industrial and scientific experiments, and manufacturing. Private investment in these commercial enterprises is able to take advantage of the unique characteristics of space, such as vacuum, microgravity, and radiation.

We can produce rare medicines with the potential of saving thousands of lives and hundreds of millions of dollars; we can manufacture superchips that can build space observatories enabling scientists to see out to the edge of the universe; and we can produce special alloys and biological materials that benefit greatly from zero gravity environment.

To foster these exciting embryonic industries, we must pave the way by eliminating obstructions and allowing these industries to compete at least on an equal footing with those already here on Earth. I would urge the early passage of this legislation.●

ORDER OF BUSINESS

Mr. EMERSON. Mr. Speaker, I have an agreement with the gentleman from California, who I understand is next in order for a special order, and he has agreed if by unanimous consent we could reverse order on our special orders. I ask unanimous consent that I be allowed to proceed out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

GENERAL LEAVE

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

STE. GENEVIEVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 60 minutes.

Mr. EMERSON. Mr. Speaker, all of us who are privileged to serve in this House represent districts that include special points of historical interest, and each of us is rightfully proud of these widely varied "treasures." And in a nation whose history is as rich—and as fresh—as is ours, it is not surprising that our countryside is dotted with scores of historical markers, museums, and places with names that "ring bells" to those of us who care about the heritage we share.

However, among these many treasures, there are a handful of small, unassuming communities which, by their very existence, preserve those key moments in history when a small step was taken that would, in the wisdom of hindsight, be recognized as a tremendous stride. And when these special places have been maintained and cared for properly, they provide us with a resource we can never afford to lose. They give us—the heirs of history—living reminders that what we have today has not always been here. They prove to us that the events, the beginnings, and the "great moments" we all learn about from the pages of books really happened.

Here in the Nation's Capital, we have many such places. We can take our children to Ford's Theater, for example, and point to the spot where President Lincoln was mortally wounded—and in doing so, we give our children an opportunity to really understand, to really feel that a great moment in history truly happened.

With that experience, our children's history books and the references they hear to events of the past come alive. They become tangibly related to what we are witnessing and doing today. And that, Mr. Speaker, is something to which we can never affix a finite value.

In the Eighth Congressional District of Missouri, which I am honored to represent, there is a small, quiet community where just such an invaluable experience is today possible—and possible in a truly remarkable way.

The name of this community is Ste. Genevieve—and if that name is familiar to you, it is because Ste. Genevieve, MO, is the "Mother City of the West," the first permanent settlement on the west bank of the Mississippi River.

To those of us in Congress who spend most of our days working with the problems and challenges of our Nation's continuing progress, the "moment in history" that Ste. Genevieve represents is one of obvious importance. On that day in the 1730's when a small group of French colonists established a settlement across the river from "Old Kaskaskia," they probably didn't realize that their decision would later be cited as the beginning of the great westward expansion. No, these first settlers were undoubtedly lured across the river by the area's incredibly rich farm land, not by a desire to make history or open the door to the vast upper Louisiana Territory and the rich lands beyond.

But that is exactly what they did, and we can now understand the tremendous significance of that small

step. It is no exaggeration to say that: without the westward expansion that began right there in Ste. Genevieve, this Nation would not be the greatest nation on earth.

However, Mr. Speaker, I am not here today to simply remind my colleagues of a single "historical moment." Ste. Genevieve represents far more than that. Indeed, this small community on the west bank of the Mississippi is today one of the most valuable examples of living history we have—and that is no accident.

This year, 1985, is a year of celebration for Ste. Genevieve, and it is a celebration worth noting by all Americans.

What is being celebrated by this community this year is a birthday—and what a birthday it is.

Yes, this year marks the 250th year that Ste. Genevieve—the Mother City of the West—has existed.

Just think about that; 250 years ago, the land on which those first settlers established Ste. Genevieve was still owned by France. And for 30 years, this tiny settlement, whose population was recorded in 1752 as consisting of "20 whites and 3 negroes, with only 8 owners of land," stood as the only permanent settlement in the vast upper Louisiana Territory.

And thus it remained until 1762, when the territory west of the Mississippi was secretly transferred to Spain, and the land on the east side of the river was turned over to England. At that time, the hardy residents of Ste. Genevieve saw their small settlement become an outpost of the Spanish Empire, and watched as their destiny came to be influenced heavily by the colonial ambitions and fears of that distant and foreign nation. In fact, some scholars contend that Ste. Genevieve's first real period of growth was a direct result of this global shift in power. When the land across the river from Ste. Genevieve came under protestant British rule, the Creole residents there soon became very discontent—and Spain moved quickly to take advantage of that discontent. When the British ordered the withdrawal of all priests from their colony on the east bank of the river, the Spanish responded by sending, for the first time, a resident priest to Ste. Genevieve. And in a unique gesture, the Pope gave this priest, Father Louis Meurin, a dispensation with which to marry unbaptized Roman Catholics. Likewise, the Spanish rulers appointed local men to administrative positions and offered large grants of land to the settlers.

Soon, a steady stream of immigrants began to cross the Mississippi, looking for the Creole way of living that was surviving undisturbed in Ste. Genevieve. And in the years that followed, this immigration came to include not only those from the east bank of the river, but also many from Canada and lower Louisiana, and eventually came to include substantial numbers of French royalist refugees, Americans, and Germans. Thus, by 1772, the population of Ste. Genevieve consisted of "264 males, 140 females, and 287 slaves."

From that point on, with the exception of the perennial problems of flooding, Ste. Genevieve prospered. For many years, Ste. Genevieve was virtually unrivaled on the west side of the river as a trading point. A center of commerce, and yes, a center of civilization. In the early 1800's, Ste. Genevieve lured such distinguished visitors as the Duke of Wurttemberg, King Otto of Greece, and John James Audubon, whose business partner, Ferdinand Rozier, became the town's first mayor in 1827.

Despite this early prosperity—and notoriety—Ste. Genevieve was not destined to become a huge population center, as would other, younger settlements. In fact, it could be said that, by the mid-1800's, this community became the victim of the same westward expansion that it had begun. As St. Louis, a few miles to the north, grew, the village of Ste. Genevieve dwindled as a center of commerce. The fur trade moved further westward, new methods of refining salt, which had been a major product of the area, brought an end to that early industry, and finally, the steady flow of lead ore that had been shipped from Ste. Genevieve was diverted to St. Louis.

With this combination of developments, Ste. Genevieve returned to its initial reliance on agriculture, and began to settle into its present role as the proud mother city of a westward movement that would eventually produce the greatest Nation on Earth.

Today, visitors to Ste. Genevieve can see very clearly just how deep that pride runs. Generation after generation has carefully preserved the Creole architecture, the unique traditions born of French and Spanish influence, and the role of the church as the leader in community life. In fact, this small town is today acclaimed as the "finest surviving example of a French colonial village" in the entire Nation. There still stand some 50 homes and buildings that are 200 years old—and among these structures is, incredibly, the home of Jean Baptiste Valle—the last commandant of Ste. Genevieve under Spanish rule.

Mr. Speaker, the fact that this small Missouri town still exists today in such an impressive state of preservation is an accomplishment that all Americans should acclaim. I know of very few places in this huge country where generations of residents have taken so seriously the need to preserve history. While millions of schoolchildren have, for years, read about "Ste. Genevieve—the Mother City of the West," the people of that community have painstakingly ensured that those schoolchildren can actually visit and see this historic treasure. At great effort and cost, the descendents of those early settlers have given us an opportunity to step back in time and remember that what is now the heartland of this country was once a foreign land, and to see firsthand the beginnings of a culture that is now taken for granted.

Thus, it is with great pride that I stand before you today and ask the Members of this House to join me in paying tribute not only to a moment in history, but to a community of hard-working folks who have preserved that moment for generations to come.

□ 1950

Mr. Speaker, I include in the RECORD a message in writing from the President of the United States to the citizens of Ste. Genevieve dated April 23, 1985, and also a message that was delivered, informal remarks of the President by telephone to greet the people of Ste. Genevieve, MO, as they celebrated "Nation's Night," a feature of Ste. Genevieve's bicentennial celebration, that being on August 22, 1935, and delivered by President Franklin Delano Roosevelt.

The documents follow:

THE WHITE HOUSE,
Washington, April 23, 1985.

To the Citizens of Sainte Genevieve:

I am pleased to send warm greetings to all those gathered to celebrate the 250th anniversary of Sainte Genevieve.

The spirit which has built and sustained your community reflects the energy which has forged America into a land of wonder. As a community held by fellowship and goodwill, Sainte Genevieve has become "home" to many who love it dearly. Further, it stands as an example of the blessings of liberty and freedom to those around the world.

My hearty congratulations on this proud, historic occasion and my best wishes in the years to come.

RONALD REAGAN.

REMARKS BY PRESIDENT FRANKLIN D. ROOSEVELT

(Informal Remarks of the President by Telephone to Greet the People of Ste. Genevieve, MO, as They Celebrate "Nation's Night" as a Feature of Ste. Genevieve's Bi-Centennial Celebration, August 22, 1935)

The history of the town of Sainte Genevieve eloquently testifies to the fortitude of those pioneers who built their homes on the western bank of the Mississippi and wrested minerals from the hills, furs from the forest, and a plentiful harvest from the plain; who merged their varied nationalities in a mighty effort to carve an American nation out of the Western wilderness.

We admire that Christian courage which refused to be daunted by Indian depredations and massacres, by a gradual change in the course of the Mississippi threatening the destruction of the settlement, or by the

disastrous flood of 1785. In due course, through the rugged efforts of your predecessors, the hostile Indians were pacified; and the restless Mississippi, far from annihilating the community, provoked a providential removal of the church and other buildings to a better site where the village could expand and flourish.

These triumphs over affliction are characteristic of the spirit of our early Americans. Although the problems which confront us today are of a different sort, I am confident that you have not lost the stalwart qualities of frontier days.

It is with a full appreciation of your past that, on this occasion of your Bi-Centennial Celebration, I extend to you my hearty wishes for a happy and prosperous future.

● Mr. TAYLOR. Mr. Speaker, it is a pleasure for me to join with my friend and colleague, BILL EMERSON, today in saluting Ste. Genevieve, MO on the occasion of that community's 250th anniversary. While my home town of Sarcoxie is considerably west of Ste. Genevieve, we, nonetheless, know of her illustrious history and her contribution to the opening up of the West.

Not only was Ste. Genevieve the first permanent settlement on the west bank of the Mississippi River, it is also the site of the first permanent church in our State.

In its early history, the community was larger than St. Louis, due to its thriving fur trade, its prosperous leadmining industry, and its production of salt which was sold to Indians, hunters, and other settlements to the East. In addition, today it produces an excellent grade of marble and limestone, and its fertile soil makes it an outstanding area for farming.

However, Ste. Genevieve's location made it susceptible to flooding which hindered its growth. In 1785, the town was inundated by 15 feet of water. Thereafter, the village moved over a period of years to higher ground.

Ste. Genevieve has painstakingly preserved its heritage for generations to come and is a highly regarded community for tourists to visit. It is a living example of the pride that rural America has in its families, its children, and its traditions. It is a pleasure to have the opportunity in this forum to congratulate her on the first 250 years and to wish for her, and her people, the best that the future can provide.●

● Mr. YOUNG of Missouri. Mr. Speaker, it is an honor for me to participate in the 250th birthday commemoration of one of our Nation's most historic towns, Ste. Genevieve, MO.

As one of the first permanent settlements to be established west of the Mississippi River, Ste. Genevieve residents are to be commended for their commitment to preserving the integrity and character of this significant settlement.

I've been in Ste. Genevieve and it is one of the most beautiful and scenic places in the State of Missouri. The town is rich in tradition and character, its people are among the friendliest and warmest one would meet anywhere in the Nation, and the historic monuments are truly magnificent.

The numerous sites—including the old cemetery, the Senator Lewis F. Linn House, and the Bolduc House are prime examples of American culture. It is a blessing to the people who come to visit that the town's forefathers had the vision to preserve these structures throughout the decades.●

● Mr. SKELTON. Mr. Speaker, I would like to thank the gentleman from Missouri, Mr. EMERSON, for calling this special order today to honor the city of Ste. Genevieve, MO, on her 250th birthday.

The city of Ste. Genevieve, which lies south of St. Louis along the Mississippi River, was recreated in 1785 after a great flood destroyed the original city. Rich in French and Spanish culture, this great city became a cultural gateway to the West and is now considered by many to be an outstanding example of 18th century architecture. Many of the original homes providing a glimpse of the past are still visible today.

As English and American explorers move West, Ste. Genevieve grew because of the rich soil and abundance of natural resources located in the region. Due to her important location on the Mississippi, she rivaled St. Louis as the primary port facility in Missouri.

It is only fitting and proper that we acknowledge the city of Ste. Genevieve and the strong, independent-minded Missourians who built her, on this her 250th birthday. Again, I commend Congressman EMERSON for calling this special order.●

● Mr. GEPHARDT. Mr. Speaker, today I join my distinguished colleagues from Missouri in recognition of "Ste. Genevieve Day," commemorating its 250th birthday.

Ste. Genevieve, the oldest permanent settlement established on the west bank of the Mississippi, has played an important part in the history and development of the State of Missouri.

To this day, some parts of the town retain the French flavor that was a guideline for the establishment of surrounding towns and villages. The citizens of Ste. Genevieve have for the past 250 years maintained a delicate balance between their French/Canadian heritage and the America changing around them.

The central southeastern town of Ste. Genevieve will be celebrating this auspicious occasion throughout the year, but today is designated "Ste. Genevieve Day."

Strong communities such as this are the backbone of our State and country. The values that endure in our country, have endured in this Missouri town. I think a lot can be said for a community that has been at the forefront of Missouri history for 250 years. Its citizens are proud—proud of their heritage and proud of the legacy their forefathers left them.

I, too, am proud of Ste. Genevieve, and along with my congratulations, wish it continued success and prosperity in the future.●

● Mr. CLAY. Mr. Speaker, today we celebrate "Ste. Genevieve Day," commemorating the 250th anniversary of the town of Ste. Genevieve, MO. I am very happy to join my distinguished colleagues from Missouri in honoring one of our State's treasures. Located on the banks of the Mississippi River, just a few hours south of St. Louis, Ste. Genevieve is one of the earliest settlements west of the Mississippi.

Ste. Genevieve is a small community of great significance. Settled by the French in the 18th century, the town boasts the site of the first permanent church in Missouri, established in 1755. Ste. Genevieve is known for its rich cultural history, and the community continues to reflect its early French influences. Ste. Genevieve is especially famous for its beautifully preserved French colonial architecture, and each summer thousands visit its sites during the community's annual arts and crafts festival.

Ste. Genevieve plays a vital role in Missouri history and is of special importance to historians, architects, and Americans of French ancestry. I am pleased to pay tribute to the little town of Ste. Genevieve and I encourage my colleagues, my friends, and all who appreciate history to visit this lovely French settlement.●

● Mr. WHEAT. Mr. Speaker, I want to thank the distinguished gentleman from Missouri [Mr. EMERSON] for taking this time to celebrate the 250th birthday of Missouri's oldest community, Ste. Genevieve. I am proud to join with my colleagues from Missouri in honoring one of Missouri's most valuable historical treasures.

The town of Ste. Genevieve is a splendid monument to the great westward expansion of our Nation. Founded in 1735, Ste. Genevieve was the first permanent settlement to be established on the west bank of the Mississippi River. For many years, Ste. Genevieve was the center of commerce and the hub of civilization for all settlers west of the Mississippi. Indeed, the first permanent church in Missouri was established in Ste. Genevieve about 1755. This agricultural community was the stepping stone for waves of settlers who had the courage and determination to expand America's frontier. Today, Ste. Genevieve is fondly known as the mother city of the west.

However, Ste. Genevieve was a victim of its own success. As expansion

of the American frontier rapidly increased, the centers of commerce and population shifted. St. Louis, Kansas City, and then other cities became the hubs of the American frontier. Ste. Genevieve, however, still proudly stands as a monument to our westward expansion, and thankfully each generation of Ste. Genevieve residents has diligently preserved the town's unique landmarks and traditions.

Today, this small town with only 1 movie theater, 3 hotels, and a population of less that 3,000 is known as the best example of a French colonial village in the United States; 50 homes and buildings that are over 200 years old have been preserved in this community. The town's preserved buildings, its red-brick church and walled convent give reality to the French tradition that forms so much of Missouri's background. Anyone who appreciates the past can be proud of the efforts of the generations of Ste. Genevieve residents to preserve history. Thanks to their efforts, we now have the opportunity to witness the beginnings of a culture that we now take for granted.

It is with great pride that I join with my distinguished colleagues from Missouri to honor the founding of Ste. Genevieve. All Missourians can be proud that this community on the west bank of the great Mississippi River served as the starting point for the great westward expansion. Again, I want to thank my distinguished colleague from Missouri [Mr. EMERSON] for allowing us the opportunity to tell our colleagues in the House of Representatives about one of Missouri's historical treasures.●

● Mr. VOLKMER. Mr. Speaker, it's indeed an honor to join my Missouri colleagues in commemorating one of our State's many historical jewels, the 250-year-old town of Ste. Genevieve.

Known as the mother city of the West, Ste. Genevieve truly represents the heritage of the earliest beginnings of civilization in this country west of the Mississippi River. Nowhere in Missouri is the influence of the French and the Spanish more evident than in Ste. Genevieve. In fact, there are few places in the United States where the blending of these two cultures and their traditions are more evident than in Ste. Genevieve.

As a resident of Hannibal, another historical Missouri town anchored to the Mississippi River, it is with great pride that I join with my colleagues from the other congressional districts of Missouri, with Congressman BILL EMERSON, who so ably represents Ste. Genevieve in this Chamber, and with all the people of Missouri in officially observing today as Ste. Genevieve Day.

Thank you.●

STEEL AGREEMENTS SERVE AS COSMETIC ANSWER TO IMPORT PENETRATION AND INDUSTRY'S FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 30 minutes.

Mr. GAYDOS. Mr. Speaker, I don't like being an "I told you so" kind of person but when it comes to steel and steel imports, I just can't hold it back.

For the past several months, I have been watching the negotiations between this country and several of the world's major steel exporters. Those negotiations, which we all know stemmed from this administration's resistance to specific quotas on steel imports, seem to be having almost no effect.

Last September, when President Reagan said the administration would seek voluntary agreements with eight steel exporters that would limit steel imports to the United States to 18½ percent of the American market, I had my doubts. I believed then, and still believe, that a firm quota would have been more effective and easier to enforce, regardless of whether the quota limit was 15 percent—my preferred percentage, 17 percent or 18½ percent.

As I watched our trade representatives try to hammer out those voluntary agreements with South Korea, Japan, Mexico, Brazil, Finland, Spain, South Africa, and Australia, I wished them well, knowing that if they were successful, our steel industry would be given a chance to get back on solid footing.

As January approached the agreements seemed less and less likely to meet the 18½-percent goal, I wondered whether we were going to really make any changes in the pattern of the last few years when imported steel cut into our domestic industry.

I became truly concerned in January when steel imports reached nearly 31 percent of apparent supply, the second consecutive month where imports broke the 30-percent level.

Now, Mr. Speaker, the February figures are available and imports represent just over 27 percent of apparent supply, a far cry from the 18½-percent goal set last September when the Congress accepted the administration proposal for voluntary agreements instead of quotas.

I am concerned that we have permanently given up a quarter of the American steel market. I wonder if ever again we will see steel imports fall below the 25-percent figure, never mind the 18½-percent administration goal or the 15-percent goal of the congressional steel caucus.

For the first 2 months of this year, Mr. Speaker, steel imports were 4.7 million tons, 29 percent of apparent supply. And that is with most of the eight voluntary agreements already signed.

And the prospects are that the situation will not get any better.

Data Resources, Inc., for example, estimates steel imports for the first quarter of 1985 will be 6.7 million tons. That means another 2 million tons of imported steel will have entered this country in the month of March.

If DRI is correct, the import penetration for the first quarter of this year will be just under 27 percent, quite a difference from the projected administration level of 18½ percent.

In fact, DRI projects steel imports for 1985 at 22.7 million tons for a 23-percent penetration of the American market.

So now come the questions. Are the voluntary agreements really working or are there elements in them that will make it easier for all or some of those eight nations to get around the agreements? Or, if the agreements are working, then where is all the steel coming from?

The answer, as best as I have been able to determine, Mr. Speaker, is both. In some of the agreements with the eight countries—just as an aside, Mr. Speaker, the Japanese have not yet signed their agreement with us—there are provisions for front loading. In other words, the agreed upon percentages are not hard and fast annual import percentages, but rather are levels that will be achieved as part of a 5-year average.

Under those terms, one or more of the eight exporting nations with whom we have agreements could ship heavily in 2 of the 5 years and less in the remaining years.

This would mean that until they were able to find or develop other markets for their excess steel production, the United States would continue to be the primary dumping ground, causing more problems for our domestic steel industry and costing more jobs.

There is also the European Economic Community Agreement, which is separate from the others recently negotiated. The EEC agreement expires on December 31, 1985. What will happen at that point is anyone's guess. Right now, steel exports from the EEC to the United States for February are up 18½ percent from February 1984, and for the first 2 months of this year as compared to the same period last year, the imports are up more than 42 percent.

In fact, for the month of February, only three EEC members—Greece, West Germany, and Italy—have decreased exports to the United States as compared to shipments in February 1984.

In terms of exports to the United States for both January and February, as compared to last year, only two

countries, Greece and Italy, have shipped less.

What will happen, I don't know. Who can say what the EEC members will be seeking when the time comes to negotiate a new agreement?

The second answer is even more exasperating. Taiwan, as anyone who follows the steel industry knows, is increasing the production of steel in its state-owned plant. Taiwan is not one of the eight nations that have signed agreements with us and, based on some information I have gathered, isn't interested in signing an agreement.

Turkey is another nation we must watch. In 1974, Turkey shipped no steel to the United States. In 1983, Turkish steel manufacturers exported just 1,000 tons to the United States. Last year, however, the picture changed. Turkish steel shipments to the United States in 1984 were 44,000 tons and, even of more concern to U.S. steel manufacturers is Turkey's expectations of tripling or quadrupling steel exports to the United States for 1985. Is there anyone in the American steel industry who would have expected steel shipments from Turkey of 130,000 to 150,000 tons a year? Probably no one.

But it's not only Turkey and Taiwan. Sweden is increasing its steel exports to the United States, especially in the specialty and stainless steels. Romania, which shipped 200,000 tons of steel here last year, is not a party to any agreement and has announced plans to increase shipments.

And, if that isn't enough, semifinished steel was specifically exempted in the administration's September decision to seek voluntary restraint agreements rather than set quotas.

What does that mean? Just look at the numbers. In 1984, Brazil and Japan exported nearly 40 percent of the semifinished steel accepted here. Japan shipped 100,000 tons and Brazil shipped 875,000 tons. Is there a doubt in anyone's mind that if other steel products are restricted by voluntary agreements, that Japan, Brazil, and other nations with similar capabilities will ship those products that are not covered?

In the long run, then, my views are not changing. I don't foresee any true improvement in the steel import picture. I believe problems will arise that will continue to make it difficult for America's steel industry to modernize and compete.

A recent article in the Wall Street Journal focused on exactly that issue, the future of America's steel industry.

The article by Thomas F. O'Boyle indicates a continuing shrinkage in steel consumption, a level of imports above 20 percent of apparent supply and a modest decrease in capacity through 1986. The projections for 1985 and 1986 were developed by chase econometrics. They show U.S. capacity slightly over 120 million tons per year, consumption just below 100 million tons a year and import levels about 22 percent of apparent supply.

I am including the entire article, Mr. Speaker, because it is important for all of us to know about the troubles facing one of our basic industries, troubles which could affect some of the other industries on which we plan to depend for our futures.

There is one other point I feel compelled to make before I conclude. Just over 1 month ago, an unusual event took place on the Hill. To most people, it was just another reception to which Members of Congress were invited and, I am sure, most Members, even those well aware of the problems in the steel industry, didn't give a great deal of thought about.

In point of fact, it was unusual, as I just noted. It was a reception given by the Steel Bar Mills Association. To most of us, even the association name wouldn't exactly ring any bells.

But, had the association used the word "minimill" in its title, I am sure a number of my colleagues would have instantly recognized the group.

But, for your information, this was the first time the Steel Bar Mills Association—or if you prefer, "minimills"—had ever come to Capitol Hill, except as individuals.

The message they brought was different, too. The message was that all is not rosy in the minimill picture.

Despite the way many analysts and supposed experts on the steel industry promote the minimill concept as the savior of the steel industry, all is not perfect. Imports are having an impact in their operations. As the voluntary agreements reduce exporters' opportunities to ship certain products, those exporters will shift into other lines that are not controlled by limits.

Thus, we can expect more semifinished steel to come into the United States and the minimills can look forward to more pressure on their markets.

A report in the March 1 issue of Iron Age focused on the problems facing the minimills. According to George McManus. The author of "Minimill Report: The Honeymoon Is Over," the minimills are facing marketing and financial problems. The report suggests that only the better financed minimills that have somewhat broader product lines and stronger marketing approaches are going to survive.

In effect, we are being told that the same kind of shrinkage we are seeing in the large, integrated steel companies is going to affect the minimills as well.

The report focuses its attention on some of the most successful minimills, but it implies that many others aren't going to do quite as well, if they survive.

I am including this article also, because it will give those unfamiliar with this segment of the steel industry a broader view.

I am concerned about the steel industry and its future. Despite this administration's hopes that the recently negotiated voluntary agreements are the best answer to solving or alleviating the industry's problems, I have my doubts. Every piece of information I have seen or read, confirms my suspicions that we have just scratched the surface of the problems and unless we develop cures that will get to the real heart of those problems soon, we could be too late.

I don't like to think pessimistically, Mr. Speaker, but I haven't seen or heard of anything that would brighten the outlook. I certainly hope I do, and soon.

[From the Wall Street Journal, Apr. 12, 1985]

STEEL INDUSTRY TROUBLES DEFY EASY SOLUTIONS: RESTRUCTURING OPTIONS ARE SOUGHT TO OFFSET SHRINKING MARKET

(By Thomas F. O'Boyle)

This year the sales of one company—International Business Machines Corp.—will surpass those of the entire U.S. steel industry.

That fact alone speaks volumes about what has happened to one of America's most basic and troubled businesses. As the economy enters its third year of post-recession prosperity, steel has been left behind. While IBM and other high-technology companies prosper, U.S. steelmakers still can't operate at a consistent profit. Demand for their commodity inexorably dwindles.

Individual steel producers have tried to respond to this economic fact of life. But, as the industry braces for yet another round of restructuring, executives face a sobering prospect: that a recovery may never come and, worse still, that the problems they face have no textbook solutions. "Steel executives know they must act," says Thomas C. Jones, a consultant at Booz Allen & Hamilton Inc. "But it isn't clear what actions they can take."

Some options under consideration:

Wheeling-Pittsburgh Steel Corp., suffocating under $514 million of debt it assumed to modernize, is weighing a bankruptcy-law petition, which could be filed as early as next week. If lenders and labor aren't willing to accept steep concessions, the company might achieve a more favorable reorganization of its liabilities in bankruptcy-law proceedings.

U.S. Steel Corp., still saddled with obsolete mills despite a more than 30% reduction in its capacity since 1979, is negotiating a partnership with South Korea's Pohang Iron & Steel Co. The talks could lead to Pohang's gaining an equity position in some U.S. Steel facilities and supplying raw steel to them.

Armco Inc., which tried to diversify into insurance and found more troubles than in steel, is investigating employee buyouts for certain plants as a way to get out of steel and lessen the exit costs. If Armco can't earn a reasonable profit in steel, its executives reason, maybe an employee-owned company can.

Bankruptcy-law filings, foreign partnerships, employee buyouts—all are likely to

occur soon as the industry gropes for a more manageable configuration. "Every major company is thinking about something dramatic," asserts Eugene J. Keilin, a Lazard Freres & Co. investment banker and the chief architect of Weirton Steel Corp., formerly a National Steel Corp. unit and now the nation's largest employee-owned concern. In its first year, Weirton was one of the steel industry's few profitable companies, posting earnings of $61 million on sales of $1 billion.

Nevertheless, there is confusion over what measures will provide relief to the industry. What were considered sure-fire answers—mergers, for instance—aren't yielding the expected results. LTV Corp., which last year merged with Republic Steel Corp. to form the nation's second largest producer, now is one of the industry's most troubled companies.

DOMESTIC COMPETITION

Some question whether the industry still has the financial muscle to redirect itself. Balance sheets have been ravaged by more than $6 billion in losses over the past three years.

Bethlehem Steel Corp., one of the companies with the biggest losses, is trying to diversify. Last month a unit of the steelmaker agreed to buy J.M. Tull Industries Inc., a metals distributor that Bethlehem dwarfs in size, for $95 million. Bethlehem noted that it wants to be "a leading supplier of materials, equipment and services to industrial America." However, Bethlehem's goal strikes some as far-fetched. "They're dreaming," says one competitor.

At the same time, domestic competition appears to be accelerating instead of abating. U.S. producers, whose technology lags far behind world-class standards, have gotten a five-year reprieve from imports under President Reagan's trade restrictions. But competition from so-called minimills that recyle steel scrap is intensifying. And mills that had been abandoned are now being resurrected. Kaiser Steel Corp., for instance, closed its doors in 1983 but today is again operating under new foreign owners, supplying sheet and plate products to the West Coast market.

One factor propelling this restructuring is a powerful but all too often overlooked trend: As the economy matures, it needs less steel. This year, for instance, America will consume just under 97 million tons of steel, according to Chase Econometrics estimates. However, if steel were consumed at the same rate in 1985 as it was 20 years ago, consumption this year would be 175 million tons, Chase economist John E. Jacobson calculates.

This trend reflects many forces. Other materials replace steel—beer now comes in aluminum rather than tin cans, for example—while more money is spent for silicon chips and computers and less for steel-intensive items. Nor will the trend abate. "It's as relentless as growing older,'" says Mr. Jacobson, who estimates that the industry's "steel intensity"—an index of how much steel is consumed relative to the economy—has fallen 45% in the past 15 years. He expects an additional 35% decline by 2000.

Blaming the industry's troubles on imports obscures the real economic trends, Mr. Jacobson contends. Even if imports this year took the same U.S. market share as in 1975—a 13.5% slice rather than last year's 27% record-industry shipments would rise only about 10% to 83 million tons, he estimates. And 83 million tons still would be 17% less than 1979 shipments.

Experts disagree over how many more mills—and jobs—are likely to be eliminated. But no one disputes the reality that still more U.S. capacity will be discarded soon, despite a 13% reduction since 1979. U.S. Steel's own forecasts don't envision domestic steelmakers shipping as much as 80 million tons before 1988, if then. Its studies suggest that it could close 20% of its remaining capacity and still meet demand.

That's true for the entire industry. "There's still at least 20% too much," asserts R. Milton Deaner, president of McLouth Steel Products Corp. By 1990, he predicts, as much as 30 million of 135 million tons industrywide will have to be permanently taken off line. By some estimates, in fact, there is so much surplus steelmaking capacity world-wide that the entire U.S. industry could be eliminated and only then would supply equal consumption among non-Communist nations.

Not surprisingly, in this environment of world-wide overcapacity, prices have fallen. One of the industry's most important products, cold-rolled sheet, is widely available today for less than $400 a ton—or nearly 10% below the market prices of four years ago, estimates Peter F. Marcus, a steel analyst at Paine Webber Inc. And demand for cold-rolled sheet, used in automobiles, office furniture and appliances, is strong relative to many other carbon steel products.

PREDATORY TACTICS

Prices have been so low lately, in fact, that one executive, who calls the current situation "masochistic," suggests that the biggest producers are engaging in predatory tactics designed to force smaller steelmakers out of business. However, U.S. Steel's chairman, David M. Roderick, who blames desperate companies for the price warfare, counters, "Drowning people don't swim well."

Yet, in the current high seas, even the most competitive U.S. producers find it difficult to keep above water. For instance, McLouth emerged from bankruptcy-law reorganization in November 1982 with 25% lower costs, Mr. Deaner estimates. Today the closely held Trenton, Mich., company—controlled by Chicago industrialist Cyrus Tang—is said to be the U.S. industry's most efficient producer of cold-rolled sheet. The company's cost to make a ton of that product, including depreciation and interest, are at or below $400.

McLouth was able to achieve its low-cost status through a renegotiation of its raw material, energy and labor contracts—a process troubled competitors such as Wheeling-Pittsburgh, may try to duplicate. Still, bankruptcy-law reorganization doesn't guarantee profit; even with low costs, McLouth wasn't in the black in the first quarter, Mr. Deaner says.

Other producers are investigating alternative ways to lower costs. Some involve a more traditional approach: This month, for instance, Inland Steel Co. is expected to pass out pink slips to as many as 1,100 of its 5,500 salaried workers.

U.S. Steel, on the other hand, sees its salvation overseas. The South Koreans could provide investment capital—money that U.S. Steel might use to upgrade its production and thus concentrate on more sophisticated steels.

There also could be a source of semi-finished steel to replace higher-cost raw steel now produced at U.S. Steel plants. By buying steel overseas, U.S. Steel could eliminate the expensive front end of steelmaking at certain high-costs plants: the coke ovens, blast furnaces and other equipment used to reduce raw materials to make steel. Just the routine maintenance of a blast furnace, done every five years or so, now costs as much as $60 million. U.S. steelmakers have 100 blast furnaces, only 52 of which operated more than half the year in 1983.

Companies that cannot afford to make such investments "will be potential customers" of foreign steel, says Mr. Roderick, who flatly predicts, "There will be additional combinations" linking domestic and foreign producers.

Nearly every U.S. steelmaker has tried to find a foreign partner. But few have anything to offer. Northwest Industries Inc. was unable to find a buyer, foreign or domestic; for its Lone Star Steel Co. unit. So it chose to spin off the Dallas-based unit, as has Crane Co. with its CF&I Steel Corp. subsidiary. For other companies, employee ownership may be the only feasible exit.

There also are those who don't see any viable option. "I'd love to get out of the steel business," confesses one executive, "but who would buy it?"

MINIMILL REPORT: THE HONEYMOON IS OVER

(By George McManus)

Mini-mills are looking for technical solutions to marketing and financial problems.

The problems stem from saturation of traditional markets. Limited for the most part to bars and light structurals, the mini-mills have run out of growth.

"There is overcapacity in relation to current markets," said F. Kenneth Iverson, chairman of Nucor Corp. "There are still opportunities for additional growth in the mini-mill area (but) the rate of growth will be slower than we have seen in the last decade."

The overcapacity has resulted in depressed prices and reduced profits. In this setting, the smaller steel companies are working on processes that will accelerate growth by broadening product spans.

The most dramatic effort in this regard is Nucor's search for a way to make sheet in mini-mill quantities. At yearend, the company was close to a pilot program aimed at casting slabs about 1½ in. thick. The current minimum of 6 inches translates into too many tons for a mini-mill.

A second pilot program under consideration at Nucor calls for even more drastic innovations. "Some of these are way-out processes that go directly to 0.10 in. thick," said Mr. Iverson.

Already being scaled down is the hot rolling of sheet. There has been a general trend away from fully continuous strip mills. The new hot strip mill of Dofasco Inc. uses a single reversing mill for both slabbing and roughing. There is then a conventional finishing train.

At Interprovincial Steel & Pipe Co., Ltd., (IPSCO), a reversing Steckel mill takes slabs all the way down to sheet and plate thicknesses. "I think the Steckel mills have considerable potential for allowing the minimills to get into the flat rolled business," said Anthony Wilson, vice president, business planning and development, IPSCO.

In another product area, Chaparral Steel Co. is among those working on horizontal casting of billets. "We believe it will enable us to enhance our product mix through increased alloy grades," said Jeffry A. Werner, senior vice president, commercial, for Chaparral.

Chaparral is also enhancing quality through extensive use of electromagnetic

stirring in the caster mold. "We expect to have that fully on line in the next couple of months," said Mr. Werner. "That would make us the first North American company using 100 pct electromagnetic stirring."

Chaparral's horizontal caster began operating in September and is still being debugged. Apart from quality, the process should bring a big slash in capital costs.

This is of special interest because recent advances in electric furnace technology have increased mini-mill capacities and capital costs. Chaparral, which calls itself a market mill, can produce 1.3 million tons with two electric furnaces.

"As the furnaces have become more high powered and sophisticated," said Mr. Werner, "the smallest size mini-mill seems to be 400,000 tons a year. The opportunities for a 400,000-ton mini-mill are few and far between."

He said the market would dictate future mini-mill size. If the market calls for a 100,000-ton ceiling, the trick will be to devise technology that can be scaled down without sacrificing efficiency. Horizontal casting will probably be helpful in getting down to micro-mill size.

ENERGY

New Jersey Steel Corp. would like to find a way of getting its power costs down. Operating on the East Coast, the company is subject to the area's high utility rates.

"We're very interested in Willy Korf's energy optimizer," said Robert J. Pasquarelli, president of New Jersey Steel.

An energy optimizing furnace began commercial operation in early 1983 at Companhio Siderurgical Pains in Brazil. Korf has indicated plans to use the process at Connecticut Steel, the mini-mill announced for Wallingford, Conn.

Instead of electric power, the energy optimizer uses oxygen and fuel injections to melt scrap. The process might be regarded as a cross between the bottom blown Q-BOP and the old cold metal openhearth. Distinctive features include full combustion of off-gases and pre-heating of scrap.

New Jersey Steel is an exception to many of the general comments about the current state of mini-mills. Producing rebars, the company has benefitted from brisk construction activity in the North East.

"Perhaps because of the regional effect, we've seen a good market in 1984," said Mr. Pasquarelli. He said his company was operating at 100 pct of capacity and looked for further business gains in 1985.

These comments were underlined when New Jersey recently announced it was expending capacity from 250,000 tons a year to 400,000 tons. This will be done by installing a larger transformer. This kind of electric furnace upgrading helps explain why there is a lot of mini-mill capacity.

There is one more important thing about New Jersey steel. It faces competition in the rebar market from an integrated steel company.

"Bethlehem has been, and still is, the biggest producer in the Northeast," said Mr. Pasquarelli. (Bethlehem's rebars come from the electric furnace plant at Steelton, Pa.).

MINI VERSUS MINI

For the most part, the integrated mills have gotten out of rebars and merchant bars. The advanced stage of this exodus is one of the reasons mini-mill growth has slowed.

"In the past," explained Mr. Iverson, "the primary competition for mini-mills was foreign suppliers and integrated producers. Over the last three or four years, this has changed so that the primary competitors today are other mini-mills—and I expect that to continue in the future."

The change in the competitive mix has reduced the potential market and it has made for a tougher kind of competition. In the old days, mini-mills were going against large companies with as many as 10 manhours per ton of product. The competition is now provided by other mini-mills with highly efficient facilities.

"To be competitive in the mini-mill area now, you have to be producing at two manhours per ton or less," said Mr. Iverson.

The new situation hasn't been fully recognized by the outside world. "I believe there is a misconception about mini-mills," said Robert A. Hageman, vice president, Kidder, Peabody & Co.

"While the general impression is that integrated mills are poor financially and mini-mills consistently profitable," said Mr. Hageman, "the actual record is quite different."

The misconception has had several negative effects. In the debate on steel imports, it has led free traders to cite mini-mill profits as evidence that efficient companies can compete successfully with foreign producers.

A second effect of the profit image has been to attract new entries. Mr. Werner of Chaparral spoke of a "proliferation of mini-mills . . . Everybody sort of discovered mini-mills in the last five years. They've created an oversupply." He placed the mini-mill capacity at 20 to 25 million tons.

The true state of affairs was noted by Mr. Hageman. "Mini-mills can go bankrupt," he said. "They file dumping suits. They are finding it more difficult to cover their costs by raising prices. They face slower growth."

Some of the problems may be corrected by attrition. "I don't think there's any question that you're going to see some kind of a restructuring of the mini-mills," said Mr. Iverson. "There are all sorts of rumors in the industry about this one being for sale, the other one being for sale . . . There has to be some shake-out."

ONE GOOD APPLE

Mr. Iverson and Nucor have been credited with, or blamed for, creating the mini-mills' prosperous appearance. Through bad times and good, Nucor has been the world's most profitable producer of carbon steel. Mr. Hageman has pointed out that Nucor's earnings haven't been representative of the overall mini-mill situation.

Mr. Iverson and his associates have done a brilliant job of building and operating steel plants. In addition, they have had the advantage of a large captive market.

"We'll produce roughly 1.5 million tons and we'll use about 500,000 tons internally," said Mr. Iverson. "A little over 400,000 in joists and about 100,000 in cold finished bars.

"That's very important to our success," he said of the captive tonnage, "because we can do a better job of scheduling the mills." The internal volume didn't provide any price cushion, he emphasized, because the joist and cold finished markets are highly competitive.

Nucor is unique in many ways but it isn't the only profitable mini-mill. "IPSCO has made profits and does make profits in today's very adverse conditions," said Mr. Wilson of that company.

After two losing years, Florida Steel Corp. earned over $6.6 million in 1984. The company is reasonably optimistic about the future.

"As far as the volume is concerned, it's still fairly stable out there," said Frank E. Weise, president of Florida Steel. "You're still in that compression between your manufacturing cost and your selling price," Mr. Weise added.

NEW FRONTIERS

To relieve the price and profit compression, mini-mills need growth. That gets you back to the technology for opening new product areas. Chaparral looks for significant gains in the quality bar market through electromagnetic stirring and horizontal casting.

Quanex Corp. has used rotary casting and extensive ladle treatment to establish a solid position in the alloy and special bar quality markets. The company's success is pointed up by the November start of a new mill at Fort Smith, Ark.

Raritan River Steel Corp., which is going after more of the plain rod business, is upgrading an already efficient complex. Raritan River's electric furnace is being converted to the eccentric bottom tapping design of Mannesmann Demag. The company's Morgan mill is having its finishing speed boosted to 20,000 fpm.

There are numerous other advances. Nucor is installing a direct current furnace. "We all have to keep our eye on the plasma furnace," said Mr. Weise of Florida Steel.

There is widespread activity but the big breakthrough could be in the flat rolled area. About half the steel shipped in the U.S. is some form of sheet. The key to a mini-sheet mill is successful development of a thin slab caster.

"We have discarded everything except going to an inch and a half or thinner," said Mr. Iverson of Nucor.

"Part of this depends on how you define a mini-mill," he explained. "With the minimum thickness of a slab about 6 inches today, if you're going to make it 50 inches wide and it comes out 60 or 70 inches a minute, you're looking at a million tons.

"By my definition, that's not a mini-mill. Besides, the capital cost of putting in a caster of that size is so great the mini-mill wouldn't be competitive in the market."

There is another important reason for getting a thin slab. "It isn't too difficult to coil an inch and a half," said Mr. Iverson. "If you cast an inch and a half and make five passes on a Steckel mill, you could go to the mini-mill to make hot bands."

The economic impact of this combination could be enormous. "We're not looking at any process that wouldn't reduce the cost at least $50 a ton under present processes and most of them are $100 a ton. You've got to have that kind of saving or there's no sense in doing it."

The savings mentioned were in relation to hot bands with conventional continuous casting and conventional rolling on a hot strip mill.

Mr. Iverson has said that it would be three to five years before minimill sheet production became a commercial reality. However, the physical casting of thin slabs could come a lot sooner. In late December, Nucor was negotiated with two groups of process sponsors on an agreement to build a pilot plant.

"We have not signed anything as yet, but we hope to in the next 30 or 60 days," said Mr. Iverson.

THE STECKEL MILL

As has been indicated, the Steckel mill figures prominently in plans for production of sheet.

The Steckel is a hot reversing mill which coils the steel in furnaces after each pass. This design has been used for years, but it has been replaced by continuous strip mills in most sheet operations. It was generally thought that the Steckel couldn't provide the quality required by sheet users.

Now the hot reversing mills may be making a comeback. "There are 20 operating Steckel mills in the world," said Mr. Wilson of IPSCO.

Much of IPSCO's flat rolled steel has gone into oil country tubular products and linepipe. This is fairly typical; skelp for pipe has been a major product of the Steckel mills of carbon steel producers.

Steckel mills are also being used for nonferrous metals, specialty steels and other carbon products. IPSCO's sheet business has been growing and Mr. Wilson indicated further expansion is planned.

"We have plans on the books to put in a slab caster," he said. "We are looking at a strip caster."

IPSCO's Steckel mill and six or seven others were built by Tippins Machinery Co. of Pittsburgh. "Tippins has built more Steckel mills than anybody in the world," said George Tippins, president of the company.

Because of a great amount of upgrading, Mr. Tippins indicated, the old image of the Steckel mill no longer fits. "We have overcome the rodquality problem," he said.

Assuming the hot reversing mill can match the quality of the continuous mill, you would still need a cold rolling complex to make the full range of sheet product. This would get into massive costs and quantities.

Initially, therefore, a mini-sheet mill would be restricted to hot rolled products and probably a limited range of applications. Part of Nucor's interest stems from the fact that the company has a ready made application in its decking products.

PLATE MILLS

Two intriguing projects were recently announced. One covered the formation of Tuscaloosa Steel Corp. in Tuscaloosa, Ala. The new company will produce plate and other flat rolled products.

A key element in the project will be a 112-inch wide, coiled plate mill from Tippins Machinery. There have been reports that Tippins will have an equity interest in the company, but no confirmation has come from Tippins.

Because of Tippins' prominence in the Steckel mill field, it is assumed that some variation of this design will be used; no technical details have been released.

"We have a patent applied for on this new technology," said George Tippins. "It will bring economies to the manufacture of plate. It is a breakthrough."

He indicated that Tuscaloosa's plans called for putting in an electric furnace shop and a continuous caster—"hopefully, as soon as possible."

The project that has really confounded a lot of people is a proposed $165-million plate mill in the Cleveland area. One puzzling aspect is that the mill was designed by Ronald M. Lowy, a research associate at Case Western Reserve University. Mr. Lowy has had little or no steelmaking experience.

Mildly surprising is the project's support by United Steelworkers of America (USWA). The Steelworkers opposed a new Cleveland bar mill about a year earlier.

Most of the equipment and financing for the plant was scheduled to come from Industrias Villares S.A. of Brazil. This was a source of unhappiness to domestic mill builders.

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GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material in the RECORD on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ORDER OF BUSINESS

Mr. PASHAYAN. Mr. Speaker, I ask unanimous consent that my special order be taken out of turn.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PASHAYAN] is recognized for 60 minutes.

Mr. PASHAYAN. Mr. Speaker, I yield to the gentleman from California [Mr. MOORHEAD].

No statement assigning responsibility for the genocide of the Armenian people can detract or add to the horrible nature of the events themselves, but to diminish in any way the events of 1915 and succeeding years is a great injustice in itself and a great disservice to the memories of those who were killed and to their survivors and descendants.

We recognize April 24 as the National Day of Remembrance of Man's Inhumanity to Man so that we may pause and reflect upon the Armenian experience. This day also serves to remind us that in modern times acts of barbarism have continued to go unchecked. It is appalling that many such acts have taken place in the 20th century. We are asked to commemorate this day so that it serves as a warning signal against other similar atrocities. No act of human destruction of such great magnitude can be prevented if we permit it to be forgotten. That is why to say "what's done is done" is wrong.

The purpose of this special order is to recall and recognize the horrible nature of such a crime against humanity. Silence may very well set the stage for repetition and will lull our senses into indifference. We are morally obligated to insure against this happening.

Mr. MOORHEAD. Mr. Speaker, I would like to thank the gentleman from California [Mr. PASHAYAN] for taking this special order commemorating the Armenian martyrs who, 70 years ago, were slaughtered in one of the world's worst acts of terrorism and genocide. Sadly, this is not a pleasant undertaking for this body because in recalling the Armenian massacre we are reminded of some of the darkest moments in history and that the suffering and conflict created by those horrible events remain a very real experience for those affected by it.

Too often when we think of genocide we think of the millions of Jews and other people of Central and Eastern Europe who perished under Hitler's final solution. We also think of other horrible acts committed against people in Southeast Asia, Africa, and other places around the world.

Today we are asked by the Armenian community to commemorate the event as a reminder that one-half of all Armenians alive at the time were murdered in the genocide. Those who survived were forced to abandon their historic homeland and were scattered over six continents. We are engaged in this exercise to insure that the events of 70 years ago are never forgotten.

Mr. PASHAYAN. Mr. Speaker, I want to thank my colleague, the gentleman from California, who has been a very good friend of the Armenian-American community, and if he has any further words to add, we would be glad to hear them.

Mr. MOORHEAD. I think one thing is important for us to remember in this connection. During the terrible days in Germany when Hitler first began his campaign to extinguish all those people who disagreed with him, especially the people of Jewish faith, but many, many others throughout Europe who were a threat to his type of government, his tyranny, he was asked why he tried to get by with such a horrible thing. His remark was, "Well, no one ever remembered the Armenian massacre. That has been long forgotten and this will be forgotten also."

We must make sure that none of the atrocities of this kind, the Armenian massacre, the massacre in Germany, the behavior in Cambodia, in which over half their people have been killed, these are things too horrible for us to forget as human beings. We must constantly remind ourselves that we must set up barriers so that this kind of activity will not happen to other parts of the world. It could even come to our own area years down the line if we are not always remembering that this is a thing that could happen to us and that we must guard against.

Mr. PASHAYAN. I take it my colleague agrees with me when I say that the affirmation by the United States that the genocide of the Armenian people at the hands of the Ottoman Turkish Government is a historical

fact does not jeopardize the security of the United States in any way.

Mr. MOORHEAD. I do not think that any people alive today that have never been involved in such things need to worry about us remembering things that have happened in the past. We have to learn by history or we have to suffer the consequence of not learning by history. These are things that have happened. There have been all kinds of atrocities in many countries. This is one that I do not see how it could affect national defense. It is aimed at those people personally who did this horrible thing and not by people perhaps who are alive in the world today; but it did happen, I am certain, because I have known people in my lifetime who watched their families being killed and were personally there at the time, so they well remember.

Mr. PASHAYAN. We have some with us today.

Well, the inexplicable thing about the position that this government and the Turkish Government takes, of course, is that none of the accusations are made toward it, but simply toward a prior government. I find that rather uncivilized behavior on the part of the Government of Turkey. I take it my colleague agrees.

Mr. MOORHEAD. I agree and I want to congratulate the gentleman again for taking this special order.

Mr. PASHAYAN. Mr. Speaker, today marks the 70th anniversary of the first genocide of the 20th century. It was the first—and to the world's horror not the last—time a nation-state decided to solve a minority question by attempting to eliminate a minority population. Seventy years ago today, the Young Turk Government of the Ottoman Empire exiled or murdered some 200 Armenian religious, political, and intellectual leaders of Constantinople. Thus began the government-conceived systematic massacre of some 1½ million Armenian men, women, and children, and the destruction of their civilization of 2,500 years and the banishment from their historic homeland in the Anatolian Plateau.

For the past 16 years, this body has set aside a special day to commemorate Armenian Martyr's Day and it is once again my privilege to reserve this time so that we might pause to remember this tenacious people and the tragedy that befell them. By accurately remembering and truly comprehending such crimes against humanity, it is my fervent hope that we shall one day prevent forever for all peoples the horrors visited upon the Armenian people.

The twentieth century must be the time when civilized people and nations confront and eliminate the crime of genocide. We are here today to further this goal—to face history squarely, and then to act upon the knowledge gained from that painful confrontation. Past must not be prolog when in reference to crimes against humanity.

It is for these reasons alone that during the month of April each year, Armenians throughout the world bear witness, sharing their trauma and rebirth with their fellow citizens. And it is for these reasons alone that I joined my colleagues Mr. COELHO, Mr. CONTE, Mr. DORNAN, and Mr. ASPIN in introducing House Joint Resolution 192 to designate April 24, 1985, as a day of remembrance of man's inhumanity to man—a day to commemorate all victims so that there will be no more victims.

I must observe with dismay, as I did during last year's commemoration, that every effort is being made to prevent this body from joining with the Armenian-American community in commemorating the first crime of genocide in the twentieth century. Inexplicably, the Republic of Turkey adamantly denies the undeniable—that a predecessor government planned and committed the heinous crime. It is now apparent that the Turkish Government has concluded that it is a matter of the highest priority to insist that the United States join in the denial. From the statements of the Turkish Ambassador to the United States, Sukru Eledag, and the reliable reports from the press and the administration's sources, on the recent visit by Prime Minister Turgut Ozal, we know that the Republic of Turkey has indicated that it will not countenance United States commemoration of the Armenian Genocide. We have been advised that commemoration by either the Executive or Congress would cause irreparable harm to United States-Turkish relations, may effect our mutual security interests, and may even jeopardize the lives of Americans in Turkey. Mr. Speaker, every Member of this body must characterize Turkish conduct on this matter for what it is: threatening. The Turkish Government's actions are inexcusable and must be rebuffed. Aware of the growing Turkish campaign to expunge history in this country, both Armenian and American, I joined my colleagues in an effort to communicate with Prime Minister Ozal to urge that his Government not misunderstand the intent of Congress.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 1, 1985.

His Excellency TURGUT OZAL,
Prime Minister of the Turkish Republic, Embassy of Turkey, Washington, DC.

DEAR PRIME MINISTER OZAL: We note with considerable concern that your government continues the policy of urging that the United States refrain from any recognition or remembrance of the Armenian Genocide. We sincerely regret that you continue to misinterpret the clear intent of Congress in commemorating the Armenian Genocide and that you have failed to acknowledge the consistent record of the United States in recognition of this historical fact.

There is ample, reliable, and unbiased documentary evidence from the archives of Ottoman Turkey's friends and foes alike detailing the attempted annihilation and displacement of the Armenian people. The same archival material conclusively identified the central role of the Young Turk government in the planning and execution of what U.S. Ambassador Morgenthau referred to as "a campaign of race extermination".

The Armenian Genocide is a historical fact. To deny that fact is to deny also the unprecedented assistance extended by the United States in an attempt to end the carnage and to aid those who survived. Recalling these facts does not, under any reasonable interpretation, imply disregard for Turkish lives lost today. We deplore, as you do, acts of terrorism against Turkish officials and condemn the use of violence in international affairs.

However, our mutual abhorrence of terrorism and our common security interests cannot be invoked by your government to justify denial of American and Armenian history. The unambiguous record of the Armenian Genocide and contemporary reaffirmations by President Reagan, former President Carter, the Senate, the House of Representatives, and the U.S. Holocaust Memorial Council, are realities based on an objective review of the subject.

We urge your government to reassess its position on the Armenian Genocide. The first step in this process must be an acceptance by your government that the United States has recognized and will ultimately reaffirm its historic position on this matter.

Sincerely,

CARL LEVIN.
TONY COELHO.
CHARLES PASHAYAN, JR.
ALAN CRANSTON.
ALFONSE M. D'AMATO.

As was the case in a prior letter to Ambassador Elekdag signed by 49 of my colleagues, there has been no response from the Government of Turkey. I must conclude, therefore, that the policy of the Turkish Government is to ignore those of us who seek to establish and clarify the right of the United States to reaffirm its position on the Armenian genocide. It is also apparent that the Government of Turkey has concluded all it needs to do to succeed in its effort to bury the past is to add to its list of consequences if the United States shall not comply and at some point, that the United States will capitulate. Mr. Speaker, we cannot allow those who advance this cynical and shallow assessment of United States-Turkish relations and, more importantly, the integrity of this Nation's institutions to be proven correct.

I am compelled to reproach those officials within the Reagan Administration who have uncritically advanced the Turkish position, who have stated publicly that the commemoration of the Armenian genocide is somehow against the national interest, and who have convinced the President himself to oppose adoption of House Joint

Resolution 192 and a similar resolution in the other body, Senate Joint Resolution 101. I am deeply concerned that the President's advisors chose a so-called strategic course of action that cannot succeed instead of rejecting Turkish requests on the President's clearly stated recognition of the Armenian genocide, as enunciated in Proclamation 4838 of April 22, 1981. And I am disappointed that the President's advisors appear to value the needs of other nations, however incorrect, over the need to remain faithful to principles enunciated publicly by the President they serve.

For the benefit of President Reagan's advisors, I repeat the relevant portion of his proclamation on this matter:

* * * like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other such persecutions of too many other peoples—the lessons of the Holocaust must never be forgotten.

For the benefit of President Reagan's advisors, I wish to quote U.S. Holocaust Council Chairman Elie Wiesel from his remarks of April 18 in accepting the Congressional Gold Medal regarding the ill-conceived Presidential visit to Bitburg:

Oh we know there are political and strategic reasons. But this issue, as all issues related to that awesome event, transcends politics and diplomacy. This issue here is not politics, but good and evil. And we must never confuse them.

For the benefit of President Reagan's advisors, I insert for the RECORD the April 18, 1985, editorial from the Boston Globe:

And finally, for the benefits of President Reagan's advisors, I insert for the RECORD a letter from the Armenian Assembly of America to the President dated April 18, 1985:

The editorial and letter follow:

[From the Boston Globe, April 18, 1985]

ARMENIA, HISTORY AND GUILT

President Reagan shocked many Americans with his explanation of why he thought he should not visit Dachau during his trip to Germany in May. The President said the German people have "a guilt feeling that's been imposed upon them, and I just think it's unnecessary." He intimated that Americans are wrong to expect German guilt for the Holocaust; that Germans themselves feel no guilt; or that there was never anything for anyone to be guilty of.

The President displayed a similar confusion about the history and morality earlier this month, before the visit of Turkey's prime minister. The White House released the text of a statement Reagan made to a Turkish interviewer in which he dissociated his Administration from a unanimous congressional resolution commemorating April 24th, the 70th anniversary of the Armenian genocide, as a National Day of Remembrance of Man's Inhumanity to Man.

The Turkish slaughter of 1,500,000 Armenians from 1915 to 1918 was a ghastly crime against humanity, the great precedent for 20th-century genocide. "Who still talks nowadays of the extermination of the Armenians?" was the rhetorical question Hitler posed to his top commanders on Aug. 22, 1939, as they prepared for the invasion of Poland.

This week, in response to public dismay, Reagan changed his mind and decided to make a symbolic visit to a concentration camp site. Generosity requires that Americans assume their President merely became confused and misspoke when he made his strange remarks about the imposition of guilt.

In his remarks to the Turkish interviewer, Reagan said: "I sympathize with all those who suffered during the tragic events of 1915. I also profoundly regret that Turks and Armenians have so far not been able to resolve their differences." This was a way of saying he would not contradict Turkey's official denial that the Armenian Genocide even took place. He then said that he opposed the congressional resolution because it "might inadvertently encourage or reward terrorist attacks on Turks and Turkish-Americans" and because it "could harm relations with an important ally."

The world can only deplore the insane acts of a few Armenian terrorists. They harm the just cause of the Armenian people. Nevertheless, Reagan violates logic when he pretends that the existence of Armenian terrorists constitutes a reason for rejecting the resolution.

Testifying against the resolution in February. Defense Secretary Caspar Weinberger asserted that "such resolutions are counterproductive in that they serve to encourage Armenian terrorists." Like the President, Weinberger revealed his true motive when he said, "This resolution would embarrass the United States and strain relations with this critical ally (Turkey)."

For reasons of State, Weinberger and Reagan have distorted history and offended the victims of genocide. The American people owe an apology to Armenians for the callousness of American officials.

ARMENIAN ASSEMBLY OF AMERICA,
Washington, DC.

DEAR MR. PRESIDENT: The Armenian assembly of America deeply regrets your decision to oppose Congressional commemoration of the Armenian Genocide and rejects unequivocally the counsel you have received on this matter. We maintain that the redemptive and preventive value of remembering past instances of genocide far outweigh considerations of embarrassment to present governments. We further maintain that responding favorably to Turkish intimidation is beneath the dignity of this nation and sets a dangerous precedent for future nations who perceive that their histories also require modification.

The Armenian Assembly of America notes that your carefully worded statement of March 29, 1985, does not deny the historical fact of the Armenian Genocide which is based to a great extent on the extensive record compiled by the American diplomatic structure and relief missionary network. It would be difficult for you to do so in view of your statement of February, 1980, and your Proclamation 4838 of April 1981, clearly recognizing the validity and contemporary relevance of the Armenian tragedy.

You have succumbed to your advisors who have themselves been lobbied heavily by the Turkish government, its diplomatic representatives and hired lobbyists. They maintain that commemoration of the Armenian Genocide by either the Executive or Congress would cause irreparable harm to U.S./Turkish relations, might jeopardize the lives of Americans in Turkey, would lead to a denial of military facilities and intelligence listening posts, and might threaten the very existence of the present Turkish government.

The Armenian Assembly of America does not believe that the United States should or needs to accept this kind of pressure by a country that describes itself as this country's strongest NATO ally. We do not believe that the security interests of Turkey, its commitment to NATO, and its economic relations with the United States are so shallow or fragile that a commemorative acknowledgment by the United States would risk all. Nor do we believe that a government which claims to have made substantial progress towards democracy and economic recovery is so weak that it will collapse if it faces its country's past with honesty and perspective.

The announcement to oppose Congressional commemoration is an affront to the nearly one million Americans of Armenian descent who on April 24 of this year will solemnly and peacefully remember the 70th anniversary of the Armenian Genocide and who will also remember with considerable pride the leading role of the United States in attempting to end the carnage and to aid those who survived. On the basis of your public statements in recognition of this tragic event in history, we urge you to join us on April 24 as so many of this Nation's leaders have done in the past.

Sincerely,

ROSS VARTIAN,
Executive Director.

Mr. Speaker, the President has been ill-served by his subordinates. The actions of the Reagan Administration on the scheduled visit to Bitburg and the opposition to resolutions commemorating the Armenian Genocide clearly do not reflect the stated views and the obvious intent of the President in urging that the lessons of the Holocaust, Armenian Genocide and Cambodian Genocide "must never be forgotten. I urge the President to reject such advice now and in the future. I urge the President to join with Congress in commemorating the Armenian Genocide, and to encourage all Americans to seek the lessons from the Cambodian Genocide. We are compelled to join with those survivors and descendants of survivors who are aware of their obligation to humanity to bear witness. And we are compelled to oppose those who seek to prevent us from doing so.

I commend to this body the commentary on the Armenian Genocide by Walter Reich in the Los Angeles Times of November 16, 1983, when he stated:

We can't afford to forget it because it can happen again. Not to the Armenians, because they're nearly all out of Turkey—out of the part of it that the Turks thought they wanted for themselves. But it can happen wherever a minority is unwanted and it suits the majority to hate it and remove it. It's for this reason that we must insist without violence that Turks remember their history and acknowledge it. And in doing so they will learn from it, help us learn from it—at last free themselves of it.

I should point out in conclusion that the Governor of California the Honorable George Deukmejian has joined in our efforts to "affirm the historical truth." His letter of April 22, 1985, follows:

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE,
Sacramento, April 22, 1985.

The Honorable RONALD REAGAN,
President, The White House, Washington, DC.

DEAR MR. PRESIDENT:

Throughout your career in public service, you have distinguished yourself as one of America's most ardent and eloquent champions of freedom, democracy, and human dignity worldwide. From our many years of friendship, I know first-hand the great depth of your feelings and concern for the innocent victims of violence, totalitarianism and genocide.

As an Armenian-American, I have also been greatly appreciative of your sensitivity to the tragic events of the early 20th century which cost the lives of 1.5 million Armenians. I recall that as Governor of California, you spoke with great conviction at ceremonies commemorating the Armenian genocide. As a candidate for President in 1980, you issued a thoughtful statement which said, in part, "65 years ago, one of the greatest tragedies in the annals of recorded history occurred when one and a half million innocent Armenian men, women and children were massacred in the shadow of Mt. Ararat. I join with the Armenian-American community in solemn remembrance of the martyrs of 1915."

Most recently, in a December 1983 meeting in the Oval Office, you told me and the assembled representatives of the Armenian-American community about your personal knowledge of the Armenian genocide and your great sorrow for the Armenian people.

Mr. President, Armenian-Americans have appreciated your expressions of understanding and concern about the fate of our families and ancestors. That is why we are disappointed and disturbed by your recent response to a question posed by the Turkish newspaper Hurriyet and by your administration's continued opposition to congressional efforts to recognize April 24 as a National Day of Remembrance for all victims of genocide, including the Armenians who were massacred by the Ottoman Turks beginning in 1915.

This dark episode in human history is an indisputable historical fact. There is nothing ambiguous about it. Henry Morganthau, America's ambassador to Turkey from 1913-1916, saw the tragedy unfold before his own eyes and he reported it to President Woodrow Wilson. Adolph Hitler would later refer to the Armenian genocide as evidence that he too could escape the judgment of history for his heinous deeds. Even Ataturk, the founder of modern day Turkey, acknowledged it when he said, "These left-overs from the former young Turkey party • • • should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven enmasse from their homes and massacred."

We recognize that Turkey is a military ally of the United States. However, a mature society should be able to acknowledge its past mistakes. America has admitted that she was grievously wrong to have once supported a system of slavery. The Government and the people of West Germany have expressed great remorse for their past support of Adolph Hitler and the Nazi system that perpetrated the horrors of the Holocaust.

Similarly, I believe that Turkey should acknowledge its role in the Armenian genocide. But whether it does or not, Turkey has no justification for trying to impose its own version of history on the United States by suggesting that our bilateral relationship would be damaged should Congress or the Administration act to commemorate this tragedy.

Equally unjustifiable is the suggestion that a National Day of Remembrance for genocide victims would, in any way, encourage or reward terrorist attacks on Turks and Turkish Americans. Armenians are peaceful, law-abiding people who totally reject and deplore the violent acts of a handful of terrorists. Honoring the memory of genocide victims would not be a victory for violence in any way. It would be a simple, eloquent statement against violence and terror by heeding the painful lessons of the past.

Mr. President, I'm sure you know the depth of my support for your efforts to lead our Nation. Rather than sit silently on the sidelines, I have tried to be supportive and helpful on many of the challenging issues facing our country and your Administration. I do not regret doing so because I believe that the overwhelming majority of your policies are in the best interest of our nation. On this issue, however, I am in disagreement with both your policy and your recent statements. I hope this letter adequately expresses my sincere reasons for this disagreement.

I pray that you will reconsider your current position and take action to affirm the historical truth, as you have stated it in the past, by issuing a public statement and by instructing the State Department and the Department of Defense to support the pending congressional resolutions.

Please accept my very best wishes to you and Nancy.

Most cordially,

GEORGE DEUKMEJIAN.

● Mr. COELHO. Mr. Speaker, I take great pride today in joining my colleagues in commemorating the genocide of approximately 1.5 million Armenians by the Turkish Government 70 years ago today. We take this opportunity to pay tribute to those who sacrificed their lives while reflecting on the many contributions which the Armenian people have made to this country.

It is unfortunate that there are still those, including the Turkish Government, who prefer that this grave blemish in their national policy be overlooked and that history be rewritten in a fashion that would ignore the ruthless destruction of lives and property that continues to this day as an international example of man's inhumanity to man. This shameful occurrence cannot be forgotten by those who continue to bear the scars of the genocide, nor should it be by civilized nations around the globe.

The Armenian genocide is a fact and is well-documented. We cannot let the efforts by those who wish to deny the truth to obscure the purpose of the commemoration of this day. Not only the Armenian people who reside in my congressional district, but those throughout the Nation, have become interwoven in the fabric of our society while retaining their own special heritage through their language, their religion and their ethnic customs. By so doing, in virtually every field of endeavor, the Armenian people have excelled and greatly enriched our national cultural heritage.

It is important that we remember the tragedy of this genocide in order to prevent it from ever happening again.●

● Mr. ANNUNZIO. Mr. Speaker, I rise to join my distinguished colleague, Hon. CHARLES PASHAYAN, JR., of the 17th District of California, in commemorating Armenian Martyrs Day.

Since my election to the Congress of the United States in 1964, I have each year without fail for 21 years taken the floor of the House of Representatives to mark the anniversary of the Turkish massacre of the Armenian people which took place 70 years ago.

As the years have passed, the numbers of those who have survived the massacre have dwindled, but the events that those survivors have related to us remain vividly in our hearts and in our minds. This year an unprecedented amount of pressure has been brought to bear by the current Turkish Government on Members of Congress to disregard this more-than-amply documented event in world history.

But no amount of pressure can deter my steadfast colleagues who rise today to express their support for House Joint Resolution 192, designating April 24 as a "National Day of Remembrance of Man's Inhumanity to Man," and to pay homage to those courageous Armenians who perished in the Armenian genocide when more than 1.5 million Armenians were exterminated, and 3,000 years of the Armenian presence in their historic homeland was virtually eliminated.

Recalling in modern times the acts of barbarism which have occurred in the past is one means of insuring that such outrageous crimes against humanity are not repeated. With this intent, the 40th anniversary of the Days of Remembrance of the victims of the Holocaust took place last week in this Chamber when we honored the memory of those Jews who perished at the hands of the Nazis in World War II. In addition to the Jewish genocide by the Nazis, the U.S. Holocaust Memorial Council unanimously included in a place of prominence in the Holocaust Memorial Museum the Armenian genocide by the Ottoman Turks.

History cannot be denied. It is public knowledge that our own State Department has irrefutable evidence in its own files of the Armenian genocide, along with Ambassador Henry Morgenthau's eye-witness reports which

were cabled to our State Department at the time of the genocide.

The current Turkish Government is not being blamed for what happened 70 years ago during the tenure of another Turkish Government. Likewise the German Government today is not being blamed for what happened during the Nazi reign of Germany 40 years ago. Unlike the German Government, however, the current Turkish Government refuses to acknowledge the documented historical facts of the Armenian Genocide.

The time is long overdue for a dialogue to begin. In order to heal the wounds of the past, it is first necessary to acknowledge that they exist. In this regard, I urge that the current Turkish Government follow the example set by the current Government of the Republic of Germany, for only in so doing can the world be made safe from future atrocities against mankind.

In closing, Mr. Speaker, I would like to point out that the descendants of those few who survived have to this day borne the horrors and scars left from the genocide, and seven decades after this crime against their forefathers, those of Armenian descent in the world today are continuing their fight for recognition, redemption, and justice.

As a Member of Congress who has a large Armenian-American constituency in my 11th Congressional District of Illinois and as a cosponsor of House Joint Resolution 192, I join my colleagues in commemorating this tragic event in world history, and in paying tribute to the memory and the martyrdom of the innocent victims of the Armenian genocide.●

● Mr. BOLAND. Mr. Speaker, I am pleased to join my colleagues in this special order commemorating Armenian Martyrs Day.

It was 70 years ago today that the world's first genocide of a Christian people began. During the years from 1915 to 1923 over 2 million Armenian citizens were systematically driven from their homeland of 3,000 years. The Armenians living under the domain of the Ottoman Empire were deported and sent to slave-labor camps. Many perished there, while others survived only long enough to be massacred by the thousands as the world looked on. By recognizing this important date, we acknowledge the pain and suffering of the men, women and children who died for no other reason than the fact they were Armenians. In remembering those who perished in the Armenian genocide, we reaffirm our dedication to the principles of personal and religious freedom, and our commitment to promoting peace and liberty throughout the world.

As citizens of a nation founded on these principles we are obligated to take notice of their violation, wherever those violations may occur and regardless of who might commit them. The Armenian genocide is a historical fact. To deny that fact is to deny the wealth of evidence supporting it. After 70 years, and additional documentation of those terrible events, the Turkish Government refuses to even acknowledge what its predecessor government did. We cannot and shall not accept these distortions of history that deny the humanity of the Armenians who perished. I believe the conclusion we should draw is clear; our obligation is to learn the truth about these events, record them in our history and never forget them. This is the least we can do to honor the memory of the victims, and to prevent future Holocausts from occurring.●

● Mr. DONNELLY. Mr. Speaker, I am honored to add my voice to those of my colleagues participating in tonight's special order to commemorate the 70th anniversary of the Armenian genocide. I am a cosponsor of House Joint Resolution 192 which would recognize this date as a national day of remembrance for the victims of the genocide of 1915. It is unspeakable that some are actually attempting to convince the world that the genocide against the Armenian people by the Turks never took place. The American Ambassador in Turkey at the time of the massacre of over 1,500,000 Armenians provided one of the most authoritative and heart-wrenching accounts.

Agencies of the U.S. Government played a humanitarian role in attempting to end the murderous campaign against unarmed Armenian men, women, and children by the Turks, and by providing aid to those who survived the slaughter. It is a disgrace that the administration has seen fit to oppose enactment of this year's House and Senate Armenian genocide commemorative resolutions. It is also a travesty that the historical fact of the genocide of 1915 is being questioned, and that its proponents are somehow being characterized as being in league with terrorists. The Armenian-American community has repeatedly and vehemently condemned terrorists who claim to be fighting for vengeance of the 1915 genocide. The Armenian-American community has made significant contributions to our country's advancement. They have a proud heritage, and a great culture to pass on to their children.●

● Mr. EDGAR. Mr. Speaker, each year at this time we acknowledge and remember the first genocide of the 20th century. Seventy years ago, on April 24, 1915, the Ottoman Empire began the systematic slaughter of 1½ million Armenians.

Our obligation here is not to merely note the outrageous, inhuman, brutal behavior of the Ottoman Turkish regime, but to commemorate an event that was largely ignored by the world while it was occurring. This is a crime of conscience beyond any simple error of omission, to ignore or forget the mass killing of an entire people.

The Armenian-Americans who are our friends and neighbors today are the survivors of this merciless killing. They serve to remind us constantly of the cruelty of which man is capable, and help us to defend against the recurrence of such an event.

Many Armenians suffered and died needlessly and the cruelty they endured must never be repeated. This tragedy occured and we cannot now erase it, but the horror of the years from 1915 to 1922 which touches our hearts again today compels us to protect our future from the recurrence of such a nightmare.●

● Mr. BERMAN. Mr. Speaker, I rise today to commemorate the 1.5 million Armenians who were the victims of the first genocide of the 20th century.

From 1915 through 1923 the Armenian people were singled out for extinction and systematically massacred by the Ottoman Turkish Government. Deportation and murder of Armenians were official policy. In their desire to wipe out both the Armenian nation and its ancient culture, the Turks effectively eliminated almost the entire Armenian community of Asia Minor and Turkish Armenia. Some 2.5 million Armenians inhabited the Ottoman empire at the beginning of World War I. Approximately 500,000 escaped to Russia, the United States, Europe, and Arab countries. Today less that 100,000 Armenians live in Turkey.

The U.S. State Department, the American Ambassador to Turkey, and the American media condemned and documented the horror as it occured. In recent years, U.S. Presidents and both Chambers of Congress have recognized the Armenian genocide of 1915. Yet today, it remains a source of concern to all who recognize the vital importance of remembering, that Turkey refuses to acknowledge the brutal annihilation of a people. We do not seek to blame the present Government founded under the Turkish Constitution of 1923. We seek to convince the Turkish authorities and the rest of the world of the importance of recognizing the responsibility and the reality of the genocide. To forget or to underestimate the magnitude is to run the risk of repetition.

Recent terrorist attacks under the supposed justification of revenge for past mass-murder are a deplorable manner in which to call attention to the events of 1915. The murder of innocent civilians is a terrible way to commemorate genocide. The United States should never take action to promote terrorism anywhere in the world. I have worked consistently to strengthen our Nation's curbs on terrorism.

If extremists claim that the world does not recognize the facts of the Armenian tragedy, the official recognition of the genocide shows how wrong they are. We recognize the evil—we remember it, and we seek to prevent its repetition. We deplore the violent acts of a few extremists who taint the memory we are trying to preserve.●

● Mrs. BURTON of California. Mr. Speaker, I join my colleagues today in observing the 70th anniversary of the Armenian genocide. By doing so, we seek to ensure that the horror of this crime remains fresh in the minds of all men and women so that such a tragedy will never occur again.

I am deeply troubled by the attempts of some to deny the Armenian genocide. Some say that by recognizing this tragedy, we might insult the Government of Turkey. I don't agree with that reasoning. The United States has admitted its past mistakes for once supporting a system of slavery. The current West German Government has expressed its deep regrets that one of their past leaders committed such horrible atrocities against the Jews. There is no implication of guilt of the current Turkish Government by our recognizing the Armenian genocide.

The Armenian genocide is a historical fact. The evidence is in our possession in the U.S. archives. If we will not recognize the Armenian genocide, how will we ever convince the Turkish Government to do so?

I join with my colleagues in commemorating this dark day. Let us rededicate ourselves to a future where such a tragedy will not occur again and let us not forget the millions who gave their lives for their faith and love of freedom.●

● Mr. MATSUI. Mr. Speaker, today, April 24, 1985 marks the 70th anniversary of the brutal massacre by the Ottoman Empire Turks of its Armenian population. The systematic persecution of 1.5 million innocent Armenians was the first genocide of the 20th century.

I wholeheartedly support my colleagues' proposals to designate this day as a "National Day of Remembrance" to honor all genocide victims. It is important for those of us who cherish freedom and who abhor the crime that was committed, to stand together in tribute and recognition of the men, women and children whose lives were lost.

I am appalled that President Reagan has gone on record as opposing a National Day of Remembrance. His reasoning, that to do so would encourage terrorist attacks on Turks and Armenians, represents the same insensitivity and misguided judgment that has him laying a wreath at the graves of waffen SS troops in Bitburg, Germany next month. Since when do we allow terrorists to hold hostage our Nation's window on history?

In plotting the second genocide of the 20th century, Hitler asked rhetorically, "who remembers the extermination of the Armenians?" It is up to us, the free people of the world, to remember and to remind others.●

● Mr. ADDABBO. Mr. Speaker, I rise to join my colleagues in marking April 24, the 70th anniversary of the Armenian genocide, as a "National Day of Rememberance of Man's Inhumanity to Man."

Coming as it does, only a week after the Days of Rememberance for the victims of the Nazi Holocaust, we are reminded of how often in this century, genocide has been perpetrated.

I deeply regret the President's decision to disassociate himself and his administration from this day of commemoration for the 1.5 million Armenians who were murdered between 1915 and 1918. This commemoration is in no way meant as a condemnation of the present Government of Turkey. In fact, no one who bears any sort of responsibility for this crime, is even alive anymore. Today, Turkey like Germany, is a valuable ally. This should not however, prevent us or the President, from paying tribute to the victims of genocide.

It is important that as we remember the Armenian victims, we pledge that this time we truly mean "Never Again." The ugly precedent that began with 1.5 million Armenian martyrs 70 years ago, has continued, claiming millions of Jews, Biafrans, Bengalis and Cambodians along the way.

I urge the President to join us today to remember the Armenian victims and the millions of others who have perished in this century as a result of man's inhumanity to man.●

● Mr. MAVROULES. Mr. Speaker, I come before this House today to pay tribute to the millions of Armenians who suffered during the Armenian genocide from 1915 to 1923. Our reason for speaking out is not to condemn Turkey. Rather, it is to recognize the suffering that was incurred on countless innocent people and to use this historical event as an example of what we must collectively work to prevent.

On April 24, 1915, exactly 70 years ago, a genocide began in Turkey that took the lives of 1.5 million Armenians. On that day alone, about 200 Armenian religious, political, and intellectual leaders were either arrested, exiled, or murdered. For 8 long years, from 1915 to 1923, Armenians lived in fear of torture and death. Some were fortunate enough to flee the mass execution, but all Armenians suffered. More than 500,000 Armenians were exiled from their homes, and many witnessed the death and imprisonment of loved ones. The memories of such atrocities never leave, and are passed on from generation to generation.

Understandably, it is hard for most Americans to imagine such suffering. But, for a moment we must try our hardest to do so, for we can work to prevent this type of brutality from ever occurring again. As a first step, we can exact a National Day of Remembrance of Man's Inhumanity to Man. And no day is more appropriate than today—the anniversary of the arrests that led to 8 years of genocide.

Again, let me clarify one point that threatens enactment of this day of remembrance. We are not condemning Turkey. Just as when we ask the President not to forget the concentration camps of World War II we are not condemning Germany or the German people. Rather, we want the whole world to recognize genocide as unlawful and immoral.●

● Mr. LEHMAN of California. Mr. Speaker, it is an honor and privilege for me to join my colleagues in paying special tribute to the victims and survivors of the Armenian genocide on, this, the 70th anniversary of that tragic event.

As we all know, that unfortunate tragedy claimed the lives of over 1.5 million men, women, and children and forced into exile another 500,000. Their only fault was to have been of Armenian descent and lived during the oppressive reign of the Ottoman Turkish empire at the turn of this century.

Documented by notable historians and records of the U.S. Government, it is time that the devastation to the Armenians be recognized as an historic event so that memory of genocide can be finally placed in its proper perspective.

It is unfortunate that the House of Representatives has met with such difficulty and resistance in passing a resolution which would commemorate the Armenian genocide and the other genocides in history. Those of us who are sharing in this special tribute today, realize the need and importance of recognizing man's inhumanity to man and should use the 70th anniversary of the Armenian genocide as a reaffirmation of our support to pass House Joint Resolution 192, which would establish such a commemorative day.

Mr. Speaker, I have the distinct honor of representing a large community of Americans of Armenian descent—a community which has made many important contributions to the arts and sciences of our society. My many friends in the San Joaquin Valley Armenian community are proud of their heritage and the traditions of the Armenian culture, and I am equally proud to serve as their representative in this body and have the opportunity to speak on their behalf.

To pay recognition and tribute to them and the thousands of other Armenians throughout the Nation by continuing our efforts to establish a permanent day of commemoration to the Armenian genocide is a worthy and just cause.

However, to associate the terrorists acts of a few with the noteworthy contributions of generations of Armenian Americans and Armenians throughout the world is a serious injustice and affront.

And to deny the Armenian community of this symbolic gesture of recognizing the atrocities of 70 years ago on the grounds that it would jeopardize U.S. relations with modern Turkey is an indignity to both Armenians and Turks.

The Armenian genocide, commonly referred to as the first genocide of the 20th century, as with genocides which followed, was an atrocity which should be recognized by all mankind—recognized for the horror and misery which it inflicted and as a reminder that genocides should have no place in our future.

Appropriate recognition of this tragedy would be a fitting tribute to the victims and families of the survivors. I salute my friends in the Armenian community and join my colleagues in paying appropriate tribute to all of the victims of the Armenian genocide.●

● Mr. FRANK. Mr. Speaker, today this body commemorates the Armenian genocide, a tradition we began in 1964. Seventy years have passed since this terrible crime against humanity took place, an event which is commemorated in ceremonies throughout this country and the world. I am deeply saddened to find that there are people who would have us forget this tragedy. I do not believe in collective guilt, in the idea that the sins of the fathers are visited on the sons. I do believe, however, that it is only by a conscious act of memory that we can prevent a recurrence of such horrifying event.

I would like to enter into the RECORD a letter I received from His Excellency, the Turkish Ambassador Sukru Elekdag, and my response to him.

The letter follows:

TURKISH EMBASSY,
Washington, DC, March 21, 1985.

BARNEY FRANK,
House of Representatives,
Washington, DC.

DEAR MR. FRANK: It is my understanding that you are being asked to lend your name and support to two resolutions which, although seemingly innocuous, would be seized upon as encouragement for international terrorists allied with those who just a few days ago, on March 12, killed a Canadian security guard while storming the residence of the Turkish ambassador to Canada in Ottawa.

I refer to H.J. Res. 37 and H.J. Res. 192 which would designate April 24, 1985, as a "National Day of Remembrance of Man's Inhumanity to Man" and which embrace claims that Armenians were the victims of genocide in Turkey 70 years ago—the stated pretext for the Ottawa terrorist attack.

Passage would be a severe setback to our common efforts to stamp our international terrorism. I hope your consideration of the effects of passage of these resolutions will lead you to withhold your support.

The March 12 attack by terrorists calling themselves members of the "Armenian Revolutionary Army" (ARA) resulted in the death of a Canadian, severe injury to Ambassador Coskun Kirca, and hours of terror to his wife and daughter and 10 other persons held hostage until rescued by Canadian authorities. It was the latest incident in an 11-year rampage of assassins claiming membership in Armenian terrorist organizations, in which they have murdered 41 Turkish diplomats and members of their families and some 30 innocent bystanders, including Americans. Several attacks have occurred here in the United States.

The Ottawa murderers echoed the pretext of their fellow terrorists that this senseless shedding of innocent blood constitutes "vengeance" for what they allege was genocide practiced on Armenian subjects of the Ottoman Empire 70 years ago. A supporter interviewed on Canadian television the next day tried to cloak the raid in respectability by calling the terrorist activities "a fight for freedom . . . a just cause (with) no time limit."

Every semblance of respectability is seized upon by international terrorists as justifications for their taking of innocent human life. Seeming acceptance by the Congress of these pretexts for terrorism will be claimed by the terrorists and their supporters as a victory for their vicious campaign of bloodshed. Moreover, it will fuel the irrational hatred that permits calculating terrorist operatives to convert impressionable Armenian youths into murderers of innocents in 1985—murders in "retribution" for erroneously interpreted tragedies 70 years ago that suffering to all ethnic groups in Anatolia.

All people of good will throughout the world are gratefully aware of American abhorrence of terrorism and championship of justice and the sanctity of human life, and have joined in sympathy toward Americans who have been the innocent victims of terrorist assassins.

I sincerely hope that you and your colleagues in the Congress will refuse to allow your good will to be unintentionally distorted into a prize for those who shed the blood of innocents to publicize their "cause." I equally hope you will also take into consideration the Turkish people's extreme sensitivity and strong reaction to being slandered by Armenian activists. I look forward to our continuing common commitment to stamp out terrorism and common effort toward the safeguarding of human lives from the attacks of assassins.

Sincerely,

SUKRU ELEKDAG,
Ambassador of the Turkish Republic.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 5, 1985.

His Excellency SUKRU ELEKDAG,
Embassy of the Republic of Turkey,
Washington, DC.

DEAR MR. AMBASSADOR: I found your letter of March 21st offensive. I deeply resent your attempt to equate support for my colleague Tony Coelho's bill condemning "Man's Inhumanity to Man" with support for terrorism. I am proud to be a cosponsor of this legislation. I have been a vocal critic of terrorism, including atrocities committed by American extremists. This does not prevent me from recognizing the legitimate historical grievances of the Armenian people.

If you are serious about international cooperation to prevent terrorism, I would strongly recommend that you refrain from such rhetoric—it only detracts from our efforts.

Thank you for your attention.

BARNEY FRANK.

When Hitler embarked on his final solution, he claimed that people's memories were short, that no one remembered the Armenian genocide. We must prove him wrong, Mr. Speaker. We do remember. We carry in our hearts the searing images of the Armenian Holocaust, as well as the Jewish Holocaust which followed.●

● Mr. LUNGREN. Mr. Speaker, as a cosponsor of House Joint Resolution 192, I rise today with a great number of my colleagues who have joined together to mark the anniversary of the million and a half Armenians who suffered so greatly at the hands of the Ottoman empire. Tragically, these individuals were put to death for no other reason than their ethnic and religious convictions.

Without question, the Armenian genocide is an affront to all decent people who value the gift of human life. Because of our moral values and commitment to human dignity, it requires us to speak out about the truth of this dark episode in our world's history.

On April 22, 1981, President Reagan stated that "the lessons of the genocide of the Armenians must never be forgotten." I strongly share the President's desire to express concern for anyone who has ever had the misfortune of being subjected to the cruelty of tyrants.

Let me be clear that the purpose of those of us who speak out for people of Armenian descent, do so not because we seek to inflame hatred, or that we desire a chill in relations with the present Government of Turkey. On the contrary, we do so because we are compelled to eliminate racial and religious hatred from our lives.

Mr. Speaker, the Armenian terrorist groups who receive front page cover for their bombing and killings of Turkish diplomats do not represent my California constituents of Armenian descent. On the contrary, the majority of the 6.5 million Armenians today do not condone terrorism in any way. Nor, however, will they ever accept any distortion of what the true historical facts are.

I commend everyone associated with this special order today, and hope this body will call for the immediate consideration of House Joint Resolution 192.●

● Mr. MORRISON of Connecticut. Mr. Speaker, today we mark the 70th anniversary of the world's first genocide in the 20th century. Between 1915 and 1923, 1½ million Armenian men, women, and children were systematically massacred, and another 500,000 deported, by the Turkish Government. I urge my colleagues to join me in cosponsoring House Joint Resolution 192, to designate this day as "National Day of Rememberance of Man's Inhumanity to Man," so that we may never forget this painful episode in history.

On this day in 1915, more than 200 Armenian religious, political, and intellectual leaders were arrested in Constantinople and in Armenian centers throughout the Ottoman Empire. These pillars of the Armenian community were either deported or taken to the interior and murdered, leaving the Armenian people leaderless and setting the stage for barbaric genocide.

In May 1915, the Turks ordered the deportation of all Armenians. In the resulting death march, women, children, and the elderly wound their way across Asia Minor and Turkish Armenia into the Syrian Desert. The Turks inflicted countless gruesome atrocities upon the defenseless Armenians, including rape, drownings, and torture. The roads were strewn with Armenian bodies. Able bodied Armenian men in the armed forces were segregated into labor battalions, disarmed, and ultimately worked to death or massacred.

Henry Morgenthau, the U.S. Ambassador to Turkey from 1913 to 1916 had no doubt that the Turkish treatment of the Armenians was part of a deliberate plan of extermination. He wrote in 1918, "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race."

Successive Turkish governments, in an attempt to rewrite history, have tried to cover up this clear case of genocide by denying its very existence. Where this has failed, they have warned of damage to Turkish-American relations should the United States persist in reminding the world of this terrible tragedy. It shocked me to learn that President Reagan, bowing to this pressure, has rejected the idea of a day of remembrance because, in his words, it "might inadvertantly encourage or reward terrorist attacks on Turks and Turkish Americans."

The principles of truth and justice cannot and will not be held hostage to terrorism and threats. We join today to proclaim with a united voice that we shall never forget, that history cannot be rewritten, that in order to avoid atrocities in the future we must always remember the atrocities of the past.

Adolph Hitler took advantage of the world's amnesia, looking at the Armenian genocide as a precedent for his own holocaust perpetrated against European Jews. Hitler said, in a chilling remark made in 1939, "Who, after all, speaks today of the annihilation of the Armenians?"

We must speak today of the annihilation of the Armenians. We must speak today of the Holocaust. We must speak today and always against any crime committed against humanity. We must join in commemorating April 24, 1985, as a "National Day of Rememberance of Man's Inhumanity to Man."●

● Mrs. JOHNSON. Mr. Speaker, today April 24, 1985, commemorates the genocide of the Armenian people, a genocide planned and committed by the Ottoman government of Turkey 70 years ago. I do not plan today, to document the occurrence of the genocide. It happened. It is a fact of history. Nor do I intend to recount the excesses of that wretched period in history, for those too, are clearly detailed. Rather, I would like to reflect for a moment on what this commemoration has to do with us, as a nation.

Seventy years ago, Mr. Speaker, may seem like a long time to some people. Long enough for them to want to forget, or to ignore, or even to deny, that the Armenian genocide occurred. How convenient life must be for those people. They are to be envied for never having felt the inhuman suffering, the incomprehensible pain, of these Armenians who endured the living hell of the Anatolian desert as they were departed to their deaths. How simple to not have to go through life trying to comprehend what a genocide really is, and what it means to remember. The survivors, unfortunately, cannot forget. The memories of loved ones tortured and killed are seared onto their hearts forever. One reason we stand here today, one reason we have resolutions such as House Joint Resolution 192, to commemorate man's inhumanity to man, is to in some small way acknowledge the very private pain of those for whom forgetting is impossible.

But there is another reason, a reason that touches each and every one of us. Monsters, after all, do not create genocides. Human beings do. And they are aided by the worst villains of all; ignorance, prejudice, and indifference. I do not know of a nation that exists without these traits in at least some measure. Thus we also commemorate the Armenian genocide to remind us of the very human roots of such evils.

I would like to conclude my comments by focusing briefly on those in our Government and in the Government of Turkey, who would like to create the impression that there was no genocide. Our Founding Fathers made a pact with history to create a new nation, dedicated to truth and justice—1.5 million Armenians may seem like a small, easily missed corner of history, especially from the comfortable vantage point of 1985. But is the denial of truth ever a small, insignificant matter? What criteria shall we use to overlook history? Is it time? Numbers? Political expediency? As some now choose to ignore the calculated extermination of the Armenians, shall we soon be indifferent to the deaths of 6 million Jews? The Soviet Union does not fear rewriting history to suit political fancy. Stalin's purges of over 20 million people are still not recorded history in the Soviet Union. Is the only difference between the United States and the Soviet Union to be the extent of our deceits?

I raise these questions because as an American, and as an elected Representative to Congress, I am proud of our country's tradition of seeking to preserve the dignity of the individual, through our constitution, our laws, and our institution. But there is no dignity where there is no truth. The commemoration of the Armenian genocide, as with all genocides, reminds us of man's inhumanity to man. The acknowledgement of the genocide however, reaffirms our humanity.●

● Mr. GREEN. Mr. Speaker, as a cosponsor of House Joint Resolution 192, designating today as "National Day of Remembrance of Man's Inhumanity to Man," I am happy to take part in this special order recognizing Armenian Martyrs' Day.

On this the 70th anniversary of the Armenian genocide, those who would forget history—if not deny it—are hard at work again. This anniversary comes at an opportune time, as our Nation is engaged in a heated debate on whether to forgive and forget the Nazi Holocaust, a debate precipitated by our President's decision to visit a German cemetery. This is not just any cemetery, but one which contains graves of the monstrous Nazi SS.

I cannot find words sufficient to convey the grave consequences of such amnesia. Indeed, it has often been said that had the world noted and remembered the Armenian Holocaust, Hitler would not have dared to proceed with his elimination of the Jews.

It is, therefore, very important that we take time out today to commemorate the memory of the 1.5 million Armenian men, women, and children whose lives were lost in the first genocide of the 20th century. And it is equally important to refuse to allow revisionists to change the facts of history. I recently had the privilege of serving as a panelist in a conference sponsored by the Armenian Center at Columbia University and by the Armenian Assembly of America. This conference was on the "Changing Perceptions of the Armenian Genocide," and I came away from the conference more convinced than ever that the Ar-

menian genocide is a documented historical fact.

I have recently received many telegrams, as I am sure many of my colleagues have from constituents concerned about the implications of House Joint Resolution 192. "There is no need to fight World War I again," the telegrams read. "Attempts to defame Turks not in the interest of the United States. Encourages terrorism and helps Warsaw Pact nations."

These telegrams completely miss the point. The point of this resolution, the point of this special order is not to continue the fighting or to defame our NATO ally Turkey, any more than the World War II Holocaust commemorations or the U.S. Holocaust Memorial Council, of which I am a member, are attempts to fight or defame present day Germany. The point is to remember, for if we forget history and the millions who lost their lives, then that loss is made even more tragic and the chances of repeating history magnified.●

● Mr. McHUGH. Mr. Speaker, as you know, Mr. Speaker, April 24 marks the 70th anniversary of the Armenian genocide, an event which began on the evening of April 24, 1915, and ended only some years later after the deaths of more than 1 million men, women, and children. It is, therefore, appropriate to remember and honor these victims, not only to remind us of their fate but also to strengthen our resolve that never again shall such slaughters be allowed.

The tragedy that befell the Armenian people earlier this century was only a beginning, of course. As Armenians recovered from the shock of their near anihilation and deportation from their homeland, they found themselves dispersed throughout the world, largely forgotten. Soon, however, the spirit of the Armenian people revived. April 24 became a rallying point, a day of commemoration for the victims and a day of renewal for the survivors and their descendants.

Although the Armenian genocide was ignored for decades by those who had not been touched first hand, efforts to ignore a tragedy of this dimension could never succeed. Thus, in time, religious and political leaders throughout the world began to participate in the commemorative events of April 24. Their participation was a message that the world could not afford to forget the tragedy that had been perpetrated against the Armenian people.

Even today there are those who would have us ignore the Armenian genocide. Some would have us rewrite history while others would be content to have us forget history, but clearly their efforts are doomed to failure.

Mr. Speaker, it has been said that the past is prologue, prologue to the continuing stream of history. As we look back over the course of events, we must also look forward in the firm belief that by our actions we can affect future events. In looking back across the years to the tragedy that befell the Armenian people, we must look forward as well in order to prevent a repetition of their calamity. For we can draw a direct parallel between the massive genocides of this century and the savage acts of terrorism that plague us today. Both involve violence against innocent people, and both reveal an alarming contempt for human life.

By any standard the massacre of over 1 million Armenians was one of the most callous and barbarous acts ever committed. In the end, however, the continuing significance of the Armenian genocide lies not only in the physical history of the events that took place, but also in the symbolic nature of such indiscriminate slaughter.

Thus, even as we honor the victims of this genocide, we must do more. If the brutality committed against the Armenian people is to have a lasting effect, the Armenian genocide must become not only a tug on our heartstrings but a call to conscience and a call to action against terrorism around the world. In that sense, Mr. Speaker, the Armenian genocide speaks to us across the decades.●

● Mr. LEVINE of California. Mr. Speaker, I want to commend my colleague from California for reserving this time to enable us to participate in this special order commemorating Armenian Martyrs' Day. It was on this day 70 years ago that the genocide of the Armenian people began.

The Armenian genocide began with the roundup by the Ottoman Turkish Government of Armenian community intellectuals in Istanbul, who were then executed in cold blood. Before it was over, 1½ million Armenians were brutally slaughtered in a rampage that lasted for 2 years.

Although this slaughter was unprecedented in modern times, it went largely ignored by the world. Yes; there were reports of the heinous deeds being committed, but, as it seems with other systematic, mass murders, little if anything was done to stop it from happening. But it did happen, and we must not forget that it did.

The survivors of the Armenian genocide to this day suffer not only the traumatic scars of seeing their families and loved ones cruelly tortured and murdered, but they and their children suffer the indignity of having every Turkish Government deny the atrocities committed in 1915.

We have heard the word "genocide" spoken often in this Chamber, and its meaning never ceases to conjure up visions of heinous and horrific deeds. The memory of the Armenian genocide and its historical importance must be kept alive, and we must reject any attempts to bury it in the sands of history. As with all genocides, we must remember that they happened so that they will not happen again.

Thank you.●

● Mr. GALLO. Mr. Speaker, this year marks the 70th anniversary of the first genocide of the 20th century, namely the destruction of 1.5 million Armenians who perished at the hands of the Ottoman Empire. During the years 1915–23, hundreds of thousands of Armenians were massacred outright or were forced to flee their homes and died as a result of forced marches. The remainder of the Armenian people who survived, were forcibly deported and dispersed throughout the world.

At the beginning of World War I the census reports accounted for at least 2.5 million Armenians residing in Turkey. At the close of the war and still today, there are less than 100,000 remaining.

It was on April 24, 1915, that this era of massacres began when over 200 of the most revered Armenian intellectuals were rounded up in Constantinople and later killed by the Ottoman government. In the torturous years ahead, the Armenian people would be subjected to indescribable horrors.

The U.S. Ambassador to Turkey at the time of this genocide, Henry Morgenthau, was an eyewitness to these atrocities and documented them in great detail. In confidence, he stated, "the whole of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

Even though the Armenians have been scattered throughout the world, they have not forgotten their history or their heritage, nor can we. There are many Armenians now living in America who have made valuable contributions to our communities.

My friend and former colleague in the New Jersey Assembly, assistant Republican leader Garabed "Chuck" Haytaian, is here today to share with us his strength of conviction, both as an Armenian and as an American, that we must not forget these horrible events and, most importantly, that we must never allow such events to occur again.

Just a week ago, we commemorated the 40th anniversary of the liberation of the death camps, where victims of the Nazi Holocaust were slaughtered. And yet, too few people remember and understand the implications of the chilling words of Adolph Hitler, when describing his "great resettlement policy."

Hitler cited the "extermination of the Armenians" and concluded that

whole "masses of men are mere biological plasticine."

If we forget these tragedies, we take the colossal risk that we will be reminded of this tragedy in the future by its repetition. We must not turn a blind eye on this inhumanity to man. The function of this day is then to commemorate the sacrifice of 1.5 million Armenian men, women, and children for no good reason.

We remember these events of the past not because we wish to punish any living persons for the events of the past. It is not our purpose to single out any race or nation for the actions of people now before the judgment of history and a higher power.

We remember these events to prevent another race or nation from committing these same acts in another place and in another time.

Raphael Lemkin, the man who coined the word "genocide" after escaping from his native Poland during the Nazi invasion, said this best. "The function of memory is not only to register past events, but to stimulate human conscience."●

● Mr. FLORIO. Mr. Speaker, today marks the 70th anniversary of the beginning of the tragic genocide that was perpetrated upon the Armenian people between 1915 and 1923. I join with my colleague CHIP PASHAYAN in his special order today with a sense of sorrow and dismay as we reflect upon this great calamity and as we pay tribute to the martyrs of the Armenian genocide.

During World War I, the Ottoman empire had suffered defeat at the hands of the Russians in northeastern Turkey. By 1915, the Ottoman authorities began fearing that Armenians would act as a fifth column within Turkey by supporting the Russians and their allies. The Ottoman government subsequently ordered a mass deportation of Armenians. The Armenian people were not only deported and robbed of their lands and possessions but they were also subjected to cold-blooded massacres and atrocities and brutal extermination.

During the 5-year span of this genocide, 1.5 million Armenians died, 500,000 were exiled and countless survivors witnessed the atrocities perpetrated upon their families, relatives, and friends. These survivors still carry with them the memory and the scars of this great tragedy. Males were separated from their families and massacred while the remaining women, children, and the elderly were forced to march across Asia Minor to the Syrian desert. Of these marchers, thousands died en route of starvation, exposure, and disease.

The most glaring aspect of this entire tragedy is the fact that the Turkish Government still continues to deny that this genocide ever occurred. The deaths of 1.5 million Armenians are explained away as a result of years of civil strife in the region. This denial of history that has been documented by survivors, eyewitnesses, and correspondents, including the American Ambassador to Turkey in 1915, Henry Morgenthau, is detrimental to our goals of preventing similar tragedies from occurring in the future. To recall this tragedy in 1915 does not mean that we condemn the current Turkish Government. It is our responsibility to preserve the memory of this tragedy and to instill in the minds of men the lesson that this tragedy has provided us.

For this reason, I have cosponsored House Joint Resolution 192, introduced by Representative TONY COELHO that would designate April 24 as a National Day of Remembrance of Man's Inhumanity to Man to call attention to the Armenian genocide of 1915.

It is only with the constant reminder of tragedies such as the Armenian genocide, the Ukrainian famine and the Jewish Holocaust that future tragedies can be averted. We owe it to not only the memories of the Armenians that lost their lives in this tragic way but also to the survivors and to future generations to continue our vigilance and ensure that this tragic chapter of the history of mankind is never again forgotten or ignored.●

● Mr. ASPIN. Mr. Speaker, traditionally this is a day when we look back at the events of 1915 and memorialize the genocide of Armenians. That is the appropriate thing to do on April 24.

This year I would like to comment on a contemporary issue, however. That issue is the growing number of attacks on the efforts of many Members of Congress to memorialize the Armenian genocide. The opposition most recently took the form of a "Dear Colleague" letter that was distributed around the House opposing House Joint Resolution 192, a resolution that seeks simply to designate April 24, 1985—the 70th anniversary of the start of the genocide of Armenians—as a "National Day of Remembrance of Man's Inhumanity to Man."

The "Dear Colleague" made three arguments for opposing the resolution:

First, it is anti-Turk and offensive to Turkish-Americans.

Second, it would hurt our ally Turkey.

Third, it could be used to justify further murders of Turkish diplomats.

None of this is so.

First, to memorialize the genocide of Armenians is no more anti-Turk than to memorialize the victims of the Holocaust is anti-German. Are the many events marking the liberation of the concentration camps this month offensive to German-Americans?

Second, this is not an attack on the current Turkish Government. The genocide was committed from 1915 to 1923 under the Ottoman Turkish Government prior to the establishment of the current Turkish Republic. There is a problem because the current Turkish Government—unlike the current German Government—declines to acknowledge the historical facts of its predecessor's conduct. But the resolution says absolutely nothing about the conduct or policies of the Turkish Republic.

Third, it is not merely ridiculous, but also offensive to suggest that a resolution that condemns mass murder could justify further murder. The recognized leaders of the Armenian community have frequently and publicly condemned all forms of terrorism.

It is most unfortunate that 70 years after the fact of the Armenian genocide we are told by some people that to mention the facts of history is wrong—or worse, we are told that the facts of history are nonfacts, that the genocide never happened, that the deaths of 1.5 million Armenians is somehow a figment of our imagination.

Mr. Speaker, the genocide did happen. What's more, Turkish leaders not only knew it happened, they also openly commented on it at the time. That makes it all the more shocking that anyone should take seriously an effort today to pretend that the genocide is a nonfact.

Often on April 24, we quote from the files of the State Department, reading the records of the genocide as documented by American officials who served in the Ottoman Empire at the time. This year, however, I would like to read the comments to two Turkish officials—the first is the Sultan himself, and the second is founder of modern Turkey, Kemal Ataturk himself.

In an interview carried in the London press December 6, 1918, Sultan Mohammad VI acknowledged the brutalities committed upon the Armenians, expressed sorrow at what had happened and pledged, "Justice will soon be done and we will never have a repetition of these ugly events."

And judicial action was taken, to a degree. For example, on April 12, 1919, Kemal Bey, the wartime minister of food, was publicly hanged in an Istanbul square after being convicted of taking a leading role in the deportation and massacre of Armenians in the Yozqhad district. He was but one of a number of Turkish officials tried beginning in February of that year. The prosecutor at that trial said it was necessary for Turkey to punish the authors of the massacre.

The other comment was only recently unearthed in the files of the Los Angeles Examiner. It is the text of an article distributed by World Wide

News Service in 1926 under the by-line of Kemal Ataturk.

In the August 1 article, Ataturk attacks the Young Turk movement and says its members "should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred."

So, there it is. The words of the leaders of the modern Turkish Republic and of its predecessor regime, both attesting to the fact of the Armenian genocide.

The Armenian people suffered greatly. The unspeakable horrors to which they were subjected in those early years of the 20th century showed what terror can be inflicted when the powers of the modern state and the modern military are united with the will to do evil.

We remember the 1½ million Armenians massacred in World War I and the half million driven into exile.

We remember their suffering. We remember the cries of anguish, the tears of terror-stricken innocents.

We remember because it is our responsibility, our duty to those who suffered so tragically. We remember because it is our prayer that this must not happen again, that mankind must not inflict such suffering on fellow man.

We remember today.

We will remember tomorrow.

We must remember every day.●

● Mr. DANNEMEYER. Mr. Speaker, there is a passage from the Gospel According to Luke (Luke 6:37) which I believe is relevant to the mission which we seek to accomplish here today:

> Judge not, and ye shall not be judged; condemn not and ye shall not be condemned; forgive, and ye shall be forgiven.

There is throughout all of history an unceasing chronology of evils perpetrated by mankind unto itself. It is a tragic commentary on the condition of the human conscience that we have for centuries resorted to and endured episodes of man's inhumanity toward his fellow man.

We seem never to have sufficiently learned from these previous mistakes. We may recoil from individual horrors, but our outrage diminishes with the passage of time, only to be reconstituted at the next atrocity.

Although it is hoped that through successive generations we have elevated our regard for human life, we do not yet seem capable of abandoning violence in favor of reason. There is a dual principle which ought to guide us as we commemorate the infamies of history:

First, we must never allow ourselves to forget the calamities wrought by barbarism and, as we memorialize the victims, should learn from our experience and strive not to repeat the mistakes of the past; and

Second, we should endeavor, as we assess moral judgment, to place the blame rightfully on the perpetrators and not to perpetually condemn succeeding generations which were not responsible for events which preceded them.

Time cannot erase the stain of immorality from the actions of the Ottoman Turks who persecuted, exiled, or annihilated more than 2 million Armenians from 1915 to 1923. Nothing we do here today can even minimally compensate for the lives lost. We can remember what occurred. We can condemn the abomination. Punishment, at this date, must be administered by a higher authority. We are left with an imperative that this must never happen again.●

● Mr. HOWARD. Mr. Speaker, on this the 70th anniversary of the Armenian genocide, victims' descendants throughout the world carry with them both the memory of this great human tragedy and a deep faith in the possibility for a better world. The memories with which they are haunted are quite real.

The following accounts were provided by the Honorable Henry Morgenthau, our own Ambassador to Turkey at the time of the genocide:

> The only purpose of sending these men out in the open country was that they might be massacred. In order that they might have no strength to resist or escape by flight, these poor creatures were systematically starved * * *. These massacres were not isolated happenings; I could detail many more episodes just as horrible * * *. throughout the Turkish empire a systematic attempt was made to kill all able-bodied men, not only for the purpose of removing all males who might propagate a new generation of Armenians, but for the purpose of rendering the weaker part of the population an easy prey * * *. When the signal was given for the caravans to move, therefore, they almost invariably consisted of women, children, and old men * * *. The Armenians began to die by the hundreds from hunger and thirst * * * thousands fell and died or were killed where they lay * * *. And thus, as the exiles moved, they left behind them another caravan—that of dead and unburied bodies, of old men and of women dying in the last stages of typhus, dysentery, and cholera, of little children lying on their backs and setting up their last pitiful wails for food and water * * *. Sometimes, when crossing the stream, the gendarmes would push the women into the water, shooting all who attempted to save themselves * * *. Frequently, the women themselves would save their honor by jumping into the river, their children in their arms.

The Ambassador tells of a woman's account, "she shuddered to recall how hundreds of children were bayoneted by the Turks and thrown into the Euphrates * * *. In a loop of the river near Erzinghan, she said, the thousands of dead bodies created such a barrage that the Euphrates changes its course for about a hundred yards." And finally, the Ambassador tells us, "The real purpose of the deportations was robbery and destruction; it really represented a new method of massacre."

When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and in their conversations with me, they made no particular attempt to conceal the fact.

I submit to this Congress that no Armenian of good conscience seeks revenge or condones the actions of those who perpetrate acts of terror. What is required of the Turkish nation now is simply an admission of guilt, the first step in a civilized reconciliation of a conflict left too long unresolved. Instead the Government of Turkey has added a hideous new twist to its policy of denial. Officials in Ankara and their compensated agents throughout the world are suggesting that the peaceful words of Armenian survivors and American Congressmen serve as encouragement to terrorism, and seek to censor their free expression. No Turkish Government nor any profit-based public relations firm can ever, ever even pretend to decide what will or will not be said in the U.S. Congress. Further, Ankara's attempts to link the peaceful expression of thoughts in a democratic forum to the sickening violence of terrorism reflects the inevitably desperate position of those who seek to substitute rhetorical subterfuge for documented historical truth. The linkage of Armenians as a group to the terrorism of fringe elements is a crime not only against Armenian survivors but against the self-respect of the Turks themselves.

It is the intransigence of Turkish policy which encourages terrorism, in that it heightens the frustration of young idealists and pushes them into the arms of our century's worst, most cowardly criminals, the practitioners of international terrorism who ascribe their ideals to the salvation of the oppressed and apply their efforts to the slaughter of innocent.

Concommitant with this, official Turkish explanations claim that the policy of deportation was a necessity of war, that elements within the Armenian population threatened the security of the empire. What then, of the pictures of Armenian mothers, themselves scarcely alive, holding moribund children against their emaciated bodies as they lay captive under Turkish military guard? Were these women and infants, and the elderly victims of Turkish soldiers, threats to the empire? Generalized terror against a specific ethnic group is not merely a method of counterinsurgency, it is an end in itself. In the Turkish explanations I hear the echo of Nazi voices, telling themselves how the "Jews had their country by the throat" as the

bodies of children were being dumped into mass graves.

Most of the individuals whose hands carried the stains of Armenian blood, the blood not only of proud young men but the blood of defenseless women, children and elderly individuals, have passed from the scene. But the horror of genocidal death outlasts even the memories of war, for it is the horror of mass murder, the premeditated mass murder of nearly an entire people. Again, the time for retribution has long passed. Terrorism tarnishes the glory and disturbs the eternal sleep of martyred Armenian souls. Civilized nations, democratic nations must call upon the Turkish Government to simply acknowledge the crimes of the past, so that the Turkish nation can open its heart and join self-respecting peoples around the world in condemnation of terrorism not only as a matter of policy but as an imperative of conscience.●

● Mr. TORRES. Mr. Speaker, I want to thank my colleague and friend from California [Mr. PASHAYAN] for requesting this special order.

I rise with my colleagues here today to condemn in the strongest terms the savage slaughter of Armenian men, women, and children that took place over 70-years ago. Between 1915 and 1923, over 1½ million Armenians perished at the hands of the Turkish Ottoman Empire. The Armenian people were nearly destroyed. I believe it is important that each year Congress should bring this massacre to the attention of our constitutents and the world.

Mr. Speaker, we sometimes forget the harsh lessons of the past. We are here today so that one such lesson will not be forgotten. I ask that we recall that the Armenian genocide was the first mass effort by a government in this century to attempt the extermination of a race of people.

The merciless killing and barbarism the Armenian people suffered were to be repeated and perpetrated upon the Kulaks under Stalin, the Jews in Nazi Germany and recently, the 2½ million Cambodians who were murdered by the Pol Pot regime. Mankind has been endowed with a unique capacity for wisdom, compassion, and justice; these qualities form the basis of our society and have enabled us to become a progressive and civilized nation. When will the world learn that the seeds of ignorance, hate, and prejudice give rise to the cruelty seen at the beginning of this century?

Mr. Speaker, I rise today and ask the world community to join Congress in recognizing April 24, the 70th anniversary of the Armenian genocide, as a National Day of Rememberance of Man's Inhumanity to Man. I deplore this horrible act of genocide and I hope by bringing attention to it we can make the world a better and more peaceful place to live for generations to come.●

● Mr. HAMILTON. Mr. Speaker, today is April 24, a day designated as a National Day of Remembrance of Man's Inhumanity to Man and a special day of remembrance for the many Armenian victims of strife which occurred in the Anatolian plains from 1915 to 1922.

Today marks the 70th anniversary of the beginning of these massacres of Armenians which were part of extensive civil strife marking the collapse of the Ottoman Empire. It is appropriate on this occasion to direct our attention and prayers to the memory of the thousands of men, women and children who died in these tragic events.

It is in the interest of all of us and in the interest of mankind that this type of tragedy not occur again. The leading organizations of the Armenian-American community have been seeking to work within our political system for a statement concerning these critical events in their heritage. I feel we should work with them in a constructive fashion and this is why it is important for us to recognize this day of remembrance. Some individuals may overstate the historical record, but that does not change the fact we all must recognize that a horrible tragedy occurred against the Armenians in the 1915–22 period. A few Armenians, outside the principal Armenian organizations, claim that efforts to work within our political system for a statement on this issue are fruitless and other approaches are necessary. It is important that their assertions be proven wrong.

For the Turkish Government to deny these tragic events and for the U.S. Government, in turn, to seek to prevent congressional expression on these events are not helpful. Such behavior is a denial of history. I disagree with those who argue that raising this isssue encourages terrorism. A thoughtful dialogue and compromise have a better chance of thwarting terrorism than denying all recognition of the central event of modern Armenian history. Such a denial has the effect of shutting off this group's access to the political system and of encouraging those few who insist that the issue can only be addressed by extreme measures.

We all realize that good Turkish-American relations are very important to Western security and that our bilateral agenda with Turkey is difficult and involves many critical issues in the Eastern Mediterranean and the volatile Middle East. However, by retreating from this issue and denying legitimate political expression for an important community, we will likely cause United States-Turkish ties more harm than good. We need to work with Turkey to overcome differences over this issue and minimize its impact, not try to sweep it away. No one here is talking about territorial or financial claims against Turkey: They are not matters to be addressed in the U.S. Congress.

Mr. Speaker, what is at issue is the right of an important American community which has contributed so much to this Nation in many fields to ask Congress to recognize its cultural and historical heritage. I am proud to be associated today with my colleagues in this important day of remembrance for the tragic events which befell the Armenians 70 years ago.●

● Mr. FISH. Mr. Speaker, today I join my colleagues, as I have in the past to speak of the premeditated genocide of the Armenian people by the Turkish Government over a 30-year period. This is never a pleasant task, but as the Congress and the American people have recognized for many years, we must continue to testify to the realities of man's capacity for cruelty and inhumanity to our fellow human beings. This marks the 21st year we have spoken out on this subject, as well as the 70th anniversary of the first genocide of the 20th century.

We are reminded that genocide can occur even in modern times. The recent news reports on the 10th anniversary of our departure from Vietnam include graphic descriptions of the genocide of the Cambodian people by Pol Pot in the late 1970's. We are also reminded of the greatest genocide known to man, the Holocaust, by the 40th anniversary of the liberation of the concentration camps.

Today, we are reminded that during the late 19th and early 20th century, the Ottoman Turkish government systematically persecuted and massacred Armenian citizens who had lived on Turkish soil for more than 3,000 years. More than 1.5 million Armenians—men, women, and children—lost their lives from 1915–23, and hundreds of thousands more fled the country. These people were led in death marches to open desert areas, and most died of starvation, disease, or exposure. Whole villages were massacred outright in the fall and winter of 1914, Armenian soldiers were worked to death or massacred in labor battalions in 1915 and throughout World War I, and 200 religious, political, and intellectual leaders were arrested in Constantinople and exiled or taken to the interior and murdered on April 24, 1915. All Armenian population centers suffered a similar fate. These acts were all part of a plan to deal with the Armenian question.

Mr. Speaker, we hear from people who do not wish to raise this subject, who claim that modern Turkey should not bear the brunt of the genocide which occurred under the Ottomans. I do not believe our speeches today in any manner endanger the lives of

Turkish citizens throughout the world, and I join them in condemning acts of violence which have taken Turkish lives. But we must remember what did in fact happen. Events which were recorded by the American Ambassador to Turkey, Henry Morgenthau, Sr., and by the American press, which documented hundreds of stories about the atrocities carried out by the Turkish Government. We are not blaming the modern Turkish Government, which is a strong and valued NATO ally, but we are reminding the world of what did happen.

This is our duty, as the leader of the free world. As we were reminded during the days of remembrance commemoration in 1981 by Elie Weisel, Hitler asked during the planning of the final solution, "Who remembers the Armenians?" We do, and we will continue to make statements in the CONGRESSIONAL RECORD, and take our place in history as people who spoke out against the Armenian genocide, who tried to prevent the tragedy which befell these people through political intervention and humanitarian aid. We must silence the voices who speak as though this event never occurred. We must not forget, we must stand together, and not be silent, if we are to ever prevent a reoccurrence of such inhumanity.●

□ 2030

GENERAL LEAVE

Mr. PASHAYAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE BARNES-HAMILTON AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to talk tonight about the extraordinary behavior of the House in the last few hours, and the decisive defeat by, I think, a margin expected by no one of the Barnes-Hamilton amendment resolution.

I want to lay out a frame work for people to think about an interesting development in American history, a point in which the leftwing of the Democratic Party, in alliance with very few Republicans, was able to defeat in the Committee of the Whole, but then unable to pass any kind of legislation, referring to Central America, and in which the vast majority of Republicans, in alliance with some Democrats, came very, very close to passing a major step toward freedom in Central America.

To set the stage, if I might, I want to quote from a different era, because I think you can only understand where we have arrived in 1985 by going back almost 40 years, by going back indeed, and I am quoting from Newsweek of May 5, 1947, back to when America first came to grips with the cold war, the Soviet Union, and the nature of Leninism.

Back then, in many ways, the whole situation was reversed. Back there, there were isolationists, Republicans largely from the Midwest, largely a historical pattern. Back then it was the Democrats, Harry Truman, Dean Acheson, and others, who were taking the lead talking about internationalism. And a very courageous Republican, Senator Arthur Vandenberg, of Michigan, decided to change his beliefs because he came to believe that communism was real, that the Soviet Union was a danger, that something had to be done. In a sense, where we are tonight is we are looking for the Arthur Vandenberg of the Democratic Party, for a man or woman willing to stand up and say communism is real, the Soviet Union is a danger, it is necessary to do something.

Back then Vandenberg said, "If Congress fails to act aggression will get the green light and the rest of the world, including America, will get the red light." I think he honestly believed that if we did not try to stop the Soviet Union and communism in Greece and in Turkey, countries much more distant than Nicaragua, El Salvador, Honduras, that communism would become a greater threat to America.

It is fascinating because back then the great bulk of opposition was from isolationist Republicans. But there were three pioneers, and I quote: "Three Wallace-minded leftwing Democrats"—and Wallace back then was the former Vice President of the United States—very, very leftwing oriented, a man who managed to more consistently be an ostrich in ignoring the truth about communism than any other man of his time, and a man, by the way, whose 1948 campaign for President was strongly supported by George McGovern, a man who developing the whole theme of the modern ostrich wing of the Democratic Party is really the grandfather today.

One of those three Wallace-ite Democrat Senators today serves in the House. But he is really a distinguished senior Member, a man who many years ago voted against aid for Greece and Turkey.

What is fascinating is the vast number of younger Members who, growing up I think largely in the 1960's and early 1970's, honestly came to believe in their fervor in opposing the war in Vietnam that there was no real communism; that is, the Soviet Union really was not a danger, that there was nothing to be afraid of.

I have referred before on this floor to the ostrich wing of the Democratic Party. As I said today, in all fairness, ostrichism is a bipartisan problem. There are some ostrich Republicans although in all candor I think there is an entire herd of ostriches in the Democratic Party, whereas there are relatively few ostriches in the Republican Party. There are ostriches in the news media, there are ostriches in the academic world, there are people in Government who just cannot quite believe in Marxism-Leninism.

Let me give you an example: The Department of State December 26, 1979, from the American Embassy in Managua, a document called the 72-hour document. A very clear, systematic statement of the determination of the Leninists in Nicaragua to establish a dictatorship in Nicaragua.

Books that have been published on the FSLN, which is the Leninist Party, the Communist Party in Nicaragua, which has taken power, indicate clearly, and you can go back as early as 1957 and you will find one of the Nicaraguan Communists writing a brochure entitled, "A Nicaraguan Visits Moscow." There he explains that Stalin was a wonderful person, the Russians have religious freedom in the Soviet Union, there is freedom of the press in the Soviet Union, and he describes the crushing, the crushing of the Hungarian revolution as an example of Soviet self-criticism.

Now that man, a man who could go to Moscow and find religious freedom, could go to Moscow and find freedom of the press, could believe that killing Hungarians was self-criticism, that man was the intellectual father of the modern Nicaraguan Communist Party, and is obviously a pretty committed Leninist. My objection to the entire ostrich wing of the Democratic Party and the incredible, and I repeat incredible Barnes-Hamilton resolution that came up today, is the mentality behind it. They talk about the idea in this document, and I am quoting from the actual resolution offered today, the Barnes-Hamilton resolution, a nine-page document available to everyone, in which they say, and I think this maybe illustrates my frustration and the frustration of those of us who fear communism as much as any single quote in here, on page 2 they say, "Combatants on both sides of the conflict in Nicaragua have expressed in words their goals for peace and democracy in Nicaragua."

Now, let me say, and I challenge not just tonight but any night, any time we have special orders, any Democrat who is willing to come over and debate my following assertion: If all you look at is expressing in words goals for

peace and democracy I can find quotes from Adolf Hitler, from Josef Stalin, from Lenin, from Mao Tse-tung, I can find quotes from Fidel Castro. Peace and democracy in Communist language are words to be used to deceive the West; they are words to be used to mock the Americans.

I have cited before and have shown on this floor the volume of Grenadian papers which is available for any American to get from the State Department that shows you what the Communists themselves said, because in Grenada we captured Communist documents from their internal memoranda, and we know what the Communists said to themselves.

□ 2040

This Barnes-Hamilton proposal suggests, for example, and I quote: "The Congress will continue to monitor developments in Nicaragua."

Let me suggest, and again, I offer this to anyone who would like to debate it at a future time, that you could find in 1979 from 1980, from 1981, from 1982, from 1983, from 1984 and now from 1985, pious declarations that we will monitor. Can you imagine? Had Auschwitz existed, had people been dying, we would have been told, well, "We will monitor developments."

And you say that is strong language. There is a Gulag Archipelago today. Gulag is the Russians prisons that have been described by so brilliantly by Solzhenitsyn.

There is today people being killed in Afghanistan. Even in today's paper, the Soviet Union said arrogantly, it would not even talk about killing the American soldier in East Germany. Today the Nicaraguan Government is a Communist dictatorship. Today Fidel Castro is doing things designed to hurt America and create a more powerful Communist movement.

Their offer in the Barnes-Hamilton proposal: "The Congress will continue to monitor developments." Can you imagine Gorbachev in the Kremlin, quaking in his boots as Congress monitors? Can you imagine the Communists in Nicaragua eagerly excited for the next congressional report; worried about the monitoring? Somehow it is sad, it verges on pathos.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding to me. Does it not strike the gentleman as somewhat awed; we heard the debate here on the House floor that literally dozens of our colleagues came to the floor, speaking against the Contras but suggesting in the course of their remarks that they also were not doing anything in favor of the Sandinistas because they really did believe the Sandinista Communists were in fact running the country the wrong way; in fact were oppressing people.

Time after time after time they came to the floor and assured us that they were in no way pro-Sandinista Communist; that in fact it was totally different from that, and yet when I turned on the television this morning, what did I see but those Nicaraguan Communists on the air, praising the House of Representatives for what it had done the night before.

That shocked me. I mean, here were people who defeated military aid to the Contras in the vote yesterday, cheered and clapped on the floor last night as they did it, and who this morning were being praised by the Nicaraguan Communists for what they had done.

Mr. GINGRICH. Could the gentleman explain a little further, this was a Communist from Nicaragua who was on American television?

Mr. WALKER. Yes. What we had was a spokesman for the Nicaraguan Communists who was praising the House of Representatives for the actions that it had taken yesterday, and was condemning the Senate for passage of their resolution which of course had supported the Contras.

It seemed awfully strange to me, after hearing all the speeches on the floor from people who proclaimed that they were doing nothing to help the Sandinistas because, after all, they had grave questions about what was happening in Nicaragua, to have the exact actions that they had taken specifically praised by the Communists that they claimed they were not helping.

You know, it just strikes me that there is something awfully wrong with that, and I would certainly like to hear an explanation from somebody who tells me that they are anti-Nicaraguan Government because of all of the atrocities that are going on down there, and yet is receiving praise from the very people that they say they are opposed to.

Mr. GINGRICH. The gentleman makes a good point. I was thinking during the debate today, as I was listening to some of the people who were speaking in favor of the Barnes-Hamilton resolution, and they kept saying—and this is sort of the standard ostrich Democratic line:

"I don't like the Communists in Nicaragua, although they like to call them Sandinistas"—they are sort of embarrassed, or don't feel comfortable, saying flatly, "I don't like the Communists in Nicaragua."

Mr. WALKER. Although, if the gentleman would yield again, they do acknowledge, when pinned down, that the Sandinista movement has in fact become a Communist movement, is that correct?

Mr. GINGRICH. Well, in fact one of them admitted the other day that Nicaragua clearly is an ally of the Soviet Union.

Mr. WALKER. I remember that. I was on the floor at that time, and that is specifically what was said. Someone who takes that point of view came onto the floor and told us specifically that, yes, they had become direct allies of the Soviet Union.

Mr. GINGRICH. In that setting, I would say to the gentleman, the thing I found fascinating was, they would say, "Well, you know, the freedom fighters aren't very nice, and the Communists aren't very nice."

But then what they are proposing in this bill was to unilaterally cripple the freedom fighters. So what you would have left is, no freedom fighters because the Americans have cut them off; then what would happen to the Communists over here?

Well, these not-very-nice Communists would still be getting weapons from Cuba and weapons from the Soviet Union and weapons from Bulgaria and weapons from North Vietnam and weapons from Libya and weapons from the Palestine Liberation Organization.

What I thought today, and the gentleman might like to join in this, if it makes sense to the gentleman, it occurred to me that possibly what we should do, who care for freedom, now that we are beginning to get concessions from the ostrich Democrats, and they are beginning to say "Gosh, you know the Communists really aren't very nice." Maybe we should provide an amendment which would say: No cutoff in American military aid can occur so long as there are Communist Cuban and Soviet advisers in Nicaragua, and so long as Nicaragua is getting weapons from the Communist bloc.

In other words, none of the restrictions that our good friends on the left would apply to the freedom fighters could be applied unilaterally. No unilateral disarmament for freedom. If they can get the Soviet Union and the Cubans to agree not to supply the Communists, then the United States would agree to negotiate.

Mr. WALKER. Does the gentleman think that our friends on the left, the ostrich Democrats, would go along with that kind of a program?

Mr. GINGRICH. I think it would be a fascinating test of their sincerity, because the thing I am fascinated with that is a real problem for the ostrich Democrats, and it is an intellectual problem, and they sort of describe it in here at one point—is that as I said earlier, you can go back every one of the last 5 years and you would get these pious declarations, much as occur here in the Barnes-Hamilton language, but nothing happens.

So the Communist sort of says, "Well, we're not going to do it." And

nothing happens. And then they bluster and say, "Oh, you'd better do it." And the Communists say, "We're not going to do it." And nothing happens.

The fascinating problem, I would suggest is that when you are dealing with Communists, you are a lot better off to get them to back down and then offer to change. But if you go in and say, "Hey, we're going to cut off the freedom fighters but we hope you'll change" or, "We're going to cut off with this, but we hope you'll change."

You never move communism by appeasing it first and hoping it will get nicer.

So what I would suggest to our friends is essentially—and this is one of my three major points about this evening—but essentially first that on the issue of the fact that the freedom fighters might have some problems, and after all the Communists aren't very nice, either, why do we not try to see if we can get our friends on the left—and you and I should talk about this; maybe send out a "Dear Colleague"—offer to sit down with them and draft a bill which says, as soon as the Soviet Union and Cuba and their varied allies and friends—the Vietnamese and Bulgarians and the PLO and the Libyans—as soon as they cut off their aid at every level and pull out their advisers at every level, we would consider it.

Mr. WALKER. If the gentleman will yield, I would be very glad to work with the gentleman on that, but I have got to tell you that I am a little suspicious; we may not get very far.

Because these are the same people, for the most part, who came to the floor in favor of the nuclear freeze a few months back, and what we found out there was, they continue to talk about the fact that that was supposed to be something that was bilateral, that we were not really going to do anything until the Soviets did something; this was going to be both sides participating.

Then we found out that what they really meant by it, when it came down to voting for weapons systems was, they sent out press releases against anybody who voted for the freeze and then voted to continue certain weapons systems.

So what they were really for was unilateral disarmament. The real translation of their position was unilateral disarmament by the United States; we freeze, they don't.

Now, you know, that—so I say to the gentleman, I am a little suspicious that this is the same kind of thing, that this is a freeze of our friends as well; that we want to freeze them out of the process while the Communists continue to build up in Central America.

I have got to tell the gentleman, I am just not real certain that we are going to get very far with this approach.

Mr. GINGRICH. Well, I would agree, and I think part of the problem the ostrich Democrats have is that they have not quite gotten it in their heads yet that the U.S. Congress only controls America. That just because they would like something to happen does not mean the Russians are going to go along with it, or the Cubans, or the Communist Party internationally.

So their ability is either to keep America strong enough that we can negotiate from strength or to unilaterally weaken America, but that does not necessarily mean the Soviet Union is going to do anything.

They cannot quite understand that when you are dealing with Communists who believe in strength, in force, in secrecy, and powerful militaries and aggression, and who say openly that they are at war with the Western World, that when America weakens itself, one of the reasons the Communists are applauding is because it makes their winning the long-term struggle against the West easier, because they are saying, "Boy, those Americans are stupid."

□ 2050

Again, I challenge my good friends on the left. I can document systematically from Grenada, from the Arce speech in Nicaragua, and from other places, that the Communists, including Fidel Castro, systematically and deliberately lie to us. And then to say in a proposed congressional resolution, as I said earlier, that the Communists "have expressed in words their goals for peace and democracy in Nicaragua" has got to be one of the most naive statements ever proposed as a major bill on the floor of the House.

Mr. WALKER. If the gentleman will yield, it seems to me that what the gentleman is saying, at least in part, is the fact that what we hear on the floor too often are rationalizations for positions and rationalizations for votes rather than a recognition of the functional effect of what that vote does.

When casting votes on this House floor, you are not given a chance to vote "maybe"; you are given a chance to vote "yes" or "no" on resolutions or on bills or on amendments, or whatever. You are given a "yes" or "no" vote. Now, that "yes" or "no" vote is cast, I think, with proper motivation by all Members. I do not ascribe wrongful motivation for somebody making a conscious decision about their own vote. But the fact is that whatever rationalization you have made about casting that vote, it not only has the effect that you say it has, but it has some functional effects, as well, beyond this body, beyond the political system.

And I would say to the gentleman that it occurred to me the other night, as I saw some of these votes being cast, that what we saw on the House floor was people voting precisely the same way if given that "yes" or "no" vote that Mikhail Gorbachev would vote if he were in this body, given his whole philosophy and given everything he wants to accomplish in the world, he would vote precisely the same as some of the people who were voting in this body if he were here. Daniel Ortega would vote precisely the same as some of the people in this body if he were here. If Fidel Castro were here, he would vote precisely the same. The motivations might be different, but the functional effect of the vote would be the same.

Mr. GINGRICH. I think that is right. And I think we need to really draw this clearly so that none of our friends who promptly flee to sloganeering and defenses by only using strong language without looking at what we are trying to say—let me say very clearly that I think every Member of the U.S. House of Representatives is a patriot, that they sincerely want a good world, that in their hearts they are doing what they think is best in terms of dealing with communism.

The point we are making is that we are engaged in a great, long-term struggle with communism and tyranny and that the functional effect, the result, is not their intention. If a man says to you, "I really want to drive home tonight," but that man is drunk and he runs into a tree, although his intention was to ride home, the effect of having been drunk while driving was to run into a tree.

Now, if a Member comes in here and says, "You know, I really wanted peace in Vietnam, so I cut off all aid to South Vietnam. And, gosh, it fell. And we had boat refugees and tyranny. And I did not like the Cambodian Government."

Mr. WALKER. And genocide and all the things that went with it.

Mr. GINGRICH. And genocide. And they come in and they say, "And I didn't like that pro-Western government in Cambodia; it was sort of corrupt and it had all those problems, so I voted to cut off aid, and it fell, and one out of every three Cambodians died," and those who have seen "The Killing Fields" can see what happened. That was the functional effect.

Nobody in this Congress voted for the Khmer-Rouge killing a third of Cambodia. But the functional effect was to put the Khmer-Rouge in charge of Cambodia, and they killed a third of the country.

Mr. WALKER. If the gentleman will yield, we had people who said that they wanted reform in Iran, and so we came up with solutions around here, the left in this country come up with solutions for Iran that were aimed at

bringing about reforms in that country. And what they gave us was the ayotollah.

Mr. GINGRICH. It is ironic, by the way—I think you could document this, maybe I should not say it, but I really think you could document it—some of the people who are most hostile to Jerry Falwell and the Moral Majority, and all that, functionally had the effect of deposing the Shah and bringing in Khomeini, who is a religious fanatic and Islamic fundamentalist; that is, the effect of what they did was not to lead to a modern, democratic Western Iran, but it led to a rise of the mullahs, and the rise of Islamic fundamentalism and the rise of a man who, they would have been appalled had you gone to them and said, "How would you like Khomeini in charge of a religious system which will persecute the Bahai, which will persecute Westerners, which will persecute women?" They would say, "Oh, I am against all that."

This functional-effect argument is at the very heart of what is wrong with the U.S. House. Because many of our good friends who are bright and sincere and well-meaning cannot come to grips with the effect of their vote, which is to allow communism and tyranny and military threats to the United States to build.

Let me carry the gentleman, if I might—because I think this is a helpful dialog—to the next problem I think that the ostrich Democrats have. And, frankly, it is also a problem which the more reasonable and more rational and more open Democrats have in thinking about this. I read the other night a speech, which disturbed me a great deal, from one of the leaders of the so-called centrist Democrats, and he said, "Oh, the Nicaraguan Communists are bad and the Nicaraguan Communists are doing bad things. The Nicaraguan Communists are potentially a threat, and we don't want the Soviet Union in Central America. And then * * * and then * * *" and there was no "then." Because the problem they face is that if Communists are serious—and I respect them. I think that Ortega is a serious Communist. I think that Borge is a serious Communist. I think that the reality is that we are dealing in Nicaragua and in Cuba and in the Soviet Union with serious men, serious Communists, and a serious Communist willing to die, willing to fight revolutions, willing to impose dictatorships.

So what do we say to them? Well, let me give you the quote again from Barnes-Hamilton, on page 4, where it says, now, if they do not shape up, here is what they promise to do. They are going to work on the Organization of American States to maintain multilateral pressure.

If called upon to do so, give serious consideration to supporting any sanctions adopted by such an organization and should consider the imposition of trade sanctions.

Let me suggest to the gentleman that the last time we tried trade sanctions was in the early 1960's. I was a college student, my two daughters, one of whom is graduating from college this year, were not yet born. And we imposed those trade sanctions on Fidel Castro, and we can see how we have deterred him from being a bad Communist; we can see how we have scared him so he does not send 25,000 troops to Africa, we can see how we have blocked him from being an open anti-American. Oh, those trade sanctions just got to him so bad, he could hardly stand it. They had no effect at all.

Mr. WALKER. If I understand what the gentleman is telling us, that is the entire strong position that they propose to take in the bill today, when they were out here telling us that if, in fact, we found out that they did not go along with us, and after 6 months here, we found out that they were, in fact, clamping down even more, and we were going to do something tough, as some of them said, what the gentleman is saying is, they propose to do exactly the tough thing that we did against Fidel Castro which have not stopped him in the least.

Mr. GINGRICH. Well, I think it is only fair to say that the list they have says, "including political, diplomatic and economic means." So whatever "political, diplomatic and economic" means. If I were a Communist adviser and I was sitting down there, if I was the Soviet adviser or the North Korean or the Bulgarian or the Cuban or the Palestine Liberation Organization or the Libyan and I was sitting there and they brought me the Barnes-Hamilton resolution to analyze, and I would read through page 4 where the United States might break diplomatic relations, who cares if you are a Communist, the United States might impose——

Mr. WALKER. We did that with Castro, too, did we not?

Mr. GINGRICH. We did that to Castro, precisely. The United States might impose economic sanctions.

Mr. WALKER. We did that to Castro, and it did not work.

Mr. GINGRICH. Furthemore, if I were them, I would say, "Fine, we will send you more goodies." And then I get to page 5, which, for the Communists, is the real key. Page 5, section 2, prohibition on funding for military or paramilitary operations in Nicaragua.

Now, what does that say to me if I were a Communist adviser? I would say, "Oh, the one thing I am really afraid of, which is force, the possibility that those freedom fighters would have enough arms and equipment and ability to come and do something serious, the only thing as a Communist I am worried about, the Congress is going to stop that, but they are not going to let me buy peanut butter."

Now, if I were a typical Communist adviser, I would sit there and say, "Let me get this straight." Frankly, if they were not already an expert on the American Congress, they would not believe it. I mean, can you imagine if we were dealing with Adolf Hitler, who was similarly a totalitarian and who studied Lenin's writings and who believed in basically the same kind of military thought, or Stalin, or Gorbachev, who was trained, apparently, by Andropov, who for 15 years was the head of the KGB. Americans cannot appreciate real Communist leaders are not nice people. They stay in power by locking people up by the millions, they stay in power by shooting people if they are not obeyed, they stay in power by taking political dissidents and putting them in mental institutions and declaring them insane.

Now, this kind of a person, a very tough man, is going to read about political, diplomatic, and economic sanctions, and then he is going to turn to the next page and see that in the very same document, having said we do not like them, we are then going to stop ourselves unilaterally, in effect, disarm unilaterally in Central America.

□ 2100

I will just tell you, it would seem to me that virtually any serious Communist would think that was one of the most marvelous jokes they had ever read.

I yield to the gentleman.

Mr. WALKER. It seems to me that if we were looking at the same thing from the opposite side of the picture, we would regard such a resolution as a joke. For example, if in fact one of our adversaries in the world was funding some kind of insurrection against one of our allies, and we were given this document from the Soviet Union that said that we are going to help this group, but we are going to unilaterally keep ourselves out with any kind of arms and so on, we would see on our side, as a Democratic power looking at that kind of document, we would recognize it as being a joke.

Our military men would assess that and say, "We have nothing to fear from these people; it is obvious that they are not going to get any support; it is obvious that they have unilaterally cut themselves off. There is nothing to fear here; we can go ahead and do whatever we want to do." I would have to say to the gentleman that would be anybody's rational analysis of such a document.

Mr. GINGRICH. You have opened up a whole new line of thought we ought to work on and maybe do a special order at some point and talk about it. Imagine that the Soviet Union acted like the United States. Can you

imagine the Vietnam war? The Soviet Union voluntarily cut off all weapons to North Vietnam?

Mr. WALKER. The end of the Vietcong.

Mr. GINGRICH. But they refused to send vodka to South Vietnam, proving they are tough. Can you imagine the Soviet Union cutting off all military aid to Syria, but they would not send caviar to Israel. Can you imagine if the Soviet Union behaved like the ostrich wing of the Democratic Party in this House, and they said, "Boy, we will show you; you mess around with us, and we will not let you have any Soviet movies next year."

Mr. WALKER. If you really make us mad, we are going to stop sending you Volga automobiles. America would come to its knees, I would say to the gentleman.

Mr. GINGRICH. There would be an immediate sense of panic. I think people need to look at this because the Soviets routinely behave with great brutality. They shoot down the Korean airliner, killing an American Congressman; they shoot an American soldier in East Germany; they invade Afghanistan, and tonight, while we are talking, they are killing people in Afghanistan.

They suppress their people; they suppress the people of Eastern Europe; they sustain a Cuban dictatorship; they are sustaining a Nicaraguan dictatorship, and we look at them and say, "Well, we cannot do anything militarily. We cannot do anything to help freedom fighters. We cannot do anything that might in any sense involve effective action. But, we will have economic sanctions.

I yield to the gentleman.

Mr. WALKER. What also fascinated me was some of the ostrich Democrats who came to the floor today and suggested that the freedom fighters in Nicaragua were different from the freedom fighters that the gentleman mentioned in Afghanistan or the freedom fighters in Cambodia.

We had speeches on the House floor here today that said, well, those are different kinds of freedom fighters; it is not really the same kind of thing, and there ought not be any comparison between the two because we will deal with them in some fashion later on. In other words, now they are a little further away, as Vietnam was far away, but we pulled out on them, but we will forget that for right now. Now we are talking about Central America, and that is very close, and we have got this historic pattern.

It is all a "Blame America First" kind of concept, and no matter where the emphasis is at a particular time on the part of the Communists, we are always prepared in the House, and I use "we" in an overall sense because where the majority vote comes down all to often, we are always prepared to try to do something to appease wherever the action is the hottest. That is the disturbing thing. The gentleman has described it correctly. I think that is precisely what we are hearing here. If the situation were reversed, and it was Syria and Israel, I think the gentleman is absolutely right. If we took the action that the ostrich Democrats propose to give us in the House, the Soviet Union would say to Syria, "We are not going to give you any military weapons, but do not worry, we are really helping you because we have cut off the supply of caviar to Israel.

It makes the same kind of sense as the arguments that we heard on the House floor for the last couple of days.

Mr. GINGRICH. The gentleman talked briefly about Afghanistan and Cambodia. One of the things that I want to do in the next couple of days, and I say this to alert my colleagues in the House, is look at every single ostrich Democrat, and I have heard two today, say, "Well, if we really wanted to change the Government of Nicaragua, what we ought to do is declare war."

What I want to do is go back and say to them, "Now what is your position on Afghanistan? Are you for sending money to help the Afghan Rebels, the freedom fighters in Afghanistan against the Communists? What is your position on Cambodia?" I think there is some fancy doubletalk involved in the idea that on the one hand, close to home where we can be effective, oh, we should not send any aid down there because we ought to go to war if we really feel that strongly.

On the other hand, half-way around the world, where it will be relatively ineffective, they say, "Oh, that is fine to send covert aid there." I would raise the question, and I think in the next few days all of our colleagues on our side should systematically raise this question of our ostrich Democrat friends and say to them, "Now, I read here where you said you think if we are going to send covert aid we ought to go to war." Fine. What is your position on Afghanistan? What is your position on Cambodia? What is it you are standing for? Because I think we would suddenly discover they would go, "Oh, that is different."

I yield to the gentleman.

Mr. WALKER. I would say that those very same people, I am almost certain; I cannot be absolutely certain, I am not certain just who the gentleman is referring to, but I would be fairly confident that those are the same people, who, when we went to war in Vietnam said that that was not proper either. We ought not be fighting wars where there was an indigenous revolution going on, and so in that instance what they said was, "No, U.S. military action is not proper when you are defending freedom in South Vietnam, because, after all, the North Vietnamese are just revolutionaries who want to unite their country. We found out later that they were absolutely wrong; that what they did was criminal in terms of its outcome in Southeast Asia.

Nevertheless, that was wrong. Now, when you are faced with Nicaragua, learning a lesson from Vietnam that perhaps it is not a good thing to Americanize those kinds of conflicts, that it is better to have indigenous people who are concerned about their own way of life fighting the battles. Now we hear the same people who were against overt action saying, "Well, I am against covert action there, so maybe what I am for now is overt action." They are never for fighting the adversary regardless of what the fight is.

Mr. GINGRICH. Let me say to the gentleman I do not think, and I would challenge any of the people who say you ought to declare war. To introduce a resolution and support it and agree to vote for it when it came to the floor. Because I think, frankly, they use that as a way of trying to ridicule the President rather than as a serious alternative.

Let me, if I might, carry the gentleman to one other area where I thought for the first time we began to see a forward-looking ostrich; a new kind of experience.

Mr. WALKER. If I could just interrupt the gentleman; can the gentleman describe a forward-looking ostrich? I mean, is that one that has taken its head out of the sand and is now prepared with heads up to at least view reality for a moment?

Mr. GINGRICH. I think so. It is a fascinating thing and after I describe this, the gentleman can tell me how the ostrich Democrats might fit this. But it is a forward look that I have never seen before. Suddenly we see here, on page 6, humanitarian assistance for refugees. I think it is important to focus on it because unlike Vietnam, when they cut off Vietnam, nobody put a bill in that said, "Here is how we are going to hand 500,000 people."

Mr. WALKER. Well, they did not think they were going to have any people coming. They always told us that the people would be better off under the North Vietnamese unity.

Mr. GINGRICH. There you see, this is the first sign of hope that the ostriches have learned something.

Mr. WALKER. Oh, I see what the gentleman is saying now.

Mr. GINGRICH. You see, because suddenly, for the first time, and maybe it is a process of working backward. We have not gotten them back to fighting communism; we have at least gotten them back as far as the refugees after they lose to communism.

Mr. WALKER. OK, they understand now that when Communists come in and take over a country, a lot of people are going to leave. Is that what the gentleman is saying?

□ 2110

Mr. GINGRICH. Yes, and this is only a halfway ostrich, though, because while they talk about humanitarian assistance for refugees, they are only talking about refugees in Central America. We should have offered an amendment tonight to add the amount of money necessary to take care of the refugees that are going to come to the United States.

When you talk to our friends from Florida and Texas and California, people who have already had a few hundred thousand refugees from Cuba and from El Salvador and from Nicaragua, or in my case, I have not only friends from Cuba who live in my district, I also have friends from Poland, I know folks from Hungary.

One of the things that always makes me wonder about ostriches is, they always tell you how great government is going to be down there in this brand new shiny revolutionary government, and people always leave. Take the case of Grenada. When we intervened in Grenada and we saved our children who were down there as students and we saved that island from communism, I do not know, and maybe, again, our friends on the left could give me a report on this, I do not know of a single person who voluntarily fled to the Soviet Union.

I may be wrong. I would love to get a list of the number of people who fled to the Soviet Union because they love communism so much they just could hardly wait to get away from those ugly, imperialist Americans who were freeing the island.

Mr. WALKER. I think the gentleman would be satisfied just to get the numbers that might have gone not quite as far as the Soviet Union, that is quite a trip, but maybe just go to Cuba. It would be interesting to know how many went to Cuba or escaped to the land of milk and honey in Nicaragua. There must be a number of them. These papers talked about all the dealings they had with those folks. There had to be some of those people who went to those places.

Mr. GINGRICH. It seemed to me the distinguished gentleman from Maryland who introduced the Barnes-Hamilton resolution, and as I understand it is chairman of the subcommittee of the Committee on Foreign Affairs which deals with this topic, I think we should send him a formal letter and ask him if he would tender a report on what was the relative flow of refugees, how many people rushed out of Grenada and rushed to Havana in order to get to be real Communists with Fidel.

Mr. WALKER. We know one thing, do we not? The people who had escaped the Communist government there and had come to the United States from Grenada are now going home to Grenada. After the United States took over in Grenada, the outmigration stopped and the in-migration began. I have read several articles about the people who have left the United States now to go home again.

Mr. GINGRICH. Because they wanted to live in their own country.

Mr. WALKER. That is right. In other words, the refugee flow stopped as soon as we brought freedom to that country, and we see now people headed back home to their own homeland.

Mr. GINGRICH. I was the other day in Miami and had a chance to meet with a number of Cuban refugees who would love a chance to be free in their own country and who talked about what it was like to live 90 miles from a Communist dictatorship.

I guess the point I would make is that we have here a half step toward the ostrich getting its head out of the sand because they at least mention refugees. I think it should also lead them to pause and think why are all these refugees out there? Why is it that every week right now in Honduras, but more importantly in Costa Rica, a free, democratic country, every week now there are people fleeing out of Nicaragua, young men fleeing the draft, people who believe in religious freedom fleeing from Communist tyranny, and every week there is a migration of human beings out of Nicaragua.

One of the tragedies of the Soviet system everywhere it goes is that as it oppresses human freedom, people leave their homes, their families, their neighbors, they flee their culture, their food, their customs, their language and they go to a strange place because people love freedom and fear tyranny.

Mr. WALKER. If the gentleman would yield further, I think that the empirical evidence is obvious worldwide. Where are these huge refugee camps and concentrations in the world today? Well, they are on the borders of Thailand, people fleeing the Communists in Southeast Asia. They are on the borders of Ethiopia, people fleeing the Communist terror there and the starvation brought on by the mismanagement of the economy by the Communists. They are on the borders of Nicaragua, as the gentleman states.

Throughout the world, where Communists are seeking to coalesce their power, huge refugee camps are being built and are housing hundreds of thousands of people who have fled that kind of oppression.

It is also interesting to note that where democracy is flourishing around the world that you do not have those refugee camps. The refugee camps are in those democratic countries only because of people fleeing out of Communist regimes, but there are no refugee camps being formulated because people are fleeing democracies and freedom around the world; they are fleeing Soviet-style oppression.

It seems to me you can offer empirical data on continent after continent of that kind.

Mr. GINGRICH. When you think about it, you have refugee camps in Thailand where the Vietnamese Communist army has driven people. You have refugee camps in Honduras and in Costa Rica where the Communist armies have driven people. You have millions of refugees move west in Europe to get away from the Communists. You have refugees who have moved into Florida to get away from Cuba. There is a systematic pattern that where there is communism you get refugees.

So if you did not know anything about the planet and you were, let us say, a man from Mars and you came down to Earth and you looked around, you would know instantly that Nicaragua was Communist, instantly, because you could look at the camps and say to yourself, "Aha, right there there must be tyranny of some kind. Something must be wrong."

It is interesting. It is a tragic commentary on the modern age that there is a U.N. High Commissioner for Refugees, and the other point I wanted to make for just a minute, because I find it so fascinating, and this is the last point I want to make about the Barnes-Hamilton resolution, is that in this resolution it provides that the refugee money would be spent through either the International Committee of the Red Cross or the U.N. High Commissioner for Refugees.

I have to say first of all I have great respect for the International Red Cross and I think it is well worthy of support, but as one gentleman said earlier tonight, can you imagine if you had been George Washington at Valley Forge and the French had sent you a letter and said, "We know you need money to fight, we know you are trying to fight for your freedom, but we cannot send you any money but we have given $10 million to the Red Cross."

Can you imagine if you had been in the French freedom fighters in the middle of World War II and Franklin Delano Roosevelt and Winston Churchill had called De Gaulle in and said, "You know, we know you are fighting the Nazis, we know you are desperately engaged in a struggle for your life. We cannot give you any weapons but we thought you would like to know we made a contribution of

$10 million to the Red Cross in your name."

There is something fundamentally wrong, and furthermore, I was very disturbed. I have to say in all honesty that one gentleman who voted for this resolution came up to me and was sort of offended by the fact that I had used very strong language during the debate. I said during the debate that if you voted for a provision which would take the money away from all American Government agencies and, in effect, say there is not a single American Government agency worthy of spending this money, that instead we would give it away to the United Nations so the United Nations would be in there? Remember, if there is in fact communism, then that means that the Soviets, that means the Bulgarians, the Czechoslovakians, all these people that these freedom fighters have been fleeing would now be involved in the agency which is administering the relief.

I suddenly thought to myself, and I said, and maybe it was too strong, I said if you voted for this kind of a provision, you could wear an "I Despise America" button. But the reason I said that was, I was sitting there trying to crystallize how to say to the average American, what is it you have to think of your own Government and your own country to believe that there is not a single agency in your Government that could handle refugees. What is it you have to think of? Where are you at psychologically?

Somebody got up here on the floor tonight and talked about giving it to a neutral agency, and that crystallized it for me. Why would they favor neutralism on the House floor? I am not for neutralism. I am against communism. I am against tyranny. I am proud not to be neutral. What are we doing in the U.S. Congress voting for a document to give money to a neutral agency?

Mr. WALKER. If the gentleman would yield, I must say that I was disturbed along the same lines when we heard arguments made on the floor this evening that if we would simply adopt something along the lines of the resolution that the gentleman is referring to, that we had assurances from the Nicaraguan Government that they would do the following things, and a whole list of things was read off that the Nicaraguans were going to do. In other words, we took the word of the Nicaraguan Government that if we did this, they were going to respond.

□ 2120

Those very same people then would argue a little later that we could not trust the same kind of assurances with regard to the Michel resolution from the President of the United States. In other words, as far as the Communists in Nicaragua are concerned, we were willing to take their assurances, but when the President assures us the moneys were going to humanitarian purposes, those same people became suspect that the President was lying to us while the Communists were telling us the truth.

That really causes me to have some real problems here with the position that is being formulated in those terms. That is precisely the way it was formulated out here on the floor in the debate this evening.

Mr. GINGRICH. That is true, I say to the gentleman, and I thought about it in that context.

What we have in the Barnes-Hamilton document is this page 2 quote that "* * * both sides of the conflict in Nicaragua have expressed in words their goals for peace and democracy in Nicaragua," and they are sort of saying, "Take Ortega and the Communists at face value." But when Ronald Reagan, the American, says something, they get up here and say, "Ah! How can you trust him?"

Again let me emphasize that these people are honest, sincere, patriotic "ostriches." The problem is not that they are in any sense pro-Communist; it is that they are dumb. And they are not dumb in their IQ; they just have very great difficulty learning about the nature of communism.

Mr. WALKER. Mr. Speaker, I agree with the gentleman. The point we want to make—and I believe it should be reflected often in our discussions here—is that we in no way inpugn the integrity of people or impugn their motivations or anything else, but the functional effect of what they are doing really ends up leaving questions. And when we see the dichotomy in the debate that comes down that way, that we trust the disinformation campaign of the Nicaraguans more than we trust the information out of our own Government, it really does cause us major kinds of problems, particularly when those same people will say over and over again, "I went to Nicaragua, and I saw down there that they don't have any freedom of press, and that disturbs me." But yet, knowing the fact that the press down there is not free and is censored, they buy into the disinformation campaign to make their arguments here.

Yet when the information comes out of our State Department or out of our CIA or out of our intelligence sources, very often on the House floor that is suspect information, and we will not regard that with the same degree of validity that we regard the information we are getting out of Nicaragua, some of it supplied by law firms in this city hired by the Nicaraguans to make appeals to the Congress. That just does not strike me as facing up to reality.

Mr. GINGRICH. Well, let me say this: The gentleman will find this, I think, fascinating. When I was looking back at this very famous vote, really the key vote on stopping communism in Europe, from the May 5, 1947 Newsweek—and they described it, as I said earlier, by saying that the pressure was on and all the old instincts of America were to hide; and I will get to that in just a second again—let me just say that the leader of the opposition to helping save Greece and Turkey said, "if you provide aid to Greece and Turkey, it is in reality a declaration of war."

In other words, this is the very argument of our leftwing "ostrich" friends, that if we provide help for the freedom fighters, we might as well declare war, and that was the exact argument of the isolationists in 1947 who were against saving Greece and Turkey. It is incredible, the long-term, historical, intellectual heritage of certain ideas.

Let me go on, though, because I think the gentleman can see where America is at once again. This is Newsweek's description of what was at stake:

> Broadly, the Senate's vote was a vote against the traditional ideas of isolationism and neutrality, a vote in favor of containing Communism, a vote for shouldering international burdens * * * a vote to support President Truman's plan "to help free peoples to maintain their free institutions and their national integrity against aggressive movements that seek to impose upon them totalitarian regimes."

Interestingly, in 1947, when Harry Truman, a Democrat, was trying to stop communism, Ronald Reagan, a Democrat, was on his side because they were both anti-Communists. They were both concerned about freedom. And, interestingly, almost 40 years later, what do we have today? We have the leftwing "ostriches"—and I think the quote in here is right—and the leftwing "ostriches" today represent the traditional ideas of isolationism and neutrality.

And what else do we have today? Today Ronald Reagan, who was a Truman "donkey" Democrat, who was tough on communism, is a Republican. Jeane Kirkpatrick, who was a Truman-Humphrey-Jackson "donkey" Democrat, is a Republican. PHIL GRAMM, who was a conservative Democrat, is a Republican. And why? Because the "ostrich" as a symbol is driving the "donkey" out of the way in the Democratic Party, because in the Democratic Party there is almost a role reversal. The Democratic Party has replaced the Midwestern isolationism of the Republicans with a new isolationism and a new neutrality.

But let me carry it one stage further. We have talked a lot in recent weeks about the Holocaust, about the incredible period in which Nazi Germany killed millions of people and, in particular, came close to wiping out European Jewry.

Someone said to me 2 days ago, talking frankly about the McIntyre affair and the efforts by the Democratic leadership to not allow the people of Indiana to have their Representative but, instead, to impose upon them somebody else, something in which he quoted Niemöller, and I have never quite until tonight fully been able to link it together. Niemöller, the great German theologian, said at one point:

When the Nazis came for the Jew, I did nothing because I was not Jewish, and when the Nazis came for the Catholic, I did nothing because I was not Catholic, and when the Nazis came for me, there was no one left.

I never quite thought about that the same way before, but it was all coming together tonight as I sat on the floor and we debated. I suddenly realized that here in Nicaragua was a Communist government allied with the Palestine Liberation Organization, a Communist government allied with Libya, a Communist government which attacks Israel in diplomatic circles, a Communist government which publicly says it hates Israel. Here is a Communist government that votes against Israel every chance it can in the United Nations. Here is a Communist government which named one of its generating stations after a Nicaraguan Communist who was killed in 1970 in an El Al airplane, trying to hijack the airplane as a part of a Palestine Liberation Organization terror team.

Now, notice, here you have a Communist Nicaraguan with the Palestine Liberation Organization trying to seize an Israeli airplane, and after he is killed, it is Nicaraguan Communists who deliberately named their generating station in honor of a terrorist who was anti-Israeli and Communist. And in that setting, I would say to all of my friends, both in America and abroad, and to our friends in Israel, that the cause of freedom is inseparable, that the Holocaust going on today is a Holocaust of freedom, that the Gulag was as horrible and is as horrible, that the anti-Semitism in the Soviet Union today, which leads all of us to sign letters for refuseniks to try to work to make sure the people who want to emigrate to Israel can get out, is linked directly to Libya, is linked directly to the PLO, and is linked directly to Nicaragua. Let me say one other thing.

Mr. ECKERT of New York. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. Let me say one thing first, and then I will yield to the distinguished gentleman from New York.

When Qadhafi had his 15th anniversary party in Libya, the Nicaraguan Communists sent their No. 2 man to be there because they wanted to let him know that, as much a terrorist as he was, they were right in there as terrorists with him.

So I say to every person who cares for freedom, whether it is freedom in American or freedom in Israel or freedom in Central America, that Niemöller was right, that you have to care that the people who happen to be Jewish are able to live free in the Middle East, that you have to care that the people who happen to be Catholic are free in Central America, and you have to care that the people of any background, of any race or religion, are able to be free in their homeland. So the cause of a free Nicaragua is in that sense the cause of a free Israel and is in that sense the cause of a free America.

Mr. Speaker, I am glad to yield now to the gentleman from New York.

Mr. ECKERT of New York. Mr. Speaker, I thank the gentleman from Georgia for yielding, and I am glad he made that point.

I heard some of the gentleman's remarks as I was in the office doing some work, and I am glad to hear him touch on those points. But is it not true that on Qadhafi's 15th anniversary party that he threw for himself, not only did Nicaragua send representation, but is it not true that no Arab leaders attended?

Mr. GINGRICH. That is right. The Nicaraguans were more aggressively pro-Libya and pro-Qadhafi and proterror than any of the major Arab countries.

□ 2130

Mr. ECKERT of New York. Another point I wish the gentleman would elaborate on is the PLO connection in Managua. Is it not true that in Managua, Nicaragua, that there is an embassy for the PLO, which is not a country, it is a terrorist organization?

Mr. GINGRICH. That is correct. The Communist government of Nicaragua recognized the Palestinian Liberation Organization as soon as it could and pledged its solidarity to the Palestinian Liberation Organization, which means, of course, that the Communist government of Nicaragua is committed to the destruction of Israel.

Mr. ECKERT of New York. I cannot think of another country that comes quickly to mind that recognizes the PLO as an embassy, that has ambassadorial status. It is an unusual move for a country.

Mr. GINGRICH. I am not sure if Communist countries routinely in general do that or not. I would be very careful. Again, we might want to ask our friends on the Western Hemisphere Subcommittee how many countries recognize the Palestinian Liberation Organization as an official government or an official movement.

Mr. ECKERT of New York. It certainly would show the sentiment.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be glad to yield.

Mr. WALKER. You know, what our friends on the left will tell us, they think that is horrible. I mean, they come out here and they say on the floor that they think that is just terrible, that the Sandinistas are in fact recognizing the PLO and that they are anti-Semitic. They came to the well and said that. They said they are terribly disturbed about all those things down there. They are just not willing to do anything about it.

They do not say that. I am saying that. The fact is that they use all that language, but when it comes down to the fact of are you willing to do something, like support the Contras, or anything, they do not.

The fact is, as we pointed out here earlier, they are not willing to do anything, and that is the problem.

Mr. ECKERT of New York. Mr. Speaker, I thank the gentleman.

U.S. POLICY IN CENTRAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. RUDD] is recognized for 60 minutes.

● Mr. RUDD. Mr. Speaker, I have called this special order today to discuss U.S. policy in Central America and particularly the urgency in providing the requested $14 million for the freedom fighters in Nicaragua.

Earlier this month, I had the opportunity to accompany a delegation, led by Congressman G.V. MONTGOMERY, from the Armed Services Committee on a tour of seven Latin American nations, including Panama, Costa Rica, Honduras, El Salvador, and Belize in Central America. The feeling there is much different than just 1 year ago, and the people have no doubt that the United States of America is their friend. They are watching Congress closely now to see if we have the courage and the will to support them in their struggle to make real progress toward strong democracies, or if we will abandon them to fend for themselves against Marxist/Leninist insurgents.

In 1979, two-thirds of the people in Latin America lived under military governments, or governments dominated by the military. Today, however, that situation has changed dramatically. Over 90 percent of those people are living under democratic governments. Since 1980 alone, military juntas have returned the reigns of government to civilians in Peru, Bolivia, Ecuador, Honduras, Argentina, El Salvador, Panama, Uruguay, and Brazil. Guatemala has scheduled elections for October of this year. Of course, Costa Rica has been democratic for many years. It is significant to note that no govern-

ment in Latin America has reverted back to dictatorship during this period.

With the exception of Nicaragua, Central America's downward economic spiral has also been halted. A regional increase in gross domestic product [GDP] of 1.2 percent in 1984 followed GDP declines of 3.3 percent in 1982 and 0.8 percent in 1983. In El Salvador, where the economy declined by 25 percent from 1980 to 1982, GDP leveled off in 1983 and rose an estimated 1.5 percent in 1984. Current estimates indicate that regional GDP, except for Nicaragua, will increase by another 2.5 percent in 1985.

This good news could be better, and the future much brighter, were it not for Marxist-Leninist insurgencies—financed and supported by the Soviet Union, Cuba, and their brokers in Nicaragua—which threaten the democratic nations in the region and force them to divert government revenues from development to defense. The guerrillas destroy infrastructure, terrorize the people, and weaken the productive forces needed to support self-sustaining growth.

While the critics fret at 55 U.S. advisers in El Salvador, they somehow forget or suppress the fact that some 9,000 Cubans, including military and security advisers, have been sent into neighboring Nicaragua. While they condemn $14 million in support for the freedom fighters, they ignore the $250 million worth of military deliveries to Nicaragua by the Soviet Union in 1984. They never mention that 78 percent of U.S. aid to the region is economic. They forget that Nicaragua maintains a military force greater than the forces of all its neighbors combined—more than would ever be needed solely for defense. Indeed, Commandante Bayardo Arce of the Sandinista regime acknowledged in a 1984 statement that the Sandinistas include among their objectives support for fraternal revolution throughout Central America.

Not only are they spreading terror across the region, but they are also terrorizing their own people. They are carrying out a campaign of genocide against the Miskito Indians. The Miskitos had supported the Sandinistas against Somoza, but when they resisted Marxist indoctrination, the Sandinistas began their calculated effort to eliminate the opposition. They arrested Indian leaders, murdered some and tortured others. There were massacres of Miskitos. Thousands were forced into relocation camps. Miskito villages were destroyed. Thousands of others were forced to flee the country altogether.

The Sandinistas moved to suppress other rights and freedoms. The only remaining nongovernment newspaper in Nicaragua, La Prensa, is censured daily. Opposition parties are denied free participation in elections. Commandante Arce went so far as to call elections a nuisance and pointed out that they would be totally out of place in terms of usefulness were it not for the pressure put on them by the United States.

The Sandinistas have moved to secure complete control within Nicaragua, this despite their pledge to the Organization of American States in 1979 that if their revolution succeeded, they would establish a democratic, nonaligned regime with a mixed economy.

The fact is that the Sandinistas have been hostile to freedom and democracy, and to the United States from the start. They had no intention of ever honoring their commitment to implement democratic reforms in Nicaragua.

What they would like more than anything is for the Congress to defeat the $14 million for the Contras so that they can continue their military campaign against their neighbors without the resistance they are now facing on their home turf.

If we fail to support the freedom fighters in Nicaragua and instead allow the Sandinistas to export their Marxist revolution, our friends in the region which are making progress toward strong democracies will fall. They will be condemned to a lot far worse than they ever experienced before, and the insurgency will spread, possibly to our own border, forcing us into an extremely costly showdown to protect our national security. Not only are the freedom fighters struggling to restore freedom to Nicaragua, but they are also fighting to preserve freedom throughout Central America. They deserve our support.

Mr. Speaker, following is a Dear Colleague letter prepared by Chairman SONNY MONTGOMERY regarding his recent trip to Latin America:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 18, 1985.

DEAR COLLEAGUE: A group of us from the Armed Services, Veterans' Affairs and Appropriations Committees visited seven countries in Latin America earlier this month to assess United States, Central and South American security matters, as well as to review the participation of U.S. National Guard troops in the Blazing Trails and Ahaus Tara III exercises. We had the opportunity to meet with numerous U.S. diplomatic and military personnel as well as with high-level Latin American military and government leaders—most notably with President Jose Napoleon Duarte of El Salvador. We encountered a number of recurring security and defense themes on our journey—themes about which there was surprising unanimity of opinion—and we would like to pass along our findings for your consideration.

First, U.S. and Latin American officials agree that Cuban and Nicaraguan support of leftist insurgents in El Salvador and elsewhere in the region poses the most serious threat to democracy and stability in Central America. There is no doubt that Cuba and Nicaragua are continuing to export their revolution in terms of providing financial support, military hardware, training, and sanctuary to the violent opponents of democratically elected governments.

Second, U.S. and Latin American officials agree that the United States must continue to provide significant resources to democratic forces in Central America in order to counteract the effects of Cuban and Nicaraguan influence. President Duarte, in particular, emphasized that if the United States cuts off aid to democratic forces in Central America, the United States will ensure a permanent military imbalance in the region and contribute to the victory of totalitarian forces.

Third, the officials with whom we spoke stressed that Latin America views U.S. approval of the $14 million humanitarian assistance report to the Nicaraguan Contras as a "litmus test" of the U.S. commitment to the region. They ask why the United States hesitates to actively export its most precious commodity—democracy—when Cuba and Nicaragua do not hesitate to export their Marxism. They ask why the United States hesitates to support Nicaraguans who are willing to risk their lives to restore freedom and democracy to their country in order that American men need not sacrifice their lives sometime in the future.

The Contras have reached a critical juncture in their fight to restore democratic freedoms to Nicaragua. Today, there are more Contras in the field than there ever were Sandinistas during the revolution—and the Sandinistas are vulnerable. Now that success is within reach, the United States must not "pull the rug out" from under the freedom fighters.

In closing, we would like to clarify who the Contras really are. We have heard some Members of Congress argue that the Contras are the same national guardsmen who terrorized the Nicaraguan people under the Somoza regime and that the United States should not support these "murderers and torturers." In actuality, less than two percent of the total Contra forces ever served in the Nicaraguan National Guard. An even more telling statistic is that 42 percent of all regional commanders are ex-Sandinistas. In other words, 42 percent of the Contra middle grade leadership are men who deserted the Sandinista ranks when the Sandinistas betrayed their promise of democracy and freedom in Nicaragua.

When the Contra vote comes up in the House of Representatives, U.S. credibility in Central America will be directly at stake. We urge you to cast a vote for democracy and approve the $14 million humanitarian assistance request.

Sincerely,

G.V. (Sonny) Montgomery, John Paul Hammerschmidt, Sam Hall, Eldon Rudd, Floyd Spence, Bob Stump, William Hendon, Members of Congress.●

● Mr. HAMMERSCHMIDT. Mr. Speaker, I would like to join six of my colleagues, with whom I made a recent trip to five Central American and two South American countries, in sharing some of our observations about political, economic and security problems facing this region.

Our delegation, during the 8-day trip, reviewed security-related matters and observed the participation of U.S. Army National Guard units in military

and engineering exercises in Central America. The delegation visited Venezuela, Ecuador, Panama, Costa Rica, Honduras, El Salvador, and Belize, meeting with high level civilian and military officials.

We found a unanimous view among Latin American officials that Cuba and Nicaragua are continuing to export their revolution, in the form of weapons, training, and financial support, to leftist insurgents in El Salvador and elsewhere in the region. This, the officials agreed, is the most serious threat to democracy and stability facing Central America.

In order to counteract the effects of this leftist influence, the military and civilian officials agreed that it is vital that the United States continue to provide aid to democratic forces in Central America.

While in El Salvador, the delegation had the honor of meeting with President Jose Napoleon Duarte. President Duarte reiterated to me the views that he shared when we met in September 1981, that if the United States cuts off aid to democratic forces in Central America, the United States will ensure a permanent military imbalance in the region and contribute to the victory of totalitarian forces. He also stressed that he is continuing to work for progress in El Salvador on all fronts, particularly in stopping human rights abuses.

One way that the United States is showing support for its democratic allies in Latin America is through joint military exercises between United States and Latin American troops. While in the region, we observed two of these joint exercises, the Blazing Trails exercise taking place in Panama, and the Ahaus Tara III exercise on the Honduras-Nicaragua border. Let me say that the professionalism and morale of the U.S. National Guard, Reserve, and Regular personnel participating in these exercises was of the highest caliber.

In the Blazing Trails engineering exercise, U.S. Army National Guard and Panamanian forces are working together to construct 42 kilometers of roadway to link isolated valleys in the Veraguas Province of Panama to the Pan American Highway. These U.S. Guard members are honing their engineering skills while completing their annual 2-week period of active duty training. When finished, the road will improve the livelihood of local Panamanians who are now isolated, as well as give American citizen-soldiers the opportunity to gain experience in deployment techniques and training with heavy engineering equipment.

The Ahaus Tara III project in Honduras is also a fine example of U.S. military personnel working hand-in-hand with the Honduran armed forces. The first phase of the project concentrated on engineering tasks, such as improving runways at several airstrips, well digging, and improvements to tactical positions on the Honduran-Nicaragua border. In phase two, U.S. National Guard troops and Honduran troops conducted field training exercises with tanks and armored vehicles to teach the Honduran armed forces how to defend against a conventional attack. Phase three will be a joint counterinsurgency field training exercise, which will include parachute training.

Not only do these exercises show America's support for her allies, but they provide active and reserve units with real life training that could not be duplicated under other circumstances, which enhance the capabilities of our armed forces. In addition, many of these projects provide substantial construction and humanitarian assistance to the participating countries, increasing goodwill between the U.S. and its Latin American neighbors. I believe that these joint exercises should be expanded, as they benefit all who participate.

Lastly, I would like to convey to my colleagues some observations made by Maj. Gen. Jose Antonio Olavarria Jiminez, commander of the Venezuelan Army, during our meeting with him. Our discussion focused on the internal leftist guerrilla threat Venezuela faced in the 1960's and how that problem was successfully eliminated. General Olavarria noted that Venezuela is the only country that solved its internal insurgency problem without suspending civil liberties or eliminating democratic institutions.

These successes were achieved not only through the use of military force, but also by using political, social and economic solutions, an approach that is known as the "Venezuelan model." For example, the government offered the guerrillas amnesty, and an opportunity to participate in the political process in return for laying down their arms. Today, some former guerrillas are serving in the Venezuelan Congress.

General Olavarria believes that El Salvador today is in the early stages of the Venezuelan model, and stressed that President Duarte deserves full support in his effort to solve his country's problems. I concur with General Olavarria and hope that Congress will continue to work for democracy in this troubled region.●

U.S. POLICY IN NICARAGUA AND EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LAGOMARSINO] is recognized for 10 minutes.

● Mr. LAGOMARSINO. Mr. Speaker, Congressman MIKE DEWINE and I have just returned from Nicaragua and El Salvador, where we met with government officials and opposition leaders. From all the discussions we had, our overall conclusion is that opposition leaders in Nicaragua fear for their continued existence if the Contras do not remain as a force for pressuring the Sandinistas to moderate their regime.

In Nicaragua, representatives of several opposition groups told us they had been "enemy No. 1" for the Sandinistas before the Contras appeared; now they are "enemy No. 2." They also say they would once again be the primary target for the Sandinista regime and probably would not survive if the Contras disappeared.

Nicaraguan Vice President Sergio Ramirez told us that he considers it necessary to reach a bilateral agreement between the United States and Nicaragua. He said:

> We have specific interests in our country, and we recognize the United States has interest in Central America. We are not going to challenge those interests if we can reach a bilateral agreement.

We interpret his statement to mean that if a deal can be cut to protect the Sandinista regime from the opposition of its own people then they are willing to stop exporting their revolution. The Sandinistas gave assurances that they were not supporting guerrilla groups in other countries and also agreed to negotiate to stop such support.

When we sought to accept the offer of Nicaraguan President Daniel Ortega to inspect their military bases to verify their nonoffensive nature, we were refused. Deputy Foreign Minister Victor Tinoco told us the invitation had been extended to Speaker O'NEILL to name a bipartisan commission to go to Nicaragua to see the military installations, that the refusal was nothing personal but that Members of Congress traveling to Nicaragua would not be shown the bases, only the one "official commission." While any country certainly has the right to control access to its military bases, it seemed to us that the Sandinistas were less than sincere in their offer to demonstrate their openness and their willingness to prove they have no offensive military intentions.

As for freedom of the press, freedom of religion, freedom to organize labor unions, respect for due process and all other aspects of human rights, our discussions invariably included comments that things were worse now than they were before the Sandinistas took power. Much attention has been given lately to reports of improved human rights conditions in Nicaragua with credit going to the Sandinistas based on studies by Americas Watch. However, an official of the independent Permanent Human Rights Commission in Nicaragua told us that Americas Watch, after publishing an accurate account in 1982 of the abuses of the

Sandinista regime against the Miskitos Indians has since lost all objectivity and credibility in its reporting. He said they now rely too much on official government information and are not in the country long enough to verify what is true and what is heresay. He further stated that for their most recent report Americas Watch did not take the reports of abuses of the Sandinista regime compiled by the Human Rights Commission.

Reports of the total domination of the economy by the Sandinistas were repeated by almost everyone we talked to. From control of ration cards to requirements of selling all production to the government which in turn sells the products to the populace, the idea of private enterprise seems like something the Sandinistas only give lip service to. Moreover, the pervasive influence of the "internationalists"—those non-Nicaraguans from Cuba, Bulgaria, Libya, North Korea, and other bloc nations—was routinely criticized. The Cuban presence in particular created serious concern because they seem to be the ones making the decisions at all levels of the government according to firsthand accounts. The exact number of Cubans is unclear with the Nicaraguan Government claiming only 800 and our sources placing the number much higher, anywhere from 2,000 to 3,000 military and 5,000 to 6,000 nonmilitary. Of course, the exact number is irrelevant to the influence the Cubans exert. After all, administration critics claim 55 American military trainers in El Salvador wield influence out of proportion to their numbers.

Our discussions in El Salvador, in particular with President Duarte, confirmed that the country is making progress in reenforcing the democratic process that it has successfully implemented with elections last year and parliamentary elections March 31. President Duarte assured us he would seek broad participation of all political sides in his government. He also reaffirmed his intention to pursue a national dialog with the armed opposition forces fighting his government and to continue to seek to "humanize the conflict." By humanizing the conflict he is trying to get the guerrillas to agree not to attack the people and the economic structure of the country which directly affects the well-being of the poorest sectors of society.

President Duarte reacted strongly against allegations that the military forces of his country were conducting an indiscriminate bombing campaign against innocent civilians. He has established rules of engagement for the military and for air strikes against targets in civilian zones. He says guerrilla allegations of indiscriminate bombings of civilians have not been substantiated. He further protested any proposal of conditions on military aid to El Salvador as weakening his position rather than strengthening it. "It's as though I would have to come to Congress to tell you to come to El Salvador and talk to my generals because they will not listen to me," President Duarte told us. He asked us to give him the chance to demonstrate that he has the respect and support of the military and that they will follow his leadership without being blackmailed into doing it.

For El Salvador, one of the major areas of concern continues to be the state of the economy. While the nation is no longer suffering negative economic growth, the cumulative cost of the guerrillas attacks on the infrastructure of the nation over the past 4 years has surpassed $1 billion. American development assistance in that time has barely matched the cost of the war the guerrillas are waging. The guerrillas are not targeting only military objectives. They are moving into the city and striking innocent civilians and destroying homes, offices, schools, hospitals and, most recently, a kindergarten.

Salvadoran Defense Minister Vides Casanova reiterated for us the importance of continued military assistance to El Salvador as a budget-conscious measure. He reminded us it is cheaper to send U.S. military aid to El Salvador than to send the U.S. military. A prominent church official in El Salvador told us that as long as Nicaragua and Cuba were supporting the rebels, then the United States should continue to support El Salvador with military aid. When asked if that were the view of Archbishop Rivera y Damas, he said that Rivera y Damas, because of his church position, does not feel he can say that publically. Nevertheless, he said, Rivera y Damas has never told him not to say it.

As we approach consideration of the President's request for humanitarian assistance for the Contras, we must also remember that our policy toward Nicaragua is closely linked with the amount of money we are forced to spend in helping our allies in the region. As long as Nicaragua, with the help of Cuba, remains as a source for exporting revolution to its neighbors, then we must either counter that threat directly or expect ever greater expenditures of aid to our allies to help them counter the subversion they face from their Sandinista neighbor.

The theme of all our talks in Nicaragua and El Salvador was a constant plea to prevent the Sandinistas from institutionalizing their regime in Nicaragua. Those we talked with believed the final outcome in Central America will be five or none. All five must achieve democracy, or none of them will if Nicaragua is allowed to become another Cuba. As Members who had useful, informative meetings in these two countries in Central America, we urge you to consider the tremendous psychological impact on our allies if the Congress fails to approve the funding of humanitarian aid for the Contras. We urge you also to seriously consider the security interests of our own country in trying to determine the most effective policy for the United States toward Nicaragua. Without exception, our discussions convinced us that some form of pressure must be maintained on the Nicaraguans to force them to uphold their stated objectives of political pluralism, a mixed economy and nonalignment as well as blocking their export of revolution. By approving the $14 million at this time, we place the burden on the Sandinistas to prove their sincerity. We have demanded internal dialog for El Salvador, we can demand no less for Nicaragua.

Approving this money for the Contras does not guarantee success, but defeating this measure does guarantee failure for U.S. interests in our own backyard. We urge you to make the very difficult decision and approve the President's request for the $14 million.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TRAFICANT (at the request of Mr. WRIGHT), for today, on account of a death in the family.

Mr. BADHAM (at the request of Mr. MICHEL), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MONSON) to revise and extend their remarks and include extraneous material:)

Mr. PARRIS, for 60 minutes, today.

Mr. PARRIS, for 60 minutes, April 25.

Mr. RUDD, for 60 minutes, today.

Mr. LAGOMARSINO, for 10 minutes, today.

Mr. FISH, for 5 minutes, today.

Mr. DIOGUARDI, for 5 minutes, today.

Mr. BROYHILL, for 60 minutes, April 29.

Mr. MCEWEN, for 60 minutes, April 25.

Mr. WALKER, for 60 minutes, April 25.

Mr. GINGRICH, for 60 minutes, April 25.

Mr. MACK, for 60 minutes, April 25.

Mr. HUNTER, for 60 minutes, April 25.

Mr. WEBER, for 60 minutes, April 25.

Mr. WALKER, for 60 minutes, today.

(The following Members (at the request of Mr. RAY) to revise and extend their remarks and include extraneous material:)

Mrs. BOGGS, for 5 minutes, today.
Mr. BOUCHER, for 5 minutes, today.
Mr. CROCKETT, for 5 minutes, today.
Mr. TRAFICANT, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. UDALL, for 5 minutes, today.
Mr. NELSON of Florida, for 5 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.
Mr. GONZALEZ, for 60 minutes, April 25.
Mr. LEVIN of Michigan, for 60 minutes, April 25.
Mr. ALEXANDER, for 60 minutes, April 30.
Mr. GAYDOS, for 30 minutes, April 30.
Mr. GAYDOS, for 30 minutes, May 1.
Mr. AUCOIN, for 60 minutes, May 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MONSON) and to include extraneous matter:)

Mr. MILLER of Ohio in three instances.
Mr. LIGHTFOOT.
Mr. GREEN.
Mr. WOLF.
Mr. COATS.
Mr. DREIER of California.
Mr. GEKAS.
Mr. FIELDS in two instances.
Mr. WHITEHURST.
Mr. STUMP.
Mr. LENT.
Mr. FRANKLIN.
Mr. COLEMAN of Missouri in two instances.
Mr. CLINGER.
Mr. CHANDLER.
Mr. STRANG.
Mr. YOUNG of Alaska.
Mr. SUNDQUIST.
Mr. COURTER.
Mr. HUNTER.
Mrs. ROUKEMA.
Mr. BATEMAN.

(The following Members (at the request of Mr. RAY) and to include extraneous matter:)

Mr. CLAY.
Mr. LEHMAN of Florida in two instances.
Mr. RANGEL.
Mr. EDWARDS of California.
Mr. MCHUGH.
Mr. BARNES.
Mr. MATSUI.
Mr. WEISS.
Mr. KILDEE.
Mr. BORSKI.
Mr. DYSON.
Mr. BOLAND.
Mr. LIPINSKI.
Mr. STARK.
Mr. PEASE.
Mr. UDALL.
Mr. LEHMAN of California.
Mr. GUARINI.
Mr. HOYER.
Mr. RODINO.
Mr. HERTEL of Michigan.
Mr. FROST in three instances.
Mr. TORRICELLI.
Mr. TRAXLER.
Mr. TRAFICANT.
Mr. MILLER of California.
Mrs. LLOYD.
Mr. ATKINS.

ADJOURNMENT

Mr. WALKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Thursday, April 25, 1985, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1107. A letter from the Acting Assistant Secretary (Comptroller), Department of Defense, transmitting notice of the intent to obligate funds in the Army stock fund for war reserve stocks, pursuant to Public Law 98-473, section 8026 (98 Stat. 1928); to the Committee on Appropriations.

1108. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a proposed increase of the amount previously granted to National Financiera, S.A. [NAFINSA] in 1983, to cover additional U.S. costs in the U.S. launch insurance premiums, pursuant to the act of July 31, 1945, chapter 341, section 2(b)(3)(i) (88 Stat. 2335; 91 Stat. 1210; 92 Stat. 3724); to the Committee on Banking, Finance and Urban Affairs.

1109. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

1110. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting the Agency's report on new contracts having a total estimated cost or price in excess of $100,000 which the Agency entered into without competitive selection procedures during the period October 1, 1983 to September 30, 1984, in accordance with section 634(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1111. A letter from the Acting Secretary, Department of Transportation, transmitting notice of an altered Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1112. A letter from the Acting Secretary, Department of Transportation, transmitting notice of an altered Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1113. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting notice of a proposed new Federal matching computer program, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1114. A letter from the Secretary, Department of the Interior, transmitting notice of leasing systems for the central Gulf of Mexico, sale 98, scheduled in May 1985, pursuant to the act of August 7, 1953, chapter 345, section 8(a)(8) (92 Stat. 640); to the Committee on Interior and Insular Affairs.

1115. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered into relating to the adjustment of status of a nonimmigrant to that of an alien lawfully admitted for permanent residence, pursuant to Public Law 85-136, section 13(c); to the Committee on the Judiciary.

1116. A letter from the Deputy Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend section 3006A of title 18, United States Code, to improve the delivery of legal services in the criminal justice system to those persons financially unable to obtain adequate representation, and for other purposes; to the Committee on the Judiciary.

1117. A letter from the Chairman, Railroad Retirement Board, transmitting a draft of proposed legislation to conform the Federal income tax treatment of rail industry pensions to that of all other private pensions; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALL of Ohio: Committee on Rules. House Resolution 140. Resolution providing for the consideration of H.R. 1555, a bill to amend the Foreign Assistance Act of 1961, the Arms Export Control Act, and the Agricultural Trade Development and Assistance Act of 1954, to authorize development and security assistance programs for fiscal year 1986, and for other purposes (Rept. No. 99-57). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BATEMAN (for himself, Mr. LOWRY, of Washington, and Mr. AKAKA):

H.R. 2196. A bill to provide that a spacecraft under the jurisdiction or control of the United States shall be treated, while in space, enroute from Earth to space, or returning to Earth from space, as a spacecraft within the territory of the United States for purposes of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 2197. A bill to authorize the use of funds appropriated to the Navy for the expenses for the Commission on Merchant Marine and Defense, and for other purposes; to the Committee on Armed Services.

By Mr. BOUCHER:

H.R. 2198. A bill to amend title 18, United States Code, to modify certain provisions pertaining to restitution, and for other purposes; to the Committee on the Judiciary.

By Mr. COLEMAN of Missouri:

H.R. 2199. A bill to amend title IX of the Higher Education Act of 1965 to create a program of graduate assistance in areas of national need, and for other purposes; to the Committee on Education and Labor.

By Mr. DWYER of New Jersey:

H.R. 2200. A bill to permit citizens of any State to bring a Federal civil action against persons creating a public nuisance through the improper management of medical waste in another State; to the Committee on Energy and Commerce.

By Mr. EDWARDS of Oklahoma:

H.R. 2201. A bill to amend title 18 of the United States Code to prohibit certain noncustodial parental transportation and detentions of children, and for other purposes; to the Committee on the Judiciary.

By Mr. FAUNTROY:

H.R. 2202. A bill to retire Federal Reserve bank stock; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2203. A bill to modernize the Federal Reserve System; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2204. A bill to amend the Federal Reserve Act to increase the number of class C directors of Federal Reserve banks; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FLORIO (for himself, Mr. MONTGOMERY, and Mr. HAMMERSCHMIDT):

H.R. 2205. A bill to erect a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces of the United States who served in the Korean war; to the Committee on House Administration.

By Mr. GARCIA:

H.R. 2206. A bill to amend title 13, United States Code, to provide for grants to State and local governments to assist in eliminating census undercounts, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GRAY of Illinois:

H.R. 2207. A bill to amend the Federal Aviation Act of 1958 to require the Secretary of Transportation to reserve slots at high-density airports for service to small communities; to the Committee on Public Works and Transportation.

By Mr. RALPH M. HALL (for himself and Mr. FIELDS):

H.R. 2208. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 2209. A bill to amend the Internal Revenue Code of 1954, concerning the requirement for separate mailings of Internal Revenue Service 1099 statements; to the Committee on Ways and Means.

By Mr. KILDEE (for himself and Mr. GOODLING):

H.R. 2210. A bill to amend the General Education Provisions Act to improve and expand the Assessment Policy Committee; to the Committee on Education and Labor.

By Mr. RODINO (for himself, Mr. FISH, Mr. DE LA GARZA, Mr. SEIBERLING, and Mr. SYNAR):

H.R. 2211. A bill to amend title 11 of the United States Code with respect to bankruptcy proceedings involving debtors who are family farmers, and for other purposes; to the Committee on the Judiciary.

By Mr. SHUMWAY (for himself and Mr. DREIER of California):

H.R. 2212. A bill to provide for an orderly transition to interstate banking; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SNYDER (by request):

H.R. 2213. A bill to abolish the Economic Development Administration, to repeal the Public Works and Economic Development Act of 1965, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. STARK:

H.R. 2214. A bill to modify the tax treatment of long-term contracts with the Federal Government; to the Committee on Ways and Means.

By Mr. SUNDQUIST:

H.R. 2215. A bill to amend title 23, United States Code, to make certain off-system bridge projects funded by State and local sources eligible for Federal bridge assistance; to the Committee on Public Works and Transportation.

By Mr. UDALL:

H.R. 2216. A bill to amend title 39, United States Code, to provide that voter registration forms, absentee ballots, and certain related matter may be mailed by election agencies free of postage; to the Committee on Post Office and Civil Service.

By Mr. WATKINS:

H.R. 2217. A bill to amend the Farm Credit Act of 1971 to require that sales and exchanges of real property by the institutions of the Farm Credit System include all mineral rights in such property; to the Committee on Agriculture.

By Mr. BROWN of California (for himself, Mr. MOAKLEY, and Mr. DICKS):

H.J. Res. 252. Joint resolution calling on the President to negotiate a treaty between the United States and the Soviet Union which provides for strict mutual and verifiable limitations on space weapons, to provide for an agreement with the Soviet Union for a moratorium on the testing of antisatellite weapons, and to provide for the continued U.S. commitment to the 1972 Anti-Ballistic Missile Treaty; to the Committee on Foreign Affairs.

By Mr. COLEMAN of Missouri:

H.J. Res. 253. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. GREEN (for himself and Mr. GALLO):

H.J. Res. 254. Joint resolution to designate the month of March 1986 as "National Hemophilia Month"; to the Committee on Post Office and Civil Service.

By Mr. LUJAN:

H.J. Res. 255. Joint resolution to provide for the designation of chili as the official food of the United States of America; to the Committee on Post Office and Civil Service.

By Mr. PICKLE (for himself and Mr. LAGOMARSINO):

H.J. Res. 256. Joint resolution to provide for the designation of chili without beans as the official food of the United States of America; to the Committee on Post Office and Civil Service.

By Mr. RINALDO:

H.J. Res. 257. Joint resolution designating May 7, 1985, as "National Remembrance of V-E Day"; to the Committee on Post Office and Civil Service.

By Mr. SCHEUER (for himself, Mr. GARCIA, Mr. HANSEN, Mr. ACKERMAN, Mr. ADDABBO, Mr. BIAGGI, Mr. GREEN, Mr. MANTON, Mr. MOLINARI, Mr. OWENS, Mr. RANGEL, Mr. SCHUMER, Mr. SOLARZ, Mr. TOWNS, Mr. WEISS, and Mr. ROE):

H.J. Res. 258. Joint resolution to designate May 6, 1985, as "Dr. Jonas E. Salk Day"; to the Committee on Post Office and Civil Service.

By Mr. VOLKMER (for himself, Mr. GEPHARDT, Mr. SKELTON, Mr. WHEAT, Mr. YOUNG of Missouri, Mr. COLEMAN of Missouri, Mr. EMERSON, and Mr. TAYLOR):

H.J. Res. 259. Joint resolution to designate November 30, 1985, as "National Mark Twain Day"; to the Committee on Post Office and Civil Service.

By Mr. FISH:

H. Con. Res. 128. Concurrent resolution expressing the sense of the Congress that the antitrust enforcement guidelines entitled "Vertical Restraints Guidelines," published by the Department of Justice on January 23, 1985, do not have the force of law, do not accurately state current antitrust law, and should not be considered by the courts of the United States as binding or persuasive; to the Committee on the Judiciary.

By Mr. HENDON:

H. Con. Res. 129. Concurrent resolution to establish a congressional commission to be known as the "Perot Commission on Americans Missing in Southeast Asia" to determine whether or not U.S. POW's are being held in Southeast Asia and to report to Congress appropriate action to effect the release of any POW's found to be alive; to the Committee on Foreign Affairs.

By Mr. LOWERY of California:

H. Res. 141. Resolution condemning the Government of the Union of Soviet Socialist Republics for its more than 5 years of forced and oppressive military occupation of Afghanistan in the face of popular resistance to Soviet imperialism; to the Committee on Foreign Affairs.

By Mr. PASHAYAN (for himself, Mr. COELHO, Mrs. JOHNSON, Mr. TORRICELLI, Mr. CHAPPIE, Mr. ANNUNZIO, Mr. FRANK, Mr. MOORHEAD, Mr. HOWARD, Mr. LEHMAN of California, Mr. DORNAN of California, Mr. FISH, Mr. COURTER, Mr. GREEN, and Mr. ASPIN):

H. Res. 142. Resolution expressing the sense of the House of Representatives that the foreign policy of the United States should take account of the genocide of the Armenian people with the objective of preventing any future genocide anywhere in the world, and for other purposes; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII.

90. The SPEAKER presented a memorial of the General Assembly of the Commonwealth of Virginia, relative to the bombings of abortion clinics; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. RALPH M. HALL:

H.R. 2218. A bill to waive certain time limitations with respect to awarding a distinguished flying cross to Clayton P. Hall, Jr.; to the Committee on Armed Services.

By Mr. YOUNG of Alaska:

H.R. 2219. A bill for the relief of Susan M. Agcaoili; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. McHUGH and Mr. YOUNG of Florida.

H.R. 11: Mr. ADDABBO, Mr. ASPIN, Mr. BARTON of Texas, Mr. BREAUX, Mrs. BYRON, Mr. CHENEY, Mr. CRAIG, Mr. DASCHLE, Mr. EVANS of Iowa, Mr. FRANK, Mr. GOODLING, Mr. GROTBERG, Mr. HYDE, Mr. KANJORSKI, Mr. LEACH of Iowa, Mr. LOEFFLER, Mr. McCOLLUM, Mr. McDADE, Mr. OBERSTAR, Mr. PURSELL, Mr. RAY, Mr. RIDGE, Mr. ROTH, Mr. SCHUETTE, Mr. DENNY SMITH, and Mr. YOUNG of Missouri.

H.R. 43: Mr. BOUCHER.

H.R. 44: Mr. FIELDS, Mr. RITTER, Mr. GALLO, and Mr. McEWEN.

H.R. 588: Mr. LEVIN of Michigan, Mr. ACKERMAN, Mr. FAUNTROY, Mr. MATSUI, Mr. ORTIZ, and Mr. GRAY of Pennsylvania.

H.R. 602: Mr. RUDD, Mrs. BENTLEY, and Mr. LIPINSKI.

H.R. 753: Mr. FAUNTROY.

H.R. 757: Mr. DASCHLE.

H.R. 776: Mr. EDWARDS of Oklahoma.

H.R. 822: Mr. SCHEUER and Mr. SWIFT.

H.R. 885: Mrs. BURTON of California and Mr. HAYES.

H.R. 901: Mr. RANGEL, Mr. SUNIA, Mr. KOLTER, Mr. CONYERS, Mr. FRANK, Mr. TORRES, Mr. ACKERMAN, Mr. BROWN of California, and Mr. HOYER.

H.R. 935: Mr. SENSENBRENNER, Mr. WHITEHURST, Mr. KASICH, Mr. WALKER, Mr. BURTON of Indiana, Mr. OBEY, Mr. VENTO, Mr. ZSCHAU, Mr. COMBEST, Mr. PENNY, Mrs. HOLT, Mr. WORTLEY, Mr. PACKARD, Mr. DREIER of California, and Mr. CRAIG.

H.R. 976: Mr. KINDNESS and Mr. FEIGHAN.

H.R. 1090: Mr. DONNELLY, Mr. WEISS, Mr. LEHMAN of Florida, Mr. SOLARZ, Mr. RICHARDSON, Mr. ROE, Mr. LAGOMARSINO, Ms. KAPTUR, Mr. FOGLIETTA, and Mr. GRAY of Pennsylvania.

H.R. 1146: Mr. STOKES, Mr. ADDABBO, Mr. FAUNTROY, Mr. RANGEL, Mr. FEIGHAN, Mr. LELAND, Mr. EDWARDS of California, and Mr. MITCHELL.

H.R. 1214: Mr. COBLE.

H.R. 1215: Mr. WOLF and Mr. LUJAN.

H.R. 1217: Mr. CALLAHAN.

H.R. 1219: Mr. KILDEE, Mr. WOLPE, Mr. CONYERS, Mr. BOEHLERT, and Mr. FOGLIETTA.

H.R. 1258: Mr. PACKARD.

H.R. 1272: Mr. FUQUA, Mr. CRANE, Mr. WOLPE, Mr. MITCHELL, and Mr. PACKARD.

H.R. 1294: Mrs. BOXER and Mr. MURPHY.

H.R. 1316: Mr. ANDREWS, Mrs. BENTLEY, Mr. FISH, Mr. MITCHELL, Mr. RICHARDSON, and Mr. STRATTON.

H.R. 1359: Mr. EDWARDS of Oklahoma.

H.R. 1427: Mrs. COLLINS, Mr. DeWINE, Mr. KOSTMAYER, Mr. ROEMER, Mr. VENTO, Mr. ROE, Mr. SAVAGE, Mr. BEDELL, Mr. HEFTEL of Hawaii, Ms. KAPTUR, Mrs. BOXER, Mr. BEILENSON, Mr. WORTLEY, Mr. MARTINEZ, and Mr. BERMAN of California.

H.R. 1516: Mr. ROWLAND of Connecticut.

H.R. 1523: Mr. DASCHLE, Mr. FAUNTROY, Mr. OLIN, Ms. KAPTUR, Mrs. COLLINS, Mr. RANGEL, Mr. VENTO, Mr. WEISS, Mr. BERMAN, Mr. TORRES, Mr. MORRISON of Connecticut, Mr. STUDDS, Mr. LOWRY of Washington, Mr. LEHMAN of Florida, Mr. RICHARDSON, Mr. GRAY of Illinois, Mr. LELAND, Mr. FUSTER, and Mrs. BOXER.

H.R. 1524: Mr. RAHALL, Mr. OBERSTAR, Mr. BROWN of California, Mrs. SCHROEDER, Mr. FAZIO, Mr. EDWARDS of Oklahoma, Mr. SOLARZ, Mr. KOLTER, Mr. NEAL, Mr. KASTENMEIER, Mr. BARNES, Mr. FOGLIETTA, Mr. SIKORSKI, and Mr. MITCHELL.

H.R. 1586: Mrs. LONG.

H.R. 1615: Mr. ROGERS and Mr. FUQUA.

H.R. 1660: Mr. MITCHELL, Mr. BARNES, Mr. MORRISON of Connecticut, and Mr. HERTEL of Michigan.

H.R. 1666: Mr. GEKAS and Mr. SCHUMER.

H.R. 1695: Mr. KOLTER and Mr. MITCHELL.

H.R. 1716: Mr. VANDER JAGT.

H.R. 1763: Mr. McCOLLUM, Mr. GINGRICH, Mr. FISH, and Mr. MONSON.

H.R. 1776: Mr. MANTON, Mr. MARTINEZ, and Mr. HUGHES.

H.R. 1794: Mr. MITCHELL, Mrs. BENTLEY, Mr. ROBERTS, Mr. COOPER, Mr. COELHO, Mr. KOLTER, and Mr. NIELSON of Utah.

H.R. 1809: Mrs. HOLT, Mrs. SCHNEIDER, Mr. RINALDO, and Mr. DASCHLE.

H.R. 1824: Ms. KAPTUR, and Mr. ECKART, of Ohio.

H.R. 1825: Ms. KAPTUR and Mr. ECKART of Ohio.

H.R. 1826: Ms. KAPTUR.

H.R. 1827: Ms. KAPTUR and Mr. ECKART of Ohio.

H.R. 1828: Ms. KAPTUR and Mr. ECKART of Ohio.

H.R. 1879: Mr. THOMAS of Georgia, Mr. KOLTER, and Mr. SABO.

H.R. 1916: Mr. GALLO, Mr. CONTE, Mrs. BENTLEY, Mr. DAUB, Mr. BEVILL, Mr. NEAL, Mr. NIELSON of Utah, Mr. BEDELL, and Mr. APPLEGATE.

H.R. 1965: Mr. CARR, Mr. McDADE, Mr. WHITTAKER, and Mr. YOUNG of Missouri.

H.R. 1985: Mr. VENTO, Mr. SIKORSKI, Mr. WYDEN, Mr. SCHEUER, Mr. HEFTEL of Hawaii, Mr. BOSCO, Mr. WHITTAKER, and Mr. SPRATT.

H.R. 2020: Mr. SAVAGE, Mr. MITCHELL, Mr. FOGLIETTA, Mr. MRAZEK, and Mr. RANGEL.

H.J. Res. 79: Mr. DE LA GARZA, Mr. DIO-GUARDI, Mr. MOORE, Mr. NICHOLS, and Mr. BUSTAMANTE.

H.J. Res. 100: Mr. AKAKA, Mr. ANDREWS, Mr. AUCOIN, Mr. BEREUTER, Mr. BILIRAKIS, Mrs. BOXER, Mr. BREAUX, Mr. BROWN of Colorado, Mrs. BURTON of California, Mr. CHANDLER, Mr. CLAY, Mr. COLEMAN of Texas, Mr. CONYERS, Mr. COOPER, Mr. DANNEMEYER, Mr. DASCHLE, Mr. DAUB, Mr. DE LA GARZA, Mr. DELAY, Mr. DERRICK, Mr. DINGELL, Mr. DORNAN of California, Mr. FLORIO, Mr. FORD of Tennessee, Mr. GINGRICH, Mr. GORDON, Mr. GREGG, Mr. SAM B. HALL, JR., Mr. HAWKINS, Mr. HUGHES, Mr. JACOBS, Mrs. JOHNSON, Mr. KASICH, Mr. KINDNESS, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. MARTINEZ, Mr. McEWEN, Mr. MILLER of Washington, Ms. OAKAR, Mr. PANETTA, Mr. PASHAYAN, Mr. PURSELL, Mr. QUILLEN, Mr. RANGEL, Mr. REID, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROEMER, Mr. ROSE, Mr. SAXTON, Mr. SHAW, Mr. SISISKY, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of Iowa, Mr. SOLOMON, Mr. SPENCE, Mr. STRATTON, Mr. SUNIA, Mr. TAUKE, Mr. VENTO, Mrs. VUCANOVICH, Mr. WATKINS, Mr. WEISS, Mr. WHITLEY, Mr. WHITTAKER, Mr. WOLF, Mr. WORTLEY, Mr. YOUNG of Alaska, Mr. BOLAND, Mr. BROOKS, Mr. COELHO, Mr. EARLY, Mr. FOLEY, and Mr. NICHOLS.

H.J. Res. 101: Mr. GEKAS.

H.J. Res. 127: Mr. GEKAS.

H.J. Res. 141: Mr. KOLTER, Mr. KASICH, Mr. FAUNTROY, Mr. O'BRIEN, Mr. HORTON, Mr. LANTOS, Mr. BUSTAMANTE, Mr. REID, Mr. McCOLLUM, Mr. WOLF, Mr. CLINGER, Mr. GEKAS, and Mr. KASTENMEIER.

H.J. Res. 154: Mr. YOUNG of Florida, Mr. DE LUGO, Mr. SUNIA, Mr. STOKES, Mr. AKAKA, Mrs. BURTON of California, Mr. CARPER, Mr. COELHO, Mr. COOPER, Mr. DIO-GUARDI, Mr. EMERSON, Mr. FRENZEL, Mr. EVANS of Illinois, Mr. ENGLISH, Mr. GRAY of Illinois, Mr. GINGRICH, Mr. KEMP, Mr. FLORIO, Mr. LUNDINE, Mr. LATTA, Mr. LEHMAN of Florida, and Mr. LOWRY of Washington.

H.J. Res. 161: Mr. JONES of North Carolina, Mr. DE LA GARZA, Mr. THOMAS of Georgia, Mr. GEKAS, Mr. FROST, Mr. ROWLAND of Georgia, Mr. LAGOMARSINO, Mr. BRYANT, Mr. DARDEN, Mr. SOLARZ, Mr. KOLTER, Mr. HUGHES, Mr. TAUKE, Mrs. HOLT, Mr. COATS, Mr. SABO, Mr. BEVILL, Mr. MARTINEZ, Mr. HEFTEL, of Hawaii, Mr. HORTON, Mr. FLIPPO, Ms. KAPTUR, Mr. GUARINI, Mr. VOLKMER, Mr. MINETA, Mr. BARNARD, and Mr. McKERNAN.

H.J. Res. 178: Mr. QUILLEN, Ms. MIKULSKI, Mr. LOWERY of California, Mr. DASCHLE, Mr. SPRATT, Mr. DWYER of New Jersey, Mr. RALPH M. HALL, Mr. KASICH, Mr. CARR, Mr. SYNAR, Mr. GEKAS, Mr. KOLBE, Mr. UDALL, Mr. MINETA, Mr. LAFALCE, Mr. HOWARD, Mr. STOKES, and Mr. ROSE.

H.J. Res. 192: Mr. HALL of Ohio, Mr. SKELTON, Mr. STALLINGS, Mr. PETRI, Mr. CLINGER, Mr. GILMAN, Mr. GORDON, Mr. EVANS of Iowa, Mr. CARNEY, Mr. SMITH of New Hampshire, Mr. COATS, and Mr. ROWLAND of Connecticut.

H.J. Res. 221: Mr. McGRATH.

H. Con. Res. 55: Mr. COMBEST.

H. Con. Res. 57: Mr. ROWLAND of Connecticut.

H. Con. Res. 95: Mrs. BOXER, Mr. WHEAT, Mr. FRANK, Ms. KAPTUR, Mr. WORTLEY, Mr. KOLTER, Mrs. BOGGS, Ms. MIKULSKI, Mr. LAGOMARSINO, Mr. DERRICK, Mr. FISH, Mr. GRAY of Illinois, Mr. DE LUGO, Mr. BORSKI, Mr. JONES of North Carolina, Mr. GIBBONS, Mr. DAUB, Mr. SABO, Mr. MILLER of California, Mr. WIRTH, Mr. RAHALL, Mr. McGRATH, Mr. RANGEL, Mr. MILLER of Washington, Mr. DE LA GARZA, Mr. HUGHES, Mr. MATSUI, Mr. BONIOR of Michigan, and Mr. MITCHELL.

H. Con. Res. 99: Mr. PANETTA, Mr. DORNAN of California, Mr. MINETA, Mr. RAY, Mr. DARDEN, Mr. SABO, Mr. LEVIN of Michigan, Mr. STOKES, Mr. BERMAN, Mr. GALLO, Mr. HUGHES, Mr. FISH, Mr. STUMP, Mr. HYDE, Mrs. COLLINS, Mr. MONTGOMERY, and Mr. NIELSON of Utah.

H. Con. Res. 116: Mr. COLEMAN of Texas, Mr. DOWDY of Mississippi, Mr. GARCIA, Ms. MIKULSKI, Mr. MITCHELL, Mr. MORRISON of Connecticut, and Mr. RANGEL.

H. Con. Res. 125: Ms. MIKULSKI, Mr. KOLTER, Mr. MINETA, Mrs. COLLINS, Mr. DOWNEY of New York, and Mr. RANGEL.

H. Res. 122: Mr. MATSUI, Mr. MITCHELL, and Mr. TORRICELLI.

H. Res. 127: Mr. BARTLETT, Mr. MARTINEZ, Mr. MAZZOLI, Mr. EDWARDS of Oklahoma, Mr. ENGLISH, Mr. DANNEMEYER, Mr. IRELAND, Mr. MOORHEAD, Mr. TAYLOR, Mr. BOEHLERT, Mr. LEACH of Iowa, and Mrs. SCHNEIDER.

H. Res. 135: Mr. HUGHES, Mr. WEISS, Mr. BRUCE, Mr. BEDELL, Mr. LUKEN, Mr. GRADISON, Mr. DIOGUARDI, Mr. TRAFICANT, Ms. OAKAR, Mr. COELHO, Mr. LEVIN of Michigan, Mr. FEIGHAN, Ms. MIKULSKI, Mr. MILLER of California, Mr. PEASE, Mr. BEILENSON, Mr. JACOBS, Mr. MINETA, Mr. NOWAK, Mr. KOSTMAYER, Mr. ANDREWS, Mr. VOLKMER, Mr. APPLEGATE, Mr. DWYER of New Jersey, and Mr. OLIN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 192: Mr. ROBERT F. SMITH.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

87. By the SPEAKER: Petition of the Council of the County of Maui, Wailuku, HI, relative to the commodity provisions of the Agriculture and Food Act; to the Committee on Agriculture.

88. Also, petition of the Broward County Board of Commissioners, Fort Lauderdale, FL, relative to the Job Training Partnership Act programs; jointly, to the Committees on Appropriations and Education and Labor.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1555

By Mr. BROOMFIELD:

(Amendment in the nature of a substitute for the Foreign Affairs Committee amendment.)

—Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Security and Development Cooperation Act of 1985".

TITLE I—MILITARY SALES AND RELATED PROGRAMS

SEC. 101. FOREIGN MILITARY SALES CREDIT AUTHORIZATIONS AND AGGREGATE CEILINGS.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—The first sentence of section 31(a) of the Arms Export Control Act is amended to read as follows: "There are authorized to be appropriated to the President to carry out this Act $5,463,414,000 for fiscal year 1986 and $5,463,414,000 for fiscal year 1987.".

(b) FY 1986 AND FY 1987 FMS PROGRAMS.—Sections 31(b) and (c) of such Act are amended to read as follows:

"(b) AGGREGATE CEILING AND TERMS FOR FMS CREDITS.—

"(1) ANNUAL AGGREGATE CEILING.—The total amount of credits extended under section 23 of this Act shall not exceed $5,463,414,000 for fiscal year 1986 and $5,463,414,000 for fiscal year 1987.

"(2) AGGREGATE CEILING ON CONCESSIONAL FINANCING.—Of the aggregate amount of financing provided under this section, not more than $553,900,000 for fiscal year 1986 and not more than $553,900,000 for fiscal year 1987 may be made available at concessional rates of interest. If a country is released from its contractual liability to repay the United States Government with respect to financing provided under this section, such financing shall not be considered to be financing provided at concessional rates of interest for purposes of the limitation established by this paragraph.

"(3) AUTHORIZATIONS FOR EXTENDED REPAYMENT TERMS.—For fiscal year 1986 and fiscal year 1987, the principal amount of credits provided under this section at market rates of interest with respect to Greece, the Republic of Korea, Portugal, Spain, Thailand, and Turkey shall (if and to the extent each country so desires) be repaid in not more than twenty years, following a grace period of ten years on repayment of principal.

"(c) COUNTRY-SPECIFIC PROVISIONS.—

"(1) ISRAEL.—

"(A) EARMARKING.—Of the aggregate total of credits extended under section 23 of this Act, not less than $1,800,000,000 for fiscal year 1986 and not less than $1,800,000,000 for fiscal year 1987 shall be available only for Israel.

"(B) FORGIVENESS.—Israel shall be released from its contractual liability to repay the United States Government with respect to the credits provided pursuant to subparagraph (A).

"(C) LAVI PROGRAM.—Of the amounts made available for Israel under section 23 of this Act—

"(i) up to $150,000,000 for fiscal year 1986 and up to $150,000,000 for fiscal year 1987 shall be for research and development in the United States for the Lavi program, and

"(ii) not less than $250,000,000 for fiscal year 1986 and not less than $250,000,000 for fiscal year 1987 shall be made available for the procurement in Israel of defense articles and defense services (including research and development) for the Lavi program, if Israel wishes to use those funds for that purpose.

"(2) EGYPT.—

"(A) EARMARKING.—Of the total amount of credits extended under section 23 of this Act, not less than $1,300,000,000 for fiscal year 1986 and not less than $1,300,000,000 for fiscal year 1987 shall be available only for Egypt.

"(B) FORGIVENESS.—Egypt shall be released from its contractual liability to repay the United States Government with respect to the credits extended pursuant to subparagraph (A).

"(3) GREECE.—

"(A) TERMS OF CONCESSIONAL CREDITS.—For each of the fiscal years 1986 and 1987, of the total amount of credits extended for Greece under section 23 of this Act, Greece shall receive the same proportion of credits extended at concessional rates of interest as the proportion of credits extended at concessional rates of interest which Turkey receives from the total amount of credits extended for Turkey under section 23 of this Act, and the average annual rate of interest on the credits extended for Greece at concessional rates of interest shall be comparable to the average annual rate of interest on the credits extended for Turkey at concessional rates of interests.

"(B) INAPPLICABILITY OF CEILING ON CONCESSIONAL CREDITS.—Credits extended for Greece for each of the fiscal years 1986 and 1987 at concessional rates of interest shall not be counted toward any ceiling established by law on concessional financing under this Act.".

SEC. 102. TERMS OF FOREIGN MILITARY SALES CREDITS.

Section 23 of the Arms Export Control Act is amended to read as follows:

"SEC. 23. FOREIGN MILITARY SALES CREDITS.

"(a) AUTHORITY TO FINANCE PROCUREMENT.— The President is authorized to finance the procurement of defense articles, defense services, and design and construction services by friendly foreign countries and international organizations, on such terms and conditions as he may determine consistent with the requirements of this section.

"(b) REPAYMENT PERIOD.—The President shall require repayment in United States dollars within a period not to exceed twelve years after the loan agreement with the country or international organization is signed on behalf of the United States Government, unless a longer period is specifically authorized by statute for that country or international organization.

"(c) INTEREST RATES.—

"(1) GENERAL AUTHORITY.—The President shall charge interest under this section at such rate as he may determine, subject to the limitations contained in paragraph (2) and other provisions of law.

"(2) MINIMUM INTEREST RATES.—The interest rate charged under this section may not be less than—

"(A) 5 percent per year, or

"(B) the rate which is 7 percentage points less than the current average interest rate (as of the last day of the month preceding the financing of the procurement) that the United States Government pays on outstanding marketable obligations of comparable maturity,

whichever is greater.

"(3) DEFINITIONS OF CONCESSIONAL AND MARKET RATES.—For purposes of financing provided under this section—

"(A) the term 'concessional rate of interest' means any rate of interest which is less than market rates of interest; and

"(B) the term 'market rate of interest' means any rate of interest which is equal to or greater than the current average interest rate (as of the last day of the month preceding the financing of the procurement under this section) that the United States Government pays on outstanding marketable obligations of comparable maturity.

"(d) PARTICIPATIONS IN CREDITS.—References in any law to credits extended under this section shall be deemed to include reference to participations in credits.".

SEC. 103. MILITARY ASSISTANCE.

Section 504(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows: "(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $805,100,000 for fiscal year 1986 and $805,100,000 for fiscal year 1987.".

SEC. 104. INTERNATIONAL MILITARY EDUCATION AND TRAINING.

Section 542 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 542. AUTHORIZATIONS OF APPROPRIATIONS.

"There are authorized to be appropriated to the President to carry out the purposes of this chapter $56,221,000 for fiscal year 1986 and $56,221,000 for fiscal year 1987.".

SEC. 105. PEACEKEEPING OPERATIONS.

Section 552(a) of the Foreign Assistance Act of 1961 is amended to read as follows: "(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $37,000,000 for fiscal year 1986 and $37,000,000 for fiscal year 1987.".

SEC. 106. GUARANTEE RESERVE.

The second sentence of section 24(c) of the Arms Export Control Act is amended to read as follows: "Funds authorized to be appropriated by section 31(a) to carry out this Act, which are allocated for credits at market rates of interest, may be used to pay claims under such guarantees to the extent funds in the single reserve are inadequate for that purpose.".

SEC. 107. FULL COSTING OF FMS SALES OF TRAINING AND IMET PROGRAMS.

(a) FMS SALES.—Section 21(a)(3) of the Arms Export Control Act is amended to read as follows:

"(3) in the case of the sale of a defense service, the full cost to the United States Government of furnishing such service.".

(b) IMET.—Section 644(m) of the Foreign Assistance Act of 1961 is amended—

(1) by amending paragraph (4) to read as follows:

"(4) with respect to a defense service or military education and training, the full cost to the United States Government of furnishing such assistance; and"; and

(2) in paragraph (5) by striking out "military education and training or" and by striking out "assistance" and inserting lieu thereof "services".

SEC. 108. ADMINISTRATIVE SURCHARGE.

Subparagraph (A) of section 21(e)(1) of the Arms Export Control Act is amended by inserting "(excluding a pro rata share of fixed base operation costs)" immediately after "full estimated costs".

SEC. 109. CONTRACT ADMINISTRATION SERVICES.

Section 21(h) of the Arms Export Control Act is amended by inserting "contract administration services," immediately after "inspection," in the text preceding paragraph (1).

SEC. 110. CATALOG DATA AND SERVICES.

Section 21(h) of the Arms Export Control Act is further amended—

(1) by inserting "(1)" immediately after "(h)";

(2) by striking out "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)", respectively; and

(3) by adding at the end thereof the following:

"(2) In carrying out the objectives of this section, the President is authorized to provide cataloging data and cataloging services, without charge, to the North Atlantic Treaty Organization or to any member government of that Organization if that Organization or member government provides such data and services in accordance with an agreement on a reciprocal basis, without charge, to the United States Government.".

SEC. 111. REPORT ON INTERNATIONAL VOLUME OF ARMS TRAFFIC.

Section 25 of the Arms Export Control Act is amended—

(1) in subsection (a) by striking out "No later than February 1" and inserting in lieu thereof "Except as provided in subsection (d) of this section, no later than February 1"; and

(2) by adding at the end thereof the following new subsection:

"(d) The information required by subsection (a)(4) of this section shall be transmitted to the Congress no later than April 1 of each year.".

SEC. 112. SECURITY ASSISTANCE SURVEYS.

(a) SURVEYS SUBJECT TO REQUIREMENTS.—Section 26 of the Arms Export Control Act is amended—

(1) in the section caption, by striking out "DEFENSE REQUIREMENT" and inserting in lieu thereof "SECURITY ASSISTANCE";

(2) by striking out "defense requirement" each place it appears in the section and inserting in lieu thereof "security assistance"; and

(3) by adding at the end of the section the following new subsection:

"(d) As used in this section, the term 'security assistance surveys' means any survey or study conducted in a foreign country by United States Government personnel for the purpose of assessing the needs of that country for security assistance, and includes defense requirement surveys, site surveys, general surveys or studies, and engineering assessment surveys.".

(b) SUBMISSION OF SURVEYS TO CONGRESS.—Section 26(c) of such Act is amended by striking out "grant that committee access to" and inserting in lieu thereof "submit to that committee copies of".

SEC. 113. QUARTERLY REPORTS ON UNITED STATES MILITARY ADVISORS ABROAD.

Section 36(a)(7) of the Arms Export Control Act is amended to read as follows:

"(7) an estimate of—

"(A) the number of United States military personnel, the number of United States Government civilian personnel, and the number of United States civilian contract personnel, who were in each foreign country at the end of that quarter, and

"(B) the number of members of each such category of personnel who were in each country in Central America for longer than 29 days during that quarter,

in implementation of sales and commercial exports under this Act or of assistance under chapter 2, 5, 6, or 8 of part II of the Foreign Assistance Act of 1961, including both personnel assigned to the country and personnel temporarily in the country by detail or otherwise;".

SEC. 114. INCREASE IN CRIMINAL PENALTIES FOR CERTAIN VIOLATIONS OF THE ARMS EXPORT CONTROL ACT.

(a) CRIMINAL PENALTIES.—Section 38(c) of the Arms Export Control Act is amended by striking out "not more than $100,000 or imprisoned not more than two years, or both" and inserting in lieu thereof "for each violation not more than $1,000,000 or imprisoned not more than ten years, or both".

(b) CIVIL PENALTIES.—Section 38(e) of such Act is amended by adding at the end thereof the following: "Notwithstanding section 11(c) of the Export Administration Act of 1979, the civil penalty for each violation involving controls imposed on the export of defense articles and defense services under this section may not exceed $500,000.".

(c) EFFECTIVE DATE.—This section shall take effect upon the date of enactment of this Act or October 1, 1985, whichever date is later. The amendments made by this section apply with respect to violations occurring after the effective date of this section.

SEC. 115. OFFICIAL RECEPTION AND REPRESENTATION EXPENSES.

Section 43 of the Arms Export Control Act is amended—

(1) in subsection (b) by inserting "and official reception and representation expenses" immediately after "administrative expenses"; and

(2) by adding at the end thereof the following new subsection:

"(c) Not more than $72,500 of the funds derived from charges for administrative services pursuant to section 21(e)(1)(A) of this Act may be used each fiscal year for official reception and representation expenses.".

SEC. 116. SPECIAL DEFENSE ACQUISITION FUND.

(a) CONTINUOUS ORDERS FOR CERTAIN ARTICLES AND SERVICES.—Section 51(a) of the Arms Export Control Act is amended by adding at the end thereof the following new paragraph:

"(3) The Fund may be used to keep on continuous order such defense articles and defense services as are assigned by the Department of Defense for integrated management by a single agency thereof for the common use of all Military Departments in anticipation of the transfer of similar defense articles and defense services to foreign countries and international organizations pursuant to this Act, the Foreign Assistance Act of 1961, or other law.".

(b) LIMITATIONS ON DEPOSITS IN THE FUND.—Section 51(b) of such Act is amended to read as follows:

"(b)(1) Subject to paragraph (2) of this subsection, the Fund shall consist of collections from sales made under letters of offer, or transfers made under the Foreign Assistance Act of 1961, of defense articles and defense services acquired under this chapter (representing the value of such items calculated in accordance with paragraph (2) or (3) of section 21(a) or section 22 of this Act or section 644(m) of the Foreign Assistance Act of 1961, as appropriate), together with such funds as may be authorized and appropriated or otherwise made available for the purposes of the Fund.

"(2) Whenever—

"(A) the value (in terms of acquisition cost) of the defense articles and defense services acquired under this chapter which have not been transferred from the Fund in accordance with this chapter, plus

"(B) the amount of contracts to acquire defense articles and defense services under this chapter,

exceeds $500,000,000, the collections described in paragraph (1) shall be deposited in the Treasury as miscellaneous receipts.".

SEC. 117. WAIVER OF NET PROCEEDS FOR SALE OF MAP ITEMS.

Section 505(f) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following: "In the case of items which were delivered prior to 1975, the President may waive the requirement that such net proceeds be paid to the United States Government if he determines that to do so is in the national interest of the United States.".

SEC. 118. STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES.

Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(2) The value of such additions to stockpiles in foreign countries shall not exceed $360,000,000 for fiscal year 1986 and shall not exceed $125,000,000 for fiscal year 1987.".

SEC. 119. SECURITY ASSISTANCE ORGANIZATIONS.

Section 515(c)(1) of the Foreign Assistance Act of 1961 is amended in the last sentence by striking out "For the fiscal year 1982 and the fiscal year 1983" and inserting in lieu thereof "Pakistan, Tunisia, El Salvador, Honduras, Venezuela".

SEC. 120. EXCHANGE TRAINING.

Chapter 5 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 544. EXCHANGE TRAINING.

"In carrying out this chapter, the President is authorized to provide for attendance of foreign military personnel at professional military education institutions in the United States (other than service academies) without charge, and without charge to funds available to carry out this chapter (notwithstanding section 632(d) of this Act), if such attendance is pursuant to an agreement providing for the exchange of students on a one-for-one, reciprocal basis each fiscal year between those United States professional military education institutions and comparable institutions of foreign countries and international organizations.".

SEC. 121. TRAINING IN MARITIME SKILLS.

(a) AUTHORIZATION.—Chapter 5 of part II of the Foreign Assistance Act of 1961 is further amended by adding at the end thereof the following new section:

"SEC. 545. TRAINING IN MARITIME SKILLS.

"The President is encouraged to allocate a portion of the funds made available each fiscal year to carry out this chapter for use in providing education and training in maritime search and rescue, operation and maintenance of aids to navigation, port security, at-sea law enforcement, international maritime law, and general maritime skills.".

(b) EXEMPTION.—Section 660(b) of such Act is amended—

(1) by striking out "or" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; or"; and

(3) by adding the following new clause after clause (2):

"(3) with respect to assistance, including training, in maritime law enforcement and other maritime skills.".

SEC. 122. SPECIAL WAIVER AUTHORITY.

Section 614(a)(4) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(4)(A) The authority of this subsection may not be used in any fiscal year to authorize—

"(i) more than $750,000,000 in sales to be made under the Arms Export Control Act;

"(ii) the use of more than $250,000,000 of funds made available for use under this Act or the Arms Export Control Act; and

"(iii) the use of more than $100,000,000 of foreign currencies accruing under this Act or any other law.

"(B) If the authority of this subsection is used both to authorize a sale under the Arms Export Control Act and to authorize funds to be used under the Arms Export Control Act or under this Act with respect to the financing of that sale, then the use of the funds shall be counted against the limitation in subparagraph (A)(ii) and the portion, if any, of the sale which is not so financed shall be counted against the limitation in subparagraph (A)(i).

"(C) Not more than $50,000,000 of the $250,000,000 limitation provided in subparagraph (A)(ii) may be allocated to any one country in any fiscal year unless that country is a victim of active Communist or Communist-supported aggression, and not more than $500,000,000 of the aggregate limitation of $1,000,000,000 provided in subparagraphs (A)(i) and (A)(ii) may be allocated to any one country in any fiscal year.".

SEC. 123. REPROGRAMMING REQUIREMENTS.

(a) REPROGRAMMING NOTIFICATIONS.—Section 634A of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(a)" immediately before "None";

(2) by inserting "or the Arms Export Control Act" immediately after "disaster relief and rehabilitation)" and immediately after "this Act" the second place it appears; and

(3) by adding at the end of the section the following new subsection:

"(b) The notification requirement of this section does not apply to the reprogramming of less than $25,000 for use under chapter 8 of part I, or for use under chapter 5 of part II, for a country for which a program under that chapter for that fiscal year was justified to the Congress.".

(b) ALLOCATION REPORTS.—Section 653 of such Act is amended—

(1) by inserting in subsection (a) "or the Arms Export Control Act" immediately after "sections 451 or 637)";

(2) by striking out subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(c) QUARTERLY REPORTS.—Section 36(a) of the Arms Export Control Act is amended—

(1) in paragraph (5) by striking out "cash" and by striking out ", credits to be extended under section 23, and guaranty agreements to be made under section 24"; and

(2) in paragraph (6) by striking out "cash" and by striking out "and credits expected to be extended".

SEC. 124. CONVENTIONAL ARMS TRANSFERS.

The President shall submit to the Congress a report which examines and analyzes United States policies concerning the export of conventional arms, especially sophisticated weapons, and possible approaches to developing multilateral limitations on conventional arms sales. This report shall examine and analyze—

(1) the lessons of earlier efforts to negotiate restraints on the export of conventional arms;

(2) the evolution of recipient country attitudes regarding conventional arms transfers;

(3) the prospects for engaging the Soviet Union in serious discussions concerning arms transfers, both globally and as they relate to regional security problems;

(4) possible measures by the United States and Western European suppliers to control levels of sophisticated weapons sales, both regionally and globally;

(5) the relationship between arms exports by Western European countries and the needs of those countries to support their domestic military procurement programs; and

(6) the timing and phasing of international conventional arms control negotiations.

This report should be unclassified to the extent possible, with classified addenda if necessary.

SEC. 125. FOREIGN MILITARY SALES FOR JORDAN.

(a) MIDDLE EAST PEACE.—The foreign military sales financing authorized by this Act for Jordan is provided and increased in the recognition of progress Jordan has made in the search for a just and lasting peace in the Middle East, to encourage further progress, in recognition of the continuing defense needs of Jordan, and in the expectation that Jordan will enter into direct negotiations with Israel based on United Nations Security Council Resolutions 242 and 338 and the Camp David Accords in order to resolve the state of war between those two countries.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that no sales of sophisticated weaponry—specifically advanced aircraft, new air defense weapons systems, or other new advanced military weapons systems—be made to Jordan unless the Government of Jordan is publicly committed to the recognition of Israel and to prompt entry into direct peace negotiations with Israel.

SEC. 126. CERTIFICATION CONCERNING AWACS SOLD TO SAUDI ARABIA.

(a) THE PRESIDENT'S 1981 AWACS COMMUNICATION TO THE SENATE.—(1) The Congress finds that in his October 28, 1981, communication to the Senate concerning the proposed sale of AWACS aircraft and F-15 enhancement items to Saudi Arabia which was then being reviewed by the Congress (hereafter in this section referred to as the "1981 AWACS communication"), the President stated the following:

"Transfer of the AWACS will take place . . . only after the Congress has received in writing a Presidential certification, containing agreements with Saudi Arabia, that the following conditions have been met:

"1. *Security of Technology*

"A. That a detailed plan for the security of equipment, technology, information, and supporting documentation has been agreed to by the United States and Saudi Arabia and is in place; and

"B. The security provisions are no less stringent than measures employed by the U.S. for protection and control of its equipment of like kind outside the continental U.S.; and

"C. The U.S. has the right of continual on-site inspection and surveillance by U.S. personnel of security arrangements for all operations during the useful life of the AWACS. It is further provided that security arrangements will be supplemented by additional U.S. personnel if it is deemed necessary by the two parties; and

"D. Saudi Arabia will not permit citizens of third nations either to perform maintenance on the AWACS or to modify any such equipment without prior, explicit mutual consent of the two governments; and

"E. Computer software, as designated by the U.S. Government, will remain the property of the USG.

"2. *Access to Information*

"That Saudi Arabia has agreed to share with the United States continuously and completely the information that it acquires from use of the AWACS.

"3. *Control Over Third-Country Participation*

"A. That Saudi Arabia has agreed not to share access to AWACS equipment, technology, documentation, or any information developed from such equipment or technology with any nation other than the U.S. without the prior, explicit mutual consent of both governments; and

"B. There are in place adequate and effective procedures requiring the screening and security clearance of citizens of Saudi Arabia and that only cleared Saudi citizens and cleared U.S. nationals will have access to AWACS equipment, technology, or documentation, or information derived therefrom, without the prior, explicit mutual consent of the two governments.

"4. *AWACS Flight Operations*

"That the Saudi AWACS will be operated solely within the boundaries of Saudi Arabia, except with the prior, explicit mutual consent of the two governments, and solely for defensive purposes as defined by the United States, in order to maintain security and regional stability.

"5. *Command Structure*

"That agreements as they concern organizational command and control structure for the operation of AWACS are of such a nature to guarantee that the commitments above will be honored.

"6. *Regional Peace and Security*

"That the sale contributes directly to the stability and security of the area, enhances the atmosphere and prospects for progress toward peace, and that initiatives toward the peaceful resolution of disputes in the region have either been successfully completed or that significant progress toward that goal has been accomplished with the substantial assistance of Saudi Arabia.".

(2) The Congress finds that the President also stated in the 1981 AWACS communication that should circumstances arise that might require changes in the arrangements described in that communication, "they

would be made only with Congressional participation".

(b) REQUIREMENT FOR PRESIDENTIAL CERTIFICATION.—As provided in the 1981 AWACS communication, before the E-3A airborne warning and control system (AWACS) aircraft which were the subject of that communication are transferred to Saudi Arabia, the President shall submit to the Congress a written Presidential certification, containing agreements with Saudi Arabia, that the conditions set forth in that communication have been met.

(c) CONGRESSIONAL PARTICIPATION IN CHANGES IN AWACS ARRANGEMENTS.—In order to facilitate the congressional participation provided for in the 1981 AWACS communication, the President shall notify the Congress promptly of any changes being considered by the United States in the arrangements described in that communication.

SEC. 127. COOPERATIVE AGREEMENTS ON AIR DEFENSE IN CENTRAL EUROPE.

(a) GENERAL AUTHORITIES.—The Secretary of Defense may carry out the European air defense agreements. In carrying out those agreements, the Secretary—

(1) may provide without monetary charge to the Federal Republic of Germany articles and services as specified in the agreements; and

(2) may accept from the Federal Republic of Germany (in return for the articles and services provided under paragraph (1)) articles and services as specified in the agreements.

(b) SPECIAL AUTHORITIES.—In connection with the administration of the European air defense agreements, the Secretary of Defense may—

(1) waive any surcharge for administrative services otherwise chargeable under section 21(e)(1)(A) of the Arms Export Control Act;

(2) waive any charge not otherwise waived for services associated with contract administration for the sale under the Arms Export Control Act of Patriot air defense missile fire units to the Federal Republic of Germany contemplated in the agreements;

(3) use, to the extent contemplated in the agreements, the NATO Maintenance and Supply Agency—

(A) for the supply of logistical support in Europe for the Patriot missile system, and

(B) for the acquisition of such logistical support,

to the extent that the Secretary determines that the procedures of that Agency governing such supply and acquisition are appropriate;

(4) share, to the extent contemplated in the agreements, the costs of set-up charges of facilities for use by that Agency to perform depot-level support of Patriot missile fire units in Europe; and

(5) deliver to the Federal Republic of Germany one Patriot missile fire unit configured for training, to be purchased by the Federal Republic of Germany under the Arms Export Control Act as contemplated in the agreements, without regard to the requirement in section 22 of that Act for payment in advance of delivery for any purchase under that Act.

(c) RATE CHARGED FOR CERTAIN SERVICES.—Notwithstanding the rate required to be charged under section 21 of the Arms Export Control Act for services furnished by the United States, in the case of 14 Patriot missile fire units which the Federal Republic of Germany purchases from the United States under the Arms Export Control Act as contemplated in the European air defense agreements, the rate charged by the Secretary of Defense for packing, crating, handling, and transportation services associated with that purchase may not exceed the established Department of Defense rate for such services.

(d) LIMITATION ON CONTRACT AUTHORITY.—The authority of the Secretary of Defense to enter into contracts under the European air defense agreements is available only to the extent that appropriated funds, other than those made available under section 31 of the Arms Export Control Act, are available for that purpose.

(e) RELATION TO FY 1985 AUTHORIZATION.—The authorities provided by this section are an extension of, and not in addition to, the authorities provided by section 1007 of the Department of Defense Authorization Act, 1985 (98 Stat. 2579), relating to the authority of the Secretary of Defense to carry out the European air defense agreements during fiscal year 1985.

(f) DEFINITION OF EUROPEAN AIR DEFENSE AGREEMENTS.—For the purposes of this section, the term "European air defense agreements" means—

(1) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany on Cooperative Measures for Enhancing Air Defense for Central Europe," signed on December 6, 1983; and

(2) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany in implementation of the 6 December 1983 Agreement on Cooperative Measures for Enhancing Air Defense for Central Europe," signed on July 12, 1984.

SEC. 128. CEILING ON MILITARY ASSISTANCE FOR TURKEY.

For each of the fiscal years 1986 and 1987, the aggregate total of assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 and financing under the Arms Export Control Act provided for Turkey may not exceed $711,428,570.

TITLE II—ECONOMIC SUPPORT FUND

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—Section 531(b)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(b)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $3,830,400,000 for fiscal year 1986 and $3,830,400,000 for fiscal year 1987. In addition to the amount appropriated by Public Law 98-473, there are authorized to be appropriated to the President to carry out this chapter $1,500,000,000 for fiscal year 1985, which shall be available only for Israel.".

(b) REPEAL OF PRIOR YEAR PROVISIONS.—Chapter 4 of part II of such Act is amended by repealing existing sections 532, 533, 534, 536, 537, 538, 539, and 540.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 202. EMERGENCY ASSISTANCE.

Section 535 of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "1982" and "1983" inserting in lieu thereof "1986" and "1987", respectively; and

(2) by redesignating that section as section 532.

SEC. 203. ASSISTANCE FOR THE MIDDLE EAST.

(a) ISRAEL.—

(1) EARMARKINGS FOR ISRAEL.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $1,200,000,000 for fiscal year 1986 and not less than $1,200,000,000 for fiscal year 1987 shall be available only for Israel.

(2) CASH TRANSFERS TO ISRAEL.—The total amounts of funds allocated for Israel under chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 1986 and fiscal year 1987 shall be made available as a cash transfer on a grant basis. Such transfer shall be made on an expedited basis in the first 30 days of the respective fiscal year or within 30 days after the date of enactment of this Act, whichever date is later. In exercising the authority of this paragraph, the President shall ensure that the level of cash transfer made to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

(b) EGYPT.—

(1) EARMARKINGS FOR EGYPT.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $815,000,000 for fiscal year 1986 and not less than $815,000,000 for fiscal year 1987 shall be available only for Egypt.

(2) CASH TRANSFERS TO EGYPT.—Amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated for assistance for Egypt for fiscal year 1986 and fiscal year 1987 may be provided as a cash transfer only if—

(A) the President determines that Eygpt will undertake economic reforms or development activities which are additional to those which would be undertaken in the absence of the cash transfer, and

(B) at least 15 days before the cash transfer occurs, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprograming notifications pursuant to section 634A of the Foreign Assistance Act of 1961, such notification to include a description of the additional economic reforms or development activities Egypt will undertake.

(c) COOPERATIVE SCIENTIFIC AND TECHNOLOGICAL PROJECTS.—It is the sense of the Congress that, in order to continue to build the structure of peace in the Middle East, the United States should finance, and where appropriate participate in, cooperative projects of a scientific and technological nature involving Israel and Egypt and other Middle East countries wishing to participate. These cooperative projects should include projects in the fields of agriculture, health, energy, the environment, education, water resources, and the social sciences.

SEC. 204. ASSISTANCE FOR CYPRUS.

(a) FISCAL YEARS 1986 AND 1987.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $15,000,000 for fiscal year 1986 and not less than $15,000,000 for fiscal year 1987 shall be available only for Cyprus.

(b) CYPRUS PEACE AND RECONSTRUCTION FUND.—

(1) AUTHORIZATION.—In addition to amounts otherwise available for assistance for Cyprus under chapter 4 of part II of the Foreign Assistance Act of 1961, there is authorized to be appropriated $250,000,000 for fiscal year 1985 to provide assistance for Cyprus, subject to paragraph (2).

(2) CERTIFICATION REQUIRED.—The additional assistance for Cyprus authorized by paragraph (1) may be provided only if the President certifies to the Congress that an agreement has been concluded by the Greek and Turkish Cypriots which is supported by Greece and Turkey and which achieves substantial progress toward settlement of the Cyprus dispute. Such an agreement should include an agreement on Varosha/Famagusta, foreign troop levels in the Republic of Cyprus, the disposition of the international airport on Cyprus, or other significant steps which are evidence of substantial progress toward an overall settlement of the Cyprus dispute.

(3) EXTENDED AVAILABILITY OF FUNDS.—Funds authorized to be appropriated by paragraph (1) may be appropriated in subsequent fiscal years if not appropriated for fiscal year 1985, and when appropriated shall remain available until expended.

SEC. 205. RESTRICTION ON USE OF FUNDS FOR NUCLEAR FACILITIES.

Funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 1986 or fiscal year 1987 may not be used to finance the construction of, the operation or maintenance of, or the supplying of fuel for, any nuclear facility in a foreign country unless the President certifies to the Congress that such country is a party to the Treaty on the Non-Proliferation of Nuclear Weapons or the Treaty for the Prohibition of Nuclear Weapons in Latin America (the "Treaty of Tlatelolco"), cooperates fully with the International Atomic Energy Agency, and pursues nonproliferation policies consistent with those of the United States.

TITLE III—DEVELOPMENT ASSISTANCE

SEC. 301. DEVELOPMENT ASSISTANCE POLICY.

Section 102(b) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new paragraphs:

"(13) United States encouragement of policy reforms is necessary if developing countries are to achieve economic growth with equity.

"(14) Development assistance should, as a fundamental objective, promote private sector activity in open and competitive markets in developing countries, recognizing such activity to be a productive and efficient means of achieving equitable and long term economic growth.

"(15) United States cooperation in development should recognize as essential the need of developing countries to have access to appropriate technology in order to improve food and water, health and housing, education and employment, and agriculture and industry.

"(16) United States assistance should focus on establishing and upgrading the institutional capacities of developing countries in order to promote long term development. An important component of institution building involves training to expand the human resource potential of people in developing countries.".

SEC. 302. AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION.

Section 103(a)(2) of the Foreign Assistance Act of 1961 is amended by striking out the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $760,551,000 for fiscal year 1986 and $760,551,000 for fiscal year 1987. Of these amounts, the President may use such amounts as he deems appropriate to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980.".

SEC. 303. POPULATION AND HEALTH.

Section 104(g) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(g) AUTHORIZATIONS OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(A) $250,017,000 for fiscal year 1986 and $250,017,000 for fiscal year 1987 to carry out subsection (b) of this section; and

"(B) $146,427,000 for fiscal year 1986 and $146,427,000 for fiscal year 1987 to carry out subsection (c) of this section.

"(2) Funds appropriated under this subsection are authorized to remain available until expended.".

SEC. 304. LIMITATIONS ON USE OF POPULATION PLANNING FUNDS.

(a) LIMITATIONS.—Section 104(f) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following:

"(4)(A) In view of reports of infanticide and coerced abortion, none of the funds made available to carry out this part may be used to carry out population planning programs in the People's Republic of China, including through contribution to any international organization or any private and voluntary organization which would use those funds for population planning programs in that country.

"(B) The President shall instruct the United States representative to any international organization which receives population planning funds under subsection (b) to oppose the extension of assistance by that organization for population planning purposes to the People's Republic of China, so long as the President determines that there are valid reports of infanticide and coerced abortion in that country's population planning programs.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 305. CHILD SURVIVAL FUND.

Section 104(c)(2)(B) of the Foreign Assistance Act of 1961 is amended by striking out "$25,000,000" and inserting in lieu thereof "$45,000,000 for fiscal year 1986 and $45,000,000 for fiscal year 1987".

SEC. 306. EDUCATION AND HUMAN RESOURCES DEVELOPMENT.

The second sentence of section 105(a) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $183,533,000 for fiscal year 1986 and $183,533,000 for fiscal year 1987, which are authorized to remain available until expended.".

SEC. 307. ENERGY, PRIVATE VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES.

(a) AUTHORIZATIONS.—Section 106(e)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(e)(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $200,000,000 for fiscal year 1986 and $200,000,000 for fiscal year 1987.".

(b) COOPERATIVE DEVELOPMENT PROGRAM.—Section 106 of such Act is amended by adding at the end thereof the following new subsection:

"(f) Of the amounts authorized to be appropriated to carry out this chapter, $5,000,000 for fiscal year 1986 and $5,000,000 for fiscal year 1987 shall be used to finance cooperative projects among the United States, Israel, and developing countries.".

SEC. 308. PRIVATE SECTOR REVOLVING FUND.

Section 108(b) of the Foreign Assistance Act of 1961 is amended by striking out "fiscal year 1984" in the first sentence and inserting in lieu thereof "each of the fiscal years 1986 and 1987".

SEC. 309. PRIVATE AND VOLUNTARY ORGANIZATIONS AND COOPERATIVES IN OVERSEAS DEVELOPMENT.

(a) NOTIFICATION DATE.—Section 123(e) of the Foreign Assistance Act of 1961 is amended by striking out "thirty" in the third sentence and inserting in lieu thereof "ninety".

(b) EARMARKING FOR PVOs.—Section 123(f) of such Act is amended by striking out "and 1984" and inserting in lieu thereof "1984, 1986, and 1987".

SEC. 310. PROMOTION OF DEMOCRATIC COOPERATIVES.

Section 123 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(h) The Congress recognizes that, in addition to their role in social and economic development, cooperatives provide an opportunity for people to participate directly in democratic decisionmaking. Therefore, assistance under this chapter shall be provided to rural and urban cooperatives which offer large numbers of low- and middle-income people in developing countries an opportunity to participate directly in democratic decisionmaking. Such assistance shall be designed to encourage the adoption of self-help, private sector cooperative techniques and practices which have been successful in the United States.".

SEC. 311. TARGETED ASSISTANCE.

(a) REQUIREMENTS.—Section 128 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 128. TARGETED ASSISTANCE.

"(a) DIRECTLY IMPROVING LIVES OF THE POOR MAJORITY.—The President shall use poverty measurement standards, such as those developed by the International Bank for Reconstruction and Development, and other appropriate measurements in determining target populations for United States development assistance, and shall strengthen United States efforts to assure that a substantial percentage of development assistance under this chapter directly improves the lives of the poor majority, with special emphasis on those individuals living in absolute poverty.

"(b) ENSURING THAT THE POOR MAJORITY BENEFIT.—To the maximum extent possible, activities under this chapter that attempt to increase the institutional capabilities of private organizations or governments, or that attempt to stimulate scientific and technological research, shall be designed and monitored to ensure that the ultimate beneficiaries of these activities are the poor majority.".

(b) ANNUAL REPORTS.—Section 634(a)(1)(B) of such Act is amended by inserting immediately before the semicolon the following: ", such assessment to include an evaluation of the extent to which programs under chapter 1 of part I directly benefit the poor majority".

SEC. 312. HOUSING AND OTHER GUARANTY PROGRAMS.

(a) INCREASING AUTHORIZED HIG PROGRAM LEVEL.—Section 222(a) of the Foreign Assistance Act of 1961 is amended by striking out "$1,958,000,000" in the second sentence and inserting in lieu thereof "$2,278,000,000".

(b) EXTENDING HIG PROGRAM AUTHORITY.—Such section is further amended by striking out "1986" in the third sentence and inserting in lieu thereof "1988".

(c) MINIMUM ANNUAL HIG PROGRAM LEVELS.—Section 222 of such Act is amended by adding at the end thereof the following:

"(k) The total principal amount of guaranties issued under this section for each of the fiscal years 1986 and 1987 shall be comparable to the total principal amount of such guaranties issued for fiscal year 1984.".

(d) AGRICULTURAL AND PRODUCTIVE CREDIT AND SELF-HELP COMMUNITY DEVELOPMENT PROGRAMS.—Section 222A(h) of such Act is amended by striking out "1986" and inserting in lieu thereof "1988".

SEC. 313. TRADE CREDIT INSURANCE PROGRAM.

Section 224(e) of the Foreign Assistance Act of 1961 is amended by striking out "not to exceed $300,000,000 in the fiscal year 1985" and inserting in lieu therof "except that the aggregate amount of outstanding commitments under subsection (a) may not exceed $500,000,000 of contingent liability for loan principal during fiscal years 1986 and 1987".

SEC. 314. DISADVANTAGED CHILDREN IN ASIA.

(a) AUTHORIZATION OF ADDITIONAL ASSISTANCE.—Section 241(b) of the Foreign Assistance Act of 1961 is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

(b) ADDITIONAL STEPS TO HELP AMERASIAN CHILDREN.—The Congress finds that Amerasian children are currently the object of discrimination in the countries in Asia where they now reside. Therefore the President shall report to the Congress on the quality of life of these children and on what additional steps, such as facilitating adoptions, the United States could take to enhance the lives of these children.

SEC. 315. MINORITY SET-ASIDE.

Except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 percent of the aggregate of the funds made available for each of the fiscal years 1986 and 1987 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be made available only for activities of economically and socially disadvantaged enterprises (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977), historically Black colleges and universities, and private and voluntary organizations which are controlled by individuals who are Black Americans, Hispanic Americans, or Native Americans, or who are economically and socially disadvantaged (within the meaning of section 133(c)(5)(B) and (C) of the International Development and Food Assistance Act of 1977). For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women.

TITLE IV—OTHER FOREIGN ASSISTANCE ACT PROGRAMS

SEC. 401. AMERICAN SCHOOLS AND HOSPITALS ABROAD.

Section 214(c) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(c)(1) To carry out the purposes of this section, there are authorized to be appropriated to the President $30,000,000 for fiscal year 1986 and $30,000,000 for fiscal year 1987.

"(2) Amounts appropriated under paragraph (1) are authorized to remain available until expended.".

SEC. 402. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS.

Section 302(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows: "(a)(1) There are authorized to be appropriated to the President $212,454,000 for fiscal year 1986 and $212,454,000 for fiscal year 1987 for grants to carry out the purposes of this chapter, in addition to funds available under other Acts for such purposes. Of these amounts—

"(A) $53,500,000 for fiscal year 1986 and $53,500,000 for fiscal year 1987 shall be for the United Nations Children's Fund;

"(B) funds for fiscal year 1986 and for fiscal year 1987 may be contributed to the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency; and

"(C) $343,000 for fiscal year 1986 and $343,000 for fiscal year 1987 shall be for the United Nations Trust Fund for South Africa.".

SEC. 403. PALESTINE LIBERATION ORGANIZATION.

Chapter 3 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 307. PALESTINE LIBERATION ORGANIZATION.

"(a) PROHIBITION ON FUNDING.—Funds authorized to be appropriated by this chapter may not be made available for the United States proportionate share for programs for the Palestine Liberation Organization or for projects whose primary purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it.

"(b) ANNUAL REVIEW.—The Secretary of State—

"(1) shall review, at least annually, the budgets and accounts of all international organizations receiving payments of any such funds; and

"(2) shall report to the appropriate committees of the Congress the amounts of funds expended by each such organization for the purposes described in subsection (a) and the amount contributed by the United States to each such organization.".

SEC. 404. SOUTH-WEST AFRICA PEOPLE'S ORGANIZATION.

Chapter 3 of part I of the Foreign Assistance Act of 1961 is further amended by adding at the end thereof the following new section:

"SEC. 308. SOUTH-WEST AFRICA PEOPLE'S ORGANIZATION.

"(a) LIMITATION ON FUNDING.—Funds authorized to be appropriated by this chapter may not be made available for the United States proportionate share for programs for the South-West Africa People's Organization, except that funds may be made available for the United States proportionate share of programs for the South-West Africa People's Organization if the President certifies to the Congress that such funds would not be used to support the military or paramilitary activities of the South-West Africa People's Organization.

"(b) ANNUAL REVIEW.—The Secretary of State—

"(1) shall review, at least annually, the budgets and accounts of all international organizations receiving payments of any such funds; and

"(2) shall report to the appropriate committees of the Congress the amounts of funds expended by each such organization for the purposes described in subsection (a) and the amount contributed by the United States to each such organization.".

SEC. 405. INTERNATIONAL DISASTER ASSISTANCE.

The first sentence of section 492(a) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President to carry out section 491, $25,000,000 for fiscal year 1986 and $25,000,000 for fiscal year 1987.".

SEC. 406. ANTI-TERRORISM ASSISTANCE PROGRAM.

(a) AUTHORIZATIONS.—Section 575 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 575. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) AUTHORIZATIONS.—There are authorized to be appropriated to the President to carry out this chapter $5,000,000 for fiscal year 1986 and $5,000,000 for fiscal year 1987.

"(b) EXTENDED OBLIGATIONAL AVAILABILITY.—Amounts appropriated under this section are authorized to remain available until expended.".

(b) ITEMS ON THE MUNITIONS LIST.—Section 573(d)(4) of such Act is amended to read as follows:

"(4)(A) Except as provided in subparagraph (B), articles on the United States Munitions List established pursuant to the Arms Export Control Act may not be made available under this chapter.

"(B) For fiscal years 1986 and 1987, articles on the United States Munitions List may be made available under this chapter if—

"(i) they are small arms in category I (relating to firearms), ammunition in category III (relating to ammunition) for small arms in category I, or articles in category X (relating to protective personnel equipment), and they are directly related to anti-terrorism training being provided under this chapter;

"(ii) the recipient country is not prohibited by law from receiving assistance under one or more of the following provisions: chapter 2 of this part, chapter 5 of this part, or the Arms Export Control Act; and

"(iii) at least 15 days before the articles are made available to the foreign country, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of the proposed transfer, in accordance with the procedures applicable to reprograming notifications pursuant to section 634A of this Act.

"(C) The value (in terms of original acquisition cost) of all equipment and commodities provided under subsection (a) of this section, including articles described in subparagraph (B)(i) of this paragraph, may not exceed $325,000 in fiscal year 1986 or $325,000 in fiscal year 1987.".

(c) Section 573 of such Act is amended by adding at the end thereof the following new subsection:

"(f) Funds made available to carry out this chapter may not be used for personnel compensation and benefits.".

(d) EXPIRATION OF AUTHORITY.—Section 577 of such Act is repealed.

SEC. 407. COORDINATION OF ALL U.S. ANTI-TERRORISM ASSISTANCE TO FOREIGN COUNTRIES.

(a) COORDINATION.—The Secretary of State shall be responsible for coordinating all anti-terrorism assistance to foreign countries provided by the United States Government.

(b) REPORTS.—Not later than February 1 each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the anti-terrorism assistance provided by the United States Government during the preceding fiscal year. Such reports may be provided on a classified basis to the extent necessary, and shall specify the amount and nature of the assistance provided.

SEC. 408. TRADE AND DEVELOPMENT PROGRAM.

The first sentence of section 661(b) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $20,000,000 for fiscal year 1986 and $20,000,000 for fiscal year 1987.".

SEC. 409. OPERATING EXPENSES.

Section 667(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(1) $387,000,000 for fiscal year 1986 and $387,000,000 for fiscal year 1987 for necessary operating expenses of the agency primarily responsible for administering part I of this Act; and".

TITLE V—INTERNATIONAL NARCOTICS CONTROL

SEC. 501. AUTHORIZATIONS FOR INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.

Subsection (a)(1) of section 482 of the Foreign Assistance Act of 1961 is amended to read as follows: "(a)(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $50,344,000 for fiscal year 1986 and $50,344,000 for fiscal year 1987.".

SEC. 502. DEVELOPMENT AND ILLICIT NARCOTICS PRODUCTION.

Section 126(b) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "and under chapter 4 of part II" immediately after "this chapter"; and

(2) by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph:

"(2) The agency primarily responsible for administering this part may utilize resources for activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.".

SEC. 503. REPORTS ON INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.

Section 481(b) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(b)(1) Not later than 45 days after the end of each calendar quarter, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programming and obligation, on a calendar basis, of funds under this chapter prior to the end of that quarter. The last such report for each fiscal year shall include the aggregate obligations and expenditures made, and the types and quantity of equipment provided, on a calendar quarter basis, prior to end of that fiscal year—

"(A) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter, including the cost of the United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

"(B) to carry out each program conducted under this chapter in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

"(C) for administrative support services within the United States to carry out the purposes of this chapter, including the cost of United States personnel engaged in carrying out such purposes in the United States.

"(2) Not later than August 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed midyear report on the activities and operations carried out under this chapter prior to such date. Such midyear report shall include, but not be limited to, the status of each agreement concluded prior to such date with other countries to carry out the purposes of this chapter.".

SEC. 504. EXEMPTION FROM BAN ON INVOLVEMENT OF U. S. PERSONNEL IN ARREST ACTIONS IN NARCOTICS CONTROL EFFORTS ABROAD.

Section 481(c) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new paragraph:

"(2) Paragraph (1) of this subsection shall not prohibit officers and employees of the United States from being present during direct police arrest actions with respect to narcotic control efforts in a foreign country to the extent that the Secretary of State and the government of that country agree to such an exemption. The Secretary of State shall report any such agreement to the Congress before the agreement takes effect.".

SEC. 505. ANNUAL REPORTS ON INVOLVEMENT OF OTHER COUNTRIES IN ILLICIT DRUG TRAFFIC.

Section 481(e) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new paragraph:

"(6) Each report pursuant to this subsection shall describe the involvement, during the preceding fiscal year, of any foreign government in illicit drug trafficking, including—

"(A) the direct or indirect involvement of such government (or any official thereof) in the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, and

"(B) any other activities of such government (or any official thereof) which have facilitated illicit drug trafficking.".

SEC. 506. PROCUREMENT OF WEAPONS TO DEFEND AIRCRAFT INVOLVED IN NARCOTICS CONTROL EFFORTS.

Of the funds available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), not less than $1,000,000 for each of the fiscal years 1986 and 1987 shall be made available to arm, for defensive purposes, aircraft used in narcotic control eradication or interdiction efforts. The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate shall be notified of the use of any such funds for that purpose at least 15 days in advance in accordance with the reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961.

SEC. 507. REQUIREMENT FOR COST-SHARING IN INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAMS.

Section 482 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(d) Assistance may be provided under this chapter to a foreign country only if the country provides assurances to the President, and the President is satisfied, that the country will provide at least 25 percent of the costs of any narcotics control program, project, or activity for which such assistance is to be provided. The costs borne by the country may include 'in-kind' contributions.".

SEC. 508. PROHIBITION ON USE OF FOREIGN ASSISTANCE FOR REIMBURSEMENTS FOR DRUG CROP ERADICATIONS.

Chapter 8 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 483. PROHIBITION ON USE OF FOREIGN ASSISTANCE FOR REIMBURSEMENTS FOR DRUG CROP ERADICATIONS."

"Funds made available to carry out this Act may not be used to reimburse persons whose illicit drug crops are eradicated.".

SEC. 509. CONDITIONS ON ASSISTANCE TO BOLIVIA.

Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) may be provided to Bolivia for fiscal years 1986 and 1987 only under the following conditions:

(1) Of the amount of assistance allocated for Bolivia for fiscal year 1986—

(A) up to 25 percent may be provided at any time after the President certifies to the Congress that the Government of Bolivia has enacted legislation which prohibits more than two hectares of coca production per family; and

(B) the remaining 75 percent may be provided at any time subsequent to a certification pursuant to subparagraph (A) if the President certifies to the Congress that the Government of Bolivia achieved the eradication targets for the calendar year 1985 contained in its August 1983 narcotics control agreements with the United States.

(2) Of the amount of assistance allocated for Bolivia for fiscal year 1987—

(A) up to 50 percent may be provided at any time after the President certifies to the Congress that during the first 6 months of calendar year 1986 the Government of Bolivia achieved at least half of the eradication targets for the calendar year 1986 contained in its August 1983 narcotics control agreements with the United States; and

(B) the remaining 50 percent may be provided at any time after the President certifies to the Congress that the Government of Bolivia fully achieved the eradication targets for the calendar year 1986 contained in its August 1983 narcotics control agreements with the United States.

SEC. 510. UPPER HUALLAGA VALLEY PROJECT IN PERU.

Funds authorized to be appropriated for fiscal year 1987 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) may be made available for the project of the Agency for International Development in the Upper Huallaga Valley of Peru only if the Administrator of that Agency, after consultation with the Congress, determines that a comprehensive review of that project has been completed which establishes the effectiveness of that project in reducing and eradicating coca leaf production, distribution, and marketing in the Upper Huallaga Valley.

SEC. 511. CONDITIONS ON ESF ASSISTANCE TO JAMAICA.

Of the funds allocated for Jamaica for fiscal year 1986 under chapter 4 of part II of the Foreign Assistance Act of 1961, $5,000,000 shall be withheld from obligation until the President certifies to the Congress that the Government of Jamaica has pre-

pared, presented, and committed itself to a comprehensive plan or strategy for the control and reduction of illicit cultivation, production, processing, transportation, and distribution of marijuana within a specifically stated period of time.

SEC. 512. REALLOCATION OF FUNDS IF CONDITIONS NOT MET.

If any of the funds described in sections 509, 510, and 511 are not used for the country for which they were allocated because the conditions specified in those sections are not met, the President shall reprogram those funds in order to provide additional assistance to countries which have taken significant steps to halt illicit drug production or trafficking.

SEC. 513. CONDITIONS ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS FUND FOR DRUG ABUSE CONTROL.

Funds authorized to be appropriated by section 482(a) of the Foreign Assistance Act of 1961 (relating to international narcotics control assistance) for fiscal year 1986 and for fiscal year 1987 may be used for a contribution to the United Nations Fund for Drug Abuse Control only if that organization includes in its crop substitution projects a plan for cooperation with the law enforcement forces of the host country.

SEC. 514. NARCOTICS CONTROL EFFORTS IN BRAZIL.

It is the sense of the Congress that the Secretary of State should enter into negotiations with the Government of Brazil in order to establish a bilateral narcotics control agreement. Such agreement should have as a goal a 10 percent reduction in illicit coca production in Brazil in calendar year 1986.

SEC. 515. LATIN AMERICAN REGIONAL NARCOTICS CONTROL ORGANIZATION.

(a) FEASIBILITY STUDY.—The Secretary of State, acting through the Assistant Secretary of State for International Narcotics Matters, shall conduct a study of the feasibility of establishing a regional organization in Latin America which would combat narcotics production and trafficking through regional information-sharing and a regional enforcement unit.

(b) REPORT.—No later than six months after the date of enactment of this Act, the Secretary shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the advisability of encouraging the establishment of such an organization.

SEC. 516. GREATER EFFORT BY UNITED STATES ARMED FORCES TO SUPPORT NARCOTICS CONTROL EFFORTS ABROAD.

No later than 60 days after the date of enactment of this Act, the President shall report to the Congress on why the United States Armed Forces should not exert greater effort in facilitating and supporting interception of narcotics traffickers, and in gathering narcotics-related intelligence, outside the United States.

SEC. 517. CUBAN DRUG TRAFFICKING.

(a) FINDINGS.—The Congress finds that—

(1) the subject of the flow, use, and control of narcotic and psychotropic substances is a matter of great international importance;

(2) the problem of drug abuse and drug trafficking continues to worsen throughout most parts of the world;

(3) the concerns of the governments of many countries have become manifest in several bilateral and multilateral narcotics control projects;

(4) United Nations agencies monitor and apply controls on the flow and use of drugs and coordinate multilateral efforts to control production, trafficking, and abuse of drugs;

(5) the United Nations Fund for Drug Abuse Control funds narcotics projects throughout the world and has been a vehicle since 1971 for multilateral implementation of narcotics control and reduction programs;

(6) the International Narcotics Control Board is charged with monitoring compliance with the Single Convention on Narcotic Drugs, 1961, and the Convention on Psychotropic Substances, and Cuba is a party to both Conventions;

(7) the United Nations Commission on Narcotic Drugs is responsible for formulating policies, coordinating activities, supervising the implementation of international conventions, and making recommendations to governments for international drug control;

(8) the promotion of drug abuse and participation in drug trafficking is universally considered egregious criminal behavior wherever it occurs, whether it occurs locally, nationally, or internationally;

(9) a Federal grand jury of the United States has indicted four prominent Cuban officials on charges of conspiring to smuggle drugs into the United States;

(10) United States Government officials have testified at several congressional hearings that the Government of Cuba is facilitating the flow of illicit drugs into the United States in order to obtain hard currency, support guerrilla/terrorist activities, and undermine United States society; and

(11) such alleged conduct on the part of the Government of Cuba would be injurious to the world community and counter to the general principle of international law that no country has the right to use or permit the use of its territory in such a manner as to injure another country or persons therein.

(b) RECOMMENDED ACTIONS.—It is the sense of the Congress that the President should—

(1) acting through the Permanent Representative of the United States to the United Nations, take such steps as may be necessary to place the question of the involvement by the Government of Cuba in illicit drug trafficking on the agenda of the United Nations;

(2) acting through the Representative of the United States to the Organization of American States, request the Organization of American States to consider this question as soon as possible; and

(3) request other appropriate international organizations and international forums to consider this question.

(c) REPORT.—The President shall report to the Congress on the actions taken pursuant to this section.

TITLE VI—UNITED STATES SCHOLARSHIP PROGRAM FOR DEVELOPING COUNTRIES

SEC. 601. STATEMENT OF PURPOSE.

The purpose of this title is to establish an undergraduate scholarship program designed to bring students of limited financial means from developing countries to the United States for study at United States institutions of higher education.

SEC. 602. FINDINGS AND DECLARATIONS OF POLICY.

The Congress finds and declares that—

(1) it is in the national interest for the United States Government to provide a stable source of financial support to give students in developing countries the opportunity to study in the United States, in order to improve the range and quality of educational alternatives, increase mutual understanding, and build lasting links between those countries and the United States;

(2) providing scholarships to foreign students to study in the United States has proven over time to be an effective means of creating strong bonds between the United States and the future leadership of developing countries and, at the same time, assists countries substantially in their development efforts;

(3) study in United States institutions by foreign students enhances trade and economic relationships by providing strong English language skills and establishing professional and business contacts;

(4) students from families of limited financial means have, in the past, largely not had the opportunity to study in the United States, and scholarship programs sponsored by the United States have made no provision for identifying, preparing, or supporting such students for study in the United States;

(5) it is essential that the United States citizenry develop its knowledge and understanding of the developing countries and their languages, cultures, and socio-economic composition as these areas assume an ever larger role in the world community;

(6) the number of United States Government-sponsored scholarships for students in developing countries has been exceeded as much as twelve times in a given year by the number of scholarships offered by Soviet-bloc governments to students in developing countries, and this disparity entails the serious long-run cost of having so many of the potential future leaders of the developing world educated in Soviet-bloc countries;

(7) an undergraduate scholarship program for students of limited financial means from developing countries to study in the United States would complement current assistance efforts in the areas of advanced education and training of people of developing countries in such disciplines as are required for planning and implementation of public and private development activities; and

(8) the National Bipartisan Commission on Central America has recommended a program of 10,000 United States Government-sponsored scholarships to bring Central American students to the United States, which program would involve careful targeting to encourage participation by young people from all social and economic classes, would maintain existing admission standards by providing intensive English and other training, and would encourage graduates to return to their home countries after completing their education.

SEC. 603. SCHOLARSHIP PROGRAM AUTHORITY.

(a) IN GENERAL.—The President, acting through the United States Information Agency, shall provide scholarships (including partial assistance) for undergraduate study at United States institutions of higher education by citizens and nationals of developing countries who have completed their secondary education and who would not otherwise have an opportunity to study in the United States due to financial limitations.

(b) FORM OF SCHOLARSHIP; FORGIVENESS OF LOAN REPAYMENT.—Scholarships pursuant to this title shall be in the form of grants and loans. To encourage students to use their training in their countries of origin, half of each payment to a student shall be in the form of a loan with repayment to be forgiven upon the student's prompt return

to his or her country of origin for a period which is at least one year longer than the period spent studying in the United States.

(c) CONSULTATION.—Before allocating any of the funds made available to carry out this title, the President shall consult with United States institutions of higher education, educational exchange organizations, United States missions in developing countries, and the governments of participating countries on how to implement the guidelines specified in section 604.

(d) DEFINITION.—For purposes of this title, the term "institution of higher education" has the same meaning as given to such term by section 1201(a) of the Higher Education Act of 1965.

SEC. 604. GUIDELINES.

The scholarship program under this title shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961, all programs created pursuant to this title shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity.

(2) United States missions shall design ways to identify promising students who are in secondary educational institutions, or who have completed their secondary education, for study in the United States. In carrying out this paragraph, the United States mission in a country shall consult with Peace Corps volunteers and staff assigned to that country and with private and voluntary organizations with a proven record of providing development assistance to developing countries.

(3) United States missions shall develop and strictly implement specific economic need criteria. Scholarships under this title may only be provided to students who meet the economic need criteria.

(4) The program shall utilize educational institutions in the United States and in developing countries to help participants in the programs acquire necessary skills in English and other appropriate education training.

(5) Each participant from a developing country shall be selected on the basis of academic and leadership potential and the economic, political, and social development needs of such country. Such needs shall be determined by each United States mission in consultation with the government of the respective country. Scholarship opportunities shall emphasize fields that are critical to the development of the participant's country, including agriculture, civil engineering, communications, social science, education, public and business administration, health, nutrition, environmental studies, population and family planning, and energy.

(6) The program shall be flexible in order to take advantage of different training and educational opportunities offered by universities, postsecondary vocational training schools, and community colleges in the United States.

(7) The program shall be flexible with respect to the number of years of undergraduate education financed but in no case shall students be brought to the United States for a period less than one year.

(8) Adequate allowance shall be made in the scholarship for the purchase of books and related educational material relevant to the program of study.

(9) Further allowance shall be made to provide adequate opportunities for professional, academic, and cultural enrichment for scholarship recipients.

(10) The program shall, to the maximum extent practicable, offer equal opportunities for both male and female students to study in the United States.

SEC. 605. AUTHORITY TO ENTER INTO AGREEMENTS.

The President may enter into agreements with foreign governments in furtherance of the purposes of this title. Such agreements may provide for the creation or continuation of binational or multinational educational and cultural foundations and commissions for the purposes of administering programs under this title.

SEC. 606. POLICY REGARDING OTHER INTERNATIONAL EDUCATIONAL PROGRAMS.

(a) AID-FUNDED PROGRAMS.—The Congress urges the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, in implementing programs authorized under that part, to increase assistance for undergraduate scholarships for students of limited financial means from developing countries to study in the United States at United States institutions of higher education. To the maximum extent practicable, such scholarship assistance shall be furnished in accordance with the guidelines contained in section 604 of this title.

(b) USIA-FUNDED POSTGRADUATE STUDY IN THE UNITED STATES.—The Congress urges the Director of the United States Information Agency to expand opportunities for students of limited financial means from developing countries to receive financial assistance for postgraduate study at United States institution of higher education.

(c) STUDY BY AMERICANS IN DEVELOPING COUNTRIES.—The Congress urges the President to take such steps as are necessary to expand the opportunities for Americans from all economic classes to study in developing countries.

SEC. 607. ESTABLISHMENT AND MAINTENANCE OF COUNSELING SERVICES.

(a) COUNSELING SERVICES ABROAD.—For the purpose of assisting foreign students in choosing fields of study, selecting appropriate institutions of higher education, and preparing for their stay in the United States, the President may make suitable arrangements for counseling and orientation services abroad.

(b) COUNSELING SERVICES IN THE UNITED STATES.—For the purposes of assisting foreign students in making the best use of their opportunities while attending United States institutions of higher education, and assisting such students in directing their talents and initiative into channels which will make them more effective leaders upon return to their native lands, the President may make suitable arrangements (by contract or otherwise) for the establishment and maintenance of adequate counseling services at United States institutions of higher education which are attended by foreign students.

SEC. 608. BOARD OF FOREIGN SCHOLARSHIPS.

The Board of Foreign Scholarships shall advise and assist the President in the discharge of the scholarship program carried out pursuant to this title, in accordance with the guidelines set forth in section 604. The President may provide for such additional secretarial and staff assistance for the Board as may be required to carry out this title.

SEC. 609. GENERAL AUTHORITIES.

(a) PUBLIC AND PRIVATE SECTOR CONTRIBUTIONS.—The public and private sectors in the United States and in the developing countries shall be encouraged to contribute to the costs of the scholarship program financed under this title.

(b) UTILIZATION OF RETURNING PROGRAM PARTICIPANTS.—The President shall seek to engage the public and private sectors of developing countries in programs to maximize the utilization of recipients of scholarships under this title upon their return to their own countries.

(c) PROMOTION ABROAD OF SCHOLARSHIP PROGRAM.—The President may provide for publicity and promotion abroad of the scholarship program provided for in this title.

(d) INCREASING UNITED STATES UNDERSTANDING OF DEVELOPING COUNTRIES.—The President shall encourage United States institutions of higher education, which are attended by students from developing countries who receive scholarships under this title, to provide opportunities for United States citizens attending those institutions to develop their knowledge and understanding of the developing countries, and the languages and cultures of those countries, represented by those foreign students.

(e) OTHER ACTIVITIES TO PROMOTE IMPROVED UNDERSTANDING.—Funds allocated by the United States Information Agency, or the agency primarily responsible for carrying out part I of the Foreign Assistance Act of 1961, for scholarships in accordance with this title shall be available to enhance the educational training and capabilities of the people of Latin America and the Caribbean and to promote better understanding between the United States and Latin America and the Caribbean through programs of cooperation, study, training, and research. Such funds may be used for program and administrative costs for institutions carrying out such programs.

SEC. 610. ENGLISH TEACHING, TEXTBOOKS, AND OTHER TEACHING MATERIALS.

Wherever adequate facilities or materials are not available to carry out the purposes of paragraph (4) of section 604 in the participant's country and the President determines that the purposes of this title are best served by providing the preliminary training in the participant's country, the President may (by purchase, contract, or other appropriate means) provide the necessary materials and instructors to achieve such purpose.

SEC. 611. REPORTING REQUIREMENT.

Not later than February 1 each year, the President shall submit to the Congress a report on the activities carried on and expenditures made pursuant to this title during the preceding fiscal year.

SEC. 612. FUNDING OF SCHOLARSHIPS FOR FY 1986 AND FY 1987.

(a) CENTRAL AMERICAN UNDERGRADUATE SCHOLARSHIP PROGRAM.—The undergraduate scholarship program financed by the United States Information Agency for students from Central America for fiscal year 1986 and fiscal year 1987 shall be conducted in accordance with this title.

(b) SCHOLARSHIPS FOR STUDENTS FROM OTHER DEVELOPING COUNTRIES.—Any funds appropriated to the United States Information Agency for fiscal year 1986 or fiscal year 1987 for any purpose (other than funds appropriated for educational exchange programs under section 102(a)(1) of the Mutual Educational and Cultural Exchange Act of 1961) may be used to carry out this title with respect to students from developing countries outside Central America.

SEC. 613. COMPLIANCE WITH CONGRESSIONAL BUDGET ACT.

Any authority provided by this title to enter into contracts shall be effective only—

(1) to the extent that the budget authority for the obligation to make outlays, which is created by the contract, has been provided in advance by an appropriation Act; or

(2) to the extent or in such amounts as are provided in advance in appropriation Acts.

TITLE VII—LATIN AMERICA AND THE CARIBBEAN

SEC. 701. STATEMENTS OF POLICY CONCERNING CENTRAL AMERICA.

(a) FINDINGS.—The Congress finds that—

(1) the building of democracy, the restoration of peace, the improvement of living conditions, and the application of equal justice under law in Central America are important to the interests of the United States and the community of American States; and

(2) the interrelated issues of social and human progress, economic growth, political reform, and regional security must be effectively dealt with to assure a democratic and economically and politically secure Central America.

(b) PRIMARY ROLE OF THE PEOPLE AND GOVERNMENTS OF CENTRAL AMERICA.—The achievement of democracy, respect for human rights, peace, and equitable economic growth depends primarily on the cooperation and the human and economic resources of the people and governments of Central America.

(c) UNITED STATES POLICY.—The Congress recognizes that the United States can make a significant contribution to such peaceful and democratic development through a consistent and coherent policy which includes a long-term commitment of assistance. This policy should be designed to support actively—

(1) democracy and political reform, including opening the political process to all members of society;

(2) full observance of internationally recognized human rights, including free elections, freedom of the press, freedom of association, and the elimination of all human rights abuses;

(3) leadership development, including training and educational programs to improve public administration and the administration of justice;

(4) land reform, reform in tax systems, encouragement of private enterprise and individual initiative, creation of favorable investment climates, curbing corruption where it exists, and spurring balanced trade;

(5) the establishment of the rule of law and an effective judicial system; and

(6) the termination of extremist violence by both the left and the right, as well as vigorous action to prosecute those guilty of crimes and the prosecution to the extent possible of past offenders.

This policy should also promote equitable economic growth and development, including controlling the flight of capital and the effective use of foreign assistance and adhering to approved programs for economic stabilization and fiscal responsibility. Finally, this policy should foster dialogue and negotiations (A) to achieve peace based upon the objectives of democratization, reduction of armament, an end to subversion, and the withdrawal of foreign military forces and advisers, and (B) to provide a security shield against violence and intimidation.

(d) UNITED STATES ASSISTANCE PROGRAMS.—The Congress finds, therefore, that the people of the United States are willing to sustain and expand a program of economic and military assistance in Central America if the recipient countries can demonstrate progress toward and a commitment to these goals.

(e) PEACE PROCESS IN CENTRAL AMERICA.—The Congress—

(1) strongly supports the initiatives taken by the Contadora group and the resulting Document of Objectives which has been agreed to by Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua and which sets forth a framework for negotiating a peaceful settlement to the conflict and turmoil in the region;

(2) finds that the United States should provide such assistance and support as may be appropriate in helping to reach comprehensive and verifiable final agreements, based on the Document of Objectives, which will ensure peaceful and enduring solutions to the Central American conflicts;

(3) strongly supports national reconciliation in Nicaragua and the creation of a framework for negotiating a peaceful settlement to the Nicaraguan conflict; and

(4) finds that the United States should, in assisting efforts to reach comprehensive and verifiable final agreements based on the Contadora Document of Objectives, encourage the Government of Nicaragua to pursue a dialogue with the armed opposition forces and their political representatives for the purposes of achieving an equitable political settlement of the conflict, including free and fair elections.

SEC. 702. ASSISTANCE FOR EL SALVADOR.

(a) PRESIDENTIAL REPORTS.—The President may provide military assistance for El Salvador in accordance with subsection (c) if he reports to the Congress the extent to which:

(1) The Government of El Salvador is willing to pursue a dialogue with the armed opposition forces and their political representatives for the purposes of achieving an equitable political settlement of the conflict, including free and fair elections.

(2) The elected civilian government is in control of the Salvadoran military and security forces, and those forces are complying with applicable rules of international law and with Presidential directives pertaining to the protection of civilians during combat operations, including Presidential directive C-111-03-984 (relating to aerial fire support).

(3) The Government of El Salvador made demonstrated progress during the preceding 6 months in ending the activities of the death squads.

(4) The Government of El Salvador made demonstrated progress during the preceding 6 months in establishing an effective judicial system. Among the criteria the President shall use in making this determination are—

(A) whether the commission proposed by the President of El Salvador to investigate human rights cases has been established, funded, and given sufficient investigative powers, and whether the evidence that commission collects may be used in the Salvadoran judicial process; and

(B) whether that commission has issued a comprehensive report with regard to its investigation of all Americans murdered in El Salvador.

(5) The Government of El Salvador made demonstrated progress during the preceding 6 months in implementing the land reform program.

(b) REPORTING DATES.—The first report pursuant to subsection (a) shall be submitted on or after October 1, 1985, the second on or after April 1, 1986, the third on or after October 1, 1986, and the fourth on or after April 1, 1987. The reporting requirements pursuant to subsection (a) supersede the reporting requirements with respect to El Salvador contained in the last proviso in the paragraph under the heading "Military Assistance" in Public Law 98-332.

(c) ALLOCATIONS OF MILITARY ASSISTANCE.—Of the aggregate amount of military assistance allocated for El Salvador—

(1) half for fiscal year 1986 may be provided only after the first report pursuant to this section;

(2) the other half for the fiscal year 1986 may be provided only after the second such report;

(3) half for fiscal year 1987 may be provided only after the third such report; and

(4) the other half for fiscal year 1987 may be provided only after the fourth such report.

(d) PROVISION OF ASSISTANCE IN AN EMERGENCY.—Notwithstanding subsection (c), in the event of an emergency certified by the President, funds for military assistance for El Salvador for the second half of fiscal year 1986 or 1987 may be provided in the first half of that fiscal year only if the Congress is notified at least 15 days in advance of the proposed obligation of such funds.

(e) AIRCRAFT FOR AERIAL WARFARE.—

(1) NOTIFICATION TO THE CONGRESS.—The authorities of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act may not be used to make available to El Salvador any helicopters or other aircraft, and licenses may not be issued under section 38 of the Arms Export Control Act for the export to El Salvador of any such aircraft, unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date of enactment of this Act and shall remain in effect until October 1, 1987.

(f) ECONOMIC SUPPORT ASSISTANCE.—

(1) CENTRAL RESERVE BANK REFORMS.—Before disbursing any assistance to the Government of El Salvador under chapter 4 of part II of the Foreign Assistance Act of 1961 for balance-of-payments support, the President shall be satisfied that the Central Reserve Bank of El Salvador has implemented or has taken appropriate steps toward implementing the major recommendations which are contained in the study entitled "Foreign Exchange: Policy and Management within the Central Reserve Bank of El Salvador", relating to management, allocation, and controls on the use of official foreign exchange.

(2) BALANCE-OF-PAYMENTS SUPPORT.—Funds authorized to be appropriated for fiscal years 1986 and 1987 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 which are provided to El Salvador for balance-of-payments support—

(A) shall be used solely for the purchase of materials essential for productive economic activity and development, with particular emphasis and priority on the import needs of agrarian reform and the agricultural sector; and

(B) shall be maintained in a separate account in the Central Reserve Bank of El Salvador and not commingled with any other funds.

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Those funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the cash transfer nature of the assistance or which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 of the 98th Congress (House Report 98-1159).

(3) SPECIAL ACCOUNT FOR LOCAL CURRENCIES.—All local currencies generated with the funds described in paragraph (2) shall be deposited in accordance with section 609 of the Foreign Assistance Act of 1961 in a special account established by the Government of El Salvador. Those local currencies shall be used for projects assisting agrarian reform and the agricultural sector (and particular emphasis shall be placed on projects for these purposes); judicial reform; employment generation; health, education, and other social services; infrastructure repair; and credits and other support for the private sector (principally for small and medium sized businesses).

(g) SUSPENSION OF ASSISTANCE IF A MILITARY COUP OCCURS.—All assistance authorized by this Act which is allocated for El Salvador shall be suspended if the elected President of that country is deposed by military coup or decree.

(h) DEFINITIONS.—For purposes of this section—

(1) the term "military assistance" means any assistance under chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961 or under the Arms Export Control Act (relating to foreign military sales financing);

(2) the term "agrarian reform" means projects assisting or enhancing the abilities of agencies, cooperatives, and farms to implement land reform decrees in El Salvador, notwithstanding section 620(g) of the Foreign Assistance Act of 1961; and

(3) the term "judicial reform" means projects assisting or enhancing the abilities of agencies of the Salvadoran Government to investigate and prosecute politically motivated violence.

SEC. 703. ASSISTANCE FOR GUATEMALA.

(a) CONDITIONS ON MILITARY ASSISTANCE AND SALES.—For fiscal years 1986 and 1987, assistance may be provided for Guatemala under chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961 and sales may be made and financing may be provided for Guatemala under the Arms Export Control Act (relating to foreign military sales) only if the President makes the following certifications to the Congress:

(1) For fiscal year 1986, an elected civilian government is in power in Guatemala and has submitted a formal written request to the United States for the assistance, sales, or financing to be provided.

(2) For both fiscal year 1986 and fiscal year 1987, the Government of Guatemala made demonstrated progress during the preceding year (A) in achieving control over its military and security forces, and (B) toward eliminating kidnappings and disappearances, forced recruitment into the civil defense patrols, and other abuses by such forces of internationally recognized human rights.

(b) CONTINUATION OF IMET PROGRAMS UPON ELECTION.—Notwithstanding subsection (a), up to 30 percent of the amount allocated for Guatemala for fiscal year 1986 for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 may be provided, upon the election of a civilian government in Guatemala, for the continuation of existing programs under that chapter.

(c) CONSTRUCTION EQUIPMENT AND MOBILE MEDICAL FACILITIES AND RELATED TRAINING.—If the conditions specified in subsection (a) are met, Guatemala may be provided with the following for fiscal years 1986 and 1987 (in addition to such other assistance, sales, or financing as may be provided for Guatemala):

(1) Sales of construction equipment and mobile medical facilities to assist in development programs that will directly assist the poor in Guatemala.

(2) Sales of training, to be provided outside of Guatemala, which is related to the sales described in paragraph (1).

(3) A total for both fiscal years 1986 and 1987 of no more than $10,000,000 in credits under the Arms Export Control Act for sales described in paragraphs (1) and (2).

Such sales and credits shall be provided only to enable the military forces of Guatemala to obtain equipment and training for civilian engineering and construction projects and mobile medical teams, which would not be used in the rural resettlement program.

(d) PROHIBITION ON FURNISHING WEAPONS.—Funds authorized to be appropriated by title I of this Act may not be used for the procurement by Guatemala of any weapons or ammunition.

(e) SUSPENSION OF ASSISTANCE IF A MILITARY COUP OCCURS.—All assistance authorized by this Act which is allocated for Guatemala shall be suspended if the elected civilian government of that country is deposed by military coup or decree.

(f) RURAL RESETTLEMENT PROGRAM.—Assistance provided for Guatemala for the fiscal year 1986 and fiscal year 1987 under chapter 1 of part I (relating to development assistance) or under chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961—

(1) may not be provided to the Government of Guatemala for use in its rural resettlement program; and

(2) shall be provided through private and voluntary organizations to the maximum extent possible.

(g) INVITATION FOR ICRC TO VISIT GUATEMALA.—The Congress calls upon the President to urge the Government of Guatemala to allow the International Committee of the Red Cross—

(1) to conduct an unimpeded visit to Guatemala in order to investigate humanitarian needs in that country, and

(2) to investigate the possibilities of its providing humanitarian services in that country.

(h) RELATIONS BETWEEN BELIZE AND GUATEMALA.—It is the sense of the Congress that the United States should use its good offices and influence to encourage the Government of Guatemala to recognize the independence of Belize and to enter into a mutual nonaggression treaty with Belize.

SEC. 704. PROHIBITION RELATING TO MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA.

Funds authorized to be appropriated by this Act may not be obligated or expended for the purpose of supporting military or paramilitary operations in Nicaragua by any group, organization, movement, or individual.

SEC. 705. REFUGEES IN HONDURAS.

Funds authorized to be appropriated by this Act or authorized to be appropriated for "Migration and Refugee Assistance" by the Department of State Authorization Act, Fiscal Years 1986 and 1987—

(1) which are to be used for refugee assistance or other assistance for Nicaraguan Indian refugees in Honduras, shall be channelled through the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the Intergovernmental Committee for Migration, or other established and recognized international refugee relief organizations; and

(2) may not be used to facilitate the involuntary repatriation of Salvadoran refugees who are in Honduras.

To ensure compliance with paragraph (2), any such funds used to assist in the repatriation of Salvadoran refugees in Honduras shall be made available only for voluntary repatriation activities which are administered or supervised by the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the Intergovernmental Committee for Migration, or other established and recognized international refugee relief organizations.

SEC. 706. PROMOTING THE DEVELOPMENT OF THE HAITIAN PEOPLE AND PROVIDING FOR ORDERLY EMIGRATION FROM HAITI.

(a) USE OF PVOs.—To the maximum extent practicable, assistance for Haiti under chapter 1 of part I (relating to development assistance) and under chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 should be provided through private and voluntary organizations.

(b) CONDITIONS ON ASSISTANCE.—Funds available for fiscal year 1986 and for fiscal year 1987 to carry out chapter 1 of part I (relating to development assistance), chapter 4 of part II (relating to the economic support fund), or chapter 5 of part II (relating to international military education and training) of the Foreign Assistance Act of 1961 may be obligated for Haiti only if the President determines that the Government of Haiti—

(1) is continuing to cooperate with the United States in halting illegal emigration to the United States from Haiti;

(2) is cooperating fully in implementing United States development, food, and other economic assistance programs in Haiti (including programs for prior fiscal years); and

(3) is making progress toward improving the human rights situation in Haiti and progress toward implementing political reforms which are essential to the development of democracy in Haiti, such as progress toward the establishment of political parties, free elections, free labor unions, and freedom of the press.

(c) REPORTS TO THE CONGRESS.—Not later than 6 months after the date of the enactment of this Act and each 6 months thereafter through fiscal year 1987, the President shall report to the Congress on the extent to which the actions of the Government of Haiti are consistent with each paragraph of subsection (b).

(d) ASSISTANCE IN HALTING ILLEGAL EMIGRATION FROM HAITI.—Notwithstanding the limitations of section 660 of the Foreign Assistance Act of 1961 (relating to police training), funds made available under such Act may be used for programs with Haiti, which shall be consistent with prevailing United States refugee policies, to assist in halting significant illegal emigration from Haiti to the United States.

(e) LIMITATION ON MAP AND FMS FINANCING.—Assistance may not be provided for Haiti for fiscal year 1986 or fiscal year 1987 under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance) or under the Arms Export Control Act (relating to foreign military sales financing), except for necessary transportation, maintenance, communications, and related articles and services to enable the continuation of migrant and narcotics interdiction operations.

(f) FUNDING FOR LITERACY PROGRAMS.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) which are allocated for Haiti, $1,000,000 for fiscal year 1986 and $1,000,000 for fiscal year 1987 shall be available only for literacy programs in Haiti.

SEC. 707. CONDITIONS ON MILITARY ASSISTANCE FOR PARAGUAY.

None of the funds authorized to be appropriated by title I of this Act may be used for assistance for Paraguay unless the President certifies to the Congress the following:

(1) The Government of Paraguay is cooperating with other governments to determine the whereabouts of Nazi criminal Doctor Joseph Mengele and bring him to justice.

(2) The Government of Paraguay has made demonstrated progress in ending the practice of torture and abuse of individuals held in detention by its military and security forces and has instituted procedures to ensure that those arrested are promptly charged and brought to trial.

SEC. 708. ASSISTANCE FOR PERU.

(a) REPORTS ON HUMAN RIGHTS CONDITIONS.—Upon obligating any funds for assistance for Peru for fiscal year 1986 and fiscal year 1987 under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance) or the Arms Export Control Act (relating to foreign military sales financing), the President shall report to the Congress on the steps that the Government of Peru has taken to—

(1) curtail killings, torture, and "disappearances" of civilian noncombatants by the the military and security forces of Peru;

(2) strengthen the ability of the judiciary to investigate such killings, torture, and disappearances;

(3) comply with established procedures to ensure that arrests and detentions by the military and security forces of Peru are immediately acknowledged; and

(4) account for "disappeared persons" in Peru.

(b) HUMAN RIGHTS TRAINING IN IMET PROGRAMS.—Respect for internationally recognized human rights shall be an important component of the training provided for Peru under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training) for fiscal year 1986 and for fiscal year 1987.

(c) STRENGTHENING THE PERUVIAN JUDICIAL SYSTEM.—Of the amount authorized to be appropriated by this Act to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), $1,000,000 for fiscal year 1986 and $1,000,000 for fiscal year 1987 shall be used to strengthen the judicial system in Peru under section 534 of the Foreign Assistance Act of 1961 (relating to administration of justice).

SEC. 709. INTER-AMERICAN FOUNDATION.

The first sentence of section 401(s)(2) of the Foreign Assistance Act of 1969 is amended to read as follows: "There are authorized to be appropriated $12,000,000 for fiscal year 1986 and $12,000,000 for fiscal year 1987 to carry out the purposes of this section.".

SEC. 710. COMPREHENSIVE REPORTS ON ASSISTANCE FOR LATIN AMERICA AND THE CARIBBEAN.

(a) REQUIREMENT FOR COMPREHENSIVE ACCOUNTING OF ASSISTANCE.—In the annual reports required by section 634 of the Foreign Assistance Act of 1961, the President shall provide to the Congress a full, complete, and detailed accounting of all assistance provided during the fiscal years 1986 and 1987 for Latin America and the Caribbean under the Foreign Assistance Act of 1961 and the Arms Export Control Act.

(b) INFORMATION TO BE INCLUDED.—The report provided pursuant to subsection (a) shall include for each fiscal year, among other things, the following with respect to each authorization account:

(1) The specific projects and other activities carried out in each country.

(2) The number of persons from each country who were provided with training, and the types of training provided.

(3) The defense articles and defense services provided for each country.

(4) The types of goods and commodities provided to each country for economic stabilization purposes under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), and a copy of each agreement for the furnishing of any assistance under that chapter.

(5) The amounts of local currency generated by United States assistance to each country, the uses of those currencies, and the total amount of those currency still available for use as of the time of the report.

(6) A report on any tranfers or reprogrammings of funds, and a description of how tranferred or reprogrammed funds modified the amounts requested for each account.

(7) A report on the funds which have been obligated but remain unexpended for each country in each account.

(8) An analysis of the amount of funds and programs provided through nongovernmental as contrasted to governmental channels.

SEC. 711. ASSISTANCE FOR LAW ENFORCEMENT AGENCIES.

Section 660 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(c) Subsection (a) shall not apply with respect to a country which has a long-standing democratic tradition, does not have standing armed forces, and does not engage in a consistent pattern of gross violations of internationally recognized human rights.".

SEC. 712. USE OF PRIVATE AND VOLUNTARY ORGANIZATIONS.

To the maximum extent practicable, assistance under chapter 1 of part I (relating to development assistance) and chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 for countries in Latin America and the Caribbean should be provided through private and voluntary organizations which have a proven record of development assistance efforts overseas.

SEC. 713. ADMINISTRATION OF JUSTICE.

Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), as amended by title II of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 533. ADMINISTRATION OF JUSTICE.

"(a) AUTHORIZATION OF ASSISTANCE.—The President may furnish assistance under this chapter to countries and organizations, including national and regional institutions, in order to strengthen the administration of justice in countries in Latin America and the Caribbean.

"(b) LIMITATIONS ON TYPES OF ASSISTANCE.—Assistance under this section may only include—

"(1) support for specialized professional training, scholarships, and exchanges for continuing legal education;

"(2) programs to enhance prosecutorial and judicial capabilities and protection for participants in judicial cases;

"(3) notwithstanding section 660 of this Act, programs to enhance investigative capabilities, conducted under judicial or prosecutorial control;

"(4) strengthening professional organizations in order to promote services to members and the role of the bar in judicial selection, enforcement of ethical standards, and legal reform;

"(5) increasing the availability of legal materials and publications;

"(6) seminars, conferences, and training and educational programs to improve the administration of justice and to strengthen respect for the rule of law and internationally recognized human rights; and

"(7) revision and modernization of legal codes and procedures.

"(c) AMOUNTS AVAILABLE FOR ASSISTANCE.—Not more than $20,000,000 of the funds made available to carry out this chapter for any fiscal year shall be available to carry out this section, in addition to amounts otherwise available for such purposes.

"(d) NOTIFICATION TO CONGRESS.—Funds may not be obligated for assistance under this section unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified of the amount and nature of the proposed assistance at least 15 days in advance in accordance with the procedures applicable to reprogrammings pursuant to section 634A of this Act.

"(e) EXPIRATION OF AUTHORITIES.—The authority of this section shall expire on September 30, 1987.".

SEC. 714. CENTRAL AMERICAN DEVELOPMENT ORGANIZATION.

(a) FINDINGS.—The Congress finds that participation by Central American countries in an effective forum for dialogue on, and the continuous review and advancement of, Central America's political, economic, and social development would foster cooperation between the United States and Central American countries.

(b) ESTABLISHMENT OF CADO.—It is the sense of the Congress that—

(1) the President should enter into negotiations with the countries of Central America to establish a Central American Development Organization (hereafter in this section referred to as the "Organization"); and

(2) the establishment of the Organization should be based upon the following principles:

(A) Participation in the Organization should be open to the United States, other donors, and those Central American countries that commit themselves to, among other things, respecting internationally recognized human rights, building democracy, and encouraging equitable economic growth through policy reforms.

(B) The Organization should be structured to include representatives from both the public and private sectors, including representatives from the labor, agriculture, and business communities.

(C) The Organization should meet periodically to carry out the functions described in subparagraphs (D) and (E) of this paragraph and should be supported by a limited professional secretariat.

(D) The Organization should make recommendations affecting Central American countries on such matters as—

(i) political, economic, and social development objectives, including the strengthening of democratic pluralism and the safeguarding of internationally recognized human rights;

(ii) mobilization of resources and external assistance needs; and

(iii) reform of economic policies and structures.

(E) The Organization should have the capacity for monitoring country performance on the recommendations issued in accordance with subparagraph (D) of this paragraph and for evaluating progress towards meeting such country objectives.

(F) To the maximum extent practicable, the United States should follow the recommendations of the Organization in disbursing bilateral economic assistance for any Central American country; and no more than 75 percent of such United States assistance in any fiscal year should be disbursed until the recommendations of the Organization for that fiscal year have been made final and communicated to the donor countries, but this limitation should apply only to recommendations made final and communicated prior to the fourth quarter of such fiscal year.

(G) The President should encourage other donors similarly to implement the recommendations of the Organization.

(H) The administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, or his designee, should be chairman of the Organization and should carry out his functions in that capacity under the continuous supervision and general direction of the Secretary of State.

(c) U.S. PARTICIPATION IN CADO.—Subject to subsection (d)(3), the President is authorized to participate in the Organization.

(d) CONGRESSIONAL OVERSIGHT.—

(1) DEVELOPMENT OF PROPOSAL.—The Administrator of the Agency for International Development, under the supervision and direction of the Secretary of State, shall prepare a detailed proposal to carry out this section and shall keep the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate fully and currently informed concerning the development of the proposal.

(2) FACILITATING CONGRESSIONAL INVOLVEMENT.—To facilitate full congressional involvement in the establishment of the Organization, the Chairman of the Committee on Foreign Affairs of the House of Representatives shall designate at least three members of that committee, and the Chairman of the Committee on Foreign Relations of the Senate shall designate at least three members of that committee, who shall be kept fully and currently informed by the executive branch of all negotiations or discussions with donor countries and recipient countries concerning the establishment of the Organization.

(3) CONGRESSIONAL REVIEW OF AGREEMENT.—The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a copy of the text of any agreement which he proposes to sign providing for the establishment of and United States participation in the Organization no less than 60 days prior to his signature. The United States shall not participate in the implementation of any such agreement for at least 60 days after such transmittal. During that 60-day period, there shall be full and formal consultations with and review by those committees in accordance with procedures applicable to reprogramming notifications pursuant to section 634A of the Foreign Assistance Act of 1961.

SEC. 715. LIMITATION ON INTRODUCTION OF ARMED FORCES INTO CENTRAL AMERICA FOR COMBAT.

(a) FINDINGS.—The Congress makes the following findings:

(1) The President has stated that there is no need to introduce United States Armed Forces into Central America for combat and that he has no intention of doing so.

(2) The President of El Salvador has stated that there is no need for United States Armed Forces to conduct combat operations in El Salvador and that he has no intention of asking that they do so.

(3) The possibility of the introduction of United States Armed Forces into Central America for combat raises very grave concern in the Congress and the American people.

(b) POLICY.—It is the sense of Congress that—

(1) United States Armed Forces should not be introduced into or over the countries of Central America for combat; and

(2) if circumstances change from those present on the date of the enactment of this Act and the President believes that those changed circumstances require the introduction of United States Armed Forces into or over a country of Central America for combat, the President should consult with Congress before any decision to so introduce United States Armed Forces, and any such introduction of United States Armed Forces must comply with the War Powers Resolution.

SEC. 716. MILITARY EXERCISES IN CENTRAL AMERICA.

For fiscal years 1986 and 1987, the President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days in advance of assigning or detailing members of the United States Armed Forces to, or otherwise introducing members of the United States Armed Forces into, any country in Central America for the purpose of commencing joint military exercises with the armed forces of any Central American country.

SEC. 717. INTERNATIONAL ADVISORY COMMISSION FOR THE CARIBBEAN REGION.

(a) FINDINGS.—The Congress finds that—

(1) many of the social, agricultural, educational, and economic problems which confront nations in the Caribbean Region result primarily from social and economic injustice and inadequate economic and agricultural development;

(2) such problems are not addressed sufficiently by current United States policies toward that region;

(3) the development of the Caribbean Region is of vital importance to the economic and strategic interests of the United States and its allies; and

(4) for purposes of defining development plans, providing an international forum for Caribbean Region development issues, and providing expert advice to donor-aid countries, an international commission is needed as the prime institution for promoting economic cooperation and development in the Caribbean Region.

(b) INVITATIONS TO PARTICIPATE IN COMMISSION.—

(1) INVITATION TO CARIBBEAN COUNTRIES.—The President is requested to invite the countries which comprise the Caribbean Region to participate with the United States in a commission to be known as the International Advisory Commission for the Caribbean Region (hereafter in this section referred to as the "Commission").

(2) INVITATION TO CERTAIN OTHER COUNTRIES.—The President is also requested to invite the Netherlands, the United Kingdom, France, Canada, the Commonwealth of Puerto Rico, and the Virgin Islands to participate in the Commission.

(c) FUNCTIONS OF COMMISSION.—It is the sense of the Congress that the Commission should—

(1) examine social, agricultural, educational, and economic issues which affect the Caribbean Region; and

(2) consult with leaders of the countries in the Caribbean Region and with representatives from public and private organizations involved in matters related to the Caribbean Region in order to evaluate the problems and needs of such countries.

(d) REQUEST TO CONGRESS RELATING TO UNITED STATES PARTICIPATION IN THE COMMISSION.—It is the sense of the Congress that, after conducting preliminary consultations with countries described in subsection (b), the President should provide costs estimates and request authorization from the Congress in order to—

(1) provide for the participation of the United States in the Commission,

(2) pay reasonable administrative expenses associated with the first meeting of the Commission, and

(3) pay reasonable travel and lodging expenses incurred by commissioners from other participant governments incident to their attendance at the first meeting.

(e) APPOINTMENT OF U.S. REPRESENTATIVE AND OBSERVERS.—Upon the creation of the Commission—

(1) the President should consider appointing one individual as the United States representative to the Commission;

(2) the Speaker of the House of Representatives should consider appointing two Members of the House, one from each major political party, as observers at the Commission; and

(3) the Majority Leader of the Senate should consider appointing two Members of the Senate, one from each major political party, as observers at the Commission.

SEC. 718. EXEMPTION OF CERTAIN SAFETY-RELATED EQUIPMENT FROM PROHIBITION ON MILITARY SALES TO CHILE.

Section 726 of the International Security and Development Cooperation Act of 1981 is amended by adding at the end thereof the following new subsection:

"(c) The prohibition contained in subsection (b) does not prohibit the sale, or the licensing for export, of cartridge actuated devices, propellant actuated devices, and technical manuals for the F-5E/F and A/T-37 aircraft supplied to the Chilean Air Force by the United States before 1974, so long as the items are provided only for purposes of enhancing the safety of the aircraft crew.".

SEC. 719. RURAL ELECTRIFICATION.

It is the sense of the Congress that funds appropriated for the fiscal years 1986 and 1987 under section 103(a)(2) of the Foreign Assistance Act of 1961 should be used for a comprehensive rural electrification program in Central America in order to establish conditions of stability and a foundation for economic development.

SEC. 720. FACILITATING INTERNATIONAL COMMERCE THROUGH MEXICO.

(a) FINDING.—Recognizing that increased levels of balanced international trade are an essential component in an economic development program for the region and that the United States has traditionally been the most important trading partner for each of the nations of Latin America, it is the sense of the Congress that current procedures and laws of the Government of Mexico, and practices of its officials, constitute a significant impediment to the transit of vehicles carrying the commodities of international trade through Mexican territory.

(b) NEGOTIATIONS AND COOPERATIVE STEPS CONCERNING TRANSIT.—As the Government of Mexico has played a valuable role in assisting and encouraging the economic and political development of the region, and in offering advice to the United States as to constructive policies this nation might pursue with respect to peace and prosperity in the area, it is the sense of the Congress that the Secretary of State, acting independently or with representatives of other Latin America nations, should initiate negotiations with the Government of Mexico aimed at eliminating or reducing those impediments to international trade. The agenda for such negotiations should include discussions to encourage the Government of Mexico to accede to existing international custom conventions on international in-transit shipments. Such actions are to be taken in concert with the institution by the United States, and the nations of the region where the transiting shipments originate, of appropriate and cooperative steps to make sealed-truck, no-inspection transit administratively acceptable to the Government of Mexico and other transited countries. Similar bilateral or multilateral negotiations by the Secretary of State with nations respecting the same international customs conventions is also encouraged.

(c) REPORT.—Not later than January 1, 1986, the Secretary of State shall report to the Congress the status of actions taken to carry out the sense of the Congress expressed in subsection (b).

TITLE VIII—AFRICA

SEC. 801. BALANCE-OF-PAYMENTS SUPPORT FOR COUNTRIES IN AFRICA.

(a) ESF COMMODITY IMPORT AND SECTOR PROGRAMS.—Agreements with countries in Africa which provide for the use of funds made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for the fiscal years 1986 and 1987 to finance imports by those countries (under commodity import programs or sector programs) shall require, to the maximum extent practicable, that those imports be used to meet long-term development needs in those countries in accordance with the following criteria:

(1) Spare parts and other imports shall be allocated on the basis of evaluations, by the agency primarily responsible for administering part I of that Act, of the ability of likely recipients to use such spare parts and imports in a maximally productive, employment generating, and cost effective way.

(2) Imports shall be coordinated with investments in accordance with the recipient country's plans for promoting economic development. The agency primarily responsible for administering part I of that Act shall assess such plans to determine whether they will effectively promote economic development.

(3) Emphasis shall be placed on imports for agricultural activities which will expand agricultural production, particularly activities which expand production for export or to reduce reliance on imported agricultural products.

(4) Emphasis shall also be placed on a distribution of imports having a broad development impact in terms of economic sectors and geographic regions.

(5) In order to maximize the likelihood that the imports financed by the United States under such chapter are in addition to imports which would otherwise occur, consideration shall be given to historical patterns of foreign exchange uses.

(6)(A) Foreign currencies generated by the sale of such imports by the government of the country shall be deposited in a special account established by that government and, except as provided in subparagraph (B), shall be available only for use in accordance with the agreement for economic development activities which are consistent with the policy directions of section 102 of the Foreign Assistance Act of 1961 and which are the types of activities for which assistance may be provided under section 103 through 106 of that Act.

(B) The agreement shall require that the government of the country make available to the United States Government such portion of the amount deposited in the special account as may be determined by the President to be necessary for requirements of the United States Government.

(b) ANNUAL EVALUATIONS.—The agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 shall conduct annual evaluations of the extent to which the criteria set forth in this subsection have been met.

SEC. 802. ECONOMIC SUPPORT ASSISTANCE FOR SOUTHERN AFRICA.

(a) SOUTHERN AFRICA REGIONAL PROGRAM.—

(1) FUNDS FOR REGIONAL PROGRAMS.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $40,000,000 for fiscal year 1986 and $40,000,000 for fiscal year 1987 shall be available only for regional programs in southern Africa. Not less than 50 percent of each of these amounts shall be allocated to assist sector projects supported by the Southern Africa Development Coordination Conference (SADCC) to enhance the economic development of the nine member states forming this important regional institution, especially in the following sectors: transportation, agricultural research and training, manpower development, and institutional support for the SADCC secretariat.

(2) STUDIES.—

(A) EVALUATION OF ASSISTANCE.—The administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 shall conduct a study which evaluates (i) the assistance which that agency provides to the Southern Africa Development Coordination Conference and other African regional institutions and economic development organizations, and (ii) ways to improve such assistance.

(B) COORDINATING MECHANISM IN AID FOR ASSISTANCE.—The administrator shall also conduct a study which assesses what type of bureaucratic mechanism within that agency might be established to coordinate assistance to all African regional institutions.

(C) SUBMISSION TO CONGRESS.—The administrator shall submit the results of the studies conducted pursuant to this paragraph to the Congress within 3 months after the date of enactment of this Act.

(b) SOUTH AFRICA EDUCATIONAL TRAINING PROGRAMS.—Funds available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 1986 and fiscal year 1987 which are used for education or training programs in South Africa may not be used for programs conducted by or through organizations in South Africa which are financed or controlled by the Government of South Africa, such as the "homeland" and "urban council" authorities. Such funds may only be used for programs which in both their character and organizational sponsorship in South Africa clearly reflect the objective of a majority of South Africans for an end to the apartheid system of separate development. Nothing in this subsection shall be construed to prohibit programs which are consistent with this subsection and which award university scholarships to students who choose to attend a South African-supported university.

(c) HUMAN RIGHTS FUND FOR SOUTH AFRICA.—Of the amount allocated for the Human Rights Fund for South Africa under chapter 4 of part II of the Foreign Assistance Act of 1961 for each of the fiscal years 1986 and 1987, a significant proportion shall be used for assistance for the benefit of political detainees and prisoners and their families and for support for actions of black-led community organizations to resist the implementation of apartheid policies such as—

(1) removal of black populations from certain geographic areas on account of race or ethnic origin,

(2) denationalization of blacks, including any distinctions between the South African citizenships of blacks and whites,

(3) residence restrictions based on race or ethnic origin,

(4) restrictions on the rights of blacks to seek employment in South Africa and to live wherever they find employment in South Africa, and

(5) restrictions which make it impossible for black employees and their families to be housed in family accommodations near their place of employment.

SEC. 803. ECONOMIC ASSISTANCE FOR ZAIRE.

Funds allocated for assistance for Zaire under chapter 4 of part II of the Foreign Assistance Act of 1961 for each of the fiscal years 1986 and 1987 shall be used only for assistance which is provided in accordance with the provisions applicable to assistance under chapter 1 of part I of the Foreign Assistance Act of 1961. Such assistance shall be provided, to the maximum extent practicable, through private and voluntary organizations.

SEC. 804. ASSISTANCE FOR TUNISIA.

(a) POLICY CONCERNING SECURITY ASSISTANCE.—The United States provides security assistance to Tunisia in recognition of the traditional friendship between the United States and Tunisia and our common interests in the region. The provision of such assistance is also based on the expectation that political stability and development in Tunisia will be best advanced through continued growth of democractic institutions.

(b) EARMARKING OF ESF.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $20,000,000 for fiscal year 1986 and $20,000,000 for fiscal year 1987 shall be available only for Tunisia.

SEC. 805. POLITICAL SETTLEMENT IN SUDAN.

(a) FINDINGS.—The Congress finds that—

(1) friendship and mutual interests bind the United States and Sudan; and

(2) the peace, security, and economic development of Sudan depend in large part on addressing the problems associated with the traditional north-south division in that country through political rather than military means.

(b) UNITED STATES POLICY.—It is, therefore, the policy of the United States that the provision of security assistance to Sudan shall be based on the expectation that the Government of Sudan will make progress toward reaching a political settlement with all parties to the conflict in the south of Sudan.

SEC. 806. ELECTIONS IN LIBERIA.

In recognition of the special relationship that the United States has with Liberia and of the wide variety of interests that the United States has in Liberia, security assistance for Liberia for fiscal years 1986 and 1987 is based on the expectation of a successful completion of free and fair elections, on a multiparty basis, in October 1985 as proposed by the Government of Liberia and on a return to full civilian, constitutional rule as a consequence of those elections.

SEC. 807. WESTERN SAHARA.

(a) UNITED STATES POLICY.—The policy of the United States shall be to support a negotiated political solution to the conflict in the Western Sahara taking into account the principle of self-determination as outlined in the 1981 Nairobi resolution, to encourage a peaceful internationally recognized settlement, and to maintain direct contacts with all the parties to the conflict. As part of this policy, the United States should carefully consider each type of military assistance it furnishes to any of the parties to the conflict and should seek to insure that the furnishing of such military assistance is consistent with United States policy which seeks a negotiated settlement.

(b) FURTHER STATEMENT OF POLICY.—It is the further policy of the United States to support Morocco's legitimate defense needs and to discourage aggression by any country in North Africa against another.

(c) LIMITATION ON ACTIVITIES OF U.S. MILITARY PERSONNEL IN THE WESTERN SAHARA.—Members of the United States Armed Forces may not perform defense services under the Foreign Assistance Act of 1961 or the Arms Export Control Act or conduct international military education and training activities under chapter 5 of part II of the Foreign Assistance Act of 1961 in the Western Sahara so long as there is not an internationally recognized settlement in the Western Sahara.

SEC. 808. SAHEL DEVELOPMENT PROGRAM.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—The third sentence of section 121(c) of the Foreign Assistance Act of 1961 is amended to read as follows: "In addition to the amounts authorized in the preceding sentences and to funds otherwise available for such purposes, there are authorized to be appropriated to the President for purposes of this section $80,500,000 for fiscal year 1986 and $80,500,000 for fiscal year 1987.".

(b) IMPROVING ADMINISTRATIVE CAPABILITIES OF HOST GOVERNMENTS.—Section 121 of such Act is amended by adding at the end thereof the following new subsection:

"(e) Grants shall be made under this section to Sahel Development Program host governments in order to help them enhance their administrative capabilities to meet the administrative requirements resulting from donor country projects and activities.".

SEC. 809. AFRICAN DEVELOPMENT FOUNDATION.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—Section 510 of the African Development Foundation Act is amended to read as follows:

"SEC. 510. AUTHORIZATIONS OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title, in addition to amounts otherwise available for that purpose, $1,000,000 for fiscal year 1986 and $1,000,000 for fiscal year 1987. Funds appropriated under this section are authorized to remain available until expended.".

(b) EXTENSION OF AUTHORITIES.—Section 511 of such Act is amended by striking out "1985" and inserting in lieu thereof "1990".

TITLE IX—FOOD AND AGRICULTURAL ASSISTANCE

SEC. 901. INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT.

Section 103(g) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(g)(1) In order to carry out the purposes of this section, the President may continue United States participation in and make contributions to the International Fund for Agricultural Development.

"(2) There are authorized to be appropriated such sums as may be necessary to meet the United States pledge for the second replenishment for the International Fund for Agricultural Development.

"(3) Amounts appropriated under this subsection are authorized to remain available until expended.".

SEC. 902. PUBLIC LAW 480 TITLE II MINIMUMS.

(a) MINIMUM AND SUBMINIMUM DISTRIBUTION REQUIREMENTS.—Section 201(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out paragraphs (1) through (3) and inserting in lieu thereof the following:

"(1) for fiscal year 1987 shall be 1,800,000 metric tons, of which not less than 1,300,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies and the World Food Program;

"(2) for fiscal year 1988 shall be 1,900,000 metric tons, of which not less than 1,400,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies and the World Food Program; and

"(3) for fiscal year 1989 and each fiscal year thereafter shall be 2,000,000 metric tons, of which not less than 1,500,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies and the World Food Program;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1986.

SEC. 903. EXPRESS AUTHORITY FOR TITLE II DIRECT DISTRIBUTION, SALE, AND BARTER.

Section 202(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting after the first sentence the following new sentence: "Such commodities may be furnished for direct distribution, sale, barter, or other appropriate disposition in carrying out the purposes set forth in section 201.".

SEC. 904. ROLE OF PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES.

(a) NUTRITIONAL AND DEVELOPMENT OBJECTIVES.—Section 202(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new paragraph:

"(4) In the case of commodities distributed under this title by nonprofit voluntary agencies, consideration shall be given to nutritional and development objectives as established by those agencies in light of their assessment of the needs of the people assisted.".

(b) FOOD FOR DEVELOPMENT PROGRAMS.—Section 302(c)(4) of such Act is amended by inserting "and of United States nonprofit voluntary agencies and cooperatives" immediately after "agriculture".

SEC. 905. MULTI-YEAR AGREEMENTS WITH PVOS.

Section 202 of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following:

"(c)(1) In agreements with nonprofit voluntary agencies for nonemergency assistance under this title, the President is encouraged, if requested by the nonprofit voluntary agency, to approve multi-year commitments to make agricultural commodities available for distribution by that agency. Such commitment shall be subject to the availability each fiscal year of the necessary appropriations and agricultural commodities.

"(2) Paragraph (1) does not apply to an agreement which the President determines should be limited to a single year because of the past performance of the nonprofit voluntary agency or because the agreement involves a new program of assistance.

"(3) In carrying out a multi-year agreement pursuant to this subsection, a nonprofit voluntary agency shall not be required to obtain annual approval from the United States Government in order to continue its assistance program pursuant to the agreement, unless exceptional and unforeseen circumstances have occurred which the President determines require such approval.".

SEC. 906. CHILD IMMUNIZATION.

(a) AMENDMENTS TO PUBLIC LAW 480.—The Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in paragraph (11) of section 109 by inserting immediately before the period at the end thereof ", including the immunization of children";

(2) in the first sentence of section 206 by striking out "or" before "(B)", and by inserting immediately before the period at the end thereof ", or (C) health programs and projects, including immunization of children"; and

(3) in the second sentence of section 301(b) by inserting "(including immunization of children)" immediately after "health services".

(b) IMMUNIZATION TARGET.—In the implementation of health programs undertaken in relation to assistance provided under the Agricultural Trade Development and Assistance Act of 1954, it shall be the target for the organizations and agencies involved to provide for the immunization by fiscal year 1987 of at least three million more children annually than receive immunizations under such programs in fiscal year 1985. Such increased immunization activities should be taken in coordination with similar efforts of other organizations and in keeping with any national plans for expanded programs of

immunization. The President shall include information concerning such immunization activities in the annual reports required by section 634 of the Foreign Assistance Act of 1961, including a report on the estimated number of immunizations provided each year pursuant to this subsection.

SEC. 907. USE OF LOCAL CURRENCIES FOR EDUCATION PROGRAMS UNDER TITLE III.

Section 301(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting "education," immediately after "nutrition," in the second sentence.

SEC. 908. FARMER-TO-FARMER PROGRAM.

(a) MINIMUM FUNDING LEVEL.—Notwithstanding any other provision of law, not less than one-tenth of 1 percent of the funds available for each of the fiscal years 1986 and 1987 to carry out the Agricultural Trade Development and Assistance Act of 1954 shall be used to carry out paragraphs (1) and (2) of section 406(a) of that Act. Any such funds used to carry out paragraph (2) of such section 406(a) shall not constitute more than one-fourth of the funds used pursuant to this subsection, shall be used for activities in direct support of the farmer-to-farmer program under paragraph (1) of such section, and shall be administered wherever possible in conjunction with programs under title XII of chapter 2 of part I of the Foreign Assistance Act of 1961.

(b) REPORT.—Not later than 120 days after the enactment of this Act, the Administrator of the Agency for International Development, in conjunction with the Secretary of Agriculture, shall submit to the Congress a report indicating the manner in which the Agency intends to implement the provisions of section 406(a) (1) and (2) of the Agricultural Trade Development and Assistance Act of 1954 with the funds made available pursuant to subsection (a) of this section.

SEC. 909. TITLE II PROGRAMING REPORTS.

Section 408(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out "title I" both places it appears and inserting in lieu thereof "titles I and II".

TITLE X—PEACE CORPS

SEC. 1001. AUTHORIZATIONS OF APPROPRIATIONS.

Section 3(b) of the Peace Corps Act is amended by amending the first sentence to read as follows: "There are authorized to be appropriated to carry out the purposes of this Act $124,400,000 for fiscal year 1986 and $124,400,000 for fiscal year 1987."

SEC. 1002. INCREASE IN NUMBER OF PEACE CORPS VOLUNTEERS.

(a) STATEMENT OF POLICY.—Section 2 of the Peace Corps Act (22 U.S.C. 2501) is amended—

(1) by inserting "(a)" immediately after "SEC. 2."; and

(2) by adding at the end thereof the following new subsection:

"(b) The Congress declares that it is the policy of the United States and a purpose of the Peace Corps to provide, to the maximum extent possible, opportunities for service in the Peace Corps to at least 10,000 individuals by the end of the fiscal year 1989 and thereafter.".

(b) ANNUAL REPORT.—Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended by adding at the end thereof the following new sentence: "The President shall also include in the report a description of the plans developed and implemented to carry out the policy set forth in section 2(b) of this Act.".

SEC. 1003. LIMITATION ON SERVICE.

Section 7(a)(2) of the Peace Corps Act (22 U.S.C. 2506(a)(2)) is amended—

(1) in subparagraph (A) by striking out "five" and inserting in lieu thereof "seven and a half"; and

(2) in the third sentence by inserting "(other than the provisions of section 309)" after "1980".

SEC. 1004. PEACE CORPS PUBLICATIONS.

Section 15 of the Peace Corps Act is amended by adding at the end thereof the following new subsection:

"(e) Technical publications produced by the Peace Corps may be sold at cost in furtherance of the purposes of this Act. Up to $200,000 of the proceeds of such sales in each fiscal year may, to such extent as may be provided in advance in appropriation Acts, be credited to the currently applicable appropriation of the Peace Corps, notwithstanding section 3302(b) of title 31, United States Code.".

TITLE XI—OTHER POLICY PROVISIONS RELATING TO UNITED STATES ASSISTANCE

SEC. 1101. NOTICE TO CONGRESS OF USE OF CERTAIN AUTHORITIES RELATING TO HUMAN RIGHTS CONDITIONS.

Section 502B of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(g) Whenever the provisions of subsection (e) or (f) of this section are applied, the President shall report to the Congress before making any funds available pursuant to those subsections. The report shall specify the country involved, the amount and kinds of assistance to be provided, and the justification for providing the assistance, including a description of the significant improvements which have occurred in the country's human rights record.".

SEC. 1102. PROHIBITIONS AGAINST ASSISTANCE.

Section 620(f) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" immediately after "(f)";

(2) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President may remove a country, for such period as the President determines, from the application of this subsection, and other provisions which reference this subsection, if the President determines and reports to the Congress that such action is important to the national interest of the United States. It is the sense of the Congress that when consideration is given to authorizing assistance to a country removed from the application of this subsection, one of the factors to be weighed, among others, is whether the country in question is giving evidence of fostering the establishment of a genuinely democratic system, with respect for internationally recognized human rights.".

SEC. 1103. LAND REFORM PROGRAMS.

Section 620(g) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following sentence: "This prohibition shall not apply to monetary assistance made available for use by a government (or a political subdivision or agency of a government) to compensate nationals of that country in accordance with a land reform program, if the President determines that monetary assistance for such land reform program will further the national interests of the United States.".

SEC. 1104. NUCLEAR NON-PROLIFERATION CONDITIONS ON ASSISTANCE FOR PAKISTAN.

Section 620E of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(e) No assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan, pursuant to the authorities contained in this Act or any other Act, unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, during the fiscal year in which assistance is to be furnished or military equipment or technology is to be sold or transferred, that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device.".

SEC. 1105. SUSPENSION OF ASSISTANCE TO COUNTRIES VIOLATING U.S. EXPORT LAWS IN ORDER TO MANUFACTURE A NUCLEAR EXPLOSIVE DEVICE.

(a) SUSPENSION OF ASSISTANCE BECAUSE OF ILLEGAL EXPORTS.—Subsection (a)(1) of section 670 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(A)" after "country which";

(2) by inserting immediately before the period at the end thereof ", or (B) is a non-nuclear-weapon state which, on or after the date of enactment of the International Security and Development Cooperation Act of 1985, exports illegally (or attempts to export illegally) from the United States any material, equipment, or technology which would contribute significantly to the ability of such country to manufacture a nuclear explosive device, if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of a nuclear explosive device"; and

(3) by adding at the end thereof the following: "For purposes of clause (B), an export (or attempted export) by a person who is an agent of, or is otherwise acting on behalf of or in the interests of, a country shall be considered to be an export (or attempted export) by that country.".

(b) CONFORMING AMENDMENTS.—Such section 670 is amended—

(1) in the section caption by inserting "ILLEGAL EXPORTS FOR NUCLEAR EXPLOSIVE DEVICES," after "TRANSFERS,"; and

(2) by striking out "(5) As used in this subsection" and inserting in lieu thereof "(c) As used in this section".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 1106. REPORTS ON ECONOMIC CONDITIONS IN CERTAIN COUNTRIES.

(a) EXTERNAL DEBT BURDEN OF CERTAIN COUNTRIES RECEIVING U.S. ASSISTANCE.—The Congress finds that the Governments of Egypt, Israel, Turkey, and Portugal each have an enormous external debt burden which may be made more difficult by virtue of financing provided for those governments under various United States assistance programs.

(b) ANNUAL REPORTS ON ECONOMIC CONDITIONS.—

(1) REQUIREMENT FOR REPORTS.—In order to assist the Congress in examining United States assistance for these countries, the President shall report to the Congress annually regarding economic conditions prevailing in Egypt, Israel, Turkey, and Portugal which may affect their respective ability to

meet their international debt obligations and to stabilize their economies.

(2) SUBMISSION OF REPORTS.—The reports required by paragraph (1) shall be submitted to Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate not later than January 15 of each year.

SEC. 1107. EGYPTIAN-ISRAELI RELATIONS.

The Congress notes the recent effort of Egypt to move the peace process forward. However, the Congress continues to be concerned about the less than normal relations between Egypt and Israel. It is the sense of the Congress that all United States foreign assistance to Egypt is provided in the expectation that the Egyptian Government will continue in its efforts to bring peace to the region and that it will continue to support and fulfill the provisions of the Camp David Accords and the Egyptian-Israeli Peace Treaty, including the return of the Egyptian ambassador to Israel.

SEC. 1108. UNITED STATES POLICY TOWARD THE REPUBLIC OF KOREA.

(a) FINDINGS.—The Congress finds that—

(1) the Government of the Republic of Korea has taken several significant and encouraging steps in liberalizing the political system in that country;

(2) among the steps which have facilitated a more democratic environment are the release of hundreds of student demonstrators, the lifting of a political ban on more than 300 opposition leaders, and the holding of a vigorously contested election for the National Assembly in which the opposition made substantial gains;

(3) despite these steps, the people of the Republic of Korea, who have become increasingly better educated and prosperous as a result of Korea's extraordinarily rapid economic development, have the desire and the capability to participate more fully and effectively in the government of their own country; and

(4) while internationally recognized human rights are clearly respected much more in the Republic of Korea than in the Democratic People's Republic of Korea, continued progress toward democratization in the south is in the interests of both the Republic of Korea and the United States, inasmuch as long-term political stability cannot be assured in the absence of further progress towards democratic government.

(b) UNITED STATES POLICY.—It is the policy of the United States to provide assistance to the Republic of Korea in order to help that country defend itself against external aggression. It is the hope of the United States that the continuing close relations between our two countries, including such assistance, will encourage the establishment of a genuinely democratic system in the Republic of Korea, in which internationally recognized human rights, including freedom of the press, freedom of association, and freedom of assembly are observed.

SEC. 1109. ASSISTANCE FOR THE PHILIPPINES.

(a) UNITED STATES POLICY.—It is the sense of the Congress that the United States should use all appropriate means to ensure that the people of the Philippines and the entire East Asia region understand that United States assistance to the Philippines—

(1) is provided to support democracy, to encourage an effective effort against the communist insurgency, and to maintain and foster friendly relations between the people of the United States and the people of the Philippines; and

(2) is not intended to imply support for any particular Philippine regime.

(b) OBJECTIVES.—To that end, United States foreign assistance furnished to the Philippines each fiscal year should be used to encourage and promote objectives such as—

(1) full observance of internationally recognized human rights in accordance with sections 116 and 502B of the Foreign Assistance Act of 1961, including an end to "salvagings" and torture, as well as full respect for other fundamental human rights, including freedom of speech, freedom of the press, and freedom of assembly;

(2) the revitalization of democratic institutions in the Philippines, including—

(A) the process of free, fair, and open elections, one element of such process being the existence of a genuinely independent and respected electoral commission, and

(B) limiting the use of the President's emergency decree-making power to genuine emergencies;

(3) maintenance of an independent judiciary and legal due process;

(4) accountability and a fair judicial process in the Aquino assassination trial;

(5) progress toward implementation of structural economic reforms and a strengthening of the private sector, including the elimination of corruption and monopolies and an improvement in the social conditions of the poorest Filipinos and in the distribution of income and wealth;

(6) the increased professional capability of the Philippine armed forces in order to instill a greater respect for human rights on their part, to enhance the military effectiveness of these forces in dealing with the growing communist insurgency, and to facilitate a process of peaceful national reconciliation;

(7) efforts of Filipinos to deal with the political, economic, and social root causes of the growing communist movement and insurgency, as well as the appropriate military measures to stem the insurgency; and

(8) the maintenance of the common security objectives of the United States and the Philippines, including United States access to the facilities at Clark Field and Subic Bay.

(c) REPORTS TO THE CONGRESS.—

(1) PROGRESS TOWARDS OBJECTIVES.—The President shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the extent to which the Government of the Philippines has made progress in the objectives identified in subsection (b), including the extent to which those objectives have been agreed to by the Government of the Philippines and concrete steps taken to achieve those objectives.

(2) ASSISTANCE TRANSFERRED.—Each report pursuant to this subsection shall also describe the amount of assistance actually transferred by the United States to the Philippines during the preceding 6 months, the purposes for which it is to be used, the beneficiaries of the assistance, and the specific steps the United States has taken to publicize the various programs and projects for which our assistance has been utilized. Such reports shall also include the text of any memorandum or agreement between the United States Government and the Government of the Philippines regarding the use of local currencies generated from assistance furnished to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) or generated from the sale of agricutural commodities under the Agricultural Trade Development and Assistance Act of 1954.

(3) DISTRIBUTION OF ASSISTANCE THROUGH THE CATHOLIC CHURCH, PVOS, AND COOPERATIVES.—The first report pursuant to this subsection shall include an analysis of the feasibility of distributing as much United States economic assistance to the Philippines as possible through the Catholic Church, private and voluntary organizations, and cooperatives, rather than through government agencies.

(4) TIME FOR SUBMISSION OF REPORTS.—Reports pursuant to this subsection shall be submitted semi-annually, beginning on October 1, 1985, and every six months thereafter until October 1, 1987.

SEC. 1110. POLITICAL SETTLEMENT IN SRI LANKA.

(a) FINDINGS.—The Congress finds that—

(1) the Government and people of Sri Lanka and the Government and people of the United States share a common devotion to independence, democracy, and human rights;

(2) the United States is concerned over the armed clashes between the security forces of the Government of Sri Lanka and some Sri Lankans who seek through violent means, including terrorist attacks, to divide that nation;

(3) there have been acts of terrorism committed against members of the Sri Lankan security forces, as well as against civilians, and there have been human rights abuses by members of the security forces against civilians, particularly Tamils, despite the efforts of the Government to put an end to those abuses;

(4) the differences and grievances in Sri Lanka cannot be resolved through the use of force; and

(5) the United States is a proud participant through its economic assistance programs in Sri Lanka's highly regarded development efforts and looks forward to enhanced cooperation and assistance in the context of a political settlement in Sri Lanka leading to the kind of peaceful climate in which additional aid could be effectively utilized.

(b) POLITICAL SETTLEMENT.—It is, therefore, the sense of the Congress that—

(1) all parties in Sri Lanka, from all communities in and out of government, should renew their efforts to achieve a joint political settlement which meets the legitimate concerns of all the people of Sri Lanka, while preserving the territorial integrity of Sri Lanka; and

(2) all parties outside Sri Lanka should do nothing which would impede progress toward such a settlement.

SEC. 1111. ASSISTANCE FOR AFGHANISTAN.

(a) AUTHORIZATION.—The President may make available funds authorized to be appropriated to carry out the provisions of chapter 1 of part I (relating to development assistance) and chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law.

(b) FUNDING TARGET.—It is the sense of the Congress that the President is strongly urged to use not less than $15,000,000 in fiscal years 1985 and 1986 for the purpose of carrying out the provisions of this section.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

SEC. 1112. ASSISTANCE FOR THE CAMBODIAN PEOPLE.

The President may make available to the noncommunist resistance forces in Cambodia up to $5,000,000 for fiscal year 1986 and up to $5,000,000 for fiscal year 1987 of the funds authorized to be appropriated to carry out chapter 2 or chapter 4 of part II of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

TITLE XII—MISCELLANEOUS PROVISIONS

SEC. 1201. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act shall take effect on October 1, 1985.

SEC. 1202. PROCUREMENT OF CONSTRUCTION AND ENGINEERING SERVICES.

Section 604(g) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Paragraph (1) does not apply with respect to an advanced developing country which—

"(A) is receiving direct economic assistance under chapter 1 of part I or chapter 4 of part II of this Act, and

"(B) if the country has its own foreign assistance programs which finance the procurement of construction or engineering services, permits United States firms to compete for those services.".

SEC. 1203. COMPLETION OF PLANS AND COST ESTIMATES.

Section 611 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (a) by striking out "$100,000" and inserting in lieu thereof "$500,000"; and

(2) in subsection (b) by striking out "the procedures set forth in the Principles and Standards for Planning Water and Related Land Resources, dated October 25, 1973, with respect to such computations" and inserting in lieu thereof "the principles, standards, and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or acts amendatory or supplementary thereto".

SEC. 1204. REPROGRAMING NOTIFICATIONS TO CONGRESS.

Section 634A of the Foreign Assistance Act of 1961, as amended by title I of this Act, is further amended by adding at the end thereof the following new subsection:

"(c) The President shall notify the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives concerning any reprograming of funds in the International Affairs Budget Function, the authorizations of appropriations for which are in their respective jurisdictions, to the same degree and with the same conditions as the President notifies the Committees on Appropriations. The requirements of this subsection are in addition to, and not in lieu of, other notification requirements.".

SEC. 1205. REPEAL OF OBSOLETE PROVISIONS AND CORRECTION OF TECHNICAL REFERENCES.

(a) REPEALS.—The Foreign Assistance Act of 1961 is amended as follows:

(1) The third sentence of section 105(a) is repealed.

(2) Section 106(b)(1) is amended by striking out "(A)" and by striking out subparagraph (B).

(3) Section 110 is amended by striking out "(a)" and by striking out subsection (b).

(4) Chapter 10 of part I is repealed.

(b) CORRECTION OF CROSS-REFERENCES.—

(1) FOREIGN SERVICE ACT.—Section 636(a)(14) of such Act is amended by striking out "the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)" and inserting in lieu thereof "the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)".

(2) TITLE 31 OF THE U.S. CODE.—Section 611(a) of such Act is amended by striking out "section 1311 of the Supplemental Appropriation Act, 1955 as amended (31 U.S.C. 200)" and inserting in lieu thereof "section 1501 of title 31, United States Code".

(3) ITAR REGULATIONS.—Section 47(6) of the Arms Export Control Act is amended by striking out "combat" and inserting in lieu thereof "military".

SEC. 1206. CODIFICATION OF POLICY PROHIBITING NEGOTIATIONS WITH THE PALESTINE LIBERATION ORGANIZATION.

(a) UNITED STATES POLICY.—The United States in 1975 declared in a memorandum of agreement with Israel, and has reaffirmed since, that "The United States will continue to adhere to its present policy with respect to the Palestine Liberation Organization, whereby it will not recognize or negotiate with the Palestine Liberation Organization so long as the Palestine Liberation Organization does not recognize Israel's right to exist and does not accept Security Council Resolutions 242 and 338.".

(b) REAFFIRMATION AND CODIFICATION OF POLICY.—The United States hereby reaffirms that policy. In accordance with that policy—

(1) no officer or employee of the United States Government, and no agent or other individual acting on behalf of the United States Government, shall negotiate with the Palestine Liberation Organization or any representatives thereof, and

(2) the United States shall not recognize the Palestine Liberation Organization,

unless and until the Palestine Liberation Organization recognizes Israel's right to exist, accepts United Nations Security Council Resolutions 242 and 338, and renounces the use of terrorism.

SEC. 1207. COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD.

(a) PURPOSE.—Because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest of the United States to encourage the preservation and protection of the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens.

(b) ESTABLISHMENT.—There is established a commission to be known as the Commission for the Preservation of America's Heritage Abroad (hereafter in this section referred to as the "Commission").

(c) DUTIES.—The Commission shall—

(1) identify and publish a list of those cemeteries, monuments, and historic buildings located abroad which are associated with the foreign heritage of United States citizens from eastern and central Europe, particularly those cemeteries, monuments, and buildings which are in danger of deterioration or destruction;

(2) encourage the preservation and protection of such cemeteries, monuments, and historic buildings by obtaining, in cooperation with the Department of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected; and

(3) prepare and disseminate reports on the condition of and the progress toward preserving and protecting such cemeteries, monuments, and historic buildings.

(d) MEMBERSHIP.—

(1) The Commission shall consist of 21 members, of whom 7 shall be appointed by the President, 7 shall be appointed by the Speaker of the House of Representatives, and 7 shall be appointed by the President pro tempore of the Senate.

(2)(A) Except as provided in subparagraphs (B), (C), and (D), members shall be appointed for terms of 3 years.

(B) Of the members first appointed by the Speaker of the House of Representatives, 5 shall be appointed for a term of 2 years. Of the members first appointed by the President pro tempore of the Senate, 5 shall be appointed for 2 years.

(C) A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed.

(D) A member may retain membership on the Commission until the member's successor has been appointed.

(3) The President shall designate the Chairman of the Commission from among its members.

(e) MEETINGS.—The Commission shall meet at least once every three months.

(f) COMPENSATION AND PER DIEM.—

(1) Members of the Commission shall receive no pay on account of their service on the Commission.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(g) AUTHORITIES.—

(1) The Commission or any member it authorizes may, for the purposes of carrying out this section, hold such hearings, sit and act at such times and places, request such attendance, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may appoint such personnel (subject to the provisions of title 5 of the United States Code which govern appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates) as the Commission deems desirable.

(3) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect for grade GS-18 of the General Schedule (5 U.S.C. 5332(a)).

(4) Upon request of the Commission, the head of any Federal department or agency, including the Secretary of State, may detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its duties under this section.

(5) The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this section. Upon the request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(6) The Commission may accept, use, and dispose of gifts or donations of money or property.

(7) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(8) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) REPORTS.—The Commission shall transmit an annual report to the President and to each House of Congress as soon as practicable after the end of each fiscal year. Each report shall include a detailed statement of the activities and accomplishments of the Commission during the preceding fiscal year and any recommendations by the Commission for legislation and administrative actions.

H.R. 2068

By Mr. LUNGREN:

—On page 6, strike lines 1 thru 15.

—On page 6, strike lines 1 thru 22.

EXTENSIONS OF REMARKS

IN SUPPORT OF ISAAC AND SOPHIE KOGAN

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. SEIBERLING. Mr. Speaker, I rise to call attention to the plight of Soviet Jews.

Jewish emigration has declined dramatically in recent years from 51,000 in 1979 to less than 1,000 in 1984. Despite the change in Soviet leadership and the resumption of arms control negotiations, Soviet mistreatment of Jews and refuseniks continues unabated.

Sadly, we in Congress have little direct leverage with which to persuade the Soviet leadership to abandon its campaign of harassment and intimidation.

We can, however, call international attention to the unjust treatment of these people by bringing to light the cases of individual refuseniks and their families.

One such case is that of Isaac and Sophie Kogan. I was first made aware of the problems facing Isaac Kogan and his family when a constituent of mine contacted me during a recent visit to Washington by members of the Student Coalition for Soviet Jewry.

Kogan, a refusenik from Leningrad, first applied for permission to emigrate from the Soviet Union in 1974. His request was denied for security reasons. Yet 2 years earlier, Kogan had voluntarily resigned his position at an electronics factory, for which he was trained, to work as a manual laborer on the Leningrad railroad in order to avoid any connection with security work. In August 1976, Kogan was again denied a visa, this time with a warning: "You will crumble before you get out." Ten years later, Isaac Kogan is working as a delivery man and still trying to get out of the Soviet Union. Even though he has not been in a profession which would make him privy to anything dealing with government security, the authorities still refuse to allow him and his family to leave because of security reasons.

Mr. Speaker, we must continue to communicate and publicize our dissatisfaction to the Soviet leadership in hopes that public pressure will persuade Soviet authorities to end their oppressive treatment of Soviet Jewry.●

THE SPACE INVESTMENT TAX EQUITY ACT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. DOWNEY of New York. Mr. Speaker, today I, and the distinguished chairman of the Space Science Subcommittee, Mr. NELSON, are introducing "the Space Investment Tax Equity Act of 1985," which adjusts current tax law provisions placing huge but unintentional roadblocks in the way of space commercialization.

Our bill is simple; it merely assures the same tax treatment for space manufacturing ventures already allowed those activities on land.

Current law was enacted long before space manufacturing became reality and therefore, rules specifying that equipment must be used within the U.S. borders denies them the investment tax credit and accelerated cost recovery. If we do not enact our legislation soon it is likely that many worthwhile projects will not be cost-competitive and therefore canceled while our worldwide competitors bound ahead.

Several major aerospace companies plan exciting projects including the manufacture of drugs, the growth and manufacture of crystals for advanced computer chips, and the casting of new metals and alloys. One estimate is that by the year 2000, commercial space activities may be worth as much as $200 billion to $300 billion to our national economy and may account for millions of jobs. Last year the Congress took the first step in clearing the way for space commercialization by removing any doubt that products manufactured in space by U.S. companies would not be subject to import duties upon their return to Earth. Now it is time to remove the remaining tax impediments.

In short, doing business today with high interest rates and foreign competition is tough enough. Space ventures inherently involve even more risk, they are longer term before payback of investment, and they are very costly. Yet any investment in space by a U.S. company must still compete with investments on Earth. Our effort is to equalize tax treatment between them so that such decisions are not dominated by the illogical factor of tax consequences.

I ask that the text of our bill be printed below and urge my colleagues to join us as cosponsors.

A BILL To amend the Internal Revenue Code of 1954 to clarify the application of the investment tax credit, the deduction for depreciation, and the income source rules with respect to property used, and services performed, in space

SEC. 1. SHORT TITLE.

This Act may be cited as the "Space Investment Tax Equity Act of 1985."

SEC. 2. INVESTMENT TAX CREDIT ALLOWED FOR CERTAIN PROPERTY USED IN SPACE.

(a) IN GENERAL.—Paragraph (2) of section 48(a) of the Internal Revenue Code of 1954 (relating to property used outside the United States) is amended by adding at the end thereof the following new subparagraph:

"(C) TREATMENT OF CERTAIN PROPERTY USED IN SPACE.—For purposes of subparagraph (A), in the case of property (or any interest therein) of a United States person, use of such property in space shall not be treated as use outside the United States if—

"(i) such property is a spacecraft which, while in space, is substantially controlled from 1 or more facilities located in the United States, or

"(ii) such property is used on a spacecraft in space while such spacecraft is so controlled."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply [to property placed in service after December 31, 1985] [to periods after December 31, 1985, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1954].

SEC. 3. PROPERTY NOT TREATED AS NONDEPRECIABLE BY REASON OF USE IN SPACE.

(a) IN GENERAL.—Subsection (c) of section 168 of the Internal Revenue Code of 1954 (relating to accelerated cost recovery system) is amended by adding at the end thereof the following new paragraph:

"(3) TREATMENT OF PROPERTY USED IN SPACE.—Property which is of a character subject to the allowance for depreciation if used on earth shall not cease to have such character if used in space."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 1985.

SEC. 4. CERTAIN INCOME FROM ACTIVITIES CONDUCTED IN SPACE TREATED AS UNITED STATES SOURCE INCOME.

(a) IN GENERAL.—Section 861 of the Internal Revenue Code of 1954 (relating to income from sources within the United States) is amended by adding at the end thereof the following new subsection:

"(g) TREATMENT OF CERTAIN INCOME DERIVED FROM ACTIVITIES IN SPACE.—

"(1) IN GENERAL.—The following amounts includable in gross income by the taxpayer shall be treated as income from sources within the United States for purposes of subsection (a) and section 862(a):

"(A) Amounts received or accrued for the use, or right to use, any property (or an interest therein) of the taxpayer while such property is in space on a qualified spacecraft [in the same manner as if such property had been used within the United States].

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

"(B) Compensation received or accrued by the taxpayer for services performed by the taxpayer while on a qualified spacecraft [in the same manner as if such services had been performed in the United States].

"(2) QUALIFIED SPACECRAFT.—For purposes of this subsection, the term 'qualified spacecraft' means any craft which, while in space, is substantially controlled from 1 or more facilities located in the United States."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1985.●

HAPPY "25TH" TO GUS MOODY

HON. THOMAS F. HARTNETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. HARTNETT. Mr. Speaker, on May 4 of this year, the town of Summerville, located in my district, will celebrate a very auspicious occasion.

On that special day, James A. "Gus" Moody will be recognized for his 25 years of devotion to his duty as director of the Summerville High School Band.

Mr. Speaker, the mention of this band's name anywere in South Carolina evokes respect and envy. These kids are winners and leaders in the very important area of high school music, mainly due to the leadership of Gus Moody over the past 25 years. This year alone he has the responsibility of moulding some 700 youngsters into integral, harmonious parts of a great traditional musical unit.

Thanks to Gus Moody, the excellence of the Summerville High School Band is certain to continue, hopefully for at least another 25 years.●

CAN WE OUTGROW THE DEFICIT?

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. GRADISON. Mr. Speaker, for some time I have argued that action on the deficit is of paramount importance. While I believe most of my colleagues—Republicans as well as Democrats—agree with me on this, there are those who cling to the belief that little or no action is required. These super growth optimists have put forth the proposition that the economy can grow its way out of the deficit.

Heretofore, arguments on both sides have been brief and lacked comprehensiveness. This has just changed. The Congressional Research Service has just released a major study entitled, "Can the United States Grow Out of Its Budget Deficit?" (Report No. 85-78 E). This study leaves no stone unturned.

In short, the answer to the question is an unambiguous "No!"; only with the most highly improbable economic assumptions and scenarios can one reasonably hope to grow out of the deficit by 1990.

Mr. Speaker, I urge my colleagues to read this timely report, especially if they retain any faith in economic miracles. It is possible that the recent GNP figure is an anomoly, but I believe we should take it as a warning; the economy may now be in a slowdown. Do we chance continued inaction on the deficit?

The general policy prescription is not in doubt. A decisive deficit reduction will put downward pressure on real interest rates and thus the dollar, with the result of stimulating capital investment and improving U.S. world competitiveness.

At this time, I wish to insert in the RECORD the principal chapter summaries and overall conclusion of the new CRS study.

SUMMARY FOR CHAPTER TWO

In order to eliminate the deficit in 1990, GNP must grow at a rate of 5.5 percent for the next five years. This rate cannot be achieved merely by means of a rapid business cycle expansion. Even though unemployed resources exist in the economy, insufficient quantities exist to produce the level of income needed to balance the budget without spending or tax changes. A more rapid secular growth rate (i.e., faster growth in potential output) is required to achieve this. This is true even with optimistic estimate of growth in the labor force over the five years. Without a substantial increase in the economy's secular growth rate, such rapid GNP growth cannot be sustained, and would likely generate accelerating inflation. Private sector productivity growth will have to average 4 percent in order for the economy and the budget to follow the high growth scenario without over-stimulating the economy, substantially worsening inflation, and precipitating policy actions that bring about another contraction and a rising deficit.

While selected past experience reveals periods in which productivity has grown at high rates for sustained amounts of time, this appears to have been due to cyclical factors that either are not relevant to the current situation or may not be desirable to replicate because of their side effects. Indeed, the 1960's, rather than being a model to imitate in the 1980's, illustrates the problems with pursuing a high growth path. Rapid GNP and productivity growth were achieved as a consequence of strong demand stimulus. The stimulus reduced unemployment below its financial level and generated increasing inflation. Unless there are economic factors that make the 1980's different from historial experience, it would seem very unlikely that economic growth can be rapid enough to eliminate the deficit without planting the seeds of its later resurgence.

SUMMARY FOR CHAPTER THREE

A number of phenomena could make the future different from the past in that they could make the possibility of rapid growth in the next five years more likely than recent experience suggests. An analysis of these, however, suggests that they do not add much to the probability of rapid growth.

If tax incentives for investment and R and D are to spur productivity enough to yield a balanced budget, capital formation and R and D would have to increase dramatically. Only the most improbably optimistic assumptions about the response of business investment to tax cuts could produce the kinds of increase in the capital-labor ratio and in research and development necessary to yield such results.

Similarly, even a large drop in the natural rate of unemployment would still mean that improbably high rates of productivity would be required to balance the budget in 1990. While larger increases in the labor force—occuring spontaneously or as a result of policy inducement—could help make rapid growth more likely by increasing the secular availability of resources to produce, these increases would simultaneously tend to raise the natural rate of unemployment and make rapid productivity gains less likely, so that the net possible contribution of labor force growth to GNP growth is reduced.

CONCLUSION

With deficits projected to remain approximately 5 percent of GNP for the rest of the decade, concern exists that large tax and spending measures will have to be undertaken to reduce them. It has been argued, however, that these deficits will not be as large as projected—or need not be—because economic growth can substantially reduce or even eliminate them. Indeed, it is argued, attempts to reduce the deficit with tax or spending measures may actually decrease the chances for balancing the budget by dampening economic activity.

Using CBO baseline economic and budget projections as a starting point, this report analyzes the underlying assumptions of this rapid growth proposition. It is found that the economy would have to grow at a 5.5 percent annual rate through 1990 to eliminate the deficit without spending or tax changes. Moreover, it is found that such growth cannot result from cyclical recovery (i.e., employment of unemployed resources) alone. Secular growth assumptions also are crucial to the rapid growth scenario. Productivity growth of about 4 percent for five consecutive years is necessary to eliminate the deficit if accelerating inflation (and the contractionary anti-inflation policies that are likely to follow) is to be avoided. Examination of post-war U.S. economic performance suggests that such a substantial productivity increase is highly improbable if the economy is not to be overstimulated. Earlier U.S. performance and experience abroad offer no more encouragement to this scenario.

Similarly, evidence that policy changes recently adopted or likely to be pursued can stimulate such growth is also weak. Capital formation would have to be dramatically increased in order to produce the productivity gains required of the scenario. The same is true of research and development activity. While both may be boosted by tax policies, the tax incentives are not of the magnitude to suggest such dramatic results.

Improvements in the non-accelerating inflation rate of unemployment do not put much of a dent into the productivity growth requirements of the rapid growth scenario, either. While faster labor force growth than projected is possible (and possible to promote), the demographic characteristics of the additional labor would be such to tend to create partially offsetting increases in frictional unemployment and reductions in potential productivity growth.

These computations are, of course, in terms of growth required to eliminate the deficit. The demands placed on growth in order to merely reduce the deficit substantially would be less. A rapid growth scenario that reduces rather than eliminates the deficit, therefore, would be more likely than the scenario discussed in this paper. However, this report has not discussed the other major impediment to rapid growth: the possibility of a new contraction before the decade is complete. Any rapid growth scenario rests on two assumptions: that economic expansion is long and that it is rapid. Avoidance of a new contraction in the 1980's is possible. However, the more rapid the recovery, the less likely the recovery will be prolonged. The sooner "full" employment is reached the more probable there will be a downturn immediately following. Consequently, any rapid growth scenario is unlikely, even with policy actions designed to promote it. Most of any sustained reduction in the budget deficit, therefore, would likely have to come from spending cuts or tax increases and not economic growth.●

HONORING RETIRING LOS ANGELES COUNTY SHERIFF'S LT. KENNETH SHIRLEY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. TORRES. Mr. Speaker, I rise today to bring to the attention of my colleagues the distinguished career and service of retiring Lt. Kenneth Shirley of the Los Angeles County Sheriff's Department.

On May 3, 1985 Lieutenant Shirley will be honored by his friends and colleagues in the sheriff's department, with a retirement dinner celebrating 31 years of service to law enforcement and the community. I am honored to call attention to Lieutenant Shirley's outstanding career. Ken joined the Los Angeles County Sheriff's Department at the age of 23. Following his academy training he was assigned to patrol, main office or what is known today as transportation bureau.

Eighteen months later, he was assigned to the East Los Angeles Station were he worked for the next 2 years. In January 1957, Ken began a 10 year tour of duty at Temple Station. During his stay there, Ken worked almost every job at the station, including 5 years as coordinator of reserve deputies. He also worked in the Narcotics Bureau at Temple Station for 6 year.

In 1968, Ken transferred to the sheriff's information bureau. Five months later, he was assigned the job as bodyguard and driver to Sheriff Peter J. Pitchess. He kept that position through his promotion to both sergeant and lieutenant, until October 1975, when he was assigned to detective division.

Ken reacquainted himself with the reserve forces bureau in April 1976, when he was assigned there as the operations lieutenant. He stayed there for 3 years, until his assignment to custody division, where he worked at inmate services bureau as the operations lieutenant. In March 1981 he went back to reserve forces bureau, where, along with being operations lieutenant, he was acting captain for 6 months.

On July 1, 1985, Ken went to his last assignment in the department, the hall of justice jail where he has served until the present.

Ken has been married to the former Jackie Jacobson for the past 36 years. They have three children, Wayne, Rusty, and Vicki, who is married to Deputy Larry Cobb of the industry station.

Mr. Speaker, I ask my colleagues to join me in sending our best wishes and commending Kenneth Shirley for his outstanding dedication and service to the people of Los Angeles and the surrounding community.●

BOSTON LATIN SCHOOL: THE BEGINNING OF PUBLIC EDUCATION IN AMERICA

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. DONNELLY. Mr. Speaker, tomorrow, April 23, marks an important date in the history of our Nation. It is the 350th anniversary of the start of public education in America.

In the spring of 1635, the early settlers of Boston first made provision for educating their next generation, and Boston Latin School was begun.

For three and one-half centuries, Boston Latin School has provided a free, classical education to the children of the city.

Millions of Americans will have an opportunity to see a reproduction of the school's historic edifice on a new postage stamp, commemorating this important anniversary of public education. Most Americans already know of the historic deeds of many of the schools distinguished alumni, among them the revolutionary patriots John Hancock, Benjamin Franklin, and John and Samuel Adams, educator James Bowdoin, philosophers Ralph Waldo Emerson and George Santayana, architect Charles Bulfinch, and conductor and composer Leonard Bernstein.

I am sure many of my colleagues join me in congratulating Boston Latin School on this milestone and on its 350 years as a model of excellence in public education in the United States.

I would like to share excerpts of an article noting this anniversary that appeared today in the Boston Globe.

BOSTON LATIN AT 350 FACES CHALLENGE OF OLD WAYS VERSUS NEW TIMES

In the empty auditorium upstairs, the inscribed names of dead and famous men who once studied at Boston Latin School ring the hall like a crown: Franklin, Emerson, Mather, Bulfinch. Statesman, philosopher, Puritan minister, architect.

In the basement cafeteria, amid the cacophony and crowd of a high school lunch period, a Latin School junior hopes that someday "my name will be up there in the auditorium."

The student is Soraya Butler. A black female, she embodies two of the most profound changes at the nation's oldest public school: the admission of girls in 1972 and court-ordered desegregation in 1974.

Boston Latin School, birthplace of American public education, celebrates its 350th birthday tomorrow. It is older than Harvard. Of the 56 signers of the Declaration of Independence in 1776, five had attended "Latin." This year, 22 seniors have been accepted by Harvard, five by MIT, 20 by Tufts. More than 95 percent of the Class of 1985 will go to college; better than 80 percent likely will receive financial aid.

It is a school dedicated to a classical education and steeped in tradition. Headmaster Michael Contompasis, like five of his predecessors, is a Latin graduate. Some older faculty once taught other, younger colleagues. Upperclassmen still sell 7th graders passes to the nonexistent fourth-floor pool. Admission is selective—and coveted.

WRESTLING WITH ATTRITION

But as it marks its birthday, the school is wrestling with it soul.

"We're trying to maintain academic quality yet make the place more sensitive to individual needs of kids. I think you can do that without lowering standards," says Contompasis. "That's a major change from the old days. You swam or you sank. Or as they used to tell us when I came here, 'Look to your left. Look to your right. Two of you aren't going to make it.'"

But not everyone agrees that standards can be maintained if attrition is substantially reduced. Says one teacher who asked to remain anonymous: "Incidental to maintaining standards there's going to be a high attrition rate. At that kind of school, yes, there will always be significant attrition."

Latin School is the most prestigious of the city's three examination schools and of the entire system. Admission is by entrance exam and grade-point average.

In an office lined with school trophies, Contompasis calls both desegregation and the admission of girls controversial changes whose time had come. In a faculty room, two teachers disagree about whether cafeteria decorum has improved since the admission of girls. In a corridor, Victor Stango, a sophomore from Jamaica Plain who never knew the all-boys' Latin School, says girls make the place "a little more fun."

This is a school where self-motivation is essential and discipline problems, common in other schools, are virtually absent. It is, as almost any student of any race will tell you, a hard school.

In Joseph Desmond's senior Greek class, students gaze intently at the blackboard as the teacher writes, in Greek, the names of Plato, Socrates, and Aristotle and talks softly of Aristotle's belief that man is both body and soul. In Cornellia Kelley-LaCambria's Latin class, 7th graders struggle with case and person so *Misi clari poetae librum ad meum amicum* translates as "I have sent

the book of the famous poet to my friend" instead of "The famous poet sent a book to my friend."

Students see the pressure as either a virtue or a curse.

"It helps you. When you get out of here you'll never be afraid of competition," says Maria Davis of Dorchester, a junior.

"I don't like the competition," says Beth Quelaly, a senior from West Roxbury. "It makes it harder. What I make may be good for me. Other people look down."

Loretta Roach of Dorchester, a parent activist and member of the state Board of Education, found it painful to help her son Rodman through the early grades, when youngsters accustomed to being top students may see their grades tumble. It is then that most attrition occurs.

"When you have a 6-foot kid walking in the door and crying because of what's going down, it's wrenching," says Roach. "It took my husband and I every single day of bolstering this kid. It was a lot of outside support . . . Not support I got at Latin. I say that to other black parents who call me. The demand it makes on parents is extraordinary."

Says Rodman, who is now 17 and a junior: "I didn't believe I'd make it until last year. Now I feel pretty proud."

What some see as a weakness others see as a strength. "It's strengths," says Susan Donlan of West Roxbury, whose son is in 9th grade. "They have to learn to take care of themselves."

Contompasis, who says the school can guarantee equality of opportunity but not equality of results, sees Latin School, now more than ever, as a door opener for bright young Bostonians, many from families of limited means. "How are you going to address the issue of how they get their chance?" he asks.

Meanwhile, Soraya Butler, the black girl from Dorchester who wants to be immortalized on the auditorium walls, says next year she'll help her younger sister adjust to 7th grade at Latin. "Just by coming here you think you have to live up to a lot," she says. "Three hundred and fifty years. That's amazing."●

IN MEMORY OF JOZSEF CARDINAL MINDSZENTY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. SOLOMON. Mr. Speaker, the Executive Committee of the National Federation of American Hungarians resolved on March 16, 1985, to commemorate the 10th anniversary of the death of Jozsef Cardinal Mindszenty. I would like to enter into the RECORD the text of that commemorative statement, as forwarded to me by executive secretary Sandor Balogh:

[Commemorative Statement attached:]

JOZSEF CARDINAL MINDSZENTY, MARCH 20, 1892-MAY 6, 1975

For a nation that is over one thousand years old there are many important events to remember. If we were to commemorate every important event in the life of the Hungarian nation, we would have something to commemorate every day of the year. Yet new and important events keep happening as the nation goes on living.

Even during the lifetime of the current generation many events had taken place that deserve to be remembered and commemorated. One such sad event is the passing of Cardinal Mindszenty on May 6, 1975.

The 83 year old Cardinal was a martyr and a symbol of man's resistance to totalitarian tyranny.

He had been first arrested by the Communists during the 1919 Commune and spent more than three months in captivity.

Next he was arrested in 1944 by the Nazis and spent four months under arrest, until the Nazi regime collapsed.

His third arrest came at the hands of the Communists again in 1948. To intimidate the Church of Hungary into submission, following the Soviet methods, at a mock trial he was sentenced to life imprisonment, but the Freedom Fighters rescued him during the glorious days of the 1956 Hungarian Revolution.

The Cardinal was a fearless leader of his nation in her most trying times, and a tireless shepherd of Hungarians throughout the world. After his arrival to the West from his selfimposed exile at the U.S. Embassy in Budapest, he has visited Hungarians on every continent save Asia, encouraging them to "keep the faith and the Hungarian Language".

It is with great sorrow that we remember this towering figure, one of the leading statesmen of the century, a great Hungarian and a great Church leader. But it also fills us with hope that the seed he had planted fell on fertile soil and Saint Stephen's people will keep the faith and the Hungarian language.

May God rest him in his temporary resting place in Mariacell, Austria, until his remains may be returned to a free Hungary as he had always wanted to return to Hungary for his final rest, in the land of his beloved people.

His memory shall live forever.●

NATIONAL DISTINGUISHED SERVICE AWARD TO ALAN GOLDSTEIN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. WAXMAN. Mr. Speaker, I am proud to call to the attention of my colleagues in Congress and the American people the numerous achievements of my distinguished constituent and friend, Mr. Alan Goldstein.

On May 5, 1985, Mr. Goldstein will receive the coveted National Distinguished Service Award of the Union of Orthodox Jewish Congregations of America. Mr. Goldstein has been singled out from hundreds of communal leaders across the Nation for this signal honor.

Alan (Avrohom Aaron Leib) Goldstein was born on the eve of World War II to a pious Jewish family in the small village of Erzvelig, Lithuania. During the the years of the Holocaust, the Goldstein family fled from the Nazi occupiers of their native town. Alan hid with his parents in the forests. He subsequently found refuge with a family of compassionate Christians who shielded him from both the Nazi barbarians and the local Lithuanian Fascists.

The Goldsteins were among the less than two dozen survivors of the town's Jewish population of 1,000. All their family and fellow villagers were taken to a ravine and machinegunned to death.

The deprivations of the war years did not break the spirit of the Goldstein family. Alan's parents, Chaim Ztvi and Menucha, came to America with a determination to preserve the religious values of Eastern European Orthodoxy. They were determined to make good use of the religious freedom and economic opportunity offered by their new homeland.

Over the years Alan Goldstein and his family prosposed materially and devoted their talents and resources to help others.

Alan and his brother, David, attended the United Lubavitcher Yeshivoth as nonpaying scholarship students. They expressed their gratitude by working as prominent supporters of the Chabad-Lubavitcher movement in Los Angeles, New York, and Israel.

Alan Goldstein has shown a special commitment to the Ponovezer Institutions of Israel. These religious schools and communal projects reflect the rebirth of Lithuanian Judaism which the Nazis came so close to obliterating.

In addition to Alan Goldstein's deep involvement in the Jewish community, he has found time to labor on behalf of the general welfare. He served the entire city of Los Angeles during the years he was a commissioner of the Community Redevelopment Agency.

The tradition of kindness, charity, and good works belongs to the entire Goldstein family. Alan graciously recognizes that his accomplishments reflect also the efforts of his parents, his brothers David Goldstein and Rabbi Berel Goldstein and their respective families.

In all of Alan's endeavors, his wife Adell (nee Biam) Goldstein has been a constant source of wisdom and encouragement. Both Alan and Adell are thankful to God that their three children, Mrs. Gitel Rubin, their newly acquired son-in-law David Rubin, daughter Devora, and son Yisroel Yosef (Joey) are following the family pattern of piety and commitment to the larger community.

Over the years Alan has also gained much sound guidance and steadfast moral support from his in-laws, Rabbi and Mrs. Benjamin Baim.

I ask my colleagues in the House of Representatives to join me in congratulating Alan Goldstein on the occasion of his receipt of the Orthodox Union's National Distinguished Service Award. We all are grateful for his

works of "loving mercy" which is one of the pillars upon which the very existence of the world depends.●

INTRODUCING AMTRAK BILL

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. RICHARDSON. Mr. Speaker, today I am introducing a bill to freeze Amtrak funding for 2 years with no inflation increase, plus a 1-year study to determine alternative funding for its continued existence—including privatization, public offering, or a private sale.

Mr. Chairman, I welcome the opportunity to say that my support for a viable rail passenger service is unequivocal—I believe such service to be vital to our economy, to our security, to our national health and well-being. While the importance of our rail passenger system is sometimes eclipsed by the orbits of the space shuttle, few would deny the fact that almost 20 million persons used Amtrak rail service in 1984 alone; that Amtrak's long-haul passengers are largely drawn from the elderly and the poor; that in the instance of a national emergency, we will all be grateful our rail passenger service was supported by the American people and the Congress of the United States.

The Reagan administration recently recommended zero funding for rail passenger service in this country. While this President seeks to eliminate a vital service to our citizens, the governments of every other major industrial country in the world affirm their support for rail passenger service through reasonable rail subsidies; they provide us with ample evidence that success results from government cooperation and commitment.

This leads us to the question of what the basic role of the Federal Government should be in providing rail passenger service to this country—I will answer this question by saying the role is real, the role is important and the role is substantial. I do not advocate unlimited and indiscriminate funding of rail passenger service—in fact, I advocate just the opposite—I advocate judicious use of the Federal dollar, evidence of a willingness to save taxpayer's money, the need to cut back, support for alternatives to subsidization. This is why I will introduce a bill today which will do just that—it will freeze Amtrak funding at fiscal year 1985 levels for the next 2 years and will study ways to further reduce Federal subsidies. Nonetheless, I believe rail passenger service to be important to the future of the country and Government support too important to the future of rail passenger service.

Mr. Chairman, I do not deny that I have an interest in preserving the Amtrak system—many New Mexicans are employed by this service, it means $10 million additional to my economically depressed district each year, and Amtrak's trains stop in five towns I have been elected to serve. And while I have a personal interest and commitment to seeing that these benefits continue, I would point out that I am not alone—Amtrak serves over 500 communities nationwide—more than all the major airlines combined; Amtrak serves 161 communities that have no air service; Amtrak serves 52 communities that have no bus service; Amtrak serves 29 communities which have neither air nor bus service; and Amtrak employs 21,000 people across the country.

The administration tells us it is committed to economic growth and commerce—how much commerce will occur in those 29 cities which will have no transportation services whatsoever when Amtrak is gone? How much economic growth will result when 21,000 people lose their jobs?

The administration tells us it is committed to national security—how secure will we be if we eliminate 76,000 rail seats that could be used by military personnel in the event of a national emergency?

The administration tells us it is committed to private enterprise and competition—well, we all are, but have there been any takers for rail passenger service?

This administration professes support for a strong, diversified economy—how strong, how diversified will we be with no rail system, no mass transit systems, no airline subsidies, no bus transportation, no Government commitment to national transportation needs?

Mr. Chairmen, the gauntlet has been thrown to the 99th Congress—we can take this opportunity to express our commitment to a strong, lean, efficient rail passenger service or we can have none at all. The choices are very clear and I urge everyone here today to make that choice which is best for this country—a rejection of the administration's misguided notion that we can do without rail passenger service and an affirmation of our support for the Amtrak system.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 601(b)(2) of the Rail Passenger Service Act (45 U.S.C. 601(b)(2)) is amended—

(1) in subparagraph (A) by striking out "and" after "403(b) of this Act;";

(2) in subparagraph (B) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(C) not to exceed $684,000,000 for the fiscal year ending September 30, 1986; and

"(D) not to exceed $684,000,000 for the fiscal year ending September 30, 1987.".

SEC. 2. STUDY COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Railroad Passenger Corporation Financial Status Commission (hereafter in this Act referred to as the "Commission").

(b) PURPOSE OF COMMISSION.—The purpose of the Commission is to study—

(1) the ability of the National Railroad Passenger Corporation (hereinafter in this Act referred to as "Amtrak") to continue to improve, or to accelerate the improvement of, its financial performance;

(2) the short-term and long-term capital needs of Amtrak; and

(3) alternative funding mechanisms for Amtrak.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members as follows:

(A) The President of Amtrak or his authorized representative.

(B) The President of the National Association of Railroad Passengers or his authorized representative.

(C) Two members of the National Association of Railroad Passengers appointed by the President of such Association; one who lives east of the Mississippi River and one who lives west of the Mississippi River.

(D) A member of the United States Senate appointed by the President pro tempore of the Senate.

(E) A member of the United States House of Representatives appointed by the Speaker of the House.

(F) A representative of the intercity Rail Passenger Committee of the Transportation Research Board appointed by the Executive Committee of the Transportation Research Board.

(G) A representative of the Railway Progress Institute appointed by the President of the Railway Progress Institute.

(H) A State transportation official from a State financially participating in the program established under section 403(b) of the Rail Passenger Service Act, appointed by the Executive Director of the National Conference of State Railway Officials (NCSRO).

(I) A State transportation official from a State not participating in the program established under section 403(b) of the Rail Passenger Service Act, appointed by the Executive Director of the National Conference of State Railway Officials (NCSRO).

(J) A Governor or his authorized representative designated by the National Governors' Association.

(K) A person appointed by the Railway Labor Executives' Association.

(L) A representative of freight railroads appointed by the Association of American Railroads or its successor.

(M) Two commuter authorities, as such term is defined for purposes of the Rail Passenger Service Act, appointed by the American Public Transit Association; one that operates exclusively within the area comprised of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia and one that operates exclusively outside such area.

(2) SELECTION.—The members of the Commission shall be selected in accordance with

paragraph (1) within 60 days after the date of enactment of this Act.

(3) BASIC PAY.—

(A) Members of the Commission shall each be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code, for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(B) Members of the Commission who are full-time officers or employees of the United States and Members of Congress shall receive no additional pay by reason of their service on the Commission.

(4) QUORUM.—Eight members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(5) CHAIRMAN.—The Chairman of the Commission shall be elected by the members of the Commission from among such members.

(6) ORGANIZATIONAL MEETING.—The members of the Commission shall hold their first meeting for the purpose of organizing the Commission and electing a Chairman under paragraph (4) within 90 days after the date of enactment of this Act.

(7) All meetings of the Commission shall be open to the public.

(d) STAFF OF COMMISSION.—

(1) STAFF.—Subject to such rules as may be prescribed by the Commission, the Chairman may appoint such personnel as the Chairman considers appropriate.

(2) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(3) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Commission, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

(e) POWERS OF COMMISSION.—

(1) HEARINGS AND SESSIONS.—The Commission, or, if so authorized by the Commission, any 3 members of the Commission, may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmation to witnesses appearing before it.

(2) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) MAILS.—The Commission may use the United States mails in the same manner and under the conditions as other departments and agencies of the United States.

(4) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(f) REPORT.—The Commission shall transmit to the Congress a report not later than January 15, 1987. The report shall contain a detailed statement of the findings and conclusions of the Commissions, together with its recommendations for such legislation as it considers appropriate.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the purpose of carrying out this section $2,500,000 for the fiscal year ending September 30, 1986, to remain available until expended.●

NATIONAL BOWHUNTER'S WEEK

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. KINDNESS. Mr. Speaker, I would welcome the support of my colleagues for legislation I am introducing today which designates the week of July 8 through July 14, 1985, as "National Bowhunter's Week."

Bowhunting was important to native Americans in obtaining food and providing protection long before Europeans arrived on the shores of this great land. We are proud to have headquartered in the Eighth Congressional District of Ohio the International Bowhunting Organization, which has worked ardently to promote and preserve bowhunting as a sport. Likewise, we are proud to have the 1984 Olympic gold medalist in archery, Darrell O. Pace, hail from our area.

The sport of bowhunting is growing throughout the Nation, and in recognition of its contribution to the livelihood of our earliest Americans and its increasing popularity, I urge my colleagues to cosponsor the resolution.●

U.S. SHOULD NOT GIVE MILITARY SUPPORT TO THE NICARAGUAN CONTRA REBELS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. BERMAN. Mr. Speaker, this administration has long been dogged by reports of outrageous waste in the Defense Department and the incredible prices they pay for tools and spare parts. So it is with some relief that we find President Reagan has identified a serious threat to the national security that he believes can be eliminated at a cost of only $14 million.

Some relief. Mr. Reagan's proposal for providing $14 million in military aid to the Contra rebels raises two questions. First, is the Government of Nicaragua a true threat to our national security? Second, can the United States afford the damage done to our influence in the entire region by providing aid to Nicaragua's opponents?

Nicaragua can barely export cotton. It is absurd to think that they can export revolution to the rest of Central America.

The administration's own intelligence reports conclude that military activity by the Nicaraguan Government is "primarily defense-oriented."

Even President Reagan's Undersecretary of Defense, Fred C. Ikle, scoffs at the idea of an armed invasion of another Central American country by Nicaragua. "Both the equipment and their strategic objective at this time is to destroy the armed opposition—the Contras. They want to get control of their own country," Ikle told the Los Angeles Times. "What they have now and even what they may have a year hence is not an invasion force to attack El Salvador and Guatemala. That's nonsense."

The administration's charge that the Nicaraguan Government is a major supplier of arms and ammunition to El Salvadoran rebels is equally unproven.

Nicaragua is supplying small quantities of arms and medical supplies to the rebels in El Salvador. But if major shipments are being regularly made by air from Nicaragua to El Salvador, why have U.S. forces in the region failed in 2 years to intercept a light plane delivering arms to El Salvador or discovered a light plane parked on the ground at one of those alleged isolated airstrips in El Salvador?

Nor is there strong evidence of regular supplies being made by sea. The administration alleges that the tiny port village of Potosi is a major transshipment point. But a 10-month period of intensive radar surveillance conducted by the United States failed to detect a systematic supply of arms to El Salvador from Potosi.

For 4 years now, the administration has been trying to prove that Nicaragua is exporting arms and revolution throughout the region. Now is the time to put up or shut up. If there is solid evidence to back up this justification for U.S. military involvement in the overthrow of the Nicaraguan Government, now is the time to present that evidence. In the absence of evidence, there is no justification for President Reagan's request to send $14 million in military aid to the armed opponents of the Nicaraguan Government.

That raises a second question. Can the United States afford to provide military support to armed rebel groups in Nicaragua? I believe we cannot.

The Nicaraguan Contras are doomed to failure. They are too closely tied to the despised and discredited Somoza regime that the ruling Sandinistas overthrew in 1979. the majority of the Contra military leaders are former

members of Somoza's hated national guard.

American influence throughout Latin America was damaged by our establishment by force of the Somoza family in power in Nicaragua and our establishment of the brutal national guard. Fifty years of American support for the Somoza family and its corrupt rule contributed to the region's mistrust and even hatred for the United States.

Military aid to the Somocistas and their hopeless efforts to retake control of that country will only serve to diminish American influence throughout Latin America.

We cannot afford to let that happen. We are not naive about the intentions of the Soviet Union and its client-state, Cuba. They would like to see more Soviet clients established in the Western Hemisphere. Threats by the United States and efforts to support a military invasion of the country by the Contras will only serve to push Nicaragua solidly into the Soviet camp. In fact, such actions will lead to fear and mistrust of the United States by other nations in this hemisphere—and strengthen the Soviet's hand in the region.

That would be the ultimate tragedy. We should not become involved militarily in the absence of a threat to our national security. There is no justification on national security grounds for this involvement. We should not join forces with a group that has no chance to succeed. The Contras are fatally tainted by their association with the Somoza regime. In the course of such an unjustifiable and hopeless involvement, we will only diminish our ability to influence the course of events throughout Latin America at a time when the Soviet Union and Cuba are trying to expand their influence.

For these reasons, I urge strong rejection of this misguided proposal.●

A MINIMUM TAX: THE WEALTHIEST SHOULD PAY TAXES, TOO

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. MILLER of California. Mr. Speaker, last week, tens of millions of Americans filed their income tax returns. They paid hundreds of billions of dollars in taxes to the Federal Government in order to provide for the basic services and functions of this Government.

Almost no one likes to pay taxes. But most of us recognize that taxes are our common responsibility. They are the cost of living in this society.

What bothers many Americans about paying their taxes is that others do not pay their fair share. And that means that those of us who do pay are really subsidizing those who are able to find enough loopholes, deductions and writeoffs in the tax code to pass all or most of their tax burden off to someone else.

Tax avoidance is particularly disturbing when it involves corporations who make their profits from the tax money paid by millions of taxpayers in this country. In fact, the 10 largest military contractors receive two-thirds of their sales from the Government—and that means their companies are two-thirds financed by the taxpayers of the United States.

Some of these are the very same companies implicated in massive overcharges for military parts and supplies. These are the companies which bill taxpayers for the costs of boarding pets and corporate gifts, among other dubious "official" expenses.

General Electric and General Dynamics, two of our largest military contractors, paid no taxes last year. In fact, General Dynamics, which made $684 million in pretax profits last year, has paid no taxes since 1972. General Electric earned profits of $6.5 billion between 1981 and 1983, and yet paid no taxes whatever.

As a matter of fact, General Electric, General Dynamics, and a third large military contractor—Boeing—not only paid nothing in taxes, but received $621 million in tax refunds between 1981 and 1983.

Overall, 65 profitable corporations, with combined profits of nearly $50 billion did not pay 1 cent in corporate income tax between 1981 and 1983. Following is a list of those companies and their profits.

Major American companies paying a total of zero or less in total Federal income taxes, 1981-83

[Sorted by size of tax subsidy, in millions of dollars]

	Profit
General Electric	6,527.0
Boeing Co	1,530.0
Dow Chemical Co	776.0
Tenneco	2,687.0
Santa Fe Southern Pacific Corp	1,579.0
Weyerhaeuser Co	640.7
DuPont	2,591.0
St. Regis Corp	123.9
Georgia-Pacific Corp	400.0
Columbia Gas System	886.7
Martin Marietta Corp	490.2
Transamerica Corp	584.9
General Dynamics	930.8
Union Carbide	613.0
Continental Group	462.0
Dun & Bradstreet Corp	595.7
RCA	514.2
Texaco	1,699.0
IC Industries	322.9
U.S. Home	54.3
International Minerals & Chemical	260.5
Jim Walter Corp	211.3
Celanese Corp	296.0
Northrup Corp	177.4
Greyhound Corp	290.8
Amerada Hess	336.7
Mitchell Energy & Dev. Corp	402.8
International Paper Co	1,028.4
Ohio Edison Co	1,027.7
Burlington Northern	1,724.3
Mellon National Corp	402.2
Ashland Oil	346.9
Philadelphia Electric Co	1,270.9
Piedmont Aviation	78.9
Panhandle Eastern Corp	938.0
Arizona Public Service Co	862.0
Ogden Corp	192.5
Pacific Power & Light Co	598.1
Northern Indiana PSC	549.1
Tesoro Petroleum	100.9
CSX Corp	1,755.3
Air Products and Chemicals	294.0
Superior Oil	1,083.8
Singer Co	104.6
Grace (W.R.) & Co	684.1
Florida Power & Light Co	1,337.7
Centex Corp	194.2
Pennsylvania Power & Light Co	920.8
Champion International Corp	167.0
Southwest Airlines Co	145.2
Allied Corp	404.0
American Cyanamid Co	298.7
Rio Grande Industries	132.5
St. Paul Companies	440.5
Tyson Foods	36.4
Commonwealth Edison Co	2,425.6
Comerica	75.2
Xerox	1,051.2
Citizens and Southern Ga. Corp	173.8
American Financial Corp	426.9
American Standard	78.5
Combined International Corp	297.6
First Executive Corp	312.2
Grumman Corp	474.5
Lockheed Corp	1,085.0
Total (65 companies)	49,503.0
Total, 25 biggest benefits	25,244.3
Total, 10 biggest benefits	17,741.3

Source: Citizens For Tax Justice, "Corporate Income Taxes in the Reagan Years" (Washington, DC: October 1984).

I also note with interest, for example, the tax record of W.R. Grace & Co., whose chairman was so critical of waste and abuse in the tax and spending policies of the Federal Government. It turns out that the same Grace that lectures us all on the obligations of good citizenship made $684 million in profits in the last 3 years, but didn't pay any taxes at all. In fact, Grace received a refund from U.S. taxpayers for $12.5 million.

Some of the wealthiest individuals in our country similarly are able to utilize the tax code in order to avoid paying any personal taxes, and this is just as unacceptable. Earning a lot of money, or hiring a good accountant or attorney, ought not free anyone from paying their share of the costs of living in this country.

How did this abomination come to pass? Look no further than the President's 1981 tax bill. Since that law was enacted, the amount corporations pay in taxes has dropped to the lowest level in history. In 1960, the corporate share of taxes was 20.9 percent; last year, it had dropped to just 8 percent.

But over that same time, the amount paid by middle-income taxpayers has remained 50 percent.

The minimum tax plan does not call for "soaking the rich." It just says that everyone—the middle income wage earner and the wealthy executive—ought to live by the same rules.

We would impose a 25-percent minimum tax on corporations and individuals whose adjusted gross income is more than $100,000 a year. This proposal would affect only those in this very exclusive, very high income group, the very wealthiest nine-tenths of 1 percent of taxpayers.

Lower and middle income taxpayer would pay nothing additionally in taxes. In fact, I would like to see the proceeds from the minimum tax used to reduce lower and middle income tax rates by $15 to $20 billion.

Tax reform is urgently needed, widely supported, and long overdue. I have long supported, and I continue to support, the wide-ranging modernization of our income tax laws in order both to simplify the tax code, and to eliminate those features which allow many of the wealthiest individuals and corporations to escape paying their fair share of taxes.

The minimum tax is not a substitute for comprehensive tax reform. There is no reason it could not be incorporated into a reform plan. But thorough reform could take a great deal of time, and it is unfair to wait even one more tax year before we begin to demand that those who have prospered and profited most join the rest of in paying their fair share of taxes.●

CONGRESS FAILING IN DUTIES?

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. NICHOLS. Mr. Speaker, the following is a statement from my constituent, Lt. Col. Norwood B. Killough (retired) which he has asked me to share with my colleagues here in the House:

I, Norwood B. Killough, a retired Lt. Col. U.S.A.F., living at Rt. 5, Box 256B, Talladega, Alabama 35160, Telephone 205/268-2709, do make the following statement or accusation: That all members of the present Congress of the United States of America have failed to abide by their oath of office and/or failed to abide by their Constitutional authority in that they have the sole authority to levy and collect tax for the sole purpose of paying the expenses of the Federal Government. I make this statement as mentioned above not with malice and not knowingly making a false statement.

1. The National Debt is the sole responsibility of Congress.

2. Congress has the sole authority to borrow money, to coin money, to set limits on the National Debt.

3. In the past several years Congress has increased the authority limit on several occasions.

4. The only authority to levy a national tax is that of the U.S. Congress. The only purpose of this tax is to pay the expenses of the operation of the U.S. Government.

5. Is that National "so-called" debt a legitimate debt or is it a selective debt? I am forced to pay all taxes authorized. I have been forced to pay a tax to pay interest on all of the borrowed money on the credit of the U.S. Government. There is no legitimate provision to pay this debt in a forceful manner or a voluntary one.

6. All persons who are employed by the National Government are paid according to their contract of employment. These wages are not on credit by in currency. Each member of Congress has been most generous in allowing their contracted pay, which in my opinion far greater than their worth. This pay is shifted from a tax to a debt with no provision to pay this debt in a forceful or voluntary manner. This is not fair to other citizens. The members of Congress should be forced to resign or abide by their oath and the Constitutional law.

In my opinion this borders on malfeasance—is it that? It is not my intent or purpose to support treason or act in a treasonal manner or support a revolution.

The Encyclopedia Americana, year 1955, is the source of the information of which I make reference.

Senator Helfin is the only member of the present Congress whom I have personally met and can identify by sight. I have great respect for him. I do not think that he or other members of the present Congress have, with willful intent, acted or failed to act in violation of the oath of office or failed to act according (collectively) with the sole responsibility and authority of levying tax and the collection thereof. The sole purpose is that of paying the expense of running the government of the U.S.A. I do say that all of you (members of Congress) have failed to carry out your collective and singular authority and sole responsibility in this regard. The National Debt is now the greatest in our history. The yearly budget is not in balance. There is no equitable provision made or allowed to reduce of pay the now National Debt or to balance the yearly budget. It is the sole responsibility of Congress to control both. No other branch of our government has this authority and responsibility, not even the President of the U.S.A. Yet most people blame the President in a political manner for most all things that they do not like. There are few people who like to pay taxes. However, if the tax is levied, each of us is required to pay that tax. There is no free meal.

Please allow me to meet with you at the earliest convenient time for you. I bear no malice toward any member of the present Congress and it is with deep regret that I feel compelled to make these serious charges in such a blunt manner. If I have made false accusations, it is not with intent.

References to the Constitution of the United States:

Article I—Section 2, Par. 3; Section 3, Par. 1, 4, 6; Section 7, Par. 1; and Section 8, Par. 1, 2, 5, 12;

Article II—Section 1, Par. 2.

Article V.

Article VI—Par. 3.

Article XIII—Sections 1, 2.

P.S. Reference to the Constitution of the United States:

Article I—Sections 1 and 2 all; Section 3 all esp. par's. 1, 4, 6; Section 7 all esp. par's. 1 and 3; Section 8 all esp. par. 12; and Section 9 all.

Article II—Section 1 all esp. par. 1.

Article V—all.

Article VI—all esp. par. 3.

Article XIII—Sections 1 and 2 all.

Article I, Section 3, Paragraph 6 is the only place in the reference material that I find the word sole used. The entered sole was through my error.●

AN OBSCURE PENNSYLVANIA CAVALRYMAN SAVED THE UNION AT GETTYSBURG

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. SHUSTER. Mr. Speaker, but for little-known Gen. David McMurtie Gregg—born in Huntingdon County, raised in Blair and Centre Counties—the North probably would have lost the Battle of Gettysburg, and the South could have gone to win the Civil War. Without this obscure cavalry officer there might not be a United States of America today.

That is the startling, yet inescapable conclusion of this meticulously researched and well-written book, "David Gregg—Pennsylvania Cavalryman" by Milton V. Burgess.

Combining his skills as a newspaperman and his interests as a historian, Milton V. Burgess—former editor of the Pittsburgh Sun-Telegraph and the Morrisons Cove Herald—has written a superb biography of Gen. David McMurtie Gregg. This is the story of a central Pennsylvania boy who was born into a distinguished Huntingdon County family, orphaned at an early age, graduated from the U.S. Military Academy at West Point, eventually rising to be described by his Civil War comrades as "the best all-'round cavalry officer that ever commanded a division in either Army."

Perhaps more importantly, this book marshals the evidence making the historical case that Gen. David Gregg, as commanding officer of the Union Army's 2d Cavalry Division at the Battle of Gettysburg, made the crucial daring decisions that blocked a Confederate victory in the greatest battle of the Civil War.

Mr. Burgess documents the inconspicuous fact that General Pickett's famous Confederate infantry charge up Cemetery Ridge was not intended by Robert E. Lee to be an unsupported frontal attack. Newspaper stories of the day and subsequent histories of the Civil War focused on the epic clash between the Blue and Gray infantries atop Cemetery Ridge as the key confrontation of the 3-day battle. When the Union Army repulsed Pickett's charge it won the Battle of Gettysburg. Lee was forced to retreat back into the South rather than march on to capture Philadelphia and New York, as he had planned.

Mr. Burgess clearly shows that Lee's strategy called for J.E.B. Stuart's cavalry to support Pickett's infantry charge with a simultaneous cavalry charge from behind the Union lines to split the Union infantry. And in fact, Pickett's charge did successfully penetrate the center of the Union line. Had Stuart's cavalry broken through to hook up with the Confederate infantry, the Union Army would have been split and badly defeated.

Mr. Burgess further establishes that the Confederate cavalry could not break through because Gen. David Gregg made a series of daring decisions that stopped them. From earlier battles against Stuart, Gregg correctly calculated where the Confederate cavalry would attempt to break through, and hid his troops in the woods to meet them. Because his force was too small, Gregg countermanded his superior officer's order and commandeered a cavalry brigade led by General Custer to augment his own troops. By directing Custer to abandon his orders and join him, Gregg seriously jeopardized his own military career. Had he failed he could have been court-martialed.

Together, Gregg and Custer led a surprise attack on Stuart's Confederate cavalry, which stopped them from driving through the Union lines to join the Confederate infantry on Cemetery Ridge, thereby defeating the Union Army.

Mr. Burgess interestingly depicts David Gregg's early life in Huntingdon, Blair, and Centre Counties; along with the apparition of his mother seen in a window by the Gregg children on the night she died 40 miles away at Bedford Springs; his military experience in the Indian Wars; the Civil War battles he fought following Gettysburg—including his troubled resignation from the Army before the war's end, and his later life as a civic leader in Pennsylvania. But clearly, the highlight of this book is the documented presentation of General Gregg's crucial role at Gettysburg.

Why would a general who demonstrably changed the role of American history not rank in the pantheon of famous Civil War heroes? For several reasons, according to Mr. Burgess: Gregg was reserved and modest rather than flamboyant and self-promoting like many other generals; he was operating behind the front lines at Gettysburg, while the news media was covering the massive infantry charge; he stopped the Confederate cavalry before it ever got into the heart of the battle; his superior officer did not give him the proper credit because Gregg had countermanded his orders; and General Gregg resigned from the Army before the end of the war, so he was not present to reap the accolades of final victory.

Nevertheless, Mr. Burgess compellingly makes the case that Gen. David Gregg, a son of central Pennsylvania, changed the course of history by his daring decisions at the Battle of Gettysburg.

If one must find a criticism, it is that there are almost too many facts to digest—dates, places, names, military units—tumbling out of the pages at you before you can catch your breath. But then, it is the weight of these facts, skillfully woven together by the author, that gives this book meaning.●

ARCHBISHOP O'CONNOR'S ST. PATRICK'S DAY HOMILY: A MORAL SUMMONS TO ACTION

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. DioGUARDI. Mr. Speaker, a fresh breeze is blowing and new hope is blooming forth this spring for a just and lasting peace for all of Ireland. The news reports from London and Dublin since March 17 suggest that those governments may be preparing new initiatives to deal with the "troubles" in those six of the divided Irish Provinces of Ulster's nine counties known as "Northern Ireland."

What was a major stimulus to this activity, and what should be a signal for an American peace initiative, is the Saint Patrick's Day homily of the Most Reverend John J. O'Conner, Archbishop of New York. In an act of great moral courage, Archbishop O'Connor made several commonsense observations concerning the tragic conflict in the north of Ireland. He made it plain that we must talk peace with all parties to the conflict. He reiterated the Holy Father's plea for an end "to the injustice, the oppression, the indignity and to the violence and the terrorism and the paralysis of fear." He further pointed out that there is a "legitimate struggle in Ireland for justice and human rights." I would add at this point that many Members of this House, and of the Senate as well, have actively pursued a positive, nonviolent quest for a just peace in Ireland. President Reagan himself, like Presidents Washington, Jefferson, and Kennedy, has expressed a sincere interest in seeing an end to the centuries old Anglo-Irish conflict, of which we are witnessing the most recent phase.

Archbishop O'Connor is no ivory tower theologian. As a retired rear admiral and former Chief of Navy Chaplains, he brings with him a perspective which allows him to see the broader implications of the Anglo-Irish conflict in terms of the North Atlantic Alliance's geopolitical need for a stable Ireland as a friend and neighbor. I refer to the attention of this House to my own paper on this subject, "On American Interests in Ireland," read into the CONGRESSIONAL RECORD on February 20, 1985 (pp. 2625 and 2626).

Archbishop O'Connor is offering to the Government of the United States, to the Congress, and to the executive branch moral guidance and very practical advice. The United States can no longer afford to ignore the troubles in Northern Ireland. It is a matter of American self-interest as well as of human moral necessity that we take the initiative, as we have done in so many other areas, in seeking to bring about a just and lasting peace in Ireland. In the archbishop's own words:

And finally, it is not for me to determine the political procedures for ending the conflict. I am a bishop, not a politician. But the moral course is clear, the time has come and is long overdue for those great nations of the world, truly dedicated to liberty and justice for all, to raise their voices loudly and clearly and unmistakably in the forums of the world or privately and quietly but persuasively, as they see fit, to demand that the oppression end, the slaughter cease. Which nation should lead the way but our own!

How can we ignore so clear a moral summons to action? London and Dublin have failed to bring peace to the north, let Washington find a new departure and win peace for our North Atlantic friends and allies.

I submit for the edification of this House the complete text of Archbishop O'Connor's truly historic 1985 Saint Patrick's Day homily, his moral summons to action:

ARCHBISHOP'S HOMILY

This is the official text of Archbishop O'Connor's homily at the St. Patrick's Day Mass, March 16.

Once again there are far too many distinguished visitors here to risk singling out any. I want to thank my brother bishops for being here and my brother priests. I am happy that the Scriptures today were read by two Christian Brothers since I owe so much of my vocation to the Christian Brothers, and we are particularly pleased that our senior archbishop, Archbishop Maguire, retired coadjutor of this archdiocese, is here and Bishop Furlong, one of the most senior and beloved bishops in the United States.

Many a tourist passes him by today without a glance and even the New Yorkers, aware of his presence, are dwindling in numbers. But Father Francis Duffy still stands watch in Times Square, a symbol of the 165th Regiment of New York, the famous Fighting 69th, of whom could well be said what was said of the Marines at Iwo Jima, that among them uncommon valor was a common virtue. The legendary 69th was highly instrumental in bringing the St. Patrick's Day Parade through its years of infancy. They are with us today, and we are grateful that they are. We shall be remembering them and particularly their fallen numbers in a very special way in this Mass. The statue of the extraordinarily legendary Father Francis P. Duffy is the only statue dedicated to a priest in the history of New

York that stands on public property, and well deserved the honor.

We are equally grateful for the presence of the Ancient Order of Hibernians who did so much for the early Church of New York and so very much to launch the St. Patrick's Day Parade from the outset. I'm wearing today beneath my vestments the cross of Archbishop John Hughes of the County of Tyrone, the first archbishop of New York. And when the old St. Patrick's Cathedral was in danger of being burned and looted during the Nativist riots of 1844, Archbishop Hughes called one thousand men of the Ancient Order of Hibernians to protect the cathedral, and so they did. A plaque still stands in the Old St. Patrick's Cathedral that they defended, and it reads—"Erected to the memory of members of the Ancient Order of Hibernians of the City of New York who in April 1844, at the call of the Most Reverend John Hughes, rallied to the defense of the cathedral when it was threatened by the forces of bigotry and intolerance." Many years later the AOH gave a magnificient chalice to Cardinal Farley, Archbishop of New York, and that is the chalice that I will be using in this Mass today.

Now having with us both members of the Fighting 69th, whose heroism symbolizes that of millions of Americans who have served our country so well and of the thousands of chaplains who have served those who have served—and having here the AOH, symbolic of the tremendous contributions made to our country not only by Irish Catholics and others but by all Catholics and many others, including those in the military, all this provides an exceptionally appropriate setting for an announcement of historic import that I wish to make on this St. Patrick's Day of 1985.

On Nov. 24, 1917, because of World War I, Pope Benedict XV appointed another Patrick, Archbishop Patrick Hayes, then archbishop of New York, as the first Bishop Ordinary; as it was called, for the Roman Catholic Armed Forces of the United States. From that day until today, through Cardinal Spellman, Cardinal Cooke and myself, the archbishop of New York has had responsibility for all of our Catholic Armed Forces and Veterans Administration all over the world. I formally announce today, with humility, with great pleasure, that our Holy Father, Pope John Paul II, has decreed that His Excellency, here with us today, Archbishop Joseph T. Ryan, has been appointed Military Prelate or Bishop Ordinary of the Armed Forces in my place. For the first time since its birth in 1917, the Military Vicariate will cease to be associated with the archbishop of New York.

This announcement was decreed by the Holy See to be made public today, effective date will be March 25, one week from Monday and one week and one year after I assumed the archbishopric of New York. It is obvious that the Holy Father, recognizing my lack of familiarity with the military, determined that the mantle should pass to another, I warmly congratulate my good friend and loyal comrade, Archbishop Joseph T. Ryan. As I told him before Mass, he is still my subject for one more week.

I have selected today's Gospel reading with deliberation, "Simon, son of John, Simon Peter, do you love Me?" "Yes Lord, You know that I love You." "Simon, Simon, son of John, do you love Me?" "Yes Lord, You know that I love You." "Simon, John's son, Simon, Simon whom I have called Peter, do you love Me?" "Lord, You know everything, You know well that I love You."

There are marvelously profound analyses of these words to be found in the works of our Scripture scholars, and they give us solid foundation for explaining some of the most important teachings of our faith. But for our purposes today I suggest one very simple explanation of our Lord's questioning Peter three times. He simply wanted Peter to say over and over and then over again, I love you. For our Lord knew so very well the healing power of words, as He knew the destructive power of words. He knew how devastated Peter had been when in bitter words he had three times denied even knowing our Lord, much less being His friend. Now our Lord would begin the healing process—let words of love restore what words of bitterness had destroyed. Let words of loyalty begin the process of reconciliation ruptured by words of betrayal.

There has been horrible pain in Ireland for a long, long time. There has been bitter suffering. There has been oppression met with violence and violence met with further oppression. Men and women, and whole families, teenagers and little children of all political positions and all religious persuasions have paid dearly for months, for years, for generations. The Holy Father has pleaded passionately for an end to it all—to the injustice, the oppression, the indignity and to the violence and the terrorism and the paralysis of fear. And he has called for the use of the word, the healing word, the reconciling word, the word of reasoned dialogue.

Today the majority of us in this cathedral of St. Patrick will receive the Living Word, the Son of God in Holy Communion. Before we do so, after I have held His Body aloft with the words, "Behold the Lamb of God, behold Him who takes away the sins of the world," all will say the time-honored words, "Lord, I am not worthy but say only the word and I shall be healed," I know it is said that talk is cheap—it's not cheap when we use words of love, for these are reflections of the Divine Word, the Living Word who is Jesus the personification of love itself. Words are not cheap when we use the words of love because they demand of us so much sacrifice, make us so vulnerable.

I know it is argued by each party that other parties won't listen, but it is terribly difficult to hear over the sound of guns or tanks. I know that willingness to talk mere words can be perceived as a sign of weakness. Christ was at His strongest, not His weakest, despite all appearances to the contrary, when He cried out from the Cross, "Father forgive them for they know not what they do." And the good thief hanging on the cross, who had seemed to have been at his strongest when he was pillaging others, now at what appeared to be his weakest, was clearly stronger than ever before in his life when he asked forgiveness of Christ, the Son of God.

I know that sometimes the powerful of the world turn back conciliatory words with public scorn. Then the words must be repeated and repeated and repeated until the shallowness of the rebuff defeats itself. The whole world recognizes that the weak are strong in their initiatives for peace, and the strong are weak in the rejection of those initiatives.

My words today may please few and displease many. They are spoken from the depths of my being. They are a passionate plea to all. My actions today may please some and displease others. For following this Mass, as archbishop of New York, having carefully and prayfully conferred with hosts of advisers and listening to an exceptional number of validly concerned parties, I shall review the parade from the steps in front of the cathedral in honor of St. Patrick and of all Irish everywhere of whatever religious persuasion. I will do this with profound respect for my beloved predecessor, His Eminence, Cardinal Cooke, who two years ago made in honor and all integrity, with malice toward none and charity toward all, the judgment which he deemed appropriate for the circumstances of the day. In that same spirit I will do today what I believe should be done.

There are those good and sincere people who will be pained by my decision and who believe it implies support for violence and terrorism. Nothing could be farther from the truth. I reiterate and reemphasize publicly what I have said repeatedly before: I cannot accept, I cannot support or encourage support of the violence in Ireland by whomever perpetrated. And that includes both physical violence and moral violence. The violence of those who shed blood and engage in acts of terrorism, the violence of those who rob a people of justice, deprive them of their birthright and inflict on them continuing indignities. I cannot and I will not condemn the legitimate struggle in Ireland for justice and human rights. But I must condemn and I do condemn once again in the strongest terms, all acts of violence by whomever or against whomever they are perpetrated and all acts of terrorism as well.

And finally, it is not for me to determine the political procedures for ending the conflict. I am a bishop, not a politician. But the moral course is clear, the time has come and is long overdue for those great nations of the world, truly dedicated to liberty and justice for all, to raise their voices loudly and clearly and unmistakably in the forums of the world or privately and quietly but persuasively, as they see fit, to demand that the oppression end, the slaughter cease. Which nation should lead the way but our own!

Now let us pray—let us pray this feast day of St. Patrick; that all parties to the conflict, and we ourselves, will one day see in one another what St. Patrick saw wherever he looked—you will recall the legend on his breastplate; Christ above me, Christ beneath me, Christ beside me, Christ before me, Christ behind me, Christ all around me, Christ in the mouth of friend and stranger. God bless you all!●

JERSEY CITY'S GENERAL PULASKI MEMORIAL COMMITTEE MARKS GOLDEN ANNIVERSARY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. GUARINI. Mr. Speaker, on Saturday, April 27, the General Pulaski Memorial Committee of Jersey City will mark its 50th anniversary at its annual dinner dance being held at the High Hat in Bayonne, NJ.

This committee has been in continuous operation commemorating the contributions General Casimir Pulaski made during the American Revolution

serving under the forces of Gen. George Washington.

Our Nation, on October 11, 1979, honored the 200th anniversary of the death of this great Polish patriot, who died as a result of wounds suffered during the battle of Savannah, as he selflessly led his famous cavalry unit, the Pulaski Legion, in the struggle for American independence.

To remain all those receiving this tribute, I would like to quote an article by perhaps we most foremost historian of Polish history in our area, Col. Anthony K. Podbielski, U.S.A. retired, a resident of Bayonne, NJ.

Brigadier General Casimir Pulaski's life, though short, was, however, overwhelming in his love of Poland, his love of freedom of man, what is popularly referred today as "human rights."

In 1752, at the age of 5, he began his association with equestrian play which ultimately concluded in warfare as a calvary officer and his final death astride his favorite steed at Savannah, Georgia, on October 11, 1779.

According to data researched by Edmund L. Kowalczyk of New England, Pulaski's horse was 7 years old. Taken by the British after his death, it was sold at public auction for 130 Guineas, on February 17, 1783, in New York City.

A certain "mystique" seems to be associated with the name of General Pulaski in the United States. More so than with other military personnel, especially foreigners. It may be because of his death on the field of battle, as a result of treachery by an American soldier. It may be because of the bravado, personal courage, his daring, his willingness to seek action and carry that action into the enemy's camp. The colonial army as such had only plans for cavalry action. It was Pulaski who had the practical experience in combat who strongly advocated combined cavalry and infantry attacks against the enemy. It was he who prepared infantry and cavalry drill regulations that served as a basis for "Baron" Von Steuben's ultimate troop training. Never was a military commander exposed to such treachery, indifference, even contempt, jealously, and delays as was Pulaski in his efforts to aid the colonists in their fight against England.

He was the George Patton of his time. It was Patton who relentlessly carried the fight into the German camp during World War II. "Keep pushing," was Patton's theme. Given a free hand Patton would have saved Eastern Europe militarily, at least. A keen student of warfare, Patton gleaned many a brilliant idea from General Pulaski's forays, patrols and cavalry tactics in New Jersey, Pennsylvania, South Carolina and Georgia. Whereas General Pulaski is rightfully referred to as the Father of American Cavalry, General Patton proved himself the father of modern armored American cavalry during his European campaigns against the Germans in North Africa and Europe.

We have yet to do considerable, painstaking research in the archives of Monmouth and Sussex counties, in order to appreciate Pulaski's efficient tactics during the Revolutionary War. His forays against the British in Charleston, South Carolina beg for methodical analysis and transcript.

Saturday's event will also mark a half-century of concentrated community effort by Polish-Americans who have been at the forefront of every mission of good will, whether it be aide to underprivileged nations, the Italian earthquake, or currently the Ethiopian Relief Fund Drive.

On May 3, 1985, the Republic of Poland will be celebrating the 194th anniversary of its Constitution Day. This is a most cherished remembrance for the citizens of Poland who on that day in 1791, without bloodshed, freely and willingly adopted their constitution.

The General Pulaski Memorial Committee appropriately has its headquarters in Hudson County, of which I am most pleased to serve as its representative in the 14th Congressional District.

It was at the turn of the century that the Poles began to arrive in America in increasing numbers, many after the uprising against Russia in 1830.

Indeed, there were immigrants who were dedicated to principles of freedom, democracy and opportunity seeking a better way of life for their families in the new world.

Many of the immigrants, inspired as they passed the Statue of Liberty, found shelter in Jersey City, appropriately called "The Queen City of Immigrants." It provided opportunity for jobs, resettlement, a good place to raise their families with good food and cheap rent and with religious leadership constantly prepared to assist.

Upon arrival in Hudson County, the immigrants, in addition to obtaining jobs and shelter for their families, began programs to preserve for themselves and their children, Polish traditions and cultures, entwined ever so closely with their love for their new land America.

In 1925 there were 32 Polish organizations in Jersey City, from cultural groups to religious and singing societies and political, patriotic and veterans groups.

Indeed they have been a proud group, participating in city functions and parties, putting their best foot forward with pride and integrity.

A high point for Hudson County's Polish-Americans, was the naming of the longest and highest viaduct in the world, devoted to the use of motor vehicles, the naming of the Pulaski Skyway connecting Jersey City and Newark. An engineering marvel, it is 3.5 miles long and spans both the Hackensack and Passaic Rivers.

It was in 1933 that New Jersey Governor A. Harry Moore designated the overhead road as General Pulaski Skyway after the petitions submitted by:

Stephen Kopycinski, chairman of the Polish-American Historical League, Dr. Abdon Piskorski, William Kwiatkowski, Edward Kozlowski, Stephanie Rawinski and Stephanie Pojawa, Edward Ruminski and John Karwowski, of the General Pulaski Post No. 9 Polish Legion, American Veterans, Edward Redmerski, commander of Casimir Pulaski Post V.F.W., Assemblyman Hejke of Jersey City, and Assemblyman Gutowski of Essex, together with the help of Mayor Frank Hague and the city commission, secured passage of the bill naming the Skyway.

Dedication ceremonies were held on October 11, 1933, the anniversary of the death of General Pulaski.

In 1935 and 1936 one of the largest parades ever in the history of Jersey City was conducted leading to New York City's first Pulaski Day Parade. It was at the persuasion of Stephen Kopycinski that a General Pulaski Memorial Committee was formed. He became its first chairman.

The next year, New York's first Pulaski program was organized by the General Krzyzanowski Memorial Committee with the newly-organized Jersey City General Pulaski Memorial Committee. It was decided at that time that New York and New Jersey would conduct an annual parade during the month of October on New York's Fifth Avenue and that the two states would take turns naming its grand marshal.

The first parade, in October 1937, began at the foot of Fifth Ave. from the Washington Arch at Washington Square Park. More than 20,000 marchers, divided into 12 divisions, represented Hudson County.

The Pulaski Memorial Committee showed its love of freedom and Poland when they conducted a drive and donated 10 ambulances to the Polish Army in 1942. A ceremony was conducted in front of St. Patrick's Cathedral with Francis Cardinal Spellman blessing the ambulances.

During World War II the committee sent money, food, clothing and medicine to Poland, while that valiant nation was struggling for survival in wartime.

As time went on, the Pulaski Skyway showed signs of neglect and the General Pulaski Skyway identification insignia disappeared and was replaced with just skyway signs. Many showed their concern. It took the valiant leadership and hard work of Assemblyman Stephen (Bobby) Kopicinski, Jr., the son of the late Stephen Kopicinski, Sr., the first committee chairperson, to lead a fight to have General Pulaski's name appropriately placed on the roadway.

Through formal action in the New Jersey State Assembly, Kopicinski was instrumental in having the proper authority prepare new signs in time for the re-dedication on Sunday, September 17, 1978.

Medallions were struck, designed and executed by members of the committee, with the first presented to Lt. General Edward L. Rowny, who represented the President of the United

States Jimmy Carter. General Rowny is known for his great work in NATO and has represented the United states in discussions to maintain peace in Europe.

Each year, on October 11, the Pulaski Committee, with officials, places a wreath of flowers at the General Pulaski plaque on the skyway.

The General Pulaski Committee is pleased to note that three children of Edward and Alice Litke, members of the committee, were honored by being named "Miss Polonia", Janice in 1972, Therese in 1977 and Dolores in 1983.

Over the years, Jersey City has been represented by four grand marshals, namely John F. Saturnewicz, 1939, Stephen J. Kopicinski, 1947 Charles J. Witkowski in 1979 and Ernest Zima in 1967.

Stephen Kopycinski was the youngest grand marshal ever to lead the Pulaski Day Parade.

Recently, working with some members of the Pulaski Day Committee, specifically Peter Nowak, I have asked the New Jersey State Department of Transportation to consider lighting up the Pulaski Skyway. Nearby, the Verrazano Bridge and Bayonne Bridge have a tiara of lights on its super structure which can be seen for many miles around. Indeed, the lighting up of the Pulaski Skyway will add more luster to the contributions of the courageous general from Poland who came to help an unknown group of revolutionaries under the direction of General George Washington because he loved freedom and believed in the dignity of all individuals.

I wish to reiterate my great admiration to the General Pulaski Memorial Committee members, to the hundreds of thousands who have marched over the years, and to its founder, Stephen Kopycinski, and his family, to the people of Jersey City and Hudson County and all those who raised funds for this extraordinary annual event.

Indeed, the parade is a tribute not only to General Pulaski, but to the gallant sons and daughters of Polonia who have fought and bled for freedom's cause. I wish to extend congratulations also to this year's officers:

President Stanley Rotepel, Honorary President Felix Gabrush, Vice Presidents Marian Morawski, Joseph Sluka, Eleanor Torick, Lucy Wolff, and Harold Zielaznicki; Treasurer Michael Kopacz; Recording Secretary Janine Kulbatski; Corresponding Secretary Maryjane Badach; Chaplain Rev. Leonard A. Miodowski; Trustees Alice Litke, Edward Litke, Joseph Plonski, Donna Rotepel and Doris Tacik; Sergeant at Arms Edward Wlodyga.

I also wish to give my special thanks to Edward Baltarzuk, who is historian of the General Pulaski Memorial Committee for being my "Ambassador without portfolio," bringing my message, in October 1983, personally to the great Lech Walesa at his home in Gdansk, Poland.,

Baltarzuk and his lovely wife, Dorothy, met with Lech Walesa on October 19, 1983. They presented him with a copy of my testimony before the Congress of the United States regarding the Nobel Peace Prize and copies of the Jersey Journal announcement.

At that time Walesa gave Ed a message in Polish to deliver to me, which was:

Free people of the world are our brothers."

Walesa told Baltarzuk in Polish:

I have struggled for human rights and it is just as important to fight for human rights as to win."

Regarding the Nobel prize, Walesa said:

The prize does not belong to me but to the valiant and gallant people of Poland.

In the message Ed Baltarzuk delivered for me to Walesa I expressed appreciation for Mr. Walesa's letter to me which I consider to be of such historic significance that I wish to share it herein:

Gdansk, 7th October 1981, Frank J. Guarini, 14th District, New Jersey. Dear Mr. Guarini. Thank you very much for your cordial letter and tribute you paid to me but first of all I am happy to hear that you approve of the activities of our independent self-governed union.

All of us are very grateful for the moral support of aims and tasks we declared and which must be of concern to all who are interested in justice.

Thanks to your letter and many others from the U.S.A. and all over the world our union is becoming stronger and aware that our struggle for human rights and dignity we are not alone. It is the source of hope for us that these aims should be achieved not in Poland only but also in other countries.

I am absolutely convinced that the proposal of mutual cooperation you suggested and I accept with great pleasure will service the cause of peace, justice, and freedom for all the people.

I hope that my visit to the U.S.A. will help to achieve our aims.

I am grateful, Sir, that you supported my nomination for the 1981 Nobel Peace Prize. This is a matter of great importance, particularly for the whole of "Solidarity" as the union, much more than for me personally.

Thank you for the American flag and the photos you enclosed.

I extend our best wishes for you and all the "Solidarity's friends in the U.S.A. I remain, Sincerely, Lech Walesa, Chairman of NSZZ "Solidarnosn".

I am sure my colleagues here in the House of Representatives wish to join me in this salute to the memory of General Pulaski, who advanced $50,000 of his own money, equipping organizations, the America Legion of Horse Warriors, creating the famous Pulaski Legion, but also for his involvement in combat in Egg Harbor, NJ, and other areas before he died from the effects of gangrene caused by imbedded bullets at the age of 31 on October 11, 1779.

Indeed Pulaski died as he lived, a noble, undaunted warrior, fighting the battles of liberty and of the republic.

His memory is entitled to our veneration as his life forms an item in the price of our independence.

Americans all should always carry with us the memories of General Pulaski's noble life and heroic deeds. As father of the American Cavalry, he taught us to remember that each member is the greatest asset we have, guarding it zealously least we lose it and become slaves of some foreign usurper.

The need for his constant inspiration is reflected in the following poem:

Powstan Putaski, prezetrzyj ewe powieka,
Bo, jak nie wstanesz, zginiemy na wieki. . .
Arise Pulaski, rub your eyes.
For if you do not wake, we shall be lost for years thereby. . .

William McDonald very concisely describes General Pulaski in this poem:

When freedom raised her standard sheet,
And drums the call to battle beat,
When rose the din of conflict shrill
From Concord field and Bunker hill
Who heard the summons o'er the wave?
Pulaski brave, Pulaski brave.

It has been said, "To live in the hearts of those you love * * * is not to die." General Pulaski in word and in deed will live forever.●

COLLEGE FRATERNITIES AND SORORITIES

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. KINDNESS. Mr. Speaker, the Nation's college and university fraternities and sororities are an integral part of the American educational system. As with other nonprofit organizations, their existence is dependent upon their tax-exempt status.

College and university fraternities and sororities have tax-exempt status under present law, but are classified as social clubs for this purpose. The legislation I am introducing today would amend section 501(c) of the Internal Revenue Code of 1954 so that such fraternities and sororities would have their own category of tax exemption.

Under present law, college and university fraternities and sororities are classified for tax purposes in the same category as country clubs and other types of social clubs. While most tax-exempt organizations' unrelated business income is taxable, social clubs are generally taxed on their investment income as well.

My legislation would change the definition of "college and university fraternity and sorority" to provide that these organizations receive the same tax treatment as other tax-exempt nonprofit organizations. I urge my col-

leagues' support and cosponsorship of the legislation.●

BROWN'S DIEKEN BOWS OUT AT 36

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. FEIGHAN. Mr. Speaker, all of northeastern Ohio joins with me in honoring Cleveland Browns football star and community humanitarian Doug Dieken, who retired last week after a long and distinguished career.

I have known Doug for several years and he is by far one of the most compassionate and caring civil leaders I have ever met. He gives as much off the field as he does on the field. His work with local charities is unequaled; his community activism is unlimited; and his pride in our area is unsurpassed.

In short, Doug Dieken is more than all all-star player: he is an all-star person.

I would like to insert in the RECORD the following tribute to Doug Dieken which was written by the Plain Dealer's Tony Grossi. This excellent article sums up why Doug Dieken is such a special part of the northeastern Ohio community.

[From the Cleveland Plain Dealer, Apr. 18, 1985]

BROWNS' DIEKEN BOWS OUT AT 36

(By Tony Grossi)

A part of him wanted to stay, and a part of him didn't.

A part of him never achieved the two major goals he set as an athlete, and a part of him achieved more off the field than any professional athlete in Cleveland history.

Doug Dieken, the player, retired yesterday. Doug Dieken, community humanitarian and giver to most any charitable organization, did not.

"I definitely will stay in the Cleveland community because it's my home," Dieken said.

For 14 years, Dieken played the left tackle position at the same high standards set previously by Hall of Famer Lou Groza and All-Pro Dick Schafrath.

Never missing a game, Dieken finished his career with a consecutive-game streak of 203, eighth on the all-time National Football League list. But the pains absorbed in 14 years of injuries caught up with his 36-year-old body.

"My brain convinced my body that the pain is greater than I want it to be," Dieken conceded.

Dieken's reputation as a practical joker preceded him everywhere. However, at a news conference yesterday, the jokes were few and Dieken, with watery eyes, read from a written script his poignant remembrances of a stellar career.

In part, Dieken said, "Walking in here today was a lot tougher than those bus trips from Pittsburgh . . . I really like this city, which I call my home, a city of much pride, determination and sincerity. As an athlete, I've admired its desire to gain respect . . . Obviously, this is a city that cares.

"I'm somewhat embarrassed that 'Holding . . . 73' has become a household phrase. I am proud that in 14 years, we haven't seen a quarterback carried off the field from a blind-side hit.

"In finishing, I hope my career has nearly spanned the transition from one championship season to the next. I do believe this is in the best interests of the Browns . . . I would never stand in the way of my teammates' goals and one that was mine—a Super Bowl."

Dieken said his two goals as a player were never met—a victory at Pittsburgh's Three Rivers Stadium and a (league) championship.

Perhaps the greatest individual thrill experienced by the former tight end from the University of Illinois occurred in a 1983 victory at the Stadium against the Houston Oilers. In that game, Dieken grabbed a 14-yard touchdown pass from Paul McDonald on a fake field goal.

Dieken was saluted by Browns President Art Modell and coach Marty Schottenheimer.

"Maybe he hasn't played on a championship team," the coach said, "but Doug Dieken is a true champion."

Added Modell, "In all the years I've been in the game, I don't know of anyone who had as much courage, who had the ability to play hurt and who had such a commitment to excellence. Equally important, nobody in the history of this franchise has done as much in his community off the field as Doug Dieken."

Modell said Dieken has contributed to 42 charitable causes over the years "and not once has this man ever declined an appearance for charity reasons."

The Browns' majority owner presented Dieken with a gold watch with the inscription, "To Doug. You gave 100% of yourself to the Browns. Thanks."

Playing true to form, Dieken held on tight.

Of his future, Dieken said he will pursue "a career . . . not a job." He revealed after the news conference that he has applied for the Browns' radio job vacated when Gib Shanley retired after the 1984 season.●

NATIONAL MUSIC WEEK

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. FRANK. Mr. Speaker, on April 11 Al Turgeon and Jum Judge of the Fall River, Musicians Union Local 216 visited me regarding the 62d annual observance of National Music Week, sponsored by the National Federation of Music Clubs [NFMC] to be held May 5 through 12 in communities across the United States.

I would like to share this article titled "National Music Week to be Observed" which expresses the theme for 1985 "Music—a Source of National Pride."

The article follows:

[From the International Musician, Mar. 1985]

NATIONAL MUSIC WEEK TO BE OBSERVED

The sixty-second annual observance of National Music Week, sponsored by the National Federation of Music Clubs (NFMC), will be held May 5 through 12 in communities across the U.S.

Founded in 1924 as "a voluntary expression of the public's interest in music" by the late Charles M. Tremaine, head of the National Bureau for the Advancement of Music, this special week had President Calvin Coolidge as its first honorary chairman and has since drawn the support of each succeeding Chief Executive.

"Music—A Source of National Pride" will be the theme of this year's observance of National Music Week, which receives funding and cooperation from the American Federation of Musicians and numerous other national music organizations. On the local level individual communities will take charge of coordinating activities such as concerts at a variety of locations, programs on radio and TV, educational talks and media coverage of events. In addition, community members are urged to ask their local and state governing bodies to issue National Music Week proclamations.

Because local participation is so crucial to the success of National Music Week, the NFMC will present awards of merit to the organizations and media outlets that made the greatest efforts to disseminate information about the week throughout their communities. Also counting toward awards will be outstanding efforts to enlist the involvement of local businesses, schools, PTAs, libraries, service clubs and religious institutions.

Those interested in making award nominations for work on behalf of National Music Week should contact the National Federation of Music Clubs, 1336 North Delaware Street, Indianapolis, Indiana 46202.●

NATIONAL LIBRARY WEEK

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1985

● Mrs. COLLINS. Mr. Speaker, I would like to thank my friend and colleague, Major Owens, for sponsoring this special order on libraries and library issues. Libraries are important institutions that promote knowledge to enrich and improve our lives. Their outstanding work is deserving of support.

There has never been a greater need for a well-informed public than today. In our rapidly changing world, we have grown to rely on libraries for the information we need to make day-to-day decision in our professional and personal lives.

However, we cannot expect libraries to grow and expand with the world unless we offer them financial support.

President Reagan loves to talk about how the illiteracy rate in this country has declined greatly, and we owe thanks to our libraries for that accomplishment.

But what he doesn't tell you is that the Reagan administration has proposed zero funding for library pro-

grams during each of the past 3 years, and he plans to try it again in fiscal year 1986.

Reagan wants to eliminate funding for the Library Services and Construction Act, though this act was reauthorized for funding last fall.

He also wants to end postal subsidies for materials mailed to the blind and physically handicapped, forcing libraries to pick up the slack and pay the postage. The problem is libraries have no budget allocation for this type of postage, so patrons will end up being denied these valuable services.

The administration is also supporting rate increases for telecommunications lines used to transmit computer information. Libraries will face 50 to 100 percent increases in user charges, eliminating smaller libraries from current information bases.

In my home State of Illinois, there are more than 3,000 libraries employing over 14,000 people. I am concerned about the impact of these cuts from both an economic and educational viewpoint.

I oppose these cuts and other proposed reductions in funding for libraries. Public support of libraries represents an investment in people and communities, and I want to see that investment maintained.

Though we are all striving to tighten our belts in these days of deficit spending, the continuing education of our citizens through libraries is something that cannot be sacrificed.●

STANGELAND MARKET-ORIENTED 1985 FARM BILL

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. STANGELAND. Mr. Speaker, the Reagan administration has provided Congress with a 1985 farm bill proposal that would be disastrous for Minnesota farmers. Under the banner of market orientation, the administration's plan calls for pain, not profit, for American agriculture.

On the other hand, there are those who wishfully think the answer to all of agriculture's problems will be achieved by merely cutting back our production. What do they think we have been doing? While we have implemented supply management programs in 5 of the last 6 years, our export competitors have expanded both acreage and production. At the same time, our world export market share in wheat has dropped from almost one-half to about one-third while our export competitors have gained by the same amount.

Both of these approaches would put American agriculture on a sure fire course for self-destruction. Sometime down the road the Reagan administration's proposal would certainly make our exports price competitive—but it would be a joyless victory after counting the number of farmers who would be sacrificed in the process. There is also no question that strict mandatory production controls would ultimately raise farm prices. But would it be worth laying idle 40 to 50 percent of the richest cropland in the world? Saying goodbye to our hard earned export markets? Dashing any hopes for significant market growth in the future? Adding American agriculture to the list of slowly dying U.S. industries that have already conceded defeat to foreign competition?

The Reagan administration's farm bill proposal isn't truly market oriented because it doesn't call for our Government to fight as hard for our farmers in the world market as other governments fight for their farmers. Those who only advocate strict mandatory production controls want to give up without even trying to fight back.

Farmers aren't quitters. Most have had to fight for everything they've got. I think they just want to see our Government start implementing policies that work for them instead of against them.

It's about time our Government commit itself to matching foreign governments subsidy for subsidy. The cornerstone of this year's market-oriented farm bill should be to immediately transfer the pain of unfair trade policies from our farmers to those governments, both foreign and our own, which are guilty of creating agriculture's problems.

WHEAT, FEED GRAINS TITLE

MARKET-ORIENTED LOAN

The market-oriented loan is a concept which, if implemented, would immediately make our exports price competitive and still protect farm income. Under the market-oriented loan plan, commodity loan rates would be maintained for the 1986 crop at the 1985 levels. However, farmers could sell the crop under loan at any time during the 9-month loan period and would only be required to repay based upon the world market price. The farmer would pocket the difference between the loan rate and the repayment rate.

The market-oriented loan approach has two overriding advantages. First of all, it protects farm income. By maintaining the loan rate at the 1985 crop level, farm prices and income will not suffer as they would under the administration's proposal.

Second, and of greater importance in the long run, it significantly reduces Government involvement in the grain business. For years, both our export competitors and grain-buying nations have taken advantage of us because we have pursued agricultural policies that have made us the world's great stockpiler and residual supplier. Our willingness to hold grain has allowed our export competitors to gradually chip away an ever larger portion of our world market share. In addition, it encourages foreign consuming nations to buy hand to mouth and simply let us worry about holding reserve stocks. In recent years, this policy has dearly cost our farmers in both lost markets and lower prices.

By moving this grain into commercial channels instead of continuing to allow surplus stocks hang over the market and depress prices, the following are just a few of the positive results that would occur: burdensome surplus stocks would be removed, foreign governments would incur enormous costs for continuing their export subsidies, our grain would immediately be price competitive in the export market, lost foreign markets could be regained, farm income would be protected, and the groundwork would be laid to ensure our farmers will fully benefit in the future from American agriculture's comparative advantage in the world market.

The market-oriented loan will allow American agriculture's transition to a truly market-oriented, and market-winning, approach without the devastating consequences that would otherwise occur under the administration's plan.

The market-oriented loan then can be viewed as a cushioning tool to get us where we need to go without throwing farmers off the farm in the process. Also, its ability to immediately make our exports price competitive should improve the prospects for a much quicker turnaround in world commodity prices by discouraging production in competitor nations and enhancing demand.

TARGET PRICES

In addition to the marketing loan, target prices should continue to be utilized to maintain farm income.

Target prices for the 1986 crop would be set at the national average cost of production, including returns to land. The cost of production determination would have to be approved by the National Agricultural Cost of Production Standards Review Board—made up of producers representing all regions of the country—but in any case may not be set at less than $4.75 per bushel for wheat and $3.45 per bushel for corn. Target prices for other feed grains would be set at a level which is fair and reasonable in relation to corn.

Many believe that the structure of past farm programs—with benefits tied directly to the amount a farmer produces—has actually worked to discourage our efforts to control overproduction. With no limitation on the level of production eligible for deficiency payment protection, financially

strapped farmers are forced to grow as much as they can on the acres they are not required to idle. This results in added input costs for the farmer, generally higher yields on the cropped acreage, surplus production nationwide despite the acreage reduction program in effect, and continuing depressed prices.

For this reason, consideration should be given to offering target price protection on only that percentage of a farmer's production deemed necessary to meet domestic needs, or 50 percent of the farmer's acreage base and proven yield, whichever is higher.

FARMER'S COLA

Once the 1986 crop target price has been established, farmers should be assured of future COLA adjustments in the target price level to guarantee that this important income protection tool will keep pace with increased living expenses.

The farmer's COLA could be determined in the same manner as the cost-of-living adjustments for Social Security and other Federal programs, with a modification to account for long-term yield increases.

Had such a formula been in effect, the 1985 wheat and corn target prices would have been increased by 8 cents and 6 cents per bushel, respectively.

SOYBEAN TITLE

The soybean program would be maintained as provided for under current law.

The loan rate is established by taking 75 percent of the national average price for the preceding 5 marketing years, excluding the high and low years, but not less than $5.02 per bushel.

SUGAR TITLE

The sugar program would be maintained as provided for under current law.

Loan rates—raw sugar basis—would be only slightly adjusted from the 1985 crop support level of 18 cents per pound. Loan rates would be established at 18.5 cents per pound in 1986, 19 cents in 1987, 19.25 cents in 1988, and 19.5 cents in 1989.

The use of fees, duties, and quotas, if necessary, would continue to be used to prevent the forfeiture of sugar to the Goverment.

Unlike most commodities in the farm bill, sugar is a deficit crop. We currently produce only about two-thirds of the sugar that is needed to satisfy domestic demand. Therefore, the sugar program should not mirror other commodity programs which may be addressing a surplus situation, as is being proposed in the administration's farm bill.

DAIRY TITLE

The dairy industry has been forced to undergo a severe period of adjustment in recent years. Although the Dairy Diversion Program proved successful in reducing surplus production and in lowering the cost of the Dairy Price Support Program, its expiration on April 1 combined with the number of cows now ready to be milked does not bode well for the future.

The dairy sector has traditionally been the least concentrated and has overwhelmingly been made up of relatively smaller, family-sized dairying operations. With the continuing threat of support cuts in the future that will be further encouraged by technological advances that could drive many smaller farmers out of business, it is important that some limits be placed on the amount of surplus milk being purchased from enormously large-scale operations—many of which are operated solely for tax shelter purposes.

For this reason, I believe that consideration should be given to a three-tier price support program for dairy farmers depending on their annual level of production. A support price of $13.10 per hundredweight would apply for production from any producer up to 1 million pounds per year, a $10.10 support level would be offered for production from any farm in the 1-2 million pound range, and a $7.10 price support would be provided for dairy farmers in excess of 2 million pounds annually.

Because the CCC would pay the lower support levels on the milk equivalent production coming from larger farms, milk handlers would be compelled to offer lower prices as a farmer's annual production exceeded the 1 million and 2 million pound thresholds.

Such a plan would also encourage more aggressive marketing of milk and dairy products by milk handlers, instead of forcing the dairy farmers themselves to bear the major burden of promotion costs.

In light of the continuing budgetary pressures that threaten additional price support cuts, and anticipated technological advances that could further aggravate the supply-and-demand imbalance in dairy, it is important that Congress make future price support modifications with the small- and medium-sized efficient family farmer in mind.

CONSERVATION TITLE

LONG-TERM ACREAGE CONSERVATION RESERVE

During the export boom of the 1970's, the amount of cropland harvested by U.S. farmers increased by 56 million acres.

To assist American agriculture in coping with new market realities brought on by world recession, an overvalued American dollar, the multiyear effects of past embargoes, and increased production from our competitors, I propose that a 10-year long-term acreage conservation reserve be established to take some 20 million acres of erodible cropland out of production.

This program will achieve two goals. First, it will focus on retiring that portion of cropland which is most responsible for wind and water erosion problems. In so doing, benefits will accrue in such areas as water quality, wildlife and waterfowl habitat, flood damage, dredging costs, timber availability, reservoir lifespan, and various soil and water conservation goals.

Furthermore, by allowing farmers to bid in highly erodible acres that have been cropped in 3 of the past 5 years, such a program will decrease production of agricultural commodities, lower the cost of commodity price support programs, reduce surpluses, and strengthen prices received by farmers.

SODBUSTER

In addition to the long-term conservation reserve, I believe we need strict "sodbuster" language to ban any type of Federal price or income support for commodities grown by farmers who plow up new land for crop production that is classified as highly erodible. The ban would extend to, among other things, crop insurance protection and Farmers Home Administration loans, in addition to traditional farm program benefits.

This ban would not apply to land cultivated for crops during the decade prior to enactment, to crops planted before enactment of the law, or to any crops produced under a conservation system approved by a local soil conservation district.

TRADE TITLE

Key concepts: First, prohibit agricultural embargoes under any circumstances, other than war, in which case farmers shall be compensated according to their loss in export market share. Second, firm commitement to match foreign export competitors subsidy-for-subsidy. Third, reciprocity—U.S. Government must demand open access to export markets and not permit other countries to continue benefiting from liberal access to our market while they prevent our farmers from selling in their own country.

CURRENCY ADJUSTMENT FARM EXPORT PROGRAM

Federal deficits have increased real interest rates, encouraged an overvalued dollar, and damaged the competitiveness of American farm exports in the world market.

In addition, while farmers—as major exporters—may suffer more than any other sector from an overvalued dollar, their petroleum-based input costs do not reflect the import advantages normally associated with a strong curreny as world oil prices are denominated in U.S. dollars.

This administration has presided over a 30- to 40-percent appreciation in our currency. No businessman—including farmers—can successfully operate in a wildly fluctuating environment

that prevents effective long-term planning. If the administration wants to make farmers depend soley on the world market, then it must bear the responsibility for Government actions—deficits, Federal Reserve Board policies, and so forth—or volatile international economic forces—investment flows which alter currency values—which directly impact on our farmers' export competitiveness.

In short, farmers have a right to know what is expected of them and not be subject to extreme currency valuations.

To accomplish this, I propose that a 5-year currency index be established to show the historical relationship between the U.S. dollar and the currencies of our major grain export competitors. Whenever the value of the U.S. dollars exceeds the 5-year rolling average, the CCC would be authorized to compensate for this difference with surplus government-owned food stocks or cash payments, whichever is more efficient and cost effective.

Everyone acknowledges the damages effect an overvalued dollar has had on farm exports. If American farmers are now expected to compete against foreign farmers who have been given a 40-percent currency exchange advantage, then a currency adjustment program should be incorporated into the farm bill that will establish a "level playing field" and allow our farmers' export competitiveness to reflect the true comparative advantage of American agriculture.

BARTER

Those who scoff at the potential role for barter in world trade are guilty of the same textbook-type of thinking that cannot explain the allegedly inefficient imposition of Japanese import restrictions or European Community export subsidies.

The fact of the matter is that roughly 10 percent of all world trade is now conducted through barter and our national export policies must be adjusted to reflect these present realities in the world market.

I believe that a $500 million barter fund should be authorized as a separate revolving account within the Commodity Credit Corporation. The fund would be drawn upon to cover costs associated with bartering surplus agricultural commodities and would be replenished upon receipt by the General Services Administration—from the USDA—of any critical minerals, strategic materials, or other barter trade obtained for our national defense stockpiles.

A strong, responsibly run CCC barter program offers the advantages of reducing Government-owned commodity surpluses, increasing farm exports to cash-poor countries, reducing overall farm program costs, and strengthening commodity prices.

Of course, the establishment of an efficient mechanism for conducting barter trade will further serve the country by permitting an improved method of obtaining critical minerals crucial to our national defense and also the acquisition of oil for storage in the strategic petroleum reserve.

ETHANOL

The U.S. ethanol industry is still in its infancy. But if the market for ethanol consumption can be increased, this renewable energy resource could have enormous market implications for our farmers.

For example, in the United States, approximately 100 billion gallons of gasoline are consumed annually. If that gasoline were blended with 10 percent ethanol, it would require the use of 4 billion bushels of corn. Approximately 8 billion bushels of corn are produced each year in the United States.

Unfortunately, highly subsidized foreign producers are exploiting loopholes in current law which threaten the stability and further development of our domestic ethanol industry.

Congress must amend our trade laws to close the loopholes which presently permit tariff-free ethanol imports from Brazil and Spain.

An enormous opportunity presents itself for the ethanol industry as the Environmental Protection Agency [EPA] decreases the maximum lead content in gasoline during the coming months. It has been estimated that this regulatory change could require eight times the 1984 supply of alcohol for octane boosting purposes in order to eliminate U.S. leaded gasoline.

However, it is crucial that Congress act now to amend our trade laws so that this increased demand for ethanol is satisfied by our domestic industry and benefits American farmers, instead of producers from Brazil or the EEC.

CONCLUSION

Clearly a change is needed. Ronald Reagan has spent 3½ times the amount spent during the Carter administration on direct Federal farm payments—deficiency, diversion, PIK, disaster, and storage payments—yet today's farm economy is in shambles.

But you can't throw the baby out with the bath water. And you can't gut the present farm programs unless you have something better to put in its place.

The administration has emphasized that the 1985 farm bill must be "market-oriented." While I strongly agree that we need to expand exports, the issue of market-orientation must not be used as an excuse to slash farm price supports.

Just slashing farm price supports does not make it a market-oriented farm program.

It is important that we strive to win new foreign markets and allow our farmers the opportunity to fully profit from America's comparative advantage in agriculture. But it is also important to remember that farmers have been burned before after being told by national policymakers to produce for the export market.

During the Nixon-Ford administration farmers were instructed to "plant fence-row-to-fence-row," but the oilseed embargo of 1973 reduced our farmers' share of world trade in soybeans from 90 percent to 50 percent.

Again, during the Carter administration, farmers were encouraged to "feed the world," but the 1980 Soviet grain embargo cut our share of the Soviet export market from 72 percent to 18 percent and further eroded America's reputation as a reliable supplier.

Now under the Reagan administration, farmers are once again being told to produce for the export market. But 4 years of record budget deficits and Federal Reserve Board monetary policies have appreciated our currency to the point where our export competitors have been given a 30- to 40-percent price advantage.

Farmers are by their very nature market oriented. They want to be able to sell in the marketplace and receive a price that covers the cost of their production plus a fair profit. But there is no such thing as a free world market in agriculture today and we must craft a 1985 farm bill that clearly recognizes the trade practices of other nations.

Without a thoughtful long-term agricultural plan to put some much-needed income into the pockets of our farmers, rural America is poised for a massive shakeout that I fear will have severe societal consequences through this century.

In addition, the rural economic disruption and dislocation caused by hard working families being forced off the farm would have a far worse effect on the deficit than the relatively minor expenditures that are needed now to provide some stability to our farms and rural areas.

Agriculture is the foundation of our economy. When farmers make a profit, they put that money right back into the economy by purchasing equipment, supplies, and other inputs which, in turn, create jobs and make our country more prosperous. Therefore, it is ultimately in the best interests of every citizen in our country that we have a strong agricultural sector.

Even during these times of severe budget constraints, I remain optimistic that a strong 1985 farm bill is achievable. As a senior member of the House Agriculture Committee, I intend to continue fighting during this year's congressional deliberations for what our farmers need—strong farm prices, reduced interest rates, low inflation, and fair trade laws.●

REMOVING THE SOCIAL SECURITY TRUST FUNDS FROM THE UNIFIED FEDERAL BUDGET

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. YOUNG of Florida. Mr. Speaker, this morning I had the opportunity to testify before the Ways and Means Subcommittee on Social Security in support of H.R. 1385, legislation I've introduced to accelerate the removal of the Social Security trust funds from the unified Federal budget.

The Social Security trust funds were established 50 years ago as an autonomous, self-supported program with independent trust funds. Despite this clear separation from other Federal accounts, there are some in Congress who have suggested that Social Security cost-of-living adjustments should be reduced or eliminated to lower the Federal deficit.

As I told the committee this morning, it's wrong to suggest this, because regardless of how much money is in the trust funds, it cannot be used to fund national defense programs, build roads and bridges, fund education or farm programs, or finance the interest on our national debt.

I have, for this reason, consistently opposed any attempts to tamper with Social Security benefits as a means to provide for phony budgetary savings. It's my hope that the Ways and Means Committee and the House will act promptly on my legislation to remove the Social Security trust funds from the unified budget and reassure our Nation's 36 million Social Security recipients that they will receive their full cost-of-living adjustments as scheduled on January 1, 1986.

The statement I presented to the committee follows:

TESTIMONY OF CONGRESSMAN BILL YOUNG BEFORE THE WAYS AND MEANS SUBCOMMITTEE ON SOCIAL SECURITY, APRIL 23, 1985

Mr. Chairman, I want to thank you and the members of your Committee for allowing me to testify this morning in support of H.R. 1385, legislation I introduced to accelerate the removal of the social security trust funds from the unified federal budget.

As you know, the National Commission on Social Security Reform and the Ways and Means Committee supported this proposal in 1983. The Social Security Amendments of 1983 included a provision to remove the social security trust funds from the unified federal budget, but not until 1993. My legislation, Mr. Chairman, would make this accounting change effective in fiscal year 1986.

The social security system was established 50 years ago as an autonomous, self-supported program with independent trust funds financed by employee and employer contributions. Congress has been careful throughout the years to keep the social security system independent from general Treasury accounts to insulate the program from political and budgetary pressures. Unfortunately, social security recipients in recent years have all too often been held hostage by Congress.

Once again this year, it has been suggested that social security cost-of-living adjustments should be eliminated or reduced to lower the federal deficit. This is an attempt not to effect changes for the long-term betterment of the social security system, but to meet short-term budgetary goals.

Throughout the program's history, the system has maintained, for the most part, a trust fund surplus. To capitalize on this situation, President Johnson began in 1969 to incorporate the social security trust funds into the unified Federal budget so that the surpluses would offset the mounting federal deficits. This practice will continue as long as the Federal government is allowed to maintain this accounting system.

Changes to the social security system should only be considered by Congress to ensure the program's financial stability. That is clearly not the case this year because cost-of-living reductions are being proposed even though the Social Security Administration's actuaries project the system will maintain a $37 billion surplus through the end of this fiscal year.

If full cost-of-living adjustments are paid to beneficiaries as scheduled January 1, 1986, at a cost of $5.8 billion, the actuaries estimate the social security trust funds still will increase to $45 billion by the end of fiscal year 1986. Acting Social Security Commissioner Martha McSteen reaffirmed this fact in response to my questions during an appropriations subcommittee hearing last month.

Mrs. McSteen also clearly stated, and I quote, "that due to the dedicated contributions financing the payout * * * that whatever (the social security trust funds') expenditures are, and whatever the income is, does not affect the unified federal budget." To clarify this point, I asked her if the social security surplus could be used to fund national defense programs, build roads and bridges, provide for education or farm programs, or finance the interest on the national debt. In each case her answer was no.

It's wrong to suggest otherwise because the surplus cannot be used to reduce the budget deficit. For this reason, I have steadfastly opposed any attempts to eliminate or reduce the scheduled January 1, social security cost-of-living increase.

The budgetary choices Congress must face throughout this decade will only become more difficult, and as they do, the mounting social security surpluses will become more and more tempting. We cannot allow social security benefits to be chipped away year after year to provide false federal budgetary savings.

As the representative of more than 240,000 social security recipients in Pinellas County, Florida, it is my hope, Mr. Chairman, that your committee will affirm its support for full scheduled cost-of-living increases this year and that you will favorably consider my legislation to accelerate the separation of the social security trust funds from the general Treasury fund. Prompt action by Congress on this issue will return a sense of autonomy to the social security program and will reassure our nation's 36 million social security recipients that their benefits will no longer be in jeopardy year after year.●

IMPROVING OUR MEDICAL DEVICES LAW

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. MADIGAN. Mr. Speaker, today I am joined by the gentleman from North Carolina [Mr. BROYHILL] in introducing the Food, Drug and Device Amendments of 1985. This bill responds to a request by the administration to amend the medical device provisions of the Federal Food, Drug, and Cosmetics Act [the Act] to make those provisions more effective.

Under present law, devices classified as "class I" are subject only to general controls under the act, while the Secretary of Health and Human Services is required to establish performance standards for all devices in class II.

Under this proposal, present classes I and II would be combined in a new class I category, and the Secretary would be authorized, but not required, to establish a performance standard for any device upon a finding that such a standard was necessary to provide reasonable assurance of safety or effectiveness. The bill would also streamline the procedure for establishing performance standards.

These amendments to the medical device law address the difficulties the Food and Drug Administration has faced in efforts to administer these provisions. Issuance and enforcement of mandatory performance standards for each of the 1,100 devices presently classified or proposed for classification in class II is not necessary to protect the public health and safety. For many of these devices, the general controls under the act and the adoption of voluntary standards by industry have proved to be sufficient. In those cases where establishment of a Federal performance standard is desirable, the present cumbersome statutory procedure is extremely time consuming and wasteful of administrative resources. For these reasons, we strongly urge adoption of these proposed amendments.

The bill would also enact various other amendments intended to improve the Department's ability to administer the act and would reduce administrative burdens both for the Department and for regulated firms without compromising the protection of the public health. The bill would enable the Secretary to obtain injunctions against the manufacture and distribution of counterfeit drugs; would repeal the requirement that the Department certify batches of antibiotic drugs upon request by the manufacturer; would repeal reporting requirements concerning electronic product

radiation; and would repeal the obsolete Filled Milk Act.

We urge our colleagues to give this largely technical bill their prompt and favorable consideration. We are advised by the Office of Management and Budget that enactment of this bill would be in accord with the President's economic program.

The provisions of the bill are discussed in more detail in the section-by-section summary which follows:

FOOD, DRUG, AND DEVICE AMENDMENTS OF 1985 SECTION-BY-SECTION SUMMARY

SHORT TITLE

Section 1 would provide the short title of the bill. When enacted, it would be cited as the "Food, Drug, and Device Amendments of 1985".

AMENDMENT TO COMBINE CLASS I AND CLASS II MEDICAL DEVICES INTO A SINGLE CLASS I

Section 2 of the bill would combine into a single class I the medical devices currently in class I (for which general controls under the Federal Food, Drug, and Cosmetic Act (FFD&C Act) are sufficient to provide reasonable assurance of safety and effectiveness) and class II (for which performance standards are required). Current class III (devices for which premarket approval is required) would be redesignated class II.

REVISION OF PROCEDURES FOR ESTABLISHING MEDICAL DEVICE PERFORMANCE STANDARDS

Section 3 of the bill would authorize the Secretary to establish a performance standard for any medical device, regardless of its classification, if she finds that such a standard is necessary to provide reasonable assurance of the safety or effectiveness of the device with respect to one or more aspects of the performance of the device. Under present law, the Secretary may establish performance standards only for class II devices.

This section would also repeal the present statutory procedures under the FFD&C Act for developing and establishing performance standards for medical devices, and would substitute a procedure similar to the one presently in use for prescribing performance standards for radiation-emitting electronic products under section 358 of the Public Health Service Act. Under this revised procedure, the Secretary would set standards by informal notice-and-comment rulemaking under the Administrative Procedure Act, in consultation with an appropriate advisory committee.

AUTHORITY TO ENJOIN PROHIBITED ACTS INVOLVING COUNTERFEIT DRUGS

Section 4 of the bill would eliminate the provision of the FFD&C Act which bars the Secretary from obtaining injunctions against the manufacture and distribution of counterfeit drugs and the making, selling, or concealing of the equipment used to make counterfeit drugs.

REPEAL OF REQUIREMENT TO CERTIFY BATCHES OF ANTIBIOTIC DRUGS UPON REQUEST BY MANUFACTURER

Section 5 of the bill would repeal a provision of the FFD&C Act which requires the Secretary, upon request by a manufacturer, to certify batches of antibiotics for conformity to applicable standards of identity, strength, quality, and purity. This provision, which has never been used, is included under the requirement that the Secretary certify each batch of antibiotics unless she has specifically exempted the antibiotic from this requirement.

Because of improvements in manufacturing, it has been determined that batch certification of antibiotics is no longer necessary to protect the public health, and the Department has, through regulations, exempted all antibiotics from batch certification requirements. (Batch certification could be reinstated temporarily where needed.) The remaining requirement for certification of batches of antibiotics upon demand by manufacturers is not necessary to protect the public health, and would be repealed by this proposed amendment.

REPEAL OF ELECTRONIC RADIATION REPORT REQUIREMENTS

Section 6(a) of the bill would repeal the requirement in the Public Health Service Act that the Secretary periodically study and report to the Congress on State and Federal control of health hazards from electronic product radiation, standards for the use of nonmedical electronic products, and procedures for the detection and measurement of electronic product radiation. This information would continue to be supplied to the Congress upon request and, as appropriate, in the FDA annual report.

Subsection (b) would repeal the requirement that the Secretary annually submit to the President for submission to the Congress a report on the administration of the electronic product radiation control program. This information would continue to be supplied to the Congress upon specific request and, as appropriate, in the FDA annual report.

REPEAL OF THE FILLED MILK ACT

Section 7 of the bill would repeal the Filled Milk Act. The Act, which bars interstate shipment of milk, cream, or skimmed milk which has any added fat or oil other than milk fat, was declared unconstitutional in 1972 and is not enforced.●

CONTADORAN PROCESS ESSENTIAL FOR PEACE IN NICARAGUA

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. SYNAR. Mr. Speaker, I support the bipartisan proposal put forward by Mr. BARNES. I believe this approach is a much better means of achieving peace in Nicaragua than our past policy of military aid to the Contras.

We have a vested interest in Nicaragua because of its importance in Central America and its nearness to our country, and I have no intention of letting it become a Cuban-Soviet satellite. Right now, however, I believe our best hope of ending the conflict is bilateral talks that bring the two sides together for a negotiated peace through the Contadora process.

The CIA has spent $70 to $100 million on aid to the Contras. Rather than encouraging the Sandinistas to establish a democracy, this aid has actually given the Sandinistas an excuse to restrict individual freedoms. The Sandinistas view the terrorist activities of the Contras as a threat to the current government, and react accordingly. Continued military aid from the United States is certainly not going to induce the Sandinistas into loosening individual freedoms. If history is any teacher, the opposite will happen.

The administration has resorted to emotional appeals for military aid by referring to the Contras as "our brothers" and "just like our Founding Fathers." These characterizations are offensive. Neutral observers have documented numerous cases where Contra terrorists have kidnaped, tortured, and murdered innocent civilians, many of them women and children. Just recently, Contra forces massacred a wedding party in Nicaragua made up entirely of unarmed civilians, most of whom were women.

The administration argues that we should aid the Contras to prevent a Sandinistas military buildup and guarantee that they do not export their revolution. I believe both of these concerns are seriously overstated. First, attacks by the Contras give the Sandinistas an excuse to expand their military forces. It is illogical to assume that they will reduce their arms expenditures in the face of large guerrilla attacks. Second, the administration has failed to provide credible evidence that the Sandinistas are promoting foreign revolutions. In fact, the conservative Wall Street Journal recently wrote that Nicaragua "does not seem to be 'eager puppets' of Moscow or a serious military threat to neighboring countries, as President Reagan claims."

The admininistration claims to support negotiations between the Sandinistas and the Contras, but has so far focused its efforts exclusively on military support for the Contras. If the administration were seeking a peaceful settlement of its differences with Nicaragua, it would be supporting the efforts of the Contadora group—Mexico, Venezuela, Panama, and Colombia—which had produced several draft treaties on ending the conflict in Central America. If there are defects in these drafts, the administration should be negotiating to improve them, rather than seeking more funds for the Contras.

The Barnes proposal provides for the necessary U.S. support for the Contadora process. It provides $4 million for expenses arising from the implementation of a Contadora agreement, such as expenses for peacekeeping, verification, and monitoring systems.

The proposal also provides $10 million for humanitarian assistance for refugees who are outside of Nicaragua, regardless of whether they are associated with the Contras. This assistance is necessary to aid those civilians who have been forced to relocate due to conflict between government and Contra forces.

Finally, the proposal calls for continued congressional monitoring of Nicaragua's foreign and domestic policies in the areas of individual and press freedoms, dominance of the Sandinistas party, Soviet/Cuban ties and the military buildup, and efforts to export Sandinista influence and ideology. These are vital issues that are certain to determine whether future military aid is approved.

I have always believed that the United States should work toward a negotiated peace through the Contadora process. We will not achieve a peaceful settlement in Nicaragua by holding a gun to their head. The Barnes proposal provides the necessary incentives for future negotiations, while ensuring that Congress can act quickly if Nicaragua becomes a military threat to its neighbors.●

TAX EQUITY TO LEGAL GAMING INDUSTRY

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mrs. VUCANOVICH. Mr. Speaker, my distinguished colleague, Mr. REID, and I have introduced legislations, H.R. 2139 and H.R. 2138, to bring equity to the tax treatment of patrons of the legal gaming industry.

The first is a measure to exclude legal gaming payouts from gross income. The United States is the only country which taxes payouts from legal wagering as income. Foreign officials have prudently deemed such taxation of minimal gain, particularly at the cost of stimulating illegal operations. In short, taxation of legal winnings creates an advantage for the illegal operator, and thus serves only as a detriment to legal revenue efforts.

H.R. 2138, an alternative reform to H.R. 2139, simplifies IRS treatment of certain gaming winnings and corrects inequities regarding carryover of losses. This legislation enjoys a broad base of support, reaching far beyond patrons of the legal casino establishments in my State to those of parimutuel racing in 30 States, and of the State lotteries operating in 22 States and jurisdictions.

Both of these measures address erroneous Federal policy in a legitimate industry.

Mr. Speaker, at a time when individual States are assuming more responsibility for providing services to their citizens, I find it disturbing that the Federal Government continues to impede their efforts by encouraging illegal gambling outside the economy, further depriving them of scarce revenue dollars. The individual States authorize and oversee legal gaming operations in order to reduce the burden on their taxpayers. Federal tax policy in this area is regressive.

It should be noted that all of these changes were strongly endorsed by the Federal Commission on the Review of the National Policy Toward Gambling in 1976. Their final report concluded that withholding generates nominal revenues to the Federal Government, while encouraging the estimated $12 to $15 billion per year illegally wagered.

In most States, gaming is a legitimate form of revenue. This legislation would significantly increase State gambling revenues and reduce illegal gambling without adversely affecting Federal tax collection. These measures provide a crucial step in efforts to thwart illegal gaming operations and bolster State revenue goals.

I hope my colleagues will support these efforts to rectify tax treatment of law-abiding citizens who patronize legal gaming operations. Equity in this area is long overdue. I urge prompt and thorough consideration of these measures.●

THE NEED FOR EQUITY IN IRS DEFICIENCY ACTIONS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. SEIBERLING. Mr. Speaker, the legacy of the extraordinary complexity of the U.S. Tax Code is an increasing inability by ordinary taxpayers to file their income taxes without unintentionally running afoul of the Internal Revenue Service.

Every tax season, my staff deals with a growing number of bewildered, frightened, and angry constituents who find themselves in the unfortunate position of owing the Government money because they didn't understand their taxes. The result is an erosion of confidence in the Government and, in my judgment, reduced compliance with the tax laws.

Taxpayer deficiencies are bad enough. But the situation is needlessly exacerbated by the IRS' inability to exercise a little compassion and discretion when dunning taxpayers for their mistakes. A constituent of mine recently wrote to appeal for help with her tax problems. Because of apparent tax preparation mistakes beyond her control, my constituent was dunned by the IRS in 1981, 1982, and 1984, the latter when a 1981 tax deduction was disallowed by the IRS, nearly 3 years after her tax return was filed. My constituent is an elderly widow now living on $500 a month, who finds herself owing the IRS $400 because of unintended mistakes on her tax return.

My constituent's deficiency problems are bad enough. But to add insult to injury, she actually overpaid her income taxes in 1979. One might think my constituent would be allowed to credit her overpayment against her deficiencies, but because of the 3-year statute of limitations on amending tax returns, she is completely unable to get any credit for her overpaid taxes. So, the IRS is making sure she pays fully for her deficiencies. But the Federal Government also keeps her earlier overpayment because the statute of limitations allowing her to claim the overpayment has expired.

This is absurd and it is unjust. The IRS is right to follow the letter of the law in tax dealings, but there are times when the spirit of the law and the principle of basic equity must also be allowed to be brought into play.

With that in mind, I am today introducing legislation which will give the IRS Commissioner the discretionary authority to waive the statute of limitations for the purpose of carrying forward taxpayer overpayments as a credit against subsequent deficiencies, where equity demands that such action be permitted. Only the principal amount of the overpayment—no interest—may be carried forward, and the decision to do so is discretionary, so the IRS will be free to deny the carryforward in cases which do not merit such action, such as, for example, an instance in which a taxpayer deliberately enters into a deficiency in order to claim a longstanding overpayment. The overpayment may be carried forward only as a credit against deficiencies, so the Government cannot and will not reimburse a taxpayer for a prior overpayment.

Mr. Speaker, enactment of my bill would at least give the IRS the authority to deal with problems such as that of my constituent with a little more leeway, hopefully eliminating this woeful inequity in taxpayer treatment.●

JERSEY CITY'S ST. PAUL'S CHURCH IN BERGEN (EPISCOPAL) CELEBRATES ITS 125TH ANNIVERSARY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. GUARINI. Mr. Speaker, this year St. Paul's Church in Bergen (Episcopal) is celebrating its 125th anniversary on Sunday, April 28, 1985, at 4 o'clock in the afternoon when a Festival Eucharist Service will be held with all former parishioners and friends invited to attend.

The church has been located on its present site at 38 Duncan Avenue, Jersey City, since May 21, 1861, but its name derives from its location in the town of Bergen, which was the first

permanent settlement in New Jersey, founded in 1660 by a group of Dutch burghers from New Amsterdam.

Bergen figured in the American Revolution in 1776, when for 1 month it was the headquarters of the American Army, which surprised the British forces at the Battle of Paulus Hook and captured the British fort.

At the services on Sunday, Bishop Jose Gonzales, D.D., retired bishop of Cuba, will be the celebrant and the Right Reverend Leland Stark, D.D., will preach the sermon.

Mr. James Adler, organist and music director of Saint Paul's Church, will introduce a festive choral amen for chorus and organ, which will receive its premiere on this occasion. The choir of St. Paul's Church will be joined by the choir of St. Aloysius Roman Catholic Church on this occasion.

I was pleased to send my message of good will, along with greetings from the Right Reverend Paul Moore, Episcopal bishop of New York; the Right Reverend John Shelby Spong, Episcopal Bishop of Newark, NJ; Most Reverend Jerome Pechillo, Episcopal vicar of the Archdiocese of Newark, Senator BILL BRADLEY, Democrat of New Jersey; Senator Frank LAUTENBERG, Democrat of New Jersey; the Honorable Gerald McCann, mayor of Jersey City; and the Berkeley Divinity School of Yale University.

The Reverend Francis W. Carr, a native of Boston, MA, became the 10th rector of St. Paul's Church in 1969. During his rectorship he has developed ecumenical relations in the community. The enhancement of the value of the property has been greatly improved under his rectorship. He has served 15 years on the board of trustees of Christ Hospital. Various other boards on which he has served are: Red Cross, Young Men's Christian Association, Christ Hospital Community Mental Health, and Let's Celebrate, a church-sponsored organization that feeds the hungry.

During the past 14 years, there has been a summer program for neighborhood children. Services have been extended to many community groups, such as the Duncan Avenue Neighborhood Association, Cub Scouts, Alcoholics Anonymous, Jersey City Preservation and Restoration Association, and tenant associations. The 100th anniversary of Christ Hospital Service of Thanksgiving was held at the church in 1973 with Presiding Bishop Hines in attendance.

With the ever-changing population in the city, the Reverend Francis W. Carr has extended and encouraged the fellowship of worship to all who desire to participate in the services.

The archives of the church reflect the following history:

1860-86.—Until 1860, there was no Protestant Episcopal Church in the township of Bergen. The nearest were Holy Trinity in Hudson City, of which the Reverend L.L. Nobel was rector, and Christ Church at Claremont under the rectorship of the Reverend O. Harriman. The need for a church became more apparent for the residents in Bergen, and a group of individuals began holding services in a small school house on Gardner Avenue in Jersey City. The property was owned by Mr. E.B. Wakeman. The group grew, and in August 1860, the Right Reverend W.H. Odenheimer, bishop of New Jersey, gave permission to organize a new parish in the town of Bergen. Two wardens and eight vestrymen were elected and the Reverend Fernando C. Putnam was chosen as the first rector of the new parish. The incorporation of Saint Paul's Church in Bergen (Episcopal) was on December 28, 1860, in Jersey City, NJ.

The Reverend Fernando C. Putnam served as rector of the church from 1860 to 1886. Under his supervision, the property on which the church stands was purchased in 1861. During this period, a building fund was established to acquire more land. Mr. Putnam died on October 27, 1886, and the vestry selected a new rector.

1887-1918.—The Reverend William Peck Bush of Northampton, MA, became rector of Saint Paul's Church in 1887. The original edifice was completely renovated under his rectorship, and the parish house and Sunday school room were rebuilt through the generosity of the Women's Auxiliary Missionary Society. The Evening Journal of April 21, 1889, described the building as one of the most beautiful churches in the city. Saint Paul's grew during this period. Mr. Brush became ill and was appointed by the vestry as rector emeritus with a yearly stipend for the rest of his life. He died on November 21, 1919.

1916-17.—The Reverend A. Glover Dunseath was the next rector and he came from St. George's Church in New York City. His rectorship was of short duration, for he left early in the war to become an army chaplain.

1917-21.—The Reverend Joseph Russell Lynes, from Great Barrington, MA, accepted the call to become the new rector of Saint Paul's Church in Bergen. During his rectorship, the church progressed, and Gov. Edward I. Edwards, a vestryman of Saint Paul's Church, unveiled in January 1921 a service flag, dedicated to the many young men of the parish who served in World War I. Dr. Lynes, during his rectorship, was awarded an honorary doctorate by Lafayette College. He resigned in December 1921 to become rector of Saint Paul's Church in Englewood, NJ, where he remained until his death in 1932.

1922-37.—The Reverend Edgar L. Cook had been a chaplain during the first World War. During his 15 years at Saint Paul's Church, the city changed greatly and the church grew. In May 1937 he resigned to become rector of Christ Church in Hackensack, NJ, where he remained until his death in 1942.

1937-46.—The Reverend John L. Ledger came from Ellensburg, WA, and became rector of Saint Paul's Church in 1937. During this period, the activities of the church multiplied. He was appointed archdeacon of Hudson County. He resigned to accept a call in 1946 to Reno, NV. During World War II and the Korean conflict, the young men of St. Paul's served their country in various parts of the world. Three of them, Robert Berkhofer, Oliver Jones, and William Worfolk, lost their lives in the performance of their duties and are represented by gold stars on St. Paul's Roll of Honor.

The Reverend Leon H. Plante came from Fitchburg, MA. Under his leadership, there was an increase in youth activities. He was responsible for what is known as the every member canvass. In 1949, he resigned to accept a call in Hawthorne, NJ. During his rectorship, the church was in sound financial condition, and a marked increase in the number of communicants occurred.

1950-66.—The Reverend Francis Slade Danzoll became the eighth rector of Saint Paul's Church in January 1950. He had served as executive assistant at Grace Church in New York City. The year of 1950 saw many changes at Saint Paul's Church. He reorganized the church school and supervised repairs and improvements which were begun on the church property. He was appointed as archdeacon of the Hudson Convocation and president of the Christ Hospital Board of Trustees and established the endowment fund for the church. Financial growth was marked during this period, and during the first year he inaugurated a Christmas service called "A Festival of Nine Lessons and Carols." Framed from ancient precedent, the nine lessons tell the story of redemption as portrayed in Holy Scriptures. This event has become an annual service.

1966-69.—The Reverend Frederick Ward Kates served during this period as rector of Saint Paul's Church. He is a gifted writer and author and has written many devotional books. He enhanced the value of the property, and the driveway was extended to park 14 cars.

Saint Paul's Church, with its dignity and community service, has meant so much to Jersey City. It is a delight to witness the devoted parishioners visiting the church on Sunday. It reminds me so much of the words of Henry Ward Beecher, who said:

A world without a Sabbath would be like a man without a smile, like a summer without

flowers, and like a homestead without a garden. It is the joyous day of the whole week.

I believe this church deserves a special tribute for promoting the spirit of ecumenism and teaching the brotherhood of man,

Let us walk joyfully answering to that of God in every man.

Their interaction in the community echoes the words of His Excellence, Pope John Paul II when speaking at an ecumenical meeting at Trinity College when he visited America during October 1979, where he said:

I have endeavored to devote myself to the service of Christian unity; for, as I stated in my first Encyclical, it is certain that in the present historical situation of Christianity and of the world the only possibility we see in fulfilling the Church's universal mission, with regard to ecumenical questions, is that of seeking sincerely, perseveringly, humbly and also courageously, the ways of drawing closer and of union (Redemptor Hominus, 6).

I am certain that all of my colleagues here in the House of Representatives wish to join me with a prayer for the continued service from this dedicated parish and a salute for its 125 years of service to God and man.●

PAUL GONZALEZ HONORED

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. GARCIA. Mr. Speaker, today we acknowledge the extensive talents of Cliff Gonzalez, a young man whose ability, determination, and willpower provides inspiration to his generation and ours.

Cliff is a senior student-athlete at St. Raymond High School in the Bronx. Cliff's physical talents are displayed most vividly on the baseball field, where his accomplishments earned him distinction as the New York Post's High School athlete of the week. However, Cliff's accomplishments are not limited to the ballfield. Cliff Gonzalez has close to a 90 average and also has a strong desire to attain a college education before fulfilling his dream of a professional baseball career. In these ways, Cliff Gonzalez has earned our respect and our admiration.

I would like to extend my best wishes to Cliff Gonzalez in his future endeavors. For as the following article accurately denotes, Cliff's enormous talents will not end with high school.

[From the New York Post, Apr. 10, 1985]

POST HS ATHLETE OF WEEK

CLIFF GONZALEZ, ST. RAYMOND

(By Steve Barenfeld)

Cliff Gonzalez can do it all—and last week he did.

Gonzalez, a senior centerfielder for St. Raymond HS in The Bronx, went 10-for-16 with two home runs, three doubles and seven RBIs to lead the Ravens to five victories.

For his outstanding performance, Gonzalez is The Post's High School Athlete of the Week.

Gonzalez, 5-10, 155-pounds, started poorly last week. Batting third, he went 0-for-2 in a 3-2 win over Lehman on Tuesday. On Wednesday, the lefthanded-hitter, who throws righty, went 2-for-3 and drove in a run in St. Ray's 14-0 rout of St. Francis Prep. The next day he again was 2-for-3 with a double and an RBI in a 3-2 victory over George Washington.

But it was Saturday when Gonzalez really started banging the ball. He went 3-for-3 with a homer, two doubles and an RBI in the morning when St. Ray's beat McClancy. Later in the day, in the Monroe Tournament, he went 3-for-5 with another home run and stole his 100th career base in a 27-0 stroll past Norman Thomas.

He doesn't plan on letting up, either.

"I think I can keep up this pace," said Gonzalez, who will be 18 next Thursday. "This is my last year and I want to leave with a bang."

There's no reason why he can't. Gonzalez, who hit .454 last season, is a marvelous athlete who already was considered major league material. But he has gotten better.

"I know I've improved tremendously," Gonzalez said. "This past winter I worked on Nautilus and improved my strength. I'm also smarter and more selective at the plate."

"He's the best player I've ever had," said Raven coach Ron Patnosh, who is in his 18th year. "He does everything. He can run—he goes from home to first in 3.8. He hits for power and average. He has a major-league arm."

"I think he has a good shot to get drafted."

So does Gonzalez, but that doesn't mean he'll go right for a pro career.

"If the money's right—over $40,000—I would sign," he said.

"But if not, I'll go to college."

Seton Hall, St. John's, Oklahoma State and Old Dominion have offered him full scholarships. But Gonzalez, who has close to a 90 average, would like to go to Yale.

"I'd like to be a business person," he said. "I know they have an average baseball program, but I don't think where you play in college makes that much of a difference. You really develop in summer leagues.

"I've always loved baseball, and my friends get mad at me because I'm always either playing or watching on TV. I'd love to play major league ball and I feel I have a very good shot."●

CALL TO MEMBERS OF CONGRESS BY NOBEL LAUREATES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mrs. SCHROEDER. Mr. Speaker, I wish to bring to the attention of my colleagues the letter from over half the living Nobel Laureates in the United States who oppose U.S. military action or aid against Nicaragua. A copy of the letter was delivered to each of our offices last week. I submit it here for the record and ask each of you to keep it in mind as we consider funds for the Contras.

CALL TO MEMBERS OF CONGRESS BY NOBEL LAUREATES ON THE QUESTION OF U.S. COVERT AID FOR USE AGAINST NICARAGUA

We, the undersigned Nobel Laureates, are opposed to any military action, overt or covert, by the United States government against the Republic of Nicaragua. Aggression against Nicaragua constitutes a violation of that country's territorial integrity and national sovereignty, a violation of treaties already approved by the U.S. Congress and sanctioned by international law, as well as a violation of the Charter of the United Nations.

We call upon the Congress to refuse its consent to any request by the Reagan Administration for funds, troops, training or materiel to be used either by the armed forces of the United States directly or by the "contras" or other forces in attacks upon the people and government of Nicaragua; and we call upon the Congress to urge negotiations with Nicaragua in order to improve the relations between the two countries.

We further call upon the Congress to stop the increasing militarization of Central America by the Reagan Administration.

Philip W. Anderson, Princeton University (Physics).

Christian Anfinsen, Johns Hopkins University (Biology).

Kenneth J. Arrow, Stanford University (Economics).

Julius Axelrod, National Institute of Health (Physiology or Medicine).

John Bardeen, University of Illinios (Physics).

Baruj Benacerraf, Harvard School of Medicine (Physiology or Medicine).

Paul Berg, Stanford University (Chemistry).

Owen Chamberlain, University of California, Berkeley (Physics).

Subrahmanyan Chandresekhar, University of Chicago (Physics).

John F. Enders, Harvard School of Medicine (Physiology or Medicine).

Walter Gilbert, Harvard University (Chemistry).

Sheldon Lee Glashow, Harvard University (Physics).

Roald Hoffman, Cornell University (Chemistry).

Robert W. Holley, Salk Institute (Physiology or Medicine).

David H. Hubel, Harvard School of Medicine (Physiology or Medicine).

Gar Gobind Khorana, Massachusetts Institute of Technology (Physiology or Medicine).

Wassily Leontief, New York University (Economics).

Salvador E. Luria, Massachusetts Institute of Technology (Physiology or Medicine).

Edwin M. McMillan, Lawrence Berkeley Laboratory (Physics).

Severo Ochoa, Hoffman LaRoche, Inc. (Physiology or Medicine).

Linus Pauling, Palo Alto (Chemistry, Peace).

Herbert A. Simon, Carnegie-Mellon University (Economics).

Albert Szent-Gyorgi, Woods Hole Marine Biological Laboratory (Physiology or Medicine).

Henry Taube, Stanford University (Chemistry).

Howard M. Temin, University of Wisconsin, Madison (Physiology or Medicine).

James Tobin, Yale University (Economics).●

BOAT PEOPLE RISK THEIR LIVES TO FLEE TO FREEDOM, THAI FISHERMEN AID MANY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. SOLARZ. Mr. Speaker, over 280 Indochinese refugees, who sought to escape persecution and repression in their homelands by taking to the sea in small boats, lost their lives last year due to drowning, murder, and abductions at sea by pirates.

Recently, the New York Times published an article by Ms. Barbara Crosette on the continuing saga of the Indochinese boat people and the conditions under which they live in refugee camps in South East Asia. Because of the importance of this story, I ask, Mr. Speaker, that Ms. Crosette's article be reprinted in today's CONGRESSIONAL RECORD.

VIETNAMESE BOAT PEOPLE: A 10-YEAR, ONE-WAY TIDE

(By Barbara Crossette)

SONGKHLA, THAILAND.—In Hanoi and Ho Chi Minh City, the Vietnamese are preparing to celebrate the 10th anniversary of North Vietnam's conquest of the South. In towns and cities across the United States, veterans and scholars of the war are sitting back and analyzing a traumatic era.

But here on a beach in southern Thailand, Mai Xuan Sang has neither cause for celebration nor time for reflection. A few weeks ago Mr. Sang, a 40-year-old electrician, put his wife, two children, a sister and a brother-in-law in a 25-foot (10-meter) boat, turned his back on Vietnam and pushed out into a perilous sea.

"In Saigon," he said, using Ho Chi Minh City's old name, "I had no job, no money. I could not buy rice. We could not continue." "Twenty hours into his voyage, Mr. Sang said, the boat's motor stopped. He says he had to row for two days before being rescued by a Thai trawler. He considers himself lucky. Despite a sharp reduction last year in piracy, "seven out of 10 boats are still attacked," Mr. Sang said.

Ten years after the end of the Vietnam War, the "boat people" are still coming to Thailand. About 1,500 a month flee Vietnam by sea, according to UN figures. Another 2,000 leave monthly by air as legal emigrants under the Orderly Departure Program. Hundreds try to escape overland across Cambodia to Thailand.

Those who come by boat, like Mr. Sang and others passing through the reception center outside Songkhla on the Gulf of Siam, are no longer the rich and well-connected. In the small crowd that gathered around Mr. Sang one recent afternoon to hear him tell his story, there were fishermen, farmers, a teacher, shopkeepers and a goldsmith.

Many of them had little formal education; few spoke even rudimentary French or English. Almost none had guarantees of Western sponsorship. They were profiles, in short, of refugees who will be the hardest of all to place, relief workers say.

Yet nearly all of them have high hopes of a new life in the United States because of past associations with Americans who had left their lives as suddenly as they had entered, but who have never ceased to be thought of as potential saviors.

In the Songkhla camp, where the most recent arrivals from the Gulf of Siam are housed temporarily, family after family besieged a visitor with scraps of paper bearing the names of Americans they had once known, people they were sure would help them, even after all these years, if only they could be found:

"Colonel Shipman—be advised the Seventh Division," A Vietnamese veteran called out.

"MacPherson—can you find MacPherson who was in Ba Ang?" an old man asked.

"My godfather's name was Craig Wilson," a teen-ager said. "I think he is in California."

Sometimes they pressed party decipherable addresses into a visitor's hands.

After initial processing and medical care, the boat refugees, including increasing numbers who flee to the Union Oil Co. rigs in the Gulf and are brought ashore by UN-chartered vessels, move on from Songkhla to a camp in central Thailand to await resettlement. There, refugee workers help them trace relatives and friends abroad.

The accounts by newly arrived boat people suggest that many are leaving Vietnam after having served up to nine years in the prisons that Hanoi originally called "re-education camps." Most of the people say they were arrested because of their association with Americans or with the U.S.-supported South Vietnamese Army or government.

The United States last year offered to accept all re-education camp inmates who met immigration requirements. But Vietnam has not agreed to release them, saying it fears the exiles will form a dangerous source of opposition outside the country.

Bui Van Huot, 35, who fled Vietnam in January with his wife and four young children, was a cadet in the South Vietnamese military academy when U.S. troops left in 1973. He was rounded up in 1975 and imprisoned briefly. After being released, he said, he immediately began to plot an escape, while going to work as a farmer. It took him until 1985 to find a way out of the country.

Past refugees said a fee of several ounces of gold or the equivalent of several hundred dollars a person was commonly paid to secure a place on a boat. Refugees said the money often went to the local Vietnamese authorities, who sometimes provided the vessel.

Here at Songkhla, several refugees said they had paid very little or nothing for their passages, using instead the boats of friends who also wanted to escape. Their apparent poverty, however, did not prevent attacks by fishermen-pirates on the high seas.

Ho Le Thuy, a 43-year-old woman who fled Vietnam last August with her husband, a former South Vietnamese army officer, and six children, said their small craft carrying 13 persons was attacked three times in three days. Their last attackers, finding no valuables, abducted Mrs. Thuy and her three daughters, who were sexually abused until rescued by another Thai craft 14 days later.

Mrs. Thuy's attackers have been caught, however, and have gone on trial in Songkhla, in a case that UN officials say reflects a radical change in Thai attitudes toward piracy over the last 15 to 18 months.

Equipped with three navy patrol craft, three planes and seven police boats, a Thai antipiracy operation based in Songkhla, and supported by a consortium of donor countries, including the United States, is reducing substantially the number of pirate attacks in Thai waters, refugee officials say.

Vietnamese also are attacked and robbed by fishing boats of other nations, including their own, Thai officials say.

"We can't guarantee that all our fishermen are not pirates," Captain Pravit Sivaraks said at the Songkhla Naval Station. "But we can say that all of the pirates are not Thai."

"The number of arrests, prosecutions and convictions of pirates in Thailand during 1984 marks a clear improvement in the fight against piracy," a report by the UN High Commissioner for Refugees in Geneva concluded last year.

The agency's statistics said that 35 percent of refugee boats in the area of Southeast Asia were attacked in 1984, down from 52 percent in 1983.

Thailand's increased attention to the piracy problem stems, Thai and international officials say, partly from a Thai Foreign Ministry concern about the country's image abroad, especially in the United Nations, where Thailand is now a member of the Security Council.

Thai and UN refugee officials would like to see Hanoi allow more Vietnamese to emigrate, and more accepted by Western nations, so that fewer would attempt the dangerous escape by sea.

Prasong Soonsiri, Thailand's National Security Council chief, who has partial responsibility for the hundreds of thousands of refugees on Thailand's four international borders and long seacoast, suggested recently that the refugee problem stemmed from Hanoi's inability, after 10 years of rule, to improve the lives of the Vietnamese people economically or politically.

"In Thailand, we vote with our hands," he said. "In Vietnam, they have to vote with their legs."●

IGNORING VIETNAM LESSONS WILL HURT IN CENTRAL AMERICA

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. SEIBERLING. Mr. Speaker, in connection with remarks I made today on "Aid to the Contras and the Lessons of Vietnam," I quoted from a recent article by James McCartney of Knight-Ridder Newspapers, printed in the Akron Beacon Journal of April 14, 1985. For the benefit of my colleagues, I am placing in the RECORD the full text of James McCartney's significant article following these remarks.

The article follows:

IGNORING VIETNAM LESSONS WILL HURT IN CENTRAL AMERICA

WASHINGTON.—It was 10 years ago this month that President Gerald Ford ignominiously ended the U.S. war in Vietnam, flashing the order to diplomats to board helicopters and flee the U.S. Embassy in Saigon.

But a great national debate continues over what lessons, if any, were learned in Vietnam. The lack of national consensus that marked the war itself continues to this day.

And that is too bad. For there were lessons to be learned from Vietnam—probably the most important political lessons of our time—and they have not been learned in many of the places where it counts most.

The political mindset that led the nation down the garden path into the war in Vietnam, where more than 55,000 Americans needlessly died, remains the mindset of many in positions of power to this day.

There are those who would do it all again if they had a chance. Only this time they might make even a worse botch of it.

One of the myths that has developed about Vietnam—encouraged by many on the far right—is that we might have won the war if we had gone all out, used all of our available power.

They still have not learned the central lesson of Vietnam. That lesson was that a great and powerful nation cannot necessarily solve political problems with raw military power.

We could not change the minds of the North Vietnamese by threats or with bombs. We could not prop up a phony, plastic regime in South Vietnam and make it last.

We put into Vietnam 550,000 of our best troops, backed by B-52s and our most sophisticated jet fighters, and could not win against a primitive nation that had no bombers and no air force.

We built up an army of a million South Vietnamese and convinced ourselves that it was a real army that could defend itself. And when that South Vietnam army got the mere ghost of a challenge after our withdrawal, it melted away like so much hot butter. The South Vietnamese army proved to be no stronger than the weak political base on which it was built.

The lesson of Vietnam was not that we didn't try hard enough. It was that we couldn't have won in that political situation no matter how hard we tried.

It is a lesson that we might well keep in mind in Central America. The lesson is that ultimately we are not going to win or lose in Central America with military power. We are going to win or lose on the basis of the economic and political strength of our allies.

Paradoxically, it was not the American military who made the mistakes in Vietnam, it was freely elected American political leaders.

But it is the military that has learned the lessons of Vietnam best.

They know that Vietnam was a mistake and a lost cause and it is they, along with a good many smart congressmen, who have been providing the brakes on further American military involvement in Central America.

The professional military learned that there are limits to what raw power can accomplish when there is no solid political base.

But there are many civilians in both the Pentagon and the State Department today who are too anxious to brandish military power.

Were it not for foot-dragging from the Pentagon, and in Congress, the Reagan administration at this point would probably have put a lot more U.S. military personnel in Central America than it has.

And pretty soon some would be killed, and more troops would be sent to protect them. And pretty soon you'd be on the road to another Vietnam.

But the point is that the nation is not out of these woods.

The Reagan administration is ambivalent about Central America and is not sure what it wants to do. One day it wants to brandish the sword and the next day it wants to emphasize peace talks.

As an administration, it is not sure what the lessons of Vietnam were. It is just as torn as the public at large.

For that reason it is well that we meditate upon Vietnam these 10 years later.

We should talk to those veterans who bore the burden. We should read those history books. We should try to understand as best we can why this great nation made so tragic a series of mistakes.

If we don't, we have no one to blame but ourselves if it all happens again.●

PENNSYLVANIA, SOUTH CAROLINA CASES HIGHLIGHT NEED FOR PLANT CLOSING BILL

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. CLAY. Mr. Speaker, on March 20, 1985, I, along with Congressman WILLIAM D. FORD of Michigan and SILVIO O. CONTE of Massachusetts, introduced legislation on the national problem of plant closings. The bill, the Labor-Management Notification and Consultation Act of 1985, addresses the severe problems that arises when an employer contemplates closing a facility.

H.R. 1616 contains three main elements. First, it creates a blue ribbon commission to study every aspect of the plant closings issue and report its findings to Congress. Second, like plant closing legislation introduced in previous Congresses, the bill provides for a modest advance notice requirement of 90 days—surely the least workers and their communities should expect in any humane industrial framework so that they can plan for necessary adjustments.

The third feature of the bill and the one I want to highlight today is a new element in plant closing legislation: The duty of an employer to consult with employee representatives over the decision that will so drastically affect their lives, and to share information relevant to the closing decision. Such consultation and information will provide an opportunity for labor and management to seek alternatives to a plant closing. Consultation and information greatly increase the chances of avoiding the closing and saving jobs where that possibility exists. Consultation and information have the added benefit of keeping informed those who are most affected by a decision to close.

Mr. Speaker, the circumstances of two current plant closing situations that have been brought to my attention speak to the need for a consultation and information requirement in the bill. In both cases the employers have provided a 1-year—as opposed to H.R. 1616's 3-month—advance notice of closing, for which they should be commended. However the strenuous efforts of the employees to engage in meaningful consultation or to secure information over the decision to close has been largely futile.

BLACK & DECKER IN ALLENTOWN, PA

In Allentown, PA, Black & Decker Manufacturing Co. has announced plans to close its profitable housewares plant in early 1986. The proposed shutdown would put nearly 900 employees out of work in the economically hard-hit area of eastern Pennsylvania. Purchased by Black & Decker from General Electric in April 1984, the Allentown plant produces the popular line of GE toaster ovens and other housewares products. According to press reports, Black & Decker acknowledges that the plant is profitable and well-maintained.

Upon acquiring the Allentown plant in April 1984, Black & Decker reached a peaceful contract settlement with United Electrical Workers [UE] Local 128. According to documents published by Black & Decker, company officials asserted that "Allentown is Number One" in the new housewares division, and told union representatives that "Black & Decker looks forward to a relationship of mutual trust and respect" with the union. Six months later, without any discussion or consultation with affected employees or their union representatives, Black & Decker announced a decision to close the plant in early 1986 and shift Allentown work to other Black & Decker facilities. The Allentown plant is the only union-represented facility in all of Black & Decker's U.S. and Canadian plants.

Since that announcement the union has made repeated requests for comparative information on the plants to which Allentown's work will be moved, and for other information underlying management's decision to close the plant. The company refused to provide what it called proprietary information and refused to discuss the plant closing decision, calling it "the exclusive responsibility of management."

In response to the company's position, Black & Decker workers in Allentown have undertaken a protest campaign seeking support from trade unions, churches, civil rights, and community organizations, consumer groups and others to convince Black & Decker to reconsider the closing decision. Mr. Speaker, this unfortunate confrontation—sure to be repeated in future plant closing crises—could be avoided by the parties consulting with each other and exchanging needed information before a plant closing decision becomes a fait accompli. Such is the purpose of H.R. 1616.

51-059 O-86-26 (Pt. 7)

GENERAL ELECTRIC IN CHARLESTON, SC

In Charleston, SC, General Electric Co. announced last June a decision to close its large steam turbine generator plant in June 1985, affecting 450 jobs. The Charleston plant is a modern, productive facility opened in 1968. At full capacity in the mid-1970's the plant employed 1,200 people in its large-scale metal fabricating and precision machining operations. In recent years, however, a downturn in the rate of growth in electric power demand has led to a cutback in orders for large steam turbine generator plants. The resulting fall in orders for Charleston GE products led to the plant closing decision.

Convinced that their skills and experience could profitably be used making metalworking systems for expanding rather than contracting markets, Charleston GE workers in UE Local 1202 formed an alternative use committee to develop an economic conversion proposal for the facility. The alternative use committee asked GE management to avoid a closing by converting the plant to production of environmental protection equipment such as acid rain scrubbers, acid rain-preventing high technology combustion systems or specialized tanks and containers for hazardous materials storage and transport, or production of alternative energy systems such as cogeneration units, solid waste burning generators or renewable energy systems for hydroelectric or geothermal power generation.

Charleston workers asked General Electric for information and input that would flesh out their economic conversion plan. They asked GE to bring in company specialists in these product areas to help refine the alternative use proposal. More recently, they asked GE to permit the alternative use committee to meet with the real estate agency seeking to sell the plant. In each instance GE rebuffed union's initiatives, citing its nonobligation to consult with the union over the plant closing. Thus, a modern, productive facility will now go into mothballs and 450 workers who could be applying their skills to much-needed environmental protection and alternative energy systems will be out of work.

Mr. Speaker, the consultation and information provisions of H.R. 1616 do not guarantee that a plant closing can be avoided. Perhaps even in the instances I have described the results would be the same. But H.R. 1616 goes far to guarantee that every possibility of avoiding a shutdown can be explored. Unfortunately, that opportunity has been denied to the workers in Allentown and Charleston.

Opposition to these sections of the bill can only be based on the premise that an all-powerful, all-knowing management is the only relevant force in the process of economic change, and that working people and their unions, having no initiatives or creative ideas of their own, must passively accept their fate as sacrifices on the altar of flexibility and management rights, grateful for severance pay or other plant closing benefits but mute on the prospects of saving their jobs. The House should reject this patronizing view. As the UE members in Allentown and Charleston have shown, workers and their unions have much to offer in the way of ideas, approaches, and alternatives to plant closings. H.R. 1616 provides for a peaceful search for alternatives to shut-downs, unemployment, and confrontation.●

THE MX CONTROVERSY

HON. LEE H. HAMILTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, April 24, 1985, into the CONGRESSIONAL RECORD:

THE MX CONTROVERSY

Few weapons have generated as much controversy as the MX missile. Three administrations and several Congresses have struggled with the question of whether to build the MX. Congress recently debated whether to spend $1.5 billion to build an additional 21 missiles. The President lobbied hard, arguing that continued production of the MX is essential to national security and to the success of the Geneva arms control talks. Our chief negotiator, Ambassador Kampelman, returned from Geneva to persuade members to support the President's request. In the end, Congress narrowly agreed.

Many Hoosiers have asked me why I oppose the production of the MX missile. I have given them four primary reasons: it is a destabilizing weapon that significantly changes our basic strategic doctrine; there are better alternatives available; it is unlikely that the MX will become a bargaining chip because of the Administration's commitment to it; and its cost is excessive in our current fiscal crunch.

First, deployment of the MX is a major change in U.S. strategic doctrine, and is a destabilizing addition to our arsenal. The MX violates the fundamental U.S. strategic rule that the object of any new system is to deter; and to deter safely it must be able to survive. For 30 years, we have made it a standard that our nuclear weapons must be able to survive a first strike and then be able to fire back (the "survivable second-strike capability"). We should not now move to a non-survivable first-strike system. The Administration maintains that the U.S. is not seeking such a first-strike capability with the MX missile. However, some 75% of the Soviet nuclear force is land-based and more vulnerable to an MX-type system than the submarine—and air-launched missiles which comprise about 75% of the U.S. force. The Soviets can only conclude that a weapon as accurate and as vulnerable as the MX will be used as a first-strike weapon. Any suggestion that the U.S. may be moving toward a policy of striking first will only serve to move both superpowers into a more dangerous posture.

The MX adds little to U.S. retaliatory capability. No survivable basing mode has been developed for the MX system. If it is deployed as planned in Minuteman silos, which have been targeted by the Soviets for 20 years, it will be extremely vulnerable. Only a major, unanticipated technological breakthrough would improve significantly the survivability of the MX. The missiles' vulnerability might force the President to consider launching them at the first warning of an attack. This "use it or lose it" system increases the chances of an accidental war and limits the President's flexibility in a crisis.

Second, there are better alternatives to the MX. More mobile, single-warhead missiles like the "Midgetman" missile now being developed offer a more effective and survivable land-based deterrent for the future. Until the "Midgetman" is deployed, missiles on Trident submarines, retrofitted Minuteman III missiles, strategic bombers, and ground- and air-launched cruise missiles will provide sufficient accuracy and power for effective deterrence and arms control bargaining leverage. The U.S. must maintain a well-balanced, modern traid of nuclear weapons that makes it impossible for the Soviet Union to destroy all U.S. weapons in a single strike. Adding vulnerable MX missiles to our arsenal does not improve deterrence or strengthen our retaliatory capabilities.

Third, I am not persuaded that the MX will be an effective bargaining chip. Our experience has taught us that a bargaining chip works best when one side threatens to develop or deploy a new weapon. Once a weapon is actually deployed, however, it acquires powerful supporters and a momentum of its own that is difficult to reverse. It also triggers new Soviet programs. With billions of dollars already invested in MX deployment, it is unlikely that the Administration will simply give it up. Moreover, the President has said several times that the MX is not negotiable, and I take him at his word.

Congress has now approved funding for 42 MX missiles. Last year, the President argued that we needed the MX to bring the Soviets back to the negotiating table. This year, he argued that the arms talks would collapse unless Congress approved more MX missiles. But the Soviets walked out of arms control talks in 1983 despite congressional approval of 21 MX missiles. Since the Administration eventually hopes to deploy 100 MX missiles in superhardened silos and to develop an additional 123 missiles for testing purposes, the argument over the relationship of arms control and the MX could continue indefinitely. It is my impression that rather than using the MX as a bargaining chip with the Soviets, the President is using arms control as a bargain chip with Congress to win continued approval of the MX.

Fourth, given the instability and vulnerability of the MX systems, and the better alternatives that are available, it does not seem wise to continue funding a program that is expected to cost $40 billion. The U.S. can no longer buy every weapons system that the Pentagon wants. Each has some advantages, but the nation faces a serious fiscal problem, and weapons systems that offer only marginal improvements in U.S. security must be abandoned. Elimination of the MX system would make an important contribution toward our deficit-cutting efforts.

At the same time, we need to re-evaluate our priorities in defense spending. In recent years, our largest increases have gone for strategic weapons. We now rely heavily on nuclear weapons to deter a non-nuclear attack, but such reliance increases the risk of nuclear war. If we hope to avoid nuclear war, we should use more of our defense dollars to improve conventional forces.

Although MX opponents lost this round, the missiles' future remains uncertain. The President requested $3.2 billion in 1986 to produce another 48 MX missiles, but a Senate committee cut that request to 21. My guess is that the President will not get all the missiles he is requesting.●

JEWS PRESSURED ON ISSUE OF ARMENIAN GENOCIDE

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. COELHO. Mr. Speaker, I thought that my colleagues would find interesting the following Los Angeles Times article concerning the pressure being applied on Jewish leaders by the Turkish lobby to discourage them from recognizing the Armenian genocide. I feel it is a sad statement that the Turkish Government has gone so far as to force Jews to not become involved in the effort to recognize the tragedy which the Armenians suffered. It is one thing to deny the truth, but it is quite a different thing to force others to deny it as well.

The article follows:

[From the Los Angeles Times, Apr. 22, 1985]

TARGET OF TURKISH CAMPAIGN—JEWS PRESSURED ON ISSUE OF ARMENIAN GENOCIDE

(By Mark Arax)

As part of a campaign to deny that massacres of Armenians occurred 70 years ago in eastern Turkey, Turkish officials are quietly exerting pressure on local and national Jewish groups to discourage Jews from recognizing Armenians as fellow victims of genocide.

In recent months, Jewish leaders in Los Angeles and New York have received telephone calls from the Turkish ambassador in Washington and cables from Turkish Jews in Istanbul urging them to cancel scheduled presentations by Armenian-American speakers on the 1915 genocide.

According to local Jewish leaders, Turkish representatives implied that if the Jewish-sponsored speeches went ahead in Los Angeles, they could imperil the well-being of Turkish Jews and might prompt the closing of a border crossing in Turkey that has been an avenue of escape for Jews fleeing Iran.

In one instance, the Jewish Federation Council of Greater Los Angeles received a cable from the chief rabbi in Istanbul objecting to the group's sponsorship of a speech by Richard Hovannisian, an Armenian history professor at UCLA. Murray Wood, an executive director of the federation, said objections to the speech last November also were raised in calls from Turkish Ambassador Sukru Elekdag to the World Jewish Congress in New York.

"Here we are halfway around the world, and they are telling us we are doing something that will be detrimental to the Jewish community there," Wood said. "It was disturbing and frustrating. At one point, I was told the border was closed for 6 to 12 hours and several people were turned away, all because the speech went forward. I later found out that wasn't true."

"The threats were never expressly stated but the implication in the phone calls and cables was very clear. I can put two and two together."

In another instance, Jewish leaders in Turkey telephoned New York officials at the Anti-Defamation League objecting to a talk last December in Los Angeles by Armand Arabian, an associate justice of the Court of Appeal. Local league officials refused to cancel the talk, and Arabian gave a moving account before a Jewish audience of how his parents survived the Armenian genocide.

League officials said it was unclear if the Jewish leaders in Turkey were acting on their own or at the behest of the Turkish government.

"AMOUNTED TO BLACKMAIL"

"There's no question that the attempts to cancel Judge Arabian's speech amounted to blackmail," said a league representative in Los Angeles. "The Jewish community in Turkey expressed terrible distress over threats to them because we attempted to establish a rapport with the Armenian community."

But the Assembly of Turkish American Assns., the largest Turkish-American lobbying group, denies that threats against the well-being of Turkish Jews were either expressed or implied when objections to the planned speeches were raised. They said the chief rabbi and other members of the Jewish community in Turkey approached U.S. Jewish organizations on their own, without pressure from the Turkish government.

The Turkish ambassador in Washington and the Turkish consul general in Los Angeles have refused to be interviewed for this story.

"When Turkish Jews speak out, they speak out without pressure from Turkey," said Nan Canter, executive director of the assembly, which has eight regional offices in the United States. "They are responding as members of the Turkish community and it is absolutely a misperception on the part of American Jewish leaders that some pressure and intimidation is involved."

The pressure felt by Jewish organizations is part of a growing national campaign by Turkey and Turkish-American lobbying groups to cast doubt on what most historians agree was a genocide in the obscure reaches of eastern Turkey between 1915 and 1918. Turkey denies that a genocide occurred and says that both Christian and Armenians and Muslim Turks died during a civil war prompted by an Armenian revolt.

The campaign attempts to discredit diplomatic cables sent to Washington in 1915 by U.S. Ambassador to Turkey Henry Morgenthau, detailing a "race extermination" of Armenians, arguing that Morgenthau was a virulent anti-Muslim and depended solely on the eyewitness accounts of Christian missionaries who ignored the deaths of Muslims.

In appeals to the Jewish community through personal lobbying and advertisments taken out in Jewish community newspapers, Turkey and Turkish-American groups have emphasized ties between an Armenian extremist group and the Palestinian Liberation Organization.

Canter said the assembly also tries to show that recognition of genocide is just one of several goals sought by Armenian political groups that, if realized, would bring great harm to Turkey, an important NATO ally and the only Muslim country other than Egypt to have relations with Israel.

But Hovannisian, the UCLA history professor, said the campaign is a thinly veiled attempt to create divisions between Jews and Armenians, who share a common history of persecution and exile. "A broad breach between the two communities would serve the purposes of the Turkish government," Hovannisian said. "The tone and tenor of the campaign is more strident than ever. They are leaving no stone unturned, no dollar unused, to perpetuate their denial."

There are indications that the campaign, which argues to Jewish groups that Armenians are diluting the impact of the Holocaust with their genocide claims, has had some impact.

Wood said the local Jewish Federation Council is unsure if it will sponsor future educational presentations on the Armenian genocide. The Jewish community in America is caught in the middle and must "walk a very tight rope on this issue," Wood said.

"We would be stupid to do anything that would jeopardize Jewish lives in Turkey, and we would also be stupid not to recognize Turkey's humanitarian effort in helping Jewish refugees cross the border," he continued. "Likewise, it would be equally stupid to turn our back on a politically active and influential Armenian community with which we feel a certain kinship because of the Holocaust and the genocide."

SEEK CHANGE IN SCHOOL BOOK

And Abraham Foxman, associate national director of the Anti-Defamation League, said the league has been asked by a visiting delegation of Turkish Jews to delete three articles on the Armenian genocide from its anthology "Holocaust and Genocide," which has been used in the New Jersey school system since 1983.

"How books used in New Jersey schools could come to the attention of the Jewish community in Turkey, I don't know," Foxman said. "We promised them that we would consider their objections and make changes where and if warranted."

Foxman, however, said his organization will continue to sponsor speeches on the Armenian genocide, despite the pressure.

Turkish-American groups say that a lobbying campaign, underscoring Turkey's role in NATO and pointing to the assassinations of Turkish diplomats by Armenian terrorists in Los Angeles and other cities worldwide, has succeeded in getting the State Department, the Pentagon and President Reagan to back away from formal recognition of the genocide.

Two weeks ago, Reagan angered Armenian community leaders when he refused to support April 24 as a national day of remembrance for Armenian victims, saying a joint congressional resolution to that effect might damage relations with Turkey and inadvertently encourage Armenian extremists. The resolution was defeated in 1983 and 1984 and appears headed for defeat again this year after heavy lobbying by the State Department.

Reagan's first public stance on the resolution comes at a time when Armenian-Americans are preparing to observe the 70th anniversary of the genocide. April 24, 1915 is the date Armenian civic, political and intellectual leaders in Istanbul were arrested, deported and killed, commencing the first system-

atically planned, government-sanctioned genocide of the 20th Century.

More than 300 survivors, many of them in their 80s and 90s, from around the country will gather Wednesday in Washington for a national commemoration. Southern California's Armenian community, which numbers more than 200,000, will sponsor several events this week, including a memorial service in Montebello.●

A TRIBUTE TO MR. RICHARD LELKO

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. LIPINSKI. Mr. Speaker, today I would like to take a moment to recognize and honor Mr. Richard Lelko, the recipient of the Ray MacDonald Community Achievement Award for the month of January, 1985.

Richard Lelko, a successful and dedicated businessman from the southwest side of Chicago, is truly worthy of this award. For the first time in 14 years Richard spent this past month of January in Chicago instead of tending to his interests in Acapulco—an orphanage he helped found, the church he has become a benefactor to, and of course a little rest and relaxation. No matter where he travels, Richard's heart stays behind in Chicago, where over the past 35 years he and his wife, Marlene, have built the huge success of The Landmark, a catering business on Archer Avenue, and Lakefront Park Concessions, which serves the Lincoln Park Zoo, the beaches, and other recreational areas.

Richard was born and raised in the food line. His father was a Polish butcher and crafter of all those old world delicacies. Richard got the business fever early, and at the age of 17 he was even sponsoring his first softball team on the side.

Quality food and good courteous service are trademarks at the several banquet halls Richard and Marlene operate in Chicago, including the popular Burbank Manor and the Mayfield.

But the real reason for the Lelkos' success seems to be their compassionate approach to the customer. No matter how large or small the account, the customer gets the benefit of the doubt when troubles arise. They go the extra mile for Chicagoans, and as Richard says, "It always comes back to you—twofold."

It's a wonder that Richard ever has time for Acapulco. In addition to the demands of business, he is active in the Polish American Congress, Copernicus Foundation, Polish National Alliance, Polish American Welfare, the Ethnic Committee in Washington, DC, and the board of Catholic Charities, where he is currently working on a project to help unwed mothers and to assist with adoptions. Richard is also a member of the Knights of Columbus, 4th Degree, and the American Legion.

But Richard's favorite project is Casa Hogas del Nino, or Little Children's Home, In Acapulco, Mexico. On one of his vacations in Acapulco many years ago, Richard was looking for a church to attend mass. At the one he chose, be became friends with the padre, who told him that he feared that he would never realize his dream of opening an orphanage because of a lack of funds. Richard went back to Chicago and for over 5 years helped raise enough money to build the padre's orphanage for 100 boys. Their next effort is to raise funds for an orphanage for 100 girls. Richard is proud to report four success stories so far from the orphanage: an ordained priest, a medical student, a law student, and one studying contracting.

In the works for Richard is the sponsorship of a 5-minute program each Sunday on Channel 26 to focus on current events affecting Chicagoans of Slavic descent.

Richard's other achievements include an honorary doctorate degree in Humane Letters from Alliance College in Pennsylvania. He received this degree along with U.S. Representative DAN ROSTENKOWSKI. In 1982 Richard was named Humboldt Park "Man of the Year."

Richard and Marlene have been married for over 30 years. They have two daughters, both of whom are married, and four grandchildren.

Mr. Speaker, Richard Lelko's long-term goal as an active citizen of Chicago is to promote education programs in order to make the city a better place to live. His dedication and unlimited involvement in programs and campaigns to improve the quality of life in the community have long been the trademarks of Richard Lelko, and it is with this sense of determination that has earned him the Ray McDonald Achievement Award for the month of January 1985.●

FASCELL CALLS FOR ACTION ON ARMS CONTROL

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. FASCELL. Mr. Speaker, our colleagues should know that copies of the fiscal year 1986 arms control impact statements [ACIS] have been sent to their offices.

These reports reflect the administration's assessment of the arms control impact of such weapons programs as the MX missile, Trident submarine, the B-1 bombers, and the strategic defense initiative [SDI].

In my press release which follows, I warn about the adverse arms control impact of the administration's ASAT Program and call for the administration to reaffirm its commitment not to undercut the SALT limits and to seek a ban now on nuclear testing.

Rep. Dante B. Fascell (D-FL), Chairman of the House Committee on Foreign Affairs, today released the fiscal year 1986 arms control impact statements (ACIS) on defense, nuclear weapons, and other programs. In releasing the committee print jointly with the Senate Foreign Relations Committee, Chairman Fascell remarked:

"The fiscal year 1986 ACIS is an important reference for all Members of Congress who are seriously interested in and committed to arms control as an essential element of our country's national security. The reports will serve not only as a guide to the Congress in its consideration of major weapons systems but also as a reference to the administration's views on many arms control issues."

As mandated by Congress in section 36 of the Arms Control and Disarmament Act, the ACIS are prepared by the executive branch and submitted by the President to Congress in conjunction with the budget requests for defense, nuclear weapons, and Department of Energy weapons-related programs. Major weapons programs analyzed in this year's ACIS include the Trident submarine, MX missile, sea-launched cruise missiles, and the B-1 bomber. Also included for the first time is a separate section on the administration's Strategic Defense Initiative (SDI).

In his comments on the arms control analyses contained in the 1986 ACIS, Chairman Fascell expressed his concern that, while the reports reaffirmed the administration's commitment to U.S. treaty obligations, particularly to ABM and SALT, the reports were also less than forthcoming on specific issues of compliance and verification:

"There is growing concern about the issues that the sea trials of the seventh Trident submarine raise regarding the administration's professed commitment to not undercutting SALT limits. The ACIS report states that the administration 'has not made any decisions about possible compensations in order to remain within the appropriate limits.' I find this lack of certainty disturbing in light of what appears to be persistent administration waffling on our commitment to SALT. Let me emphasize that I take very seriously recent administration reports on Soviet non-compliance. What we preach we must also practice. I therefore believe that the administration's current position could undermine the ongoing Geneva arms control talks."

On the issue of anti-satellite weapons, Fascell observed:

"On the one hand, the arms control impact statement notes that effective and verifiable arms control agreements could be devised that would enhance the survivability of U.S. satellites. On the other hand, the report clearly indicates the administration's resolve to test and deploy an ASAT weapons system. In my opinion, these two goals—enhanced satellite survivability and ASAT deployment—are incompatible. To the contrary, the most effective way to constrain future threats to U.S. satellites would be to negotiate a ban on the testing and deployment of ASATs by both superpowers."

Noting that the Soviets have had a self-imposed moratorium on ASAT testing since 1982, Fascell said: "We should see if we can make that moratorium mutual and perma-

nent thereby making an arms race in space less likely."

Fascell also voiced his frustration at the report's "lip service treatment" of various test ban proposals and reiterated that these initiatives are of immediate and pressing concern to the Committee on Foreign Affairs. The Chairman added:

"I am particularly disturbed that the administration is still unwilling to seek ratification of the Threshold Test Ban and the Peaceful Nuclear Explosions Treaties, signed by Presidents Nixon and Ford respectively. That failure is regrettable in light of the fact that the Senate adopted a resolution in the last Congress by a vote of 77-22 calling for the President to seek Senate ratification of these two treaties. It is equally, if not more, disturbing to also read in the FY 86 ACIS the administration's murky commitment to a Comprehensive Test Ban Treaty (CTB). Contrary to the administration's commitment to CTB as a 'long term goal,' the time is now, not later, to enter into serious negotiations. A comprehensive test ban would help curtail the arms race and send an important message to the nonnuclear weapons states that both the United States and the Soviet Union are committed to avoiding the proliferation of nuclear weapons. This message has added significance when we remember that the United States is now engaged in preparatory activities for the 1985 Nonproliferation Treaty Review Conference and that this treaty mandates that the United States, the Soviets, and all other parties to the treaty shall pursue negotiations relative to the cessation of the arms race."

Copies of the report can be obtained from the Committee on Foreign Affairs, Room 2169 Rayburn Building.●

CLEAN AIR ACT WARRANTY BILL

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. DANNEMEYER. Mr. Speaker, today I am reintroducing a bill to alleviate the continuing problems created by anticompetitive and anticonsumer warranties contained in the Clean Air Act.

First, it would limit production and performance warranties on emission systems to 2 years/24,000 miles and make sure the list of parts covered is not subsequently expanded. It would specifically limit the 5 year/50,000-mile warranty to the catalytic converter, the thermal reactor, and parts solely used for emissions control. EPA would retain the right to recall emission system failures for 5 years/50,000 miles. Second, it further increases competition by repealing the counterproductive parts certification program and by doing away with the waiver that allows auto manufacturers to specify the use of one of their own parts. Third, it permits independent California auto parts dealers and repair shops to operate under the same warranty requirements that apply in other States. And finally, it clarifies the antitampering provisions of the law.

In 1977, Congress amended the Clean Air Act to protect the small businessman and the consumer from anticompetitive emissions warranties. Parts to be warranted for the extended period were limited to those that are installed primarily to control emissions.

EPA expanded the list of parts covered by the warranty through regulations. The Automotive Service Industry Association [ASIA] and the Automotive Parts Rebuilders Association [APRA] filed suit in 1980, asserting that the regulations were contrary to the Clean Air Act as amended in 1977. In a separate action, vehicle manufacturers and importers filed suit on the warranty and certification matters, and included a legal objection to the short test regulations issued by EPA. The court ordered consolidation of the cases, forcing joint consideration of aftermarket and vehicle manufacturer issues.

Prior to final court arguments, ASIA and APRA presented to EPA a technical report by Packer Engineering which analyzed the specific parts under consideration, the particular performance objectives of such parts and the historical nature of their use. Based on this report and other information supplied to EPA by ASIA and APRA, a tentative consensus was reached which would have substantially limited the parts subject to the extended 5 year/50,000-mile performance warranty

The court recognized that Congress did in fact act to reduce the anticompetitive effects of a broad coverage/long length warranty in 1977. However, it accepted the EPA interpretation that the warranty coverage for the first 2 years/24,000 miles was for all components affecting emissions. With respect to coverage after 2 years/24,000 miles, the court avoided a direct decision on the correctness of the parts list issued by EPA. The court stated that the parts list was advisory only and therefore not subject to attack.

The court did not disturb the liberties taken by EPA in misinterpreting the 1977 amendments to the Clean Air Act. EPA regulations provide that not only sole or primary parts must be warranted, but also secondary parts which fail because of a failed primary part. The court's decision on the certification issues transformed a congressional edict to provide a program to avoid monopoly into one which actually creates an anticompetitive situation worse than would occur if no such program were instituted.

EPA regulations provide that an aftermarket manufacturer who certifies parts is liable for all costs incurred by a vehicle manufacturer caused by the failure of that certified part. One issue before the court was how this liability was to be assumed. EPA regulations required reimbursement without detailing how such reimbursement was to be effected.

The court ruled that EPA must provide some forum for resolution of reimbursement disputes. Certifiers must, as a condition of certification, agree to such a reimbursement scheme. The court discussed the vehicle manufacturer's demand that parts manufacturers be required to post a bond to establish financial stability to actually perform under such a reimbursement scheme and in a concurring opinion that should strike terror in the heart of every small business, one judge went so far as to state that parts manufacturers should be required by EPA to post a bond in order to be certified and that: "The criticism that some aftermarket parts manufacturers might not be able to afford to post bond may be correct, but, it is just those manufacturers who could not afford to post a bond who need to be weeded out."

All administrative and legal remedies available to the independent aftermarket have now been pursued. Corrective legislation to put competition back into the law is needed. Such legislation must clearly remove the power of EPA to twist the intent of Congress.

Mr. Speaker, this is an ever growing problem and, from what southern California independent garages have shown me, it amounts to an extensive loss of business. In the 97th Congress I offered two bills dealing with this subject and one of them was almost completely incorporated into the comprehensive clean air bill, H.R. 5252, considered by the Energy and Commerce Committee. Unfortunately the measure did not become law because of the difficulty in resolving other issues. In the 98th Congress I introduced a similar measure which I hoped might be the solution to the problem. For all States, including California, the bill would have reduced the production and performance warranties to 2 years/24,000 miles for all emissions system parts.

Mr. Speaker, we are confronted with yet another example of good intentions gone astray. All of us want cleaner air, but the adverse effects of these warranties on the aftermarket and the consuming public cannot be justified or overlooked. They must be taken into account if we are interested in preserving competition and an important sector of the small business community. The legislation I have introduced today will restore and preserve that competition and, in the long run, provide the best guarantee of protection that consumers can have.

The concepts of my bill are supported by the Automotive Service Industry Association, the Motor and Equipment

Manufacturers Association, the Automotive Parts and Accessories Association, the Independent Automotive Service Association, the Automotive Warehouse Distributors Association, the National Tire Dealers and Retreaders Association, and the Automotive Service Councils.●

ST. PETERSBURG JUNIOR COLLEGE OPENS THE DOOR TO EDUCATION FOR MANY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. YOUNG of Florida. Mr. Speaker, providing high quality educational opportunities to Americans of all ages has been vital to our growth and development as a nation. The St. Petersburg Junior College is one institution that over the past 58 years has opened the door to education for many students in Pinellas County, FL.

The college was founded in 1927 by seven St. Petersburg parents who sought to provide a good, affordable education for their children and others throughout the county. The school opened its doors the first semester to 111 students and 15 faculty members. Today, the St. Petersburg Junior College has expanded to the point where 300 faculty members now teach more than 15,000 students at the college's three campuses in St. Petersburg, Clearwater, and Tarpon Springs. Even with its expansion, the college, its faculty, and its administration have maintained a reputation of providing students with a well-rounded, high-caliber education in a friendly atmosphere.

Among the college's 40,000 graduates are many national, State, and local leaders, including Carl M. Kuttler, the college's current president. He is the fifth president at the St. Petersburg Junior College and has served in this position for 7 years. Following my remarks, I would like to include a story by Eugene Morris from the April 8, 1985, St. Petersburg Times which traces in greater detail the history of the college.

The St. Petersburg Junior College is representative of the many community colleges throughout our Nation that provide a college education to students who otherwise might not receive such an opportunity. To recognize the achievements of the St. Petersburg Junior College and other community colleges, I am proud to cosponsor today House Joint Resolution 125 designating May 1985 as "National Community College Month." The thousands of Americans who have graduated from community colleges and contributed greatly to our Nation are living proof of just how valuable these institutions are to our educational system.

HEAD OF THE CLASS—DECADES OF TOP-NOTCH SERVICE EARN RAVES FOR SPJC

(By Eugene Morris)

Business was good in Florida during the early 1900s, too good to be true.

Real estate purchases came to a dead halt in 1926. Fewer tourists came to St. Petersburg. People stopped paying their taxes, and the city debt reached $26.7-million.

Before there was the Great Depression, there was the Florida Crash.

Seven St. Petersburg parents were so worried that their children couldn't afford to attend any of the state's universities that they started a community college of their own.

Hoping to insure that their sons and daughters could continue their educations after high school, they began St. Petersburg Junior College (SPJC) in an unused wing of St. Petersburg High School under the guidance of former Pinellas County School Supt. George M. Lynch.

Before there was a Florida Community College System, a Florida Association of Community Colleges or any other two-year institutions in Florida, there was SPJC, a private, nonprofit community college.

During its first semester in 1927, SPJC had 111 students and a faculty of 15. Lynch and six other prominent citizens became the college's first board of governors. Today, the college has more than 15,000 students, nearly 300 teachers and three campuses in St. Petersburg, Clearwater and Tarpon Springs.

One semester after it opened, the college was moved to an old building at Second Avenue N and Fifth Street near Mirror Lake. In 1937, it was moved to its present site at 66th Street and Fifth Avenue N.

Over the years, SPJC has been accredited, has become a public institution and has joined the Pinellas County School system. It was the second institution—after Palm Beach Junior College—to join the state community college system.

The 74-acre Clearwater campus opened in 1965, and the 54-acre Tarpon Springs Center opened 10 years later. In 1980, the old Webb's City store in Pinellas Park was purchased for the school's health education programs. A $6.5-million allocation from the Legislature went toward renovating the 10-acre, 170,000-square food building.

Today, SPJC's main campus in St. Petersburg is a serene oasis along Eagle Lake. The grounds are well kept, and most of the activity between classes is confined to the courtyard bounded by the gym, the cafeteria, the bookstore and the library.

After more than five decades, one thing has remained constant about SPJC: its solid reputation for preparing its students.

Last September, SPJC's sophomores who took the College Level Academic Skills Test (CLAST) had a 92 percent passing rate that topped most other Florida community colleges and bettered the state average by 5 percent. SPJC students' tied those at two state universities—Florida State and Central Florida—and were higher than those at five others. Only the University of Florida's sophomores scored higher.

"The people of Pinellas County really have a lot to be proud about with St. Pete Junior College," said Clark Maxwell, executive director of the state community college system in Tallahassee. "If I had to rate them with the other community colleges in the state, they'd be right up there near the top.

"They've kept up with the changing role of community colleges," he said. "They symbolize everything that a community college is supposed to be."

According to Jim Gollattscheck, vice president of communications with the American Association of Community and Junior colleges in Washington, SPJC is preparing students well to enter society after graduation. Gollattscheck is a former president of Valencia Community College in Orlando and a former acting superintendent with the Pinellas County schools.

"They've always had a great reputation around Florida and the nation for producing students who were eminently qualified to enter many different areas," he said. "I've never had any doubt about the quality of St. Pete Junior college because I've seen what its graduates have done."

Most students then and now said they chose SPJC because of its low tuition. In the late 1920s, everyone paid $50 a semester. These days, Florida residents are charged $21.75 per semester hour, and nonresidents must pay $43.75 per semester hour. Florida residents who attend lower level classes at the University of South Florida's Bayboro campus in St. Petersburg must pay $27.35 a semester hour, while nonresidents are charged $78.35.

Many of the courses at SPJC are designed to prepare students to transfer into four-year institutions, although the college uses a combination of special programs, flexible scheduling and low fees to draw students from throughout the country.

Donald Benn was the college's first student body president, graduating with the first class in 1929. Benn returned to SPJC four years later to become the first dean of men and to teach economics, political science and accounting.

"The tuition was kind of cheap back then, but the education wasn't," the St. Petersburg resident said. "The teachers were something else. They knew us all by name, and they were always making themselves accessible to us."

Some current faculty members and administrators said they wouldn't have it any other way.

"We have a caring attitude because that's the only way to do this job." said Myrtle Williams, dean of student services at the St. Petersburg campus. "You can't do something like this and not care about what happens to them."

"The flexibility I've found since I've been here has been remarkable," said Jerry Odom, provost of the St. Petersburg campus and president of the Florida Association of Community Colleges. "These people have proven that they can deal with just about anything."

More than 40,000 students have graduated from SPJC since that first class in 1929. They have entered such fields as medicine, politics, athletics, television, finance, education, entertainment and advertising.

Yvonne Mack, 18, said she chose SPJC to get prepared for a four-year school.

"You get your feet wet by coming to a community college instead of heading straight into a four-year program," she said.

Brenda Taylor, 26, who attends the Clearwater campus, says she likes the diversity of programs at SPJC.

"They're trying to make it more attractive for the everyday person who has to work and take care of other responsibilities as well as go to school," she said. "It works out real nice."

John Trotti, 45, a student at the Tarpon Springs campus, said he enjoys the college "because we have a lot of time to spend with the teachers in our special areas. They are knowledgeable about so many different things that it helps us learn better."

During its 58-year existence, SPJC has had five presidents. Carl M. Kuttler, the current president, has had the job for seven years. His predecessor Michael M. Bennett served for 28 years. Both were graduated from SPJC.

"Back then the college was a great place for a student to find out if they were serious about studying before entering a university," Bennett said. "We had phenomenal growth in those days, and the students were able to grow right along with the facility."

Even though the college now has three campuses and thousands of students, Kuttler said he thinks the school's open door policy is unmatched.

"This college is here for any student who is serious about wanting to better themselves," he said. "The door is open for their admission, and the door stays open if they ever want to talk to me or any other administrators."

"It was a joy watching people trying to upgrade themselves," Bennett said. "That really showed that our mission was getting accomplished."

Said Kuttler: "This place can offer so much to so many right now that our bounds seem almost endless."●

FAIRNESS IN VETERANS EDUCATION PROGRAMS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. GEJDENSON. Mr. Speaker, earlier this year I was approached by two Navy members from Connecticut about an oversight they found in the new Educational Assistance Program Congress enacted last year. Today I am introducing legislation that would rectify this inequity and reestablish the House's intent when it originally passed the education bill.

As my colleagues know, last year as part of the Department of Defense Authorization Act of 1984 Congress established a new Educational Assistance Program for new enlistees. The original bill, as introduced by Chairman MONTGOMERY and passed by the House, offered active military personnel and new recruits an attractive and comprehensive package of education benefits.

During the conference on the DOD bill the House-passed education package was substantially altered. Under the new program only members who have continuous service or who enlist after July 1, 1985, and before June 30, 1988, are eligible for the new program.

As the law stands now, a significant number of Vietnam-era veterans who left service and rejoined after December 31, 1976, when the Vietnam-era GI bill expired have been omitted from the program.

The House has already acted this year to modify some of the restrictive eligibility requirements in the legislation passed last year and the Senate Armed Services Committee has passed legislation comparable to the measure I am introducing today.

One of the main reasons the House passed a comprehensive education program for military personnel was to recruit talented people to the All Volunteer Force, as well as to retain trained, qualified, and experienced personnel in the military. This Vietnam-era group that left service and later returned is just the type of experienced personnel the new education program was intended to attract.

Most of the broken service veterans have tremendous expertise from many years of service and would prefer to remain in the military. Unfortunately, many of these individuals will be forced to leave the service in order to meet time deadlines for other veteran education programs unless Congress acts.

It seems to me that if Congress does not act to correct this oversight and grant this group of Vietnam-era veterans eligibility to the new GI bill its original purpose will be thwarted. For this reason, I am introducing a bill to allow certain Vietnam-era veterans with a break in service to become eligible for benefits under the new GI bill Educational Assistance Program.

The bill I am introducing today covers a group that would have been included in the bill as passed by the House and is consistent with the intent of the current law—to retain qualified personnel. I hope that my colleagues will join with me to correct this oversight in order to help to retain a qualified group of soldiers in the service.●

A LITTLE LIFE INSURANCE FOR BLACK COLLEGES

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mrs. COLLINS. Mr. Speaker, I would like to call to the attention of my colleagues, the following article found in the April 17, 1985, edition of the Washington Post. The article entitled "A Little Life Insurance for Black Colleges" was written by William Raspberry. The program described by Mr. Raspberry has been a successful attempt to provide small black colleges with long-term endowments. The response from the colleges and the insurance companies has been highly enthusiastic and it is my hope that other members of the private sector will participate to the same extent.

The article follows:

[From the Washington Post, April 17, 1985]

A LITTLE LIFE INSURANCE FOR BLACK COLLEGES

(By William Raspberry)

Black colleges, typically small and underfunded, are seldom in a position to refuse financial assistance—even when it is clear that the help will create nearly intractable problems down the road.

Frederick Douglass Patterson understands the dilemma well, having experienced it as a president of Tuskegee Institute and founder of the United Negro College Fund. Now the 83-year-old "retired" educator, with a generous assist from the insurance industry, is embarked on a program to do something about it.

"The chronic problem which our colleges face," he was saying the other day during a visit here from New York, "is that if you go to the foundations—the most likely source of financial assistance—you find they won't give to endowments. They give you restricted gifts, restricted both as to purpose and as to the time frame of expenditure.

"Still the gifts are received with gratitude, since there are very few things you can do for an undernourished undergraduate college that do not improve the quality of what they are trying to do. You're glad to have the quality, but then you're out of money to sustain the improvements.

"You may find that you've built into your operation better salaries for teachers, more books for the library, more science equipment, more of this, more of that—whatever the rating agencies say you need. Then you find yourself out of funds . . . so you end up financially worse off then you were before you got the money."

That was the dilemma. The solution: the College Endowment Funding Plan, a piece of financial wizardry that allows a college to turn an initial fund-raising effort of $300,000 into an endowment of more than $2 million in the space of 25 years, while drawing out $300,000 every year for current expenditures.

The key to the magic is the participation of the life and health insurance industry, whose members Patterson persuaded to make long-term, below-market-rate loans in multiples of $400,000.

It works this way: a participating college is eligible for a $50,000 bonus from the United Negro College Fund and a loan of $400,000 from an insurance company for each $300,000 unit the college is able to raise on its own. The $750,000 package is invested in long-term, high-quality, fixed-interest securities, with the interest (minus the $30,000-a-year in operating costs) plowed back.

For the first 15 years, the college pays only the interest (at two percentage points below market) on the loan. By the time the loan is fully repaid, the insurance company has made a decent return on its $400,000 investment and the college, which already has used $750,000 in operating money, has an endowment fund of nearly $2 million for each initial $300,000 unit.

"The first company to join the plan—Aetna—wanted to give us the money," Patterson said, "I told them we didn't want it as a gift because we needed the leverage of a loan to wake up the trustees of these colleges and get people out scrapping for the money. Besides, there wouldn't be enough companies willing to give us that kind of money. A safe loan with a good return is a different proposition.

"The reason for the $30,000 annual drawdown is that no college as hard up as these are is going to be very enthusiastic about the plan if they can't get something every year."

So far, enthusiasm has not been a problem, for either the colleges or the insurance companies. Thirty-one companies have made loans to 29 colleges, some of which have taken as many as five or six units. The $37.5 million invested to date is expected to produce endowments totaling well over $100 million in 25 years.

"It's been a phenomenally successful experience, especially for those small colleges that could never even dream of building an endowment," Patterson said. "Now if we could only get the rest of the private sector to get involved to the same extent. . . "●

WORKER SAFETY BILL

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. MOLINARI. Mr. Speaker, today I am introducing a bill which is designed to provide greater protection for our Nation's industrial work force and residents who live near chemical industrial facilities.

Twenty-five years ago Congress enacted into law the Occupational Safety and Health Act for the purpose of protecting workers from hazards which exist in the workplace. Since that time, however, a vast new array of chemicals have entered our environment whose potential impacts on human health are still largely unknown. Current law is clearly inadequate in safeguarding American workers from these new threats.

Under current law the circumstances which trigger reporting of an accidental spill or release are very limited: a release which results in a fatality or the hospitalization of five or more employees, or, a release which involves 1 or more of 16 chemicals listed by OSHA as carcinogenic.

Many very serious or potentially serious accidents do not require five or more employees to be admitted to a hospital. Similarly, the list of 16 chemicals does not comprise even a small percent of the hazardous substances existant in the working environment today. Consequently, potentially life-threatening accidents go unreported and defective operating procedures continue uncorrected.

It is time that we revise our national reporting requirements and hold the chemical industry accountable for hazardous conditions in the workplace. The bill which I am introducing today will tighten up the existing reporting regulations. It will replace the necessity of employee hospitalization prior to notification with a requirement that the area OSHA office be contacted if five or more employees merely receive medical treatment. Using medical treatment rather than actual hospital admittance as a requirement for reporting will help identify a hazardous situations before it results in worker illness rather than after. Such a requirement will also ensure sufficient reporting practices without the necessity of waiting indefinitely for OSHA to expand the list of 16 chemicals to include all hazardous substances.

Additionally, this bill will include OSHA on the list of several agencies which must be notified under the CERCLA and Clean Water Act statutes in the event of a chemical spill or release. This will enable OSHA representatives to determine whether an inspection of a facility is warranted and whether a plant is operating as it should.

This bill will provide better protection to the general public. Many workplace spills have the potential of escaping to the outside environment and posing threats to public health. Closer scrutiny of in-house accidents will help to prevent chemical releases from escaping to populated areas outside of the plant.

In sum, as our supply of chemicals continues to grow, so too, should our provision of safety expand both in and outside of the workplace.●

ENHANCING THE APOSTLE ISLANDS NATIONAL LAKESHORE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. OBEY. Mr. Speaker, my colleague, Representative JIM MOODY, and I are introducing legislation today which would further enhance the picturesque Apostle Islands National Lakeshore on the tip of the northern Wisconsin mainland in Lake Superior. Since Senator Gaylord Nelson created this unique Federal park in 1970, thousands of people have enjoyed the unspoiled beauty of the 20-island cluster in the world's largest freshwater lake.

The Apostle Islands are rich in Wisconsin history. From 1700 until the turn of the 20th century, the Apostles were the center of commercial activity on Lake Superior. In the early 1900's, nearby towns on the mainland grew quickly to serve the needs of loggers, shippers, fishermen, and tourists.

Today, the Apostles still provide an economic base of support for the surrounding communities, but they are enjoyed mostly for their recreational and scenic value by both tourists and year-round residents alike.

My bill would add an environmentally important and scenic island to the national lakeshore—a sandspit called Long Island.

Adding Long Island to the Apostles park would provide for many more people to enjoy the recreational area, especially because it is easily accessible to several marinas, particularly the one in Washburn and the proposed Ashland Marina.

Long Island is also one of the last remaining habitats in the Great Lakes region of two seriously endangered birds species, the piping plover and the common tern. The U.S. Fish and Wildlife Service estimates that there are fewer than 20 nesting pairs of plovers left in the area.

As part of the national lakeshore, the island would be managed so that these species, as well as many other shore birds that congregate on the sandy beach and low dunes each year, would be protected.

The island is also geologically significant, offering researchers a unique opportunity to study the processes which cause the creation of a barrier island.

I believe Long Island would be a valuable addition to the Apostle Islands Naitonal Lakeshore. It would round out a park which is, in my opinion, a national treasure.

I urge my colleagues to give this bill their support.●

CONGRESSIONAL SALUTE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. ROE. Mr. Speaker, on Saturday, April 27, the people of my congressional district and State of New Jersey will join with the Board of Trustees of the Passaic County Community College at its First Merit Scholarship Dinner to honor the president of the college, a most distinguished member of our community, and good friend—the honorable Gustavo A. Mellander of Wayne, NJ—whose standards of excellence and personal extraordinary commitment to quality education have truly enriched our community, State and Nation. I know that you and our colleagues here in the Congress will want to join with me in extending our deepest appreciation to Dr. Mellander for all of his good works and share great pride with his good wife Nelly in the success of his achievements in seeking life's fulfillment and purpose.

Mr. Speaker, when you reflect upon the fact that the cultural, historical, and economic achievements—even the basic health, well-being, and longevity of a State and Nation—depend in large measure upon how well we educate each generation charged with the trust of carrying out its responsibilities and traditions, we can indeed be proud of Dr. Mellander's outstanding contribution to the quality of life and way of life for all of our people.

For the past decade Dr. Mellander has served with eminence as president

of Passaic County Community College, a thriving academic facility in Patterson, NJ, which has achieved distinguished academic recognition as an urban 2-year community college of renown in the world of established and respected colleges and universities under the leadership of Dr. Mellander. Under his direction the college has expanded its facilities to provide a substantive learning experience for our young people through a most comprehensive program of education which has attained national recognition for its no-nonsense, rigorous, and effective approach to education.

Mr. Speaker, the quality of leadership and sincerity of purpose that Dr. Mellander has imparted to our people are mirrored in his many accomplishments and the warmth of his friendship that have won him the confidence and support of all of us who have the good fortune to know him. This is particularly manifested in the strong support and depth of friendship that he enjoys among government, business, civic, religious, educational, and other community leaders who organized this testimonial to the many contributions he has made in the field of education. This committee of outstanding citizens stresses the importance of Dr. Mellander's achievements not only to Passaic County Community College but to the entire State of New Jersey. They point with pride to the aspiring young people of Passaic County and throughout New Jersey who have been the most immediate beneficiaries of Dr. Mellander's splendid work and applaud the benefits that are accruing as a result of the college's outstanding courses of study in business administration, computer technology, accounting and marketing that have been launched at the college under Dr. Mellander's administration.

Dr. Gustavo A. Mellander has indeed earned the highest respect and esteem of all of us. He was born in California, educated during his early years in Panama, and attended college and graduate schools in the United States. He came to Passaic County Community College from the New Jersey State Department of Higher Education where he had served as a director following his service as academic dean of York College, PA. He was a member of the New Jersey State Board of Education and served on many other local, State, regional, and national committees concerned with educational equity and excellence. He will be leaving his high office of public trust as president of Passaic County Community College to accept the presidency of Mission College in Santa Clara, CA.

Mr. Speaker, Dr. Mellander has served our people and our country with honor and distinction. New Jersey's loss will be California's gain. He is an outstanding administrator, educator, and good friend whose richness of wisdom and expertise in his daily pursuits have touched the lives of many, many people. As we gather together on April 27 in tribute to Dr. Mellander's leadership endeavors and personal commitment dedicated to the education of our young people, we do indeed salute an esteemed educator, outstanding community leader, and great American—the honorable Gustavo Mellander of Wayne, NJ.●

MERGERS ALTER 500 LARGEST COMPANIES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. MARKEY. Mr. Speaker, I want to call to my colleagues attention an article from the Washington Post which highlights the effect of hostile takeovers on our economy.

Takeover activity is proceeding at a feverish pace, and many economists and regulators choose to take a laissez-faire view of this activity. I recommend this article to those people since it outlines the effect hostile takeovers have had on the largest corporations.

I point out this change not to argue for action or nonaction is one particular case. The point of this article, and the reason I find it noteworthy, is that our economy is being revolutionized by Wall Street arbitrageurs, and we are sitting here not even sure what is taking place.

Nineteen companies have dropped off Fortune's 500 list because they were taken over. That figure represents the largest Fortune 500 purge since the magazine has kept count of such business trivia for 31 years.

The other notable, and I find disturbing element of this article is the report of the rise in long-term debt. Why have these companies taken on such enormous debt? The main reason for the expansion of long-term debt by the largest corporations in America is not for productive investments, not for capital outlays that will make our economy stronger next year, but this enormous debt has gone to purchases of stock by companies. Long-term debt has risen because the largest corporations in America are worried about being taken over in a hostile bid.

This fear is not something we can easily ignore. This article reports that "the stock buyback phenomenon helped lower the total market value of Forbes top 500 companies, in December 1984, to an estimated $1.27 trillion, $50 billion below the previous year's total." Clearly, takeover mania is robbing corporate assets and should be addressed in a rational way.

The article follows:

MERGERS ALTER LISTS OF COMPANIES

What do Gulf, Getty Oil, Republic Steel, Prentice-Hall and St. Regis all have in common?

All of them disappeared last year from Fortune magazine's list of the 500 largest industrial corporations, casualties of the takeover and merger wave sweeping through American business.

In all, nineteen companies dropped off the list last year because other firms swallowed them up, the largest disappearance due to acquisitions in the 31 years Fortune has published the list. The 1984 Fortune 500 directory went on newsstands last week.

Gulf, No. 11 in 1983, was acquired by Chevron, Getty Oil, No. 24, became a part of Texaco. The Continental Group, No. 68, was snapped up by David Murdock and the Kiewit-Murdock Investment Corp.

And in a rare double play, Norton Simon, No. 136, was acquired by Esmark, No. 88, which then was absorbed by Beatrice Foods, No. 36. Farther down the line, Republic Steel, No. 145, was acquired by LTV and Superior Oil, No. 196, became part of Mobil. Prentice-Hall, No. 477 was added to Gulf & Western's publishing stable and St. Regis, No. 141, was acquired by Champion International.

As the list shows, what helped make 1984 special was the oil industry mergers, as the low value of oil company stocks drew takeover raiders and bargain hunters like bees to honey.

The annual rankings, published by Fortune, and more recently, by Forbes magazine, provide snapshots of some major developments in American business. (The two lists differ in several ways—Fortune's includes only industrial firms while Forbes', also just out, includes service and financial companies).

A determined campaign to cut overhead took its toll on both white collar and blue collar workers. The companies on Forbes' top 500 list (ranked by sales) cut their employment rolls by 840,000, or 4 percent last year, although sales rose by 5.5 percent. That meant a gain in productivity for the big companies which boosted their sales per employe to $133,000, up 10 percent, or faster than the gain in inflation. Put another way, the top 500 accounted for more than 21 percent of the nation's total civilian employment five years ago. Last year, they provided less than 19 percent of the jobs. The job growth is coming primarily from firms too small to make the top 500.

Profits were a disappointment. Although the gross national product rose 10.8 percent last year, profits for the companies on the Forbes list totaled $139.6 billion, up only 6 percent.

International Business Machines led all companies with $6.6 billion in profits, up 20 percent from 1983. It ranked second in 1983. American Telephone & Telegraph, the profit leader in 1983 fell to 12th after its breakup. IBM's profits exceeded the sales of all but the top 89 companies on Forbes' list, including such high-tech firms as Hewlett-Packard, Digital Equipment, Honeywell, Raytheon, Texas Instruments and Control Data.

The biggest profits gainers on Forbes list: Freuhauf, up 914 percent; Penn Central, up 762 percent; Allied Corp., up 727 percent and Continental Corp., up 606 percent. The biggest losers, in percentage terms: Texaco, down 75 percent, thanks to a $765 million write-down for tankers, refineries and reserves; Public Service of Indiana, down 67

percent; Colgate-Palmolive, off 64 percent, and Atlantic Richfield off 63 percent.

Fortune, in its tally, notes that the major industrial companies have not kept up with the overall pace of economic growth. The nominal gross national product in 1984 was up 24 percent over the pre-recession peak in 1981, not counting the effects of inflation. But sales for the Fortune 500 companies actually declined 1 percent in that period and profits were up only 2.6 percent over 1981. A strong profits gain in the beginning of 1984 petered out in midyear.

"What went wrong," notes Fortune, "was the implacable rise of the U.S. dollar. . . ." The dollar climbed by 72 percent over the low point in 1980 and 12 percent in just the second half of 1984. It battered companies like Colgate-Palmolive, that depend heavily on overseas business, or those that are vulnerable to import competition, like machine tool companies, semiconductor producers and carton manufacturers.

Forbes' rankings note another key development of 1984—the rise in long-term debt as companies borrowed to buy their own stock, either to take advantage of bargain prices, or to finance maneuvers in the takeover wars. It cites Teledyne, which bought up almost half its outstanding stock last year, nearly doubling long-term debt. For healthy companies, the stock buyback makes sense. For others, it adds a heavy new risk.

The stock buyback phenomenon helped lower the total market value of Forbes top 500 companies, in December 1984, to an estimated $1.27 trillion, $50 billion below the previous year's total.

FORTUNE'S TOP 6 INDUSTRIAL CORPORATIONS IN 1984

Company	Sales	Net income	Employes	Total return to investors (percent)	Rank on return
Exxon	$90.9 billion	$5.5 billion	150,000	29.36	31
General Motors	$83.9 billion	$4.5 billion	748,000	14.36	113
Mobil	$56 billion	$1.3 billion	178,900	2	202
Ford Motor	$52.4 billion	$2.9 billion	383,700	11.21	132
Texaco	$47.3 billion	$306 million	68,088	3.48	190
IBM	$45.9 billion	$6.6 billion	394,930	4.28	183●

THE DISINFORMATION OF THE SANDINISTAS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. MICHEL. Mr. Speaker, on Tuesday, April 23, 1985, the Wall Street Journal published an informative account of the way in which the worldwide disinformation program of the Sandinista Communists of Nicaragua misinformed our Nation as to the true state of affairs in that country.

At this point I wish to insert in the RECORD, "A Lobbying Drive Began in Managua" by Jim Denton, from the Wall Street Journal, Tuesday, April 23, 1985.

A LOBBYING DRIVE BEGAN IN MANAGUA

(By Jim Denton)

The likely congressional defeat of President Reagan's proposal to provide military aid to the anti-Sandinista contra forces comes in the wake of an extraordinary lobbying campaign. The struggle for the hearts and minds of Congress has mobilized a handful of partisans who have been enormously effective in distorting the Nicaraguan human-rights story. Although it is not uncommon for foreign governments to try persuasion on Capitol Hill, the manner and degree to which the Sandinistas have manipulated public and congressional opinion is noteworthy.

A review of the origins, the dubious handling and the reception of a report recently released by Rep. Samuel Gejdenson (D., Conn.), and two putative human-rights groups provides a case study of how Sandinista propaganda is legitimized and makes its way into the public debate and, ultimately, congressional policy.

The Washington, D.C., law firm of Reichler & Applebaum is the Nicaraguan government's official registered agent in the U.S. For its services, the firm is paid an annual rate of about $320,000. From all outside appearances the firm has ably represented its client. An accounting of the lobbyists' appointments with legislators and staff reads like a Who's Who among Senate and House liberals.

But Reichler & Applebaum's lobbying efforts on the Sandinistas' behalf have gone beyond the congressional routine. In an interview, Mr. Reichler confirmed that some months ago he originated and orchestrated a plan to send a team of "professional attorneys to Nicaragua to conduct an objective, independent investigation of contra atrocities."

Reed Brody, a 31-year-old lawyer, and Jim Bordeloin, a law-school student, were selected to conduct the "objective investigation." They spent four months in Nicaragua taking statements from witnesses of resistance-force atrocities, all with the full cooperation of the Sandinistas. Mr. Brody confirms that most of the investigators' in-country transportation, boarding, housing, office space, staff and, one can assume, the witnesses themselves, were provided compliments of their Marxist hosts and sympathizers in Managua.

Upon completion of the "investigation," the 141-page Brody Report, consisting of nearly 150 sworn affidavits from "witnesses," was duly processed back through the Sandinistas' lobbyists at Reichler & Applebaum. There it was prepared in final form and, according to a report submitted to the House Foreign Affairs Subcommittee on Western Hemisphere Affairs, passed to the Washington Office on Latin America (WOLA), the International Human Rights Law Group and Rep. Gejdenson for public dissemination.

These three parties all have their individual biases, WOLA, for example, has been a particularly prolific and harsh critic of the human-rights records of Latin American governments friendly to the U.S., as well as the contras, and sympathetic to the Sandinistas and other Marxist insurgents in the region. In reviewing WOLA reports, articles and studies, no serious or critical account of Fidel Castro's human-rights record in Cuba could be found. It is also worth noting, in weighing the group's objectivity, that two former WOLA employees are now employed by the Nicaraguan Foreign Ministry.

Apparently recognizing that a hasty embrace of the Sandinista-sponsored Brody report might be viewed with skepticism, Rep. Gejdenson, WOLA and the Law Group assembled a second delegation to verify the Brody findings. This second delegation consisted of Michael Glennon, former chief counsel to the Senate Foreign Relations Committee under the chairmanship of Frank Church; Donald Fox, a New York City-based international human-rights lawyer-activist; Valerie Miller, the delegation's interpreter, who lived in post-revolutionary Nicaragua for two years and wrote a book on the Sandinista literacy campaign; and, as an observer, a staff aide to Rep. Gejdenson, Mr. Fox confirmed that his Nicaraguan-born wife, now a U.S. citizen, Ana Clemenzia Tercero, accompanied the group to Managua to visit family members at WOLA's expense. Ms. Tercero's brother is a high-ranking official in the Nicaraguan Foreign Ministry assigned to Rome. This group uncovered no discrepancies in the Brody findings after having corroborated only 10 of the nearly 150 Brody affidavits during its one-week visit to Nicaragua.

Then, on March 7, in releasing the Sandinista-sponsored Brody Report, Rep. Gejdenson, WOLA and the Law Group called for a congressional investigation into contra atrocities before a packed press conference on Capitol Hill. Mr. Gejdenson stated he was forwarding the report to Rep. Lee Hamilton (D., Ind.), chairman of the House Intelligence Committee, and Rep. Michael Barnes (D., Md.), chairman of the House Foreign Affairs Subcommittee on Western Hemisphere Affairs, of which Mr. Gejdenson is a member. In their prepared press statements, Mr. Gejdenson, WOLA and the Law Group did not mention the Sandinistas' role in originating and facilitating the Brody Report.

Last week the House Western Hemisphere Affairs Subcommittee held several days of hearings on aid to the contras. At Thursday's session, at the request of Mr. Gejdenson, Mr. Brody testified before the committee and had his report entered into the Congressional Record. Mr. Fox also testified, embracing the Brody report. And, apparently in order to gain some distance from the Sandinista-inspired document, Mr. Fox submitted a second report written by himself, Mr. Glennon, the Law Group and WOLA. The findings of this report substantiated and reinforced the Brody report.

The Brody document made its was into the public and congressional debate with a splash. The media fallout included articles in the Washington Post and the New York Times, and network coverage, including about 2½ minutes on the CBS Evening News. None of these accounts seriously challenged the report's origins or handling, ignoring or playing down the Sandinista sponsorship to the point that it was virtually unrecognizable to the audience.

The overall impact of the press accounts and congressional responses served the purposes of a Marxist regime to distort the U.S. public and Congress's understanding of the human-rights saga in Nicaragua—all of which will continue to shape U.S. policy in that war-torn country.●

U.S. CHURCHES IGNORE BLACK SOUTH AFRICANS ON DISINVESTMENT

HON. JACK FIELDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. FIELDS. Mr. Speaker, I'm placing into the RECORD a recent book review by columnist Allan Brownfeld. Mr. Brownfeld's review of "The Politics of Disinvestment: Churches and Foreign Investment in South Africa," by Richard Sincere, published by the Ethics and Public Policy Center in Washington, addresses the issue of "disinvestment" as a tool for pressuring social and political change in South Africa.

According to Mr. Brownfeld and Mr. Sincere, the World Council of Churches [WCC] and the National Council of Churches [NCC] insist upon attacking apartheid through isolation, disinvestment, and embargoes. Many spokesmen for these umbrella church organizations are on record supporting Marxist terrorist groups, and their interpretations of Christianity often resemble St. Lenin more than St. Paul.

That is to say, spokesmen for the WCC and the NCC seem to demonstrate the socialist mindset: Too often their sociological and political proposals evidence a tendency to oversimplify human nature and reduce the complex human person to a more manageable unit; with the end result that a human's value would rest ultimately upon the degree to which he fitted in with the dictates of the state. Is this not precisely the result and pattern set by the self-proclaimed revolutionary states in Africa with which many of these churchmen seem enamored? It still remains that one of the key questions regarding social and political evolution in South Africa is this one: "Which current state in Africa would you most like South Africa to pattern itself after?" With the WCC and the NCC openly supporting and aiding Marxist terrorist groups, and calling for policies destined to bring more unemployment, more poverty, increased civil unrest, and violent upheaval to South Africa it is easy to answer that question for them. Angola and Mozambique quickly come to mind.

On the other hand, the book and its reviewer point out that many leaders of the black community within South Africa, such as labor leader Lucy Mvubelo, avidly support increased investments by Western firms. Such supporters of investment live and experience the beneficial results of employment, significant wage increases, equal-opportunity codes, and so forth, offered by Western firms in South Africa. Interestingly enough, most church leaders within South Africa also appear to support continued economic investment in South Africa from abroad, and insist that disinvestment would hurt mostly those people it is intended to help.

Mr. Speaker, the article follows:

[From Human Events, Apr. 13, 1985]

U.S. CHURCHES IGNORE BLACK SOUTH AFRICANS ON "DISINVESTMENT"

(By Allan C. Brownfeld)

The campaign to isolate South Africa economically, to pass legislation calling for U.S. disinvestment, and to withdraw American business from that country has been increasingly vocal in recent weeks.

While the campaign has been led by radical organizations such as Trans-Africa, which openly support violent revolution and provide aid and support to such pro-Soviet terrorist groups as the South West Africa Peoples Organization (SWAPO) and the African National Congress (ANC), another key element in the coalition urging disinvestment has been American church groups, as well as the World Council of Churches (WCC).

The WCC, through its Program to Combat Racism (PCR), has provided financial aid to the Marxist terrorist organizations. It rejects evolutionary change in South Africa and calls, instead, for the violent overthrow of existing institutions. WCC publications characterize Ronald Reagan and members of his Administration as "racist." In fact, a 1982 PCR report declared, "Rarely before has racism been such a consistent component of U.S. policy formulations."

A similar position, of course, has been taken by the American National Council of Churches (NCC), which is affiliated with the WCC. A number of denominations have followed suit.

The United Presbyterian Church has called not only for disinvestment but has urged the U.S. government to deny export licenses to U.S. firms doing business in South Africa, impose penalties on income earned there, terminate Export-Import Bank credits, exclude South African operations from the insurance program provided by the Overseas Private Investment Corp., and prohibit the sale of Krugerrands in the U.S.

The United Methodist Church not only supports economic sanctions against South Africa, but calls for support for terrorist groups such as SWAPO. The list of such pronouncements by American churches is a long one.

In a new study, "The Politics of Sentiment—Churches and Foreign Investment in South Africa,"* published by the Ethics and Public Policy Center of Washington, D.C., those churches which call for disinvestment and the economic isolation of South Africa are sharply criticized. Those who advocate such positions, the report declares, are ignoring both the long-run best interests and the current opinions of the vast majority of black South Africans.

They are overlooking, in addition, the dramatic changes now taking place in South Africa and moving that country in the direction of greater freedom and opportunity for men and women of all races.

In introducing the study, Dr. Ernest Lefever, president of the Ethics and Public Policy Center, declared, "Although frequently cited by American church leaders who advocate the withdrawal of U.S. companies from South Africa, Bishop Desmond Tutu does not speak for the majority of black leaders in his country on the controversial issue of foreign investment there. Despite the international acclaim he has won, Bishop Tutu is virtually isolated in his call for withdrawing foreign investments from South Africa.

The foreword to the study is written by black South African labor leader Lucy Mvubelo, who serves as general secretary of the National Council of South Africa. She states:

"I am a worker and trade unionist living in Soweto who knows how the ordinary African worker suffers under the discriminatory effects of apartheid. I want fuller participation by my black co-workers and all groups in the economy and political system. . . . I have heard all the arguments and proposals for changing our internal situation through external pressures to isolate South Africa from Western democracies, but I am not convinced.

"To proponents of isolation, disinvestment and embargoes, I must say: Don't break off contact, and don't advocate disengagement and withdrawal of foreign investments. . . . Foreign investment has created jobs for thousands of African workers who would otherwise not be employed.

"Thanks to the policies of foreign firms operating here, black workers have gained significant wage increases, often larger than the increases gained by black workers in South African companies. These workers enjoy the benefits of equal-opportunity codes adopted by American and European firms. . . . The vitality of South Africa's economy offers more hope to South African blacks than destructive forms of pressure from abroad."

Discussing the role of Western churches in particular, Mrs. Mvubelo argues that ". . . church leaders are often misguided and often ill-informed, and their statements and activities remain unexamined in light of the actual conditions in South Africa. Those who insist that Christian vision requires them to support revolutionary change in South Africa fail to acknowledge any reform in South Africa and fail to see—or turn a blind eye to—the effects violent revolution will have."

While most church leaders in the U.S. advocate some form of disinvestment, the author of the study, Richard E. Sincere Jr., points out that most church leaders within South Africa itself reject such an approach. Sincere writes:

"With the exception of leaders at the South African Council of Churches, notably Bishop Tutu, and independent groups such as the Christian Institute, most church leaders in South Africa appear to support continued economic investment from abroad and thus to be against disinvestment. They encourage businesses to treat their employees fairly, following the Sullivan Principles or the SACC code.

"Many insist that disinvestment would hurt most the very people it is intended to help. Some express grave doubts over the efficacy of an externally imposed disinvestment strategy, and others have registered their concern over the World Council of Churches' support of violent liberation movements in southern Africa and elsewhere."

It is Sincere's view that those American churches which have been in the forefront

*"The Politics of Disinvestment: Churches and Foreign Investment in South Africa," by Richard E. Sincere Jr.; Ethics and Public Policy Center, 1030 15th St., NW., Washington, D.C. 20005. 176 pages, $8. To order, see ad on page 11.

of the campaign for disinvestment have been woefully misinformed about the dynamic changes taking place within South Africa.

He reports in detail about an end to jobs reservation—that legislation which reserved certain jobs and occupations for whites.

Blacks in South Africa now have the right to organize labor unions. Per capital income figures for blacks and other non-whites in South Africa now range from two to five times higher than those of blacks in independent black countries. This, he argues, explains why one million "guest workers" from neighboring countries choose to work in South Africa.

Since 1970, the real earnings of nonwhite workers in industry and mining have been rising more sharply and more steadily than those of white workers. Between 1970 and 1979, the wage gap narrowed in all economic sectors. Real wages for blacks tripled between 1970 and 1979.

Blacks in cities and suburbs, the study points out, now have the right to buy their own homes and the government has launched a massive electrification program in Soweto, the large black township outside of Johannesburg. Etienne Van Loggerenberg of Rand Afrikaans University estimates that in the five years prior to 1982, Soweto household incomes increased by 50 per cent. In 1970, said economist Arnt Spandau, the whites' share of total personal incomes in South Africa was 75 per cent compared to 25 per cent for non-whites. But 1980 the proportion had changed to 60 and 40 per cent.

Other dramatic changes in South Africa are discussed in detail, including the new constitution of November 1983 which brought certain non-whites—Indians and members of the Colored (mixed-race) community—into the political process for the first time. Sincere shows that "The expanding wage rates of the 1970s and early 1980s have given the black community, especially in urban areas, increased economic power. This has forced the government to let blacks in cities and suburbs buy their own homes . . . ."

Continued economic growth, the author points out, will mean that more and more jobs will be available for black South Africans. Such economic growth, he states, is the best way to improve racial conditions. In this connection he quotes a number of careful observers of these trends. Thus, economist Walter Williams declares:

"Above all, it is South Africa's economic growth that is breaking the back of apartheid. Rapid economic growth makes racial discrimination costly. A growing robust economy tends to reduce racial hostilty and awareness; a decling or stagnating economy does the opposite. After all, can any sane person argue that American blacks could have just as easily achieved the social, political and economic gains of the 1960s boom during the bust of the 1930s?"

Herman Nickel, now U.S. ambassador to South Africa, wrote in *Fortune* magazine in 1978: "In broad historical terms, there appears to be little logic or reason in the idea that economic stagnation provides a better backdrop for the peaceful transformation of South Africa from institutionalized racism into a multiracial society. The notion would seem all the more bizarre when put forward by Americans, for the whole history of racial progress in the United States points in the opposite direction.

"Practically every major step forward was linked with economic progress. . . . Economic growth did not stengthen the system of institutionalized racism in the United States; it effectively destroyed it."

This report cites the support of the overwhelming majority of black South Africans for continuing U.S. business involvement in South Africa—something which is completely ignored by American church pronouncements on the subject. The evidence is impressive.

In an effort to explore "the relationships between political attitudes and industrial issues among blacks in South Africa," the U.S. Department of State commissioned the highly regarded Centre for Applied Social Sciences at the University of Natal to undertake research into the attitudes of black workers. The findings, described by Prof. Lawrence, Schlemmer who heads the Centre, as "remarkable," found that three-quarters of South Africa's black production workers support foreign investment in South Africa and reject disinvestment and boycott as a strategy for improving conditions.

A genuine—elected—black leader, Gatsha Buthelezi, chief minister of KawZulu, declares, "Public opinion surveys have shown that the majority of black people support continued investment by Western capital. . . . There is not a single trade union which supports the policy of disinvestment. So I get my cues from ordinary people. The ordinary man-in-the-street in South Africa has never said he is for disinvestment."

If U.S. investment were to leave South Africa, Sincere writes, "Politically and economically devastating consequences could hardly result. . . . The $2 billion in U.S. investments—less than half the amount held by British firms—is not enough to make a significant difference." But, he states, "There is reason to fear that employment policy toward blacks would be less enlightened under non-U.S. ownership, and that the whole American initiative toward fair labor practices would be significantly eroded."

It is clear, Sincere notes, that many advocates of disinvestment "hope that economic pressure on South Africa will lead to revolution." Yet, he shows, "violent overthrow of the government is unlikely to produce the desired end of greater justice and freedom for all non-white South Africans." He quotes Prof. Samuel Huntington of Harvard, the respected political scientist, as saying:

"When in world history has violent revolution produced a stable democratic regime in an independent state? Except for Costa Rica, never. All revolutionary opponents of authoritarian regimes claim to be democrats; once they achieve power through violence, almost all turn out to be authoritarian themselves, often imposing an even more repressive regime than the one they overthrew."

Similarly, Yale political scientist Robert A. Dahl is quoted as stating that stable democracies "are more likely to result from rather slow evolutionary processes than from revolutionary overthrow of existing regimes."

Among the problems with church pronouncements concerning South Africa, the study declares, "is their failure to acknowledge the possible adverse consequences of a chaotic or revolutionary South Africa for the security of the United States, Europe, Japan, Canada—indeed, the whole free world." Totally ignored, for example, is the strategic importance of the Cape Sea Route and of South Africa's strategic minerals. Moscow has its eye on South Africa, something the WCC and its American friends either overlook or, somehow, welcome.

The support given by the WCC and many American religious denominations for radical terrorism in southern Africa, this study states, "is contrary to the standards of the Christian just-war tradition. The WCC declared in 1948 that 'war as a method of settling disputes' is incompatible with the Gospel of Jesus Christ, but now it actively supports—with money, personnel and public pronouncements—terrorist groups seeking to overthrow the South African government through subversion, terrorism and guerrilla warfare. . . . The rejection of violence and espousal of constructive, peaceful change is conspicuously absent from the statements and activities of the WCC and most U.S. denominational statements."

Another serious shortcoming to be found in the approach to South Africa of many religious bodies is, the study points out, that "the churches have failed to consider (perhaps even deliberately ignored) alternative points of view in their pronouncements . . . the WCC said flatly that those who support evolutionary change are supporters of apartheid and racists.

"Most American church documents cite only the Christian Institute and Bishop Desmond Tutu as South African authorities. The evidence shows that these sources are not an accurate reflection of South African religious opinion. Furthermore, no American church document made reference to the views of South African trade-union leaders, members of the opposition parties such as Helen Suzman or Robert Conway, or black leaders like Gatsha Buthelezi, who consistently have opposed both apartheid and disinvestment and related tactics of isolation."

It is a strange morality indeed which seeks to make life in South Africa worse than it may become better at a later date when we see dramatic change already taking place.

The distinguished South African author Alan Paton, who has devoted much of his life to fighting the apartheid system, addressed an open letter to Bishop Tutu, one of the vocal advocates of disinvestment. He wrote in the Johannesburg Sunday Times (Oct. 21, 1984):

"Bishop Titu, I want to ask you a . . . question. I do not understand how your Christian conscience allows you to advocate disinvestment. I do not understand how you can put a man out of work for a high moral principle.

"You and I both know well the parable of the sheep and the goats, and we know well the importantance that Jesus attached to the feeding of the hungry and giving of water to the thirsty. You could put a man out of a job and make his family go hungry so that some high moral principle could be upheld.

"It would go against my own deepest principles to advocate anything that would put a man—and especially a black man—out of a job. Therefore, I cannot understand your position. I think your morality is confused just as was the morality of the church in the Inquisition, or the morality of Dr. Verwoerd in his utopian dreams. You come near to saying that the end justifies the means, which is a thing no Christian can do."

Sincere concludes this important study with a series of recommendations for those churches and church leaders which seek to have a truly affirmative impact upon the future of South Africa and race relations in that country.

He declares that "Church leaders need to be better informed about the political and economic facts. Too often they accept the false notion that South Africa is a repressive, totalitarian country similar to Nazi Germany. In fact the country is diverse, pluralistic, dynamic and rapidly changing. There are many forces within the government, the churches, the economy and South African society as a whole that lend themselves to further liberalization."

In addition, Sincere, with an abundance of evidence amassed to support his position, argues that "The U.S. corporate presence in South Africa, though certainly not above reproach, is a force for good.

"Most U.S. firms advance the cause of human dignity. They increase the material well-being of workers and their families, they adhere to non-segregation standards that break down the walls of apartheid, and they invest in community projects that promote human development . . . . American churches should therefore oppose actions . . . . to limit U.S. business in South Africa. On the contrary, they should encourage the expansion of U.S. business there because American firms contribute to productivity and prosperity and thus help create a climate for conservative change.

"The churches should also oppose terrorist movements bent on destroying South African government and society. The country has an independent judiciary, a remarkably free press, active human-rights groups, opposition political parties, and an electoral process that permits change. To support revolution despite the presence of effective channels for peaceful change is not only counterproductive but also immoral."

In the growing debate over the U.S. role in South Africa, this study deserves to be a key element and to play an important part. Those who reject its thoughtful conclusions must be asked to bear the burden of proving that their own calls for disinvestment would not do more harm than good, would not hurt the very people they say they want to help. It is unlikely that they will be able to do so.●

A REMINDER TO THE PRESIDENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. BROWN of California. Mr. Speaker, on April 5, President Reagan made a striking departure from his 1984 campaign promise never to cut Social Security benefits. Ever since his reelection, his rhetoric on any reduction of Social Security has substantially softened.

I wish to remind the President of the promise he made during the Presidential debate in Louisville on October 7, 1984:

With regard to Social Security. . . . I will say this: A President should never say never. But I am going to violate that rule and say "never." I will never stand for a reduction of the Social Security benefits to the people that are now getting them.

Not only has he violated that rule, but he also violated the trust of millions of this Nation's elderly who believed him. For despite his continuous promises during the past year never to reduce Social Security, he and Senate Republicans have advanced a joint proposal to do just that. The compromise budget they proposed last week, will reduce the Social Security cost-of-living adjustment [COLA] by 2 percent in each of the next 3 years. In effect, this will reduce Social Security benefit payments of $22.6 billion over the next 3-year period.

After the election, when his stand on Social Security began to soften somewhat, President Reagan said that he would only consider a reduction in Social Security benefits if an overwhelming bipartisan majority of both Houses of Congress proposed it. But the impetus did not come from a bipartisan majority, instead it came from the President himself. President Reagan vehemently denies that constricting Social Security COLA's is a reduction in Social Security benefits, so much so that the President charged that anyone who said that he was breaking his promises is "lying in their teeth." Well I ask you, Mr. President, who is lying through whose teeth?

The fact of the matter is that constricting Social Security COLA's as the President and Senate Republicans are proposing is a true reduction in existing Social Security benefits. Congress determined in 1972 that the value of Social Security benefits should be held constant in the future, and wrote into law a guarantee that benefits would be increased to offset inflation. Any restriction on this periodic adjustment constitutes a reduction in currently guaranteed benefits to current Social Security recipients.

Perhaps the President should be reminded of the purpose of the Social Security program. Upon signing into law the landmark Social Security Act of 1935, President Franklin D. Roosevelt explained that the Social Security Program was intended to "give some measure of protection . . . against poverty-ridden old age." This year marks Social Security's 50th anniversary, and for all intents and purposes, this program has achieved its stated goal. It has made a tremendous contribution to the ability of older persons to survive with dignity and a measure of hope by providing some economic security, access to basic health care, and access to needed social services.

Yet, the fact remains that millions of older citizens continue to suffer because their incomes are inadequate, their health needs are unmet, and they are isolated and unable to participate in the mainstream of the Nation's daily life.

The Congressional Budget Office, which analyzed the projected financial impact on beneficiaries of the Reagan administration's new proposal, concluded that, using the administration's inflation assumption, the proposed 3-year reduction in COLAs would increase the "poverty gap" by an estimated $430 million and would increase the number of poor people by about 530,000—370,000 of them elderly.

The new Reagan/Republican proposal would reduce Social Security benefits by 1.9 percent in fiscal year 1986 and 5.7 percent in fiscal year 1988, compared to the benefits that would be received under the current law. This reduction would cost the average recipient $81 in fiscal year 1986, $198 in fiscal year 1987, and $314 in fiscal year 1988, according to an analysis by the Center on Budget and Policy Priorities.

By the time the 3-year COLA reduction specified by the new budget compromise is fully phased in, it would cost beneficiaries almost 50 percent more than the 1-year COLA freeze originally approved by the Senate Budget Committee. By fiscal year 1988, the 1-year COLA freeze would reduce benefits 3.9 percent below the levels mandated by current law, compared to 5.7 percent benefit cut under the new Republican plan. I ask you, Mr. President, is it fair to ask our Nation's poor and elderly to once again become the sacrificial lamb, while we continue to increase the military spending to astronomical proportions?

Although Social Security taxes are counted as Federal revenues, and its benefits as spending, if Social Security spending were reduced, we could not take that money saved and use it to fund some other program in the deficit. Today, the Social Security fund is strong and healthy, and accumulating surpluses into the next century. We should not tamper with the system now that we are beginning to regain the public's confidence in the Social Security Program.

Social Security is—as it always has been and as it was intended to be—an essential foundation of economic security for the elderly. Without it, millions more of the Nation's aged would live below the poverty line, and millions more who are poor would be poorer. Therefore, I urge the President to remember his promise of October 7, 1984. And I urge my colleagues to resist any further reductions in those Federal programs which reflect America's commitment to the well-being of our elderly.●

SATELLITE TELEVISION VIEWING RIGHTS

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. TAUZIN. Mr. Speaker, on March 28, along with my colleagues Mr. ROSE, Mr. WHITTAKER and Mr. MCEWEN, I introduced H.R. 1840, the

Satellite Television Viewing Rights Act of 1985. We introduced this legislation in light of the tremendous growth in home satellite Earth stations which give consumers the ability to receive otherwise unavailable television programming. The proposal would require that these consumers, now over 1 million strong, be allowed access to satellite delivered television signals at reasonable rates, terms and conditions.

My concern at the time I introduced the legislation was that the cable television and other services transmitted over domestic communications satellites would be encripted—scrambled—in such a way as to effectively deny their use by home Earth station owners. It is now my understanding that efforts are underway amongst cable television networks to offer their services to home Earth station owners. That is good and I am glad to see that they have apparently decided not to disenfranchise the backyard market.

What worries me, however, are the reports that a few of these networks are banning together and agreeing among themselves to license their product exclusively to themselves and not to others who may also wish to market a competitive package to consumers. That is not the kind of free and open access to the signals which my cosponsors and I envisioned when we introduced H.R. 1840. In fact it is amazingly similar to the Premiere case which the Justice Department, cable networks, and cable operators fought only a few years back and which the court found to be in restraint of trade.

As I said on March 28, the key "is access to these signals at reasonable prices, terms and conditions." Where there is only one supplier to the market and he also happens to own the network there is, by definition, no such thing as reasonable prices, terms, and conditions. Indeed, what exists in its place is what the economists call "monopoly rent."

Mr. Speaker, the goal that the sponsors of H.R. 1840 seek is an open, competitive environment for backyard Earth station owners in which no regulation will be necessary. Absent that competition the Government must intervene just as it did in the Premiere case. I'm convinced that the satellite networks, having received the message that they cannot deny their product to consumers, are now planning to make it available in a very limited manner which suits their purposes but which does not encourage a free and open marketplace and thus does not benefit consumers. If such is the case then the kind of action envisioned in H.R. 1840 will become even more necessary.●

WHY THE PRESIDENT SHOULD CANCEL HIS VISIT TO THE BITBURG CEMETERY

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. MINETA. Mr. Speaker, I would like to take this opportunity to discuss the current controversy over President Reagan's planned visit to the German military cemetery of Bitburg where Nazi soldiers including some from the SS unit are buried.

Apparently, the original intent for laying the wreath at Bitburg was to symbolize the spirit of reconciliation that President Reagan in his visit to West Germany wants to stress. But let us stop for a moment and ask: "What are we reconciling ourselves with?" Are we making peace with the legacy of Hilter's Nazi forces and the atrocities that they committed?

When Hitler came to power and began his aggression against the countries of Europe, he had in his mind supreme victory and a new order for the world. He envisaged an order in which those that he considered racially superior would rule and those that he considered racially inferior would perish. Hitler's new order wiped out religion, it wiped out free speech, free thought, almost every kind of freedom that we Americans know and enjoy. If the Allied forces had not won the war, Europe and many other nations of this world would have been enveloped in a nightmare under a racist militaristic political order that they might never have escaped. The concentration camps in which 6 million Jews and millions others died stands today as testimony to this evil.

Make peace with that kind of legacy, Mr. Speaker? I think not.

Let me make clear that we know that the sins of the last generation of Germans must not be held against the new generation of Germans. Those of us that protest the visit to Bitburg are not accusing the present Germany of atrocities that were committed by Hitler. A Presidential visit to a concentration camp will not signify accusation, but simply acceptance of history as it really was.

But I am wary of what a Presidential visit to Bitburg would achieve or what it will come to symbolize. At the very least, it may symbolize making peace with the Nazi legacy, which would be unacceptable, and at the worst, it could symbolize some sort of absolution for Nazi war criminals, which would be unspeakable.

At the end of World War II, I believe we made a promise not only to those who died a brutal death in the concentration camps, but also to posterity, indeed, to humanity. Never again, we promised, never again will we let such a Holocaust take place. We promised that we would never forget the atrocities of Hitler, lest the world repeat such horror again. If President Reagan goes to Bitburg, we will be on the road to breaking that promise. We would be signifying that we are willing to forget and forgive acts that cannot ever be forgotten or forgiven.

I understand the President's desire to move forward and celebrate with the democratic Government of West Germany the joint pursuit of peace, cooperation, justice, and freedom. Let us move forward, but let us not forget the tragedy, let us not concede the horror in our haste to move on. Let us not reject the memories of those innocent millions who were brutally put to death in concentration camps.

I do not think the German people have forgotten this. I do not think the Jews have forgotten. I do not think those who fought in World War II have forgotten. I do not think the world has forgotten. I certainly do not think the President of our country should act as if he has forgotten. I ask the President to cancel his visit to Bitburg and find a more suitable way to commemorate the end of World War II and the friendship between West Germany and our country.●

WORLD WAR I SERVICE PENSIONS LONG OVERDUE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. YOUNG of Florida. Mr. Speaker, this is my eighth term as a Member of the U.S. House of Representatives and this is the eighth time I have sponsored legislation to provide a long overdue service pension to veterans of World War I.

When I first introduced this legislation in 1971, there were more than 1.4 million World War I veterans living in the United States. Today there are fewer than 225,000. On the average, these surviving veterans are over 80 years of age.

As the oldest American veterans, these brave men, and women, and their spouses have special needs that a $150 per month service pension will just begin to offset. I am well aware of the hardships they have incurred over the years because more than 21,000 live in Florida and 3,650 in Pinellas County, which I represent.

Our Nation has established a proud tradition of caring for those Americans who placed their lives on the line and endured great risks to preserve our sacred liberty and freedom. Congress enacted legislation to provide a service pension for every veteran from the Revolutionary War through the Spanish-American War. For all those

who have served since World War II, Congress established programs providing comprehensive medical and educational benefits that are a model for other nations. The veterans of World War I unfortunately, were lost in the transition and have never been adequately rewarded for their service. Now, almost 70 years later, they are looking to us in their time of need.

H.R. 1918, the World War I Service Pension Act of 1985, which I have cosponsored, would provide a $150 per month pension to veterans of World War I and a $100 pension for their surviving spouses. These benefits are of the same level of those accorded the veterans of every other major war.

Time is quickly running out if we are to reward those Americans who bravely served our Nation many years ago. I'm hopeful that we can finally enact legislation this year to provide the much deserved benefits to these veterans who we sadly have neglected over the years.

Throughout the past 15 years, I have worked for and pledged my continued support to fully compensate all American veterans for their service in defense of our great Nation. The time is upon us to fulfill our obligation to the oldest of our veterans who served in World War I.●

THE 50TH ANNIVERSARY OF SOIL CONSERVATION SERVICE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. HOYER. Mr. Speaker, April 27 marks the 50th anniversary of the enactment of the first permanent legislation authorizing soil and water conservation programs in the U.S. Department of Agriculture. When the Congress passed this legislation in 1935, a commitment was made by this Nation to protect and preserve our country's soil and water resources so that we would never again witness a situation as severe as the Dust Bowl that struck our American heartland in the early 1930's.

Throughout these 50 years, the Soil Conservation Service and its dedicated employees have been at the forefront of developing and carrying out national soil and water conservation programs with farmers, environmentalists, land users, and developers. Their programs are carried on through technical help to locally organized and operated conservation districts. About 3,000 conservation districts cover more than 2 billion acres in the 50 States and territories.

Specifically, Mr. Speaker, in my own State of Maryland, USDA's Soil Conservation Service works through 24 soil conservation districts. In Maryland, SCS has provided technical help to 7,250 individuals and groups and land users have benefited from SCS conservation planning assistance covering 97,100 acres.

Most importantly, the SCS program in our State has become the keystone in the expanding pollution control efforts aimed at keeping soil erosion to a minimum flow into the Chesapeake Bay and its tributaries. Our efforts to curb runoff requires expert technical staff, which we in the State of Maryland are fortunate to have working for us through SCS.

However, Mr. Speaker, the budget request proposed by the administration seeks to cut SCS funding by approximately two-thirds by 1987. This funding level would effectively dismantle this organization which has served our Nation so ably over the past half century. In addition, the employees who have worked so diligently in preserving our Nation's most precious resources—soil and water—will be forced into early retirement.

We all are cognizant of our Nation's budget crunch. However, the attempts by the administration to dismantle the Soil Conservation Service should not be allowed to occur. I would urge my colleagues to scrutinize carefully the attempts to damage an agency that is so vitally important to our Nation's agricultural and environmental well-being.

Finally, I would like to take this opportunity to congratulate the outstanding job of the SCS employees in the State of Maryland as they join in the 50th anniversary of their agency. I hope we will assure that the SCS will enjoy another 50 years of success.●

PHILADELPHIAN NAMED INVENTOR OF THE YEAR

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. FOGLIETTA. Mr. Speaker, I wish to draw the attention of the House to an award presented April 17 to a distinguished doctor from a distinguished medical school in Philadelphia.

The award is the Inventor of the Year, and the recipient is Dr. Jewell L. Osterholm, chairman of the department of neurosurgery of Jefferson Medical College, Thomas Jefferson University in the heart of Philadelphia.

The award is made by a nonprofit association called Intellectual Property Owners, Inc. [IPO], which represents people with patents, trademarks, and copyrights. IPO makes such an award every year to honor the spirit of invention that is part and parcel of the spirit of American enterprise.

This year's recipient, Dr. Osterholm, holds nine U.S. patents on a system for the treatment of stroke, specifically infarction strokes, one of two broad classes that together rank as the third leading cause of death in the United States and other industrialized nations.

The invention consists of circulating an artificial spinal fluid around the cells of the brain, a process that has been described as "a cerebral version of kidney dialysis."

Animal studies have shown that a 24-hour circulation of this fluid through the natural pathways around the brain cells has allowed full recovery of the animals. Human clinical trials are expected to begin with a year and a half. Commercial medical use is not expected before 1990, at the earliest.

I am delighted that such a person as Jewell Osterholm devotes a substantial portion of his life to seeking a treatment for such a debilitating condition as stroke. Further, I am delighted that he is doing his work at such a splendid institution at Thomas Jefferson University. Finally, I am delighted that such an organization as IPO is willing to honor such enterprise and to help focus public attention on the importance of inventors and the patent system that seeks to protect and encourage them. Thank you.●

JOHN TEDORSKI, OUTSTANDING CITIZEN

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. GAYDOS. Mr. Speaker, on Sunday, May 5, the chamber of commerce in the city of Arnold, PA, once again will single out for community recognition several citizens who have been selected for public recognition because of their service to the municipality.

They will be honored at a testimonial dinner in the IAES Hall and presented meritorious achievement awards for their work on behalf of the community and its residents.

This year's principal honoree is Mr. John Tedorski, retiring president of the chamber. He is to be cited not only for his efforts as president of the organization during the past year but also for his work in other community activities. For example, he has been an active member of Citizens Volunteer Engine Company No. 2, serving several years as fire chief, and has served in various capacities on the Arnold Zoning Board, where he currently sits as chairman.

The chamber also will present awards to four other citizens in recog-

nition of their accomplishments in their chosen fields. These include:

Outstanding Business Person Award—Mrs. Kathy DeSimone of the Country Counter.

Outstanding Merchant of the Year—Sam Lombardo, Sr., of the City Bottling Co.—Sam's Pop Shop. Mr. Lombardo is carrying on a business operated by his father, Nunzio Lombardo.

Outstanding Professional Achievement Award in Journalism—Mr. Paul Hess, executive editor of the Valley News Dispatch.

Outstanding Professional Achievement Award in Music—Mr. Art DeSimone.

Mr. Speaker, the annual chamber of commerce awards dinner is one of the highlights of the year for the citizens of Arnold. They turn out en masse to acknowledge those among them who give freely of their time and talent to improve their community and much of the credit for the success of this annual affair is due to the efforts of Mr. Domenic A. Saulle, secretary of the chamber and chairman of the testimonial dinner committee.

On behalf of my colleagues in the Congress of the United States, I offer our congratulations to this year's recipients of the city of Arnold Outstanding Citizenship Award.●

125TH ANNIVERSARY OF AUGUSTANA COLLEGE

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. EVANS of Illinois. Mr. Speaker, 1985 marks the 125th anniversary of Augustana College, a well recognized liberal arts institution located in Rock Island, IL. Despite its relatively small enrollment, Augustana is well represented in Congress with two alumni: Congressman DON SUNDQUIST of Tennessee, class of 1957, and myself, class of 1974. Augustana is also well represented in the Quad City community with numerous civic leaders claiming Augustana as their alma mater.

In the year 1860, the first campus of Augustana was founded on the near north side of Chicago by Swedish immigrants who were graduates of the Old World universities of Uppsala and Lund. The graduates wanted to provide leaders for the new churches being organized, and to offer an education to the youth of the new Swedish communities.

After the devastating effects of the Civil War, which drastically reduced the number of enrolled students and faculty, Augustana College moved to Paxton, IL, in 1863. By the year 1875, the campus was located in Rock Island, IL, where it has been for more than 100 years. Today, the campus consists of more than 100 acres and 30 buildings, located on the rolling hillsides of the Mississippi River Valley.

Augustana College is highly regarded as one of the finest higher education institutions located in the Midwest. The college has been accredited by the North Central Association of Colleges & Schools since the founding of the association in 1913. Noted for its high academic standing, 80 percent of the faculty of Augustana hold doctorates or terminal degrees. Many professional and scholarly societies, such as Phi Beta Kappa and Mortar Board, are affiliated with Augustana. Along with the high academic standards of the college, Augustan's athetic department has produced a great football team, which for the last 2 years has been the national champions of the NCAA division 3, and fielded comptitive teams in track and field, baseball, and several other sports.

Augustana offers a liberal arts education, patterned to stimulate creative leadership in society. The curriculum encourages the students to make sound judgments and personal convictions that are in conjunction with moral integrity and religious values, reflecting the college's continued association with the Lutheran Church of America.

Mr. Speaker, as an alumnus of this institution it is a great honor for me to recognize the 125th anniversary of Augustana College. I congratulate Augustana, its administration, faculty, and students, for their contributions to the Quad City area, Illinois, and our Nation.●

REACHING OUT—INNOVATIVE CALIFORNIA PROGRAM ENCOURAGES FIFTH GRADERS TO ADOPT GRANDPARENTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. LANTOS. Mr. Speaker, adopting young children is a common phenomenon, but adopting grandparents is far less frequent. In some respects, however, it may be just as important and just as beneficial to both groups. I am delighted to report to my colleagues that adopting grandparents does happen and it is an overwhelming success.

Every week, the 31 fifth graders in Jon Geil's class at the Mary A. Deterding School in Carmichael, CA, invade the hearts of the residents of El Camino Convalescent Hospital. Every week the lives of 62 seniors are enriched.

With the help and support of the children's parents and the hospital administration, children are matched by personality and interests with an older individual at the hospital. The children carefully prepare for their hospital experience and visit, once a week, their special friends. Each child and older person have some time together alone.

Back in their school environment, the children talk, write, or draw to express their feelings—sometimes very strong ones—about the experiences they share with their older friends. They then learn the immediacy and power of the written word, art, and verbal expression to represent human experience.

Jim Cook, the administrator of the El Camino Convalescent Hospital, expressed the impact of this program on the elderly patients: "Our lives have been enriched immeasurably. Indifference has become involvement; withdrawal has become alertness; anxiety has become anticipation; isolation has become friendship; and friendship has become love." Jon Giel's fifth grade, according to the residents of the Hospital, "is our unanimous choice for the Best Thing That Ever Happened To Us."

School officials were equally enthusiastic. Fred Stewart, superintendent of the San Juan Unified School District, called the program "a truly inspirational intergenerational experience" which exemplifies and communicates "the value and benefit of the young and old being together in our society." Children have been given the opportunity to view aging from a broader perspective, interact with other age groups, improve their communication skills, and acquire leadership abilities.

Mr. Speaker, this innovative program should not be unique. There are important educational and social benefits for young and old. I commend it to my colleagues. The more we can do to strengthen links between generations, the stronger our American families will be.

There is a bond between old and young people—even old and young people who are not part of the same family—and these Carmichael fifth graders are experiencing that special relationship. Together, across the generations, thay can share profound and meaningful experiences.●

COURT OF INTERNATIONAL TRADE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. RODINO. Mr. Speaker, I am introducing today a measure dealing with the Court of International Trade that makes certain minor changes to the law to be consistent with the article III status of the Court of Interna-

tional Trade. Prior to the enactment by Congress of the Customs Courts Act of 1980, the Court of International Trade was called the U.S. Customs Court. The Customs Courts Act of 1980 expanded the jurisdiction of the court, and provided it with all the necessary remedial powers in law and equity possessed by other Federal courts established under article III of the Constitution. The name of the court was changed to the Court of International Trade to reflect its clarified and expanded jurisdiction and its new judicial functions related to international trade.

The Customs Courts Act of 1980 meant to make the Court of International Trade similar to the other article III courts. However, the Court of International Trade does not currently have statutory authorization to hold its own judicial conference, despite the fact that other article III courts do have this authorization. An annual judicial conference is of great value as it provides a forum for the Court of International Trade to consider, with the assistance of practitioners before it, improvements in the administration of justice by the court.

The Court of International Trade is also the only article III court that is not a member of the Judicial Conference of the United States, the administrative governing body of the Federal judiciary. Despite not being a member of the Judicial Conference of the United States, however, the Court of International Trade is still subject to the policies of this Judicial Conference.

The bill I am introducing will correct the discrepancies described above. It gives the Court of International Trade the authority to hold an annual judicial conference, and makes the Court of International Trade a member of the Judicial Conference of the United States.

One more change to existing law is made by my bill. When the Court of International Trade holds court sessions across the country, other than in its home areas of the southern and eastern districts of New York, the law provides for the U.S. marshal of the district where the court holds session to act as the marshal of the court. When the court sits in the southern and eastern districts of New York, however, paradoxically it does not have statutory authority to obtain the services of a U.S. marshal when necessary. My bill corrects this to permit the U.S. marshals for the southern and eastern districts of New York to act as marshals of the Court of International Trade when the court sits in these districts.●

REMEMBERING KATE SMITH

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. LUNDINE. Mr. Speaker, I rise today to honor a great American, a woman who has personified patriotism for millions of Americans. May 1, 1985 will be Kate Smith's 77th birthday. The town of Bath, NY, in my district will be honoring Miss Smith on that day, and I think that it is appropriate that we in Congress take a moment to wish this wonderful lady a happy birthday.

As you know, Mr. Speaker, Kate Smith is most famous for singing "God Bless America," which served as an inspiration to millions of Americans and American troops during World War II. Miss Smith first sang this song on Armistice Day, 1938. It became an immediate success, earning her $800,000 in the midst of the Great Depression. Kate Smith donated all of this money to charity. Miss Smith's rendition of this song became so popular that she became identified with the song and the patriotism it represents. When President Franklin Roosevelt introduced Kate Smith to King George VI and Queen Elizabeth of Great Britain, in 1939 he said, "Your majesties, this is Kate Smith. This is America."

During World War II, Kate Smith was tireless in her work for the war effort. She traveled thousands of miles to entertain troops. She singlehandedly sold millions of dollars worth of war bonds.

Through the years, Kate Smith has entertained and inspired millions throughout the world. Although she is now living in retirement in Virginia, she has not been forgotten by her many, many fans. The people of Bath, NY, remember Kate Smith, and are planning a gala salute to her on her birthday. Mayor Warren Hopkins and Mr. William Kastner, director of Steuben County Veterans' Service Agency, have planned a wonderful celebration. Kate Smith's music will be piped into residents' rooms at the Bath VA Medical Center, and the village of Bath has issued a proclamation in Miss Smith's honor. I am pleased that Bath has chosen to remember Kate Smith on her 77th birthday. She truly is an American institution.

I'd like to take this opportunity to thank the village of Bath for honoring Kate Smith, and to add the best wishes of the U.S. Congress for a happy 77th birthday.●

CLINTONVILLE WOMAN'S CLUB—20TH ANNIVERSARY

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. WYLIE. Mr. Speaker, may I extend congratulations to the Clintonville Woman's Club on the occasion of the 20th anniversary of the completion of its clubhouse building. A dinner is being planned this evening for members of the Clintonville Woman's Club and civic leaders to celebrate the opening of this magnificent structure which has served as a meeting place for so many people interested in service to our community.

The objectives of this club shall be to encourage wholesome community life, to promote acquaintance among women of varied interests and to secure cooperation in social, educational, civic and welfare work in Clintonville. Mrs. Avanelle Hollingsworth, chairman of the board, and Mrs. Margaret Carlisle, president of the Clintonville Woman's Club, are to be commended for carrying on the wonderful work and proud reputation of this club which was organized 46 years ago this year.●

BOMBING OF THE NORTH ATLANTIC ASSEMBLY HEADQUARTERS BUILDING

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. FASCELL. Mr. Speaker, on Saturday, April 20, just prior to 6 o'clock in the morning, a bomb was detonated at the rear of the headquarters building at the North Atlantic Assembly. There were no casualties but damage to the building was substantial.

After the explosion, a group calling itself the Proletarian Revolutionary Action Front contacted Belgian news and television services to claim responsibility for the bombing. It is the first reported incident involving the group. In this connection, I want to advise Members that, during the Plenary Session of the North Atlantic Assembly in Brussels, there was a threat to bomb the Assembly building which was not carried out.

Sir Patrick Wall, the president of the North Atlantic Assembly, is in Brussels, and has been meeting with Belgian Ministers of Foreign Affairs and the Interior in connection with the incident.

Mr. Speaker, I want to condemn in the strongest terms this attack. The North Atlantic Assembly is the principal parliamentary body in which

North American and European Parliamentarians meet to try to bring about a peaceful, stable, and prosperous world. The Assembly has been a powerful voice for peaceful dialog and cooperation for almost 30 years. It is a tragedy that an organization devoted to human rights and the protection of our free institutions should be subject to such mindless violence.●

RECOGNITION OF LOUIS F. BANTLE

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. McKINNEY. Mr. Speaker, today I want to make my colleagues aware of the praiseworthy activities of a constituent of mine who has worked tirelessly, over many years, in the area of alcoholism and drug abuse.

Louis F. Bantle, chairman and president of the U.S. Tobacco Co., has been closely engaged in the fight against chemical dependence. He has not simply lent his name, but rather made a personal commitment to help win this battle.

Lou's work with a wide variety of charitable and humanitarian causes is well known. Yet he has made a special contribution in the area of alcohol and drug abuse. As we in Congress know all too well, governmental efforts to combat this problem has met with only partial success. While we continue to look for new policy initiatives, individual citizens like Lou Bantle are fighting on the front lines; helping in an immediate, palpable way, the people who are hardest hit by this national epidemic.

Lou recognized the need in this area long before it began to garner the attention it demands today. He served as a member of the Connecticut Alcohol and Drug Abuse Commission and on the Governor's task force on drunk driving, and was chairman of the Alcoholism Council of Southwestern Connecticut. He is also a member of the board of directors at Ashley, an alcohol rehabilitation center in Maryland.

In addition to this direct participation, Lou has generously assisted the drug abuse prevention and alcoholism rehabilitation programs of a long list of prestigious and effective organizations, including: the Alcoholism Council, American Cancer Society, Cancer Research Institute, Family Drug Prevention Programs, Inc., Sloan Kettering Cancer Center, Meridian House Foundation, National Cancer Foundation, Pharmacists Against Drug Addiction, Remove Intoxicated Drivers, National Federation of Parents for a Drug-Free Youth, Ashley, Inc., Greenwich Advisory Council on Youth & Drugs, Greenwich Hotline, Inc., Greenwich Safe Rides and the Panel on Drug Abuse.

As government funding has become more and more scarce, Lou Bantle has used his position and his personal resources to help these organizations to continue their work. As government calls for more and more from the private sector, individuals like Lou have redoubled their personal efforts.

In recognition of his sustained contributions, Lou has received the National Human Relations Award from the National Conference of Christians and Jews and the Harden Goldstein Memorial Award for Community Service from the National Associatiion of Tobacco Distributors. In 1980 he was honored with the Governor's Award from the Connecticut Alcohol and Drug Abuse Commission.

I want to thank Lou for all of his good work and ask that he keep it up. It is fitting that the Members of this House be made aware of the level of personal involvement and commitment being demonstrated by concerned and responsible corporate leaders like Lou Bantle.●

HONORING JOHN W. PATTON

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. SMITH of Iowa. Mr. Speaker, I would like to take this opportunity to honor John W. Patton of Independence, IA, who is observing his 80th birthday on April 27, 1985.

Mr. Patton has had a long and distinguished record of public service, having served in the Iowa State Senate from 1965-69 and in the Iowa House from 1971-73. He also was a member of the Iowa Commission on Aging, as well as being a member of the Agricultural Stabilization and Conservation Service. In addition, he was for 20 years a rural electrification co-operative director of the Buchanan County Rural Electric Co-operative and also served as president of that organization.

A lifelong farmer in Buchanan County, Mr. Patton recently retired with his wife, Alma Elizabeth, to their home in Independence, IA. Mr. Patton is still active in community affairs serving on senior citizen boards, both local and statewide. He also continues his active role in the Democratic Party.

Mr. Patton's community and public service has been a trademark of his entire life.●

THE 350TH ANNIVERSARY OF BOSTON LATIN SCHOOL

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. MOAKLEY. Mr. Speaker, I rise today to announce the anniversary of a very special institution in the city of Boston. April 23, 1985 marks the 350th birthday of the Boston Latin School, the oldest public school in the United States of America.

The Latin School was founded by the town of Boston and has been in continuous existence since 1635. Its founders shared the belief of the ancient Greeks that the only good things in life are good of the soul. From its earliest origins, the Latin School has taught its scholars dissent with responsibility and has encouraged that climate. Today, the Latin School espouses a curriculum that is centered in the humanities to over 2,300 full-time students. Without a doubt, this institution stands for all that is valued in our educational system as it continues to equip Boston area youths with the knowledge necessary to make a positive contribution to our society.

In recognition of the 350th anniversary of the Boston Latin School, the U.S. Postal Service is unveiling a commemorative stamp celebrating the public school education this Friday, April 26, 1985, at the Boston Latin School. Fully 165 million of these stamps will be issued, sending a reminder of the contribution of public education into homes and businesses in this country and throughout the world.

As a Member of Congress from the city of Boston, I am proud to offer my congratulations to the Boston Latin School on this happy anniversary, and to wish her continued distinction and success in the future.●

TRIBUTE TO GEN. JEROME F. O'MALLEY

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. BATEMAN. Mr. Speaker, my Sunday morning (April 21) newspaper brought me the shocking news of the death of an outstanding American and his wife in the crash of a U.S. Air Force plane at the Wilkes-Barre-Scranton, PA, airport. I have reference to Gen. Jerome F. O'Malley and his wife, Diane.

General O'Malley was the commanding general of the Tactical Air Command, headquartered at Langley Air Force Base in my district. It was my

pleasure to know General O'Malley, and like all who knew him, I liked and respected him. Jerry O'Malley was an outstanding leader and possessed a very keen and well-informed mind. He had through the years before, and since becoming its commanding general, made significant contributions to the Tactical Air Command, building on the tremendous record of his predecessor, Gen. Wilbur Creech. How sad it is, the realization of his full potential of service to our country has been denied us.

When I last talked with General O'Malley, he spoke with pride and enthusiasm at being asked to serve as the principal speaker at a Boy Scout dinner honoring our colleague, Congressman JOSEPH MCDADE. There was a strong bond of friendship between Congressman MCDADE and General O'Malley, and I know how acutely our colleague feels this tragic loss.

On behalf of all my constituents and in keeping with the sense of loss felt by the Tactical Air Command and on behalf of all the men and women of the U.S. Air Force, I express profound sorrow and sincere condolences to the children and all the family of Jerry and Diane O'Malley.●

GOV. BILL DANIEL: 1985 LAWYER OF THE YEAR

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. FIELDS. Mr. Speaker, Gov. Bill Daniel has recently been named "1985 Lawyer of the Year" by Baylor University. This is a fitting tribute to a rare and beloved man who has become a living Texas legend.

Governor Bill's ancestors helped fight for Texas' independence. Indeed, his Plantation Ranch is the oldest permanent Anglo settlement in Texas, founded in 1818 when Spain still ruled the territory. The ranges of this expansive ranch have been visited by Texas heros such as Sam Houston, William Travis, Jim Bowie, David Crockett, and Jean LaFitte.

It has been accurately written that Bill Daniel is a man who has crowded three or four lifetimes into just 67 years. Perhaps the same can be said for other men and women, but what sets Bill Daniel apart from others is that his crowded life has been filled with extraordinary service to others.

Mr. Speaker, the compassionate character of Bill Daniel is reflected in the fact that for almost four decades Plantation Ranch has been the hub of hundreds of philanthropic, educational, agricultural, and recreational programs for groups and individuals from around the globe. Such activities include the world's largest Easter egg hunts, crippled children's parties, Boy Scout jamborees, as well as numerous church, civic and historical functions.

Governor Bill's life of service is also reflected in his long commitment and labors in behalf of his beloved Baylor University. His affection for Baylor has been continual and concrete. He has given 45 years of his life enhancing a scholarship trust left to the university by his father, greatly increasing its value and importance. In addition he has provided numerous scholarships and gifts to Baylor on his own. However, it is his heart that has so endeared him to the university; he has served selflessly since his early days as a student.

Mr. Speaker, one could go on for hours about the life and service of Bill Daniel; both private and public service are his hallmarks. Suffice it to say that I also raise my voice in the loud chorus of those celebrating the past, present and future life of a man who successfully dared to be as big as Texas itself.●

ELEANOR R. LANTRY AND ANNE WHITMAN: TWO VERY SPECIAL VOLUNTEERS

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. LOWERY of California. Mr. Speaker, this week is National Hospital Volunteer Week and we are commending the thousands of people who have given their time to benefit those in need.

As with all human endeavors, there are those who rise above and set an example for all others to follow. I rise to call the attention of this Congress to two such individuals in San Diego who have performed, year in and year out, an exemplary service.

Eleanor R. Lantry and Anne Whitman are volunteers at Mercy Hospital. Both have contributed more than 20,000 hours each to the patients and families who found themselves at the hospital.

Mrs. Lantry began her service in 1962 after retiring as executive secretary to the president of Convair. She and Anne Whitman have worked in the gift shop and refused to be paid for what is to them a labor of love.

These two women symbolize the best of the volunteer spirit. They also symbolize what makes our Nation great: Those who give, without expectations for payment, because helping the less fortunate or the infirm is payment enough.

Mr. Speaker, I am sure I speak for all my colleagues in commending Eleanor R. Lantry and Anne Whitman for their tireless efforts and undying devotion. Mercy Hospital is the immediate beneficiary of their work, but we, as a nation, prosper immeasurably from their charitable spirit.●

A TRIBUTE TO FATHER LEO J. KINSELLA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. LIPINSKI. Mr. Speaker, it is with great pride that I rise today to call attention to Father Leo J. Kinsella who will be celebrating the 50th anniversary of his ordination into the priesthood on April 28, 1985.

Father Kinsella has had a long and distinguished career in the priesthood. He was ordained on April 28, 1935, at St. Mary of the Lake Seminary in Mundelin, IL. During his first assignment to the Immaculate Conception Parish in Elmhurst, IL, Father Kinsella was instrumental in building a new high school and, in addition, served there as a teacher and athletic coach. Father Kinsella enlisted as an Air Force Chaplain during World War II and rendered spiritual service, solace, encouragement and advice to innumerable Air Force personnel under wartime conditions in France and Germany. In July 1959, the Father was appointed Pastor of Our Lady of the Snows Parish on the southwest side of Chicago. He served there for the next 20 years, earning the love and respect of the entire community for his faithful work.

I join with the residents of the Fifth Congressional District in paying tribute to Father Kinsella on the occasion of his 50th anniversary and thank him for his outstanding community work in our behalf.●

A TRIBUTE TO MARK LEVINE, FORMER STAFF DIRECTOR FOR SMALL BUSINESS SUBCOMMITTEE ON GENERAL OVERSIGHT AND THE ECONOMY

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. BEDELL. Mr. Speaker, I was privileged in the past 5½ years to work with a very capable and dedicated staff member, Mark Levine.

Mark worked with me when I was chairman of the Small Business Subcommittee on General Oversight and the Economy. He was instrumental in many of the accomplishments of that subcommittee, most recently, the legislation Congress passed last year to reform the Federal Government's procurement system.

Mark has ended his service to the House of Representatives to join Geo-Centers, Inc., as assistant to company President Edward Marram. Geo-Centers is a small, but growing, professional services firm specializing in high-tech research and development. The company has offices in Boston, Albuquerque, and Washington, DC. Mark will be in the Washington, DC, office.

Mr. Speaker, good staff is a valuable asset. In Mark's departure, the House has lost such an asset. I have deeply appreciated his work for me, for the Small Business Committee, for the House, and for the United States. I wish him the best in his new pursuits.●

SURPLUS VESSELS FOR HUMANITARIAN SERVICES

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. MITCHELL. Mr. Speaker, today I am introducing legislation which seeks to set aside certain surplus Government-owned vessels for the use of Life International in providing health and other humanitarian services to developing countries.

For a number of years, I have been associated with Life International, a private nonprofit humanitarian organization devoted to developing a mercy fleet which would take aid, technical assistance, training and education to the people of the Third World. It has been shown that the areas in which the greatest immediate good can be accomplished are in those simple essentials of life that most of us take for granted: safe water to drink; clean places in which to live, heal, and bathe; food to eat; and basic health education. The need for professionals and technicians trained in health care far exceeds the capacity of existing institutions and programs. Life International has the people, energy and commitment to provide these essentials to those in Third World countries.

Mr. Speaker, in order for this humanitarian organization to carry out its unique and innovative plan for providing relief to the impoverished Third World countries, the Members of this body must act responsibly and with compassion to approve this legislation. No provision in this bill would require funding from the U.S. Government, only set-aside authority, which would be waived in the event the vessels are needed for national security purposes.

I am confident in Life International's ability to provide medical, education and health care services to less developed nations, and I encourage my colleagues, on both sides of the aisle, to demonstrate their commitment and support to humanitarian efforts and private sector solutions, and make this dream a reality.●

BRIGHTON SALUTES SIDNEY JONAS: 80 YEARS YOUNG

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1985

● Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to Sidney Jonas who is celebrating his 80th birthday. Sidney is one of those men who prove time and time again that when you want to get something done, give it to a busy man who cares.

Sidney Jonas cares about people and his country. He has spent his life doing things on behalf of others, and is letting us celebrate his birthday publicly, only because it will aid one of his favorite organizations, the Brooklyn Arts and Culture Association. Because of his lifelong love of the arts, Sidney Jonas helped organize the Brooklyn Arts and Cultural Organization and has served as the cultural chairman of Community Planning Board 13. He has worked to make the arts accessible to everyone from elementary students to senior citizens.

Born in Poland in 1905, Sidney exemplifies the immigrant tradition which has so enriched our Nation and particularly our great city. A pioneer in the labor movement in New York, Sidney became director of the northeast region of the UAW of the CIO in 1937. Those were hard times for workers, and Sidney was one of those union leaders trying to keep the bosses honest while fighting for fair pay and decent working conditions for his members.

When World War II broke out, Sidney Jonas answered the call of his adopted country and served proudly in the Army. After the service, he became an active member in the Jewish War Veterans. His interests in providing for the health and welfare needs of working men and women led Sidney to become an active member of the Workman's Circle. He still serves that excellent organization as a member of its executive board.

I think the poet Yeats must have been thinking about someone like Sidney when he said: "Think where man's glory most begins and ends, and say my glory was I had such friends."

I have been privileged to know Sidney Jonas since 1966, and I am proud to say that I, too, have benefited from his generosity, his wisdom, and his understanding of people and issues. His extensive involvement with community organizations in the Brighton community has not lessened in the almost two decades that I have known this remarkable man. And many of the good things that have happened in the Brighton community in that length of time came into being because of the involvement of spirited, enthusiastic, and committed activists like Sidney Jonas.

Mr. Speaker, I know that my remarks here tonight will be echoed over and over again in Brighton Beach as the family, friends, and neighbors of this good man say "Happy Birthday Sidney. May you have another 80 years of good health and great happiness."●

UNITED NATIONS ADOPTS CONSUMER PROTECTION GUIDELINES

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. BARNES. Mr. Speaker, I am very pleased that, after several years of negotiations, the United Nations General Assembly has passed a resolution aimed at protecting consumers throughout the world. Consumer lobbyist, Esther Peterson, has said, It is the first time that there will be an international charter outlining consumer rights," and describes the document as "an enlargement of President Kennedy's consumer bill of rights." The U.N. document objectives include a healthy marketplace, physical safety, product safety and quality standards, education and information programs, fairness in the marketplace and avenues for resolution of consumer disputes.

Mr. Speaker, the text of the resolution follows:

RESOLUTION 39/248 ON CONSUMER PROTECTION

(Adopted April 9, 1985)

The General Assembly,

Recalling Economic and Social Council resolution 1981/62 of 23 July 1981, in which the Council requested the Secretary-General to continue consultations on consumer protection with a view to elaborating a set of general guidelines for consumer protection, taking particularly into account the needs of the developing countries,

Recalling further General Assembly resolution 38/147 of 19 December 1983,

Noting Economic and Social Council resolution 1984/63 of 26 July 1984,

1. *Decides* to adopt the guidelines for consumer protection annexed to the present resolution;

2. *Requests* the Secretary-General to disseminate the guidelines to Governments and other interested parties;

3. *Requests* all United Nations organizations that elaborate guidelines and related documents on specific areas relevant to consumer protection to distribute them to the appropriate bodies of individual States.

Annex

GUIDELINES FOR CONSUMER PROTECTION

I. Objectives

1. Taking into account the interests and needs of consumers in all countries, particularly those in developing countries; recognizing that consumers often face imbalances in economic terms, educational levels, and bargaining power; and bearing in mind that consumers should have the right of access to non-hazardous products, as well as of promoting just, equitable and sustainable economic and social development, these guidelines for consumer protection have the following objectives;

(a) To assist countries in achieving or maintaining adequate protection for their population as consumers;

(b) To facilitate production and distribution patterns responsive to the needs and desires of consumers;

(c) To encourage high levels of ethical conduct for those engaged in the production and distribution of goods and services to consumers;

(d) To assist countries in curbing abusive business practices by all enterprises at the national and international levels which adversely affect consumers;

(e) To facilitate the development of independent consumer groups;

(f) To further international co-operation in the field of consumer protection;

(g) To encourage the development of market conditions which provide consumers with greater choice at lower prices.

II. General principles

2. Governments should develop, strengthen or maintain a strong consumer; protection policy, taking into account the guidelines set out below. In so doing, each Government must set its own priorities for the protection of consumers in accordance with the economic and social circumstances of the country, and the needs of its population, and bearing in mind the costs and benefits of proposed measures.

3. The legitimate needs which the guidelines are intended to meet are the following:

(a) The protection of consumers from hazards to their health and safety;

(b) The promotion and protection of the economic interests of consumers;

(c) Access of consumers to adequate information to enable them to make informed choices according to individual wishes and needs;

(d) Consumer education;

(e) Availability of effective consumer redress;

(f) Freedom to form consumer and other relevant groups or organizations and the opportunity of such organizations to present their views in decision-making processes affecting them.

4. Governments should provide or maintain adequate infrastructure to develop, implement and monitor consumer protection polices. Special care should be taken to ensure that measures for consumer protection are implemented for the benefit of all sectors of the population, particularly the rural population.

5. All enterprises should obey the relevant laws and regulations of the countries in which they do business. They should also conform to the appropriate provisions of international standards for consumer protection to which the competent authorities of the country in question have agreed. (Hereinafter references to international standards in the guidelines should be viewed in the context of this paragraph.)

6. The potential positive role of universities and public and private enterprises in research should be considered when developing consumer protection polices.

III. Guidelines

7. The following guidelines should apply both to home-produced goods and services and to imports.

8. In applying any procedures or regulations for consumer protection, due regard should be given to ensuring that they do not become barriers to international trade and that they are consistent with international trade obligations.

A. Physical safety

9. Governments should adopt or encourage the adoption of appropriate measures, including legal systems, safety regulations, national or international standards, voluntary standards and the maintenance of safety records to ensure that products are safe for either intended or normally foreseeable use.

10. Appropriate policies should ensure that goods produced by manufacturers are safe for either intended or normally foreseeable use. Those responsible for bringing goods to the market, in particular suppliers, exporters, importers, retailers and the like (hereinafter referred to as distributors), should ensure that while in their care these goods are not rendered unsafe through improper handling or storage and that while in their care they do not become hazardous through improper handling or storage. Consumers should be instructed in the proper use of goods and should be informed of the risks involved in intended or normally foreseeable use. Vital safety information should be conveyed to consumers by internationally understandable symbols wherever possible.

11. Appropriate policies should ensure that if manufacturers or distributors become aware of unforeseen hazards after products are placed on the market, they should notify the relevant authorities and, as appropriate, the public without delay. Governments should also consider ways of ensuring that consumers are properly informed of such hazards.

12. Governments should, where appropriate, adopt policies under which, if a product is found to be seriously defective and/or to constitute a substantial and severe hazard even when properly used, manufacturers and/or distributors should recall it and replace or modify it, or substitute another product for it; if it is not possible to do this within a reasonable length of time, the consumer should be adequately compensated.

B. Promotion and protection of consumers' economic interests

13. Government policies should seek to enable consumers to obtain optimum benefit from their economic resources. They should also seek to achieve the goals of satisfactory production and performance standards, adequate distribution methods, fair business practices, informative marketing and effective protection against practices which could adversely affect the economic interests of consumers and the exercise of choice in the market-place.

14. Governments should intensify their efforts to prevent practices which are damaging to the economic interests of consumers through ensuring that manufacturers, distributors and others involved in the provision of goods and services adhere to established laws and mandatory standards. Consumer organizations should be encouraged to monitor adverse practices, such as the adulteration of foods, false or misleading claims in marketing and service frauds.

15. Governments should develop, strengthen or maintain, as the case may be, measures relating to the control of restrictive and other abusive business practices which may be harmful to consumers, including means for the enforcement of such measures. In this connection, Governments should be guided by their commitment to the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices adopted by the General Assembly in resolution 35/63 of 5 December 1980.

16. Governments should adopt or maintain policies that make clear the responsibility of the producer to ensure that goods meet reasonable demands of durability, utility and reliability, and are suited to the purpose for which they are intended, and that the seller should see that these requirements are met. Similar policies should apply to the provision of services.

17. Governments should encourage fair and effective competition in order to provide consumers with the greatest range of choice among products and services at the lowest cost.

18. Governments should, where appropriate, see to it that manufacturers and/or retailers ensure adequate availability of reliable after-sales service and spare parts.

19. Consumers should be protected from such contractual abuses as one-sided standard contracts, exclusion of essential rights in contracts, and unconscionable conditions of credit by sellers.

20. Promotional marketing and sales practices should be guided by the principle of fair treatment of consumers and should meet legal requirements. This requires the provision of the information necessary to enable consumers to make informed and independent decisions, as well as measures to ensure that the information provided is accurate.

21. Governments should encourage all concerned to participate in the free flow of accurate information on all aspects of consumer products.

22. Governments should, within their own national context, encourage the formulation and implementation by business, in co-operation with consumer organizations, of codes of marketing and other business practices to ensure adequate consumer protection. Voluntary agreements may also be established jointly by business, consumer organizations and other interested parties. These codes should receive adequate publicity.

23. Governments should regularly review legislation pertaining to weights and measures and assess the adequacy of the machinery for its enforcement.

C. Standards for the safety and quality of consumer goods and services

24. Governments should, as appropriate, formulate or promote the elaboration and implementation of standards, voluntary and other, at the national and international levels for the safety and quality of goods and services and give them appropriate publicity. National standards and regulations for product safety and quality should be reviewed from time to time, in order to ensure that they conform, where possible, to generally accepted international standards.

25. Where a standard lower than the generally accepted international standard is being applied because of local economic conditions, every effort should be made to raise that standard as soon as possible.

26. Governments should encourage and ensure the availability of facilities to test and certify the safety, quality and performance of essential consumer goods and services.

D. Distribution facilities for essential consumer goods and services

27. Governments should, where appropriate, consider:

(a) Adopting or maintaining policies to ensure the efficient distribution of goods and services to consumers; where appropriate, specific policies should be considered to ensure the distribution of essential goods and services where this distribution is endangered, as could be the case particularly in rural areas. Such policies could include assistance for the creation of adequate storage and retail facilities in rural centres, incentives for consumer self-help and better control of the conditions under which essential goods and services are provided in rural areas;

(b) Encouraging the establishment of consumer co-operatives and related trading activities, as well as information about them, especially in rural areas.

E. Measures enabling consumers to obtain redress

28. Governments should establish or maintain legal and/or administrative measures to enable consumers or, as appropriate, relevant organizations to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Such procedures should take particular account of the needs of low-income consumers.

29. Governments should encourage all enterprises to resolve consumer disputes in a fair, expeditious and informal manner, and to establish voluntary mechanisms, including advisory services and informal complaints procedures, which can provide assistance to consumers.

30. Information on available redress and other dispute-resolving procedures should be made available to consumers.

F. Education and information programmes

31. Governments should develop or encourage the development of general consumer education and information programmes, bearing in mind the cultural traditions of the people concerned. The aim of such programmes should be to enable people to act as discriminating consumers, capable of making an informed choice of goods and services, and conscious of their rights and responsibilities. In developing such programmes, special attention should be given to the needs of disadvantaged consumers, in both rural and urban areas, including low-income consumers and those with low or non-existent literacy levels.

32. Consumer education should, where appropriate, become an integral part of the basic curriculum of the educational system, preferably as a component of existing subjects.

33. Consumer education and information programmes should cover such important aspects of consumer protection as the following:

(a) Health, nutrition, prevention of foodborne diseases and food adulteration;

(b) Product hazards;

(c) Product labelling;

(d) Relevant legislation, how to obtain redress, and agencies and organizations for consumer protection;

(e) Information on weights and measures, prices, quality, credit conditions and availability of basic necessities; and

(f) As appropriate, pollution and environment.

34. Governments should encourage consumer organizations and other interested groups, including the media, to undertake education and information programmes, particularly for the benefit of low-income consumer groups in rural and urban areas.

35. Business should, where appropriate, undertake or participate in factual and relevant consumer education and information programmes.

36. Bearing in mind the need to reach rural consumers and illiterate consumers, Governments should, as appropriate, develop or encourage the development of consumer information programmes in the mass media.

37. Governments should organize or encourage training programmes for educators, mass media professionals and consumer advisers, to enable them to participate in carrying out consumer information and education programmes.

G. Measures relating to specific areas

38. In advancing consumer interests, particularly in developing countries, Governments should, where appropriate, give priority to areas of essential concern for the health of the consumer, such as food, water and pharmaceuticals. Policies should be adopted or maintained for product quality control, adequate and secure distribution facilities, standardized international labelling and information, as well as education and research programmes in these areas. Government guidelines in regard to specific areas should be developed in the context of the provisions of the present document.

39. *Food.* When formulating national policies and plans with regard to food, Governments should take into account the need of all consumers for food security and should support and, as far as possible, adopt standards from the Food and Agriculture Organization of the United Nations and the World Health Organization Codex Alimentarius or, in their absence, other generally accepted international food standards. Governments should maintain, develop or improve food safety measures, including, *inter alia*, safety criteria, food standards and dietary requirements and effective monitoring, inspection and evaluation mechanisms.

40. *Water.* Governments should, within the goals and targets set for the International Drinking Water Supply and Sanitation Decade, formulate, maintain or strengthen national policies to improve the supply, distribution and quality of water for drinking. Due regard should be paid to the choice of appropriate levels of service, quality and technology, the need for education programmes and the importance of community participation.

41. *Pharmaceuticals.* Governments should develop or maintain adequate standards, provisions and appropriate regulatory systems for ensuring the quality and appropriate use of pharmaceuticals through integrated national drug policies which could address, *inter alia*, procurement, distribution, production, licensing arrangements, registration systems and the availability of reliable information on pharmaceuticals. In so doing, Governments should take special account of the work and recommendations of the World Health Organization on pharmaceuticals. For relevant products the use of that organization's Certification Scheme on the Quality of Pharmaceutical Products Moving in International Commerce and other international information systems on pharmaceuticals should be encouraged. Measures should also be taken, as appropriate, to promote the use of international non-proprietary names (INNs) for drugs, drawing on the work done by the World Health Organization.

42. In addition to the priority areas indicated above, Governments should adopt appropriate measures in other areas, such as pesticides and chemicals in regard, where relevant, to their use, production and storage, taking into account such relevant health and environmental information as Governments may require producers to provide and include in the labelling of products.

IV. International Co-operation

43. Governments should, especially in a regional or subregional context:

(a) Develop, review, maintain or strengthen, as appropriate, mechanisms for the exchange of information on national policies and measures in the field of consumer protection;

(b) Co-operate or encourage co-operation in the implementation of consumer protection policies to achieve greater results within existing resources. Examples of such co-operation could be collaboration in the setting up or joint use of testing facilities, common testing procedures, exchange of consumer information and education programmes, joint training programmes and joint elaboration of regulations;

(c) Co-operate to improve the conditions under which essential goods are offered to consumers, giving due regard to both price and quality. Such co-operation could include joint procurement of essential goods, exhange of information on different procurement possibilities and agreements on regional product specifications.

44. Governments should develop or strengthen information links regarding products which have been banned, withdrawn or severely restricted in order to enable other importing countries to protect themselves adequately against the harmful effects of such products.

45. Governments should work to ensure that the quality of products, and information relating to such products, does not vary from country to country in a way that would have detrimental effects on consumers.

46. Governments should work to ensure that policies and measures for consumer protection are implemented with due regard to their not becoming barriers to international trade, and that they are consistent with international trade obligations.●

WOMEN ARE PAYING MORE FOR INSURANCE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. FLORIO. Mr. Speaker, a recent article in the Philadelphia Inquirer raises some interesting points concerning sex discrimination in insurance. The article points out that women are charged $16,000 more than men pay over a lifetime for the typical forms of insurance coverage. Surprisingly this discrimination continues even in Pennsylvania where a recent State Supreme Court case held that gender-based rates violate the Pennsylvania

equal rights amendment and constitute unfair discrimination.

The article suggests that a better distribution of risk could include use of an individual's accident record and mileage. A driver's accident record is usually available to insurance companies, and mileage, which is highly correlated with accident rate, could be verified through odometer checks at auto inspection or at the time of claims. Use of accident records and mileage would do away with discrimination resulting from the use of gender based classifications.

I recommend this thoughtful column to my colleagues' attention:

WOMEN ARE PAYING MORE FOR INSURANCE

(By Rita L. Bernstein)

The debate over sex discrimination in insurance persists. It persists notwithstanding the persuasive evidence that sex-based pricing is unfair; that it is not required—or even supported—by relevant statistics; and that, for example, in the case of auto insurance, sex discrimination operates to subsidize unsafe motorists, including drunken drivers.

It persists notwithstanding its substantial price tag for women who are charged $16,000 more than men pay over a lifetime for the typical forms of coverage (auto, medical, disability, life and pension). And, perhaps most frustrating, sex discrimination in insurance persists notwithstanding a decision by the Pennsylvania Supreme Court last September that insurance rates based on sex are unconstitutional.

On Sept. 27, 1984, the state Supreme Court decided the case of Hartford Accident & Indemnity Co. vs. Insurance Commission, involving auto insurance rates. The majority opinion, written by Chief Justice Robert N.C. Nix, recognized that "gender-based rates . . . rely on and perpetuate stereotypes" and, in light of the Pennsylvania Equal Rights Amendment, constitute "unfair discrimination" prohibited by the state insurance law.

A concurring opinion by Justice William Hutchinson emphasized that "the ERA objectively demonstrates, in the most forceful possible way, the feeling of the people of this state that sex discrimination is unfair."

Unfortunately, the Supreme Court's words seem to have fallen on deaf ears. Sex discrimination in insurance continues while the insurance industry publicly announces its plans to lobby for legislation designed to overturn the Supreme Court's decision.

Despite the example set by four other states, which years ago swiftly and painlessly eliminated sex as a permissible factor in auto rates, William R. Muir, acting Pennsylvania insurance commissioner, has thus far declined to implement the Supreme Court decision and has chosen instead to hold public hearings to "assist" him in following the law of the Hartford case.

Not surprisingly, the "public" that has dominated the hearings has been members of the insurance industry. It has turned out in droves, forecasting doom if it can no longer discriminate and perverting any possible legitimate basis for the hearings by using them as a forum not to implement but to resist the Supreme Court's decision.

Having lost in court, the insurance industry now makes a desperate last effort to avoid the judicial decision, an effort that was not successful in North Carolina, Massachusetts, Michigan or Hawaii, where the same industry has adjusted to unisex auto rates with no disastrous consequences for consumers and no major marketplace disruptions. Meanwhile, women in Pennsylvania are forced to pay the price of this delay.

How are women overcharged? Men above age 25 drive 30 percent more miles than do women above age 25 (12,000 vs. 9,200 miles per year) and men above age 25 have 38 percent more accidents than women above age 25 (4.4 vs. 3.2 accidents per 100 drivers per year).

In spite of their better driving records, women above age 25 are charged the same price as men above age 25 for auto insurance. In addition, men above age 25 drive 87 percent more miles than women age 16–24 (12,000 ys. 6,700 per year) and men above age 25 have 10 percent more accidents than women ages 16–24 (4.4 vs. 4.0 accidents per 100 drivers per year). Again without regard to these facts, men above age 25 pay much less for insurance than women ages 16–24.

So much for the myth perpetuated by the insurance industry that sex discrimination in auto insurance is good for women. So much, also, for the insurance industry's insistence that pricing must be, and is, "cost-based."

The obvious solution—the one consistent with the Pennsylvania ERA, the mandate of the State Supreme Court and fair distribution of risk—is to charge for insurance based on mileage, accident record and sobriety, factors that currently play only a minor role in determining a driver's rate.

Mileage, which in and of itself is highly correlated with accident rate and therefore an excellent predictor of risk, can easily be verified through such methods as odometer readings at the time of auto inspection or spot checks at the time of claims. A driver's accident record, including whether alcohol was a factor in each crash, is also available to insurance companies.

Using these causal criteria would advance the very significant public policy of discouraging and punishing drunken and other unsafe drivers. In addition, rates based on mileage would create incentives to drive less, fostering the use of car pools and public transportation. The use of gender, an immutable characteristic, in place of factors over which individuals have control and which contribute to accidents is not only unconstitutional but also reduces the incentive for safe driving.

The investment by the insurance industry in sex discrimination must not remain unchecked. Commissioner Muir, a public official charged with responsibility of regulating the insurance industry, should exercise his authority in accordance with the Pennsylvania Supreme Court's decision and the state ERA to prohibit sex-based rates immediately.●

A CONGRESSIONAL TRIBUTE TO RAY RICHETTI

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. ANDERSON. Mr. Speaker, I rise to pay tribute to Raymond J. Richetti of Cypress, CA, who is retiring next month from the Long Beach Naval Shipyard.

Born and raised in San Francisco, Ray Richetti began his civil service career at Hunter's Point Naval Shipyard as an apprentice electrician in 1944. Since then, aside from a period of service in the U.S. Navy, Ray has worked at Hunter's Point Naval Shipyard, Mare Island Naval Shipyard, and the Long Beach Naval Shipyard.

In 1946, upon completing his World War II service in the Navy, Ray Richetti returned to the Hunter's Point Naval Shipyard. In his 28 years of service at Hunter's Point Naval Shipyard, he rose from an apprentice to superintendent of both the electrical and electronics group and the structural and service group.

In November of 1973, after the completion of closure operations at Hunter's Point Naval Shipyard, Ray Richetti transferred to Mare Island Naval Shipyard. He started as the production engineering officer and was promoted in July 1974 to electrical group superintendent.

In September 1974, Ray transferred to Long Beach Naval Shipyard as the group superintendent for electrical, electronics and weapon systems group; 5 years later he assumed the position of mechanical group superintendent. He is currently the executive assistant to the shipyard commander for the purpose of coordinating the reorganization of the shipyard.

Mr. Richetti's efforts as a manager and leader have been acknowledged by numerous awards and letters of commendation. His leadership qualities and ability to guide his peers have caused him to be elected president of the National Association of Superintendents' chapters at Hunter's Point, Mare Island, and Long Beach Naval Shipyards. He has received both the Federal Executive Board Outstanding Supervisor Award and the coveted Navy Civilian Meritorious Achievement Award during his service at the Long Beach Naval Shipyard. His career has also been marked by success with numerous special projects and ship overhaul completions. One of the most noteworthy, and certainly the most visible, of his success stories is the leading role he played in the reactivation of the battleship U.S.S. *New Jersey* (BB–62).

Ray Richetti has enriched the quality of work and the quality of life during his 41 years of service at three naval shipyards. I am sure that he will be greatly missed by his colleagues at the Long Beach Naval Shipyard, and all others who had the pleasure of working with him. My wife, Lee, joins me in wishing Raymond Richetti a happy and fulfilling retirement, and we also wish Ray and his wife Avis and their children Mike, Janice, and Nancy, and their seven grandchildren all the best in the years ahead.●

TRAFFIC LIGHT TO GO UP

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. LEHMAN of Florida. Mr. Speaker, after an 8-year battle, a constituent and good friend of mine, Irving Levine, has succeeded in having a traffic light placed on a busy corner in Miami Beach. The obvious danger at the intersection prompted Mr. Levine to try to persuade the county about the need for the signal. Its installation after waiting 8 years is a triumph for the perseverance and determination of Mr. Levine and a great benefit to the citizens of that area.

I want to extend my congratulations to him and the organizations and individuals who helped him make our community a safer place.

Following is the story from the North Miami Beach Sun Reporter about Irv Levine's battle:

[From the Miami Beach Sun Reporter, Mar. 27, 1985]

TRAFFIC LIGHT WILL GO UP

(By Beth J. Feinstein)

April 23 will be a day, Irving Levine has waited eight years for.

During the early morning hours the Sunny Isles resident will be given the honor of activating a newly installed traffic light.

Once activated it will mean the end of an eight-year battle Levine has fought to have a traffic light installed at the corner of 170th Street and Collins Avenue.

"I fell like I've accomplished something to make my neighborhood safe," said Levine, after hearing the announcement at a Concerned Citizens of Northeast Dade meeting March 25.

A Concerned Citizens member and resident of Vista View Apartments, Levine said his eight-year struggle entailed a letter writing campaign and numerous appearances before the Dade County Commission.

Adding that this battle was not fought alone, Levine said he was aided by the Concerned Citizens, Sunny Isles Resort Association, Owners, Residents Association of Sunny Isles, Commissioner Harvey Ruvin and "so many influential people I can't name them all."

The newly-installed light, Levine said, will allow residents and tourists to safely cross the corner which has hotels lining its east side and the entrances to 170th Shopping Center and Vista View Apartments on its west side.

"It's a necessity," Levine said about the traffic light. "People couldn't cross the street. The traffic is so bad."●

THE BLACK FAMILY IN CRISIS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. RANGEL. Mr. Speaker, I rise to bring to the attention of my colleagues the alarming erosion of the black family, a disaster of special significance to this Nation.

Poverty in America is increasing, Mr. Speaker, because this administration has neglected its legislative and moral obligation to help the poor. Policies which were enacted to reduce welfare dependency have had a negative impact; there is a 68-percent poverty rate for children in female headed households and a 79-percent birth rate among single females under 18. These figures represent New York City alone. Mothers receiving these benefits have little incentive to work. These statistics indicate a gradual erosion of the basic foundations of the black family structure.

Poverty translates into second-class citizenship in housing, education and most importantly, in employment. While Government policies are clearly the blame, there are a number of organizations working together to remedy this compelling problem. Organizations like the National Council of Negro Women, the National Association for the Advancement of Colored People, and the National Urban League are, together, helping to meet the enormous challenge of saving the black family. Mr. Earl Caldwell, a reporter with the New York Daily News, is to be commended for increasing our awareness of this problem; we in the Congress must begin to take the necessary steps to make the blight of poverty—not just a national priority—a legislative priority as well. We must insure that the door to opportunity is open to the poor.

I submit the following, as evidence of this most distressing black family pattern, for inclusion in the CONGRESSIONAL RECORD:

[From the New York Daily News, Mar. 15, 1985]

WHAT TO DO ABOUT KIDS HAVING KIDS

The words that stick in the mind are the ones that come from Dorothy Height. She hears the language that says it's a catastrophe, that the problem of "children having children" is so great it poses a threat without equal to the future of black people. She does not argue with that assessment but she looks to the other side. "This is one problem that can be solved," she says and those are the words that stick in the mind.

Among black leaders, Dorothy Height is an old hand. Hers is a perspective that spans the years. When the legendary Mary McLeod Bethune stepped down as president of the National Council of Negro Women, Dorothy Height took over and she has been there since.

She points out that teenaged parenthood itself, is not new in the black community. "Even in the forties," she says, "four out of five black women became mothers before their 20th birthdays." But the difference now, as she points out, is that the young girls having babies are not married. And as she also points out, it's not just single, teenaged black girls having babies. It's a problem that crosses racial lines.

"Most of the girls are white," Dorothy Height says but she adds that for blacks, the problem is more profound because it is happening to a disproportionate number of young girls. "When it's 55%, it's too many," she says and her figures show that in 1981, among black girls under 20, the rate of single mother births was 86%.

But the question that looms large is, what to do? When Dorothy Height looks back, she can see a long way. "So much has changed," she says. And as for the kids, she says that "The moralistic approach alone won't get it." "A concerted, multi-dimensional effort is needed," she says. "The problem must be faced by all—individuals, families, organizations, as well as churches which are the backbone of our community."

But that's not all of it. She says we have to take a hard look at the way sex is peddled nowadays. "The environment," she calls it. She says a lot depends on dealing openly with the children who are having children. "And as we do this, it will be necessary to come to grips with the confused messages sent by adults to children. The values of the children have to be examined in tandem with those of adults," she says.

And that's not all, either. She said women increasingly have become committed to solving the problem and she points to a number of organizations and programs. The other piece of that has to do with the men. "Black men must become equal partners in the struggle to protect the future of our next generation," she says.

But that, still, is not all of the answer. "As long as black youths have 50%, 60%, 70% unemployment, as long as they have nothing to look forward to, as long as they are not involved, you have the problem of getting some kind of values framework." She said that on one side young girls have babies and say, "At last I have somebody to love me" and on the other, young men proving their manhood by fathering children they do not want. And she said studies suggest that "our girls do not so much decide to have babies, as (they) fail to decide not to."

A lot of it comes back to education and work. "The first imperative for action is education and that includes enlightened school policies," she says. "And we must continue to press for job programs which include training in areas designed to meet the requirements of today's labor market."

The words that stick in the mind say that it's all a problem that can be solved. And Dorothy Height talks of many programs that already are off the ground. But she also says something else: "It is later than we think," she says and those too are words that will stick in the mind.●

LIBERAL JIBES ON THE RED MENACE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. FIELDS. Mr. Speaker, Dr. Harms Kaufmann, director of the Austrian Institute of European Studies in Vienna, has written: "Propaganda falls on us like mental pollution. . . ."

Columnist Dorothy Rabinowitz has recently reminded us that some unabashed propagandists thrive in the pages of our own liberal-biased newspapers. The following appeared in the April 8 Washington Times.

[From the Washington Times, Apr. 9, 1985]

LIBERAL JIBES ON THE RED MENACE

(By Dorothy Rabinowitz)

Everyone knew, following the recent unfriendly remarks about the Sandinistas by the president and the secretary of state, the retribution that would follow. Such talk can always be counted on to touch raw nerves in a way that little else does.

Such was the case last week, when we were witness to the inevitable outpouring of response—not least in the pages of *The New York Times* and *The Washington Post.*

First, from Tom Wicker, in *The New York Times,* came a series of jibes such as "The Russians are coming again, folks," along with explanations that warnings about the possibility of a Soviet beachhead in Nicaragua amounted to no more than "ritual anti-Communist Redspotting."

Next came *The Washington Post's* Richard Cohen to tell us that the charges against Nicaragua were "lies," that Nicaragua has "an admirable record on human rights" compared with El Salvador.

By which he meant, needless to say, the deeds of the U.S.-backed *government* of El Salvador, and not the bloody history of that country's Marxist-Leninist rebels.

But above all, the week produced a response by *Times* columnist Russell Baker in which he brought word that the president was obsessed by "the Red menace in Nicaragua."

Whereas for himself, Mr. Baker went on to tell in his homespun way, the menace preying on *his* mind was the disrepair in which the Internal Revenue Service finds itself.

Now everyone knows that jibes about the IRS mean we are in the presence of wit and humor—of a certain order. It's even more true, of course, of talk about "pinkos" and "the Red menace" of the kind larding this newest piece of homespun from columnist Baker.

So how did it come about that the net effect of this wit was to set us to thinking, not laughing; thinking, in particular, what it means that we now should be reading so many fun words about communism and its enemies—about pinkos, Red Menaces, about "ritual anti-Communist Red-spotting," and the Russians-are-coming-again-folks routine for which we were indebted to Mr. Wicker?

For these are words with a history: words that can reliably be counted on to summon that whole canon of contemptuous disbelief with which generations of liberal intellectuals have always viewed the idea of a Soviet threat, not to say, the long, unspeakable catalog of crimes committed in the name of socialist progress.

Here we can get some sense of that audience to which cozy snickers about the Red menace are addressed, that audience which in its heart of hearts is more repelled by anti-Communist zealotry than by the bloodiest deeds of the Soviet state. That audience is forever prohibited, by the strictures of liberal "toleration," from passing judgment on the evils of other systems.

Having, with this audience in mind, set a proper stage with jokes about Reds and pinkos, along with like references suggesting the looniness of those given to worrying about new Soviet outposts, our Times columnist proceeded with his theme, which, it should by now have surprised no reader to learn, was calculated to inform us of the outrageousness of any design on the part of the United States that might seek to dictate "the destiny of Central America."

Still, what should one say of the rhetoric on display here—this assortment of taunts suggesting how absurd, how blind, and how doubtless malign are those persuaded of the reality of a Soviet menace?

How is it still possible, after so many decades' proof, so much blood spilled, so much testimony to the nature of the Soviet system, for them to write such things—to think such things?

Why this is so is clear enough: to the liberal-enlightened of which Messrs. Baker and Wicker are such prime specimens, the barbarism of the Soviets is simply not real.

The systematic slaughter of millions, the aggression which swallows countries and their peoples whole, for this audience do not exist emotionally as does, say, the fact that the president of the United States might be guilty of excessive rhetoric directed at a new Soviet surrogate.

To this phenomenon we can find nowhere else any answer as good as the question put by Alexander Solzhenitsyn, who wrote of the incapacity of Western intellectuals to absorb the truth about the Soviet system:

"Is it possible or impossible to warn someone of danger? How many witnesses have been sent to the West in the last 60 years? How many immigrants? How many millions of persons?

"They're all here. You meet them every day. They have brought you exactly the same experience. They tell you exactly the same thing.

"They warn you of what is already happening—of what has happened in the past."

Perhaps, between chortles over the Red menace (and while the rest of the world stands by as the Afghan villages burn), Messrs. Baker and Wicker can spare a moment to ponder the words of Solzhenitsyn.●

FIFTY YEARS OF SECURITY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. WEISS. Mr. Speaker, among the many treasures that Americans enjoy, the Social Security Program surely ranks as one of the most important. For a full 50 years, Americans have enjoyed the protections of this life-saving program.

The following article, written by Max Manes, a resident of the 17th Congressional District of New York, eloquently describes the importance of the Social Security system, the nature of the threat that it currently faces, and the need to join together in defending and improving it. Mr. Manes is a 79-year-old activist for the rights of the elderly, Chairman of Seniors for Adequate Social Security, and president of the Amalgamated Clothing and Textile Workers Union [ACTWU] Headwear Joint Board retiree group. His article is excerpted from the February 1985 edition of Seniority, a newsletter for ACTWU retirees.

I believe that Mr. Manes' assessment of the status of Social Security on the occasion of its 50th anniversary is insightful and will prove to be of use to all Members of Congress in addressing this crucial issue. I commend it to my colleagues' attention.

AFTER 50 YEARS, SOCIAL SECURITY SEEN AS ONE OF NATION'S 'MOST SIGNIFICANT' LAWS

(By Max Manes)

On Aug. 14, 1935, President Franklin D. Roosevelt signed the bill passed by Congress establishing the Social Security System (SSS). The importance of that event 50 years ago can hardly be overstated. A 1982 study by the Employees Benefit Research Institution states: "The Social Security Act of 1935 has proved to be one of the most significant pieces of legislation—if not the most significant piece—ever enacted by the Congress of the United States."

How much the system means to the American people is widely recognized, although opponents have tried to downgrade it and create an impression of Social Security as a problem rather than a solution.

Social Security is "A . . . system of protection in old age, survivorship, disability and sickness, touching the lives of practically every family in the United States," says J. Douglas Brown of Princeton University in An American Philosophy of Social Security.

"Entitlements to future Social Security benefits are the most important asset of most American families, and actual benefits have played a central part in reducing poverty among the aged," declares the Brookings Institute's Henry J. Aaron in Economic Effect of Social Security.

In 1937 the U.S. Supreme Court upheld the constitutionality of the Social Security Act. On the 40th anniversary of the system, the AFL-CIO pointed out that, based on the Constitution, "This legislation enunciated for the first time the principle that American citizens are entitled to safeguards in time of need.

Support for Social Security among the people was always strong and has ranked it as the most popular federal program in the nation since its inception. As Business Week (on 11/29/82) observed: "The American people . . . have carried on a love affair with Social Security." It is this great popularity which has been the main obstacle to the ceaseless efforts by opponents of the system to weaken and undermine it. The broad public support was manifested in election campaigns, surveys, mail to Congress, grassroots lobbying, public rallies and various other demonstrative actions whenever the system was threatened.

It is ironic that the 50th anniversary of this vital program should occur when we have a president in the White House who has a long record of enmity for Social Security, and under whose Administration the system has been subjected to the most severe attack in its history.

Long before he became President, Ronald Reagan crusaded against Social Security along with foes of the system from the world of business, finance, insurance and extreme right wing groups. He joined Barry Goldwater in attacks on it during the Arizona senator's 1964 presidential campaign. He fought against the enactment of Medicare. Under his presidency, Social Security benefits—and other programs for human needs such as Medicare, Medicaid, SSI, Food Stamps, etc.—have been drastically reduced in callous disregard for the millions of Americans who depend on them.

To disarm opposition to the cutbacks, Reagan and his Administration disguised

the assaults on the system with the claim that they were only trying to "save it from bankruptcy." David Stockman, Reagan's budget director, confessed in an interview in the The Atlantic magazine in December 1981 as to the purpose of this scare tactic: "It will permit the politicians to make it look like they are doing something for the beneficiary population when they are doing something to it."

In his '84 campaign Reagan promised not to cut Social Security benefits. But he had made similar promises in 1980, only to break them. We must not allow a repeat performance in his second term. We must not lose sight of the fact that, even as he was making these promises on the campaign trail, his Administration was continuing to scheme against Social Security, Medicare, Medicaid and all social programs.

"Top officials of the Social Security Administration," said a report from Washington in the New York Times last October 14, "have been studying proposals for changes in the retirement program, including some that would make participation voluntary, while encouraging reliance on private insurance, pensions and savings. . . ." Acting Commissioner of Social Security Martha A. McSteen, "confirmed" attending such a meeting.

"There have been recurrent reports of the Reagan Administration's designs on Social Security benefits," warns Elizabeth Wickenden, director of the Study Group on Social Security, which watches developments concerning the system closely. The studies encompass "reduction, postponement or elimination" of cost of living increases, "restructuring downward of the whole system . . . privatization . . . means testing . . . increasing Medicare charges," in effect reducing cash benefits, etc.

It would be both a farce and a tragedy if the 50th anniversary year of this historic legislation should be misused by the Reagan Administration to parade as a friend of Social Security while masking further attacks to undermine it. Preventing this from taking place must be a priority task for all of us who have a stake in the system, both old and young.

When F.D.R. signed the Social Security Act, he referred to it as "a cornerstone of a structure which is being built—but is by no means complete." Marking the Act's 40th year, the AFL–CIO stated: "In order to fulfull the proper role, the legislation must be constantly improved." But this is not what Reagan wants. His course is detrimental to the system, and must be reversed. There must be no "Bi-partisan" cooperation with Reagan's course. No more cuts in any guise. Benefits that have been cut should be restored, and we must continue strong efforts to build and improve the structure of the system.

Our aim should be the goal visualized by the original architects of the system of Social Security—F.D.R.'s Cabinet level Committee on Economic Security. In its report proposing the Social Security System, which Roosevelt sent to Congress with a message urging enactment, the committee said: "A program of economic security as we envision it must have as its primary aim the assurance of an adequate income to each human being in childhood, youth, middle age or old age—in sickness or in health."●

CONTINUE FEDERAL ASSISTANCE TO AMTRAK

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. FLORIO. Mr. Speaker, the administration has proposed the elimination of all Federal funding for Amtrak, our Nation's rail passenger system. The administration disputes claims that this cut will result in the cessation of all service by arguing that States, localities, and the private sector will assume the most profitable services, particularly those on the Northeast corridor.

Unfortunately, there are no takers. The Northeast Corridor Commuter Rail Authorities Committee [NECCRAC] recently passed a resolution stating that "the commuter rail authorities have neither the physical assets nor the financial resources to absorb the intercity passenger rail service now provided by Amtrak." Furthermore, the president of the Association of American Railroads [AAR], Mr. William Dempsey, recently wrote that he "has heard no such interest expressed by any freight railroad" to reenter the rail passenger business.

Since neither the commuter authorities nor the private sector are willing or able to assume some of the Amtrak lines, it is clear that the administration's argument is no longer valid. Letters from both NECCRAC and AAR follow:

NJ TRANSIT,
Newark, NJ, April 9, 1985.

Hon. JAMES J. FLORIO,
Chairman, House Transportation, Commerce and Tourism Subcommittee, Washington, DC.

DEAR CONGRESSMAN FLORIO: The Northeast Corridor Commuter Rail Authorities Committee (NECCRAC) represents the commuter rail and state agencies providing commuter rail service on the Northeast Corridor. A list of NECCRAC members is attached. Collectively these commuter railroads provide over one million daily trips of which over 150,000 occur on the Northeast Corridor. Each of these commuter agencies has relationships with Amtrak which are predicated on a healthy intercity rail system.

On March 6 the NECCRAC members passed the attached resolution urging continued federal assistance to Amtrak. It is important to realize that cuts to the Amtrak budget effect not only intercity service but also affect the regional commuter railroads and the individuals and businesses who rely on those essential services.

I am sure the attached resolution conveys the importance of Northeast Corridor service to commuter rail operations. Please contact me any time NECCRAC can be of assistance to you.

Sincerely,

JEROME C. PREMO,
Executive Director, NJ Transit, Chairman, Northeast Corridor Commuter Rail Authorities Committee.

Attachment.

NORTHEAST CORRIDOR COMMUTER RAIL AUTHORITIES COMMITTEE [NECCRAC]

NJ Transit, Port Authority Trans-Hudson Corporation [PATH], Long Island Railroad [LIRR], Metro North, Southeastern Pennsylvania Transit Authority [SEPTA], Massachusetts Bay Transit Authority [MBTA], Connecticut Department of Transportation, Maryland Department of Transportation.

NECCRAC RESOLUTION

Whereas, the Fiscal Year 1986 Administration budget proposal eliminates all funding for the National Railroad Passenger Corporation (Amtrak), which would result in the elimination of all intercity rail passenger service, including that on the Northeast Corridor; and

Whereas, the Northeast Corridor is an essential intercity and commuter transportation link among the great urban centers of Boston, New Haven, New York, Providence, Newark, Trenton, Philadelphia, Wilmington, Baltimore and Washington, D.C.; and

Whereas, the Northeast Corridor and related facilities provide for approximately over 150 thousand daily trips for commuter rail passengers and Amtrak travellers who would otherwise rely on congested highways and over-burdened airport facilities; and

Whereas, the combined services of the commuter rail agencies and Amtrak provide the most cost-efficient use of the Northeast Corridor by allocating costs between both types of services; and

Whereas, the goal of the $2.5 billion Northeast Corridor Improvement Project would not be realized; and

Whereas, this proposed abrupt cessation of federal aid to intercity rail passenger service would summarily reverse 15 years of progress in dealing with financial and operational rail transportation issues and would cause unnecessary turmoil in the northeast region's transportation services; and

Whereas, cessation of Amtrak operations would cost the commuter rail agencies approximately $85 million per year in increased operating costs and would require a substantial one-time investment to dismantle a portion of the Northeast Corridor Improvement Investment not required for commuter operations; and

Whereas, the Commuter Rail Authorities have neither the physical assets nor the financial resources to absorb the intercity passenger rail service now provided by Amtrak; and

Whereas, discontinuance of all Amtrak functions on October 1, 1985, would pose a grave threat of disruption of commuter service on the Northeast Corridor;

Whereas, therefore be it Resolved, that the Northeast Corridor Commuter Rail Authorities Committee (NECCRAC) endorses the continuation of essential intercity rail passenger service, particularly on the Northeast Corridor;

Now therefore be it resolved, that the Northeast Corridor Commuter Rail Authorities Committee (NECCRAC) endorses the continuation of essential intercity rail passenger service, particularly on the Northeast Corridor;

Be it further Resolved, that NECCRAC urges the Congressional Delegations of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland and Washington, D.C. to support the continuation of federal assistance to Amtrak, thereby maintaining essential intercity rail passenger service on the

Northeast Corridor and avoiding major adverse impacts on commuter service.

Be it further Resolved, that copies of this resolution be sent to those delegations cited above, and to the Speaker of the House and the Senate Majority Leader, and the chairmen of the House and Senate Budget, Authorizing, and Appropriating Committees.

ASSOCIATION OF AMERICAN RAILROADS,
Washington, DC, March 5, 1985.

Hon. JAMES J. FLORIO,
Chairman, Subcommittee on Commerce, Transportation, and Tourism, Washington, DC.

DEAR MR. CHAIRMAN: I have your letter of February 27th inquiring whether any freight railroad members of the AAR "have expressed any . . . interest in reentering the rail passenger business." I have heard no such interest expressed by any freight railroad. Moreover, in view of the past experience of the railroad industry with rail passenger service, it is hard for me to believe that any freight railroad would be interested in getting back into that service. However, I am sending a copy of this letter to the members of the AAR Board of Directors—the chief executives of the nine largest roads and of four medium-sized roads—so that if I am wrong they can let you know.

Sincerely,

WILLIAM H. DEMPSEY,
President.●

MR. LESLIE R. SMITH, PRESIDENT, SAN PEDRO PENINSULA HOSPITAL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to Leslie R. Smith, who has served as president of San Pedro Peninsula Hospital since 1974. On Tuesday, April 30, Mr. Smith will be honored with the National Management Association's Gold Knight of Management Award for his outstanding leadership at the hospital and in the community.

Leslie Smith has been one of the most influential leaders in the health care field in the Los Angeles area for many years. After graduating from the University of Southern California with a master's degree in hospital administration, he went to work for the Los Angeles County Hospital System. In 20 years there, he rose to the peak of his field, becoming chief executive officer of Los Angeles County-USC Medical Center—the largest hospital in the world. He served as CEO at LAC-USC Medical Center for 5 years before assuming the presidency of San Pedro Peninsula Hospital.

During his tenure as president, Les Smith has led the way in assuring that the San Pedro community has the finest health care available. He has initiated and overseen the expansion of the hospital to a 247 bed acute medical/surgical center and a 398 bed multidisciplinary medical center, and has instituted a wide variety of innovative programs in such areas as chemical dependency, dialysis, and eating disorders. In short, he has turned a small community hospital into a major medical center.

He exhibited tremendous foresight and managerial skill in guiding the hospital through the traumatic shift from Medicare's cost-based reimbursement system to the new prospective payment system Congress instituted in 1983. His hard work and ability enabled the hospital to sail smoothly through the transition while other hospitals foundered. He has not only run San Pedro Peninsula Hospital efficiently, he has maintained such good community relations that the hospital has netted $2.3 million in donations during his stewardship.

Les Smith's achievements have not been limited to his work at the hospital. He has been a member of the San Pedro Rotary Club since 1974 and is a member of the board of directors of the San Pedro Chamber of Commerce. He played a key role in establishing national management association chapters at Los Angeles County-USC Medical Center and San Pedro Peninsula Hospital, he has appeared on numerous television programs to discuss health care issues, and has shared his many years of accumulated knowledge with graduate students in the field of hospital administration.

My wife Lee joins me in congratulating Leslie Smith on the occasion of his receipt of the National Management Association's Gold Knight of Management Award. We wish him and his wife Edie and their children Tim, Erin, and Melinda continued success.●

AT THE 5 & 10

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. LEHMAN of Florida. Mr. Speaker, one of America's oldest traditions is the 5 & 10 store. For generations, the family-owned retail outlet has been a part of our culture as well as an integral part of our economy.

In the 17th Congressional District, many families—my own included—have known and enjoyed the pleasures and benefits of the Miami Shores 5 & 10, a store that has been in one location for over 30 years.

During that time, much has changed in the area of North Dade—that's what makes the long family tradition of the Miami Shores 5 & 10 so very comfortable and reassuring.

I wish to offer my personal congratulations to the Simons for adding a special flavor to an important part of North Dade.

Portions of an article from the Miami Herald follow:

SHOPPERS FIND JUST THE THING

(By Jean Claude de la France)

When Jeanne Wilbar, late of Miami Shores and currently of McIntosh, Fla., wanted mugs, threads and school supplies, she knew just where to go.

"This is a place where you can get something for everyone," Wilbar said, picking out her choices at the Miami Shores 5 & 10 store, 9531 NE Second Ave. "I like the hometown atmosphere and you never have to wait in line."

"I moved to McIntosh about four years ago but whenever I'm in town, which is about two or three times a year, I make it a point to stop in here," Wilbar said as she rifled the pages of some school notebooks.

"It's the small-town atmosphere," Wilbar said of the Miami Shores store. "I guess it relates back to when I was a little girl growing up in West Virginia."

Bert and Horty Simon, owners of the Miami Shores store for 31 years, get the same loyalty from their clientele.

"I've been coming here ever since I was growing up," said Victoria Peach, director of the Von Wadel Montessori School in Miami Shores. "Mr. Simon has been here forever and he has always been very nice and the kids all love him."

"If they had milk and bread I'd never have to go anywhere else," said Barbara Hampton, a daily visitor at the Shores' 5 & 10.

"There are a lot of little things you can't find anymore," said Horty Simon. "For example they don't make sweater guards and adjustable garters anymore."

"I guess you can count all the 5 & 10 stores in Florida on the fingers of two hands," said Cy Steinberg, an employee at Simon's store.

But as long as they exist, people like Michael Stanco will be coming in with a new generation.

"I come here with my granddaughter and my grandson," Stanco said while wrestling a box of crayons away from Anthony Grondin. "We find it comfortable. It's convenient and they got exactly what we need and in quantity, too."●

CIVIL RIGHTS ENFORCEMENT IS A DUTY OF THE FEDERAL GOVERNMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. RANGEL. Mr. Speaker, I rise to bring an excellent article to the attention of my colleagues. It was recently written by Mary Frances Berry, an outstanding member of the Commission on Civil Rights.

Once upon a time, before the Reagan era, the enforcement of civil rights was a proud and honorable duty of the Federal Government. Civil rights were cherished as the right of all Americans, and the Federal branch vigorously enforced this right. The U.S. Commission on Civil Rights was created as an independent task force, free from changes in political temperament.

As my colleagues know, President Reagan is attempting to politicize the Commission, to force it to tow his ideological line. Even Richard Nixon avoided this kind of interference.

The following article is very edifying, and I submit it for the CONGRESSIONAL RECORD.

The article follows:

[From the Nation, Feb. 2, 1985]

TAMING THE CIVIL RIGHTS COMMISSION

(Mary Frances Berry)

About a year and a half ago, there was a brief time when it looked as if the Reagan Administration's bid to take over the U.S. Commission on Civil Rights would fail. After President Reagan fired commissioner Blandina Ramirez and me in October 1983, a Federal court ordered our reinstatement on the ground that the commission is an independent government agency and not subject to Presidential control. But one month later, after considerable maneuvering, the Administration succeeded in gaining a majority on the commission. Since then, the Reagan commissioners have followed a radically different course from that of their predecessors.

From its founding, in 1957, by President Dwight D. Eisenhower, the commission had been made up of distinguished men and women who were dedicated to advancing the cause of civil rights rather than the interests of a particular politician or ideology. Most of them served for many years, under several Presidents. When they criticized government policies or agencies, no one tried to fire them. President Reagan's attack on sitting commissioners represented a break with that tradition, as did his appointment of new commissioners who share his goal of weakening existing civil rights remedies.

The major work in transforming the commission has been done by staff director Linda Chavez and chair Clarence Pendleton Jr. (who likes to insist that the President is colorblind, although the White House announcement of his appointment referred to him as the first black to head the commission). They have been assisted by John Bunzel and Morris Abram. Esther Gonzales-Arroyo Buckley and Robert Destro have been largely taken for granted by the others, who count on them to go along with whatever they propose. Francis Guess at first seemed to be an Administration rubber stamp, although he has since become increasingly assertive.

By law the commission must study and collect information, investigate allegations of discrimination and evaluate government laws and policies. Since last January it has contradicted its own procedures, issued statements before it investigates the facts, muzzled its state advisory committees to prevent them from announcing unacceptable conclusions and sidestepped experienced Civil Service staff members.

The commission has for the most part abandoned its responsibility to monitor the activities of the civil rights enforcement agencies of the Federal government. Not one report or statement about any Federal body has been issued since the takeover. Indeed, the commission has become so much a public relations operation for the Administration that its members have been referred to in the media as "Administration spokespersons." At the commission's first meeting last year, the new majority quickly issued a statement chastising the Supreme Court for upholding a lower court's decision in *Bratton* v. *City of Detroit.* Citing a voluminous trial record that proved the city's Police Department had been biased in its hiring and promotion policies, the lower court had ordered the department to set quotas for the promotion of qualified black and white police officers on a one-to-one basis. The commission's statement was consistent with the Administration's opposition to affirmative action quotas. (Administration officials had falsely characterized the issue of quotas as the basis of the dispute with the previous commissioners.)

When the Supreme Court held in *Firefighters Local Union No. 1784* v. *Stotts* that seniority prevails over some affirmative action remedies, the commission quickly praised the decision as the death knell for group-victimization theories and affirmative action goals. Its statement, like the one on the Detroit case, was issued before the commission had investigated the factual context of the case. Contrary to the commission's characterization, however, courts of appeal have since interpreted the *Stotts* decision narrowly, leaving most affirmative action remedies in place.

Other violations of commission procedures have occurred in the service of more blatantly political aims. For example, Abram told the White House that I had suggested the commission discuss the President's reluctance to repudiate an endorsement of his re-election bid by Bill Wilkinson, Grand Wizard of the Ku Klux Klan. During a break in the next meeting, Abram produced a letter from the President repudiating the Klan but not Wilkinson. Then, without commission approval, Abram called a press conference to announce the letter. In another departure from procedure, and without the other commissioners' approval or a preliminary investigation by the staff, Pendleton asked the Democratic Presidential candidates what they thought about remarks allegedly made by Louis Farrakhan and how they thought Jesse Jackson should respond. Although I had stated publicly that Jackson should repudiate Farrakhan if the statements had been made, I argued that the commission should avoid injecting itself into a partisan political controversy before we had ascertained the facts. Pendleton and his cohorts agreed to take no further action after it seemed Guess and Destro would join Ramirez and me in formally reprimanding them for flouting the rules. But during the Presidential race, issuing pronouncements without consulting the other commissioners became a habit with Pendleton. Taking sides in an intra-Administration fight, he publicly criticized the President for supporting the practice of awarding a set percentage of Federal contracts to minority businesses and for convening a meeting of blacks he had appointed to government jobs.

In still another departure from policy, the majority voted to require state advisory committees (composed of citizens appointed by the commission who serve without pay to monitor civil rights problems in their states) to submit their reports to Washington for review prior to their release. The reason given was that the reports had been uneven and had ranged too far afield. Actually, the majority was unhappy with the state bodies because they had continued to work on issues of which it disapproved, such as equal opportunity budgets.

Blandina Ramirez and I find the majority's refusal to undertake the required hearings and investigations before issuing statements abhorrent, but our protests have gone unheeded. After the Supreme Court's decision in *Grove City College* v. *Bell,* which narrowed the scope of the language in Title IX of the Civil Rights Act prohibiting sex discrimination in education, we suggested that the commission issue a statement calling on Congress to pass a law nullifying the decision's impact. Such a statement could draw on data compiled by the commission staff in the last five years. The majority opposed such a statement. They supported new legislation but said it should include language opposing certain affirmative action remedies and adding a requirement that intent to discriminate be proved.

Staff director Chavez, who has no policy-making powers under the law, has also spoken out publicly on policy matters. After the House passed the Civil Rights Act of 1984, she provided a detailed analysis of the bill's shortcomings to anti-civil-rights senators and to the media. When Represenative Don Edwards accused her of suggesting crippling amendments to the opposition, Chavez asserted that she had only responded to the senators' requests for technical assistance, in keeping with the commission's past procedures. When Pendleton was queried about Chavez's actions at a commission meeting, he said he approved of everything she had done.

There was more to come. Without consulting the other commissioners, Pendleton canceled our November meeting and held a press conference instead. He and Chavez used the occasion to denounce the idea of equal pay for similar jobs, or comparable worth, an issue much in the news at the time because of the clerical workers' strike at Yale University [see editorial, "Women of Yale," *The Nation,* December 1, 1984]. Pendleton called it the "looniest idea since Looney Tunes." Back in January, Abram had already announced his opposition to comparable worth at a commission press conference. In effect, those statements prejudged the issue, meaning that any future commission findings regarding comparable worth will have little credibility.

That press conference followed a widely publicized speech in which Pendleton had attacked black voters and certain black leaders for not supporting Reagan in the election. Even two from the usual majority couldn't stomach that one. They planned to raise the issue of violations of procedure at the commission's December meeting, but the chair canceled it.

I see little possibility that the commission will act any more independently in the near future than it has up to now. The majority and the staff director can be expected to say whatever is politically expedient. They have commissioned studies by consultants who have previously expressed views consistent with White House policy on civil rights. Instead of producing reports that will command broad respect from Congress and the public, they can be expected to support the Administration's retreat on civil rights protections.

The Commission on Civil Rights has become a parody of its former self, a politicized institution for the first time in its history. Contrary to Administration claims, the Reaganites' takeover of the commission did not stem from a battle about busing or quotas. Rather, they could not tolerate the commission's challenge on a number of points; the tax exemption for Bob Jones University, the White House's unprecedented refusal to supply information to the commission except under threat of subpoena, its

opposition to extending the Voting Rights Act in 1982, its attempts to lessen the protection against sex discrimination in education under Title IX and the removal of some remedies for victims of job discrimination. Until the majority of Americans are ready to take up the unfinished business of providing equality of opportunity in this society, the commission is unlikely to contribute to any further progress in civil rights.●

THE FARMBELT CRISIS

HON. JIM ROSS LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. LIGHTFOOT. Mr. Speaker, I insert the attached article into that portion of the CONGRESSIONAL RECORD entitled Extensions of Remarks. Mr. Wollenhaupt has aptly pointed out some of the problems we, in rural America, are facing and his comments are worthy of our attention.

THE FARMBELT CRISIS

The predicament of many midwest farmers is well known. Decreasing land values, high interest rates, and inadequate income for farm products have resulted in quite severe deterioration in loan quality for agricultural lenders. What are the causes and what are the solutions? It is natural to accept the premise that there are causes. It also seems reasonable to believe there must be solutions. One major cause has to be inflation. The next question then is what caused inflation? Inflation is a result of the government creating too much money. Why was this permitted? Because the role of government in our lives has expanded enormously and has gotten out of control. We have had inflation because inflation is possible and is fueled by our present paper-money system.

In her book, "The March of Folly," Barbara W. Tuchman makes an interesting observation:

"A phenomenon noticeable through history regardless of place or period is the pursuit by governments of policies contrary to their own interest. Mankind, it seems, makes a poorer performance of government than of almost any other human activity. In this sphere, wisdom, which may be defined as the exercise of judgment acting on experience, common sense, and available information, is less operative and more frustrated than it should be. Why do holders of high office so often act contrary to the way reason points and enlightened self-interest suggests? Why does intelligent mental process seem so often not to function?"

Barbara Tuchman was not addressing the farm problem per se but her thoughts cause one to reflect on the wisdom of policies and programs of government through the course of time. Inflation is the result of printing-press money which evolved during the 1930's when our government elected to abandon the gold-coin standard. Printing press money was substituted at that time for the previously gold-backed dollar. The purpose was to increase the money supply which in turn was to stimulate the economy by raising prices. It enabled the government to spend vast sums of money without having to tax the citizenry. Spending these newly created dollars would "make things happen." It did and we are now suffering the results through government intervention, distortions, disruptions, and imbalances between production and prices.

Under a goldstandard-monetary system the supply of money was restricted by the supply of gold a country held. Also, paper money was redeemable in gold so that people could turn in their paper dollars for gold when they felt government spending was excessive. Monetary policy should be responsive and obedient to a firm discipline. There is little discipline inherent in a fiat paper money system such as we are using today. Under a gold standard corrections were automatic and were only as severe as need be to restore stability.

Farmers, in particular, are victimized more than they are helped by our paper money which has brought us the rampant inflation of recent years. There is something euphoric identified with inflation that distorts one's thinking. There is the expectation that no matter what something costs today it will be worth much more tomorrow and next year. Many farmers were enticed to buy land at high prices based on this expectation. During the period 1970-1980 land prices on the average in Iowa rose from about $400 per acre to $2,100. This is largely the result of inflation psychology.

It is natural to look to government for solutions and assistance in times of economic stress. Government's efforts to help have fueled inflation. Probably the most important single factor that has led to our persistent inflation since the 1930's has been the changing role of government.

Milton Friedman, Nobel Prize Winner in economics, states in a speech given in early 1984 concerning the role of government: "From being an umpire whose major function was to protect the nation against foreign enemies, the federal government has become a solver of all problems, big brother to everybody."

In the short-run the farmer is faced with the problem of survival hoping for a quick turn-around in terms of better prices for his products. His immediate need is for more income through higher prices for products sold, lower interest rates, and reduced costs of production. More credit cannot be obtained without the ability to repay debt.

In the long-run inflation must not only be reduced further, but it must be restrained from taking off again toward double digit figures. One way to control inflation is to limit government spending. Increasing taxes is not a solution to our economic well being. This only restricts economic expansion and job creation. It is also vitally necessary for Congress to adopt a balanced budget along with reducing spending and taxes. It is ridiculous to believe we can continue to have the prodigious budget deficits as at present.

Many Congressmen are hesitant and unwilling to cut spending programs. They are no doubt of good intention in their efforts to continue to increase the many programs which have been put into place to ease the financial difficulties experienced by many people. However, a greater assistance could well be afforded by restoring a balanced budget even if this requires a constitutional amendment.

Natural market forces must be restored as a means of governing our markets replacing the numerous and ineffective programs which have been tried and found wanting. Economist Don Paarlberg speaks to this:

"Nobody has had the courage to say it. But the last few years have clearly demonstrated the commodity programs are a failure," says Don Paarlberg, former head of economics for the USDA, who has had as much experience administrating them as anyone. "Where is the equity when 48% of the program benefits go to the top 10% of the farmers?" Paarlberg asks. "What is the efficiency in retiring the world's best land?" (Farm Journal, January 1985)

Perhaps it would be best if the Federal Government would resume its intended role of being an umpire, in defending our shores, protecting property, administering justice, and letting natural market forces rule economic activity. At the state level many of our politicians seem obsessed with the notion that our state's future lies in promoting horse racing and lottery—that such means are now needed to acquire funds for our public coffers. It is tantamount to ironic jest that the paper dollars to be used for such purposes bear the inscription "In God We Trust."

And so we continue the "March of Folly." Badly needed: more wisdom—less folly.—Courtesy of the Wollenhaupt, Director, First National Bank, Fontanelle, IA.●

MODIFICATION OF ACCOUNTING RULES FOR FEDERAL LONG-TERM CONTRACTS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. STARK. Mr. Speaker, today I am introducing a bill designed to make some major Federal contractors pay their fair share of taxes by revising the accounting methods used to determine those contractors' tax liability. My bill focuses on what is known as the "completed contract accounting method," and is expected to raise very significant new revenue without imposing any new tax.

How is this possible?

The Tax Code now allows taxpayers with long-term contracts to choose whether to pay Uncle Sam now or pay him later. But later just never seems to arrive for many profitable corporations doing Federal contract work, like Boeing, General Dynamics, and General Electric.

Current long-term contract accounting rules provide for an almost continual deferral of income from contracts while allowing numerous deductions for costs "up front." The completed contract method of accounting was devised to deal with long-term contracts in which the taxpayer could not ascertain his taxable income until the completion of the contract.

For shipbuilders with a Government contract, as an example, completed contract accounting allows Tax Day to be delayed 5 or 10 years even though the Federal Government gives the shipbuilder regularly scheduled payments on the contract costs and reimburses general overhead expenses of the shipbuilder. Even worse, Department of Defense regulations sometimes cushion the risk of cost overrun

that may occur in any contract by providing that the Federal Government will pay for cost overruns as well.

My bill disallows the use of the completed contract method for computing income on Federal long-term contracts. Instead, a taxpayer will have to include in gross income the aggregate amount received under the contract each year or the amount determined under the percentage of completion method, whichever is greater.

Since accounting rules in the Tax Code are arcane—if not inane—I offer an example of how my bill will work. A taxpayer with a 5-year, $6 million contract with the Federal Government will account for the income as follows: In year 1, taxpayer receives $2 million payment and does no work on the project. The aggregate amount received in year one is greater than the amount under the percentage of completion method since no work was done on the project. Thus, the taxpayer must include $2 million in gross income in the year 1 and can correspondingly take any deductions which the taxpayer is entitled to in that same year.

The same taxpayer may receive no money in the second year but may complete one-third of the work stipulated under the contract. Under the percentage-of-completion method, the taxpayer would include in gross income $2 million, reflecting a $6 million project that is one-third complete. Since the taxpayer has already paid tax on one-third of the total contract amount, no income is included from this contract in the taxpayer's gross income in year 2.

In year 3, if the taxpayer receives $2 million and completes another third of the contract work, the aggregate amount received under the contract is $4 million. Two-thirds of the contract work has been completed. Since two-thirds of a $6 million project is equivalent to $4 million, the cash received to date equals the value of work completed in year 3. The taxpayer's gross income for this contract is, then, $4 million reduced by the $2 million that was included in gross income in a previous year.

The taxpayer may complete all the work on the project in year 4 but not receive any payments. The $6 million contract is 100 percent complete under the percentage-of-completion method. Since the amount determined under the percentage of completion method—$6 million—is greater than the aggregate amount of payments received under the contract in year 4 and prior years—$4 million—the taxpayer must include in gross income $6 million reduced by the $4 million already included in income in prior years.

By the fifth year, when the last payment of $2 million is made, the entire contract amount of $6 million has already been included in gross income in prior taxable years at times which reflect both the progress and the payment schedule of the contract. Likewise, deductions are allowed as they arise instead of being deferred until the end of the contract or taken prematurely.

Thus, the bill addresses the two timing problems that now occur with the use of the completed contract method of accounting: inappropriate deferral of taxes and allocation of deductions. The bill will apply to all long-term contracts in which the Federal Government—including agencies and instrumentalities thereof—is a party, and to subcontracts under Federal long-term contracts. The modifications required under this bill apply to taxable years beginning after December 31, 1985.

Mr. Speaker, I want to welcome General Dynamics, Boeing, General Electric to the ranks of American taxpayers.

The bill is as follows:

H.R. 2214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,"

SECTION 1. MODIFICATION OF ACCOUNTING RULES FOR FEDERAL LONG-TERM CONTRACTS.

(a) GENERAL RULE.—The Secretary of the Treasury or his delegate shall modify the income tax regulations relating to accounting for long-term contracts to provide that—

(1) the amount includible in gross income with respect to any Federal long-term contract for any taxable year shall not be less than—

(A) the greater of (i) the aggregate amount received under such contract during the taxable year and prior taxable years, or (ii) the amount determined under the percentage of completion method for the taxable year and prior taxable years, reduced by

(B) the amount includible in gross income with respect to such contract for prior taxable years, and

(2) the completed contract method may not be used with respect to Federal long-term contracts.

(b) FEDERAL LONG-TERM CONTRACT.—For purposes of this section, the term "Federal long-term contract" means any long-term contract—

(1) to which the United States (or any agency or instrumentality thereof) is a party, or

(2) which is a subcontract under a contract described in paragraph (1).

For purposes of the preceding sentence, the rules of section 168(j)(4)(D) of the Internal Revenue Code of 1954 (relating to certain taxable entities not treated as instrumentalities) shall apply.

(c) EFFECTIVE DATE.—The modifications required under this section shall apply to taxable years beginning after December 31, 1985. For purposes of section 481 of the Internal Revenue Code of 1954, such modifications shall be treated as a change in the method of accounting of the taxpayer.●

1986 BUDGET PROPOSALS ENDANGER THE RETIREMENT SECURITY OF OLDER AMERICANS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. CLAY. Mr. Speaker, the "new" budget compromise agreed to by President Reagan and Senate Republicans contains the same old GOP priorities—major increases in military spending paid for by deep cuts in domestic programs. This latest proposal does the one thing President Reagan repeatedly promised he would not do—cut Social Security benefits. What Reagan's budget proposal would essentially do is set the annual cost-of-living adjustment [COLA] to Social Security benefits at 2 percent for each of the next 3 years. This proposed reduction would take away $3 billion in fiscal 1986 from Social Security funds and almost $23 billion for the 3 years proposed. On an individual basis this translates into a reduction for the average Social Security recipient of a loss of $81 in fiscal year 1986 and a total loss of about $600 over a 3-year period.

Social Security, the most widely received Government benefit, reaching 36.5 million retired men and women, is the key link between a decent retirement life and retirement years lived in poverty. Each year that cost-of-living adjustments are held down increases the number of retired people made poorer as they grow older. That is why the proposed COLA reduction is of such critical concern, because of its devastating effect on lower income Social Security beneficiaries. It is the poorest retirees who are the most dependent on the income received from Social Security. The Congressional Budget Office estimates that Social Security provides approximately 80 percent of the total income of elderly recipient families who are below or just above the poverty line. And it must not be forgotten that Social Security is a crucial income source not only for the elderly, but for the disabled, for orphans, and for widows or widowers with dependent children as well.

Aware of the importance of Social Security to some degree, the Republicans modestly propose to cushion the Social Security cut by increasing benefits under the Supplemental Security Income [SSI] Program—which provides cash assistance to aged, blind, or disabled people with very low incomes. But, many of the poor people who will be affected by the COLA reduction do not receive SSI and will not qualify under SSI's stringent income and asset tests.

According to estimates by the Congressional Budget Office, even with the SSI increase, almost 5 million poor or near poor families will suffer a net income loss from a cut. Without the SSI increase, 650,000 beneficiaries will be thrown below the poverty line by a COLA reduction. With an increase in SSI, there will be an increase of 570,000 people living in poverty, of whom 380,000 are elderly.

The proposed Social Security cutback with its effect on the poor and the elderly, represents a clear abandonment of President Reagan's repeated promises that he would oppose any cuts in Social Security benefits. These cuts are unfair and unjustifiable. They place an unfair burden on low-income Social Security recipients. The elderly have already suffered an unfair share of budget cuts over the past few years. Year after year corporations escape tax liability through corporate tax breaks, while those least able to pay are forced to contribute more. President Reagan must be held to his commitment to retired Americans, if not by the Republicans in the Senate then by the Democrats in the House. There must be no cut in Social Security benefits.●

CALIFORNIA VOICE OF DEMOCRACY WINNER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. BROWN of California. Mr. Speaker, I rise today to congratulate Jeffrey Chance of Riverside, CA, who is the California State winner of the Voice of Democracy scriptwriting contest. Mr. Chance is a senior at Poly High School in Riverside, where he is active on the swimming team, the yearbook staff, and the foreign exchange program.

The VFW Voice of Democracy scholarship contest is a national program which began 37 years ago and has grown with VFW leadership to involve over 300,000 students this year. The program awards six scholarships totaling $32,500, with a scholarship of $14,000 going to the first-place winner. The VFW involves over 8,000 schools in this program, and over 4,000 VFW posts and 3,500 auxiliaries act as sponsors. Over 2,300 radio and TV stations cooperate in the program, continuing the partnership between the VFW and the broadcast industry which has existed for decades.

Given the scope of this contest, I am proud of Mr. Chance for writing the script which won the California State contest. His entry under this year's theme, "My Pledge to America," is an expression of the optimism which all of us share when we dream of this country's heritage. I would like to reprint the script which won Jeffrey Chance the California Voice of Democracy contest.

MY PLEDGE TO AMERICA

VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

(California Winner, Jeffrey Chance, 5940 Intervale Drive, Riverside, CA. 92506)

"Thanks for the Memory". Who can listen to this refrain and not think of Bob Hope? "Somewhere Over the Rainbow"? Judy Garland. When Debbie Boone steps on stage, an orchestra plays, "You Light Up My Life". In the minds of many people, these songs symbolize the person associated with the song and symbolize their life, their achievements.

Songs, too, can symbolize countries. "The Star Spangled Banner" and "America the Beautiful" symbolize the United States, our values and what we as a country stand for. If I could choose one song to symbolize Americans, not collectively, but as individuals, I would choose the song, "The Impossible Dream". My pledge to America is that I will make this song my theme—that I will live the impossible dream.

The American dream of a better, more productive, happy life is not an impossible dream. Americans have made it possible. Not only have Americans achieved the dream. They have inspired the dream. Throughout history, people of other nations have flocked to the shores of the United States in search of an impossible dream. They have made their dreams reality. Today, dreams are just as achievable as they were when our forefathers signed a constitution guaranteeing freedom for the pursuit of life, liberty and happiness.

In the song, "The Impossible Dream", the lyrics speak of a person who fights for the right and reaches for unreachable stars. I am proud to be a part of a nation whose individuals fight for the right. I am grateful for those who went before to reach unreachable stars. Doubt said, "Impossible". But early astronauts said, "Possible," and walked on the moon.

The lyrics continue, ". . . to run where the brave dare not go". Americans have continually walked untrodden paths—paths to great heights, accomplishing great dreams. Jonas Salk dreamed of a vaccine that would someday cure polio and prolong life for millions. Martin Luther King, Jr., dreamed and inspired a dream of harmony and equality within America's ethnic groups. Obstacles fall when Americans reach for their dreams. Dreamers have made the United States the nation that it is. Dreamers among our youth must continue to make the nation strong, to solve problems that today have no solutions; to bring peace when peace seems impossible.

Our country is a nation of goal setters and dreamers. But setting the goal and dreaming the dream is not enough. We must take action consistent with our goals. Whether as an individual or a group, we must work with diligence to achieve our dreams. But dream, we must. America is in danger of losing the dream. There are those who continue to say, "Impossible". Youth must say, "Possible". We cannot, must not, will not give in to despair, to defeat or to fear. We must continue to dream, for as one man or woman achieves a dream, a nation benefits—a new medication, an improved technology, an opportunity, another era of peace. We must continue to inspire the dream—to make the impossible, possible for the largest number of people. We must share the products of our dreams.

My pledge to America is that I will continue the pattern set by my forefathers to pursue my own dream, being careful to take responsibility for the action that makes dreams come true. I pledge to inspire the dream, to reach to the downtrodden, the temporarily defeated, those who have lost faith. I pledge to encourage youth to take action, to take advantage of the educational, social and political opportunities of this country that put feet to our dreams.

In the words of Ruth Stafford Peale, "I will stand up to be counted among those millions of Americans who have learned that Liberty is responsibility".

I will dream an impossible dream and reach that dream, that someday the world will be a better place because I have lived and I have dreamed.●

REAR ADM. FREDERICK P. SCHUBERT, USCG, TO RETIRE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. ANDERSON. Mr. Speaker, I have just been informed that the commander of the 11th Coast Guard District, Rear Adm. Frederick P. Schubert, USCG, whose headquarters is in my congressional district, will retire at the end of next month.

While I certainly respect Admiral Schubert's decision, as he has served his Nation as a Coast Guard officer for 33 years, I personally regret it as it means that we will be losing his services in the 11th Coast Guard District. It does not seem possible that he has already been in command for 2 years.

During this 2-year span of time Admiral Schubert certainly has been busy. Probably one of his most demanding tasks was directing the Coast Guard's preparation for the summer games of the XXIIId Olympiad. The Coast Guard was responsible for port safety and security, yachting venue security, dignitary protection, and explosive ordnance disposal. As we are all well aware of the smooth and incident-free manner in which the Olympics were conducted, I think it is evident that Admiral Schubert did an outstanding job—even though most of his work was beyond the public eye.

During his time with the 11th Coast Guard District, he also served as Pacific Region Coordinator of the National Narcotics Border Interdiction System. In this capacity, he worked with other Federal and local agencies serving on the Vice President's Task Force on Narcotics Interdiction with the mission of preventing the smuggling of illegal drugs into the Western United States, and apprehending those who attempted to do so. Under Admiral Schubert's guidance, coordination was established which will permit the continuing effective operation of the task force in the future.

Admiral Schubert has held a variety of demanding and challenging staff and command assignments since his graduation from the U.S. Coast Guard Academy in 1951. He holds master degrees in systems management from the University of Southern California, and in political science from Auburn University. A Coast Guard aviator, he was one of the very few Coast Guard officers choosen to attend the Air War College, graduating in 1971.

As he takes off his Coast Guard uniform and puts on civilian attire, my wife Lee joins me in wishing Fred Schubert, his wife Gloria, and their three children, Paul, Karen, and Robert, all the best in the years ahead. While his plans are not firm at this time, I am sure he will soon find himself actively engaged again in some endeavor which will demand the utmost of his time and talents. We wish him well.●

PRESIDENT REAGAN'S GERMAN VISIT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. LEHMAN of Florida. Mr. Speaker, the 40th anniversary of the liberation of the Nazi concentration camps has brought new and badly needed attention to the horrors of the Holocaust. A couple of weeks ago, a tape of Edward R. Murrow's radio broadcast on the liberation of Buchenwald was played on network television, accompanied by color film of the camp and its victims. Just this week, the New York Times printed excerpts from a radio broadcast by BBC commentator Patrick Gordon-Walker about the liberation of the Bergen-Belsen concentration camp. These excerpts, which every one of my colleagues should read carefully follow:

BERGEN-BELSEN, APRIL 24, 1945

I went to Belsen. The Wehrmacht is not allowed near it. It was entirely guarded by SS men and women. The first night of liberty, many hundreds of people died of joy. Next day some men of the [British] Yeomanry arrived. The people crowded around them, kissing their hands and feet—and dying from weakness.

Corpses in every state of decay were lying around, piled up on top of each other in heaps. One woman came up to a soldier who was guarding the milk store and doling the milk out to children, and begged for milk for her baby. The man took the baby and saw that it had been dead for days, black in the face and shriveled up. The woman went on begging for milk. So he poured some on the dead lips. The mother then started to croon with joy and carried the baby off in triumph. She stumbled and fell dead a few yards. . . .

About 35,000 corpses were reckoned, more actually than the living. . . . The SS men were driven and pushed along and made to ride on top of the loaded corpses and then shovel them into the great mass open graves. The SS women were made to cook and carry heavy loads. The inmates said that they were more cruel and brutal than the men. They are all young, in their twenties. . . .

There was no water, nothing but roots and some boiled stinking carrots, enough for a few hundred people. Men and women had fought for these raw, uncooked roots.

There are three main classes in the camp. The healthy, who have managed to keep themselves decent, but nearly all of these had typhus. Then there were the sick, who were more or less cared for by their friends. Then there was the vast underworld that had lost all self-respect, crawling around in rags, living in abominable squalor, defecating in the compound, often mad or half mad. . . .

There were a very large number of girls in the camp, mostly Jewesses from Auschwitz. Over and over again I was told the same story. The parades at which people were picked out arbitrarily for the gas chamber and the crematorium, where many were burned alive. Life and death was a question of pure chance. . . .

"My father and mother were burned. My sister was burned." This is what you hear all the time. . . . A story of Auschwitz was told to me by Helen—and her last name she didn't remember. She was a Czechoslovak. When the women were given the chance to go and work elsewhere in the work zones like Hamburg, mothers with children were, in fact, given the choice between their lives and their children's. Children could not be taken along. Many preferred to stay with their children and face certain death. Some decided to leave their children. But it got around amongst the 6-year-old childen that if they were left there they would at once be gassed. There were terrible scenes between children and their mothers. One child was so angry that though the mother changed her mind and stayed and died, the child would not talk to her. . . .

None of this is propaganda. This is the plain and simple truth.

Mr. Speaker, controversy has arisen and escalated over the plans of the President of the United States to visit not only Bergen-Belsen but also the German war cemetery at Bitburg, where more than 40 Waffen SS troopers are buried. This plan is an outrage which affronts many, many Americans of all ages and backgrounds, but particularly veterans who fought against Germany during World War II and Jewish and other survivors of the Holocaust. This intense and shocking description of Bergen-Belsen sharply demonstrates the impropriety—the immorality—of honoring members of Hitler's elite guard along with other German war dead.

Proposals, first to seek reconciliation over remembrance, then to "balance" a symbol of reconciliation with a symbol of the Holocaust, sadly and frighteningly reflect the shallowness of the perceptions of two leaders of the free world. Reading Mr. Gordon-Walker's comments in the context of the cemetery and/or concentration camp debate, I could not help recalling a poem I once taught in an English class at Miami-Dade Community College. The poem, T.S. Eliot's "The Hollow Men", is best known for its closing lines: "This is the way the world ends/Not with a bang but with a whimper." But it is the opening stanza that I recall now:

THE HOLLOW MEN

We are the hollow men
We are the stuffed men
Leaning together
Headpiece filled with straw. Alas!
Our dried voices, when
We whisper together
Are quiet and meaningless
As wind in dry grass
Or rats' feet over broken glass
In our dry cellar

Shape without form, shade without colour,
Paralysed force, gesture without motion;

Those who have crossed
With direct eyes, to death's other Kingdom
Remember us—if at all—not as lost
Violent souls, but only
As the hollow men
The stuffed men.

Mr. Speaker, the President must reconsider his decision and cancel the visit to Bitburg.●

THE CONSULTATION ON INTERNATIONAL SECURITY AND ARMS CONTROL

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. DOWNEY of New York. Mr. Speaker, earlier this month I had the opportunity to participate in the Consultation on International Security and Arms Control which was cochaired by Presidents Jimmy Carter and Gerald Ford. This consultation, which was held at the Carter Center of Emory University, benefited from the presence of a large number of present and former government officials, academic experts and representatives from former governments. Personally, I found the atmosphere stimulating and the exchange of views was open and candid.

I would like to include in the RECORD the following letter from President Jimmy Carter which summarizes the recommendations of the consultation and which also lists the names of those who participated in the consultation. I urge my colleagues to consider carefully the recommendations arrived at during the consultation. Finally, I would like to thank Presidents Carter and Ford for their efforts in promoting a better understanding between the United States and the Soviet Union.

The letter follows:

EMORY UNIVERSITY,
THE CARTER CENTER,
Atlanta, GA, April 18, 1985.

Hon. THOMAS DOWNEY,
House of Representatives,
Washington, DC.

To: Representative Thomas Downey.

We are very grateful that you were able to attend our consultation on International Security and Arms Control, assessing the subjects of alliances, regional conflict, proliferation, weapons, strategy, doctrine, negotiations, and diplomatic-political aspects of U.S.-Soviet relations. There were often heated exchanges, but abusive rhetoric was minimal. All of us benefitted from the detailed discussions, especially concerning U.S.-Soviet relations, with an emphasis on arms control. Derived from the analyses, some unanimous recommendations were presented at the final public session. Those who agreed on these recommendations were Presidents Gerald Ford and I, the Soviet delegation, Senators Sam Nunn and Howard Baker, former Secretary of State Cyrus Vance, and the three panel chairmen, General Brent Scowcroft, Dr. Robert O'Neill, and Ambassador Ralph Earle.

For your interest, I have listed below some of the more significant recommendations that apply specifically to arms control.

1. The United States and the Soviet Union should continue to adhere to the Anti-Ballistic Missile Treaty and the Outer Space Treaty and no steps should be taken contrary to the terms of those agreements until prior negotiations have been exhausted. Research is permitted by the ABM Treaty, but development and testing as proposed in the U.S. Strategic Defense Initiative are not. Through negotiation, the parties should clarify the terms of the ABM Treaty to distinguish between research and development, and there should be a clear notice of any possible plans to abrogate or deliberately violate the treaty's terms.

2. The United States and the Soviet Union should continue their existing policies of not taking steps to undercut the provisions of important treaties and other agreements that are not formally in effect, including the Interim Agreement on Offensive Arms, the Threshold Test Ban Treaty, and SALT II. Definitions and other non-controversial provisions of these agreements should be accepted as an integral part of ongoing or future negotiations.

3. Based on the U.S.-Soviet joint statement establishing the present Geneva talks, the two nations should make every effort to reduce greatly and further limit offensive nuclear arms, without letting the possibility of future developments in strategic defensive systems inhibit such reductions and limitations. The Soviet side appears to be unwilling to consider deep reductions in offensive weapons as long as the possibility of new strategic defensive deployments is not definitely foreclosed; the American side wishes to negotiate precisely such deep reductions while holding open the strategic defense option pending completion of research to establish its feasibility. Any such agreement should provide for a more stable balance, with weapons that contribute to overall strategic stability.

4. The sides should take more constructive and imaginative steps regarding verification of compliance with agreements, including cooperative measures that may include on-site inspection as appropriate and necessary to enhance such verification. (This was an important suggestion that came from the Soviet representatives during discussions about the Krasnoyarsk radar.) In this connection, issues of compliance should be resolved by both sides in a manner aimed at their resolution, not their exploitation for political or propaganda purposes, and the same criterion should be applied to negotiations themselves.

5. The United States and the Soviet Union should address with the utmost priority the question of establishing mechanisms aimed at crisis prevention and crisis management in order to avoid misunderstandings and/or miscalculations that could lead to conflict. Frequent and regular meetings of senior political and military leaders would be desirable.

6. In present and future negotiations, agreement on key issues should be implemented step-by-step through executive action, without waiting for a final comprehensive document to be signed before the benefits of such interim progress might be realized.

7. The parties should now begin to examine how to reduce offensive arsenals enough to minimize the incentives of either side to deploy extensive strategic defenses. Such a goal could be a relatively small number of single-warhead launchers (perhaps 2000) deployed as invulnerably as possible—in a mobile mode, in deep and hardened silos on the protected southern side of mountain ranges, or in ocean safe havens. The exact number is not as important as survivability and assured deterrence. Prior to the implementation of such a decision by the superpowers it will be necessary to induce the other nuclear nations to accept a comparable reduction in the arsenals.

8. The United States should ratify the Threshold Test Ban Treaty or make it clear that its terms will continue to be honored. Through mutual agreement, the explosion limits should be rapidly lowered commensurate with the technical ability for verification, ultimately to achieve a comprehensive test ban agreement.

9. Negotiations should be renewed to ban any deployment of weapons in space or the testing of anti-satellite weapons.

10. U.S.-Soviet consultations should include the question of non-proliferation. Regional agreements involving nuclear-free zones should be encouraged.

In addition, President Ford and I agreed with many participants that to avoid the frustrating failure of the United States government to ratify treaties that have been laboriously negotiated, the documents might be framed as executive agreements. These would require a majority vote in both houses of Congress, but would avoid the veto power of a mere one-third of the members of the Senate, many of whom are philosophically opposed to any reasonable agreement involving arms control, the Soviet Union, or international agencies.

There were other significant proposals that had support among all or a strong majority of those present, and these and the accompanying discussions were very valuable to all of us who attended the consultation. We will be preparing a more complete report of our sessions, and will send you a copy of it. I would welcome any comments you might have, including suggestions for similar consultations in the future.

With best wishes,

JIMMY.

Enclosure: List of participants.

THE CARTER CENTER OF EMORY UNIVERSITY,
CONSULTATION ON INTERNATIONAL SECURITY AND ARMS CONTROL

(April 9-13, 1985)

Cochaired by Presidents Jimmy Carter and Gerald Ford

PARTICIPANTS

United States government officials and Members of the Congress:

Kenneth Adelman, Director, Arms Control and Disarmament Agency.

Norman Dicks (D.), Representative from Washington.

Thomas Downey (D.), Representative from New York.

Amoretta Hoeber, Principal Deputy Assistant Secretary of the Army for Research, Development and Acquisition.

Albert Gore, Jr. (D.), Senator from Tennessee.

John Lehman, Secretary of the Navy.

Sam Nunn (D.), Senator from Georgia.

Theodore Stevens (R.), Senator from Alaska.

Foreign government representatives:

China (People's Republic): Qian Jia-dong, Ambassador to the U.N. Conference on Disarmament, Geneva.

Egypt: Abdul Raouf El-Reedy, Ambassador.

Germany (West): Friedrich Ruth, Foreign Ministry Official Responsible for Questions of Disarmament and Arms Control.

Germany (East): Gerhardt Herder, Ambassador.

Great Britain: John Howe, Director, Arms Control Unit, Ministry of Defense.

Japan: Kinya Niiseki, Chairman of the Board of Directors, Japan Institute of International Affairs.

Pakistan: Agha Shahi, former Foreign Minister.

Soviet Union: Anatoly Dobrynin, Ambassador. Lt.-Gen. Konstantin Mikhailov, Ministry of Defense. Sergei Tarasenko, Deputy Chief, U.S.A. Department, Ministry of Foreign Affairs.

Former U.S. government officials and members of Congress:

Howard Baker, Senate Majority Leader; now a partner of Vinson & Elkins.

Harold Brown, Secretary of Defense; now Chairman of the Foreign Policy Institute of Johns Hopkins University.

Zbigniew Brzezinski, National Security Advisor; now Senior Advisor at the Georgetown University Center for Strategic and International Studies, and Professor of Government, Columbia University.

McGeorge Bundy, Special Assistant to the President for National Security; now Professor of History, New York University.

Ralph Earle, Director, Arms Control and Disarmament Agency and chief U.S. negotiator, SALT II; now managing partner, Baker & Daniels.

Raymond Garthoff, Ambassador to Bulgaria and SALT I negotiator; now Senior Fellow, the Brookings Institution.

William Hyland, member of the National Security Council staff; now editor of Foreign Affairs.

Adm. Bobby Inman, Director of the National Security Agency and Deputy Director of the Central Intelligence Agency; now President and Chief Executive Officer, Microelectronics and Computer Technology Corporation.

Gen. David Jones, (ret.), Chairman of the Joint Chiefs of Staff.

Henry Kissinger, National Security Advisor and Secretary of State; now Chairman, Kissinger Associates, Inc.

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Gen. Edward Meyer, (ret.), Chief of Staff of the U.S. Army.

William Perry, Undersecretary of Defense for Research and Engineering; now managing partner, H&Q Technology Partners.

James Schlesinger, Secretary of Defense and Secretary of the Department of Energy; now Senior Advisor, Lehman Bros. Kuhn Loeb, Inc.

Brent Scowcroft, Assistant to the President for National Security Affairs and Chairman of the President's Commission on Strategic Forces; now Vice Chairman, Kissinger Associates, Inc.

Helmut Sonnenfeldt, member of the National Security Council staff; now Visiting Scholar, The Brookings Institution.

Cyrus Vance, Secretary of State; now partner of Simpson, Thacher, and Bartlett.

Academic experts:

Desmond Ball, Senior Fellow and Deputy Head of the Strategic and Defense Studies Center, Australian National University.

Harold Berman, Woodruff Professor of Law, Emory University.

Richard Betts, Senior Fellow, The Brookings Institution.

Lynn Davis, Assistant Director, International Institute for Strategic Studies, London.

Karl Deutsch, Director, International Institute for Comparative Social Research, West Berlin.

Richard Garwin, IBM Fellow, Thomas J. Watson Research Center.

Arnold Horelick, Senior Political Scientist and Director of Soviet and East European Studies, the RAND Corporation.

Samuel Huntington, Professor of Government, Harvard University.

Josef Joffe, Senior Associate, Carnegie Endowment for International Peace.

Pierre Lellouche, Associate Director, Institut Francais des Relations Internationales, Paris.

Christopher Makins, Director, Institute of Security Programs, The Roosevelt Center for American Policy Studies.

Michael May, Associate Director-at-Large, Lawrence Livermore Laboratory.

Makoto Momoi, Director, The Momoi Research Institute, Tokyo.

Joseph Nye, Professor of International Affairs, Harvard University.

Robert O'Neill, Director, International Institute for Strategic Studies, London.

Dennis Ross, Executive Director, The Berkeley-Stanford Project on Soviet International Behavior.

Leonard Spector, Senior Associate, Carnegie Endowment for International Peace.

Kosta Tsipis, Senior Research Scientists, Massachusetts Institute of Technology.

Evgeny Velikhov, Deputy Director, Kurchatov Institute of Atomic Physics and Vice-President, USSR Academy of Sciences.

Herbert York, Professor of Physics, University of California at San Diego.

Journalists:

John Grimond, American Editor, The Economist, London.

Flora Lewis, foreign affairs columnist, The New York Times.

Piero Ostellino, editor, Corriere della Sera, Milan.●

THOMAS R. NADEL, ARIZONA VOICE OF DEMOCRACY WINNER

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. STUMP. Mr. Speaker, the 1984–85 Veterans of Foreign Wars of the United States, Voice of Democracy Scholarship Program Arizona winner is a young man from Sun City, AZ, Thomas R. Nadel.

I am including his winning entry entitled, "My Pledge to America," and hope that my colleagues will read it and share this inspirational composition with me.

The winning entry follows:

MY PLEDGE TO AMERICA

I believe in the United States of America as a country of the people, by the people, and for the people. Ours is a country established upon the principles of freedom, equality, justice, and humanity. These were the causes for which American patriots sacrificed their lives and fortunes. Therefore, it is indeed my pledge and duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag and to defend it against all enemies. Yes, "My Pledge to America" is simply to serve her with pride and strive to make her more perfect.

There are many words in our language that denotes satisfaction with our country, but the greatest and the most animated is 'pride'. No one can deny what we feel as the flag passes by; or at the opening of sports festivities and the "Star Spangled Banner" is sung. Can anyone deny the feeling that comes over us? Why do we feel this way? The reason lies in the element of pride we feel towards this nation. For our sense of glory and respect evolves from the very root of our American government. Our system of government did not suddenly spring into being as at the wave of some political magician's wand. Nor was it pulled out of thin air by the Founding Fathers at Philadelphia. Rather, it has developed through long centuries of experience, tradition, thought and deed. Our forefathers were not thinking of the narrow present and of themselves alone. They recognized an obligation to keep freedom alive for all future Americans as well. The ideals they stated are positive and constructive. "My Pledge to America" is to uphold these ideals and thus oppose whatever divides this nation, leads to injustice, weakens our defense, undermines our physical or economic health and threatens our basic freedoms both now and forever.

Since time began we have had men who have come to the front with progressive ideas. These men have served their country with pride and now it is my generation's turn to do the same. Of course we know, that as the world grows the pressures increase upon us to react to the new ideas and methods that are constantly increasing and improving our daily life. One major question today is "What can our country look forward to ten or twenty years from now"? The answer to this question is to make America more perfect through universal peace and prosperity. For only the youth today can bring about the necessary changes to coincide with the progress of the years to come. Only the willingness of my generation to serve America with pride, can bring us the kind of future all the people of tomorrow will be using and experiencing. Yes, today's youth are the navigators for tomorrow, and the challenges facing us are as many as the mysteries that are constantly confronting America today. Thus "My Pledge to America" shall be accomplished through the knowledge, strength, and determination of my generation's answers to the important questions that are before America.

America's future is an undecided future. However, it is an open future; a future that my generation must and can create. Through our efforts we can work to eliminate such problems as starvation, sickness, and antagonism toward our neighbors, by keeping the ideals, values and goals characteristic of this nation ever alive.

In conclusion, it is indeed time for my generation to take action. For I see America where no man fears to think as he pleases or say what he thinks. I see America where no man is another man's master, where no man's mind is dark with fear. I see America as the horizon of human hopes. To those who say the design defies our abilities to complete it, I answer, "To act with enthusiasm and faith is the condition of acting great".

So, "My Pledge To America" is a very simple one. It is time we stopped talking about who is responsible for a hunger problem, or a crime problem, or an energy crisis and direct our energies toward finding a solution. I do not care who is at fault. It doesn't make one bit of difference. All I want and expect is for my generation to solve it. For we will make our nation stronger. We will make the United States of America more perfect, and "My Pledge to America" is to serve her with pride and always make her the greatest country on earth.

This is "My Pledge to America", so help me God! ●

REPEAL FUEL USE ACT AND INCREMENTAL PRICING

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. COATS. Mr. Speaker, yesterday I joined my colleague, Mr. SLATTERY of Kansas, as a cosponsor of legislation that would end two Federal programs which discourage industrial use of natural gas.

One of these two programs is the Powerplant and Industrial Fuel Use Act (FUA), which automatically prohibits the use of either gas or oil in most large new powerplants and industrial facilities. The other program is the incremental pricing program in title II of the Natural Gas Policy Act; this latter program requires that prices charged for gas used by certain industrial boilers must be set at rough parity with high-sulfur residual oil, even if the price of gas would otherwise be less than the price of residual oil.

Much has already been said about the negative effects of these programs. It has been said that restrictions on in-

dustrial use of natural gas, while perhaps defensible in the context of the tight supply situation that prevailed in 1978, now lack any rational foundation in light of the gas supply improvements that have occurred since that time. It has also been said that the incremental pricing program, by artificially reducing opportunities to displace imported oil with natural gas, flies in the face of the crucial goal of national energy self-sufficiency. It has been said as well that both of these programs, by artificially discouraging the use of America's cleanest-burning fossil fuel, run counter to the national objective of improving air quality at the lowest possible cost.

All of these criticisms are valid, but I would like to add another important criticism: The fact that retention of these programs is also contrary to the goal of sound recovery for the Nation's economy.

I come from northeastern Indiana, and I therefore know something about the continued need for economic growth. The road to many of our "smokestack" industries is a difficult one, but the road is made rockier still by the FUA and incremental pricing.

On this point, it cannot be stressed enough that the "smokestack" industries tend to be very energy-intensive. Because fuel costs are such a major factor in the efficiency of a "smokestack" company, the entirety of corporate operations can be negatively affected by Federal programs that artificially "tilt" fuel choices away from economically better options.

Frankly, "smokestack America" faces enough inherent obstacles to growth. America cannot afford the luxury of throwing in the additional obstacle of an artificial impediment that is based on long-outmoded assumptions.

When the price of natural gas falls below the price of residual oil, why should the Incremental Pricing Program remove any cost reductions that a company could otherwise achieve by switching to the cheaper fuel? Why should the Fuel Use Act require a company to seek a special regulatory exemption when it wants to put in a cost-efficient gas cogenerator at a new plant? For that matter, why should the same act prevent an electric utility from building a new, gas-fired combined cycle powerplant if that turns out to be cheapest and most efficient way to generate additional electricity for industrial and residential consumers?

It makes no sense for the Federal Government to ban or neutralize—or at best complicate—such options for improving our Nation's economic efficiency. Yet that is exactly what the Federal Government is doing, because those of us who serve in Congress have not yet "gotten around" to eliminating two programs that virtually all of us view as outmoded and nonsensical.

It's time to eliminate FUA and incremental pricing as quickly as we can—because any unnecessary obstacle to economic growth is one obstacle too many.●

DEPARTMENT OF THE INTERIOR DISTINGUISHED SERVICE AWARDS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. WOLF. Mr. Speaker, I would like to bring to my colleagues attention a number of Federal employees who will receive the Distinguished Service Award to be presented by the Department of the Interior at the 50th Departmental Honor Awards Convocation on Wednesday, April 24. I think this is another example of what I and a number of my colleagues have been saying about the Federal work force. The majority of civil servants are hard working, conscientious individuals who deserve the respect and support of not only this body, but also recognition from the public they serve. I insert the names and citations for their distinguished service at this point in the RECORD:

Raymond V. Butler—In recognition of his outstanding leadership and exceptional service to the Indian people and to the Bureau of Indian Affairs.

Franklin A. Edwards—In recognition of outstanding contributions to the Bureau of Land Management in the fields of natural resource management and public lands administration.

Eleanor R. Schwartz—In recognition of exceptional contributions to the Bureau of Land Management in its role as conservator of the Federal lands.

Richard R. Hite—In recognition of his outstanding professional contributions, initiatives, and performance in the fields of budget administration and executive management.

Andrew S. Adams—In recognition of his outstanding contributions as a special projects administrator for the Department of the Interior and as a staff assistant to the Assistant Secretary-Policy, Budget and Administration.

Douglas E. Henriques—In recognition of his exceptional contributions to the Department of the Interior in the field of public land law.

Aldon D. Nielson—In recognition of outstanding achievements in advancing water resource developments in the Bureau of Reclamation through the effective application of economic and management principles.

George E. Ericksen—In recognition of his exceptional achievements in the Geological Survey's mineral resource programs, especially in the field of foreign technical assistance.

Sam H. Patterson—In recognition of his many achievements in the investigations of mineral deposits and domestic and world resources of aluminum.

John A. Mattoon—In recognition of his outstanding career and achievements in increasing public understanding and support for the mission and goals of the U.S. Fish and Wildlife Service.

Donald R. Tindal—In recognition of his courageous action in rescuing a person from drowning in the Gulf of Mexico.●

IN MEMORY OF DEWEY BRADFORD

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. PICKLE. Mr. Speaker, recently, we lost Dewey Bradford, probably the most influential promoter of Southwestern art in the last 50 years. Dewey Bradford advanced the appreciation of Southwestern art and Texas art, in particular, more than any single individual in our time. In honor of Dewey, Cactus Pryor, noted Texas humorist, radio commentator, and admirer of Dewey, offered the following tribute to Dewey's life and work, and I would like to have it inserted in the CONGRESSIONAL RECORD.

The tribute follows:

DEWEY BRADFORD

He was the Dean of Southwestern art. If God hadn't invented bluebonnets and cacti, Dewey Bradford would have. He discovered . . . he inspired . . . he drove . . . he sold . . . and, in many ways, he fathered Porfirio Salinas . . . Texas' most famous artist. But Dewey's artistic tastes transcended Texas landscapes. He was not just a regionalist in artistic appreciation, although he knew the importance of a region having it own art and artists. In many ways, Dewey Bradford was to Texas art what J. Frank Dobie was to folklore and John Lomax was to folk music.

Dewey's artistic soul was not limited to the canvas. He was an actor. He performed in the all-time Hollywood movie classic, Ben Hur. He also performed on canvas. Not as a painter . . . as a boxer. He was a Golden Glove champion. He was also an all Southwest Conference football player for the University of Texas. He was the originator of the Country Store Art Gallery. Bradford's Paint Company was his father's. Dewey cut his commercial teeth there.

But of all the multi talents of Dewey Bradford, perhaps his greatest was the ability to tell a story. He was a conversationalist. He painted portraits with words that Salinas could never touch. And many of Dewey's stories were of his high jinks. He was a pixie with an impish sense of humor. One of his old running mates was an Austinite right out of Damon Runyon . . . name of Rickie Kies. Rickie and Dewey had a code of honor. They would never pay admission into a sporting event. They would hoax their way in. There's no way you can get into a Texas-Arkansas football game without a ticket. But Dewey and Rickie did. At the gate Rickie fainted. Dewey, of course, was his doctor. And ordered the man to be taken to the Texas dressing room. There Doctor Bradford revived the poor man . . . and they joined the Texas football team in watching the game. I may not have my facts absolutely correct as to whom played which

role. But Dewey would be the first to not allow the total truth to get in the way of the telling of a tale.

Dewey loved not only puncturing but even torturing the pompous. He would go to the registration desk of a plush hotel dressed as a derelict and ask for their best suite. When they would try to dissuade him, he would produce a large roll of bills and delight in their immediate turnabout.

He loved living. And when life was no longer fun, he was ready to go. And so Dewey Bradford did last Friday, after 88 rather amazing years.

CACTUS PRYOR.●

NATIONAL HEMOPHILIA AWARENESS MONTH, MARCH 1986

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. GREEN. Mr. Speaker, I rise to bring my colleagues' attention to a House joint resolution I am introducing today which will make March 1986 "National Hemophilia Awareness Month." This bill will help to clarify some of the misconceptions the public has about hemophilia. At the present time, there is much fear among the public and hemophilia victims themselves about the correlation between hemophilia and acquired immuno-deficiency syndrome [AIDS].

Hemophilia is caused by an inactivity of one of the blood proteins necessary for clotting. It strikes mostly males of all races, nationalities, and economic levels. Although it is a genetic disease, a family history of hemophilia is not required to contract it. Hemophilia occurs in 1 of every 4,000 males. At present, there is no cure for hemophilia. Treatment, which causes the blood to clot temporarily, is very expensive.

Although a majority of the public believes that external bleeding causes hemophilia victims the most trouble, that is not the case. The major problem for hemophilia patients is internal bleeding, which can occur at any time without cause. That bleeding results in permanent change of muscles and joints and causes considerable pain.

Since November 20, 1983, 21 cases of AIDS have been identified among patients with hemophilia. Because hemophiliacs fear that donors may have AIDS, there has been a marked decline of hemophilia patients receiving clotting factor treatment. That action is dangerous, because the risk of damage to joints is greater than the risk of contracting AIDS. The National Hemophilia Association urges all hemophilia victims to continue clotting treatment.

There is also a fear among members of the public that by coming into contact with hemophilia patients they risk contracting AIDS. Currently, there are no data to prove such a theory.

National Hemophilia Awareness Month will educate the public about this disease. It will separate the facts from the myths about hemophilia. I therefore urge my colleagues to cosponsor this resolution and support all the activities and events that take place during National Hemophilia Awareness Month.●

TRIBUTE TO WILLIAM H. LAWRENCE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. EDWARDS of California. Mr. Speaker, along with my colleagues from California [Mr. MINETA, Mr. PANETTA, and Mr. ZSCHAU], I would like to pay tribute to William H. Lawrence, postmaster of San Jose, on the occasion of his retirement after 24 years of distinguished service.

Our good friend Bill took the reins as acting postmaster of San Jose in 1961. He was confirmed by the U.S. Senate in August 1962, after his appointment to the post by President John F. Kennedy. At that time there were 940 San Jose postal employees, 350 routes, delivery to 350,000 patrons, and mail volume of 900,000 pieces daily.

A quarter of a century later, the figures—which had fitted neatly on one sheet of paper—have extended well beyond the page with 3,320,800 pieces daily, 1,350 routes, and 592,222 deliveries. With growth came responsibility, and Bill now has line authority over 49 post offices in 4 counties, 4,577 employees, and 1.5 million customers.

Bill was born in San Jose, the son of a dentist who practiced here for 35 years. He attended Hester, Hoover, and San Jose High School before graduating with an A.B. in commerce from San Jose State College. In World War II, he was a 100-mission fighter pilot at Guadalcanal and elsewhere. After combat duty he served as a fighter pilot instructor at Perry Air Force Base, FL. He was awarded the Air Medal with four oak leaf clusters and two battle stars.

Toward the end of the war he married Betty Francis, a native of Los Gatos. The Lawrences have three children, Cheryl F., William H. III, and James E. He is the very proud grandfather of Caitlin (Katy). Bill and Betty have recently celebrated their 40th wedding anniversary.

For 17 years Bill worked in farm equipment sales and service and for 3 years as executive director of the Santa Clara County chapter of the National March of Dimes. Bill, who has always been active in the community, has served as past president of the Multiple Sclerosis Society, past president and current board member of the McKinnon School for Retarded Children, 8-year member of the Crippled Children's Society, and 7-year board member of the United Way, to list just a few organizations.

Possessed of a great wit, Bill is a speaker with anecdotal flair. He is hard, if not impossible, to beat in verbal contests, and is never at a loss to fill the air with good-natured barbs. While everyone else is recovering from laughter, again he will sally forth with more comments calculated to leave the listeners laughing all the harder.

Upon his retirement on May 3 as the longest serving postmaster of San Jose, we hope that Bill will be able to fully indulge in his hobbies of gardening, reading, experimental sculpturing, and jewelry making.

Mr. Speaker, on behalf of my colleagues, Mr. MINETA, Mr. PANETTA, and Mr. ZSCHAU, I ask the Congress to join us in extending our thanks to Bill for his fine service.

He will surely be missed as the postmaster of San Jose.●

CARDINAL TERENCE J. COOKE

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. DIOGUARDI. Mr. Speaker, at a time when the world is filled with poverty, starvation, war and despair, it is a pleasure for me to honor today, a man who gave his whole life to combating these tragedies, not just for New Yorkers but for the United States and the world as well. I am speaking of Cardinal Terence J. Cooke, the cardinal of New York from 1968 until his death in October 1983.

Cardinal Cooke was born in a slum tenement on Manhattan's upper west side. From his early childhood he wanted to be a priest. He pursued and reached that goal, and even after, as a priest, he gave himself completely to his Lord and to his people. For Cardinal Cooke, everything began with, and culminated in, the offering of the holy sacrifice. This was at the heart, the center, the very core of his being.

Cooke was ordained on December 1, 1945. He earned his MS degree in social work at Catholic University and he did additional graduate work in social service at the University of Chicago. He moved into the chancery office of the Roman Catholic archdiocese of New York as personal secretary to Francis Cardinal Spellman in January 1957, and he became vice-chancellor of the archdiocese in 1958 and chancellor in 1961.

He was a teacher of God's word and of the teaching of the church and Car-

dinal Cooke took with deep seriousness this responsibility. He carried it out with tact, fidelity and courage. He was ready to risk criticism and opposition, always confident that he was doing the work of the Lord.

As a cardinal, he accepted the title with his usual sense of responsibility. He was always ready at a moment's notice to journey anywhere in the world and to undertake any mission committed to him by the Holy Father. It was his task to guide the archdiocese of New York and he was able to guide his church faithfully through years of tension, conflict and trials.

Terence Cooke accepted his suffering from leukemia with complete patience and with complete trust in the will of God. During the last days he wrote "my illness is an opportunity of grace as the Lord makes it possible for me to participate in his passion and death."

Cardinal Terence Cooke may have been taken from us physically, but we are convinced that he remains with us in the communion of saints.●

SALVATION ARMY OF HARRISBURG CELEBRATES 100TH ANNIVERSARY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. GEKAS. Mr. Speaker, 1985 marks the 100th anniversary of the Salvation Army in Harrisburg, PA. I would like to take this opportunity to single out this fine organization for the community service it provides.

The Harrisburg Citadel Corps of the Salvation Army was established in 1885, just 20 years after the organization was founded in London, England. In Dauphin County the Harrisburg Corps carries on its 100-year tradition of working where the need is greatest. The Harrisburg chapter provides youth recreation programs and is instrumental in providing emergency food, fuel, and shelter to the less fortunate.

I commend those individuals who have given so much to the people of Harrisburg through their untiring dedication to the premise to assist those who need it most, guided by their faith in God and love for all people.●

QUALITY EDUCATION ATTRACTS INDUSTRY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. DYSON. Mr. Speaker, I would like to take this opportunity to submit for the RECORD an article written for the Cambridge Banner. This article addresses the relationship between the quality of education and industrial development. Dr. Scott Thomson, as reported by Mr. John Bray of the Banner staff, does an excellent job of making the case higher standards for teachers and principals and for bringing technology into our classrooms. A first-rate school system makes way for a first-rate economy.

QUALITY EDUCATION ATTRACTS INDUSTRY

(By John Bray)

EASTON.—The quality of an area's education system is playing a larger role in attracting industrial development and higher standards for teachers and school administrators will have to be met if education is to keep pace with society's demands.

That was part of this message Scott D. Thomson, executive secretary of the National Association of Secondary School Principals, left Friday with an audience of top education officials from across the state. Thomson was speaking at a conference in Easton to discuss the outlook for education for the next decade.

Thomson, a former superintendent, said the quality of an education system is playing an increasing role of industry, in the industrial development of an area. He cited the successful appeal by Mississippi's Governor to the state legislature for a large increase in education funding. Thomson said the governor was able last year to convince the legislature to provide more funds by linking economic development to improving the school system.

"We're dead economically if we don't get this through," Thomson said, recounting the politician's pitch.

Thomson cited similar efforts in other states.

An advertisement in Business Week magazine, a strong voice in the business community, reflected this trend, Thomson said. The ad came from the Orlando, Florida area and the second reason the ad cited to attract an industry was the claim of having an excellent public education system. The Florida location was the first.

Thomson said education came above traditional inducements such as a favorable labor climate and available housing.

Thomson said private industry is ahead of the general public in its recognization of the need to improve public education.

"Unless you have a first-rate school system, you can't have a first-rate economy," Thomson said.

Thomson said that in two years there would probably be a national proficiency exam for teachers or national bank of questions for states to chose from for an exam. He said proficiency exams for principals also are coming to help identify leaders.

Thomson said higher standards for teachers are needed. When asked if higher standards would further reduce an already shrinking pool of teachers. Thomson said that was a possibility. But he believes higher standards would attract teachers and lead to higher salaries.

State Schools Superintendent, David W. Hornbeck has called for a 25 percent increase in teachers' salaries above inflation. Asked Friday if that figure was realistic, Hornbeck said: "I don't know. The public will ultimately decide."

Thomson said that better use of classroom time would be needed to improve education.

"It's not enough to work harder," he said. "we have to work smarter as well."

Regarding technology in the classroom, Thomson said there has been "triumphant failures and remarkable successes," but said that "most efforts to date have had limited impact and effect."

But Thomson said in the near future computers will play an important role in helping students with remedial learning tasks.

"That's going to be a giant step forward," he said.

He said society has become more demanding of services and that public schools would have to meet those demands. Thomson cited "auxiliary" services such as preparation courses for standardized college admissions tests that schools should be providing or risk losing students to other organizations that provide them.

"As best you can, make sure you have those auxiliary services," he said. "You may not have needed it five years ago but you need it now."

Thomson said people believe they deserve the best product and "unless we have the best product we're not going to be in business."●

SHOULD CONGRESS APPROPRIATE $14 MILLION IN AID TO THE NICARAGUAN FREEDOM FIGHTERS?

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. WHITEHURST. Mr. Speaker, we have heard a great deal on all sides of the question of sending aid to the freedom fighters in Nicaragua, and I do not wish to add to the plethora of rhetoric.

However, I would like to take this opportunity to share with my colleagues the result of a poll conducted by the Christian Broadcasting Network, Inc., on April 17, 1985. The Reverend M.G. Robertson, president, a constituent and good friend, sent me a copy of the CBN press release, and I earnestly hope that all of my colleagues will take note of the public's response to the question, "Should Congress appropriate $14 million in aid to the Nicaraguan Freedom Fighters?"

We would do well to follow the public's lead.

SHOULD CONGRESS APPROPRIATE $14 MILLION IN AID TO THE NICARAGUAN FREEDOM FIGHTERS?

On April 17, 1985 The CBN Cable Network and the "700 Club" television program conducted a TV audience poll in 50 states to cover 13,000 communities with the question, "Should Congress appropriate $14 million in aid to the Nicaraguan Freedom Fighters?"

The number of those responding was the highest in the network's history with the following results: 49,808 individual responses were recorded. From these 85% said yes that such an appropriation should be made. 15% said no that such an appropriation should not be made.

In the past, CBN has discovered that in such self-selection polls, we need to provide a 20% correction factor to bring the results in line with other nationally recognized polls such as Gallup or Roper. Such correction would reduce the YES vote to 65% and the NO vote to 35%, still over 2 to 1 in favor extrapolated to reflect the entire nation.●

PERSONAL EXPLANATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. ROGERS. Mr. Speaker, on April 22, 1985, I was unavoidably absent when the House voted on House Resolution 125, a resolution to condemn the Soviet Government for the murder of Maj. Arthur D. Nicholson, Jr. Had I been present for this vote, I would have voted "aye."●

LEGISLATION TO ADD SECONDARY AND ELEMENTARY SCHOOL PRINCIPALS TO THE ASSESSMENT POLICY COMMITTEE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. KILDEE. Mr. Speaker, today I, along with Mr. GOODLING, am introducing legislation to enhance the important task of assessing the achievement levels of children and young adults in the basic skills of reading, mathematics, and communication. Specifically, this measure would amend the General Education Provisions Act by formally including a secondary and an elementary school principal in the assessment policy committee [APC], a body established by Congress to help assess education policymaking at the local, State, and Federal level.

Congress mandated a national assessment of education progress when it enacted Public Law 95-561, the General Education Provisions Act [GEPA]. The APC is charged with the task of selecting the learning areas to be assessed, developing goals and assessment objectives, identifying appropriate methodology and ground rules for measuring educational progress and determining the form and content of the assessment's report, as well as the method of dissemination. The APC also conducts studies on how to improve the ultimate use of the national assessment.

Under current law, the APC is composed of 12 members: One chief State school officer, two State legislators, two school district superintendents, one chairman of a State board of education, one chairman of a local school board, one Governor of a State and four classroom teachers. This measure would provide for the inclusion of one secondary and one elementary school principal in the APC membership.

Principals set the learning climate, are the curriculum leaders and are the implementers of change in each school. They observe and assess the daily implementation of curricula. Secondary and elementary school principals would bring to the APC a much needed perspective of the everyday implementation and assessment of curricula. This legislation would afford the utilization of this perspective. I encourage Congress to join in recognizing the invaluable perspective secondary and elementary school principals can bring in assessing our education needs.●

THE DEATH OF SAM J. ERVIN, JR.

HON. W.G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. HEFNER. Mr. Speaker, with the death yesterday of former Senator Sam J. Ervin, Jr., this country lost a great American.

Over a lifetime, he served his community, State, and Nation with the utmost dedication and distinction.

He was a man who never ducked the hard decisions. He fought with great effectiveness for those ideals and principles in which he believed.

Sam Ervin was a constitutional and Biblical scholar who applied the principles of these two great documents to his decisions as a judge and legislator.

It is not for me at this time to attempt to record the many contributions made by Sam Ervin during a lifetime of public service. History will do this.

We will miss this great man of charm, wit, dedication, and intelligence.

To "Miss Margaret" and his family, we offer our deepest sympathy.●

DR. WALTER J. MOLO, JR.

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. LIPINSKI. Mr. Speaker, I rise today before my colleagues to recognize and honor a distinguished educator from Illinois, Dr. Walter J. Molo, Jr. Currently the superintendent of the Lyons Township School District in the Fifth Congressional District, Dr. Molo will be retiring at the end of June after 35 years in education.

During his long career, Dr. Molo has accrued quite a long list of accomplishments; certainly his foresight into the future needs of his students is exemplified by the fact that while principal at Brentwood High School in Brentwood, MO, the high school became the first in St. Louis County to implement computer education as a required course.

Dr. Molo's all encompassing educational experience includes time spent as a teacher, elementary school principal, junior high school principal, elementary superintendent, high school superintendent, and district school superintendent. Outside of the classroom, he was president of the Lake Shore Division of the Illinois Elementary Principals Association and assisted in the organization of the Illinois Principals Association.

It is a pleasure for me to recognize before my colleagues a man whose devoted work in the field of education should be pointed out as exemplary. I join with residents of the Fifth Congressional District in paying tribute to Dr. Walter J. Molo, Jr., and thank him for his outstanding work on our behalf.●

THE 75TH ANNIVERSARY OF FRANKFORD HIGH SCHOOL

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. BORSKI. Mr. Speaker, I rise to pay special tribute to my own alma mater, Frankford High School, as it celebrates 75 years of educating young men and women in Philadelphia and preparing them for the challenges of life.

Founded with only 37 students and a staff of 1 teacher, Frankford has graduated over 35,000 students during the past three-quarters of a century. These graduates have entered all walks of life, and have distinguished themselves by their contributions to the advancement of our communities and our country.

If I were to name all of the outstanding citizens of our country who received their high school education at Frankford, the list would be virtually endless. However, to illustrate the diverse and wide-ranging careers encompassed by graduates of Frankford, and with apologies to others too numerous to mention, I would like to recognize some people who are among the prominent alumni of my school:

Mr. David Maxwell, Esq., past president of the American Bar Association and the late Lt. Comdr. J. Wesley Harvey, commander of the submarine U.S.S. *Thresher;* Dr. Virginia Lester, innovative college president of Mary Baldwin College, Staunton, VA, and Dr. Charles A. James, former U.S. Ambassador to Niger; Mr. D. Donald Jamieson, Esq., chairman of the Phila-

delphia Republican Party and Mr. Joseph S. Bonsal, lead singer of the enormously popular country group, the Oak Ridge Boys; Dr. Walter M. Levy, M.D. and Mr. Harold E. Kohn, Esq., both of whom have become outstanding members of their respective professional communities.

Today there are 2,250 students enrolled at Frankford. These students benefit not only from the comprehensive curriculum offered at Frankford, but also from the 75 yearlong tradition of excellence which has characterized the school. This tradition has been fostered by the six men who have served as principals: Dr. G. Alvin Snook, Mr. Thomas Moore, Dr. Frank L. Cloud, Mr. James A. Killough and now, Mr. James R. Peters. Because of their efforts, I know that among today's students at Frankford are some of our leaders of tomorrow.

On this occasion, Mr. Speaker, I look back to the opportunities which my education at Frankford gave to me. I congratulate the school on its distinguished record of achievement in educating students, and for its positive role in molding outstanding citizens preparing them for the challenges of life.●

A TRIBUTE TO PROFESSIONAL SECRETARIES

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. LENT. Mr. Speaker, I am pleased to join my colleagues in paying tribute to those members of the secretarial profession and their significant contributions to the public and private sectors of America's economy.

The professional secretary is the backbone of business, Government on all levels, industry, and nonprofit organizations. The secretary's competent and efficient management skills, careful execution of assignments, and coordination of everyday workflow within an office are crucial to the effective and smooth operation of any workplace. Furthermore, the secretary is a vital link of communication and public relations between the office and the rest of the business world and public in general.

Demonstrating excellence in many fields, secretaries have earned distinction of the highest regard for commitment and dedication to their careers.

As one who daily relies on my professional secretarial staff, I especially appreciate their valuable skills and experience as an important asset to my office. Finally, I commend my colleagues in the House of Representatives for their efforts in paying deserved recognition for the worthwhile contributions of the professional secretary.●

MR. PRESIDENT, DO NOT GO TO BITBURG

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. MATSUI. Mr. Speaker, I find it outrageous that on the 40th anniversary of the liberation of the Nazi concentration camps the administration is acting as though it has forgotten the lessons of that event. Mr. Reagan has repeated over and over again that "We Will Never Forget" but the President's visit to Bitburg gives his statement a hollow ring. I am appalled by his actions, and urge him not to visit the Bitburg cemetery.

Reconciliation and remembrance are not incompatible, but reconciliation cannot come at the expense of remembrance. By going to Bitburg Mr. Reagan dishonors those Germans who are working to build a democratic and free Germany. The SS troops buried at the Bitburg cemetery were not innocent victims of Nazism as Mr. Reagan would have us believe. They were Hitler's special breed of venom unleashed upon the world, the physical embodiment of humankind's darkest hour.

Buried at Bitburg are the Nazi troops who protected the rail lines to the concentration camps where 12 million innocent people were brutally murdered. Buried at Bitburg are the Nazi troops who fought and killed brave allied forces representing democracy, including tens of thousands of Americans. Buried at Bitburg is the hate and brutality that was Nazi Germany. The President of the United States should not pay his respects at Bitburg.

Mr. Speaker, I rise today in support of my colleagues resolution urging the President not go to Bitburg.●

GRASSLEY: IOWA'S GIPPER-BASHER

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. TRAXLER. Mr. Speaker, we have company in understanding that everything is not as wonderful as some would like us to believe.

The Detroit News ran a very interesting story by Evans and Novak recently which I believe needs to be read by all of our colleagues. It concerns one of our former colleagues in the House, now in the Senate—Iowa's Senator CHARLES GRASSLEY.

The article points out very poignantly that Senator GRASSLEY is doing what he was elected to do: represent his constituents. And he does this even though he has to oppose the leader of his own party, President Reagan, to do it.

While Senator GRASSLEY and I have different positions on a number of issues, I think we can all respect a man who shares our view that many of President Reagan's policies are not in the best interest of our Nation.

I encourage all of our colleagues to read this article, and I request that it be inserted in the RECORD at this point.

[From the Detroit News, Tuesday, April 16, 1985]

GRASSLEY: IOWA'S "GIPPER-BASHER"

(By Rowland Evans and Robert Novak)

SIOUX CITY, Iowa.—The Farm Belt fallout of Ronald Reagan's budget austerity and political hard-nose is Sen. Charles Grassley spending his Easter recess bashing the president.

The conservative Republican's Tuesday in Sioux City began with Chrysler dealer Charles Zook introducing him to a businessman's breakfast by saying: "Chuck Grassley represents Iowa, not the White House." For the next 10 hours, the senator did his best to prove that.

Amid non-stop criticism of a wide range of administration policies, Grassley had almost nothing good to say about Mr. Reagan (save for one fleeting acknowledgement that his policies had brought the Soviets back to the nuclear bargaining table) and absolutely nothing bad whatever to say about Democrats. That song elicits bravos, not boos, in Iowa today—not even a hint of disapproval during continuous contact with voters here.

Grassley's rising popularity—as the president's falls—in the state of his young manhood spells the folly of threatened White House reprisals against the senator's re-election campaign next year. But more significantly, it points to the political futility of the administration's semi-austerity program designed by Budget Director David Stockman.

Stockman's attempt to cut farm price supports in the midst of rural deflation only drove erstwhile strong (78 percent) Reagan-backer Grassley into near-total opposition on budget votes from defense to school loans. When White House aides threatened political reprisals, the senator responded with what Meredith Willson called "Iowa stubborn" in the *The Music Man.*

Since the threats, Grassley has not flinched and nobody at the White House has tried to make up. He broke party lines to oppose the MX missile, may vote against aid to the Nicaraguan freedom fighters, and, as a Finance Committee member, exhibits precious little enthusiasm for the Reagan tax reform.

"I have had no trouble with the president," he told the Sioux City Press Club. "The people in the White House have had trouble with me." But not much about Mr. Reagan satisfies him. "The president has been part of the problem up to now, because he didn't have the guts to take on Social Security and thinks defense is a sacred cow."

The Pentagon's cutoff of payments to General Dynamics, long a Grassley target, won faint praise. In an interview with

KCAU-TV, he called it "two years too late" and expressed doubt "there will be adequate follow-up."

Singles Gipper-bashing became doubles when Gov. Terry Branstad, another conservative Republican whose political stock has risen since he broke with the administration, testified before. Grassley's one-man Senate Judiciary Subcommittee hearing here. Thousands of financially ruined Iowa farmers "would have made it if the administration had kept its word" about guaranteeing farm credit, the governor testified. "I urge you, Chuck, to build pressure in Congress to force the administration to keep its word."

Nobody came to the administration's defense. Instead, as the subcommittee hearing began, Grassley was presented with a handwritten letter signed by 56 voters urging him not to bow to "political pressure . . . from the president to change your views." He is not about to. The procession of voters who volunteered to him that they will vote for him in 1986 for the first time suggests Grassley will surmount Iowa's economic misery to become one of the state's infrequent two-term senators.

Grassley's Gipper-bashing permits him to steer clear of the debris from Republican political deterioration in the Farm Belt. "These are people I voted for," a distraught Jim Sheehan, president of the Farmers Savings Bank in Pierson and a self-described Republican, testified at Grassley's hearing in expressing his dismay over the Reagan administration.

He was more graphic in private. "I've had it with the Republicans," he told us, adding that "(Paul) Volcker (Federal Reserve chairman) and Reagan may go down as two of the most hated men in history." Those passionate words buttress Chuck Grassley's attitude and mean grave political trouble for the president and his party in the Farm Belt.●

MILITARY SPENDING IS THE DEFICIT CULPRIT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. MILLER of California. Mr. Speaker, we are now engaged once again in a debate over how to craft a Federal budget, and how to control spending in order to reduce the $200 billion deficit.

As a member of the Budget Committee of this House, I have participated in a line-by-line review of Federal spending. The Budget Committee has also conducted a detailed analysis of the budget recommendations proposed by the President and recently approved by the U.S. Senate Budget Committee. And I think that, before the House launches its own budget process for fiscal 1986, we ought to make a couple of very important points about where the fat is in the budget, and where we should look for cuts.

For the fifth year in a row, the administration called for massive domestic cuts—way out of proportion to the size of domestic spending in the budget as a whole. The President, in fact, proposed that we cut over $65 billion in domestic discretionary spending over the next 3 years, nearly the same amount as we cut in 1981 and 1982.

You would think, from those recommendations, that domestic spending was the culprit responsible for the deficits, which, of course, have continued to grow even though we have made—often excessively—the radical cuts in low-income and domestic spending demanded by President Reagan.

But a careful examination of the figures leads to a different conclusion.

Between fiscal 1980 and the levels projected for the fiscal 1986 budget, as contained in the President's latest "Rose Garden" plan, national defense has risen from 5.2 percent of gross national product [GNP] to 6.6 percent—a cumulative dollar increase of over $142 billion for the military in 6 years. By contrast, nondefense discretionary programs have dropped from 6 percent to 4.1 percent of GNP from 1980 to 1986.

The President, of course, tried to pretend that he cut the military budget this year. But his cut was a fraud. It wasn't based on the real level of Pentagon spending, but on the level which Mr. Reagan had proposed last year—but which the Congress rejected. Compared to the real world defense spending, Mr. Reagan's 1986 request was a $34 billion increase.

If the administration cannot tell a "cut" from a $34 billion increase, I am not surprised that their budgets have nearly tripled the annual deficit since taking office in 1981.

Now, since 1980, the military budget has increased by $142 billion, including the $24.1 billion recently requested by the administration. The cumulative increase in domestic, nondiscretionary programs, which the administration loves to blame for the deficit, has been just $15.4 billion.

The percentage increase for defense has been 106 percent, while the increase for domestic programs has been 9.9 percent. So, spending on military programs has been 10 times that of domestic programs. Yet the administration and the Senate continue to blame the deficit on domestic programs and call for them to take enormous additional cuts.

A $15.4 billion increase for domestic programs; $142.1 billion increase in military. The projected military budget for 1986 is $276.1 billion, while domestic programs is $170.2 billion. And yet the President would try to have us believe that domestic spending is to blame.

Over the course of the last few weeks, I have met with constituents and organizations about the budget and the need to reduce the deficit. Farmers, city officials, environmentalists, even the representatives of the poor have told me they are willing to make sacrifices. They are willing to do their part to drop down the deficit and improve the economic future of this Nation.

Nearly every single interest. Except the Pentagon. They can't lose a dime without "endangering our national security."

We've all heard about the $400 hammers and $600 toilet seats. The cost overruns. The free tax ride for military contractors. The padded bills. The overcharging on spare parts. I think the public is wise to what's going on, and they are demanding fiscal accountability at the Pentagon.

And the figures I have revealed here today demonstrate why the public is absolutely right: Because the Pentagon has never shared in the sacrifice. It has enjoyed huge increase in spending while everyone else—and especially the very poorest in this Nation—have learned to live with less. While the rest of us have become austere, the Pentagon has completely lost control of its spending.

We need a strong national defense—a defense second to none. But we don't need waste, abuse, and excess. We will not have a lean and efficient Pentagon, and we will not be able to control the soaring deficit, until we demand of the military the same conscientious cost control that we have demanded of everyone else.●

A TRIBUTE TO THE BERGEN COUNTY VOLUNTEERS OF ALTERNATIVES TO DOMESTIC VIOLENCE PROGRAM

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mrs. ROUKEMA. Mr. Speaker, today we pay tribute to the many volunteers of the Alternatives to Domestic Violence Program of Bergen County, NJ. The Alternatives to Domestic Violence Program is a shining example of the spirit of the community providing services which previously fell solely to the government bureaucracy.

Studies indicate that 50 million persons annually suffer at the hand of another family member. It is because of this tragic reality that programs such as Alternatives to Domestic Violence must exist. How lucky Bergen County is to have ADV in operation.

Administered by the county department of health services, ADV is designed to reduce and eliminate instances of violence in the home through a combination of agency referral, community education, family counseling, effective treatment and, when necessary, intervention. The pro-

gram serves over 200 clients in counseling and takes over 600 inquiries per month on its telephone hotline.

Certainly, Alternatives to Domestic Violence is to be applauded for its impressive record of community service. However, the program's accomplishments become even more laudable when one considers the depth of voluntary community support that has allowed this effort to continue effectively.

Five years ago, as the Federal Government began its important deficit reduction efforts, this program and similar programs across the Nation were affected. While some efforts were abandoned others were determined to survive to meet the challenge before them, ADV displayed the ingenuity that has long typified America. By tapping the same spirit of voluntarism that built this Nation. ADV developed a system of paraprofessional personnel that allowed that program to flourish and grow.

My colleagues, today as we recognize the success of Alternatives for Domestic Violence, it is also fitting that we pay tribute to the volunteers who have contributed generously of themselves to work the telephone hotlines, perform counseling, handle clerical duties, and educate the community.

With their efforts, these men and women are living examples of the spirit fundamental to American community and neighborhood life. As volunteers they are willing to accept responsibility for one another's well-being.

Indeed, the volunteers of Alternatives for Domestic Violence provide living testimony that the spirit of voluntarism is alive in Bergen County. For that, I thank them and transmit the thanks of the county, the State, and, indeed, the Nation.●

H.R. 2185

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. SLATTERY. Mr. Speaker, along with my distinguished colleague, DAN COATS of Indiana, I have introduced H.R. 2185, which will repeal certain sections of the Powerplant and Industrial Fuel Use Act of 1978 and repeal the incremental pricing requirements of the Natural Gas Policy Act of 1978.

The Fuel Use Act and the NGPA were enacted at a time when the prevailing wisdom was that natural gas was a rapidly depleting resource whose future was limited. Looking back at the statistics available in 1978, such a perception may have been warranted. A decade of artificially low wellhead prices imposed by the Federal Government on gas in interstate commerce had stimulated demand and production from already-discovered reserves, while discouraging exploration and development of new supply. The results were a rapid reduction in natural gas reserves from a 1967 peak of about 293 trillion cubic feet [Tft^3] to a 1977 level of 207 Tft^3, accompanied by massive shortages closing factories and schools throughout the industrial Northeast and Midwest in the winter of 1976-77.

The Powerplant and Industrial Fuel Use Act was passed to prohibit new large electric generation units and new large industrial boilers from using gas, oil or petroleum products as a primary fuel source. In addition, the Fuel Use Act originally would have required existing powerplants using such fuels to convert to an alternative source by 1990. This provision was eliminated in 1981. Such prohibitions may have made sense, given the expectation of continuing shortages that was held by most policymakers at that time. Today, when we realize that gas resources are far more extensive than originally perceived, such prohibitions clearly are unnecessary.

Title II of the Natural Gas Policy Act sought to limit the attractiveness of natural gas use by certain large industrial users by incrementally pricing their gas use at the level of No. 6 crude oil. Title II has been a classic example of economic theory that has been ineffective in practice. The theory held that allocating a large portion of the increased costs of gas to large industrial users would give them the clout to ensure that overall prices would not rise too quickly. In addition, to the extent prices rose, incremental pricing was intended to shelter residential users. Neither assumption was true. Instead, prices for all users—residential, commercial, and industrial—rose until market forces prevented further increases. Incremental pricing operates today only to limit the opportunity to replace foreign oil with domestic natural gas. This is contrary to our energy and national security interests.

Producers of natural gas, pipelines, distributors, industrial users and residential consumers are all hurt by the prohibitions and disincentives of the Fuel Use Act and incremental pricing. A drop in industrial demand affects both supply and residential prices, because local gas companies must spread fixed system costs over a lesser base of volumes sold. Thus, every additional industrial or powerplant user lowers the costs borne by all other customers.

The loss of industrial users is not merely hypothetical. It is happening every day. Throughout the early 1970's, new gas-fired industrial boilers represented between 44 percent and 65 percent of the total capacity of new boilers manufactured, as reported to the American Boiler Manufacturers Association. The gas shortages of the mid-1970's resulted in a drop to around 27 percent. Despite the vastly improved gas supply, gas-fired boilers currently are only about 17 percent of total capacity.

The prohibitions and disincentives of the Fuel Use Act and incremental pricing are wasteful. Promising new technologies developed in this country such as gas-fired combined-cycle generators are far more efficient than traditional methods of generating electricity and are being used in Japan. Such technology is prohibited here. These prohibitions and disincentives also reduce opportunities for use of our cleanest burning fossil fuel. Increased use of natural gas, either alone or in conjunction with other fuels, could substantially reduce emissions of smog producing hydrocarbons, SO_x and particulate matter.

The continued implementation of the Fuel Use Act and incremental pricing requirements will maintain economic inefficiencies that these statutes have imposed on the marketplace. Investments in facilities designed to burn fuel other than natural gas, in instances where a gas-fired facility would be less expensive, are inefficient and wasteful. For example, a "worst case" analysis published by the American Gas Association on August 31, 1984, indicates that retention of the Fuel Use Act through the year 2000 could require $44 billion in unneeded capital investments or, alternatively, could result in the loss of 1.5 million domestic jobs.

The text of the bill follows:

H.R. 2185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) IN GENERAL.—This act may be cited as the "Natural Gas Utilization Act of 1985".

(b) TABLE OF CONTENTS.—

SEC. 1. Short title; table of contents.
SEC. 2. Findings and purposes.
SEC. 101. Repeal of certain sections of the Powerplant and Industrial Fuel Use Act of 1978.
SEC. 102. Repeal of incremental pricing requirements.
SEC. 103. Effective date.

SEC. 2. Findings and Purposes.

(a) FINDINGS.—The Congress finds that—

(1) natural gas is an important element of interstate commerce because of its widespread residential, industrial, and commercial use;

(2) natural gas resources are far more extensive than was assumed when legislation was enacted in 1978 to limit natural gas use;

(3) increased use of natural gas provides national benefits in the form of lower prices due to spreading fixed costs of natural gas pipelines and distribution companies over a broader base, reduced capital expenditures for new electric powerplants and industrial facilities, and reduced atmospheric emissions of pollutants; and

(4) current federal legislation prohibits or discourages use of natural gas by industrial facilities or electric powerplants.

(b) PURPOSES.—The purposes of this Act are to—

(1) remove the legislative barriers now prohibiting or discouraging natural gas use; and

(2) allow choices of which energy source is to be used to be made by market forces.

SEC. 101. REPEAL OF CERTAIN SECTIONS OF THE POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978.

(a) IN GENERAL.—The following sections of the Powerplant and Industrial Fuel Use Act of 1978 are repealed—

(1) section 103 (a)(16), (a)(18), and (a)(19) (42 U.S.C. 8302 (a)(16), (a)(18), and (a)(19));

(2) title II (42 U.S.C. 8311-8324);

(3) section 302 (42 U.S.C. 8342);

(4) section 401 (42 U.S.C. 8371);

(5) section 402 (42 U.S.C. 8372); and

(6) section 405 (42 U.S.C. 8375).

(b) CLERICAL AMENDMENT.—The table of contents in section 101(b) of the Powerplant and Industrial Fuel Use Act of 1978 is amended by striking out the items relating to the provisions repealed by subsection (a) (2) through (6) of this section.

(c) CONFORMING AMENDMENTS.—(1) Section 102 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301) is amended by striking out "and major fuel-burning installations" and "and new" whenever such terms appear.

(2) Section 103 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8302) is amended—

(A) in subsection (a)(13)(B), by—

(i) striking out clause (ii)(III);

(ii) striking out "; or" at the end of clause (ii)(II), and inserting a period in its place; and

(iii) inserting "and" at the end of clause (ii)(I);

(B) in subsection (a)(15), by striking out "or major fuel-burning installation" and "or new";

(C) in subsection (a)(20), by striking out "or major fuel-burning installation";

(D) by redesignating subsections (a)(17), (a)(20), (a)(21), (a)(22), (a)(23), (a)(24), (a)(25), (a)(26), (a)(27), (a)(28), and (a)(29) as subsections (a)(16), (a)(17), (a)(18), (a)(19), (a)(20), (a)(21), (a)(22), (a)(23), (a)(24), (a)(25), and (a)(26);

(E) in subsection (b), by striking out "or major fuel-burning installation" wherever such term appears;

(F) in subsection (b)(1)(D), by striking out everything after "synthetic gas involved" and inserting in its place a period; and

(G) by striking out subsection (b)(3), and redesignating subsection (b)(4) as subsection (b)(3).

(3) The text of section 104 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8303) is amended to read as follows:

"The provisions of this Act shall apply in all the States, Puerto Rico, and the territories and possessions of the United States.".

(4) Section 303 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8343 is amended—

(A) by striking out "or installation" and "or installations" wherever such terms appear;

(B) by striking out "or 302";

(C) by striking out subsection (a)(3);

(D) by amending subsection (b)(1) to read as follows: "(1) The Secretary may prohibit, by rule, the use of natural gas or petroleum under section 301(b) in existing electric powerplants"; and

(E) by amending the last sentence of subsection (b)(3) to read as follows: "Any such rules shall not apply in the case of any existing electric powerplant with respect to which a comparable prohibition was issued by order.".

(5) Section 403 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8373) is amended by striking out—

(A) in subsection (a)(1), ", major fuel-burning installation, or other unit" and ", installation, or unit";

(B) in subsection (a)(2), ", installation, or other unit" and ", installation, or unit";

(C) in subsection (a)(2), the last sentence; and

(D) subsection (a)(3).

(6) Section 404 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8374) is amended by striking out—

(A) in subsection (c), "new or" in the phrase "applicable to any new or existing electric powerplant"; and

(B) subsection (g).

(7) Section 701 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8411) is amended by striking out—

(A) in the last sentence of subsection (b), "or installation";

(B) subsection (c);

(C) in the title of subsection (d), "AND EXEMPTIONS";

(D) in the first sentence of subsection (d)(1), "or any petition for any order granting an exemption (or permit)";

(E) in subsection (d)(1)(B), "or in the consideration of such petition";

(F) in subsection (f), "or a petition for an exemption (or permit) under this Act (other than under section 402 or 404),"; and

(G) subsection (g).

(8) Section 702 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8412) is amended by striking out—

(A) in the title of subsection (a), "OR EXEMPTION";

(B) in subsection (a), "or granting an exemption (or permit)";

(C) subsection (b), and redesignating subsection (c) as subsection (b);

(D) in the first sentence of subsection (b)(1) (as redesignated), "or by the denial of a petition for an order granting an exemption (or permit) referred to in subsection (b),";

(E) in the first sentence of subsection (b)(1) (as redesignated), "such rule, order, or denial is published under subsection (a) or (b)" and inserting in its place "such rule or order is published under subsection (a)";

(F) in the first sentence of subsection (b)(2) (as redesignated), "the rule, order, or denial" and inserting in its place "the rule or order";

(G) in the second sentence of subsection (b)(2) (as redesignated), "(or denial thereof)"; and

(H) in subsection (b)(3) (as redesignated), "any such rule, order, or denial" and inserting in its place "any such rule or order".

(9) Section 711 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8421) is amended by striking out in the first sentence of subsection (a), "or major fuel-burning installation".

(10) Section 721 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8431) is amended by striking out subsection (c) and redesignating subsection (d) as subsection (c).

(11) Section 723 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8433) is amended by striking out subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c).

(12) Section 731 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8441) is amended by striking out—

(A) "or major fuel-burning installation" wherever the phrase appears; and

(B) "title II or" in subsection (a)(1) and (g)(3).

(13) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is amended by striking out in the first sentence of subsection (a), "from new and existing electric powerplants and major fuel-burning installations" and inserting in its place "from existing electric powerplants".

(14) Section 761 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8471) is amended by striking out—

(A) in subsection (a), "any existing or new electric powerplant or major fuel-burning installation" and inserting in its place "any existing electric powerplant"; and

(B) in subsection (b)—

(i) "new or" in the phrase "In the case of any new or existing facility"; and

(ii) "except to the extent provided under section 212(b) or section 312(b)" and the comma immediately preceding that phrase.

SEC. 102. REPEAL OF INCREMENTAL PRICING REQUIREMENTS.

(a) REPEALER.—Title II of the Natural Gas Policy Act of 1978 (15 U.S.C. 3341-3348) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 121(b) of such Act (15 U.S.C. 3331(b)) is amended—

(A) by striking out "Effective beginning on the effective date of the incremental pricing rule required under section 201, the" and inserting in lieu thereof "The"; and

(B) by striking out "shall cease to apply" and inserting in lieu thereof "shall not apply".

(2) Section 502 of such Act (15 U.S.C. 3412) is amended by striking out subsection (d).

(3) Section 504(b) of such Act (15 U.S.C. 3414(b)) is amended—

(A) by striking out paragraph (3) and redesignating subsequent paragraphs accordingly;

(B) in paragraph (1), by striking out "paragraphs (2) and (3)" and inserting in lieu thereof "paragraph (2)"; and

(C) in paragraph (3) (as redesignated), by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "paragraph (1) or (2)".

(4) Section 506 of such Act (15 U.S.C. 3416) is amended by striking out subsection (b).

(5) Section 507(a) of such Act (15 U.S.C. 3417(a)) is amended by inserting "and" at the end of paragraph (1), by striking out "; and" at the end of paragraph (2) and inserting a period in lieu thereof, and by striking out paragraph (3).

(6) Section 507(c) of such Act (15 U.S.C. 3417(c)) is amended by striking out paragraph (3).

(7) Section 601(c)(2) of such Act (15 U.S.C. 3431(c)(2)) is amended—

(A) by striking out "—(A)" and inserting in lieu thereof a comma;

(B) by striking out "and" at the end of former subparagraph (A); and

(C) by striking out "(B) such recovery is not inconsistent with any requirement of any rule under section 201 (including any amendment under section 202),".

(8) The table of contents for such Act is amended by striking out the items relating to title II.

(c) EFFECTIVE DATE.—The repeal and amendments made by this section shall apply—

(1) with respect to requirements made applicable under section 201 of the Natural Gas Policy Act of 1978, any costs incurred by interstate pipelines after the effective date of this Act; and

(2) with respect to any requirements which may be construed to be applicable under section 202 of the Natural Gas Policy Act of 1978, any costs of an interstate pipeline, whenever incurred.

SEC. 103. EFFECTIVE DATE.

Except as otherwise expressly provided, the amendments made by this Act shall take effect on the first day of the first calendar month beginning more than 10 days after the date of the enactment of this Act and shall apply to deliveries on or after the first day of such calendar month.●

IF INTELSAT AIN'T BROKE, DON'T FIX IT

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. SWIFT. Mr. Speaker, beginning with the 1962 Satellite Act, the U.S. Congress established policy that encouraged other nations to join with us in building a global satellite communications system, Intelsat. This international cooperative venture now provides high-quality, low-cost communication service throughout the world. Financial and technical resources have been pooled. rates are equalized so that even the poorer, less-developed nations can participate—and benefit. Today this system serves its 109 member nations as well as more than 60 other nations and territories, carrying two-thirds of the world's international communications traffic.

That's what we did and it's working beautifully.

As the driving force behind the creation of Intelsat, the United States gets the credit. And it is one of our truly successful foreign policy ventures. We are seen as the patron saint and defender of a system that serves everyone equally.

Or at least we were. Nearly 2 years ago, the administration began to consider changing national policy unilaterally to allow competition to Intelsat. That sounds fine at first, but there are strong policy reasons to not harm Intelsat. The President's own recommendation stresses the risk to U.S. interests if Intelsat is harmed by the introduction of competition.

The parallel with dismantling our own telephone system is striking. In that instance, all we set out to do was to introduce a little competition into the phone system. And we ended up with higher rates, divestiture, and a system that consumers and the industry alike are still trying to figure out.

That's what happened here at home with our phone system and there are good reasons to believe we're about to do the same thing all over again, this time on a global scale. The cliché "if it ain't broke don't fix it" has been used so often to describe what has happened with the domestic telephone problems that one would think it had been written for it alone. Now, the same phrase is being applied in the debate over whether to allow competition to Intelsat, most recently in an article in the business section of Monday's Washington Post. For any of my colleagues who may not have seen this article by Jerry Knight, I ask unanimous consent that the article be reprinted in today's RECORD.

The article follows:

INTELSAT AIN'T BROKE

(By Jerry Knight)

All that most people in Washington know about Intelsat is that they don't like the new headquarters it is building next to the University of the District of Columbia on upper Connecticut Avenue.

That ignorance about the international telecommunications satellite organization—and perhaps the antipathy towards its Eurotech architecture—helps explain why the United States is promoting a plan that threatens the efficiency of the worldwide communications system.

The same specious economic and political arguments that have led us to screw up our own phone system are now being advanced by Reagan administration officials who want to tinker with Intelsat.

Intelsat isn't broken, but Federal Communications Commission Chairman Mark Fowler wants to fix it anyway.

Fix it just like we've fixed the phone system—with higher rates, poorer service and complicated choices of equipment and carriers that most people would just as soon avoid.

Dramatic increases in phone bills are all that most ordinary consumers are getting from breaking up the Bell System and opening up the phone business to free-for-all competition. Dramatic increases in worldwide communications costs are all that most countries will get if the United States proceeds to let private companies compete with Intelsat.

Intelsat now has a monopoly on international satellite communications services. Telephones, television, data transmission and virtually all other high-tech communications services are or can be provided by Intelsat. The 109 member nations of the consortium route all their transoceanic calls, much of their international traffic and some of their domestic business via Intelsat. Regional multinational satellite systems in Europe, the Middle East and the Pacific handle some local needs but do not compete with Intelsat's bread-and-butter business.

The Reagan administration is moving to end Intelsat's monopoly by recommending the FCC license several U.S. firms to offer international satellite communications services. Orion Satellite Corp.—a Washington outfit with no track record—has led the lobbying for the FCC approval. Several other firms are pushing hard for what they see as a license to steal the most lucrative parts of Intelsat's business.

The U.S. entrepreneurs are not asking for the right to compete to provide satellite phone service to Zambia, they want only to be able to compete for high density, high profit business like transmitting transatlantic computer signals.

There is no question that private enterprise could provide some services more cheaply. In the same way that a supermarket subsidizes its loss leaders by charging higher prices for some staples, Intelsat uses profits from its most attractive routes to pay for serving obscure corners of the Third World.

The Bell System used the same cross-subsidy technique to build the world's finest telephone system for the United States, providing low-cost, universal phone service to isolated farms as well as urban areas. We've always known—when we bothered to think about it—that it costs more to put a phone up a hollow in West Virginia than to add another extension in Georgetown. But we gladly paid the secret subsidy, knowing the nation as a whole benefited.

With the breakup of the Bell System, those cross subsidies are ending. Long-distance rates which used to cover much of the loss on local service are coming down because MCI and others who offer only long-distance calling can provide that service for a lot less than Ma Bell used to charge. Without long-distance revenues to subsidize local service, local rates are exploding. Residential consumers face even more rate hikes because the phone company is losing once-lucrative business customers to its competitors.

The same thing is certain to happen to Intelsat, despite assurances to the contrary from Fowler and the White House.

In recommending the FCC action, the White House also urged "that the integrity and economic viability of Intelsat should be protected."

You can't do both, contends former FCC commissioner Abbott Washburn, one of the few people to speak out on the Intelsat issue who doesn't have a personal or financial interest in the outcome.

The administration contends that Intelsat can be protected by limiting the kinds of services its competitors can offer. Keeping the competitors isolated will be technologically and politically impossible, respond Intelsat and its supporters.

Warning a congressional committee last week of the weakness of the administration's promised protection, Washburn said, "My own view is that as a safety net for Intelsat, it is made of cheesecloth."

Ideology seems to be the force behind the effort to let U.S. companies compete with Intelsat. The ayatollahs of competition-at-any-cost are demanding the U.S. private sector get a piece of the international satellite action, even if the rest of the world has to pay for it.

The rest of the world is responding with outrage at what most other countries see as the greedy gringos attacking the most successful example of international cooperation. The United States is getting a bad rap around the world.

The advocates of Intelsat competition seem to have forgotten how the United States built the finest telecommunications system in history. It was a government-regulated monopoly that gave America low-cost, universal telephone service, not competition between rival phone companies. If that system was good enough for the United States, it ought to be good enough for the rest of the world.●

ORGAN DONOR AWARENESS WEEK

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. STENHOLM. Mr. Speaker, I come today to commend my colleagues who have joined in supporting National Organ Donor Awareness Week, which we recognize this week. I also heartily commend the many citizens and organziations who will take this opportunity to spread the word of how we all can "make a miracle."

We have all heard on the news the pleas by desperate families with sad-eyed children who must have organ transplants if they are to live. We have had our hearts warmed by the success stories when people are given a second chance at life because of an organ transplant. But we seldom see the stories about the children for whom time ran out—the children who should have lived, could have lived, but never received the organs they needed.

I know about the heartbreak, the frustration, the sense of helplessness because I shared that experience with a small child, Ashley Bailey, and her family who live in my district. Born with biliary artesia, Ashley fought for more than a year to hold on to life until a proper liver could be located for transplantation. During that time there surely were many potential donors who could have shared life with Ashley. But like millions of Americans, their families were not aware of the need for organ donors, and tragically, Ashley died waiting. During 1984, only an estimated 3,000 out of 23,000 potential donors actually donated their organs and tissues. That means that in addition to the loss of the potential donors' lives, thousands of waiting recipients met death needlessly.

It's obvious that organ donation helps save and improve the lives of others. What is sometimes less obvious is that donation can diminish the suffering and grief caused by the sudden, unexpected death of the donor. In a tragedy that seems meaningless, organ donation can provide some meaning for the grieving survivors.

Medical technology has given us the ability to do miraculous things, but that can occur only if each individual makes the miracle happen. With the memory of all those individuals who never received the transplants they needed, and for the sake of all the people who will yet need transplants in the future, I urge each Member of Congress to take this opportunity to encourage all constituents to sign donor cards and notify their friends and relatives of their desire to "make a miracle."●

INDUSTRIAL DEVELOPMENT

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. PEASE. Mr. Speaker, in many parts of our country, there is a lot of talk these days about industrial development—about the need to attract new factories, new employers.

Recently, the Trade Subcommittee of the House Ways and Means Committee visited an industrial park that would have made the heads of job-hungry Americans spin. It was clean, bright, completely modern, well-landscaped, and occupied by literally dozens of U.S. firms.

Unfortunately, it was in Juarez, Mexico, just across the border from El Paso, TX. Hundreds of American companies have set up factories just across the United States-Mexican border—at the expense of American jobs.

This is the topic of my most recent weekly newspaper column. It follows:

WASHINGTON REPORT

(By Don J. Pease)

In northern Ohio, there is much talk these days about industrial development—about the need to attract new factories, new employers, to the area.

You should have seen the industrial park I visited two weeks ago. Literally dozens of U.S. firms have set up factories employing thousands of workers.

The industrial park itself is attractive and well-landscaped. The factory buildings are uniformly new or nearly new.

Inside, 200, 400, 600 workers toil in each factory. Each building interior is bright, clean, well-lit, air conditioned, well-equipped. A company cafeteria serves workers meals at half the normal price. A company infirmary is staffed by a nurse and visited regularly by a doctor.

The employes seem happy and content. They are, according to their supervisors, efficient, productive, highly motivated workers.

From the viewpoint of job-hungry northern Ohioans, there is just one hitch in this rosy picture. The industrial park is not in the United States.

It's in Juarez, Mexico, just across the border from El Paso, Texas.

The workers in those factories are Mexicans.

They work for 68 cents an hour.

And they are drawing U.S. companies by the hundreds to Mexico.

So far, over 650 American companies have set up assembly operations in Juarez, Nogales and other cities along the 1900-mile U.S.-Mexican border. General Motors, General Electric, RCA, Rockwell International, Samsonite Corp., United Technologies Inc.—the list goes on and on.

The managers of those U.S.-owned factories are clearly skittish about the 68-cents-an-hour wages. They quickly make two points.

First, the 68 cents is the hourly rate. Total employment cost is about $1.40 per hour when fringe benefits (mostly required by the Mexican government) are factored in.

Second, it is claimed, the assembly plants in Mexico help to preserve jobs in the U.S. that would otherwise be lost. Typically, the Mexican "maquila" plants are strictly assembly operations. All of the design and engineering work is done at U.S. locations. All of the parts to be assembled are made in the U.S.

In fact, one incentive for the "maquila" plants is that when the finished products are returned to the U.S., the value of the original U.S. parts and material is not subject to U.S. tariffs. U.S. duty is paid only on the "value added" (i.e., labor costs) in Mexico.

American firms claim they can't compete with Japanese, Korean, Taiwanese and other competitors if they must pay high American wages for hand assembly work. The choice, they say, is this. Do you split the work between a U.S. plant and a "twin" plant in Mexico, or do you lose the work altogether?

There is evidence of truth to that contention. In Georgia and South Carolina, for example, apparel manufacturers find it increasingly difficult to compete with imported apparel from the Far East. By moving their sewing operations to Mexico, these companies preserve jobs at home in the design and cutting of fabrics. They also, incidentally, continue to be in business as customers of U.S. textile companies. Obviously, apparel made in China uses textiles made in China.

Still, it was wrenching for me to see all those jobs in Mexico which used to be performed in Ohio and elsewhere in the U.S.

If the choice of workers at an American factory really is between no jobs at all and sharing the jobs, the choice is clear if not entirely pleasant.

But what of U.S. manufacturing firms which do not face foreign competition or which are still competitive in the international marketplace? They may not be forced to move their assembly operations to Mexico, but they can make higher profits if they can cut their compensation costs to $1.40 per hour for hand assembly work. In other words, if a company is making 9 percent profit in the U.S., what is to prevent its moving to Mexico and increasing its profit to 10 percent? After all, the business of business is to make a profit, and a good manager is expected to maximize his or her company's profit.

The Americans I talked with in Juarez, didn't have an answer to the question. Frankly, I don't have an answer either. But the question merits a lot of thought by those of us who are trying desperately to retain and foster economic health in areas like northern Ohio.●

INTRODUCTION OF SPACE WEAPONS TREATY RESOLUTION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. BROWN of California. Mr. Speaker, the development of space weapons, including strategic defensive systems and antisatellite weapons, threatens the framework for the control of nuclear weapons established in the 1972 antiballistic missile treaty, and thus also threatens the future of

arms control. My concern leads me today to introduce legislation which calls on the President to negotiate a treaty providing for strict limitations on space weapons. The legislation also calls on the President to reaffirm the commitment of the United States to the ABM treaty, including restraint on programs which could undermine the treaty, and to seek an agreement with the Soviet Union for a mutual antisatellite [ASAT] moratorium on tests against objects in space.

My colleagues, Congressman JOE MOAKLEY, and Congressman NORM DICKS, have joined me as original sponsors of this legislation. As authors of legislation in the last Congress addressing various aspects of arms control in space, we have combined our efforts in introducing this omnibus bill.

Congressman MOAKLEY spearheaded efforts in support of arms control in space several years ago when he authored legislation calling for the negotiation of a treaty to ban weapons in space. Congressman DICKS was the author of legislation calling on the President to negotiate a treaty on antisatellite weapons. Finally, Mr. Chairman, as you know I introduced legislation last year to reaffirm the commitment of the United States to the 1972 antiballistic missile [ABM] treaty. I am honored to be joined by my distinguished colleagues in introducing this omnibus legislation addressing these major areas of concern regarding arms control in space.

Mr. Speaker, I would now like to outline the major points of the bill:

The first section of the bill calls on the President to seek the negotiation of a treaty between the United States and the Soviet Union providing for the strictest possible mutual and verifiable limitations on the testing, production, deployment, and use of all space-directed or space-based weapons systems. The intent of this section is to indicate the strong support of Congress for the negotiations in Geneva, and to indicate support for a treaty which would include limits on space weapons, including antisatellite weapons and strategic defensive systems.

The second section of the bill calls on the President to seek an agreement with the Soviet Union for a moratorium on antisatellite weapons tests against targets in space. The intent of this section is to underscore the importance of a near-term agreement to limit ASAT tests in order to facilitate the negotiation of a treaty providing for strict and verifiable limitations on antisatellite weapons.

The third section of the bill calls on the President to reaffirm the commitment of the United States to the ABM Treaty, and to refrain from activities which could undermine the treaty. The intent of this section is consistent with stated administration policy.

Mr. Speaker, I believe that the President is sincere in his desire for world peace. However, the preponderance of evidence provided by opponents, and acknowledged by proponents of the SDI, indicate that there is no defensive system that we can currently conceive of which could protect the American people from Soviet nuclear missiles. The President's own advisers now speak of the enhanced deterrence which might be provided by an SDI system, whereas they once spoke of assured survival. To suggest that star wars could put the nuclear genie back into the bottle is to perpetrate a cruel hoax on the American people, and to oversimplify the complex nature of our nuclear age.

I would like to comment briefly on the administration "Report to Congress on the Strategic Defense Initiative" submitted in its unclassified version to the Congress last week. I note with grave concern the administration's stated intention to conduct tests of ABM components, which is outlawed by the ABM Treaty, as ASAT's, in order to circumvent ABM Treaty restrictions. This is in blatant disregard of the spirit of the ABM Treaty, and raises serious questions about the administration's intentions in the Geneva arms control talks. It also underscores the need for a treaty limiting antisatellite weapons if we hope to preserve the ABM Treaty, and prevent an arms race in space.

In light of these concerns, and of the threat posed to critical reconnaissance and early warning systems by ASAT's, Congressman COUGHLIN intends to offer an amendment to the fiscal year 1986 defense authorization bill to reestablish an ASAT test moratorium. The House overwhelmingly supported a similar amendment last year. I will also be investigating the possibility of limiting other ASAT systems, in addition to the F-15 ASAT, in order to protect the viability of the ABM Treaty and address the problems raised by the President's SDI report to Congress.

Mr. Speaker, research on ballistic-missile defense systems and on antisatellite weapons has gone on for the past 20 years. I support continued research on defensive systems, on Earth and in space, at a prudent level. But this effort should be combined with a renewed commitment to observe the 1972 Antiballistic Missile Treaty, and with a willingness to negotiate a further treaty prohibiting weapons of any kind in space. A treaty limiting antisatellite weapons should be included as a protocol to the ABM Treaty or negotiated as a separate treaty. In such an atmosphere, the arms control negotiations in Geneva would have a chance of succeeding in reducing all classes of nuclear weapons on Earth, and of preventing an escalation of the arms race on Earth and in space. Without such a commitment, I am skeptical of the outcome of the arms control negotiations in Geneva.

Thank you Mr. Speaker. The text of the Space Weapons Treaty Resolution appears below:

H.J. RES. 252

Joint resolution calling on the President to negotiate a treaty between the United States and the Soviet Union which provides for strict mutual and verifiable limitations on space weapons, to provide for an agreement with the Soviet Union for a moratorium on the testing of anti-satellite weapons, and to provide for the continued United States commitment to the 1972 Anti-Ballistic Missile Treaty

Whereas the United States and the Soviet Union have agreed to engage in arms control negotiations on space weapons and strategic and intermediate-range nuclear weapons;

Whereas the moratorium observed by the United States and the Soviet Union on the testing of anti-satellite weapons against objects in space has helped to create an atmosphere conducive to successful negotiations; and

Whereas the Treaty between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (the ABM Treaty) provides the foundation for negotiations to limit strategic arms: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Space Weapons Treaty Act".

SEC. 2. NEGOTIATION OF SPACE WEAPONS TREATY.

The President should seek the negotiation of a treaty between the United States and the Soviet Union providing for the strictest possible mutual and verifiable limitations on the testing, production, deployment, and use of all space-directed or space-based weapons systems.

SEC. 3. MUTUAL MORATORIUM ON ANTI-SATELLITE WEAPONS TESTS.

The President shall seek the negotiation of an agreement with the Soviet Union for a moratorium on the testing of anti-satellite weapons against an object in space.

SEC. 4. STATEMENT OF UNITED STATES COMMITMENT TO ABM TREATY.

(a) REAFFIRMATION OF COMMITMENT TO TREATY.—The President shall reaffirm the commitment of the United States to the Treaty between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (entered into force October 3, 1972), and avoid any program or activity which could undermine continued compliance with the Treaty by its signatories.●

FARM BANKRUPTCY BILL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. RODINO. Mr. Speaker, I am introducing legislation, with Mr. FISH, Mr. DE LA GARZA, Mr. SEIBERLING, and Mr. SYNAR, to help farmers who are forced to file bankruptcy. On March 5,

1985, I introduced H.R. 1397, and Mr. SYNAR introduced H.R. 1399, both farm bankruptcy bills. A hearing was held on H.R. 1397 and H.R. 1399 by the Subcommittee on Monopolies and Commercial Law of the House Judiciary Committee. As a result of testimony given at this hearing, and of continued study of the farm bankruptcy problem, this bill is being introduced today. It combines the best parts of H.R. 1397 and H.R. 1399 and incorporates several new features that emerged during the subcommittee hearings.

Because of the downturn in the farm economy today, more farmers than ever before are being forced to seek the protection of the bankruptcy laws in order to make a meaningful effort to continue farming operations. In the southern district of Iowa, for example, as reported in the March 17, 1985 Des Moines Register, the number of farm bankruptcies increased to 258 in 1984, up from only 7 in 1980.

In just the first 2 months of 1985, 58 new farm bankruptcies were filed in this district, a 45-percent increase over the farm filings during the first 2 months of 1984. Chapter 11 farm bankruptcy filings in the northern district of Iowa during the first 2 months of 1985 were up by 25 percent over the same period last year, after more than doubling from 1983 to 1984. Likewise, in South Dakota, the number of farm and ranch bankruptcies increased tenfold from 1980 to 1984 and are still increasing; farm and ranch bankruptcies now represent nearly one-fourth of the bankruptcy caseload in South Dakota, up from 2.4 percent of the caseload in 1980. This bill offers additional protection to the farmers who must file bankruptcy.

The bill would allow more farmers to file bankruptcy under the quick, simple provisions of chapter 13, where payments to creditors are made from the future earnings of a debtor. Currently, most farm debtors who are forced to file bankruptcy must do so under the chapter 11 reorganization provisions of the Bankruptcy Code, which are more complex and costly than chapter 13. In chapter 11, there is a greater chance than in chapter 13 that a farmer's land, the principal source of farm revenue, could be liquidated by creditors.

The bill creates a new class of farmer for purposes of chapter 13, termed the family farmer. A family farmer is defined as a person who has over 80 percent of their debt arising out of farming operations. By tying the defintion of a family farmer to the amount of debt rather than to the amount of income, farmers who have struggled for several years and who have been forced to take jobs outside of farming in order to make ends meet, will still be able to utilize the provisions of chapter 13 if the bulk of their debt is farm-related. A family farmer could be an individual or a partnership.

Under current law, one cannot be a chapter 13 debtor unless their unsecured debts are less than $100,000 and their secured debts are less than $350,000. The bill raises the debt ceiling for family farmers, so that a family farmer can be a chapter 13 debtor if the total of the farmer's secured and unsecured debts is less than $1 million.

Because their income is sporadic, tied to seasonal harvests, farmers often have difficulty meeting the requirements of chapter 13 that they start making plan payments within 30 days after filing the plan. The bill offers a family farmer who has this difficulty the option of a hearing before the bankruptcy court at which the bankruptcy court will consider the facts and circumstances of the farmer's situation, as well as the creditors' situation, and set a deadline by which the family farmer's first plan payment must be made.

Many family farmers live on the same parcel of land they farm. For most family farmers, by far the largest part of their debt is secured debt. Under current law, however, a family farmer who farms on the same parcel of land on which he resides cannot modify the secured debt on this farmland. The bill would permit a family farmer whose principal residence is located on the same parcel of land as his farmland to modify the secured debt on this parcel. This will afford the family farmer a better opportunity to retain the land, while still protecting the lien of a creditor on the land.

To correspond with the increase in the chapter 13 debt ceiling for family farmers, the bankruptcy court is given the power to allow a chapter 13 family farmer up to 7 years, instead of the current 5 years, to make his payments under the plan. All plan payments, except for long-term secured debt and long-term modified secured debt, must be made within this 7-year period.

The legislation also makes a change for a farmer, as opposed to the chapter 13 family farmer, who files under chapter 11 reorganization. The time period in which only the debtor can file a plan is extended, just for farmers, from 120 to 240 days. After 240 days, if no plan has been filed by the farm debtor, creditors can file their own plan proposing repayment by the debtor. By affording the chapter 11 farmer more exclusive time in which to file a plan, the bill allows the farmer more time to guage his economic situation and to anticipate future income from harvests, without having to immediately contend with a plan filed by creditors.

Testimony at the March 27, 1985, hearing before the Subcommittee on Monopolies and Commercial Law indicated that added protection in the bankruptcy laws for the family farmer was best offered through chapter 13 rather than through chapter 11. Any farmer wishing to utilize the more detailed and complex provisions of chapter 11 can still do so, of course. For the many farmers who would like to file under chapter 13, but who have debts in excess of the current chapter 13 limit, the bill offers relief. The ability of farmers to earn a living from their land must be protected if the economy of this country is to be strong. The treatment the bill offers to farmers, and particularly to family farmers, is justified by the unique position farmers occupy in the U.S. economy.●

LIBRARIES DESERVE CONTINUED SUPPORT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. BIAGGI. Mr. Speaker, there are many kinds of credit cards available today—but one of the best kind of cards to have—is a library card.

With a library card we are able to receive—free of charge—a host of community services that not only provide education and entertainment, but serve a focal point within communities for a variety of activities.

Unfortunately, Mr. Speaker, the administration has failed to recognize the role of libraries in this country. For the fourth year in a row—the President has proposed to eliminate funding for the Library Services and Construction Act. In addition, there is a proposed elimination of funding for title II of the Higher Education Act, which provides support for college libraries.

I will state today, as I have in previous years, that elimination of support, both direct and indirect, for libraries compromises our ability to provide ongoing educational and learning opportunities for those who would have no other source of information.

Attempts to eliminate the current postal subsidies for libraries will also cause great hardship. For example, the impact on the New York Public Library—our Nation's largest and greater resource in this area—the Senate budget proposal would mean the loss of $860,000 in services to the blind and handicapped, $252,000 in third class mail services that allows the library to inform it friends on new programs and projects, as well as sharply curtail its ability to raise non-Federal funds; and $10,500 for newsletters.

For the benefit of my colleagues, I would also like to place in the RECORD a copy of the letter I recently received from the president of the New York Public Library, Vartan Gregorian,

which I believe amply illustrates my point in these areas.

Libraries are one of our greatest national resources and to erode their already-limited means of support would seriously hamper our intellectual strength as a nation.

THE NEW YORK PUBLIC LIBRARY,
New York, NY, April 12, 1985.

DEAR MEMBER OF CONGRESS: At a time when the importance of an educated and informed citizenry has never been greater, there is grave danger that all federal support for libraries, a major source of learning and information for the nation's citizens, will be eliminated. I write to you, and The New York Public Library's librarians visit, to let you know of the harm that would result from these proposals.

The New York Public Library is a large and complex institution. It includes both circulating and research functions, and receives substantial public and private funding. Because of this complexity, the ways in which federal actions affect the Library are numerous. Administration proposals on a variety of subjects, if enacted, would have a devastating impact on our ability to serve the public. I would like to bring to your attention some of the major programs proposed for elimination or major reductions:

Library Services and Construction Act (LSCA).—This program, located within the Department of Education, is scheduled for elimination this year. If this elimination is enacted, the New York Public Library would be forced, in turn, to eliminate or drastically reduce the many programs funded by LSCA. These include: training volunteer readers at our Library for the Blind, conducting literacy tutoring and English as a Second Language Instruction, publishing the Directory of Community Services, and providing a job advisory service. With LSCA funds we are also able, this year, to make one of our branches accessible to the handicapped, and to run a computerized data base for circulating libraries in the region. The projected annual loss to The New York Public Library in LSCA funds would be $989,000; the loss to those who use our programs and services would be much more.

Strengthening Research Library Resources (Title II C).—A valuable resource for the nation's future will be lost if this Department of Education program is eliminated, as has been proposed. The rich collections of research libraries are well known; what is not so well known is the extent to which these collections are often deteriorating on the shelves or otherwise inaccessible. With a $235,000 grant from Title II C, The New York Public Library is microfilming valuable material on World War I. Without this project, a valuable record would have decayed to the point of not being usable; now a filmed record exists.

The National Endowment for the Humanities is another agency of major concern to The New York Public Library. This agency is proposed for a reduction of 11%. One program within the agency is singled out for a cut of 57%—The Public Libraries Program. While we oppose any reduction in the NEH funding, we particularly deplore the size of the reduction in the Public Libraries Program. The NEH has provided close to $2 million a year in general operating support for The Research Libraries of NYPL. In addition, projects that have been or will be conducted with NEH support include: cataloging American Musical manuscripts, the exhibit and program "Censorship: 500 Years of Conflict," access to our manuscripts and archives collection, and the upcoming exhibit "New World Voyages in the Age of Discovery."

Revenue Foregone Postal Subsidy.—The administration has proposed total elimination of the appropriation that supports 3rd class mailing for non-profit organizations and for the blind. In place of the appropriations, cross-subsidization is proposed whereby first class rates would subsidize non-profits and the blind. This is illegal under current postal law. Any change in the law would be controversial and would require lengthy review. The postal subsidy through appropriation of $981 million must continue until such time as a new method becomes law. The enclosed fact sheet demonstrates that the cost to this institution would be over $1 million if postal subsidies were eliminated.

Revisions in Tax Law.—The New York Public Library has historically been supported by a partnership between the public and private sectors. Annual giving by private donors is essential to our operations, as are major gifts for endowment and capital needs. The incentive in the tax code for private giving is critical to maintaining and building this funding base. We urge that changes in the tax code not discourage the generous individuals whose help is critical to our future.

Telecommunications Costs.—A new filing by AT&T before the Federal Communications Commission would send telecommunications costs for libraries skyrocketing. Computerized networks are increasingly a major means by which libraries provide information to users. Because libraries are committed to providing access to information and learning free of charge, we have no way of passing these costs on to users. Because of this role of libraries is so thoroughly in the public interest, a special exemption or a "library rate" should be instated, and the AT&T request before the FCC should be denied.

I want to mention briefly two other agencies endangered by budget cuts, The National Endowment for The Arts and the National Historical Publications and Records Commission. The programs of these agencies provide essential support to libraries and other cultural institutions; we urge their continuation at current levels.

The sheer length of this list demonstrates the extent to which the administration's proposals will hurt libraries and the public they serve. For The New York Public Library, we estimate a loss of $2 million from the elimination of LSCA and postal subsidies alone, with the potential of much greater harm from changes in telecommunications and tax policies.

I urge you to help reverse these damaging proposals. We and the citizens we serve need your assistance. Thank you for your consideration and attention.

Sincerely,

VARTAN GREGORIAN.●

RESOLUTIONS OF NATIONAL ASSOCIATION OF PRO AMERICA

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. HUNTER. Mr. Speaker, I have the honor today of inserting for the RECORD a number of resolutions which have been adopted by the National Association of Pro America, a highly respected group. These resolutions address a number of timely subjects which we are currently facing. I would like to commend this fine group for their dedication to preserving a strong, free America.

The resolutions are as follows:

OPPOSITION TO COMPARABLE PAY

Whereas The Equal Pay for Comparable Worth issue has the potential for becoming the most confrontational, social, economic, and political issue of the coming years; and

Whereas under a mandated system of comparable worth, jobs would be given a numerical rating according to a subjective scale, jobs with the same ratings would be required to be paid equally, thus jobs held mostly by women (i.e., nurses) could be required to have the same hourly pay as those held mostly by men (i.e., plumbers) if those jobs were given the same ratings; and

Whereas the principle of equality of opportunity in the workplace has been established by the Health and Manpower Training Act of 1971, the Equal Opportunity Act of 1972, and the Comprehensive Employment and Training Act of 1972, and therefore a woman must be hired for any job she can qualify for including those traditionally held by men; and

Whereas in a free society, and under the free enterprise system, it is the function of the marketplace to determine worth: Now, therefore, be it

Resolved, That the National Association of Pro America strongly supports equal pay for equal work and equal employment opportunity, but strongly opposes any attempt by the government to determine the comparable worth of different occupations.

VICTORY OVER COMMUNISTS IN CENTRAL AMERICA

Whereas Soviet communists have already captured Cuba and Nicaragua mainly through political and economic assistance from the U.S. Government; and

Whereas the United States has turned over the Panama Canal to the marxist government of Panama as the result of a treaty, ratification of which is in dispute; and

Whereas the communists are attempting to destabilize, terrorize and through guerrilla warfare to seize control of El Salvador; and

Whereas Guatemala, Honduras, and Costa Rica are subject to Communist destabilization measures with the ultimate target being the United States of America; and

Whereas U.S. aid to El Salvador has been conditioned upon continuance of former President Duarte's ill advised, U.S. supported, marxist policies of agrarian reform and nationalization of many businesses with never the goal of victory over communism.

Whereas Central America is the first line of defense for the United States and is where this subversion and planned conquest of our hemisphere and of our country should be stopped with the least expenditure of time, money, and lives; and

Whereas the Monroe Doctrine, as enunciated by President James Monroe in 1823, stated, "The American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power", and any attempt by European powers "to extend

their political system to any portion of this hemisphere would be considered as dangerous to our peace and safety"; now, therefore, be it

Resolved, That the National Association of Pro America call upon the United States Government to reassert the Monroe Doctrine and adopt a policy of victory over communists and support for anti-Communists in Central America to rid this hemisphere of the deadly threat of survival of freedom in Central America and the United States.

TAX INDEXING

Whereas our liberal spenders, on both sides of the aisle, in Congress are threatening to repeal the tax indexing program due to begin in 1985; and

Whereas the tax indexing program, which adjusts tax brackets to compensate for inflation and prevents "bracket creep", is phase 3 of President Reagan's tax cut; and

Whereas assuming an inflation rate of 5 percent, eliminating indexing would cause the 1985 tax liability of those with incomes under $10,000 to rise more than 9 percent, while the liability of those with incomes over $100,000 would rise by less than 2 percent; and

Whereas this same elimination would, in effect, amount to Congress' imposing another $100 billion tax upon the population, hurting most those least able to withstand the increase; and

Whereas our representatives in Washington, DC have actually been forced to stand up and be counted as they voted to raise the income tax levy exactly one time in 24 years, (during President Johnson's administration when they voted a surtax to finance his "Great Society"); and

Whereas because inflation has pushed us into higher tax brackets, we have had "taxation without representation" for those 24 years; now, therefore, be it

Resolved, That the National Association of Pro America urge Congress to preserve the tax indexing (phase 3), and that in the future all legislators be required to record their tax votes for the information of their constituents.

PARENTAL RIGHTS AND THE PRIVATE CHRISTIAN SCHOOLS

Whereas some private Christain Schools are refusing the hire State certified teachers and are refusing State licensure on the grounds that the instruction of children is part of the Biblically based parental responsibility to raise their children up in the precepts and admonishment of the Lord, which those parents have delegated to the church school and that requiring certification of the teachers and licensure on other grounds than student achievement is a violation of parental rights; and

Whereas students at private Christian schools which reject the teaching of humanist values generally demonstrate educational achievement one or more levels above their counterparts in the public schools, thus indicating that control of students, not education is the goal; and

Whereas Alexis de Tocqueville noted, "America is still the place where the Christian religion has kept the greatest real power over men's souls, and nothing better demonstrates how useful and natural it is to man, since the country where it now has the widest sway is both enlightened and the freest"; now, therefore, be it

Resolved, That the National Association of Pro America call upon governments and courts at all levels to discontinue attacks on and efforts at control over the private Christian school, and reaffirm Pro America Resolution VIII, 1979, "IRS Attack on Private (Nongovernment) Schools" and Resolution V, 1977, "Exempt Christians Schools and Child Care Centers From Government Regulation".

DEMAND ACCOUNTABILITY IN THE HOUSE OF REPRESENTATIVES

Whereas additions to customs, procedures and even the rules regarding "unanimous consent" (the method for members to request particular legislation be brought to the floor of the House) has been changed by the House of Representatives majority leadership; and

Whereas many minority members of the House have asked "unanimous consent" that the House deal with several basic issues such as a balance budget, voluntary prayer in the schools, line item veto, and that the CONGRESSIONAL RECORD be made a factual documentation of the proceedings of Congress; and

Whereas in each and every instance the majority leadership has turned down these requests by minority party members; and

Whereas the committee chairmanships in the House are held by a Member of the majority party and with proxy (ghost) voting, Members of the majority party need not be present in committee hearings to have their vote counted; and

Whereas minority members have endeavored to use "Calendar Wednesday" (requests by members to committee chairman to bring legislation to the floor) to bring legislation to the floor of the House but are unsuccessful because the committee chairman reports there is no legislation to present; and

Whereas the majority leadership is denying the minority Congressmen the right to present legislation in the best interest of their constituents, as is our right in a Republic: Now, therefore, be it

Resolved, That the National Association of Pro America protests the maneuvering of customs, procedures and rules by the majority leadership, which is denying the American people proper representation by elimination debate on important legislation and is making the minority Congressmen figureheads.●

CONGRESSMAN PASSED LOVE OF LITERATURE ON TO HIS DAUGHTER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. KILDEE. Mr. Speaker, one of our most distinguished and admired Members, the gentleman from Kentucky, Mr. NATCHER, is noted for keeping a history of Congress. His interest in and love of history and literature seems to have been passed on to his daughter, Mrs. Louise Murphy. I would like to bring to your attention a book review in the New York Times of Louise Murphy's novel "The Sea Within." I extend to Mr. NATCHER and through him, to his lovely daughter, Louise, my sincere congratulations on this great accomplishment.

[From the New York Times, Apr. 21, 1985]

CAMILLE'S WILDERNESS

(By Anne Bernays)

"The Sea Within" (a misleading and rather limp title for a book that has nothing flaccid about it) is a lovely, brave piece of work by a first novelist of shining promise. Camille Anderson, 39 years old, leaves Henry, her husband of many years, when she discovers he has been sleeping with a former friend of hers. The marriage was never much good anyway. She now has no use for the hypocritical Henry, who, despite a small, mean soul, "could keep the banner of niceguyism flying defiantly if not proudly."

Leaving San Francisco and returning to Kentucky, her childhood home, Camille confronts the wilderness, not the "calm gently rolling . . . farmland. My wilderness was the brush and thickets of my failures." She sets up a tent on the only land she owns, a cemetery plot 130 by 40 feet. From there she ventures outward, to visit her beloved great-aunt Nell and explore her past. Along the way she begins a tentative love affair with an old beau, Tom Church, and involves herself with the fate of her distant cousin, 15-year-old Dinah, who is pregnant and miserable. How Dinah got that way—as well as how Tom was involved—forms the resolution of this artfully plotted story.

From time to time, Louise Murphy breaks into her narrative to take a short side trip, stopping at, among other places, the Indian wars, Abraham Lincoln, the Shakers, the Bible. In less gifted hands, these detours might make the vehicle break down, but in Mrs. Murphy's they add interest and richness to the journey.

Camille is hungry for history; twice a week she goes to the library to stuff herself on Kentucky lore. Mrs. Murphy must have done the same thing; she is sure-footed, authentic and often harrowing in retelling what she has learned, as in the story of Jenny Wiley and her Cherokee captors.

Having seen her children scalped and slaughtered, given birth in a cave, been tied to a tree and threatened with death by fire, Jenny escapes and creates a new life for herself. "When Jenny Wiley lay dying at seventy-one, in the year 1831 . . . did [she] think of her lost children? Did she long to join them in another land, or were her living children enough? Had she found life sweet enough to recompense for that one year as a captive? How sweet is life? How sweet?" Mrs. Murphy is too good a writer either to try to answer this question or to draw an explicit parallel between Jenny and Camille.

This novel is about such familiar items as late-blooming identity, women's struggle to survive in brutal interior and exterior landscapes, sex and making choices. What sets it apart is the author's freshness of tone and language and a panoramic vision she has translated into beautifully controlled prose. Thus of a basket with a baby in it (which may or may not sink in the river on which it rides), she writes: "It was there, bobbing and turning gently in the river. The basket floated slowly with the summer current and the handle stood up in a ludicrous curve that turned and became a single line as the basket circled."

And this is Camille's wry comment about divorce: "It is obvious that the two people failed. The best defense is to assure everyone how radically you have changed since the separation. Such change proves that the marriage was repressive and did not allow

you to develop the way you could outside the limiting strictures of the marriage."

Camille begins with bitterness and a terrible sense of failure. Having drawn close to her aunt Nell and the awfulness of Dinah's life, she absorbs several homely truths that, if they are not earthshaking, satisfy a need—both Camille's and the reader's—for resolution and forward motion.●

TRIBUTE TO DR. KELSY J. CAPLINGER III

HON. TOMMY ROBINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. ROBINSON. Mr. Speaker, it is my honor today to recognize and congratulate one of my distinguished constituents, Dr. Kelsy J. Caplinger III, of Little Rock, AR. Dr. Caplinger was just presented the President's Volunteer Action Award by President Ronald Reagan. This is a proud day for me, because Dr. Caplinger is a fine example of all Arkansans. He has given much of his life to those sometimes less fortunate than himself.

In 1971, Dr. Caplinger founded Med Camps of Arkansas. At that time, 12 children with allergies and asthma participated for 1 week in the summer. Each year, more weeks and more types of disabilities were added until in 1983 a peak of 10 weeks with over 300 children sponsored by 8 health-related agencies came for the most exciting week of their lives.

Dr. Caplinger has contributed his time and energy to initiate and then guarantee the success of this project. Today he is a proud man because of all the happiness that has come from Med Camps of Arkansas. I congratulate Dr. Caplinger for his achievements and wish him well as he continues to make life so much better for the ill and handicapped children of Arkansas.●

JOB PROSPECTS IN THE NUCLEAR POWER INDUSTRY IMPROVE WHILE CANDIDATES FOR NUCLEAR ENGINEERING CAREERS DECLINE

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mrs. LLOYD. Mr. Speaker, a study completed last year by the Department of Energy has suggested that employment trends in the U.S. nuclear power industry for scientists, engineers, and other technical people should "continue to grow through the 1980's and 1990's." This information should be received well by universities whose enrollment in nuclear engineering has declined or stayed at a status quo for a number of years. Also, those engineering students who have had some trepidation about entering nuclear engineering as a career should take heart from the findings of this report. According to "Nucleonics Week," which reported on this study in its November 29, 1984, issue, researchers at the Oak Ridge Associated Universities suggested that even assuming a low industry growth scenario, job openings between 1990 and the year 2000 will still average 10,000 jobs per year.

In testimony presented before the Subcommittee on Energy Research and Production on February 21, 1985, Prof. Glenn F. Knoll, who is chairman of an organization of university nuclear engineering department heads, noted that in the three decades that followed the initial surge of interest in nuclear energy, enrollment in nuclear engineering programs at the 50 universities represented by his organization has declined 10 to 30 percent. According to Professor Knoll, this decline has coincided with the period in which the nuclear power industry has undergone significant problems. He argued eloquently that this is a serious challenge which must be addressed, not only by the educational community, but also by those in Government who may be in a position to help reverse the trend. Referring to the aforementioned study, Professor Knoll pointed out that "if, as many of us believe, new reactor starts will be required in the 1990's, then a sizable shortfall in the supply of nuclear engineers in this industry is predicated." Professor Knoll suggested several ways in which the Congress and the Department could assist nuclear engineering programs at the various universities in maintaining their strength and reversing their enrollment trends of the last few years. These steps, according to Professor Knoll, involve "the issues of research support, graduate student fellowships, and support for university research reactors."

The chief investigator for the DOE-sponsored study noted that the "real decline in—university—nuclear engineering programs is probably inappropriate." Last year, the full Committee on Science and Technology reported out a bill (H.R. 5244) that provided for enhanced support for university programs in nuclear engineering. In the report accompanying this bill, it was noted that this decline in student enrollment has produced a potential problem that must be remedied in order to assure the preservation of the nuclear power option for future generations. Indeed, the DOE study made the following observation: In order to "avoid bottlenecks and potentially costly shortages for the civilian nuclear industry, the employment situation will have to be carefully monitored in the future. Where the potential for shortages is high, it may be appropriate to consider actions aimed at increasing the likelihood of qualified engineers, scientists, and technicians choosing careers in the civilian nuclear industry."

We are again advocating such support in fiscal year 1986. In the report accompanying the authorizing bills, House Resolution 1799, the Committee on Science and Technology has made specific recommendations for inclusion of university participation in the mainstream Nuclear Fission R&D programs. These areas include the proposed development of advanced reactor concepts, such as advanced light water reactors and advanced liquid metal reactor designs, and the new and exciting programs in the development of compact nuclear power systems for space applications. In my judgment, these long-range research efforts are well suited to providing a fertile area for the creative thinking one expects from university research efforts.

It is my firm belief that through the cooperative efforts of organizations such as the Nuclear Engineering Department Heads Organization, the Department of Energy, and the new Strategic Defense Initiative Office in the Department of Defense, working in conjunction with the Congress, federally sponsored activities can be promoted in support of the nuclear engineering departments at our major universities throughout the country. I wholeheartedly support these activities and recommend that my colleagues in the 99th Congress also support these efforts in order to assure the preservation of the nuclear power option for future generations.●

CORPORATE CITIZENSHIP IN FALL RIVER, MA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. FRANK. Mr. Speaker, I recently received some very good news about an example of good corporate citizenship that should be shared with the membership. I've been informed by John B. Cummings, the executive vice president of the United Way of Greater Fall River, Inc., of a very large donation made to needy people in Fall River by the Anderson Little Co.

Working through the United Way, Anderson Little donated $263,000 in new boys clothing—more than 10,000 suits, sport coats, slacks, shirts, ties, and outerwear. It was distributed by the United Way to 12 member agencies, 8 non-United Way agencies, and 17 churches. And they in turn distributed this clothing to children on the days before Easter.

Mr. Cummings informs me that this is the largest gift ever received by the

United Way of Greater Fall River and one of the single largest single merchandise gifts ever presented to a United Way anywhere in the country.

I join Mr. Cummings in expressing our gratitude to Chief Executive Officer William Gaudreau and Executive Vice President Lee Sunderland of Anderson Little.●

AN OUTSTANDING SEASON IN PRINCE GEORGES COUNTY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. HOYER. Mr. Speaker, I would like to take this opportunity to bring to the attention of you and my fellow colleagues, the success of three high school basketball teams located in my district. I am proud to announce the accomplishments of these three teams from Suitland, Forestville, and La-Reine High Schools.

Under the dedicated leadership of their head coach, Mr. Irwin Hay, the Suitland Rams won the county championship and the regional championship, on their way to a victory at the Maryland State Class AA basketball championship. Their season ended with a 21 and 4 record. Some of the members received other honors as well. Seniors, Louis Harris and Rick Peters, were chosen for the all-county first team. Roddy Peters was chosen for the second team and Mike Hardy, William Scales, and Marvin Gantt all received honorable mention. Other team members include David Beatty, Aaron Davis, Torin Savoy, Kevin Roberts, and Byran Lewis. Coach Hay with his assistants, Mr. Robert Johnson and Mr. Charles Mackey should be commemorated along with the 11-member team. As an alumnus of Suitland High School, I share a special pride with the team and the school in this year's achievements.

Another Prince Georges County team, the Forestville Knights, completed their season with a 19 and 3 record and the Boy's Maryland State Class B Basketball Championship under their belt. Head Coach Aaron Holder, The Prince Georges County Journal, "Coach of the Year," and assistant coaches Paul Lewis and Michael Fisher led the young team to a very successful season. Team members chosen for the all-county first team were Terry Brent and Oram Fields. Gary Botts received second team honors, with honorable mention going to Ronald Banks and Guy Owens. Jasper Abraham, Tommy Bennett, Robbie Burton, Dale Champion, Ralph Dykes, Elton Gaston, James Hallameyer, Darius Holmes, Darin Martin, and Tyrone Powell complete the Knights basketball team. The team also received support from managers Raynard Davis and Troy Thompson and statistician, Carla Jackson.

Finally, one of Prince Georges County's outstanding young women's basketball teams, the LeReine Royals, accomplished second place at the Largo Tournament, first place at the Pallotti Tournament, and won the Catholic Girls Athletic Association Championship. Captain Charmayne Sugars and Cheron Pearson, along with their teammates, Eva Thorne, Collette Rohan, Kerry Mangold, Eileen Briley, Ja Neen Roscoe, Ja Nae Roscoe, Angela Alston, and Monica Bradley compiled a 12 and 6 record. Head Coach Edward McNamara and his assistants, Charles Rohan and Virginia McNamara have every right to be proud of the team. Managers Patrice Johnson, Cathy Antroinen, and Becky Peterson also contributed to the winning season.

All of Prince Georges County is proud of the accomplishments of these three teams. I also know that their successes would not have been possible without the support of fellow students, faculty, school administrators, and the families of the players. Every person who played a part in the winning season gained victory for their schools bringing a renewed sense of pride to our community and lifting school morale for many seasons to come.●

AID TO THE CONTRAS

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. MICA. Mr. Speaker, the struggle in Nicaragua today is of concern to all thoughtful Americans who care about freedom and our Nation's security. The Sandinista government of Nicaragua has presented our Nation with one of its most vexing foreign policy dilemmas in the hemisphere since Fidel Castro rose to power in Cuba some 25 years ago. Before we make our final decision on this critical vote, I believe it is imperative that we chronologically review developments in Nicaragua.

On July 17, 1979, a broad-based coalition forced the resignation of Nicaraguan President Anastasio Somoza. Somoza's opponents had agreed to share power, but with the FSLN [Sandinista] military triumph, these promises soon disintegrated. Still, strong international support, including our own, was forthcoming to the new Nicaraguan Government for most of the first year after Somaza's overthrow.

Throughout their rise to dominance, the Sandinistas promised to establish a governmental system based on political pluralism, full respect for human rights, a nonaligned foreign policy and a mixed economy. But by the second anniversary of the revolution, private sector organizations and the Catholic Church claimed that the Nicaraguan Government was moving toward a totalitarian state. These organizations and political parties pushed for guarantees for free elections, freedom of speech, trade unions, a mixed economy, and a role in the government. In response, the Sandinistas announced repressive laws prohibiting these basic freedoms.

It is clear that since the 1979 revolution the Sandinistas have failed to move toward their proclaimed goals. In the area of religious freedom and human rights, the Sandinistas have persecuted many of their people for their beliefs. I was deeply offended by the Sandinista's treatment of the Pope during his recent visit. Their indiscriminate abuse—some say genocide—of the Miskitos Indians, is reprehensible and disgraceful conduct for any civilized nation.

In the arena of foreign policy, I find it horrendous that the Sandinistas have embraced the Palestinian Liberation Organization [PLO] and Colonel Qadhafi of Libya—both well known for perpetrating terrorism. They have rejected the diplomacy of the Contadora group and welcomed Cuban military advisors into their revolution. They have signed a series of economic and cultural agreements with the Soviet Union as well as a mutual support agreement with the Communist Party of the Soviet Union. The Sandinista's have pledged to build the largest standing army in Central America, and with the help of Cubans and Soviets, they have achieved this goal—61,000 active duty and 40,000 reserves.

I do not advocate direct U.S. military intervention in Nicaragua. I support diplomatic efforts such as those espoused by the Contadora group. I believe the administration should more forcefully pursue diplomatic efforts and develop a cohesive and comprehensive policy toward the turmoil in Central America. However, I feel to have another Cuba in our hemisphere, exporting Communist revolution, will have a detrimental impact on our Nation in the future. There is no doubt in my mind that the Sandinista's policies are a threat to its democratic neighbors and to U.S. security interests in Central America. Therefore, for the many reasons I have stated, I will vote in favor of providing $14 million in assistance to the Nicaraguan Contra forces.●

CHILD ABUSE PREVENTION MONTH

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. HERTEL of Michigan. Mr. Speaker, children, all too often, are the silent victims of parental abuse. Theirs is a nightmarish existence, a bittersweet admixture of love and hate, pain and comfort. When one considers the physical and emotional trauma suffered by abused and neglected children, it becomes clear that action must be taken immediately to stop the cycle of violence which plagues our children—and society. As a sponsor of legislation which declared April as "Child Abuse Prevention Month," I would like to take this opportunity to explore how child abuse can be treated and prevented. For a clearer perspective on how this goal can be achieved, it is crucial to understand what constitutes abuse and neglect, the physical and behavioral signs of abuse, its incidence, who abuses, and the factors which currently impede progress in the fight to end child abuse.

While no clear definition of child abuse exists, the following descriptions provide a general framework of maltreatment. Physical abuse, or the sadistic injuries which more frequently make the headlines—such as burns, welts, whipmarks, broken bones, black eyes, and internal injuries—is one form of abuse. Another type of mistreatment is physical neglect, which includes the lack of proper clothing, food, medical care, or supervision. It can be emotional abuse, as well, such as constant abasements, cursing, threats, or other verbal harassment. Or, child abuse can take the form of emotional neglect, which is the deprivation of basic needs for love and security, praise and recognition, new experiences, and responsibility. Sexual abuse is yet another type of child abuse.

Identification of child abuse entails recognizing the physical signs of mistreatment. According to the National Center on Child Abuse and Neglect, these indicators include: bruises, broken bones, cuts, puncture marks, swollen areas, missing hair, bite marks, or cigarette burns; a high frequency of minor or severe injuries; several injuries in various stages of healing; and clothing which is inappropriate for the weather, yet serves to mask the injuries.

Emotional signs of abuse are harder to detect. However, the following behaviors should serve as red flags: being unduly hostile to authority, excessively disruptive or overly aggressive, or conversely, being passive and withdrawn and frequently crying for no apparent reason; being fearful or uncomfortable in the presence of adults; being consistently tired or hungry.

How prevalent is child abuse? The Children's Defense Fund claims that roughly:

> 1.5 million children were reported abused and neglected in 1983 . . . an increase of 200,000 children, or 15 percent from the year before.

Others have put the figure at 2.2 million cases of physical abuse alone, to say nothing of the other types of maltreatment previously mentioned. The average age of abused children is 7 years, with 24 percent of them between the ages of 12 and 17. The American Humane Association has found that boys are abused as frequently as girls and that 60 percent of child abuse fatalities strike those younger than age 2. These statistics are even more alarming when one takes into account that the child population is decreasing and that there are probably hundreds of thousands of cases which go by unreported.

There are many reasons why the statistical data on child abuse do not accurately reflect its incidence. For one, the welfare and rights of children have historically taken a backseat to those of parents. In 1875, there were laws to protect animals but none to protect children from abuse and neglect. Instead, the concept of pater potestas—all power vested in the father—was firmly entrenched in the American belief system. Not until 1877 were protective agencies for children established. It took nearly another century for legislation to be passed to ensure the well-being of our youth. In part, the absence of child protection laws reflects a second factor leading to nonreporting: The widely held belief that parents should have the right to raise and discipline their children as they choose, without interference. On the governmental level, this has led to a hesitancy to draft child abuse legislation. On a personal level, it has led to a reluctance on the part of neighbors and physicians to comment on another family's childrearing practices. A third cause for inaccurate data is the lack of a precise definition of child abuse and neglect. While State legislatures have attempted to define this problem, circumscribing particular types of maltreatment is a difficult task.

Despite the unprecise figures and the reluctance of many to intervene, the physical and emotional scars inflicted on abused children should be enough to prompt mental health workers and legislators, alike, to go against the tide of public consensus and ignorance and intervene. The effects of abuse range from delays in motor and social development in infants to impaired capacity for pleasure, school learning problems and lower IQ, compulsivity, depression, acute fearfulness, and apathy in school-aged youngsters, to assaultive, self-mutilizing, suicidal, and promiscuous behavior in adolescents. The most common attribute is low self-esteem, which is the result of chronic physical and emotional scarring, humiliation, and scapegoating. Abused children ultimately view themselves with the same contempt shown them. Regardless of their actual innocence, these children are apt to assume that they deserve the punishment they receive.

What type of parent abuses his or her offspring? While child abuse runs across all social, ethnic, and socioeconomic boundaries, those who abuse their children often were abused by their parents when they were children, have low self-esteem, feel worthless and inadequate, have low frustration tolerance, lack knowledge of the stages of child development and therefore hold unrealistic expectations of their children, have unmet dependency needs, which they expect their children to fulfill, feel isolated, are alcohol or drug dependent and/or are victims of spouse abuse.

Those who neglect their children are often unable to tolerate stress or frustration, are unable to express anger directly, and are eager to be rid of the demands of their children. It is important to keep in mind that no single variable is sufficient to produce abusive tendencies. Rather, such behavior is the result of the interaction of these factors.

Therapy which addresses the aforementioned problems and deficiencies of abusive parents is most likely to reduce the rate of child abuse. Group therapy has been found by many researchers to be more effective than individual therapy. Whichever form of treatment is chosen, it should include instruction on child management and development, self-control techniques, and stress management. Most of the limitations of psychological intervention stem from a variety of problems which have nothing to do with the particular method employed.

As noted earlier, there is no set definition of child abuse. Moreover, even when child abuse is suspected, social mores concerning the family and parental rights prevent action by outsiders. Within the family, parents may condone severe punishments, rather than perceiving their behavior as abusive or immoral. Clearly, this reflects not only generational patterns, but cultural acceptance of violence, as well.

Legal impediments, too, restrict the efficacy of treatment. The rights and welfare of children are subordinated in the legal process of establishing parental guilt. Still another factor which precludes proper treatment is the lack of funding for preventive services, protective agencies, and research.

With all of the setbacks to child abuse research and treatment, what can be done to protect our children? One of the most crucial factors is increased public awareness as to the severity of the problem and the need for reform. Not only must the current problem be addressed, but preventive measures must be taken to anticipate and forestall future incidents of abuse. Such measures include those recommended by Anne Harris Cohn, executive director of the National Committee for Prevention of Child Abuse: Increasing parents' and teenagers' knowledge of child development and the demands of parenting; reducing the burden of child care on the primary family unit; reducing the isolation felt by many families; and increasing access to social and health services. In addition, screening of high-risk women during their third trimester, a few days after childbirth, and 1½ months afterward plus home visiting may lead to the early detection and prevention of abuse.

When these suggestions are implemented, when societal views turn against the use of violence, when the court system begins to honor the rights of children, when more money is made available for research, treatment, and educational campaigns, then perhaps our children will be spared the anguish of parental abuse. While these changes cannot come about overnight, let us step up our efforts during Child Abuse Prevention Month and beyond to stop the cycle of abuse. By doing so, we offer a glimmer of hope for a brighter tomorrow for our children.●

DEFICIT OUT OF CONTROL

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. COLEMAN of Missouri. Mr. Speaker, the President has estimated the Federal Government will run a deficit of $222.2 billion this fiscal year—the highest in our history. Furthermore, even if all the recommended budget cuts are enacted in fiscal year 1986, the deficit will still be $180 billion. The accumulated Federal debt held by the public is estimated to rise to approximately $1.7 trillion next year. To the average American, that represents an almost $15,000 debt on every hard-working, tax-paying American today. Some 15 cents out of every Federal tax dollar next year will go just to pay off the $142 billion in interest on the national debt. At the current rate of spending, the Federal budget, by 1987, will consist of more than $1 trillion in outlays. Frankly, my constituents in Missouri are convinced that Federal spending is out of control.

I agree, and that's why I am again reintroducing a resolution calling for what the large majority of Americans are now demanding, a balanced Federal budget. Passage of this measure will effectively put an end to Federal overspending, and will ensure that fiscal responsibility, rather than economic and political expediency, will be the guiding principle of U.S. economic policy.

The resolution I have introduced calls for a constitutional amendment to require a balanced Federal budget. It provides that appropriations made by the United States shall not exceed its revenues, except in times of war or national emergency, when this provision may be suspended by a three-fourths majority vote of both the House and the Senate. It also provides that there shall be no increases in the national debt and that our debt shall be repaid over a 100-year period. As you can see, in addition to forcing a balanced Federal budget, this resolution also offers the cure for the economic hangover caused by the spending binge of recent years—the Federal debt.

On the economic survey and opinion polls I have taken annually since coming to Congress, the people of the sixth District of Missouri have expressed an overwhelmingly serious concern with the lack of control exhibited by Congress over Federal spending. They know that high interest rates, and the record high value of the American dollar—which directly threaten domestic production in a number of vital industries, including steel, textiles, and agriculture—are the direct result of Federal spending practices which have ignored economic reality for far too long.

Missourians also know that Congress will control its spending only when forced to, and if Congress doesn't act soon, they are very likely to take matters into their own hands. Indeed, at the present time 32 States have petitioned for a constitutional convention to consider a balanced budget amendment. It is my belief that Congress as an institution is much better prepared to provide the careful study and consideration this issue requires, and that it should not relinquish its constitutional role in this area.

Failure to bring Federal spending under control can result only in the collapse of the economic house of cards built by ever increasing deficits. Our growing trade imbalance, the failure of the agricultural economy, the difficulties experienced in the steel and textile industries, the record high dollar, and consistently high interest rates will only grow worse unless Federal spending is brought under control.

When farmers go too deeply in debt, they are foreclosed on. When a small businessman's income is exceeded by his expenses, he shuts down. When a family's borrowing is more than its paychecks can carry, they lose their home. When will our Federal debt force us into economic oblivion?

I urge my colleagues to carefully consider the resolution I have introduced today. It offers us the opportunity to permanently restore the economic health of our Nation. The mood of the American people should be enough to convince each Member of Congress that the time is right for this amendment. Clearly, if Congress is to act, it must act soon.●

SYNTHETIC FUELS: OUR ENERGY SECURITY

HON. MICHAEL L. (MIKE) STRANG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. STRANG. Mr. Speaker, today the legislative process began for yet another ill-conceived assault on the U.S. Synthetic Fuels Program which was set in motion 5 years ago, when the Congress passed the Energy Security Act of 1980.

Hearings today in the House Energy Subcommittee on Fossil and Synthetic Fuels center on H.R. 935, a bill that proposes to abolish the Synthetic Fuels Corporation [SFC] and all the letters of intent the SFC has signed with various fledgling synthetic fuel projects, including two shale oil production facilities in Colorado. With estimated recoverable reserves of 600 billion barrels of shale oil, oil shale development in the Green River formation of northwestern Colorado is the preeminent energy bank available to the United States for long-term energy security.

Before rushing to judgment on this matter, I encourage my colleagues to consider the following testimony which I presented to the hearing today.

Mr. Chairman, Members of the Subcommittee, thank you for this opportunity to present my views about this legislation which proposes to abolish the Synthetic Fuels Corporation [SFC]. I respectfully request that you give very careful, thoughtful consideration of my comments before acting on this legislation in haste. If this legislation were to pass the Subcommittee, the Full Committee and, by some misfortune, should it be sanctioned by the House, it will represent a debilitating blow to our national goal and expectation of energy independence. Ultimately, it would be a major blow to our national security.

I speak from personal knowledge and involvement in oil shale technology as a former State Legislator and private citizen. I live in the middle of the region of Northwest Colorado which is proud to be the home of the most extensive, high quality oil shale reserves in the world. This part of the Third Congressional District has witnessed the ups and downs of the oil shale industry.

and the historical Federal participation dating back to World War II. But my interest is not so parochial as at first many of you may believe.

Beyond any question, by any rational thinking person, the over 600 billion barrels of recoverable shale oil locked in the shale formations of Northwestern Colorado, represents the preeminent energy bank available to the United States for long-term energy security. Energy security. That is the driving force behind the actions and commitments of the Congress which, in 1980 on the heels of the most recent, but not the last, oil crisis, established the foundation to make this country energy secure through the development of a domestic synthetic fuels incentive program.

In this moment of emotional, political rhetoric which appears to focus on management concerns, let us not lose sight of the goal to which we committed our Nation in 1980. It took a certain amount of courage for those who were here then to set the course for domestic energy independence and security. Now, some here are using strong-armed tactics, divisive and misleading emotional rhetoric, to destroy what we built. Some may contend this destructive effort takes courage. Well, courage ought to have eyes as well as arms. We must not exploit our immediate preoccupation with the SFC management framework, and close our eyes to the vision of the energy-independent future that we set in motion five years ago.

Peter Drucker once said: "Long-range planning does not deal with future decisions, but with the future of present decisions." That principle must be at the very core of the thinking of this committee and this Congress. I beg of you to act with reason. We must not sacrifice the energy independence and security of this Nation for the sole reason that we are dissatisfied with management. Whatever your concerns may be regarding the operation, management, retirement plans or salary structure of the SFC, those particular matters can be resolved by us by less drastic action and without forsaking the essential quest—to help a fledgling industry get on its feet, to stand alone in the marketplace, and supply our people and our defense systems with a secure source of energy.

We must not allow ourselves, as responsible representatives of the people we serve, to be lulled into complacency by the present socalled "oil glut" in the world. Are our memories so short that we do not remember the gas lines of 1973–74 and 1978–79? How can we possibly feel secure when we know perfectly well that we are still about 30% dependent on energy sources beyond our control, primarily in politically volatile regions of the world. Are we discharging our responsibility by ignoring that; by resting in a national nest of false comfort in our present circumstances? Of course we are not.

Look at the facts. In a recent interview in U.S. News & World Report, Energy Secretary Don Hodel detailed how this nation will have to find 32 billion barrels of new conventional oil reserves during the next ten years, just to keep domestic production at present levels. [I remind the committee that there are an estimated 600 billion barrels of recoverable shale oil in the Green River Formation in Northwestern Colorado.] Secretary Hodel said if exploration and discovery continues merely at current rates, domestic production will decline by almost 2% annually through the rest of the century. He said at that rate, U.S. dependence on imports could increase from about 30% now, to over 50% again by the year 2000.

That is if just the present level of exploration and discovery continues. Synfuels development should be a handmaiden to exploration. It must be, because we are accomplishing precious little else in a while host of domestic energy issues. Consider the facts. Investment in nuclear power plants is virtually zero and it will take three to four decades before the industry and the rest of us can rebuild public confidence. Until we resolve those mistakes of the past and until the nuclear and uranium industries get back on their feet, we must continue to rely on conventional fossil fuels and synthetic fuels to help fill the gap to the ultimate energy sources of the future.

But we are not doing so. We have persistent attacks on the synfuels industry. We have over 88 million acres of public lands locked up and placed out of bounds for oil and gas exploration and development, and some people are working to put millions of more acres in ecological museums, off limits to continued energy and mineral exploration and development. Excessive and ill-conceived laws and regulations are hampering the use of and mining of coal. The Federal government has essentially turned off the spigot to major water and power development. Do we truly understand all that we are doing to this Nation in terms of hampering a viable domestic program of conventional energy development, much less synthetic fuels?

If the American people take a long hard look at all these factors, they must surely conclude that the Congress is being irresponsible in its national energy policy, to the extent we allow one to exist at all.

The Congress and the Administration debated the Synthetic Fuels Corporation at length last year and arrived at a compromise in the FY '85 Supplemental money bill. That compromise struck $5.4 billion from the line of credit initially extended to the SFC when it was created. The SFC now has available about $7.8 billion. I remind the Chairman and Members of the Subcommittee as forcefully as I can, not one red cent has been expended for the two Colorado oil shale projects by the SFC to date. On the other hand, those two projects have invested over $1 billion of their own funds in up-front funding for facility construction and impact mitigation. They, not the American taxpayer, are the ones taking the initial risks; let no one dispute that. What funds remain available to the SFC to draw on are essentially enough to fund the existing eight Letters of Intent for a variety of synfuel technologies. Only four actual contracts are in place. They would be preserved under this legislation. All the others would be cancelled.

Not only are those Letters of Intent good faith commitments from the U.S. government, so too is that compromise agreement worked out by the Congress and the Administration late last year. Under that agreement, and reduced line of credit, the SFC has revised its plans and has taken steps to scale back its policy objectives. The companies involved also took the government at its word, and in good faith revised their plans. The Federal government must not now again renege on the promises, prospects and plans we enunciated to the American people when President Carter appeared before a Joint Session of Congress to plead for a plan to make America energy-independent. That vision was carried out when Congress passed the Energy Security Act of 1980, which established the SFC. We were prepared to meet our national strategic energy needs far into the future.

Mr. Chairman, let me just briefly recite some facts about the two oil shale projects of which I am most familiar—the Union Oil Parachute Creek Oil Shale Project and the Catherdral Bluffs (Cb) Oil Shale Project. Both have Letters of Intent signed by the SFC. Union Oil has invested $683 million in its total first phase project, and another $10 million in planning and preparation for Phase Two, for which the Letter of Intent exists. This project is on privately owned lands. The Cb Project, located on one of the two Colorado Federal Prototype Oil Shale Lease Tracts, has invested about $272 million on its facilities. Cb is in the process of investigating a modified retorting technology in discussions with the SFC.

The Union Phase I project, after several technical and mechanical startup problems, assignable to any pioneering technology program, recently completed a most promising sustained run of 6,000 barrels of shale oil. Work is progressing well. Union Oil President Fred Hartly has made a personal commitment to seeing this project through. He is well on his way, at considerable expense, not to the taxpayers, but to his stockholders. They are taking all the risks at this point. Not until production begins does the SFC contract come into play. The product will be refined at the nearby Gary Refinery in Fruita, Colorado and transported to the Air Force as part of its "Project: Rivet Shale," to validate the use of shale oil derived JP-4 aviation fuel in operational aircraft. To stress the importance the this program, the Air Force said in its project summary: "Twice in the past ten years, the Air Force stocks of jet fuel were seriously depleted because of curtailed oil supply to the U.S. . . . . To the extent we fail to develop [a] domestic energy alternate to conventional petroleum, the U.S. will become increasingly reliant on imported oil whose sources cannot be guaranteed."

Union Oil's shale property holdings alone contain 1.6 billion barrels of recoverable shale oil in high-yield deposits. These reserves are sufficient to produce 100,000 barrels per day of shale oil for nearly 45 years. There are a couple billion more barrels in lesser grade oil shale available to the project.

Now, let me present part of the financial picture that is often missing by those who profess to be protecting the public from the perceived synfuels boondoggle. Last year, and even this year, critics cite a GAO Report on the Union Phase II project. The media reports and Congressional misrepresentations highlight the GAO worst-case projection that by 1989 the guaranteed price for the shale oil product would be $92 per barrel. The rest of the facts, which go unreported and unmentioned in the rhetoric are these:

The GAO devoted only one short paragraph in a 33 page report to discussing the projected 1989 guaranteed price;

The GAO drew no conclusions that the price guarantee was improper or unwise;

The GAO merely stated the obvious—that 1989 dollars will be worth less than 1983 dollars because of inflation; also

Media reports failed to address adequately, the revenue sharing agreement in the Union-SFC Letter of Intent that provides for recovery by the SFC of part or all of the price guarantees over the life of the project;

The GAO report indicated that, under the same set of SFC assumptions that would

result in a 1989 price guarantee of $92 per barrel, the SFC would stand to recover from Union almost $3.2 billion (in spent dollars) in revenue sharing payments over the life of the contract:

Media reports also cited $3.2 billion in tax incentives that Union Oil would receive for constructing and operating the plant. The reports and the GAO Report failed to mention that about 90 percent of those incentives are available to any mining and/or industrial venture, and that over its life, the plant would pay much more in federal taxes than it received in federal tax incentives.

It should be understood, that included in the front-end costs already invested by the company, is nearly $63 million in social and community development impact mitigation, meaning: new schools, new government facilities, new housing projects, law enforcement assistance, water and sewer facilities, and many more people projects. Those are the facts.

As for Phase I of the Union Oil Shale Project, again, for which no Federal tax dollars have been paid by the SFC, once production begins, the contract with the SFC and DoD is to supply 10,000 barrels per day of diesel and jet fuel. During the first seven years of the ten year contract, the DoD will pay the market price. If the market price is below the contract price, Union will receive payments from the SFC to make up the difference. Over the first seven years, the contract allows those payments to total no more than $400 million. These payments are subject to normal federal and state income tax. If the then-current market price is above the contract price, the project will receive no payments from the SFC. These are the rest of the facts about the Union oil shale project.

One more matter, Mr. Chairman and Members of the Committee: there are other extensive and vital minerals associated with oil shale deposits that are just as important to our national security. The minerals are nahcolite and dawsonite, both sodium compounds. Nahcolite is pure sodium bicarbonate [baking soda]. Dawsonite is an aluminum compound.

The largest domestic source of raw nahcolite and dawsonite is found in this same oil shale area of Northwestern Colorado. There is an estimated 30 billion tons of recoverable nahcolite. The electric utility industry has accomplished tests that prove nahcolite to be an effective dry scrubbing agent for flue gases from coal fired power plants. Nacholite has proven to be more effective and less expensive than other control technology. What is needed is a reliable domestic supply line to make it viable. Nahcolite is also being discussed now as an effective neutralizing agent to help lakes recover from acid rain contamination.

Currently, the U.S. imports virtually all of the alumina raw materials [bauxite and alumina] we require. Enough alumina to produce over five million tons of aluminum metal is imported annually. That is 90 percent of total U.S. consumption. Development of these minerals along with oil shale in the Green River Formation of Northwestern Colorado could significantly improve U.S. self-sufficiency, help our balance of payments position, and free us from this much too excessive reliance on foreign sources of these minerals.

Mr. Chairman, this legislation to abolish the SFC and these crucial national security programs is short-sighted. We must not yield to temporary moves to remedy whatever immediate management problems may exist within the SFC corporate structure. We must not theaten the concept and commitments we have made to our people, to act in a responsible manner and foster a sound synthetic fuels productive capacity to meet the future requirements tht will undoubtedly be upon us in the not too distant future. I appeal to you not to close your eyes to the vision we must apply to the future energy security of this Nation and our people.

Thank you.●

SALUTING JOHN SHERIDAN

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. COURTER. Mr. Speaker, I wish to call to my colleagues attention a great public servant to the State of New Jersey, Transportation Commissioner John P. Sheridan. As Commissioner Sheridan will soon be leaving this position after a job well done, it is fitting that he be honored for his innumerable accomplishments.

As a densely populated State, it is imperative that New Jersey have a most efficent road, and mass transportation network. John Sheridan has met the challenges of ensuring this brillantly. He has prudently administered a budget that has nearly tripled in size since he was sworn into office 3 years ago. This has been done as the bureaucratic structure of the State Department of Transportation has been scaled back. Meanwhile, major interstate roads such as I-78, I-195, and I-295 are heading toward completion. Substantial work has also been done on Route 56 and progress is continuing on Routes 17, 18 and 24.

Commissioner Sheridan has also been responsible for administering the State's largest resurfacing program ever, the Bridge Bond Act, that will produce $377 million in bridge rehabilitation programs.

Mr. Sheridan's adminstrative ingenuity has also helped free New Jersey counties from Federal redtape by substituting State dollars for Federal ones. This program is expected to provide as much as 50 percent more construction for the same amount of money. The department of transportation in turn will place the Federal dollars to work on major regional highway projects that were previously without a source of funds.

As commissioner of transportation, John Sheridan has the corresponding responsibility to serve as chairman of the board of New Jersey transit. This organization provides vital rail and bus service to New Jerseyans. Under Commissioner Sheridan, the system has been expanded, upgraded, and managed in a most financially sound manner.

All New Jerseyans can be thankful that they have been served by such an honorable man as James P. Sheridan. He has been a model public offical and offers encouragement and inspiration for all who are involved in Government.●

DELTA COLLEGE 50TH ANNIVERSARY

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. LEHMAN of California. Mr. Speaker, on May 17, 1985, San Joaquin Delta College of Stockton, CA, will celebrate its 50th anniversary. This is a notable achievement for a fine institution.

Interest in the concept of junior colleges in California began in Fresno in 1910. There followed tentative attempts in Stockton in 1917—which failed due to inadequate enrollment—and in 1920, when the Stockton Board of Education formally agreed upon an institution but provided no funds for its establishment.

In 1934, the College of the Pacific coordinating committee recommended the formation of a lower division program to admit high school students not fully qualified for regular Pacific admission. The plan was put into motion in February 1934 as College of the Pacific Junior College, with an initial enrollment of 73 students. Pacific officials offered to turn the program over to the Stockton Board of Education, and Stockton Junior College was formed later that year.

The success of the junior college operation was so notable that College of the Pacific abandoned freshman and sophomore instruction in the spring of 1936, bequeathing all such instruction to the junior college. The two institutions shared facilities through World War II.

Stockton Junior College became Stockton College in 1948, with a total enrollment of just under 2,000. Classes were also moved to a 42-acre site just south of College of the Pacific. The physical separation of College of the Pacific and Stockton College was followed in 1951 by the resumption of lower division classes at Pacific.

In the next decade the educational needs of the area became greater than the geographical focus of Stockton College, and San Joaquin Delta College became its successor. Legally separated from the Stockton Unified School District in 1963, the college encompassed virtually all of San Joaquin County and portions of three other counties. In the ensuing years, attempts to develop a Delta multicampus system met with limited success until 1969, when $19.8 million in construction bonds coupled with funding from six other sources served as the

base for construction of Delta's first permanent home over the next 7 years.

San Joaquin Delta College is an accredited public, tuition-free, 2-year community college with the main campus located on 165 acres at 5151 Pacific Avenue in Stockton, CA. The college operates an educational farm on 157 acres near Manteca, a forestry field study area of 83 acres near Mountain Ranch, and conducts evening classes in most communities of the college district as well as in the main campus. The Delta College district has grown to some 2,300 square miles, larger than Rhode Island or Delaware, and now serves approximately 20,000 students.

Mr. Speaker, San Joaquin Delta College has offered diverse educational opportunities for cental Californians for 50 outstanding years, and I am pleased to offer it my congratulations and best wishes for continued success and achievement.●

FATHER DAMIAN COLICCHIO IS NAMED "HACKENSACK UNICO'S MAN OF THE YEAR"

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. TORRICELLI. Mr. Speaker, I rise today to honor Father Damian Colicchio, of Hackensack, NJ, who was recently named "Hackensack Unico's Man of the Year." As a teacher, scholar, and community leader, Father Damian is an inspiration to his parish and the people of Hackensack.

As pastor of St. Francis parish in Hackensack, Father Damian has devoted his energies to the spiritual renewal of his people. Faced with a debilitating debt, the parish turned toward Father Damian for guidance. His untiring efforts led to new found rewards and, today, the parish debt is less than one-half of what it had been just 5 years ago. The parish has once again become a vital center for religious and social activity.

Father Damian has devoted countless hours to the parish council and the local school board and has become a positive force in the community at large. Educated in theology and philosophy, Father Damian has a keen understanding of the Judeo-Christian values which are the foundation of our society. As a public figure, Father Damian has personified the principles of honesty and integrity. He brings a natural dignity to every project he undertakes.

Father Damian has touched hundreds of lives both in Hackensack and across Bergen County. Possessed with a natural ability to bring comfort to those in distress and words of support to those who need it, Father Damian is always available to an individual in an hour of need.

It has been said that faith is not taught by arguments. It is taught by lives. Throughout his life Father Damian has demonstrated the quality of service above self, which has made him Hackensack Unico's Man of the Year. I join with the members of Unico in Hackensack and throughout New Jersey, in wishing Father Damian continued health and happiness. I am confident that he will continue to be a teacher for us all for many years to come.●

INTERSTATE BANKING LEGISLATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. DREIER of California. Mr. Speaker, it is a privilege for me to join with my distinguished colleague from California, Mr. SHUMWAY, in introducing legislation that would establish a balanced and reasonable policy on interstate banking. Today, in spite of statutory provisions which prohibit interstate banking, a large and ever increasing amount of interstate banking takes place. That activity is carried on both by banks and by nonbank financial institutions. The time has clearly arrived for Congress to review and clarify national policy toward interstate banking.

The bill we introduce today will help fill that critical void in Federal banking law. It calls for phased in interstate banking, a consensus approach developed first by the Association of Bank Holding Companies and endorsed by such industry groups as the California Bankers Association and the Association of Reserve City Bankers. In testimony during a hearing in the Financial Institutions Subcommittee this morning, Federal Reserve Chairman Paul Volcker expressed his support for the bill's general approach to interstate banking via the holding company structure. I'm confident that the approach we've adopted will be endorsed by our colleagues on the Banking Committee and others in the House as a whole.

Apart from the fact that Congress needs to recognize market advances and update banking laws governing interstate banking, there are some important consumer benefits to be gained from interstate banking expansion. Empirical evidence compiled by the Federal Reserve Bank of Kansas City, for instance, "suggests that interstate banking would likely result in a more competitive banking system" and that "the removal of prohibitions against interstate banking, would, in fact, result in substantial benefits if it led to new banks being opened in protected local markets." Those benefits are better, cheaper banking services for both the consumer and the businessman.

I also like to believe that our home State of California serves as a testament to the benefits of interstate banking. In California today, we have huge money center banks, large aggressive foreign banks, medium-sized banks that serve middle-market customers as well as hundreds of independent neighborhood banks. They've all been able to thrive in a hotly contested market, with no single bank having an edge simply because of its size. As Chairman Volcker noted in his testimony this morning.

> The competitive environment [In California] appears healthy, with the consumer and the businessman able to choose between some of the largest banking institutions in the world and small locally owned banks. Should banks be permitted to expand interstate more freely, we would anticipate similar patterns to prevail.

Let me outline briefly what our bill calls for:

First, effective upon enactment, congressional sanction would be given to legislation authorizing regional interstate banking arrangements.

Second, effective 2 years after enactment, a bank holding company would be permitted to acquire other bank holding companies: In any contiguous State; in any State within the same Federal Reserve district as the acquiring bank holding company; if the home State of the holding company is part of two Federal Reserve Bank districts, in any State within both districts; except that "Leapfrogging" would be prohibited.

Third, effective 4 years after enactment, a bank holding company would be permitted to acquire other bank holding companies anywhere in the country.

I believe this phased in approach to interstate banking is a reasonable, positive proposal. Pointing again to California, our consumers and our diverse and dynamic economy have benefited enormously from the healthy competition of the California banking industry. By allowing banks to compete on an interstate scale, we will bring similar benefits to the Nation as a whole. Most important, our bill calls for interstate expansion through a holding company structure—not through interstate branching. This will allay fears of those who are concerned that small, independent banks will be swallowed up by their larger competitors. It also helps preserve and strengthen the dual banking system.

In conclusion, let me commend my colleague from California for his initiative and leadership on this issue. I look forward to working with him and the members of the House Banking

Committee in promoting this important bill.●

MARK THOMPSON OF THE FORT WORTH STAR TELEGRAM WINS PULITZER PRIZE FOR REPORTING

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. FROST. Mr. Speaker, the Fort Worth Star Telegram must certainly be proud of their Washington reporter, Mark Thompson, today.

Mark has been announced as the winner of the Pulitzer Prize for public service reporting—for a series of articles concerning the safety of Bell helicopters.

Mark Thompson has been with the newspaper since 1979, having come from Oakland, MI. His 32 years of age include having graduated from East Greenwich High School in East Greenwich, RI, graduating magna cum laud from Boston University, while majoring in public communication and American history, and now winning the coveted Pulitzer Prize in his chosen field of journalism.

May he wear his acquired recognition for excellence well, as I know he will, and I inform the House of this accomplishment today as a point of pride for the State of Texas.●

HYDROELECTRIC RELICENSING

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. SWIFT. Mr. Speaker, recently Mr. MATSUI introduced the Fair Competition in Hydroelectric Licensing Act. Although I am not a cosponsor of Mr. MATSUI's bill, I would like to take this opportunity to commend his efforts to search for a fair compromise in the hotly contested matter of relicensing hydroelectric dams.

The Federal Water Power Act of 1920 was passed after 15 years of debate. It established that both investor-owned and customer-owned utilities would be entitled to build and operate hydroelectric facilities utilizing the Nation's waterways. It set up a competitive system to decide between applicants for the same site.

The standard used to judge between competing applicants is, Which one has submitted an application that is best adapted to the public interest? Whichever applicant wins the competition is given a license, with a typical term of 50 years. In the event of a tie—in other words, if both applications are equally well adapted to the public interest—Congress decided that the license should be awarded to the customer-owned utility.

No one is trying to change this system.

The debate is not over the initial licensing stage. It is over what standards should apply when the initial license expires, and the licensee applies for renewal of the license. There are four major issues raised by this controversy:

First, should an existing licensee who wishes to renew its license receive an automatic renewal?

Second, in the event that Congress decides not to automatically renew licenses at the relicensing stage, what criteria should be used to determine which applicant's plans will best serve the public interest?

Third, in the case of a tie between applicants, should the same preference for customer-owned utilities which exists at the initial licensing stage, also apply at relicensing, or should ties be broken in favor of existing licensees? Alternatively, should ties simply be made impossible?

Fourth, if the license is transferred to a new licensee, after a determination that the new licensee will better serve the public interest, what compensation should the new licensee pay to the old licensee? Should the compensation standard be the same regardless of whether the old licensee is a customer-owned or investor-owned utility?

The Fair Competition in Hydroelectric Licensing Act would apply the same preference, in the case of ties, in relicensing proceedings as exists in initial licensing proceedings. However, it would eliminate the right that customer-owned utilities presently have to amend their license applications after seeing the investor-owned applicant's proposal. The bill also recognizes that some fair level of compensation, beyond net investment, should be paid if the license is transferred. In addition, the bill contains important provisions requiring environmental and energy conservation factors to be considered in issuing licenses. I believe that overall the bill represents a first cut at fairly resolving these issues.

This said, it is also important to recognize that the existing licensees have generally done a good job in operating these dams, and would probably continue to do so. Mr. SHELBY has introduced the Electric Consumers Protection Act, which would establilsh a resumption in favor of automatically renewing the existing licensee's license. I have some reservations about Mr. SHELBY's bill, particularly by its complete repeal of preference in relicensing proceedings. However, in shaping legislation on this issue, I believe that Congress must always keep in mind the effect of any legislation on the ratepayers, whether they are served by investor-owned or customer-owned utilities. Furthermore, such legislation should encourage competition, because competition has proven to be the surest guarantee that the public interest is served.

Mr. Speaker, I would like to thank Mr. MATSUI for introducing a bill which gives hope to those of us who believe that a middle ground exists to solve this issue, a middle ground where investor-owned and customer-owned utilities—and, most importantly, their ratepayers—can all be winners. I am confident that if all parties are willing to make fair compromises, we will be able to pass relicensing legislation in this Congress that will serve the public interest well for many decades.●

VOTES ON HOUSE RESOLUTIONS

HON. WEBB FRANKLIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. FRANKLIN. Mr. Speaker, due to weather conditions, I was detained in the Memphis airport for 10 hours on Monday, April 22 and was unable to reach Washington for the votes that took place. If I had been here, I would have voted "yes" on House Concurrent Resolution 67, the bill providing grandparents the right to petition the courts for visitation privileges with their grandchildren following divorce, separation, or death of the grandchildren's parents and "yes" on House Resolution 125, condemning the Soviet Government for the murder of Maj. Arthur D. Nicholson, Jr., and actions inconsistent with the 1947 Military Liaison Missions Agreement. Also I would have voted "no" on House Concurrent Resolution 52.●

A BILL FOR THE RELIEF OF SUSAN M. AGCAOILI

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. YOUNG of Alaska. Mr. Speaker, Susan M. Agcaoili is a native and citizen of the Philippines, currently residing in the Philippines. She is the daughter of the late Jose B. Mesa, who served on behalf of the Allied cause during World War II in the Philippines. Jose B. Mesa served as a first lieutenant in the Allied Intelligence Bureau, working primarily for the American cause. In return for his service on behalf of the Allied cause, Jose B. Mesa was promised American citizenship for him and his family. Mr. de Mesa's goal was to obtain American citizenship for himself and his family,

and to unite his family in the United States of America.

When Mr. de Mesa died in 1962, he had not yet fulfilled his dream of obtaining American citizenship for himself and his family. Although Mr. de Mesa is deceased, his dream of uniting his family in the United States as American citizens is still as relevant today as it was after the war. Mr. de Mesa's wife, Mrs. Lourdes de Mesa, did manage to relocate in the United States, and through naturalization became an American citizen. However, the naturalization took place after her children were grown, and now her daughter, Susan M. Agcaoili is married and resides in the Philippines. Because of the visa availability for the fourth preference category for "adult children" is backlogged for many years in the Philippines, it is unlikely that Mrs. de Mesa will be able to achieve the objective she and her husband intended since Mr. de Mesa served in World War II: to unite their family, as American citizens, in the country that Mr. de Mesa served honorably.

The promise made to Mr. de Mesa that he would receive U.S. citizenship for himself and his family in return for his military service was a manifestation of U.S. immigration legislation during World War II. In March 1942, the Nationality Act of 1940 was amended by the Second War Powers Act of 1942 (56 Stat. 1786 et seq. Sections 701-705) were added to the Nationality Act of 1940. These sections were enacted to liberalize the requirements for citizenship for alien servicemen who served outside the continental limits of the United States. In a subsequent amendment, Congress dictated that all petitions filed under these sections had to be filed no later than December 31, 1946.

Pursuant to the act, between 1943 and 1946, officers of the Immigration and Naturalization Service ["INS"] were sent to overseas military posts to carry out the naturalization of eligible members of the U.S. Armed Forces. In the Philippines, however, naturalization of alien servicemen was impossible because of the Japanese occupation. After the liberation of the Philippines, however, implementation of the Act commenced.

In August 1945, the INS sent a representative to Manila to naturalize aliens. Shortly thereafter, the U.S. Government withdrew the authorization of the INS representative because there was some concern that there would be a mass exodus from the Philippines of all Filipinos who served in the army on behalf of the Allied cause. Thus, as of October 1945, no further naturalizations were permitted in the Philippines. Subsequently, in August 1946, another naturalization agent was appointed and authorized to operate in the Philippines. Between August 1946 and December 31, 1946, when the act expired, approximately 4,000 Filipinos were naturalized under section 702 of the act.

Thus, out of a possible 17 months (between August 1945 and December 1946) when the act should have been operative in the Philippines (permitting the naturalization of Filipino World War II veterans, including Jose B. de Mesa), the act was only operative for approximately 8 months. During the 9-month period, between October 1945 and August 1946, the authorization of the INS representative was revoked, thereby precluding the naturalization of Filipino World War II veterans.

Thus, despite the promise of American citizenship for Jose B. de Mesa in return for his service on behalf of the Allied cause during World War II, Mr. de Mesa was not able to take advantage of the opportunity, in large part due to the failure to fully implement the act in the Philippines. In fact, the connection between the failure to fully implement the Second War Powers Act of 1942 in the Philippines and the subsequent inability of Filipino World War II veterans to gain their U.S. citizenship has already been documented. One court held that the failure to fully implement the act violated the due process rights of Filipino veterans who had applied for citizenship subsequent to the expiration of the act in December 1946. *Matter of Naturalization of 68 Filipino War Vets,* 406 F. Supp. 931 (N.D. Cal. 1975). The end result is that Mr. de Mesa's dream of uniting his family in the United States as American citizens, a dream which his service on behalf of the Allied Forces entitled him, was never fulfilled.

Mrs. Lourdes de Mesa is an elderly woman, and her hopes of fulfilling her and her husband's dream may never be accomplished if Susan M. Agcaoili is forced to rely on the fourth preference category to immigrate from the Philippines. Mrs. de Mesa has attempted to work through various administrative channels, but, to this point, she has been completely unsuccessful. Mrs. de Mesa's efforts have simply resulted in more frustration.

U.S. Army records fail to reflect her late husband's service, despite a wealth of evidence that he did serve, not the least of which is her first-hand recollection of her husband being taken prisoner by the Japanese Imperial Army.

Mr. de Mesa fulfilled his obligation to the United States by serving on behalf of the Allied cause during World War II. The United States should fulfill its obligation to the late Mr. de Mesa by uniting the remaining family members in America as permanent residents of, and eventually citizens of, the United States.

Today, I am introducing a private relief bill for Susan M. Agcaoili. The purpose of this bill is to grant permanent residency in the United States to her. Passage of this bill will enable the United States of America to fulfill its promise to Jose B. de Mesa's family with U.S. citizenship in return for his honorable service on behalf of the United States during World War II.●

GOOD GUY OF THE YEAR

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. ATKINS. Mr. Speaker, this week George P. "Chubby" Legrand, Jr., the commissioner of Public Works in Lowell, MA, is being honored by the Lowell Lions Charities and the Retarded Adults Rehabilitative Association of Greater Lowell, Inc., as their "Good Guy of the Year."

This is a man, Mr. Speaker, whom we often talk about in Washington but rarely see. A loving husband, a father of four children, a grandfather of 11, a veteran of World War II with the SeaBees, he has served the people of Lowell almost all of his adult life—for the last 23 years as their commissioner of public works. This job, which is so demanding, has been performed with skill and professionalism by Chubby.

What makes Chubby so remarkable, Mr. Speaker, is that he is the embodiment of sharing and caring. No request is too small, no voice too weak, no hour too late for Chubby to be responsive. But Mr. Speaker, we should also know that no job was ever too big for this man.

His shoulders are broad enough to accept not only his family responsibilities and his professional career, but also to provide leadership in virtually every major community organization. Among the groups to which Chubby belongs, and is characteristically active in, are the following: board of directors of St. John's Men's Guild, Lowell Boy's Club, Lowell Kiwanis Club, Men of Merrimack, Veterans of Foreign Wars, The American Legion, 58th SeaBee Association, Holy Name Society, Merrimack Valley Catholic Charities, American Red Cross, National Audubon Society, the American Forestry Association, Massachusetts Highway Association, and the American Public Works Association.

His life is a reflection of his religious faith and he has become a living example of that faith for those of us who know him. Mr. Speaker, it is with pride that I rise today to point to George P. "Chubby" Legrand, Jr., as a man truly worthy of our attention in the Congress today.●

IMPROVING GRADUATE EDUCATION

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. COLEMAN of Missouri. Mr. Speaker, in the next few months Congress will be undertaking the reauthorization of the Higher Education Act. The purpose of this reauthorization will be to extend many of the valuable programs currently authorized under the act and to refine the law to reflect current trends and needs in higher education through the 1990's. One such area in need of attention is graduate education.

The health of the graduate education and research enterprise is one of the most significant educational issues this country faces. The Nation depends heavily upon its universities to produce its most fundamental research and for each new generation of scholars and scientists.

Higher education as a whole expanded rapidly between 1958 and 1970 because of the impact of Sputnik, an increasing college age population generating demand for new faculty, and a growing economy needing highly trained people. During that time, total graduate enrollment grew from 314,000 to 816,000, an increase of 160 percent. Federal support for graduate education grew from approximately 7,500 stipend awards in 1954 to an estimated 80,000 in 1969. Graduate enrollments continued to rise in the 1970's, although at substantially reduced rates from the previous decade, while Federal support for graduate education began to decline. This decline can be attributed to a worsening labor market, declining rates of increase in undergraduate enrollment, and economic strains brought on by the Vietnam war.

Federal support for graduate education has dwindled significantly since the 1960's. Although this loss has been compensated for in part by institutions and State resources, corporate and foundation support, and increases in self-supporting students, there is clearly a need for more resources to attract highly talented students into areas of national need.

Our graduate enterprise is showing signs of distress. In their 1983 report to Congress, the National Commission on Student Financial Assistance reported that "serious signs of trouble and erosion" were identified in graduate education. The report identified the major problems affecting graduate education such as: A shortage American doctoral talent in critical areas of national need; quality faculty in essential fields leaving the classroom for higher paying careers in business and industry; many promising graduate students are deterred from pursuing graduate education because of the tremendous student loan debt burdens they must take on to do so; the surrender of our preeminence in many of the science disciplines to scientists abroad; and the obsolete state of many of our university laboratories and libraries.

Today I have introduced legislation to address, in part, the weaknesses facing graduate education. The legislation adds a new part D to title IX of the Higher Education Act. The new part D would provide funds on a competitive basis to institutions to set up graduate fellowship programs within specific disciplines of national need. Institutions would develop their own criteria for selecting fellows, ability and demonstrated financial need would be major considerations in the selection process. Each fellowship would be three-fold, students would receive (1) a fellowship award for living expenses; (2) tuition and fees; and the institution would receive (3) a small grant to enhance the academic department.

Not having trained, highly educated people in critical fields has already been costly to our economy and national security but we have much more to lose. This legislation will have little impact on Federal spending, but will pay large dividends in the long term. I believe that proposals such as this represent the direction we should take the Higher Education Act in this reauthorization.

I urge my colleagues to join me in supporting this legislation.●

CENTRAL AMERICA

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. GEPHARDT. Mr. Speaker, our country has long resisted change in Central America. Last night's House vote against military aid to the Contras confirms that most Americans want a change. They don't buy the administration's rhetoric that the Contras are "the moral equivalent of the Founding Fathers." They want to preserve our interests, but they sense the old ways will no longer work.

Military escalation is part of the problem, not the solution. Our 30-plus interventions in the area since 1900 have not produced long-run stability and peace. Military aid has always allowed the right wing to think it didn't need to compromise. Guatemala, where the CIA intervened 31 years ago to depose a socialist government, today faces a simmering revolt repressed by a rightist dictatorship.

The Reagan policy won't put the Contras back in power. No one I talked with during my recent trip to Central America believes the Contras can win. The Contras can't win because they lack the political identity required to advance their cause; $14 million won't change this; $80 million hasn't.

The administration's harsh rhetoric strengthens Sandinista hardliners. The CIA-backed minings and assassination manuals, the Contra attacks on civilians and our President's bellicosity deny Sandinista moderates the opportunity to present a credible political alternative to their own people. We invite the extremism Reagan complains of.

Reagan hasn't faced the hard reality that Americans won't support armed intervention unless it is clear that other possibilities for a settlement have been exhausted. And they haven't. Why hasn't he relied more extensively on other tools at his disposal? And why does he recognize the regime if he believes it illegitimate?

The American people want a policy that offers us prospects for constructive change. They want to attempt negotiations before plunging us into a war.

The negotiations initiated by the Contadora nations of Venezuela, Colombia, Panama, and Mexico represent an excellent start. An agreement along the lines suggested by the Contadora group would require the Sandinistas to expel foreign military advisers, keep foreign military bases and offensive weapons out of the country and desist from exporting arms. We would need to insist on provisions to ensure that the Sandinistas are not violating these terms. If violations occurred, we could take steps to isolate them diplomatically or suspend trade. As a last resort, the Rio treaty would give us a legal foundation for the use of military force.●

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. CLINGER. Mr. Speaker, I was unavoidably absent from the floor of the House of Representatives for rollcall No. 59, the vote on approving the Journal of Thursday, April 18, because I was attending a very important meeting of the House Republican Conference on the subject of the McIntyre seat. Had I been present, I would have voted "No."●

BRIDGE ASSISTANCE

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. SUNDQUIST. Mr. Speaker, today I am introducing legislation that would make certain off-system bridge projects funded by State and local services eligible for Federal bridge assistance. This bridge replacement program has been a demonstration project in Tennessee for the past 2 years under section 132 of the Surface Transportation Act of 1982. Because of its immediate success, it was recently extended in Tennessee for an additional 2 years. Specifically, it has proved to be extremely successful in enabling Tennessee to initiate a State-funded bridge program that promptly and efficiently addresses the bridge problem at the local level.

Under this legislation, States will be able to initiate a State-funded program for local bridges and then receive matching credit on the Federal Bridge Program for the expenditures the State makes each year in replacing deficient off-system bridges. Tennessee's experience under section 132 has clearly demonstrated that a State can eliminate lengthy reviews by the Federal Highway Administration and other Federal agencies and greatly accelerate the replacement of deficient off-system bridges at a lower cost than normally experienced under the regular Federal off-system program.

For example, under the section 132 program, Tennessee replaced 1,219 off-system bridges in 2 years at an average cost of $38.22 per square foot. During that same 2 years under the regular Federal off-system program, Tennessee replaced only 144 bridges and the average cost per square foot of these 144 bridges was $47.50 even though the design and construction standards for both programs were the same. The savings in cost and time were due primarily to the elimination of Federal redtape and lengthy reviews by the Federal Highway Administration and other Federal agencies. I might add the program has been strongly supported by local officials because of the quick attention paid to local bridge problems through this demonstration project.

I urge my colleagues to support this legislation. Because the program demonstrated in Tennessee has been such an overall success, I believe all States should have the opportunity to take advantage of it.●

BITBURG—SOUTH AFRICA POLICY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. RANGEL. Mr. Speaker, I am dismayed at the callous insensitivity of President Reagan who proposes to participate in a commemorative ceremony at the Bitburg Cemetary where one-seventh of those buried were members of the infamous Nazi SS. Participation in such an event can only be considered an affront to the memory of the over 12 million civilians who were slaughtered, often under the supervision of the SS, during the Second World War, as well as to the memory of the over 77,000 U.S. soldiers killed in the Battle of the Bulge.

While I wholeheartedly support the President's desire to hold a ceremony of reconciliation with the German people, certainly a more fitting symbol of our friendship could have been found. Either a visit to the Konrad Adenauer grave site or a ceremony celebrating Germany's strong postwar democratic traditions would have made the necessary statement. The German people are today a strong and trusted member of the Western Alliance and they deserve to be treated with respect. But respect for Germany cannot be achieved at the expense of offending the innocent victims of the Nazi SS or American veterans who fought, and in many cases died, in an effort to expunge the blight of Nazi tyranny. We must never forget that Hitler entrusted the SS with the responsibility of exterminating all those not of pure "Aryan" descent.

We all make mistakes, and clearly, President Reagan has made one in agreeing to go to the Bitburg Cemetry. I call upon the President to recognize the pain that his decision has caused the American people and to cancel his visit to the Bitburg Cemetery.

Similarly, we should not be surprised when the President makes the same mistake when it comes to his dealings with the South African Government. In his effort to placate the South African Government, he has offended the sensitivities of the American public through his so-called policy of "Constructive engagement" which would more aptly be named friendly persuasion. But such a benign policy can only outrage the sensitivities of the American public and the world at large.

For as it proved to be impossible to come to terms with the racists who ran Nazi Germany, there seems little, if any, hope that the racist South African leadership will be persuaded of the wrong headedness of their policies. And there are many parallels to be drawn between South Africa's treatment of its black population and Nazi Germany's treatment of the Jews.

Both nations adopted a series of prohibitions designed to single out for scorn and contempt and finally the murder of their unwanted populations. Both South Africa and Nazi Germany adopted prohibitions on the right to vote, on the freedom of movement, on intermarriage, on the trades that could be engaged in, on where one could live, and when these were not enough both resorted to authorizing the state police to brutally murder individuals from the unwanted populations.

As the world failed to condem Nazi Germany for its crimes against humanity, President Reagan today fails to condemn the racist South African regime and in so doing bring shame on America. We should have learned from our experience with Nazi Germany, unfortunately this administration fails to see the racist parallels.

Just as the President does not belong at the grave sight of the Nazi SS because his participation in a ceremony where they are honored offends the basic decency of the American public, the U.S. failure to disengage politically and economically with the South African Government offends the American people's basic concept of justice. I urge all those who sympathize with what I have to say about the President's insensitivity to racism to let him know, and then maybe we will be able to get his attention.●

CHILD ABUSE PREVENTION MONTH

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. BIAGGI. Mr. Speaker, we should be reminded that this month of April marks "National Child Abuse Prevention Month." It is a time to not only remember that success we have had in combating this problem—but also to recognize that we still have a long way to go.

As a newly elected Member of the House in 1970, one of the very first bills that I introduced addressed this issue. During my 23-year career in the New York City Police Department, I witnessed first hand the recurring problem of child abuse. I also witnessed the inability of State and local officials to combat the problem because they not only lacked the legal tools—but also lacked adequate resources.

Out of a recognition for a national solution—for a national problem—the 1974 Child Abuse Prevention and Treatment Act was passed by Congress. Its purpose was to encourage States to enact laws that would pre-

vent the problem—as well as help to treat its victims. In 1978, I authored an amendment to the law that expanded the definition of child abuse to include sexual abuse of children. This was necessary in order to respond to the growing problem of child pornography that still remains one of the most horrid crimes of this century.

With the passage of the 1974 and subsequent 1978 amendments, we not only provided recognition to this problem, but we also witnessed a startling increase in the number of reported cases—which pointed to the fact that the problem was in fact bigger than anyone ever expected it to be.

We do know with certainty that the number of reported cases continues to rise—and have risen dramatically since passage of the 1974 act. In 1976, the American Home Association found that 413,000 cases of child abuse had been reported to State and local authorities that year. Within 5 years, that number had doubled to 851,000. Within the last 2 years, this number has climbed an added 12 percent. These numbers are compounded by the fact that only a small fraction of cases are reported—some guess the numbers are only the tip of the iceberg and represent from 10 to 20 percent of the actual problem.

In recognition of Child Abuse Prevention Month, it is important to underscore the value of adequately funded child abuse programs in order to provide appropriate and adequate services for abused children and their families. In response to the growing recognition of the problem—stemming from growing numbers of reports of abuse in day care centers—Congress adopted an amendment last year that added $25 million to the social services block grant—formerly title XX. These funds were to be used specifically to assist day care centers in training personnel and families to recognize the problem and take immediate action to correct it.

The President's budget for fiscal year 1986 fails to include funding for continuation of these training activities. If we are to begin to attack this problem headon, then we should continue to insist upon a Federal role in this area—one which includes not only funds, but also which includes technical support and guidance.

Mr. Speaker, child abuse continues to be considered the ultimate betrayal. We must be vigorous in our efforts to confront and combat this problem—this includes support for programs that assist communities in this area. Last year's reauthorization of the Child Abuse Prevention and Treatment Act was a reaffirmation of congressional support for continuation of this most vital of social service programs. During this month—Congress can provide the ultimate recognition for this issue by rejecting any and all proposals that seek to reduce funding for child abuse prevention and treatment activities.●

THE NEED FOR A NATIONAL RETIREMENT INCOME POLICY

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. CHANDLER. Mr. Speaker, during March the Subcommittee on Labor-Management Relations of the House Education and Labor Committee held hearings on whether there was a need for a national retirement income policy to encompass Social Security and voluntary employer-provided economic security programs.

The consensus of the witnesses at that hearing was that there was indeed such a need. In many issue areas that come to the attention of Congress, reaching a national consensus is quite difficult. With regard to employee benefits—sometimes referred to as flexible benefits—there appears to be a clear consensus that these economic security providing programs are an essential element of national policy. That consensus is set forth effectively in the article that follows—"Forging Employee Benefits Consensus," which appeared in the National Underwriter on April 13, 1985.

The article was prepared by Dallas Salisbury, who is president of the Employee Benefit Research Institute, a nonprofit public policy research organization, that has gained an international reputation for detailed and objective research on economic security programs.

[From the National Underwriter, Apr. 13, 1985]

FORGING EMPLOYEE BENEFITS CONSENSUS

(By Dallas Salisbury)

Why do we have employee benefits?

Concern for the economic security of workers and their dependents motivated the government to encourage the development of employee benefit programs, both public and private and voluntary and mandatory.

Recent surveys indicate that employee benefit programs continue to be provided by employers out of concern for the economic security of employees; a desire for good employee relations; the need to retire workers; and the competitive pressure of other employees having the programs.

For employees, economic security and tax effectiveness are primary concerns: Tax is not paid until an economic benefit is actually received.

Employee benefits, as distinguished from fringe benefits, have these implicit characteristics:

1. They provide for the basic social and physical well-being and financial security of working men and women and their families.

2. They have the potential to provide widespread benefits on a nondiscriminatory basis to large numbers of people at all economic levels.

3. They are sufficiently important that government programs have been enacted to provide the protection to some groups. The government programs would have to be expanded to provide for additional groups in the absence of private sector programs.

4. It is more cost-effective to provide them for most groups through tax-preferred private sector programs than through direct governmental expenditures.

Public support for employee benefits and the implicit national economic security policy they represent is strong. Surveys taken in late 1984 by Roper asked chief executive officers and individuals to express agreement or disagreement with four statements. The first two were commonly used arguments for modifying the tax-favored status of employee benefits. (See below.)

		CEOs	Individuals
First: Employee benefits should be taxed to add to the general revenues of the federal government, thus reducing federal budget deficits.	Agree	20	19
	Disagree	77	75
	Don't Know	3	6
Second: Employee benefits should be taxed to force employees to more carefully use their benefits.	Agree	25	20
	Disagree	72	72
	Don't Know	3	8

WIDE SUPPORT FOR EMPLOYEE BENEFITS

These responses indicate that executives and those who work for them believe that deficits and cost containment are not sufficient reasons to change the tax treatment of employee benefits and that these incentives for economic security should be maintained.

Responses to the next two statements indicate why they favor the present system of employee benefit economic security programs.

		CEOs	Individuals
First: Employee benefits should retain their tax-favored status to provide employees with additional economic security and to contribute to their well being.	Agree	81	85
	Disagree	17	11
	Don't Know	2	4
Second: Employee benefits should retain their tax-favored status to encourage employers to provide certain benefits for their employees that otherwise would come from public monies.	Agree	78	81
	Disagree	21	13

The public believes that employee benefits help their economic security in areas where they would otherwise demand government programs and therefore have to pay for them with higher tax payments. The complementary nature of Social Security and employer-sponsored retirement programs and Medicare, Medicaid, and employer-provided health insurance support this public sentiment.

The public does, however, support tax reform, and attitudes have developed regarding specific approaches that would affect employee benefits. CEOs favor a modified flat tax to the current system by a margin of 58 percent to 31 percent; while individuals favor it by 44 percent to 37 percent.

Yet, support for tax reform may fall apart when individuals focus on the details. For example, Roper found that 58 percent of CEOs opposes a health tax cap; Pen & Schoen found that 77 percent of voters oppose it. This aspect of public opinion regarding tax reform and employee benefits may not yet have been closely focused upon by advocates of reform.

Have incentives in the law been effective?

TAX INCENTIVES

The tax incentives now in the law have made a difference. And, as might be expected, the most widespread employee benefit programs are those that have been encouraged by the tax code for the longest period of time. These programs:

Provide protection against the loss of income or unexpected expenses in the event of illness;

Loss of income in the event of retirement or disability;

And the loss of support by dependents in the event of death.

DATA PRESENTED

Chart I [not reproduced in RECORD] presents data from the Bureau of Labor Statistics on the extent of coverage by these programs among those employed by firms with more than 250 employees. The data indicate that these programs are very widespread. The same is true for the population as a whole, with over 162 million individuals benefiting economically from employee benefits. The Roper surveys found that 98 percent of those surveyed had health insurance; 71 percent of firms and 63 percent of individuals had pensions; 99 percent of firms and 73 percent of individuals had life insurance; and 85 percent of firms and 61 percent of individuals had disability insurance. Forty-one percent of firms had thrift savings plans; 33 percent of firms had 401(k) plans; and 16 percent had reimbursement accounts.

The surveys indicate that these employee benefits are important to employees and employers alike. Ninety-three percent rate health insurance as very important; 84 percent rate the pension plan as very important; 72 percent rated life and diability protection as very important. Significantly, 61 percent said that it would be very difficult to afford the purchase of health insurance if it were not provided by the employer.

What purposes do employers view as most important?

Employee benefits are distinguishable in terms of purposes, as proposals for tax reform indicate. Recent surveys provide evidence that employers share many of the same "purposes" as the advocates of tax change, but they see greater justification for a broader range of benefits than do the "reformers."

Employers were asked by Roper to identify why they sponsor employer benefit programs. Table 1 distinguishes between "very important" and "moderately important" reasons.

TABLE 1.—REASONS FOR SPONSORING EMPLOYEE BENEFIT PLANS

Reason for benefits	Very important	Moderately important	Total
Employee relations	85	14	99
Economic security	75	22	97
Competitive pressure	68	29	97
Company tax deduction	64	21	85
Employee tax preference	51	33	84
Productivity enhancement	30	47	77

DIFFERENT RESULTS

Mercer-Meidinger got slightly different results when it asked CEOs to rank the reasons for employee benefit plan sponsorship. The Mercer-Meidinger CEOs ranked competitive pressure first, economic security second, employee relations third, employee tax preferences fourth, productivity enhancement fifth and the company tax deduction last.

Roper then asked CEOs to choose among "primary considerations for Congress." They responded: First, consider the economic security value to employees of the benefit. Second, consider the effect on the containment of escalating health-care costs. Third, consider the consequences for the continued growth of the private pension system. Fourth, consider federal deficit reduction. Fifth, consider employee access to quality health services. Sixth, consider support for the growing number of retired workers. Seventh, consider employee flexibility in selecting benefits. Mercer-Meidinger asked the same question and obtained the same results.

CLEAR SPLIT

Yet, employer opinion is clearly split regarding what tax preferences should be emphasized if the law is to be changed. When Roper asked what employers would prefer if retirement tax incentives were to be reduced, 36 percent said defined benefit plans should be favored. Four percent said they should be treated equally, and 23 percent didn't know. When the issue turned to employer plans versus IRAs, 47 percent said pension plans should be favored, but 39 percent said preference should be given to IRAs.

Employer preferences, in sum, depend very much on the option provided. Mercer-Meidinger asked CEOs "if they would favor or oppose an overall cap on benefit plan contributions." Twenty-two percent favored such a cap: 70 percent opposed it: and 8 percent didn't know. Both current law and tax reform proposals present overall caps for retirement and capital accumulation programs. But benefit by benefit caps are being proposed for health, welfare and other employee benefits. Mercer-Meidinger found that were a tax cap going to happen, 62 percent would prefer a flat dollar cap indexed to inflation; 19 percent a flat $ cap; 11 percent a cap adjusted to reflect geographic location; and 7.5 percent a cap adjusted to reflect age.

Employers believe that economic security and good employee relations justify tax incentives for employee benefits. The vast majority would prefer no change in employee benefit tax incentives, but they have clear views of what should be done if something must be done.

There is a national consensus for programs that provide economic security and protection against economic risks. There is also a national consensus for tax incentives to encourage employer provision of these employee benefit programs. The challenge is to clearly articulate how various programs fit into the economic security system and why it is vital that government, employers and individuals each have a role in making the system work.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, April 25, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 26

9:30 a.m.

Banking, Housing, and Urban Affairs

Financial Institutions and Consumer Affairs Subcommittee

To hold oversight hearings on problems being experienced by the agricultural sector of the commercial banking industry, and S. 795, to authorize the Federal Deposit Insurance Corporation to purchase net worth certificates on farm sales.

SD-538

Energy and Natural Resources

To hold hearings on the nominations of Helmut A. Merklein, of the District of Columbia, to be Administrator of the Energy Information Administration, Theodore J. Garrish, of Virginia, to be Assistant Secretary of Energy for Congressional, Intergovernmental, and Public Affairs, J. Michael Farrell, of the District of Columbia, to be general counsel of the Department of Energy, and Joseph F. Salgado, of California, to be Under Secretary of Energy.

SD-366

Finance

To continue hearings on title II (tax exemption for animal feed substances) and certain provisions relating to revenues for the Hazardous Substance Response Trust Fund of S. 51, Superfund Improvement Act of 1985, and related proposals.

SD-215

APRIL 29

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for Amtrak.

SR-253

10:00 a.m.

Energy and Natural Resources

Public Lands, Reserved Water and Resource Conservation Subcommittee

To hold hearings on S. 488 and H.R. 1185, bills to establish the Petrified Forest National Park, Arizona, S. 543 and H.R. 1373, to designate the wilderness in the Point Reyes National Seashore in California as the Phillip Burton Wilderness, and S. 444, to convey certain U.S. lands in Alaska to NANA Regional Corporation in exchange for lands owned by such corporation.

SD-366

APRIL 30

9:00 a.m.
Commerce, Science, and Transportation
To resume consideration of S. 638, to provide for the transfer of ownership of the Consolidated Rail Corporation (Conrail) to the private sector, and other pending calendar business.
SR-253

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Soldiers' and Airmen's Home, Prospective Payment Commission, Railroad Retirement Board, National Labor Relations Board, National Mediation Board, OSHA Review Commission, and the Federal Mediation and Conciliation Service.
SD-116

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on proposed budget requests for fiscal year 1986 for programs of the Department of Energy, focusing on energy research programs.
SD-366

Environment and Public Works
To hold joint hearings with the Committee on Governmental Affairs' Subcommittee on Governmental Efficiency and the District of Columbia on global forecasting capability.
SD-342

Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold joint hearings with the Committee on Environment and Public Works on global forecasting capability.
SD-342

Labor and Human Resources
To hold hearings on S. 801, authorizing funds for fiscal year 1986 for the National Science Foundation.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for certain defense programs, focusing on Army modernization.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Transportation and related agencies.
SD-124

Judiciary
Juvenile Justice Subcommittee
To hold hearings to explore the problem of youth suicide.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary and the Office of the Solicitor, Department of the Interior.
SD-192

MAY 1

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Telecommunications and Information Administration.
SR-485

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
Room to be announced

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Supreme Court of the United States, and the U.S. District Courts.
S-146, Capitol

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the Consumer Product Safety Commission.
SR-253

Veterans' Affairs
To hold oversight hearings on the Veterans' Administration home loan guaranty program.
SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
Closed briefing on Afghanistan.
S-407, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Transportation and related agencies.
SD-138

Energy and Natural Resources
To hold hearings on S. 979, to extend the expiration date of titles I and II of the Energy Policy and Conservation Act.
SD-366

Environment and Public Works
Business meeting, to mark up S. 53 and S. 652, bills authorizing funds for programs of the Clean Water Act, and other related measures.
SD-406

Foreign Relations
To hold hearings on the nomination of Vernon A. Walters, of Florida, to be the U.S. Representative to the United Nations with the rank and status of Ambassador, and the U.S. Representative in the Security Council of the United Nations.
SD-419

Judiciary
To hold hearings on S. 473, to impose a temporary moratorium on hostile takeovers of domestic petroleum corporations.
SD-226

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the General Services Administration, and the National Park Service of the Department of the Interior regarding the White House.
SD-138

Judiciary
To hold hearings on pending nominations.
SD-226

Select on Intelligence
Closed business meetings, to resume markup of proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

MAY 2

9:00 a.m.
Armed Services
To hold closed hearings on the U.S.-U.S.S.R. arms negotiations on strategic offensive forces.
SR-222

9:30 a.m.
Agriculture, Nutrition, and Forestry
Nutrition Subcommittee
To hold hearings on proposed legislation authorizing funds for certain child nutrition programs.
SR-328A

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Rules and Administration
To hold hearings on S.J. Res. 81, to provide for the appointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution, and proposed legislation authorizing funds for fiscal year 1986 for the Federal Election Commission.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for certain defense programs, focusing on Navy aircraft procurement and research, development, technology and engineering.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Environment and Public Works
Business meeting, to mark up S. 124, authorizing funds through fiscal year 1989 for programs of the Safe Drinking Water Act, including public water

systems and protection of underground sources of drinking water.
SD-406

Foreign Relations
To resume hearings on American policy toward South Africa.
SD-419

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on S. 140, Children's Justice Act.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for territorial affairs, Department of the Interior.
SD-138

Armed Services
Military Construction Subcommittee
To hold hearings on base closures.
SR-222

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on the effect of new technologies on industrial competitiveness.
SR-253

MAY 3

9:30 a.m.
Energy and Natural Resources
To hold hearings on the nominations of Eric Reichl, of Connecticut, Tom Corcoran, of Illinois, and Paul W. Macavoy, of New York, each to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation.
SD-366

Finance
International Trade Subcommittee
To hold hearings on S. 942, to promote expansion of international trade in telecommunications equipment and services by restructuring the U.S. market.
SD-215

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the Coastal Zone Management Act and ocean programs of the National Oceanic and Atmospheric Administration, Department of Commerce.
SR-253

MAY 6

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for rail safety programs of the Department of Transportation.
SR-253

Energy and Natural Resources
Energy, Regulation and Conservation Subcommittee
To hold hearings on S. 410, to repeal the Commercial and Apartment Conservation Service.
SD-366

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on the consolidation of certain trade routes.
SR-232

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the Fisheries Conservation and Management Act and fishery programs of the National Oceanic and Atmospheric Administration, Department of Commerce.
SR-253

MAY 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Rules and Administration
To hold hearings on S. 43, to grant line item veto authority to the President on appropriation bills.
SR-301

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Indian Health Service, Department of Health and Human Services.
SD-138

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
To hold hearings on the nominations of Marshall B. Babson, of Connecticut, and Wilford W. Johansen, of California, each to be a member of the National Labor Relations Board.
SD-430

Rules and Administration
Business meeting, to consider Senate Joint Resolution 81, to provide for the appointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution, proposed legislation authorizing funds for fiscal year 1986 for the Federal Election Commission, and other legislative and administrative business.
SR-301

Veterans' Affairs
Business meeting, to markup S. 6, to clarify and improve certain health-care programs and services provided and administered by the Veterans' Administration, and related proposals, and S. 367, to provide for judicial review of certain administrative decisions of the VA, to codify certain VA adjudication procedures, to improve the VA appeals process, to require the VA to comply with certain rulemaking procedures, and to provide for reasonable fees to attorneys serving as legal counsel for veterans.
SR-418

10:00 a.m.
Select on Intelligence
Closed business meeting, to resume markup of proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Management and Budget, including the Office of Federal Procurement Policy.
SD-124

MAY 9

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Land Management (including the land and water conservation fund), Department of the Interior.
SD-138

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on proposed budget requests for fiscal year 1986 for programs of the Department of Energy, focusing on fusion energy programs.
SD-366

MAY 10

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on proposed budget requests for fiscal year 1986 for programs of the Department of Energy, focusing on conservation and renewable programs.
SD-366

Finance
Health Subcommittee
To hold hearings on health promotion and disease prevention strategies for Medicare beneficiaries.
SD-215

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on S. 366 and S. 534, bills to authorize the U.S. Army Corps

of Engineers to construct various projects for improvements to rivers and harbors of the United States, and related proposals.
SD-406

MAY 13

10:00 a.m.
Foreign Relations
To hold joint hearings with the Committee on the Judiciary on international terrorism and narcotic trafficking.
SD-419
Judiciary
To hold joint hearings with the Committee on Foreign Relations on international terrorism and narcotic trafficking.
SD-419

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on proposed budget requests for fiscal year 1986 for programs of the Department of Energy, focusing on nuclear energy programs and nuclear waste activities.
SD-366

MAY 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Energy Information Administration, and the Economic Regulatory Administration, Department of Energy.
SD-138
Foreign Relations
To continue joint hearings with the Committee on the Judiciary on international terrorism and narcotic trafficking.
SD-419
Governmental Affairs
Intergovernmental Relations Subcommittee
To resume hearings on S. 483, to ensure that the Federal Government assume the full cost of legislating and regulating Federal purposes and mandates.
SD-342
Judiciary
To continue joint hearings with the Committee on Foreign Relations on international terrorism and narcotic trafficking.
SD-419

MAY 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

10:00 a.m.
Foreign Relations
To continue joint hearings with the Committee on the Judiciary on international terrorism and narcotic trafficking.
SD-419
Judiciary
To continue joint hearings with the Committee on Foreign Relations on international terrorism and narcotic trafficking.
SD-419

MAY 16

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for fossil energy.
SD-138
Environment and Public Works
Water Resources Subcommittee
To resume hearings on S. 366 and S. 534, bills to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and related proposals.
SD-406

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings to discuss the Department of Energy's prospective report to Congress on emerging clean-coal technologies.
SD-366

MAY 17

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on the deregulation of surface freight forwarders.
SR-253

MAY 21

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Holocaust Memorial Council, Minerals Management Service, Department of the Interior.
SD-138

MAY 22

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for Naval Petroleum Reserves, and fossil energy.
SD-138

JUNE 10

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on proposed budget requests for fiscal year 1986 for programs of the Department of Energy, focusing on fossil energy programs.
SD-366

JUNE 11

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the implementation of the Orphan Drug Act (P.L. 97-414), focusing on section 7(b) relating to radiation-cancer liability
SD-430

10:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 403, to revise requirements with respect to the issuance of licenses for existing hydroelectric facilities, and S. 426, to provide for more protection to electric consumers.
SD-366

JUNE 12

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on the implementation of the Orphan Drug Act (P.L. 97-414), focusing on section 7(b) relating to radiation-cancer liability.
SD-430

OCTOBER 1

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SD-106

CANCELLATIONS

APRIL 25

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the Fisheries Conservation and Management Act and fishery programs of the National Oceanic and Atmospheric Administration, Department of Commerce.
SR-253

APRIL 26

9:30 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings to review options for conducting a pay equity study of the Federal pay and classification systems.
SD-342

HOUSE OF REPRESENTATIVES—*Thursday, April 25, 1985*

The House met at 11 a.m.

Rev. Cecil Hazen, pastor, Pine Forest United Methodist Church, Dublin, GA, offered the following prayer:

Our Eternal Father, historic reminders of America's devoted patriots are all about us. Their lives of courage and commitment inspire us to continue the cause of freedom with vigor.

We are truly grateful for the freedom to govern ourselves. These distinguished Members of the House undertake this privilege seeking Your wisdom and counsel.

Grant them conviction born of courage and compassion, truth free of trivia, and consciences sensitive to their constituents and Creator. Through their daily labors and sacrifices may our Nation continue as the "land of the free and the home of the brave."

May their accomplishments become a complementary part of what You are doing in all nations to bring peace and freedom to this Earth. In His name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FRENZEL. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and on a division (demanded by Mr. FRENZEL there were—yeas 13, nays 62.)

Mr. VOLKMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 216, nays 177, not voting 40, as follows:

[Roll No. 70]

YEAS—216

Addabbo	Barnard	Boner (TN)
Akaka	Barnes	Bonior (MI)
Alexander	Bates	Borski
Anderson	Bedell	Boucher
Andrews	Bennett	Breaux
Annunzio	Berman	Brooks
Anthony	Bevill	Broomfield
Atkins	Biaggi	Brown (CA)
AuCoin	Boggs	Bruce
Bryant	Hefner	Owens
Burton (CA)	Heftel	Panetta
Burton (IN)	Hertel	Pease
Bustamante	Horton	Pepper
Byron	Howard	Perkins
Carper	Hoyer	Pickle
Carr	Hubbard	Price
Chappell	Hughes	Rahall
Coelho	Hutto	Rangel
Coleman (TX)	Jenkins	Ray
Conyers	Johnson	Reid
Cooper	Jones (OK)	Robinson
Coyne	Jones (TN)	Roe
Crockett	Kanjorski	Rose
Darden	Kaptur	Rostenkowski
Daschle	Kastenmeier	Rowland (GA)
Dellums	Kennelly	Roybal
Derrick	Kildee	Rudd
Dicks	Kleczka	Sabo
Dingell	Kostmayer	Schumer
Dixon	LaFalce	Sharp
Donnelly	Lantos	Sisisky
Dorgan (ND)	Leach (IA)	Skelton
Dowdy	Leath (TX)	Slattery
Downey	Lehman (FL)	Smith (FL)
Durbin	Leland	Solarz
Dwyer	Levin (MI)	Spratt
Dyson	Levine (CA)	St Germain
Early	Lloyd	Staggers
Eckart (OH)	Long	Stallings
Edgar	Lowry (WA)	Stark
Edwards (CA)	Luken	Stokes
English	Lundine	Stratton
Erdreich	Lungren	Studds
Evans (IL)	MacKay	Swift
Fascell	Manton	Synar
Fazio	Markey	Tallon
Feighan	Martinez	Tauzin
Flippo	Matsui	Thomas (GA)
Florio	Mavroules	Torres
Foglietta	Mazzoli	Torricelli
Foley	McCurdy	Traxler
Ford (TN)	McHugh	Udall
Fowler	Mica	Valentine
Frank	Mikulski	Vento
Frost	Mineta	Visclosky
Fuqua	Mollohan	Volkmer
Gaydos	Montgomery	Vucanovich
Gejdenson	Moody	Walgren
Gephardt	Morrison (CT)	Watkins
Gibbons	Mrazek	Waxman
Glickman	Murphy	Wheat
Gonzalez	Murtha	Whitley
Gray (IL)	Natcher	Whitten
Gray (PA)	Neal	Wilson
Guarini	Nelson	Wirth
Hall (OH)	Nichols	Wise
Hall, Ralph	Nowak	Wolpe
Hall, Sam	Oakar	Wright
Hamilton	Oberstar	Wyden
Hatcher	Obey	Yates
Hawkins	Olin	Yatron
Hayes	Ortiz	Young (MO)

NAYS—177

Archer	Clinger	Eckert (NY)
Armey	Coats	Edwards (OK)
Bartlett	Cobey	Emerson
Barton	Coble	Evans (IA)
Bateman	Coleman (MO)	Fawell
Bentley	Combest	Fiedler
Bereuter	Conte	Fields
Bilirakis	Coughlin	Fish
Bliley	Courter	Franklin
Boehlert	Craig	Frenzel
Boulter	Crane	Gallo
Brown (CO)	Dannemeyer	Gekas
Broyhill	Daub	Gilman
Callahan	DeLay	Gingrich
Campbell	DeWine	Goodling
Carney	Dickinson	Gradison
Chandler	DioGuardi	Gregg
Chappie	Dornan (CA)	Gunderson
Cheney	Dreier	Hammerschmidt
Clay	Duncan	Hansen
Hartnett	McMillan	Sensenbrenner
Hendon	Meyers	Shaw
Henry	Michel	Shumway
Hiler	Miller (OH)	Shuster
Hillis	Miller (WA)	Sikorski
Holt	Mitchell	Siljander
Hopkins	Molinari	Skeen
Huckaby	Monson	Slaughter
Hunter	Moore	Smith (NE)
Hyde	Moorhead	Smith (NH)
Ireland	Morrison (WA)	Smith (NJ)
Jacobs	Myers	Smith, Denny
Jeffords	Nielson	Smith, Robert
Kasich	O'Brien	Snowe
Kemp	Oxley	Snyder
Kindness	Packard	Solomon
Kolbe	Parris	Spence
Kramer	Pashayan	Stangeland
Lagomarsino	Penny	Stenholm
Latta	Petri	Strang
Lent	Porter	Stump
Lewis (CA)	Pursell	Sundquist
Lightfoot	Quillen	Sweeney
Livingston	Regula	Swindall
Lott	Richardson	Tauke
Lowery (CA)	Ridge	Taylor
Lujan	Rinaldo	Thomas (CA)
Mack	Ritter	Towns
Madigan	Roberts	Vander Jagt
Marlenee	Roemer	Walker
Martin (IL)	Rogers	Weber
Martin (NY)	Roth	Whitehurst
McCain	Roukema	Whittaker
McCandless	Rowland (CT)	Wolf
McCollum	Saxton	Wortley
McDade	Schaefer	Wylie
McEwen	Schneider	Young (AK)
McKernan	Schroeder	Young (FL)
McKinney	Schuette	Zschau

NOT VOTING—40

Ackerman	Ford (MI)	Rodino
Applegate	Garcia	Russo
Aspin	Gordon	Savage
Badham	Green	Scheuer
Beilenson	Grotberg	Schulze
Boland	Jones (NC)	Seiberling
Bonker	Kolter	Shelby
Bosco	Lehman (CA)	Smith (IA)
Boxer	Lewis (FL)	Traficant
Collins	Lipinski	Weaver
Daniel	Loeffler	Weiss
Davis	McGrath	Williams
de la Garza	Miller (CA)	
Dymally	Moakley	

□ 1130

Messrs. McEWEN, McCANDLESS, DREIER of California, COBEY, LENT, and PARRIS, and Mrs. BENTLEY changed their votes from "yea" to "nay."

Messrs. DREIER of California, PARRIS, THOMAS of California, BURTON of Indiana, and LUNGREN, Mrs. BENTLEY, and Mrs. VUCANOVICH changed their votes from "nay" to "yea."

Mr. STALLINGS changed his vote from "present" to "yea."

Mr. THOMAS of California changed his vote from "yea" to "nay."

Mr. PARRIS changed his vote from "nay" to "present."

Mr. PARRIS, Mr. PASHAYAN, and Ms. SNOWE changed their votes from "present" to "nay."

So the Journal was approved.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

51-059 O-86-28 (Pt. 7)

The result of the vote was announced as above recorded.

REV. CECIL HAZEN

(Mr. ROWLAND of Georgia asked and was given permission to address the House for 1 minute.)

Mr. ROWLAND of Georgia. Mr. Speaker, it was in 1954 that a young man came out of the great State of Pennsylvania to south Georgia. There his heart was captured by a young lady.

Mr. Speaker, Cecil Hazen attended the Emory University School of Theology, and Asbury College. He has done numerous ministries in the State of Georgia, in middle Georgia, and in south Georgia.

When you listen to Cecil Hazen he does not speak with the accent of a southerner. He does not sound like a southerner, but he is a southerner at heart. Above all of that, he is a great and dedicated and patriotic American.

Mr. Speaker, it is a real pleasure to have had my pastor here this morning to give the opening prayer.

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of inquiring of the majority leader the program for the balance of this day and into next week.

The SPEAKER. Without objection.

There was no objection.

Mr. WRIGHT. Mr. Speaker, if the distinguished minority leader will yield, the program for today is quite simply to adopt the rule and conduct the general debate on the State Department authorization bill.

We hope that will come now; it is an open rule, not a controversial rule, and we would like to hope that it would be adopted by a voice vote. If it is not adopted by a voice vote, it will be adopted, we hope, by a recorded vote, and then we will get into the general debate on that bill.

That concludes the legislative business for this week.

Mr. MICHEL. Might I interrupt the majority leader to inquire if we would proceed to read the bill until, or just simply conclude general debate, or would they begin to read the bill until there might be a rollcall or a controversial amendment that would have to be voted on.

Mr. WRIGHT. It is our hope and expectation, and to the degree that the gentleman would cooperate in that expectation, probably a reality, that there would be no further votes today.

The rule, as usually, provides that the bill shall be considered as read and open to amendment at any point, or they might—they will not get into the amending process today in any event. That is not the plan.

The plan would be that that would go over until Tuesday next. The plan is that on Monday next we meet at noon and have two suspensions. One amending the Panama Canal Act of 1979 and the other, accepting a statue of Jeannette Rankin, the Congresswoman from Montana who twice served in this body.

On Tuesday we would hope to meet at noon and we have no suspensions scheduled. I have, however, along with the Speaker, engaged in a colloquy of which I am sure the distinguished minority leader is aware, with the gentleman from Minnesota [Mr. FRENZEL] in which we have agreed that someone from your side of the aisle would be recognized to make a preferential motion on Tuesday, the intent of such motion as I understand it, would be to vacate the proceedings in the matter concerning the recount in Indiana's Eighth Congressional District and to call for another election there.

That motion would be, of course, a preferential motion, and as I understand it the plan, and I want to express my appreciation for your having divulged to the leadership your intent to bring it at that time will be entertained.

If that is rejected, it would be our purpose then, after having dealt with the State Department and related agencies authorization bill and concluded it on Tuesday, on Wednesday then to take up the resolution from the House Administration Committee to seat the Representative from the Eighth District of Indiana.

Following that, we would go to the Foreign Assistance Act authorization. Meet at noon on Wednesday and at 11 o'clock on the balance of the week, and those are the things we have scheduled for next week, the things we anticipate; unless other business intrudes meanwhile of which we are unaware.

Mr. FRENZEL. Will the gentleman yield?

Mr. MICHEL. Yes, I would be happy to yield.

Mr. FRENZEL. I would think with the announcement of that schedule for next week which calls for one vote on Tuesday on a resolution which would declare Indiana's Eighth District congressional seat vacant and a vote on Wednesday on a motion from the House Administration Committee calling for the seating of one of the candidates, it would not be necessary in the absence of some unusual substantive disagreement to have a vote on the rule today.

Is that the gentleman's understanding?

Mr. MICHEL. It is my understanding it is a noncontroversial rule.

Mr. FRENZEL. I thank the gentleman.

Mr. MICHEL. If I might inquire further of the majority leader, I have been asked on the suspensions Monday, would Members be advised to be here for recorded votes on those suspensions, or would they be——

Mr. WRIGHT. Well, we initially had suggested that Members should be here on Monday in order to be recorded on those votes.

Let me just say quite frankly, as to my friend the minority leader, that our purpose in asking Members to be present on those votes was to alert Members to the necessity to be here in the Chamber on that day in order that they might avoid being embarrassed by an absence, when an unexpected motion from the gentleman's side of the aisle might confront them.

Now, if the gentleman is prepared to give us assurances at this time that there will be no unexpected motions of that kind requiring votes, we could enter into a gentleman's agreement, I think, which Members on both sides might appreciate; to the effect that votes on those two suspensions might be postponed until Tuesday and taken on Tuesday. If we could have that kind of an assurance.

Mr. MICHEL. I am not altogether sure that the gentleman is prepared to give them that kind of assurance at this juncture, and would probably defer on that.

Mr. WRIGHT. In that event, I think Members all would be well-advised to plan to be present on Monday, and we will plan then to have votes on the two suspensions after the debate of the two.

The SPEAKER. The Chair would say, under the prerogatives of the Chair, to the leader of the Republican Party, Mr. MICHEL:

Mr. MICHEL, under the prerogatives of the Speaker, I would say that the two matters that would be on the floor, the two suspensions, under the prerogative of the Speaker, the vote will come on them on Tuesday.

That does not mean that there cannot be other rollcalls; for example, the approval of the Journal or something of that nature.

So in view of the fact that, Mr. Majority Leader, and since there has been general discussion of the general agreement on what the schedule will be, then the whip notice will be changed to say the votes on Monday on the suspensions will take place on Tuesday.

Mr. WRIGHT. Mr. Speaker, I trust the Speaker understood the response of the minority leader the same way I understood it; to the effect that he cannot give assurances that there will be no unexpected votes called for on Monday.

The SPEAKER. The Chair understands that, but on those two particular votes, the Chair would not anticipate after the agreement that has been made that there would be any-

thing of any serious nature to come up, but of course Members can always call for a vote at the start of the day, but things are always subject to change without notice in a legislative body; you cannot tell the judgment of people and what they will do.

□ 1150

But that is the way it appears at this particular time, that there would be no serious rollcall if the gentleman had business back in his home area.

Mr. WRIGHT. In that case, Mr. Speaker, the plan would be——

The SPEAKER. Two suspensions.

Mr. WRIGHT. Debate the suspensions on Monday, vote on them on Tuesday.

The SPEAKER. Right.

Mr. WRIGHT. But Members need be advised that there might be some other vote on Monday.

The SPEAKER. The gentleman is correct.

May I say, after agreement with the Republican leadership, the motion pictures that were taken of the election task force hearing that took place for several hours, will be shown on in-house television on Monday of next week.

ADJOURNMENT TO MONDAY, APRIL 29, 1985

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

HOUR OF MEETING ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday it adjourn to meet at noon on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PARLIAMENTARY INQUIRY

Ms. FIEDLER. Mr. Speaker, I have a parliamentary inquiry.

Mr. Speaker, I was wondering if the Chair could tell me at what time the Journal vote began that was just cast.

The SPEAKER. It is the information of the Chair that the vote began at 11:05 and was completed about 11:35.

Ms. FIEDLER. I thank the Chair.

A DAY OF VINDICATION

(Mr. MITCHELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL. Mr. Speaker, the gentleman from New York [Mr. BIAGGI] was gracious enough to let me precede him on the 1-minute, because this is a thrilling, thrilling day for me. Indeed, this is a day of vindication for me. I have always been an activist. And to see the Republican Party begin to follow the activist techniques of H. Rap Brown and Stokely Carmichael and Eldridge Cleaver is really magnificent. I was delighted to see you on the Capitol steps singing "We Shall Overcome." Of course, you did not know the words. And I would suggest that by the time you go to your next NAACP meeting in your districts, be sure to know the words to "We Shall Overcome."

This is a day of vindication for me to see the staid, old Republican Party begin to be true activists. That is magnificent.

Now, I have a few words of caution for you: The next time you use some activist techniques, be sure to raise the clenched fist in utter defiance, as was done in the past. Also, I should warn you that if you are an activist you should be prepared to go to jail, and I hope some of you will go to jail.

Finally, my newly found activist friends, I hope you will pursue this activism in your districts where racism and sexism abound.

RETALIATION FOR MURDER OF MAJ. ARTHUR NICHOLSON

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute.)

Mr. BROOMFIELD. Mr. Speaker, news reports today indicate that the administration may expel a Soviet diplomat in retaliation for the murder of U.S. Army Maj. Arthur Nicholson.

I am all for it, and I would like to recommend that Soviet Ambassador Dobrynin be the one we send packing.

It may seem harsh, but if we are going to adopt a get-tough policy, we might as well start at the top.

I know the Ambassador has many friends in Washington who will miss him. But this is serious business.

Let's let the Soviets know once and for all that if they continue to murder our finest military men and shoot down civilian airliners, it's going to cost them more than an embassy clerk.

No one wants to go overboard. But this is the least we can do for the family of Major Nicholson and the honor and prestige of our great country.

A HIGHER STANDARD

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, yesterday in New York City two police officers were arrested and another suspended over allegations that they tortured suspects under their control with devices such as electric shock guns. I commend the swiftness of the response of both Mayor Koch and the Queens district attorney in this matter.

As a police officer for 23 years in New York City and having been associated with law enforcement most of my adult life, it grieves me deeply each and every time there are allegations involving criminal misconduct against police officers. I am especially appalled when they involve brutality against civilians, which does so much to shatter the confidence and relations between the police and the community.

Mr. Speaker, there is a higher standard that police officers must adhere to both in terms of enforcing and upholding the law. There simply can be no compromising on these standards. When there is wrongdoing, it must be dealt with swiftly and with certainty. However, cases of criminal misconduct against individuals should not serve as an indictment against all of law enforcement. That would be wrong, for there are countless thousands of dedicated people in law enforcement who risk their lives on a daily basis to protect the people. They are more typical of our law enforcement personnel.

WHAT KIND OF FOOLS ARE WE?

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute.)

Mr. McCOLLUM. Mr. Speaker, yesterday the U.S. House of Representatives cast a tragic vote. Yesterday the House endorsed unilateral disarmament in the face of Communist aggression in Central America. By voting yesterday to deny any aid to the Contra freedom fighters against the Communist Sandinistas in Nicaragua, we eliminated the one weapon that was realistic that we had to contain the Communist expansionist intentions of the Sandinista Nicaraguans.

I submit to you that it is interesting to note that today, by our intelligence accounts, there are about 8,000 Cubans in some advisory capacity inside Nicaragua, and our intelligence says that about 2,000 or more are there in a military advisory capacity. As a gesture to show what kind of wonderful response we will get to this unilateral disarmament we voted yesterday, the leadership of the Sandinista Communists declared today that they are going to send home, on May 2, 100 of those 8,000 Cuban advisers.

What kind of fools are we?

REPRESENTATIVE LEON PANETTA COMMENDED FOR WORK ON TASK FORCE

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker and Members of the House, I rise on this occasion to commend our colleague, the gentleman from California, LEON PANETTA, for the outstanding work that he did heading up the task force on the question of the election in the Eighth District of Indiana.

I think it takes a great deal of courage for anybody to be able to do the work that LEON did in a nonpartisan, objective manner. And I believe that anyone reading the report from the House Administration Committee comes to the same conclusion that I have, that it was a very hard job but one done in a very objective manner.

I would like to comment from that report: No one regrets more deeply than does this committee the fact that the residents of the Eighth District were not more decisive in their choice of a Representative. Because of the closeness of the election, it has been suggested that a special election should be called. But for this House to reject the results of last November's election would be to reject the citizens who voted and the individual they elected. In our democracy, the person with the majority of the votes wins, regardless how slim that majority might be. If four votes is not enough, how many would be? Five or eight or ten? Or would it have to be 25, 38, or 50? This committee accepts the general principle that "nothing short of an impossibility of ascertaining for whom the majority of votes were given ought to vacate an election." We are not faced with that impossibility. We have a vote tally produced by the GAO under committee rules and direction, which is a valid tally, a fair, accurate, and complete tally.

A DISTINCTION WITHOUT A DIFFERENCE

(Mr. THOMAS of California asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of California. Mr. Speaker, pity the poor chairman of the Task Force on Indiana's Eighth District. Mr. PANETTA has been clinging to a distinction without a difference. He said, "Count some ballots, but not all the ballots." The reason? Out of the 6 months that the county clerk held the ballots, some of them made a 1-day trip to the precinct on election day.

Does Mr. PANETTA know that courthouses are precincts? One day out of six months; down the stairs, up the stairs. Count some, but do not count others. The recount director said the security was the same. Why did Mr. PANETTA count some and not others? He cites Indiana law. That is right. After the majority leader asked for and by a straight partisan vote, this House agreed to refuse to honor Indiana law, and seat the certified candidate. How sad.

The Democrat leadership's justification for overturning Indiana law, ignoring its citizens' choices, and changing the outcome of the election is based upon a distinction without a difference. Justified by, yup, you guessed it, Indiana law.

DECKARD CRITICIZES REPUBLICAN CLAIMS OF DEMOCRATS TRYING TO "STEAL" SEAT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, former GOP Congressman Joel Deckard, saying his political bridges have been burned behind him, is critical of Republican cries that Democrats are attempting to steal the Eighth Congressional District seat.

It seems to me everything the recount commission has done has been open to the scrutiny of the public. I'd like to know how they (Democrats) are stealing it under those circumstances.

Republicans have been critical of the House's recount of the votes from the November 6 election for Democrat Frank McCloskey and Republican Rick McIntyre. They have accused the House of ignoring State laws and creating a process to guarantee a Democratic victory.

I recognize the problem of Indiana state law. That is a tough call to make, but this is a Federal election and up to this point there have been no changes. I don't believe thousands of votes should go uncounted.

More than 5,000 votes were disallowed in the county recounts of Eighth District votes because ballots did not meet requirements of the state laws.

I believe that many people, including myself, are sick to death with some of their comments. The people handling this recount cannot do anything without somone in the Republican Party crying "thief" at every turn.

Despite how the final ballots are counted—one or two votes either way—I believe a special election is the only way to resolve it.

THE DEMOCRATS HAVE ONLY BEEN ABLE TO CONSOLIDATE ON ONE ISSUE

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, we are beginning to hear the "Great Coverup for the Great Election Robbery of 1985." Yes, Congressman-elect McIntyre won the election; he was certified; recertified in a recount; and only after the House Democrats were able to dispense with Indiana law, invent rules of their own, count until they got a few votes ahead, and then throw out uncounted votes, were they able to declare McCloskey the possessor of more votes than McIntyre.

It is of great interest to me that the Democrat Party, one of our great parties in our two-party system, which is searching for its soul, which cannot agree on any issues, which could not pass a Nicaraguan bill yesterday, has been able to consolidate only on one issue in this whole year, and that is to steal an election from a duly elected Congressman.

WE SHALL PAY—AND PAY—FOR IT LATER

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, some headlines are trumpeting the story that Congress has reputated the policy of support for the Contras in Nicaragua. I challenge that interpretation of yesterday's House activities.

While we failed to approve the administration's proposal, and failed to finally endorse any proposal to amend the administration's policy, we are yet to define a majority-approved congressional policy position on Nicaragua.

If anything, we have delayed a resolution of the issue, and we have figuratively tossed the ball, for a time, into the Sandinistas court.

Those who have argued to give the Sandinistas another chance to change—to negotiate a peaceful return to democracy and pluralism for Nicaragua—to terminate their alliance with every international terrorist organization known to man; those who believe that this new Communist regime in the mainland Americas will let its democratic neighbors alone—will soon know the truth.

And the truth, I am afraid, will not change anymore than those Marxist Sandinistas will change.

The truth is that we have witnessed the growth of an awful cancer—an-

other extension of Soviet Communist colonialism into our back yard. And we will, for now, permit that cancer to grow and to spread, before we summon the will to effectively deal with it. To coin the old Fram oil filter commercial. We have in effect failed to pay for our filter today, and we shall pay—and pay—for it later.

HOW WAS IT FAIR?

(Mr. DEWINE asked and was given permission to address the House for 1 minute.)

Mr. DEWINE. Mr. Speaker, someone once observed that "the one pervading evil of democracy is the tyranny of the majority, or rather of that party, not always the majority, that succeeds, by force or fraud, in carrying elections."

Today, the leadership of this body stands ready to carry, by their blatant use of power, the Eighth District of Indiana congressional election. They call this fairness, but their actions belie the words. How was it fair to leave the seat vacant for 3½ months? How was it fair to deny representation to the people of Indiana's Eighth District as long as the Republican was ahead? How was it fair to make up the rules for recounting ballots on party lines?

When the State of Indiana counted the ballots, Rick McIntyre won. It is the responsibility of the Indiana secretary of state to certify the election outcome. He did so.

Now the leadership of this body and those on the other side of the aisle—hardly a disinterested group—have in a creative recount found their candidate the winner.

I guess the only thing I'm surprised at is that they only gave their candidate a four-vote victory.

LET US RESPECT THE ORDERLY PROCESS OF THIS INSTITUTION

(Mr. DURBIN asked and was given permission to address the House for 1 minute.)

Mr. DURBIN. Mr. Speaker, now that the House Administration Committee report has been published, it is clear that Frank McCloskey won the congressional race in the Eighth Congressional District of Indiana by four votes: the closest congressional contest in this century.

It is becoming increasingly clear that my Republican colleagues are disappointed with this outcome and disappointed with the fact that they have lost this contest. But it is interesting to note the tactics and rhetoric of my Republican colleagues in response to this outcome. Some Republican Members have threatened civil disobedience, guerrilla tactics, moving to expel one of our colleagues who served on the recount task force, physically restraining Members of Congress from voting, disrupting the orderly process of the House, and in the press, one Republican spokesman said that they may go so far as to chain themselves to this podium.

Otherwise honorable Members of the minority party have allowed their rhetoric to descend to the point where they have accused Democratic Members of being thieves, thugs, and slime. This display has strengthened the resolve of this Member and many of my fellow Democrats to follow the orderly process of this institution, to respect the history of this body, and not to bend to these shameful threats.

When the proud and distinguished history of the Republican Party is written, my colleagues on the other side of the aisle can be assured that these sorry statements and threats will not be included.

□ 1210

PULLING THE RUG OF DEMOCRACY OUT OF INDIANA

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, 24 years ago this country pulled the rug out from under some valiant freedom fighters at the Bay of Pigs in Cuba. Last night this House pulled the rug out from under some valiant freedom fighters in Nicaragua.

We have been told next week that the House Administration Committee is going to attempt to pull the rug of democracy out from under the people of the Eighth Congressional District of Indiana.

I would hope before any of my colleagues, particularly on the majority side, cast their vote next week on that important issue that you ask yourself one question: Have you taken democracy out of the Democrat Party?

MINORITY AND MAJORITY SHOULD WORK TOGETHER

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, I think it is important to note that it was not the Democrats who defeated the bill last night alone. In fact, more Republicans, more Republicans percentagewise in this House, voted against sending a bill to the conference committee with the other body.

So when I hear Members state that, like the Eighth District of Indiana, it is the Democrats' fault, I only would say to the gentleman from Minnesota and those who have spoken with him this morning that all of us certainly bear a responsibility in trying to deal with that most serious problem in Central America. It is time now for all of us to understand that it is not only one country, it is the entire hemisphere that is at stake.

We should all work together in a bipartisan fashion in order to see to it that we address the true issue, the problem of Central and South America, as well as our neighbor to the south, Mexico, and their problems in a way that will be constructive and in our best interest.

I would hope that the minority party, along with the majority party, would begin to work together, beginning today, rather than showing us a display of what the rules call dilatory tactics.

"DO SVIDANIYA," SENOR ORTEGA

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, in Russia the term "Do svidaniya" means "Have a good trip," so I say "Do svidaniya, Senor Ortega. Your trip to Moscow today could not have been better timed. In fact, I predict your trip will be only the first in a series of celebrations by America's enemies over yesterday's decision by this House to, in my opinion, "abandon the cause of freedom in Central America."

The Soviets love to speak about the correlation of forces in international affairs. But I'm more impressed by the correlation of dates. This week, we have marked the 10th anniversary of our abandonment of Vietnam by setting the stage for another anniversary 10 years from now—our abandonment of Central America.

Now I know a lot of good Americans who oppose aid to the Contras, those who seem to listen to Mr. Ortega rather than our own President, thought that Mr. Ortega would respond by getting up early and building all those schools and hospitals he says Ronald Reagan has stopped him from building.

But I guess the man feels he's entitled to a vacation. Maybe a shopping spree for Soviet arms. And why not? For the Communists in Nicaragua, it's clear sailing from here on out, unless, of course, this House reverses the action it took last night.

DEFINITION TIME

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, it is definition time. The word is "War Wimp," noun, one who is all too willing to send others to war but never gets around to going to war himself.

The second term is "War Wimp Party," noun, singular, group of War Wimps.

Mr. Speaker, I am happy to report that a majority of my friends on the Republican side are not wearing the lapel buttons displayed by others which say, "Thou shalt not steal," which is meant to suggest criminality on the part of honorable Members of this body. Our Lord God gave us Ten Commandments, and another of those commandments is, "Thou shalt not bear false witness against thy neighbor."

THOU SHALT NOT STEAL

(Mrs. BENTLEY asked and was given permission to address the house for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, I am wearing one of the green buttons as are many others in this room and it does read, "Thou shalt not steal."

That admonition, you might remember, Mr. Speaker, is one of the Ten Commandments, which most of us were taught to obey from our earliest years. We obeyed because it was the will of God.

We now face a crisis in this House because the majority is about to repeal at least one of these Commandments, the one on the button. That majority has cleared the way for stealing the congressional seat in the Eighth Congressional District of Indiana.

As a freshman, I couldn't believe my ears on the day that the task force was appointed. One of the most temperate, well-respected Members of this body, the Honorable BILL FRENZEL, of Minnesota stated that the appointment signaled that "They are going to steal the seat."

It is now clear that he was right and my illusions about fair play were wrong.

Now that the theft is almost complete, the majority has committed this body to the new Commandment that might makes right.

The rest of us will continue to adhere to the old Commandments. Those still include God's prohibition "Thou shalt not steal."

LET'S GUARD THE TREASURY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, there is an awful lot of stealing going on from the Treasury and I think we need to talk about that. If you look at the morning paper, there is a mountain of documents that have come out about General Dynamics and many other of our military contractors who have really been out-and-out looting and raiding the taxpayers.

I think this is what we ought to act on if we want to talk about stealing because this stealing is right out of the taxpayers' pockets. If you noticed, in the House hearings held yesterday the auditors said they are having a terrible time getting the Department of Justice to prosecute or to act on the cases of fraud and waste they have.

It is time this body gets serious about real stealing, stealing of the taxpayers' money. I also find in U.S. News & World Report this week further evidence of it, that the chairman of the board of General Dynamics gave himself a 110 percent raise last year. I want to assure you he was not at the poverty line or anywhere near it before his raise.

The people making money out of the defense bill are not the guys in uniform or not the people whose lives are on the line, but the people who are really making a monetary killing are the defense contractors, and no one in the administration is doing anything about it. Let us get serious about the business at hand and let us guard the Treasury. Let us really go after stealing.

WHAT HAS HAPPENED TO THE DEMOCRATIC PARTY?

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, what has happened to the Democratic Party?

Why has the party of Jefferson, Jackson, Roosevelt, and Kennedy—the party which has played such a significant role in the evolution of American liberty—become so morally bankrupt as to deny Rick McIntyre the seat to which he was elected?

Why has the Democratic Party chosen to cut the thread of fair play and political decency which forms the very fabric of the democracy under which we live?

Why have they chosen to use their numbers in this body to impose their will on a half million unrepresented Hoosiers?

And why has the leadership chosen to compromise the working relationship between the majority and minority parties in this House by making the Eighth District of Indiana a test of political macho?

In the end, you may seat your candidate, Mr. Speaker, but you cannot violate both principle and precedent without a price.

There may be no antidote to counter the poison which now stands as barrier between Republicans and Democrats and the work they need to accomplish in this Congress.

My last question, Mr. Speaker: Is all this really worth it?

CENTRAL AMERICA: DOSE OF REALITY—NO. 4

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, the Reagan administration decided in 1981 to provide covert aid to stimulate a guerrilla campaign against the Government of Nicaragua. This decision was communicated in secret to the House and Senate Intelligence Committees in December of that year. Neither committee thought that the idea was particularly bright, but the Director of the Central Intelligence Agency assured one and all that this would be a small, limited-purpose operation.

The Intelligence Committees did not quite believe the assurances they were given. Accordingly, the committees agreed to allow aid to the so-called Contras, but explicitly limited the use of the funds to interdict arms that the administration claimed were being shipped from Nicaragua to rebels in El Salvador, this being the so-called Boland amendment. The committees also provided that none of the money could be used for the purpose of overthrowing the Government of Nicaragua. This proviso was secret, but President Reagan could have no doubt that the Congress very much opposed the idea of trying to carry out a guerrilla campaign against Nicaragua, for the same language was included in the Defense appropriations resolution for fiscal 1983—by a unanimous vote in the House.

Far from being a small, limited purpose effort, by the time of that December open vote in the House, the CIA had built up a 10,000-man Contra army, based in Honduras. The Contras never found any of the arms that they were supposed to be stopping, and as later events would prove, the operation was hardly one of interdicting arms. It was instead a campaign designed to overthrow the Sandinista government, notwithstanding what the law said. A few months after the adoption of the Boland amendment, the Contras, using CIA support vessels, advice, and materials, were laying mines in the harbors of Nicaragua. This was anything but an effort to interdict arms, and it was an operation of far greater scope than Congress had authorized. The blatant excesses and outright stupidity of the Nicaraguan operations infuriated even the most hawkish of hawks, who found themselves embarrassed and undercut by the violations of clear congressional policy, and the outright violation of the Boland amendment.

This is what the Boland amendment provides, and the language is the same in both the secret CIA authorization of 1982 and the publicly adopted defense title of the continuing resolution adopted later that year:

None of the funds provided in this act may be used by the Central Intelligence Agency or the Department of Defense to furnish military equipment, military training, or advice, or other support for military activities, to any group or individual, not part of a country's armed forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras.

But by that time, the Contra forces had already been built up far beyond what the CIA had said would be done, a force far larger than could be justified for the purposes the Intelligence Committees had authorized, and far larger than what would have been needed for the interdiction operations that CIA Director Casey had said they would be used for. The Reagan administration from the outset deceived the Intelligence Committees, and violated congressional policy, even when that policy had been adopted openly, by a 411–0 vote in the House. It was a reckless, lawless performance, proving that the Intelligence Committees had been right about their belief that the CIA could not be trusted to operate either covertly, with discretion, or cleverness—let alone be kept in reasonable control.

□ 1220

ELKS LODGES IN NORTH CAROLINA COMMENDED FOR PROGRAMS ON DRUG AWARENESS

(Mr. COBLE asked and was given permission to address the House for 1 minute.)

Mr. COBLE. Mr. Speaker, today I express thanks to the Benevolent and Protective Order of Elks in North Carolina for its contribution in the areas of drug awareness. Its target area is the youth enrolled in the fourth through the ninth grades. The objective is to increase their awareness of the adverse consequences of drug abuse so that they will decide for themselves to avoid drugs.

The program is under the direction of Byron Long, State president; Ernest Bell, national youth chairman; and James Green, State drug awareness chairman, who have taken great steps in not only informing our youth but their parents and teachers as well. The 41 Elks lodges of North Carolina have contributed greatly and are working to combat this crippler of the young. I salute the B.P.O.E. for its assistance in keeping our Nation strong by encouraging our next generation to avoid the use of drugs.

THE DO-NOTHING APPROACH TO CENTRAL AMERICA

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I was disappointed in our actions of yesterday. First, we passed a genuine attempt on the part of some Members to not quit the region of Central America with the Barnes-Hamilton amendment. It was a pitiful, do-nothing, run-but-not-hide amendment which I could not support, but at least it was an attempt at some middle ground, a hands-on foreign policy.

Next we defeated the Michel amendment, which would have given some limited humanitarian support to the Contras. I supported this approach. It was the minimum action for our country, but it, too, failed. Then the Congress failed to send to conference any bill.

This final failure—and let us not be fooled by comments to the contrary—in my opinion, is the sole responsibility of those Members who gave the Hamilton-Barnes option a majority in the first place. Sadly, this truth has been belatedly revealed to middle-ground Democrats.

The moderate, reasonable, middle-ground Democrats have now discovered that many Democrats want no action in Central America, no military support, no humanitarian support, no support at all.

Mr. Speaker, I ask those good men and women who know we cannot be an ostrich in our foreign policy to join with us who want to do something and formulate a policy better than the President's and surely better than yesterday's do-nothing approach.

EL SALVADOR COMMENDED FOR ITS IMMUNIZATION PROGRAM

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, yesterday I took to the well of the House to inform my colleagues of the exceedingly successful mass immunization program organized in El Salvador by President Jose Napoleon Duarte. I observed this great humanitarian effort firsthand over the weekend and feel this body should appropriately congratulate President Duarte and those involved.

The campaign was a model of good planning, effective management, and interagency cooperation. Key to the vaccine campaign's success was the participation by U.S. Agency for International Development, UNICEF, PAHO, and several other agencies and organizations. I am very proud of our Government's contribution to this humanitarian effort. Very proud. It underscores our commitment to the well-being and safety of the people of El Salvador, especially her children.

Mr. Speaker, it is extremely important that we recognize the direct leadership role President Duarte played in the immunization program. It is estimated that approximately 300,000 Salvadoran children were immunized and thereby protected from painful debilitating and even fatal diseases such as whooping cough, diphtheria, tetanus, measles, and polio. Tens of thousands more will be vaccinated in a followup effort. It is clear, though, that without President Duarte's leadership, there would not have been an immunization campaign in El Salvador.

Mr. Speaker, it seems to me that the major obstacle to the immunization of all the world's children is not expense—it is relatively inexpensive—nor is it lack of interest on the part of volunteers and medical staff. Indeed, the El Salvador program benefited from more than 20 international and local organizations as well as more than 18,000 Salvadoran volunteers and medical staff.

Instead, Mr. Speaker, the chief problem lies in the lack of leadership at the highest echelons of governments. With proper leadership, like in El Salvador, millions of children could be saved. It is so sad and regrettable, Mr. Speaker, that only 20 percent of the world's families are aware of and taking advantage of the new low-cost immunization mechanisms which could protect their children. As a result, more than 5 million children die and a further 5 million more are mentally and physically disabled each year from these easily preventable diseases.

Mr. Speaker, in my opinion, President Duarte provided an inspiring example to the rest of the developing world, as to how to close the gap between available immunization services and children actually immunized in a country. In El Salvador, approximately 900,000 children were in need of vaccines to protect them from these chronic diseases, and now many are protected. Despite the war-torn status of his country, President Duarte had the compassion, vision, and commitment to lead a nationwide effort to protect his country's children. We must encourage other leaders in the Third World to emulate the El Salvador program.

Mr. Speaker, I am happy to report to my colleagues that few people in El Salvador were unaware of the national immunization campaign. With President Duarte leading the project, radio stations, churches, banks, health groups, and schools all participated in the promotion, as well as the completion, of the vaccine campaign. By establishing conveniently located vaccination points—over 2,000 in El Salvador—and by coordinating specific dates and times, President Duarte ensured that more parents would be aware of the immunization programs. Thus, thousands of El Salvadoran children were immunized and an overwhelming percentage of children returned to receive all three doses which

are needed for certain vaccinations to be effective.

Mr. Speaker, there is no doubt that President Duarte's effort in El Salvador will serve as a model for similarly needed programs throughout the developing world. El Salvador is a success story, an inspiration, and an example to be duplicated elsewhere in the developing world. Accordingly, Mr. Speaker, I have introduced a resolution recognizing and applauding President Duarte for his foresight and effective leadership in this program. I am pleased that Mr. FASCELL, the distinguished chairman of the Foreign Affairs Committee, as well as Mr. BROOMFIELD, the ranking minority of the committee, and Mr. YATRON, chairman of the Subcommittee on Human Rights, and Mr. SOLOMON, ranking minority of that subcommittee as well as several distinguished Members including Mr. KEMP, Mr. HYDE, Mr. WOLF, Mr. MCCOLLUM, Mr. WEBER, and Mr. MCEWEN have joined me as original cosponsors of my resolution.

I urge all my colleagues in the House to join me in supporting this resolution.

BACK TO THE DRAWING BOARD ON CENTRAL AMERICA

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, I was dismayed by the vote last night also, that after 14 hours of debate we failed to produce a measure to address the problems confronting Central America, after 14 hours of debate on military strategy and political consequences, after 14 hours of debate in which the suffering of innocent civilians was grievously documented, and after 14 hours to say no to aid, with a postscript that we have no alternatives.

To my colleagues, the gentleman from Indiana [Mr. HAMILTON] and the gentleman from Maryland [Mr. BARNES], I would say they had a very good effort, and I supported that effort. There is clearly a need to bring stability and security to the region. Also it is in our power to provide humanitarian aid to solve problems brought about by such things as the polio epidemic that may well spread across Central America.

To those who say Hamilton-Barnes did nothing, I say you are wrong. To those who want no aid to the region, I say you are wrong also.

Mr. Speaker, there was an opportunity to nurture democracy throughout the region, but we have thrown out the baby with the bath water, and it is back to the drawing board.

ORTEGA CELEBRATES VICTORY, SCHEDULES MOSCOW TRIP

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, the forces against U.S. involvement in Central America were triumphant last night, but I believe they can take little solace in their hollow victory.

The much-touted Barnes-Hamilton alternative to the President's policy failed even to retain a majority of the Members on the Democratic side of the aisle, and the transparency was given to the contention that there was any real majority support to do anything other than frustrate the President in his foreign policy initiatives.

Furthermore, for those who genuinely believe that the United States has been wrong in its involvement in Central America, let me offer you my strained congratulations. You may take great pride in the fact that your efforts were greeted with such enthusiasm by Sandinista Leader Daniel Ortega that he celebrated your victory with an immediate announcement of his intention to travel to Moscow to seek further instructions.

REAGAN URGED NOT TO VISIT BITBURG CEMETERY

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, I wish to commend my colleague, the gentleman from New Jersey [Mr. TORRICELLI] for the amendment that we will soon pass urging the President not to visit the cemetery at Bitburg.

Mr. Speaker, unfortunately, in addition to the very significant moral and philosophical considerations that this visit raises, the judgment of this President and his advisers to visit this site of Nazi graves raises very fundamental questions on the competence of foreign policy conduct in this administration. It provides us with the potential for severe disruptions in our relations with our most trusted and loyal allies in Western Europe. It gives the Soviets the potential for further very significant propaganda gains throughout both Western and Eastern Europe and throughout the globe.

Mr. Speaker, I hope that a cross-section, on a bipartisan basis, of this House will join in sending both a respectful and strong message to the President of the United States urging him to reverse this outrageous decision.

QUESTIONS OF INTEGRITY AND CHARACTER RELATING TO THE CONTESTED INDIANA VOTE

(Mr. SILJANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SILJANDER. Mr. Speaker, the Founding Fathers' idea in the Constitution for this austere establishment was an establishment of men and women of integrity and character. In the Eight District of Indiana, unfortunately, that basis of our Founding Fathers has been desecrated.

Is it integrity to create a bipartisan committee with two Democrats and one Republican? Is it integrity to throw out State law? Is it integrity to then turn around and use the State law when it is to your advantage? Is it character and integrity to count unauthorized ballots in Democratic counties and then turn around and not count unauthorized ballots from Republican counties?

Is it really integrity to literally create rules that guarantee your side victory? Is that fair play? And is it real character and integrity, as the Founding Fathers established for this institution, to count literally more votes in a precinct than there are registered voters? Is this the kind of character and integrity embodied in this institution?

Mr. Speaker, I had hoped that we would reanalyze the Eighth District of Indiana on the basis of our integrity and character.

THE TOMMY HEARNS APPROACH TO INTERNATIONAL RELATIONS

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, I think yesterday's vote in this House was a tragedy, a tragedy for the people of America, a tragedy for the people of Central America and for all of this hemisphere. But I find instructive some of the comments from the Members on the other side who suggested that the approach the President wanted was wrong. They said that would tend to have people gaze upon what the Contras are doing and not focus on what the Sandinistas are doing, that if we can just have people see what the Sandinistas are doing, world opinion will make them change.

I guess we would call that the Tommy Hearns approach to international relations. As Tommy Hearns was sitting there on his back seeing stars, he probably thought in his mind, "I may be knocked out, but, by God, that Marvelous Hagler, his arms sure are tired."

I guess that is all we have got to do. We keep getting knocked out and knocked out and knocked out, and, by God, those Sandinistas are going to fall over from sheer exhaustion in their victories.

□ 1230

BITBURG IS NOT YOUR PLACE, MR. PRESIDENT

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I address these remarks to our President for whom I have the deepest respect and the highest admiration.

Mr. President, do not go to Bitburg Cemetery. As cochairman of the Congressional Human Rights Caucus, I believe I speak for all of our members when I say laying wreaths at Nazi graves would be a terrible debasement of the sacrifices of tens of millions of people you care about deeply:

American combat veterans and war dead—not only in that war, but in all wars to preserve freedom;

Holocaust victims, martyred or living, and their partners in conscience, all of us, committed to keeping that memory alive;

Europeans who fought against and suffered so much at the hands of the Nazi terror. Our current allies. But also, perhaps especially, the Poles, Czechs, Hungarians, Yugoslavs, Ukranians, and, yes, even the Russian people. They would see Bitburg through the eyes of state-controlled television, which will be spliced with visions of the horrors they remember so well. All that we have gained in standing for human freedom will be lost in your unintended embrace of its enemies.

No, Mr. President; Bitburg is not your place. Don't go.

VOTE LAST NIGHT WILL LEAD TO MORE REPRESSION AND SPREAD OF REVOLUTION IN CENTRAL AMERICA

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, this morning on "Good Morning, America" Steve Bell interviewed a Vietnamese young man who in the early seventies demonstrated here in America against the Vietnam war.

After the war, he went back to Vietnam to help in the redistribution of wealth program. He told of some differences he had with the Communist government's policies and how they threw him into jail for 2½ years because of that disagreement.

He said prison is worse now than before, and the use of tiger cages still occurs.

He told of spying by neighbor on neighbor, with the withholding of food being used to control this spying. Those who complain are reported and many go to jail without a trial.

This is the Communist program used in the Soviet Union, Vietnam, Cuba, and Nicaragua.

Our vote last night to do nothing to stop these practices will lead to more repression and a spread of revolution in Central America, just as it did in Southeast Asia. There will then be many people like this Vietnamese young man—from the United States and Central America who will then see the light.

I pray it will not be too late.

THE ARROGANCE OF THE MAJORITY ON EIGHTH DISTRICT OF INDIANA ELECTION

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MARTIN of Illinois. There seems to be, Mr. Speaker, some genuine confusion on the Democratic side of the aisle. As a Member who is not yet willing to say that the phrase "decent Democrat" is an oxymoron, let me explain to you how deeply the Republicans feel about what we look at as the arrogance of the majority concerning the Eighth District of Indiana.

Look at the case. We do not ask much. We do not ask much. Two probably decent people have gone through very long months, but we believe that there has been a deliberate and conscious effort to take an election, that the people of that Eighth District are not being allowed to choose their representative and that the Democrats indeed are afraid to let democracy work.

It is, and I am reminded of the 1 minute speech by the gentleman from Maryland, it is the party of Lincoln that is activist and involved and some of us who do fight and have fought racism and sexism believe maybe the Democrats should agree that the fight against racism and sexism and for democracy should finally enter the doors of the House.

A COMMENDATION TO 46 COURAGEOUS DEMOCRATS

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, Democrats seeking to move their party back into the center, into the mainstream of American political life, received a severe setback in yesterday's vote. That was the vote to deny humanitarian nonlethal assistance to those fighting totalitarianism in America.

I would like to commend those 46 Democrats who had the courage to buck a conservative effort on the part of their leadership to whip their troops into line; from BARNARD to BENNETT to BEVILL to BIAGGI to STRATTON, TALLON, TAUZIN, THOMAS, and WILSON, we saw the real Democratic Party stand up, the Democratic Party of FDR, Truman, Kennedy, Humphrey, and Jackson.

In the weeks ahead there will be time for other more moderate Democrats to reevaluate their position, to reconsider the meaning of deserting freedom fighters right south of our border.

When in doubt, I urge my Democratic colleagues, bet on liberty.

DEMOCRATS HAVE CONTROLLED RECOUNT IN EIGHTH DISTRICT OF INDIANA

(Mr. KINDNESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINDNESS. Mr. Speaker, I know from personal experience and observation that there are at least 70 to 80 of our colleagues on the Democratic side of the aisle who are not thieves, who are not dishonest, who do want to see the right conclusion of all this concern about the Eighth District of Indiana. Other people's observations may go beyond that. I am sure there are more.

Let me say that I am disturbed to hear the repeated misstatements by our colleagues from the other side of the aisle, such as one expressed today that the General Accounting Office conducted this recount in Indiana. That is not true.

The fact comes down to this. The Democratic Party has controlled who does the count. They hired people who happened to otherwise work for the General Accounting Office, but when you get right down to the end of the line, let us sweep away all the chaff. There were a group of ballots there. Someone counted. They were of the same category basically and some were not. You have lost your fairness argument. It is time for a special election.

CAPTURED RECORDS REVEAL COMMUNIST STRATEGY AND TACTICS

(Mr. LAGOMARSINO asked and was given permission to address the house for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. LAGOMARSINO. Mr. Speaker, Daniel Ortega is celebrating what happened here yesterday by announcing

his decision to go to Moscow to seek additional aid. Some other people who are celebrating are El Salvador's Marxist guerrillas, because they believe the Sandinista success in crushing the Nicaraguan resistance would be decisive in their plans to bring down the Salvadoran Government.

According to documents captured last week by the Salvadoran Army, in a letter addressed to the Sandinista National Directorate date November 24, 1983, the four top Salvadoran guerrilla commanders also expressed support for Managua's diplomatic initiatives because they help President Reagan's opposition in the United States.

The Salvadoran guerrillas hail Sandinista diplomatic efforts because they "gain time to help opposition in the United States and to internationally isolate President Reagan's aggressive plans toward Nicaragua and El Salvador."

No other reason for their support of diplomacy was listed.

The guerrilla commanders dismiss the importance of their negotiating with the Salvadoran Government because "dialog does not play an important role in our diplomatic battles."

Rebel commanders also asked the Sandinista Directorate for "a much higher level of logistical assistance" since "coordination and cooperation" between the Salvadoran guerrillas and the Sandinistas is of the highest priority."

Mr. Speaker, I include the article by Roger Fontaine of the Washington Times, as follows:

CAPTURED RECORDS REVEAL COMMUNIST STRATEGY, TACTICS

(By Roger Fontaine)

El Salvador's Marxist guerrilla leaders believe a Sandinista success in crushing the Nicaraguan resistance would be decisive in their plans to bring down the Salvadoran democratic government, according to documents captured last week.

In a letter addressed to the Sandinista national directorate dated Nov. 24, 1983, the four top Salvadoran guerrilla commanders also expressed support for Managua's diplomatic initiatives because they help President Reagan's opposition in the United States. The letter and other documents seized by the Salvadoran army were obtained by The Washington Times.

Rebel leaders stressed "the internal consolidation of the Sandinista Popular Revolution is the "determining factor for our liberation process."

"At this time, the highest priority for the FSLN [Sandinistas] is to continue and aggravate the wearing away of the enemy forces"—the Nicaragua resistance—"which in turn will allow us to enter that situation with our political and military forces better developed and consolidated, and with a larger capacity to bog down the aggression if it were to happen."

The guerrilla commanders' statement refers to a pledge by the Farabundo Marti National Liberation Front, or FMNL, to respond to the introduction of U.S. combat troops in Central America, according to one State Department official.

The guerrillas hail Sandinista diplomatic efforts because they "gain time to help opposition in the United States and to internationally isolate [President Reagan's] aggressive plan towards Nicaragua and El Salvador."

No other reason for their support of diplomacy was listed.

The guerrilla commanders dismiss the importance of their negotiating with the Salvadoran government because "dialogue does not play an important role in our diplomatic battles."

Important diplomatic "battles" listed in the letter included mustering "international pressure" to stop "U.S. intervention."

Rebel commanders also asked the Sandinista directorate for "a much higher level of logistical assistance" since "coordination and cooperation" between the Salvadoran guerrillas and the Sandinistas "is of the highest priority."

"We believe that present circumstances are favorable to take daring steps in this direction," they added.

The documents, according to State Department officials, constitute the richest haul of material detailing the inside workings of the Salvadoran rebels and their relationship with the Nicaraguan government since the capture of a diary belonging to the chairman of the El Salvadoran Communist party five years ago.

More documents are expected to be released shortly.

They were seized by the Salvadoran army in a raid on a guerrilla base camp last week in El Salvador's San Vicente province in which seven guerrillas were killed and a high-ranking political-military section chief, Nidia Diaz, was captured.

The camp, according to officials, belonged to the Central American Revolutionary Workers' Party (PRTC), one of five military factions that belong to the FMLN guerrilla coalition.

The commanders' letter was in reply to a Sandinista foreign commission report given them for comment. The report outlines Managua's diplomatic strategy.

The closeness of their working relationship, according to State Department officials, is demonstrated in the military commanders' letter.

The FMLN commanders who signed the letter included Shafik Jorge Handal, chairman of the El Salvadoran Communist Party, Joaquin Villalobos, head of the Popular Revolutionary Army, Roberto Roca of the Central American Revolutionary Workers' Party, and Leonel Gonzalez of the Popular Liberation Forces.

The guerrilla leaders, all headquartered in Nicaragua, stated their agreement was the Sandinista foreign affairs commission's report and its conclusions that the U.S. election period was "the appropriate moment to influence the American electorate."

"The Sandinista Popular Revolution and the Salvadoran Revolutionary Movement are the most sensitive points in Central America and they could bog down the present Reagan Administration," the letter said.

The military commanders underlined the importance of defeating "the aggressive policy of Reagan" through "the joint efforts of the Socialist Camp, the National Liberation Movements and all the Progressive Forces . . ."

Officials did not explain why the documents, available since last week, were only distributed Tuesday night during the House debate on funding for the Nicaraguan resistance forces. The rebel camp was captured on April 18.

Salvadoran rebel cooperation and assistance to the Sandinistas shows up in another captured document, the hand-written notes of an undated meeting between FMLN and Sandinista officials in which joint efforts were outlined, including contingency planning.

The minutes state that U.S. "aggression" against Nicaragua was inevitable and to be launched "within a few days." They affirm that the common interest of the Sandinistas and the Salvadoran rebels was the "defense of the Nicaraguan revolution."

According to the minutes, cooperation was more than rhetorical. Officials agreed that an FMLN military unit was to receive one month of intensive military training and then be deployed to a border area closest to Nicaragua.

The minutes disclose that "at the first shots" indicating a U.S. attack on Nicaragua, FMLN propaganda materials and funds are to be shipped from Nicaragua to El Salvador.

The document also indicated that this would be a joint decision of the Sandinistas and the FMLN.

Other captured documents show the Salvadorn rebels are dependent on other Soviet bloc states for training and instruction.

On a page of a captured guerrilla calendar for May 1984 are found names of guerrillas destined for instruction in Bulgaria, the Soviet Union and Vietnam.

Other foreign training was indicated in captured guerrilla personnel files. The cards list names, pseudonyms, sex, civil state, number of children, profession, schooling, military experience and physical problems.

The last line of each card indicates political and military training. In the file cards made available to The Washington Times, five showed instruction in Cuba, and another said simply "a military course in the exterior."

Another captured document—two pages of hand-written excerpts from a FMLN foreign affairs commission political analysis—reveals a preoccupation with the possibility of U.S. combat troops being deployed in the region.

In paragraph 17, the report says if aggression against Nicaragua begins, "the frontiers disappear."

It characterized the Reagan administration as the most aggressive in recent years and stated that its interventionism was aimed at Central America and Grenada.

Although the report is undated, it refers to "our tragic defeat in Grenada"—which one State Department official said indicates the FMLN's "full identification with the Marxists-Leninists in Grenada" and "reaffirms a common thread throughout the documents, which is the importance placed on communication and cooperation with other communist groups."

PARTY LINE VOTE OF TASK FORCE

(Mr. MONSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONSON. Mr. Speaker, in thier second hearing, when McCloskey was behind by 12 votes, the task force from House Administration voted to count 10 unnotarized absentee ballots.

In the final hearing, after McCloskey had moved into a three-vote lead, the task force decided on a 2 to 1, party line vote, not to count the other 32 unnotarized absentee ballots.

When the Committee on House Administration met to review the report of its task force, Mr. SHUMWAY, selected by the Democrats to supervise the task force recount, testified that the 32 unnotarized absentee ballots the task force refused to count had been afforded the same level of security as the 10 unnotarized absentee ballots the task force had previously voted to count.

Further questioning brought the following exchange:

Congressman THOMAS. If you agreed to count the first ballots, what would you have done in your professional position with the second set of ballots? Would you have counted them or not counted them?

Mr. SHUMWAY. Based on the security and handling, I guess we would have counted them.

□ 1240

COUNTING THE VOTES IN INDIANA'S EIGHTH CONGRESSIONAL DISTRICT

(Mr. COBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBEY. Mr. Speaker, I would like to repeat what my distinguished colleague from Utah [Mr. MONSON] just mentioned because it bears repeating.

In a second meeting when McCloskey was behind by 12 votes, the task force voted to count 10 unauthorized absentee ballots.

In the final hearing after McCloskey had moved into a three-vote lead, the task force decided on a 2-to-1 party line vote not to count the other 32 unauthorized absentee ballots.

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THE 5 HOUR AND 45 MINUTE TAPE GAP

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, I understand there is a 14-minute tape, paid for by the Republican Congressional Campaign Committee, concerning hearings that the Task Force on Elections had regarding the McCloskey-McIntyre issue.

This 14-minute tape, based on hours and hours, more than 6 hours of one hearing, for example, was spliced and put together in such a way as to misrepresent what really happened. I call that the 5 hour and 45 minute tape gap.

Where have we heard that before? We remember in the Watergate situation there were a number of hours of tapes that were not there, and it created a national scandal.

I urge my friends on the other side of the aisle to take a look at all of the proceedings rather than this spliced 14-minute tape based on hours of the proceedings. Anyone can splice a tape to make it look any way they want.

Why are you afraid to look at the entire proceedings? You know why. Because Frank McCloskey did in fact win the election.

The GAO and the Director of Elections chosen by the Republicans, I might add, indeed found him to be the winner.

SHOWING OF TAPE OF ENTIRE PROCEEDINGS OF ELECTION TASK FORCE

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, just in reply to the gentlewoman from Ohio [Ms. OAKAR] who just spoke previously, perhaps the gentlewoman was not present on the floor when the leadership discussed the agreement between the gentleman from Minnesota [Mr. FRENZEL], and the majority leader as to the fact that the entire proceedings would be shown to all House Members who are interested on Monday over House television.

So in response to a resolution passed by the Republican conference we feel that all of the proceedings are open to be seen and we welcome that you watch the entire thing.

Ms. OAKAR. Will the gentleman yield?

Mr. COATS. I am happy to yield.

Ms. OAKAR. Is it not true that there is a 14- or 15-minute spliced tape that was shown to your side of the aisle, and that the manner in which it was spliced outraged individuals?

I can understand that when it is put together in a manipulative way.

Is it true you have a tape like that?

Mr. COATS. If the gentlewoman would yield back the time, absolutely it is true. We did not have at our conference the privilege of watching all 6 hours, and so we had an edited version. And all Members have also had the opportunity to see the entire version, and many have seen that and watched it.

Ms. OAKAR. I hope the responsible Members will see the entire proceedings.

Mr. COATS. I hope so, too.

SENSE OF CONGRESS RESOLUTION REGARDING THE PRESIDENT'S VISIT TO THE FEDERAL REPUBLIC OF GERMANY

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, at the appropriate time it would be my purpose to ask unanimous consent for the immediate consideration of a resolution in the House.

That resolution would express the sense of Congress that:

First, the U.S. Government should pay honor to the memories of the millions of innocent civilians and hundreds of thousands of American and allied soldiers who suffered and died at the hands of the Nazis;

Second, on the occasion of the 40th anniversary of the end of the Second World War, it is fitting and appropriate for the President, in a gesture of reconciliation, to visit the Federal Republic of Germany, a country which has taken its place among the community of democratic nations and which is now a friend and ally of the United States;

Third, the President should recognize the importance of the relationship between our Nation and the Federal Republic of Germany by paying tribute to appropriate symbols of that Nation's current democracy; and

Fourth, the President should reconsider the inclusion of the Bitburg Cemetery in his forthcoming trip to the Federal Republic of Germany.

THE PRESIDENT'S VISIT TO BITBURG CEMETERY

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, today, as the gentleman from Florida [Mr. FASCELL] has stated, it is his intention to bring up a resolution urging the President to reconsider his visit to Bitburg.

It has been told to us that the whip on the other side will object to bringing this resolution before us. I would beseech that whip, the good gentleman from Mississippi [Mr. LOTT] not to do that.

This is an issue that transcends party politics. Many people, including the good gentleman from Mississippi, have spoken out against the President visiting Bitburg.

I cannot tell you, sir, in my district, which has more Holocaust survivors than any other in the country, the depth of the anguish felt about the President continuing on this course.

He does not intend to do wrong, but he is doing wrong. He is making a large segment of the American people feel that their suffering went in vain.

These are people who love America, who are proud of America, as we all are. And yet when the President visits a Nazi cemetery where SS members are buried, he is slapping them in the face.

Please, I say to the gentleman from Mississippi, do not object, and let this resolution go through.

VOTE FOR A SPECIAL ELECTION IN INDIANA'S EIGHTH CONGRESSIONAL DISTRICT

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, last night there were 47 Democrats, I believe, who showed great courage in voting for what they believed in, in order to save freedom in Central America. They resisted pressures from within their own party and resisted pressure from many organized groups, and they did what they thought was right.

Next Tuesday there will be an opportunity to vote for a special election in Indiana. In a situation so totally muddled that there is not a single newspaper in the country that is endorsing the Democratic leadership effort to seat one person by a 4-vote margin out of 234,000, I would hope that every Democrat will look at the example of the 47 last night and will show us a step toward bipartisanship and toward an opportunity to have a rational rest of the session by voting for a special election and not voting for the leadership position. And, indeed, possibly even convincing the leadership to change their mind and vote for a special election.

THE PRESIDENT'S VISIT TO BITBURG

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, I, too, want to speak with the regret that this House today will not be able to address the President and give him the advice that he needs to receive.

We have all admired the President in his ability to communicate, to seize symbols.

In his coming visit to Germany he will seize the wrong symbol. That is an error of many dimensions.

It should not become a partisan issue. We should not be divided in giving the President the advice that he must receive.

We do not say the President should not seek a symbol of reconciliation with the people of Germany. But there are many symbols. This is the wrong one. Bitburg is a symbol of German soldiers who led American troops to a clearing and murdered them. It is a symbol of the SS who conspired to construct a death machine unprecedented in the world. And it is an opportunity for the Soviet Union to use as propaganda the wrong symbol of America seizing back into the past.

□ 1250

THE EIGHTH DISTRICT OF INDIANA ELECTION DISPUTE

(Mr. MYERS of Indiana asked and was given permission to address the House for 1 minute.)

Mr. MYERS of Indiana. Mr. Speaker, earlier today the gentleman from Missouri, our colleague, praised the task force from the House Administration Committee for its great job which it did in the Eighth District of Indiana in conducting the recount. And the task force did direct that recount. But the gentleman from Missouri did ask the question: If four votes is not enough, how many is enough? How many are enough? I would remind the gentleman, and I know he has left the floor, that 34 votes majority was not enough on January 3 when it was for the Republican candidate; 417 majority was not enough on February 7 when, again, they cast their votes for the Republican candidate. But in some way four is enough now.

During that earlier vote I heard several of the majority party Democrats speaking about, "Yes, it is a hot issue here, the election in Indiana, but not in our districts."

Well, let me tell you, I spoke last night in Virginia to a churchmen's group. I spoke about the spiritual aspect of Members of Congress, about our prayer group that many of us do participate in weekly. I did not talk about politics.

I spoke about 15 minutes.

The last 15 minutes I left open for questions and answers.

The very first question, the second, third, and fourth questions asked of me had nothing to do with activities of this House, as far as economic problems of the country.

In Virginia they asked about what is happening to that stolen election in Indiana? Well, if you think it is not an issue in your home district, you may be fooled. It will be if it is not now, I can assure you.

THE VISIT OF THE PRESIDENT TO BITBURG

(Mr. WYDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYDEN. Mr. Speaker, I would like to say in my 1-minute to the gentleman from Mississippi [Mr. LOTT] that I think it is very unfortunate that the American people are not going to have a chance to debate and have an opportunity to hear this resolution which is of a very mild nature. The resolution asks only that the President reconsider his position to go to the Bitburg Cemetery. That decision has brought pain to millions of Americans. It has brought pain to thousands of World War II veterans who left their youth on the battlefields of Germany and Eastern Europe in the fight to end Nazi terrorism and preserve freedom of religion, freedom of speech, and freedom of thought.

It has brought pain to the families of those thousands of other courageous Americans whose lives were taken from them in the same noble endeavor.

The resolution that we seek to debate today does not condemn the President, it does not even request that he cancel his visit, it asks only that he reconsider his decision and look at other options.

There are many other options where the President could honor non-Jewish German nationals who fought the Nazi terrorism. We hope he would do so.

THE "GOOD" INTENTIONS OF THE NICARAGUAN GOVERNMENT

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, yesterday we received a lot of assurances on the floor about the "good" intentions of the Nicaraguan Government. I would like to show some of those statements by reading from the RECORD here, a statement from yesterday.

Mr. MACK. Mr. Speaker, will the gentleman yield to me?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding.

Mr. Speaker, under rule XVI does the gentleman have permission to quote from the RECORD?

Mr. WALKER. I do not.

PERMISSION TO READ FROM CONGRESSIONAL RECORD

Mr. WALKER. Mr. Speaker, I ask unanimous consent under rule XVI to quote from the RECORD.

Mr. MACK. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

MOTION OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I move that I be permitted under rule XVI to quote from the RECORD.

The SPEAKER pro tempore. The question is whether under rule XXX the gentleman from Pennsylvania [Mr. WALKER] should be permitted to read.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 351, nays 14, answered "present" 6, not voting 62, as follows:

[Roll No. 71]

YEAS—351

Ackerman	Coelho	Gaydos
Addabbo	Coleman (MO)	Gekas
Akaka	Coleman (TX)	Gibbons
Alexander	Combest	Gilman
Anderson	Conte	Gingrich
Andrews	Cooper	Glickman
Annunzio	Coughlin	Gordon
Applegate	Courter	Gradison
Archer	Coyne	Gray (IL)
Armey	Craig	Gray (PA)
Aspin	Crane	Gregg
Atkins	Crockett	Guarini
AuCoin	Dannemeyer	Gunderson
Barnard	Darden	Hall (OH)
Barnes	Daschle	Hall, Ralph
Barton	Daub	Hamilton
Bates	Davis	Hammerschmidt
Bedell	DeLay	Hansen
Beilenson	Dellums	Hartnett
Bennett	Derrick	Hawkins
Bentley	DeWine	Hayes
Bereuter	Dickinson	Heftel
Berman	Dicks	Hendon
Bevill	Dingell	Henry
Biaggi	DioGuardi	Hertel
Bilirakis	Dixon	Hiler
Bliley	Dorgan (ND)	Hillis
Boehlert	Dowdy	Holt
Boner (TN)	Downey	Hopkins
Bonior (MI)	Dreier	Horton
Borski	Dwyer	Howard
Boucher	Dyson	Hoyer
Boulter	Early	Hubbard
Breaux	Eckart (OH)	Hughes
Brooks	Eckert (NY)	Hunter
Broomfield	Edgar	Hutto
Brown (CA)	Edwards (CA)	Hyde
Brown (CO)	Edwards (OK)	Ireland
Broyhill	Emerson	Jacobs
Bruce	English	Jeffords
Bryant	Erdreich	Jenkins
Burton (CA)	Evans (IA)	Johnson
Burton (IN)	Evans (IL)	Jones (OK)
Bustamante	Fawell	Jones (TN)
Byron	Feighan	Kanjorski
Callahan	Fiedler	Kaptur
Campbell	Fields	Kasich
Carney	Fish	Kastenmeier
Carper	Flippo	Kemp
Carr	Florio	Kennelly
Chandler	Foglietta	Kildee
Chappie	Foley	Kleczka
Cheney	Fowler	Kolbe
Clay	Franklin	Kostmayer
Clinger	Frenzel	Kramer
Cobey	Fuqua	LaFalce
Coble	Gallo	Lagomarsino
Lantos	Olin	Snyder
Leach (IA)	Ortiz	Solarz
Leath (TX)	Owens	Solomon
Leland	Oxley	Spence
Lent	Packard	Spratt
Levin (MI)	Panetta	St Germain
Levine (CA)	Parris	Staggers
Lewis (CA)	Pashayan	Stark
Lightfoot	Pease	Stenholm
Long	Penny	Stokes
Lott	Perkins	Strang
Lowery (CA)	Pickle	Stratton
Lowry (WA)	Porter	Stump
Lujan	Price	Sundquist
Luken	Pursell	Sweeney
Lundine	Quillen	Swift
Lungren	Rangel	Swindall
Mack	Ray	Synar
MacKay	Regula	Tallon
Madigan	Reid	Tauke
Manton	Richardson	Tauzin
Markey	Ridge	Taylor
Marlenee	Rinaldo	Thomas (CA)
Martin (IL)	Ritter	Thomas (GA)
Martin (NY)	Roberts	Torres
Martinez	Robinson	Torricelli
McCain	Roemer	Towns
McCandless	Rogers	Traxler
McCollum	Rose	Udall
McCurdy	Roth	Valentine
McEwen	Roukema	Vander Jagt
McHugh	Rowland (CT)	Vento
McKernan	Rowland (GA)	Visclosky
McKinney	Roybal	Volkmer
McMillan	Rudd	Vucanovich
Meyers	Sabo	Walgren
Mica	Saxton	Walker
Michel	Schaefer	Watkins
Mikulski	Schneider	Waxman
Miller (OH)	Schroeder	Weber
Miller (WA)	Schuette	Weiss
Mineta	Schumer	Wheat
Molinari	Sharp	Whitehurst
Mollohan	Shaw	Whitley
Monson	Shumway	Whittaker
Montgomery	Shuster	Whitten
Moore	Sikorski	Williams
Moorhead	Siljander	Wilson
Morrison (CT)	Sisisky	Wirth
Morrison (WA)	Skeen	Wolf
Mrazek	Skelton	Wolpe
Murphy	Slattery	Wortley
Myers	Slaughter	Wright
Natcher	Smith (FL)	Wyden
Nelson	Smith (NE)	Wylie
Nichols	Smith (NH)	Yates
Nielson	Smith (NJ)	Yatron
Nowak	Smith, Denny	Young (AK)
O'Brien	Smith, Robert	Young (FL)
Oakar	Snowe	Young (MO)

NAYS—14

Donnelly	Lehman (FL)	Petri
Dornan (CA)	Livingston	Rahall
Durbin	Mitchell	Sensenbrenner
Fascell	Oberstar	Zschau
Kindness	Pepper	

ANSWERED "PRESENT"—6

Conyers	Gejdenson	Obey
Frank	Gonzalez	Studds

NOT VOTING—62

Anthony	Gephardt	Miller (CA)
Badham	Goodling	Moakley
Bartlett	Green	Moody
Bateman	Grotberg	Murtha
Boggs	Hall, Sam	Neal
Boland	Hatcher	Rodino
Bonker	Hefner	Roe
Bosco	Huckaby	Rostenkowski
Boxer	Jones (NC)	Russo
Chappell	Kolter	Savage
Coats	Latta	Scheuer
Collins	Lehman (CA)	Schulze
Daniel	Lewis (FL)	Seiberling
de la Garza	Lipinski	Shelby
Duncan	Lloyd	Smith (IA)
Dymally	Loeffler	Stallings
Fazio	Matsui	Stangeland
Ford (MI)	Mavroules	Traficant
Ford (TN)	Mazzoli	Weaver
Frost	McDade	Wise
Garcia	McGrath	

□ 1310

Messrs. KINDNESS, LIVINGSTON, PETRI, DORNAN of California, and ZSCHAU changed their votes from "yea" to "nay."

Mr. LEATH of Texas and Mr. PANETTA changed their votes from "nay" to "yea."

Mr. OBEY and Mr. STUDDS changed their votes from "yea" to "present."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ROBINSON). The gentleman from Pennsylvania [Mr. WALKER] is recognized for 30 seconds.

Mr. WALKER. I thank the Chair.

The RECORD of April 24, 1985 on page 9222, has this statement:

> The Hamilton substitute adopts a carrot-and-stick approach that makes clear congressional concern about the Sandinistas' close links to Cuba and the Soviet Union, their violations of human rights, and their efforts to destabilize the region. These are specified along with removal of a military adviser and the offer of economic and development programs.

That was used to say that the Hamilton substitute was tough.

I do not think that Mr. Ortega was listening. He headed for the Soviet Union.

REQUEST FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 130, EXPRESSING SENSE OF CONGRESS WITH RESPECT TO PRESIDENT'S VISIT TO FEDERAL REPUBLIC OF GERMANY

Mr. FASCELL. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of a concurrent resolution (H. Con. Res. 130) expressing the sense of the Congress with respect to the President's visit to the Federal Republic of Germany in May 1985, which I send to the desk.

If consent is granted, I would yield 15 minutes to the gentleman from Michigan [Mr. BROOMFIELD] and reserve 15 minutes to myself.

The SPEAKER pro tempore. The Clerk will report the title of the concurrent resolution.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. LOTT. Reserving the right to object, Mr. Speaker, I understood that the policy that had been announced by the Speaker was that the House was directed that it was not in order to bring up legislation by unanimous consent unless that request had been cleared with the leadership on both sides, to wit: it also says that should include the majority and minority floor leadership, and committee and

subcommittee chairmen and ranking minority members.

I was not notified. I am under the impression the gentleman from Texas, the majority floor leader, was not notified, and, therefore, I presume that the Speaker, the Chair, in this case, would not recognize this unanimous-consent request.

The SPEAKER pro tempore. Would the gentleman from Florida advise the Chair what clearance he has?

Mr. FASCELL. If the gentleman would yield——

Mr. LOTT. Further reserving the right to object, I will be glad to yield.

Mr. FASCELL. The matter was cleared on our side.

Mr. LOTT. Was it cleared with the majority leader on your side, the majority floor leader?

Mr. FASCELL. And it was cleared on your side, with your leader, and ranking member of the full committee. Well, I am not sure who the leader is over there. And also with the chairman of the subcommittee.

Mr. LOTT. Further reserving the right to object, now, Mr. Chairman, let's don't start that kind of stuff.

Mr. FASCELL. I am trying to give the gentleman, as I gave my colleagues on the committee and the leadership on the minority side, absolute assurance, because the Speaker would not take this matter up until I had given him that assurance. I got that assurance on your side. After getting that done, you came on the floor and objected. I respect your position, and I assume you are part of the leadership and you have a right to object if you want to. But do not question my integrity when I say it was cleared.

Mr. LOTT. Mr. Speaker, further reserving the right to object, I am going to respond to that. Further reserving the right to object, it says, on page 476, House Rules and Manual:

> The Chair has established a policy of conferring recognition of all Members to permit consideration of bills and resolutions by unanimous consent only when assured that the majority and minority floor leadership * * *.

I am under the impression that the majority leader was not notified.

Is the Chair prepared to rule on whether or not this is going to be recognized for a unanimous-consent request, based on that?

Mr. FASCELL. Regular order, Mr. Speaker.

It seems to me that the gentleman is on his feet either to object or not object, and I wish he would go on and do something.

Mr. LOTT. Mr. Speaker, as I understand it, it is not in order, based on this rule, that I understand is in place, and I am inquiring if the Chair is going to rule that way itself. It would not be necessary for anybody else to object.

The SPEAKER pro tempore. The Chair feels there is sufficient assurance of clearance.

Is there objection to the request of the gentleman from Florida?

Mr. LOTT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PROVIDING FOR CONSIDERATION OF H.R. 2068, DEPARTMENT OF STATE, U.S. INFORMATION AGENCY, AND BOARD OF INTERNATIONAL BROADCASTING AUTHORIZATIONS, 1986 AND 1987

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 137 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2068) to authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the United States Information Agency, the Board of International Broadcasting, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the bill for failure to comply with the provisions of clause 5(a) of rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be considered for amendment under the five-minute rule by titles instead of by sections, and each title shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

□ 1320

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 137 is a 1-hour open rule providing for consideration of H.R. 2068. The Department of State Authorization Act for fiscal years 1986 and 1987, with the time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs.

The rule also waives points of order against the bill for violations of clause 5(a) of rule XXI. Clause 5(a) prohibits appropriations in a legislative bill. This waiver is necessary because a number of provisions in the bill allow new uses of already appropriated funds, or could otherwise be interpreted as appropriations.

The rule also provides that the bill shall be read for amendment by titles instead of by sections, with each title considered as having been read. Finally, Mr. Speaker, the rule provides for one motion to recommit.

The purpose of H.R. 2068 is to authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting (which makes grants to Radio Free Europe and Radio Liberty). Included are funds for the administration of foreign affairs, international organizations and conferences, migration and refugee assistance, for the modernization of Voice of America, and for the National Endowment for Democracy.

This legislation is essential to maintain the day-to-day operations of our foreign policy throughout the world. I would like to commend the Committee on Foreign Affairs for its expeditious action on this legislation.

Mr. Speaker, I urge the adoption of this rule.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there was no controversy concerning this rule in the Rules Committee. Both the Republican and the Democrat representing the Foreign Affairs Committee asked for this procedure, and the Rules Committee agreed.

This rule provides 1 hour of general debate and an open amending procedure for the bill authorizing the State Department, the USIA, and the Board of International Broadcasting. The Board of International Broadcasting includes both Radio Free Europe and Radio Liberty.

The rule includes a waiver of the prohibition against appropriations on a legislative bill. The waiver protects two sections of the bill which technically could allocate previously appropriated funds for a new purpose.

Mr. Speaker, this State Department authorization bill was originally reported as H.R. 1931. Because two of the sections of that bill fell within the jurisdiction of the Committee on Public Works and Transportation, the Committee on Foreign Affairs decided to bring a new bill to the Rules Committee. The new bill, H.R. 2068, is identical to the old except that the two provisions within the jurisdiction of the Public Works Committee have been dropped.

Mr. Speaker, at the time of the Rules Committee meeting, the administration sent a policy statement sup-

porting the State Department authorization only if it is amended.

Mr. Speaker, under this open rule procedure, necessary improvements may be made on the bill. I support the rule in order to give the House an opportunity to make necessary improvements in this legislation.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule for H.R. 2068, the State Department authorization. As my colleague from Ohio has explained, it is an open rule allowing for 1 hour of general debate.

This rule allows any germane amendments, and although I strongly support the committee bill, I do plan to support the amendment that will be offered by the gentleman from Florida and myself, to reduce the authorizations contained in the bill to the fiscal year 1985 spending level. This amendment would reduce funding for the Voice of America modernization and for the National Endowment for Democracy by a total of $27.353 million, thus bringing the total funds authorized by the bill to the same amount funded in fiscal year 1985.

I want to congratulate my colleague from Florida [Mr. MICA] for the outstanding leadership he provided on this legislation. He has done an excellent job in working with all members of the committee, and has produced a bill that addresses a number of important issues. I also want to commend my colleagues on the committee and subcommittee for their value contributions to this legislation. The bill we reported gives important policy direction to the State Department, the U.S. Information Agency, and the Board for International Broadcasting. I believe it is responsive to the concerns and views expressed to us by Secretary Shultz and other officials of the administration, and has strong bipartisan support from the members of the Foreign Affairs Committee.

It is important to note that the bill we originally reported from committee was only $27.353 million over the fiscal year 1985 level, which is a clear indication that the committee did a good job in controlling expenditures. The amendment, which those of us on the committee will urge you to support, would simply make two further adjustments, to bring the bill in at the same level as fiscal year 1985.

Mr. Speaker, I will go into further detail on this legislation during general debate. I hope the Members will support the rule, and then support the amendment to freeze spending. I urge Members to then approve H.R. 2068.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule for H.R. 2068, which will authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting.

This legislation contains few new initiatives or authorities. For the most part, it funds existing and tested programs. It is a nuts and bolts, no frills piece of legislation which provides close to minimum funding levels for these agencies to adequately carry out their duties and missions.

We are asking for a rule that will allow all those concerned to participate in the discussions of the merits of this legislation and if they see fit, try to effectuate change. It is a good rule, it is a good bill, and I urge all of my colleagues to support it.

Mr. TAYLOR. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. I thank the gentleman for yielding me this time.

Mr. Speaker, I do not think there is any objection to this rule. It is basically an open rule. We will get to the general debate, and perhaps a whole series of amendments on the State Department authorization. I hope my colleagues will look at it very closely, because as we enter this time when we are trying to find ways to reduce the deficit and to save money or to freeze the expenditures at the previous year or go below that, I think that a lovely place to start would be the State Department authorization.

If you cannot save a little money in the State Department, I just wonder where in the world we are going to save it. I am speaking as a Representative of the Fifth Congressional District of Mississippi; not necessarily on behalf of the leadership, but I think we should scrutinize the State Department authorization very closely to make sure there is not one dime in there that could be saved.

I just wanted to get that frame of thinking in the mix, during the rule, and early so that we will all go over it very carefully. Now, I have to give credit to the committee. Fortunately, they have honed it down pretty good, and I have been looking around for a place to put some amendments, and it has been hard to find them, but I think we ought to all start this year off by analyzing very closely every piece of legislation. A good place to start would be the State Department authorization.

□ 1330

Mr. MICA. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I would be glad to yield to the gentleman from Florida.

Mr. MICA. I thank the gentleman for yielding.

Mr. Speaker, I would just like to make the point that when we addressed this legislation initially we had an agreement with majority and minority staff that we would do everything we could to bring this bill to the floor at the request level of the President, or below the President's request level.

As a matter of fact, that was our goal and we attained that goal by bringing in the 2-year authorization for $40 million less than the President requested. I might point out that in doing that, we think we addressed the concerns that both sides share in the modernization efforts of Radio Free Europe and the Voice of America, and we still made the cuts and we still made the adjustments in a way that had total bipartisan support in the committee.

So that was our goal, continues to be our goal, and even after we reduced the $40 million this gentleman will introduce a freeze amendment that will further cut the entire legislation to last year's level.

Mr. LOTT. Mr. Speaker, if I may reclaim my time, that is a question that I was going to ask the gentleman.

I understand that this authorization is still over the fiscal year 1985 appropriation level; is that correct?

Mr. MICA. It is over, but it will not be when the freeze amendment is offered.

Mr. LOTT. There will be an amendment that will freeze it at last years level?

Mr. MICA. yes.

Mr. LOTT. I think that would certainly help my feelings for it. We certainly should not be allowing the State Department authorization to exceed the 1985 level. If we are going to move forward with our effort to freeze all these bills or go below the freeze, we should not let this one get by.

Mr. MICA. I would just remind the gentleman that within this legislation obviously, and this is an issue that every single Member of this body is concerned with, lies funding for security in our embassies around the world, lies a great deal of the money that we added at a time when we had some concerns.

So we tried to make those reductions and still address it, and indeed we have.

Mr. LOTT. I appreciate the gentleman saying that, but you raise a good point. I am familiar with some of the embassies around the country and some of the funds available to our Ambassadors in various countries. There are some very sensitive, dangerous places in the world where there is unbelievable terrorism and we should take whatever actions are necessary to protect them.

There are some embassies, though, in situations that are nothing of that kind, and I think if we would look at some of those budgets of our embassies, we could make some savings. Security, yes. Entertainment, no.

Mr. MICA. I thank the gentleman.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding this time to me.

Mr. Speaker, I wanted to make mention of a couple of other amendments that will be offered in the course of deliberation of the bill that we will have before us.

One of those amendments will seek to utilize our embassies around the world as a focal point for attempting to achieve freedom of the press in some of the countries that do not allow free press access. There is considerable question as to how you operate in a democracy when you are inundated with disinformation from countries that do not allow the United States or anybody else to have true free press access in their country.

So an amendment will be offered to the bill that will attempt to assure that we get our embassies' cooperation in getting fundamentally more free press access in those countries around the world.

The second amendment that will be offered—and I think the gentleman from Michigan [Mr. SILJANDER], the ranking member on the African Subcommittee, will offer this, and I certainly want to cosponsor it with him—will be an amendment to mandate the Sullivan principles on our Embassy in South Africa.

Many of our businesses doing business in South Africa operate under the Sullivan code, designed to end discrimination, designed to assure that black workers in South Africa are treated with proper respect and given training and make certain that they are given the opportunities. At the present time, our Embassy is one of the worst employment situations in South Africa and it is, I think, incumbent upon this body to do there whatever we can to remedy that situation.

So we will be offering an amendment that would say in South Africa that the Embassy of the United States ought to abide by the Sullivan principles.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BONIOR of Michigan. Mr. Speaker, I also have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 383, nays 0, not voting 50, as follows:

[Roll No. 72]

YEAS—383

Ackerman	DeLay	Hertel
Addabbo	Dellums	Hiler
Akaka	Derrick	Hillis
Alexander	DeWine	Holt
Anderson	Dickinson	Hopkins
Andrews	Dicks	Howard
Annunzio	DioGuardi	Hoyer
Applegate	Dixon	Hubbard
Archer	Donnelly	Huckaby
Armey	Dorgan (ND)	Hughes
Aspin	Dornan (CA)	Hunter
Atkins	Dowdy	Hutto
AuCoin	Downey	Hyde
Barnard	Dreier	Ireland
Barnes	Duncan	Jacobs
Barton	Durbin	Jeffords
Bates	Dwyer	Jenkins
Bedell	Dyson	Johnson
Beilenson	Early	Jones (OK)
Bennett	Eckart (OH)	Jones (TN)
Bentley	Eckert (NY)	Kanjorski
Bereuter	Edgar	Kaptur
Berman	Edwards (CA)	Kasich
Bevill	Edwards (OK)	Kastenmeier
Biaggi	Emerson	Kemp
Bilirakis	English	Kennelly
Bliley	Erdreich	Kildee
Boehlert	Evans (IA)	Kleczka
Boggs	Evans (IL)	Kolbe
Boner (TN)	Fascell	Kostmayer
Bonior (MI)	Fawell	Kramer
Bonker	Fazio	LaFalce
Borski	Feighan	Lagomarsino
Boucher	Fiedler	Lantos
Boulter	Fields	Leach (IA)
Breaux	Fish	Leath (TX)
Brooks	Flippo	Lehman (FL)
Broomfield	Florio	Leland
Brown (CA)	Foglietta	Lent
Brown (CO)	Foley	Levin (MI)
Broyhill	Ford (MI)	Levine (CA)
Bruce	Fowler	Lewis (CA)
Bryant	Frank	Lewis (FL)
Burton (CA)	Franklin	Lightfoot
Burton (IN)	Frenzel	Livingston
Bustamante	Fuqua	Lloyd
Byron	Gallo	Long
Callahan	Gaydos	Lott
Campbell	Gejdenson	Lowery (CA)
Carney	Gekas	Lujan
Carper	Gephardt	Luken
Carr	Gibbons	Lundine
Chandler	Gilman	Lungren
Chappie	Gingrich	Mack
Cheney	Glickman	MacKay
Clay	Gonzalez	Madigan
Clinger	Goodling	Manton
Cobey	Gordon	Markey
Coble	Gradison	Marlenee
Coelho	Gray (IL)	Martin (IL)
Coleman (MO)	Gray (PA)	Martinez
Coleman (TX)	Gregg	Matsui
Combest	Guarini	Mavroules
Conte	Gunderson	McCain
Conyers	Hall (OH)	McCandless
Cooper	Hall, Ralph	McCollum
Coughlin	Hall, Sam	McCurdy
Courter	Hamilton	McEwen
Coyne	Hammerschmidt	McHugh
Craig	Hansen	McKernan
Crane	Hartnett	McKinney
Crockett	Hatcher	McMillan
Dannemeyer	Hawkins	Meyers
Darden	Hayes	Mica
Daschle	Heftel	Michel
Daub	Hendon	Mikulski
Davis	Henry	Miller (OH)
Miller (WA)	Roemer	Studds
Mineta	Rogers	Stump
Mitchell	Rose	Sundquist
Molinari	Roth	Sweeney
Mollohan	Roukema	Swift
Monson	Rowland (CT)	Swindall
Montgomery	Rowland (GA)	Synar
Moore	Roybal	Tallon
Moorhead	Rudd	Tauke
Morrison (CT)	Sabo	Tauzin
Morrison (WA)	Saxton	Taylor
Mrazek	Schaefer	Thomas (CA)
Murphy	Schneider	Thomas (GA)
Myers	Schroeder	Torres
Natcher	Schuette	Torricelli
Neal	Schumer	Towns
Nelson	Sensenbrenner	Traxler
Nichols	Sharp	Udall
Nielson	Shaw	Valentine
Nowak	Shelby	Vander Jagt
Oakar	Shumway	Vento
Oberstar	Shuster	Visclosky
Obey	Sikorski	Volkmer
Olin	Siljander	Vucanovich
Ortiz	Sisisky	Walgren
Owens	Skeen	Walker
Oxley	Skelton	Watkins
Packard	Slattery	Waxman
Panetta	Slaughter	Weber
Parris	Smith (FL)	Weiss
Pashayan	Smith (IA)	Wheat
Pease	Smith (NE)	Whitehurst
Penny	Smith (NH)	Whitley
Pepper	Smith (NJ)	Whittaker
Perkins	Smith, Denny	Williams
Petri	Smith, Robert	Wilson
Pickle	Snowe	Wirth
Porter	Snyder	Wise
Price	Solarz	Wolf
Pursell	Solomon	Wolpe
Rahall	Spence	Wortley
Rangel	Spratt	Wright
Ray	St Germain	Wyden
Regula	Staggers	Wylie
Reid	Stallings	Yates
Ridge	Stangeland	Yatron
Rinaldo	Stark	Young (AK)
Ritter	Stenholm	Young (FL)
Roberts	Stokes	Young (MO)
Robinson	Strang	Zschau
Roe	Stratton	

NOT VOTING—50

Anthony	Green	Moakley
Badham	Grotberg	Moody
Bartlett	Hefner	Murtha
Bateman	Horton	O'Brien
Boland	Jones (NC)	Quillen
Bosco	Kindness	Richardson
Boxer	Kolter	Rodino
Chappell	Latta	Rostenkowski
Coats	Lehman (CA)	Russo
Collins	Lipinski	Savage
Daniel	Loeffler	Scheuer
de la Garza	Lowry (WA)	Schulze
Dingell	Martin (NY)	Seiberling
Dymally	Mazzoli	Traficant
Ford (TN)	McDade	Weaver
Frost	McGrath	Whitten
Garcia	Miller (CA)	

□ 1350

Mrs. SCHNEIDER and Mr. HILLIS changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

MOTION OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. WALKER moves to reconsider the vote just taken on House Resolution 137.

Mr. BONIOR of Michigan. Mr. Speaker, I move to lay on the table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion to lay on the table offered by the gentleman from Michigan [Mr. BONIOR].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 212, nays 157, answered "present" 1, not voting 63, as follows:

[Roll No. 73]

YEAS—212

Ackerman	Florio	Mrazek
Addabbo	Foglietta	Murphy
Akaka	Foley	Natcher
Alexander	Ford (MI)	Neal
Anderson	Fowler	Nelson
Annunzio	Frank	Nichols
Applegate	Fuqua	O'Brien
Aspin	Gaydos	Oakar
AuCoin	Gejdenson	Oberstar
Barnard	Gephardt	Obey
Barnes	Gibbons	Olin
Bates	Glickman	Ortiz
Bedell	Gonzalez	Owens
Beilenson	Gordon	Panetta
Bennett	Gray (PA)	Pease
Bereuter	Guarini	Penny
Berman	Hall (OH)	Pepper
Bevill	Hall, Ralph	Perkins
Boggs	Hall, Sam	Pickle
Boner (TN)	Hamilton	Price
Bonior (MI)	Hawkins	Rangel
Bonker	Hayes	Ray
Borski	Heftel	Reid
Boucher	Hertel	Richardson
Breaux	Hoyer	Robinson
Brooks	Hubbard	Roe
Brown (CA)	Huckaby	Roemer
Bruce	Hughes	Rose
Bryant	Hunter	Rowland (GA)
Burton (CA)	Hutto	Roybal
Bustamante	Jacobs	Sabo
Byron	Jenkins	Schroeder
Carper	Jones (OK)	Schumer
Carr	Kanjorski	Sharp
Chappell	Kaptur	Shelby
Clay	Kastenmeier	Sikorski
Coelho	Kennelly	Sisisky
Coleman (TX)	Kildee	Skelton
Conyers	Kleczka	Slattery
Cooper	Kostmayer	Smith (FL)
Coyne	LaFalce	Smith (IA)
Darden	Lantos	Snowe
Daschle	Leath (TX)	Solarz
Dellums	Lehman (FL)	Spratt
Derrick	Leland	St Germain
Dicks	Levin (MI)	Staggers
Dingell	Levine (CA)	Stallings
Dixon	Lloyd	Stark
Donnelly	Long	Stenholm
Dorgan (ND)	Luken	Stokes
Dowdy	Lundine	Stratton
Downey	MacKay	Studds
Durbin	Manton	Swift
Dwyer	Markey	Synar
Dyson	Martinez	Tallon
Early	Matsui	Tauzin
Eckart (OH)	Mavroules	Thomas (GA)
Edgar	Mazzoli	Torres
Edwards (CA)	McCurdy	Torricelli
English	McHugh	Towns
Erdreich	Mica	Traxler
Evans (IL)	Mikulski	Udall
Fascell	Mitchell	Valentine
Fazio	Mollohan	Vento
Feighan	Moody	Visclosky
Flippo	Morrison (CT)	Volkmer
Walgren	Whitley	Wyden
Watkins	Wilson	Yates
Waxman	Wirth	Yatron
Weiss	Wise	Young (MO)
Wheat	Wolpe	

NAYS—157

Archer	Gregg	Pashayan
Armey	Gunderson	Petri
Barton	Hammerschmidt	Porter
Bentley	Hartnett	Pursell
Biaggi	Hendon	Regula
Billrakis	Henry	Ridge
Bliley	Hiler	Rinaldo
Boehlert	Hillis	Ritter
Boulter	Hopkins	Roberts
Broomfield	Hyde	Rogers
Brown (CO)	Ireland	Roth
Broyhill	Jeffords	Roukema
Burton (IN)	Johnson	Rowland (CT)
Callahan	Kasich	Rudd
Campbell	Kemp	Saxton
Carney	Kindness	Schaefer
Chandler	Kolbe	Schneider
Chappie	Kramer	Schuette
Cheney	Lagomarsino	Sensenbrenner
Clinger	Leach (IA)	Shaw
Cobey	Lent	Shumway
Coble	Lewis (CA)	Siljander
Coleman (MO)	Lewis (FL)	Skeen
Combest	Lightfoot	Slaughter
Conte	Livingston	Smith (NE)
Coughlin	Lott	Smith (NH)
Courter	Lowery (CA)	Smith (NJ)
Craig	Lujan	Smith, Denny
Crane	Lungren	Smith, Robert
Dannemeyer	Mack	Snyder
Daub	Madigan	Spence
Davis	Marlenee	Stangeland
DeLay	Martin (IL)	Strang
DeWine	McCain	Stump
DioGuardi	McCandless	Sundquist
Dornan (CA)	McCollum	Sweeney
Dreier	McEwen	Swindall
Duncan	McKernan	Tauke
Eckert (NY)	McKinney	Taylor
Emerson	McMillan	Thomas (CA)
Evans (IA)	Meyers	Vander Jagt
Fawell	Michel	Vucanovich
Fiedler	Miller (OH)	Walker
Fields	Miller (WA)	Weber
Fish	Molinari	Whittaker
Franklin	Monson	Wolf
Frenzel	Moore	Wortley
Gallo	Moorhead	Wylie
Gekas	Morrison (WA)	Young (AK)
Gilman	Myers	Young (FL)
Gingrich	Nielson	Zschau
Goodling	Oxley	
Gradison	Parris	

ANSWERED "PRESENT"—1

Holt

NOT VOTING—63

Andrews	Green	Montgomery
Anthony	Grotberg	Murtha
Atkins	Hansen	Nowak
Badham	Hatcher	Packard
Bartlett	Hefner	Quillen
Bateman	Horton	Rahall
Boland	Howard	Rodino
Bosco	Jones (NC)	Rostenkowski
Boxer	Jones (TN)	Russo
Coats	Kolter	Savage
Collins	Latta	Scheuer
Crockett	Lehman (CA)	Schulze
Daniel	Lipinski	Selberling
de la Garza	Loeffler	Shuster
Dickinson	Lowry (WA)	Solomon
Dymally	Martin (NY)	Traficant
Edwards (OK)	McDade	Weaver
Ford (TN)	McGrath	Whitehurst
Frost	Miller (CA)	Whitten
Garcia	Mineta	Williams
Gray (IL)	Moakley	Wright

□ 1410

Mr. BROWN of Colorado changed his vote from "yea" to "nay."

Mr. FRANK changed his vote from "nay" to "yea."

So the motion to lay on the table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO CORRECT THE CONGRESSIONAL RECORD

Mr. WEBER. Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Motion offered by Mr. WEBER: MR. WEBER moves to correct the CONGRESSIONAL RECORD by striking out on page 2281 the remarks beginning with the words "We" down to and including the word "confederation" and inserting the word "are" before "a".

The SPEAKER pro tempore. The Chair does not believe the motion as offered by the gentleman states a question of privilege.

Mr. WEBER. Mr. Speaker, I appeal the ruling of the Chair.

MOTION TO TABLE OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to lay on the table offered by the gentleman from Washington [Mr. FOLEY].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WEBER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 200, nays 156, answered "present" 1, not voting 76, as follows:

[Roll No. 74]

YEAS—200

Addabbo	Dingell	Hutto
Akaka	Dixon	Jacobs
Alexander	Donnelly	Jenkins
Anderson	Dorgan (ND)	Jones (OK)
Annunzio	Dowdy	Kanjorski
Applegate	Downey	Kaptur
Aspin	Durbin	Kastenmeier
AuCoin	Dwyer	Kennelly
Barnard	Dyson	Kildee
Barnes	Early	Kostmayer
Bates	Eckart (OH)	LaFalce
Bedell	Edgar	Lantos
Beilenson	Edwards (CA)	Leath (TX)
Bennett	English	Lehman (FL)
Berman	Erdreich	Leland
Bevill	Evans (IL)	Levin (MI)
Boggs	Fascell	Levine (CA)
Boner (TN)	Fazio	Lloyd
Bonior (MI)	Feighan	Luken
Bonker	Flippo	Lundine
Borski	Florio	Manton
Boucher	Foglietta	Markey
Breaux	Foley	Martinez
Brooks	Ford (MI)	Matsui
Brown (CA)	Fowler	Mavroules
Bruce	Frank	Mazzoli
Bryant	Gaydos	McCurdy
Burton (CA)	Gejdenson	McHugh
Bustamante	Gephardt	Mica
Byron	Glickman	Mikulski
Carper	Gonzalez	Mitchell
Carr	Gordon	Mollohan
Chappell	Gray (PA)	Moody
Clay	Hall (OH)	Morrison (CT)
Coelho	Hall, Ralph	Mrazek
Coleman (TX)	Hamilton	Murphy
Conyers	Hawkins	Natcher
Cooper	Hayes	Neal
Coyne	Heftel	Nelson
Darden	Hertel	Nichols
Daschle	Hoyer	Oakar
Dellums	Hubbard	Oberstar
Derrick	Huckaby	Obey
Dicks	Hughes	Olin

Ortiz	Sikorski	Towns
Owens	Sisisky	Traxler
Panetta	Skelton	Udall
Pease	Slattery	Valentine
Penny	Smith (FL)	Vento
Pepper	Smith (IA)	Visclosky
Perkins	Solarz	Volkmer
Pickle	Spratt	Walgren
Price	St Germain	Watkins
Rangel	Staggers	Waxman
Ray	Stallings	Weiss
Reid	Stark	Wheat
Richardson	Stenholm	Whitley
Roe	Stokes	Williams
Roemer	Stratton	Wilson
Rose	Studds	Wirth
Rowland (GA)	Swift	Wise
Roybal	Synar	Wolpe
Sabo	Tallon	Wyden
Schroeder	Tauzin	Yates
Schumer	Thomas (GA)	Yatron
Sharp	Torres	Young (MO)
Shelby	Torricelli	

NAYS—156

Archer	Gunderson	Pashayan
Armey	Hammerschmidt	Petri
Barton	Hartnett	Porter
Bentley	Hendon	Pursell
Bereuter	Henry	Regula
Bilirakis	Hiler	Ridge
Bliley	Holt	Rinaldo
Boehlert	Hopkins	Ritter
Boulter	Hunter	Roberts
Broomfield	Hyde	Rogers
Brown (CO)	Ireland	Roth
Broyhill	Jeffords	Roukema
Burton (IN)	Johnson	Rowland (CT)
Callahan	Kasich	Rudd
Campbell	Kemp	Saxton
Carney	Kindness	Schaefer
Chandler	Kolbe	Schneider
Chappie	Kramer	Schuette
Cheney	Lagomarsino	Sensenbrenner
Clinger	Leach (IA)	Shaw
Cobey	Lent	Shumway
Coble	Lewis (CA)	Siljander
Coleman (MO)	Lewis (FL)	Skeen
Combest	Lightfoot	Slaughter
Conte	Livingston	Smith (NE)
Coughlin	Lott	Smith (NH)
Courter	Lowery (CA)	Smith (NJ)
Craig	Lujan	Smith, Denny
Crane	Lungren	Smith, Robert
Dannemeyer	Mack	Snowe
Daub	Madigan	Solomon
Davis	Marlenee	Spence
DeLay	Martin (IL)	Stangeland
DeWine	McCain	Strang
DioGuardi	McCandless	Stump
Dornan (CA)	McCollum	Sundquist
Dreier	McEwen	Sweeney
Duncan	McKernan	Swindall
Eckert (NY)	McKinney	Tauke
Emerson	McMillan	Taylor
Evans (IA)	Meyers	Thomas (CA)
Fawell	Miller (OH)	Vander Jagt
Fiedler	Miller (WA)	Vucanovich
Fields	Molinari	Walker
Franklin	Monson	Weber
Frenzel	Moore	Whittaker
Gallo	Moorhead	Wolf
Gekas	Morrison (WA)	Wortley
Gilman	Myers	Wylie
Gingrich	Nielson	Young (AK)
Gradison	Oxley	Young (FL)
Gregg	Parris	Zschau

ANSWERED "PRESENT"—1

Robinson

NOT VOTING—76

Ackerman	Crockett	Gray (IL)
Andrews	Daniel	Green
Anthony	de la Garza	Grotberg
Atkins	Dickinson	Guarini
Badham	Dymally	Hall, Sam
Bartlett	Edwards (OK)	Hansen
Bateman	Fish	Hatcher
Biaggi	Ford (TN)	Hefner
Boland	Frost	Hillis
Bosco	Fuqua	Horton
Boxer	Garcia	Howard
Coats	Gibbons	Jones (NC)
Collins	Goodling	Jones (TN)
Kleczka	Miller (CA)	Savage
Kolter	Mineta	Scheuer
Latta	Moakley	Schulze
Lehman (CA)	Montgomery	Seiberling
Lipinski	Murtha	Shuster
Loeffler	Nowak	Snyder
Long	O'Brien	Traficant
Lowry (WA)	Packard	Weaver
MacKay	Quillen	Whitehurst
Martin (NY)	Rahall	Whitten
McDade	Rodino	Wright
McGrath	Rostenkowski	
Michel	Russo	

□ 1430

Mr. BEREUTER changed his voted from "yea" to "nay."

So the motion to lay the appeal on the table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 817. An act to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1986 and 1987, and for other purposes; to the Committee on Interior and Insular Affairs and Science and Technology.

S. 818. An act to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974; to the Committee on Science and Technology.

MOTION TO ADJOURN

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. Speaker, it is not my intention in this 1 minute to go over the circumstances that have led us to this unfortunate circumstance in the conduct of business on the floor of the House of Representatives, but it is clear to me, and I think to most of our Members, that further effort to proceed with the authorization bill for the Department of State is not going to be possible this afternoon, at least in an orderly and effective way.

I regret that, because this is an authorization bill for one of the principal departments of Government, supported by the administration and brought to the floor at their request. But at least for the moment I think that the business for this day and this week has been ended for any constructive purpose.

ADJOURNMENT

Mr. FOLEY. Accordingly, Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 201, nays 153, not voting 79, as follows:

[Roll No. 75]

YEAS—201

Addabbo	Frank	Owens
Akaka	Gaydos	Panetta
Alexander	Gejdenson	Pease
Anderson	Gephardt	Penny
Annunzio	Glickman	Pepper
Applegate	Gonzalez	Perkins
Aspin	Gordon	Pickle
Atkins	Gray (PA)	Price
AuCoin	Hall (OH)	Rangel
Barnes	Hall, Ralph	Ray
Bedell	Hamilton	Reid
Beilenson	Hawkins	Richardson
Bennett	Hayes	Robinson
Berman	Heftel	Roe
Bevill	Hertel	Roemer
Boggs	Holt	Rose
Boner (TN)	Horton	Rowland (GA)
Bonior (MI)	Hoyer	Roybal
Bonker	Hubbard	Sabo
Borski	Huckaby	Schroeder
Boucher	Hughes	Schumer
Breaux	Hutto	Sharp
Brooks	Hyde	Shelby
Broomfield	Jacobs	Sikorski
Brown (CA)	Jones (OK)	Sisisky
Bruce	Kanjorski	Skelton
Bryant	Kaptur	Slattery
Burton (CA)	Kennelly	Smith (FL)
Bustamante	Kildee	Smith (IA)
Byron	Kleczka	Solarz
Carper	Kostmayer	Spratt
Carr	LaFalce	St Germain
Chappell	Lantos	Staggers
Coelho	Leath (TX)	Stallings
Coleman (TX)	Lehman (FL)	Stark
Conyers	Leland	Stenholm
Cooper	Levin (MI)	Stratton
Coyne	Levine (CA)	Studds
Darden	Lloyd	Swift
Daschle	Long	Synar
Dellums	Lowry (WA)	Tallon
Dicks	Luken	Tauzin
Dingell	Lundine	Thomas (GA)
Dixon	Manton	Torres
Donnelly	Markey	Torricelli
Dorgan (ND)	Martinez	Towns
Dowdy	Matsui	Udall
Downey	Mavroules	Valentine
Durbin	Mazzoli	Vento
Dwyer	McCurdy	Visclosky
Dyson	McHugh	Volkmer
Early	Mica	Walgren
Eckart (OH)	Mikulski	Watkins
Edgar	Mitchell	Waxman
Edwards (CA)	Mollohan	Weiss
English	Moody	Wheat
Erdreich	Morrison (CT)	Whitley
Evans (IL)	Murphy	Williams
Fascell	Natcher	Wilson
Fazio	Neal	Wirth
Feighan	Nelson	Wise
Flippo	Nichols	Wolpe
Florio	Oakar	Wyden
Foglietta	Oberstar	Wylie
Foley	Obey	Yates
Ford (MI)	Olin	Yatron
Fowler	Ortiz	Young (MO)

NAYS—153

Archer	Clinger	Eckert (NY)
Armey	Cobey	Emerson
Barton	Coble	Evans (IA)
Bates	Coleman (MO)	Fawell
Bentley	Combest	Fiedler
Bereuter	Conte	Fields
Bilirakis	Coughlin	Franklin
Bliley	Courter	Frenzel
Boehlert	Craig	Gallo
Boulter	Crane	Gekas
Brown (CO)	Dannemeyer	Gilman
Broyhill	Daub	Gingrich
Burton (IN)	Davis	Goodling
Callahan	DeLay	Gradison
Campbell	DeWine	Gregg
Carney	DioGuardi	Gunderson
Chandler	Dornan (CA)	Hammerschmidt
Chappie	Dreier	Hendon
Cheney	Duncan	Henry

Hiler	Meyers	Shaw
Hopkins	Miller (OH)	Shumway
Hunter	Miller (WA)	Siljander
Ireland	Molinari	Skeen
Jeffords	Monson	Slaughter
Johnson	Moore	Smith (NE)
Kasich	Moorhead	Smith (NH)
Kemp	Morrison (WA)	Smith (NJ)
Kindness	Myers	Smith, Denny
Kolbe	Nielson	Smith, Robert
Kramer	O'Brien	Snowe
Lagomarsino	Oxley	Solomon
Leach (IA)	Parris	Spence
Lewis (CA)	Pashayan	Stangeland
Lewis (FL)	Petri	Strang
Lightfoot	Porter	Stump
Livingston	Pursell	Sundquist
Lott	Regula	Sweeney
Lowery (CA)	Ridge	Swindall
Lujan	Rinaldo	Tauke
Lungren	Ritter	Taylor
Mack	Roberts	Thomas (CA)
Madigan	Rogers	Vander Jagt
Marlenee	Roth	Vucanovich
Martin (IL)	Roukema	Walker
McCain	Rowland (CT)	Weber
McCandless	Rudd	Whittaker
McCollum	Saxton	Wolf
McEwen	Schaefer	Wortley
McKernan	Schneider	Young (AK)
McKinney	Schuette	Young (FL)
McMillan	Sensenbrenner	Zschau

NOT VOTING—79

Ackerman	Gray (IL)	Mineta
Andrews	Green	Moakley
Anthony	Grotberg	Montgomery
Badham	Guarini	Mrazek
Barnard	Hall, Sam	Murtha
Bartlett	Hansen	Nowak
Bateman	Hartnett	Packard
Biaggi	Hatcher	Quillen
Boland	Hefner	Rahall
Bosco	Hillis	Rodino
Boxer	Howard	Rostenkowski
Clay	Jenkins	Russo
Coats	Jones (NC)	Savage
Collins	Jones (TN)	Scheuer
Crockett	Kastenmeier	Schulze
Daniel	Kolter	Seiberling
de la Garza	Latta	Shuster
Derrick	Lehman (CA)	Snyder
Dickinson	Lent	Stokes
Dymally	Lipinski	Traficant
Edwards (OK)	Loeffler	Traxler
Fish	MacKay	Weaver
Ford (TN)	Martin (NY)	Whitehurst
Frost	McDade	Whitten
Fuqua	McGrath	Wright
Garcia	Michel	
Gibbons	Miller (CA)	

□ 1440

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 2 o'clock and 51 minutes p.m.), under its previous order, the House adjourned until Monday, April 29, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1118. A letter from the Acting Under Secretary of Defense (Research and Engineering), Department of Defense, transmitting the annual report on the defense industrial reserve covering calendar year 1984, pursuant to the act of July 2, 1948, chapter 811, section 5 (87 Stat. 618); to the Committee on Armed Services.

1119. A letter from the Secretary of Defense, transmitting a report on NATO conventional defense: Status reports and assessments of allied performance in selected improvement areas, pursuant to Public Law 98-525, section 1002(d)(1) (98 Stat. 2575); to the Committee on Armed Services.

1120. A letter from the Secretary, Department of Education, transmitting a copy of final regulations for the National Institute of Handicapped Research, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1121. A letter from the Secretary, Department of Education, transmitting a copy of final regulations of final funding priorities for centers for independent living, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1122. A letter from the Assistant Secretary for Elementary and Secondary Education, Department of Education, transmitting the fiscal year 1984 annual report of the Asbestos Hazards School Safety Task Force; to the Committee on Education and Labor.

1123. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report on the Toxic Substances Control Act for fiscal year 1984, pursuant to Public Law 94-469, section 9(d); to the Committee on Energy and Commerce.

1124. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to terminate the Public Telecommunications Facilities Grants Program of the National Telecommunications and Information Administration in the Department of Commerce; to the Committee on Energy and Commerce.

1125. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by John Arthur Ferch, Ambassador Extraordinary and Plenipotentiary-elect to the Republic of Honduras, and members of his family, pursuant to Public Law 96-465, section 304(b)(20); to the Committee on Foreign Affairs.

1126. A letter from the Chairman, National Labor Relations Board, transmitting a report of the Board's activities under the Government in the Sunshine Act during calendar year 1984, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1127. A letter from the Acting Deputy Associate Director for Royalty Management Operations, Minerals Management Service, Department of the Interior, transmitting a notice of proposed refunds of excess royalty payments in OCS areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

1128. A letter from the Acting Deputy Associate Director for Royalty Management Operations, Minerals Management Service, Department of the Interior, transmitting a notice of proposed refunds of excess royalty payments in OCS areas, pursuant to the act of August 7, 1953, Chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

1129. A letter from the National President, National Society, Daughters of the American Colonists, transmitting reports and financial audits for the years ending February 29, 1984, and February 28, 1985, pursuant to 36 U.S.C. 1103; to the Committee on the Judiciary.

1130. A letter from the Secretary General, U.S. Olympic Committee, transmitting a report on activities and finances of the Corporation, pursuant to the act of September 21, 1950, Chapter 975, Section 113(a) (92 Stat. 3049); to the Committee on the Judiciary.

1131. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Saltonstall-Kennedy Act to allow use of moneys in the Saltonstall-Kennedy Fund for marine fishery resource programs; to the Committee on Merchant Marine and Fisheries.

1132. A letter from the Acting Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend the Ethics in Government Act of 1978 to provide for a short-form confidential disclosure system for nonpublic filers; to the Committee on Post Office and Civil Service.

1133. A letter from the Office of the U.S. Trade Representative, transmitting a report of actions taken from July 1 to December 31, 1984, on complaints of unfair trade practices by foreign governments, pursuant to 19 U.S.C. 2416, 2413; to the Committee on Ways and Means.

1134. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide for the transfer of the Metropolitan Washington airports to an independent airport authority; jointly, to the Committees on Public Works and Transportation, the District of Columbia, and Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEGATE (for himself, Mr. MURPHY, Mr. PEASE, and Mr. COYNE):

H.R. 2220. A bill to provide for the tax treatment of certain amounts received as a settlement of claims for postretirement medical insurance coverage; to the Committee on Ways and Means.

By Mr. CONYERS:

H.R. 2221. A bill to amend the U.S. Housing Act of 1937 to require the Secretary of Housing and Urban Development to administer a program of construction and revitalization of public housing, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KEMP:

H.R. 2222. A bill to reduce tax rates in a manner that is fair to all taxpayers and to simplify the tax laws by eliminating most credits, deductions, and exclusions; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself, Mr. MOORHEAD, Mr. KINDNESS, and Mr. FISH):

H.R. 2223. A bill to amend section 504 of title 5, United States Code, and section 2412 of title 28, United States Code, with respect to awards of expenses of certain agency and court proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. BLAZ:

H.R. 2224. A bill to amend the Immigration and Nationality Act to permit nonimmigrant alien crewmen on fishing vessels to stop temporarily at ports in Guam; to the Committee on the Judiciary.

By Mr. BLAZ (for himself and Mr. FRENZEL):

H.R. 2225. A bill relating to the customs treatment of certain wearing apparel produced in the insular possessions of the United States; to the Committee on Ways and Means.

By Mr. BONER of Tennessee:

H.R. 2226. A bill to amend the Tariff Schedules of the United States to provide for rates of duty on imported bicycles and bicycle parts consistent with those rates of duty maintained by the principal exporting nations of bicycles and bicycle parts to the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. EDGAR (for himself and Mr. MONTGOMERY):

H.R. 2227. A bill to authorize the Administrator of Veterans' Affairs to conduct demonstration projects for the purpose of evaluating the cost effectiveness of providing chiropractic care to veterans; to the Committee on Veterans' Affairs.

By Mr. EVANS of Iowa:

H.R. 2228. A bill to extend for 3 years the existing suspension of duty on sulfapyridine; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 2229. A bill to amend the Home Owners' Loan Act of 1933 to authorize cooperative banks which receive a charter as a Federal savings and loan association to retain all powers which they were granted under their State charter; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HUCKABY:

H.R. 2230. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Saline Bayou in Louisiana for potential addition to the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. KOSTMAYER:

H.R. 2231. A bill to amend the Federal Power Act to promote competition and efficiency in the transmission of electric energy; to the Committee on Energy and Commerce.

By Mr. McKINNEY (for himself, Mr. MARLENEE, Mr. TAUKE, Mr. FISH, Mr. GREGG, Mr. GREEN, Mr. MORRISON of Connecticut, Mr. RAHALL, Mr. LEHMAN of Florida, Mr. ROEMER, Mr. LANTOS, Mr. CONYERS, Mr. HUGHES, Mr. ACKERMAN, Mr. TOWNS, Mr. LAFALCE, Mr. STOKES, and Mr. WEISS):

H.R. 2232. A bill to amend the Controlled Substances Act to provide for the therapeutic use of marijuana, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MONTGOMERY (by request):

H.R. 2233. A bill to amend title 38, United States Code, to revise veterans' eligibility for health care from the Veterans Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MOODY:

H.R. 2234. A bill to amend title 49 of the United States Code to exempt the transportation by motor vehicle of frozen foods from the jurisdiction of the Interstate Commerce Commission; to the Committee on Public Works and Transportation.

By Mr. MOODY (for himself and Mr. WEISS):

H.R. 2235. A bill to encourage States and units of general local government to use amounts received under the Community Development Block Grant Program and the Alcohol and Drug Abuse and Mental Health Services Block Grant Program to provide housing counseling and related services for individuals before their release from residential facilities for the mentally ill and periodic evaluation of the appropriateness of their housing after release; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. RICHARDSON:

H.R. 2236. A bill to provide for the financing of reclamation and other remedial actions with respect to mill tailings at active uranium and thorium processing sites; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. RICHARDSON (for himself, Mr. WAXMAN, and Mr. MADIGAN):

H.R. 2237. A bill to amend the Public Health Service Act to revise and extend the program for the National Health Service Corps; to the Committee on Energy and Commerce.

By Mrs. SCHNEIDER:

H.R. 2238. A bill to extend for 5 years the existing suspension of duty on stuffed dolls, certain toy figures, and the skins thereof; to the Committee on Ways and Means.

By Mr. STUDDS:

H.R. 2239. A bill to extend daylight saving time; to the Committee on Energy and Commerce.

By Mr. STUDDS (for himself, Mr. LENT, Mr. YOUNG of Alaska, and Mr. MCKERNAN):

H.R. 2240. A bill to amend the Tariff Schedules of the United States to provide for a lower rate of duty for certain fish netting and fish nets; to the Committee on Ways and Means.

H.R. 2241. A bill to amend the Internal Revenue Code of 1954 to exclude certain service performed on fishing boats from coverage for purposes of unemployment compensation; to the Committee on Ways and Means.

By Mr. TORRES (for himself and Mr. MARTINEZ):

H.R. 2242. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide a system to compensate individuals injured by exposure to hazardous substances; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Ways and Means.

By Mr. WAXMAN (for himself and Mr. MADIGAN):

H.R. 2243. A bill to amend the Public Health Service Act to revise and extend the programs of assistance for health maintenance organizations and primary health care centers; to the Committee on Energy and Commerce.

H.R. 2244. A bill to amend the Federal Food, Drug, and Cosmetic Act to remove the prohibition against stating in the labeling and advertising of a drug that it has been approved under that act; to the Committee on Energy and Commerce.

By Mr. WILLIAMS:

H.R. 2245. A bill to authorize appropriations for fiscal year 1986 for the National Endowment of the Arts and the National Endowment for the Humanities, and for other purposes; to the Committee on Education and Labor.

By Mr. WILLIAMS (for himself, Mr. BIAGGI, Mr. HAYES, Mr. MARTINEZ, and Mr. GOODLING):

H.R. 2246. A bill to extend and improve the National Institute of Education; to the Committee on Education and Labor.

By Mr. WILLIAMS (for himself, Mr. HAWKINS, and Mr. LOWRY of Washington):

H.R. 2247. A bill to amend the Impoundment Control Act of 1974 to repeal provisions respecting the disapproval of proposed deferrals of budget authority, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. WIRTH (for himself, Mr. RINALDO, Mr. BRYANT, Mr. LELAND, Mr. BATES, Mr. SCHEUER, and Mr. MARKEY):

H.R. 2248. A bill to authorize appropriations for the National Highway Traffic Safety Administration, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DIOGUARDI:

H.J. Res. 260. Joint resolution to authorize and request the President to designate January 25, 1986 as "Turkish Brigade Day"; to the Committee on Post Office and Civil Service.

By Mr. FLORIO (for himself, Mr. ADDABBO, Mr. ANNUNZIO, Mr. BIAGGI, Mr. BUSTAMANTE, Mr. CONTE, Mr. FASCELL, Mr. FAZIO, Mr. FLIPPO, Mr. FOGLIETTA, Mr. GALLO, Mr. GUARINI, Mr. LAGOMARSINO, Mr. MAZZOLI, Mr. MOLINARI, Mr. PANETTA, Mr. RINALDO, Mr. RODINO, Mr. RUSSO, and Mr. TORRICELLI):

H.J. Res. 261. Joint resolution to designate the week beginning June 9, 1985, as "Italian American Heritage Week"; to the Committee on Post Office and Civil Service.

By Mr. SILJANDER:

H.J. Res. 262. Joint resolution condemning the brutal treatment of, and blatant discrimination against the Turkish minority by the Government of the People's Republic of Bulgaria; to the Committee on Foreign Affairs.

By Mr. FASCELL (for himself, Mr. TORRICELLI, Mr. SCHUMER, Mr. WYDEN, Mr. SOLARZ, Mr. YATRON, Mr. BROOMFIELD, and Mr. GILMAN):

H. Con. Res. 130. Concurrent resolution expressing the sense of the Congress with respect to the President's visit to the Federal Republic of Germany in May 1985; to the Committee on Foreign Affairs.

By Mr. RAY (for himself, Mr. FOLEY, Mr. JONES of Tennessee, Mr. HATCHER, Mr. THOMAS of Georgia, Mr. BARNARD, Mr. BATES, Mr. BENNETT, Mr. BEVILL, Mr. BOUCHER, Mrs. BYRON, Mr. DANIEL, Mr. DARDEN, Mr. DELLUMS, Mr. DURBIN, Mr. DYSON, Mr. FOWLER, Mr. GEKAS, Mr. GINGRICH, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GRAY of Illinois, Mr. GRAY of Pennsylvania, Mr. GUNDERSON, Mr. RALPH M. HALL, Mr. SAM B. HALL, JR., Mr. HAYES, Mr. HEFNER, Mrs. HOLT, Mr. HOPKINS, Mr. IRELAND, Mr. JENKINS, Mr. KASICH, Mr. KOLTER, Mr. LEATH of Texas, Mr. LELAND, Mrs. LLOYD, Mr. MCCURDY, Mr. MARTINEZ, Mr. MAVROULES, Mr. MONTGOMERY, Mr. MYERS of Indiana, Mr. NICHOLS, Mr. OLIN, Mr. ORTIZ, Mr. PICKLE, Mr. ROE, Mr. ROEMER, Mr. ROWLAND of Georgia, Mr. SHELBY, Mr. SISISKY, Mr. SKELTON, Mr. SLATTERY, Mr. STENHOLM, Mr. STRATTON, Mr. SUNDQUIST, Mr. SWINDALL, Mr. VALENTINE, Mr. WEBER, Mr. WHITLEY, and Mr. WISE):

H. Con. Res. 131. Concurrent resolution expressing the sense of the Congress that the President should establish a task force to address the long-range concerns of the U.S. agricultural industry; to the Committee on Agriculture.

By Mr. CONTE:

H. Res. 143. Resolution to give special recognition to the achievements of John James Audubon; to the Committee on Post Office and Civil Service.

By Mr. DE LA GARZA (for himself and Mr. MADIGAN):

H. Res. 144. Resolution recognizing the 50th anniversary of the Rural Electrifica-

tion Program; to the Committee on Agriculture.

By Mr. SMITH of New Jersey (for himself, Mr. FASCELL, Mr. BROOMFIELD, Mr. YATRON, Mr. SOLOMON, Mr. BARNES, Mr. LAGOMARSINO, Mr. MICA, Ms. SNOWE, Mr. KEMP, Mr. HYDE, Mr. WOLF, Mr. MAZZOLI, Mr. NATCHER, Mr. WEBER, Mr. FIELDS, Mr. LIVINGSTON, Mr. COURTER, Mr. GALLO, Mr. MACK, Mr. SILJANDER, Mr. DORNAN of California, Mr. RINALDO, Mr. MOLINARI, Mr. CRAIG, Mr. SAXTON, Mr. BARTON of Texas, Mr. TAUKE, Mr. RIDGE, Mr. SHELBY, Mr. OBERSTAR, Mr. VOLKMER, Mr. SUNDQUIST, Mr. GILMAN, Mr. HENDON, Mr. DEWINE, Mr. VANDER JAGT, Mr. GREGG, Mr. ROE, Mr. HARTNETT, Mr. HILER, Mr. DWYER of New Jersey, Mr. BEREUTER, Mr. COBEY, Mr. SWINDALL, Mr. BILIRAKIS, Mr. MCEWEN, and Mr. MCCOLLUM):

H. Res. 145. Resolution to commend President Jose Napoleon Duarte and the participating international humanitarian organizations for their compassion, vision, and leadership in carrying out the recent vaccination campaign in El Salvador; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII.

91. The SPEAKER presented a memorial of the Senate of the State of Hawaii, relative to Federal energy tax credits; to the Committee on Ways and Means. April 25, 1985.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. LENT introduced a bill H.R. 2249 for the relief of the Laka Tool & Stamping Company Inc., which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. GEJDENSON.

H.R. 236: Mr. SHAW.

H.R. 512: Mr. BUSTAMANTE.

H.R. 526: Mr. STRANG, Mr. DE LA GARZA, Mr. HUTTO, Mr. RAHALL, Mr. YOUNG of Missouri, Mr. ROSE, Mr. FUQUA, Mr. HORTON, and Mr. FORD of Michigan.

H.R. 537: Mr. CONYERS.

H.R. 880: Mr. WHITTAKER.

H.R. 1090: Mr. SOLARZ, Mr. HEFTEL of Hawaii, and Mr. SWIFT.

H.R. 1339: Mr. ARCHER, Mr. BARTON of Texas, Mr. BEREUTER, Mr. BLAZ, Mr. COATS, Mr. DANIEL, Mr. DELAY, Mr. DEWINE, Mr. EDWARDS of Oklahoma, Mr. FIELDS, Mr. GALLO, Mr. HENRY, Mr. LOWERY of California, Mr. MCCAIN, Mr. MCCANDLESS, Mr. MCGRATH, Mr. MORRISON of Washington, Mr. SILJANDER, Mr. STRANG, Mr. SWINDALL, Mr. WALKER, and Mr. WATKINS.

H.R. 1375: Ms. KAPTUR.

H.R. 1376: Ms. SNOWE.

H.R. 1398: Mr. MITCHELL.

H.R. 1436: Mr. BUSTAMANTE.

H.R. 1464: Mr. BEREUTER, Mr. EMERSON, and Mr. BEVILL.

H.R. 1465: Mr. BEREUTER, Mr. EMERSON, and Mr. BEVILL.

H.R. 1466: Mr. BEREUTER and Mr. BEVILL.

H.R. 1524: Mr. GAYDOS, Mr. WIRTH, Mr. COELHO, Mr. TORRES, Mr. FRANK, Mr. DASCHLE, Mr. FEIGHAN, Mr. BOEHLERT, Mr. DORGAN of North Dakota, and Mr. KOSTMAYER.

H.R. 1550: Mr. BARNARD.

H.R. 1715: Mr. DIXON, Mr. FAUNTROY, Mr. FASCELL, Mr. CLAY, Mr. TOWNS, and Mrs. COLLINS.

H.R. 1746: Mr. REID, Mr. VOLKMER, Mr. FISH, Ms. KAPTUR, Mr. KOLTER, Mr. BROWN of California, Mr. MINETA, and Mr. OWENS.

H.R. 1808: Mr. NOWAK, Mr. FROST, Mr. WILSON, Ms. KAPTUR, Mr. MURPHY, and Mr. STOKES.

H.R. 1818: Mr. RALPH M. HALL.

H.R. 1856: Mr. RAHALL, Mr. CONYERS, Mr. LEHMAN of California, Mr. WHEAT, Mr. CLAY, Mr. NOWAK, Mr. KOLTER, Mr. FORD of Tennessee, Mr. MITCHELL, Mr. BONIOR of Michigan, Mr. MRAZEK, Mr. MARTINEZ, Ms. MIKULSKI, Mr. FORD of Michigan, and Mr. GARCIA.

H.R. 1939: Mr. BEREUTER.

H.R. 1978: Mr. BATES.

H.R. 1993: Mr. BILIRAKIS, Mr. BARTON of Texas, Mr. WHITTAKER, Mr. GROTBERG, Mrs. COLLINS, Mr. KINDNESS, Mr. SMITH of New Jersey, Mr. WILSON, Mr. FUSTER, Mr. BIAGGI, Mr. MATSUI, Mr. LAGOMARSINO, and Mr. MITCHELL.

H.R. 2158: Mr. HYDE, Mr. ROGERS, Mr. HANSEN, Mr. HENDON, Mr. GUNDERSON, Mr. EDWARDS of Oklahoma, Mr. ROTH, Mr. COLEMAN of Missouri, Mr. LIVINGSTON, Mr. CARNEY, Mr. SPENCE, Mr. SOLOMON, Mr. DREIER of California, and Mr. STUMP.

H.J. Res. 145: Mr. KOLTER, Mr. FEIGHAN, Mr. FISH, Mr. MARTINEZ, and Mr. ROBERT F. SMITH.

H.J. Res. 161: Mr. DYSON, Mr. KLECZKA, Mr. YOUNG of Alaska, Mr. KOSTMAYER, Mr. NEAL, Mr. OWENS, Mr. MOAKLEY, Mr. BONER of Tennessee, Mr. BLILEY, Mr. IRELAND, Mr. GALLO, Mr. LIPINSKI, Mr. OLIN, and Mr. DASCHLE.

H.J. Res. 182: Mr. DYSON, Mr. DAUB, Mrs. HOLT, and Mr. NATCHER.

H. Con. Res. 69: Mr. AUCOIN.

H. Con. Res. 90: Mr. SMITH of Florida, Mr. WILSON, and Ms. KAPTUR.

H. Con. Res. 124: Mr. AUCOIN, Mr. FRANK, Mr. BERMAN, Mr. BORSKI, Mr. MRAZEK, Mr. MCGRATH, Mrs. BURTON of California, Mr. SABO, Mr. DELLUMS, Mr. ACKERMAN, Mr. FORD of Tennessee, Mr. MANTON, Mr. LEVIN of Michigan, Mr. BUSTAMANTE, Mr. ROEMER, Mr. DYMALLY, Mr. ERDREICH, Mr. LOWRY of Washington, Mr. WAXMAN, Mr. FAUNTROY, Mr. LIPINSKI, Mr. FOGLIETTA, Mr. BRYANT, Mr. CLAY, Mr. HEFTEL of Hawaii, Mr. COLEMAN of Texas, Mr. SCHEUER, Mr. ROE, Mr. SAXTON, Mr. BONIOR of Michigan, Mr. ROBINSON, Ms. MIKULSKI, Mr. KOLTER, Mr. MINETA, Mr. GARCIA, Mr. LELAND, Mr. RANGEL, Mr. WEISS, Mr. MATSUI, Mr. KLECZKA, Mr. DWYER of New Jersey, Ms. KAPTUR, and Mr. SMITH of Florida.

H. Res. 74: Mr. PORTER, Mr. LOWERY of California, Mr. LENT, Mr. WHITEHURST, Mr. BORSKI, Mr. LEVIN of Michigan, Mr. MOORE, Ms. MIKULSKI, Mr. ROE, Mr. FRENZEL, Mr. SCHUMER, Mr. WOLF, Mr. GILMAN, Mr. FRANK, Mr. HALL of Ohio, Mr. DWYER of New Jersey, Mr. LEVINE of California, Mr. BUSTAMANTE, Ms. KAPTUR, and Mr. ANDREWS.

H. Res. 110: Mr. LATTA.

H. Res. 120: Mr. LATTA.

H. Res. 127: Mr. OWENS, Mr. YOUNG of Florida, Mr. BUSTAMANTE, Mr. HERTEL of Michigan, Mr. WRIGHT, Mr. SHAW, Mr. TAUKE, Mr. MONTGOMERY, Mr. LUNDINE, Mr. MARTIN of New York, Mr. GOODLING, Mr. GEJDENSON, Mr. CARNEY, and Mr. DURBIN.

H. Res. 135: Mr. GILMAN, Mr. GRAY of Illinois, Mr. BOLAND, Mr. EVANS of Illinois, Mr. WIRTH, Mrs. COLLINS, and Mr. DONNELLY.

PETITIONS, ETC.

Under clause 1 of rule XXII,

89. The Speaker presented a petition of the town board, Town of Brookhaven, Patchogue, Long Island, NY, relative to H.R. 360—grants for providing alternative water supplies to replace contaminated ground water; which was referred to the Committee on Energy and Commerce.

SENATE—*Thursday, April 25, 1985*

(Legislative day of Monday, April 15, 1985)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer will be offered by the Reverend Father Jerome L. Cummings, St. Bruno's Church, Whittier, CA. He is sponsored by Senator PETE WILSON of California.

PRAYER

The Reverend Father Jerome L. Cummings, St. Bruno's Church, Whittier, CA, offered the following prayer:

Let us pray.

Our Heavenly Father, 120 years have passed since the guns fell silent at Appomattox. It was altogether fitting that they did so, in a place devoted to the cause of law. For You gave us, Father, the power to birth this Nation, and endow it with law for personal freedom, justice, and liberty. We came so close then, in our civil division, that we nearly destroyed it.

Little did we know, scarcely did we realize, that America would once again stand upon the brink, not just of national dismemberment, but within a world family that chose to approach the brink of nuclear extinction. Some would approach this brink by disarmament alone, letting history take the consequences. Others would approach that brink only with sheer superiority of arms. Still others would approach that brink by equity of measurable strength. None would however, cease to approach the brink. And so the brink came.

Our prayer, Father, is for those who labor for peace in this room. We ask a threefold blessing and our own anthem of resolve: Give them a sense of their dignity as lawmakers. The purpose of law is justice. Justice seeks no confrontation. Thus no one is threatened. Bless them with a clarity of vision for truth alone. In it there is nothing to fear, and relieves that narrowness of mind that is partisan, greedy, and selfish. Grant them courage to work only for the freedom of each human being, his right to have it, and the liberty to express it.

If You grant this blessing, then the peace and serenity of Appomattox will endure, and the vindication of these lawmakers will lie not in knowing they were right, but in the fruits of peace obtained for another generation and an age as yet unborn. To this purpose, let them resolutely dedicate themselves once more to pledge their lives, their fortunes, and their sacred honor. This time, they dare not fail.

Father, this is our prayer. May there be peace in this land. Make us a people of peace. Let it begin with me. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the two leaders have 10 minutes each and then special orders not to exceed 15 minutes each for Senators PROXMIRE, WALLOP, and MURKOWSKI, followed by routine morning business not to extend beyond the hour of 1 p.m. with statements therein limited to 5 minutes each.

Following routine morning business, it will be the intention of the majority leader to begin consideration of Senate Concurrent Resolution 32, the budget resolution, under a statutory time limitation of 50 hours.

I would indicate to my colleagues or members of their staffs that we can expect rollcall votes today and tomorrow. As I have indicated, there will be no Saturday session. It would appear that we could expect rollcall votes on Monday and throughout all of next week. There are going to be, I would guess, depending on how everything hangs together, or whatever, rather late sessions next week and perhaps a fairly late session tonight.

EXPRESSION OF THANKS TO SENATOR THURMOND

Mr. DOLE. Mr. President, I would also take this opportunity to thank the distinguished President pro tempore, my colleague and the chairman of the Judiciary Committee, for his kind and thoughtful remarks concerning my experience 40 years ago in Italy, which appears in the RECORD of April 24, 1985, on page S4681. I thank my colleague for his friendship and for the recognition indicated therein.

Mr. President, I reserve the balance of my time.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER (Mr. ARMSTRONG). Under the previous order, the acting Democratic leader is now recognized.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Democratic leader's time be reserved for his later use.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

HOW SUPERPOWERS HAVE FAILED TO BUILD ARMS CONTROL ON PAST SUCCESSES

Mr. PROXMIRE. Mr. President, on previous days I have detailed two requirements for the achievement of a successful arms control policy for this country. The third requirement is to recognize that arms control must build on past successes. The fundamental objective of arms control is to establish a lasting prevention of nuclear war. We can only achieve that objective if we use successive arms control treaties as a continuing process aimed steadily at stopping the arms race.

What real hope is there that we can do this? The framework for precisely that kind of progress was established by two superpower nuclear weapons treaties. But, to date, we have kicked away the golden opportunity that offered to advance the cause of peace.

The 1963 Test Ban Treaty gave the superpowers the clearest commitment to stop the arms race at its heart. In the preamble to that treaty, the United States and the Soviet Union subscribe to the following language:

> Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end (the signatories) have agreed as follows.

In the 1974 treaty between the two superpowers the pledge is even more explicit and is moved out of the preamble right down into the articles of agreement. Paragraph 3 of article 1 of that treaty reads as follows in its entirety:

> The parties shall continue their negotiations with a view toward achieving a solution to the problem of the cessation of all underground nuclear weapons tests.

Now, Mr. President, that is about as explicit and absolutely unmistakable commitment as the officials of two na-

tions could possibly make. It is a firm, unqualified pledge to continue negotiations to end nuclear weapons testing. The United States and the Soviet Union are in conspicuous violation of that promise. The two superpowers made it not once in a treaty, but twice. They promised in two treaties. The pledge was made 20 years ago in 1963, and again 11 years ago in 1974. The agreement recognized in both treaties that the partial limitations on nuclear testing would make little real progress toward peace unless the superpowers kept their word. The superpowers gave their word. Since then, both superpowers have turned their backs on their commitment. And what is the result? The result is that while the treaties began the critical process of ending the arms race, the failure of the U.S. and the U.S.S.R. to keep their promise has made that historic beginning a virtual nullity. What possible alibi can there be for this refusal to keep the promise of 1963, so emphatically repeated in 1974? Were there developments in nuclear weapons technology that made the promise impossible or even more difficult to observe? No. Quite the contrary. Our seismologists tell us that the present 150 kiloton limit on underground nuclear weapons explosions by no means sets the limits on the ability to verify nuclear explosions. They have asserted that we could successfully monitor virtually any test explosion that would have any real military significance. Is verification of such a ban on nuclear weapons testing actually more practical than it was when these pledges were made? The answer is: "Yes." There are two reasons why the commitments of 1963 and 1974 are not less, but more practical today—in 1985 than they were 22 years ago, or 11 years ago. First the seismic technology which was excellent at the time of the two treaties and could have reliably monitored explosions well below the limit set in 1974 has actually improved since. Second, there have been repeated indications that the Soviet Union with the immense advantage it possesses as a closed society in resisting verification would—if negotiations were pressed—agree to the placement of a number of monitoring stations, perhaps 10 or more, within the Soviet Union to assure this country that we could verify Soviet nuclear weapons test explosions down to a single kiloton or less.

Now, Mr. President, keep in mind what is at stake here. If the superpowers should agree to keep their clear and solemn pledge to negotiate a total "cessation of all underground nuclear weapons tests," the most critical element in the nuclear arms race will be achieved. When I stated these series of speeches I said that—

The failure of the superpowers even to try to comply with that promise to cease all nuclear weapons testing represents the most significant lost opportunity for peace of the last 25 years.

No matter what other progress we might make on arms control, without an agreement to cease all nuclear weapons tests, the achievement of the end of the arms race will slip through our fingers like quick silver. We can ban every single nuclear weapon: Intercontinental ballistic missiles, cruise missile, intermediate missiles, and every tactical nuclear weapon in the arsenal of the United States and the Soviet Union. Would that end the arms race? No way. Both superpowers would do exactly what they have been doing since the first arms control limitation was achieved. They would be researching and testing to develop new nuclear weapons, probably more devastating than either superpower carries in its arsenal at present, but outside the limits proscribed by the arms control agreements. Only a full and comprehensive ban on all nuclear testing can go to the heart of the arms race: That heart is the testing essential to the development of new nuclear weapons.

The superpowers have solemnly not once, but twice in treaties promised to do precisely what we need to do to stop the arms race. There is little hope of arms control if with such a clear and absolute commitment we cannot build on that solid beginning. If ever this great country should keep its word, this is the issue and this is the time.

ARMENIAN GENOCIDE

Mr. PROXMIRE. Mr. President, on another subject, today marks the 70th anniversary of one of the most atrocious acts in history, the slaughter of over 1 million Armenians by the Turkish Government during World War I. It was these brutal acts that first lead Raphael Lemkin to term the phrase "genocide."

Just as in the case of the Holocaust and the current German Government, there is no implication of guilt for the Armenian Genocide to the present Turkish Government. Yet the Turkish Government is attempting to deny the genocide. Mr. President, the Armenian genocide must not, and cannot be forgotten. It cannot be forgotten because news reports of the day provide a shocking portrait of the murder of the Armenians.

People may disagree with the editorial policy of the New York Times, but I know of no one who questions its integrity and the honesty of its reports.

On March 20, 1915, the New York Times reported that "the whole plain of Alacgend is virtually covered with the bodies of men, women, and children" and that "the Red Cross fund says there are 120,000 destitute Armenians in the Caucuses."

The news got worse as time went on. A Reuters report from August 20, 1915, states that "in one village 1,000 men, women, and children are reported to have been locked in a wooden building and burned to death."

The most shocking report comes from the September 16, 1915, New York Times in which a correspondent reports that, "It is the official intention that this shall be a campaign of extermination involving the murder of 800,000 to 1,000,000 persons."

Mr. President, in standing by and saying nothing while the history of the Armenian genocide is rewritten, we indeed may make Hitler's question of "Who still talks of the Armenian genocide?" mere rhetoric.

That was made, incidentally, in 1938 in the middle of Hitler's extermination of the Jews when he was defending his position and arguing that the international community did not care.

However, the correspondent also reported that "Christians could escape death by embracing Mohammodanism, in which case all of the female members of the convert's family of marriageable age—wife, sisters, or children—are distributed around to other Turks, making the conversion to Christianity in the future practically impossible."

Mr. President, we must commemorate the Armenian genocide, particularly in face of the effort to deny it. But to remember is not enough; we must act. We must act to see that genocide is ended now and forever. We must ratify the Genocide Convention.

FINANCIAL HOLDINGS AND INCOME TAX RETURN OF SENATOR WILLIAM PROXMIRE

Mr. PROXMIRE. Finally, Mr. President, in 1963, 1965, 1967, and 1970, and yearly since 1972, I have submitted for the record a history of my financial holdings from the time I was first elected to the Senate in 1957 until May 1984. In order to bring the full record up to date, I submit herewith the history of my financial holdings since May 1984.

My assets include ownership of a home in Madison WI, on which I owe a mortgage to the former owners; ownership of my home and furnishings in Washington, DC, on which I owe a mortgage to the Perpetual American Federal Savings of Washington, DC; ownership of a 1980 automobile; ownership of one checking account in a Washington, DC, bank, one checking account in a Madison, WI, bank and one savings account in a Madison, WI, bank. I hold State and municipal bonds totalling $70,000.

I estimate my net worth to be about $563,000.

To the best of my knowledge, this is an accurate record of my financial holdings and obligations.

I herewith submit a balance sheet showing my net worth and how it was arrived at and a copy of my 1984 Federal income tax return.

I paid $34,214 to the Federal Government in taxes on my 1984 income. In addition, I paid $11,487 to the State of Wisconsin on 1984 income.

I ask unanimous consent that the balance sheet and copy of my 1984 Federal tax return be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Net worth of Senator William Proxmire as of Apr. 23, 1985

Municipal and State bonds	$70,000
2 checking and 1 savings account:	
National Bank of Washington checking	1,246
Madison, WI, checking	1,458
Madison, WI, savings	7,445
Shearson Lehman money market account	37,684
Certificate of deposit, Chevy Chase S&L	5,334
1980 Buick Regal (blue book retail value)	5,125
3097 Ordway St., NW., Washington, DC:	
Assessed value	365,545
Mortgage value	−53,121
Furnishings	20,000
118 Bradford Lane, Madison, WI:	
Assessed value	48,500
Mortgage value	−33,125
Cash deposit in Civil Service retirement	87,224
Total	563,315

U.S. INDIVIDUAL INCOME TAX RETURN, 1984, WILLIAM AND ELLEN H. PROXMIRE

INCOME

7 Wages, salaries, tips, etc., $132,691.

8 Interest income (also attach Schedule B if over $400), $2,911.

9a Dividends (also attach Schedule B if over $400), $931.

12 Business income or (loss) (attach Schedule C), $20,750.

18 Rents, royalties, partnerships, estates, trusts, etc. (attach Schedule E), $3,297.

22 Other income (state nature and source—see page 11 of Instructions) New England Hosp., $750.

23 Add lines 7 through 22. This is your total income, $154,736.

ADJUSTMENTS TO INCOME

25 Employee business expenses (attach Form 2106), $7,263.

26a IRA deduction, from the worksheet on page 12, $2,000.

30 Deduction for a married couple when both work (attach Schedule W), $3,000.

31 Add lines 24 through 30, $12,263.

ADJUSTED GROSS INCOME

32 Subtract line 31 from line 23. This is your adjusted gross income, if this line is less than $10,000, see "Earned Income Credit" (line 59) on page 16 of Instructions. If you want IRS to figure your tax, see page 12 of Instructions, $142,473.

TAX COMPUTATION

33 Amount from line 32 (adjusted gross income), $142,473.

34a If you itemize, attach Schedule A (Form 1040) and enter the amount from Schedule A, line 26, $34,308.

35 Subtract line 34a or 34b, whichever applies, from line 33, $108,165.

36 Multiply $1,000 by the total number of exemptions claimed on Form 1040, line 6e, $4,000.

37 Taxable Income. Subtract line 36 from line 35, $104,165.

38 Tax. Enter tax here and check if from Tax Rate Schedule X, Y, or Z, $34,274.

40 Add lines 38 and 39. Enter the total, $34,274.

CREDITS

45 Add lines 41 through 44. These are your total personal credits, $60.

46 Subtract line 45 from 40. Enter the result (but not less than zero), $34,214.

50 Subtract line 49 from 46. Enter the result (but not less than zero), $34,214.

OTHER TAXES

56 Add lines 50 through 55. This is your total tax, $34,214.

PAYMENTS

57 Federal income tax withheld, $39,133.

58 1984 estimated tax payments and amount applied from 1983 return, $13,140.

64 Add lines 57 through 63. These are your total payments, $52,273.

REFUND OR AMOUNT YOU OWE

65 If line 64 is larger than line 56, enter amount overpaid, $18,059.

66 Amount of line 65 to be refunded to you, $18,059.

SCHEDULE A—ITEMIZED DEDUCTIONS

Medical and dental expenses

2a Doctors, dentists, nurses, hospitals, insurance premiums you paid for medical and dental care, etc., $1,929.

c Other (list—include hearing aids, dentures, eyeglasses, etc.) eyeglasses, $400.

3 Add lines 1 through 2c, and write the total here, $2,329.

4 Mutiply the amount on Form 1040, line 33, by 5% (.05), $7,124.

5 Subtract line 4 from line 3. If zero or less, write -0-. Total medical and dental, 0.

Taxes you paid

6 State and local income taxes, $19,045.

7 Real estate taxes, $4,350.

8a General sales tax (see sales tax tables in instruction booklet), $903.

10 Add the amounts on lines 6 through 9 Write the total here. Total taxes, $24,298.

Interest you paid

11a Home mortgage interest you paid to financial institutions, $4,505.

13 Other interest you paid (list) NBW & 1st Wiltn, $2,782; DC Nat, $1,450, $4,232.

Add the amounts on lines 11a through 13. Write the total here. Total interest, $8,737.

Contributions you made

15a Cash contributions. (If you gave $3,000 or more to any one organization, report those contributions on line 15b.), $1,285.

18 Add the amounts on lines 15a through 17. Write the total here. Total contributions, $1,285.

Miscellaneous deductions

21 Tax return preparation fee, $1,250.

22 Other: Senate office exp, $111; see attached 2106, $2,027, $2,138.

23 Add the amounts on lines 20 through 22. Write the total here. Total miscellaneous, $3,388.

Summary of itemized deductions

24 Add the amounts on lines 5, 10, 14, 18, 19, and 23. Write your answer here, $37,708.

25 If you checked Form 1040 (Filing Status box 2 or 5, write $3,400; Filing Status box 1 or 4, write $2,300; Filing Status box 3, write $1,700), $3,400.

26 Subtract line 25 from line 24. Write your answer here and on Form 1040, line 34a. (If line 25 is more than line 24, see the Instructions for line 26 on page 22.) $34,308.

SCHEDULE B—INTEREST AND DIVIDEND INCOME

Part I. Interest income

2 Other interest income (list name of payer): Chevy Chase S&L (H), $514; DC Natl Bk (J), $337; United Bk 271-601 (H), $1,097; United Bk 176-014 (H), $963.

3 Add the amounts on lines 1 and 2. Write the total here and on Form 1040, line 8, $2,911.

Part II. Dividend income

4 Govt Investors (W), $34; Shearson Dailey (H), $897.

5 Add the amounts on line 4. Write the total here, $931.

10 Subtract line 9 from line 5. Write the result here and on Form 1040, line 9a, $931.

SCHEDULE C—PROFIT OR (LOSS) FROM BUSINESS OR PROFESSION

Services

Part I. Income

1a Gross receipts or sales, $20,600.

c Subtract line 1b from line 1a and enter the balance here, $20,600.

3 Subtract line 2 from line 1c and enter the gross profit here, $20,600.

5 Add lines 3, 4a, and 4b. This is the gross income, $20,600.

Part II. Deductions

25 Taxes (Do not include Windfall Profit Tax here. See line 29.) $100.

31 Add amounts in columns for lines 6 through 30i. These are the total deductions, $100.

32 Net profit or (loss). Subtract line 31 from line 5 and enter the result. If a profit, enter on Form 1040, line 12, and on Schedule SE, Part I, line 2 (or Form 1041, line 6). If a loss, you must go on to line 33, $20,500.

Literature

Part I. Income

1a Gross receipts or sales, $400.

c Subract line 1b from line 1a and enter the balance here, $400.

3 Subtract line 2 from line 1c and enter the gross profit here, $400.

5 Add lines 3, 4a, and 4b. This is the gross income, $400.

Part II. Deductions

19 Legal and professional services, $150.

31 Add amounts in columns for lines 6 through 30i. These are the total deductions, $150.

32 Net profit or (loss). Subtract line 31 from line 5 and enter the result. If a profit, enter on Form 1040, line 12, and on Schedule SE, Part I, line 2 (or Form 1041, line 6). If a loss, you must go on to line 33, $250.

SCHEDULE E—SUPPLEMENTAL INCOME SCHEDULE

Rental and royalty income

3a Rents received, $4,680.

Rental and royalty expenses

8 Insurance, $179.

9 Interest, $4,975.

13 Taxes (Do not include Windfall Profit Tax here. See Part III, line 37), $1,233.

17 Total expenses other than depreciation and depletion. Add lines 4 through 16, $6,387.

18 Depreciation expense (see instructions) or depletion, $1,590.

19 Total. Add lines 17 and 18, $7,977.

20 Income or (loss) from rental or royalty properties. Subtract line 19 from line 3a (rents) or 3b (royalties), −$3,297.

22 Add properties with losses on line 20, and write the total (losses) here, −$3,297.

23 Combine amounts on lines 21 and 22, and write the net profit or (loss) here, −$3,297.

25 Total rental or royalty income or (loss). Combine amounts on lines 23 and 24, and write the total here. If Part II, III, and IV on page 2 do not apply to you, write the amount from line 25 on Form 1040, line 18. Otherwise, include the amount in line 39 on page 2 of Schedule E, −$3,297.

Part IV. Summary

39 Total income or (loss). Combine lines 25, 29, 31, 35, and 38. Write total here and on Form 1040, line 18, −$3,297.

SCHEDULE W—DEDUCTION FOR A MARRIED COUPLE WHEN BOTH WORK

Step 1. Figure your earned income

1 Wages, salaries, tips, etc., from Form 1040, line 7. (Do not include nondisability pensions or annuities): (a) You $72,600; (b) your spouse $60,091.

2 Net profit or (loss) from self-employment (from Schedules C and F (Form 1040), Schedule K–1 (Form 1065), and any other taxable self-employment or earned income): (a) You $20,750; (b) your spouse $750.

3 Add lines 1 and 2. This is your total earned income: (a) You $93,350; (b) your spouse $60,841.

Step 2. Figure your qualified earned income

4 Adjustments from Form 1040, lines 25, 26a, 27, and any repayment of sub-pay included on line 31. (See instructions below): You $3,000; your spouse $6,263.

5 Subtract line 4 from line 3. This is your qualified earned income. (If the amount in column (a) or (b) is zero (-0-) or less, stop here. You may not take this deduction): (a) You $90,350; (b) your spouse $54,578.

Step 3. Figure your deduction

6 Compare the amounts in columns (a) and (b) of line 5. Write the smaller amount here. (Write either amount if 5(a) and 5(b) are exactly the same.) Do not write more than $30,000, $30,000.

7 Percentage used to figure the deduction (10%), 0.10.

8 Multiply the amount on line 6 by the percentage on line 7. This is the amount of your deduction. Write the answer here and on Form 1040, line 30, $3,000.

Name: Senator William and Ellen Proxmire. SSN: (H) [redacted].

Address: 118 Bradford Lane. SSN: (W) [redacted].

City, State, ZIP: Madison, Wisconsin 53714.

CERTIFICATE

I hereby certify that I was in travel status in the Washington, D.C., area, away from my home in my home state of Wisconsin, in the performance of my official duties as a Member of Congress for 224 days during the year 1984 and that my deductable living expenses while in such travel status amounted to $3,000.

WILLIAM PROXMIRE
(Signature of Member).

NOTE.—If such living expenses exceeded $3,000, the deduction is limited under section 162(2) of the Internal Revenue Code of 1954 to $3,000.

EMPLOYEE BUSINESS EXPENSES

William Proxmire

Part I. Employee Business Expenses Deductible in Figuring Adjusted Gross Income on Form 1040, Line 32

2. Reimbursed and unreimbursed meal, lodging, and other expenses while away from your tax home, $3,000.

6. Add lines 1 through 5, $3,000.

8. If line 6 is more than line 7, subtract line 7 from line 6. Enter here and on Form 1040, line 25, $3,000.

Ellen H. Proxmire

Part I. Employee Business Expenses Deductible in Figuring Adjusted Gross Income on Form 1040, Line 32

3. Reimbursed and unreimbursed car expenses from Part II, $4,263.

6. Add lines 1 though 5, $4,263.

8. If line 6 is more than line 7, subtract line 7 from line 6. Enter here and on Form 1040, line 25, $4,263.

Part II. Car Expenses (Use either your actual expenses or the mileage rate)

A. Number of months you used car for business during 1984: 12 months.

B. Total mileage for months on line A: 7,000 miles.

C. Business part of line B mileage: 4,900 miles.

Actual Expenses (Include expenses on lines 1 and 2 only for the months shown on line A, above)

1. Gasoline, oil, lubrication, etc., $800.

2. Other, $5,004.

3. Total (add lines 1 and 2), $5,804.

4. Divide line C by line B, above, 70 percent.

5. Multiply line 3 by line 4, $4,063.

7. Business parking fees and tolls, $200.

8. Add lines 5 through 7. Also enter in Part I, line 3, $4,263.

DEPRECIATION AND AMORTIZATION

Section C.—Depreciation of nonrecovery property

6 Other depreciation (see instructions), $1,590.

Section D.—Summary

7 Total (Add deductions on lines 1 through 6). Enter here and on the Depreciation line of your return (Partnerships and S corporations—Do not include any amounts entered on line 1.), $1,590.

DETAIL DEPRECIATION SCHEDULE

Description of property: 118 Land. Date placed in service: 11/22/80. Cost or other basis: $11,500.

Description of property: 116 Bradford. Date placed in service: 11/22/80. Cost or other basis: $31,800. Depreciation allowed or allowable in earlier years: $5,035. Method of figuring depreciation: SL. Life or recovery period: 20/00. Federal depreciation for this year: $1,590. State depreciation for this year: $1,590.

INVESTMENT INTEREST EXPENSE DEDUCTION

Part II. Interest on investment debts incurred after September 10, 1975

5 Interest expense on investment debts incurred after September 10, 1975, $4,975.

7 Total investment interest expense (add lines 5 and 6), $4,975.

8 (a) Individuals enter $10,000 ($5,000 if married filing separately), $10,000.

10 (a) Total net investment income (amount from line 4 if Part I is used), $5,520.

(b) Line 7÷Line 7 + Line 15 + Line 27 × Line 10(a), $5,520.

11 Excess expenses from "net lease property," $1,707.

12 Limitation on deduction (add lines 8(a), (b), 9, 10(b) and 11), $17,227.

13 Allowable investment interest deduction—Enter the smaller of line 7 or line 12 (see instructions), $4,975.

WILLIAM AND ELLEN H. PROXMIRE—NET INVESTMENT INCOME AND QUALIFIED NET INVESTMENT INCOME SCHEDULE

Description	Gross rent/ royalty	Straight line Deprec./ cost depletion	Non-tax pref. Depec. and Depletion	Other allow. invest-ment expenses	Net invest-ment income loss.	Qualify net invest-ment income loss
Dividends, net					$931	$931
Mad, WI, 118 Brad	$4,680	$1,590	$1,590	$1,412	1,678	−3,297
Interest income, net					2,911	2,911
Total, net investment income					5,520	
Total, qualified net investment income						545

ELLEN H. PROXMIRE (FORM 2106—SUPPLEMENTAL SCHEDULE)

Employer name: Wash Whirl-around.
Other auto expenses car 1, $5,004.
Total to part II, Line 2, form 2106, $5,004.

EMPLOYEE BUSINESS EXPENSES OTHER THAN TRAVEL

	Federal	State
Dues and publication	$608	$608
Entertainment	1,419	1,419
Total to itemized deductions	2,027	
Total to part I, line 5, form 2106	0	2,027

WILLIAM AND ELLEN H. PROXMIRE—EARNINGS

	Gross	Fed. WT	FICA	St. WT	City WT
U.S. Senate (H)	$72,600	$27,018	$2,533	$6,322	
Wash. Whirl-Around (W)	60,091	12,115	2,533		
Total	132,691	39,133	5,066	6,322	

ITEMIZED DEDUCTIONS—CONTRIBUTIONS

	50 pct.	30 pct.		20 pct.	Non-cash	Total
		Cap. gain	Other			
By check (H)	$935					
By check (W)	350					
Total	1,285					$1,285
Carryover	0					0
Allowable	1,285					
Allowable contributions to sched. A, line 18						1,285

Mr. PROXMIRE. Mr. President, I yield the floor.

RECOGNITION OF SENATOR WALLOP

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming [Mr. WALLOP] will be recognized for not to exceed 15 minutes.

Mr. WALLOP. Mr. President, I thank the Chair.

AID TO NICARAGUA

Mr. WALLOP. Mr. President, history will record that the Carter administration began to aid those who wanted to stop the Sandinistas from turning Nicaragua into a totalitarian ally of Moscow, and that in the Reagan administration such aid stopped. That is the bottom line.

History will record that the Democratic Party, almost united, convinced the Reagan administration again and again to reduce the size and scope of its requests for support to the Nicaragua resistance, and to make those requests with ever less conviction. Indeed only by great efforts, and by the President's intervention, was the administration dissuaded from joining in sponsoring a congressional resolution that would have sealed its own defeat. Now as congressional Democrats step forward to accept the thanks of the Communist dictator Daniel Ortega, the hemisphere's new Cuba faces a much less complicated future.

Yet blame does not lie alone with congressional apologists for the Brezhnev doctrine. Our 535 "secretaries of state" have been aided and indeed urged on by an indecisive administration.

This Senator watched with growing dismay as representatives of the State Department and CIA explained this administration's policy toward Nicaragua in the absurd terms of "interdicting the flow of arms" to El Salvador. This Senator was astonished when the administration helped to quash opposition to the Boland amendment. This Senator listened with disgust as spokesmen for the administration prided themselves on supplying the Nicaraguan resistance with enough to fight and die, but with not enough to win. This Senator winced when the Sandinista government broadcast William Casey's public statements that the Contras could not possibly win.

This Senator noted that the administration's requests to the Congress on the Contras' behalf were accompanied neither by threats nor by the usual inducements. Indeed, Secretary Shultz' latest letter ostensibly in support of the President's request never even mentioned that request, much less supported it. The paper explaining so-called U.S. policy in the area was not even on anyone's letterhead. Neither the State Department, the CIA, nor the NSC would sully their reputations with it. Last fall, before the Senate voted by a margin of 15 votes in favor of the Nicaraguan resistance, the Department of State advised this Senator that the vote count in the Senate was negative, and refused to supply even a routine letter of support. Far from refusing to take "no" for an answer, this administration has courted it.

When anyone asks why so many in the Congress and the administration are so eager to disassociate themselves from the fate of the Nicaraguan resistance, we hear one word: Vietnam—we want to avoid another experience like that. Yet, this obfuscation of moral judgment, this abandonment of freedom-loving people to Communist rule after half-hearted effort is precisely what we did in Vietnam. The arguments of the so-called best and brightest on the liberal side today are almost in form to those we heard 20 years ago. We have to force the Contras into a deal with the Communists, for the sake of peace, they say—just like they spoke of the need to force the South Vietnamese into the deal we worked out with the Communists in Paris in 1973. "And if they don't we'll cut off their funds." Thus do our good liberals, Democratic and Republican alike, dangle the American taxpayers' money in front of people who are fighting for their lives and freedoms, and put themselves in greater danger. If they refuse, they are threatened with being thrown to the wolves. If they agree, they can hope that the liberals, in the Congress and the administration, will at least preserve their lives, even as their cause goes down the drain. Is this the way to avoid Vietnam? In Heaven's name, no. This is a recipe for repeating the experience of helicopters lifting off embassy roofs, say in Honduras and El Salvador, as U.S. marines with rifle butts smash the fingers of our "brothers" climbing over the walls.

But despite the similarities, there are vast differences between Southeast Asia and Central America. Yes, just like in Southeast Asia, as soon as we abandon our friends and the Communists win their civil war, they will take over neighboring countries, have bloodbaths, and provide military bases for the Soviets. But unlike in Southeast Asia, there is no ocean between this tragedy and our border. The refugees will come more quickly and in greater numbers. But something far more ominous will come soon: The sounds of Mexico accommodating itself into a vast, anti-Yankee alliance.

Today does not mark the end of our troubles with Central America—it is the beginning. Within weeks we will see bloody battles as the Sandinista regulars, many with Soviet Speznatz training, move into free-fire zones to kill the resistance. Then perhaps in a year or two or three we will see the attack on Honduras and El Salvador, whose leaders will try in vain to accommodate. Throughout these dramas, the American people are going to want to know who is responsible. They will ask each one of us "whose side are you on in this fight?" They will do so all the more pointedly if our President, Democratic or Republican, does his duty and sends American troops to save one of those countries. "Who made all this necessary? Who destroyed the resistance forces that were holding the Soviet coalition at bay in Nicaragua?" Then the American people will look at how each of us voted today and they will have the answer.

I am genuinely sorry for my country, because the administration and the Congress seem ready to betray people our President has called brothers. Brothers deserve better. The peoples of the world, friend and foe alike, are sure to ask themselves, if the Americans treat their brothers this way, how will they treat others? It is at least one saving grace that we do it openly by rollcall vote. I am happy to stand where I do, in favor of putting weapons, yes I say guns, into the hands of people who want to live democratically, and who want to shoot at the Soviets, Cubans, Vietnamese, Libyans, and PLO soldiers who have invaded the North American Continent. I say to those who will vote on the other side, go ahead, put your name on that list. America will regret it. So perhaps one day will you, too.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LAXALT). The clerk will call the roll.

The bill clerk proceeded to call the roll.

(During the quorum call, the chair was occupied by Mr. CHAFEE.)

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STEVENS). Without objection, it is so ordered.

ADDRESS OF SENATOR DANFORTH ON U.S. TRADE POLICY

Mr. CHAFEE. Mr. President, our distinguished colleague, the Senator from Missouri, Senator DANFORTH, today spoke before the National Press Club on the timely topic of the U.S. trade policy.

I know that every Member of the Senate is aware of Senator DANFORTH's energetic work as chairman of the International Trade Subcommittee of the Finance Committee. Both on the committee and on the trade subcommittee, I have worked closely with Senator DANFORTH on any number of issues affecting international trade. I commend Senator DANFORTH's remarks to my colleagues as an insightful discussion of U.S. trade policy, and I ask unanimous consent that the text of his address be included in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR JOHN C. DANFORTH TO THE NATIONAL PRESS CLUB ON U.S. TRADE POLICY

Next week, in Bonn, the leaders of the free world will call for a new round of multilateral trade negotiations. If Congress does not extend the President's fast track legislative authority beyond its expiration date in early 1988, a new round would lead nowhere. Without fast track authority, the Tokyo Round could not have been implemented in 1979. Without an extension by Congress, a new round could not be implemented in the late 1980's.

There is no guarantee that Congress will extend fast track authority. Certainly, Congress should not agree to an extension without a thorough study of what has gone wrong in international trade and what the administration intends to do about it.

For years, trade policy has been the poor stepchild of our Government. It has been shoved to the back of the line, behind foreign policy and tax policy, behind antitrust policy and export controls, and behind any number of other considerations. For the sake of our own people as well as the international trading system itself, the era of second-class status must be brought to an end.

Today, I offer three propositions which should be debated before Congress gives the green light to a new round of trade negotiations.

Proposition I. An effective international trading system, fostering the principles of free trade, is clearly in the best interests of the United States and of the world.

Proposition II. The international trading system, as it exists today, is malfunctioning. Unless the system is made to work, it is doomed.

Proposition III. Congress needs to know that something is being done to fix the system before it grants new negotiating authority to the President.

That free trade is in the best interest of our country is so obvious to me that it went unstated in the first draft of these remarks. However, so many commentators have raised the specter of protectionism that a clear statement of principle is in order.

A return to protectionism would be a disaster for our country. It would threaten the jobs of one sixth of our work force, and it would destroy our farmers. It would increase consumer prices and reduce consumer choice. It would ruin our economy and the economies of our trading partners.

The Smoot-Hawley Tariff Act did contribute to the Great Depression. To repeat the same mistake more than half a century later would be an act of gross stupidity. The goal of the United States should be to open markets, not to close them.

The benefits of an open trading system to the rest of the world are no less obvious. In the past 2 years alone, America's open markets have been the main engine of world growth.

To insist that international agreements be enforced, and that unfair trade barriers be removed, is not protectism. The reason for negotiating international agreements and enacting enabling legislation is to provide a system for conducting world trade. Section 301 of the Trade Act gives the President the tools to open markets closed by unfair trade practices. It gives our people an opportunity to enjoy the benefits of free and fair competition. Clearly, a system that fosters such competition deserves all the support we can give it.

The second proposition is that the international trading system is malfunctioning. Our Government has neglected it. Other countries have abused it. What is happening today was never intended when GATT was established in 1947.

GATT was intended to operate for the mutual benefit of all its members. All were to benefit by the rules of free trade. All were to have access to world markets. All were to seek the benefits of comparative advantage.

In 1947, on one could have anticipated that a single country would run a $123 billion trade deficit in a single year. Nor could one have guessed our trade deficit's geometric rate of escalation since the beginning of this decade, up from $40 billion just 2 years ago.

The nature of our trade deficit has been changing as rapidly as its size. In the 1970's, we were importing fuel and raw materials. Last year, 72 percent of the deficit was manufactured goods. Nor are we offsetting the merchandise trade deficit by exported services and by returns on foreign investment as we were as recently as 1981. Last year, we ran a current account deficit of over $100 billion.

A number of causes have been cited for these ballooning numbers: The United States was first to recover from a worldwide recession, making our market far more lucrative than those of our trading partners. Huge debt obligations led Third World countries to restrict imports and subsidize exports. American business and labor are pricing themselves out of the world market. But two causes deserve special attention, neither of which was anticipated when GATT was establish: Floating exchange rates and the proliferation of nontariff barriers to trade.

When the world trading system was created, it did not anticipate a dollar which would rise or fall by the hour, which would change as money managers move billions overnight to a perceived safe haven, which would go up with U.S. interest rates and down with the closing of saving and loan associations in Ohio. It did not envision appreciations in currency which would effectively tax U.S. exports and subsidize U.S. imports.

Today, we are told that the overvalued dollars has the same effect as a 25-50 percent foreign tariff on American products, that it is the most important single cause of the trade deficit, and that the rules of international trade provide no way of relieving the problem. So, imports stifle economic recovery. Recovery bypasses key sectors of the economy, including agriculture, manufacturing, and mining. Import-sensitive and export-competitive industries fail or move offshore, and America's economic base is eroded forever.

No trade agreements, however sound, no trade laws, however well enforced, will give Americans a fair chance to compete in the international marketplace if an overvalued dollar has the same effect as a 25-50 percent tariff. To say this is not to belittle trade agreements. Rather it is to state the absolute necessity of dealing effectively with the exchange rate issue. One way or another, this problem must be solved.

The trade deficit is one of several reasons we must succeed in getting the Federal budget under control. The budget is the subject before Congress today, and no suggested trade measure should divert our attention from the goal of a $50 to $60 billion reduction in the budget deficit. To those who argue that the present furor over unfair trade practices is a distraction from the real problem of the budget, I repeat: Nothing can be allowed to distract us from the budget. The Federal budget must come first.

Yet there are those who argue that a serious reduction in the budget deficit will not reduce the value of the dollar, will not reduce it sufficiently or that it will have the opposite effect—that it will inspire even more confidence in the United States as a safe haven for foreign investment.

If this is so, if conventional wisdom about the link between the budget and exchange rates does not prove correct, then an unconventional way must be found to offset the effect of a high valued dollar.

Several unconventional ideas have been suggested. They include a strategic currency reserve, import surcharges, tax incentives for savings, a value-added tax and capital controls. I am not prepared at this time to endorse any of these ideas, especially since the better and more cautious suggestion of a reduced budget deficit has not been tried. I do say that no trade policy can work if the exchange rate problem is not resolved. I do say that if the dollar cannot be reduced by a budget resolution, then it must be offset by some other method.

Resolving the exchange rate problem is the sine qua non of effective trade policy. Yet even if we were to reduce the dollar, Americans would still not have access to other markets when nontariff barriers to our exports spring up faster than we remove them. Therefore, we must proceed on two tracks at the same time. We must deal with exchange rates, and we must remove unfair barriers to American exports.

When tariffs were the principal means of excluding imports, free trade seemed an attainable goal. Tariffs are visible, measurable, and easily reduced.

But today protectionist countries do not need to rely upon tariffs. Other, more subtle and equally effective barriers are at hand. These range from discriminatory standards to licensing to bureaucratic delay to restrictions on investment.

Much of our attention is on Japan, but it is not the only country with import barriers. We have them. Canada and Europe have then, and, with increasing significance so do developing countries.

What sets Japan apart is this: No other nation contributes so little to the open trading system in relation to its gains from that system. International trade cannot function effectively when the world's second largest economy abdicates its responsibilities to the system.

Today, our efforts to stop unfair trade practices are embarrassingly ineffective. It is embarrassing to watch the President of the United States plead with the Prime Minister of Japan. It is embarrassing to see one negotiating delegation after another return from Tokyo with hopeful announcements and no new sales. It is ineffective when our exports to Japan grow by 2 percent while our imports grow by 38 percent. Our efforts are embarrassingly ineffective, and, I submit, they are dangerous as well.

To the best of my knowledge, the United States has never used section 301 of the Trade Act to retaliate against Japan. Now retaliation is a nasty word. It suggests a loss of temper, a desire to strike back. Critics expressed that view when the Senate Finance Committee voted to retaliate against Japan.

But retaliation is not synonymous with a loss of temper or a desire to strike back in rage. Rather, section 301 gives the President authority for a measured response to unfair

trade practices, in total conformity with GATT.

The strongest argument we use against our own protectionists—against, for example, advocates of domestic content legislation—is that American protectionism would lead to retaliation abroad. It would hurt our own people. We tell our own people that, when it comes to trade barriers, there is no free lunch.

Yet, by our inaction, we tell our trading partners that there is a free lunch. We tacitly let them know that they are free to impose whatever restrictions they like to imports from the United States and that we will do nothing. We will not use section 301 to retaliate no matter what.

At the present time, there is no practical disincentive to Japanese protectionism except the volume of rhetoric turned up by the Congress. A controlled response as provided by international rules and by our law is placed off limits by the administration. Therefore, uncontrolled rhetoric is all that remains. I think this is dangerous.

It is dangerous to the total relationship between the United States and one of its closest frields. For despite lively economic competition, we are close friends. We share common interests in a peaceful and prosperous world. We share a commitment to democratic government and free enterprise economics. It is hard to imagine a promising future for either country without the friendship and cooperation of the other.

Every time there is a vote in the Congress on a matter relating to trade with Japan, the claim is made that we are sending the Japanese a message. I am increasingly of the view that the Congress of the United States should not be in the business of sending messages to Japan. At best, messages which never lead to action are easily ignored. More seriously, messages sent in rage create long-term ill will. The role of Congress is to legislate, not to send messages to other countries.

In the long run, acquiescence to Japanese protectionism is no favor to either country. For both countries, and, indeed, the trading system itself are dependent on a strong American economy. America is no longer the dominant giant, towering over a struggling and self-protecting Japan. We no longer have the economic margins to tolerate the infant industry protectionism that brought about Japan's dominance in consumer electronics and automobiles. In no sector—such as computers and telecommunications—where the United States still maintains a competitive edge, can such Japanese protectionism be tolerated. There is no question that we are being hurt by Japan's trade practices, and when we are hurt, so is the rest of the world.

The 1984 Trade Act was an effort by Congress to find an effective way of removing unfair trade barriers without resorting to idle messages or verbal abuse. Congress strengthened section 301 of the 1974 act and created a systematic way of first identifying and then removing barriers to U.S. exports. In sum, the President was given added leverage to open markets which have been closed.

Nontariff barriers to trade multiply like mushrooms. They create a problem which can never be solved by inaction, which characterizes the administration, or by overreaction, which characterizes the Congress. The problem will only be solved by putting in place a system in which the President responds to barriers in a measured and practical way. The 1984 Trade Act was intended to create such a system.

No country in the free world can afford to see the trading system destroyed. But the system is doomed if it is not credible, and the only way to make it credible is to enforce our existing law, our existing rights.

Now to the third proposition: Congress should insist on clear plans for rectifying the exchange rate problem and for enforcing our rights under existing agreements as conditions for granting the President fast track authority for implementing a new negotiating round.

To the administration, a new round of multilateral negotiations is the first priority in the trade area. To me, a new round of negotiations belongs somewhere farther down the list. Indeed, since trade agreements cannot deal with the bloated dollar, I do not see how they can improve the position of Americans trying to compete in world markets. Also, I do not understand the wisdom of negotiating rules of international trade if there is no intention of enforcing the rules we negotiate.

It would be unreasonable for Congress to ask the impossible. But if deficit reductions do not start the dollar on a steady decline, then we should be prepared to use other options to deal with exchange rates now and in the future. Now is the time to begin the careful study of those options should they later be needed. In addition, the President must implement the reciprocity title of the 1984 Trade Act, and put in place an ongoing mechanism for identifying and removing unfair barriers to American exports. These matters are far more important than a new round of negotiations.

Nearly every discussion of the trade deficit yields the comment that the problem is of our own making. It is said that we don't try hard enough—that we can't produce attractive products at competitive prices. I close by saying that I don't accept those comments for a moment. I don't accept the view that America is soft, and lazy, and over the hill. If we continue to compete, I believe we will succeed. In many key sectors, we can compete anywhere in the world, but only if the dollar is fairly priced and only if our trading partners are made to play by the rules.

Government cannot do everything in America, but there are some things it can do. It can get its economic house in order. It can enforce the law. It can give American producers a fair chance. And Congress must insist that we do so before another round of negotiations get underway.

IS THERE AN ARGENTINA IN OUR ECONOMIC FUTURE?

Mr. WARNER. Mr. President, the other day I received in the mail an interesting letter which I found most provocative and very timely.

Mr. President, I ask unanimous consent that the letter be printed in full at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. WARNER. The letter was about government spending, about government deficits, and about inflation.

Attached to this letter was a 1 million peso note issued by the government of Argentina. The author of this letter wrote, "This million peso note had a value in U.S. currency in 1962 of more than three-quarters of a million dollars. As of June 1984, the value of the note was $2.50."

The reasons for Argentina's hyperinflation and tremendously devalued currency are twofold:

First, the spirit of free enterprise has been taxed away; and second, the federal government of Argentina has embarked on an excessive program of spending and expansion which killed all incentive for work and thrust that nation deeper and deeper in debt.

As a result, Argentina has no choice but to print more and more money in an effort to meet its government's and its citizens' spending needs.

For the present, we do not face this condition in the United States.

But indeed the possibility exists.

The United States today enjoys one of the lowest rates of inflation and one of the highest rates of economic growth ever experienced in its history.

But the United States is also experiencing the largest national debt, and the largest Federal deficit in its history—a history that saw 200 years pass before its first trillion dollar debt was accrued, but only 6 years to accumulate the second trillion dollar debt.

These conditions are compounded by a growing unwillingness on the part of many not to pay their legally owned taxes.

In 1981, the last year for which verified figures are available, some $90 billion in anticipated tax revenues were lost through either tax avoidance or taxpayer noncompliance schemes.

The Senate Finance Committee and the Internal Revenue Service estimate that this tax gap—the difference between what should be coming to the U.S. Treasury and what is actually received based on the numbers of working citizens and businesses—could be as high as $150 billion in 1985.

Collection of these taxes alone could begin to wipe out the national debt.

That's a reason for Congress to begin serious work on tax simplification legislation.

Remember, America's tax system works—primarily—because of the good faith of its citizens in complying with the law.

Let's simplify before we lose that good faith.

The simple fact of the matter is that our current tax laws, either because of their complexity or because of their perceived unfairness, are fostering this tax gap.

If this situation is not addressed, and addressed soon, we could very well find ourselves in the same situation as Argentina.

The Government could literally find itself in the position of having to print money and borrow even more than it already does to meet its spending requirements.

I never want to see a million dollar U.S. piece of currency devalued so severely.

To illustrate my point, let me share with you part of an article written by Roscoe Egger, Commissioner of the Internal Revenue Service, on the subject of tax reform.

Comparing two types of taxpayers—those involved in limited partnerships and a typical family of four with no tax shelters—Mr. Egger wrote:

> The average 1983 gross income of individuals in limited partnerships was $193,000.
>
> But their total income tax represented less than 5 percent of their gross income, while their losses—all legal under the present tax code—represented more than 90 percent of their gross.
>
> By comparison, a typical family of four with income of $45,000 and no tax shelter losses would pay $6,272 or more than 15 percent of their income in taxes.

According to a recent IRS survey, 75 percent of taxpayers believe their taxes are too high for what they get, and about two-thirds believe they pay more than their fair share.

Even worse, a whopping 80 percent of the taxpayers in this country believe the present system benefits the rich and is unfair to the ordinary working man and woman.

So what is the answer to this dilemma?

The President and I believe the answer can be found in tax reform * * * in the adoption of a plan that promotes fairness and simplicity.

We are joined in that belief by 80 percent of America's taxpayers.

Yet the Treasury's tax simplification proposal of last November was severely injured by Washington's special interest groups before it had traveled the short mile from the Treasury to Capitol Hill.

Nonetheless, I remain hopeful that a tax reform plan which benefits all Americans, which is fair and understandable, and which produces no more tax revenue than the present tax system, were there full taxpayer compliance, can be crafted and adopted this year.

Let's go to work and earn our pay, Congress.

Finally, Mr. President, we must put the lid on Government spending.

We must continue promoting economic growth.

And we must rewrite our tax laws so that they are fair, so that they promote taxpayer compliance, so that they provide the receipts needed to enable the Government to operate without printing and borrowing excessively to meet its obligation.

For truly, if we are not to become a Nation committed to Argentina's destiny, these tasks must be accomplished.

EXHIBIT 1

GRIFFIN AND BRAND OF MCALLEN, INC.,
McAllen, TX, January 29, 1985.

Hon. JOHN W. WARNER,
Russell Office Building,
Washington, DC.

DEAR SENATOR WARNER: Following is a copy of a letter I sent to the President and all members of Congress:

We, in general as the American people, are very much concerned about the increasing Federal deficit and its impact upon the national economy. We are also concerned very much about our national trade deficit.

I am enclosing to you a million peso note which is legal tender in Argentina. This million peso note is a very dramatic demonstration of the impact of our concern expressed above, in Argentina. This same million peso note had a value in U.S. currency in 1962 of $769,230.77. As of June 1984, the value of the note was $2.50.

Argentina is continuing to experience hyper inflation. This inflation is a result of excessive Federal expenditures. The areas of expenditures which are uncontrolled are the expansion of government, the social welfare program, government subsidies and excessive military expenditures. I believe the parallel is obvious.

It appears that the time has come for all of us, including those in public office, to recognize that we are on a road that many other nations have traveled and the end of the trip has been economic chaos. We believe that the solution to our Federal deficit spending will require courageous and sound economic non-political decisions.

The four areas which require immediate attention, in regard to reducing the deficit and ultimately the balancing of the Federal budget, very simply requires more efficient use of government funding and a reduction in the cost of government, social welfare programs and in the various subsidies, including those in agriculture, and certainly requires a reduction in military expenditures.

It is our prayer that you, the Senate and the House approach this New Year in an economically realistic manner and attitude and that there not be "politics as usual."

Briefly, concerning our trade deficit, my experience in more than 40 years of foreign trade and my observations while traveling throughout the world, of the loss of markets by the United States in many areas of industry, farm machinery, automobiles, chemicals, are very simply that management, government and organized labor together have created a wage level in major industry that has priced the American products out of the world marketplace and has opened up our country for an invasion of foreign made products.

There is much to be said and done if our nation is not to follow the course of nations such as Argentina. Argentina exceeded its capacity to borrow and turned to the bank of last resort, the printing press. Argentina is a government out of control economically.

I believe the people of this nation are willing to support the sort of leadership and effort that I have alluded in this brief letter. I am one of your supporters, an Eagle Republican, and your campaign manager in Hidalgo County, Texas in the recent election. I have great confidence in your leadership and please accept this letter in that spirit.

Very truly yours,

OTHAL E. BRAND,
Chairman of the Board.

P.S. I am sending a similar letter to each member of Congress and a few other selected persons. I hope you will frame this million peso note and keep it in a conspicuous place as a reminder of this great danger to our nation.

WE MUST BEAR WITNESS

Mr. CHILES. Mr. President, I have read over and over the memorable words written some time ago by Elie Wiesel: "For the dead and the living, we must bear witness." During this week, which marks the 40th anniversary of the liberation of the Nazi concentration camps, those words are most appropriate. The American Gathering of Jewish Holocaust Survivors which recently took place in Philadelphia along with other ceremonies worldwide has helped to fulfill the charge of Mr. Wiesel's words.

Unlike the survivors or the liberators, I do not have the vantage point of having personally witnessed the death camps or the slave labor camps. My perceptions of the Holocaust have been framed from books and conversations with liberators and survivors, and from watching films and documentaries. In that sense, I am like the overwhelming majority of Americans who were not eyewitnesses to the hell holes in Germany, Poland, and other Nazi controled areas. The list is long. Dachau, Auschwitz, Bergen-Belsen, Majdanek, Sobibor, Treblinka, and on and on. Six million grandparents, parents, and children in all. The number is unfathomable.

When I pick up a book on the Holocaust or when I watch a film with actual footage and photographs, I instinctively want to turn my eyes away. Nobody wants to look at the piles of corpses and at the individuals, the Jews, who were dying in inhumane agony. My mind cannot comprehend the horror and the terror of assembly line exterminations, the tortures, and the deaths. Any words that I could use to express my shock and revulsion and outright disbelief would be gross understatements of what we all feel inside. Yet we must look at these pictures and read these books if we are to keep the Holocaust experience fresh in our minds. The Holocaust has left an indelible scar on the integrity of the human race, and civilization will never be able to shake its responsibility for the calculated deaths of the millions of our brothers in the human family. The damage has been done, and for those who are to this day haunted by the cold memories of the Holocaust, the damage is still being done.

While we cannot change history, we can and must learn from it. We must learn that the value of each and every human life must never be depreciated. Can something like the Holocaust happen again? It is unthinkable but the unthinkable has happened once. We must leave this day of commemo-

ration with that thought. We should resolve ourselves to prevent the Holocaust from ever being remembered as simply a dark moment in history. We should know better. We have seen again in more recent history, the depths to which the souls of man can plunge during times of war. And we've seen again in recent times how those in power can rationalize and justify even the most brutal forms of political change. We must vow never to forget the force of evil which engineered the Holocaust and which slaughtered multitudes of innocent Jews and others. We are charged with the responsibility of making sure that this dreadful force of evil never rears its head again. That is why we must always remember: "For the dead and the living, we must bear witness."

THE 375TH ANNIVERSARY OF HAMPTON, VA, FIRST FROM THE SEA, FIRST TO THE STARS

Mr. WARNER. Mr. President, this summer the citizens of Hampton, VA, will celebrate the 375th anniversary of that community's founding.

On July 9, 1610, colonists from Jamestown formally established the city of Hampton, creating what is today the oldest continuous English-speaking settlement in America.

Throughout its life, both before its formal founding and since, Hampton has played numerous important and historic roles.

In 1609, it was the site of America's first outpost, Fort Monroe.

It was the site of America's first trading company, the first Anglican parish, the first free school, and it was the first community in which an organized effort was made to teach blacks.

Hampton has long been a city vital to our national defense.

It was in this community that the British and Americans first engaged one another in Virginia during the Revolutionary War.

The first planned land battle of the Civil War took place in Hampton.

The Civil War ironclads, the *Monitor* and the *Merrimack*, first clashed near Hampton.

President Theodore Roosevelt's great white fleet called Hampton its home port, and today Hampton is the testing ground for the Navy's modern day submarines, and headquarters for the Army's Training and Doctrine Command and the Air Force's Tactical Aviation Command.

Throughout much of its life, Hampton has been referred to as first from the sea, because of the landing in 1607 of the ship *Godspeed*, at what would later become Hampton and because Hampton served as the headquarters to the first Virginia Navy and the first shipyard in America.

But Hampton was also the first to the stars, by being the first home for the National Advisory Committee for Aeronautics, now known as NASA, home to the first seven Mercury astronauts and the central training site for all subsequent astronauts, including the Apollo crew members who walked on the Moon, and today's space shuttle astronauts.

To commemorate the city's 375th anniversary, Hampton's citizens are planning numerous events including a visit by the *Godspeed* during its reenactment voyage.

This is indeed a momentous occasion for the people of Hampton and for all Americans as well.

The Senator from Virginia and others extend to these citizens our best wishes.

May the next 375 years be as rich and glorious as the last 375 for Hampton, VA, "first from the sea, first to the stars."

SOUTH CAROLINA LAW DAY SPEECH BY THE HONORABLE ALEXANDER M. SANDERS, JR., CHIEF JUDGE OF THE SOUTH CAROLINA COURT OF APPEALS

Mr. THURMOND. Mr. President, each year the South Carolina School of Law holds its annual law day banquet in Columbia, SC. This event is attended by students, alumni, members of the State and Federal judiciaries, and other distinguished practitioners of law. This year one of the keynote speakers was the Honorable Alexander M. Sanders, Jr., chief judge of the South Carolina Court of Appeals. Judge Sanders is a former State representative and State senator and has held a number of other public positions in the State.

Unfortunately, I was out of the country with majority leader BOB DOLE and other Senators for official defense discussions with our NATO allies when this event took place.

I have read a copy of Judge Sanders' remarks and was greatly impressed by the inspirational nature of his speech. I thought my colleagues might enjoy reading his address, since he has, in a very short time, distinguished himself as a very able and dedicated judge with great insight.

Mr. President, I ask unanimous consent that Judge Sanders' speech be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SOUTH CAROLINA LAW DAY—SPEECH BY CHIEF JUDGE SANDERS

Thank you, Harry. All things considered, I believe that was the worst introduction I ever got since Marion Gressette introduced me to the Senate. Dean Harry McKinley Lightsey. My classmate. LLB, JD, Phi Beta Kappa. Aspirant to the presidency of Clemson College, emeritus. We're proud of him. Doctor Harry McKinley Lightsey. Doctor of veterinary medicine. The only law school dean in America qualified to give rabies shots. We're proud of him.

Speaking of Phi Beta Kappa, did you see where the Wofford Chapter just made Chief Justice Littlejohn and Bill Rone honorary members? It was an unprecedented departure from tradition. The first time intellect has ever been recognized on an honorary basis. We're proud of them. Bill Rone is the editor of the State newspaper. His counterpart Kent Krell, the editor of the record, said Phi Beta Kappa made them members as part of an affirmative action program. Of course, I don't subscribe to that as to our distinguished chief justice. He really is smart, not just honorary smart. Still, you have to wonder. What do you suppose, they'll do for Woody Brooks. After all, he said he was smarter than the chief justice. What have they got against him.

I myself was recently honored by a visit from another distinguished member of our Supreme Court. It was just after I had written another opinion with a poem in it. It was a personal visit, so his name will remain anonymous. I'll call him Justice A. Although, his real first initial is B. "DON'T EVER DO THAT AGAIN." He suggested. And I agreed not to ever do it again. Put a poem in an opinion. I have too much respect for the poetic art form. To see it quashed. Of course, when I said I wouldn't ever do it again, I wasn't under oath.

Senator Baker, Mr. Chief Justice, distinguished justices of the Supreme Court, my colleagues on the court of appeals, President Holderman—a great leader of a great institution, Dean Lightsey D.V.M., distinguished faculty and students of the law school, Mrs. Thurmond, ladies and gentlemen.

I am seriously honored to be your substitute speaker of this evening, chosen when F. Lee Bailey couldn't come. When Strom Thurmond couldn't come. When Floyd Spence couldn't come. When John Jenerette couldn't come.

I was reading yesterday an article recently published in Trial Magazine by Judge Lawrence Grey, of the Ohio Court of Appeals. The title of the article is "Intermediate Court Creativity." When I read that title I thought to myself "intermediate court creativity". A paradox, a classic oxmoron, a self contradicting phase. An intermediate court, is of course a court of limited authority. Judicial creativity, and creativity, by definition expands the circle of human knowledge and experience. It cannot be intermediate, which means between limits. But then I was reminded of Goethe's maxim: "It is by working within limits that the true master reveals himself." So I thought that I would briefly share with you this evening a few thoughts along these lines.

The judges of the S.C. Court of Appeals are, of course, required to follow the decisions of both the United States Supreme Court and the South Carolina Supreme Court. Let me first assure you, that the judges of the S.C. Court of Appeals are well aware of the limits within which we operate. But, at the same time, let me also say as Professor Leflar has observed, "judges on an intermediate court are bound, but not gagged, by the supreme courts. In this regard, at least, we can be as creative as our minds allow us to be. As creative as we are moved to by the compelling ideas lawyers bring before our court.

Regrettably, much of what we do is dreadfully repetitious. Many cases are routine. To the parties, however, and to their lawyers, each is unique, and each is entitled to care-

ful attention. The backlog in South Carolina the appellate courts is not due to the time judges spend on the precedent-setting case, but rather on the tedious but necessary time spent on the routine cases.

Lawyers should remember, however, that we did not become judges for the tedium, but for the excitement, for the enthusiasm that comes from dealing with important legal questions.

While we are the court of last resort for the routine case, we know that the important case may be only passing through us on its way up. That is the most important limit. Nonetheless, while we may not have the final say in such a case, we have the opportunity to write the most persuasive commentary on it. When a party on appeal asks the court to look at a new rule, or to view an old rule in a new light, we have the opportunity to write an opinion so well thought out, so persuasive, so analytically sound that supreme court review can be almost obviated, reduced to a procedural ritual. The limits on creativity of intermediate appellate judges lie not in the cases or the higher courts, but only in our capacities to think.

Do not confuse what I am saying with the age-old debate on judicial activism versus judicial restraint, because each in its own way is a substitute for judicial thinking. A judge who extols the virtues of judicial restraint may be so dedicated to precedents that he does not contribute. He presumes that judges who preceded him must have known more than he about what the law is and what it ought to be. Since such a judge is so afraid to think. His presumption about himself may be well deserved.

The activist judge has it easy: He not only does not have to read the cases: He does not have to think at all. He already knows the answer and can fashion an opinion to fit it. If his research then is not helpful in achieving his preordained result, he can always rely on Holmes's famous quote: "It is revolting to have no better reason for a rule of law than that so it was laid down in the time of Henry IV."

Judicial activism and judicial conservatism are only reverse sides of the same coin, and both result in a flip-of-the-coin type of justice. I know of no good judge who would not be offended were either appellation attached to him because good judges realize the need for analysis in each case—the need to reaffirm good old ideas and the need to reject ideas that have outlived their usefulness.

Consider, for example, the right to jury trial and illegitimacy. Two legal concepts that have their roots in the middle ages. Even though the necessity or utility of jury trials has been questioned regularly, jury trials are still highly regarded as important to the contemporary legal process. Illegitimacy, on the other hand, is on the way out. The supreme court has ruled repeatedly that there is no rational basis or state interest to be protected by distinguishing children this way.

We accept the concept of trial by jury because it still works, and we reject the concept of illigitimacy because it does not. The infusion of ordinary people into the judicial system as the ultimate arbitrators of fact is still effective in achieving just results. On the other hand, only under primogeniture must a society have illegitimacy, a system for determining which child is first born. Having done away with primogeniture. The idea of illegitimacy is withering away.

For a judge, the "why" of a case is what is important. Holmes was hardly rejecting all rules laid down in the time of Henry IV: he was writing about the reasons for rules. Following a rule because it is old is "revolting," but no more revolting in my opinion than rejecting it because it is old. Today's judge must know why judges in Henry IV's time laid it down, and what interest of society was being protected. Only then can he or she decide if it is still applicable—if society still wishes that interest to be protected.

Perhaps I am being too esoteric here, but unless a rule is understood in terms of its cultural and historical context, one cannot understand the value, or perhaps the danger, of the rule. Consider the common law defenses of lack of privity for products liability, charitable and sovereign immunity, and contributory negligence. These concepts were perfected in the nineteenth century. The age of the robber barons, when the goal of America was to accumulate wealth and power. These rules were, for their time, good and useful. They permitted the concentration of capital and heavy investment and reinvestment in capital goods in both the public and private sectors and the rapid industrialization of the United States. To be sure, many injuries went uncompensated, and many people were left cruelly destitute, but such were the values of the times.

But times change. Novelists like Upton Sinclair portrayed inequities of the system. Sociology was only in its infancy when "lawyer" Brandeis filed his famous brief, and "Judge" Cordozo wrote his famous opinions that products do injure the ultimate consumer even though there is no privity. The ex contractu ideas of the nineteenth century were supplanted by the ex delicto ideas of the twentieth.

Ideas are compelling. There may be no force like that of an idea whose time has come, but some ideas are timeless. In 100 A.D., Pliny the Younger was appointed governor of Bithynia in Asia Minor by the Emperor Trajan. Pliny regularly wrote to Trajan, and in one letter he asked how to react to an anonymous accusation that someone was a Christian. Trajan wrote, "anonymous informations ought not to be received in any sort of prosecution. It is introducing a very dangerous precedent, and is quite foreign to the spirit of our age."

And almost exactly 1,900 years later the S.C. court of appeals—embracing the principle of the Emperor Trajan passed down to us by Pling and John Locke and Thomas Jefferson—wrote "the right of an accused to be confronted by a witness against him is perhaps the most important right given to innocent people. It is so important that it must be also given to those who may be guilty."

How should the judge who wrote the opinion in which these words appear be viewed? Is he a bleeding heart liberal more concerned about the rights of a criminal than the rights of society. Or is he a reactionary conservative relying on a principle that was already centuries old when the middle ages began.

I submit that from the judicial perspective, the terms liberal and conservative—judicial activism and judicial restraint—should be meaningless.

Good judges want just results, and just as Potter Stewart knew obscenity when he saw it, good judges know injustice when they see it. They will preserve those rules that accomplish just results, no matter how ancient. A judge can be as creative in maintaining a good old rule in the face of adverse public opinion. As in seeking new rules for new problems.

Judicial creativity is the continuing juxtaposition of old and new ideas alongside old and new values. This is critical in understanding the appellate process. Judges are less like artists and more like museum curators. Some of the finest works of human creativity were produced during the Ming dynasty. But the Ming dynasty also produced many mediocre artifacts. Likewise, today many works of art are produced, but only some have value. Good judges, like good curators, preserve the best traditions, but also like curators, are open to the newest creativity in our society. They judge not that it is Ming, or postmodern, but only that it is good or bad.

What do these comparisons have to do with the practicing lawyer? They give insight into judicial creativity: They point the way for the practicing lawyer's participation in it.

Having a common-law system, judges tend to be content to follow an old rule and loath to write a new one, so how are new rules established? As I said before, "ideas are compelling." Let me rephrase that. "Ideas are so compelling, even judges can be moved." An effective lawyer moves a judge by talking about the ideas behind a rule. Every rule of law is a "good" one because it promotes and protects some value or principle, and if it is to be judged, it must be judged on what it promotes. Racial equality has been the official policy of the United States since 1864, and the "separate-but-equal" ruling of *Plessy* v. *Freguson* was in its way an attempt to promote equality. But that rule had a flaw—it was based on the idea of separateness. *Brown* v. *Board of Education* did not strike down the principle of equality, but the idea of separateness.

So in conclusion, let me leave you as lawyers, or soon to be lawyers, with this thought for law day 1985. The life of the law is by no means exclusively entrusted to the guardianship of us judges. It is your role and your responsibility to attend to its well being throughout the balance of this century and the next.

When a lawyer writes a routine brief, a court writes a routine opinion.

Sometime ago I wrote in the transcript that the second worst invention of the 20th century was the word processor. The first worst being the hydrogen bomb and the third, tassel loafers.

In this age of microchips. I fear we are approaching the day where a lawyer enters "arguments of 119-B(1)" on his word processor and files his brief. Perhaps this day will not come. But, if it does you can be sure that a court will then enter "opinion 119-B(1)" on its word processor, so I emplore you this evening. Put life in your logic and fire in your words.

When I speak of fire, I am not speaking of inflamed rhetoric or passionate pleas, but the fire of ideas. If I am to be a creative judge, to see my way out of Socrates' dark cave, you must provide Plato's leaping spark to give me light. See what I mean.

THERESE KNECHT DOZIER, RECIPIENT OF THE NATIONAL TEACHER OF THE YEAR AWARD

Mr. THURMOND. Mr. President, I would like to take this opportunity to extend recognition to my constituent Therese Knecht Dozier, who has distinguished herself as "1985 National

Teacher of the Year." I was pleased to attend ceremonies at the White House on April 18, at which Mrs. Dozier was presented the award by President Reagan. Therese Dozier has continually devoted herself to academic excellence both as a student and as a teacher. She is greatly loved by her students, who recognize her skill and dedication, and by the parents in the community. In becoming a teacher, she fulfulled a lifelong ambition to nourish, guide, and encourage young people. Through her unselfish and untiring devotion to her students, and through her personal standards of excellence, she has set a fine example for other teachers and prospective educators throughout the United States.

Born in Vietnam of a Vietnamese mother and German father, sold to a Chinese businessman, transferred to a French orphanage, and eventually adopted by U.S. Military Adviser Lawrence Knecht and his wife, Theresa Dozier has survived, seized on, and made the most of every opportunity that has come her way. She has devoted herself to a career in educating, nourishing, and enriching the lives of young people. Recognition of Mrs. Dozier as National Teacher of the Year underscores the valuable contributions Asian-Americans are making to our Nation in fulfillment of the American dream. South Carolinians and all Americans can be justifiably proud of this excellent teacher.

Mr. President, I ask unanimous consent that additional biographical information on Mrs. Therese Knecht Dozier be included in the CONGRESSIONAL RECORD following my statement, in order that my colleagues may be informed of the background and accomplishments of this remarkable young woman.

There being no objection, the biographical information was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL INFORMATION: THERESE KNECHT DOZIER

1985 National Teacher of the Year

The sequence of events that brought Therese Knecht Dozier from a South Vietnam orphanage to a South Carolina classroom and recognition as 1985 National Teacher of the Year reads like a wildly improbable novel, one that is also a glowing and inspirational chronicle of the indomitability of the human spirit against almost unsurmountable and, at times, cruel odds.

Terry Dozier was born on or about June 17, 1952 (she is not sure of the exact date) in war-torn Saigon. Her mother was a Vietnamese woman, her father a former colonel in Hitler's Waffen SS who had fled Germany during the closing days of World War II and joined the French Foreign Legion. He eventually wound up in what was then known as French Indochina, where Vietnamese nationalists were threatening to end French colonial rule. There he met and married Terry's mother, who died 20 months later, shortly after giving birth to Terry's younger brother, Timothee.

Unable to care for the two children, their Legionnaire father sold them to a Chinese businessman, who planned to sell them to a childless Chinese couple. When the French authorities discovered this and began searching for the children, the Chinese businessman, fearing arrest, gave Terry and her brother to an old Chinese woman living on a sampan in the Saigon River. The authorities found the two children there, suffering from malnutrition, and turned them over to a French orphanage. Meanwhile, their father was believed to have been killed in the crucial defeat of the French at Dien Bien Phu in 1954, which brought about the division of Vietnam at Geneva that year.

At the time, Lawrence Knecht, a U.S. Army warrant officer, was stationed in Saigon as a military advisor to the French. For years he and his wife, Anne, had tried unsuccessfully to adopt a child in the States. At the French orphanage, they were immediately captivated by Terry's brother and decided to adopt him. When told by the orphanage chaplain that the 15-month-old boy had a two-and-half-year-old sister, the couple agreed to take her, too, although, as Knecht recalls, "Terry was so undernourished that she was all skin and bones and her hair was falling out." Terry and her brother are believed to be the first Vietnamese children to be adopted by an American couple.

Upon completing his assignment in Vietnam in 1955, Knecht was sent back to the States, and the family spent two years in Atlanta, Georgia, where Terry went to kindergarten. Then Knecht was reassigned to Heidelberg, Germany, where his daughter was a first grader in a school for dependents of American soldiers. It was in Germany that Knecht had a strange experience touching on Terry's past. While driving on the autobahn one day, he picked up a hitchhiker, who turned out to be vaguely familiar. Knecht suddenly realized that the hitchhiker was a former member of the French Foreign Legion he had known slightly in Saigon. The hitchhiker confirmed that Terry's natural father had been killed in Dien Bien Phu.

When Knecht retired from the army in 1959, the family settled in Punta Gorda, Fla., where Terry attended and graduated from Charlotte High School as valedictorian. She has wanted to teach as long as she could remember, even though people discouraged her, citing poor salaries and the fact that she was too "bright" to waste her talents teaching. The orphanage chaplain had termed her "the smartest child I've ever seen," and her adoptive father said she was bright enough to be anything, "even a brain surgeon."

Nonetheless, while in high school, Terry wrote an essay on "Why I Want to Become A Teacher," which won a $2,000 state Jaycees teaching scholarship.

She attributes her interest in history largely to her exotic, multi-national heritage and the fact that her own life was directly influenced by historic events. "However," she says, "my interest was also the result of several dynamic high school teachers and the emphasis my parents placed on the significance of historical events."

She therefore majored in both education and history at the University of Florida, from which she graduated in 1974 with a straight A average as the university's "Outstanding Four-Year Scholar." One week after graduation, she married Mark Dozier, a student with whom she had worked several years before in a Gainesville book store, and began her career in education teaching social studies at a middle school in Gainesville, Fla. "Working with the underprivileged low-achievers there reconfirmed the decision I had made years before to teach," she recalls. At the same time, she pursued the requirements for the master's degree in social studies she eventually earned from the University of Florida.

In 1976, Mark's work as a sales representative in the travel field took them to Miami, where she taught math to extremely disadvantaged children at an inner-city middle school. It was a rough school, and the first advice the young teacher got was to lock herself in her room, although she says she never had any serious disciplinary problems. "Again, the economic plight and low educational caliber of the students made me realize how truly fortunate I was and how desperately good teachers are needed to stimulate and encourage children," Terry says.

A year later, Mark was about to be promoted and transferred to New York City—a move that neither Mark nor Terry were enthusiastic about. "Being a teacher is very important to me," she says. "But with my southern accent I worried about how I would be accepted in New York."

So the couple selected Columbia, S.C., which they had visited on one earlier occasion because it was exactly halfway between their hometowns of Memphis, Tenn., and Punta Gorda, Fla. Neither had any job prospects in Columbia, but Terry applied for interviews with several school districts in the area. Ironically, the only district that refused to interview her was the one containing Irmo High School. But a vacancy suddenly developed when another teacher hired failed to qualify completely, and Terry was suddenly called in for an interview, hired, and assigned to Irmo, where she has been teaching since 1977.

During the first two years there, she taught world geography, civics, U.S. history, and values clarification; since 1979, she has concentrated on world history, the subject in which she feels she can make the greatest contribution.

She has earned the respect and admiration of students and parents alike for the innovative ways she has developed for bringing history alive through various classroom activities. "I try to bring history to life for my students," she says. "Stimulating a student's mind and inspiring students to learn are a teacher's most difficult task."

The ingenious techniques she has devised for stimulating students include an annual "Medieval Fair," where students assumed the roles of royalty, barbarians, minstrels, jugglers, and jesters; a board game, Imperialism, where students and classes, assuming the roles of European powers, compete with each other in trying to amass the largest colonial empires; and an oral history project involving the entire community.

Mrs. Dozier is known as a demanding teacher who has high expectations of her students. She feels that her primary goal as a teacher is to help her students recognize their potential and develop their abilities to their fullest extent. "To do this, I feel it is essential to set high standards of excellence for my students," she explains, "because I have discovered that students will live up to the expectations that are set for them. Therefore, I strive to challenge and stimulate my students while maintaining an unshakable faith in their ability to meet that challenge."

However, she also feels that winning the hearts of students is equally as important as stimulating their minds. "This is accomplished by showing that you care about the

students as individuals," she says. "By cultivating and maintaining a good rapport with my students, I nurture an atmosphere of trust."

But, in her view, capturing the hearts of students also means showing concern for them outside the classroom. She feels that teachers must make themselves available to their students, whether it is for extra help with schoolwork or to listen to their personal problems. Also, she feels that teachers must keep in contact with parents of their students, not only when they have problems but when they need to be praised.

Terry Dozier's interests outside the classroom include travel, the theater, reading, sewing, gardening, backpacking, camping and fishing—as well as two that are teacher-related.

One is to be the first teacher in space, and to help her fulfill this goal South Carolina Governor Richard Riley has endorsed her application for the NASA Teacher in Space Project.

To broaden her teaching horizons, she has also applied again for a Fulbright fellowship to China for a summer of study in that country. Last year she was selected as an alternate for this U.S. Department of Education seminar program.

"It has been my education that I prize most as an American citizen," Terry says. "It is the one thing I know I could never have received if I had not been adopted and brought to this country. I try to convey to my students that education can open up the world and the doors of opportunity to them, as it has done for me.

"I have always been very conscious of having been given a chance to make something of myself," she continues. "I want to give that chance to others and to share the excitement of learning that I have always felt. Teaching is my way of repaying a debt."

JEWISH LIFE IN THE SOVIET UNION

Mr. TRIBLE. Mr. President, it is a pleasure to again take part in the 1985 call to conscience in behalf of Soviet Jews.

In the days ahead, free people around the world will commemorate the 40th anniversary of the liberation of Jews from the death camps of the Nazi regime. The Jews' liberation from Auschwitz, Buchenwald, and the other stations of horror that dotted Nazi Germany was a source of hope to the world. It inspired in free men a belief that good might yet triumph over evil.

But this will not be accomplished without a struggle. The freedom to worship God cannot be secured by good intentions alone. Rather, it demands that free people sustain their profound faith in God, and that they work tirelessly to ensure for others the same right of religious freedom.

Today, religious freedom is under assault in the Soviet Union, and the Jews are the chosen victims of Soviet oppression. As always, it is difficult to practice any religion in the U.S.S.R. As always, it is particularly difficult to be a Jew in that country.

The Soviet regime refuses to allow the widespread practice of Judaism. It closes synagogues at will and confiscates prayer books. It harasses and imprisons prominent Jewish leaders.

Is it any wonder that the pleadings of Jews who wish to leave the Soviet Union have grown? During the past several years, hundreds of thousands of Jews have risked persecution and villification to apply for permission to emigrate. The vast majority have been refused. They remain imprisoned in a land where their faith is oppressed, with little hope of leaving for lands in which religion can flourish.

Earlier this year, a fellow Virginian informed me of one such family in the Soviet Union—the Uspenskiis. The Uspenskiis applied to leave the Soviet Union in July 1979. Prior to that, they had visited the West a number of times, and were accomplished academicians in the U.S.S.R.

Not surprisingly, their request to emigrate was refused. They were excluded from further scientific and academic travels, and their articles were no longer published by the Soviet press. By December 1981, Mrs. Uspenskii had been fired from her job, and her husband demoted from his.

Theirs is the typical story of Jewish life in the Soviet Union. Overt expressions of religious faith are treated harshly by the Soviet regime. The government has stepped up its oppression of Jews in recent years. At the same time, it refuses to allow Jews to leave the U.S.S.R.

Mr. President, we are their hope. We who enjoy religious freedom are obliged to try to extend it to others, especially those for whom the weight of Soviet oppression grows heavier every day. We must continue to affirm our commitment to the Soviet Jews, to their freedom and their faith, and I urge my colleagues to continue to take part in the call to conscience.

OPPOSITION TO APARTHEID IN SOUTH AFRICA

Mr. DOLE. Mr. President, yesterday, acting for himself, Senator MATHIAS, myself and Senator LUGAR introduced a bill to express strong U.S. opposition to apartheid in South Africa and to encourage the South African Government to dismantle the apartheid system.

Apartheid in South Africa is one of the most important, but also one of the most complex and emotion-laden, foreign policy problems which we face today. It is, therefore, an issue on which we must be particularly thoughtful in what we do and particularly realistic in what we hope to accomplish.

OUR NATIONAL GOALS

Almost all of us agree on what our basic goals in South Africa should be. Most important, we insist on a speedy end to the apartheid system. Apartheid is immoral. It violates the basic precepts of the Judeo-Christian ethic and the basic principles on which this and other democratic nations are founded. There is no excuse for perpetuating apartheid—it serves no one's long-term interests. Apartheid must go. Apartheid will go.

But it is also in everyone's interest to see that apartheid's demise, while speedy, is nonviolent. It will not serve black interests, any more than white, if apartheid is swept away in a torrent of hatred and bloodshed. Our aim is not to force the white South African authorities to the wall—it is to get them to change their policies and let blacks into the system.

Finally, while the removal of apartheid must be at the heart of our policies in South Africa, it would be naive and dangerous to ignore the reality that we also have other goals in that country and region. We want to minimize the presence and influence of the Soviets and their surrogates in southern Africa. We want to see an end to regional conflict, with normalized relations between South Africa and its neighbors, especially Angola and Mozambique. We want to see true Namibian independence. We cannot compromise our stand against apartheid in pursuit of these other goals, but neither can we ignore these other factors as part of the total picture in that important region of the world.

ACHIEVING OUR GOALS

While there is general agreement on these goals, however, there is great disagreement on how best to achieve them. And, I want to say, there is sincere disagreement on how to achieve them. For our part, we think our bill, which contains a four-part approach, is the one which offers the best chance for quick, peaceful, and comprehensive change in South Africa.

CONDEMNS APARTHEID

First, we condemn apartheid, loudly and clearly. There can be no waffling on this point. In our bill, there is none.

CONSTRUCTIVE ACTIONS

Second, we have tried to emphasize the constructive actions which we as Americans can take to reach our goals—actions which can make South Africa a little better place immediately and can speed the day when the worst features of its governmental system can be swept away entirely.

The bill asserts what I strongly believe—that, by and large, the American business presence in South Africa has been and is a constructive force for economic progress, social reform, and even political liberalization. In my view there is no question that South African blacks are better off today in virtually all spheres than they would be if the American business presence were eliminated. In my view, the worst thing we could do now would be to force disinvestment, either directly or indirectly. Our bill, in sum, aims at en-

couraging the continued presence of American business as long as it continues to be a force for good in the country.

The bill also increases the positive impact of our Government's presence in South Africa. It earmarks additional funds within AID's budget for scholarships for blacks and for human-rights-related projects. It directs that the administration, to the extent feasible, procure the goods and services it needs to support our presence in South Africa from black and other non-white-owned firms. It also encourages both OPIC and Exim to increase their involvement with and support for such companies. All of these steps are intended as a concrete and direct manifestation of our wish to see South Africa become a land of more equitable opportunity and political freedom.

SULLIVAN PRINCIPLES

Third, our bill strongly encourages the continued and expanded adherence to the so-called Sullivan principles by American firms in South Africa. I would repeat two things I said earlier: First, we think the American business presence is by and large a positive force in South Africa, which we want to encourage; but second, we want to encourage it only so long as it is that positive force. We do not favor an American business presence in South Africa if its only purpose is making money. Our bill, we are convinced, encourages the right kind of business presence.

It authorizes and requires the Secretary of State to establish procedures by which it can be determined which firms are in compliance with the Sullivan principles and which are not. Those companies not in compliance would thereafter be denied the right to expand their investment in South Africa and would not be able to call upon the intervention of our Government in other commercial disputes. These features are not intended to and should not scare companies in compliance with Sullivan, but we believe they will be a powerful incentive for noncomplying companies to change their ways.

REPORTING REQUIREMENT

Finally, our bill directs the President to report to the Congress periodically—beginning within a reasonable timeframe—whether South Africa is making significant progress in dismantling the apartheid system. In setting our timeframe, we have in mind Bishop Tutu's own comments and ideas about the best way to proceed. Should the President in any one of these periodic reports, determine that the South African Government has not made such progress, he is directed to recommend from among appropriate sanctions, which we have listed. The Congress would deal with the President's reports and recommendations under expedited procedures.

We hope we won't reach that stage. We hope the South African authorities, though, will understand from this approach that our patience has just about worn out. We want—we insist upon—some real progress. We insist upon it soon. And if we don't see it soon, we will act.

CONCLUSION

Much of the credit for this bill must go to my two original cosponsors. The distinguished chairman of the Foreign Relations Committee was the major architect of the overall package. He is determined to move ahead with good legislation in this area, as demonstrated by the excellent hearings which he has already begun. The senior Senator from Maryland has also made a tremendous contribution to the shape of this bill. Indeed, its important final sections were largely derived from the excellent legislation which he introduced, and which the Foreign Relations Committee overwhelmingly approved, several weeks ago.

I would also note that, press accounts notwithstanding, this is not an administration bill. We would, of course, welcome the administration's support for the bill—we hope we will get that support—but this is a bill undertaken at our initiative, on which the administration—to the best of my knowledge—has not yet spoken.

We do hope that all of you, though, our colleagues here in the Senate, will speak out now, and speak out favorably, on this bill. We think this is a strong, constructive, realistic approach to this very important problem. We think if offers the best chance of achieving the goals we all share. We think it ought to be passed by the Congress and signed by the President. And we think it ought to be soon.

FIRST BUDGET RESOLUTION

Mr. ROTH. Mr. President, the Senate-administration deficit reduction plan is legislation designed to deal with America's greatest domestic problem—uncontrolled Federal spending.

This is not a perfect package. In my judgment, there are areas that should have come in for greater reductions, such as agricultural subsidies, and areas in which the package cuts too much, like Amtrak. But the bottom line is simple—after months of difficult negotiations, compromises and general agony, we have before us a package that accomplishes the fiscal restraint that all of us know is critical. I think this package deserves the support of the Senate, if not in every particular, certainly as an overall blueprint to reduce Federal spending.

We find America right now in a "good news-bad news" situation. The good news is that the United States is on the move again. Our economy has made a remarkable turnaround that is the envy of the world. The strong recovery has not only created millions of jobs for Americans, but has been the engine of growth for the free and Third World. We can be justly proud of these accomplishments and especially of the renewal of the American spirit.

Once again we are a confident people who face the future with vigor. A bright future awaits us and our children if we have the courage to make the decisions necessary to meet the challenge of the times. That is the good news.

The bad news is that if we continue to ignore Federal spending, we run the risk that interest rates will climb, housing and construction will decline, production of exports will diminish, creating even worse balance of payment problems and heavy unemployment in trade-related industries, farmers will continue to lose their farms, and the growth of our standard of living will slow. Further, the Government will continue to pay larger and larger amounts of money just on interest on the national debt. In fact, current projected budgets deficits will double our $1.5 trillion national debt in 5 years, resulting in annual interest payments which will approach the current defense budget.

To give you another sense of the problem, this year the individual share of the national debt for every man, woman, and child in the United States is $6,400. Unless action is taken now, that share will rise to $11,200 by 1990.

In short, we must sacrifice today for a better tomorrow. We must ensure that our children, and our children's children, have the same chance of success that you and I have had. Those of us who reached maturity in the postwar period have been the beneficiaries of the greatest period of economic prosperity in the history of the world. It would be the height of arrogance for us to pass on to the next generation not the gift of opportunity which we have enjoyed but instead the burden of debt caused by our own selfishness. Yet that is exactly what we are on the verge of doing.

Fortunately, however, we still have time to right this wrong. We still have time to lay a strong foundation for economic growth that will benefit our children. But we must act now. The legislation before us this week gives us that opportunity to match our actions with our rhetoric and act to provide that foundation.

We all are part of the budget problem. For too many years, just about every American has come to expect a benefit in some way, shape or manner from the Federal Government.

Uncle Sam helps us buy our houses, educate our children, build our roads, pay our hospital bills, provide us cheap food and utilities, set up new businesses, have nice vacations—the

list goes on and on. And everybody, down to the biggest dyed-in-the-wool fiscal conservative, happily assumes they are his or her God-given rights on Earth.

In short, we have a deficit problem not just because we spend too much on defense or welfare, but because we expect too much from Government.

I will be voting to cut or terminate programs with this bill that I have enthusiastically supported in the past. But I know of no other way to reduce the deficit. The easy cuts have been done.

Some people have argued that we could avoid all this pain, or some of it, by simply raising taxes. After all, say these big-spenders, Roth-Kemp was nothing more than a giveaway, and it's time to regain our fiscal senses.

For the life of me, I cannot understand how these politicians and businessmen continue to make that argument. Taxes as a percentage of GNP are at their historical levels. The four tax increases that Congress has passed since 1981 have literally canceled out the revenue reductions contained in Roth-Kemp. We just had a national election where the central issue was whether to raise taxes—and 49 States emphatically said no.

As far as I am concerned, the sooner we forget taxes as an option, the sooner we will make progress on the real villain—excessive spending. The authors of this package are to be commended for recognizing the truth, and not recommending any general tax increase.

However, there are those in this Chamber and around the country who are hoping that this package falls flat on its face, because they know that will give them a great opportunity to jump in with their warmed-over and completely discredited plans to raise the taxes of the working people of this country. That is one big reason why this package, or something very similar must pass this body.

Mr. President, as I travel around Delaware, one thing has become very clear to me. Delawareans are willing to sacrifice, as long as they believe the pain is being spread evenly. Whatever else Congress does in dealing with the budget, it must, to the greatest extent possible, be fair. This package meets that fairness test—it hits almost everybody. There are no sacred cows in this plan. Social Security is included, against the wishes of the President. Defense is cut substantially. Almost every special interest has been hit in some way. Whatever faults this proposal has, it is comprehensive.

Mr. President, it is no fun having to consider this deficit reduction package. Nobody likes to say "No."

But it is our inability to say "No" in the past that has gotten us into the fix we are in today. The vast majority in this country know this, and they want action and leadership from this body. Quite frankly, if we continue to ignore the deficit, we are going to look like fools, and the public will remember our inaction at the ballot box—as well they should.

In the last few weeks, I have had a parade of people at my office door with the same message—do something about the budget deficit, but cut somebody else.

This year, that strategy won't work. Tough, painful cuts like those called for in this resolution must be made across the spectrum of programs. It is the only way to avoid very serious problems later.

To create long-term growth, it is essential to establish those policies that will enable the United States to compete in the world economy. That, in turn, depends upon regaining control of Federal spending so that the United States has the resources to develop the world's most modern industrial facilities. The lesson of Chrysler and United States Steel is that obsolete plants cannot compete with foreign producers utilizing the latest technology. It is the failure to remain competitive that has caused the decline of Europe and the loss of millions of jobs.

We cannot let that happen here. If we sacrifice a little today, we will have a better tomorrow. What American, what mother or father, what grandmother or grandfather, is not willing to give a little to help their children, or children's children, face a brighter future?

By tightening our belts, we can guarantee for our young people the kind of future that we found not that long ago. America is a great country. Our economy is the envy of the world. Because of our strong economy, we have become the place where the world puts its money. And despite what the "gloom and doomers" tell you, the future of this country is brighter now than in a long, long time. If we can successfully deal with the challenge of the deficit, the prosperity that we now enjoy will not be a passing fancy. It will last, and our children can look forward to the progress and the happiness that this generation has come to take for granted.

I urge that the Senate look favorably upon the bulk of this package.

A SPECIAL EVENING FOR A GREAT AMERICAN: RECEPTION AND DINNER TO BUILD THE STROM THURMOND CENTER AT CLEMSON UNIVERSITY

Mr. DOLE. Mr. President, on Wednesday evening, April 24, this Senator had the privilege of serving as toastmaster at a dinner honoring one of the truly great Members in the distinguished history of this body. At the Capitol Hilton Hotel in downtown Washington, hundreds of friends, neighbors, and colleagues gathered yesterday to salute Senator STROM THURMOND and the very worthy educational project named for him at the Senator's alma mater, Clemson University. The planned project is called the Strom Thurmond Center for Excellence in Government and Public Service. In my view, no monument could better exemplify the contributions the senior Senator from South Carolina has made to the people of his State and to this Nation. The Strom Thurmond Center represents the best hope for the future of America, because there is no goal more important than inspiring the youth of this country to become involved in government.

Of course, my good friend, STROM, has dedicated his entire life to public service. As a citizen, soldier, and statesman, Senator THURMOND has spent 60 years striving to make America a better place to live.

First, as an educator, school superintendent, State senator, and circuit judge, then as a decorated World War II veteran, Governor of South Carolina, and for the past 31 years as a U.S. Senator, STROM THURMOND has personified the goals and ideals the center at Clemson University will be designed to promote.

STROM is much more than a Senate colleague. He is a good and trusted friend, a confidante, an adviser, and a distinguished member of the Senate leadership as President pro tempore.

Mr. President, this Senator would like to thank Senator JOE BIDEN, Senator BILL ARMSTRONG, and Clemson University President Dr. Bill L. Atchley for their participation in the program and their fine remarks.

Mr. President, I ask unanimous consent that the following materials from Wednesday evening's event be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPONSORS

The Honorable George Bush, Vice President of the United States.

Senator Robert Dole, the Majority Leader.

Senator Alan K. Simpson, the Majority Whip.

Senator John Chafee, Chairman, Republican Conference.

Senator Thad Cochran, Secretary, Republican Conference.

Senator William Armstrong, Chairman, Republican Policy Committee.

Senator John Heinz, Chairman, Republican Senatorial Committee.

Senator Robert C. Byrd, the Democratic Leader.

Senator Alan Cranston, the Democratic Whip.

Senator Daniel K. Inouye, Secretary, Democratic Conference.

Senator George J. Mitchell, Chairman, Democratic Senatorial Committee.

Senator Ernest F. Hollings, the State of South Carolina.

PRAYER

Gracious God, our Loving Father in Heaven, we honor one of America's great and good men this evening. Held in highest regard by the people of South Carolina and the Nation, respected and admired by his peers in Washington, D.C., cherished in love and affection by his friends and family, Senator Strom Thurmond is worthy of every accolade a people can render to its leaders. We praise You, Lord, for the leadership Your faithful servant has given this Nation and the world. We thank You for the vision of the Strom Thurmond Center, those whose vision it is, and all who make it a reality. Blest is the university on which this campus this Center of Excellence will diffuse its light and life, its history and its hope, as it reflects the integrity, the courage, the goodness, the grace of the man it honors.

We thank You, Father, for the pleasure of each others' company at these tables. May Your love fill this room and bless all who are present. We thank You for good food—the farmers who produced it—the industry which processed it—those who prepare and serve it. May we, who always have more than enough of everything, remember with compassion and generosity, those who never have enough of anything. In His name Who is Love Incarnate. Amen.

THE REV. DR. RICHARD C. HALVERSON,
Chaplain, U.S. Senate.

THE THURMOND CENTER

On October 29, 1981, Senator Thurmond announced his decision to place his public papers and memorabilia at his alma mater, Clemson University.

Because it shares the Senator's belief that service to others is the greatest privilege of democracy and that education should enhance freedom, Clemson University announced that the Senator's historic gift would be the first step in the establishment of the Strom Thurmond Center for Excellence in Government and Public Service. The Center's programs will embody the philosophy and values of Senator Thurmond and will be characterized by his pursuit of excellence and undaunted spirit of civic purpose.

The Center will be the focal point for important programs to serve people—programs in civic education, continuing education, and cultural education. In accordance with the Senator's wishes, it is never to be a monument, but a living institution, for students and scholars of government and public service. Already, major figures in government and foreign policy have appeared at Clemson University, under the auspices of the Thurmond Center.

The Center will provide public service and it will promote public service. It will enhance the cultural life of Clemson University, South Carolina, and the Nation. It will offer the kind of university-based civic education and continuing education that will enable people to put new ideas to work throughout South Carolina and across America for the betterment of their communities, towns, cities, and states. It is based on a view of "practical politics," "good government," and a truly "enlightened citizenry" that the founders of the nation understood firsthand.

An ambitious $25 million project, the Center will consist of a complex of three buildings at the heart of the Clemson campus—an auditorium facility, a continuing education building and the Strom Thurmond Institute.

LETTERS OF PRAISE

THE WHITE HOUSE,
Washington, April 23, 1985.

I am pleased to send greetings to everyone at the dinner in honor of Senator Strom Thurmond and in support of the Strom Thurmond Center for Excellence in Government and Public Service.

You who are working to make that Center a reality deserve every commendation. The support of leaders like Bob Dole and Bob Byrd shows how important this Center is to all Americans, regardless of party.

We all have a stake in good government, and in inspiring the best of our young people to enter political life. The Strom Thurmond Center will help ensure that young Americans who decide on a career in government can acquire the knowledge and wisdom necessary to serve the Nation.

Nancy joins me in wishing all of you a memorable evening.

RONALD REAGAN.

THE VICE PRESIDENT,
Washington, April 24, 1985.

Hon. STROM THURMOND,
U.S. Senate, Washington, DC.

DEAR STROM: I regret that I am unable to be with you tonight to help support the Strom Thurmond Center for Excellence in Government and Public Service. However, I am pleased to be among many distinguished sponsors of this fundraising dinner.

Good government, and inspiring the interest of our young people toward public service, is a goal all of us share. The future of America depends on tomorrow's leaders, and the Strom Thurmond Center will help ensure that generations yet to come will have facilities needed to seriously study our government and the field of public service.

Tonight's dinner, and the generous contributions of those in attendance, are strong symbols of the support and commitment the private sector has invested in education and tomorrow's leaders.

Strom, I want to join with your other friends tonight in saluting you for your commitment to these ideals, and to commend Clemson University for its support of the Strom Thurmond Center, a facility destined to be a great source for scholarly achievement and good government.

With warmest regards and best wishes,

GEORGE BUSH.

SUPREME COURT OF THE UNITED STATES,
Washington, DC, April 23, 1985.

DEAR FRIENDS OF SENATOR THURMOND: You have chosen wisely in giving support to the Strom Thurmond Institute at Clemson University. A library to house public and private papers is an honor usually reserved for Presidents, but the building of this Institute will tell future generations of Americans something about a great American whose career has few parallels in modern American history.

Few people ever combined as many successful careers as Strom Thurmond: farmer, teacher and school superintendent, Governor, a decorated Major General, and now President pro tempore of the United States Senate. Others will undoubtedly expand on those achievements.

After graduating from Clemson in 1923, he studied law at night with his father, and then ranked at the top of the list of applicants taking the State Bar Examination. As one who also studied law at a night law school while working during the day, I can understand his dedication to the law. After practice as a private practitioner, a city attorney, and a county attorney, his election as a circuit judge in 1938 began a significant public career, and I have no doubt he would have had a remarkable career in the State courts except for his call to service in 1941. As Chairman of the Senate Committee on the Judiciary, Senator Thurmond oversees legislation concerning our Nation's courts and legal system and all nominations of federal judges must pass through his Committee. His accomplishments in enacting truly major legislation are too long to list, but most recently they included a key role in the passage of the Commission on the Bicentennial of the United States Constitution, the Bankruptcy Amendments and Federal Judgeship Act of 1984, and the Comprehensive Crime Control Act of 1984.

The incumbent of my office necessarily works with the Committees on the Judiciary, and I have found Strom Thurmond a good man to turn to for counsel and advice. Supporters and adversaries alike look up to him as a man of rock-hard integrity and basic fairness. I am proud to be his friend. Seven times the people of South Carolina have elected him as their representative in the Congress where he has established a place that ranks him as one of the all time Senate "greats."

Cordially,

WARREN E. BURGER.

U.S. SENATE,
Washington, DC, April 24, 1985.

Hon. ROBERT DOLE,
The Majority Leader, United States Senate, Washington, DC.

DEAR BOB: It's with regret that I will not be with you and the many distinguished guests for tonight's very special event honoring our friend Strom and the Strom Thurmond Institute. As former Chairman of the Budget Committee, I have been asked to observe and comment on the President's televised remarks on the budget. Thereafter, I must attend a dinner at the Madison where I am the honoree.

Our senior Senator has reached the stage of folk hero in our native South Carolina. He has served from school teacher to judge to Governor to presidential nominee to United States Senator to President Pro Tem of the United States. In each capacity, he has not only enhanced his own reputation and respect but has brought favor upon the State of South Carolina and this nation.

It is fitting that Strom is dedicating an institution to learning at Clemson University. It is said that those who educate our youth are more to be honored than those who produce them, for while the one renders the gift of life, the other gives the art of living. The Institute is a deserved tribute to our state's most dedicated public servant.

My fondest regards to Strom and Nancy and all the many supporters of the Strom Thurmond Institute.

With kindest regards, I am

Sincerely,

ERNEST F. HOLLINGS.

CONCLUSION

Mr. DOLE. Mr. President, our distinguished colleague from South Carolina capped the evening's festivities with an outstanding address. Although his comments were extemporaneous, the Senator from Kansas would like to paraphrase some of Mr. THURMOND'S remarks—the words are fresh in my

mind and bear repeating. The Senator stated—quite modestly—that we do not honor a single individual with a dinner, but rather an ideal: That America's future is invested wholly in its youth. Indeed, this commitment to succeeding generations is what the Thurmond Center is all about. For years to come, all political points of view will have the opportunity to converge under one roof on the Clemson campus, where eager minds will advance the freedom of expression that has made this country great. In fact, the good feelings and bipartisan nature of Mr. THURMOND's evening represented the very essence of Clemson's ambitious project, and tells us that the spirit of America is alive and well in the Palmetto State.

Mr. President, this Senator can only thank the good people of South Carolina for sending their outstanding citizen-politician-statesman to Washington.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Finance, and the withdrawal of a nomination.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:35 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 1869) to repeal the contemporaneous recordkeeping requirements added by the Tax Reform Act of 1984, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. DUNCAN, Mr. ARCHER, and Mr. VANDER JAGT as managers of the conference on the part of the House.

The message also announced that the House has agreed to the amendments of the Senate to the joint resolution (H.J. Res. 33) designating the week of April 29 through May 5, 1985, as "National Child Safety Week."

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-174. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on Agriculture, Nutrition, and Forestry.

"SENATE CONCURRENT RESOLUTION No. 1601

"Whereas, the Kansas economy greatly depends on the health and stability of the agricultural sector, the strength of which requires a competitive and expanding presence in international grain markets; and

"Whereas, Existing federal grain grade standards fail to reflect to foreign buyers important characteristics that affect the ultimate value of grain in processing and consumption; and

"Whereas, Grain grade standards only have value to the extent they provide useful marketing information and economic incentives for quality throughout the export system: Now, therefore,

"Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the United States Department of Agriculture change current grades for grain to:

"(a) Establish separate factors for measuring broken grain and foreign material;

"(b) eliminate moisture as a grade determining factor in all grains, with moisture to be recorded on the certificate; and

"(c) include factors that have economic value as related to the end use properties and the products to be made from that grain; and

"Be it further resolved: That the United States Department of Agriculture should continue research and education efforts to standardize measurement techniques and grain grade to provide further uniformity among all major exporting and importing countries and should expedite revision of grade standards; and

"Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the President of the United States, the Secretary of State of the United States, the Secretary of Agriculture of the United States, the Administrator of the United States Grain Inspection Service, the President of the United States Senate, the Speaker of the United States House of Representatives, the Chairperson of the Committee on Agriculture of the United States Senate, the Chairperson of the Committee on Agriculture of the United States House of Representatives and each member of the Kansas Congressional Delegation."

POM-175. Joint resolution adopted by the Legislature of the State of Montana; to the Committee on the Budget.

"SENATE JOINT RESOLUTION No. 15

"Whereas, the Office of Management and Budget has projected a federal deficit of $210 billion in fiscal year 1985; and

"Whereas, the Office of Management and Budget has forecast a long-term federal budget deficit of $229 billion by fiscal year 1989; and

"Whereas, the Congressional Budget Office has projected a federal budget deficit of $263 billion by fiscal year 1989; and

"Whereas, in November 1983, the debt ceiling was raised by $101 billion to $1.490 trillion in order to allow the Department of the Treasury to increase its legal borrowing capacity to pay the expenses for programs previously written into law; and

"Whereas, in May 1984, the debt ceiling was increased another $30 billion to $1.520 trillion; and

"Whereas, in June 1984, the debt ceiling was raised again, this time by $53 billion, with the debt ceiling set at $1.573 trillion; and

"Whereas, the interest payments on the public debt represented 13 cents per dollar of federal budget outlays in fiscal year 1984; and

"Whereas, the net interest owed on the public debt is estimated at $109.5 billion in 1984—the equivalent of $300 million a day—and at $130.9 billion in 1985; and

"Whereas, for fiscal year 1989, the Office of Management and Budget forecasts net interest costs of the public debt at $153.1 billion, and the Congressional Budget Office projects net interest costs of the debt at $214 billion, which figures respectively represent $419 million and $586 million owed for each day of the year in interest alone; and

"Whereas, in the past 5 years, the gross federal debt has almost doubled and is expected to total, $1.807 trillion by the end of fiscal year 1985.

"Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana:

"(1) That the Legislature call upon the President of the United States to immediately submit to the United States Congress a balanced federal budget.

"(2) That the United States Congress adopt a balanced budget for the ensuing federal fiscal year.

"(3) That the Secretary of State send a copy of this resolution to the President of the United States, the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, and to each member of the Montana Congressional delegation."

POM-176. Joint resolution adopted by the Legislature of the State of Maine; to the Committee on Commerce, Science, and Transportation.

"JOINT RESOLUTION MEMORIALIZING THE FEDERAL TRADE COMMISSION CONCERNING OPPOSITION OF THE MAINE LEGISLATURE TO PROPOSED TRADE REGULATION RULES OF THE FEDERAL TRADE COMMISSION WHICH WOULD REMOVE EXISTING RESTRICTIONS IN THE STATE OF MAINE ON COMMERCIAL OPTOMETRIC PRACTICE

"We, your Memorialists, the Senate and the House of Representatives of the State of Maine, now assembled in the First Regular Session of the One Hundred and Twelfth Legislature, most respectfully present and petition the Federal Trade Commission as follows:

"Whereas, the Federal Trade Commission is currently considering rules relating to the corporate practice of optometry most recently set forth in 16 Code of Federal Regulations, Part 456; and

"Whereas, the Maine Legislature has enacted comprehensive legislation regulating the practice of optometry in Maine, set forth in the Maine Revised Statutes, Title 32, chapter 34-A; and

"Whereas, the State has specifically addressed the issue of the corporate practice of optometry in the Maine Revised Statutes, Title 32, sections 2434 and 2435; and

"Whereas, the State of Maine and the Legislature have historically devoted extensive consideration to the issue of the corporate practice of optometry, beginning in

Maine's first corporate practice law, enacted in 1939, and in subsequent legislation in 1951 and, most recently, in 1981 and 1982, during the 110th session of the Maine Legislature; and

"Whereas, the Maine Legislature is empowered and directed by the citizenry of Maine to enact such legislation as will protect the health, welfare and interests of the citizens of Maine, and Maine Legislatures have done so in enacting laws related to the practice of optometry in the State; and

"Whereas, the federal rule-making process and the rules now under consideration by the Federal Trade Commission will not reflect or address the needs of the citizens of the State, as does the legislation which has been enacted by Maine Legislatures; and

"Whereas, the authority of Maine Legislatures, and now the 112th Maine Legislature, to enact legislation which protects the health, welfare and interests of the citizenry of the State of Maine should not be usurped by the federal rule-making process now under consideration by the Federal Trade Commission; now, therefore, be it

"Resolved, That We, your Memorialists, do hereby respectfully urge that the Federal Trade Commission refuse to adopt the rules now under consideration which would preempt the laws of Maine regarding the commercial practice of optometry; and be it further

"Resolved, That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States, to each member of the Maine Congressional Delegation and to each member of the Federal Trade Commission."

POM-177. Concurrent resolution adopted by the General Assembly of the State of Pennsylvania; to the Committee on Commerce, Science, and Transportation.

"HOUSE RESOLUTION No. 31

"Whereas, The Secretary of Transportation has called for bids on the transfer of the Federal Government's stock in the Consolidated Rail Corporation known as Conrail; and

"Whereas, Conrail is the preeminent rail freight carrier in the Commonwealth, employing over 14,000 Pennsylvanians, nearly 40% of its total work force; and

"Whereas, One quarter of Conrail's route mileage is located within Pennsylvania; and

"Whereas, Since 1976 Conrail has invested in excess of one-half billion dollars on maintenance and right-of-way improvement projects in this Commonwealth; and

"Whereas, Pennsylvania industries rely heavily on Conrail for moving three-quarters of a million carloads of raw materials and finished products annually; and

"Whereas, The corporate headquarters of Conrail is located in Philadelphia, accounting for 4,500 jobs in the southeastern region of this Commonwealth; and

"Whereas, Two of Conrail's five regional offices and four of seventeen divisional offices are located in this Commonwealth; and

"Whereas, Conrail maintains high volume classification yards at Conway, Enola and Allentown and many additional classification and industrial yards throughout this Commonwealth that process one-quarter of all Conrail traffic systemwide; and

"Whereas, Conrail has spent millions of dollars building and upgrading intermodal terminals in Morrisville, Harrisburg and Pittsburgh; and

"Whereas, Conrail has its major locomotive and freight car maintenance facilities in Altoona; and

"Whereas, Two-thirds of Conrail's maintenance employees work in this Commonwealth; and

"Whereas, Members of organized rail labor have contributed to make Conrail a financial success by increasing productivity and agreeing to wage deferrals totaling four hundred million dollars over the last three and one-half years with the expressed goal of preserving jobs in Pennsylvania and elsewhere on the Conrail system; and

"Whereas, Conrail is an integral part of moving and marketing Pennsylvania coal, with the railroad directly serving over 100 mines and providing connections to short lines serving over 30 additional mines in this Commonwealth; and

"Whereas, The General Assembly recognized the importance of Conrail to the Commonwealth's coal industry and greatly assisted the financing of the coal transfer facility at Pier 124 in Philadelphia by providing 22.6 million dollars in reconstruction funds; and

"Whereas, Pennsylvania has more operating short line railroads than any other state, with most of those small carriers totally reliant on Conrail for their vital outlet to the Nations's rail network; and

"Whereas, Conrail has amply demonstrated its ability to operate and prosper as an independent rail carrier serving Pennsylvania and the northeast quadrant of the Nation by earning one-half billion dollars net income in calendar year 1984; and

"Whereas, All other major railroads in the United States are stockholder owned; therefore be it

"Resolved (the Senate concurring), That the General Assembly of Pennsylvania implore the President of the United States, members of Congress and the Secretary of Transportation to select a public stock offering proposal for the return of Conrail to the private sector that includes the following provisions; significant employee ownership; a 10% ownership limitation by any holder or affiliates on common stock that is publicly offered; and the provision of funds from the proceeds of the Conrail sale to states in the Conrail service region for purposes of freight rail service preservation of rail-related infrastructure improvements, including grade-crossings and bridges and the provisions of Title VII of the Regional Rail Reorganization Act of 1973 (Public Law 93-236, 45 U.S.C. Ch. 16, Subch. VII), as amended by the Northeast Rail Service Act of 1981 (Public Law 97-35, 95 Stat. 357); and be it further

Resolved, That copies of this resolution be transmitted immediately to the President of the United States, the Secretary of Transportation, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-178. A resolution adopted by the Legislature of the Territory of Guam; to the Committee on Energy and Natural Resources.

"Be it resolved by the legislature of the Territory of Guam:

"Whereas, the Guam water delivery and storage system is in need of construction of new lines and storage facilities and extensive repair to existing ones; and

"Whereas, the United States Congress recognized the need to assist Guam in improving this most essential part of her infrastructure; and

"Whereas, in Public Law 98-454, Section 401, Sixteen Million Three Hundred Thousand Dollars ($16,300,000) was authorized to be appropriated in Fiscal Year 1985 for improvements to Guam's water system; and

"Whereas, the legislative history of that section indicates that when the Bureau of Reclamation's final recommendations on Guam's water system are made, the Congress may need to revise the authorization; and

"Whereas, the Public Utility Agency of Guam has identified twelve (12) projects which will bring relief to those suffering from water shortages; and

"Whereas, the twelve (12) projects are:

"(1) Equipping eight (8) deep wells with larger pumps	400,000.00
"(2) Exploration and construction of wells in Southern Guam	700,000.00
"(3) Barrigada Booster Station	400,000.00
"(4) Inarajan River Water Treatment Plant	2,000,000.00
"(5) Umatac-Lasa Fua River Water Treatment Facility with a capacity of approximately 150 59 200 GPM	1,300,000.00
"(6) Malojloj-Inarajan Water Transmission Line	1,840,000.00
"(7) Mangilao-Inarajan Water Transmission Line	3,600,000.00
"(8) Pago Bay-Togcha Water Transmission Line	1,520,000.00
"(9) Barrigada and Mangilao Reservoir with connecting pipeline	2,000,000.00
"(10) Macheche Water Transmission Line	585,000.00
"(11) Improvement of Laelae Spring Water Treatment Plant and Transmission Line	950,000.00
"(12) Development of Agana Spring Wells	1,000,000.00;

now, therefore, be it

"Resolved, that Congressman Ben Blaz is respectfully requested to pursue the appropriation of Sixteen Million Two Hundred Ninety Five Thousand Dollars ($16,295,000) of the amount authorized for appropriation in Public Law 98-454 for these twelve projects; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States Senate; to the Speaker of the House of Representatives; to President Ronald Reagan; Richard T. Montoya, Assistant Secretary, Territorial and International Affairs; to Congressman Morris Udall, Chairman, House Interior and Insular Affairs; to Congressman John F. Seiberling; to the Director, Bureau of Reclamation; to Congressman Ben Blaz; to the Chief Officer, Public Utility Agency of Guam; and to the Governor of Guam."

POM-179. Joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources.

"HOUSE RESOLUTION No. 12

"Whereas, The United States Secretary of the Interior has instructed the Bureau of Reclamation and the Fish and Wildlife

Service to close Kesterson Reservoir, plug the San Luis Drain, and cease delivery of water to lands which drain into the reservoir; and

"Whereas, The decision of the Secretary of the Interior will force 49,000 acres of prime agricultural land out of production in Fresno County, the nation's No. 1 producing agricultural county, resulting in an estimated $133,000,000 first-year loss in residential and agricultural property value and income derived from direct farm product sales, indirect business, and personal and retail sales; and

"Whereas, Over 1,200 farm-related jobs will be eliminated and over 3,000 jobs indirectly affected by that loss, thereby adversely impacting the economies of communities throughout the affected area; and

"Whereas, Plummeting land values will result in a lower tax base, thereby causing a reduction in the quality and quantity of essential public services delivered to residents located within the affected area; and

"Whereas, Lending institutions are reconsidering the status of existing agricultural production, mortgage, and equipment loans, and the current and proposed financial obligations of farmers in the affected areas; and

"Whereas, Planting of this year's crops had begun prior to the decision of the Secretary of the Interior; and

"Whereas, The problem of agricultural drainage may adversely affect about 1,500,000 acres of San Joaquin Valley agricultural land; and

"Whereas, There exists a continuing need for the Secretary of the Interior to ensure that the Bureau of Reclamation studies, develops, and implements methods to safely drain agricultural waste water away from agricultural lands in the San Joaquin Valley; and

"Whereas, It is vital to the local and state economy to keep the affected 49,000 acres in production; now, therefore, be it

"Resolved, by the Assembly of the State of California, That the Assembly of the State of California respectfully memorializes the Secretary of the Interior to do all of the following:

"(1) Continue the delivery of water to the affected 49,000 acres while immediately moving to clean up Kesterson Reservoir.

"(2) Direct the Bureau of Reclamation to develop and implement irrigation management practices and drainage alternatives which will allow the affected lands to be farmed in the immediate future.

"(3) Immediately consider locating evaporation ponds which could be constructed and operated so as not to pose a hazard to human health and safety or fish and wildlife, or not to threaten to impair or alter the quality of the waters of the state under the conditions and constraints of existing state laws or regulations.

"(4) Develop and implement methods to treat agricultural drain water to remove salts, heavy metals, trace elements, and any other constituents which pose a threat to public health and safety, fish and wildlife, or water quality; and be it further

"Resolved, That the Assembly of the State of California respectfully memorializes the President and the Congress of the United States to act accordingly to ensure the stability and continuity of California agriculture which is so important to the people of this nation; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Interior.

"HOUSE RESOLUTION NO. 12 TAKEN UP BY UNANIMOUS CONSENT FOR SECOND READING

"Assembly Member Costa was granted unanimous consent to take up House Resolution No. 12 without reference to file, for the purpose of adopting the committee amendments at this time.

"House Resolution No. 12—Relative to The Kesterson Reservoir.

"Resolution read; amendments proposed by the Committee on Rules read and adopted.

"HOUSE RESOLUTION NO. 12 AS AMENDED

"By Assembly Member Costa:

"Relative to The Kesterson Reservoir

"Whereas, The United States Secretary of the Interior has instructed the Bureau of Reclamation and the Fish and Wildlife Service to close Kesterson Reservoir, plug the San Luis Drain, and cease delivery of water to lands which drain into the reservoir; and

"Whereas, The decision of the Secretary of the Interior will force 49,000 acres of prime agricultural land out of production in Fresno County, the nation's No. 1 producing agricultural county, resulting in an estimated $133,000,000 first-year loss in residential and agricultural property value and income derived from direct farm product sales, indirect business, and personal and retail sales; and

"Whereas, Over 1,200 farm-related jobs will be eliminated and over 3,000 jobs indirectly affected by that loss, thereby adversely impacting the economies of communities throughout the affected area; and

"Whereas, Plummeting land values will result in a lower tax base, thereby causing a reduction in the quality and quantity of essential public services delivered to residents located within the affected area; and

"Whereas, Lending institutions are reconsidering the status of existing agricultural production, mortgage, and equipment loans, and the current and proposed financial obligations of farmers in the affected areas; and

"Whereas, Planting of this year's crops had begun prior to the decision of the Secretary of the Interior; and

"Whereas, The problem of agricultural drainage may adversely affect about 1,500,000 acres of San Joaquin Valley agricultural land; and

"Whereas, There exists a continuing need for the Secretary of the Interior to ensure that the Bureau of Reclamation studies, develops, and implements methods to safely drain agricultural waste water away from agricultural lands in the San Joaquin Valley; and

"Whereas, It is vital to the local and state economy to keep the affected 49,000 acres in production; now, therefore, be it

"Resolved, by the Assembly of the State of California, That the Assembly of the State of California respectfully memorializes the Secretary of the Interior to do all of the following:

"(1) Continue the delivery of water to the affected 49,000 acres while immediately moving to clean up Kesterson Reservoir.

"(2) Direct the Bureau of Reclamation to immediately develop and implement irrigation management practices and drainage alternatives under which the affected lands could continue to be farmed in the immediate future.

"(3) Immediately consider locating evaporation ponds which could be constructed and operated so as not to pose a hazard to human health and safety or fish and wildlife, or not to threaten to impair or alter the quality of the waters of the state under the conditions and constraints of existing state laws or regulations.

"(4) Develop and implement methods to immediately begin to treat agricultural drain water to remove salts, heavy metals, trace elements, and any other constituents which pose a threat to public health and safety, fish and wildlife, or water quality; and be it further

"Resolved, That the Assembly of the State of California respectfully memorializes the President and the Congress of the United States to act accordingly to ensure the stability and continuity of California agriculture which is so important to the people of this nation; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the United States of the Interior."

POM-180. Resolution adopted by the Senate of the Commonwealth of Puerto Rico; to the Committee on Finance.

"RESOLUTION

"STATEMENT OF MOTIVES

"During the past years Puerto Rico has been suffering from a high unemployment rate. The labor Intensive industries that generated employment have been leaving the Island because they have lost their competitive capacity due to high costs. The corporations operating in Puerto Rico by virtue of the provisions of Section 936 have allowed the Commonwealth to replace many of the lost jobs with high-technology and better remunerated jobs.

"Section 936 of the Federal Internal Revenue Act provides tax exemption on the profits earned by industries that are subsidiaries of corporations established in the United States. Such legislation constitutes a considerable source of employment, as well as income to the Puerto Rican economy. Furthermore, said exemption is an highly-important incentive for the establishment of new subsidiary corporations on the island, which would, in turn, generate more jobs and income.

"If the exemption provided by the above mentioned Section 936 were eliminated, the economy of Puerto Rico, as well as the Puerto Rican labor force would receive a severe blow, and likewise, the great number of Puerto Ricans who depend on it.

"By repealing Section 936, the Federal Treasury would not receive any additional real income, because it is most probable that the corporations that benefit from this privilege in Puerto Rico would delay or postpone the payment of their income taxes to the United States Treasury for an indefinite period of time, by reincorporating in jurisdictions outside of the United States.

"It is also possible that the action of eliminating Section 936 would increase the federal deficit, on account of the payment of additional social welfare benefits to workers who become unemployed. Likewise, migration to the continental United States would increase, which would add to burdens of the United States social welfare system.

"Section 936 has allowed Puerto Rico to replace many of the jobs lost because of the Commonwealth's loss of competitive capac-

ity on a wage level, by providing better jobs in highly-technical industries.

"One of the main functions of this Legislature, as the direct representative of the people, is to watch over the fiscal stability of the Commonwealth and all those other conditions and opportunities which propitiate an increase in the labor force. For this reason, and responding to a legitimate concern in view of the possibility that the Section 936 exemption could be eliminated according to press reports, the Senate of Puerto Rico considers it an inescapable obligation to express itself on this respect, and to make it known to the pertinent North American authorities.

"Be it resolved by the Legislature of Puerto Rico:

"Section 1.—To express to the President of the United States, Hon. Ronald Reagan, the House of Representatives, and the Senate of the United States the desire of the People of Puerto Rico to keep in effect Section 936 of the Federal Internal Revenue Act, which grants federal tax exemption to corporations established in Puerto Rico, which are subsidiaries of corporations located in the United States.

"Section 2.—A copy of this Resolution, duly translated into the English language, shall be sent to the President of the United States, to the House of Representatives, and to the Senate of the United States."

POM-181. A resolution adopted by the Mid-Ohio Valley Mayors Association relating to General Revenue Sharing and Arc Grants to Cities; to the Committe on Finance.

POM-182. Joint resolution adopted by the Legislature of the State of Montana; to the Committee on Foreign Relations.

"SENATE JOINT RESOLUTION No. 23

"Whereas, our nation has been immeasurably strengthened by the contributions of ethnic and religious groups from around the world, including Catholics and Protestants from Northern Ireland; and

"Whereas, our country's strong traditional ties of friendship and a shared heritage with the Republic of Ireland and Great Britain have contributed to the well-being of all three nations; and

"Whereas, the people of Ireland continue to suffer from political and civil strife that rends the fabric of human society; and

"Whereas, we take no side in the Irish dispute, but deplore all violence from whatever source; and

"Whereas, the United States, in the spirit of peace and humanity, has interceded in other areas and lands torn by civil strife to bring about a lasting resolution of the problem and lay to rest the specter of religious bitterness; and

"Whereas, the United States can and should take a constructive part in bringing about a peaceful solution to the problems that divide Ireland: Now, therefore,

Be it resolved by the Senate and the House of Representatives of the State of Montana: That the United States is able to, and in fact should, take the lead in formulating and effecting a peaceful and just resolution to these problems because the United States has benefited so greatly during the past 150 years from its relationships with both Ireland and Great Britain.

"Be it further resolved, That Congress is urged to pass legislation calling for the President to appoint a Special Envoy to be dispatched to Ireland for the purpose of participating in and bringing about a resolution to the centuries-old problems in Ireland and specifically since 1921 in Northern Ireland.

"Be it further resolved, That the President, accordingly, is urged to appoint the Special Envoy without delay upon receipt of the congressional action.

"Be it further resolved, That copies of this resolution be sent by the Secretary of State to the President of the United States, the Speaker and Chief Clerk of the U.S. House of Representatives, the President and Secretary of the U.S. Senate, the Irish and British ambassadors to the United States, the members of the Montana Congressional Delegation, and Congressman Mario Biaggi, chairman of the ad hoc Congressional Committee for Irish Affairs."

POM-183. Joint resolution adopted by the General Assembly of the State of Illinois; to the Committee on Foreign Relations.

"SENATE JOINT RESOLUTION No. 15

"Whereas, There are currently 2,483 Americans still missing or otherwise unaccounted for in Indochina, and their families still suffer untold grief due to uncertainty about their fate; and

"Whereas, The Lao People's Democratic Republic has recently indicated increased willingness to cooperate, and agreed with the United States government to improve the overall relationship between our two countries; and

"Whereas, The Socialist Republic of Vietnam has pledged to accelerate their effort to cooperate with the United States government in resolving this humanitarian issue, separate from other issues dividing our two countries; and

"Whereas, The President of the United States has declared resolution of the POW/MIA issue a matter of highest natioanl priority, and has initiated high level dialogue with the governments of the Lao People's Democratic Republic and the Socialist Republic of Vietnam on this issue; and

"Whereas, The citizens of the State of Illinois fully understand and agree that the fullest possible accounting can only be achieved through government to government cooperation; and

"Whereas, The citizens of the State of Illinois support the President's pledge of highest national priority to resolve the status of the 2,483 Americans still missing and unaccounted for in Indochina; and

"Whereas, The citizens of the State of Illinois urge the United States government to accelerate efforts in every possible way to obtain the immediate release of any Americans who may still be held captive in Indochina, and the return of American servicemen and civilians who died in Southeast Asia whose remains have not been repatriated; and

"Whereas, The citizens of the State of Illinois strongly urge the governments of the Socialist Republic of Vietnam and the Lao People's Democratic Republic to fully cooperate with the United States government in the humanitarian effort to resolve the fate of 2,483 American servicemen and civilians still missing in Southeast Asia; and

"Whereas, The families of America's missing men, including 105 from the State of Illinois, continue to wait for word on the fate of their loved ones; and

"Whereas, The citizens of the State of Illinois express particular concern for the following Illinois residents who remain unaccounted for in Southeast Asia:

"LTC Harold Joseph Alwan, Maj Harry Arlo Amesbury, Jr., SSGT Gregory Lee Anderson, CAPT Robert Donald Beutal, PFC Wayne Bibbs, GSGT Timothy Roy Bodden, CAPT Arthur Ray Bollinger, LT Daniel Vernor Borah, Jr., SSGT Alan Boyer, LTC James Alvin Branch, LTJG Thomas Edward Brown, COL Robert Wallace Brownlee, Jr., MAJ Bernard Ludwig Bucher, LCDR Kenneth Richard Buell, CAPT Park George Bunker, SSGT Michael John Burke, MAJ Joseph Henry Burne, MAJ Ralph Laurence Carlock, CAPT John Werner Carlson, CAPT John Bernard Causey, COL Charles Peter Claxton, CWO Dean Eddie Clinton, LCDR Ralph Burton Cobbs, CAPT Willard Marion Collins, CAPT Joseph Bernard Copack, Jr., SSGT Kenneth Leroy Cunningham, MAJ Patrick Robert Curran, SSGT Raymond George Czerwiec, CAPT Thomas Carl Daffron, SP4 Randall David Dalton, WO James Leslie Dayton, LT Richard Carl Deuter, LCDR Michael Edward Dunn, CWO Dennis Keith Eads, AX3 William Farrell Farris, WO Barry Frank Fivelson, ATC Ronald Edmond Galvin, SGT Charles Hue Gatewood, LCDR Donald Arthur Gerstel, LTJG John Bryan Golz, COL Robert Warren Hagerman, MSGT Thomas Edward Heideman, SSGT Robert Dale Herreid, LCPL Joseph Arnold Hill, SFC Anthony Frank Housh, LCDR Roger Burns Innes, PFC Michael James Jablonski, 1LT Ronald James Janousek, CAPT Jack Elmer Keller, LCDR Kenneth Keith Knabb, Jr., LTC Jeffrey Charles Lemon, SGT Leonard J. Lewandowski, Jr., MAJ Robert Ray Lynn, CAPT George Duncan MacDonald, COL Notley Gwynn Maddox, CAPT Richard Carlton Marshall, SP5 James Phillip Mason, LTC Glenn David McElroy, HN James Patrick McGrath, LTC Carl Ottis McCormick, LCDR Robert Charles McMahan, LCDR Roger Allen Meyers, SSGT William John Moore, CAPT Wayne Ellsworth Newberry, AX2 Randall John Nightingale, CAPT Joseph Paul Nolan, Jr., CAPT Michael Davis O'Donnell, LTC Floyd Warren Olsen, CAPT Warren Robert Orr, Jr., LTC Robert Joseph Panek, Sr., LTC Donald Eugene Parsons, CAPT Roger Dale Partington, MAJ Wayne Edward Pearson, LCDR Gordon Samuel Perisho, CWO James Larry Phipps, LCDR Thomas Holt Pilkington, CAPT Jerry Lynn Pool, 1LT William Marshall Price, SSGT Dennis Michael Rattin, MAJ Ronald Reuel Rexroad, MAJ Robert Paul Riggins, SSGT Billie Leroy Roth, LT Leland Charles Cooke Sage, CPL Richard Eugene Sands, CAPT Leroy Clyde Schaneberg, SP4 David Lee Scott, SGT Robert Carl Sherman, 2LT David William Skibbe, COL Harold Victor Smith, CAPT Joseph Stanley Smith, PVT James Clellon Story, CAPT Dean Paul St. Pierre, LTC John Willard Swanson, Jr., PFC Jerrold Allen Switzer, SSGT Derri Sykes, SSGT Oral Ray Terry, CAPT Kenneth Deane Thomas, Jr., CAPT John Cline Towle, LTJG Dusin Cowles Trowbridge, CWO Eykel Martin D. Vanden II, MAJ James Edward Whitt, SP4 Richard Dennis Wiley, MAJ Robert Cyril Williams, MAJ Kenneth Joseph Vonan, MAJ Robert John Zukowski; therefore, be it

Resolved, by the Senate of the Eighty-Fourth General Assembly of the State of Illinois, the House of Representatives concurring herein, that February 27, 1985, be proclaimed POW/MIA Recognition Day in the State of Illinois; and be it further

Resolved, That this General Assembly joins with the entire Nation is honoring all of the brave Americans missing or imprisoned in Southeast Asia, and in expressing our support to their families; and be it further

Resolved, That we urge the Congress of the United States to demand that the governments of Vietnam, Cambodia, and Laos promptly account to the government of the United States for all Americans missing in those countries and return all American servicemen still being held captive; and be it further

Resolved, That suitable copies of this preamble and resolution be delivered to the Illinois Chapter of the National League of Families of American Prisoners of War and Missing in Action in Southeast Asia, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of the Illinois Congressional Delegation, Governor James R. Thompson, and the Socialist Republic of Vietnam Mission to the United Nations."

POM-184. A resolution adopted by the City Council of Arden Hills, Minnesota, urging Congress to continue its efforts to halt the persecution of the Baha'i minority in Iran; to the Committee on Foreign Relations.

POM-185. A concurrent resolution adopted by the Legislature of the State of Mississippi; to the Committee on Governmental Affairs.

"HOUSE CONCURRENT RESOLUTION No. 189

"Whereas, there is presently under consideration at the federal level a proposal based upon a Grace Commission recommendation to close some twelve thousand (12,000) small post offices throughout this Nation; and

"Whereas, such action would result in the closing of at least one hundred fifty-one (151) post offices in the State of Mississippi, which represents over thirty-three percent (33%) of the total offices operating in Mississippi; and

"Whereas, the closing of post offices on this scale would be extremely detrimental to the United States Postal Service; and

"Whereas, it is the opinion of this Legislature that Mississippi's economy is dependent on the operation of all post offices in Mississippi and that such offices should continue to serve the people of our state:

Now, therefore, be it resolved by the House of Representatives of the State of Mississippi, the Senate concurring therein, That we do hereby oppose any federal action which would result in the closing of any post offices in the State of Mississippi.

"Be it further resolved, That copies of this resolution be furnished to the President and Vice President of the United States, the Mississippi Congressional Delegation, to Mr. Charles W. Holmes and to Ms. Clara Johnson, President and Vice President, respectively, of the State Chapter of the National Association of Postmasters of the United States, and to members of the Capitol Press Corps."

POM-186. Concurrent resolution adopted by the Legislative Assembly of the State of North Dakota; to the Select Committee on Indian Affairs.

"SENATE CONCURRENT RESOLUTION No. 4075

"Whereas, loss of rights to Indians and non-Indians has occurred within the exterior boundaries of Indian reservations located in this state since statehood because of the lack of state civil jurisdiction within those boundaries; and

"Whereas, the great hope of obtaining justice on the Indian reservations of this state reflected in the report of the Legislative Research Committee to the Thirty-eighth Legislative Assembly has not materialized through the procedure provided under Chapter 27-19 of the North Dakota Century Code; and

"Whereas, 22 years have now elapsed since the adoption of Chapter 27-19 with no prospects in sight for ensuring justice in civil cases exceeding the present $300 jurisdictional limit of tribal courts within the exterior boundaries of Indian reservations of this state; and

"Whereas, the Congress of the United States has further complicated the matter of resolving Indian jurisdiction problems through the enactment of amendments to Public Law 280 in 1968 and by the enactment of the Indian's Civil Rights Act [Pub. L. 90-284, Sections 401, 402, 406, 82 Stat. 78-80; 25 U.S.C. Sections 1321, 1322, 1326]; and

"Whereas, the Supreme Court of this state in the case *Three Affiliated Tribes* v. *Wold Engineering,* Civil No. 10,172, has analysed the problem of state courts' jurisdiction over Indian reservations and has urged the attention not only of the Legislative Assembly of the state of North Dakota, but also the Congress of the United States;

"Now, therefore be it resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein: That the Legislative Council study the problem of civil jurisdiction within the exterior boundaries of the Indian reservations of this state; and

"Be it further resolved, That the Legislative Council is encouraged to include on the committee assigned to study this matter a representative from each of the Indian reservations of this state and an equal number of representatives from the North Dakota Association of Counties; and

"Be it further resolved, That the Legislative Council is encouraged to hold hearings on the respective Indian reservations and at appropriate county seats, and to meet with a like committee created by the Congress of the United States, if possible, and to meet and confer with other appropriate state and federal officials as well as the North Dakota Congressional Delegation; and

"Be it further resolved, That the Legislative Council seek the assistance of the Governor of this state and the North Dakota Congressional Delegation in securing the creation of a national committee to study the problems of civil jurisdiction within the exterior boundaries of Indian reservations throughout the United States, and to consider, among other things, amending federal law:

"1. To require that Indian people accept state civil jurisdiction within the exterior boundaries of reservations;

"2. To create a federal court to hear civil cases arising within the exterior boundaries of reservations; or

"3. To transfer such cases to existing federal courts; and

"Be it further resolved, That the Legislative Council report its findings and recommendations, together with any legislation required to implement those recommendations, to the Fiftieth Legislative Assembly; and

"Be it further resolved, That the Secretary of State send copies of this resolution to the leadership of the United States House of Representatives, including the Speaker, the Majority Leader, the Majority Whip, the Minority Leader, and the Minority Whip; the leadership of the Senate, including the Majority Leader, the Majority Whip, the Minority Leader, and the Minority Whip; the members of the North Dakota Congressional Delegation; the Governor; the Attorney General; the United States Attorney for North Dakota; the Executive Director of the North Dakota Association of Counties; the Executive Director of the Indian Affairs Commission; the President of the United States; the Vice President of the United States; the Secretary of the Interior; and the Attorney General of the United States."

POM-187. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION 1001

"Whereas, the First Congress of the United States of America at its First Session, in both Houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

The Conventions of a number of the States having at the time of their adopting the Constitution expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the government will best insure the beneficent ends of its institution—

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following articles be proposed to the legislatures of the several states as amendments to the constitution of the United States, all or any of which articles, when ratified by three fourths of the said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

ARTICLES IN ADDITION TO, AND AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION

"Art. II. No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

"Therefore be it resolved by the Legislature of the State of Arizona:

"1. That such proposed amendment to the Constitution of the United States of America be and the same is hereby ratified.

"2. That the Secretary of State is requested to transmit certified copies of this Resolution to the Administrator of General Services, Washington, D.C., and the President of the Senate and the Speaker of the House of Representatives of the United States."

POM-188. A resolution adopted by the House of Representatives of the State of Mississippi; to the Committee on Labor and Human Resource.

"HOUSE RESOLUTION No. 78

"Whereas, there is presently under consideration at the federal level a proposal based upon a Grace Commission recommendation to close Job Corps training centers throughout this Nation; and

"Whereas, such action would result in the closing of several such centers in the State of Mississippi; and

"Whereas, the closing of Job Corps centers would be extremely detrimental to the state and its citizens; and

"Whereas, it is the opinion of this House of Representatives that Mississippi's economy is dependent on the operation of all Job

Corps centers in Mississippi and that such offices should continue to serve the people of our state:

"Now, therefore, be it resolved by the House of Representatives of the State of Mississippi, That we do hereby oppose any federal action which would result in the closing of any Job Corps training in the State of Mississippi.

Be it further resolved, That copies of this resolution be furnished to the President and Vice President of the United States, the Mississippi Congressional Delegation and to members of the Capitol Press Corps."

POM-189. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Small Business.

"JOINT RESOLUTION MEMORIALIZING CONGRESS TO RESTORE FUNDING FOR THE SMALL BUSINESS ADMINISTRATION

"We, your Memorialists, the Senate and the House of Representatives of the State of Maine in the One Hundred and Twelfth Legislative Session now assembled, most respectfully present and petition the Congress of the United States, as follows:

"Whereas, 97% of all businesses in Maine are defined by the Small Business Administration as being small businesses; and

"Whereas, in 1984, the Small Business Administration approved $29.3 million in loans to 188 small businesses; maintained a portfolio of over 2,900 loans with more than $134 million; sponsored training programs for over 4,000 small business people; and, by establishing a resolving line of credit financing, made available working capital loans up to $1 million to exporters; and

"Whereas, the Small Business Development Center, whose principal source of funding is the Small Business Administration, provided counseling to more than 1,300 businesses, training programs for over 1,500 small business people and responded to more than 650 information requests through its Business Information Service; now, therefore, be it

"Resolved: That We, your Memorialists, respectfully urge and request that the Congress of the United States restore the funding for the Small Business Administration, which has assisted Maine business throughout the years; and be it further

"Resolved: That a copy of this Memorial duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to each member of the Maine Congressional Delegation and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations, with amendments:

S. 684. A bill to provide for increased participation by the United States in the International Bank for Reconstruction and Development, the International Finance Corporation, and the African Development Fund. (Rept. No. 99-38).

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. 1003. A bill to authorize appropriations to the Department of State, the United States Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes for fiscal years 1986 and 1987 (Rept. No. 99-39).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

Mark L. Edelman, an Assistant Administrator of the Agency for International Development, to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 22, 1985.

(The above nomination was reported from the Committee on Foreign Relations with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which appeared in its entirety in the Congressional Record of March 28, 1985, and, to save the expense of reprinting the names on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GOLDWATER (for himself and Mr. HOLLINGS):

S. 999. A bill to amend the Communications Act of 1934 to provide authorization of appropriations for the Federal Communications Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR:

S. 1000. A bill to establish a conservation acreage reserve program and to promote the conservation of highly erodible land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MATTINGLY:

S. 1001. A bill to impose a minimum mandatory bail on all persons charged with a serious drug offense in the amount of $100,000 plus an amount equal to the street value of the drugs involved in the offense; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. SPECTER, and Mr. METZENBAUM):

S. 1002. A bill to amend the Lanham Act to improve certain provisions relating to concurrent registrations; to the Committee on the Judiciary.

By Mr. LUGAR:

S. 1003. An original bill to authorize appropriations for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes for fiscal years 1986 and 1987; from the Committee on Foreign Relations; placed on the calendar.

By Mr. DOMENICI (for himself, Mr. SIMPSON, Mr. BINGAMAN, and Mr. WALLOP):

S. 1004. A bill to authorize and direct the Secretary of Energy to establish a program to provide for reclamation and other remedial actions with respect to mill tailings at active uranium and thorium processing sites; to the Committee on Energy and Natural Resources.

By Mr. NICKLES (for himself, Mr. EAST, Mrs. HAWKINS, Mr. HUMPHREY, Mr. LAXALT, Mr. THURMOND, Mr. DENTON, Mr. GRAMM, Mr. GOLDWATER, Mr. QUAYLE, and Mr. MATTINGLY):

S. 1005. A bill to amend the Davis-Bacon Act to modify the provisions of such act prescribing the minimum wages to be paid laborers, mechanics, and helpers employed on public construction projects, and for other purposes, to the Committee on Labor and Human Resources.

By Mr. KASTEN (for himself and Mr. WALLOP):

S. 1006. A bill to reduce tax rates in manner that is fair to all taxpayers and to simplify the tax laws by eliminating most credits, deductions, and exclusions; to the Committee on Finance.

By Mr. BOSCHWITZ (for himself and Mr. DENTON):

S. 1007. A bill to amend title 38, United States Code, to direct the Administrator of Veterans' Affairs to develop and carry out a pilot program to determine the most cost effective methods of acquiring medical facilities to meet the needs of the Veterans' Administration and otherwise to promote additional health care for eligible veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HART:

S. 1008. A bill to provide for a demonstration program in which a limited number of States would be permitted to provide unemployment compensation to individuals for the purpose of funding self-employment; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1009. A bill to increase the membership of the Advisory Board on Missing Children; to the Committee on the Judiciary.

S. 1010. A bill to require the Attorney General to report to Congress regarding changes in Federal criminal law and procedures which would facilitate the participation of child witnesses in cases involving child abuse and sexual exploitation; to the Committee on the Judiciary.

S. 1011. A bill to amend title 18, United States Code, to provide the death sentence or mandatory life in kidnapping offenses involving the murder of a minor; to the Committee on the Judiciary.

S. 1012. A bill to amend title 18, United States Code, to provide mandatory minimum sentence for offenses involving the sexual exploitation of children; to the Committee on the Judiciary.

S. 1013. A bill to require the Attorney General to modify the FBI offense classification system to provide more specific information concerning offenses involving the sexual exploitation of children; to the Committee on the Judiciary.

S. 1014. A bill to suspend temporarily the duty on tungsten ore; to the Committee on Finance.

S. 1015. A bill to extend for 3 years the existing suspension of duty on sulfapyridine; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 1000. A bill to establish a conservation acreage reserve program and to promote the conservation of highly erodible land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL RESOURCE CONSERVATION ACT

● Mr. LUGAR. Mr. President, I rise today to introduce the Agricultural Resource Conservation Act of 1985. This legislation establishes consistency within U.S. farm policy by restricting Federal price support and loan incentives to agricultural producers who choose to farm highly erodible lands. This legislation does not restrict or limit a person's right to use owned property in any manner. It simply makes clear that Federal farm and loan programs will not be used as an incentive for farmers to plow grasslands simply to increase their share of Federal crop payments.

The Federal Government has encouraged farmers to plow marginal lands with its misguided price support programs. The size of virtually all farm price support payments rise proportionately as the farmer's so-called base acreage increases. With prime agricultural lands being a limited resource, the least cost method for increasing base acreage is to plow timber and pasture acreage that are likely to be producing less income than is presently being offered by the Federal support programs.

U.S. taxpayers are asked to pay many times for this ill-advised activity. They provide the incentive payments that result in this land being brought into production. They are required by law to give low-interest disaster loans and subsidized crop insurance when these lands experience a crop failure due to drought which is common place on highly erodible acres. Once the landowner breaks the soil and discovers the newly created erosion problems, U.S. taxpayers are there with conservation cost-sharing activities to reduce erosion on land that should not have been plowed at the onset and would not have been plowed had it not been for the Federal price support payments. A significant portion of the $1 billion annually appropriated to the Corps of Engineers goes to remove runoff and sediment from our rivers and streams.

This bill contains the so-called sodbuster language that prohibits price support and other forms of Federal payments to farmers who choose to plow highly erodible land. The plowing of this land has not been carefully monitored in the past, and national data is difficult to compile. The Soil Conservation Service, however, estimates that approximately 500,000 acres of such land in Colorado was plowed between 1979 and 1982. In South Dakota, it is estimated that 600,000 acres were converted to cropland between 1974 and 1982. Testimony presented before the Senate Committee on Agriculture, Nutrition, and Forestry suggest that as much as 250 million additional acres of highly erodible lands could be brought under cultivation unless the incentives are phased out of the system. This would increase our current crop acreage by more than 50 percent.

The sodbuster provisions do not prevent a landowner from qualifying for crop price supports. Highly erodible land that is brought into production with an approved soil conservation plan is eligible for all price support benefits. As was negotiated with previous sodbuster legislation that passed the Senate, the restrictions would not apply to land that has been under cultivation in the last 10 years, and therefore, does not penalize farmers who were eligible for Federal payments at the time that they chose to plow the erodible land.

Mr. President, while the sodbuster provisions will help to discourage the plowing of another 250 million acres of highly erodible land, it is unfortunate that this legislation was not enacted into law a decade ago. The 1982 national resource inventories conducted by the Soil Conservation Service reveals that nearly 1 out of every 4 crop acres is suffering a rate of erosion at more than double the soil's renewable capacity. Nearly 50 percent of the sheet and rill erosion in the United States occurs on only 10 percent of the cropland. In order to reduce erosion from this acreage, my legislation calls upon the Secretary of Agriculture to offer a 30 million acre long-term conservation reserve. The reserve would idle our most erodible cropland for a period of at least 10 years. The Secretary of Agriculture would make annual payments for all retired acreage.

Unlike past efforts, the conservation reserve does not contain a predetermined set-aside payment. Historical evidence suggests that this type of system excessively rewards some landowners while being inadequate to justify participation by others. I propose, instead, a simple bid system where each landowner desiring to enter the reserve submits competitive bids. The Secretary of Agriculture would have the authority to determine which bids are the lowest based upon the erodibility of the acreage.

The competitive bids would reflect the landowner's cost of establishing a permanent cover crop. My legislation requires that 10 percent of reserve acres be planted to trees, and similarly, the competitive bid would reflect this cost and the landowner would assume responsibility for the reforestation process.

Many are familiar with the Soil Bank Program for the late 1950's. Unfortunately, much of the lands from this acreage retirement effort represent some of today's most highly erodible cropland. I do not propose to repeat this situation with my proposed conservation reserve. Upon termination of the land retirement contract, the sodbuster provision would immediately become applicable to the conservation acreage. I will not allow U.S. taxpayers to pay landowners to retire erodable acreage only to have the land brought back into production in order to increase the landowner's base acres and his or her share of Federal price support payments.

Mr. President, I cannot predict the long-term outlook on demand for U.S. agricultural goods or how much land will be required to meet this demand. Indeed, we may someday need full production from the conservation reserve acres. We may need to convert the 250 million acres of unbroken land into full-scale crop production. But this is a matter that simply must be dictated by the marketplace and not by governmental farm policy that bears no relation to actual market signals.

The fact of the matter is that today we do not need production from 420 million acres of cropland. Our farm policy, however, prevents market forces from dictating a reduction in our highly erodible and least productive cropland acres. The end result is simply overwhelming surpluses, lower farm prices, and excessive soil erosion.

The most hard-pressed farms, unfortunately, do not have the resources to adequately safeguard against soil erosion. Their objective must be to maximize production in the near term with the very minimum of costs. For these farmers, the conservation reserve offers a guaranteed annual cash income and reduces his or her need for borrowed operating capital. It allows us to assist highly leveraged farmers while at the same time moving back to a system whereby our total cropland acres are determined by the marketplace and not by the Secretary of Agriculture and the Members of Congress.

In addition, my bill proposes to require farmers who are attempting to cultivate the most erodible land to comply with locally defined conservation requirements. I do not propose to require a conservation means test for 420 million acres of agricultural lands. The administrative burden of such a requirement would be overwhelming. Instead, I simply propose that the Secretary of Agriculture focus these requirements to our most erosive cropland. Ten percent of our agricultural lands produce over one-half of the total cropland erosion.

I recently chaired conservation hearings at the Senate Agriculture Committee. Witnesses testified that over

20 percent of the set-aside acreage for feed grains, and wheat in a 10 State midwestern region is not planted to a cover crop during the set-aside period. This barren land is the source of much of our erosion difficulties. My legislation requires the Secretary of Agriculture to issue regulations that would reduce erosion from this set-aside acreage. I recognize the difficulty that a mandatory cover crop creates for summer fallow wheat farmers and other operations. My legislation, therefore, does not require a cover crop on set-aside acreage, but simply requires the Secretary to issue fair and equitable regulations to reduce erosion from set-aside acre where a cover crop is advisable.

To summarize, my bill calls for, first, an end to Federal subsidies to farmers who plow highly erodible land unless accompanied by an approved conservation plan; second, the establishment of a long-term conservation reserve; third, an approved conservation plan for our most highly erodible cropland in order to qualify for price support payments; and fourth, a cover crop requirement for those set-aside acres that are subject to severe wind and water erosion.

I will offer these provisions during the Senate Agriculture Committee's markup of the 1985 farm bill. I hope my colleagues will join me in this effort to reduce soil erosion and to establish some consistency in all future Federal farm programs.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY

CONSERVATION ACREAGE RESERVE

The Secretary shall conserve up to 30 million acres of erosion-prone crop land to conservation use.

The reserve's contract period shall be no less than ten years and no more than twenty years.

The Secretary shall control entry into the reserve in such a way so as not to adversely affect local economies.

The amount payable to landowners for annual conservation payments shall be determined through the submission of bids by the landowner.

At least ten percent of the funds made available for the conservation reserve shall be used for landowners who agree to plant trees.

The Secretary maintains full authority to terminate the reserve should conditions warrant such a change. The House and Senate Agriculture Committees must be notified at least ninety days prior to such a decision.

The landowner may not receive conservation reserve payments in excess of $50,000 annually.

SODBUSTER

Any person who produces an agricultural commodity on a field on which highly erodible land is the predominant class should be ineligible for Federal price supports, farm storage payments, Federal Crop Insurance, disaster payments, or an FmHA loan unless:

1. A crop had been produced from the land between 1973 and the date of enactment of this bill.

2. The land is brought into production using an approved conservation plan.

CONSERVATION PRACTICES ON EXEMPTED HIGHLY ERODIBLE LAND

In order to qualify for price support payments, any person who produces an agricultural commodity on highly erodible land must use conservation practices determined appropriate for the area.

COVER CROP REQUIREMENT

The Secretary is required to issue regulations to assure that set-aside acres are adequately protected from wind and water erosion for the entire set-aside period.

By Mr. MATTINGLY:

S. 1001. A bill to impose a minimum mandatory bail on all persons charged with a serious drug offense in the amount of $100,000 plus an amount equal to the street value of the drugs involved in the offense; to the Committee on the Judiciary.

MINIMUM MANDATORY BAIL FOR SERIOUS DRUG OFFENSES

● Mr. MATTINGLY. Mr. President, today I am introducing legislation to impose a minimum mandatory bail on all persons charged with a serious drug offense. Under the provisions of my proposal, the minimum bail amount for any person charged with an offense under the Controlled Substances Act which carries with it a maximum prison term of 10 years or more would be the sum of $100,000 plus the amount equal to the street value of the drugs involved in the offense.

I believe this legislation is consistent with the Comprehensive Crime Control Act which Congress passed and the President signed into law last year. That measure, which I strongly supported, contained a provision which allows for pretrial detention. Federal judges are now allowed to consider danger to the community in setting or denying bail. My legislation would not affect this provision. It would remain in place, as I believe it should. But in cases where Federal judges do not consider drug traffickers a danger to the community—which, Mr. President, I want to say at this point is a concept I fail to grasp—the judge would be required to set the minimum bail.

I believe that drug traffickers are the most dangerous of all criminals. The crimes they commit are not motivated by passion or conviction. They are motivated by greed and hatred. Their effect is to kill and to destroy, to destroy individual lives and the collective lives of families, communities, and, I believe, ultimately of this Nation, if we do not take strong action. This bill sends a clear signal and establishes once and for all that the Congress of the United States considers drug traffickers a danger to the community.

Let me answer the critics who would say the comprehensive crime package is enough before they speak. It is a good beginning, but it is not enough. There remains the possibility of a lenient judge and small bail amount. In realistic terms, that means there remains the possibility of an easy release and the opportunity to flee to avoid prosecution.

I believe that an article which appeared in the Washington Post on March 28 of this year makes a strong case for my legislation. The story reported:

A New York man has been arrested after what police described as the largest seizure of cocaine in Montgomery County history—11 pounds of cocaine with an estimated street value of $2 million * * *

And the story went on the say that:

Capt. Don Deering, of the Maryland National Capital Park Police, said Donald Chin, 43, was charged with possession of cocaine with intent to distribute * * * Deering said the cocaine is thought to be of "high quality." Chin was originally held on $100,000 bond; but it was reduced to $25,000 at a hearing yesterday.

Mr. President, we are engaged in a war against illegal drugs in this Nation. If we are going to win—and we cannot afford to lose—we must build a strong and varied arsenal. The legislation I am introducing today would add another weapon. I invite my colleagues to cosponsor this measure and urge their strong support.●

By Mr. THURMOND (for himself, Mr. SPECTER, and Mr. METZENBAUM):

S. 1002. A bill to amend the Lanham Act to improve certain provisions relating to concurrent registrations; to the Committee on the Judiciary.

AMENDMENTS TO LANHAM TRADEMARK ACT

Mr. THURMOND. Mr. President, today I am introducing legislation which would correct an anomaly in the Federal laws governing trademarks. This bill is identical to an amendment which was offered on my behalf to H.R. 6286 at the end of the 98th Congress. My amendment was adopted without objection by the Senate.

The loophole which this bill is designed to address is illustrated by the plight of Associates First Capital Corp., a wholly owned subsidiary of Gulf & Western Industries. As that situation has been described to me, in late 1982, Associates proposed the mark "Equity Express" in connection with a loan service for homeowners. An independent professional search of all data bases as of December 13, 1982, disclosed no conflicting prior uses. In fact, however, Washington Mutual Savings Bank of Seattle, WA, had adopted the same mark for similar services on October 18, 1982, but its pending application had not arrived into the data bases as of the date of

search. Upon discovery of their dual use of the mark, the two users entered into an agreement that acknowledged Washington Mutual's exclusive rights in 4 States and Associates' exclusive rights in 46 States.

While Associates' right to continued use of the mark is clear, an anomaly in the Lanham Act (15 U.S.C. Sec. 1051 et seq.) precludes Associates from obtaining a Federal concurrent use registration to protect its rights by foreclosing subsequent use by others in the States where Associates is clearly the first user. This is notwithstanding the fact that the Lanham Act expressly provides for, and indeed encourages, concurrent use registrations.

Under 15 U.S.C. Section 1052(d), a concurrent use registration may be granted in the discretion of the Patent and Trademark Commissioner in two situations. First, it may be granted if both parties use the mark before the first filing date. Second, such a registration may be granted if a court determines that more than one party is entitled to use. In Associates' case, or in the case of any similarly situated party, neither provision technically affords relief. Associates' lawful use of the mark occurred after Washington's filing date, but before anyone could reasonably have known of its filing and before its registration date. No court order is possible because the parties' amicable resolution of their differences means there is no case or controversy which could form the basis for a suit.

The Patent and Trademark Office has acknowledged that the parties are affected by an anomaly in the law. That office has indicated that it would accept the narrowly worded change in the Lanham Act which is contained in the bill I am introducing. This language will permit the Patent and Trademark Commissioner to grant concurrent registrations where the first filing party consents to such registration. As with any concurrent registration, the Commissioner would be required to determine that confusion or deception would not be likely to result and would be authorized to impose conditions relating to the mode or place of use of the mark to prevent such confusion or deception.

The remedy proposed presents no antitrust problems. On the contrary, it will serve to promote alternative business efforts by making a given trademark available for registration to more than one user.

Unlike rights in a patent, the courts have consistently held that rights in a trademark do not constitute a monopoly. See, for example, J.T. McCarthy, Trademarks and Unfair Competition, section 2.5b (1984) and cases cited therein. A trademark represents the right of a trademark owner to prevent others from confusing the public. Concurrent use registrations also serve to prevent confusion due to the limitations imposed by the Patent Commissioner, such as distinct geographic areas of activity, and do not limit competition. Indeed, in the example I cited, Associates and Washington Mutual will compete against each other in the latter's area, with Associates employing a different mark. Concurrent registration under limitations imposed by the Commissioner will not only ensure that consumers are not confused in areas where they do not compete, but that others could not engage in deception by using the same mark in other areas.

Mr. President, in light of the strong bipartisan support that my amendment enjoyed in the Judiciary Committee and the entire Senate in the last Congress, I am hopeful that we will be able to act favorably upon this bill at the earliest opportunity.

By Mr. DOMENICI (for himself, Mr. SIMPSON, Mr. BINGAMAN, and Mr. WALLOP):

S. 1004. A bill to authorize and direct the Secretary of Energy to establish a program to provide for reclamation and other remedial actions with respect to mill tailings at active uranium and thorium processing sites; to the Committee on Energy and Natural Resources.

URANIUM MILL TAILINGS RECLAMATION ACT

● Mr. DOMENICI. Mr. President, today I am introducing the Uranium Mill Tailings Reclamation Act of 1985 on behalf of myself and my colleagues, Senators SIMPSON, BINGAMAN and WALLOP. Some of my colleagues who remember the Uranium Mill Tailings Act of 1978 might ask, "Why are we introducing another piece of legislation on this topic?" I can certainly say I wish we did not have to. Some of the provisions of that earlier legislation have been effective; for example, a number of the so-called inactive sites have begun reclamation. Because of interagency squabbles between the Nuclear Regulatory Commission and the Environmental Protection Agency, and regulations which appear to be technically indefensible, the program relating to active uranium mill tailings sites is a complete and utter failure.

What we have created is an expensive regulatory program which is tied in a knot. This comes at a time when uranium companies are shutting down their operations due to a glut of uranium on the market today and the failure of domestic utilities to sign any contracts for future supplies with our domestic producers. There is a growing concern, on my part and others, that these companies will be unable to complete the reclamation of the uranium mill tailings piles even when the regulatory knot is untied.

What we are attempting to do with this legislation is rise above all this confusion. It is time to begin the cleanup and we believe the legislation being introduced today will do just that. The legislation directs the Secretary of Energy to begin a remedial action program at the various active sites which are in existence prior to the date of enactment of this legislation. The Secretary is given the authority to designate the host State or owner of the mill tailings site to do the cleanup if that is mutually agreeable. The cleanup would be done according to the standards established under the Uranium Mill Tailings Radiation Control Act of 1978 or pursuant to the regulations established by the various agreement States. The program is as simple as that. I believe the Department of Energy has demonstrated its ability to undertake cleanup activities such as this and manage them in an effective manner.

The cost of this program would not be left solely to the Federal Government. The Federal Government is responsible for about 30 percent of the mill tailings which would be cleaned up under this program. Therefore, this legislation authorizes funds for that portion of the cleanup, which is justifiably the Government's responsibility. The uranium producers are required to pay 15 percent of the cleanup costs and the nuclear utilities, who have benefited from this uranium production, would assume 55 percent of the costs. Their share of the costs would be provided for by placing a fee of $0.15 mill per kilowatt hour on nuclear power generation. All of these funds would be placed in the uranium mill tailings funds established in the Treasury.

Mr. President, the Federal Government has been the principal source of delay in the cleanup of those sites that are ready to be cleaned up in this country. The legislation I propose today, with my colleagues, is intended to turn that around, and make the Federal Government the leader in the effort to clean up.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Uranium Mill Tailings Reclamation Act of 1985".

FINDINGS AND PURPOSE

SEC. 2. FINDINGS AND PURPOSE.—

(a) FINDINGS.—The Congress finds that—

(1) the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.) was enacted to provide for the reclamation and regulation of uranium mill tailings;

(2) the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.) did not provide for a comprehensive method

of financing reclamation and remedial action at active uranium and thorium processing sites; and

(3) the creation of an assured system of financing will greatly facilitate and expedite reclamation and remedial actions at such active uranium and thorium processing sites.

(b) PURPOSE.—It is the purpose of this Act—

(1) to facilitate and expedite reclamation and other remedial actions at active uranium and thorium processing sites;

(2) to establish a comprehensive system for financing reclamation and other remedial actions at such sites; and

(3) to allocate the costs of such comprehensive system of financing fairly and equitably.

REMEDIAL ACTION PERFORMED BY THE DEPARTMENT OF ENERGY

SEC. 3. (a) IN GENERAL.—The Secretary of Energy, or such person as the Secretary may, by mutual agreement, designate (including the State in which the active site is located, or the owner or licensee of the active site for which reclamation, decommissioning, other remedial actions, and long-term maintenance and monitoring is to be performed) shall, except as provided in section 4, select and perform reclamation, decommissioning, other remedial actions, and long-term maintenance and monitoring at active sites (as defined in section 10(1)).

(b) APPLICABLE STANDARDS FOR REMEDIAL ACTION.—Reclamation, decommissioning, other remedial action, and long-term maintenance and monitoring performed by the Secretary or the designee of the Secretary under this section shall—

(1) comply with all applicable requirements established pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, as amended, or where appropriate, requirements established by a State that is a party to a discontinuance agreement under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021); and

(2) be undertaken in consultation, as appropriate, with the State in which such active site is located, and in the case of Indian lands, the appropriate Indian tribe and the Secretary of the Interior.

(c) CONSENT OF PROCESSING SITE OWNER.—Unless the Commission determines that a permanent cessation of operations leading to the production of byproduct material has occurred at any active site, the Secretary or the designee of the Secretary shall commence actual reclamation and decommissioning activities only with the consent of the owner of the active site in question.

(d) CONTRACTS WITH OWNERS OR LICENSEES.—The Secretary may enter into a contract with the owner or licensee of an active site for any reclamation, decommissioning, other remedial action, or long-term maintenance and monitoring associated with that active site.

(e) TRANSFER OF LICENSES AND TITLE TO BYPRODUCT MATERIAL.—Not later than the date on which the Secretary or the designee of the Secretary begins reclamation and decommissioning activities at an active site, any license pertaining to byproduct material at such site shall be transferred to the Secretary and owernship of such byproduct material and land, including any interests in such byproduct material and land that is used for the processing and disposal of such byproduct material, shall be transferred as provided in section 83(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2113(b)).

(f) COSTS OF REMEDIAL ACTION TO BE PAID FROM TAILINGS FUND.—The costs for reclamation, decommissioning, other remedial action, and long-term maintenance and monitoring performed by the Secretary or the designee of the Secretary under this Act shall be paid from the Uranium Mill Tailings Fund established in section 8.

REMEDIAL ACTION PERFORMED BY OWNERS OR LICENSEES

SEC. 4. (a) IN GENERAL.—Notwithstanding section 3, an owner or licensee of an active site initially licensed after effective date of this Act, may elect (in lieu of the Secretary) to select and to perform reclamation, decommissioning, or other remedial action at such active site.

(b) REMEDIAL ACTION TO BE PERFORMED IN ACCORDANCE WITH APPLICABLE STANDARDS.—Any reclamation, decommissioning, or other remedial action performed under subsection (a) by an owner or licensee shall comply with all applicable requirements established pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, as amended (or, where appropriate, requirements established by a State that is a party to a discontinuance agreement under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021)).

REIMBURSEMENT OF COSTS

SEC. 5. (a) IN GENERAL.—The Secretary shall, subject to subsection (b), provide for reimbursement of costs, as determined by the Secretary, of any reclamation, decommissioning, other remedial action, and long-term maintenace and monitoring performed in connection with a site to which section 3 is applicable.

(b) LIMITATIONS.—

(1) Any reimbursement provided under subsection (a) shall be made

(A) only to the licensee or to a property owner of record at the time such remedial action was undertaken; and

(B) only with respect to costs incurred by such licensee or property owner.

(2) No reimbursement for actual costs of reclamation, decommissioning, other remedial action, or long-term maintenance and monitoring may be made unless the Secretary, in consultation with the Commission (or, where appropriate, and Agreement State), determines that such reclamation, decommissioning, other remedial action, or long-term maintenance and monitoring is necessary to comply with the requirements established pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, as amended, (or, where appropriate, requirements established by a State that is a party to a discontinuance agreement under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021)).

CONTRACT AUTHORITY FOR REMEDIAL ACTION FOR URANIUM AND THORIUM MILLS INITIALLY LICENSED AFTER EFFECTIVE DATE

SEC. 6. (a) IN GENERAL.—The Secretary may enter into contracts with owners or licensees of uranium or thorium mills initially licensed after the effective date of this Act to provide for the Secretary or the designee of the Secretary to perform reclamation, decommissioning, and other remedial action at such site.

(b) COSTS TO BE PAID BY OWNERS OR LICENSEES.—Each contract entered into under subsection (a) shall provide that the owner or licensee of the site for which the Secretary or the designee of the Secretary performs reclamation, decommissioning, and other remedial action shall reimburse the Tailings Fund for all reasonable costs associated with the activities of the Secretary or the designee of the Secretary under the contract.

CONTRACTS FOR PURCHASE OR SALE OF URANIUM OR THORIUM TO INCLUDE REMEDIAL ACTION FUNDING PROVISIONS

SEC. 7. Contracts for the purchase or sale of uranium or thorium entered into after the effective date of this Act shall include provisions for the cost of reclamation, decommissioning, other remedial action, and long-term maintenance and monitoring attributable to uranium and thorium processing activities conducted in the United States after the effective date of this Act.

URANIUM MILL TAILINGS FUND

SEC. 8. (a) ESTABLISHMENT OF TAILINGS FUND.—There hereby is established in the Treasury of the United States a separate fund, to be known as the Uranium Mill Tailings Fund. The Tailings Fund shall consist of—

(1) all contributions, receipts, proceeds, and recoveries realized by the Secretary of Energy under subsection (c) and section 9, which shall be deposited in the Tailings Fund immediately upon their realization;

(2) any appropriations made by the Congress to the Tailings Fund; and

(3) any unexpended balances available on the effective date of this Act, for functions or activities necessary or incident to the disposal of, or remedial action pertaining to, byproduct material, which shall automatically be transferred to the Tailings Fund on such date.

(b) USE OF TAILINGS FUND.—The Secretary of Energy may, subject to subsection (c), make expenditures from the Tailings Fund only for purposes of compliance with this Act, including expenditures for any reimbursement under section 5.

(c) ADMINISTRATION OF TAILINGS FUND.—

(1) The Secretary of the Treasury, after consultation with the Secretary of Energy, shall annually submit to the Congress a report on the financial condition and operation of the Tailings Fund during the preceding fiscal year.

(2) The Secretary of Energy shall submit the budget of the Tailings Fund to the Office of Management and Budget annually along with the budget of the Department of Energy submitted at such time in accordance with chapter 11 of title 31, United States Code. The budget of the Tailings Fund shall consist of the estimates made by the Secretary of Energy of expenditures from the Tailings Fund and other relevant financial matters for the succeeding three fiscal years, and shall be included in the Budget of the United States Government. The Secretary of Energy may make expenditures from the Tailings Fund in such amounts as approved in advance in appropriation Acts.

(3) If the Secretary of Energy determines that the Tailings Fund contains at any time amounts in excess of current needs, the Secretary of Energy may request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary of Energy determines to be appropriate, in obligations of the United States—

(A) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Tailings Fund; and

(B) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such investments, except that the interest rate on such invest-

ments shall not exceed the average interest rate applicable to existing borrowings.

(4) Receipts, proceeds, and recoveries realized by the Secretary of Energy under this section, and expenditures of amounts from the Tailings Fund, shall be exempt from annual apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

(5) If at any time the moneys available in the Tailings Fund are insufficient to enable the Secretary of Energy to discharge the Secretary's responsibilities under this section, the Secretary of Energy shall issue to the Secretary of the Treasury obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be agreed to by the Secretary of Energy and the Secretary of the Treasury. The total of such obligations shall not exceed amounts provided in appropriation Acts. Redemption of such obligations shall be made by the Secretary of Energy from moneys available in the Tailings Fund. Such obligations shall bear interest at a rate determined by the Secretary of the Treasury, and shall be not less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the obligations under this paragraph. The Secretary of the Treasury shall purchase any issued obligations, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such obligations. The Secretary of the Treasury may at any time sell any of the obligations acquired by him under this paragraph. All redemptions, purchases, and sales by the Secretary of the Treasury of obligations under this paragraph shall be treated as public debt transactions of the United States.

RESPONSIBILITY FOR COSTS FOR REMEDIAL ACTION

SEC. 9. (a) COSTS ASSOCIATED WITH URANIUM AND THORIUM PROCESSING ACTIVITIES BEFORE EFFECTIVE DATE.—The costs for reclamation, decommissioning, other remedial action, and long-term maintenance and monitoring activities, undertaken by the Secretary or the designee of the Secretary under section 3, associated with uranium and thorium processing activities before the effective date of this Act shall be shared by—

(1) the owners or licensees of pertinent active sites, as provided in subsection (c);

(2) the Federal Government, as provided in subsection (d); and

(3) persons using source material or special nuclear material for a civilian nuclear power reactor to generate electrical energy, as provided in subsection (e).

(b) CALCULATION OF COST FOR REMEDIAL ACTION FOR PROCESSING ACTIVITIES CONDUCTED BEFORE EFFECTIVE DATE.—

(1) The costs of reclamation, decommissioning, other remedial action, and long-term maintenance and monitoring activities that are attributable to milling operations before the effective date of this Act shall be the total costs multiplied by a fraction with:

(A) a numerator comprised of the total dry tons of tailings attributable to the site but generated prior to the effective date of this Act; and

(B) a denominator comprised of the total dry tons of tailings attributable to the site, ending on the date that the reclamation, decommissioning, or other remedial action is initiated.

(2) The Secretary may promulgate regulations relating to the calculation of the fractions specified in paragraph (1), and may require reasonable information to be submitted by the owners or licensees of the uranium or thorium processing sites concerning such calculations.

(c) SHARE OF COSTS OF OWNERS OR LICENSEES.—

(1) For uranium or thorium processing sites initially licensed before the effective date of this Act, the licensee or owner of each uranium or thorium site for which reclamation, decommissioning, other remedial action, or long-term maintenance and monitoring is performed by the Secretary or the designee of the Secretary shall pay to the Treasury of the United States, to be deposited in the Tailings Fund, an amount equal to—

(A) 15 percent of the cost determined under subsection (b); and

(B) 100 percent of the cost of such activities associated with uranium or thorium milling activities on or after the effective date of this Act.

(2) For uranium or thorium processing sites initially licensed on or after the effective date of this Act, and for which the Secretary or the designee of the Secretary performs reclamation, decommissioning, other remedial action, or long-term maintenance and monitoring, the owner or licensee of such uranium of thorium processing site shall pay to the Treasury of the United States, to be deposited in the Tailings Fund, an amount equal to 100 percent of the cost for such activities.

(3) All payments by licensees or owners under this section shall be made on an annual basis for reclamation, decommissioning and remedial action undertaken during each preceding one-year period beginning on the effective date of this Act, in accordance with regulations promulgated by the Secretary. Payments by licensees or owners for long-term maintenance and monitoring shall be paid no later than the date on which reclamation and decommissioning of the active site is completed.

(d) SHARE OF COSTS OF FEDERAL GOVERNMENT.—In recognition that some active sites contain tailings which have resulted from ore processing to extract uranium and thorium under contract with the United States for use primarily in defense programs, the Federal Government shall pay into the Tailings Fund an amount equal to 30 percent of the costs, determined under subsection (b), incurred during each one-year period beginning on the effective date of this Act for reclamation, decommissioning, other remedial action, and long-term maintenance and monitoring activities undertaken by the Secretary or the designee of the Secretary associated with uranium or thorium processing activities prior to the effective date of this Act.

(e) SHARE OF COSTS OF UTILITIES.—

(1) Persons using source material or special nuclear material for a civilian nuclear power reactor to generate electrical energy shall enter into agreements with the Secretary to pay a fee, as provided in paragraph (2), to offset 55 percent of the costs, determined under subsection (b), incurred during each one-year period beginning on the effective date of this Act, for reclamation, decommissioning, other remedial action, and long-term maintenance and monitoring activities undertaken by the Secretary or the designee of the Secretary associated with uranium or thorium processing activities prior to the effective date of this Act.

(2) For electricity generated by a civilian nuclear power reactor and sold on or after the effective date of this Act, the fee described in paragraph (1) shall be equal to 0.15 mil per kilowatt hour. Such fee shall be paid to the Treasury of the United States and shall be deposited in the Tailings Fund.

(3)(A) Not later than 120 days after the effective date of this Act the Secretary shall establish procedures for the collection and payment of the fee established by paragraph (1). The Secretary shall annually review the amount of such fee to evalaute whether collection of the fee, contribution by the owner or licensee, and the payments of the United States, will provide sufficient revenues to offset the costs experienced and expected for reclamation, decommissioning, other remedial action, and long-term maintenance and monitoring activities undertaken by the Secretary or the designee of the Secretary. In the event the Secretary determines that either insufficient or excess revenues are being collected, the Secretary shall, in order to recover the costs incurred by the Federal Government for reclamation, decommissioning, other remedial action, and long-term maintenance and monitoring, propose an adjustment to the fee established in paragraph (1) to ensure full funding. The Secretary shall immediately transmit this proposal for such an adjustment to the Congress. The adjustment to the fee proposed by the Secretary shall be effective after a period of 120 days of continuous session of the Congress have elapsed following the receipt of such transmittal unless during such 120-day period there is enacted into law a joint resolution disapproving such adjustment.

(B) For purposes of the 120-day period described in subparagraph (A)—

(i) continuity of session of the Congress is broken only by an adjournment sine die; and

(ii) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 120-day period.

(4)(A) The Commission shall not issue or renew a license to any person to use a utilization or production facility under the authority of section 103 of the Atomic Energy Act of 1954 (42 U.S.C. 2133) or to use special nuclear material at such a facility unless such person has entered into an agreement with the Secretary under this section.

(B) The Commission, as it determines necessary or appropriate, may require as a condition to the issuance or renewal of a license under section 103 of the Atomic Energy Act of 1954 (42 U.S.C. 2133), or a license for special nuclear material under section 53 of such Act, that the applicant for such license shall have entered into an agreement with the Secretary for the disposal of byproduct material.

(f) LIMITATION ON FINANCIAL OBLIGATION OF ACTIVE SITE OWNERS AND UTILITIES.—Except for the payment of the fee and contributions provided in this section, the Federal Government may not impose any further financial obligation on persons using source material or special nuclear material for a civilian nuclear power reactor to generate electrical energy, or on owners or licensees of uranium or thorium processing sites, for reclamation, decommissioning, other re-

medial action or long-term maintenance and monitoring associated with active sites.

DEFINITIONS

SEC. 10. FOR PURPOSES OF THIS ACT—

(1) the terms "active uranium or thorium processing site" and "active site" mean—

(A) any uranium or thorium processing site, including the mill, containing byproduct material for which a license (issued by the Nuclear Regulatory Commission or its predecessor agency under the Atomic Energy Act of 1954, or by a State as permitted under section 274 of such Act (42 U.S.C. 2021)) for the production at such site of any uranium or thorium derived from ore—

(i) is in effect on January 1, 1978;

(ii) is issued or renewed after January 1, 1978; or

(iii) for which an application for renewal or issuance is pending on, or after, January 1, 1978; and

(B) any other real property or improvement on such real property that—

(i) is in the vicinity of such site; and

(ii) is determined by the Secretary, in consultation with the Commission, to be contaminated with residual byproduct material.

(2) The term Administrator means the Administrator of the Environmental Protection Agency.

(3) The term "byproduct material" has the meaning given such term in section 11e. (2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)).

(4) The term "civilian nuclear power reactor" means any civilian nuclear powerplant required to be licensed under section 103 or section 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133).

(5) The term "Commission" means the Nuclear Regulatory Commission.

(6) The term "Indian tribe" means any tribe, band, clan, group, pueblo, or community of Indians recognized as eligible for services provided by the Secretary of the Interior to Indians.

(7) The term "Secretary" means the Secretary of Energy.

(8) The terms "source material" and "special nuclear material" have the meanings given such terms in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(9) The term "tailings" means the wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

(10) The term "Tailings Fund" means the Uranium Mill Tailings Fund established in section 8.

TECHNICAL AND CONFORMING AMENDMENTS TO THE ATOMIC ENERGY ACT OF 1954

SEC. 11. (a) OWNERSHIP AND CUSTODY OF CERTAIN BYPRODUCT MATERIAL AND DISPOSAL SITES.—

(1) Section 83a. (1) of the Atomic Energy Act of 1954 (42 U.S.C. 2113(a)(1)) is amended by inserting before "the licensee" the following: "the Secretary of Energy will be in a position to, or, as appropriate,".

(2) Section 83(b)(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2113(b)(5)) is amended by striking out the last sentence.

(b) STANDARDS AND INSTRUCTIONS FOR BONDING, SURETY, OR OTHER FINANCIAL ARRANGEMENTS, INCLUDING PERFORMANCE BONDS.—Section 161x. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(x)) is amended by inserting after "ensure" in the matter preceding paragraph (1) the following: ", for the share of costs for which the licensee is responsible".

AUTHORIZATION OF APPROPRIATIONS

SEC. 12. There is authorized to be appropriated, effective on October 1, 1985, to the Uranium Mill Tailings Fund, $290,000,000, to remain available until expended.

LIMITATION ON SPENDING AUTHORITY

SEC. 13. The authority under this Act to incur indebtedness, or enter into contracts, obligating amounts to be expended by the Federal Government shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.

EFFECTIVE DATE

SEC. 14. The provisions of and amendments made by this Act shall become effective upon the expiration of the 60-day period following the date of enactment of this Act.●

● Mr. SIMPSON. Mr. President, I am pleased today to join with my good friend and colleague from New Mexico, Senator DOMENICI, in introducing the Uranium Mill Tailings Reclamation Act of 1985. The purpose of this legislation is to establish a comprehensive and equitable financing mechanism for the reclamation of tailings at active uranium and thorium processing sites regulated under title II of the Uranium Mill Tailings Radiation Control Act of 1978.

In 1978, when Congress passed this act, commonly referred to as UMTRCA, it established what was then believed by many to be a comprehensive program for the cleanup and stabilization of uranium and thorium mill tailings, both at sites that had been abandoned—the so-called inactive sites—as well as at sites that were still active.

For the active sites, the Environmental Protection Agency was directed to establish "generally applicable environmental standards" for both the radiological and nonradiological hazards of mill tailings. The Nuclear Regulatory Commission, in turn, was then to establish the detailed regulatory requirements to be met in cleaning up and stabilizing the tailings piles, and to conform those regulations to EPA's general standards. Following promulgation of the detailed regulatory requirements, the NRC was then to proceed with implementation of the program at individual sites.

Today, more than 6 years after the passage of UMTRCA, the program is in a shambles. EPS's standards were over 3 years late, and the standards that were adopted in late 1983 are widely viewed as simply inappropriate for the low-toxicity, high-volume mill tailings wastes for which EPA was to promulgate standards under UMTRCA. My own State of Wyoming, for example—which has been a leader in this Nation in the protection of its scarce ground water supplies—views the EPA standards as a myopic attempt to apply the EPA solid-waste standards for high-toxicity, low-volume chemical wastes to a type of waste—mill tailings—that is fundamentally different. As a result, the EPA approach simply makes no sense at all.

Beyond that, EPA has gone far beyond its charge under UMTRCA to promulgate "generally applicable environmental standards" for mill tailings piles and, instead, is seeking to become deeply involved in establishing and implementing detailed regulatory requirements for mill tailings—a responsibility that UMTRCA conferred exclusively on the NRC.

As a result of the questionable technical and jurisdictional basis for the EPA standards, the program is now mired in controversy.

Both the industry and the environmentalists have challenged the EPA standards in court; the NRC and EPA are firing salvos back and forth over who has jurisdiction over what; in the meantime, the NRC is trying to move forward with implementation of the EPA standards without first conforming its regulations to those standards; and, throughout all of this, the statutorily-mandated conforming process will not be complete for at least 3 more years. Only then—10 years after UMTRCA was first passed—will the necessary regulations be in place to move forward with any cleanup or stabilization.

I can hardly imagine that anyone believed, back in 1978, that it would be 10 years before we had the necessary regulations on the books to move forward with cleanup and stabilization of mill tailings piles. But that is where we are today. And in the intervening years, the estimates of the cost of cleanup and stabilization have skyrocketed.

More importantly, no one in the uranium business envisioned, back in 1978 when UMTRCA was passed, that the regulatory requirements that would subsequently be imposed would be delayed by almost 10 years by a turf-struggle between two agencies here in Washington; and that, when promulgated, the EPA standards would consist of merely slapping requirements on the uranium companies that were initially adopted for a wholly different purpose and would prove to be inappropriate and unnecessary costly for the low-toxicity, high-volume uranium wastes.

As a result, these costs of doing business were not, in many instances, assumed by the uranium companies in marketing their product—yellowcake—to utility customers.

The legislation that my colleague from New Mexico and I are introducing today is designed to get the mill tailings cleanup program back on track, by establishing a comprehensive, equitable, and reliable mechanism to pay for the cleanup and stabilization program. After witnessing years of delay and infighting, I am

now convinced that the approach reflected in this legislation is the only way that we can expect to move forward with cleanup and stabilization in a fashion that will ensure that the job will get done—and in a timely manner—now that we have wasted years of delay on this effort.

This legislation would establish a comprehensive cost sharing approach to fund the cleanup and stabilization of all existing tailings, and related areas and facilities, subject to the requirements of title II of UMTRCA.

The cost would be divided among the nuclear utilities, the uranium companies, and the Federal Government. The nuclear utilities would contribute 55 percent of the costs, through a fee of 0.15 mil per kilowatthour on electricity generated by commercial nuclear power plants; the uranium companies would contrbute 15 percent of the costs; and the Federal Government would contribute the remaining 30 percent, an amount roughly comparable to the proportion of tailings at these sites that resulted from the production of yellowcake by the uranium companies for the Federal Government's defense needs—the so-called "commingled tailings."

The actual cleanup would be conducted by the Department of Energy or, by mutual agreement, the State in which the site is located or the uranium company involved. All cleanup and stabilizatioin activity would be undertaken in accordance with all appropriate Federal and State requirements.

In summary, Mr. President, we have witnessed over 6 years of protracted and costly delay in implementation of the uranium mill tailings program, with the prospect for future delays on the immediate horizon. In the absence of firm congressional action to put this program back on track, we will, in all likelihood, be mired in the same controversies on the 10th anniversary of UMTRCA, with the comprehensive regulatory program envisioned by Congress back in 1978 delayed by 10 years, to the detriment of the public, the uranium companies, the States, the Federal agencies involved, and, in short, all who would like to see a reasonable, balanced cleanup and stabilization program move forward. For these reasons, Mr. President, I am joining with my colleague, Senator DOMENICI, today in introducing this legislation, and urge my other colleagues to support this effort.●

THE URANIUM MILL TAILINGS RECLAMATION ACT OF 1985

● Mr. BINGAMAN. Mr. President, I am pleased to join my distinguished colleague from New Mexico in introducing the Uranium Mill Tailings Reclamation Act of 1985. I believe this legislation addresses an important problem that has been of great concern to the residents of New Mexico.

This problem is providing the appropriate method and funding for the cleanup of uranium mill tailings. These tailings or waste residues from the processing of uranium ore are a potential radiation hazard, and contamination may be spread to surrounding areas by wind and water erosion if the tailings are not disposed of properly.

The Uranium Mill Tailings Radiation Control Act of 1978 provided funding and authority to the U.S. Department of Energy [DOE] to dispose of radioactive tailings at inactive uranium mill sites. Remedial action at the two inactive sites in New Mexico will be carried out under this legislation. However, the responsibility for disposal of tailings at active mill sites remained on the owner or operator of the site.

Currently there are five active or licensed uranium mill sites in New Mexico. There are in excess of 80 million tons of mill tailings at these five sites. Approximately 30 million tons at three of the sites were generated under the Atomic Energy Commission [AEC] Uranium Program. The tailings generated under the AEC Program are commingled with tailings generated to produce uranium for nuclear generation of electricity.

Aside from the environmental and health problems from such tailings piles, there is the economic problem. The DOE has estimated an average cost for control to meet the Federal standards for cleanup to be approximately $3.75 per ton of tailings. On this basis, costs for control of the five sites will range from about $5 million for the smallest site to about $115 million for the largest site. The estimated total cost for the five sites is approximately $300 million.

The uranium industry in New Mexico is in a serious state of decline. Four of the five licensed uranium mills have been placed on standby status and may not reopen. The fifth mill is expected to operate only for 1 or 2 years. The deteriorating financial condition of the uranium industry indicates the importance of providing assistance to meet the costs of tailings disposal.

The legislation we introduce today would establish a program within the Department of Energy for the expeditious cleanup of existing uranium mill tailings to be financed by uranium producers, 15 percent, nuclear utilities, 55 percent, and the Federal Government, 30 percent.

For new tailings produced after the enactment of this act, the costs would be negotiated between the producers and the nuclear utilities. The program would operate under the regulatory scheme established in the Uranium Mill Tailings Act. The Secretary of Energy is directed to undertake the program and may designate the State in which the site is located or the owner of the site to perform the remedial action. A fund is established to cover the costs of reclamation. The fund would be derived from annual payments from uranium producers, annual appropriations from the Federal Government, and from a fee placed on nuclear-generated electricity. The fee would be 0.15 mill per kilowatthour or less than a nickle in a consumer's monthly bill.

I strongly support the Federal Government and other users of uranium sharing the responsibility for disposal of these radioactive wastes. The Federal Government was the sole purchaser of uranium for many years. Over 30 percent of existing tailings nationwide are a result of the Government's purchases for its defense programs. For these reasons, the GAO in 1979 recommended that the Government share in these cleanup costs. This legislation would ensure that the Government meets its legitimate responsibility. The nuclear utilities were required by the Nuclear Waste Policy Act to pay 1 mill per kilowatthour for the cleanup of high-level wastes. This legislation levies only a 0.15 mill per kilowatthour charge. Of course, the uranium producers must also share in any cleanup cost.

It makes good sense to have the Federal Government work with the industry and the nuclear utilities in financing the proper disposal of uranium mill tailings.

I will do everything I can to ensure swift passage of this much needed legislation.●

By Mr. NICKLES (for himself, Mr. EAST, Mrs. HAWKINS Mr. HUMPHREY, Mr. LAXALT, Mr. THURMOND, Mr. DENTON, Mr. GRAMM, Mr. GOLDWATER, Mr. QUAYLE, and Mr. MATTINGLY):

S. 1005. A bill to amend the Davis-Bacon Act to modify the provisions of such act prescribing the minimum wages to be paid laborers, mechanics, and helpers employed on public construction projects, and for other purposes; to the Committee on Labor and Human Resources.

DAVIS-BACON REFORM

● Mr. NICKLES. Mr. President, today, along with Senators EAST, HAWKINS, HUMPHREY, LAXALT, THURMOND, DENTON, GRAMM, GOLDWATER, QUAYLE, and MATTINGLY, I am introducing legislation reforming the Davis-Bacon Act. If enacted these changes will put an end to the inflationary pressures that the act has had on construction wage rates that, until recently, were determined by Labor Department procedures directly contrary to the fundamental intent of the 1931 act—to protect local wage rates from predatory contractors paying their workers less than prevailing wages. Everyone in

this body agrees, I suspect, with the proposition that Federal construction programs should not undercut local prevailing wage rates and practices.

Unfortunately the act has been administered over the years in a fashion designed to seek the highest wage rates and then require their payment on Federal and federally assisted projects spread over a wide geographic area. These high wage rates resulted from the use of the notorious 30 percent rule to identify the prevailing wage. Often these predetermined prevailing wages were then imported from urban areas to rural areas. Thus, construction practices and wage rates in many local areas, particularly rural communities, were not taken into account by the Labor Department in setting these predetermined prevailing wage requirements.

These DOL administrative practices, taken in their entirety, undercut the ability of local contractors to bid successfully on Davis-Bacon jobs. Local construction craftsmen suffered as a result of the inability of their employers to market their services to the Government. This intolerable situation was directly contrary to the intent of the Davis-Bacon Act.

As a result of these inflationary administrative practices, the General Accounting Office recommended repeal of the act in 1979. GAO is not alone. Contractor groups, taxpayer groups, and numerous others have called for repeal; so have the Wall Street Journal and the New York Times. The Carter administration conducted a study of Davis-Bacon by the Office of Federal Procurement Policy [OFPP] in 1979. This study was the first official study to call for significant reforms but, unfortunately, was ignored by the Carter Labor Department.

To its credit, the Reagan administration has identified these aforementioned problems with the act and has revised the Davis-Bacon regulations to alleviate those problems. Of course opponents did everything possible to stop them from being implemented. The Labor Department was sued by the construction unions when the new regulations were promulgated in May 1982. Federal District Court Judge Harold Greene enjoined all but one of the new regulations. The D.C. Circuit Court of Appeals reversed. In January 1984 the Supreme Court upheld the U.S. Court of Appeals decision. Essentially the courts held that the new regulations did indeed reflect congressional intent and were not a distortion of the act and that the Secretary of Labor was within his rights to implement these new regulations.

The legislation I am introducing today mirrors the essentials of the administration's regulatory changes. Additionally, it increases the threshold for Davis-Bacon coverage, currently $2,000, which of course cannot be done administratively. These reforms correct within the statute those problems identified by the GAO, the Office of Federal Procurement Policy, and numerous others. It will reduce the inflationary tendency of the act by setting wage levels that actually prevail in an area. Local contractors and construction craftsmen will thus be given the opportunity to bid on Federal and federally assisted jobs. These statutory changes clearly reflect the congressional intent of the original Davis-Bacon Act. The July 1983 decision of the U.S. Court of Appeals that upheld the new regulations discusses in great detail why these reforms are consistent with congressional intent at passage of the Davis-Bacon Act.

Briefly this legislation:

First, establishes a definition of prevailing rates based on identifying a majority—50 percent—of a job classification paid the identical rate. Failure to identify a majority will require a weighted average to establish the prevailing rate.

Second, bans the importation of urban wage data and rates into rural areas and vice versa.

Third, requires the DOL to recognize helper classifications in areas where they are a prevailing practice.

Fourth, increases the threshold application of Davis-Bacon from $2,000 to $1,000,000 thus allowing small contractors—and their employees—increased access to Government construction work consistent with all existing Federal labor and procurement standards.

The Congressional Budget Office estimates that these four changes will save almost $2.5 billion in outlays and $3.7 billion in budget authority from fiscal year 1986 through fiscal year 1990.

Their summary, by budget function, follows:

DAVIS-BACON REFORM SAVINGS

[By fiscal year, in millions of dollars]

	1986	1987	1988	1989	1990
050:					
Budget authority	−166	−178	−180	−187	−194
Outlays	−53	−104	−144	−165	−176
250:					
Budget authority	−7	−8	−8	−9	−9
Outlays	−4	−6	−7	−8	−9
270:					
Budget authority	−37	−39	−41	−42	−44
Outlays	−22	−33	−40	−42	−43
300:					
Budget authority	−117	−121	−125	−130	−134
Outlays	−40	−61	−85	−105	−117
400:					
Budget authority	−438	−452	−467	−478	−495
Outlays	−68	−276	−359	−404	−446
450:					
Budget authority	−84	−88	−91	−94	−98
Outlays	−4	−35	−73	−85	−91
550:					
Budget authority	−1	−2	−2	−2	−2
Outlays	0	−1	−1	−2	−2
700:					
Budget authority	−18	−19	−19	−20	−21
Outlays	−2	−6	−15	−19	−20
Total:					
Budget authority	−695	−720	−745	−765	−795
Outlays	−135	−410	−575	−655	−720

Note: Total may not add due to rounding.●

By Mr. BOSCHWITZ (for himself and Mr. DENTON):

S. 1007. A bill to amend title 38, United States Code, to direct the Administrator of Veterans' Affairs to develop and carry out a pilot program to determine the most cost-effective methods of acquiring medical facilities to meet the needs of the Veterans' Administration and otherwise to promote additional health care for eligible veterans, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' HEALTH CARE PROMOTION ACT

● Mr. BOSCHWITZ. Mr. President, today, along with my good friend and colleague from Alabama, Senator DENTON, I am introducing the Veterans' Health Care Promotion Act of 1985.

The roots of this legislation are long—stretching back to nearly 1980 when I became involved in trying to provide funds for a replacement hospital for the aged and outdated Minneapolis Veterans Hospital.

Those battles with the VA over its constantly changing priority list, and the parallel battles with certain local groups over the lack of need for a replacement facility because local hospital beds were unused, laid the groundwork for my continuing interests in veterans health care and the VA's construction process.

Mr. President, since those days in 1980 the VA has spent $2.7 billion on the construction of new or replacement medical facilities. This year the administration's budget calls for an additional $2.5 billion over the next 3 years. And this is really just the tip of the iceberg. CBO projects that $400 million will be needed over the next 5 years just to meet the new construction needs for nursing homes. However, if the VA attempts to retain its current level of providing nursing home beds, the costs would go up an additional $200 million.

Currently the VA provides 40 percent of the veterans nursing home beds, the State Home Program provides 20 percent, and the remaining 40 percent are contracted on an individual basis to non-VA nursing homes.

And in addition to nursing home spending, CBO estimates that the funds needed for the replacement or modernization of existing VA hospitals could cost as much as $2.9 billion.

Unfortunately, the VA's construction process is three to five times as expensive as the private sector. This means that while we are doing what we can to see that the veterans of this country are getting the health care they deserve, we are clearly not getting as much bang out of the buck as we could. And in this budget cutting climate we have to stretch each dollar as wisely and as far as we can. That is why I decided to introduce my legislation. I feel that if we can cut costs in

the construction area, we can provide more beds, serve more veterans, and provide better overall health care for this Nation's veterans.

I realize that at first blush some may see my bill as somewhat controversial, and perhaps as a first step of some sort toward dismantling the Veterans' Administration health care system. But it's clearly not either of these. In fact I believe my bill gives us a unique opportunity to strengthen the VA health care system.

Mr. President, everyone involved with veterans and the VA knows the crunch is coming. The demographics of the aging veteran have been published in every major media forum. The VA also, to its credit, has tried to address and plan for the influx of aging veterans.

If the VA is right and the demand for VA health care triples by the year 2000—with patient load leaping from 4.5 million today to over 12 million—then there will be a tremendous strain on both the VA and its budget. Clearly, we want to be in a position to provide VA health care for as many eligible veterans as we can.

Therefore, we must realize that in order to pay for the care we have promised the veteran, we must develop more cost-effective methods of providing it. But we must provide it in such a way that we don't jeopardize the commitments we have made to our veterans. And we must also recognize that the VA's costs will normally be somewhat higher than the private sector because of the type of patients it serves and the dedicated mission it has been given. However, it is clear Congress and the VA must look at the options and alternatives available.

That is what the bill Senator DENTON and I are introducing today is designed to do. First, get the VA to look at other ways to provide care before simply building a new expensive facility. Second, the bill sets up four pilot projects that will allow the VA, Congress, and the veterans of this country a chance to see how these options work.

Basically this legislation does three things.

First, it requires that the VA's first option when developing plans for new or replacement medical facilities shall be to consider leasing or purchasing existing community facilities. The VA has the authority now to lease or acquire existing facilities, but it has never used it for either hospitals or nursing homes.

Second, sets up a pilot program to look at four different scenarios. The first would be a privately built, privately run nursing homes that the VA would contract eligible veterans to in a 5-year agreement. Veterans in my State of Minnesota support such a pilot project located in Grand Rapids, MI. In this case, a veteran would like to build a nursing home facility for vets and then run it with his staff.

The second would be a nursing home that was privately planned, designed, and built that would then be leased to the VA and run by the VA. This nursing home would then revert to the private sector when no longer needed by the VA.

The third would require the VA to purchase an existing medical facility. It seems that a perfect opportunity to exercise this option is available in Mobile, AL, where the VA can acquire a hospital for $25 million, and in fact the purchase option has been looked at by the VA and the local community. In contrast, the replacement Minneapolis hospital I fought so hard and successfully to get funded cost over $200 million.

The fourth option would be for the VA to simply lease an existing facility.

Third, the bill also requires the VA to report on the potential cost savings of increasing the number of nursing home beds contracted to community facilities. As I mentioned earlier, the VA has a 40-percent share of the veteran nursing home beds, as do community contracts. The bill asks the VA to look at increasing the community share to 60 percent or 75 percent.

Mr. President, this provision was included in the bill primarily because of a survey I mailed to over 60,000 Minnesota vets last summer asking for their views on how Congress should fund the number of nursing home beds that will be needed by the year 2000. The results were somewhat startling with 73.4 percent of the respondents saying that the VA should not build more nursing homes. Overall, the results reemphasized my belief that veterans are concerned both about available health care and cost-effective care.

I ask unanimous consent that the results of this survey be included in the RECORD at this point.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

HEALTH CARE FOR THE AGING VET SURVEY RESULTS

[Based on results of 600 returned surveys]

SURVEY

I. How should nursing home sites be chosen? (Rank choices 1-4)

1. Number of Service-Connected Vets in an Area: 65 percent rank this as first or second choice.

2. Number of Veterans in Area Unable to Pay: 60.2 percent rank this as first or second choice.

3. Number of Vets as Percent of Population in Area: 35.7 percent pick as their first choice, but 53 percent have listed as third or last choice.

4. Distance From Existing Facility: 54 percent rank as third or last choice.

II. Should the VA build more nursing homes? 26.6 percent say Yes; 73.4 percent say No.

III. How should we "find" more nursing home beds?

1. Leasing Existing Facilities, Use VA Personnel: 77.4 percent chose as their first or second choice.

2. Leasing Wing of Existing Facility, Using VA personnel: 65.9 percent chose as first or second choice.

3. Use Community Facilities, Pay Per Diems: 45 percent chose as first or second choice.

4. Build More Nursing Homes: 65.8 percent chose as their last choice—only 24.3 percent chose as their first or second choice.

IV. Do you support contracting out of nursing home care? 64 percent said Yes; 27.2 percent said No; 8.7 percent didn't know.

Of those who responded 57 percent within 50 miles of an existing VA facility, 28.3 percent live more than 100 miles.

V. Should the VA devote more of its resources to programs like Adult Day Health Care—seeking to keep the vet out of a full-time facility?

Over 80 percent said that the VA should devote more of the resources.

Mr. BOSCHWITZ. Mr. President, I hope my colleagues will agree that the time is right to look at different ways to spend our VA construction money. The crunch is certainly coming. If we can get started now, maybe we can do more than just wring our hands when the time comes.

I also hope my colleagues will join me in working with the VA, veterans groups and the Veterans' Committee in working with this bill, perhaps improving it, and then seeing it made into law.

I ask unanimous consent that the text of the bill be entered in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Health Care Promotion Act of 1985".

SEC. 2. Section 5002 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) In developing plans for a new or replacement medical facility, the Administrator shall give first consideration to leasing or purchasing any existing medical facility that satisfies the requirements of paragraph (2) of this subsection.

"(2) A medical facility satisfies the requirements of this paragraph if—

"(A) the facility meets the needs of the Veterans' Administration or is adaptable to meet such needs at cost that does not exceed the cost of construction of a medical facility to meet such needs; and

"(B) the cost of operating the facility (after adaptation, if necessary) is not expected to exceed the cost of operating a new medical facility.".

SEC. 3. (a) For the purposes of this section, the term "medical facility" has the same meaning as provided in section 5001(3) of title 38, United States Code.

(b)(1) The Administrator of Veterans' Affairs shall carry out a pilot program to determine the most cost-effective method or methods of acquiring medical facilities for the Veterans' Administration. Under the pilot program, the Administrator shall ac-

quire medical facilities using the methods set out in subsection (c).

(2) Not later than January 1, 1987, the Administrator shall enter into the contracts required by subsection (c) to carry out the pilot program. The Administrator shall carry out the program for such period, ending not less than 5 years after such date, as the Administrator determines to be appropriate.

(c)(1) The Administrator of Veterans' Affairs shall enter into a contract with an appropriate entity to construct and operate a nursing home for the Veterans' Administration. Under the contract, the Veterans' Administration shall furnish the funds for construction of the nursing home. The contract shall provide that the contractor shall operate the nursing home for 5 years after completing the construction and that the Administrator may renew the contract for an additional term not to exceed 5 years. The contract shall include a provision that the Veterans' Administration shall refer a sufficient number of eligible veterans who require nursing home care to the nursing home to assure an 80 percent occupancy rate for the nursing home for the term of the contract. All rights, title, and interest in the nursing home constructed under a contract entered into pursuant to this paragraph shall vest in the United States.

(2) The Administrator shall enter into a contract with an appropriate entity to plan for, design, and construct a medical facility for the Veterans' Administration and to lease or sell the facility to the Veterans' Administration as the Administrator may direct. The Veterans' Administration shall operate the medical facility using Veterans' Administration employees.

(3)(A) The administrator shall acquire two existing medical facilities as provided in subparagraph (B). The Veterans' Adminstration shall operate the medical facilities using Veterans' Administration employees.

(B) In carrying out subparagraph (A), the Administrator shall—

(i) purchase one medical facility that is located in an urban area and that is suitable for furnishing both hospital and nursing home services; and

(ii) lease one medical facility that is located in an urban area.

(d) The Administrator shall transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an annual report on the administration of the pilot program and a final report promptly after the termination of the pilot program.

SEC. 4. Not later than 90 days after the date of enactment of this Act, the Administrator of Veterans' Affairs shall transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on (1) the extent to which the Veterans' Administration furnishes respite care to elderly veterans and to disabled veterans and (2) the Veterans' Administration plans for furnishing such care to such veterans in the future. The Administrator shall include in the report an estimate of cost savings likely to result from increasing the allocation of Veterans' Administration resources to respite care and other adult day health care and decreasing the allocation of such resources to long-term institutional care.

SEC. 5. (a) Not later than 90 days after the date of enactment of this Act, the Administrator of Veterans' Affairs shall transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an estimate of the cost of increasing the number of community-based nursing home beds available to the Veterans' Administration by 50 percent and an estimate of the cost of increasing the number of community-based nursing home beds available to the Veterans' Administration by 75 percent. The estimates shall specify the cost savings likely to result from reduced construction of medical facilities for the Veterans' Administration and a comparison of the cost per patient per day for care furnished in medical facilities owned by the United States and operated by the Veterans' Administration and the cost per patient per day for care furnished in other medical facilities under the jurisdiction of the administrator.

(b) The Administrator of Veterans' Affairs is encouraged to place, through increased use of his authority to contract for medical facilities, as many eligible veterans as practicable in nursing homes located in the veterans' communities in the case of eligible veterans residing in areas other than urban areas.

SEC. 6. (a) The Administrator of Veterans' Affairs shall use not more than $25,000,000 of the working reserve funds available to the Veterans' Administration for fiscal year 1986 to purchase an urban medical facility for the purpose of carrying out section 3(c)(3)(B)(i).

(b) The President shall include in the budget submitted to the Congress under section 1105(a) of title 31, United States Code, for fiscal year 1987, a statement of the estimated expenditures and proposed appropriations necessary to carry out the pilot program required by section 3 in such fiscal year. The statement shall include the estimated expenditures and proposed appropriations necessary—

(1) to acquire medical facilities as provided in section 3(b) (other than estimated expenditures for which working reserve funds are required to be used as provided in subsection (a) of this section) and to renovate such facilities, if necessary; and

(2) to pay the personnel and other costs of operating the facilities.

(c) The Administrator shall achieve savings in the costs of operating medical facilities under the jurisdiction of the Administrator during fiscal year 1987 in a total amount sufficient to offset the personnel and other operating costs referred to in clause (2) of the second sentence of subsection (b). The Administrator shall achieve the cost savings by reallocating resources of the Veterans' Administration to the medical facilities referred to in subsection (b) from other medical facilities under the jurisdiction of the Administrator that have a surplus of beds, are underutilized, or are converted to perform new missions.●

● Mr. DENTON. Mr. President, I am pleased to join with my colleague from Minnesota, Senator BOSCHWITZ, to introduce legislation to provide for the "Veterans' Health Care Promotion Act of 1985." The legislation is particularly appropriate at a time when we are concerned about providing adequate medical care for our veterans, both nursing homes and hospitals, but face an increasing necessity to reduce the Federal budget.

For each of the 5 years that I have been a member of the Committee on Veterans Affairs, the VA has requested large sums of money to build new hospitals to serve our veterans. The costs of the new hospitals are substantial, and we see with some frequency the construction of large, modern, expensive facilities in localities where it is difficult to justify the size and the cost.

I have taken a quick look at the costs of recently activated VA hospital facilities, and I think that it is kind of interesting. For 10 hospitals activated between 1973 and 1984, ranging in size from 205 beds to 1,305 beds, the costs per bed of the total project, in 1984 dollars, ranged from a low of $95,000 to a high of $313,000. The average cost per bed for the 5,951 beds built with $1,117 million (1984 dollars) was about $188,000.

I must say, Mr. President, that I have not noticed any inclination on the part of the Veterans' Administration to deal with that problem by finding less expensive or more cost-effective ways to provide necessary new or replacement beds. Indeed, the VA takes pride in the fact that it has not in its history acquired existing hospitals—other than its initial taking over of existing military hospitals—and that it builds new facilities of the most modern and, I must say, most expensive kind.

Everyone who has looked at the problem says that if the VA is going to continue to add hospitals, it needs to find a less expensive way to do it. The Congressional Budget Office, the Office of Management and Budget, and the VA itself have all said that the VA may well have to, or should, consider the lease or purchase of existing hospital facilities. Yet I have yet to see any action from the VA to explore or implement that concept.

The same general situation applies to nursing homes, which are of increasing importance as our veterans population grows older. The demographics tell us that we do face a problem with the massive population of World War II veterans who are reaching the point where they will need increased access to both nursing home and hospital care.

The VA already has the authority to purchase or lease existing medical facilities, which includes nursing homes as well as hospitals, but has not yet done so, and has not shown an active interest in exploring the possibility. That is one reason that I believe that the pilot program provided by the bill will be of great value.

The problem has been brought home to me by a situation in my State that seems to provide an unexcelled opportunity.

As background, it is important to understand that the VA planning process for the medical district that includes Alabama, the Florida Panhandle, and southeastern Mississippi has for several years provided for the construction of a new VA hospital, in the 1990's, to serve the veterans located in the Florida Panhandle, south Alabama, and a

small portion of Georgia. The new hospital is, however, only in the long-range plan, and the VA has not yet gotten to the point of including it in its actual construction plan.

We are, therefore, talking about an expensive new hospital to be built at some future time when costs will be higher and the budget tighter than it is now. In the meanwhile, an identified need goes unsatisfied, and the veterans and other interested parties can only hope that current plans ultimately come to fruition.

It is, nonetheless, clear that the VA has accepted the need for a new hospital in the region.

Last year, and by coincidence, a very fine private hospital in Mobile, AL—Providence Hospital—became available because its owners and operators, the Sisters of Mercy, are building a new hospital in a different part of town. They are not building a new hospital because there is anything wrong with the old one, large parts of which are new and all of which is well maintained. They are building because of a perception that their service mission required a different location.

The veterans in the area saw the availability of Providence as a boon to address a situation in which it was clear that the VA itself saw the need for a new hospital but in which that new hospital would be many years in the making and cost a great deal of money. They developed the view that the VA, the taxpayers, and the veterans would be better served if the VA acquired Providence as a VA facility rather than building a new hospital.

There were some additional considerations that were involved in the decision. Providence Hospital is relatively large, with 349 acute care beds, and has an adjacent 126-bed school of nursing which could be used for a veterans' nursing home. There are no nursing home beds currently available in south Alabama. The grounds are about 15,3 acres, with 1,000 paved parking spaces. There is a residence with space to house 13 employees. The hospital has the most modern facilities and equipment, all of which are available for purchase. In addition, the hospital could easily be a very good tertiary care facility because of its existing capabilities and the possibility of affiliating with a good medical school in Mobile. And the price is right, about $24 million.

I repeat, about $24 million. That is not much more than the cost for the design—just the design—of a new hospital now underway in a major city in another part of the country. As someone remarked the other day, this is the best deal around.

The veterans approached me with their idea. I confess that I was relatively cool to it at first because it looked too good to be true. Nonetheless, I asked the VA to take a look at the hospital to see whether, in physical terms, it would be usable.

The VA agreed to take a look at Providence, and did so with a professional team from the Office of Construction in the Department of Medicine and Surgery. Let me quote a couple of statements from the conclusions of its report, over the signature of the Director, Facility Planning Service, Department of Medicine and Surgery:

> The VA team concluded that the Providence Hospital is well maintained and in generally good condition. The newest construction is in excellent condition . . . It is the team's belief that if a programmatic determination were made to establish a VA medical center in Mobile, the Providence Hospital could be adapted to serve in this role. A detailed analysis would be needed to determine the cost of modifying Providence and thus the true costs of acquisition.

That's the VA's own people speaking, Mr. President. It struck me, and everyone else who has read the report, as a pretty good conclusion. What it meant, of course, was that there was nothing inherent to the hospital and its facilities that militated against its possible conversion to a VA facility.

In addition, the chairman of the Veterans' Affairs Committee in the other body asked one of his senior people to look at the situation. That look, by an experienced and knowledgeable individual, suggested that "the matter be further pursued with the Administrator of Veterans' Affairs," with some additional recommendations, and I quote in part:

> . . . the Administrator be urged to give serious consideration to the acquisition of Providence Hospital, Mobile, AL.

The report went on to say that if the VA wants to put a hospital in that region and does not want to use Providence, it should be made to show in detail why Providence is not suitable or economical, and to show that staffing and quality of care would be as easily done and as good elsewhere as it would be in Mobile.

That position seems pretty strong to me, and certainly suggests that the matter should be looked at fully and carefully.

I won't go into detail with all the other arguments for this particular way of addressing the needs of the veterans in that part of the country. I will say, however, that the merits of the case seem so compelling to me that I would support a close look at the situation no matter where it might be found, anywhere in the country.

Yet the VA cannot seem to get very interested in the problem. There are some reasons for that, although they do not seem to me to be compelling when one looks at the costs involved and the potential savings.

If we use an average cost per bed for a new hospital in 1984 dollars, which the VA has given as about $300,000 per bed in this location, a 225-bed new hospital to serve the veterans in the region would cost something like $67.5 million. I doubt that there are very many of us who do not expect that the cost would increase substantially, in both dollar and real terms, by the time that the VA gets around to building that hospital, if it gets around to it at all.

By contrast, Providence could be bought as is, and fully equipped, for something like $25 million. With 349 beds, the cost per bed would be $71,500. Even if we assume that it might cost, say, $15 million—and I seriously doubt that it would cost anything like that—to convert the facility to VA standards and usage patterns, the cost per bed is only $115,000, or about one-third of the estimated cost that we might expect for new construction. And there is a lot of other stuff that comes free for that price, such as a facility that would serve well as a nursing home.

In other words, we could save a minimum of $25 or $30 million over the total cost of new construction, get more beds and a lot of other things in the bargain, and have an operating hospital several years sooner. After all, it takes something like 4 to 8 years from initial funding to activation of a hospital.

I do not deny that there are costs involved in saving money in this instance. There would have to be readjustments in hospital service areas, the location in the region may not be ideal—although it is pretty good—and the VA would have to wrench itself out of its traditional pattern of providing hospitals only through new construction.

Nonetheless, the monetary savings would be substantial, and our veterans would benefit greatly. And that's what it is all about.

The bill, Mr. President, provides in section 3 for four pilot projects, each of a different nature and each innovative. One of those is the purchase of an existing urban medical facility that can furnish both hospital and nursing home services. Senator BOSCHWITZ and I had Providence Hospital in Mobile specifically in mind when we drafted that provision.

Mr. President, I believe that our veterans, our taxpayers, and our country will be well served by the bill that Senator BOSCHWITZ and I propose. I know that my colleague has encountered somewhat the same situation in his State as I have in mine, a situation in which there is an opportunity to provide service to veterans in an innovative way that promises reduced cost. I commend him for his initiative in drafting the bill, and I appreciate his courtesy and cooperation in working with me to develop it further.

Mr. President, I urge my colleagues to support the bill. I believe that the

pilot program for which it provides will be successful, and that it will set us on a course that will benefit veterans in every State throughout our country. It will demonstrate that we can provide effective and efficient service to our veterans by the use of innovative approaches to facilities. Moreover, I believe that the VA will find the experience so congenial that it will take the initiative in further acquisition of facilities, whether nursing homes, hospitals, or replacements for current VA facilities when necessary.●

By Mr. HART:

S. 1008. A bill to provide for a demonstration program in which a limited number of States would be permitted to provide unemployment compensation to individuals for the purpose of funding self-employment; to the Committee on Finance.

SELF-EMPLOYMENT OPPORTUNITY ACT

● Mr. HART. Mr. President, today I am introducing the Self-Employment Opportunity Act of 1985. This legislation will encourage the development of entrepreneurial talent and the creation of new jobs in the areas of our country that are suffering dislocations as a result of our economic transition. This Nation has experienced massive layoffs in many of our traditional manufacturing industries, and the noninflationary rate of unemployment continues to hover at 7 percent. Mr. President, we must examine new programs to enable unemployed workers to become, once again, productive members of our economy.

The Self-Employment Opportunity Act will examine one such exciting program. Currently, recipients of unemployment compensation are prohibited from engaging in self-employment activity due to State and Federal requirements relating to availability for work or refusal to accept suitable work. Under the legislation, 5 to 10 States will enter into an agreement with the Secretary of Labor to permit a limited number of unemployment compensation recipients to receive their benefits while starting a new business. The States would be given flexibility in establishing guidelines for their self-employment programs. The results of these pilot programs will be carefully evaluated by the Secretary of Labor at the completion of the 4-year demonstration project.

The dilemma posed by long-term structural unemployment challenges us to rethink the notion that the unemployment compensation system exists only to provide temporary income support. We must update a system that operates solely to provide support payments and prohibits the unemployed worker from taking steps to return to the ranks of the employed by receiving essential, retraining or attempting self-employment.

Britain and France initiated programs, now adopted in several European nations, that permit unemployed workers to use their benefits while establishing a small business. The French program allows unemployment compensation recipients to receive their first 6 months of benefits in a lump sum, for the intitial capitalization of their business. The British scheme permits unemployment recipients to receive regular weekly unemployment benefits during a business startup period.

Results of data gathered on the British scheme, a program similar to that proposed in this bill, indicate that 88 percent of firms survive the first crucial year of operation. These firms created an average of 1.7 jobs per company. As the firms become stable and profitable, the taxes they contribute increase government revenues.

Such programs demonstrate that entrepreneurial ability is not unique to MBA graduates or Ph.D.'s in computer engineering. But, every potential entrepreneur requires, at a minimum, a means for livelihood during the startup phase of an enterprise.

A Federal Government policy that allows the provision of unemployment compensation benefits to struggling entrepreneurs can be effectively combined with State, local, and private sector assistance. Under the bill, each State established essential guidelines for choosing up to 5 percent of its unemployment compensation recipients as participants in the program. The States monitor their progress and provide the kinds of assistance now entrepreneurs require to succeed.

Most of the businesses established under this program, of course, will not be large-scale capital ventures. But the opportunity provided to unemployed workers under this scheme to create jobs for themselves—to operate a small restaurant, a day care program at home or an automobile repair business—will offer them renewed hope, motivation, and pride.

The program established by the Self-Employment Opportunity Act, even if established throughout the Nation at a future time, represents only a small part of what must be a comprehensive strategy to deal with the critical problem of long-term, structural unemployment. Our Nation must search for innovative solutions to the problems created by an economy that is experiencing a massive shift in its employment base. To create an unemployment compensation system that offers hope rather than despair to our jobless workers, we must experiment with creative approaches to enable them to emerge as self-sufficient contributors to a productive national economy.●

ADDITIONAL COSPONSORS

S. 84

At the request of Mr. INOUYE, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Mississippi [Mr. COCHRAN], the Senator from Ohio [Mr. GLENN], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 84, a bill to incorporate the Pearl Harbor Survivors Association.

S. 89

At the request of Mr. INOUYE, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Nevada [Mr. HECHT] were added as cosponsors of S. 89, a bill to recognize the organization known as the National Academies of Practice.

S. 177

At the request of Mr. HART, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 177, a bill to authorize a national program of improving the quality of education.

S. 281

At the request of Mr. PRYOR, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 281, a bill to amend the Internal Revenue Code of 1954 to add a section dealing with public safety vehicles.

S. 361

At the request of Mr. MOYNIHAN, the name of the Senator from Missouri [Mr. EAGLETON], was added as a cosponsor of S. 361, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 408

At the request of Mr. WEICKER, the names of the Senator from Mississippi [Mr. STENNIS], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 408, a bill to amend the Small Business Act to provide program levels, salary and expense levels, and authorizations for the Small Business Administration's programs for fiscal years 1986, 1987, and 1988, and for other purposes.

S. 425

At the request of Mr. GOLDWATER, the name of the Senator from Michigan [Mr. RIEGLE], was added as a cosponsor of S. 425, a bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases.

S. 484

At the request of Mr. HATCH, the name of the Senator from Nebraska [Mr. ZORINSKY], was added as a cosponsor of S. 484, a bill to amend the Saccharin Study and Labeling Act.

S. 625

At the request of Mrs. HAWKINS, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 625, a bill to include the offenses relating to sexual exploitation of children under the provisions of RICO and authorize civil suits on behalf of victims of child pornography and prostitution.

S. 631

At the request of Mr. CHAFFE, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 631, a bill to amend the Securities Exchange Act of 1934.

S. 632

At the request of Mr. CHAFFE, the name of the Senator from New Mexico [Mr. DOMINICI] was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1954 to require a mandatory section 338 election in hostile stock takeovers, and for other purposes.

S. 657

At the request of Mr. THURMOND, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 657, a bill to establish the Veterans' Administration as an executive department.

S. 664

At the request of Mr. NICKLES, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of S. 664, a bill to facilitate the competitiveness of exports of U.S. agricultural commodities.

S. 680

At the request of Mr. THURMOND, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 680, a bill to achieve the objectives of the Multi-Fiber Arrangement and to promote the economic recovery of the U.S. textile and apparel industry and its workers.

S. 746

At the request of Mr. CHILES, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 746, a bill to require the National Drug Enforcement Policy Board to provide a comprehensive assessment of the designer drug problem and make recommendations to Congress for necessary legislation.

S. 777

At the request of Mr. HEINZ, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 777, a bill to amend the Tax Equity and Fiscal Responsibility Act of 1982 to extend hospice benefits under the Medicare Program for an additional 3 years.

S. 850

At the request of Mr. THURMOND, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 850, a bill to create a Federal criminal offense for operating or directing the operation of a common carrier while intoxicated or under the influence of drugs.

S. 869

At the request of Mr. MITCHELL, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 869, a bill to provide that the pensions received by retired judges who are assigned to active duty shall not be treated as wages for purposes of the Social Security Act.

S. 899

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 899, a bill granting the consent of Congress to the Midwest Interstate Compact on Low-level Radioactive Waste Management.

S. 925

At the request of Mr. HUMPHREY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 925, a bill to deny most-favored-nation trading status to Afghanistan.

S. 930

At the request of Mr. NICKLES, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 930, a bill to amend the Commodity Credit Corporation Charter to exempt all agricultural exports from cargo preference requirements.

S. 945

At the request of Mr. THURMOND, the name of the Senator from Nevada [Mr. LAXALT] was added as a cosponsor of S. 945, a bill to recognize the organization known as the National Association of State Directors of Veterans' Affairs, Inc.

SENATE JOINT RESOLUTION 20

At the request of Mr. SYMMS, the name of the Senator from Nevada [Mr. LAXALT] was added as a cosponsor of Senate Joint Resolution 20, a joint resolution proposing an amendment to the Constitution of the United States with respect to the English language.

SENATE JOINT RESOLUTION 57

At the request of Mr. CHILES, the names of the Senator from Alabama [Mr. DENTON], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 57, a joint resolution to designate the week of October 20, 1985, through October 26, 1985, as "Lupus Awareness Week."

SENATE JOINT RESOLUTION 92

At the request of Mr. DENTON, the names of the Senator from Idaho [Mr. MCCLURE], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of Senate Joint Resolution 92, a joint resolution to designate October 1985 as "National Foster Grandparents Month."

SENATE JOINT RESOLUTION 102

At the request of Mr. ZORINSKY, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 102, a joint resolution to establish a National Commission on Illiteracy.

SENATE JOINT RESOLUTION 123

At the request of Mr. MOYNIHAN, the names of the Senator from Connecticut [Mr. WEICKER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Hawaii [Mr. INOUYE], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of Senate Joint Resolution 123, a joint resolution to designate Dr. Jonas Salk Day.

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Concurrent Resolution 14, a concurrent resolution to express the sense of the Congress that Josef Mengele should be brought to justice.

SENATE RESOLUTION 130

At the request of Mr. WALLOP, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Hawaii [Mr. INOUYE], the Senator from Alabama [Mr. HEFLIN], and the Senator from Connecticut [Mr. WEICKER] were added as cosponsors of Senate Resolution 130, a resolution relative to the Sport Fish Restoration Trust Fund.

SENATE RESOLUTION 140

At the request of Mr. BENTSEN, the names of the Senator from Missouri [Mr. EAGLETON], the Senator from California [Mr. WILSON], the Senator from Kentucky [Mr. FORD], the Senator from Florida [Mrs. HAWKINS], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Oklahoma [Mr. BOREN], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Resolution 140, a resolution urging the President to impose a trade boycott and embargo against Nicaragua.

AMENDMENTS SUBMITTED

DOLE (AND DOMENICI) AMENDMENT NO. 37

Mr. DOLE (for himself and Mr. DOMENICI) proposed an amendment to the concurrent resolution (S. Con. Res. 32) setting forth the congressional budget for the U.S. Government for the fiscal years 1986, 1987, and 1988 and revising the congressional budget for the U.S. Government for the fiscal year 1985; as follows:

Strike all after the resolving clause and insert in lieu thereof the following:

That the Congress hereby determines and declares that the concurrent resolution on

the budget for fiscal year 1985 is revised and replaced, the first concurrent resolution on the budget for fiscal year 1986 is established, and the appropriate budgetary levels for fiscal years 1987 and 1988 are set forth.

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1984, October 1, 1985, October 1, 1986, and October 1, 1987:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1985: $736,200,000,000.
Fiscal year 1986: $793,800,000,000.
Fiscal year 1987: $866,600,000,000.
Fiscal year 1988: $956,200,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1985: $0.
Fiscal year 1986: $1,100,000,000.
Fiscal year 1987: $2,300,000,000.
Fiscal year 1988: $3,700,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1985: $44,800,000,000.
Fiscal year 1986: $51,000,000,000.
Fiscal year 1987: $56,100,000,000.
Fiscal year 1988: $61,300,000,000.

and the amounts for Federal Insurance Contributions Act revenues for old-age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1985: $186,200,000,000.
Fiscal year 1986: $200,700,000,000.
Fiscal year 1987: $216,900,000,000.
Fiscal year 1988: $248,300,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1985: $1,055,500,000,000.
Fiscal year 1986: $1,070,500,000,000.
Fiscal year 1987: $1,133,600,000,000.
Fiscal year 1988: $1,210,000,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1985: $949,100,000,000.
Fiscal year 1986: $964,400,000,000.
Fiscal year 1987: $1,010,000,000,000.
Fiscal year 1988: $1,058,500,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1985: $212,900,000,000.
Fiscal year 1986: $170,600,000,000.
Fiscal year 1987: $143,400,000,000.
Fiscal year 1988: $102,300,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1985: $1,849,300,000,000.
Fiscal year 1986: $2,090,300,000,000.
Fiscal year 1987: $2,316,900,000,000.
Fiscal year 1988: $2,529,300,000,000.

and the amounts by which the statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1985: $25,500,000,000.
Fiscal year 1986: $241,000,000,000.
Fiscal year 1987: $226,600,000,000.
Fiscal year 1988: $212,400,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1984, October 1, 1985, October 1, 1986, and October 1, 1987, are as follows:

Fiscal year 1985:
(A) New direct loan obligations, $53,500,000,000.
(B) New primary loan guarantee commitments, $69,300,000,000.
(C) New secondary loan guarantee commitments, $68,200,000,000.

Fiscal year 1986:
(A) New direct loan obligations, $33,900,000,000.
(B) New primary loan guarantee commitments, $73,600,000,000.
(C) New secondary loan guarantee commitments, $68,200,000,000.

Fiscal year 1987:
(A) New direct loan obligations, $32,700,000,000.
(B) New primary loan guarantee commitments, $73,600,000,000.
(C) New secondary loan guarantee commitments, $68,200,000,000.

Fiscal year 1988:
(A) New direct loan obligations, $32,200,000,000.
(B) New primary loan guarantee commitments, $78,300,000,000.
(C) New secondary loan guarantee commitments, $68,200,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1985 through 1988 for each major functional category are:

(1) National Defense (050):

Fiscal year 1985:
(A) New budget authority, $292,600,000,000.
(B) Outlays, $252,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $302,500,000,000.
(B) Outlays, $273,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:
(A) New budget authority, $323,400,000,000.
(B) Outlays, $292,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1988:
(A) New budget authority, $346,800,000,000.
(B) Outlays, $313,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1985:
(A) New budget authority, $25,300,000,000.
(B) Outlays, $18,000,000,000.
(C) New direct loan obligations, $11,500,000,000.
(D) New primary loan guarantee commitments, $10,300,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $21,200,000,000.
(B) Outlays, $17,600,000,000.
(C) New direct loan obligations, $9,400,000,000.
(D) New primary loan guarantee commitments, $12,300,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:
(A) New budget authority, $20,100,000,000.
(B) Outlays, $17,100,000,000.
(C) New direct loan obligations, $9,000,000,000.
(D) New primary loan guarantee commitments, $12,300,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1988:
(A) New budget authority, $20,500,000,000.
(B) Outlays, $16,800,000,000.
(C) New direct loan obligations, $9,200,000,000.
(D) New primary loan guarantee commitments, $12,300,000,000.
(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1985:
(A) New budget authority, $9,100,000,000.
(B) Outlays, $8,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $8,800,000,000.
(B) Outlays, $8,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:
(A) New budget authority, $9,000,000,000.
(B) Outlays, $8,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1988:
(A) New budget authority, $9,300,000,000.
(B) Outlays, $9,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1985:
(A) New budget authority, $1,600,000,000.
(B) Outlays, $6,500,000,000.
(C) New direct loan obligations, $2,600,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $5,500,000,000.
(B) Outlays, $5,400,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $4,100,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:
(A) New budget authority, $5,500,000,000.
(B) Outlays, $4,900,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1988:
(A) New budget authority, $5,000,000,000.
(B) Outlays, $4,200,000,000.

(C) New direct loan obligations, $2,200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1985:
(A) New budget authority, $12,700,000,000.
(B) Outlays, $13,100,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $12,100,000,000.
(B) Outlays, $12,400,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $12,200,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $12,700,000,000.
(B) Outlays, $12,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1985:
(A) New budget authority, $24,800,000,000.
(B) Outlays, $21,000,000,000.
(C) New direct loan obligations, $13,800,000,000.
(D) New primary loan guarantee commitments, $5,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $20,400,000,000.
(B) Outlays, $17,600,000,000.
(C) New direct loan obligations, $14,300,000,000.
(D) New primary loan guarantee commitments, $5,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $20,200,000,000.
(B) Outlays, $19,100,000,000.
(C) New direct loan obligations, $13,100,000,000.
(D) New primary loan guarantee commitments, $5,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $19,700,000,000.
(B) Outlays, $18,900,000,000.
(C) New direct loan obligations, $12,800,000,000.
(D) New primary loan guarantee commitments, $5,800,000,000.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1985:
(A) New budget authority, $12,600,000,000.
(B) Outlays, $5,600,000,000.
(C) New direct loan obligations, $6,600,000,000.
(D) New primary loan guarantee commitments, $27,000,000,000.
(E) New secondary loan guarantee commitments, $68,200,000,000.
Fiscal year 1986:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $2,800,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $26,500,000,000.
(E) New secondary loan guarantee commitments, $68,200,000,000.
Fiscal year 1987:
(A) New budget authority, $4,500,000,000.
(B) Outlays, $600,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $28,100,000,000.
(E) New secondary loan guarantee commitments, $68,200,000,000.
Fiscal year 1988:
(A) New budget authority, $5,000,000,000.
(B) Outlays, $2,500,000,000.
(C) New direct loan obligations, $3,000,000,000.
(D) New primary loan guarantee commitments, $29,800,000,000.
(E) New secondary loan guarantee commitments, $68,200,000,000.
(8) Transportation (400):
Fiscal year 1985:
(A) New budget authority, $29,600,000,000.
(B) Outlays, $26,100,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $27,000,000,000.
(B) Outlays, $26,100,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $28,500,000,000.
(B) Outlays, $27,700,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $28,200,000,000.
(B) Outlays, $27,600,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1985:
(A) New budget authority, $8,400,000,000.
(B) Outlays, $8,700,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $7,700,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $6,900,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $6,600,000,000.
(B) Outlays, $6,400,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1985:
(A) New budget authority, $31,500,000,000.
(B) Outlays, $30,300,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $8,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $28,900,000,000.
(B) Outlays, $29,700,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $9,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $29,500,000,000.
(B) Outlays, $28,900,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $9,400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $29,700,000,000.
(B) Outlays, $29,100,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $9,600,000,000.
(E) New secondary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1985:
(A) New budget authority, $33,600,000,000.
(B) Outlays, $33,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $34,900,000,000.
(B) Outlays, $35,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $37,400,000,000.
(B) Outlays, $37,100,000,000.
(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $40,000,000,000.
(B) Outlays, $39,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Medical Insurance (570):
Fiscal year 1985:
(A) New budget authority, $71,800,000,000.
(B) Outlays, $65,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $82,200,000,000.
(B) Outlays, $68,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $90,800,000,000.
(B) Outlays, $74,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $93,500,000,000.
(B) Outlays, $82,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1985:
(A) New budget authority, $162,800,000,000.
(B) Outlays, $128,600,000,000.
(C) New direct loan obligations, $14,300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $155,500,000,000.
(B) Outlays, $116,900,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $165,400,000,000.
(B) Outlays, $120,300,000,000.
(C) New direct loan obligations, $2,300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $174,300,000,000.
(B) Outlays, $125,000,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1985:
(A) New budget authority, $195,500,000,000.
(B) Outlays, $189,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $211,600,000,000.
(B) Outlays, $194,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $226,000,000,000.
(B) Outlays, $206,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $266,700,000,000.
(B) Outlays, $220,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1985:
(A) New budget authority, $27,200,000,000.
(B) Outlays, $26,300,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $16,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $26,800,000,000.
(B) Outlays, $26,000,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $15,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $27,000,000,000.
(B) Outlays, $26,300,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $17,400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $27,400,000,000.
(B) Outlays, $26,800,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $20,100,000,000.
(E) New secondary loan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1985:
(A) New budget authority, $6,600,000,000.
(B) Outlays, $6,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $6,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $6,900,000,000.
(B) Outlays, $6,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $7,000,000,000.
(B) Outlays, $7,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1985:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $5,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,200,000,000.
(B) Outlays, $5,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $5,300,000,000.
(B) Outlays, $5,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $5,400,000,000.
(B) Outlays, $5,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1985:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $6,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $4,200,000,000.
(B) Outlays, $4,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $4,300,000,000.
(B) Outlays, $4,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:

(A) New budget authority, $2,100,000,000.
(B) Outlays, $2,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1985:
(A) New budget authority, $129,700,000,000.
(B) Outlays, $129,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $142,300,000,000.
(B) Outlays, $142,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $151,600,000,000.
(B) Outlays, $151,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $153,200,000,000.
(B) Outlays, $153,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(20) Allowances (920):
Fiscal year 1985:
(A) New budget authority, $300,000,000.
(B) Outlays, $300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, −$2,200,000,000.
(B) Outlays, −$2,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, −$2,700,000,000.
(B) Outlays, −$2,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, −$2,000,000,000.
(B) Outlays, −$1,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1985:
(A) New budget authority, −$32,400,000,000.
(B) Outlays, −$32,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, −$35,000,000,000.
(B) Outlays, −$35,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, −$37,800,000,000.
(B) Outlays, −$37,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, −$41,100,000,000.
(B) Outlays, −$41,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

RECONCILIATION

SEC. 2. (a) Not later than June 18, 1985, the committees named in subsections (b) through (bb) of this section shall submit their recommendations to the Committees on the Budget of their respective Houses. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

SENATE COMMITTEES

(b) The Senate Committee on Agriculture, Nutrition, and Forestry shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $1,189,000,000 in budget authority and $990,000,000 in outlays in fiscal year 1986, $1,764,000,000 in budget authority and $2,420,000,000 in outlays in fiscal year 1987, and $2,179,000,000 in budget authority and $3,390,000,000 in outlays in fiscal year 1988.

(c) The Senate Committee on Armed Services shall report changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to achieve savings of $531,000,000 in budget authority and $639,000,000 in outlays in fiscal year 1986, $745,000,000 in budget authority and $1,210,000,000 in outlays in fiscal year 1987, and $838,000,000 in budget authority and $1,718,000,000 in outlays in fiscal year 1988.

(d) The Senate Committee on Banking, Housing, and Urban Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $8,640,000,000 in budget authority and $4,083,000,000 in outlays in fiscal year 1986, $9,387,000,000 in budget authority and $6,685,000,000 in outlays in fiscal year 1987, and $10,178,000,000 in budget authority and $8,287,000,000 in outlays in fiscal year 1988.

(e) The Senate Committee on Commerce, Science, and Transportation shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $1,998,000,000 in budget authority and $1,653,000,000 in outlays in fiscal year 1986, $407,000,000 in budget authority and $403,000,000 in outlays in fiscal year 1987, and $510,000,000 in budget authority and $536,000,000 in outlays in fiscal year 1988.

(f) The Senate Committee on Energy and Natural Resources shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $2,962,000,000 in budget authority and $2,253,000,000 in outlays in fiscal year 1986, $2,723,000,000 in budget authority and $2,569,000,000 in outlays in fiscal year 1987, and $2,720,000,000 in budget authority and $2,814,000,000 in outlays in fiscal year 1988.

(g) The Senate Committee on Environment and Public Works shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $719,000,000 in budget authority and $306,000,000 in outlays in fiscal year 1986, $1,208,000,000 in budget authority and $1,451,000,000 in outlays in fiscal year 1987, and $1,720,000,000 in budget authority and $2,112,000,000 in outlays in fiscal year 1988.

(h) The Senate Committee on Finance shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $0 in budget authority and $12,054,000,000 in outlays in fiscal year 1986, $0 in budget authority and $17,541,000,000 in outlays in fiscal year 1987, and $0 in budget authority and $22,267,000,000 in outlays in fiscal year 1988.

(i) The Senate Committee on Foreign Relations shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $447,000,000 in budget authority and $357,000,000 in outlays in fiscal year 1986, $1,076,000,000 in budget authority and $626,000,000 in outlays in fiscal year 1987, and $1,379,000,000 in budget authority and $530,000,000 in outlays in fiscal year 1988.

(j) The Senate Committee on Governmental Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, or (3) any combination thereof, sufficient to achieve increases in contributions and savings in budget authority and outlays as follows: $375,000,000 in contributions, $0 in budget authority and $4,276,000,000 in outlays in fiscal year 1986, $1,325,000,000 in contributions, $0 in budget authority and $8,843,000,000 in outlays in fiscal year 1987, and $1,370,000,000 in contributions, $0 in budget authority and $10,417,000,000 in outlays in fiscal year 1988.

(k) The Senate Committee on Labor and Human Resources shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $2,975,000,000 in budget authority and $1,168,000,000 in outlays in fiscal year 1986, $3,452,000,000 in budget authority and $3,009,000,000 in outlays in fiscal year 1987, and $4,078,000,000 in budget authority and $3,872,000,000 in outlays in fiscal year 1988.

(l) The Senate Committee on Small Business shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $1,443,000,000 in budget authority and $978,000,000 in outlays in fiscal year 1986, $1,385,000,000 in budget authority and $1,611,000,000 in outlays in fiscal year 1987, and $1,900,000,000 in budget authority and $1,735,000,000 in outlays in fiscal year 1988.

(m) The Senate Committee on Veterans' Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $973,000,000 in budget authority and $1,059,000,000 in outlays in fiscal year 1986, $1,213,000,000 in budget authority and $1,514,000,000 in outlays in fiscal year 1987, and $1,312,000,000 in budget authority and $1,596,000,000 in outlays in fiscal year 1988.

(n) The Senate Select Committee on Indian Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $192,000,000 in budget authority and $87,000,000 in outlays in fiscal year 1986, $201,000,000 in budget authority and $151,000,000 in outlays in fiscal year 1987, and $213,000,000 in budget authority and $181,000,000 in outlays in fiscal year 1988.

HOUSE COMMITTEES

(o) The House Committee on Agriculture shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $1,189,000,000 in budget authority and $990,000,000 in outlays in fiscal year 1986, $1,764,000,000 in budget authority and $2,420,000,000 in outlays in fiscal year 1987, and $2,179,000,000 in budget authority and $3,390,000,000 in outlays in fiscal year 1988.

(p) The House Committee on Armed Services shall report changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to achieve savings of $531,000,000 in budget authority and $639,000,000 in outlays in fiscal year 1986, $745,000,000 in budget authority and $1,210,000,000 in outlays in fiscal year 1987, and $838,000,000 in budget authority and $1,718,000,000 in outlays in fiscal year 1988.

(q) The House Committee on Banking, Finance and Urban Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $7,581,000,000 in budget authority and $3,860,000,000 in outlays in fiscal year 1986, $8,192,000,000 in budget authority and $6,242,000,000 in outlays in fiscal year 1987, and $8,850,000,000 in budget authority and $7,586,000,000 in outlays in fiscal year 1988.

(r) The House Committee on Education and Labor shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $2,409,000,000 in budget authority and $1,185,000,000 in outlays in fiscal year 1986, $2,809,000,000 in budget authority and $2,765,000,000 in outlays in fiscal year 1987, and $3,336,000,000 in budget authority and $3,506,000,000 in outlays in fiscal year 1988.

(s) The House Committee on Energy and Commerce shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $4,714,000,000 in budget authority and $7,128,000,000 in outlays in fiscal year 1986, $3,464,000,000 in budget authority and $8,975,000,000 in outlays in fiscal year 1987, and $3,618,000,000 in budget authority and $11,977,000,000 in outlays in fiscal year 1988.

(t) The House Committee on Foreign Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $447,000,000 in budget authority and $357,000,000 in outlays in fiscal year 1986, $1,076,000,000 in budget authority and $626,000,000 in outlays in fiscal year 1987, and $1,379,000,000 in budget authority and $530,000,000 in outlays in fiscal year 1988.

(u) The House Committee on Government Operations shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $0 in budget authority and $1,737,000,000 in outlays in fiscal year 1986, $0 in budget authority and $2,594,000,000 in outlays in fiscal year 1987, and $0 in budget authority and $4,632,000,000 in outlays in fiscal year 1988.

(v) The House Committee on Interior and Insular Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $540,000,000 in budget authority and $292,000,000 in outlays in fiscal year 1986, $559,000,000 in budget authority and $402,000,000 in outlays in fiscal year 1987, and $636,000,000 in budget authority and $526,000,000 in outlays in fiscal year 1988.

(w) The House Committee on Merchant Marine and Fisheries shall report (1)

changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $251,000,000 in budget authority and $229,000,000 in outlays in fiscal year 1986, $43,000,000 in budget authority and $102,000,000 in outlays in fiscal year 1987, and $44,000,000 in budget authority and $100,000,000 in outlays in fiscal year 1988.

(x) The House Committee on Post Office and Civil Service shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, or (3) any combination thereof, sufficient to achieve increases in contributions and savings in budget authority and outlays as follows: $375,000,000 in contributions, $0 in budget authority and $4,212,000,000 in outlays in fiscal year 1986, $1,325,000,000 in contributions, $0 in budget authority and $8,694,000,000 in outlays in fiscal year 1987, and $1,370,000,000 in contributions, $0 in budget authority and $10,170,000,000 in outlays in fiscal year 1988.

(y) The House Committee on Public Works and Transportation shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $1,991,000,000 in budget authority and $507,000,000 in outlays in fiscal year 1986, $2,311,000,000 in budget authority and $1,808,000,000 in outlays in fiscal year 1987, and $2,935,000,000 in budget authority and $2,718,000,000 in outlays in fiscal year 1988.

(z) The House Committee on Small Business shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $1,443,000,000 in budget authority and $978,000,000 in outlays in fiscal year 1986, $1,385,000,000 in budget authority and $1,611,000,000 in outlays in fiscal year 1987, and $1,900,000,000 in budget authority and $1,735,000,000 in outlays in fiscal year 1988.

(aa) The House Committee on Veterans' Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $973,000,000 in budget authority and $1,059,000,000 in outlays in fiscal year 1986, $1,213,000,000 in budget authority and $1,514,000,000 in outlays in fiscal year 1987, and $1,312,000,000 in budget authority and $1,596,000,000 in outlays in fiscal year 1988.

(bb) The House Committee on Ways and Means shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: $0 in budget authority and $9,904,000,000 in outlays in fiscal year 1986, $0 in budget authority and $14,488,000,000 in outlays in fiscal year 1987, and $0 in budget authority and $17,260,000,000 in outlays in fiscal year 1988.

APPROPRIATIONS

SEC. 3. (a) It shall not be in order to consider any measure making appropriations in the Senate or House of Representatives, if the enactment of such bill or resolution, as recommended by the respective Committee on Appropriations, would cause the aggregate total budget authority for function 050, National Defense, to exceed $303,200,000,000 in fiscal year 1986; aggregate total budget authority to exceed $324,100,000,000 in fiscal year 1987; and aggregate total budget authority to exceed $347,600,000,000 in fiscal year 1988.

(b) It shall not be in order to consider any measure making appropriations in the Senate or House of Representatives, if the enactment of such bill or resolution, as recommended by the respective Committee on Appropriations, would cause the aggregate total budget authority for nondefense discretionary activities to exceed $136,800,000,000 in fiscal year 1986; aggregate total budget authority to exceed $140,600,000,000 in fiscal year 1987; and aggregate budget authority to exceed $145,600,000,000 in fiscal year 1988.

(c) The provisions of subsection (a) or (b) of this section may be waived or suspended in the Senate by a majority vote of the Members voting, a quorum being present, or by unanimous consent of the Senate.

MISCELLANEOUS PROVISIONS

SEC. 4. If the Congress has not completed action by October 1, 1985, on the concurrent resolution on the budget required to be reported under section 310(a) of the Congressional Budget Act of 1974 for fiscal year 1986, then, for purposes of section 311 of such Act, this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310 of such Act.

SEC. 5. It shall not be in order in the House of Representatives or the Senate during fiscal years 1986 and 1987 to consider any bill, resolution, or amendment, except proposed legislation reported in response to reconciliation instructions contained in this resolution, authorizing new direct loan obligations or new loan guarantee commitments unless that bill, resolution, or amendment also provides that the authority to make or guarantee such loans shall be effective only to such extent and in such amounts as are contained in appropriation acts.

SEC. 6. It is the sense of the Congress that the previous distinction between "unified budget" and "off-budget" spending be ended, and that budget authority and outlays for the so-called "off-budget" agencies be included in the budget totals.

SEC. 7. (a) The Senate finds that—

(1) the existing tax structure of the United States distorts economic activity, leading to an inefficient use of national resources and a weakening of our domestic economic vitality and competitive posture in international markets;

(2) the relative tax burdens among various taxpayer categories are manifestly unfair insofar as they arise from differences in the capabilities of taxpayers to take advantage of complicated tax laws;

(3) the ability of the Federal Government to plan and conduct rational fiscal policy is frustrated by elaborate schemes to avoid taxation and the unintended effects of tax incentives and penalties;

(4) progressive erosion of voluntary compliance threatens the fiscal integrity of our public finances and the confidence of our citizens in the Federal Government's capacity to govern; and

(5) a number of plans, each designed to simplify and reform the Tax Code, have been before the Congress for a time sufficient to allow for extensive analysis and evaluation.

(b) It is therefore the sense of the Senate that tax reform should be adopted as soon as possible, and that it should incorporate the following principles and objectives:

(1) efficiency and responsiveness to market conditions in the economic activities of American businesses and consumers;

(2) simplicity of structure and lower marginal tax rates;

(3) a fair and equitable distribution of the tax burden among all taxpayers, with relief for those below the poverty level, and incentives to bring them into the work force;

(4) a broader tax base, with deductions essential to avoid genuine hardship or to protect the economic security of the American people; and

(5) increased incentives for work, saving, and investment.

SEC. 9. It is the sense of the Senate that because the Senate requires timely reporting of legislative action on spending bills, and because the Senate requires continual control over the budget, the Director of the Congressional Budget Office shall issue a weekly report during periods when the Senate is in session detailing and tabulating the progress of congressional action on bills and resolutions providing new budget authority and changing revenues and the public debt for a fiscal year, including, but not limited to the requirements set forth in Public Law 93-344, section 308(b).

DOLE (AND DOMENICI) AMENDMENT NO. 38

Mr. DOLE (for himself and Mr. DOMENICI) proposed an amendment to amendment No. 37 proposed by them to the concurrent resolution (S. Con. Res. 32), supra; as follows:

In the pending amendment,

On page 2, line 8, strike the figure and insert "$736,200,000,000".

On page 2, line 9, strike the figure and insert "$793,600,000,000".

On page 2, line 10, strike the figure and insert "$866,300,000,000".

On page 2, line 11, strike the figure and insert "$955,900,000,000".

On page 2, line 14, strike the figure and insert "$0".

On page 2, line 15, strike the figure and insert "$900,000,000".
On page 2, line 16, strike the figure and insert "$2,000,000,000".
On page 2, line 17, strike the figure and insert "$3,400,000,000".
On page 2, line 21, strike the figure and insert "$44,800,000,000".
On page 2, line 22, strike the figure and insert "$51,000,000,000".
On page 2, line 23, strike the figure and insert "$56,100,000,000".
On page 2, line 24, strike the figure and insert "$61,300,000,000".
On page 3, line 5, strike the figure and insert "$186,200,000,000".
On page 3, line 6, strike the figure and insert "$200,700,000,000".
On page 3, line 7, strike the figure and insert "$216,900,000,000".
On page 3, line 8, strike the figure and insert "$248,300,000,000".
On page 3, line 11, strike the figure and insert "$1,055,600,000,000".
On page 3, line 12, strike the figure and insert "$1,076,000,000,000".
On page 3, line 13, strike the figure and insert "$1,139,000,000,000".
On page 3, line 14, strike the figure and insert "$1,216,100,000,000".
On page 3, line 17, strike the figure and insert "$949,100,000,000".
On page 3, line 18, strike the figure and insert "$969,000,000,000".
On page 3, line 19, strike the figure and insert "$1,013,100,000,000".
On page 3, line 20, strike the figure and insert "$1,055,700,000,000".
On page 3, line 24, strike the figure and insert "$212,900,000,000".
On page 3, line 25, strike the figure and insert "$175,400,000,000".
On page 4, line 1, strike the figure and insert "$146,800,000,000".
On page 4, line 2, strike the figure and insert "$99,800,000,000".
On page 4, line 5, strike the figure and insert "$1,849,300,000,000".
On page 4, line 6, strike the figure and insert "$2,088,000,000,000".
On page 4, line 7, strike the figure and insert "$2,316,300,000,000".
On page 4, line 8, strike the figure and insert "$2,529,300,000,000".
On page 4, line 11, strike the figure and insert "$25,500,000,000".
On page 4, line 12, strike the figure and insert "$238,700,000,000".
On page 4, line 13, strike the figure and insert "$228,300,000,000".
On page 4, line 14, strike the figure and insert "$213,100,000,000".
On page 4, line 21, strike the figure and insert "$52,900,000,000".
On page 4, line 23, strike the figure and insert "$69,200,000,000".
On page 4, line 25, strike the figure and insert "$68,200,000,000".
On page 5, line 3, strike the figure and insert "$30,000,000,000".
On page 5, line 5, strike the figure and insert "$74,500,000,000".
On page 5, line 7, strike the figure and insert "$68,200,000,000".
On page 5, line 10, strike the figure and insert "$27,400,000,000".
On page 5, line 12, strike the figure and insert "$74,400,000,000".
On page 5, line 14, strike the figure and insert "$68,200,000,000".
On page 5, line 17, strike the figure and insert "$25,600,000,000".
On page 5, line 19, strike the figure and insert "$79,000,000,000".
On page 5, line 21, strike the figure and insert "$68,200,000,000".
On page 6, line 6, strike the figure and insert "$292,600,000,000".
On page 6, line 7, strike the figure and insert "$252,000,000,000".
On page 6, line 8, strike the figure and insert "$0".
On page 6, line 10, strike the figure and insert "$0".
On page 6, line 12, strike the figure and insert "$0".
On page 6, line 15, strike the figure and insert "$312,800,000,000".
On page 6, line 16, strike the figure and insert "$276,100,000,000".
On page 6, line 17, strike the figure and insert "$0".
On page 6, line 19, strike the figure and insert "$0".
On page 6, line 21, strike the figure and insert "$0".
On page 6, line 24, strike the figure and insert "$334,900,000,000".
On page 6, line 25, strike the figure and insert "$298,400,000,000".
On page 7, line 1, strike the figure and insert "$0".
On page 7, line 3, strike the figure and insert "$0".
On page 7, line 5, strike the figure and insert "$0".
On page 7, line 8, strike the figure and insert "$359,600,000,000".
On page 7, line 9, strike the figure and insert "$321,400,000,000".
On page 7, line 10, strike the figure and insert "$0".
On page 7, line 12, strike the figure and insert "$0".
On page 7, line 14, strike the figure and insert "$0".
On page 7, line 17, strike the figure and insert "$25,300,000,000".
On page 7, line 18, strike the figure and insert "$18,000,000,000".
On page 7, line 20, strike the figure and insert "$11,500,000,000".
On page 7, line 22, strike the figure and insert "$10,300,000,000".
On page 7, line 24, strike the figure and insert "$0".
On page 8, line 1, strike the figure and insert "$21,000,000,000".
On page 8, line 2, strike the figure and insert "$17,800,000,000".
On page 8, line 4, strike the figure and insert "$8,200,000,000".
On page 8, line 6, strike the figure and insert "$12,300,000,000".
On page 8, line 8, strike the figure and insert "$0".
On page 8, line 10, strike the figure and insert "$20,200,000,000".
On page 8, line 11, strike the figure and insert "$17,100,000,000".
On page 8, line 13, strike the figure and insert "$7,800,000,000".
On page 8, line 15, strike the figure and insert "$12,300,000,000".
On page 8, line 17, strike the figure and insert "$0".
On page 8, line 19, strike the figure and insert "$20,500,000,000".
On page 8, line 20, strike the figure and insert "$16,600,000,000".
On page 8, line 22, strike the figure and insert "$7,900,000,000,".
On page 8, line 24, strike the figure and insert "$12,300,00,000".
On page 9, line 2, strike the figure and insert "$0".
On page 9, line 5, strike the figure and insert "$9,100,000,000".
On page 9, line 6, strike the figure and insert "$8,700,000,000".
On page 9, line 7, strike the figure and insert "$0".
On page 9, line 9, strike the figure and insert "$0".
On page 9, line 11, strike the figure and insert "$0".
On page 9, line 13, strike the figure and insert "$8,800,000,000".
On page 9, line 14, strike the figure and insert "$8,800,000,000".
On page 9, line 15, strike the figure and insert "$0".
On page 9, line 17, strike the figure and insert "$0".
On page 9, line 19, strike the figure and insert "$0".
On page 9, line 21, strike the figure and insert "$9,000,000,000".
On page 9, line 22, strike the figure and insert "$8,800,000,00".
On page 9, line 23, strike the figure and insert "$0".
On page 9, line 25, strike the figure and insert "$0".
On page 10, line 2, strike the figure and insert "$0".
On page 10, line 4, strike the figure and insert "$9, 300,000,000".
On page 10, line 5, strike the figure and insert "$9,000,000,000".
On page 10, line 6, strike the figure and insert "$0".
On page 10, line 8, strike the figure and insert "$0".
On page 10, line 10, strike the figure and insert "$0".
On page 10, line 13, strike the figure and insert "$1,600,000,000".
On page 10, line 14, strike the figure and insert "$6,500,000,000".
On page 10, line 16, strike the figure and insert "$2,100,000,000".
On page 10, line 18, strike the figure and insert "$100,000,000".
On page 10, line 20, strike the figure and insert "$0".
On page 10, line 22, strike the figure and insert "$5,200,000,000".
On page 10, line 23, strike the figure and insert "$5,100,000,000".
On page 10, line 25, strike the figure and insert "$2,100,000,000".
On page 11, line 2, strike the figure and insert "$4,100,000,000".
On page 11, line 4, strike the figure and insert "$0".
On page 11, line 6, strike the figure and insert "$5,200,000,000".
On page 11, line 7, strike the figure and insert "$4,600,000,000".
On page 11, line 9, strike the figure and insert "$1,400,000,000".
On page 11, line 11, strike the figure and insert "$0".
On page 11, line 13, strike the figure and insert "$0".
On page 11, line 15, strike the figure and insert "$4,900,000,000".
On page 11, line 16, strike the figure and insert "$4,200,000,000".
On page 11, line 18, strike the figure and insert "$1,000,000,000".
On page 11, line 20, strike the figure and insert "$0".
On page 11, line 22, strike the figure and insert "$0".
On page 11, line 25, strike the figure and insert "$12,700,000,000".
On page 12, line 1, strike the figure and insert "$13,100,000,000".
On page 12, line 3, strike the figure and insert "$100,000,000".

On page 12, line 5, strike the figure and insert "$0".
On page 12, line 7, strike the figure and insert "$0".
On page 12, line 9, strike the figure and insert "$12,100,000,000".
On page 12, line 10, strike the figure and insert "$12,400,000,000".
On page 12, line 12, strike the figure and insert "$100,000,000".
On page 12, line 14, strike the figure and insert "$0".
On page 12, line 16, strike the figure and insert "$0".
On page 12, line 18, strike the figure and insert "$12,500,000,000".
On page 12, line 19, strike the figure and insert "$12,200,000,000".
On page 12, line 21, strike the figure and insert "$100,000,000".
On page 12, line 23, strike the figure and insert "$0".
On page 12, line 25, strike the figure and insert "$0".
On page 13, line 2, strike the figure and insert "$12,700,000,000".
On page 13, line 3, strike the figure and insert "$12,300,000,000".
On page 13, line 4, strike the figure and insert "$0".
On page 13, line 6, strike the figure and insert "$0".
On page 13, line 8, strike the figure and insert "$0".
On page 13, line 11, strike the figure and insert "$24,800,000,000".
On page 13, line 12, strike the figure and insert "$21,000,000,000".
On page 13, line 14, strike the figure and insert "$13,800,000,000".
On page 13, line 16, strike the figure and insert "$5,700,000,000".
On page 13, line 18, strike the figure and insert "$0".
On page 13, line 20, strike the figure and insert "$16,500,000,000".
On page 13, line 21, strike the figure and insert "$13,800,000,000".
On page 13, line 23, strike the figure and insert "$11,700,000,000".
On page 13, line 25, strike the figure and insert "$8,000,000,000".
On page 14, line 2, strike the figure and insert "$0".
On page 14, line 4, strike the figure and insert "$16,400,000,000".
On page 14, line 5, strike the figure and insert "$14,500,000,000".
On page 14, line 7, strike the figure and insert "$10,200,000,000".
On page 14, line 9, strike the figure and insert "$8,000,000,000".
On page 14, line 11, strike the figure and insert "$0".
On page 14, line 13, strike the figure and insert "$13,600,000,000".
On page 14, line 14, strike the figure and insert "$11,500,000,000".
On page 14, line 16, strike the figure and insert "$9,100,000,000".
On page 14, line 18, strike the figure and insert "$8,000,000,000".
On page 14, line 20, strike the figure and insert "$0".
On page 14, line 23, strike the figure and insert "$12,600,000,000".
On page 14, line 24, strike the figure and insert "$5,600,000,000".
On page 15, line 2, strike the figure and insert "$6,500,000,000".
On page 15, line 4, strike the figure and insert "$27,000,000,000".
On page 15, line 6, strike the figure and insert "$68,200,000,000".
On page 15, line 8, strike the figure and insert "$7,200,000,000".
On page 15, line 9, strike the figure and insert "$2,600,000,000".
On page 15, line 11, strike the figure and insert "$2,500,000,000".
On page 15, line 13, strike the figure and insert "$25,200,000,000".
On page 15, line 15, strike the figure and insert "$68,200,000,000".
On page 15, line 17, strike the figure and insert "$3,900,000,000".
On page 15, line 18, strike the figure and insert "$100,000,000".
On page 15, line 20, strike the figure and insert "$2,500,000,000".
On page 15, line 22, strike the figure and insert "$26,700,000,000".
On page 15, line 24, strike the figure and insert "$68,200,000,000".
On page 16, line 1, strike the figure and insert "$4,300,000,000".
On page 16, line 2, strike the figure and insert "$2,000,000,000".
On page 16, line 4, strike the figure and insert "$2,700,000,000".
On page 16, line 6, strike the figure and insert "$28,400,000,000".
On page 16, line 8, strike the figure and insert "$68,200,000,000".
On page 16, line 11, strike the figure and insert "$29,600,000,000".
On page 16, line 12, strike the figure and insert "$26,100,000,000".
On page 16, line 14, strike the figure and insert "$300,000,000".
On page 16, line 16, strike the figure and insert "$300,000,000".
On page 16, line 18, strike the figure and insert "$0".
On page 16, line 20, strike the figure and insert "$26,600,000,000".
On page 16, line 21, strike the figure and insert "$25,600,000,000".
On page 16, line 23, strike the figure and insert "$200,000,000".
On page 16, line 25, strike the figure and insert "$300,000,000".
On page 17, line 2, strike the figure and insert "$0".
On page 17, line 4, strike the figure and insert "$27,100,000,000".
On page 17, line 5, strike the figure and insert "$27,000,000,000".
On page 17, line 7, strike the figure and insert "$100,000,000".
On page 17, line 9, strike the figure and insert "$300,000,000".
On page 17, line 11, strike the figure and insert "$0".
On page 17, line 13, strike the figure and insert "$26,300,000,000".
On page 17, line 14, strike the figure and insert "$26,500,000,000".
On page 17, line 16, strike the figure and insert "$100,000,000".
On page 17, line 18, strike the figure and insert "$300,000,000".
On page 17, line 20, strike the figure and insert "$0".
On page 17, line 23, strike the figure and insert "$8,400,000,000".
On page 17, line 24, strike the figure and insert "$8,700,000,000".
On page 18, line 2, strike the figure and insert "$1,800,000,000".
On page 18, line 4, strike the figure and insert "$200,000,000".
On page 18, line 6, strike the figure and insert "$0".
On page 18, line 8, strike the figure and insert "$5,400,000,000".
On page 18, line 9, strike the figure and insert "$7,600,000,000".
On page 18, line 11, strike the figure and insert "$800,000,000".
On page 18, line 13, strike the figure and insert "$200,000,000".
On page 18, line 15, strike the figure and insert "$0".
On page 18, line 17, strike the figure and insert "$5,800,000,000".
On page 18, line 18, strike the figure and insert "$6,800,000,000".
On page 18, line 20, strike the figure and insert "$700,000,000".
On page 18, line 22, strike the figure and insert "$200,000,000".
On page 18, line 24, strike the figure and insert "$0".
On page 19, line 1, strike the figure and insert "$6,200,000,000".
On page 19, line 2, strike the figure and insert "$6,200,000,000".
On page 19, line 4, strike the figure and insert "$800,000,000".
On page 19, line 6, strike the figure and insert "$200,000,000".
On page 19, line 8, strike the figure and insert "$0".
On page 19, line 12, strike the figure and insert "$31,600,000,000".
On page 19, line 13, strike the figure and insert "$30,300,000,000".
On page 19, line 15, strike the figure and insert "$1,100,000,000".
On page 19, line 17, strike the figure and insert "$8,600,000,000".
On page 19, line 19, strike the figure and insert "$0".
On page 19, line 21, strike the figure and insert "$28,600,000,000".
On page 19, line 22, strike the figure and insert "$29,800,000,000".
On page 19, line 24, strike the figure and insert "$1,100,000,000".
On page 20, line 2, strike the figure and insert "$8,900,000,000".
On page 20, line 4, strike the figure and insert "$0".
On page 20, line 6, strike the figure and insert "$29,400,000,000".
On page 20, line 7, strike the figure and insert "$28,700,000,000".
On page 20, line 9, strike the figure and insert "$1,100,000,000".
On page 20, line 11, strike the figure and insert "$9,200,000,000".
On page 20, line 13, strike the figure and insert "$0".
On page 20, line 15, strike the figure and insert "$29,800,000,000".
On page 20, line 16, strike the figure and insert "$29,000,000,000".
On page 20, line 18, strike the figure and insert "$1,100,000,000".
On page 20, line 20, strike the figure and insert "$9,400,000,000".
On page 20, line 22, strike the figure and insert "$0".
On page 20, line 25, strike the figure and insert "$33,600,000,000".
On page 21, line 1, strike the figure and insert "$33,500,000,000".
On page 21, line 2, strike the figure and insert "$0".
On page 21, line 4, strike the figure and insert "$200,000,000".
On page 21, line 6, strike the figure and insert "$0".
On page 21, line 8, strike the figure and insert "$34,900,000,000".
On page 21, line 9, strike the figure and insert "$35,000,000,000".
On page 21, line 10, strike the figure and insert "$0".
On page 21, line 12, strike the figure and insert "$200,000,000".

On page 21, line 14, strike the figure and insert "$0".
On page 21, line 16, strike the figure and insert "$37,100,000,000".
On page 21, line 17, strike the figure and insert "$36,700,000,000".
On page 21, line 18, strike the figure and insert "$0".
On page 21, line 20, strike the figure and insert "$300,000,000".
On page 21, line 22, strike the figure and insert "$0".
On page 21, line 24, strike the figure and insert "$39,200,000,000".
On page 21, line 25, strike the figure and insert "$38,70,000,000".
On page 22, line 1, strike the figure and insert "$0".
On page 22, line 3, strike the figure and insert "$300,000,000".
On page 22, line 5, strike the figure and insert "$0".
On page 22, line 8, strike the figure and insert "$71,800,000,000".
On page 22, line 9, strike the figure and insert "$65,200,000,000".
On page 22, line 10, strike the figure and insert "$0".
On page 22, line 12, strike the figure and insert "$0".
On page 22, line 14, strike the figure and insert "$0".
On page 22, line 16, strike the figure and insert "$81,600,000,000".
On page 22, line 17, strike the figure and insert "$68,000,000,000".
On page 22, line 18, strike the figure and insert "$0".
On page 22, line 20, strike the figure and insert "$0".
On page 22, line 22, strike the figure and insert "$0".
On page 22, line 24, strike the figure and insert "$90,500,000,000".
On page 22, line 25, strike the figure and insert "$74,100,000,000".
On page 23, line 1, strike the figure and insert "$0".
On page 23, line 3, strike the figure and insert "$0".
On page 23, line 5, strike the figure and insert "$0".
On page 23, line 7, strike the figure and insert "$93,300,000,000".
On page 23, line 8, strike the figure and insert "$81,600,000,000".
On page 23, line 9, strike the figure and insert "$0".
On page 23, line 11, strike the figure and insert "$0".
On page 23, line 13, strike the figure and insert "$0".
On page 23, line 17, strike the figure and insert "$162,800,000,000".
On page 23, line 18, strike the figure and insert "$128,600,000,000".
On page 23, line 20, strike the figure and insert "$14,300,000,000".
On page 23, line 22, strike the figure and insert "$0".
On page 23, line 24, strike the figure and insert "$0".
On page 24, line 2, strike the figure and insert "$156,300,000,000".
On page 24, line 3, strike the figure and insert "$118,100,000,000".
On page 24, line 5, strike the figure and insert "$1,800,000,000".
On page 24, line 7, strike the figure and insert "$0".
On page 24, line 9, strike the figure and insert "$0".
On page 24, line 12, strike the figure and insert "$166,500,000,000".
On page 24, line 13, strike the figure and insert "$121,900,000,000".
On page 24, line 15, strike the figure and insert "$2,300,000,000".
On page 24, line 17, strike the figure and insert "$0".
On page 24, line 19, strike the figure and insert "$0".
On page 24, line 22, strike the figure and insert "$174,700,000,000".
On page 24, line 23, strike the figure and insert "$125,600,000,000".
On page 24, line 25, strike the figure and insert "$1,800,000,000".
On page 25, line 2, strike the figure and insert "$0".
On page 25, line 4, strike the figure and insert "$0".
On page 25, line 8, strike the figure and insert "$195,500,000,000".
On page 25, line 9, strike the figure and insert "$189,300,000,000".
On page 25, line 10, strike the figure and insert "$0".
On page 25, line 12, strike the figure and insert "$0".
On page 25, line 14, strike the figure and insert "$0".
On page 25, line 17, strike the figure and insert "$207,600,000,000".
On page 25, line 18, strike the figure and insert "$197,700,000,000".
On page 25, line 19, strike the figure and insert "$0".
On page 25, line 21, strike the figure and insert "$0".
On page 25, line 23, strike the figure and insert "$0".
On page 26, line 2, strike the figure and insert "$225,300,000,000".
On page 26, line 3, strike the figure and insert "$206,500,000,000".
On page 26, line 4, strike the figure and insert "$0".
On page 26, line 6, strike the figure and insert "$0".
On page 26, line 8, strike the figure and insert "$0".
On page 26, line 11, strike the figure and insert "$266,200,000,000".
On page 26, line 12, strike the figure and insert "$216,100,000,000".
On page 26, line 13, strike the figure and insert "$0".
On page 26, line 15, strike the figure and insert "$0".
On page 26, line 17, strike the figure and insert "$0".
On page 26, line 20, strike the figure and insert "$27,200,000,000".
On page 26, line 21, strike the figure and insert "$26,300,000,000".
On page 26, line 23, strike the figure and insert "$1,300,000,000".
On page 26, line 25, strike the figure and insert "$16,800,000,000".
On page 27, line 2, strike the figure and insert "$0".
On page 27, line 4, strike the figure and insert "$26,900,000,000".
On page 27, line 5, strike the figure and insert "$26,300,000,000".
On page 27, line 7, strike the figure and insert "$1,300,000,000".
On page 27, line 9, strike the figure and insert "$15,300,000,000".
On page 27, line 11, strike the figure and insert "$0".
On page 27, line 13, strike the figure and insert "$26,900,000,000".
On page 27, line 14, strike the figure and insert "$26,300,000,000".
On page 27, line 16, strike the figure and insert "$1,200,000,000."
On page 27, line 18, strike the figure and insert "$17,400,000,000".
On page 27, line 20, strike the figure and insert "$0".
On page 27, line 22, strike the figure and insert "$26,900,000,000".
On page 27, line 23, strike the figure and insert "$26,400,000,000".
On page 27, line 25, strike the figure and insert "$1,200,000,000".
On page 28, line 2, strike the figure and insert "$20,100,000,000".
On page 28, line 4, strike the figure and insert "$0".
On page 28, line 7, strike the figure and insert "$6,600,000,000".
On page 28, line 8, strike the figure and insert "$6,400,000,000".
On page 28, line 9, strike the figure and insert "$0".
On page 28, line 11, strike the figure and insert "$0".
On page 28, line 13, strike the figure and insert "$0".
On page 28, line 15, strike the figure and insert "$6,800,000,000".
On page 28, line 16, strike the figure and insert "$6,700,000,000".
On page 28, line 17, strike the figure and insert "$0".
On page 28, line 19, strike the figure and insert "$0".
On page 28, line 21, strike the figure and insert "$0".
On page 28, line 23, strike the figure and insert "$6,900,000,000".
On page 28, line 24, strike the figure and insert "$6,900,000,000".
On page 28, line 25, strike the figure and insert "$0".
On page 29, line 2, strike the figure and insert "$0".
On page 29, line 4, strike the figure and insert "$0".
On page 29, line 6, strike the figure and insert "$7,000,000,000".
On Page 29, line 7, strike the figure and insert "$7,000,000,000".
On Page 29, line 8, strike the figure and insert "$0".
On Page 29, line 10, strike the figure and insert "$0".
On Page 29, line 12, strike the figure and insert "$0".
On Page 29, line 15, strike the figure and insert "$5,800,000,000".
On Page 29, line 16, strike the figure and insert "$5,800,000,000".
On Page 29, line 17, strike the figure and insert "$0".
On Page 29, line 19, strike the figure and insert "$0".
On Page 29, line 21, strike the figure and insert "$0".
On Page 29, line 23, strike the figure and insert "$5,300,000,000".
On Page 29, line 24, strike the figure and insert "$5,300,000,000".
On Page 29, line 25, strike the figure and insert "$0".
On Page 30, line 2, strike the figure and insert "$0".
On Page 30, line 4, strike the figure and insert "$0".
On Page 30, line 6, strike the figure and insert "$5,400,000,000".
On Page 30, line 7, strike the figure and insert "$5,300,000,000".
On Page 30, line 8, strike the figure and insert "$0".
On Page 30, line 10, strike the figure and insert "$0".
On Page 30, line 12, strike the figure and insert "$0".

On Page 30, line 14, strike the figure and insert "$5,600,000,000".
On Page 30, line 15, strike the figure and insert "$5,500,000,000".
On Page 30, line 16, strike the figure and insert "$0".
On Page 30, line 18, strike the figure and insert "$0".
On Page 30, line 20, strike the figure and insert "$0".
On Page 30, line 23, strike the figure and insert "$6,400,000,000".
On Page 30, line 24, strike the figure and insert "$6,400,000,000".
On page 30, line 25, strike the figure and insert "$0".
On page 31, line 2, strike the figure and insert "$0".
On page 31, line 4, strike the figure and insert "$0".
On page 31, line 6, strike the figure and insert "$6,500,000,000".
On page 31, line 7, strike the figure and insert "$6,500,000,000".
On page 31, line 8, strike the figure and insert "$0".
On page 31, line 10, strike the figure and insert "$0".
On page 31, line 12, strike the figure and insert "$0".
On page 31, line 14, strike the figure and insert "$2,000,000,000".
On page 31, line 15, strike the figure and insert "$3,200,000,000".
On page 31, line 16, strike the figure and insert "$0".
On page 31, line 18, strike the figure and insert "$0".
On page 31, line 20, strike the figure and insert "$0".
On page 31, line 22, strike the figure and insert "$2,100,000,000".
On page 31, line 23, strike the figure and insert "$2,100,000,000".
On page 31, line 24, strike the figure and insert "$0".
On page 32, line 2, strike the figure and insert "$0".
On page 32, line 4, strike the figure and insert "$0".
On page 32, line 8, strike the figure and insert "$129,700,000,000".
On page 32, line 9, strike the figure and insert "$129,700,000,000".
On page 32, line 10, strike the figure and insert "$0".
On page 32, line 12, strike the figure and insert "$0".
On page 32, line 14, strike the figure and insert "$0".
On page 32, line 17, strike the figure and insert "$142,300,000,000".
On page 32, line 18, strike the figure and insert "$142,300,000,000".
On page 32, line 19, strike the figure and insert "$0".
On page 32, line 21, strike the figure and insert "$0".
On page 32, line 23, strike the figure and insert "$0".
On page 33, line 2, strike the figure and insert "$153,000,000,000".
On page 33, line 3, strike the figure and insert "$153,000,000,000".
On page 33, line 4, strike the figure and insert "$0".
On page 33, line 6, strike the figure and insert "$0".
On page 33, line 8, strike the figure and insert "$0".
On page 33, line 11, strike the figure and insert "$155,200,000,000".
On page 33, line 12, strike the figure and insert "$155,200,000,000".
On page 33, line 13, strike the figure and insert "$0".
On page 33, line 15, strike the figure and insert "$0".
On page 33, line 17, strike the figure and insert "$0".
On page 33, line 20, strike the figure and insert "$300,000,000".
On page 33, line 21, strike the figure and insert "$300,000,000".
On page 33, line 22, strike the figure and insert "$0".
On page 33, line 24, strike the figure and insert "$0".
On page 34, line 2, strike the figure and insert "$0".
On page 34, line 5, strike the figure and insert "−$1,400,000,000".
On page 34, line 6, strike the figure and insert "−$1,400,000,000".
On page 34, line 7, strike the figure and insert "$0".
On page 34, line 9, strike the figure and insert "$0".
On page 34, line 11, strike the figure and insert "$0".
On page 34, line 14, strike the figure and insert "−$1,200,000,000".
On page 34, line 15, strike the figure and insert "−$1,200,000,000".
On page 34, line 16, strike the figure and insert "$0".
On page 34, line 18, strike the figure and insert "$0".
On page 34, line 20, strike the figure and insert "$0".
On page 34, line 23, strike the figure and insert "−$200,000,000".
On page 34, line 24, strike the figure and insert "−$100,000,000".
On page 34, line 25, strike the figure and insert "$0".
On page 35, line 2, strike the figure and insert "$0".
On page 35, line 4, strike the figure and insert "$0".
On page 35, line 8, strike the figure and insert "−$32,400,000,000".
On page 35, line 9, strike the figure and insert "−$32,400,000,000".
On page 35, line 10, strike the figure and insert "$0".
On page 35, line 12, strike the figure and insert "$0".
On page 35, line 14, strike the figure and insert "$0".
On page 35, line 17, strike the figure and insert "−$35,000,000,000".
On page 35, line 18, strike the figure and insert "−$35,000,000,000".
On page 35, line 19, strike the figure and insert "$0".
On page 35, line 21, strike the figure and insert "$0".
On page 35, line 23, strike the figure and insert "$0".
On page 36, line 2, strike the figure and insert "−$37,800,000,000".
On page 36, line 3, strike the figure and insert "−$37,800,000,000".
On page 36, line 4, strike the figure and insert "$0".
On page 36, line 6, strike the figure and insert "$0".
On page 36, line 8, strike the figure and insert "$0".
On page 36, line 11, strike the figure and insert "−$41,100,000,000".
On page 36, line 12, strike the figure and insert "−$41,100,000,000".
On page 36, line 13, strike the figure and insert "$0".
On page 36, line 15, strike the figure and insert "$0".
On page 36, line 17, strike the figure and insert "$0".
On page 36, line 19, strike the date and insert "June 19, 1985".
On page 37, line 11, strike the first figure and insert "$3,899,000,000".
On page 37, line 11, strike the second figure and insert "$4,610,000,000".
On page 37, line 12, strike the figure and insert "$3,773,000,000".
On page 37, line 13, strike the figure and insert "$6,540,000,000".
On page 37, line 14, strike the first figure and insert "$4,258,000,000".
On page 37, line 14, strike the second figure and insert "$10,326,000,000".
On page 37, line 20, strike the first figure and insert "$0".
On page 37, line 20, strike the second figure and insert "$376,000,000".
On page 37, line 21, strike the figure and insert "$0".
On page 37, line 22, strike the figure and insert "$894,000,000".
On page 37, line 23, strike the first figure and insert "$0".
On page 37, line 23, strike the second figure and insert "$1,424,000,000".
On page 38, line 10, strike the first figure and insert "$10,122,000,000".
On page 38, line 10, strike the second figure and insert "$4,213,000,000".
On page 38, line 11, strike the figure and insert "$11,353,000,000".
On page 38, line 12, strike the figure and insert "$7,416,000,000".
On page 38, line 13, strike the figure and insert "$12,509,000,000".
On page 38, line 14, strike the figure and insert "$9,566,000,000".
On page 38, line 24, strike the first figure and insert "$2,622,000,000".
On page 38, line 24, strike the second figure and insert "$2,216,000,000".
On page 38, line 25, strike the figure and insert "$1,416,000,000".
On page 39, line 1, strike the figure and insert "$1,077,000,000".
On page 39, line 2, strike the first figure and insert "$1,633,000,000".
On page 39, line 2, strike the second figure and insert "$1,368,000,000".
On page 39, line 13, strike the first figure and insert "$2,962,000,000".
On page 39, line 13, strike the second figure and insert "$2,253,000,000".
On page 39, line 14, strike the figure and insert "$2,723,000,000".
On page 39, line 15, strike the figure and insert "$2,579,000,000".
On page 39, line 16, strike the first figure and insert "$2,720,000,000".
On page 39, line 16, strike the second figure and insert "$2,814,000,000".
On page 40, line 2, strike the first figure and insert "$719,000,000".
On page 40, line 2, strike the second figure and insert "$306,000,000".
On page 40, line 3, strike the figure and insert "$1,208,000,000".
On page 40, line 4, strike the figure and insert "$1,451,000,000".
On page 40, line 5, strike the first figure and insert "$1,720,000,000".
On page 40, line 5, strike the second figure and insert "$2,112,000,000".
On page 40, line 15, strike the figure and insert "$0".
On page 40, line 16, strike the first figure and insert "$8,117,000,000".
On page 40, line 16, strike the second figure and insert "$0".
On page 40, line 17, strike the figure and insert "$18,934,000,000".

On page 40, line 18, strike the first figure and insert "$0".
On page 40, line 18, strike the second figure and insert "$28,137,000,000".
On page 41, line 3, strike the figure and insert "$192,000,000".
On page 41, line 4, strike the figure and insert "$47,000,000".
On page 41, line 5, strike the first figure and insert "$275,000,000".
On page 41, line 5, strike the second figure and insert "$109,000,000".
On page 41, line 6, strike the figure and insert "$282,000,000".
On page 41, line 7, strike the figure and insert "$140,000,000".
On page 41, line 16, strike the first figure and insert "$375,000,000".
On page 41, line 16, strike the second figure and insert "$0".
On page 41, line 17, strike the figure and insert "$3,101,000,000".
On page 41, line 18, strike the first figure and insert "$1,325,000,000".
On page 41, line 18, strike the second figure and insert "$0".
On page 41, line 19, strike the figure and insert "$7,332,000,000".
On page 41, line 20, strike the first figure and insert "$1,370,000,000".
On page 41, line 20, strike the second figure and insert "$0".
On page 41, line 21, strike the figure and insert "$9,097,000,000".
On page 42, line 6, strike the first figure and insert "$3,404,000,000".
On page 42, line 6, strike the second figure and insert "$1,299,000,000".
On page 42, line 7, strike the figure and insert "$3,826,000,000".
On page 42, line 8, strike the figure and insert "$3,446,000,000".
On page 42, line 9, strike the first figure and insert "$4,291,000,000".
On page 42, line 9, strike the second figure and insert "$4,231,000,000".
On page 42, line 19, strike the figure and insert "$882,000,000".
On page 42, line 20, strike the figure and insert "$1,258,000,000".
On page 42, line 21, strike the first figure and insert "$2,034,000,000".
On page 42, line 21, strike the second figure and insert "$2,101,000,000".
On page 42, line 22, strike the figure and insert "$2,594,000,000".
On page 42, line 23, strike the figure and insert "$2,275,000,000".
On page 43, line 7, strike the figure and insert "$858,000,000".
On page 43, line 8, strike the figure and insert "$791,000,000".
On page 43, line 9, strike the first figure and insert "$1,332,000,000".
On page 43, line 9, strike the second figure and insert "$1,496,000,000".
On page 43, line 10, strike the figure and insert "$1,725,000,000".
On page 43, line 11, strike the figure and insert "$1,987,000,000".
On page 43, line 20, strike the figure and insert "$192,000,000".
On page 43, line 21, strike the figure and insert "$87,000,000".
On page 43, line 22, strike the first figure and insert "$201,000,000".
On page 43, line 22, strike the second figure and insert "$151,000,000".
On page 43, line 23, strike the figure and insert "$211,000,000".
On page 43, line 24, strike the figure and insert "$181,000,000".
On page 44, line 10, strike the figure and insert "$3,899,000,000".
On page 44, line 11, strike the figure and insert "$4,610,000,000".
On page 44, line 12, strike the first figure and insert "$3,773,000,000".
On page 44, line 12, strike the second figure and insert "$6,540,000,000".
On page 44, line 13, strike the figure and insert "$4,258,000,000".
On page 44, line 14, strike the figure and insert "$10,326,000,000".
On page 44, line 19, strike the first figure and insert "$0".
On page 44, line 19, strike the second figure and insert "$376,000,000".
On page 44, line 20, strike the figure and insert "$0".
On page 44, line 21, strike the figure and insert "$894,000,000".
On page 44, line 22, strike the first figure and insert "$0".
On page 44, line 22, strike the second figure and insert "$1,424,000,000".
On page 45, line 8, strike the first figure and insert "$9,159,000,000".
On page 45, line 8, strike the second figure and insert "$4,028,000,000".
On page 45, line 9, strike the figure and insert "$9,730,000,000".
On page 45, line 10, strike the figure and insert "$6,870,000,000".
On page 45, line 11, strike the first figure and insert "$10,379,000,000".
On page 45, line 11, strike the second figure and insert "$8,550,000,000".
On page 45, line 21, strike the figure and insert "$2,838,000,000".
On page 45, line 22, strike the figure and insert "$1,316,000,000".
On page 45, line 23, strike the first figure and insert "$3,183,000,000".
On page 45, line 23, strike the second figure and insert "$3,202,000,000".
On page 45, line 24, strike the figure and insert "$3,549,000,000".
On page 45, line 25, strike the figure and insert "$3,865,000,000".
On page 46, line 9, strike the figure and insert "$5,188,000,000".
On page 46, line 10, strike the figure and insert "$8,187,000,000".
On page 46, line 11, strike the first figure and insert "$3,871,000,000".
On page 46, line 11, strike the second figure and insert "$10,159,000,000".
On page 46, line 12, strike the figure and insert "$3,958,000,000".
On page 46, line 13, strike the figure and insert "$13,539,000,000".
On page 46, line 23, strike the figure and insert "$192,000,000".
On page 46, line 24, strike the figure and insert "$47,000,000".
On page 46, line 25, strike the first figure and insert "$275,000,000".
On page 46, line 25, strike the second figure and insert "$109,000,000".
On page 47, line 1, strike the figure and insert "$282,000,000".
On page 47, line 2, strike the figure and insert "$140,000,000".
On page 47, line 11, strike the figure and insert "$0".
On page 47, line 12, strike the first figure and insert "$64,000,000".
On page 47, line 12, strike the second figure and insert "$0".
On page 47, line 13, strike the figure and insert "$3,699,000,000".
On page 47, line 14, strike the first figure and insert "$0".
On page 47, line 14, strike the second figure and insert "$5,203,000,000".
On page 47, line 25, strike the first figure and insert "$540,000,000".
On page 47, line 25, strike the second figure and insert "$292,000,000".
On page 48, line 1, strike the figure and insert "$559,000,000".
On page 48, line 2, strike the figure and insert "$402,000,000".
On page 48, line 3, strike the first figure and insert "$634,000,000".
On page 48, line 3, strike the second figure and insert "$526,000,000".
On page 48, line 14, strike the first figure and insert "$401,000,000".
On page 48, line 14, strike the second figure and insert "$379,000,000".
On page 48, line 15, strike the figure and insert "$293,000,000".
On page 48, line 16, strike the figure and insert "$352,000,000".
On page 48, line 17, strike the first figure and insert "$394,000,000".
On page 48, line 17, strike the second figure and insert "$450,000,000".
On page 49, line 2, strike the figure and insert "$375,000,000".
On page 49, line 3, strike the first figure and insert "$0".
On page 49, line 3, strike the second figure and insert "$3,037,000,000".
On page 49, line 4, strike the first figure and insert "$1,325,000,000".
On page 49, line 4, strike the second figure and insert "$0".
On page 49, line 5, strike the figure and insert "$7,183,000,000".
On page 49, line 6, strike the first figure and insert "$1,370,000,000".
On page 49, line 6, strike the second figure and insert "$0".
On page 49, line 7, strike the figure and insert "$8,850,000,000".
On page 49, line 17, strike the first figure and insert "$1,895,000,000".
On page 49, line 17, strike the second figure and insert "$469,000,000".
On page 49, line 18, strike the figure and insert "$3,091,000,000".
On page 49, line 19, strike the figure and insert "$1,950,000,000".
On page 49, line 20, strike the first figure and insert "$4,170,000,000".
On page 49, line 20, strike the second figure and insert "$3,161,000,000".
On page 50, line 5, strike the figure and insert "$882,000,000".
On page 50, line 6, strike the figure and insert "$1,258,000,000".
On page 50, line 7, strike the first figure and insert "$2,034,000,000".
On page 50, line 7, strike the second figure and insert "$2,101,000,000".
On page 50, line 8, strike the figure and insert "$2,594,000,000".
On page 50, line 9, strike the figure and insert "$2,275,000,000".
On page 50, line 18, strike the figure and insert "$858,000,000".
On page 50, line 19, strike the figure and insert "$791,000,000".
On page 50, line 20, strike the first figure and insert "$1,332,000,000".
On page 50, line 20, strike the second figure and insert "$1,496,000,000".
On page 50, line 21, strike the figure and insert "$1,725,000,000".
On page 50, line 22, strike the figure and insert "$1,987,000,000".
On page 51, line 6, strike the figure and insert "$0".
On page 51, line 7, strike the first figure and insert "$7,600,000,000".
On page 51, line 7, strike the second figure and insert "$0".
On page 51, line 8, strike the figure and insert "$14,456,000,000".

On page 51, line 9, strike the first figure and insert "$0".
On page 51, line 9, strike the second figure and insert "$21,809,000,000".
On page 51, line 17, strike the figure and insert "$313,500,000,000".
On page 51, line 19, strike the figure and insert "$335,600,000,000".
On page 51, line 20, strike the figure and insert "$360,400,000,000".
On page 52, line 1, strike the figure and insert "$136,700,000,000".
On page 52, line 3, strike the figure and insert "$138,200,000,000".
On page 52, line 4, strike the figure and insert "$143,100,000,000".
On page 54, line 20, strike the figure and insert "8".

DOLE (AND DOMENICI) AMENDMENT NO. 39

Mr. DOLE (for himself and Mr. DOMENICI) proposed an amendment to amendment No. 38 in the nature of a substitute for amendment No. 37 proposed by them to the concurrent resolution (S. Con. Res. 32), supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:
On page 2, line B, strike the figure and insert "$736,200,000,000".
On page 2, line 9, strike the figure and insert "$793,600,000,000".
On page 2, line 10, strike the figure and insert "$866,300,000,000".
On page 2, line 11, strike the figure and insert "$955,900,000,000".
On page 2, line 14, strike the figure and insert "$0".
On page 2, line 15, strike the figure and insert "$900,000,000".
On page 2, line 16, strike the figure and insert "$2,000,000,000".
On page 2, line 17, strike the figure and insert "$3,400,000,000".
On page 2, line 21, strike the figure and insert "$44,800,000,000".
On page 2, line 22, strike the figure and insert "$51,000,000,000".
On page 2, line 23, strike the figure and insert "$56,100,000,000".
On page 2, line 24, strike the figure and insert "$61,300,000,000".
On page 3, line 5, strike the figure and insert "$186,200,000,000".
On page 3, line 6, strike the figure and insert "$200,700,000,000".
On page 3, line 7, strike the figure and insert "$216,900,000,000".
On page 3, line 8, strike the figure and insert "$248,300,000,000".
On page 3, line 11, strike the figure and insert "$1,055,600,000,000".
On page 3, line 12, strike the figure and insert "$1,076,000,000,000".
On page 3, line 13, strike the figure and insert "$1,139,000,000.000".
On page 3, line 14, strike the figure and insert "$1,216,100,000,000".
On page 3, line 17, strike the figure and insert "$949,100,000,000".
On page 3, line 18, strike the figure and insert "$969,000,000,000".
On page 3, line 19, strike the figure and insert "$1,013,100,000,000".
On page 3, line 20, strike the figure and insert "$1,055,700,000,000".
On page 3, line 24, strike the figure and insert "$212,900,000,000".
On page 3, line 25, strike the figure and insert "$175,400,000,000".
On page 4, line 1, strike the figure and insert "$146,800,000,000".
On page 4, line 2, strike the figure and insert "$99,800,000,000".
On page 4, line 5, strike the figure and insert "$1,849,300,000,000".
On page 4, line 6, strike the figure and insert "$2,088,000,000,000".
On page 4, line 7, strike the figure and insert "$2,316,300,000,000".
On page 4, line 8, strike the figure and insert "$2,529,300,000,000".
On page 4, line 11, strike the figure and insert "$25,500,000,000".
On page 4, line 12, strike the figure and insert "$238,700,000,000".
On page 4, line 13, strike the figure and insert "$228,300,000,000".
On page 4, line 14, strike the figure and insert "$213,100,000,000".
On page 4, line 21, strike the figure and insert "$52,900,000,000".
On page 4, line 23, strike the figure and insert "$69,200,000,000".
On page 4, line 25, strike the figure and insert "$68,200,000,000".
On page 5, line 3, strike the figure and insert "$30,000,000,000".
On page 5, line 5, strike the figure and insert "$74,500,000,000".
On page 5, line 7, strike the figure and insert "$68,200,000,000".
On page 5, line 10, strike the figure and insert "$27,400,000,000".
On page 5, line 12, strike the figure and insert "$74,400,000,000".
On page 5, line 14, strike the figure and insert "$68,200,000,000".
On page 5, line 17, strike the figure and insert "$25,600,000,000".
On page 5, line 19, strike the figure and insert "$79,000,000,000".
On page 5, line 21, strike the figure and insert "$68,200,000,000".
On page 6, line 6, strike the figure and insert "$292,600,000,000".
On page 6, line 7, strike the figure and insert "$252,000,000,000".
On page 6, line 8, strike the figure and insert "$0".
On page 6, line 10, strike the figure and insert "$0".
On page 6, line 12, strike the figure and insert "$0".
On page 6, line 15, strike the figure and insert "$312,800,000,000".
On page 6, line 16, strike the figure and insert "$276,100,000,000".
On page 6, line 17, strike the figure and insert "$0".
On page 6, line 19, strike the figure and insert "$0".
On page 6, line 21, strike the figure and insert "$0".
On page 6, line 24, strike the figure and insert "$334,900,000,000".
On page 6, line 25, strike the figure and insert "$298,400,000,000".
On page 7, line 1, strike the figure and insert "$0".
On page 7, line 3, strike the figure and insert "$0".
On page 7, line 5, strike the figure and insert "$0".
On page 7, line 8, strike the figure and insert "$359,600,000,000".
On page 7, line 9, strike the figure and insert "$321,400,000,000".
On page 7, line 10, strike the figure and insert "$0".
On page 7, line 12, strike the figure and insert "$0".
On page 7, line 14, strike the figure and insert "$0".
On page 7, line 17, strike the figure and insert "$25,300,000,000".
On page 7, line 18, strike the figure and insert "$18,000,000,000".
On page 7, line 20, strike the figure and insert "$11,500,000,000".
On page 7, line 22, strike the figure and insert "$10,300,000,000".
On page 7, line 24, strike the figure and insert "$0".
On page 8, line 1, strike the figure and insert "$21,000,000,000".
On page 8, line 2, strike the figure and insert "$17,800,000,000".
On page 8, line 4, strike the figure and insert "$8,200,000,000".
On page 8, line 6, strike the figure and insert "$12,300,000,000".
On page 8, line 8, strike the figure and insert "$0".
On page 8, line 10, strike the figure and insert "$20,200,000,000".
On page 8, line 11, strike the figure and insert "$17,100,000,000".
On page 8, line 13, strike the figure and insert "$7,800,000,000".
On page 8, line 15, strike the figure and insert "$12,300,000,000".
On page 8, line 17, strike the figure and insert "$0".
On page 8, line 19, strike the figure and insert "$20,500,000,000".
On page 8, line 20, strike the figure and insert "$16,600,000,000".
On page 8, line 22, strike the figure and insert "$7,900,000,000".
On page 8, line 24, strike the figure and insert "$12,300,000,000".
On page 9, line 2, strike the figure and insert "$0".
On page 9, line 5, strike the figure and insert "$9,100,000,000".
On page 9, line 6, strike the figure and insert "$8,700,000,000".
On page 9, line 7, strike the figure and insert "$0".
On page 9, line 9, strike the figure and insert "$0".
On page 9, line 11, strike the figure and insert "$0".
On page 9, line 13, strike the figure and insert "$8,800,000,000".
On page 9, line 14, strike the figure and insert "$8,700,000,000".
On page 9, line 15, strike the figure and insert "$0".
On page 9, line 17, strike the figure and insert "$0".
On page 9, line 19, strike the figure and insert "$0".
On page 9, line 21, strike the figure and insert "$9,000,000,000".
On page 9, line 22, strike the figure and insert "$8,800,000,000".
On page 9, line 23, strike the figure and insert "$0".
On page 9, line 25, strike the figure and insert "$0".
On page 10, line 2, strike the figure and insert "$0".
On page 10, line 4, strike the figure and insert "$9,300,000,000".
On page 10, line 5, strike the figure and insert "$9,000,000,000".
On page 10, line 6, strike the figure and insert "$0".
On page 10, line 8, strike the figure and insert "$0".
On page 10, line 10, strike the figure and insert "$0".
On page 10, line 13, strike the figure and insert "$1,600,000,000".
On page 10, line 14, strike the figure and insert "$6,500,000,000".

On page 10, line 16, strike the figure and insert "$2,100,000,000".
On page 10, line 18, strike the figure and insert "$100,000,000".
On page 10, line 20, strike the figure and insert "$0".
On page 10, line 22, strike the figure and insert "$5,200,000,000".
On page 10, line 23, strike the figure and insert "$5,100,000,000".
On page 10, line 25, strike the figure and insert "$2,100,000,000".
On page 11, line 2, strike the figure and insert "$4,100,000,000".
On page 11, line 4, strike the figure and insert "$0".
On page 11, line 6, strike the figure and insert "$5,200,000,000".
On page 11, line 7, strike the figure and insert "$4,600,000,000".
On page 11, line 9, strike the figure and insert "$1,400,000,000".
On page 11, line 11, strike the figure and insert "$0".
On page 11, line 13, strike the figure and insert "$0".
On page 11, line 15, strike the figure and insert "$4,900,000,000".
On page 11, line 16, strike the figure and insert "$4,200,000,000".
On page 11, line 18, strike the figure and insert "$1,000,000,000".
On page 11, line 20, strike the figure and insert "$0".
On page 11, line 22, strike the figure and insert "$0".
On page 11, line 25, strike the figure and insert "$12,700,000,000".
On page 12, line 1, strike the figure and insert "$13,100,000,000".
On page 12, line 3, strike the figure and insert "$100,000,000".
On page 12, line 5, strike the figure and insert "$0".
On page 12, line 7, strike the figure and insert "$0".
On page 12, line 9, strike the figure and insert "$12,100,000,000".
On page 12, line 10, strike the figure and insert "$12,400,000,000".
On page 12, line 12, strike the figure and insert "$100,000,000".
On page 12, line 14, strike the figure and insert "$0".
On page 12, line 16, strike the figure and insert "$0".
On page 12, line 18, strike the figure and insert "$12,500,000,000".
On page 12, line 19, strike the figure and insert "$12,200,000,000".
On page 12, line 21, strike the figure and insert "$100,000,000".
On page 12, line 23, strike the figure and insert "$0".
On page 12, line 25, strike the figure and insert "$0".
On page 13, line 2, strike the figure and insert "$12,700,000,000".
On page 13, line 3, strike the figure and insert "$12,300,000,000".
On page 13, line 4, strike the figure and insert "$0".
On page 13, line 6, strike the figure and insert "$0".
On page 13, line 8, strike the figure and insert "$0".
On page 13, line 11, strike the figure and insert "$24,800,000,000".
On page 13, line 12, strike the figure and insert "$21,000,000,000".
On page 13, line 14, strike the figure and insert "$13,800,000,000".
On page 13, line 16, strike the figure and insert "$5,700,000,000".
On page 13, line 18, strike the figure and insert "$0".
On page 13, line 20, strike the figure and insert "$16,500,000,000".
On page 13, line 21, strike the figure and insert "$13,800,000,000".
On page 13, line 23, strike the figure and insert "$11,700,000,000".
On page 13, line 25, strike the figure and insert "$8,000,000,000".
On page 14, line 2, strike the figure and insert "$0".
On page 14, line 4, strike the figure and insert "$16,400,000,000".
On page 14, line 5, strike the figure and insert "$14,500,000,000".
On page 14, line 7, strike the figure and insert "$10,200,000,000".
On page 14, line 9, strike the figure and insert "$8,000,000,000".
On page 14, line 11, strike the figure and insert "$0".
On page 14, line 13, strike the figure and insert "$13,600,000,000".
On page 14, line 14, strike the figure and insert "$11,500,000,000".
On page 14, line 16, strike the figure and insert "$9,100,000,000".
On page 14, line 18, strike the figure and insert "$8,000,000,000".
On page 14, line 20, strike the figure and insert "$0".
On page 14, line 23, strike the figure and insert "$12,600,000,000".
On page 14, line 24, strike the figure and insert "$5,600,000,000".
On page 15, line 2, strike the figure and insert "$6,500,000,000".
On page 15, line 4, strike the figure and insert "$27,000,000,000".
On page 15, line 6, strike the figure and insert "$68,200,000,000".
On page 15, line 8, strike the figure and insert "$7,200,000,000".
On page 15, line 9, strike the figure and insert "$2,600,000,000".
On page 15, line 11, strike the figure and insert "$2,500,000,000".
On page 15, line 13, strike the figure and insert "$25,200,000,000".
On page 15, line 15, strike the figure and insert "$68,200,000,000".
On page 15, line 17, strike the figure and insert "$3,900,000,000".
On page 15, line 18, strike the figure and insert "$100,000,000".
On page 15, line 20, strike the figure and insert "$2,500,000,000,".
On page 15, line 22, strike the figure and insert "$26,700,000,000".
On page 15, line 24, strike the figure and insert "$68,200,000,000".
On page 16, line 1, strike the figure and insert "$4,300,000,000".
On page 16, line 2, strike the figure and insert "$2,000,000,000".
On page 16, line 4, strike the figure and insert "$2,700,000,000".
On page 16, line 6, strike the figure and insert "$28,400,000,000".
On page 16, line 8, strike the figure and insert "$68,200,000,000".
On page 16, line 11, strike the figure and insert "$29,600,000,000".
On page 16, line 12, strike the figure and insert "$26,100,000,000".
On page 16, line 14, strike the figure and insert "$300,000,000".
On page 16, line 16, strike the figure and insert "$300,000,000".
On page 16, line 18, strike the figure and insert "$0".
On page 16, line 20, strike the figure and insert "$26,600,000,000".
On page 16, line 21, strike the figure and insert "$25,600,000,000".
On page 16, line 23, strike the figure and insert "$200,000,000".
On page 16, line 25, strike the figure and insert "$300,000,000".
On page 17, line 2, strike the figure and insert "$0".
On page 17, line 4, strike the figure and insert "$27,100,000,000".
On page 17, line 5, strike the figure and insert "$27,000,000,000".
On page 17, line 7, strike the figure and insert "$100,000,000".
On page 17, line 9, strike the figure and insert "$300,000,000".
On page 17, line 11, strike the figure and insert "$0".
On page 17, line 13, strike the figure and insert "$26,300,000,000".
On page 17, line 14, strike the figure and insert "$26,500,000,000".
On page 17, line 16, strike the figure and insert "$100,000,000".
On page 17, line 18, strike the figure and insert "$300,000,000".
On page 17, line 20, strike the figure and insert "$0".
On page 17, line 23, strike the figure and insert "$8,400,000,000".
On page 17, line 24, strike the figure and insert "$8,700,000,000".
On page 18, line 2, strike the figure and insert "$1,800,000,000".
On page 18, line 4, strike the figure and insert "$200,000,000".
On page 18, line 6, strike the figure and insert "$0".
On page 18, line 8, strike the figure and insert "$5,400,000,000".
On page 18, line 9, strike the figure and insert "$7,600,000,000".
On page 18, line 11, strike the figure and insert "$800,000,000".
On page 18, line 13, strike the figure and insert "$200,000,000".
On page 18, line 15, strike the figure and insert "$0".
On page 18, line 17, strike the figure and insert "$5,800,000,000".
On page 18, line 18, strike the figure and insert "$6,800,000,000".
On page 18, line 20, strike the figure and insert "$700,000,000".
On page 18, line 22, strike the figure and insert "$200,000,000".
On page 18, line 24, strike the figure and insert "$0".
On page 19, line 1, strike the figure and insert "$6,200,000,000".
On page 19, line 2, strike the figure and insert "$6,200,000,000".
On page 19, line 4, strike the figure and insert "$800,000,000".
On page 19, line 6, strike the figure and insert "$200,000,000".
On page 19, line 8, strike the figure and insert "$0".
On page 19, line 12, strike the figure and insert "$31,600,000,000".
On page 19, line 13, strike the figure and insert "$30,300,000,000".
On page 19, line 15, strike the figure and insert "$1,100,000,000".
On page 19, line 17, strike the figure and insert "$8,600,000,000".
On page 19, line 19, strike the figure and insert "$0".
On page 19, line 21, strike the figure and insert "$28,600,000,000".
On page 19, line 22, strike the figure and insert "$29,800,000,000".
On page 19, line 24, strike the figure and insert "$1,100,000,000".

On page 20, line 2, strike the figure and insert "$8,900,000,000".
On page 20, line 4, strike the figure and insert "$0".
On page 20, line 6, strike the figure and insert "$29,400,000,000".
On page 20, line 7, strike the figure and insert "$28,700,000,000".
On page 20, line 9, strike the figure and insert "$1,100,000,000".
On page 20, line 11, strike the figure and insert "$9,200,000,000".
On page 20, line 13, strike the figure and insert "$0".
On page 20, line 15, strike the figure and insert "$29,800,000,000".
On page 20, line 16, strike the figure and insert "$29,000,000,000".
On page 20, line 18, strike the figure and insert "$1,100,000,000".
On page 20, line 20, strike the figure and insert "$9,400,000,000".
On page 20, line 22, strike the figure and insert "$0".
On page 20, line 25, strike the figure and insert "$33,600,000,000".
On page 21, line 1, strike the figure and insert "$33,500,000,000".
On page 21, line 2, strike the figure and insert "$0".
On page 21, line 4, strike the figure and insert "$200,000,000".
On page 21, line 6, strike the figure and insert "$0".
On page 21, line 8, strike the figure and insert "$34,900,000,000".
On page 21, line 9, strike the figure and insert "$35,000,000,000".
On page 21, line 10, strike the figure and insert "$0".
On page 21, line 12, strike the figure and insert "$200,000,000".
On page 21, line 14, strike the figure and insert "$0".
On page 21, line 16, strike the figure and insert "$37,100,000,000".
On page 21, line 17, strike the figure and insert "$36,700,000,000".
On page 21, line 18, strike the figure and insert "$0".
On page 21, line 20, strike the figure and insert "$300,000,000".
On page 21, line 22, strike the figure and insert "$0".
On page 21, line 24, strike the figure and insert "$39,200,000,000".
On page 21, line 25, strike the figure and insert "$38,700,000,000".
On page 22, line 1, strike the figure and insert "$0".
On page 22, line 3, strike the figure and insert "$300,000,000".
On page 22, line 5, strike the figure and insert "$0".
On page 22, line 8, strike the figure and insert "$71,800,000,000".
On page 22, line 9, strike the figure and insert "$65,200,000,000".
On page 22, line 10, strike the figure and insert "$0".
On page 22, line 12, strike the figure and insert "$0".
On page 22, line 14, strike the figure and insert "$0".
On page 22, line 16, strike the figure and insert "$81,600,000,000".
On page 22, line 17, strike the figure and insert "$68,000,000,000".
On page 22, line 18, strike the figure and insert "$0".
On page 22, line 20, strike the figure and insert "$0".
On page 22, line 22, strike the figure and insert "$0".
On page 22, line 24, strike the figure and insert "$90,500,000,000".
On page 22, line 25, strike the figure and insert "$74,100,000,000".
On page 23, line 1, strike the figure and insert "$0".
On page 23, line 3, strike the figure and insert "$0".
On page 23, line 5, strike the figure and insert "$0".
On page 23, line 7, strike the figure and insert "$93,300,000,000".
On page 23, line 8, strike the figure and insert "$81,600,000,000".
On page 23, line 9, strike the figure and insert "$0".
On page 23, line 11, strike the figure and insert "$0".
On page 23, line 13, strike the figure and insert "$0".
On page 23, line 17, strike the figure and insert "$162,800,000,000".
On page 23, line 18, strike the figure and insert "$128,600,000,000".
On page 23, line 20, strike the figure and insert "$14,300,000,000".
On page 23, line 22, strike the figure and insert "$0".
On page 23, line 24, strike the figure and insert "$0".
On page 24, line 2, strike the figure and insert "$156,300,000,000".
On page 24, line 3, strike the figure and insert "$118,100,000,000".
On page 24, line 5, strike the figure and insert "$1,800,000,000".
On page 24, line 7, strike the figure and insert "$0".
On page 24, line 9, strike the figure and insert "$0".
On page 24, line 12, strike the figure and insert "$166,500,000,000".
On page 24, line 13, strike the figure and insert "$121,900,000,000".
On page 24, line 15, strike the figure and insert "$2,300,000,000".
On page 24, line 17, strike the figure and insert "$0".
On page 24, line 19, strike the figure and insert "$0".
On page 24, line 22, strike the figure and insert "$174,700,000,000".
On page 24, line 23, strike the figure and insert "$125,600,000,000".
On page 24, line 25, strike the figure and insert "$1,800,000,000".
On page 25, line 2, strike the figure and insert "$0".
On page 25, line 4, strike the figure and insert "$0".
On page 25, line 8, strike the figure and insert "$195,500,000,000".
On page 25, line 9, strike the figure and insert "$189,300,000,000".
On page 25, line 10, strike the figure and insert "$0".
On page 25, line 12, strike the figure and insert "$0".
On page 25, line 14, strike the figure and insert "$0".
On page 25, line 17, strike the figure and insert "$207,600,000,000".
On page 25, line 18, strike the figure and insert "$197,700,000,000".
On page 25, line 19, strike the figure and insert "$0".
On page 25, line 21, strike the figure and insert "$0".
On page 25, line 23, strike the figure and insert "$0".
On page 26, line 2, strike the figure and insert "$225,300,000,000".
On page 26, line 3, strike the figure and insert "$206,500,000,000".
On page 26, line 4, strike the figure and insert "$0".
On page 26, line 6, strike the figure and insert "$0".
On page 26, line 8, strike the figure and insert "$0".
On page 26, line 11, strike the figure and insert "$266,200,000,000".
On page 26, line 12, strike the figure and insert "$216,100,000,000".
On page 26, line 13, strike the figure and insert "$0".
On page 26, line 15, strike the figure and insert "$0".
On page 26, line 17, strike the figure and insert "$0".
On page 26, line 20, strike the figure and insert "$27,200,000,000".
On page 26, line 21, strike the figure and insert "$26,300,000,000".
On page 26, line 23, strike the figure and insert "$1,300,000,000".
On page 26, line 25, strike the figure and insert "$16,800,000,000".
On page 27, line 2, strike the figure and insert "$0".
On page 27, line 4, strike the figure and insert "$26,900,000,000".
On page 27, line 5, strike the figure and insert "$26,300,000,000".
On page 27, line 7, strike the figure and insert "$1,300,000,000".
On page 27, line 9, strike the figure and insert "$15,300,000,000".
On page 27, line 11, strike the figure and insert "$0".
On page 27, line 13, strike the figure and insert "$26,900,000,000".
On page 27, line 14, strike the figure and insert "$26,300,000,000".
On page 27, line 16, strike the figure and insert "$1,200,000,000".
On page 27, line 18, strike the figure and insert "$17,400,000,000".
On page 27, line 20, strike the figure and insert "$0".
On page 27, line 22, strike the figure and insert "$26,900,000,000".
On page 27, line 23, strike the figure and insert "$26,400,000,000".
On page 27, line 25, strike the figure and insert "$1,200,000,000".
On page 28, line 2, strike the figure and insert "$20,100,000,000".
On page 28, line 4, strike the figure and insert "$0".
On page 28, line 7, strike the figure and insert "$6,600,000,000".
On page 28, line 8, strike the figure and insert "$6,400,000,000".
On page 28, line 9, strike the figure and insert "$0".
On page 28, line 11, strike the figure and insert "$0".
On page 28, line 13, strike the figure and insert "$0".
On page 28, line 15, strike the figure and insert "$6,800,000,000".
On page 28, line 16, strike the figure and insert "$6,700,000,000".
On page 28, line 17, strike the figure and insert "$0".
On page 28, line 19, strike the figure and insert "$0".
On page 28, line 21, strike the figure and insert "$0".
On page 28, line 23, strike the figure and insert "$1,900,000,000".
On page 28, line 24, strike the figure and insert "$6,900,000,000".
On page 28, line 25, strike the figure and insert "$0".
On page 29, line 2, strike the figure and insert "$0".

On page 29, line 4, strike the figure and insert "$0".
On page 29, line 6, strike the figure and insert "$7,000,000,000".
On page 29, line 7, strike the figure and insert "$7,000,000,000".
On page 29, line 8, strike the figure and insert "$0".
On page 29, line 10, strike the figure and insert "$0".
On page 29, line 12, strike the figure and insert "$0".
On page 29, line 15, strike the figure and insert "$5,800,000,000".
On page 29, line 16, strike the figure and insert "$5,800,000,000".
On page 29, line 17, strike the figure and insert "$0".
On page 29, line 19, strike the figure and insert "$0".
On page 29, line 21, strike the figure and insert "$0".
On page 29, line 23, strike the figure and insert "$5,300,000,000".
On page 29, line 24, strike the figure and insert "$5,300,000,000".
On page 29, line 25, strike the figure and insert "$0".
On page 30, line 2, strike the figure and insert "$0".
On page 30, line 4, strike the figure and insert "$0".
On page 30, line 6, strike the figure and insert "$5,400,000,000".
On page 30, line 7, strike the figure and insert "$5,300,000,000".
On page 30, line 8, strike the figure and insert "$0".
On page 30, line 10, strike the figure and insert "$0".
On page 30, line 12, strike the figure and insert "$0".
On page 30, line 14, strike the figure and insert "$5,600,000,000".
On page 30, line 15, strike the figure and insert "$5,500,000,000".
On page 30, line 16, strike the figure and insert "$0".
On page 30, line 18, strike the figure and insert "$0".
On page 30, line 20, strike the figure and insert "$0".
On page 30, line 23, strike the figure and insert "$6,400,000,000".
On page 30, line 24, strike the figure and insert "$6,400,000,000".
On page 30, line 25, strike the figure and insert "$0".
On page 31, line 2, strike the figure and insert "$0".
On page 31, line 4, strike the figure and insert "$0".
On page 31, line 6, strike the figure and insert "$6,500,000,000".
On page 31, line 7, strike the figure and insert "$6,500,000,000".
On page 31, line 8, strike the figure and insert "$0".
On page 31, line 10, strike the figure and insert "$0".
On page 31, line 12, strike the figure and insert "$0".
On page 31, line 14, strike the figure and insert "$2,000,000,000".
On page 31, line 15, strike the figure and insert "$3,200,000,000".
On page 31, line 16, strike the figure and insert "$0".
On page 31, line 18, strike the figure and insert "$0".
On page 31, line 20, strike the figure and insert "$0".
On page 31, line 22, strike the figure and insert "$2,100,000,000".
On page 31, line 23, strike the figure and insert "$2,100,000,000".
On page 31, line 24, strike the figure and insert "$0".
On page 32, line 2, strike the figure and insert "$0".
On page 32, line 4, strike the figure and insert "$0".
On page 32, line 8, strike the figure and insert "$129,700,000,000".
On page 32, line 9, strike the figure and insert "$129,700,000,000".
On page 32, line 10, strike the figure and insert "$0".
On page 32, line 12, strike the figure and insert "$0".
On page 32, line 14, strike the figure and insert "$0".
On page 32, line 17, strike the figure and insert "$142,300,000,000".
On page 32, line 18, strike the figure and insert "$142,300,000,000".
On page 32, line 21, strike the figure and insert "$0".
On page 32, line 23, strike the figure and insert "$0".
On page 33, line 2, strike the figure and insert "$153,000,000,000".
On page 33, line 3, strike the figure and insert "$153,000,000,000".
On page 33, line 4, strike the figure and insert "$0".
On page 33, line 6, strike the figure and insert "$0".
On page 33, line 8, strike the figure and insert "$0".
On page 33, line 11, strike the figure and insert "$155,200,000,000".
On page 33, line 12, strike the figure and insert "$155,200,000,000".
On page 33, line 13, strike the figure and insert "$0".
On page 33, line 15, strike the figure and insert "$0".
On page 33, line 17, strike the figure and insert "$0".
On page 33, line 20, strike the figure and insert "$300,000,000".
On page 33, line 21, strike the figure and insert "$300,000,000".
On page 33, line 22, strike the figure and insert "$0".
On page 33, line 24, strike the figure and insert "$0".
On page 34, line 2, strike the figure and insert "$0".
On page 34, line 2, strike the figure and insert "$0".
On page 34, line 5, strike the figure and insert "$−1,400,000,000".
On page 34, line 6, strike the figure and insert "−$1,400,000,000".
On page 34, line 7, strike the figure and insert "$0".
On page 34, line 9, strike the figure and insert "$0".
On page 34, line 11, strike the figure and insert "$0".
On page 34, line 14, strike the figure and insert "−$1,200,000,000".
On page 34, line 15, strike the figure and insert "−$1,200,000,000".
On page 34, line 16, strike the figure and insert "$0".
On page 34, line 18, strike the figure and insert "$0".
On page 34, line 20, strike the figure and insert "$0".
On page 34, line 23, strike the figure and insert "−$200,000,000".
On page 34, line 24, strike the figure and insert "−$100,000,000".
On page 34, line 25, strike the figure and insert "$0".
On page 35, line 2, strike the figure and insert "$0".
On page 35, line 4, strike the figure and insert "$0".
On page 35, line 8, strike the figure and insert "−$32,400,000,000".
On page 35, line 9, strike the figure and insert "−$32,400,000,000".
On page 35, line 10, strike the figure and insert "$0".
On page 35, line 12, strike the figure and insert "$0".
On page 35, line 14, strike the figure and insert "$0".
On page 35, line 17, strike the figure and insert "−$35,000,000,000".
On page 35, line 18, strike the figure and insert "−$35,000,000,000".
On page 35, line 19, strike the figure and insert "$0".
On page 35, line 21, strike the figure and insert "$0".
On page 35, line 23, strike the figure and insert "$0".
On page 36, line 2, strike the figure and insert "−$37,800,000,000".
On page 36, line 3, strike the figure and insert "−$37,800,000,000".
On page 36, line 4, strike the figure and insert "$0".
On page 36, line 6, strike the figure and insert "$0".
On page 36, line 8, strike the figure and insert "$0".
On page 36, line 11, strike the figure and insert "−$41,100,000,000".
On page 36, line 12, strike the figure and insert "−$41,100,000,000".
On page 36, line 13, strike the figure and insert "$0".
On page 36, line 15, strike the figure and insert "$0".
On page 36, line 17, strike the figure and insert "$0".
On page 36, line 19, strike the figure and insert "June 30, 1985".
On page 37, line 11, strike the first figure and insert "$3,899,000,000".
On page 37, line 11, strike the second figure and insert "$4,610,000,000".
On page 37, line 12, strike the figure and insert "$3,773,000,000".
On page 37, line 13, strike the figure and insert "$6,540,000,000".
On page 37, line 14, strike the first figure and insert "$4,258,000,000".
On page 37, line 14, strike the second figure and insert "$10,326,000,000".
On page 37, line 20, strike the first figure and insert "$0".
On page 37, line 20, strike the second figure and insert "$376,000,000".
On page 37, line 21, strike the figure and insert "$0".
On page 37, line 22, strike the figure and insert "$894,000,000".
On page 37, line 23, strike the first figure and insert "$0".
On page 37, line 23, strike the second figure and insert "$1,424,000,000".
On page 38, line 10, strike the first figure and insert "$10,122,000,000".
On page 38, line 10, strike the second figure and insert "$4,213,000,000".
On page 38, line 11, strike the figure and insert "$11,353,000,000".
On page 38, line 12, strike the figure and insert "$7,416,000,000".
On page 38, line 13, strike the figure and insert "$12,509,000,000".
On page 38, line 14, strike the figure and insert "$9,566,000,000".
On page 38, line 24, strike the first figure and insert "$2,622,000,000".

On page 38, line 24, strike the second figure and insert "$2,216,000,000".
On page 38, line 25, strike the figure and insert "$1,416,000,000".
On page 39, line 1, strike the figure and insert "$1,077,000,000".
On page 39, line 2, strike the first figure and insert "$1,633,000,000".
On page 39, line 2, strike the second figure and insert "$1,368,000,000".
On page 39, line 13, strike the first figure and insert "$2,962,000,000".
On page 39, line 13, strike the second figure and insert "$2,253,000,000".
On page 39, line 14, strike the figure and insert "$2,723,000,000".
On page 39, line 15, strike the figure and insert "$2,579,000,000".
On page 39, line 16, strike the first figure and insert "$2,720,000,000".
On page 39, line 16, strike the second figure and insert "$2,814,000,000".
On page 40, line 2, strike the first figure and insert "$719,000,000".
On page 40, line 2, strike the second figure and insert "$306,000,000".
On page 40, line 3, strike the figure and insert "$1,208,000,000".
On page 40, line 4, strike the figure and insert "$1,451,000,000".
On page 40, line 5, strike the first figure and insert "$1,720,000,000".
On page 40, line 5, strike the second figure and insert "$2,112,000,000".
On page 40, line 15, strike the figure and insert "$0".
On page 40, line 16, strike the first figure and insert "$8,117,000,000".
On page 40, line 16, strike the second figure and insert "$0".
On page 40, line 17, strike the figure and insert "$18,934,000,000".
On page 40, line 18, strike the first figure and insert "$0".
On page 40, line 18, strike the second figure and insert "$28,137,000,000".
On page 41, line 3, strike the figure and insert "$192,000,000".
On page 41, line 4, strike the figure and insert "$47,000,000".
On page 41, line 5, strike the first figure and insert "$275,000,000".
On page 41, line 5, strike the second figure and insert "$109,000,000".
On page 41, line 6, strike the figure and insert "$282,000,000".
On page 41, line 7, strike the figure and insert "$140,000,000".
On page 41, line 16, strike the first figure and insert "$375,000,000".
On page 41, line 16, strike the second figure and insert "$0".
On page 41, line 17, strike the figure and insert "$3,101,000,000".
On page 41, line 18, strike the first figure and insert "$1,325,000,000".
On page 41, line 18, strike the second figure and insert "$0".
On page 41, line 19, strike the figure and insert "$7,332,000,000".
On page 41, line 20, strike the first figure and insert "$1,370,000,000".
On page 41, line 20, strike the second figure and insert "$0".
On page 41, line 21, strike the figure and insert "$9,097,000,000".
On page 42, line 6, strike the first figure and insert "$3,404,000,000".
On page 42, line 6, strike the second figure and insert "$1,299,000,000".
On page 42, line 7, strike the figure and insert "$3,826,000,000".
On page 42, line 8, strike the figure and insert "$3,446,000,000".
On page 42, line 9, strike the first figure and insert "$4,291,000,000".
On page 42, line 9, strike the second figure and insert "$4,231,000,000".
On page 42, line 19, strike the figure and insert "$882,0001000".
On page 42, line 20, strike the figure and insert "$1,258,000,000".
On page 42, line 21, strike the first figure and insert "$2,034,000,000".
On page 42, line 21, strike the second figure and insert "$2,101,000,000".
On page 42, line 22, strike the figure and insert "$2,594,000,000".
On page 42, line 23, strike the figure and insert "$2,275,000,000".
On page 42, line 7, strike the figure and insert "$858,000,000".
On page 43, line 8, strike the figure and insert "$791,000,000".
On page 43, line 9, strike the first figure and insert "$1,332,000,000".
On page 43, line 9, strike the second figure and insert "$1,496,000,000".
On page 43, line 10, strike the figure and insert "$1,725,000,000".
On page 43, line 11, strike the figure and insert "$1,987,000,000".
On page 43, line 20, strike the figure and insert "$192,000,000".
On page 43, line 21, strike the figure and insert "$87,000,000".
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On page 49, line 17, strike the second figure and insert "$469,000,000".
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On page 54, line 20, strike the figure and insert "8".

NOTICES OF HEARINGS

Mr. NICKLES. Mr. President, for the information of the Senate and the public, I am announcing the scheduling of public hearings before the Subcommittee on Energy Regulation and Conservation of the Committee on Energy and Natural Resources.

On Tuesday, May 14, 1985, beginning at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building, the subcommittee will hold an oversight hearing on automobile fuel economy standards.

On Tuesday, June 4, 1985, beginning at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building, the subcommittee will hold an oversight hearing on the impact of imported petroleum products on the domestic petroleum industry.

On Tuesday, June 18, 1985, beginning at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building, the subcommittee will hold an oversight hearing on the current state of and the factors affecting the natural gas market.

Those wishing to present oral testimony or submit written statements for the hearing record should write to the Honorable Don Nickles, chairman, Subcommittee on Energy Regulation and Conservation, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

You may contact the following committee staff at the above address for further information regarding these hearings: May 14, 1985, hearing on automobile fuel economy standards—Ms. Faye Johnson (202-224-2366); June 4, 1985, hearing on impact of imported petroleum products on the domestic petroleum industry—Ms. Elizabeth Baldwin (202-224-5205); and June 18, 1985, hearing on the current state of and the factors affecting the natural gas market—Ms. Elizabeth Baldwin (202-224-5205).

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will hold a markup on S. 277, a bill to reauthorize and amend the Indian Health Care Improvement Act, and for other purposes. The markup will be held on May 2, 1985, commencing at 10 a.m., in room 342 of the Dirksen Senate Office Building.

Those wishing to obtain additional information should contact Peter S. Taylor, staff director, or Patricia Zell, staff attorney of the committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration may have permission to meet today notwithstanding the fact that the Senate is in session. This request has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

S. 975, THE SECURITIES SAFETY AND SOUNDNESS ACT OF 1985

● Mr. CHILES. Mr. President, it is a pleasure to join with my distinguished colleague from New Mexico in sponsoring S. 975, the Securities Safety and Soundness Act of 1985. I believe this measure is a necessary step to insure the safety and soundness of our capital markets and banking system. It is not a permanent answer to some of the financing questions that have been raised by the most recent wave of mergers and acquisitions but it does address perhaps the most novel and least understood of these financing techniques.

This measure addresses the issue of junk bonds. These are the high yield, high risk securities we have been hearing so much about lately. Junk bonds are those considered below investment grade by the major bond rating services of Moody's and Standard and Poor's. Because they are not considered to be of investment quality, they carry higher risk and therefore, higher return. I suppose that ones position regarding the use of junk bonds is related to ones views regarding the merger and acquisition phenomena. I happen to believe that merger mania is not in the overall best interest of our country. I am concerned that mergers and acquisitions, especially of a forced nature, divert credit from more useful productive purposes, and result in trauma to many of the vanquished company's stakeholders. The unfortunate results of some mergers have been plant closings, job loses, community disruptions and other unpleasant side effects. In addition, the management of a target company is often forced to divert attention from the normal operations and sacrifice the long-term good of the company for short-term financial considerations. The result is often a tremendous new debt load, swapped for equity, that compromises the long range viability of the firm.

I believe this bill represents a reasoned approach to the issue of junk bond financing of hostile takeover efforts. It does not ban forever the use of junk bonds for this purpose. It only places a moratorium for the remainder of this year where 20 percent of the acquisition is financed by these bonds. This makes sense because we simply do not know very much about junk bonds. We really do not have any track record to go by, especially of their performance during difficult economic periods. To me, this suggests considerable caution. The short period of the moratorium would give us some additional time to look at the junk bond phenomena and evaluate their impact not only on the merger and acquisition question but also the capital markets in general and corporate competitive positions.

The other important feature of the bill would prevent federally insured financial institutions from purchasing these securities for their portfolios. Here again the safety and soundness questions are paramount. We have just experienced a very difficult situation for some institutions in Ohio and given the absolute necessity to maintain confidence in our banking system,

prudence and caution should be our main consideration. This bill will assist in this effort.●

NINETIETH ANNIVERSARY OF THE COMBINED JEWISH PHILANTHROPIES OF GREATER BOSTON

● Mr. KERRY. Mr. President, I wish to recognize and honor the Combined Jewish Philanthropies of Greater Boston as they celebrate 90 years of service to the community on April 25, 1985.

The Combined Jewish Philanthropies of Greater Boston stands for a cohesive Jewish community, unified by its concern for the quality of Jewish life at home, in Israel, and around the world.

As first charitable federation in the United States and the acknowledged model for subsequent charities using the "umbrella" concept, this organization is truly a pioneer in providing human welfare and social services to the community.

Today, this organization proudly continues a tradition of service to the Jewish community, assisting in the work of 75 local, national, and overseas agencies.

Annually, volunteers of all ages and backgrounds share their skills and resources, giving untold hours to supporting vital programs and services, fundraising, and planning for the needs of the community.

In the Greater Boston area, the Combined Jewish Philanthropies supports Beth Israel Hospital, the Jewish Memorial Hospital, and the Recuperative Center, all three of which are major health care facilities.

Counseling and support services are provided by the Jewish Family and Children's Service, the Jewish Vocational Service, and the Jewish Big Brother and Sister Association. Many cultural, educational, and recreational activities are enjoyed by thousands each year at branches of three Jewish Community Center.

The Bureau of Jewish Education develops programs, courses, resource materials, and innovative teaching techniques to enrich learning experiences for day and afternoon Hebrew students.

The Combined Jewish Philanthropies of Greater Boston is a significant force in Jewish life. Over 50 percent of the funds raised annually are channeled abroad through the United Jewish Appeal, and are used for resettlement and absorption of immigrants in Israel and aid dwindling and isolated Jewish communities in Eastern Europe, North Africa, and South America. It is men and women in every walk of life affirming their commitment to the institutions of our Jewish community, and linked by their caring for Jewish people around the world.

I wish to offer my congratulations to the Combined Jewish Philanthropies for their numerous achievements and contributions to the community, and hope that you will join me in celebrating their 90th anniversary of service.●

THE PUCCIO REPORT ON THE WESTWAY HIGHWAY PROJECT

● Mr. HUMPHREY. Mr. President, several weeks ago I was pleased to join Senators PROXMIRE, BRADLEY and LAUTENBERG in the introduction of S. 826, the Westway Landfill Funding Prohibition and Hudson River Habitat Protection Act of 1985. Our bill would prohibit the use of Highway Trust Fund money for the Westway Landfill.

What's the big deal about Westway, anyway? In short, the project could end up being one of the greatest wonders in the less than wonderful world of boondoggles. In order to build a 4-mile interstate highway along the west side of Manhattan, the Westway plan calls for creating more than 220 acres of prime real estate in New York by filling in the Hudson River. Under the plan, 169 acres would be available for development. Estimates for the costs of this incredible project range from $4 billion to $6 billion—a substantial portion of which would come from the Nation's highway trust fund.

There's more—according to the National Marine Fisheries Service, the Westway project could "threaten the survival of the Hudson River population of the striped bass." The striped bass is an important commercial and recreation species which has been in serious decline along the Eastern Seaboard. Stripers have used the existing piers on the west side of Manhattan as nursery grounds. The Westway Landfill threatens to wipe out these grounds and thus put increased stress on up to 50 percent of the striper population along the Eastern Seaboard.

What makes Westway the wrong way is the fact that the State and the city do have alternatives to the project. Specifically, the Federal Highway Administration says that a nonlandfill road could be constructed along the west side for under $1 billion. Or, $1.71 billion in Federal funds which would be used to construct Westway could be traded to construct a nonlandfill highway and to rehabilitate New York's mass transit system.

In 1983, Governor Cuomo of New York commissioned Attorney Thomas Puccio to study the Westway project versus the alternatives. I think the study provides an excellent analysis of the issues involved in the Westway controversy, and I commend it to my colleagues. Today, I am inserting the first half of the report, and on Friday I will insert the second half.

Mr. President, I ask that the first half of the Puccio report on Westway be printed in the RECORD.

The material follows:

THE PUCCIO REPORT ON WESTWAY

Last July, I agreed to report on the continued viability of the controversial Westway project, in light of a federal District Court Judge's finding that State officials had suppressed important evidence during the approval process. This task proved too burdensome to complete on the sixty-day-period of time originally contemplated. Since taking the assignment, I have devoted considerable time to a review of documents (including briefs, court decisions, correspondence, and newspaper articles concerning Westway), and I have spoken at length with a number of individuals who are in favor of, and opposed to, the project.

Based on the above, I have reached two basic conclusions:

1. Whatever merit the Westway project originally had, it has now become a luxury that the City and State probably cannot afford. Moreover, legal entanglements which continue unresolved to date have put Westway almost out of reach. Accordingly, the valuable trade-in opportunity should be seriously explored before it is too late.

2. The federal District Court findings of deception by state officials makes an investigation by an appropriate state or federal agency a necessary step to restore public confidence in the integrity of the approval process.

BACKGROUND

Westway is a proposed highway/land development project that has been designed to take advantage of Federal funding available under the interstate highway laws. To the extent that Westway expenditures fall within the "interstate highway" definition and subject to the ultimate availability of funds. Westway's costs would be 90% covered by the Federal government, 10% by the State. At present, the State's cost estimate is in the order of $2 billion, though opponents believe that the eventual price would be $4 billion or more.

Westway is styled as a replacement roadway for the old West Side Highway south of 42nd Street. It would not, however, be built in the existing right-of-way (which is adequate to support a modest replacement roadway). Instead, approximately 200 acres of the Hudson River would be landfilled, and the road would be tunneled through this fill (or, for approximately one-third of its length, routed through an open cut in the fill or mounted on an elevated structure above the fill). The area of the fill ranges from the current bulkhead line outward as far as 800 feet to the pierhead line and is generally referred to as the "interpier area." According to the 1977 Environmental Impact Statement (EIS) for Westway, approximately 90 acres of the landfill would be used for parkland, 100 acres would be available for development, and the remaining area would support the highway and its interchanges.

The history of how Westway was developed as a concept and manipulated through the review process is lengthy and need not be repeated here. It is sufficient to note that funding approval was given by the Federal Highway Administration (FHWA) in January 1977: an air quality permit was issued for the project in 1980; and a Corps of Engineers' dredge and fill permit has since been set aside by the U.S. District Court (recently affirmed by the U.S. Court of Appeals), and the matter has been remanded to those agencies for reconsider-

ation after the preparation of a new EIS. The preparation of that EIS is now underway.

THE PRINCIPAL ISSUES

At the center of the Westway debate are two principal issues: first, the allocation of available Federal money to a combined highway real estate project or the alternative use of such funds for transit rehabilitation and other infrastructure improvements, and second, the impact of the highway and potential landfill development on existing communities, especially Greenwich Village. In addition, the District Court trial identified a third issue of substantial importance—i.e., the damage that the landfill might do to important fisheries resources of the Hudson River.

ALLOCATION OF FEDERAL FUNDS

The debate over the allocation of available Federal monies derives from Section 103(e)(4) of the Federal-Aid Highway Act, which authorizes the State and City (if they agree) to abandon Westway and use the funds instead for substitute transit and roadway projects. Most Westway opponents are strongly in favor of this "trade-in" alternative, because of the immense infrastructure capital needs that the State and City face. Westway proponents, in contrast, have asserted that the trade-in is illusory and that in any event, Westway represents a "once-in-a-life-time opportunity" which should not be missed.

LAND USE

The "land use" issue has its own history. When Westway was first conceived, the Lower West Side was generally run down as it edged toward the Hudson. As a consequence, Westway was seen as the key to revitalizing this area. Since 1977, however, much of the Lower West Side has renewed itself through new construction and accelerated conversions. Thus, today, the residential communities in the Village and Tribeca, as well as in Lower Manhattan, already extend to West Street, and Westway has become something of an anachronism in this regard. Instead, for many community residents, Westway has become a spectre, since the landfill development could serve to cut them off from the Hudson. In addition, if the development should end up being luxury housing, the pressures on rentals (as well as co-op and condominium prices) in the existing upland neighborhoods could be severe.

IMPACT ON FISHERIES

Finally, the potential fisheries impacts have become a matter of concern to the groups who have been concerned with protecting the Hudson over the past 20 years. In this construction, the species of fish the most severely affected appears to be the striped bass, which has great commercial and sports value not only in the Hudson, but also on the north and south shores of Long Island, all the way to Montauk. The striped bass has been at the center of power plant controversies on the Hudson for many years and was probably the key factor in defeating Con Edison's proposal to build a pumped storage plant at Storm King Mountain. For the groups involved in that and other Hudson River controversies (including sports and commercial fishing interests), the idea that Westway could (to quote the National Marine Fisheries Service) "threaten the survival of the Hudson River population of striped bass" is a matter of deep concern.

THE CURRENT STATUS OF WESTWAY AND THE LIGIGATION

When the U.S. District Court set aside the Corps and FHWA approvals of Westway, Judge Griesa directed the preparation of a revised EIS on the fisheries impacts and reconsideration by both the Corps and FHWA, based on that revised EIS. Pending such reconsideration, the Court enjoined all major construction connected with Westway and most other substantial expenditures. As a result of that decision and injunction (which was affirmed by the U.S. Court of Appeals on February 25, 1983), major work on Westway has been brought to a halt.

In issuing its decision and injunction, the District Court found that the New York State Department of Transportation (NYSDOT), as well as FHWA, had acted in bad faith and conspired to conceal critical new information on potential fisheries impacts. As a consequence of these findings (which were also affirmed by the Court of Appeals), the District Court made specific in its injunction the further steps that the Corps was bound to follow on the remand. Central among these was the obligation that the Corps act independently of, and not defer to, NYSDOT in shaping its decision. In addition, the Corps was explicitly instructed to consult with, and give great weight to the views of, the expert Federal fisheries agencies in deciding what additional field studies, if any, were to be undertaken.

CORPS' RECENT BEHAVIOR

Following the Court decision, the Corps began to gear up to prepare a revised EIS, and in that connection initiated a systematic inquiry into the need for additional studies. This led in August 1982 to a recommendation by the Corps' own consultants that further field studies be undertaken. Subsequently, in October, an expert panel assembled by the Corps concluded that two winters of additional work were needed and that the studies must be carried out independent of NYSDOT and its consultants. These judgements were, in turn, endorsed by each of the Federal fisheries agencies. However, when the State objected to doing such studies, the Corps abandoned the position which its expert consultants had taken and simply accepted what the State offered (which was a single winter of local sampling). Furthermore, despite the specific terms of the injunction that the Corps conduct its own independent evaluation, and despite the explicit recommendations of the expert panel that any studies be carried out independent of NYSDOT consultants, the Corps is apparently using NYSDOT—and the same NYSDOT consultants whom the District Court found to have misrepresented the earlier fisheries results—to carry out the future field work. Beyond this, the studies now being undertaken were commissioned without consultation with the Federal fisheries agencies.

In view of the preceding conduct (which is virtually a repetition of the 1980-81 activities that the District Court found unacceptable), the plaintiffs have moved to hold the Corps and NYSDOT in contempt. Judge Griesa, for his part, has made his concern quite clear and has scheduled court proceedings which are now ongoing. If the Corps and/or the State are held in contempt, the EIS process will have to start over and two winters of additional field work will eventually have to be undertaken.

TIMETABLE

This, of course, is not in accord with the State's timetable. To the contrary. Shortly before the contempt motion was filed, the State was reported as expecting a revised draft EIS to be available by April. This has not happened; but even if a draft was forthcoming soon, in light of the conduct described above, it would very likely be found defective by Judge Griesa. Accordingly, it is unlikely that an adequate EIS will be issued in 1983. If this happens, and taking account of time required for further judicial review, it is unlikely that major Westway work could resume before 1985, even if the outcome of the review process were favorable to the project.

"NO POSSIBLE ALTERNATIVES?"

In the last connection, one other point should be recognized: there may well be an insuperable substantive obstacle to Westway: Specifically, under the Clean Water Act, the foiling of "special aquatic habitat" can only be permitted under extraordinary circumstances, where there are no possible alternatives. If, as the 1979-80 fisheries data appear to show, the interpier area is an important winter nursery for young striped bass and other fish, it will qualify as a "special aquatic habitat;" and since there are clearly alternatives to Westway (even if some people deem them less desirable), then under the applicable law, the Corps will not be able to issue a landfill permit. The likelihood of this outcome is all the greater because the Federal fisheries agencies continue to oppose the landfill permit; and as recently emphasized by the Court of Appeals in affirming Judge Griesa, the Corps must give "great weight" to these views. The Corps will not meet that test if, as in the last time around, if simply ignores the negative recommendations of the agencies.

In summary, the legal proceedings surrounding Westway are likely to stretch out many months, if not many years; and while it would be foolish to contend that a permit could never be issued, the obstacles are substantial and any authorization to proceed is uncertain at best.

THE TRADE-IN ALTERNATIVE

The alternative to Westway deserving the most serious consideration is the "trade-in" of Westway, and the use of Westway funds for a substitute replacement road, combined with transit and other infrastructure improvements.

The trade-in requires as a first step that the Governor and the Mayor join together to request that Westway be withdrawn as an interstate route and that the funds required to complete it (as set out in the most recent interstate cost estimate) be made available instead for substitute transit and roadway projects. The request is made to the Secretary of the U.S. Department of Transportation. To date, every such request made to the Secretary (now totalling nearly 30) has been approved, and there is no reason to believe that the result would be different with Westway. To the contrary, every recent Secretary of Transportation has indicated that if a Westway trade-in request were made, it would be approved.

Once the trade-in was effected, an "account" to the benefit of the City and State would be established in Washington, against which substitute transit and roadway projects would be authorized. The value of that account, based on current cost estimates, would be approximately $1.5 billion. (These funds require a 15% local match whether used for transit or roads.)

An initial allocation from the trade-in funds would be required to complete and

improve the substitute roadway link between 42nd Street and the Battery. The State has already removed most of the old overhead structures, and an interim road has been developed which provides a reasonable, if sometimes congested, vehicle route down the West Side. Significant improvements, however, may be possible with trade-in funds. For example, according to one view, within the 260-foot right-of-way that exists today, the roadway could be relocated eastward to permit the construction of a border park; a pedestrian overpass could be provided to facilitate access to the waterfront; turning lanes could be added to smooth the flow of traffic; intersections could be reduced in number to alleviate congestion; and, in general, a first-rate surface arterial could be developed to carry both auto and truck traffic along the West Side corridor. While the resulting roadway would not have the capacity of Westway, the speed differential would be small, involving, at most, five to ten minutes of additional driving time in a rush hour setting.

FUNDS FOR OTHER BOROUGHS

To reconstruct such a replacement road, including associated rehabilitation of the waterfront, the allocation of $100 million of the trade-in funds would undoubtedly be more than sufficient. The remaining trade-in funds, totalling approximately $1.4 million (plus the State share of approximately $200 million), would then be available for transit rehabilitation and bridge, road and related infrastructure repairs and improvements. These funds could be used, moreover, not only in Manhattan, but also to the benefit of the outlaying boroughs and, the general metropolitan area. For example, subway improvements could be financed in the Bronx, Brooklyn and Queens, as well as in Manhattan; funds might be used to purchase new buses for Staten Island; interborough bridges could be rehabilitated; and roadways could be repaired in diverse sections of the metropolitan area. In short, while the bulk of the funds would presumably be spent in Manhattan, trade-in offers options that could provide much broader benefits.[1]

The trade-in funds would be a major and critical source of the money needed to buoy up failing capital infrastructure. Even with the MTA's expanded 10-year program, for example, there are substantial shortfalls of transit capital funds; and the problem is equally serious in connection with bridges and roads. Furthermore, the allocation of trade-in funds to transit rehabilitation would avoid the need for up to $1 billion of borrowed capital and the resultant interest charges. This could save 10 cents to 20 cents in terms of the fare.

SURER FUNDING FOR TRADE-IN

Recent changes in the Federal Highway laws have increased the attractiveness of trade-in, in certain respects. In particular trade-ins for substitute roadway projects (including bridges) will now be funded out of the Highway Trust Fund, rather than being dependent on annual appropriations from the General Fund. This should provide somewhat greater assurance of receiving such funds in a timely way (at least as great assurance as for Westway itself) and will also relieve to some degree the annual competition for transit trade-in funds. The latter have been tentatively set at between $365 million and $400 million annually for the next four years—a relatively low sum which could, however, be increased. In any event it has been estimated that if Westway were traded-in, New York could obtain at least $100 million a year for transit, based on the current authorization level. That would be a substantial amount in its own right.

The preceding discussion assumes that the trade-in funds would be drawn down within the context of the current law. However, this need not be the case. If a decision were made to trade-in, it is possible (if not probable) that a deal could be negotiated with the Federal government that would be more advantageous than the scenario described above. For example, a regularized flow of Federal funds (perhaps $200 million a year over 10 years) might be effectively guaranteed, allowing the State to issue its own bonds, backed entirely by the flow of Federal funds. This would allow major repair work to proceed immediately and in an expansive way—all at the time when it is needed most. Such a program could also generate large numbers of current jobs, equal to or even greater than could Westway.

Based on experience in Boston, Chicago and Washington itself, it is apparent that the State of New York can make a deal with the Federal government to assure that trade-in works. Up to now neither the State nor the City has been prepared to negotiate; and so long as they remain unwilling to do so, they will be inclined to assert that trade-in does not work. However, it does, as the elections by other cities and states have shown; and in my view, there is little doubt that it will work in the case of Westway; if the City and State make that election and follow it through.●

[1] It is also worth noting that the trade-in would benefit the poor to a far greater extent than Westway, since the less affluent are heavily dependent on the subway and bus system.

NINTH ANNUAL SWEET POTATO AFFAIR

● Mr. LONG. Mr. President, the golden sunshine of spring calls to mind that most nutritious of foods—the delicious golden yam. Today, April 25, we are observing the ninth annual "Sweet Potato Affair," to celebrate the flavor and nutritional value of this excellent vegetable.

Our Nation is enjoying an upsurge of attention to our health and physical condition. We've learned that the kinds and amounts of food we eat can have a definite effect on our well-being.

In fact, the National Academy of Sciences recently came up with a number of suggestions on how our diet can affect our susceptibility of several diseases, including cancer. One of the recommendations was that we eat more fruits and vegetables rich in vitamins A and C.

These new facts make our annual "Yam Day," with its goal of encouraging greater consumption of the Nation's sweet potatoes, even more worthwhile. One sweet potato proudly claims 9,230 units of vitamin A, a greater portion than almost any other comparable food.

The yam is a natural way to satisfy our sweet tooth without adding sugar, and without gaining weight. A medium-sized sweet potato adds only 82 calories to a meal.

Bake them, mash them or—for an occasional treat—serve them candied. Sweet potatoes are especially good with poultry and pork, and don't forget that southern favorite, sweet potato pie.

Because we have such a plentiful yam harvest, the Government uses large amounts of sweet potatoes in its food programs for the military and for schoolchildren. Since major concern of these programs is to provide foods with a high nutritional value and a tasty flavor, the Louisiana yam is custom made. Yams have three great characteristics that make them ideal for Government feeding programs: They are extremely nutritious, they are very very versatile and can be prepared in many different ways, and they have a natural sweet taste that people—especially children—enjoy.

I encourage the U.S. Department of Agriculture and the Department of Defense to continue and increase their purchases of sweet potatoes, and hope that purchasing decisions will be made as early as possible to assist production planning.●

ORTEGA SHOWS HIS COLORS: PLANS VISIT TO MOSCOW

● Mr. QUAYLE. Mr. President, although the Senate has completed its debate over funding of the Contras for the moment, the debate over the character of the Sandinista government in Nicaragua and what U.S. policy should be, will continue.

Ironically, the question of how closely the Sandinistas are working with the Soviet Union was clarified in today's New York Times, 1 day after congressional consideration of funding for the Contras. In an article, "Sandinista Leader Says He Plans to Visit Moscow Soon to Seek Aid," the Times indicates just how little good congressional rejection of military funding of the Contras has done for easing Nicaragua's tilt toward Moscow.

Mr. President, it is essential that Congress understand just how closely the fate of the Sandinistas is tied to continued Soviet military and economic aid. I ask that the full text of the New York Times article be printed in the RECORD.

The article follows:

[From the New York Times, Apr. 25, 1985]

SANDINISTA LEADER SAYS HE PLANS TO VISIT MOSCOW SOON TO SEEK AID

(By Stephen Kinzer)

MANAGUA, NICARAGUA, April 23.—President Daniel Ortega Saavedra said today that he would visit Moscow at the end of this month to discuss economic assistance.

"We are visiting the Soviet Union to make proposals, naturally in the area of economics," he said, "to try to recover a little of what the United States has denied us."

Mr. Ortega also said he was pleased with the Congressional rejection of President Reagan's proposal for continued aid to insurgents fighting the Sandinista Government, but he insisted that the United States further ease pressure on his Government.

A leader of the domestic political opposition, Luis Rivas Leiva of the Social Democratic Party, said that with the Administration request defeated, "the Sandinistas should live up to the commitments they made to the Congressmen who came to our country." Several members of Congress who met President Ortega this month reported that he had indicated he would respond to an aid cutoff with a favorable gesture to the domestic opposition.

VISIT TO ARCHBISHOP

In what was viewed as a conciliatory gesture, President Ortega today called on Archbishop Miguel Obando y Bravo and congratulated him on being elevated to the rank of Cardinal. The Archbishop, whose elevation was annnounced in Rome today, has been a harsh critic of the Sandinistas.

Mr. Ortega said the Congressional votes on Tuesday represented "a favorable gesture the could help the search for a peaceful solution," but he noted that many members of Congress had voted in favor of the Administration's proposals, and he said Congress could only affect part of American foreign policy.

SENATOR OBJECTS TO TRIP

(By Shirley Christian)

WASHINGTON, April 24.—A United States senator who voted against President Reagan's request for aid to the rebels said today that he would have voted in favor had he known of Mr. Ortega's planned trip.

Senator Jim Sasser, a Tennessee Democrat, said it was "an ill-timed and ill-advised trip which I think only serves to underscore the growing East-West conflict in Central America." He added: "I think for him to be going to the Soviet Union at this time, just when the Administration is beginning to show some flexibility as the result of pressures from Congress, indicates that the Sandinista leader is either naive, incompetent or not as committed to negotiations as recent statements would indicate."

In another development, three Nicaraguan opposition leaders issued a news release today in which they urged the Congress to channel any aid through the United States Agency for International Development, not through the Red Cross or the United Nations High Commissioner for Refugees.

They said aid through the private organizations would "in effect be used to neutralize and disperse the movement of the Democratic Resistance in Nicaragua" while aid through the government agency would "signal to the world that the U.S. Congress believes our cause has justice."

The statement carried the names of Arturo Cruz, a leading civilian opposition leader; Adolfo Calero, leader of the Nicaragauan Democratic Force, a rebel group, and Alfonso Robelo Callejas, a leader of the other principal rebel group, the Democratic Revolutionary Alliance.

President Ortega and other leaders of the governing Sandinista Front have made numerous trips to the Soviet Union since coming to power in July 1979. The trips first resulted in agreements on trade and economic cooperation, then the establishment of relations between the Soviet Communist Party and the Sandinista Front, then military assistance.●

THE ABORTED CHILD

● Mr. HUMPHREY. Mr. President, we all know that a child is sentient at the moment of its birth. It is clear from this that the child's sensitivity to light, temperature, sound and pain were developed while the child was still residing within the womb. It is simply logical that otherwise the capacity would not be present at birth. We also know that a fetal surgeon must anesthetize his tiny patient in order to perform surgery. Despite such obvious acknowledgments of fetal pain, we still hear the matter disputed.

We read in "The Development of the Brain, Biological and Functional Perspectives," by Reinis and Goldman, that

The sensory nerves approach the skin of the fetus in the 8th week [gestation] and are in contact with it by the following week * * *. The sensitivity to pressure or contact develops in a cephalocaudal direction from the lips downward. Thus, lip tactile reflex responses may be evoked by the end of the 7th week. By 10.5 weeks, the palms of the hands are responsive to light stroking with a hair, and at 11 weeks, the face and all parts of the upper and lower extremities are sensitive to touch. By 13.5 to 14 weeks, the entire body surface, except for the back and top of the head, is sensitive to pain.

Although we have regulations for the humane disposition of animals, we do nothing for the child in the womb. In abortion, these developing infants are subjected to dismemberment, saline burning, and other cruel procedures. Late-term abortions often produce the "dreaded complication"—a living aborted child. What if, right now, every legislator in America was handed a gasping, living aborted child at his desk? To answer this, let me simply quote from Paul R. Gastonguay's article "Abortion and Law":

Abortion does not merely deal with a mother; it must also deal with the ridding of the aborted child, the occasional piecemeal removal of fetal arms and legs, the drowning of a kicking fetus in a pail of water. If such thoughts are repulsive, as I certainly hope they would be, then surely the whole concept of abortion must be. This is what we are talking about: a bloody, gasping, kicking fetus which any legislator in his right mind would immediately attempt to wash and console.

Mr. President, I ask that two articles, "Unborn Clearly Feel Pain," by Dr. Steven R. Zielinski, and "Pro-Choice Movement Aided by Ignorance," by columnist James Edwards, be printed at this point in the RECORD.

The material follows:

[From the National Right to Life News, Feb. 28, 1985]

UNBORN CLEARLY FEEL PAIN

(By Steve Zielinski, M.D.)

Recent efforts of the pro-abortion lobby to deny the horror of the abortion procedure are not unlike those old magic tricks once popularized by Houdini. Everyone remembers the fascination they spawned. A person was put inside a cabinet and long sharp knives were put in on all sides, and, when the knives were removed, voila!, the person was no longer there!

The response of such pro-abortion stalwarts as Judy Goldsmith to Bernard Nathanson's firm, "The Silent Scream," shows just how dangerous and devious those "old tricks" can be.

The magician's art is to distract your attention from what is occurring before your very eyes. Goldsmith does the same. She claims the film is a sham; too emotional and inaccurate. She is wrong on both counts.

How is one to avoid emotion when a human "lifeform" (dare we say a "human being?") is being torn limb from limb? Of course the abortion evokes emotions. A human being is being torn apart.

In "The Silent Scream," we have within our grasp the means to convert hundreds of thousands, if not millions, of individuals who have been riding the fence on the abortion issue. With their claims of "inaccuracy," the abortion promoters are even now, through the media, trying to create a dust storm to cloud the vision of the viewing public. We must be able to clear away that dust with a few simple answers to the obvious questions and objections.

Do unborn children really scream? Doubtful. Even if they did you couldn't hear any sound travel through the fluid environment of the womb. Do they look like they are screaming during the abortion? The answer is open to interpretation. I'd say yes, but then I think unborn children are people. Those who think unborn children are clumps of tissue can rationalize and say "clumps of tissue don't scream." However, the critical question is, are the previous two questions relevant at all? The answer is a resounding, No!

If one were to decide to beat a dog, would the dog have to cry out and whine before there could be any assurance that the dog's agonizing writhing and efforts to avoid and escape punishment were evidence enough for the pain and distress being suffered?

The womb cloaks unborn children in silence. Since they cannot talk to us and cannot scream or cry, how can we tell whether they experience pain? We must compare their physical activity and capacity with that of those we know can feel pain. Specialists in the nervous system tell us there is a basic difference between an "aversive," or whole body response to something that would normally be painful (a "noxious stimulus"), and a mere "reflex" of the affected body part, like a hand that instinctively pulls away from a hot stove.

A reflex response only goes to the spinal cord and back to the affected limb. Full body aversive responses only come about as a result of activities of the central nervous system—the brain—usually at the level of something called the thalamus.

In noncommunicative human subjects, as well as in dogs and other animals, the "aversive response to a noxious stimulus" is the accepted standard by which the presence of pain is determined.

Kathyrn Moseley, a prominent pediatrician and neonatologist from St. Louis, states in an affidavit in the case of *Keith* v. *Daley* that "Infants born between 18 and 24 weeks gestation who have come under my care demonstrate aversive responses to noxious stimuli similar to those seen in infants of later gestational ages. Such responses, and similar responses indicative of discomfort in the newborn subjected to noxious stimuli are interpreted by the neonatologist as pain and treated accordingly."

It is certainly not unreasonable to assume such activities occur in the womb prior to birth among unborn children of the same gestational age. But "The Silent Scream" gives us evidence this occurs even earlier into pregnancy. The pathetic attempts of the 12 week unborn child to escape a suction abortion graphically demonstrate the full body's attempt to avoid destruction, and thus the presence of fetal pain.

Critics of this sort of analysis claim the fetus does not feel pain the way others do, largely because unborn children possess no memory by which to compare the pain and no sense of past or future. They also point out that unborn children lack "significant cortical development." The cortex is the largest portion of the brain, the portion that sits on top of all the other structures, and is responsible for logical thinking and interpretation of sensory information.

The first of these arguments is absurd. It may be true that the unborn child has nothing to compare to the pain of abortion, if she or he has—as some claim—no memory. But if one cannot experience pain without first relating it to a memory of prior pain, how could one ever have experienced the prior pain? The first time a child puts her hand on a hot stove, the pain is real (the burn certainly is real enough) and the lack of memory of a similar pain does not keep the child from crying.

What of the second argument: does the cortex play an important part in the perception of pain? Does the absence of a fully functioning cortex in the unborn child mean pain is not possible?

The medical literature indicates that while the cortex may modulate the response to pain, it is by no means essential in order to experience it. Many textbooks of neurology and physiology point out that there is little evidence that pain information even reaches the sensory cortex in normal adults. The critical structure for the sensation and response to painful stimuli is the thalamus, a small center of nerve interconnections at the base of the brain.

It is not necessary to read advanced medical textbooks to learn this information, you just have to read Time magazine. (An article on "The Mechanism of Pain" was the lead story in a June 1984 issue of Time.) We know that the unborn has a functioning thalamus by 9 weeks gestation.

However, the importance of the cortex should not be ignored; it is essential for sapient adults to use the logical thinking functions of the cortex to realize the basic injustice of abortion.

The third objection Goldsmith and her cohorts make to the claim of fetal pain just doesn't make sense. Again and again, they dismiss fetal movements in response to painful stimuli as mere "reflexes." But those who use their cortex know that the limb does not control the body and that sensation of noxious stimuli in one limb should not cause the other limbs to try to get away from the stimulus as we see in The Silent Scream.

That horrible little drama we see during an ultrasound abortion is not a single isolated event. While we may see it only once, the human tragedy is replayed again and again, thousands of times a day. Normal human beings who see the film cannot help but identify with that helpless solitary voyager—soon to be terrorized and tortured.

When the "old tricks" of the abortion promoters are finally put back in the magician's chest, and viewers can respond—in their minds and in their hearts—to what abortion really is, then there will truly be a public scream—a scream of outrage and horror. But, as legislators and judges will come to know, that scream will not be silent.

[From the Manchester Union Leader (NH), Mar. 28, 1985]

PRO-CHOICE MOVEMENT AIDED BY IGNORANCE

(By James Edwards)

Prodded by an indignant pro-choice faction, the authorities in Pensacola, Fla., spent much of last week scurrying around trying to find out whether any laws were broken by a pro-life activist who displayed an aborted 20-week-old fetus during a television interview.

They should have asked me—I could have saved them the effort.

There are no laws existing in any of these United States regarding the disposition or disposal of fetuses.

Most fetuses—and there is an abundant supply of them—are incinerated. Smaller ones are frequently flushed into the sewer system. Others are stored in jars of formaldehyde, rather like surplus garden produce pickled for use in the off-season. Pickled fetuses are sold for use in medical research or commerce.

Some clinics and hospitals put fetuses out with the trash. Last May, United Press International reported on a Mother's Day ceremony in Dallas involving the mass burial of 1,000 fetuses recovered from a dumpster in an alley behind an abortion clinic.

Also in 1984, stray dogs sniffing around a dump in Kansas City, Mo., began tearing open garbage sacks full of fetuses. The same thing happened in Richmond, Va., where plastic bags containing fetuses were pulled by dogs from a trash compactor. After the animals had eaten their fill, the site was littered with the bones of babies. Photographs of the grisly scene were widely disseminated by pro-life forces, much to the distress and indignation of the pro-choice movement.

It's not that the pro-choice crowd really cares what happens to the fetuses after they have been killed. If, as they claim, fetuses are inhuman, then it matters little how they are disposed of after death. Right?

No, the reason they get so uptight when confronted by images of dead fetuses is that they don't want the general public to get a glimpse of their handiwork.

Take this Pensacola case. As soon as John Burt, a local pro-life activist, began unwrapping a fetus on camera, the newscaster who was conducting the live interview signalled frantically for the scene to be taken off camera.

Why the panic? In pursuit of an answer, I called station WEAR and asked to speak to Becky Ozburn, the newscaster who had pulled the plug on John Burt. Ms. Osburn was unavailable for comment, but Renee Lewis, another anchorwoman, explained that Burt's action had threatened to turn the interview into "a circus." She added something to the effect that many viewers were eating their dinner at the time and that she assumed their appetites had been spoiled by the sight of the "grey-colored" fetus.

It seems she was right. Both WEAR and the Escambia County Sheriff's Department received some "pretty indignant" phone calls from viewers who had gotten a disturbing glimpse of the fetus.

Interestingly enough, not all the callers were pro-choice. Some said they had open minds on the abortion issue, others said they sympathized with the pro-life viewpoint; virtually all of them, however, denounced Burt's action.

"They thought it was—well—inappropriate," a sheriffs department spokesman told me, adding that several callers wondered if Burt had left himself open to prosecution.

The question is significant because it shows how confused many people are about abortion. For example, the tiny body which was shown briefly on WEAR was so demonstrably human that it prompted a flood of phone calls from irate viewers demanding that legal action be taken against the person who was walking around with a corpse in his possession. Paradoxically, however, some of those outraged callers identified themselves as being pro-choice supporters, which meant that—at least theoretically—they subscribed to the argument that abortion does not involve the taking of human life.

This confusion and ignorance on the part of the general public is clearly in the best interests of the pro-choice movement, which is locked in a kind of public relations battle with the pro-lifers for the hearts and minds of the American people.

The pro-choice set would have Americans believe that abortion involves nothing more than flushing formless blobs of fetal matter out of the womb. In many instances it does. But in too many cases it involves the aborting of second and third-trimester fetuses—such as the one which so upset the WEAR viewers. That such "viable" fetuses experience pain when being aborted is no longer open to debate. According to numerous medical experts—including two past presidents of the American College of Obstetricians and Gynecologists—it is patently absurd to suggest that fetuses with fully developed nervous systems are immune to pain.

The unmistakable humanity of such late-stage fetuses is the reason why the pro-choice faction gets so jittery when somebody like John Burt attempts to jolt society into an awareness of what abortion actually involves. Thus far, the pro-choice movement—aided by powerful allies in the media—has been able to keep the public largely in the dark about abortion. People like John Burt are dying to bring some light to bear on the subject. If, in so doing, they are accused of resorting to bizarre and even tasteless tactics, then that is the price they are willing to pay in defense of the living but unborn.●

DEFENSE CONTRACT ABUSES

● Mr. GOLDWATER. Mr. President, for several years now, there has been a repetitious disclosing of malpractice, bad practice and just plain dumb practice by corporations selling military equipment to our government. I, first, have to commend the Members of this body, like Senator GRASSLEY and Senator ROTH, who have been pursuing these mistakes and, as I have pointed out, as long as they stick to that approach, I am all with them and wish them luck.

Now, what has been happening? Two stories, appearing in this morning's edition of USA Today, show real progress. One article by John Fisher, who is president of the American Security Council, points out the great ad-

vances being made by the Navy, and I can report, as chairman of the Armed Services Committee, that every other service has the same type of operation going now, although they are not as fully or as completely developed as the Navy's.

The other article, by Joseph Sherick, who is inspector general for the Defense Department, points out the great number of people that he has employed under his command to get at the bottom of these abuses whenever they are disclosed or even when they are not disclosed, which is more important.

When I became chairman of the Armed Services Committee, I said that my aim in the Senate would be to get "more bang for the buck," and doing that will mean a lot of work in this field of getting all contractors to toe the line.

I have to say to my colleagues and friends that, while there have been abuses, they have been practiced by a relatively small percentage of the total contractors. Most of them operate in a proper manner, but the few who haven't are being brought to "court" by Secretary Weinberger and by the separate services, themselves.

To indicate the interest of the Armed Services Committee in this, I asked the committee this year to establish a Subcommittee on Defense Acquisition Policy. Chaired by Senator QUAYLE, and with Senator LEVIN as the ranking minority member, the subcommittee has done an outstanding job of investigating procurement policy questions. The Defense authorization bill for fiscal year 1986, which will be reported to the Senate in a few days, includes thoughtful provisions reflecting this excellent work.

In addition, other members of our committee have had a strong interest in these matters. Senator GRAMM is the author of the Defense Efficiency and Economy Act of 1985, which was adopted by the committee. That proposal not only addresses some very important procurement problems, but also takes important steps toward saving the American taxpayer hundreds of millions of dollars by changing long-standing congressionally imposed waste in such areas as contracting out, base closings, and wage scale calculation on defense construction contracts. I hope that the Senate will support all these proposals when our authorization bill comes to the floor.

I ask that the two articles I have referred be printed in the RECORD.

The articles follow:

THE ABUSE IS RARE; PENTAGON'S FINDING IT

(By John M. Fisher)

BOSTON, VA.—Any mismanagement or waste by defense contractors is taken very seriously by all of us who are involved in national security.

We will not excuse any firm that does not implement the numerous reforms initiated by Secretary Caspar Weinberger, but we also feel the public has to recognize that major change is occurring.

Navy Secretary John Lehman has in fact already announced that 40 percent of the new commissions for flag-rank officers in the Navy will be reserved for those who have a background in procurement.

The numerous stories about overpriced spare parts have seriously hampered the president's efforts to rearm the USA. Anti-defense lawmakers have had a field day with their charges that defense contractors are selling $7,600 coffee makers and $436 hammers to the Pentagon.

The public can clearly understand these stories, but they lose sight of the fact that there are 13 million contract actions each year at the Pentagon. In addition, the Defense Department operates on such a large scale that any mistake involves eyebrow-raising sums.

Anti-defense lawmakers and the news media usually do not mention that these "revelations" were first uncovered by the Defense Department and the industry itself. The department has completely overhauled the procurement process, and most of the charges being made against the defense industry must be labeled as cheap shots.

We recognize that there are sincere individuals who are concerned about military reform. But, unfortunately, far too many people are taking information out of context and using it to smear the Defense Department and the defense industry in an attempt to force cuts in the defense budget.

The great majority of these controversial contracts were initiated in previous administrations. And, in fact, the Pentagon never paid for those $436 hammers. It simply told the manufacturer to give the government a refund, or that firm would not be doing business with the Pentagon in the future.

In the current budget debate, we cannot lose sight of the strategic importance of our defense industry. Meaningful reforms have already been implemented in the defense procurement process, and Weinberger has significantly increased the number of contracts that are open to competitive bidding. We are all very concerned about the charges that relate to overpricing, but it must be recognized that these abuses have occurred in only a very small percentage of contracts.

Our national security has suffered from decades of neglect, and it would be tragic if these sensational charges derailed the president's modernization program.

The defense industry has served the USA well, and it deserves to be called the "arsenal of democracy."

NEW WEAPONS TO COMBAT FRAUD

(By Joseph H. Sherick)

WASHINGTON.—In the year ended Sept. 30, the Department of Defense placed 15 million contracts worth $146 billion involving over 60,000 prime contractors and hundreds of thousands of other suppliers and subcontractors.

The department's internal audit organizations issued over 18,000 reports with potential monetary benefits of over $2.7 billion. They issued over 61,000 audit reports with net savings of over $7.4 billion.

There are 750 fraud-trained criminal investigators in the department. We have recommended adding 400 more.

We have conducted 15 five-day fraud training seminars, which have provided advanced training to over 500 Defense criminal investigators.

We have prepared a handbook on contract fraud indicators, which has been distributed to 50,000 procurement, audit, and investigative personnel.

My office has also conducted over 375 fraud training sessions for 18,000 procurement personnel—in addition to 6,400 fraud training sessions provided to 240,000 Defense management officials by criminal investigators assigned to the military departments.

We have developed training materials to be used by trade associations and contractors to assist in identifying for their members and employees the types of procurement fraud that will be investigated and prosecuted by the government.

The department has the right to protect itself from contractors who cannot adequately demonstrate their responsibility as government contractors. In 1984, the department suspended or barred 454 contractors, compared with 79 in 1980.

Generally, I believe the government is in a much more capable position to deal with procurement fraud in the Department of Defense than it was two years ago.

Working with the Department of Justice and the FBI, we have increased investigative and prosecutive resources, improved referral procedures, provided enhanced levels of training, developed more significant investigations, and seen an increase in the number of indictments and convictions.

For example, in fiscal year 1982, the Department of Defense obtained 27 indictments and 102 convictions. In fiscal year 1984, we obtained 174 indictments and 181 convictions.●

ON THE PLIGHT OF SOVIET JEWS AND TRENDS IN SOVIET DISSENT

● Mr. HUMPHREY. Mr. President, during the past several weeks, I have attempted to keep my colleagues aware of the conditions in Soviet-controlled Afghanistan through the insertion of various journalistic pieces in the RECORD. The tragic plight of the Afghan people under Soviet Russian tyranny is a cause to which I am committed. I will continue to press the case for greater public awareness of this tragedy, and I hope that many of my colleagues will join me.

Today, however, I wish to turn my attention, and the attention of this body, to the plight of another group of human beings who suffer under relentless Soviet repression. I am speaking of the campaign of persecution, both official and informal, against Soviet Jews and the community of dissidents in the Soviet Union. Their only crime is that they continue to speak out for such basic causes as self-determination, freedom of religion, and the right of emigration. These, of course, are not the only reasons for which the KGB and other organs of "state security" have seen fit to intimidate, humiliate, and persecute these defenseless segments of the population. But they are such fundamental human rights as to highlight the degree of repression which exists within the Soviet Union.

Indeed, it is all too evident that repression within the Soviet Union has increased drastically over the last several years. It was not too long ago that many in the West were debating whether Yuri Andropov's appreciation of Western jazz would make him a less implacable Soviet dictator; meanwhile, former KGB-Chief Andropov wasted no time in rounding up the dissident community for imprisonment and exile, and reduced the level of emigration of Soviet Jews from a trickle to a virtual halt. Such has been the effect of "Westernization" upon Soviet leaders. We can only guess as to what effect this acculturation has had upon Mr. Andropov's protege and successor, Mikhail Gorbachev, and those with whom he has recently surrounded himself.

Mr. President, I hope that I speak for this entire body when I say that I am appalled and disgusted by this vicious campaign of intolerance and repression. I could go on for hours on end in enunciating the crimes which the Soviet Government has perpetrated upon the harmless community of dissidents and Soviet Jews, particularly the refuseniks, who are at the same time mercilessly persecuted and cruelly refused permission to leave.

In fact, the record of Soviet official conduct speaks for itself. By the record, I mean the facts compiled in the staff report of the U.S. Commission on Security and Cooperation in Europe, more commonly known as the Helsinki Commission, to which the Soviet Union itself is a signatory. Their report, "A Summary of 1984 Trends in Soviet Dissent," reports faithfully the miserable record of the Soviet Union on human rights and their brutal treatment of Soviet Jews and dissidents. I would ask that a copy of this report follow the conclusion of my remarks.

Mr. President, it is my understanding that the Helsinki Commission will convene the second week in May this year in Ottawa, at which time the issue of the mistreatment of these oppressed people may be raised. I wish to thank the distinguished majority leader and Senator D'AMATO, the new chairman of the Commission, for inviting me to sit as a delegate to the Helsinki Commission; I appreciate his thoughtful understanding of my interest in the plight of the Afghan people and the oppressed who remain fettered within the Soviet Union. I want to inform my colleagues that, when the Helsinki Commission meets in May, I intend to be a vocal and persistent critic of Soviet official behavior toward the basic human rights of speech, of religion and of emigration which are so shamelessly absent in the Soviet Union.

The report follows:

A SUMMARY OF 1984 TRENDS IN SOVIET DISSENT—CSCE COMMISSION STAFF SURVEY

Soviet human rights performance continued its 5-year decline in 1984. The Soviet government throughout the year sustained its harsh law-and-order campaign KGB-style initiated after the Soviet invasion of Afghanistan in late 1979. During this period, the Soviet government demonstrated almost total disdain for world opinion on human rights issues and virtually ignored its international commitments under the Helsinki accords and UN agreements. Exemplifying this Soviet attitude, the Kremlin ignored Andrei Sakharov's plea—despite a hunger stike in May—to permit his wife, Elena Bonner, to be allowed to go West for medical treatment. Indeed, the Kremlin has almost totally isolated the Sakharovs from family, friends and the world.

What were some major elements of this Kremlin anti-dissent campaign in 1984? The promulgation of four new laws to broaden the so-called crime of dissent and to further isolate the Soviet population from foreign contacts was one factor. Greater violence and more brutal treatment of political prisoners, as seen in the death of seven Prisoners of Conscience (POCs) in 1984, was another. A renewed official drive to eradicate *samizdat* (unofficial literature) and thus to stifle any expression of independent political, religious, national, cultural or economic views was a third significant element. The continued imposition of nearly insurmountable obstacles to emigration was still another component.

NEW ARRESTS AND TRAILS

In terms of numbers, there were at least 130 arrests of Soviet human rights activists in 1984, including 71 religious activists, 21 would-be emigrants, 12 Jewish activists, 12 Georgian activists and 11 distributors or authors of *samizdat*. There were at least 41 trials of Soviet dissidents in 1984; the average term of imprisonment was three years.

RESTRICTIVE NEW LAWS

As early as January, the Soviet government signalled its adherence to harsh policies on dissent by passing two repressive changes in the laws. It is now a criminal offense to disclose information from the workplace to foreigners. Divulging to foreigners "professional secrets" is now punishable by up to eight years of imprisonment. A second change relates to the definition of "anti-Soviet agitation" under Article 70 RSFSR Criminal Code. The new definition includes not only the preparation and dissemination of "detrimental" materials, but also mere possession of such works. Another provision specifies that those found guilty under Article 70 using "money or other valuables from foreign organizations or persons acting in (their) interest" can now be imprisoned for up to 15 (rather than 12) years.

In July 1984, a USSR Supreme Soviet decree fixed penalties of up to 100 rubles for Soviet citizens who violate "rules for stay in the USSR by foreign citizens or stateless persons" or provide shelter, transportation or "other services" to foreigners without official permission. Although the decree did not extend the range of illegal actions, its promulgation called attention to heightened Kremlin concern over contacts between Soviet citizens and foreigners.

Another new Soviet regulation issued in August and effective in October 1984 forbids foreigners from pre-paying often exorbitant tariffs on packages sent to Soviet citizens. This regulation ended a 30-year Soviet policy under which foreign friends and relatives could send clothing and food through special package companies which accepted pre-payment. This new restriction will especially affect families of POCs, religious believers and refuseniks, since they now must pay high tariffs and there is no longer guaranteed delivery of parcels from abroad.

The new trial of Russian Orthodox POC Vladimir Poresh was on October 23, 1984. It marked the first known instance of the application of a new article 188.3 RSFSR Criminal Code, "Malicious Disobedience of the Administration of Corrective Labor Institutions" with a possible five-year term. The new law—promulgated in late September 1983 one week after the close of the Madrid CSCE Meeting—authorizes administrators of penal institutions to charge inmates with "malicious disobedience to its lawful demands" if the prisoner had already been punished for another such infraction during the previous year. Poresh, arrested in Chistopol Prison one day before the end of his term, was given a new three-year prison term for four peaceful protests against denial of prisoners' rights. There are fears that at least two other Soviet POCs, Russian *samizdat* author Viktor Grinev and Byelorussian activist Mikhail Kukobaka also may face charges under this new so-called "Eternal Prisoner" law.

ISOLATION AND BRUTAL TREATMENT OF POLITICAL PRISONERS

During 1984 the Soviet government intensified its policy of isolating political prisoners in the *gulag*. One technique frequently used is to deny prisoners their legal rights to family visits—often for years in advance. For example, imprisoned Lithuanian Helsinki Monitor Viktoras Petkus has had no family visits since August 1983.

In addition, greater official reliance on violence against POCs—not to speak of ordinary prisoners—was discernible in 1984. The deaths of at least seven POCs during the year provided tragic testimony to this fact. Three noted Ukrainian human rights activists, Oleksy Tykhy, Valery Marchenko and Yury Lytvyn died in Perm Camp 36/1, the only POC special regimen camp. Two other human rights activists, Aleksei Nikitin—who protested dangerous working conditions for Donetsk coal miners—and well-known camp poet Valentin Sokolov, died after extended maltreatment in Soviet psychiatric hospitals. Seventy-two-year-old Ukrainian Catholic Anton Potochnyk died on May 29 in camp while serving his fifth term. Another religious activist, Baptist Boris Artyushenko, died in Kursk prison in December during his fourth term of imprisonment. Conditions of incarceration have deteriorated so much that veteran POC Yury Lytvyn was reportedly driven to suicide. Imprisoned peace activist Aleksandr Shatravka also attempted suicide in May 1984.

Other evidence of increased cruelty is suggested by reports of the extremely poor health of numerous POCs. Eduard Arutunyan, founder of the Armenian Helsinki Group, is reportedly suffering from extreme malnutrition and had one lung removed in prison hospital. At least two POCs suffered heart attacks. Thirty-nine-year-old Baptist rock musician Valery Barinov—sentenced to two and a half years in camp on November 23 in Leningrad—suffered a massive heart attack one week later. Pentecostal emigration activist Vasily Barats suffered two heart attacks in Perm Camp 36/1. Two leading Jewish activists, Anatoly Shcharansky and Iosif Begun, are in precarious health,

partially due to hunger strikes protest extended terms of punishment isolation.

There were also more frequent reports of increased brutality by the administration of Soviet penal institutions in 1984, including more instances of beatings of POCs in the camps and even in pre-trial detention in Moscow. The gifted Ukrainian-Polish poet, Irina Ratushinskaya, spent 39 days in solitary confinement, was twice hospitalized for tuberculosis and was beaten and force-fed while on hunger strike. Dr. Anatoly Koryagin, advisor to the Psychiatric Working Group, was beaten in Chistopol prison with the door of his cell open so that others would hear his screams; he reportedly is near death after a prolonged hunger strike. Baptist minister Mikhail Khorev spent 17 days in special isolation and two months in camp prison in mid-1984 for not properly greeting a camp commandant. Khorev, who is nearly blind, was also deprived of his glasses. Sergi Grigoryants, a *samizdat* editor in Chistopol prison, was so badly beaten by wardens that his arm was broken. In late December, Jewish activist Iosif Berenshtein lost the use of his right eye after being beaten by prison wardens; the prison authorities in Zhitomir, Ukraine claim he poked his out with a potato peeler.

PSYCHIATRIC ABUSE

In April 1983, the Soviet Union withdrew from the World Psychiatric Association to avoid an expected censure motion in July. Some hoped that this move signalled increased Soviet sensitivity to criticism of their abuse of psychiatry for political purposes. Soviet actions in 1984, however, soon proved these hopes to be unfounded. Among the Soviet human rights activists subjected to psychiatric abuse in 1984 are: Bashkir poet Nizametdin Akhmetov, in camp since 1969, sent to the Alma Ata special psychiatric hospital in June; Armenian human rights activist Garnik Tsarukyan, an Armenian Apostolic Church deacon, sent to a psychiatric hospital in February for criticism of church authorities; Leningrad *samizdat* writer Oleg Okhapkin, hospitalized in late August; Latvian Catholic Sandra Riga, editor of a *samizdat* ecumenical journal *Summons*, tried in August and sent for forcible psychiatric treatment; Yuri Popov of the Moscow youth peace "Good Will Group" placed in psychiatric hospital this year; and Russian worker Viktor Tsurikov who was held in psychiatric hospital in Krasnoyarsk for the month of April for refusing to vote.

One of the most tragic cases of psychiatric abuse is that of Ukrainian poet, Viktor Rafalsky, who has spent 15 years in Soviet psychiatric hospitals. Last year, Rafalsky escaped from the hospital, was recaptured and put on trial on February 27. Ruled "especially dangerous and requiring forced medical treatment," he was sent to the infamous Dnepropetrovsk special psychiatric hospital. While there, Rafalsky managed to smuggle out an appeal to the West reporting that letters from Amnesty International had eased his conditions and asking that Western assistance be more systematic and regular.

THE ANTI-SAMIZDAT CAMPAIGN

Another aspect of the Soviet crackdown on dissent in 1984 was an intensified campaign against all forms of *samizdat*. Among the victims was Lithuanian chemist Lyudas Dambrauskas who was sentenced on October 3 to five and a half years of imprisonment for writing memoirs about his 25 years in Stalinist camps. Several activists were sentenced for reproducing Western literature: Although Mikhail Polyakov confessed his "guilt," he still received a five-year camp term in April in Leningrad. Mikhail Meylakh, a Leningrad literary scholar, was also sentenced in April; he received a ten-year camp term for distributing Western publications of works by Akhmatova, Mandelshtam and Nabokov. Literary archivist Aleksandr Bogoslovsky was arrested in June for "making notes of an anti-Soviet nature" in his notebook and for giving foreign books to his uncle and two friends. Veteran Moscow human rights activist Yuri Shikhanovich was sentenced in September to a ten-year term for alleged involvement with the *samizdat Chronicle of Current Events* and for passing information to the West.

A number of religious activists who participated in *samizdat* activities were also arrested in 1984 including the Latvian Catholic editor Sandra Riga. Russian Orthodox activist, Sergei Markus, was sentenced in July 1984 to three years in camp for possessing religious literature—which was later ordered burned. Despite this drive against *samizdat*, new publications appeared in 1984: at least eight issues of the *Chronicle of the Catholic Church in Ukraine*. This new *samizdat* journal, first issued in March, reports on the situation of religious and national rights advocates in Western Ukraine.

Several unregistered Baptists have also been imprisoned for religious *samizdat*. Viktor Savelev was arrested in Georgia in February for transporting unauthorized Baptist materials and Estonian Baptist, Pavel Vezikov, was sentenced in May to two years in camp for circulating religious *samizdat* and Western Christian literature. The arrest of two brothers, Egor and Andrei Volf in Kazakhstan on November 24 reveals the the massive scale of underground printing of Baptist literature in the USSR. The authorities found 30,000 printed Bibles, three tons of blank paper, and a portable printing press. This is the fourth such KGB raid against the unofficial Baptist "Christian Press" in the last ten years.

Perhaps one of the clearest demonstrations of the Kremlin effort to cut the flow of *samizdat* materials to the West was the arrest of long-time Moscow human rights activist, Lina Tumanova. As Tumanova met two U.S. diplomats on a Moscow street on July 4, 1984, she was arrested and the officials were detained. A package of *samizdat* was seized from Tumanova and she faces charges of "anti-Soviet agitation and propaganda." She was released from prison in September for medical treatment and will still stand trial. The case received much negative publicity in the Soviet press—in an obvious warning to other Soviet citizens.

FURTHER EMIGRATION RESTRICTIONS

Emigration rates for all three Soviet nationalities which previously had been permitted to leave the USSR have reached new lows. Only 897 Soviet Jews were allowed to emigrate in 1984—compared to 1,315 in 1983 and 51,471 in the record year of 1979. A total of 913 Soviet Germans arrived in West Germany in 1984. Armenian emigration rates have also plummeted. Any Soviet citizen may face imprisonment if he or she presses emigration claims with Soviet authorities. Soviet citizens who are caught crossing USSR borders without official permission are given lengthy camp terms. At the same time emigration from the USSR came to a virtual standstill, there were signs that the Soviet authorities had embarked on a campaign to lure some high-profile Soviet defectors, including soldiers, back to the USSR with promises of no punishment.

REPRESSION OF RELIGIOUS ACTIVISTS

During 1984, the Soviet authorities kept up, and in some cases, intensified their campaign against religious activists. In addition to those already mentioned, numerous other leaders of various religious denominations were imprisoned during the year. In June, a Lutheran preacher, Jakob Rein, was sentenced in Kazakhstan to five years in camp for allegedly organizing unregistered religious services. Later in the year, two Russian Orthodox priests were sentenced on doubtful charges: Father Nikolai Temirbaev was given a two-year camp term in Turkmenia for allegedly beating his wife, and a popular youth priest, 44-year-old Pavel Lysak, was sentenced in December to ten months imprisonment for living in Moscow without a residence permit. A Lithuanian Catholic priest, Father Jonas Kastytus Matulionis, was arrested on November 9 on unknown charges. He had been previously jailed in 1976 for nine months for alleged involvement with the unofficial *Chronicle of the Catholic Church in Lithuania*. A Baptist preacher, Peter Peters, was sentenced to three years in camp in May.

Various religious communities felt the heavy hand of state authorities in 1984. A resurgence of interest among Soviet Jews in their religious heritage has led to increased anti-Semitic repression. Among the methods of intimidation used by the KGB were allegations that Jews use drugs in their religious rituals. For example, Moscow Jewish activist Yuli Edelshtein, arrested on trumped-up charges of drug possession, was sentenced on December 18 to three years in labor camp. Moshe Abramov, and Orthodox Jewish activist from Samarkand, received a three-year camp term for "hooliganism." One result of the official drive against Soviet Baptists was 46 arrests in 1984. Unregistered Soviet Adventists suffered at least six arrests in the first six months of the year. One such Adventist, Vladimir Vasilchenko, was jailed for recording foreign radio broadcasts. The continuing campaign against Soviet Pentecostals attempting to emigrate from the USSR was revealed in two month-long hunger strikes undertaken by 55 Pentecostals—mostly of German origin—in the Pacific coast town of Chuguevka. One Chuguevka Pentecostal pastor, Viktor Valter, was arrested on December 10—International Human Rights Day.

CAMPAIGN AGAINST UNOFFICIAL GROUPS

Independent peace groups, monitoring activists and other non-conformists continued to come under attack in 1984. Members of the unofficial Group to Promote Trust Between the U.S.S.R. and the U.S.—which claims some 2,000 supporters among affiliate groups in Leningrad, Kiev, Odessa, Novosibirsk, Riga, Rybinsk and Tallinn—were subjected to various forms of harassment, intimidation and detention.

As a result of an earlier KGB campaign, most Soviet Helsinki Monitoring Groups have ceased to exist. There are currently 45 imprisoned Group members. Nevertheless, two Helsinki-affiliated religious rights groups function: the Catholic Committee in Lithuania and the Action Group for the Defense of the Rights of Believers and the Ukrainian Catholic Church. The latter group, formed on September 9, 1982 and led by former Ukrainian POC, Iosyp Terelya, has allied itself to the Helsinki process. The Soviet authorities took action against three other Helsinki activists in 1984: Elena

Bonner, a Moscow Helsinki Group founding member and the wife of Andrei Sakharov, was sentenced on August 17 to five years of internal exile for "anti-Soviet slander"; a Ukrainian Helsinki Monitor, Mykola Gorbal, was re-arrested in camp on October 21 for "anti-Soviet slander"—days before his scheduled release; and another Ukrainian Monitor, Iosif Zisels, was arrested in Chernivtsi on October 19 on unknown charges.

SUPPRESSION OF NATIONAL AND CULTURAL RIGHTS

The Soviet government continued to act against advocates of greater national, ethnic and cultural rights for dozens of nationalities in its domain. In the fall, a stepped-up campaign against unofficial Hebrew teachers and Jewish cultural activists was initiated. Among the 12 currently imprisoned are: 34-year-old Aleksandr Kholmiansky, arrested in July on hooliganism charges; Yakov Levin of Odessa, arrested five days before his wedding and sentenced on November 20 to three years in camp for "anti-Soviet slander"; Iosif Berenshtein of Kiev who was sentenced on December 10 to four years in camp for allegedly "assaulting a police officer." Despite these measures, 1984 saw a resurgence of interest in Jewish culture with unofficial Hebrew and Jewish culture groups springing up in at least 30 Soviet cities.

In 1983 there were official celebrations to mark the 200th anniversary of the Treaty of Georgievsk which joined Georgia to Russia. Three Georgian workers, Zakarii Lashkarashvili, Tarial Ghviniashvili and Guram Gogopaidze, were tried in March and given terms ranging from four to five years for preparing leaflets protesting this celebration.

Armenian human rights activists also continued to feel the KGB heavy hand. Armenian Helsinki Monitor Robert Nazaryan is in Chistopol prison, while Armenian national rights advocate Paruir Airikyan was sent into internal exile in February.

Mustafa Dzhemilev, leader of the struggle of 500,000 Crimean Tatars to return to their Crimean homeland from Stalinist exile in Central Asia, was sentenced on February 10 to three years in strict regimen camp for "anti-Soviet slander." This represents Dzhemilev's sixth prison term on political charges. Dzhemilev's "crime" consisted of maintaining contacts with Crimean Tatars in New York. At least two other Crimean Tatar activists, Dzhelyal Chelebiev and Izzet Khairov, were arrested last year.

In the Baltic states of Latvia, Estonia and Lithuania, human and national rights advocates also faced harsh repression by the Kremlin. A leading Estonian activist, Enn Tarto, was tried in April and given a ten-year term in special regimen camp. His "crimes" included signing protests, publishing and distributing human rights documents in Estonia, and maintaining contacts with Estonian emigres in Sweden. Recent imprisonments in Lithuania include those of Father Matulionis and of Lyudas Dambrauskas. Finally, the fate of one leading Latvian dissident, Gunars Astra, is a fitting commentary on the overall Kremlin attitude towards 1984: in December 1983, he was given a 12-year term of imprisonment for circulating George Orwell's visionary novel, 1984.●

THE ARMY'S EFFORTS TO REFORM

● Mr. HART. Mr. President, I would like to bring to the attention of my colleagues a very important article from the April 21 New York Times. The article is titled, "Army Survey Finds Officers Critical." It reports on a recent survey by the Army of its own officer corps, a survey that revealed some problems. According to the article, the findings reflect a belief by half of those surveyed that the bold, original, creative officer cannot survive in today's Army.

Mr. President, I am certain some people will use this study to criticize the Army. Instead, I want to praise the Army for conducting this analysis. The Army has courageously overcome the tendency, natural in any large institution, to sweep problems under the rug, and has instead attempted to bring them to light so they can be resolved. By doing so, the leadership of the Army has shown that it is sincere in its efforts to reform itself. It is a praiseworthy step, and one that should strengthen, not weaken, our support for the Army.

The Army's serious and highly important effort at self-reform has been evident for some time to many members of the military reform movement. It has thus far included the publication of an excellent new basic field manual, the 1982 edition of FM 100-5, that makes maneuver warfare official doctrine; the establishment of what is, in my view, the best course in the whole American military education establishment, the new second-year course at Ft. Leavenworth; and the Cohort and regimental system programs to improve unit cohesion. Now, there is an addition to that list: the survey reported by the Times.

Mr. President, our other armed services should follow the Army's lead. Their need for reform is no less; in the case of the Navy, it is in fact greater. But the services continue to pretend that the problems and deficiencies they face do not exist. Unfortunately, that means they could possibly be brought to light in combat, at the cost of unnecessary casualties and, very possibly, tragic defeats.

The Army, in contrast, is preparing itself for future success in combat by addressing its problems in time of peace. I strongly urge my colleagues, especially those who have joined with me in supporting military reform, to show the Army that we understand, appreciate, and support what it is doing.

Mr. President, I ask that the article, "Army Survey Finds Officers Critical," be printed in the RECORD.

The article follows:

[From the New York Times, Apr. 21, 1985]

ARMY SURVEY FINDS OFFICERS CRITICAL

(By Richard Halloran)

WASHINGTON, April 20.—The Army's officers, in a remarkably candid self-evaluation, have expressed severe criticism of themselves, the Army and its senior leaders.

In a confidential Army survey of its officer corps, taken last fall and analyzed over the winter, half the officers who answered a long questionnaire agreed that "the bold, original, creative officer cannot survive in today's Army."

A report compiled from the survey said an even larger portion of the officers, 68 percent, agreed that "the officer corps is focused on personal gain rather than selflessness"—a virtue that military leaders cite as essential to good leadership.

In addition, nearly half the generals, who were questioned in a separate survey but whose answers were incorporated into the report, concluded that "senior Army leaders behave too much like corporate executives and not enough like warriors."

And one-third of all the officers, including the generals, thought that "most officers are promoted before becoming competent at their existing grade levels," the report said.

Despite these negative views, large majorities of the officers said that they were satisfied with their duty positions, that they intended to stay in the Army for a career and that fellow officers exemplified the "warrior spirit" and the "Army ethic."

Large majorities also said "the Army is more than a job" and "individual needs are secondary to Army needs." Although the officers had complaints about particular elements of the Army's educational and training system, they generally gave it good marks.

The survey was ordered by the Army Chief of Staff, Gen. John A. Wickham Jr., who said in a letter to those being queried, "Because this study will shape the future development of our officer corps, we need your candid opinions."

The state of the officer corps has been a contentious issue within and outside the Army since American forces withdrew from Vietnam more than 10 years ago. Military and civilian critics have asserted that officers emphasized management over leadership and corporate values over traditional military values.

The survey report was compiled from answers to two long questionnaires. The first was sent to all 436 serving officers in the four grades of general, of whom 333 replied; the second was sent to 23,000 randomly selected officers, from colonel down to lieutenant, of whom 14,046 replied. In those six grades are 92,000 officers. No estimate of the range of sampling error was provided in the report.

The results were tabulated into a report stamped "For Official Use Only" and "Close Hold," meaning that the information in the survey was not to be disseminated widely.

DEMANDS ON OFFICERS CITED

The Armed Forces Journal, a monthly magazine specializing in military matters that is published here, obtained a copy of the survey and has prepared an article for publication in its May issue. An advance copy of the article and the report were made available to The New York Times.

Evidently anticipating renewed criticism, the Army prepared a discussion paper to accompany the report.

"We place a tremendous burden on our senior Army leaders," the paper said. "We charge them to perform as statesmen, as spokesmen for their organizations, as stewards of tremendous resources, as role models, as standard setters, as long-range planners and decision makers. In short, we demand they perform as though they were effective corporate executives.

"In time of peace, there is a blurring of the distinction between pure 'warrior' and 'pure corporate executive.' In both peace and across the spectrum of conflict, we expect our senior Army leaders to be both."

Lieut. Gen. Charles W. Bagnai, who organized the survey, said it was part of a larger effort to improve the professional development of the officers corps. "We asked some real tough questions about strengths and weaknesses," he said in a telephone interview, "to see where we should be going in the future."

WORK ON RECOMMENDATIONS

Lieut. Gen. Arthur E. Brown, Jr., director of the Army Staff, which is preparing recommendations for General Wickham based on the survey said changes in the Army's system of educating officers in their careers were under serious consideration.

In each of the junior, middle and senior service schools, more emphasis would probably be put on teaching officers to be better mentors and coaches of their subordinates, General Brown said.

The findings of the survey suggested that the Army officer corps had not entirely recovered from the dark days of Vietnam. When morale was down, ethics were slighted and many officers put premotion ahead of duty, according to historians of the Vietnam War.

The survey responses also appeared to reflect the questioning attitude discerned in many younger officers, the majors and captains who were commissioned in the post-Vietnam period of the late 1970's. They brought into the Army the skepticism of their youth in the turbulent 1960's.

DIFFERING VIEWS OF GENERALS

Several marked differences between the generals and the lower-ranking officers showed up in the survey. The generals, the report said, thought the officer corps was less focused on personal gain than on "selflessness"; lower-ranking officers disagreed.

The generals said they felt that about two-thirds of the captains and lieutenants would make good wartime leaders, while the captains and lieutenants themselves rated only half of their peers as potentially good battlefield commanders.

The generals also thought that the Army was preparing officers to keep pace with weapons of advanced technology, while large numbers of the other officers disagreed, the report said. The lower-ranking officers also wanted more of their peers to receive advanced military education than the generals thought was necessary.

On the other hand, the report said generals and the other officers agreed that "the weakest areas of officer preparation tend to be warfighting, leadership and critical thinking." They also agreed that two-thirds of the colonels and majors would be good combat commanders.●

ARKANSAS' FIRST PRESIDENTIAL VOLUNTEER ACTION AWARD WINNERS

● Mr. PRYOR. Mr. President, earlier this week two distinguished Arkansans joined the ranks of recipients of the Presidential Volunteer Action Award—the first ever from our State. Rev. Hezekiah D. Davis Stewart, Jr. and Dr. Kelsy Caplinger III were honored at the White House along with 16 others from across the Nation.

I had the opportunity to meet with both these deserving individuals to let them know how proud all Arkansans are of their dedication and service to those less fortunate.

The Arkansas Gazette carried a story about Dr. Stewart's and Dr. Caplinger's experiences upon receiving this award and I want to share it with my colleagues. Their words sum up much better than I could what volunteerism is all about. I ask that the article be printed in the RECORD.

The article follows:

[From the Arkansas Gazette, Apr. 23, 1985]

ARKANSANS GET AWARDS FROM REAGAN, CITE HELP

(By Carol Matlack)

WASHINGTON.—Rev. Hezekiah D. David Stewart Jr. and Dr. Kelsy Caplinger III, the first Arkansas residents ever to win the Presidential Volunteer Action Awards, said Monday that hundreds of other persons in Arkansas deserved to share the honor with them.

Mr. Stewart, who established a self-help program in College Station, and Dr. Caplinger, an allergist who founded a summer camp for youths with medical problems, were among 18 persons who received the awards from President Reagan Monday at a White House luncheon.

After dining on roast duck and rice in the East Room, each received a silver medallion on a red-white-and-blue ribbon from the president.

In interviews afterward, both said their volunteer projects would not have succeeded without help from many others.

"ONLY AS A REPRESENTATIVE"

"I cannot accept this award for me, but only as a representative of all the volunteer efforts on the part of everybody who has assisted us," Mr. Stewart said. "I thank God and the people of Arkansas for giving me an opportunity to share, to care and to love."

ESTABLISHED PROJECT

Mr. Stewart, the pastor of Mount Nebo AME Church in College Station, established a community self-help project called Watershed that offers counseling, job referral and other services, as well as emergency food, clothing and shelter for residents of the predominantly poor, black community. He said numerous individuals, organizations and companies had donated time and money to the Watershed project over the years.

Dr. Caplinger, of Little Rock, is chairman of the Arkansas Chapter of the American Academy of Pediatrics and is the founder of Med-Camp of Arkansas, which since 1971 has offered a summer program for youths with medical problems at Camp Aldersgate in western Little Rock.

HELPED RAISE FUNDS

Dr. Caplinger helped raise money to build an infirmary and other special facilities at the camp, and recruited health professionals and others to work as volunteers each summer. The camp is operated without federal funds, and more than 2,000 youths have attended since it began.

"I'm very grateful even to be nominated" for the award, Dr. Caplinger said in an interview. "To receive it really adds a great deal of credibility to the program * * * and enhances our visibility." However, he added that the program could not have succeeded without hundreds of others volunteering their time. "I'm really accepting this on their behalf," he said.

APPEARS ON "TODAY"

Besides attending the White House ceremony, Dr. Caplinger appeared briefly on the NBC television "Today Show" Monday morning.

More than 1,800 individuals and groups were nominated for the presidential volunteer awards this year. A total of six individuals, nine private organizations, two corporations and a group of labor unions received the awards.●

FORMER GUARDSMEN IN THE FDN

● Mr. DENTON. Mr. President, during Tuesday's debate about the President's proposal to aid the Contras, a great many charges were made against the Contras, especially the Nicaraguan Democratic Force [FDN]. One of the allegations most often repeated in the Senate and in the House of Representatives was the charge that the FDN is comprised of Somocistas, meaning—in this case—former members of Somoza's National Guard. Specifically, 46 out of 48 of the FDN's leadership were said to be former guardsmen.

I have checked with the Department of State. I have checked with the FDN and reviewed their list of regional and task force commanders, and I have discussed the matter with the distinguished chairman of the Senate Intelligence Committee, Senator DURENBURGER. I believe that it is important that an effort be made to set the record straight on the issue.

Former Somoza National Guardsmen do not dominate, control, or represent either the leadership of the FDN or the FDN at large. Furthermore, in the best American tradition, the military command structure of the FDN is subordinate to civilian political authority.

The FDN has a six-man policymaking directorate. The five civilians on the board are the following: Adolfo Calero, a businessman who was a longtime opponent of Somoza and was imprisoned by him in 1978 for organizing a general strike; Indalecio Rodriquez, who was a member of the FSLN for 20 years; Lucia Salazar, the widow of Jorge Salazar, the former president of the Nicaraguan Superior Council on Private Enterprise [COSEP] who was murdered by Sandinista agents in November 1980; Alfonsin Callejas, who resigned—in protest—as Somoza's Vice President in 1972 and was cleared of any wrongdoing by the FSLN following its July 1979 triumph; and, finally, Marcos Zeledon, an activist in opposition party politics during the Somoza years.

Colonel Enrique Bermudez, a former member of the National Guard and Somoza's military attache in Washington, is the sixth member of the directorate. I should point out that Anastasio Somoza had a well-known practice

of assigning persons he did not trust to overseas posts. Such was the case for Colonel Bermudez. Along with Rodriquez and Calero, Bermudez is also a member of the three man civil-military command, which oversees day-to-day military operations and is answerable to the directorate.

Under the civil-military command is the strategic command, which directs military operations under Colonel Bermudez. No decision on day-to-day operations, however, is made without the concurrence of the civil-military command.

The FDN has 56 regional and task force commanders. Forty-three percent, or 27 of them, are former Sandinistas. Only 32 percent of the FDN's military leadership are former guardsmen. Thirteen of the regional and task force commanders are former guardsmen, all under the rank of lieutenant. Twelve of them are campesinos and the remainder come from a variety of professions: Medical doctor, evangelical minister, university student, and a civilian radio technician. The average age is 24 to 26 years.

The estimated troop strength of the FDN is 15,000. Less than 2 percent of these, or approximately 200 to 260, are former guardsmen, and none of them held a rank above first lieutenant. The overwhelming number of FDN troops are simple peasants, workers, shopkeepers, businessmen, and students who had no previous ties at all with Somoza.

Having said this, I would like to point out that merely being a former member of Somoza's national guard is not an indictment. Some of them were mere traffic cops, and a good many never committed atrocities.

The FDN has come a long way since it was first organized. Its nature and character has changed as the objectives of the Sandinista regime have become clearly apparent. The organization has been frank about the changes in its political and military structure. In 1982, it purged its organization of those former guardsmen who had a record of human rights abuse. The FDN maintains active discipline in its ranks and has dismissed or disciplined members in its ranks who have not acted in accordance with its code of conduct.

I believe it is time for the Congress to make its decision about Contra funding on the basis of accurate information rather than disinformation. To do otherwise does not serve our national interest, and it certainly does not help the people of Nicaragua, who are laboring under a repressive, totalitarian, Marxist regime. The Sandinistas have made a mockery of the sacrifice of the Nicaraguan people to find freedom, Democracy, and prosperity.

I believe that the United States Government, both the executive branch and the legislative branch, should clearly and without hesitation support the many men and women in Nicaragua who are willing to continue to make the great sacrifice for that most precious of all human rights—liberty.●

HIGHER EDUCATION

● Mr. SIMON. Mr. President, the Federal commitment in higher education since the 1965 enactment of the Higher Education Act has been to access and quality in institutions of higher education. Since the mid-1940's the Federal Government has first, through the GI bill, extended access and provided some measure of choice to veteran, low- and middle-income students, and student dependents of disabled, deceased, and elderly Social Security recipients.

The compromise package, agreed upon among some of my distinguished Republican colleagues and the Reagan administration, contains provisions which will heighten and exacerbate the division between public and private higher education. The proposal's inclusion of an $8,000 annual mega-cap on title IV, student assistance, reverses a 30-year commitment to access and choice in higher education. Are we recanting on our obligations to ensure equity and quality for all students in higher education, or are we saying we can spend $2.2 billion on MX missile deployment and almost $6 billion for a single aircraft carrier, but not an equal amount to guarantee the development of our most important natural resources—the minds of our people?

Colleges and universities continue to struggle with the benefits and burdens of providing access. A recent report, "Integrity in the College Curriculum," describes the nature of the problems we face because of unsatisfactory preparation of many high school students in terms of their reading and writing proficiencies. While our long-term objective must be to improve learning of the basic skills in our elementary and secondary schools, we cannot ignore the current crop of high school students who are entering college.

In fact, they are not being ignored. Colleges and universities across America include among their faculties so-called developmental educators. Many students come to college ill-prepared to do college-level work. That deficiency is being partially addressed.

I ask to have printed in the RECORD two articles, "Teaching Basic Skills to College Students," from the Chronicle of Higher Education, and "College on the Rebound," from the April 4, 1985, Cleveland Plain Dealer. Both of these articles outline the need for these special programs and their success in increasing retention and graduation of underprepared students.

The articles follow:

[From the Chronicle of Higher Education, Feb. 20, 1985]

TEACHING BASIC SKILLS TO COLLEGE STUDENTS

(By Nancy Rabianski-Carriuolo)

Many terms have a somewhat negative connotation for professors, and some—such as "budget freeze," "student strike," and even "basic skills"—tend to elicit a slight curl of the lip. My lip curls sometimes, too, but not when it comes to basic skills.

In my experience as a supervisor of developmental programs and as a high-school teacher and later professor of basic English, I have found that because under-prepared students are studying basic skills they are often viewed as not really belonging in college, as having been accepted only to meet enrollment goals.

In reality, such students are much more difficult to categorize, because, in terms of standardized-test scores and psychological characteristics, they vary from campus to campus, depending on each institution's standards. Basically they are students who in one or more areas—usually math, English, study skills, or some combination of the three—do not qualify for mainstream college classes.

Although such students are all deficient in at least one basic skill, the reasons for their deficiency vary widely. As children they may have had a physical impairment, for example, most often because of an undiagnosed need for eyeglasses; or they may have not been developmentally ready to learn reading and writing when they were first taught. They may have lacked motivation because of personal problems or other reasons. They may even have been the victims of poor teaching. In any event, whatever the reason for the deficiencies, most underprepared college students have two things in common: They are weak in basic skills and they are now motivated to improve.

Developmental programs have been around a long time—since the early land-grant colleges in the 1860's—but Americans in general were not much concerned until the last decade, when the back-to-basics movement was widely publicized. When even Ivy League campuses acknowledged providing "bonehead English" classes, professors everywhere began to shake their heads over the quality of the students they were receiving from the high schools; high-school teachers began to protest that they couldn't teach in four short years everything that had been neglected in elementary school; and elementary-school teachers complained about that enemy of education, the television set. No one wants to claim responsibility for the seeming decline in student preparedness, but everyone wants to improve education to the point where basic-skills classes are not needed beyond elementary school.

Programs have been developed, particularly in the last year or so, to raise education standards and remediate where necessary. I applaud such efforts, but as long as we continue to evaluate students comparatively, there will always be a bottom half of every class, and many of the students in that half will want to continue their education. Therefore, successful programs of the sort described by the Department of Education in A Nation Responds will not result in basic-skills classes disappearing from our campuses. Rather, education reform will bring about higher standards in schools and

colleges and, as a result, higher exit standards in developmental classes.

There have always been and there always will be students who don't reach some academic standard. Consequently, let us look at the real question: Should you welcome such students to your campus—and to your own class? (I am sure we all agree it is un-American to deny anyone an education, but we might suggest that an underprepared student try the college down the street.) Are developmental students teachable? Are they worth the effort? Or are they just admitted to college because they pay tuition and, therefore, indirectly pay our salaries?

I have pondered, discussed, and argued those questions with many colleagues, and most of them respond with another: "How can I teach my subject to someone weak in basic language (or computation) skills?" They know the task is not impossible—just not easy.

Even the brightest students have some gaps in their academic training, so my answer is to pretest everyone to discover each student's level of ability before beginning to teach the course. Most campuses have a developmental program or learning center able to assess skills and provide tutoring—if not, teachers can design their own tests, including whatever they think is necessary as a prerequisite for their course.

Early identification and referral for assistance if you don't have time to tutor them yourself are important to the students' success. (If you are feeling resentful at my suggestion that teachers should spend time on pretesting and referrals, remember that in the long run you will be saving time and avoiding frustration for yourself and your students if you insure that they get needed help before they fail either the midterm exam or the entire course.)

There are also ways your teaching can help students who have academic difficulties. Poor self-image is common among such students and often results in problems with performance and attendance. If you really want them to attend your classes regularly and work to the best of their abilities, you must help them see improvement in their work, proof that they are moving toward a goal. One of my students last semester wailed at the midpoint of the course: "I study and study but I still can't get those verb endings right!" I used his pretest to show him that while in September he had made 20 errors in a 200-word essay, in November he had made only 5 in a 300-word essay. He had not been aware of his improvement; obviously I had not given him enough feedback.

Students also need to be taught how to learn—by all of their teachers, not just developmental specialists. For example, follow the announcement of the first test with a discussion of test anxiety and ways to cope with it. Students should also be familiarized with their textbooks. I am certain you chose your test for sound reasons; if you share those reasons with your students, your teaching strategies can become their learning strategies. Students often don't notice or don't know how to benefit from special features such as vocabulary lists and answer keys to exercises. Pointing out such features often helps insure the book will actually be used rather than stored away and sold at the end of the semester in virginal condition.

A complaint I hear occasionally is that teaching students with weak skills takes so much additional time and effort. That may be, but are we teaching or are we just providing the materials that teach? Some students understand a concept immediately, but for others we have to stop and explain a different way and yet another way until we run out of explanations. The students who understood the concept immediately could probably have learned it just as well by reading the textbook; the others are the ones we were really teaching, by using every strategy we could think of to refer the new material to former knowledge or experience.

It is equally important to use a variety of instructional approaches. Not all students have the same style of learning. Some are good readers; others learn more from listening; still others respond well to actual manipulation of the material—for example, there are students who get a C or lower in science class but do B or even A work in the lab. Providing a variety of approaches insures that the needs of all students will be met, and there is probably someone on your campus who can help in preparing instructional materials. If not, the National Association for Development Education can recommend consultants in many areas of the country.

Although no one has ever actually asked me if difficult-to-teach students are worth the effort, I have occasionally asked myself that question after a particularly frustrating day. In considering my question, I think about my own struggle to achieve computer literacy and of the varied professionals who once experienced difficulty with a basic skill. Any developmental educator can tell you success stories about former students and will appreciate your interest and support if you ask. Discussing such students, especially on a frustrating day, will confirm that developmental students are indeed worth a little extra effort.

[From the Cleveland Plain Dealer, Apr. 4, 1985]

COLLEGE ON THE REBOUND

(By Naomi Barnett)

Why is Jim, a 34-year-old man, going to college for a course in reading? And why is a college teaching reading?

As an instructor of reading and study skills at a college, these are the types of questions I am most often asked.

As far back as colonial times, college presidents and their faculties have deplored their students' lack of preparation for the demands of higher education. Those attending college in the early days, of course, were well-to-do and among the most academically able young men of their time. In 1985, college presidents and faculties are still decrying their students' lack of preparation.

Our country has always viewed itself as an open, egalitarian society in which education provides the tools for advancement. Community colleges in particular were established to extend educational opportunities to all.

Open admissions, a concept true since the land grant colleges were established, means serving a non-traditional population, compared with those who attended college before World War II. The students are of all ages, economic statuses, and races; they are of all nationalities so that English is not always their first language, instead of only men or mostly men, women now comprise more than half of the college population; and finally, many students are the first in their families to enroll in college.

Our nation's commitment to these non-traditional students carries with it the obligation to help them succeed in their college courses by providing developmental education. And that is the correct term because it helps advance and develop each student beyond his present level of learning. Many would say it is eupbemistic to call this type of education "developmental" rather than "remedial." But the concept of development is to realize potential, to build on what already exists; remediation, on the other hand, involves correcting a fault or curing a disorder, a totally different idea.

Jim is one of hundreds of non-traditional students at the area's community colleges—Lorain County, Lakeland, and the three campuses of Cuyahoga. A large proportion of these returnees are, like Jim, men in their 30s who have been laid off after 10, 15, or even 20 years of work in one of the local heavy industries. In Jim's case, it was a steel mill.

Unlike some who are no longer employed, Jim decided not to sit by the phone passively waiting for a callback. He was realistic enough to understand that his previous type of job and the skills it required would probably not be available again—ever. Seeing no other alternative, he undertook to find a way of "retooling" to prepare himself for a job that would exist.

His first (and only) reaction was to call a community college, less than five miles from his home, to find out how to enroll in classes. He was immediately given an appointment with a counselor.

Setting foot on the campus was a frightening experience for Jim. He had been a poor student in high school, barely getting enough passing grades to receive a diploma. His friends were equally poor students, who found it easier to boast that they hated school than to make an effort to do well.

The counselor put Jim at ease. She was sensitive to his feeling of insecurity. She explored his interests and his concerns. When he stated a particular interest in the field of electronics, she explained several programs available at the college. Although Jim had not brought a transcript of his high school grades, he quickly admitted that his grades had been low.

The counselor suggested that in view of the long hiatus from high school graduation until the present time, Jim might profit from some developmental courses. She administered some standardized tests to measure Jim's current reading, English and mathematics levels. On the basis of his scores, the counselor strongly suggested that Jim take developmental reading, writing and mathematics.

"You'll find that brushing up on all these skills is necessary before you take other college courses," she explained. "There's no job nowadays that doesn't call for the ability to read and write well. And with your interest in electronics, a good math background is especially important."

The counselor was reassuring. "You may feel a bit rusty at first, but you'll find that after an academic quarter spent here, you'll probably be able to tackle any portion of the microelectronics program successfully."

I met Jim a month after this initial appointment. He was a student in my developmental reading course, in which more than half the students were over 21. In the class, which met for five hours a week, Jim's strengths and weaknesses were diagnosed. In spite of a relatively high vocabulary level, his comprehension measured at about an equivalent to eighth grade.

He and the other 19 students in the class were each assigned to whatever modules or units of work that they seemed to require. Each worked at his own pace, under my

guidance, to master the material in the modules. Much of my time, besides helping every student to improve his skills, was to give "injections of confidence." Obviously any praise had to be sincere and warranted by accomplishment.

Jim appreciated being treated like an adult, responsible for completing his work on each module before being evaluated to see if he had indeed mastered the skills listed in the objectives. He found that each session increased his concept of himself as a learner. After his comprehension had improved, Jim undertook to increase his reading speed. By the end of the 11-week quarter, his comprehension was that of a college student and he had doubled his reading skill.

Like Jim, approximately three-quarters of the students enrolled in credit courses at most community colleges are over 21. (The average age in 1984 was 28.) More than 58% are women.

What strengths does this older group of learners bring to their classes? Perhaps the most outstanding feature of the older student is his motivation. He establishes clear-cut, realistic goals for himself as a person, as a student, and as a worker. He is not attending college because his parents have sent him; he has sent himself. He views this trip to school as a road to success, not a mandatory experience. Because of this built-in motivation, the older student, after an initial adjustment, is more apt to stay in school and less apt to fail or drop out than the 18-year-old.

In addition to this sense of purpose, the older student is experienced both in living and in working. He, like Jim, may be married, with children of his own. He has learned to cope with the everyday problems of living, with emergencies, with change itself. He has experienced pain and disappointment. He has had to take responsibility for himself and for others. That commodity affectionately and erroneously termed "common sense" is an attribute of the more mature student.

Finally, the mature student, the one who has picked himself up after hearing the dreaded words, "You're laid off," has proved his resiliency, his power to rise above his problems.

In spite of these strengths, the returning older student is prone to lack one important ingredient: self-confidence. And for good reasons. He's no longer employed; he has discovered that he is unable to land another job without retraining and, worst of all, he is putting himself into a position where he had previously met failure: school.

Given the will to succeed and the support of caring counselors and instructors, Jim and many of his classmates do attain their goals. From the frightened, unsure man who entered my class in September 1984. Jim left in December enjoing reading in particular and learning in general. He convinced his wife that she too should attend college. Jim himself appears destined to be one of the many community college success stories. On the basis of his work in all three developmental courses, it is my prediction that he will experience little difficulty in completing his program in microelectronics. Ultimately, he may even be tempted to transfer to a four-year college for a B.A.

Jim's case history points up the reason for developmental education itself being offered in a college.

Had Jim decided to return to high school for such work, he would have plunged himself back into an atmosphere that would have destroyed whatever self-respect and confidence he possessed. Somehow, the very fact that he was enrolling in a college built his self-esteem. Even if he had needed more than one quarter of compensatory courses before he felt able to enroll in the regular college curriculum, he could tell his laid-off friends, "I'm going to college." Being on campus helped him feel a sense of participation in an institution of higher learning.

In short, attending college becomes in itself, a motivating factor for the Jims who return to school.●

SURVEY OF VIEWS OF ARKANSAS' YOUTH

● Mr. PRYOR. Mr. President, I conducted a survey in Arkansas recently, taking a sample of views of high school students in 14 schools across the State. The survey was taken in conjunction with a slide presentation entitled, "A Day in the Life of a Senator," that my staff takes to high schools in the spring and fall each year.

As future voters and leaders of my State, I am interested in their perspectives on the type of leadership President Reagan is providing the country, party identification of these future voters, their ideas on how we can address the Federal deficit, and what concerns them most as young Americans.

I thought my colleagues might be interested in the results of my survey of 1,700 Arkansas civics, government, history, and social studies students. I also thank the students at Sheridan, Stuttgart, Dumas, LakeSide (Lake Village), Bismarck, Glenwood, Mena, Greenwood, Eureka Springs, Huntsville, Morrilton, Atkins, Searcy, and Beebe High Schools for their willing participation.

I submit the survey results for the RECORD.

The survey results follow:

SENATOR PRYOR SURVEYS VIEWS OF ARKANSAS' YOUTH

1. What kind of job do you think President Reagan is doing?

7%, excellent; 33%, very good; 45%, fair; 15%, poor.

2. Which political group do you consider yourself to be a part of?

42%, Democratic Party; 25%, Republican Party; 33%, Independent.

3. If you were President, which of the following programs would you eliminate or cut to help balance the budget?

11%, defense; 2%, Social Security; 3%, highway funds; 11%, food stamps; 2%, health programs; 18%, foreign aid; 3%, agriculture support payments; 2%, student loans; 5%, scientific research grants; 5%, school lunch program; 2%, veterans benefits; 3%, small business loans; 4%, housing assistance; 10%, Federal employee salaries and pensions; 2%, Energy conservation programs; 13%, Amtrak service; 2%, environmental cleanup programs; 3%, Job Corps programs.

(Note: Multiple Answers Allowed)

4. Which of the above programs would you cut first?

(Top 5 Responses) Foreign Aid—27%; Defense—21%; Food Stamps—14%; Amtrak—14%; Federal Employee Salaries—8%.

5. Which of the above programs would you cut last?

(Top 5 Responses) Social Security—24%; Defense—18%; Foreign Aid—9%; Food Stamps—8%, Student Loans—7%.

6. Which of the following concerns you most as a young Arkansan?

24%, drug abuse among young people; 31%, threat of nuclear war; 29%, ability to get a job after graduation; 16%, ability to go to college.

7. If you were President for one day and had the chance to meet any individual in the world, whom would you invite to the White House?

(Top Response) Gorbachev, 23%.●

SENATE DEMOCRATIC WORKING GROUP ON TRADE POLICY

● Mr. BENTSEN. Mr. President, the Senate Democratic Working Group on Trade Policy released their initial report this morning. It attempts to lay the groundwork for a comprehensive, coordinated trade strategy for the United States.

Our lack of a trade strategy is costing us jobs. According to a Library of Congress study, an increase of only 10 percent in our exports 2 years ago would have meant jobs for 800,000 more Americans today.

Our lack of a trade strategy threatens the economic recovery and that, too, threatens jobs. If the trade deficit continues to weaken our economy as it did in the first quarter unemployment will climb.

Our lack of a trade strategy mocks efforts to reduce the Federal deficit. President Reagan, on television last night, urged sacrifice of Americans to bring the budget deficit down by $50 billion next year. The surge of imports into this country, by cutting back economic growth, threatens to add far more than $50 billion to this year's budget deficit.

And I do not have to tell you what the Federal deficit, by pushing up interest rates, has added to the trade deficit. It is truly a vicious cycle.

Our timing on the release of this first report—just as the President leaves for the economic summit conference in Europe—is not accidental.

We have what we believe is a clear and vitally important message for him as he departs.

Mr. President, please do not initiate a new round of trade negotiations at the Bonn Summit. You haven't done your homework. We want a new round. There is a compelling need for one. Existing rules of international trade are inadequate to the task. But the United States doesn't have a clear idea of what such negotiations should accomplish and you can bet that our competitors in other countries know exactly what their goals are.

We believe in free trade. We believe that when trade is free it is a powerful engine of economic growth, bringing

jobs and prosperity to people in all lands. In recent years, though, a number of nations have abandoned our example in favor of a highly protectionist approach, a new mercantilism that has acted not as an engine but as a brake on growth.

As the leader of the Free World, we cannot let this happen. As we say in this report, the United States must formulate an aggressive trade policy that will set the world back on the path of free trade.

Mr. President, as chairman of the working group, I wish to congratulate the other members of the group, including: Mr. ROBERT C. BYRD of West Virginia, ex officio; RUSSELL B. LONG of Louisiana, ERNEST F. HOLLINGS of South Carolina, DONALD W. RIEGLE, JR. of Michigan, MAX BAUCUS of Montana; FRANK R. LAUTENBERG of New Jersey; TOM HARKIN of Iowa; QUENTIN N. BURDICK of North Dakota; THOMAS F. EAGLETON of Missouri; SPARK M. MATSUNAGA of Hawaii; ALAN J. DIXON of Illinois; JEFF BINGAMAN of New Mexico.

Their time and effort made this report a success. And I congratulate them and the working group staff for their excellent assistance.

Mr. President, I ask that the working groups report on trade policy be printed at this point in the RECORD.

The report follows:

THE NEW GLOBAL ECONOMY: FIRST STEPS IN A U.S. TRADE STRATEGY—PRELIMINARY REPORT OF THE SENATE DEMOCRATIC WORKING GROUP ON TRADE POLICY

[Charts mentioned in report not reproduced in Record]

INTRODUCTION

The trade dilemma

No other country in the world holds as large a percentage of free world exports as the United States, about 15 percent. Japan's share, which is increasing, is still only slightly over 9 percent. West Germany has slightly over 10 percent. No other free world nation comes close to those three. Yet international trade is the weak link in U.S. economic polcy. The largest trade deficit in the largest exporting and importing nation the world has ever known presents the economic dilemma of the decade: Should government help by cutting off imports?

Denying trade relief could leave America stripped of its manufacturing and agricultural capacity, with a human cost in millions of displaced people. Yet, answering every cry for relief will start a firestorm of import barriers here and around the world that could lead to a depression.

Notwithstanding trade deficits for years, Presidents have imposed trade protection mainly as a response to political pressure. The current Administration, which has imposed more trade barriers on U.S. imports than any Administration since the 1920's, is now facing the largest trade deficits ever, without any apparent strategy. We are concerned that the Administration may be forced to respond to a future crisis of the moment, such as a decline in the U.S. economy, by imposing harsh and harmful import overprotection because of the current lack of trade policy direction.

A great trading nation needs a world of trade growth, not trade collapse.

The world's greatest trading nation, a global power with global economic interests, needs a trade policy that is strong and dependable under all circumstances and conditions.

A Trade Policy for the Nation

At the beginning of the 99th Congress, a Senate Democratic Working Group on Trade Policy under the Chairmanship of Senator Lloyd Bentsen of Texas began work on the question of whether U.S. Government policies affecting trade serve the national interest. This preliminary report contains the conclusions developed thus far.

As Democrats, we are mindful that President Reagan recently won a resounding victory based on a soaring economy. To those who argue that the current lack of direction in trade policy should not be challenged because the President's election represents an endorsement of his position on trade, we would point to an earlier generation of victorious Republicans.

In 1929, Republican Congressman Willis Hawley, the author of the Smoot-Hawley Tariff Act, observed:

"During the campaign of 1928, the Republican Party proposed to the country that a readjustment of the tariff would be effected, and special reference was made to a readjustment of the tariff as a part of the program of relief for agriculture. The country responded by the election of President Hoover with a tremendous vote and by a greatly increased Republican membership in this body. Construing the results of the election as an authorization and direction to this Congress to readjust the tariff duties, upon its assembling in December, 1928, it was decided to begin promptly this work."

The crash of 1929 had not yet come, much less the Depression induced by these "readjusted" Republican tariff rates, when Senator Cordell Hull fearlessly wrote in June 1929:

"American economic policy can no longer ignore the fact that since 1914 we have changed from a debtor and small surplus Nation to the greatest creditor and actual or potential, surplus-producing Nation in the world . . .

"When Republicans assert that tariff protection has become the accepted policy in this country, they do not mean reasonable, or adequate, or moderate protection, but inordinate, air-tight, superprotection intended to exclude every item of imports remotely competitive, which invites retaliation and which largely cuts us off from all markets for our surpluses. They dare not defend it upon grounds of revenue of equity or morals.

"This is the first economic issue tendered to Democrats. We must first halt and drive back the movement to fasten this unsound and destructive policy of extremism upon the country, by a demand that the Nation face in the opposite direction of lower tariffs, more liberal trade policies, and systematic efforts to develop an increasing export trade."

It was right to challenge superprotection in 1929, and we believe it is right to challenge disregard for trade in 1985.

If the trade barriers are going up, America must find a way to tear them down. They came down once before through hard-headed bargaining. It will take a hard-headed trade strategy to bring them down again.

As public servants who believe deeply in the workings of open markets, we have set out to find American policies affecting trade have gone wrong . . . and what can be done about it. We intend to understand how the world has changed in the last 15 years and to prescribe policies that Republicans as well as Democrats will support because they serve American interests today.

I. THE NEW GLOBAL ECONOMY

We are in an era of reduced U.S. influence, flexible exchange rates, interdependence, and mercantilist trade practices; a new global economy. Although the global economy has great potential to improve U.S. living standards, these changes are dangerous as well. Today they create windfall winners and losers among trading nations and generate protectionists pressures.

"Fact: The U.S. deficit on the current account—basically the difference between the goods and services this country sells to foreigners and those it buys from them—is an extraordinarily large $100 billion and climbing. In only two instances in the last 15 years, involving the United Kingdom in 1974 and Canada in 1975, have developed countries run current account deficits that were as large relative to their Gross National Product (GNP) as that of the United States in 1984." ("The Externalization of the U.S. Economy: Fact and Fiction," John D. Paulus, Chief Economist, Morgan Stanley Economics Department, Economic Perspectives, November 26, 1984.)

The United States faces a new Global Economy today. It is an economy that, in a very real sense, the world has never seen. Here are the four major changes:

Huge exchange flows

The change was born on March 11, 1973 with the breakup of the Bretton Woods system of regulated exchange rates. In place of Bretton Woods came a new flexible exchange rate market, a world market in currencies enormously different from what preceded it. Today, world currency flows may be as much as 25 times the size of world trade in goods, $50 trillion a year versus $2 trillion a year in trade.

This is a remarkable turn of events. Instead of competitive prowess or resources driving exchange rates, exchange rates determine whether the world's most efficient farmers and most productive manufacturers can find a buyer.

Now the price of goods is influenced by whatever currency speculators and investors look to; one day it may be the safety and security of the United States or Germany; the next, America's deepening budget deficit or Japan's burgeoning trade surplus; the third day, record U.S. real interest rates or sagging French exports. The tail now wags the dog.

Moreover, with the exchange rates driving trade flows, it is dawning on businessmen, farmers, and workers that they may never be able to become competitive. American firms cut costs by 50 percent in one year, and then find they must locate abroad. Workers settle for pay freezes and learn new technologies, only to find the exchange rate has made their product more expensive. A sense of distress derives not from the fact that the dramatic, daily change now placed upon competitors is beyond their control, but that it may be beyond any control at all.

Global interdependence

The second change has been the growing interdependence of world trade. The explosion in world trade since the 1960's that has meant a larger share of jobs and income than ever before is, in most nations, inextricably linked to foreign trade.

In combination with flexible exchange rates, this interdependence has added a striking degree of volatility to domestic economies. Foreign economic policies are no longer muted by inflexible exchange rates. Quite the opposite: they have been magnified by flexible rates. And domestic economic policies have become less potent because they tend to "leak" into the world economy, weakening their domestic effects almost immediately.

This volatility can be reduced if the United States exercises its strong leadership abilities to effect closer coordination of fiscal and monetary policies between the major trading countries.

New mercantilist trade practices

Notwithstanding the dangers of floating exchange rates and increasing interdependence, the possibilities for growth in a world economy are enormous. But it will take a truly open trading system to unlock this potential. That is where the potential is being lost.

Worldwide, government industrial stimulation to affect foreign trade—a new mercantilist trade policy—has increased. Export markets are highly prized for the income and employment they produce; imports are discouraged to protect infant industries and jobs, and to conserve scarce foreign exchange. Trade becomes a one-way street.

New mercantilist trade strategies of other countries depend on selling to the United States, the largest open, fully-integrated market in the world. U.S. trade policy treats such government involvement as benign, attacking such policies tangentially only when they openly constitute well recognized trade barriers and export subsidies.

The most effective practitioner of the new mercantilist trade practices is Japan. Japan has become the free world's second largest economy in good measure on the strength of its export sector. In 1984, its exports rose to nearly 80 percent of the level of U.S. exports, based on an economy only one-third as large. Yet, it imported fewer manufactured goods than the Netherlands, an amount scarcely equal to a bare 15 percent of U.S. manufactured imports.

Japan's tight-fisted access policies are deeply rooted in its government bureaucracy and highly nationalistic business practices. They are a source of great frustration to world class American exporters. According to the Department of Commerce, Japanese trade barriers cut U.S. exports to Japan by $12 billion last year. That cost the United States 400,000 jobs, including 27,000 in semiconductors alone.

The success of Japanese trade practices have encouraged the so-called newly industrializing countries (NIC's) along the Pacific Rim and in Latin America to emulate the market access policies of Japan. As a group, the NIC's are easily the fastest growing economies in the world.

These mercantilist trade practices, like their 18th Century predecessor, are inherently protectionist, designed to convert two-way trade to a one-way street. The success of such practices rests squarely on manipulation to generate a trade surplus. Thus, there is now a growing segment of the world market in goods in which governments compete, the twin of the world market in currency. No international agreement controls either of these markets.

Changing the role of the United States

The United States has industrial policies, especially in defense and agriculture, and some marginal subsidies that assist exports. But these programs are not supported by major schemes of protection, nor were they developed mainly to produce growth through exports.

The United States, in other words, is still the leader of an open, reciprocal trading system. But there has been a change in the role of the United States.

While it is clear that the United States is still powerful enough to affect the world's markets, by itself it cannot control currency markets, not can it simply order other governments to change their mercantilist trade practices. America must find new ways to use its power to convert the Global Economy into an engine of growth. The Global Economy holds out the hope that our grandchildren can inherit a life as much improved over ours as our lives are over those of our grandparents: But we have to make that happen.

THE TRADE DECLINE

The domestic economic policies of the current administration have ignored the existence of the global economy. The result: Huge trade deficits, unprecedented borrowing, and stalled world trade growth.

In Brasilia, Brazil, an American business aircraft sales team learns there is a 60 percent Brazilian duty and strict licensing of business aircraft imported into Brazil, and it gives up trying to sell there. In the United States, the same company completes against Brazilian aircraft exports, yet there is no U.S. duty on aircraft and no import licensing restrictions.

The record $123.3 billion merchandise trade deficit for 1984 hit America like a thunderbolt. An Administration living on borrowed money and ignoring the realities of the new world economy has responded by asserting these trade myths:

Myth one: The flood of foreign investment since 1981 has been attracted entirely by economic strength, not interest rates. That is incorrect. Over one-third of the dollar's appreciation occurred during the recession because real interest rates were rising sharply even as the economy plunged into its most severe post-war downturn.

Myth two: The bloated dollar is not harming the U.S. economy. In reality, it is responsible for two-thirds of the trade balance deterioration since 1980 or nearly one-half of the current trade deficit, and for the sharp fall in American competitiveness in world markets. Moreover, while the price of a barrel of oil has declined from $35 to under $30 in the United States, the high price of the dollar has raised the price of a barrel in Europe to the equivalent of $48, helping to stall growth there.

Myth three: The trade deficit is a temporary, healthy development. In the current trade environment, U.S. industries are moving offshore or being encouraged to buy more of their components offshore. Reestablishing these productive facilities, even if favorable trade conditions can be restored, will be prohibitively expensive. Current passive trade policies, if continued, will further discourage the return of these facilities, by tolerating foreign mercantilist trade practices and leaving the U.S. market relatively wide open. The trade deficits are likely to worsen, not improve, this year.

Myth four: The lagging Japanese and European economic recoveries are the cause of the trade deficit. Lagging growth abroad has had an impact on U.S. trade, but it is not the major factor. Weak Administration efforts to achieve greater market access have limited U.S. exports to Japan. The European recovery is lagging, in part due to high U.S. interest rates, but is responsible for no more than one-quarter of the trade deficit deterioration.

Myth five: The Administration has not resorted to protectionism. The Administration has imposed more trade barriers than any President since Herbert Hoover. Its budget and trade policies are largely responsible for the trade deficit. Yet, protectionism by default has become the Administration's major policy response to the trade deficit.

America: An international debtor

This year for the first time since 1914, the United States has become an international debtor. Each night, the Administration drinks up more foreign capital to bridge the next day's gap between imports and exports. "Vampire economics," Harald Malmgren, the former Deputy U.S. Trade Representative (USTR), calls it.

As in all Administration deficit matters, this will not be done in moderation. Borrowing fully 19 cents of every dollar it has proposed to spend, the Administration has pushed real interest rates up, and the dollar is at dangerous, record levels. By the end of 1986, the United States could well have more foreign creditors than Mexico and Brazil together. Like all nations who live beyond their means, servicing that debt will impose a lifetime burden on each man, woman, and child. Americans face reduced future standards of living, less growth, and higher rates of interest in order to transfer real resources abroad to satisfy these obligations.

If America waits five years to attack its external debt, it may need an export surplus of as much as 2.5 percent of GNP to stop the debt compounding. The current account deficit is now about 2.6 percent of GNP. To obtain such a turnaround in five short years will require a monumental shakeup in the U.S. economy. The Chief Economist for Kemper Financial Services, Mr. David Hale, wrote recently in the Wall Street Journal, "The problem is that the longer this trend persists, the greater will be the economy's adjustment problems when the U.S. ceases to be an automatic recycling center for the world's surplus savings."

Unemployment

The trade deficit has inhibited growth sufficiently to leave unemployment stalled higher than any recovery in history. It is hovering far above the low point of 5.7 percent attained in the previous extended recovery from the 1974 recession. Indeed, while growth has been good in three of the preceding four years, unemployment from 1981 through 1984 has averaged 8.6 percent—nearly 40 percent above the 6.2 percent average unemployment rate during the 1970's. Virtually all of that shortfall rests squarely with the more than 2 million jobs lost in recent years by our eroding foreign trade sector.

Entrance of the current so-called baby generation to the labor force has greatly eased the need to generate employment opportunities since 1980. The labor force is growing a scant 1.6 percent annually this decade compared to the robust 2.6 percent annual growth which occurred in the 1970's. Had that previous pace been sustained, unemployment would be hovering over 10 percent today under current policies. Not since the 1950's has the U.S. labor force been expanding so slowly. Even so, unemployment has stalled above 7 percent for nearly a year, due to the trade imbalance.

Eroding American competitiveness

The immediate impact of the dollar crisis in farming and manufacturing is obscuring its longer term impact. Administration foreign economic policies are eroding the American competitive base, jeopardizing the nation's ability to remain a first-rate international economic power and to provide future employment growth. Since 1980, American industry after industry has lost its foreign trade edge. Semiconductors, shipbuilding, telecommunications, textiles—the list is long and growing. It includes high technology as well as basic industries.

The stalled engine of growth

In the post-war period until 1980, trade was an engine of world growth. Between 1965 and 1980, world exports expanded from $189 billion to a peak of $2.043 trillion, an increase of over ten-fold in 15 years. Even exports from developing nations were impressive, soaring nearly 7 percent a year since 1965. They have propelled developing nations like Korea, Taiwan, Singapore, Mexico, and Brazil into modern industrial economies.

But world export growth ceased between 1980 and 1983. It did not just fall back to a position in step with world growth of production; the value of world exports actually fell. This is the single greatest trade contraction since the 1930's.

In 1984, when final data are in, world exports may again have increased, but if so, this will be primarily because of American imports, a development that is simply not sustainable. Trade is no longer a locomotive of growth; it has become a brake on growth.

A lack of balance

The world trade decline has occurred in spite of stupendous American trade deficits and large national surpluses elsewhere. This is because major trading countries have not followed internationally responsible economic policies, as measured by the large deficits of the United States and the large surpluses of others in their "basic" balance of payments—merchandise trade, services, return on investment and capital flows taken together.

Collectively, large imbalances have created a global problem. Trade barrriers to protect infant industries in Japan constitute a bilateral issue. But when they and other causes of imbalance spread to the five leading NIC's and beyond, the problem becomes worldwide, and the result is the slowdown in the growth of trade. The huge trade and current account deficits in the United States and the huge surpluses in these measures in Japan are important contributors to the current lack of balance.

Some of these imbalances are said to be necessary to resolve the debt crisis in the developing world. In many heavily indebted countries, unreasonable and unjustifiable import restrictions and determined export-promotion drives are combined with other austerity policies to pay off the debts of these countries. Such a combination produces slow growth in their domestic markets and large international trade surpluses. The import barriers and export subsidies tend to become entrenched.

And since the United States now imports nearly 60 percent of non-OPEC developing country exports, and Japan only 8 percent, the burden of debt crisis protectionism, austerity and export promotion in the developing world is borne by the U.S. trade deficit.

There is another way. Growth in world trade requires more responsible, cooperative and growth-oriented solutions to the debt crisis, such as more cooperation in opening industrialized markets, and faster growth in world trade. An examination of the causes and of cooperative approaches to the debt problem is needed. These are the responsible solutions to the debt crisis, not the current go-it-alone policy of the Administration.

As a global power, the United States must be concerned about trade slowdowns. As an individual trader, the United States should be alarmed as well, for our open markets have borne the brunt of these one-way policies.

The possibilities

The new world economy presents enormous possibilities. Reaping the trade and growth benefits of this new and highly interdependent world economy is in the interest of the United States. Foreign government trade strategies that cause wrenching adjustments in this country and wide fluctuations in trade patterns will not disappear because the U.S. Government announces it is for "free trade." Some control over the excesses in the world marketplace are essential. The challenge is to develop a trade policy, as well as economic policies, that promote stability and free trade.

III—ERODING INTERNATIONAL RULES

International trade rules are as necessary to free trade as rules of the road to free travel. But the existing rules do not reckon with the global economy. Yet international trade rules, such as the General Agreement on Tariffs and Trade (GATT), have to be strengthened if possible, not abandoned.

"In a recent survey of 49 countries, 27 were found to maintain local content requirements for automobiles. In Mexico, for example, 70 percent of the value of cars and 80 percent of trucks must be of local origin. Australia requires 85 percent. Most of Western Europe and Japan do not maintain local content requirements." ("Issues in U.S. Trade Policy," Congressional Research Service, April 23, 1982, Report No. 82-77E.)

Trade rules are very much like rules of the road: "In international trade, just as in road traffic, following accepted rules actually enhances everyone's freedom of action," according to the report of seven eminent persons appointed by the Secretary General of the GATT in 1984 to study and report on problems facing the international trading system.

An absence of rules

International trade rules, such as they are, do not cover many areas of world commerce, including some of the most important:

The estimated $30 to $50 trillion in annual world currency flows are subject to no significant international agreements.

Trade in petroleum, the most valuable commodity trade in the world, is driven by the rules of an international cartel that does not consult the hundreds of millions of people adversely affected by those rules. The cartel can hardly be called "international law."

Trade in services is not for the most part covered by international rules.

Barter and trade by corporations owned by governments are not subject to significant GATT control.

As much as 90 percent of the trade protection in the world was not carried out in accordance with GATT rules.

International agreements on the protection of intellectual property exclude many nations and generally fail to provide effective protection, even though technological advantage—an essential component of competitiveness—can be easily lost in the world economy without effective agreements.

It is no surprise that the GATT advisers concluded earlier this year:

"From the beginning, the GATT rules were flexible and pragmatic. But in recent years some countries have abused the system's built-in flexibility to avoid complying with the spirit of its basic rules. Others have sought trade advantage by taking measures not adequately dealt with in normal negotiations or covered by the rules of GATT."

In a special meeting with this Democratic Working Group, the Chairman of the Trade Committee of the President's Commission on Industrial Competitiveness reported that whereas GATT covered 20 percent of world trade in 1950, it covers less than 5 percent today.

Failure to take account of the New World Economy

The GATT assumes a world that no longer exists, of fixed exchange rates and countries that do not protect infant industries; a world where customs duties make a significant difference. That world is gone forever.

First, there is a whole new set of players. A system that only 20 years ago consisted mainly of the industrialized West and Japan now includes the newly industrialized countries, Korea, Singapore, Taiwan, Brazil, Mexico, and others. These countries now export twice as much to the United States as a percentage of trade as they did in 1960. By 1995, they will be engaged in twice the trade with the United States as the United States is now with Europe, according to estimates done for the President's Commission on Industrial Competitiveness. To a large extent, GATT rules do not apply to those countries, under the special provisions of Part IV of the GATT, "Trade and Development."

Moreover, where tariffs were once the trade barrier, now countries use anything but a tariff as their main trade barrier. Called "nontariff barriers" or "NTB's," there is no limit to the variety of these NTB's excempt the human imagination. NTB's are extremely difficult to control, because they can take almost any form, from requiring needlessly detailed customs inspections to unattainable health standards. Notwithstanding efforts to control NTB's in the Tokyo Round of Trade Negotiations (1973 through 1979), NTB's are growing faster now than anytime in the last 10 years.

In addition, world trade is affected by dozens of agreements other than the GATT intended to manage explosions of exports. The most pervasive form of trade management agreement—the bilateral "voluntary" restraint agreement (VRA)—is now a commonplace. Indeed, notwithstanding its free trade rhetoric, the Administration has itself negotiated a worldwide network of VRA's that will be the opposite of "free trade" in U.S. steel trade for the next five years. Since non-GATT VRA's actually guide practice much more than the basic rules of GATT do, the United States is now in an environment where the international law to trade tends more toward trade management than allowing it to run "free."

Finally, in place of the GATT free trade model now stands the model of import restraints and export promotion, the new mercantilist trade practices. To many countries, the GATT is simply a gauntlet of technicali-

ties, easily breached because even its greatest defender, the United States, often devises ways around the rules.

Even so, keep the GATT

Yet GATT is not dead, nor is it irrelevant; it is a marketplace of ideas, not a set of rules. It is an influence rather than a policeman. Even this limited capability can be useful to the United States.

For example, in some cases, GATT provides a forum in which some limited consensus can be generated:

In a recent case, a panel of experts advised the GATT that Spanish taxes on soy oil did not deny the United States the benefits of tariff concessions on soybeans, one of the most important U.S. agricultural exports. However, in the GATT, the United States at least convinced other members not to adopt this decision.

In another case, when the United States complained that Canadian investment regulations were undermining the benefit of prior Candian tariff concessions to the United States, GATT actually agreed, and Canada was forced to change the regulations to the satisfaction of the U.S. Administration.

Of course, this process has great limitations. With varying levels of obligation among members, and numerous exceptions to exceptions, GATT represents more a continuing negotiation on trade rules than a constitution for trade. Breaking down trade barriers through the GATT process of discussion, or any other negotiating process, suffers from a lag. Typically, as a barrier is understood, complained about, and eventually reduced, new barriers replace it. The same is true of export promotion schemes.

More fundamental than the institution, however, is the one basic understanding that many believe lies behind GATT: That growing trade means improving living standards so long as the growth is stable. Stability is tested by the ability of trading nations to cooperate by avoiding major international economic imbalances. This simple idea is as true in the new Global Economy as it was at the end of the Second World War.

Therefore, a legitimate objective of U.S. policy is a stronger, more comprehensive GATT. But we must not be misled into assuming that the only solutions are multilateral. Multilateral consensus on the old forms of trade was built on a basis of bilateral trade agreements. Multilateral consensus on the new Global Economy must be built on the same basis.

IV—THE LOSS OF TRADE LEADERSHIP

American trade laws can be made to respond to the global economy with relatively little change. Moreover, we know from experience that tough trade strategies can open up trade. The missing element is trade leadership.

In Washington, D.C., the Administration pushes Congress to reduce U.S. import duties on gasoline imported from the People's Republic of China, even though the Chinese gasoline does not meet U.S. octane standards, U.S. refineries oppose the idea, and the Chinese offer no concession in return. Meanwhile, 12,000 miles away, the Japanese Government prevents a Japanese petroleum trading company from importing a single shipload of gasoline into Japan from Singapore, where gasoline is refined more cheaply than in Japan, to protect Japanese refineries from a 10-cent per gallon drop in the price of gasoline.

U.S. trade law was not intended to deal with the Global Economy. This body of law is a hodge-podge descended from turn-of-the-century unfair trade practice statutes; the Reciprocal Trade Agreements program of the 1930's; and the laws of the 1950's, 1960's, and the 1970's designed primarily to implement the GATT and protect U.S. rights under the GATT.

Yet the laws are broad enough to deal with most aspects of the current condition. What little authority might be required is not lacking because of Congressional resistance but because no recent President has pointed out that there is a problem, much less proposed a way to deal with the problem.

Similarly, current American trade policy takes little account of the Global Ecomony. What was, in the 1930's, a hardheaded strategy of bargaining for reductions in trade barriers, has gradually become a policy of leading by example—a kind of unilateral disarmament in trade. Few follow the example. After all, running $150 billion trade deficits, damaging domestic industries, and overvaluing currency is hardly inspiring to others.

The danger of protectionsim

There are many ways to hide from a $123 billion trade deficit. The worst is protectionism. Yet the danger of protectionism is greatest now, with surging trade deficits.

The first source of danger is political. In the new world economy, there is much that destroys support for international trade. Rapidly fluctuating exchange rates make adjustment difficult. Surging imports tear down linkages in the economy, putting workers in the competing domestic company out of work first and then displacing workers who supplied the industry with materials, services and technology. Finally, exporting industries, deprived of foreign markets by forces beyond their control, lose their interest in trade, and revoke their support of the open trading system.

The second source of danger is economic. As foreign debt mounts, and investment in industry declines, it becomes necessary to protect domestic industry, so it can rebuild and develop export industries that can, eventually, pay off the debt. This is the argument of Brazil and Mexico for protection today. Will it be America's tomorrow?

These are potent forces, and it will take potent strategies to channel them in positive directions over the next few years. But it is clearly in the national interest to do so.

In combating protectionism, we believe that import barriers and protectionism are not necessarily the same thing. Import barriers are recognized by international trade rules, and can serve legitimate purposes of promoting competitiveness, dampening especially harsh effects of economic change, and leveraging other governments into opening their markets. The danger in the current situation is "superprotection," airtight protection of industries without requiring they become competitive. What we fear is that the current lack of coherent trade policy will leave the Administration with no alternative except superprotection.

Infirmities of current law

Current U.S. trade law provides a variety of import and export remedies and programs, but these have been outdated by the realities of the new Global Economy. Two examples:

Unfair trade practice laws.—Since most international unfair trade practice law merely offsets that part of the price of the import shown to be unfair, such laws do not offset the 40 percent subsidy given to imports in the last few years by the overvalued dollar.

Thus, while the huge deficits are driving companies to unfair trade relief laws in unprecedented numbers, frustration with the operation of the laws is reflected in a lengthening list of reforms put before each convening Congress.

Escape clause.—U.S. law also provides that when an entire industry is threatened with serious injury by increasing imports, then the government may provide relief even though there is nothing unfair about the imports. This is the "escape clause." In effect, escape clause relief is to provide time to adjust to the competition. Most such petitions have been regularly denied. In some cases, politically powerful industries, such as automobiles and steel, have managed to obtain relief, unfortunately outside the regular channels of U.S. law and international agreements. But they are the exceptions. Since 1975, 54 petitions for so-called escape clause relief have been filed; some form of relief—almost always less than enough to completely remove the harmful impact—was provided in only 13.

Part of the problem is that the escape clause law is written in such a way as to severely limit eligibility. For example, current eligibility requirements resulted in a decision in 1980 that imports were not a substantial cause of serious harm to the domestic automobile industry. Yet four months later, the Reagan Administration found it necessary to strong-arm the Japanese Government into limiting automobile exports to the United States for four years.

But more often the problem is that Presidents deny relief unless there is overwhelming political pressure for it. Few industries can muster such pressure. In the scramble for such clout, industrial adjustment—the purpose of the law—is usually given short shrift.

A lack of program

In several areas, the United States lacks significant programs that have become virtual necessities in the current world trading system. For example:

Export programs.—The United States hardly has an export policy worthy of the name, let alone export subsidies. There is no effort to coordinate the export market tools that exist. There is an export tax exemption—enacted first at the instance of the Nixon Administration in 1973 and revised at the instance of the Reagan Administration in 1984—but it hardly offsets the disadvantages placed upon U.S. exporters by border tax rebates and adjustments of other countries. There is a modest export financing scheme for capital goods, the Export-Import Bank (Eximbank), which is not sufficient to compete with foreign subsidies of the same nature (and which the Administration wants to reduce further). And there is an agricultural export subsidy program used when the agricultural export subsidies of other countries—particularly the European Common Market (the European Communities, or EC)—so interfere with traditional U.S. agricultural export markets that some retaliation is plainly necessary.

What the United States does have is barriers to exports.

The main barrier today is the 40 percent "tax" on exports represented by the overvalued dollar. But there are others.

The export incentives pale by comparison with a system of direct export controls for national security, foreign policy or short supply. Through at least two Administrations, these laws have become increasingly arbitrary; application times have become

prohibitive; and the effect abroad has as often as not been the opposite of that intended. Food embargoes have damaged U.S. markets abroad more than they have helped the stated policy objectives of the embargo. President Reagan's embargo of pipeline equipment to the Soviet Union in 1982 did not prevent the Soviets from building the Yamal pipeline; it did deepen rifts in the delicate and strategically important Atlantic alliance.

The pipeline embargo also hurt U.S. exports by making American producers appear to be unreliable suppliers. For example, major European firms, such as Creusot-Loire, which had purchased American products for a century, found it necessary under the circumstances to undertake an assessment to determine their reliance on American products. Not surprisingly, they found their reliance was too great.

Displaced worker programs.—The United States currently has no significant displaced worker program. The Trade Adjustment Assistance program, which included payments to workers laid off by reason of trade pressures, as well as training, job search and relocation allowances for workers and small loans and technical assistance to firms, is scheduled for final burial in the Administration's fiscal year 1986 budget. The Job Training Partnership Act that is supposed to do the job does not have the funding to undertake the tremendous task of job adjustment now taking place in America. The U.S. Employment Service, through inadequate funding and lack of Administration commitment to it, has been set up to fail, regardless of the agency's intentions.

It is now estimated there may be as many as one million U.S. displaced workers per year in America. These are workers with a demonstrated attachment to work. They have the proven capacity to learn the new jobs that will keep America competitive. Many of them have already taken tremendous pay cuts in import-sensitive industries. We believe it is fundamentally unfair to give these workers no way out except unemployment as the price for the benefits of free trade. The nation will benefit from efforts to develop effective, cost-conscious programs of training, job search, and job relocation for them.

Industrial adjustment conditions.—We must find ways to promote favorable, positive industrial adjustments in this country. To compete, the United States must insist upon industrial changes that promote international competitiveness. But the escape clause is often not used as an adjustment program. Consumers and workers should be assured that relief under the escape clause will lead to industrial progress, such as modernization. In the recent Administration program placing quotas on basic steel imports, there were no such conditions. But Democrats insisted on a quid pro quo from industry, and got it, in the Omnibus Trade and Tariff Act of 1984.

Japan has such programs for industries in decline. The programs provide both protection and a phaseout of uneconomic facilities. Indeed, these programs frequently represent barriers to U.S. exports. America needs to make better use of the escape clause.

The information gap.—One aspect of the trade barrier-identification problem is the surprising lack of trade information within the U.S. Government. There is no law to regularly provide the Government with the information it needs to formulate active trade policies. The General Accounting Office (GAO) reported last year that laws to help provide such information are not being enforced.

Trade information is an area ideal for assistance by computers, but the process of introducing and adapting data processing technology to trade policy analysis is slow and piecemeal. The United States now has what is probably the best trade data in the world, but it has limited staff resources to analyze or even process the data.

Finally, we see a need to link trade data and production data. Trade data are available on a more timely basis than production data, but the current situation results from inattention, not technical barriers. Input/output information—the kind of data Japan relies on to do its strategic trade planning—was not yet available in this country in the fall of 1984 for any year later than 1977.

Other programs.—The United States lacks many other programs to help cope with the new economy, many of which other countries now have. But we must be cautious. Many of these programs will not adapt well to America, or would tend more to undermine than build up trade. For example, U.S. law does not provide a remedy such as the one available in most of the trading world for "infant industries": Protection from imports in the early phases of a business. But we believe such programs should be thoroughly considered before they are suggested. At this time, notwithstanding the obvious unfairness of other countries having such programs, we believe the right approach is to try to break down the trade barriers such programs present, rather than to imitate them.

The current trade policy vacuum

Current Administration actions affecting trade are limited to initiating only narrowly targeted trade programs. The trade actions of the Administration show it has no uniform strategy for dealing with the current problem.

Responding to petitions.—There is a great deal of American trade law; unlike many other countries, we do the government of trade in the sunshine. Most of these laws can be used affirmatively by the President, but they also permit private persons to petition for government assistance or relief. In most cases, the President has been waiting for petitions, avoiding trade problems on an *ad hoc* basis. But the growth of the mercantilist trade practices requires a more affirmative response than waiting for petitions. This is not only because in most cases American companies fear foreign government retaliation if they complain about barriers, but because the United States must assert leadership. The alternative is to have American trade policy made by majority vote of the GATT.

Caribbean Basin and Israel.—The Administration's trade initiatives, such as they have been, widely accepted by Members of both political parties. The Caribbean Basin Initiative and the free trade area agreement with Israel were (or shortly will be) approved by Congress with the active cooperation of many Democrats. But these programs are hardly responses adequate to the enormous problems presented by the new Global Economy. There, the Administration has fallen short.

The "new round."—The Administration has called for a new round of trade talks for the past three years, but it has done little if anything to actually make it happen. Often its actions have appeared to conflict with its works. For example, it astonished fellow trading partners when, barely a month after an economic summit pledge to resist protectionism, it gave escape clause relief to the domestic specialty steel industry.

Moreover, a new trade round is not, in itself, an answer to the current situation. For example, the Administration's list of objectives for the new round is the same list that almost turned to tragedy at the 1982 GATT meeting of Trade Ministers—a list that virtually ignores current issues of the international economy. We do not argue with what is on this list, as far as it goes—trade in services, trade-related investment, agriculture, improvements in escape clause provisions. We argue with what is not on the list.

Where is a discussion of efforts to control current fluctuations of currency prices, the international trade development that most hurst American farmers? Where is a discussion of efforts at promoting adjustment, controlling export credits, protecting U.S. intellectual property, and pushing back the effects of the new mercantilism?

In some cases, other countries have demanded international discussion of these issues. It required an active refusal by the Administration to avoid discussing these issues. At this time, the Administration position still seems to be to avoid putting such issues on the GATT agenda. Therefore, the agenda for the "new round" is not complete.

Finally, the Administration has not taken adequate steps to build a national, domestic consensus on what America wants from a new round—and what it is willing to pay. It has sought no legislative authority for the new round.

Japan.—At the beginning of 1985, apparently realizing the trade deficit was at least a political problem, the Administration identified four narrow sectors in which Japan has the most obvious and egregious kinds of protectionism. The Administration tactic was basically to embarass Japan into reducing these barriers, first by releasing Japan from any obligation to limit the number of automobiles exported to the United States and then by publicly criticizing the Japanese for refusing to open wide these sectors.

Aside from the fact this strategy did not work—at least by the first of what will probably be many "deadlines" for Japanese market-opening—the action was much narrower than the current economic situation calls for.

Japan tends to set the standard of new mercantilism, but it is not the only example. Our largest bilateral trade deficit may be with Japan, but it is not our only large bilateral trade deficit. A global trade strategy is called for, not piecemeal tactics.

Trade strategy that works

In fact, the Administration has failed to present to the American people a strategy for saving the open world trading system. In order to revive the open world trading system, the American Government will have to understand the Global Economy. Only then can it see the need to act affirmatively.

The old strategy.—The old tactic was effective in its time: Reciprocal agreements to reduce tariffs, the "Reciprocal Trade Agreements" program. This strategy has recently run up on two rocks.

First, there is an increasing number of free riders, especially in the tariff-cutting system. For example, when the United States "deregulated" its telecommunications industry, other countries got greatly increased access to the huge U.S. market, while the United States got nothing in

return. When countries can get trade benefits from the United States free, why should they "pay" for them?

Second, U.S. tariffs are now so low, they provide little bargaining leverage; and the United States has relatively few of the NTB's that are the heart of mercantilist trade practices. Moreover, NTB concessions are often worthless, since barriers negotiated away are often replaced by equally effective NTB's not covered by the agreement. For example, if Japan agrees not to employ inspection on the dock— a form of nontariff trade barrier—but later institutes a requirement for design certification of imports, they have merely traded on NTB for another.

New tactics.—As a result, in the Trade Act of 1974, Congress set forth new general and specific trade negotiating objectives, and new system to accomplish these objectives, tactics that were to be used in combination with the old tactic of reciprocal trade agreements. Some of the new Congressionally-authorized tactics included:

Bilateral trade agreements (instead of multilateral agreements) (section 105);

Limiting membership in new agreements to only those countries that accept the obligations of the agreement (no "free riders") (section 102(f)).

Sector-by-sector negotiations (section 104);

Authority to cut U.S. rates of duty (section 101);

Some of the tactics Congress provided were utilized. For example, when the Carter Administration was unable to get general agreement on various "Codes" to control NTB's and subsidies, it entered into the Codes with those countries that were willing to accept higher levels of discipline, using the Congressional "no free riders" tactic. This tactic allegedly breached the cherished unconditional most-favored-nation doctrine. But without it, there probably would have been no Subsidies Code. Thus, although the results were limited, the Tokyo Round showed that the constuctive use of new, tough trade tactics could result in trade liberalization, even though this might upset to some degree certain GATT doctrines.

Now, even tougher tactics are necessary because the obstacles to open trade are greater. Instead of merely denying greater access to the U.S. market, we will have to be prepared to reduce access to the U.S. market for a proper purpose. We know this will work. In 1981, the Multifiber Arrangement (MFA) was renewed in part because under U.S. law, had the MFA not been renewed, duties would have snapped back to their 1975 levels.

As the leader of the world trading system, the United States must attempt to use tactics that ultimately expand total trade or at least defend a specific, palpable U.S. strategic interest. Random import restraints imposed for no more reason that political expediency—such as the Administration decision to raise duties on heavy motorcycles—hurt America's ability to make progess in the new world market. Countries that find import barriers hard to resist were given an argument to hide behind.

The trade strategy law

One major statute lends itself to a trade strategy for controlling the excesses of foreign government trade strategies. This is section 301 of the Trade Act of 1974, which essentially authorizes the President to restrict imports or take any other action within his power to retaliate for foreign actions that deny U.S. exports "fair" and equitable market opportunities." The statute was amended in 1984 to add the "market opportunities" language, and to require annual estimates of U.S. trade opportunities, and the barriers to them.

In its pre-1984 form, section 301 was used mostly at the request of U.S. exporters, much in the manner of a foreign claims settlement provision. It led mostly to negotiations, not retaliation. But used affirmatively by the President, such actions can lead to consultations that open markets. For example, the President has initiated a GATT case on his own motion which reached the successful conclusion of forcing Canada to change its investment laws, thus promoting U.S. exports. (The Canadian law in effect required U.S. persons who invested in Canada to buy their supplies from Canadians.) Despite many other barriers to U.S. exports worldwide, the tactic has not been employed consistently.

There have also been isolated incidents of action to promote U.S. exports in the face of foreign unfair competition—for example, a subsidized sale of wheat flour to Egypt in 1982 to knock out the sale of French wheat flour subsidized by the EC. But such actions have so far been too few and isolated to work a change in EC policies—although such tactics can be effective if they are part of a larger strategy.

Therefore, we know section 301 and similar actions have the potential to serve as tools for creating effective but temperate American trade strategies. They have not been used to do the job so far.

U.S. trade organization

The President has it within his power to make trade a priority. It is important he have the organization, as well as the power to do the job.

The U.S. domestic organization to deal with trade, often criticized by those within government as well as without, is a creature of law as well. It consists of three distinct parts: The interagency process to be presided over by the U.S. Trade Representative (USTR), a Cabinet officer who sits in the White House; the advisory process, a network of industrial, agricultural, intergovernmental, and labor private sector technical experts, to keep the process serving American interests; and the Congress, whose trade committee members have statutory status as members of U.S. trade delegations, as well as being consultants on trade agreements and arbiters of the laws that make or break American trade policy.

This is a system intended to be responsive to direction from the top. There is a vacuum of such direction now; there is no consistent U.S. trade policy. Ad hoc committees can only prepare options. If the President waits for consensus to decide the issues, America will never use the tactics in its arsenal.

No reorganizational suggestions can fill the void left by the current lack of leadership on trade. The Congressional mandate on trade has always been clear: There should be one trade voice, who reports to the President.

The Administration has compounded the problems of American trade policymaking. In 1981, it created a nonstatutory trade advisory group—the Cabinet Council on Commerce and Trade—chaired by the President, with the Secretary of Commerce as Chairman Pro Tempore. Then, in 1982, the Administration formed the Senior Interdepartmental Group on International Economic Policy. The Secretary of Defense, the Secretary of Interior, and the National Security Adviser sat on the statutory Trade Policy Committee but not on the Council on Commerce and Trade. The Secretary of Energy and the Attorney General sat on both—but were not on the Senior Interdepartmental Group. The Vice President sat on the Cabinet Council on Commerce and Trade, but when the President was absent, the Secretary of Commerce sat as Chairman. No wonder there is confusion in American trade policy.

Recently, the Administration abolished the Cabinet Council on Commerce and Trade and folded these functions into a new, larger Cabinet Council, chaired by the Secretary of the Treasury. This latest reorganization may or it may not reduce the confusion, but it certainly gives trade even less priority than it has now, and it does not, moreover, assure any greater Presidential attention to this vital area of concern.

V—RECOMMENDATIONS

The United States must formulate a consistent trade strategy. It would champion an open reciprocal trading system, getting its own house in order, reducing exchange rate volatility, promoting international economic coordination, and utilizing international law and domestic law strategically.

Principles and specific trade recommendations

The United States is a robust, competitive, productive, and innovative nation, and the leader of the free world. It is in this nation's self-interest—and it is its responsibility—to promote a system of free and open trade.

We are failing in efforts to achieve this goal. A new mercantilism of trade manipulation, inherently protectionist, is spreading throughout the world.

The United States remains the champion of an open trading system, but many nations no longer follow our lead. We are in an era of eroding international rules of trade, a time of economic difficulty nearing the crisis stage.

The United States is the largest exporting and importing nation in history—and we are burdened by the largest international trade deficit in history. Our response is critical, but there is no clear indication of when or how we will use our enormous economic authority. Used carelessly to confront a crisis, we could lead the world to economic ruin. Used wisely and carefully, it can lead back to the path of prosperous open trade.

Trade must become a priority concern of this Government. We believe the following principles and recommendations will build a solid base for a wise, new beginning in the trade history of the world.

Many of the tools needed in this endeavor are already authorized by law. Our failures in the field of trade are due primarily to simple neglect by the current Administration, as well as the lack of policy of previous Administrations. Thus, the most needed change in American trade policy is a change in attitude, not law.

Principles of a new U.S. trade policy

Recognize the existence of a new Global Economy.—Characteristics of today's Global Economy are reduced U.S. influence, huge capital flows, trade-distorting mercantilist trade practices, and a growing economic interdependence among nations. Recent Administrations have largely failed to recognize the existence or the implications of this new economy. The goal of free trade remains valid, but the strategy for reaching it must change under these new conditions.

Avoid wide imbalances.—We must revive the basic consensus which produced growth

after World War II—the avoidance of wide imbalances in such basic measures as merchandise trade and external debt. Whenever and wherever they occur, these deficits and surpluses of trader nations must be brought within reasonable limits and kept there.

A trade strategy, not a trade mythology.—The United States must use its enormous leverage—including both incentives and penalties—to move other nations toward an open trade system. American trade policy has proceeded as if the nations of the world follow and open their markets behind us. In reality, Japan has become the worldwide model.

Trade must expand faster than the GNP.—The trade policy of this nation must be directed toward expansion of the total trade of the world, now about $2 trillion, to the point that trade produces growth for the United States and the rest of the world.

Correct our domestic economic problems.—Existing trade problems are compounded by domestic problems of low savings, huge Federal budget deficits, relatively tight money and our status as an international debtor. These are roadblocks to international cooperation and successful trade, and they must be corrected.

TRADE POLICY RECOMMENDATIONS

International measures

(1) The Administration should prepare a catalog of trade-related benefits and penalties that are available for use as leverage in rebuilding the world trading system. It should identify powers already delegated to the President, and he should use those powers to improve the domestic economy and world trade.

(2) The President should exercise his existing authority to enter into bilateral trade agreements. While the ultimate goal of the United States should be tough, worldwide trade agreements, bilateral agreements are valuable tools in building a consensus or improved international rules. The President should proceed to consult with statutory private sector advisers, Congress, and others on possible bilateral agreements. Such discussions should move forward while homework on a "new round" of multi-county trade discussions is completed.

(3) The United States should determine where it (as well as other countries) could expand exports under the "most-favored-nation" principle of trade concessions, but are not doing so because of unreasonable and unjustifiable foreign trade barriers. This nation should then formulate strategies that offer special credit for increasing imports of U.S. products and carefully targeted trade retaliation against these barriers.

(4) We believe the United States should not proceed with a new round of trade negotiations at this time because certain basic preliminary steps have not been taken. Steps that should precede such negotiations include the following:

First, major international trade influences, such as the international currency market, should be on the agenda of the new round. The agenda should also include methods of controlling the effects of the new trading practices of many countries. Options for preventing domestic problems that affect trade should be considered, as well as techniques to insure coordination of economic policies. The Administration should encourage discussions for overhauling the international financial system.

Second, a special Presidential Commission on U.S. trade Policy should be established and consulted. This Commission should consist of representatives of both major political parties, including Members of Congress, and of interested private persons, including consumers. The Commission should be charged with identifying the trade objectives of the nation. The statutory Trade Policy Advisory System should be fully consulted on the new round.

Third, upon consideration of recommendations of the Commission and the Trade Policy Advisory System, the President should submit legislation setting forth the objectives of the United States in the new round and act pursuant to the authority Congress gives him.

Domestic law and policy changes

(1) The escape clause law should be used to promote increased U.S. competitiveness. Current law provides that when an entire industry is threatened with serious injury, or is actually injured, by increasing imports, the government may provide import relief under this law. It should be as easy as international trade rules permit for a domestic industry to qualify for trade relief. Then, relief should be provided on the condition of strict programs of new industrial investment by the industry assisted. Emphasis should be on maintaining the economic health of industries important to the national economic welfare.

(2) A comprehensive program is needed to support displaced workers—those persons with a history of attachment to the workplace and whose employers certify them as permanently unemployed. Up to one million such workers per year left jobless deserve a better alternative than an unemployment check or assistance by the underfunded Jobs Training Partnership Act. They are jobless because of structural problems beyond their control.

(3) The present layering on non-statutory trade panels within the Executive branch should be removed. Congress should consider legislation strengthening the authority of the USTR—giving him the authority to take certain trade actions. Just as other major White House advisers have jurisdiction over their areas of concern, the USTR should manage trade in cooperation with the President. Congress should also consider a small White House coordinating staff on trade.

Technically qualified advisers from industries and labor and agricultural groups concerned with trade should be appointed to the Trade Policy Advisory System. The System was designed as a panel to assist the Administration on trade matters, and it should be used in this important effort.

(4) The United States should coordinate export incentives as needed to achieve a national export policy. Export incentives include expanded Eximbank financing and carefully targeted agricultural export subsidies. U.S. policy should attempt to assure, if not actually obtain, export opportunities for U.S. exporters. The government should consider the effects on the economy before interrupting exports for any reason. Efforts should be made to authorize the Eximbank at levels sufficient to offset subsidy programs of foreign governments.

A study should be instituted to examine whether and how to establish a market in export-credit documents. In exchange for buying our goods, we sometimes offer to buy-down interest rates on loans to other nations. We should determine whether there is a market for this international indebtedness—as there is a market for similar domestic transactions. It may thereby be possible to give the U.S. taxpayer more bang for his buck by leveraging larger transactions.

(5) Undisputed facts on international trade would be valuable in planning our trade strategies, but such reliable information is not now available in a usable form or timely fashion. The government should initiate a program to collect information on American and foreign production and trade, maintained under conditions of appropriate security by an independent, nonpartisan trade information service. Statistics should be compiled to identify potential export opportunities, measure them, and assign priorities of value and importance. Government efforts should be targeted at such export opportunities.●

ORDER OF BUSINESS

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET RESOLUTION

Mr. DOLE. Mr. President, let me indicate to my colleagues in the Chamber and those who may be listening in their offices that we intend to call up Senate Concurrent Resolution 32 within the next 15 to 20 minutes. I am waiting for Senator DOMENICI, the chairman of the Budget Committee, and right now he is involved in a meeting and will be free in a few moments.

It would then be my intention to call up Senate Concurrent Resolution 32 and offer a series of amendments so that we might have a vote on the so-called leadership package. Of course, we invite cosponsors on both sides of the aisle. We think it has a lot of merit. There may be a few flaws in it, which will be found in any large package. We hope it would indicate, not just from a partisan standpoint, but also as a reflection of the general consensus in this Chamber, that we need a deficit reduction package.

Someone has to start and, as I understand, that obligation generally falls to the majority. If you want to be the majority, you have to start. So we intend to do that, to try to get a vote on the package, if I do not mess it up along the route sometime later this evening.

I guess the maximum it could take would be around 7 hours, after we start. No, I guess that is not the maximum, since Senator BYRD just indicated with his eyes that it could be much longer. [Laughter.] I am reminded that he is correct. It could happen within 7 hours. It could be less, but it also could be a great deal longer. It is my hope that we could have a vote on the package before the day is out; if not, tomorrow.

by those who defend in that way or any way the President's decision. One distinction is between collective guilt and community responsibility. If what is meant by collective guilt is that all in Germany by citizenship alone bear a common guilt, I do not believe in that concept at all.

But there is a real difference between collective guilt and community responsibility. I do believe in community responsibility if by that is meant that a society collectively must acknowledge the evils that grew within that society and their debt to its victims. Nazism, after all, did grow within a particular society, with millions participating, with millions of others acquiescing, and with millions losing their lives as a result. It was not imposed Nazism by an invading army from another land.

A second distinction is between compliance with orders and exertion of individual will. We did not punish every individual within German society, whether members of the general public or rank and file military personnel for compliance with orders of their national government. But at the same time, it is not necessary that those nations who fought Germany pay equal honor to the vast majority who complied with the national orders and to the minority within Germany who bravely pursued against the Nazis their own individual conscience, often to their death at the hands of their own countrymen.

A third distinction that is important is the proper one between facing the future and forgetting the past. There is no contradiction necessarily between the two and, indeed, in this case there is an absolute congruity because unless we do in fact weep over the incalculable spilling of innocent blood, the future can go dangerously awry.

I thank the gentleman from California very much for giving me this opportunity to speak.

Mr. LEVINE of California. I thank the gentleman from Michigan.

Madam Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore (Mrs. BURTON of California). The gentleman from California [Mr. LEVINE] has 33 minutes remaining.

Mr. LEVINE of California. I thank the Chair.

I would be pleased to yield to the distinguished gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. I thank the gentleman from California for yielding. I will not take much time.

Madam Speaker, I wish to join the gentleman in his special order today, asking the President to cancel his planned trip to Bitburg, the situs of the burial ground for some of the SS officers, formerly associated with the Nazi Party in Germany.

I had occasion a few years ago to travel to Israel and to visit the Holocaust Museum in Jerusalem with my little daughter who had never witnessed some of the film that she saw there, some of the horrible, grotesque atrocities pictured there that were inflicted upon human beings. She was horrified, as I was reminded of the horrors of the Nazis which were inflicted upon the Jewish people in World War II.

I felt, when the flak occurred announcing the President's visit to the cemetery, that it was a very insensitive act on the part of any official of the U.S. Government, much less the President of our great country, to bestow the honor of visiting a cemetery where these monsters are buried. The only good that I can think that could possibly come of this visit is that it may possibly heighten the visibility of the atrocities of World War II so that little children who were not born during that era may be reminded of the indelible horrors that occurred before their birth so they might learn of these terrible inhumanities to man.

As I was made aware of the fact that 40 percent of the American people were revealed in a poll today as not knowing which side the United States fought on during the Vietnam War, it is possible that some value may occur from the President's visit to this cemetery and his presence there will give those of us who are sensitive to those atrocities a forum to mind others that civilized humanity shall never allow those atrocities to occur again.

Mr. LEVINE of California. I thank the gentleman from Arkansas.

Madam Speaker, I am very pleased to yield to the distinguished gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. I thank the gentleman for yielding, and congratulate him for reserving time for this very important special order.

Madam Speaker, let me say that this trip of the President's has pained me greatly. One cannot understand why the President is actually going. One hears so many different explanations, but none of them make any sense. None of them have refuted the idea of going to a different place where the SS is not buried, where one could honor the many millions of Germans who were not part of Nazism—those who suffered on the home front and those who suffered in the war as so many other people did. Yet, through the din and noise and everything else that has emanated from the White House recently, we have not heard a single reason why Bitburg is a better place to visit than the grave of Konrad Adenauer, or of Pastor Neimoller, the great German theologian, or of the resistance fighters—the many thousands and hundreds of thousands of Germans who resisted quietly and with arms, with voices, with thoughts, and with hearts. Or the President could honor a symbol of the new Germany, the generation that was born after the war.

Mr. President, do not go to Bitburg. By insisting on visiting Bitburg, Mr. President, you are saying that there is not another site in Germany that is untainted. We have heard not from the President but from some of his advisers that Helmut Kohl has asked him to visit. Helmut Kohl is an ally of the President's, as West Germany is an ally of the United States, an ally that we need and deeply appreciate. But there are times in diplomacy and politics when a friend comes to you and says, "Please do me this favor," and you say to that friend, "I would do almost anything you ask, but I must draw the line. I cannot do this. Let me do the favor in another way, at another time, in another place."

Morality does enter into politics every so often. There has never been a more appropriate time that morality should enter into politics than today. I find it somewhat ironic that Richard Nixon and Henry Kissinger, the prime practitioners of real politics, hard-nosed, brasstacks politics, are being cited as a reason, as a bolster, for the President going to Bitburg when it is not the type of diplomacy that they practiced, necessary as it often is, that is needed now.

Mr. President, I know you do not intend this, but you are sending a signal. You are sending a signal to thousands of people in Germany and France and England and Italy, and yes, in this country and in many other countries, to the small minority who are fanatics, who are neo-Nazis. You are sending a signal to them that their hatred is OK. You are not saying that it is OK, but in their warped minds, when you visit that cemetery, they will believe it is OK. And lest you think, Mr. President, that this hatred is insignificant and far away, let me read to you some lines from the very popular German magazine, Quick. The lines, quoted in the New York Times, are from an article entitled, "Reagan visit in Germany: The Power of the Jews," and it reads, talking about Jewish Americans:

> Their protests were accompanied by a gigantic press campaign in which not only Jewish commentators recalled the suffering of Europe's Jews under the Nazis. The major television networks broadcast anti-German films; theaters put dramas of Jewish suffering in their programs.

The article referred to "the powerful influence of Jewish Cabinet ministers such as Defense Secretary Caspar Weinberger, surrounding Reagan." Caspar Weinberger happens to be a practicing Episcopalian.

Quick also asserted, that "the Jewish lobby dominates U.S. commerical television networks and many newspapers."

Mr. President, is this any more evidence than you need? Do not give a signal, an unintended signal but a real signal. Do not go to Bitburg. Choose another site. There are many people in my district, tens of thousands, who are Holocaust survivors. When you walk down a shopping street in my district in the summer, when people are wearing short sleeves, you can see tattooed numbers on people's arms. These people want reconciliation with Germany, too. But they do not want it at the graves of the SS. Nor do American veterans want reconciliation at the graves of the SS.

A man came to me in my district just yesterday and he told me that he and his family have lived in this country for a long time. A cousin of his was one of the American prisoners captured by the Germans at the Battle of the Bulge and massacred by the Waffen SS at Malmedy. American POW's with their hands up in the air, walking along being brutally machine gunned.

The tragedy of Nazism is not limited to any one group. The horror, the blackness, the emptiness of Nazism is not limited, and it must never be forgotten. We cannot wash it over. We should build a foundation between West Germany and ourselves, but not at the gravesite of the SS, because reconciliations such as that can never be.

Mr. President, all of us who have spoken here on this special order, and many, many millions of Americans and people of the world are asking you, please do not visit Bitburg.

□ 1600

Mr. LEVINE of California. Madam Speaker, I thank the gentleman from New York for his extremely thoughtful and important remarks.

I am now very pleased to yield to my friend, the distinguished gentleman from Nevada [Mr. REID].

Mr. REID. Madam Speaker, I had the good fortune this morning of attending a burial at Arlington National Cemetery. I participated in this gravesite service honoring my friend from Nevada, J. Lyn Smith, a paratrooper in the Second World War. This is a great contrast to the proposed trip to a German cemetery of our President.

Madam Speaker, I do not think any reasonable person can assert that the President's decision to go to Bitburg during his trip to West Germany next month was provoked by any mean spirit within him, or by irreverance to the memory of American and allied veterans of World War II. Apparently the President was asked to make this visit by a tearful Chancellor Kohl. When he accepted, the President did not know there were SS soldiers buried there. Now he knows.

If he does not alter his plans, he risks searing the sensibilities not only of survivors of the Holocaust, but of any one who can identify with the victims of Nazi Germany's hateful edict. Clearly, this encompasses a lot of people. Both the House and the Senate have directed letters to the President exhorting him to reconsider the Bitburg component of his trip. Large elements of the American public have urged better judgment. And some of our allies have expressed their reservations over this decision, as well.

As if this weren't enough to compel a change, surely, too, the Soviets will have a field day with this fodder for anti-American propaganda. Why bring this upon ourselves?

President Reagan misdiagnoses where the test of his integrity lies in this whole dilemma. He won't be accused of lacking integrity for recanting what is a bad decision. Instead he stands to lose far more by clinging to this mistake, having to lay a wreath and make a speech at Bitburg—where 47 SS soldiers are buried—and then confront a tide of negative repercussions.

Because the only major player that Reagan would need to mollify if he chooses another cemetery is Kohl, certainly this ill-advised decision can be turned around. There is still time for the President to reschedule his itinerary. I implore him to do so.

Mr. LEVINE of California. Madam Speaker, I thank the gentleman from Nevada [Mr. REID], and I am now pleased to yield to my friend, the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Madam Speaker, I thank the gentleman from California for taking out this special order to try and get across the fundamental point that we are seeking to make.

I do not know anyone in the House nor anyone in Washington to whom I have spoken who objects to firm, friendly, solid relations between America and West Germany. What we object to is the notion that you have to include a visit to a cemetery where there are Nazi soldiers, particularly the SS, as a means of doing that.

The West Germans have a great deal of which to be proud. Out of that terrible event of the Nazi regime, for which German society was responsible, they have come to the situation where today West Germany stands out as a respected, democratic nation. Indeed their East German brothers and sisters have to be physically restrained from coming to this new, prosperous, democratic nation of West Germany.

It is important that we honor that accomplishment, but not by denying what went before. In fact, it is a measure of the accomplishment when we realize what went before, and there is no inconsistency at all between a recognition of what West Germany has accomplished today and a continued decision that there can be no forgetting, no reconciliation, and no relaxation of what has to be a universal human hatred of the Hitler regime. There is no inconsistency there.

In fact, we are not talking now simply about bad public relations on the part of the President. We are talking about a misperception that says there has to be some honor and some fealty paid to the people who fought for and defended the Nazi regime as a means of forging and continuing to have our close links with West Germany.

Yes; I understand the West German Government has asked President Reagan to do this. They are mistaken, and there cannot be a serious argument, after all that has transpired between our own Nation and West Germany since 1945, from the Marshall plan on to the current very heavy stationing of American troops there.

Through good, economic relations, through all that we have been through together, it is inconceivable that anyone can argue that this visit to the cemetery is necessary. It is a very grave error that the President made. He has consistently compounded the error time and again by his statements and by his explanations. It is not too late. You do not show weakness by admitting when you made a mistake. The weakness is in persisting in this mistake and in compounding it as the President has done.

Madam Speaker, I thank the gentleman from California for yielding.

Mr. LEVINE of California. Madam Speaker, I thank the gentleman from Massachusetts [Mr. FRANK], and I am very pleased to yield now to my distinguished colleague, the gentleman from Ohio [Mr. FEIGHAN]

Mr. FEIGHAN. Madam Speaker, I share the concern expressed by so many Members of this House about the President's planned trip to the German military cemetery in Bitburg, West Germany. The ceremony is an affront to the memory of all who died at the hands of Hitler's legions and to all those who sacrificed to ensure that freedom would endure in Western Europe.

Surely, it is inappropriate for an American head of state, representing the people who liberated Germany and Western Europe from the greatest horrors in the history of humankind, to participate in a ceremony of remembrance for those who fought to extend the terrors of nazism during the Second World War. I cannot at all understand how this terrible ceremony was ever contemplated to be appropriate; nor can I imagine why Chancellor Kohl and President Reagan insist on going through with it.

I fully share the President's goal of increasing reconciliation between the German and the American people. Yet, the placement of a wreath at a

military cemetery containing SS graves undermines that goal considerably. The American and German people have come together in the postwar years because of our shared commitment to the enduring values of peace, freedom, and democracy. Since the defeat of nazism in Europe, the people of West Germany and of West Berlin have dedicated and demonstrated their commitment to those values.

Rather than commemorate the deaths of many who died opposing those values, might it not be more appropriate to commemorate the lives of those who fought for freedom and a progressive future in postwar Germany? I wrote to President Reagan 2 weeks ago suggesting that the cemetery ceremony be replaced with one at the grave of Konrad Adenauer, the German Chancellor whose courage and leadership did so much to restore the trust and faith that Americans and Germans feel for one another. Instead, the President has decided to go ahead with his visit to Bitburg, while adding a ceremony at Bergen-Belsen.

The tragic initial decision to go to Bitburg is only exacerbated by the insensitivities expressed by those who believe that a trip to the Bergen-Belsen concentration camp can in some way add balance. How can anyone believe that a wreath-laying ceremony in a cemetery containing Nazi Waffen SS could be balanced by another event? The only appropriate action must be a cancellation of the Bitburg ceremony.

Over 2,400 years ago, Sophocles, in "Antigone," wrote an eternal truth that President Reagan and Chancellor Kohl would be well to remember. "All men make mistakes," he wrote, "but the just man admits his error and repairs the pain he has caused. The only sin is pride."

It would be a tragic error if the President's insistence on visiting the Bitburg ceremony undermined the spirt of reconciliation that has existed between our two countries for some time. Since the late 1940's, when Americans came to aid of West Berliners during their hour of need—during the Berlin blockade—Germans have known that the American people supported their freedom and were willing to take risks to preserve and defend it. Our efforts under the Marshall plan helped to forge a growing and vibrant economy there, and our work in NATO has ensured that all West Germans have had the chance to live in peace and freedom.

Madam Speaker, the President's trip to West Germany should not be used to gloss over the tragedies in the past or to rewrite history. I believe it should commemorate America's participation in the conquering of Hitler, the ending of the Holocaust, and the liberation of Western Europe from the grip of Nazi rule. I commend my colleagues for calling this special order. Chancellor Kohl and German people must understand how sincerely we oppose the Bitburg ceremony and the presence of President Reagan in a Nazi graveyard. I urge them to change their plans and work to arrange an event that will appropriately celebrate our two countries' continuing efforts to maintain the peace and freedom of Western Europe.

Mr. LEVINE of California. Madam Speaker, I thank my colleague for his remarks.

I am very pleased now to yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I thank the gentleman from California [Mr. LEVINE] for making this time available to us to discuss this important issue and to reiterate my own deep concerns about the President's proposed visit to the Bitburg Cemetery in Germany.

In the past few days a great deal of discussion has focussed on the decision process involved in this matter, as well as the options available to the President to alter this decision. In today's Washington Post, mention was made that the President now plans to visit the Bitburg Cemetery for only a very brief time, while arranging a much more lengthy visit to the Bergen-Belsen concentration camp. It is obvious that many people are working to encourage the President to change his mind about visiting Bitburg, and I again reiterate my own suggestion that a more appropriate site of reconciliation would be to lay a wreath at the Tomb of the Unknown Soldier in Germany.

The events of the last few weeks have caused a great deal of personal anguish to many of my own constituents. My 22d Congressional District in New York has a high percentage of veterans of World War II, as well as concentration camp survivors. I have received more personal pleas and outcries from them in less time than I have on any other issue. Some of those veterans had families who perished in the camps, so that the Americans were not just fighting for freedom and democracy but the very lives of their own brethren. This intense, personal dedication deserves a noble response on our part, and on the part of our President. Elie Wiesel and others have responded to this crisis of anguish most eloquently, and all have spoken from the heart. Their appeal is not political, it is humanitarian. As Americans, we cannot in good conscience honor those who dedicated themselves to the singleminded act of genocide. It does not matter that many of these soldiers were young men; the SS was a voluntary branch of the Nazi regime, with a 2-year strict training program. Sworn enemies of the Jews, these SS soldiers fulfilled Hitler's orders to make Europe judenrein—empty of Jews. These same SS soldiers perpetrated a monstrous massacre of our own Allied troops, without any regard to the moral implications of their barbaric actions.

Madam Speaker, I join with my colleagues in appealing to our President to reconsider his visit to the Bitburg Cemetery as an improper setting for his comemorative wreath-laying ceremony.

□ 1610

Mr. LEVINE of California. Madam Speaker, I thank the gentleman from New York.

I am very pleased to yield to the distinguished gentleman from North Dakota.

Mr. DORGAN of North Dakota. Madam Speaker, I guess one of the most difficult things in politics is to say simply, "Look, I goofed."

The White House has clearly made an error in judgment in deciding that it is appropriate for the President of the United States to visit the Bitburg Cemetery. There are numerous reasons that should compel the White House to change its mind if it were not so hard in public life to say a mistake was made. This visit is an affront to the victims of the Holocaust; an affront to the soldiers who fought nazism, and a very serious mistake in foreign policy.

The young men who fought together in World War II from the United States and the Soviet Union met at the Elbe River. They recently commemorated an anniversary of that time when they marched together in opposition to the spreading terror of nazism.

For an American President now to go to a cemetery to honor those in the cemetery, including Nazi SS troops buried there, would give the Soviets an enormous propaganda coup. What they would do, you can imagine for the next year, 5 years, or 10 years, is send pictures all around the world about an American President visiting a cemetery paying honor to dead Nazi war SS troops.

This is an incredible foreign policy mistake. All of us need to be prepared to say, "Yes, on second thought, it's the wrong thing to do."

The President made a commitment. The President said, "Yes, I'll do that." But on reflection, it is not a good idea. It is not a good idea for him. It is not a good idea for this country.

So I think, along with my distinguished colleague from California and others who had made the case very eloquently, it is time for the President and the White House to say, "Yes, we blew this one. What we are proposing to do doesn't make sense and, yes, we are going to change our minds because changing your mind when you are pro-

posing to do something wrong is the right thing to do."

It is the right thing for the President. I hope the President changes his mind.

I thank the gentleman for taking this special order.

Mr. LEVINE of California. Madam Speaker, I thank the gentleman.

In closing, let me thank all of those who have participated in this special order on both sides of the aisle, and all those who participated just before this special order in the presentation of the very important resolution that has strong, bipartisan support urging the President to reconsider his trip.

Let me thank all of those who constitute a clear majority of both this House on a bipartisan basis and the other body on a bipartisan basis who have urged Chancellor Kohl to reconsider his invitation to our President with regard to this ill-conceived plan.

Let me in terms of recapturing some of what was said by so many people, again on both sides of the aisle, summarize simply by saying that this is not designed to be a political issue. This is an issue where Democrats and Republicans together have joined in a very respectful fashion to urge the President of the United States to reconsider an ill-conceived decision.

This, I might say on a personal note, is the first special order that I have ever taken out in my two terms in the House. I believe that this time should be reserved for issues on which one feels very deeply and in which there are very important concerns at stake.

I think we have seen from the people who have spoken here today how deeply people do feel on this issue. This is an issue on which people are speaking from the heart. You do not see people reading elaborate speeches from notes. You do not see people using lines that have been given to them by their staffs. This is an issue which is extremely clear on a variety of levels, on a moral level, on a foreign policy level, on a diplomatic level, and on all the levels that have been discussed here today. It is one that has beckoned forth deep sentiment from throughout this entire country and from citizens who are very good and close friends of our country from around the globe.

In the name of everything that is good in America and in the name of everything that we have stood for as a nation since the days of the Revolution and particularly in the name of reconciliation and healing with the people of Germany, on behalf of the Republicans and the Democrats who have spoken today, and on other days on the floor of this House, and in the other body, and so many citizens from around the globe, I earnestly hope and sincerely urge the President to reconsider this very unfortunate decision.

● Mr. DELLUMS. Madam Speaker, the President's persistent and wrongheaded determination to visit a West German military cemetery at Bitburg that contains the graves of at least 47 Waffen SS members, while canceling a similar visit to the original "model" Nazi concentration camp at Dachau, will leave a scar of shame on the national memory for generations to come.

This decision is a deliberate affront to all people of conscience, regardless of national origin, ethnic or religious background, because it honors the victimizers at the expense of their victims. The SS in all its perverse manifestations were the ultimate subversion of the Judeo-Christian ideals that have been the very foundation of Western civilization.

The SS were the implementers of Hitler's "final solution" who were directly responsible for the genocide of almost 6 million Jews. They were the mass murders who exterminated equal numbers of non-Jews in the concentration camps because of their opposition to, or lack of suitability for inclusion in the criminal madness that was the Third Reich.

It was the Waffen SS that initiated a series of deliberate World War II atrocities, beginning in Poland in 1939, and continuing with the murder of 101 British prisoners of war at Le Paradis in 1940 to the wanton massacre of at least 71 uniformed U.S. military personnel at Malmedy, Belgium, in 1944. Some of the members from the SS unit that conducted the Malmedy massacre are buried in the cemetery at Bitburg.

What must the surviving American veterans of the Battle of the Bulge who helped to liberate Germany from the Nazi horrors think of a President who chooses to honor these murders while ignoring them?

What must the veterans of other Allied nations whose comrades were also massacred by the SS in virtually every country of Europe think of this decision which is historically ignorant and personally insensitive?

What must those Germans who resisted Hitler and Nazism think when Wehrmacht military and Waffen SS are publicly remembered—and implicitly honored—while their incredible courage is deliberately ignored—all in the name of "reconciliation"? What a tragic revision of recent history! What an incredible inversion of moral imperatives. • • •

At the same time the President is visiting the cemetery at Bitburg the SS will be having a public reunion in Bavaria, not far from the site of Dachau. The President is also scheduled to meet with Franz Joseph Strauss, the West German political leader in Bavaria who first urged the President not to visit Dachau because he feared "leftist, anti-American" protests.

How sad—and how shallow a series of excuses by the leaders of both countries. I urge the President to rescind his personal decision to visit the military cemetery at Bitburg and to focus his full attention on honoring the victims of Nazism, not its perpetrators. To do any less in our name is to dishonor us all.●

● Mr. RODINO. Madam Speaker, some have called the President's decision to go to the Bitburg Cemetery a political error, a public relations gaffe. Others have called it a diplomatic mistake, particularly with the damage it appears to have done to our relations with our West German allies. But his decision is much more than a political or diplomatic mistake. It is a moral dagger that pierces the heart of so many Americans and Europeans who suffered under the iron fist of nazism. And it is a psychological assault on the Holocaust survivors—and on the relatives on the many who didn't survive—who must live with a memory haunted by the evil, grim specter of the Nazi final solution.

Imagine the inner tears of the survivors who heard the President say that the German World War II soldiers "were victims, just as surely as the victims in the concentration camps." Imagine the inner anguish of the survivors who heard the President decline a visit to Dachau, then agree to visit Bitburg, and then, after the press revealed that the cemetery contained the graves of the SS troopers, decided to visit Bergen Belsen to balance out his visits. We cannot balance out good and evil. If everyone is a victim, then no one is a victim.

Madam Speaker, I am concerned about reports that the President's advisers counseled him not to "cave in" on this decision. But who is he caving into, Holocaust survivors? American veterans?

For 40 years the American and German people have developed close ties because of a common faith in democracy. Our alliance is strong, and our shared goals are noble. Reconciliation between our two nations is a fact. A ceremony at Bitburg is unnecessary. There are many other ways to remember—a visit at the grave of Konrad Adenauer, a commemoration of the German resistance, a recognition of the allied dead. But why Bitburg? Why the pain for the survivors and the Allied veterans? Why tread on history?

Madam Speaker, allow me to quote from the moving remarks of Elie Wiesel:

I, too, wish to attain true reconciliation with the German people. I do not believe in collective guilt, nor in collective responsibility. Only the killers were guilty. Their sons and daughters are not. And I believe • • • that we can and we must work together

with them and with all people. And we must work to bring peace and understanding to a tormented world that * * * is still awaiting redemption.

Madam Speaker, Bitburg is not the door to redemption. I implore the President: for the sake of history, and for the sake of the living, please don't go.●

● Mr. WEISS. Madam Speaker, I rise to urge the President to cancel his plans to visit the Bitburg Cemetery, where, in addition to German soldiers, he will be honoring Waffen SS members, who conducted the Nazi genocide against the Jewish people.

Mr. Reagan's trip to Germany—his belated addition of a visit to a concentration camp, and his refusal to cancel a stop at Bitburg—reflects a moral and historical blindness to the suffering of the victims of Hitler's Germany. No dramatic speech by the President or public relations extravaganza by his advancemen can heal the wounds opened by President Reagan's insensitivity.

Scheduling for the trip has been blighted by moral obtuseness and misjudgment. In February the President first indicated he would not visit a German concentration camp site, saying he wanted to avoid opening old wounds while in Germany. Then, he added the stop at the Bitburg Military Cemetery. On April 18, he justified this visit by explaining that German soldiers who died defending nazism were "just as surely" victims as the 6 million Jews and millions of other nationalities tortured and slaughtered in Hitler's gas chambers.

President Reagan now stubbornly refuses to admit he made a mistake. After a direct plea not to visit Bitburg from the Chairman of the U.S. Holocaust Memorial Council and Buchenwald survivor, Elie Wiesel, the President still resists altering his plans. Simon Wisenthal, a Holocaust survivor who searches for Nazi war criminals still at large, denounced the Bitburg stopover while declining the President's invitation to Bitburg. The U.S. Senate urged the President to reassess his plans. And last week, 257 Members of this body wrote Chancellor Helmut Kohl asking him to withdraw his invitation to Reagan to lay a wreath at Bitburg.

Even with the added trip to Bergen-Belsen, the Bitburg visit is morally wrong. It prevents us from paying proper tribute to the victims of nazism and the Americans who fought that evil. It is an improper way to pay tribute to the free and democratic Federal Republic of Germany. And, it is an improper way to pay tribute to heroic Germans that resisted Hitler's efforts in World War II.

The President is now scrambling to find a politically acceptable way to visit Bitburg when there is no such alternative except not to visit the cemetery. Some assert that it would be a sign of weakness for the President to cancel his visit. On the contrary, this is an opportunity for the President to present a lesson about the Holocaust for current and future generations. If the President cancels his Bitburg visit, the lesson will be an unambiguous one, and all the more powerful. It would certainly be a demonstration of personal, as well as our Nation's, resolve about human rights and freedom. This is a strong message, not a weak one.

"The issue here is not politics," said Elie Wiesel, "but good and evil." Unfortunately, the President fails to see the difference even when presented so plainly. Madam Speaker, the American people can distinguish between right and wrong.

I, too, believe that our friends in the Federal Republic of Germany should not collectively suffer guilt for the Nazi crimes, and on this 40th anniversary of V-E day we should celebrate our friendship. However, I am afraid to think of what that day will symbolize to the world when the President of the United States lays a wreath at the graves of SS troops. I urge the President to cancel his trip to the Bitburg Cemetery.●

● Mr. EDGAR. Madam Speaker, my colleagues, I'm sorry that we all have to be here today. To you, to me, to most Americans, it's obvious that the President should not lay a wreath before the graves of the SS at Bitburg. But today, after weeks of controversy, we're here making a last desperate plea for President Reagan not to reopen the wounds of World War II.

I share the President's desire to achieve reconciliation. However, the Bitburg ceremony is guaranteed to be divisive, not unifying. It is guaranteed to be a hurtful act, not an act of healing.

I believe Elie Wiesel said it best when he accepted his medal at the White House 11 days ago. He said:

I too wish to attain true reconciliation with the German people. I do not believe in collective guilt, nor in collective responsibility. . . . we can and must work together with them and with all people. And we must work to bring peace and understanding to a tormented world that, as you know, is still awaiting redemption . . .

The issue, as Mr. Wiesel said, is not one of politics, but one of good and evil. The President should not be attempting to heal by honoring the graves of SS soldiers, Hitler's elite corps who ran the death camps and participated in the massacre of American prisoners of war. A ceremony recognizing even one individual who participated in the Nazi war crimes denigrates the purpose of the President's trip and works against reconciliation.

There is still time for the President to change his plans, to honor the grave of a German member of the resistance, or Chancellor Adenauer, who did so much for postwar reconciliation. There is still time for the President to change his plans, to contribute to the healing of wounds.

Let me close on a personal note. Veterans and members of the Jewish community have been vocal in their opposition to the President's trip; some have even said that this is a "Jewish issue" or a "veterans issue."

Jews and veterans should not be alone; I submit that this is an issue for all Americans. As a Methodist minister, I believe that all of us—Christians and Jews, Republicans and Democrats, men and women—should speak out to insist that good triumphs, that healing triumphs. Working together, we can pursue and achieve justice.●

● Mr. YATES. Madam Speaker, I participate in this special order today with a sense of fundamental sadness that is rooted in disappointment and disbelief. When I spoke to the House on April 15 about the serious mistake that the President was making with the scheduled visit to the Bitburg Cemetery, I, like many others, believed that the President would recognize this and the cemetery would be dropped from his itinerary.

This has not happened. A bad situation has become much worse and there is now a very troubling, Kafka-like quality to the whole event. It is as though the ability to alter the trip was beyond the reach or power of mortal man. But it is not too late, and the President should listen to reason.

Those SS graves in Bitburg are symbolic. They represent the darkest chapter in modern world history. To go to that cemetery with the wreath, the flags, and all implications that the visit carries with it is a mistake of tremendous proportions for this country, Germany, and the West as a whole. There can be no reconciliation with the SS. As Elie Wiesel said to the President: "That place, Mr. President, is not your place. Your place is with the victims of the SS."●

● Mr. DASCHLE. Madam Speaker, even though President Reagan is leaving on his European trip tomorrow, there is still time for him to cancel his visit to Germany's military cemetery at Bitburg.

And he must cancel the event.

The President of the United States should salute today's Germany—the Germany that is a model of Democracy, not honor a dark moment in human history when thousands upon thousands of Jewish men, women, and children were murdered simply because of their heritage.

The President of the United States should pay tribute to 40 years of peace between the United States and Germany, not honor German soldiers who were responsible for tens of thousands of American casualties.

The President of the United States should visit a cemetery where Allied

forces are buried, not a cemetery that was once used as a staging area for the bloody Battle of the Bulge where more than 70,000 American GI's were killed.

The President of the United States should pay his respects to the victims of the Holocaust and its survivors, not lay a wreath at the gravesites of those who guarded the death camps from escape and outside interference.

The visit to Bitburg is a terrible mistake. It reopens old wounds. It is an insensitive decision that minimizes the sacrifices of American veterans and the suffering of Jews who were declared enemies of the state. It drives a wedge between the United States and Germany. And it goes against all that this Nation stands for, and has fought for, in its 200-year history.●

● Mr. GARCIA. Madam Speaker, the President's scheduled trip to the Bitburg Cemetery has caused a great deal of furor both among his supporters and those who do not always agree with him.

Why is there so much controversy over this visit? Why is a symbolic trip to a cemetery so important? Because symbolism is all the victims of the Holocaust have left. It is the only solace they can find from the horror they experienced. We cannot adequately imagine that horror; we can only pay respect through our remembrance.

The words "never again" ring loudly from the survivors and the families of the survivors of the Holocaust. But to make certain that those words have meaning, it is up to us to join with them in their efforts to keep the memory of this tragedy alive.

I think it is important that when we ask the President not to go to Bitburg we do so not as Democrats and Republicans, but as Americans who do not want our Nation to be in any way connected with the evil of the SS. The memory of the excesses of that evil must be preserved so that we can forever guard against this dark side of humanity. The President must not go to Bitburg and betray the vigilance of this memory.●

● Mr. McGRATH. Madam Speaker, the message is clear. The American people are distraught over the memories that the President's proposed trip reawakens. Pleas have come from all segments of our society imploring the President not to visit Bitburg's military cemetery.

I have never received such impassioned mail as that which this controversy has evoked. This outpouring reaffirms my belief that the President must find another way to signal our sincere reconciliation toward the democratic government that rose from the ashes of Nazi Germany 40 years ago.

I have heard from veterans, Holocaust survivors, and many people who do not fall into either category. I would like to share with you the sentiments they have expressed which highlight the height of the despair and confusion they feel.

I'm a veteran of World War II who lost many dear friends fighting for our country * * * In decorating and honoring the graves of ex-Nazis we are doing a disservice to the cherished memories and the ideals of our American war dead.—Mr. Benjamin Feldman, 5th District, New York.

As a refugee from Nazi Germany who lost his parents and innumerable dear ones in the Holocaust, as a volunteer for the draft for the U.S. Army who entered service prior to Pearl Harbor, as a participant of D-Day invasions of both North Africa and Sicily, having been wounded in action in Normandy, as a recipient of the purple heart, the bronze star, and the Belgian Croix de Guerre Avec Palme, but above all as an American, I am sickened and offended by the insensitivity displayed toward the memory of the thousands of American servicemen killed by those whose graves you intend to visit on your upcoming trip to Germany.—Siegmund Spiegel, 5th District, New York.

One doesn't have to be a World War II veteran or Jewish to resent the idea of the President of the United States honoring Nazi war dead * * * Millions of mature 60 plus and elderly 70 plus Americans, like us remember vividly Allied sacrifices in World War II—including American prisoners of War butchered by Nazi troops near that cemetery * * *. Many living Germans were part of Hitler's efforts to build a Reich that would rule the world * * *. Honoring all war dead is a meaningless blurring of the fact that many of those dead don't deserve honor.—Mr. and Mrs. Arthur Magnell, 5th District, New York.

As a combat veteran of WW II, I feel debased by President Reagan's decision to visit the German cemetery that holds the remains of so many of the Nazi criminals of that conflict * * *. We can never let the world forget what the Germans of that era did to humanity. To honor those who participated in that horror is an insult, not only to Americans, but to all people, all over the world who value the right of every human to be allowed to think and worship according to his own beliefs.—Mr. Gil Malawista, 5th District, New York.

I share the concern and opposition expressed by my constituents. Currently, there are numerous groups trying to convince the world that the Holocaust never took place. This offensive and preposterous assertion is sure to gain some acceptance if the President lays a wreath at a cemetery where members of the elite SS guard are buried.

The fundamental lesson of the Holocaust is never again. As elected representatives of our Nation, our responsibility is to assure that this lesson never fades. I commend the gentleman from California and New York for reserving this time so that this very expression may be relayed to the President.●

● Ms. MIKULSKI. Madam Speaker, I rise today with a deep sense of outrage at President Reagan's proposed plan to visit the cemetery at Bitburg, Germany. This cemetery contains the graves of German SS officers, the Nazi elites who brutally carried out Hitler's plan to exterminate the Jews of Europe. Regardless of the intent of including Bitburg on the President's itinerary, or the addition of other events to the schedule, President Reagan should immediately cancel his plan to lay a wreath at Bitburg.

This month we have been commemorating the 40th anniversary of the end of World War II and the liberation of the Nazi death camps. Part of remembering the dead and the other victims of nazism is never forgetting those responsible for the Holocaust. President Reagan's plan to lay a wreath at Bitburg is far from a gesture of reconciliation with modern Germany. Rather it is opening the wounds of thousands of Holocaust survivors and Gold Star mothers everywhere. Furthermore, it is paying homage to the memory of 47 Nazi SS members, participants in the torture and murder of millions of innocent people.

I have written personally to President Reagan asking him to remove Bitburg from his itinerary. In my letter I also encouraged him to do everything possible to continue our Nation's friendship with present-day Germany. I do not believe in collective guilt. But I must join with Elie Wiesel who said: "The issue here is not politics, but good and evil." The American President's place is with the victims, not the perpetrators, of Nazi atrocities.

Our current friendship with Germany does not make us forget the past. Out of respect for those who died and suffered, out of respect for the lessons of the Holocaust, I join with my colleagues and friends in the Jewish community in calling for the President to cancel his trip to Bitburg.●

● Mr. LENT. Madam Speaker, I join with my colleagues today in expressing my deep concern over the President's plans to visit the Bitburg Cemetery in West Germany. The President's trip to Bitburg is intended to improve diplomatic relations with Germany but it has had the opposite effect here in the United States. The President's stated intention to visit a military cemetery in Bitburg has opened old wounds and sharply divided this Nation.

Some would portray this visit as an issue of primary concern to the Jewish community, but that is inaccurate. It is a Jewish issue, but it is also an issue of concern to gentiles. Many of the major veterans organizations have protested against the President's visit. They are disturbed because the President's visit would honor the murderers of their fallen comrades, as well as the perpetrators of the most horrifying slaughter in the history of mankind.

I had hoped that the eloquent speech given by Elie Wiesel at the White House last week would change

the President's mind and show him the folly of his plans. While I sincerely believe the President was deeply moved by Mr. Wiesel's words, he apparently feels that he has made some personal commitment to Chancellor Kohl as one head of government to another.

The administration should recognize that a decision that causes such controversy at home is worthless, no matter what its value abroad. They should be working with the West Germans to develop an option that will benefit both sides and alienate no one. I join with Elie Wiesel and the countless others who believe that the President's place is not in Bitburg, his place is with the victims.●

● Mr. ADDABBO. Madam Speaker, I rise to join my colleagues in urging President Reagan to cancel his visit to Bitburg Cemetery.

Certainly none of us has a problem with the President's stated desire to commemorate 40 years of peace and friendship with the people and Government of West Germany. But in doing so, the President must not ignore the horrors and brutality of the Nazi regime and should scrupulously avoid even the appearance of paying tribute to individuals who perpetrated crimes against humanity.

If the President wants to honor the victims of World War II, he does not have to look very far. All of Europe was a victim of the Nazi regime. The millions who were murdered in the death camps, the fallen soldiers of the Allied forces, the people and towns of Europe that were overrun and occupied by the Nazi war machine, the fighters in the German resistance movement, all were victims and all deserve to be honored by the President of the United States.

I am sure that it was never the President's intention to honor members of the SS. The planned visit to Bitburg was simply a result of poor judgment and bad advice. The most honorable course of action would be to admit the error and cancel the visit to the cemetery. I respectfully urge the President to reconsider his plans. It is not too late to find an alternative site for the President to mark 40 years of peace.●

● Mr. BUSTAMANTE. Madam Speaker, the proposed visit by President Reagan to the German war cemetery at Bitburg, billed as symbolic of our reconciliation with present-day Germany, actually undermines the genuine reconciliation our present alliance with Germany symbolizes. The juxtaposition of the symbol of reconciliation with that entombed in those graves, the greatest evil the world has suffered, can only pervert the symbol of reconciliation which we wish to express. We cannot reconcile ourselves with the past and its nefarious symbols. The SS, the elite corps of Nazi Germany, perpetrated the most grievous crimes against humanity ever recorded in history. The Nazis distorted the distinction between good and evil through the very distortion and perversion of symbols: the ones who at the gate of the death camp inscribed "Work makes Free"; the ones who called their mass deportations to death camps "resettlement"; the ones who sent their victims to the "showers" to "disinfect" them; the ones whose "Final Solution" meant the total annihilation of a whole people. Madam Speaker, how can we even symbolically reconcile ourselves with this past?

As the leader of the free world, President Reagan has the responsibility to honor and uphold the values for which countless Americans fought and died in their struggle to free Europe from the Nazi tyranny which almost engulfed the world. Americans fought for the preservation of freedom in the world; for the survival of democracy which affords its citizens equal protection under law. And many died for the free Europe we have today; including democratic West Germany. Is it then fitting for the beneficiaries of this legacy of freedom to reconcile themselves with the very evil which would undermine our hard-won liberties?

Madam Speaker, I join my appeal with those of my colleagues that he cancel his visit to the Bitburg Cemetery; a visit that only revives memories of Nazi atrocities and reopens bitter wounds. Mr. Reagan would demonstrate true leadership if he were to cancel his proposed visit to the cemetery.

Madam Speaker, the reconciliation that has, in fact, existed for some time cannot be justified if it rests on the scattered cinders of forgetfulness.●

● Mr. SMITH of Florida. Madam Speaker, President Reagan's decision to carry out his plans to visit the Bitburg Cemetery honors those directly responsible for the deaths of millions of American soldiers and Jews. Those buried in this cemetery are the perpetrators of some of the greatest crimes of humanity during this century. Many of the German soldiers buried at Bitburg were members of the Waffen SS, the combat arm of an elite Nazi unit.

As a Jew who has personally suffered family losses, I am outraged that 40 years after the end of the world's most atrocious regime, the President of the United States intends to honor the German military war dead. This is an indignation that offends not only the souls of the 6 million Jews who were slaughtered at the hands of the Nazis, but the 400,000 American servicemen who lost their lives in World War II as well. Rather than healing old wounds, this has opened them up again. Rather than increasing understanding, it increases misunderstanding. Rather than celebrating the future, it has rekindled the horrors of the past.

After observing the sense of outrage from nearly all sectors of the American population, the President was quick to add a stop at the Bergen-Belsen Concentration Camp to his itinerary; however, he continues to include the Bitburg ceremony on his schedule. Visiting the site of a Nazi concentration camp where tens of thousands of Jews were brutally murdered can not be considered a trade-off to visiting Bitburg.

To voice my opposition to the President's planned trip to Bitburg Cemetery, I have cosigned several letters with many of my colleagues advising the President of Congress' belief that there is a more appropriate way to highlight the peace and friendship between West Germany and the United States. In addition, I am an original cosponsor of House Concurrent Resolution 125, a sense of the Congress resolution that the President of the United States should not honor the memory of those responsible for the deaths of millions by visiting Bitburg.

We should not honor the guilty. We know the pain of remembering the Nazi genocide and feel the loss of each life as if it were our own. Hitler's reign ended 40 years ago, but for the many who survived the camps, the hiding, and the awful waiting, it happened yesterday. Therefore, we must remember, not honor, the Nazi barbarism, so that it may never happen again.●

● Mr. MICA. Madam Speaker, our President leaves tomorrow on a 10-day trip to Europe. Our President intends to visit a West German cemetery at Bitburg where 47 of the Third Reich's notorious Waffen (weapons) SS troops, as well as 2,000 German soldiers, lay buried. Many Americans, I being among them, strongly believe the President's plan to honor these men is ill-advised and insensitive.

Just 40 years ago, 6 million Jews, plus millions of other innocent people, were murdered in the Nazi Holocaust—victims of the SS organization that once included the 47 who lay buried at Bitburg. The aim of the SS was, according to SS leader Heinrich Himmler, to "find out, to fight and destroy all open and secret enemies of the Fuhrer, the national socialist movement and our racial resurrection." For a U.S. President to honor men with such a mission shows a tragic lack of understanding of Nazi atrocities.

Most of the soldiers buried at Bitburg died in the Battle of the Bulge in 1944, the most ferocious battle ever fought between Americans and Germans. Over 19,000 of our GI's died; about 50,000 were wounded. Every veteran who fought in this battle has vivid and bitter memories. Many will

recall the news that during the battle, a Waffen SS battle group gunned down 71 American prisoners of war captured just north of Bitburg. Afterward, the SS soldiers used the bodies for target practice.

The President's decision to lay a wreath at Bitburg demonstrates a lack of sensitivity to those who suffered at the hands of the Nazis. The President should reconsider the inclusion of the Bitburg Cemetery in his forthcoming trip to West Germany. Instead, our Nation should pay honor to the memories of the millions of innocent Jewish victims and thousands of American and Allied soldiers who were victims of Nazi atrocities. We should honor the new bonds that have developed between our Nation and West Germany since World War II and in doing this look forward to a promising and flourishing relationship, not backward to the horrors of the past.●

GENERAL LEAVE

Mr. LEVINE of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ORDER OF BUSINESS

Mr. FRANK. Madam Speaker, I ask unanimous consent to take my special order now, which was previously called.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

A BROKEN PROMISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

Mr. FRANK. Madam Speaker, the gentleman who preceded me, the gentleman from California, said that special orders ought to be used when one feels strongly, and that is precisely what I want to do today. I feel strongly for a couple reasons.

The subject is the very solemn, oft-repeated promise, that President Reagan made during the 1984 campaign that he would not reduce Social Security benefits and the fact that he has subsequently broken that promise.

Apparently when the initials S.S. are involved, the President has a somewhat flexible attitude toward promise-keeping. When the S.S. stands for Social Security, the promise is not worth very much. When it stands for Schutzstaffel, then apparently it is an obligation too solemn ever to be set aside.

I think the President is keeping the wrong promise. A commitment made in a conversation to the head of another government when nothing has been bargained for over that does not seem to me as important as the very solemn, very public pledge, made by the President of the United States as a candidate for reelection to the American people, when he said, "I won't be cutting your Social Security benefits."

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Because the President has a proposal now before the Congress to reduce Social Security benefits by a substantial amount. In fact, a proposal came forward from the other body to reduce Social Security benefits, and in the compromise that was worked out, the President went them one better because the proposal that came forward as part of a so-called compromise for a 3-year reduction in the cost-of-living increase that Social Security recipients would be entitled to get is a deeper cut over that 3-year period than what had initially come out.

Mr. DORGAN of North Dakota. Will the gentleman yield?

Mr. FRANK. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Does the gentleman recall one of the Presidential debates in which the President said "You should never say never in politics, but I will say never"?

Mr. FRANK. I do recall that, and what he said never about, as the gentleman points out, was cutting Social Security benefits.

Mr. DORGAN of North Dakota. That is precisely what he said: "I will never allow Social Security benefits to be cut." That was just several months ago. The paradox of this whole thing is that this President is participating in an effort that will lower Social Security checks from the present law's COLA in order to counter a buildup on the other side of the budget for the military. And that is precisely what we are talking about. We are talking about taking money from senior citizens, many of whom are at or near the poverty line, in order to build more submarines, jet fighters, tanks, or MX missiles.

The President's budget priorities are misplaced, and I appreciate the gentleman taking this special order to point that out.

Mr. FRANK. I thank my friend from North Dakota who has been a very staunch advocate for sensible priorities in the budget. He reminds us we are not talking about increased overall Federal spending. We are not talking about trying to increase what the President sent us in the deficit. We are talking about making those reductions in a sensible way and not taking Social Security benefits away from those who are entitled to them to fund General Dynamics' abuses of taxpayers' money or for MX missiles that we do not need or other waste elsewhere in the budget.

Mr. DORGAN of North Dakota. If you deny someone, whose purchasing power has been eroded because of inflation, the opportunity to have that purchasing power restored through a COLA, that denial of those funds does not help the deficit. Social Security funds are raised through a payroll tax to be used only for Social Security. Some people around here are trying to play a game of using those Social Security revenues that they cannot use to offset deficits they create by an excess of military spending. That breeds the most incredible waste we have ever seen in this Government's history.

Mr. FRANK. The gentleman is correct.

You know, sometimes people forget what today is. But now the gentleman reminds me, and we can say, if people do not remember what the day is, today is the first of never, apparently, because we heard the President say he would never cut Social Security benefits, and he is now proposing to cut them. So as of today, it is the first of never.

I do not know what you do to your clock, but what you do, if you are old, to your bank account is watch it dwindle.

The gentleman is right. In 1983, the President signed into law, both Houses having passed an increase in Social Security taxes and a reduction at that point in Social Security benefits. And the argument was that that was necessary.

Some agreed; some disagreed. But that was then argued to be necessary to put Social Security on a sound footing so that the elderly would not have to worry.

What the President is now asking Congress to do is to take part of that increase in the regressive payroll tax of Social Security and use it to offset the deficit that we are getting because of General Dynamics abusers and because we are going to do the things in the military that are far beyond what we have to do.

We ought to be very clear about what the President has tried to suggest. Let us be very clear. When you have a law that now says elderly people are supposed to get every January—it used to be July but it has been pushed back 6 months—a cost-of-living increase equal to inflation, and you take that away from them, you are reducing their benefits below what they are now legally entitled to.

And then the President said, anyone who says I am reducing their benefits is lying in their teeth. I do not know how one lies in one's teeth and it

would seem to me that it would be a very uncomfortable place to lie. But the fact is that the President's own calculation means that, in this one instance, he does understand what we are talking about.

He is the one who tells us that if we only give the Pentagon a 3-percent increase over and above inflation, that is a 7-percent overall increase, that that is austerity. So, for the Pentagon, they get full inflationary compensation plus 3 percent.

But if you are 82 years old and living at about the poverty level, receiving about $500 a month or a little bit less, you get 2 percent. And the President says he has not cut you and we know that that simply is not true.

Mr. DORGAN of North Dakota. If the gentleman will yield one more time—those who listen to the gentleman and others should not conclude that we are not for trying to move this fiscal policy into some sort of balance. The mismatch between revenues this Government has and expenditures that the President proposes, which is a $180 billion deficit mismatch, has nothing at all to do with Social Security COLA's. We ought to adjust Social Security COLA's up or down based on the economic health of that system, not based on whether or not the President wants another 7, 9, or 13 percent in military spending.

This does not have anything at all to do with the general question of whether or not we ought to restrain spending. Of course we should. But we ought to do it in the right way.

Mr. FRANK. I just want to make it clear. I thank the gentleman for his remarks.

Larry Speakes, who is the official White House spokesperson—and, Madam Speaker, in the intermittent interest that some of the people on the Republican side have about the rules, I am going to ask unanimous consent that I may be allowed to quote. I would assure any Republicans watching, I am going to quote Larry Speakes, so I am sure they would not have any objection.

I ask unanimous consent that I be allowed to quote from some documents here, Madam Speaker.

The SPEAKER pro tempore [Mrs. BURTON of California]. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK. I thank the Speaker.

On October 9, and I am going to insert some stuff in the RECORD, and one is a superb, thoughtful essay written by Robert Ball, a former Commissioner of Social Security, a man who participated in 1982 and 1983 in the proposal to reduce benefits at that time and raise taxes because he thought it was necessary, he has a magnificent refutation of the logic by which the President is trying to justify. And let us be very clear what the President has done. He made a promise when he ran for election that he would never cut Social Security benefits. He has broken that promise. He has asked the Congress to reduce the cost of living below what it now legally is supposed to be, not just for this fiscal year but for 2 additional fiscal years. For 3 full fiscal years, it would cost billions of dollars and put an awful lot of older people who are now barely above poverty back into poverty.

Here is what Mr. Speakes said, according to Mr. Ball:

When asked further on October 9 about the Social Security cost-of-living adjustment, White House spokesman Larry Speakes, and a reporter had this exchange:

"QUESTION. You say that benefits will not be reduced. The law includes a provision for increases in benefits based on cost of living. Does this guarantee those increases as well?

"Mr. SPEAKES. Yes. This is the law.

"QUESTION. And you say it doesn't include—that there will be no tampering and delaying or trimming of the cost of living?

"Mr. SPEAKES. No tampering, no nothing."

But unfortunately no nothing more clearly explains the Reagan program for Social Security recipients than no tampering. There is a clearcut violation of a pledge and an effort to reduce what, among the poorest people in this society, all older people living in poverty are going to get.

Mr. MORRISON of Connecticut. Will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. I thank the gentleman for yielding. I want to thank him for asking for this time in order that we might explore this issue on Social Security because I think there has been a lot of misexplanation of what is going on. And a lot of people are being asked to think that freezing Social Security benefits or reducing the cost of living over a 3-year period by at least 2 percent every year is somehow a form of deficit reduction, and some kind of budget restraint, when it is nothing of the kind.

I think an important fact that should be emphasized is that the Social Security trust fund will take in $9.2 billion more next year, in 1986, than it is going to spend. So, if anything, the Social Security trust fund is making the deficit look smaller than it actually is, not bigger.

Mr. FRANK. If I could just interrupt the gentleman, I appreciate his statistics. If I am correct, the $9.2 billion is even if we pay out the currently mandated cost of living?

Mr. MORRISON of Connecticut. Absolutely. And I think it is important to go back and understand why it is we are in this fix where the dedicated funds in Social Security are made to look like they are reducing the deficit.

In fact, back in the 1960's and before the Social Security fund was kept separate from the Federal budget, because we understood that these dollars could not be used to fund other parts of the budget, they cannot be used for the military budget, they cannot be used for housing or for educational loans, and as such this money is not really available. But in 1969, the budgets were brought together and at that time the surplus in Social Security was used to hide the fact that we were running a deficit that we should not have been running then.

□ 1630

And here again we have got the same kind of a strategy. I wanted to underscore something that the gentleman from Massachusetts [Mr. FRANK] mentioned, and that is in 1983 the people of this country were told that we had to compromise, which we needed in Social Security, and that people, workers, would have to pay higher taxes and employers would have to pay higher taxes during the 1980's to ensure that the cost of living increases could be paid, that senior citizens would have to do without the cost-of-living increase for a 6-month period, which is a permanent reduction in people's benefits; but that was in order to secure the Social Security system for 75 years.

Well, here we are already 2 years later being told that this lead is off and, in fact, those tax increases which the gentleman quite properly describes as regressive, are to be used for something else, for a deficit reduction.

Well, I think that those who are advocating this reduction in Social Security benefits better be advocating giving those tax increases back to the workers and the employers. I cannot imagine any Member of this House coming on the floor and saying that he had a tax program to deal with the deficit and then saying the following: This tax program is only going to be on earned income, not on unearned income. You are only going to have to pay on the first $39,600 that you earn. If you earn more than that, that will be tax-exempt.

And if you are an employer you will pay no matter whether you are losing money or making money, you will still have to pay this tax. And any Member who came here proposing that kind of a tax increase to fight the budget deficit would not get one supporter.

Yet that is exactly what is being proposed with the cuts in Social Security.

Mr. FRANK. I thank the gentleman.

Let us drive this point home because people have to understand what the President of the United States is doing. He is, by his own description, Mr. Anti-Tax Increase.

You remember he made a couple of promises last year. One promise he made was no new increase in taxes, and when someone even suggested it,

somebody on his side or somebody on the Democratic side, it came from both places, his answer was, "Make my day."

When someone talks about his promise not to raise taxes, he is Clint Eastwood. Of course, when someone says that they are going to violate his campaign promise not to cut Social Security benefits, he is Woody Allen. I mean he becomes a somewhat different character, or the Roadrunner, perhaps, getting as far away from his promises as he can.

But let us look at the effect of what his own tax policy is.

In 1983 his appointed commissioners, along with others, recommended an increase in the Social Security tax. That increase came from some people that Ronald Reagan, among others, the Speaker and the Senate majority leader, appointed.

He lobbied for and signed into law, Ronald Reagan, an increase in Social Security tax affecting every wage-earner in this country and the self-employed small business people; Ronald Reagan's appointees recommended the tax; Ronald Reagan lobbied for the tax; Ronald Reagan signed the tax into law, ostensibly to pay for Social Security benefits. Now he is asking Congress to take that tax increase he signed into law ostensibly to pay for Social Security benefits and to use it for his military foreign assistance; some will go to the Philippines, some will go to build an airport in Grenada, some of it will go to fly General Dynamics people around and not have them pay any taxes, some of it will go for the MX, some of it will go for some other purposes, some of it which might be useful purposes. But he has taken that tax increase that was explicitly to be used only for Social Security and ask us not to provide Social Security cost-of-living increases. As the gentleman from Connecticut [Mr. MORRISON] pointed out, even if the law, as it now stands is followed, and you know people are not getting rich off of Social Security. There is a small number of wealthy people who get Social Security. But the great bulk are not wealthy. Social Security continues to be the most effective, most broadly ranging antipoverty program in America today in the sense that it keeps people from that poverty line. And Ronald Reagan is going to deny them the money even though there will be under current law a $9 billion surplus generated by Social Security. I think he is trying to scoop some money from the Social Security trust fund and use it to cover up the deficit.

I yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. I think that is exactly right. That should be disturbing to everyone who believes that the Social Security trust fund is a separate fund that guarantees our ability to keep the compact we have made between generations, that that trust fund will be maintained. This is the kind of step, once taken, that could easily be repeated time and time again.

I would emphasize that those who are supporting this 2-percent reduction in the COLA, they were talking about this change long ago, long before this particular proposal. They are not talking about deficit reduction; they are talking about Social Security reductions; CPI minus 2. We have heard that around this Chamber for 2 or 3 years now. This is a specific proposal. Those individuals have the right to advocate it, but they ought not hide it as if it were a deficit reduction. They want to reduce Social Security benefits. Let us debate that on its own terms. I think it will lose on its own terms.

Mr. FRANK. I thank the gentleman from Connecticut. He is absolutely right. There are people who have the bizarre notion that on the whole, old people in America have too much money. I must say, as any Member of Congress, that I meet with a lot of elderly people. I know the gentleman from Connecticut does because he has been very active on behalf of the elderly. I want to know where they are hiding all these rich old people, because I would like to find them, befriend them; maybe they will be nice to me. I have a lot of old people in my district, most of whom are nice to me, but unfortunately I have not found all of these rich ones.

I just want to make some statistical points here because it is true there are a few people who are on Social Security who are very wealthy. But the bulk of the people on Social Security are average working people who in their retirement years would be living in desperate poverty if we did not have a decent Social Security program.

Some of the people on Social Security are still in poverty. What the President is asking us to do is to deny compensation for the cost of living for the next 3 years to people who are living in poverty or who are just above poverty.

The Pentagon, remember, gets a full cost-of-living increase plus a 3-percent bonus under his plan. Elderly people get less than a third of that.

Let me read from a very useful report which I am going to put into the RECORD from the Democratic Study Group, "Rose Garden II." CBO estimates that Social Security, along with railroad retirement, provides 82 percent of total income for elderly recipient families classified as poor; 79 percent of people classified as near poor, income is less than 20 percent above the poverty line. It is a very important source, in addition, for many low-income persons who are not elderly, but who are disabled, who are widowers or widows caring for children. All of them are victimized.

CBO has said that the President's proposal to reduce the Social Security cost-of-living increase will do more to increase poverty than any other proposal before us or any other economic event of recent times. And it will also degrade those who are just above poverty.

Is there insistence that elderly people, having worked hard all their lives in factories, in stores, in hospitals, having raised children, that it is somehow a crime for them to be a little bit above the poverty level? Because that is what we are talking about. We are not talking about a proposal aimed at denying Social Security cost-of-living increases to a handful of wealthy people. President Reagan is asking that we deny half of the Social Security increase that elderly people are now legally entitled to get for the next 3 years up and down the line. The poorest people in this country by the hundreds of thousands will be victimized by this breach of promise by the President of the United States.

I yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. I thank the gentleman for yielding.

I think those statistics are very telling.

Another CBO statistic that I think drives this point home is that the Senate proposal, the Senate proposal that the President has endoresd and agreed to, the reduction in the COLA for the next 3 years, would put 650,000 senior citizens who are now at or above the poverty line into poverty.

We have already driven 250,000 senior citizens into that status by that 6-month cost-of-living delay in 1983. This is 650,000 more people.

Now we will hear some people argue that the problem is solved by a small increase in the so-called SSI, the supplmentary security income program and that that solves the problem. The fact is that it does nothing of the kind. The SSI benefits are themselves below the poverty line. So people who benefit from that will not be raised to poverty, but will be allowed to sink even lower, lower below the poverty line. And those who are in such desperate straits that they need to avail themselves of that program, will have to give up everything they saved in their lives. Virtually nothing in terms of assets can be held by a person who gets those kinds of benefits. So these people not only will be kept below poverty but pushed into even greater destitution by that plan that has been endorsed by the President.

Mr. FRANK. I thank the gentleman because the increase in SSI does not begin to undo the misery that will be inflicted on hard-working older people

by this. I want to stress that because we are told that we have to be tough; people are going to say, "Well, these are tough times, so be tough," I do not mind people being tough in tough times; I do not mind people being tough in tender times. People who like being tough are entitled to be tough.

□ 1640

But how do you prove your toughness by saying to an 83-year-old woman living in a major metropolitan center, in an expensive, high cost-of-living area where she has lived all her life, and now she has no relatives left and no friends, and she is living entirely on Social Security and she is maybe getting $500 a month.

You prove your toughness by telling her that for the next 3 years she will get only half of the cost-of-living increase? That as her food goes up, her rent goes up and her light bill goes up, and her health care and her transportation goes up, she will get half what it needs to pay them?

I wish people with this need to show their macho would find someone other than these 83-year-old vulnerable people on whom to demonstrate it.

There are plenty of areas in this Federal budget. Let's look at the Pentagon. Let's look at the agricultural program, Let's look at almost any other place you want. And it is compounded by the fact that the President of the United States made this solemn promise.

We are being told—it is not simply a rhetorical ploy—we are being told by our friends, "Well, yes, he shouldn't go to the cemetery at Bitburg and he shouldn't go and honor the SS, but he promised." The promise he gave, over the phone or in person to Helmut Kohl, why is that so absolutely unbreakable when the election pledge he made—he said to people, in effect, and you do this when you are a candidate—"If you vote for me, I promise that I will not cut Social Security." He solicited people's votes.

Older people have been frightened. Let's make a couple points. The gentleman from Connecticut made another excellent point that I want to just echo, when he talked about the intergenerational compact.

Because when taxes were increased on Social Security in 1983, when people who are now in their twenties and thirties and forties who are working, were asked to pay more in their taxes, they were told that was to go to build up the trust fund so there would be no question that when they reach retirement age, there would be adequate funds for them.

When the President starts cutting now—what he is asking in effect is that we accept the principle that we will not just look at those trust funds as means of paying for future cost-of-living increases; we will consider them somehow as a pot that can be used to reduce the deficit; that we will try to build up the trust fund, but not to pay our legal obligations; but rather to accumulate surpluses that can offset deficits elsewhere.

Let us talk about the elderly and Social Security. Some people have this crazy notion that reducing poverty among the elderly was something we should be embarrassed about. Not just reducing poverty, reducing near-poverty.

I do not think older people ought to be living at the absolute margin, afraid that an illness is going to wipe them out or any kind of unforeseen financial exigency will wipe them out.

In 1972, Social Security was indexed. It was done a little bit too much. Since that time, look what has happened: In 1977, the Notch Act and its accompaniments reduced Social Security. Then the Consumer Price Index was recalculated, because people said old people are getting too much, because they are getting too compensated for housing costs they do not have. So the CPI that they get is not as high as the one that they used to get.

Then in 1983 their benefits were reduced further; the cost of living was cut in half by being put back for 6 months. It is not as if nothing has happened.

After all of these things have happened, after three separate reductions in the law indexing Social Security benefits, after an increase in taxes to pay for Social Security benefits, with Social Security cost-of-living already having been reduced, with people born in the notch years suffering I think unjustly, with the Social Security trust fund in surplus, Ronald Reagan says:

I need to give a 7-percent increase to the Pentagon, and therefore I have to cut in half the cost-of-living increase that Social Security recipients are entitled to.

He breaks his promise, an explicit, solemn promise. I think it is significant—as we know, our friends on the other side of the aisle have been very combative lately, and they are usually here to defend their President. I have never seen them as eloquent as I see them now by their absolute and complete silence, because they know—some of them are pretty good lawyers—when they have got an unsellable case. They know that the President of the United States made a promise; his press secretary said the promise includes not cutting benefits under cost of living, and it is being broken. It is being broken for no good fiscal reason but because some people have harbored this agenda—the gentleman from Connecticut has pointed out—they think old people have too much money, and we look at this whole Federal budget, and they look at military assistance for Marcos in the Philippines, and they look at the MX missile and star wars, and they look at some of the pork barrel projects and they say "Gee, we better cut cost-of-living increases for Social Security."

I yield again to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. I just want to say one more thing, and that is that I worry very much about where this is bound, in the future, if we start down this road. The President made his promise and it was, no more than 1 month ago that he was saying, "We're wasting a lot of time looking to Social Security to solve our deficit problem. It doesn't do anything for our deficit problem."

Just like he was right to promise not to cut, and he was right to say that, now he has reversed himself. We all know that in his budget proposal, he does not deal with the deficit; he does not get it down to any reasonable level at any time in the near future.

That means that next year, if we take this step, we will just be called on again to look at the same list of sources of cuts.

I think the senior citizens of America deserve a strong, unequivocal statement from this Congress that it is not going to be tampering with Social Security in the future, and I am very pleased that the gentleman from Massachusetts has scheduled this time so that we could lay before our colleagues how fallacious and erroneous is the proposal that to show that we are strong on reducing the deficit, which I think we are committed to doing the job, that we somehow have to beat up on senior citizens, to beat up on Social Security recipients, in order to justify doing what is right in asking fiscal prudence from other parts of our Federal budget.

Mr. FRANK. I am going to conclude, Madam Speaker. Let me just read from Mr. Robert Ball under the unanimous consent that I was given earlier that allows me to read.

Mr. Ball says:

There is a mistaken notion—that has recently gained some currency—that Social Security, because it has no needs test, is somehow a middle-class program. Social Security is a universal program, and, of course, does cover the middle class—

Although let me say as my aside, the middle class, having contributed to the program, I do not understand why anyone ought to think it is wrong, and older retired middle class people, or to benefit from them; of course they should—

but it is also our most effective antipoverty program. If there were no Social Security, there would be about 3.5 elderly poor persons for every 1 not below the poverty level.

Absent Social Security, 3.5 times as many elderly people would now be in poverty.

Social Security cuts the incidence of poverty among the elderly by over 70 percent. Nine to ten million people above 65 are kept above the rock-bottom poverty level by Social Security, and four to five million other social security beneficiaries are kept above the poverty level by their benefits. Millions more would have income only slightly above if it were not for Social Security.

Mr. Ball also points out, this is a permanent cut, not a 3-year cut. Because by reducing each year the amount people would get, you are reducing the base on which future increases come. This is a denial of billions of dollars. There are literally about $5.7 billion now, and I think it is ultimately $12 billion over 3 years that the elderly are entitled to.

People in the other body proposed, in their budget proposal, reducing Social Security benefits for 1 year. Understand that in this case, the President's compromise made it worse. Donald Regan says—the President's Chief of Staff—that he was the one, on behalf of the President, who suggested that.

So let us just quickly summarize where we are. Ronald Reagan, in his campaign for reelection, in his debates, through his press secretary, made a solemn pledge to the voters that if they voted for him and reelected him President, he would not reduce cost-of-living increases to Social Security recipients. He invited people to break that promise.

He has now joined in breaking the promise himself. The Pentagon will get a 7-percent increase. The waste will get an increase as well as what we need; the muscle as well as the fat.

Other areas of the program that he supports will get increases. The Social Security tax increase that he signed into law 2 years ago will not go to the purposes for which it was intended, if he has his way. It will not go to pay the cost-of-living increase. If he has his way, hundreds of thousands of elderly people; 650,000 the gentleman from Connecticut points out, who are now in poverty, will fall into poverty.

Millions more will have a reduction in the cost of living and you can say, Well, it is only 2 percent this year. And 2 percent next year and 2 percent the year after. So there is a 6-percent deterioration in their cost of living.

These are not people, on the whole, who are living so high on the hog—and of course, the President would also increase the amount they have to pay out for medical bills by raising Medicare fees, and some of them who happen to live in subsidized housing would have increases there, and that public transportation that many of them have to use would go up.

The President's budget is an assault on the elderly, including the poor elderly, middle-income elderly, in flagrant violation of the campaign promise he made. That promise may not be very important to him.

I think campaign promises ought to be treated as a very important obligation by all of us who go and say to people, "If you vote for me, if you give me the most sacred thing you have got in our democratic system, your ballot—from the standpoint of that system, then I will honor any kind of obligation I undertake to you."

□ 1650

The President was not forced to make that promise. He volunteered it. He reached out to make it. There is no economic justification for cutting the cost of living increase that Social Security recipients are now legally entitled to get. There is no moral justification. There is no justification in terms of the deficit.

The President is wrong to have made that promise and to have so callously broken it, and I hope that the majority of the Members of this Chamber will remember the older people have a legitimate expectation not to get rich when they retire, not to become people who are living in luxury, but they have a legitimate expectation that there will not be on retirement a drastic reduction in their standard of living. To say to older people that they are going to get a 6-percent drop in their real standard of living over the next 3 years, with everything else that is going on in Ronald Reagan's budget, is wholly unjustified, and I hope the House will not yield to it.

Madam Speaker, as previously mentioned, I am including in the RECORD at this point a letter from Robert M. Ball, and other extraneous material:

WASHINGTON DC,
January 25, 1985.

Congressman BARNEY FRANK,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN FRANK: I thought the enclosure might be useful to you during the current congressional consideration of possible changes in the cost-of-living adjustment for social security beneficiaries. As you can see, I think it is a bad idea.

Cordially,

ROBERT M. BALL,
(Commissioner of Social Security, 1962-73).

[Study Group on Social Security, New York, NY]

CUTTING OR SKIPPING THE COST-OF-LIVING ADJUSTMENT (COLA) FOR SOCIAL SECURITY BENEFICIARIES IS UNWISE AND UNFAIR—JANUARY 18, 1985

(By Robert M. Ball)*

1. Cutting the COLA is a benefit cut for 36 million social security beneficiaries.

The COLA is an integral part of the basic social security (old-age, survivors and disability insurance) system and the financing of the program, which is fully adequate, is designed to pay for the COLA. The COLA is not a benefit increase. The adjustment merely maintains the purchasing power of the benefit.

2. The separately and adequately financed social security program is not contributing to the deficit and should not be cut because taxes are too low to pay for other domestic and military spending.

Social security is not contributing one cent to the deficit. On the contrary, the deficit in the consolidated budget is being reduced because of social security. In order to build up reserves, social security will be taking in more than it pays out for several decades. This, of course, helps overall government financing. Social security funds that are not needed for the payment of benefits are lent to the government at interest. Thus other activities can be partially financed by borrowing from social security without the government going into the financial markets and competing with private industry.

3. The overwhelming majority of social security beneficiaries have low incomes.

Social security supplies more than half the income for two-thirds of its over-65 beneficiaries. About one-third get more than 90 percent of their income from social security. Yet the average benefit payment is less than $450 a month. An estimated 500,000 people would be pushed below the government's rock-bottom measure of dire poverty if their purchasing power were cut by a COLA freeze. If the increase in the Consumer Price Index for next year is 4 percent, the average monthly cut for beneficiaries would be $18, if 5 percent, $22.50 a month. These amounts may sound small to some, but to people largely dependent on social security, these cuts can mean choosing between food and medicine.

There is a mistaken notion—that has recently gained some currency—that social security, because it has no needs test, is somehow a middle-class program. Social security is a universal program, and, of course, does cover the middle class, but it is also our most effective anti-poverty program. If there were no social security, there would be about 3.5 elderly poor persons for every 1 now below the poverty level. Social security cuts the incidence of poverty among the elderly by over 70 percent. Nine to ten million people over 65 are kept above the rock-bottom poverty level by social security, and four to five million other social security beneficiaries are also kept above the poverty level by their benefits. Millions more would have incomes only slightly above poverty if it were not for social security. Whittling away at social security benefits will reverse the progress that has been made and plunge additional people into the poor and near-poor category.

4. Cutting the COLA for even one year is a permanent cut.

Cutting the COLA is a cut in benefits that continues year after year for all those who are on the benefit rolls at the time the COLA is due to be paid. For them, in each year that follows, a new COLA is applied to a lower benefit than would otherwise be the case so that they never catch up with inflation.

5. Cutting the COLA introduces unfair treatment among beneficiaries.

Those who are on the benefit rolls next December would have their benefits cut. On the other hand, those who apply after 1985 will receive full benefits, unless, as many will fear, the freeze is extended.

6. Modifying social security commitments in ways unrelated to social security purposes undermines faith in the program.

*Commissioner of Social Security 1962-73 and member of the 1982-83 National Commission on Social Security Reform.

Social security promises rest on past earnings and contributions and stretch into the distant future. Workers today are paying for protection that in part will not be realized for 20, 30 or 40 years in the future. To modify benefit promises in ways unrelated to social security needs or purposes would further weaken faith in the system, and, indeed, in the promises of government itself.

The law provides that social security should be inflation-proof. People are counting on it. The President has reenforced the promise in the law by an unequivocal pledge not to cut social security protection, including the cost-of-living benefits. During the debate with Mr. Mondale on October 7, 1984, the President said:

"I will never reduce social security benefits to people who are now getting them."

Two days later on October 9 an official statement went further, saying:

"The President will never stand for reduction of social security for anybody, those now getting them or future recipients."

When questioned further on October 9 about the social security cost-of-living adjustment (COLA), White House spokesman, Larry Speakes and a reporter had this exchange:

Question: "You say that benefits will not be reduced. The law includes a provision for increases in benefits based on cost of living. Does this guarantee those increases as well?"

Mr. Speakes: "Yes. This is the law."

Question: "And you say it doesn't include—that there'll be no tampering and delaying or trimming of cost of living?"

Mr. Speakes: "No tampering. No nothing."

The American people voted in 1984 partly on the basis of this commitment made by the President so that for both sustantive reasons and because the integrity of the Presidency is at stake, social security should not be part of the deficit reduction effort.

7. Cutting the COLA will break the agreement implicit in the 1983 Amendments.

All during 1981 and 1982, social security beneficiaries—36 million people, principally elderly retired persons, totally disabled people, widows and motherless and fatherless children—were terrorized by the fear that their benefits would stop or be reduced. There were almost daily reports of social security "bankruptcy." Under this daily pounding, a high proportion of the 120 million contributors to the program became convinced that they would never receive the benefits toward which they were contributing. The Nation was greatly disturbed by the possibility that the government might turn its back on the commitments it had made over the last 50 years. The 1983 Amendments to the Social Security Act restored fiscal solvency to social security and have reassured people that their benefits are safe. It seems very unwise to open up the question of benefit cuts again. Failure to keep social security benefits up to date with purchasing power would be particularly resented because OASDI is now adequately financed, and the benefit reduction clearly would be made solely for the purpose of reducing the overall deficit.

After a year of study, the National Commission on Social Security Reform, appointed jointly by the President and the Republican and Democratic leadership of the Congress, agreed on a set of recommendations which were endorsed by 12 of its 15 members. These recommendations became the basis for the 1983 Amendments to the Social Security Act.

No one who supported the plan liked all parts of it. There was some pain for everyone involved in social security, but not too much for any one group:

Beneficiaries had the cost-of-living adjustment postponed and put permanently on a calendar year basis, a move which amounted to approximately a 2½ percent benefit cut over the average beneficiary's lifetime.

Contribution rate increases were speeded up for both workers and employers, with employers paying more than under previous law in 1984, 1988 and 1989 and employees paying more in 1988 and 1989.

The self-employed are now required to pay social security rates that are comparable to what is paid by, and on behalf of employees, a considerable increase over what they have been paying in the past.

Higher-income social security beneficiaries (less than 10 percent of all beneficiaries) will for the first time pay an income tax on one-half their social security benefits, with the proceeds of the tax going to support social security.

Those non-profit employees not previously covered (about 15 percent of the total) and newly hired Federal employees have been brought under the system, as have members of Congress and top officials of the Executive Branch.

The Federal Government speeded up its payment for military service credits and will pay for the refundable tax credit for employees in the year 1984 and for certain tax credits for the self-employed.

To bring the separately financed OASDI system into balance, agreement was struck among many diverse interests. To now impose additional sacrifice on one group—beneficiaries—is a violation of that agreement.

8. Keeping benefits up to date with the full cost of living makes sense.

Since the amendments of 1972, the purchasing power of social security benefits has been protected against inflation. The provision was adopted as a conservative measure because its sponsors believed that an automatic provision for meeting increases in the cost of living would tend to prevent ad hoc benefit increases and other expensive changes in the program that went beyond keeping the benefits up to date with price changes. It has turned out to be one of the most valuable provisions in the social security program.

It makes sense to decide on the proper level of benefits that people should get at the time of first receipt, and then to maintain the purchasing power of that benefit. It doesn't make sense to provide a given level of benefits at the time of retirement or total disability, or to survivors on the death of a wage earner and then to let inflation cut the value of those benefits so that people in their seventies or eighties have less than when they retired.

CONCLUSION

After the turmoil of 1981 and 1982 social security is now doing just fine. Let's keep it that way.

SECTION IV—SOCIAL SECURITY

"A one-year freeze in Social Security benefits would have been tolerable. But reducing them by 2 percent a year for each of the next three years is grossly unfair and an ominous precedent. Holding down the cost-of-living adjustments year after year means that retired people get poorer as they get older."—The Washington Post Editorial, April 7, 1985.

The most controversial proposal in the new Reagan/Republican budget calls for a reduction in the annual cost-of-living adjustment (COLA) for Social Security. The proposal is controversial because it would produce even larger cutbacks in Social Security than the COLA freeze adopted by the Senate Budget Committee; because it would have an especially harsh effect on many low-income people; and because it represents abandonment of the promise President Reagan made repeatedly during the 1984 campaign.

The proposed COLA reduction would cut Social Security spending by $3.0 billion in fiscal year 1986 and a total of $22.7 billion over the three-year period fiscal year 1986 through fiscal year 1988, compared to the amounts needed to maintain the benefits mandated by current law.

DETAILS OF THE PROPOSAL

The new Reagan/Republican proposal would essentially reduce the COLA by two percentage points per year over the next three years, but with a minimum 2 percent COLA guaranteed regardless of the inflation rate. If the Administration's inflation projections prove accurate, this proposal would cut the COLA roughly in half.

Specifically, President Reagan and the Senate Republicans propose to set the annual Social Security COLA at 2 percent for each of the next three years, provided that inflation does not exceed the rates currently projected by the Administration (4.1 percent in fiscal year 1986, 4.3 percent in fiscal year 1987, and 4.1 percent in fiscal year 1988). If actual inflation exceeds these projections, and additional increase equal to the excess of actual inflation over projected inflation would be added to the basic 2 percent COLA.

For example, if inflation is 4.1 percent next year (the rate projected by the Administration) the COLA would be 2 percent. If inflation is 5 percent the COLA would be 2.9 percent (the basic 2 percent plus 0.9 percent for the excess of actual over expected inflation). If inflation is only 3 percent, the COLA would be 2 percent.

The "guaranteed COLA" issue

President Reagan and other Republicans have sought to portray their COLA proposal as a benefit liberalization, since their plan would provide a guaranteed 2 percent COLA regardless of the inflation rate, whereas under current law no COLA is provided in years when inflation falls below 3 percent. It should be noted, however, that current law merely delays the COLA in such circumstances, rather than canceling it, with a catch-up increase provided once inflation rises above the 3 percent threshold. Thus, while current law contains the possibility of a temporary COLA delay, the Reagan/Republican proposal contains the virtual certainty of the premanent cancellation of part of the COLA due in each of the next three years.

In addition, the Republicans' guaranteed COLA would only provide protection against a largely hypothetical possibility. Neither the Office of Management and Budget, the Congressional Budget Office (CBO), nor private forecasters currently expect the inflation rate to fall below the 3 percent threshold that would trigger a Social Security COLA delay during the next three years.

EFFECT ON BENEFICIARIES

Based on Administration assumptions, the new Reagan/Republican proposal would reduce Social Security benefits by 1.9 percent in fiscal year 1986 and 5.7 percent in fiscal year 1988, compared to the benefits

that would be received under current law. This reduction would cost the average recipient $81 in fiscal year 1986, $198 in fiscal year 1987, and $314 in fiscal year 1988, according to an analysis by the Center on Budget and Policy Priorities.

By the time the three-year COLA reduction specified by the new budget compromise is fully phased-in, it would cost beneficiaries almost 50 percent more than the one-year COLA freeze originally approved by the Senate Budget Committee. By fiscal year 1988, the one-year COLA freeze would reduce benefits 3.9 percent below the levels mandated by current law, compared to the 5.7 percent benefit cut under the new Republican plan.

Impact on the poor

Of particular concern is the effect of the proposed COLA reduction on low-income beneficiaries, many of whom are heavily dependent on income from Social Security and related programs. For example, CBO estimates that Social Security (along with Railroad Retirement) provides 82 percent of total income for elderly recipient families classified as poor, and 79 percent of total income for elderly recipient families classified as near poor (that is, with incomes less than 25 percent above the poverty line). In addition, Social Security is a very important source of income for many low-income persons who are not elderly but who are disabled, orphaned, or widows or widowers caring for children.

The Republicans propose to partially alleviate this problem by increasing benefits under the Supplemental Security Income (SSI) program—which provides cash assistance to aged, blind, or disabled people with very low incomes. Many poor people affected by the COLA cut do not receive SSI, however, partially because of the stringent income and assets tests required to qualify, and partially because some otherwise eligible people are evidently reluctant to seek what they perceive to be "welfare" benefits.

CBO estimates that the SSI benefit increase would offset the COLA reduction for only about one-third of the poor families affected, and for less than one-fifth of the near poor families affected. Even with the SSI benefit increase, CBO calculates that an estimated 2.9 million poor families will suffer a net loss (averaging $200 per year) and that another 1.9 million near poor families will suffer a net loss (averaging $280 per year). Further, according to CBO, the net effect of the COLA reduction and SSI benefit increase would be to increase the number of people living in poverty by 570,000—380,000 of whom are elderly.*

PRESIDENT REAGAN'S PROMISES

The proposed cutbacks in Social Security cost-of-living adjustments have become particularly controversial because they represent abandonment of firm promises made by President Reagan during the 1984 campaign to oppose any cuts in Social Security benefits.

Further, the Administration is hardly in a position to argue that these cuts were forced on the President by Senate Republicans. As noted above, the Social Security cuts contained in the new Reagan/Republican compromise are considerably deeper than those proposed by the Senate Budget Committee. What's more, White House chief of staff Donald Regan has told the press that it was he who suggested the three-year COLA cutback, and that he made this proposal "on behalf of the President."

Incredibly, when asked by the press whether the Democrats would "beat up on him" for breaking his campaign promises, the President responded, "Well, if they do they'll be lying in their teeth."

The following page contains examples of some of the statements made last year by President Reagan and his press secretary pledging to preserve full Social Security benefits.

"I will never stand for a reduction of the Social Security benefits to the people that are now getting them . . ."—President Reagan, Presidential Debate, October 7, 1984.

"The President will never stand for reduction of Social Security benefits for anybody."—White House Deputy Press Secretary Larry Speakes, October 9, 1984.

Deputy Press Secretary Larry Speakes was asked: "You say that benefits will not be reduced. The law includes a provision for increases in benefits based on cost of living. Does this guarantee those increases as well?" Speakes answered: "Yes. The law is the law."—White House Briefing, October 9, 1984.

"We're never going to take away from those people who are dependent on Social Security, now or in the future."—President Reagan, October 10, 1984.

"I will absolutely battle against any suggestion of reducing or taking the benefits these people on Social Security are getting. . . . They're going to get those benefits the way they are."—President Reagan, October 12, 1984.

"I made it plain that I would never hold still for any change in Social Security that pulled the rug out from the people that were depending on it."—President Reagan, October 16, 1984.

"The President has made it emphatic that he will not touch Social Security in any shape or fashion."—White House Deputy Press Secretary Larry Speakes, December 6, 1984.

[Center on Budget and Policy Priorities]

AVERAGE SOCIAL SECURITY BENEFICIARY TO LOSE $1,667 OVER 5 YEARS UNDER NEW WHITE HOUSE BUDGET

LOW INCOME PROGRAMS TO BE CUT $25 BILLION OVER NEXT 3 YEARS

The average Social Security beneficiary would lose $1,667 over the next five years under the new budget plan announced by President Reagan and Senate Republican leaders last week, according to a new analysis by the Center on Budget and Policy Priorities.

The losses would come from reductions in Social Security cost-of-living adjustments and increases in the monthly premiums charged to elderly Medicare beneficiaries.

The analysis also finds that the new budget would also reduce programs for low income persons by $25 billion over the next three years—$4.6 billion in FY 1986, $8.7 billion in FY 1987, and $11.4 billion in FY 1988.

The largest reductions in the low income area would come from the elimination of rural housing programs for low income persons and major reductions in Medicaid, the analysis reports. The cuts over the next three years in Medicaid would be five times larger under the new White House/Republican budget than under the budget plan adopted last month by the Senate Budget Committee.

The analysis is based on budget estimates from the Senate Budget Committee and the Office of Management and Budget.

Social Security reductions

The analysis reports that reductions in Social Security benefits would, for 1988 and all succeeding years, be larger than those adopted in March by the Senate Budget Committee.

The Budget Committee proposal to freeze Social Security cost-of-living adjustments for one year would reduce benefits by $8.1 billion in 1988 and subsequent years, the analysis notes. But while the new budget plan reduces benefits less than the Senate plan in 1986, by 1988 it represents a $12.1 billion a year reduction.

"Over the course of time, beneficiaries would lose substantially more under this plan than under the Committee plan," according to the analysis. "This is because the Budget Committee plan reduced benefits about 4 percent by canceling the 1986 cost-of-living reduction. By contrast, the new plan cuts benefits about 6 percent for 1988 and subsequent years—by lowering the cost-of-living adjustment 2 percent next year, an additional 2 percent in 1987, and a further 2 percent in 1988."

The average Social Security loss per beneficiary reaches $314 by 1988 and at least $1,257 over the next five years, the Center reported.

The new budget plan also raises the monthly premiums that elderly persons must pay for Medicare coverage. These premiums are subtracted from monthly Social Security checks—and as a result, the checks will fall still further behind inflation, according to the Center.

In 1988, the average elderly Social Security beneficiary will lose $385 from these Social Security and Medicare changes combined, the Center noted. In 1990, the average loss will reach $512.

Over the next five years, the average cumulative loss from both Social Security and Medicare will be $1,667 per beneficiary.

The Center on Budget and Policy Priorities is a nonprofit research and analysis organization supported primarily by foundations.

HURTING THOSE WHO NEED HELP THE MOST

(By William V. Shannon)

The budget "compromise" worked out by President Reagan and the Senate Republican leaders is as morally despicable as anything that has come out of Washington in the last four years.

Along a trail of broken promises and political doubletalk, Reagan is once again on the attack against old-age pensioners, the needy sick, hard-pressed farmers, unemployed teenagers and college students from working-class families. Programs that help make our inner cities livable for the poor such as mass transit, low-income housing and general revenue-sharing would be sharply reduced or canceled.

All this is being done in the name of reducing the deficit. The theory is that the deficit, which is now $213 billion, could be brought below $100 billion by 1988.

There are two things wrong with this theory. The first is that it does not fit the facts. In February, the Congressional Budget Office, using more cautious, and therefore probably more accurate, assumptions about economic growth and interest

*These CBO estimates all include the effects of the proposed COLA reduction for Federal civilian and military retirement and Railroad Retirement, as well as for Social Security. These estimates are based on Administration inflation assumptions and 1983 income levels; dollar losses are stated in 1983 dollars.

rates, forecast that even if Congress approved all the Reagan spending cuts the annual federal budget deficit would remain around $185 billion for the rest of the 1980s.

The second falsehood underlying this compromise is that cuts in spending could ever bring the budget into balance. As fast as those cuts are being made, the money saved by them is being used up by the higher-interest payments on the rising national debt.

The reckless Reagan tax cut of 1981 produced these huge budget deficits. Only a substantial tax increase can bring them back to a manageable size. The 1981 act reduced federal government revenue for the five years from 1982 through 1987 by $750 billion. If the old 1981 rates were still in effect, the current deficit would be reduced by two-thirds. The remaining one-third is accounted for by Reagan's increases in military spending.

The Reagan tax reduction and the accompanying budget was not an economically or morally neutral act. It was an economically unnecessary and monstrously unjust transfer of wealth from the poorest, weakest, most vulnerable people in our society to the strongest and the richest.

In thinking about the Reagan budget compromise in coming months, the public should keep one text in mind. It is from William Greider's "The Education of David Stockman" in the Atlantic Monthly of December 1981 in which Reagan's chief budget adviser is described after the tax-cutting orgy of that year.

"It seemed to leave a bad taste in his mouth, as though the Democratic process had finally succeeded in shocking him by its intensity and its greed. Once again, Stockman participated in the trading—special tax concessions for oil-lease holders and real estate tax shelters, and generous loopholes that virtually eliminated the corporate income tax. Stockman sat in the room and saw it happen.

"Do you realize the greed that came to the forefront?" Stockman asked with wonder. "The hogs were really feeding. The greed level, the level of opportunism, just got out of control."

To trim the deficits created by this hoggishness, Reagan, Stockman and the Senate Republican leaders have been squeezing food stamps for the marginally poor and eliminating public-service jobs for the marginally employable. Now, as part of their latest "compromise," they propose to take another whack at the old-age pensioners. The elderly would have to pay more for their Medicare protection. They would also have their cost-of-living adjustment (COLA) restricted to 2 percent.

Many forget that as part of the 1983 bipartisan agreement that put the Social Security system on a financially sound basis for the immediate future, pensioners had to accept a "one time only" COLA delay for six months. That was not just a postponement; it was a perpetual reduction in benefits because each subsequent cost-of-living adjustment is based on one's existing benefit level. Once a step on the escalator is lost, it cannot be regained.

How well off are these old people who Reagan has chosen to make fresh sacrifices? The large majority of people over 65 have incomes between $4,000 and $15,000. Single retirees (mostly widows) have a median monthly benefit below $450. Anyone here want to volunteer to pay his own rent, fuel bills, telephone bill, and food and clothing costs on $450 a month?

(William V. Shannon is a contributing columnist.)

● Mr. OBERSTAR, Madam Speaker, Just 6 months ago, President Reagan, as well as the overwhelming majority of candidates for the House and Senate promised the American people that they would not support further cuts in Social Security.

The 1983 amendments strengthened the Old Age, Survivors, and Disability Insurance Trust Funds by accelerating tax increases, delaying cost-of-living adjustments, and ignoring a 2.4 percent change in the consumer price index. There is no financial justification for cutting benefits to present or future retirees. The trust funds are not in trouble today, they are accumulating surpluses.

The only significant change which has occurred since last fall is that the elections are behind us.

My colleagues here have discussed the adverse impact of a 2-percent per year COLA reduction on today's annuitants. I want to discuss the fairness issue for workers age 59 through 64 who are still in the work force.

Substantial benefit reductions for future retirees were made in 1977 when the flawed benefit formula of the 1972 amendments was corrected. A new 1977 benefit computation formula was designed so that a worker with average wages throughout his worklife would receive, at age 65, a benefit equal to 42 percent of preretirement income. That goal was to be achieved by averaging indexed lifetime earnings up to age 62 an then applying all cost-of-living adjustments granted after the worker reached age 62.

If Congress approved the budget agreement recently worked out between the Senate Republicans and the White House, workers reaching age 62 this year—will have their benefits reduced by 6.5 percent and will retire at age 65 with approximately 40.1 percent of preretirement income. Individuals reaching age 62 in either 1984 or 1986 will have their full entitlement reduced by 4.25 percent; workers reaching 62 in 1983 or 1987 will face a 2-percent reduction in the benefit which would otherwise be payable.

The proposed Senate Republican—Reagan administration budget will worsen the notch effect we have all heard so much about for those born in 1921 and create another notch for those born between 1922 and 1925.

More important, for those born in 1923, who reach age 62 this year, we will have come halfway to the administration's aborted 1981 Social Security proposals which had as their objective a reduction in benefits to only 38 percent of preretirement income for average wage earners.

The oldest of our retirees cannot afford to absorb a cumulative 6.5 percent reduction in their purchasing power because they are least likely to have resources to supplement Social Security annuities. Yet, comparatively, the oldest retirees are taking the smallest cut because younger retirees and workers close to retirement age will receive reduced benefits for longer periods of time.

Prior to 1972 when cost-of-living adjustments were put on automatic pilot, increases were granted periodically to insure that retirees would benefit from the increased productivity of the active work force. The chief criticism of those sporadic increases was that the Congress was overreacting to political pressures and granting increases related to wage increases that were greater than price increases, and that retirees were being over-compensated.

The automatic increase provisions was to keep retirees even with inflation. Never before in the history of the Social Security Program, however, has Congress set out to systematically reduce the purchasing power of the Nation's elderly by stipulating that benefits will be kept below price increases.

If Congress votes to reduce or freeze Social Security benefits, the effect will be to blame the old, the sick, the poor, and make them pay for excessive military expenditures and inappropriate tax reductions granted in 1981. That budget policy cannot and will not serve the long-range best interests of this Nation.●

GENERAL LEAVE

Mr. FRANK. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order on today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MIKULSKI (at the request of Mr. WRIGHT) for today, on account of official business.

Mr. BADHAM (at the request of Mr. MICHEL), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BATEMAN) to revise and extend their remarks and include extraneous material:)

Mr. MCKINNEY, for 15 minutes, today.

Mr. LUNGREN, for 60 minutes, today.

Mr. SWINDALL, for 20 minutes, today.
Mr. KEMP, for 15 minutes, today.
Mr. MYERS of Indiana, for 60 minutes, today.
Mr. STRANG, for 60 minutes, today.
Mr. DORNAN of California, for 60 minutes, today.
Mr. BARTLETT, for 60 minutes, today.
Mr. ROWLAND of Connecticut, for 30 minutes, April 30.
Mr. DORNAN of California, for 10 minutes, April 30.
Mr. HENDON, for 60 minutes, April 30.
Mr. GILMAN, for 60 minutes, May 1.
Mr. BROYHILL, for 60 minutes, May 6.

(The following Members (at the request of Mr. EVANS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. MOAKLEY, for 5 minutes, today.
Mr. NELSON of Florida, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. BUSTAMANTE, for 5 minutes, today.
Mr. LEVINE of California, for 60 minutes. today.
Mr. FRANK, for 60 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.
Mr. MOODY, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BATEMAN) and to include extraneous matter:)

Mr. COMBEST.
Mr. DREIER of California.
Mr. COURTER in two instances.
Mr. LOTT.
Mr. BARTLETT.
Mrs. MEYERS of Kansas.
Mr. CONTE in two instances.
Mr. FIELDS.
Mr. MICHEL in four instances.
Ms. SNOWE.
Mr. WOLF.
Mr. MCDADE.
Mr. GROTBERG.
Mr. BROOMFIELD in three instances.
Mr. LENT.
Mr. MYERS of Indiana.
Mr. STANGELAND.
Mr. DAUB.
Mr. COUGHLIN.
Mr. BEREUTER.
Mr. MCGRATH.
Mr. THOMAS of California.
Mr. GRADISON.

(The following Members (at the request of Mr. EVANS of Illinois) and to include extraneous matter:)

Mr. STUDDS in two instances.
Mr. GAYDOS.
Mr. WIRTH.
Mr. HOYER.
Mr. NOWAK.
Mr. LIPINSKI.
Mr. ERDREICH.
Mr. SKELTON.
Mr. LANTOS in two instances.
Mr. FUQUA.
Mr. HUCKABY.
Mr. GUARINI in two instances.
Mr. COLEMAN of Texas.
Mr. FLORIO.
Mr. MOODY.
Mr. WILLIAMS.
Mr. GRAY of Pennsylvania.
Mr. ROWLAND of Georgia in two instances.
Mrs. LONG.
Mr. BIAGGI.
Mr. TRAFICANT.
Mr. WAXMAN.
Mr. STALLINGS.
Ms. KAPTUR.
Mr. KANJORSKI.
Mr. GARCIA.
Mr. ROYBAL.
Mr. FORD of Michigan.
Mr. MATSUI.
Mr. BONKER.
Mr. DORGAN of North Dakota.
Mr. APPLEGATE.
Mr. COELHO.
Mr. MURTHA.
Mrs. SCHROEDER.
Mr. TORRES.
Mr. REID.
Mr. BEDELL.
Mr. BARNARD.
Mr. BARNES.
Mr. RODINO.
Mr. YATRON.

(The following Members (at the request of Mr. MORRISON of Connecticut) and to include extraneous matter:)

Mr. BROWN of California in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. JONES of Tennessee in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. ANNUNZIO in 10 instances.
Mr. ANDERSON in 10 instances.

ENROLLED JOINT RESOLUTION

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the following title, which was thereupon signed by the Speaker:

H.J. Res. 33. Joint resolution designating the month of May 1985, as "National Child Safety Awareness Month."

Date April 25, 1985

ADJOURNMENT

Mr. MORRISON of Connecticut. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 30, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under Clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1135. A letter from the General Counsel, Department of Defense, transmitting a draft of a proposed amendment to the fiscal year 1986 military construction authorization bill; to the Committee on Armed Services.

1136. A letter from the Deputy Director, Administrative Office of the U.S. Courts, transmitting the sixth report on applications for delays of notice and customer challenges under provisions of the Right To Financial Privacy Act of 1978, pursuant to 12 U.S.C. 3421: to the Committee on Banking, Finance and Urban Affairs.

1137. A letter from the Secretary, Department of Education, transmitting a copy of final regulations for chapter 1, Education Consolidation and Improvement Act of 1981; Financial Assistance to State Educational Agencies To Meet Special Educational Needs of Migratory Children, and Neglected or Delinquent Children in Institutions, and General Definitions and Administrative, Project, Fiscal, and Due Process Requirements, pursuant to GEPA, section 431(A)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1138. A letter from the Secretary, Department of Education, transmitting a copy of notice for final funding priorities for Handicapped Special Studies Program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1139. A letter from the Deputy Director, Administrative Office of the U.S. Courts, transmitting the annual report on application for court orders made to Federal and State courts to permit the interception of wire or oral communications during calendar year 1984, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

1140. A letter from the Acting Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to make permanent a reform in the method used for computing pay for Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

1141. A communication from the President of the United States, transmitting notice of the intent to designate 32 countries as least developed beneficiary developing countries, pursuant to 19 U.S.C. 2464(c)(6)(B)(ii) (H. Doc. No. 99-60); to the Committee on Ways and Means and ordered to be printed.

1142. A letter from the Acting General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Customs Service for fiscal years 1986 and 1987, and for other purposes; to the Committee on Ways and Means.

1143. A letter from the Secretary, Department of the Interior, transmitting the annual report for fiscal year 1984 covering the Outer Continental Shelf (OCS) Oil and Gas Leasing and Production Program administered by the Department of the Interior through the Minerals Management Service, pursuant to the act of August 7, 1953, chapter 345, section 15(1) (92 Stat. 648); jointly, to the Committees on Interior and

Insular Affairs and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PANETTA: Committee on House Administration. House Resolution 146. Resolution relating to election of a Representative from the Eighth Congressional District of Indiana. (Rept. No. 99-58). Referred to the House Calendar.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1784. A bill to authorize appropiations for fiscal year 1986 for the operation and maintenance of the Panama Canal, and for other purpose; with an amendment (Rept. No. 99-59). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GIBBONS:

H.R. 2250. A bill to authorize appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the Office of the U.S. Trade Representative for fiscal year 1986, and for other purposes; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 2251. A bill to amend the Public Health Service Act to revise and extend the programs under title VII of that act; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself and Mr. MADIGAN):

H.R. 2252. A bill to revise and extend the programs of assistance under title X of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. LUNDINE (for himself, Mr. LAFALCE, Ms. OAKAR, Mr. LEVIN of Michigan, Mr. FAUNTROY, Mr. TORRES, and Mr. MORRISON of Connecticut):

H.R. 2253. A bill to provide for increased participation by the United States in the special facility for sub-Saharan Africa, the International Bank for Reconstruction and Development, the International Finance Corporation, and the African Development Fund; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DORGAN of North Dakota:

H.R. 2254. A bill to amend the Internal Revenue Code of 1954 to permit small businesses to reduce the value of excess inventory; to the Committee on Ways and Means.

By Mr. DOWNEY of New York (for himself, Mr. FLORIO, Mr. WAXMAN, Mr. SIKORSKI, and Mr. ECKART of Ohio):

H.R. 2255. A bill to provide that the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 will apply to certain petroleum and to establish a separate account in the Superfund for leaking underground storage tanks; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. FEIGHAN:

H.R. 2256. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide assistance for State clearinghouses for information relating to missing children; to the Committee on Education and Labor.

By Mr. FORD of Tennessee:

H.R. 2257. A bill to amend the Internal Revenue Code of 1954 to require information reporting with respect to airline passes provided under frequent flier or similar programs; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 2258. A bill to provide for a program of assisted higher education for individuals intending to engage in police work; to the Committee on Education and Labor.

By Mr. FRENZEL:

H.R. 2259. A bill relating to the establishment and disposition of customs districts and ports of entry, the provision of customs services on a reimbursable basis, and for other purposes; to the Committee on Ways and Means.

By Mr. HEFTEL of Hawaii:

H.R. 2260. A bill to amend the Internal Revenue Code of 1953 to extend the energy percentage of the investment tax credit for qualified intercity buses to the Committee on Ways and Means.

By Mr. HEFTEL of Hawaii (for himself and Mr. MATSUI):

H.R. 2261. A bill to amend the Internal Revenue Code of 1954 to encourage the formation of physicians' and surgeons' mutual protection associations; to the Committee on Ways and Means.

By Mr. HERTEL of Michigan:

H.R. 2262. A bill to amend title 10, United States Code, to authorize the Inspector General of the Department of Defense to take certain extraordinary actions regarding contracts of the Department of Defense; to the Committee on Armed Services.

H.R. 2263. A bill to authorize the President to present a gold medal to the parents of Father Jerzy Popieluszko; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2264. A bill to amend title 5, United States Code, to provide civil penalties for false claims and statements made to the United States, to certain recipients of property, services, or money from the United States, or to parties to contracts with the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. NICHOLS (for himself and Mr. HOPKINS):

H.R. 2265. A bill to amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff and to provide for more efficient and effective operation of the Joint Chiefs of Staff; to the Committee on Armed Services.

By Mr. RICHARDSON:

H.R. 2266. A bill authorizing appropriations for Amtrak for fiscal years 1986 and 1987, establishing a Commission to study the financial status of Amtrak, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of New Hampshire:

H.R. 2267. A bill to amend the Immigration and Nationality Act to control immigration into the United States and for other purposes; to the Committee on the Judiciary.

By Mr. WRIGHT (for himself and Mr. MICHEL) (by request):

H.R. 2268. A bill to approve and implement the free trade area agreement between the United States and Israel; to the Committee on Ways and Means.

By Mr. CARNEY (for himself and Mr. DONNELLY):

H.J. Res. 263. Joint resolution designating June 14, 1985, as "Baltic Freedom Day"; jointly, to the Committees on Foreign Affairs, and Post Office and Civil Service.

By Mr. HAMMERSCHMIDT:

H.J. Res. 264. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. LELAND:

H.J. Res. 265. Joint resolution designating the month of June 1985, as "Black Music Month"; to the Committee on Post Office and Civil Service.

By Mr. LUKEN (for himself, Mr. RAHALL, Mr. BEDELL, Mr. BONIOR of Michigan, and Mrs. COLLINS):

H.J. Res. 266. Joint resolution to provide for the designation of the week beginning on April 13, 1986, as "National Garden Week"; to the Committee on Post Office and Civil Service.

By Mr. SAXTON (for himself, Mr. GALLO, and Mr. SMITH of New Hampshire):

H.J. Res. 267. Joint resolution proposing an amendment to the Constitution to provide that expenditures made by the United States shall not exceed its receipts, except in time of war or national emergency, and providing for its phased-in implementation; to the Committee on the Judiciary.

By Mr. BIAGGI (for himself, Mr. EVANS of Iowa, Mr. CONYERS, Mr. FUSTER, Mr. DANIEL, Mr. LUNDINE, Mr. MOAKLEY, Mr. BERMAN, Mr. BONER of Tennessee, Mr. MANTON, Mr. FEIGHAN, Mr. WEISS, Mr. OBERSTAR, Mr. TOWNS, Mr. CARNEY, Mr. FASCELL, Mr. DWYER of New Jersey, Mr. ANNUNZIO, Mr. FOGLIETTA, Mr. YOUNG of Missouri, Mr. FAUNTROY, Mrs. LLOYD, Mr. BEVILL, Mr. MARTINEZ, Mr. YATRON, Mr. RICHARDSON, Mr. STRATTON, Mr. PRICE, Mr. MOLINARI, Mr. SOLOMON, Mr. GEJDENSON, Mr. ADDABBO, Mr. UDALL, Mr. DERRICK, Mr. MAZZOLI, Mr. GREEN, Mr. ACKERMAN, Mr. KOSTMAYER, Mr. LEHMAN of Florida, Mr. KINDNESS, Mr. BEDELL, Mr. WORTLEY, Mr. LEWIS of Florida, Mr. FISH, Mr. RANGEL, Mr. AKAKA, Mr. LEVIN of Michigan, Mr. SCHUMER, Mr. SCHEUER, Mr. MRAZEK, Mr. OWENS, Mr. NOWAK, Mr. GILMAN, Mr. BOEHLERT, Mr. RAHALL, Mr. LENT, Ms. KAPTUR, Mr. BARNES, Mr. MURPHY, Mr. YOUNG of Alaska, Mr. EVANS of Illinois, Mr. KILDEE, Mr. HERTEL of Michigan, Ms. SNOWE, Mr. APPLEGATE, Mr. MCCAIN, Mr. HUGHES, Mrs. COLLINS, Mrs. BURTON of California, Mr. PERKINS, Mr. HATCHER, Mr. VENTO, Mr. MARTIN of New York, Mr. MCGRATH, and Mr. CHANDLER):

H. Con. Res. 132. Concurrent resolution observing the 20th anniversary of the enactment of the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. SAXTON:

H. Con. Res. 133. Concurrent resolution expressing the sense of Congress that each State should develop a curriculum for instructing schoolchildren in the history of the Holocaust; to the Committee on Education and Labor.

By Mr. BONKER (for himself, Mr. GIBBONS, Mr. ALEXANDER, Mr. BEDELL, Mr. DINGELL, Mr. FLORIO, Mr. FRANK, Ms. KAPTUR, Mr. KLECZ-

KA, Mr. LAFALCE, Mr. LEVIN of Michigan, Mr. LUNDINE, Mr. MINETA, Mr. NEAL, Mr. OBEY, Mr. ORTIZ, Mr. PEASE, Mr. RICHARDSON, Mr. WATKINS, and Mr. GAYDOS):

H. Res. 147. Resolution urging the President to make the overvalued dollar, the growing U.S. trade deficit, and cooperative measures to redress these imbalances a top priority at the economic summit meeting in Bonn, West Germany; jointly, to the Committees on Banking, Finance and Urban Affairs, Foreign Affairs, and Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

92. By the SPEAKER: Memorial of the Senate of the State of Arizona, relative to the civil liberties of Orthodox christians living in Turkey; to the Committee on Foreign Affairs.

93. Also, memorial of the Senate of the State of Oklahoma, relative to funding available to the Small Business Administration; to the Committee on Small Business.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. MURPHY.

H.R. 52: Mr. BILIRAKIS, Mr. STALLINGS, and Mr. LIPINSKI.

H.R. 68: Mr. FOGLIETTA, Mr. GRAY, of Pennsylvania, and Ms. OAKAR.

H.R. 83: Mr. PORTER and Mr. SMITH of New Hampshire.

H.R. 151: Mr. PERKINS, Mr. KOLTER, Mr. HAYES, Mr. SAVAGE, Mr. STAGGERS, and Mr. FOGLIETTA.

H.R. 281: Mr. DONNELLY, Mr. FOGLIETTA, Mr. ROWLAND of Connecticut, Mr. SIKORSKI, Mr. FAZIO, and Ms. OAKAR.

H.R. 283: Mr. FOGLIETTA, Mr. GRAY, of Pennsylvania, Mr. MATSUI, and Ms. OAKAR.

H.R. 469: Mr. KOLBE.

H.R. 479: Mr. MONSON, Mr. PORTER, and Mr. SHAW.

H.R. 480: Mr. ANDERSON.

H.R. 528: Mrs. ROUKEMA and Mr. SMITH of Florida.

H.R. 602: Mr. GARCIA, Mr. SOLOMON, Mr. SAXTON, Ms. FIEDLER, Mr. MURPHY, Mr. MONSON, and Mr. BARTON of Texas.

H.R. 620: Mr. SMITH of New Hampshire.

H.R. 705: Mr. GUARINI.

H.R. 753: Ms. KAPTUR and Mr. FROST.

H.R. 776: Mr. SEIBERLING.

H.R. 831: Mr. ROBERT F. SMITH, Mr. HEFTEL of Hawaii, Mr. SAXTON, Mr. EDWARDS of Oklahoma, and Mr. TOWNS.

H.R. 873: Mr. SPRATT, Mr. EDWARDS of Oklahoma, Mr. WHITLEY, Mrs. HOLT, Mr. HARTNETT, Mr. BENNETT, Mr. MONSON, and Mr. LOEFFLER.

H.R. 874: Mr. PENNY.

H.R. 968: Mr. CROCKETT.

H.R. 1059: Mr. TAUZIN.

H.R. 1099: Mr. HOWARD, Mr. FAUNTROY, Mr. MRAZEK, and Mr. MITCHELL.

H.R. 1121: Mr. BONKER, Mrs. BOXER, and Mr. GEKAS.

H.R. 1161: Mr. MINETA.

H.R. 1207: Mr. BONIOR of Michigan, Mr. SIKORSKI, Mr. FISH, Mr. TOWNS, Mr. CONYERS, Mr. DIXON, Mr. LEVINE of California, Ms. OAKAR, Mr. BRYANT, Mr. MANTON, Mr. KOLTER, Mr. SWEENEY, Mr. MURPHY, and Mr. RAHALL.

H.R. 1267: Mr. BEVILL, Mr. CALLAHAN, Mr. DOWDY of Mississippi, Mr. FRANKLIN, Mr. MONTGOMERY, Mr. BROYHILL, Mr. DICKINSON, Mr. THOMAS of Georgia, and Mr. DARDEN.

H.R. 1294: Mr. OWENS and Mr. SEIBERLING.

H.R. 1327: Mr. SUNIA, Mrs. MARTIN of Illinois, Mr. HOWARD, Mr. PRICE, Mr. FAZIO, Mrs. BENTLEY, and Mr. LEVIN of Michigan.

H.R. 1408: Mr. WISE.

H.R. 1423: Mr. EDWARDS of Oklahoma and Mr. HEFTEL of Hawaii.

H.R. 1519: Mr. YOUNG of Missouri and Mrs. COLLINS.

H.R. 1524: Mr. GEPHARDT and Mrs. BURTON of California.

H.R. 1542: Mr. WORTLEY.

H.R. 1552: Mr. SHUMWAY, Mr. SMITH of Florida, Mr. FRENZEL, Mr. GEKAS, Mr. REGULA, Mr. NEAL, Mr. ROBERT F. SMITH, Mr. ECKERT of New York, and Mr. DANNEMEYER.

H.R. 1562: Mr. WHITEHURST, Mr. SISISKY, Mr. HUCKABY, Mr. PASHAYAN, Mr. HAMMERSCHMIDT, Mr. GOODLING, Mr. KINDNESS, Mr. ANNUNZIO, Mr. SEIBERLING, Mr. MADIGAN, Mr. THOMAS of California, Mr. BROWN of California, Mr. SKEEN, Mr. WISE, Mr. BARNES, and Mr. WOLPE.

H.R. 1564: Ms. KAPTUR, Mr. FROST, Mr. STRANG, Mr. BEREUTER, Mr. CONYERS, Mr. FAZIO, Mr. CROCKETT, and Mr. GEKAS.

H.R. 1566: Mr. MONSON, Mr. SENSENBRENNER, Mrs. MARTIN of Illinois, Mr. STANGELAND, Mr. LIGHTFOOT, and Mr. DURBIN.

H.R. 1567: Mr. MONSON, Mr. SENSENBRENNER, Mrs. MARTIN of Illinois, Mr. STANGELAND, Mr. LIGHTFOOT, and Mr. DURBIN.

H.R. 1584: Mr. VENTO and Mr. MARTINEZ.

H.R. 1626: Mrs. SCHROEDER, Mrs. COLLINS, and Mr. CALLAHAN.

H.R. 1650: Mr. BARNES, Mr. RANGEL, Mr. TOWNS, Mr. MURPHY, Mr. HUGHES, Mr. HERTEL of Michigan, Mr. APPLEGATE, Mr. LAFALCE, Mrs. BOXER, Mr. DUNCAN, and Mr. WIRTH.

H.R. 1682: Ms. KAPTUR, Mr. BEDELL, and Mrs. JOHNSON.

H.R. 1719: Mr. COBEY, Mr. CRAIG, Mr. FRENZEL, Mrs. HOLT, Mr. MCCANDLESS, Mr. PACKARD, Mr. SHAW, Mr. STANGELAND, Mr. STUMP, and Mr. SMITH of New Hampshire.

H.R. 1907: Mr. MARTINEZ.

H.R. 1911: Mr. WEBER, Mr. BARTON of Texas, Mr. DANIEL, Mr. KOLTER, Mr. GARCIA, Mr. SAXTON, Mr. MONSON, Mr. APPLEGATE, Mr. BURTON of Indiana, and Mr. SHUMWAY.

H.R. 1916: Mr. MCDADE, Mr. HYDE, Mr. ACKERMAN, Mr. TRAXLER, Mr. EVANS of Illinois, Mr. YOUNG of Alaska, Mr. PRICE, Mr. DERRICK, Mr. CHAPPIE, Mr. WEBER, Mr. STOKES, Mr. LIGHTFOOT, Mr. COBEY, Mrs. COLLINS, and Mr. MCGRATH.

H.R. 1927: Mrs. BOXER.

H.R. 2032: Mr. SYNAR, Mr. OXLEY, Mr. FOGLIETTA, Mr. WHITEHURST, Mr. ECKART of Ohio, Mr. LELAND, Ms. KAPTUR, Mr. KINDNESS, Mr. CONYERS, Mr. MURPHY, Mr. MADIGAN, Mr. HUGHES, and Mr. SOLOMON.

H.R. 2069: Mr. LUKEN, Mr. BROWN of Colorado, Mr. NICHOLS, Mr. DYSON, Mr. RUDD, Mr. FOWLER, Mr. KOLTER, Mr. WILLIAMS, Mr. SWIFT, Mr. DWYER of New Jersey, Mr. KILDEE, Mr. ROE, Mrs. BURTON of California, Mr. CHANDLER, Mr. PANETTA, Mr. LEVINE of California, Mrs. BOXER, Mr. BUSTAMANTE, Mr. MAVROULES, Mr. DORGAN of North Dakota, Mr. FEIGHAN, Mr. DURBIN, Mr. HOPKINS, Ms. KAPTUR, Mr. SMITH of Florida, Mr. GALLO, and Mr. MARTIN of New York.

H.R. 2080: Mr. MOAKLEY, Mr. KOSTMAYER, Mr. FRANK, Mr. NOWAK, Mr. BUSTAMANTE, Mr. FLORIO, Mr. MAZZOLI, Mr. TOWNS, Mrs. COLLINS, Mr. YOUNG of Missouri, Mr. BEDELL, Mr. HAYES, Ms. KAPTUR, Mr. MCHUGH, Mr. MITCHELL, Mr. HENRY, Mr. SCHUMER, Mr. KASTENMEIER, Mr. WILSON, and Mr. EDWARDS of California.

H.R. 2093: Mr. EDGAR.

H.R. 2119: Mr. DIOGUARDI, Mr. SCHUMER, Mr. MORRISON of Connecticut, Mr. HORTON, Mr. REID, Mr. BEVILL, Mr. FISH, Mr. MATSUI, Mr. LAGOMARSINO, Mr. NIELSON of Utah, Mr. MITCHELL, Mr. GREEN, Mr. WEISS, Ms. MIKULSKI, Mr. OWENS, Mr. FAZIO, Mr. BUSTAMANTE, Mr. SMITH of Florida, Mr. CHANDLER, and Mr. HERTEL of Michigan.

H.J. Res. 36: Mr. TOWNS, Mrs. COLLINS, Mr. DIXON, Mr. WEISS, Mr. WHITEHURST, Mr. ROE, Mr. SMITH of Florida, Mr. EDWARDS of California, Mr. BONER of Tennessee, Mr. BERMAN, Mr. HORTON, Mr. OWENS, Mr. ANDREWS, Mr. FROST, Ms. MIKULSKI, Mr. HEFTEL of Hawaii, Mr. DYMALLY, Mrs. SCHROEDER, Mr. ACKERMAN, Mr. HOWARD, Mr. MARTINEZ, Mr. STOKES, Mr. EVANS of Illinois, Mr. GEKAS, and Mr. MITCHELL.

H.J. Res. 41: Mr. PANETTA.

H.J. Res. 64: Mr. ANDREWS, Mr. COURTER, Mr. DERRICK, Mr. DURBIN, Mr. FRANKLIN, Mr. PACKARD, Mr. RANGEL, Mr. SUNDQUIST, and Mr. SUNIA.

H.J. Res. 65: Mr. ACKERMAN and Mr. DURBIN.

H.J. Res. 100: Mr. DE LUGO, Mr. FROST, Mr. HUCKABY, Mr. HUNTER, Mr. LELAND, Mr. MOAKLEY, Mr. MRAZEK, and Mr. PACKARD.

H.J. Res. 125: Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. ALEXANDER, Mr. ANDERSON, Mr. ANDREWS, Mr. BARNES, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BEDELL, Mr. BENNETT, Mr. BEREUTER, Mr. BERMAN, Mr. BEVILL, Mr. BIAGGI, Mr. BLAZ, Mr. BOEHLERT, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BORSKI, Mrs. BOXER, Mr. BREAUX, Mr. BROOKS, Mr. BROOMFIELD, Mr. BRUCE, Mr. BRYANT, Mr. BUSTAMANTE, Mr. CARR, Mr. CHANDLER, Mr. CHAPPIE, Mr. CLAY, Mr. COLEMAN of Missouri, Mr. COLEMAN of Texas, Mrs. COLLINS, Mr. CONTE, Mr. CONYERS, Mr. COOPER, Mr. COYNE, Mr. CRANE, Mr. CROCKETT, Mr. DANIEL, Mr. DARDEN, Mr. DASCHLE, Mr. DAUB, Mr. DE LUGO, Mr. DERRICK, Mr. DICKINSON, Mr. DICKS, Mr. DIOGUARDI, Mr. DONNELLY, Mr. DORNAN of California, Mr. DOWDY of Mississippi, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. EMERSON, Mr. EVANS of Iowa, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FRANK, Mr. FRANKLIN, Mr. FRENZEL, Mr. FUQUA, Mr. FUSTER, Mr. GALLO, Mr. GEKAS, Mr. GREEN, Mr. GROTBERG, Mr. GUNDERSON, Mr. RALPH M. HALL, Mr. HALL of Ohio, Mr. HARTNETT, Mr. HAYES, Mr. HENDON, Mr. HENRY, Mr. HERTEL of Michigan, Mrs. HOLT, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mr. HUGHES, Mr. HYDE, Mr. IRELAND, Mr. JEFFORDS, Mrs. JOHNSON, Mr. JONES of North Carolina, Mr. KANJORSKI, Ms. KAPTUR, Mr. KASICH, Mr. KEMP, Mr. KILDEE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEACH of Iowa, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LOTT, Mr. LOWRY of Washington, Mr. MCCAIN, Mr. MCGRATH, Mr. MCHUGH, Mr. MCKERNAN, Mr. MACK, Mr. MARTIN of New York, Mr. MARTINEZ, Ms. MIKULSKI, Mr. MILLER of Washington, Mr. MINETA, Mr. MOAKLEY, Mr. MOLINARI, Mr. MONTGOMERY, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. MURPHY, Mr. NEAL, Mr. NELSON of Florida, Ms. OAKAR, Mr. O'BRIEN, Mr. ORTIZ, Mr. OWENS, Mr. PASHAYAN, Mr. PEPPER, Mr. PERKINS, Mr. QUILLEN, Mr. RANGEL, Mr. REID, Mr. RICHARDSON, Mr. ROBERTS, Mr. RODINO, Mr. ROE, Mr. ROEMER, Mr. ROGERS,

Mr. ROSE, Mr. SABO, Mr. SAVAGE, Mr. SHUMWAY, Mr. SILJANDER, Mr. SISISKY, Mr. SKELTON, Mr. SLAUGHTER, Mr. SMITH of New Jersey, Mr. DENNY SMITH, Mr. SMITH of Iowa, Mr. SOLARZ, Mr. STALLINGS, Mr. STANGELAND, Mr. STOKES, Mr. STRANG, Mr. SUNIA, Mr. TAUKE, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. TOWNS, Mr. UDALL, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VENTO, Mr. VOLKMER, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WOLF, Mr. WORTLEY, Mr. YOUNG of Alaska, Mr. YOUNG of Missouri, Mr. ROBERT F. SMITH, Mr. SPRATT, Mr. COBEY, Mr. WYLIE, Mr. BLILEY, Mrs. BENTLEY, Mr. HAMMERSCHMIDT, Mr. MILLER of Ohio, Mr. SNYDER, Mr. YOUNG of Florida, Mr. WHITTAKER, Mr. SAXTON, Mr. NATCHER, Mr. WYDEN, Mr. BOUCHER, Mr. HUBBARD, Mrs. KENNELLY, Mrs. MEYERS of Kansas, Mr. SOLOMON, Mr. BILIRAKIS, Mr. ANTHONY, Mr. APPLEGATE, Mr. ATKINS, Mr. BOSCO, Mr. BROWN of California, Mrs. BURTON of California, Mr. CAMPBELL, Mr. CARNEY, Mr. COELHO, Mr. DINGELL, Mr. DAVIS, Mr. DIXON, Mr. DREIER of California, Mr. ECKART of Ohio, Mr. ENGLISH, Mr. OLIN, Mr. HUTTO, Mr. LATTA, Mr. WHEAT, Mr. LEHMAN of California, Mr. LENT, Mr. ROWLAND of Georgia, Mr. EDGAR, Mr. KRAMER, Mr. WILSON, and Mr. COBLE.

H.J. Res. 128: Mr. SAVAGE, Mr. BOEHLERT, Mr. BOUCHER, Mr. GREGG, Mr. LEWIS of Florida, Mr. MONSON, Mr. TORRICELLI, Mr. RALPH M. HALL, Mrs. LLOYD, Mr. SCHEUER, Mr. PICKLE, Mr. HOYER, Mr. CROCKETT, Mr. SOLARZ, Mr. YATRON, Mr. KOSTMAYER, Mr. ERDREICH, Mr. FOGLIETTA, Mr. KOLTER, Mr. LUKEN, Mr. HEFNER, Mr. STRATTON, Mr. RICHARDSON, Mr. WORTLEY, Mr. CARR, Mr. SCHAEFER, Mr. BIAGGI, Mr. CONYERS, Mr. CRANE, Mr. DINGELL, Mr. BARTON of Texas, Mr. DE LUGO, Mr. DYSON, Mr. FEIGHAN, Ms. FIEDLER, Mr. FORD of Tennessee, Mr. GAYDOS, Mr. KASTENMEIER, Mr. RODINO, Mr. MITCHELL, and Mr. STUDDS.

H.J. Res. 131: Mrs. HOLT, Mr. GUNDERSON, Mr. BILIRAKIS, Mr. HUGHES, Mr. MARTINEZ, Mr. LUKEN, Mr. PEPPER, Mr. BONER of Tennessee, Mr. EVANS of Iowa, Mr. BARNES, Mr. DIOGUARDI, Mr. SUNIA, and Mr. VOLKMER.

H.J. Res. 133: Mr. MATSUI, Mr. HORTON, Mr. STUMP, Mr. MCEWEN, Mr. CHAPPELL, Mr. WOLPE, Mr. SHUMWAY, Mr. DE LA GARZA, and Mr. BATES.

H.J. Res. 136: Mr. GRAY of Pennsylvania, Mr. MITCHELL, Mr. DYSON, Mr. SMITH of New Hampshire, and Mr. LIGHTFOOT.

H.J. Res. 152: Mr. MCKINNEY, Mr. GREEN, and Mr. LUNDINE.

H.J. Res. 192: Mrs. BOGGS and Mr. LEACH of Iowa.

H.J. Res. 230: Mr. GRADISON and Mr. MARTINEZ.

H.J. Res. 258: Mrs. COLLINS, Mrs. ROUKEMA, Mr. BARNES, Mr. LEVINE of California, Mr. SKELTON, Mr. DIOGUARDI, Mr. ERDREICH, Mr. FLORIO, Mr. BROWN of Colorado, Mr. MURPHY, Mr. FAUNTROY, Ms. KAPTUR, Mr. ROWLAND of Connecticut, Mr. MITCHELL, Mr. DAUB, Ms. OAKAR, Mr. HAYES, Mr. BERMAN, Mr. LAGOMARSINO, and Mr. MCGRATH.

H.J. Res. 261: Mr. VENTO and Mr. DIOGUARDI.

H. Con. Res. 36: Mr. COYNE, Mr. CROCKETT, Mr. EDWARDS of California, Mr. EVANS of Illinois, Ms. MIKULSKI, Mr. SABO, Mr. OBERSTAR, and Mr. STARK.

H. Con. Res. 37: Mr. WILSON, Mr. FRANKLIN, Mr. RAY, Mr. PACKARD, and Mr. LEVIN of Michigan.

H. Con. Res. 74: Mr. ECKART of Ohio and Mr. RITTER.

H. Con Res. 82: Mr. DURBIN.

H. Con Res. 100: Mr. GONZALEZ, Mr. CHAPPIE, Mr. BEDELL, Mr. GRAY of Illinois, Mr. DAUB, Mr. THOMAS of Georgia, Mr. MARTINEZ, Mr. FAZIO, Mr. WORTLEY, and Mr. NIELSON of Utah.

H. Con. Res. 116: Mr. EDGAR, Mr. SAVAGE, Mrs. VUCANOVICH, Mr. WORTLEY, and Mr. YOUNG of Missouri.

H. Con. Res. 121: Mr. WYDEN, Mr. REID, Mr. FAUNTROY, Mr. SCHUMER, Mr. DIOGUARDI, Mr. LEHMAN of California, Mr. MANTON, Mr. ACKERMAN, Mr. GILMAN, Mr. RANGEL, Mr. OWENS, Mr. MARTINEZ, Mr. DELLUMS, Mr. BARNES, Mr. BERMAN, Mr. DWYER of New Jersey, Mr. GARCIA, Mr. EDWARDS of California, Mr. LANTOS, Mr. ROYBAL, Mr. MATSUI, Mr. LEVINE of California, Mr. WEISS, Mr. LOWRY of Washington, Mr. RUSSO, Mrs. KENNELLY, Mr. WILLIAMS, Mr. FORD of Michigan, Mr. CLAY, Mr. HAWKINS, Mr. DYMALLY, Mr. MILLER of California, Mrs. BOXER, Mr. FAZIO, Mr. COELHO, Ms. OAKAR, Mr. WRIGHT, Mr. GRAY of Pennsylvania, Mr. NEAL, Mr. BRUCE, Mr. JONES of Oklahoma, Ms. KAPTUR, Mr. CARR, Mr. BUSTAMANTE, Mr. ROSE, Mr. SMITH of Florida, and Mrs. COLLINS.

H. Con. Res. 122: Mr. DYSON, Mr. SMITH of Florida, Mrs. BENTLEY, Mr. MOORE, Mr. GREEN, Mr. KRAMER, Mr. LIVINGSTON, Mr. HEFTEL of Hawaii, Mr. RUDD, Mr. WOLF, Mr. BATEMAN, Mr. SCHUMER, and Mr. MCGRATH.

H. Con. Res. 125: Mr. MATSUI, Mr. FROST, Ms. SNOWE, Mr. DWYER of New Jersey, and Mr. MARKEY.

H. Con. Res. 131: Mr. ASPIN, Mr. DAUB, and Mr. HUGHES.

H. Res. 60: Mr. PEASE.

H. Res. 67: Mr. GARCIA, Mr. FUSTER, Mr. DELLUMS, and Mr. COLEMAN of Texas.

H. Res. 112: Mr. MRAZEK, Mr. WIRTH, Mr. BROWN of California, Mrs. COLLINS, and Mr. LUNGREN.

H. Res. 127: Mr. KRAMER, Mr. MCKINNEY, Mr. WALKER, Mr. GLICKMAN, Mr. PRICE, Mr. MITCHELL, Mr. CONYERS, Mr. MINETA, Mr. MCDADE, Mr. LUJAN, Mrs. SMITH of Nebraska, Mr. KINDNESS, Mr. HYDE, Mr. COLEMAN of Missouri, Mr. THOMAS of California, and Mr. LAFALCE.

H. Res. 135: Mr. FLIPPO, Mr. BARNES, Mr. SAVAGE, and Mr. STOKES.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1612: Mr. ANDERSON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1555

By Mr. LEACH of Iowa:

—Page 30, line 17, strike out "$3,900,400,000" both places it appears and insert in lieu thereof "$3,895,400,000".

Page 36, strike out lines 15 through 23 and insert in lieu thereof the following new section:

SEC. 206. HUMANITARIAN ASSISTANCE FOR THE NONCOMMUNIST CAMBODIAN PEOPLE.

(a) AUTHORIZATION.—The President may make available funds authorized to be appropriated to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 for the provision of food, medicine, or other humanitarian assistance to the noncommunist Cambodian people, notwithstanding any other provision of law.

(b) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and shall remain in effect until October 1, 1987.

H.R. 2068

By Mr. SOLOMON:

—Page 2, line 15, strike out "$543,574,000" and insert in lieu thereof "$491,222,800".

Page 2, line 16, strike out "$572,519,000" and insert in lieu thereof "$520,167,800".

EXTENSIONS OF REMARKS

AMBASSADOR KIRKPATRICK'S THOUGHTFUL SPEECH

HON. ROBERT H. MICHEL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. MICHEL. Mr. Speaker, on April 16, 1985, Ambassador Jeane J. Kirkpatrick gave an address on our Nation's response to totalitarianism. I want to share it with you because I believe she has reminded all of us of what it means to defend our values with strong policies instead of wishful thinking.

At this point I insert the body of the text of her speech in the RECORD:

REMARKS OF AMBASSADOR JEANE J. KIRKPATRICK

I do want to say what I take to be the principle function of our foreign policy. I take that to be defending our own nation and its democratic institutions against external attack or subversion; defending our allies against external attack or subversion, and preserving our civilization, the kind of world in which we can live and thrive and enjoy our lives; a world of independent nations with whom we can trade, among whom we can travel; nations which will not pursue aggressive expansionist policies and destroy the peace of their neighbors.

I take it to be a purpose of our foreign policy to promote democratic institutions and human rights and economic development everywhere. I take it to be a function of our foreign policy as well to manage our foreign relations in such a way that they do not consume too large a share of our resources, time, effort, and money. I think those are the things that President Reagan has, in fact, been trying to do and I think it's the thing that Cap and a great many of us who are here, in the Congress as well as the Administration have tried to do.

I think no place have we tried to work towards these goals more persistently than in Central America. Now, it's never useful to over simplify and we need to recognize that there are various kinds of obstacles to the achievement of our goals. There are stubborn problems of climate and culture and politics, history, mutual insecurity and animosities, and deep set rivalries, and they often stand in the way of achieving our goals. The fact is that we also need to recognize that the principal obstacle to our security and also to our helping preserving and enjoying our civilization and our world is unfortunately, the expansionist policies of the Soviet Union.

I believe that there were two principal dimensions to the so-called "Changed Correlation of World Forces" that we heard so much about in the period before 1981. The "Changed Correlation of World Forces", I think consisted of two parts; the growth of Soviet military power, and the concomitant decline in the military strength of the West, and the dramatic expansion of Soviet influence outside Europe and North America.

We all know the development of Soviet military power is important. It permitted an extraordinary buildup in the Pacific, created new vulnerabilities in Europe, created new vulnerabilities here at home. We also know in principle that we can deal with that by restoring our own military establishment, and also by trying to get a handle on the Arms Race through verifiable agreements arrived at in Arms Control Negotiations.

The fact is that we don't even have an adequate theory of how to deal with Soviet expansion outside Europe and North America. In just 20 years the Soviet Union progressed from being a continental power in Europe to becoming a global power, acquiring bases and surrogates you all know, in Cuba, Vietnam, Ethiopia, Angola, South Yemen, Nicaragua, Afghanistan, expanding its military reach to the vicinity of such strategic checkpoints as the Panama Canal, Straits of Gibraltar, the Suez Canal, Straits of Hormus, the entrance to the Red Sea, and the Indian Ocean, the sea lanes of East Asia, and so forth, Cam Rahn Bay.

In the same period, the number of Soviet and block troops in non-Soviet non-Warsaw Pact countries increased more than 500 percent. From that point of view, that period between 1975 and 1980 was a period of great success.

We need to be clear about what they mean by "success" in thinking about the Third World and in thinking about the countries outside North America and Europe. What they mean is the incorporation of a country into the world socialist system, or at least a reliable beginning in the process of incorporating a country into the world socialist system.

Their view of success is very different than our view. Our view of success is, in fact, to help a country preserve its independence. We have succeeded when a country avoids incorporation and maintains its independence.

It's an interesting difference in what happens to countries where they succeed and where we succeed. Where they succeed, the country is incorporated into a global military mutual-aid society, in which armaments and services from all the member states of the Soviet empire are drawn and brought to bear on unfortunate targeted countries.

From out point of view, when we succeed, the country that is successful may not make any contribution at all to collective enterprise. It may not extend any basing rights, for example, for collective purposes. It may not help its neighbors maintain their independence. So be it. That's our kind of success. We are not seeking to build an empire. We are not seeking client states. We do seek a world of independent nations.

The only problem is that this expansion of Soviet power and the incorporation of ever larger numbers of nations into the world socialist system is dangerous for us and for other independent nations.

I might note that this incorporation usually takes place incrementally; one slice at a time, like salami tactics applied to international politics.

The process of incorporation into the world socialist system was described in the Granada Documents, which I'm sure many here have read. The stages in this process are not complete until full military integration of a country into the world socialist system has been achieved. It had not yet been achieved in Granada. It has been achieved in Cuba. Cuban integration into the Soviet Military System is symbolized by the presence in Cuba of some Soviet personnel. For example, some seven thousand civilian advisors; some 2,800 in that famous combat brigade; some seven—I'm sorry. Some 2,800 military advisors, plus about 2,000 special Soviet personnel who are manning an electronic intelligence facility that monitors our electronic communications here in the United States.

Cuba, of course, provides bases that extend the reach of Soviet naval and air power and electronic surveillance over our coastal waters and our coast. Cuba provides advisors and troops for Nicaragua, Angola, Ethiopia, Mocambique, Conga, South Yemen. Cuba provides manpower and planning for the drug and terror network that reaps chaos in Latin America and mightily affects our own country.

Nicaragua has been partially, but not wholly incorporated into the Soviet military world system. Nicaragua provides training, arms for guerillas from a dozen countries. Nicaragua provides a home, refuge, sanctuary, for the international terrorist network. Indeed, its capital has become Manigua where one finds Bader Manhof remnants, Red Brigades, Basque, ETA Members, Argentine Monteros and ERP, Peruvian Sendero-Luminoso, and Marta El Salvadoran FMLN, of course. Guerillas from all over the world meet there with their PLO mentors and exchange notes and train one another. Of course, with a little help from the Libyans.

One of the consequences of this steady flow of services and manpower to the—to Nicaragua, and from Nicaragua to other countries in Central America and South America is the kind of tragedy I visited in El Salvador last weekend, when I visited the hamlet—it's not even, really a village, where the massacre of the previous days had taken place. Where some 19 Salvadorans had been dragged from their beds and killed in cold blood. I saw the style in which seven men had been shot, and one had his head crushed. I was with our Ambassador who picked up a shell casing which bears on it a Number "10", which I am told is a definitive marking of such casings of Bulgarian make.

Where do the bullets in El Salvador's hamlets come from? They come from Bulgaria. Where do the bullets used against Nicaragua's own democrats and Freedom Fighters come from? Well, they come from Bulgaria too, and of course from Vietnam, and from East Germany and Czechoslovakia, and from the Soviet Union. The struggle that is underway today in Central America has very special significance for us, and I presume everyone here understands that.

True, we live in a big inter-dependent world, and events in very remote places can have a large impact on us. A coup in Sudan, a civil war in Angola, a Vietnamese offensive in Cambodia, a conversation between Chinese and Soviets, a struggle in New Cala-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

donia, a Presidential election in Greece, a massacre in El Salvador, may have all of them important effects on our well being and our national security, but not all situations in all places are equally important to us. Not all deserve the same attention from our Government, and not all decisions of our Government deserve the same attention from American citizens.

In thinking about foreign policy and national security, one must begin with geography, because in foreign affairs, geography is destiny. In thinking about foreign policy, one must end with ideals of one's civilization, because they provide the—literally, the spiritual food and intellectual food off which we live.

Developments in Nicaragua matter more to us than developments in many other countries, because Nicaragua is at the center of the isthmus that stretches south to Panama, north to Mexico. Those countries constitute our fourth border, and that gives Central America and the Caribbean an irreducible strategic importance for us.

Now, we're not accustomed to thinking strategically and we're not accustomed to thinking about any potential vulnerabilities that we may have. The Soviets are. They began thinking as early as 1967 about the strategic vulnerabilities for the United States that could be created if they could threaten our security on our southern border.

Nicaragua can constitute a security problem for the United States of major proportions. Not because they establish a socialist economic system, though we regret that and we know it will fail; not because they create a repressive new military dictatorship under which the people of Nicaragua suffer, though we regret that very deeply, and we think the people of Nicaragua deserve better; not because they espouse ideas we find obnoxious and untrue, though we regret that too. Nicaragua constitutes a security problem actual and potential, especially for the United States because it is being very rapidly integrated into the socialist military world system. It is advanced into the process of incorporation into that Soviet world system.

Today, everyone who cares to know, knows that Nicaragua, whose Government began as a broad based coalition with important democratic presence, is today wholly controlled by communist leaders and that situation came into being because the Marxist guerrillas had a monopoly of weapons.

Everyone who cares to know, knows that the Nicaraguan Junta Representatives went soon after they achieved power to Moscow, where they were greeted by General Secretary Chunyeko and Foreign Minister Gromeyko (phonetic), where they signed a party to party agreement, among other things, approving the Soviet invasion of Afghanistan.

Everyone who cares to know, knows today that the Government of Nicaragua is sustained by Cuba, whose advisers started arriving in days after the victory, and it is sustained by the famous Internationalistas from all over the Soviet block.

Everyone who cares to know, knows that today in Nicaragua the Government is repressive, the economy is in shambles, and hope flies with the democratic resistance forces.

You know, sometimes we like to console ourselves with believing that things are not as bad as some people say and that after all, the Sandinistas might turn out to have a falling out with Cuba and the Soviet Union, and Cuba might turn out to have a falling out with the Soviet Union, and that if only we were more obliging or understanding than we are, there would be nothing to worry about, and we could all live happily together in this hemisphere forever after.

I think of that perspective because just before I came here tonight I missed the reception because I was appearing on McNeil-Lehrer where I encountered some people who seemed to have that view. Just before that, I was testifying before the House Sub-Committee on Foreign Affairs on this subject where I met some people who seemed to have that view. You know, the kind of people that tell us that we drove Fidel Castro into the hands of the Soviet Union even though Fidel Castro himself tells us that he had been an apprentice Marxist-Leninist for years before he came to power and he disguised his true beliefs.

What can the United States do in this situation? I think we can help Nicaragua's Freedom Fighters, that's what we can do. We should assist Nicaragua's Freedom Fighters because it helps Nicaraguans and it helps the Nicaraguan Freedom Fighters themselves, who are not only decent and upright, but a very impressive group of democrats working now for democracy in their country as each of them has worked for democracy for Nicaragua for years in the past.

We can help them because they are good men whom we should be proud to help. We can help them because it helps the region, and we can help them because it helps us.

Will Congress permit the President to provide the 14 Million Dollars of assistance to the Nicaraguan Forces fighting against the consolidation of a communist government in their own country? That is the question which is confronting the Congress and this country today. I believe that the answer to that question, given by the Congress, will effect the fate of Nicaragua; effect the stability of Nicaragua's democratic neighbors; Costa Rice, El Salvador, Honduras. It will effect the evolution of other countries in the region, including Guatemala, Panama, Mexico. It will effect the security of the United States, the cost of our defenses, the strength of our alliances for many years to come.

Above all, I believe the decision to be made by the Congress will seriously effect the possibilities for peace in the next decade.

You know, very often in human affairs, peoples intentions lead them to actions which defeat their intentions. The problem with the kind of self-defeating appeassment that is, in my opinion, involved in a refusal to support Nicaragua's resistance forces is that it doesn't work.

I was reading recently an old book of Walter Lippmann, when he was talking about the period before World War II, and he said in that book, and I quote, "The surrender of the Rhineland in 1936; of Austria and Czechoslovakia in 1938, were the strategic preliminaries to the neutralization of Russia and the conquest of Poland in 1939; that is, what was surrendered by our allies in the name of peace became the strategic foundation upon which Hitler prosecuted his war." Thus do the best intentions of flawed policy makers sometimes go astray.

You know, mistakes when individuals make them are always regrettable and sometimes they are serious, but the mistakes of Government are more serious than the mistakes of individuals. If I make a mistake it involves only me and my family, probably, and maybe a friend or two. When Governments make mistakes, whole societies suffer. Often those mistakes are honest, but the costs are no less high because of the honesty and good intentions of those who make the mistakes.

Some people say we should not support Nicaragua's Freedom Fighters because we should leave the problems of Central America to the Central Americans and the problems of Nicaragua to the Nicaraguans. My response to that is that we would like nothing better than to leave the problems of Nicaragua to the Nicaraguans. Exactly the point is that Nicaragua's fate is not being left to the Nicaraguans. It is being determined by people and guns from very remote places, by heavy armanents, major weapons system from Eastern Europe and by Guerrillas and Internationalistas from every terrorist nation in the world.

Colonel Cadaffy has mentioned that he would send his troops to fight in Nicaragua. As I understand it, he's been helping the Nicaraguans for quite a long time, so there will be nothing new about that.

I would like to say in closing that today the United States Congress authorizes more than—and appropriates and provides, more than 15 Billion Dollars of economic and military assistance to nations and groups in the world. That's a lot of money, 15 Billion Dollars.

We provide some millions of dollars to freedom fighers fighting in remote parts of the world. Now, I support most of that foreign economic and military assistance and I support certainly all that assistance to freedom fighters in remote places, but I should like to say that it makes no sense at all, to refuse to provide help for the Nicaraguan Freedom Fighters today.

Let me just say that the most terrible mistake that we could make would be to conclude that the struggle in Nicaragua does not concern us, or that the Nicaraguans are in some sense not ready for democracy. The fact is that their struggle is our struggle, and their freedom and our freedom are indivisible, and if we do not understand that now in time to help Nicaraguans to help themselves and stand with those who stand for freedom in that country, we will, I am afraid, learn that lesson under much more painful circumstances not too far in the future.

Thank you.●

POLYGRAPH TESTS

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. BARNARD. Mr. Speaker, I would like to draw the attention of my colleagues to a problem facing workers in all States. More than 1 million workers will be subjected to polygraph testing this year. And the Office of Technology Assessment estimates that at least 50,000 of those people will be wrongfully denied employment either because they refuse to take the tests or because of the inherent inaccuracies of the tests.

In addition to the Office of Technology Assessment, the House Government Operations Committee and the Privacy Protection Study Commission

have raised serious doubts about the validity of the polygraph machine in determining the trustworthiness of potential employees. Courts will not allow polygraph results as evidence in trials because of the documented evidence of the uncertainty of the machines.

There is no simple way to discover when a person is lying because there is no known physiological response that is unique to deception. The polygraph tests do not rely solely on the machine but on the interpretation of a subjective examiner of the breathing patterns, blood pressure, and galvanic skin response.

Several of my colleagues have introduced legislation to curb or otherwise control the use of polygraph testing. As Members begin deliberation of these bills, I would like to submit the following article written by Atlanta attorney, Mr. Irving K. Kaler, which appeared in the March 11 issue of Newsweek for their serious consideration.

A MOLE AMONG THE GERBILS?

(By Irving K. Koler)

It wasn't until my son Michael applied for a job as a stockboy in the pet department of a local discount store that I learned that I was the father of a potentially hardened criminal.

As a condition of his employment, Michael was subjected to a lie-detector test. After all, the pet department must be protected from unwittingly giving employment to a possible guppy snatcher or a goldfish filcher. But Michael, who is only 16 and who has never had any altercation with the law, became understandably agitated when asked questions such as how many times he had been marrried (none), and how many time he had been arrested (again, none).

Apparently, the machine and the operator made no distinction between one type of agitation and another, so Michael, whose nature is open and guileless, was declared to have flunked the test. Michael's only transgressions are an excessive volubility in class and perhaps an affinity to a father whose humor inclines more toward Milton Berle than to Russell Baker.

Now, thanks to this incident, I almost feel as if I have joined the company of Ma Barker in the pantheon of wicked parents. I avert my eyes when passing our neighborhood post office, apprehensive that there is displayed an unflattering picture of my son.

This episode jarred me into investigating the current use of the lie-detector device, also known as the polygraph. Why, for instance, are we Americans increasingly willing to consign to some person or machine our right to think and make determinations for ourselves? It is bad enough that we entrust this authority to politicians, but it is absolutely incomprehensible that we rely upon some goofy, Rube Goldberg-type contraption to make sensitive decisions.

FEELINGS

It so happens that Michael has an unusual aptitude for caring for small animals. As a matter of fact, he has a regular job with a neighbor feeding and watering chickens, rabbits and even ponies. The machine that disqualified him is not capable of discerning this special feeling and regard.

This box which measures pulse rate, blood pressure, respiration and perspiration, is being used, I learned, by a great many businessmen and retailers to screen employees; at least a million tests are performed each year. In the store where Michael works carrying customers' bags to their cars, only a few departments administer a polygraph test. Under this idiosyncratic policy, he has been disqualified from stocking birdseed, but not from becoming a manager.

I am not alone in registering my apprehension about this matter. There is increasing opposition to the expanded use of the polygraph, based on concerns that the machine represents an invasion of privacy and that its findings are often unfounded and imprecise. Twenty-two states and the District of Columbia prohibit employers from requiring an employee to take a lie-detector examination. Congress is considering a bill that would restrict its use by federal agencies, except the CIA and National Security Agency, and require the consent of the person being examined. A federal judge in Macon, Ga., Judge Wilbur D. Owens Jr., has also noted that "because of the lack of scientific evidence in support of polygraph validity, polygraph results are inadmissible as evidence in criminal prosecutions, both in the United States courts, and in Georgia courts."

In his potentially landmark decision, Judge Owens recently ruled that it is unconstitutional for certain Georgia municipalities to compel their employees to take lie-detector examinations even during departmental investigations into suspected drug use. "No device known to man can 'read' an individual's mind and indicate whether that person is lying," he said. The test, he found, is "nothing more than the polygraph examiner's personal opinion of the truthful or deceptive manner in which the questioned person responded." The examiner formulates the questions; the employee is not allowed to present any evidence or otherwise dispute a suggestion of wrongdoing. "The polygraph examiner in reality becomes both judge and jury."

Moreover, the polygraph report may become a permanent part of an employee's records, and he can never compel a correction. Thus, like the mark of Cain, detrimental results can pursue him forever and mar his chances for any job. As Judge Owens points out, this may violate his rights under the Fourteenth Amendment.

GUARDS

I recently went to the pet department of the store I mentioned earlier and was appalled by the indifferent care accorded the rabbits, guppies, hamsters, goldfish, canaries, gerbils, parakeets and puppies being sold there. I also noticed that no money is exchanged in that department since all purchases are concluded at a battery of cash registers at the front of the store. Only pets, or their supplies, can be pilfered. And I can't imagine any commodity less capable of being smuggled through the maze of detectors, sonic beams, sound alarms, turnstiles, guards, clerks and cashiers than a squirming rabbit, or more difficult to camouflage than a bulbous goldfish bowl.

Men and women of America, it is time we rise in indignation against this untrammeled invasion of our humanity! After all, we should possess a greater power to reason than some cold and merciless machine which, in all likelihood, hates rabbits, puppies and even those limpid-eyed guppies.●

A MESSAGE TO THE HOUSE, FROM INDIANA

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. MYERS of Indiana. Mr. Speaker, today's edition of the Washington Post contains a letter to the editor from a voter from the Eighth District of Indiana about the activities of the House of Representatives Task Force and its conduct in the recount of that district's votes. This letter reflects the sentiments of a large majority of the people of Indiana. This is the letter:

A MESSAGE TO THE HOUSE, FROM INDIANA

I am a resident of the long-suffering 8th Congressional District of Indiana. Because of a close election in November and the refusal of the House of Representatives to seat either candidate, the district has been without a congressman.

To determine who won, Congress sent a task force, led by three congressmen, to the district for a recount. That task force refused to count some ballots and agreed to count others, some of which were illegal or irregular. Then the task force declared Frank McCloskey the winner by four votes out of 234,000 cast.

Since we now have been given a congressman we may or may not have elected, I would like to offer some suggestions to the U.S. House of Representatives:

(1) In an extremely close election with numerous irregularities, please give us the right to a speedy new election. We would like to be represented in Congress and would rather choose our own representative that have Congress choose him for us.

(2) If we must be invaded by a task force from Washington, please do not send us current members of Congress. Send people known for their integrity and impartiality whose primary concern is not in protecting party interests or pleasing party leaders but in ensuring the legality and fairness of the electoral process.

(3) If members of Congress are traveling in this area and approaching the 8th District, please keep going. Do not stop. We have seen and had enough of you.

FRANCES BROWN,
Newburgh, Ind.●

THE SECRETARY OF STATE TALKS ABOUT THE LESSONS OF VIETNAM

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. BROOMFIELD. Mr. Speaker, last Thursday, Secretary of State George Shultz honored those Americans who had served in Vietnam. His speech was both moving and prophetic, and I strongly recommend it to all of my colleagues in the Congress.

In the past few days, the question of aid to the Contras was widely debated here in the Congress. Unfortunately,

the House failed to provide additional funding for those struggling freedom fighters. As I watched the debate unfold and the final vote appear, I began to think that the Congress was making a tragic mistake that future generations of Americans will have to pay for.

I agree with Secretary Shultz' assessment of why America fought in Vietnam. For those very same reasons, our country is supporting the Nicaraguan freedom fighters. In spite of the predictions of the critics of our policy in Vietnam who said that peace would come to that distant land when our troops finally left, it didn't. Our worst expectations of Communist intentions were confirmed. The Vietnamese Communists are still trying to dominate all of Southeast Asia.

In Central America, I fear that a similar disaster will overtake the forces of democracy and freedom in that nearby region. Promises will be broken, commitments will be forgotten, and the export of the Marxist-Leninist revolution will slowly, but surely, extend to the Rio Grande River.

I call upon my colleagues to remember that America cannot afford to again be naive about the intentions of Communist revolutionaries. As the champion of freedom, America cannot afford to back down from its commitments to liberty in the world. While all of us were deeply touched by the legacy of Vietnam, we cannot let that experience paralyze this Nation into inaction and timidity.

With these concerns in mind, I recommend the following excerpts from the Secretary of State's speech on Vietnam to all of my colleagues in the House.

THE MEANING OF VIETNAM

(Address by Hon. George P. Shultz, Secretary of State, at the Department of State, Washington, DC, Thursday, April 25, 1985)

Just a few hundred yards from here stands the Vietnam Veterans Memorial. Its stark beauty is a reminder of the searing experience our country went through in its longest war. From a window of my office I can see the crowds of people—veterans, families, old and young—coming to search for names on the black granite slabs, or to search their souls in meditation. It is more than a memorial; it is a living human tribute taking place day after day. This is not surprising. That war left its mark on all the American people.

There are three dozen names that do not appear on that memorial. Instead they are here in this Diplomatic Entrance, on our own roll of honor. Many civilians served in Southeast Asia—from the State Department, AID USIA, and other agencies. Many of you here today were among them. While the war raged, you were trying to build peace—working for land reform, for public health and economic progress, for constitutional development, for public information, for a negotiated end to the war. I am here to pay tribute to you.

* * * * *

Our understanding of the past affects our conduct in the present, and thus, in part, determines our future.

Let me discuss what has happened in Southeast Asia, and the world, since 1975; what light those postwar events shed on the war itself; and what relevance all this has to our foreign policy today.

INDOCHINA SINCE 1975

The first point—and it stands out for all to see—is that the Communist subjection of Indochina has fulfilled the worst predictions of the time. The bloodshed and misery that Communist rule wrought in South Vietnam, and in Cambodia and Laos, add yet another grim chapter to the catalogue of agony of the twentieth century.

Since 1975, over one million refugees have fled South Vietnam to escape the new tyranny. In 1978, Hanoi decided to encourage the flight of refugees by boat. At its height in the spring of 1979, the exodus of these "boat people" reached over 40,000 a month. Tens, perhaps hundreds of thousands never made it to safety and today lie beneath the South China Sea. Others managed to survive pirate attacks and other hardships at sea in their journey to freedom. We have welcomed more than 730,000 Indochinese refugees to our shores.

The work of people in this Department has saved countless lives. Your dedication to the refugees of Indochina marks one of the shining moments of the Foreign Service.

In addition to "boat people," Hanoi has given the world its own version of the "re-education camp." When the North Vietnamese Army conquered the South, it rounded up officials and supporters of the South Vietnamese government as well as other suspected opponents. Many were executed, or disappeared forever. Hundreds of thousands were sent to these camps, suffering hard labor, indoctrination, and violent mistreatment. To this day, upwards of 10,000 remain imprisoned. They include Buddhist and Christian clergy, and intellectuals, as well as former political figures. According to refugee reports, they face indeterminate sentences, receive food rations below subsistence levels, are denied basic medical care, and are punished severely for even minor infractions of camp rules—punishment often resulting in permanent injury, or death.

Hanoi has asserted for years that it will let these prisoners go if only we would take them all. Last fall, President Reagan offered to bring all genuine political prisoners to freedom in the United States. Now, Hanoi no longer adheres to its original proposal.

Another Communist practice has been to relocate people in so-called "new economic zones." In the years after the fall of Saigon, hundreds of thousands were uprooted and forced into these isolated and barren rural areas to expand agricultural production and reduce "unproductive" urban populations. Many have fled the zones, returning to the cities to live in hiding, without the ration or neighborhood registration cards needed to get food or jobs. Indeed, no one in Vietnam may change residence or place of work without permission, and unauthorized absences open whole families to arrest.

The 24 million people of South Vietnam are now victims of a totalitarian state, before which they stand naked without the protection of a single human right. As Winston Churchill said of another Communist state, they have been "frozen in an indefinite winter of subhuman doctrine and superhuman tyranny."

* * * * * *

The neutralist government in neighboring Laos was swiftly taken over in 1975 by local Communists loyal to Hanoi. As in Vietnam, thousands of former officials were sent to "reeducation camps." Fifty thousand Vietnamese troops remain in Laos to ensure the "irreversibility" of Communist control—in Hanoi's version of the Brezhnev Doctrine—and thousands of Vietnamese advisers are in place to monitor Laos' own "socialist transformation."

Hmong villagers in Laos who resisted Communist control were suppressed by a military juggernaut that relied on chemical weapons produced and supplied by the Soviet Union in violation of international treaties. Six decades of international restraints on chemical warfare have been dangerously eroding in recent years—and "yellow rain" in Indochina was the first major breach. Yellow rain. Another addition to our vocabulary from post-1975 Indochina.

Finally, in Cambodia, the worst horror of all: the genocide of at least one million Cambodians by the Khmer Rouge, who also took power ten years ago this month. The Khmer Rouge emptied the cities and murdered the educated; they set out to destroy traditional Cambodian society and to construct a wholly new and "pure" society on the ruins of the old. A French Jesuit who witnessed the early phases of Communist rule called it "a perfect example of the application of an ideology pushed to the furthest limit of its internal logic." We say at least one million dead. Maybe it was two million. The suffering and misery represented by such numbers are beyond our ability to comprehend. Our imaginations are confined by the limits of the civilized life we know.

In 1979, Cambodia was ravaged by widespread famine that killed tens if not hundreds of thousands. Vietnam bears much responsibility for this famine. Its invasion prevented the planting of the 1979 rice crop; its army adopted scorched-earth tactics in pursuing the retreating Khmer Rouge.

Many will recall how the Vietnamese obstructed international relief programs and refused to cooperate with the efforts of the Red Cross and others to establish a "land bridge" of trucks to bring relief into the country from Thailand.

RETROSPECTIVE: THE MORAL ISSUE

What does all this mean? Events since 1975 shed light on the past: This horror was precisely what we were trying to prevent.

The President has called our effort a noble cause, and he was right. Whatever mistakes in how the war was fought, whatever one's view of the strategic rationale for our intervention, the morality of our effort must now be clear. Those Americans who served, or who grieve for their loved ones lost or missing, can hold their heads high: Our sacrifice was in the service of noble ideals—to save innocent peoples from brutal tyranny. Ellsworth Bunker used to say: No one who dies for freedom ever dies in vain.

We owe all our Vietnam veterans a special debt. They fought with courage and skill under more difficult conditions than Americans in any war before them. They fought with a vague and uncertain mission against a tenacious enemy. They fought knowing that part of the nation opposed their efforts. They suffered abuse when they came home. But like their fathers before them, they fought for what Americans have always fought for: freedom, human dignity, and justice. They are heroes. They honored

their country and we should show them our gratitude.

RETROSPECTIVE: THE STRATEGIC PRICE

We left Indochina in 1975, but the cost of failure was high. The price was paid, in the first instance, by the more than 30 million people we left behind to fall under Communist rule. But America, and the world, also paid a price.

For a time, the United States retreated into introspection, self-doubt, and hesitancy. Some Americans tended to think that American power was the source of the world's problems, and that the key to peace was to limit our actions in the world. So we imposed all sorts of restrictions on ourselves. Vietnam—and Watergate—left a legacy of Congressional restrictions on Presidential flexibility, now embedded in our legislation. Not only the War Powers Resolution but a host of constraints on foreign aid, arms exports, intelligence activities, and other aspects of policy—these weakened the ability of the President to act and to conduct foreign policy, and they weakened our country. Thus we pulled back from global leadership.

Our retreat created a vacuum that was exploited by our adversaries. The Soviets concluded that the global "correlation of forces" was shifting in their favor. They took advantage of our inhibitions and projected their power to unprecedented lengths: intervening in Angola, in Ethiopia, in South Yemen, and in Afghanistan. The Iranian hostage crisis deepened our humiliation.

American weakness turned out to be the most destabilizing factor on the global scene. The folly of isolationism was again revealed. Once again it was demonstrated—the hard way—that American engagement, American strength, and American leadership are indispensable to peace. A strong America makes the world a safer place.

VIETNAM AND CENTRAL AMERICA

Vietnam and Central America—I want to tackle this analogy head-on.

Our goals in Central America are like those we had in Vietnam: democracy, economic progress, and security against aggression. In Central America, our policy of nurturing the forces of democracy with economic and military aid and social reform has been working—without American combat troops. And by virtue of simple geography, there can be no conceivable doubt that Central America is vital to our own security.

With the recent legislation and municipal elections, El Salvador has now held four free elections in the past three years. When the assembly takes office shortly, El Salvador will have completed an extraordinary exercise in democracy—drafting a new constitution and electing a new government, all in the midst of a guerrilla war.

The state of human rights is greatly improved, the rule of law is strengthened, and the performance of the armed forces markedly better. Americans can be proud of the progress of democracy in El Salvador and in Central America as a whole.

The key exception is Nicaragua. Just as the Vietnamese Communists used progressive and nationalist slogans to conceal their intentions, the Nicaraguan Communists employ slogans of social reform, nationalism, and democracy to obscure their totalitarian goals. The 1960 platform of the Communists in South Vietnam promised:

"Freedom of expression, press, assembly, and association, travel, religion, and other democratic liberties will be promulgated. Religious, political, and patriotic organizations will be permitted freedom of activity regardless of belief and tendencies. There will be a general amnesty for all political detainees [and] the concentration camps dissolved. . . . [I]llegal arrests, illegal imprisonment, torture, and corporal punishment shall be forbidden."

These promises were repeated time after time. We find similar promises in the letter the Nicaraugan revolutionary junta sent to the Organization of American States in July 1979.

The junta, which included the Communist leader Daniel Ortega, declared its "firm intention to establish full observance of human rights" and to "call . . . free elections." The Nicaraguan Communists made the same commitment when they agreed to the Contadora Document of Objectives in September 1983, and when they said they accepted the Contadora draft treaty of September 1984.

What the Communists, in fact, have tried to do since they took power in Nicaragua is the opposite: to suppress or drive out non-Communist democratic political forces; to install an apparatus of state control down to the neighborhood level; to build a huge war machine; to repress the Roman Catholic church; to persecute Indians and other ethnic groups, including forcible relocations of population; and to welcome thousands of Cuban, Soviet, East European, PLO, and Libyan military and civilian personnel. They have formed links with PLO, Iranian, and Libyan terrorists, and are testing their skills as drug traffickers. Like the Vietnamese Communists, they have become a threat to their neighbors.

Broken promises. Communist dictatorship. Refugees. Widened Soviet influence, this time near our very borders. Here is your parallel between Vietnam and Central America.

Brave Nicaraguans—perhaps up to 15,000—are fighting to recover the promise of the 1979 revolution from the Communists who betrayed it. They deserve our support. They are struggling to prevent the consolidation and expansion of Communist power on our doorstep, and to save the people of Nicaragua from the fate of the people of Cuba, of South Vietnam, Cambodia, and Laos. Those who assure us that these dire consequences are not in prospect are some of those who assured us of the same in Indochina before 1975.

The ordeal of Indochina in the past decade—as well as the oppressions endured by the people of Cuba, and every other country where Communists have seized power—should teach us something. The experience of Iran since the fall of the Shah is also instructive. Do we want another Cuba in this hemisphere? How many times must we learn the same lesson?

AMERICA'S RESPONSIBILITY

Today we remember a setback, but the noble cause of defending freedom is still our cause. Our friends and allies still rely on us. Our responsibility remains.

The larger lesson of the past decade is that when America lost faith in herself, world stability suffered and freedom lost ground.

This must never happen again. We carry the banner of liberty, democracy, the dignity of the individual, tolerance, the rule of law. Throughout our history, including the period of Vietnam, we have been the champion of freedom, a haven of opportunity, and a beacon of hope to oppressed peoples everywhere.

Let us be true to the hopes invested in us. Let us live up to our ideals, and be their strong and faithful champion around the world.●

SUMMARY OF AGRICULTURE SITUATION

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. DAUB. Mr. Speaker, I recently received the following letter from Mr. Curtis Burgess, president of the Nebraska Soybean Association. It is an excellent summary of the agriculture situation which I want to share with my colleagues.

NEBRASKA SOYBEAN PROGRAM,
Lincoln, NE, March 12, 1985.

Hon. HAL DAUB,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DAUB: On behalf of Nebraska soybean farmers, I'd like to thank you and your staff for your time when we were in Washington, March 6, 1985. We really appreciated your taking the time to visit with us.

All of us in agriculture know we are in a crucial period. The decisions made this year will affect our nation's food and fiber industry well into the next century. The choices we face are not easy ones, and we know your task in the coming months will be a difficult one. The future course of agriculture hangs in the balance.

Today, American agriculture is in a financial crisis. The reasons for it can be argued at length, but the crisis itself is real and immediate. Yet the need for quick action on farm credit—and that need is more pressing—should not blind us to the longer term needs of U.S. farmers.

Soybean farmers support a pro-trade agricultural policy that will make the United States the world's preferred supplier of food and fiber. We believe that if the 1985 Agricultural Act does not concern itself with the vital task of selling more of what we produce, it will prove unable to improve farm income. And income, after all, is what farmers want and need.

Some farmers—including some in Nebraska—believe we should retreat from foreign markets and produce only for domestic consumption. They believe that, through mandatory production controls that would essentially make it against the law not to accept federal subsidies, we can shrink our production enough to boost prices to a desired level.

The advocates of this viewpoint are quite sincere. They are also, in my opinion, tragically wrong. Consider, for example, the case of wheat. In 1983, farmers marketed 8.1 billion dollars worth of wheat for both dometic and foreign use, at an average price of $3.52 per bushel. If they had marketed only their domestic production, and received 90% of parity ($6.55 per bushel), then their total receipts would have been only 5.2 billion dollars.

In fact, American farmers are inextricably part of the international marketplace. The question is not whether we are part of the

world market, but whether we will compete in it.

What is the role of government in agriculture? Is it to guarantee farmers' incomes? Soybean farmers have traditionally answered "no" to that question. We do not claim that there is no role for government—after all, farmers must deal with foreign export subsidies, unfair trade barriers, and an overvalued dollar, all factors over which they have no control. Government's proper role in this environment is to stand shoulder to shoulder with producers and try to see to it that they have the opportunity to compete fairly.

Soybean farmers do not seek to influence policies for other commodities, unless they adversely affect soybeans. We do, however, feel strongly that it is in all farmers' interest to make the 1985 Agricultural Act a trade centered law. We believe export promotion should be Title I of the bill, so that available resources can be channeled into selling commodities, not storing them.

Surely it makes more sense to base our agricultural policies on opportunity than on coercion. An agricultural policy based on rigid, coercive supply controls would be, in my view, unsustainable for any great period of time. We simply cannot pretend that we still live in the 1930's: the world has changed, and agriculture has changed, too.

All farmers want higher prices. Many of us do not believe, however, that higher price supports are the only way to get higher prices, or that the harsh supply controls that traditionally go along with high supports could succeed over the long term. Instead, I believe most farmers want to expand demand: to sell more overseas and at home, to develop new uses and new markets for what they grow, to challenge the government created barriers that keep us from selling our abundance to the world.

As I have said, if the government wants to help farmers, perhaps trade policy is a good place to start. Our farmers compete with subsidized Brazilian and Argentine soy meal and soy oil; they face trade barriers in any markets; they face trade distortions created by the irrational agricultural policies of the European Community and other competitors. Our government has done a lot of talking about how bad all of this is. Action, however, has been scant. It sometimes seems that the United States turns Teddy Roosevelt's wisdom on its head when it comes to trade policy: walk loudly, but carry a very small stick.

The answer to the challenges we face in the international arena is not to withdraw from world markets, but to compete aggressively in them. That means action to allow the dollar to depreciate, so our goods can once again be competitively priced. It means demonstrating by word and deed that the United States intends to maintain and expand its export share, and that it will no longer stand idly by while other countries take its markets away through predatory subsidies.

As I said at the beginning of this letter, you are in a position of awesome responsibility. There has never in my memory been a more critical time for U.S. agriculture than right now. The actions Congress and the Administration take in the coming months will determine whether our farmers can look forward to profits, or only continued stagnation. I feel confident you will do your very best to achieve an agriculture that allows profits, opportunity and growth, and I thank you for your attention to this letter.

With best wishes, I am

Sincerely yours,

CURTIS BURGESS,

President, Nebraska Soybean Association.●

SAN MARCOS RIVER

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. PICKLE. Mr. Speaker, in the March 1985 issue of the Endangered Species Technical Bulletin, published by the Department of the Interior, there was an article on the San Marcos River. This article is worthy of note because it describes the efforts made by the city of San Marcos and Southwest Texas State University in preserving four species of life that exist only in central Texas and, in most cases, only in the San Marcos River.

The San Marcos gambusia, the fountain darter, the San Marcos salamander, and Texas wildrice all depend on the springfed San Marcos River for their life support. If this river is polluted or allowed to dry up because of overly excessive discharge from the Edwards aquifer, the river's source of spring water, then these endangered species will vanish.

I submit this article for the RECORD and congratulate the city of San Marcos, under the leadership of Mayor Emmie Craddock, for its efforts to control pollution of the river. I also want to congratulate Southwest Texas State University, under the leadership of President Robert L. Hardesty, for the work that the Edwards Aquifer Research and Data Center [EARDC] is doing to study the effects of various stimuli on these rare species.

The article follows:

[From Endangered Species Technical Bulletin (Vol. X No. 3—1985)]

FOUR SAN MARCOS RIVER SPECIES

The San Marcos River begins at a series of springs along a fault zone in the City of San Marcos, Texas. Although their flows have varied over the years with fluctuations in their source, the Edwards Aquifer, the San Marcos Springs have never been known to go dry. Their uninterrupted flows, high water quality, and constant water temperature may account, at least in part, for the fact that the San Marcos Springs and River ecosystem has a greater known diversity of aquatic organisms than any such ecosystem in the region. Many of these species are found nowhere else, and now are restricted to the first few kilometers or less of the spring run.

Due to a variety of factors, including depletion of the aquifer for human uses, pollution, and alterations in the river corridor for recreation and other purposes, the San Marcos River is in danger of losing its unique biological resources. Currently, three animals and one plant native to the San Marcos ecosystem are listed by the Fish and Wildlife Service as Endangered or Threatened:

San Marcos gambusia *(Gambusia georgei)*—Due to its rarity, little is known about the small (25 to 40 millimeter standard length) fish, the most imperiled of the four listed San Marcos species. Currently, the San Marcos gambusia is thought to occur in very small numbers only within an approximately one-kilometer stretch of the upper river. Its habitat needs apparently are quite specific: thermally constant flows; quiet shallow, open waters adjacent to sections moving more rapidly; a muddy, but generally not silted, substrate; partial shading from the sun; and high water quality. Any significant changes in these natural ecological conditions could result in the extinction of this species, which is classified as Endangered.

Fountain darter *(Etheostoma fonticola)*—This small (25 millimeter standard length), mostly reddish brown fish has a distinctive dorsal fin with black, red, and clear bands. Like the San Marcos gambusia, the fountain darter needs clean, clear water of consistent temperature; however, it also requires vegetated stream bottoms, preferably with mats of filamentous green algae (*Rhizoclonium* sp.) that it uses for cover.

The fountain darter is known from the San Marcos River and another Edwards Aquifer spring discharge, the Comal River. It was extirpated from the latter during the 1950s, due primarily to temporarily reduced flows, but a small population has been reestablished by reintroduction. Since the Comal River is only 5 kilometers in total length and has been known to periodically cease flowing, it does not comprise much of a "safety valve" for the species, and the San Marcos River ecosystem must be conserved if the fountain darter is to survive and recover. Since there are two small populations, however, this fish is listed as Threatened rather than Endangered.

San Marcos salamander *(Eurycea nana)*—This short (up to 59.6 mm total length), slender amphibian is colored light tan on its back, but it can alter its dorsal coloration to dark brown, and back again, in accord with the darkness or lightness of its substrate. A lungless species, the San Marcos salamander retains its gills and does not leave the water to metamorphose into a terrestrial form.

Data on the salamander's historical range are unclear. Currently, this Threatened species is known to occur only in Spring Lake, an unusual 40-acre impoundment formed when flows from the San Marcos Springs were dammed in the late 1800s. Most individuals are located in the northernmost section of the lake, on a limestone shelf immediately in front of the lakeside Aquarena Springs Hotel. There, concrete banks in front of the hotel and limestone boulders in adjacent shallow waters support a lush growth of the aquatic moss *Leptodictyium riparium* and mats of a coarse, filamentous blue-green alga (*Lyngbya* sp.). In view of the abundance of predators (primarily fish, but also crayfish, turtles, and aquatic birds) in Spring Lake, such protective cover is essential to the survival of the salamander. A plentiful food supply for the salamander also is harbored by the aquatic vegetation.

Texas wildrice *(Zizania texana)*—Texas wildrice is an aquatic grass that forms large clones or masses firmly rooted in the river's gravel bottom. The culms and leaves usually are immersed and long-streaming in the swift current. (The species is not found in slow moving or stagnant water.) In former times, when Texas wildrice was more abundant and less subject to human disturbance, the flowering tops of the plants projected as

much as a meter above the water. Today, however, flowering plants are rarely seen, and when present, do not extend very far above the surface. Since no seedlings have been observed in the native San Marcos River habitat, it is unknown whether or not the Texas wildrice can any longer reseed itself, given its low numbers and the continuing threats to its ecosystem. Accordingly, it is classified as Endangered.

Dr. W. H. Emery of Southwest Texas State University in San Marcos has worked with the Texas wildrice since at least 1975, and has had success in seed collection, seed storage and germination, seedling survival, and development of survival clones to the F_2 generation through pollenization under controlled conditions. His attempts to transplant clones of nursery-grown plants into the wild met with some temporary success. Unfortunately, however, long-term survival was prevented by factors including flooding, predation by an exotic rodent (nutria), and some recreational users of the San Marcos River who damaged the plant's fruiting heads.

THREATS TO THE ECOSYSTEM

Aside from their specific microhabitat needs, all four of the listed species in the San Marcos River ecosystem require an uninterrupted water supply that is clean, clear, free-flowing, and thermally constant. Any significant changes in these conditions will make the recovery effort difficult, if not impossible, and could even result in extinction. Therefore, the *San Marcos River Recovery Plan* is being treated by the Service as a *habitat* recovery plan. If the stream is conserved, it is likely that the species will survive.

Because the San Marcos Springs and River ecosystem is inextricably tied to the condition of the Edwards Aquifer, increased use of the groundwater is cause for concern. A steady growth in the human population is expected for the foreseeable future, and the Texas Department of Water Resources predicts that groundwater pumping will increase well into the 21st century. Data from the U.S. Bureau of Reclamation suggest that future demands on the aquifer will far exceed its ability to recharge. The recovery plan cites numerous predictions that, unless steps are taken to conserve the aquifer's water supply, "the flow from the San Marcos Springs will cease around the year 2000." The implications for all aquatic life in the San Marcos ecosystem, not just for the listed species, are obvious.

The quality of the remaining water faces the same threats posed by rapid urbanization in many other areas, including the problems of occasional pollution from overloaded sewage treatment facilities, erosion and siltation, and flooding caused by uncontrolled runoff. Locally applied herbicides and pesticides also may be having unanticipated effects. For example, the Texas Highway Department has used the herbicide "Roundup" for grounds maintenance around a bridge that crosses the San Marcos River. Rainfall could easily wash this chemical into the type locality of the San Marcos gambusia. Although the effects of this substance on the four listed species are not known, it may be more than coincidental that no San Marcos gambusia have been detected at its type locality since the spraying program was initiated.

At least 10 species of introduced fishes have been detected in the San Marcos River, and some are particularly abundant. These exotics may be preying on the native fishes, out-competing them for food and territory, and spreading introduced parasites.

The Texas wildrice, which occurs within the city limits of San Marcos, faces some special problems. In 1967, Emery discussed the damage being caused by the following activities: the mowing of aquatic plants at Spring Lake to make the water more attractive to tourists, which sent masses of cut vegetation downstream and damaged the emergent wildrice inflorescences; the periodic harrowing of the river bottom to remove vegetation; the introduction and commercial harvesting of aquatic plants; the collection of native aquatic plants; and the raw sewage discharged into the water whenever the city's sewage treatment capacity was exceeded. Ten years later, Emery noted that the impacts of these factors had abated significantly but the wildrice had not been able to recover by producing new plants. The population declined even further during a 1980 flood, which swept away many of the clones and physically altered the river channel. Since the Texas wildrice seems to be particularly sensitive to chemical changes in the water, application of herbicides (such as the "Roundup" mentioned earlier) could be taking a toll.

PLANNED RECOVERY EFFORTS

The overall objective of the San Marcos Recovery Plan (approved 12/3/84) is to ensure the long-term conservation of the San Marcos Springs and River ecosystem, which should enable the four listed species to eventually regain a secure status. Concurrently, some specific research and management activities will be necessary, particularly for the gambusia and the wildrice.

In order to assess population trends and the effectiveness of recovery actions, each of the four species must be monitored on a regular basis. For the San Marcos gambusia and the Texas wildrice, which are in the greatest danger, surveys should be conducted at least quarterly during the initial phases of the recovery program. Populations of the fountain darter and San Marcos salamander, species in a relatively more stable condition, should be monitored twice or more per year. As recovery activities progress, these schedules could be modified.

A better knowledge of the biological and ecological factors influencing the protected species is important for developing the most effective management approaches. For example, the Service believes that the relatively large number of potential predators and competitors artifically introduced into the San Marcos ecosystem is having an effect on the native species, but the severity of this threat is not clear. Research into the impacts of exotic species could provide guidance as to whether control procedures should be initiated or whether the avaliable resources should first be concentrated on more critical problems. Basic information is needed in a number of other areas, including diseases and parasites, conditions for reproductive success, survivorship patterns, and aquatic habitat characteristics.

Maintaining a healthy San Marcos ecosystem will be possible only as long as the Edwards Aquifer is not depleted. Numerous State and Federal agencies, including the Edwards Underground Water District, Edwards Aquifer Research and Data Center (EARDC), Texas Department of Water Resources, U.S. Geological Survey, U.S. Army Corps of Engineers, Bureau of Reclamation, Soil Conservation Service, and the Fish and Wildlife Service, have conducted and are continuing to conduct studies on the characteristics and functioning of the aquifer. More data are needed, however, on factors that are likely to affect the uninterrupted flow of the San Marcos Springs. Dr. Albert Ogden, of the EARDC, with support from Region 2 of the Fish and Wildlife Service, has collected preliminary data indicating that flows from the San Marcos Springs could be maintained by local natural recharge, augmented by construction of artificial recharge structures.

Without the cooperation of all agencies involved with managing use of the aquifer, recovery of the San Marcos species is remote. Any controls on groundwater pumping or requirements for water conservation would be imposed only with the concurrence of the involved local, State, and Federal agencies. The Fish and Wildlife Service and the City of San Marcos believe that conserving the San Marcos River ecosystem can, and must be, compatible with carefully managed human uses of the water. San Marcos has taken a strong initiative in protecting the river. Since the Edwards Aquifer is the main water supply for the cities of San Marcos, San Antonio, and several other cities in southcentral Texas, it obviously is in the interests of area citizens to ensure that the aquifer does not run dry or become contaminated.

Although the San Marcos ecosystem is primarily a springrun, surface run-off from the surrounding watershed strongly influences the aquatic habitat. As urbanization increases, greater water quality problems can be expected unless measures are taken to handle stormwater and street run-off, occasional spills from the sewage treatment plant, and other sources of wastewater. Pollution from herbicides and pesticides, if found to be a threat, also will have to be addressed.

Because their numbers are so low and their habitat so restricted, the San Marcos species could be extirpated by a single catastrophic event, such as a chemical spill. As a precaution, the recovery plan advocates establishing captive populations for future use in restocking. Such a program would begin with the gambusia, which is in the greatest peril.

"Tubing," canoeing, swimming, and other forms of recreation are becoming increasingly popular along the San Marcos River. The combined impacts of these activities on the ecosystem are unknown; however, at least part of the reproductive difficulties suffered by the Texas wildrice can be traced directly to people knocking over and damaging the plant's emergent seed heads. Recreational use patterns should be documented, particularly as they relate to the wildrice flowering season, so potential management alternatives may be drawn to accommodate both recreation and conservation.

Once conservation of the San Marcos Springs and River ecosystem is ensured, and studies show that the rare animals and plants are responding favorably, reclassifications or delistings can be considered.●

COMMUNIST INTERNATIONALISM IN CENTRAL AMERICA

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. COURTER. Mr. Speaker, powerful and excellent speeches my col-

leagues made before this House during the last week emphasized something not all of us have been willing to face, and something Sandinista officials have been saying openly for years: The Nicaraguan revolutionary regime has never served, and is not to serve, Nicaraguans alone.

We have refused to believe it, as the recent votes have shown. It was thus with bitter irony that I read in this morning's newspapers two more reproofs to our illusions.

First, Daniel Ortega, who some insist has been driven into Soviet arms by U.S. belligerence, announced the very moment after this House voted against aiding the Contras that we would be making yet another trip to Moscow.

Second, newly captured Salvadoran guerrilla documents which reemphasize Communist internationalism in Central America were summarized and published by Roger Fontaine, former senior staff member of the U.S. National Security Council. I submit this brief document summary be published in the RECORD, and particularly commend to my colleagues' attention its first, and its final dozen, paragraphs:

[From the Washington Times, Apr. 25, 1985]

CAPTURED RECORDS REVEAL SALVADORAN REBELS' STRATEGY

(By Roger Fontaine)

El Salvador's Marxist guerrilla leaders believe a Sandinista success in crushing the Nicaraguan resistance would be devisive in their plans to bring down the Salvadoran democratic government, according to documents captured last week.

In a letter addressed to the Sandinista national directorate dated Nov. 24, 1983, the four top Salvadoran guerrilla commanders also expressed support for Managua's diplomatic initiatives because they help President Reagan's opposition in the United States. The letter and other documents seized by the Salvadoran army were obtained by The Washington Times.

Rebel leaders stressed "the internal consolidation of the Sandinista Popular Revolution is the "determining factor for our liberation process."

"At this time, the highest priority for the FSLN [Sandinistas] is to continue and aggravate the wearing away of the enemy forces"—the Nicaragua resistance—"which in turn will allow us to enter that situation with our political and military forces better developed and consolidated, and with a larger capacity to bog down the aggression if it were to happen."

The guerrilla commanders' statement refers to a pledge by the Farabundo Marti National Liberation Front, or FMNL, to respond to the introduction of U.S. combat troops in Central America, according to one State Department official.

The guerrillas hail Sandinista diplomatic efforts because they "gain time to help opposition in the United States and to internationally isolate [President Reagan's] aggressive plan towards Nicaragua and El Salvador."

No other reason for their support of diplomacy was listed.

The guerrilla commanders dismiss the importance of their negotiating with the Salvadoran government because "dialogue does not play an important role in our diplomatic battles."

Important diplomatic "battles" listed in the letter included mustering "international pressure" to stop "U.S. intervention."

Rebel commanders also asked the Sandinista directorate for "a much higher level of logistical assistance" since "coordination and cooperation" between the Salvadoran guerrillas and the Sandinistas "is of the highest priority."

"We believe that present circumstances are favorable to take daring steps in this direction," they added.

The documents, according to State Department officials, constitute the richest haul of material detailing the inside workings of the Salvadoran rebels and their relationship with the Nicaraguan government since the capture of a diary belonging to the chairman of the El Salvadoran Communist Party five years ago.

More documents are expected to be released shortly.

They were seized by the Savladoran army in a raid on a guerrilla base camp last week in El Salvador's San Vicente province in which seven guerrillas were killed and a high-ranking political-military section chief Nidia Diaz, was captured.

The camp, according to officials, belonged to the Central American Revolutionary Workers' Party (PRTC), one of five military fractions that belong to the FMLN guerrilla coalition.

The commanders' letter was in reply to a Sandinista foreign commission report given them for comment. The report outlines Managua's diplomatic strategy.

The closeness of their working relationship, according to State Department officials, is demonstrated in the military commanders' letter.

The FMLN commanders who signed the letter included Shafik Jorge Handal, chairman of the El Salvadoran Communist Party, Joaquin Villalobos, head of the Popular Revolutionary Army, Roberto Roca of the Central American Revolutionary Workers' Party, and Leonel Gonzalez of the Popular Liberation Forces.

The guerrilla leaders, all headquartered in Nicaragua, stated their agreement with the Sandinista foreign affairs commission's report and its conclusion that the U.S. election period was "the appropriate moment to influence the American electorate."

"The Sandinista Popular Revolution and the Salvadoran Revolutionary Movement are the most sensitive points in Central America and they could bog down the present Reagan Administration," the letter said.

The military commanders underlined the importance of defeating "the aggressive policy of Reagan" through "the joint efforts of the Socialist Camp, the National Liberation Movements and all the Progressive Forces . . ."

Officials did not explain why the documents, available since last week, were only distributed Tuesday night during the House debate on funding for the Nicaraguan resistance forces. The rebel camp was captured on April 18.

Salvadoran rebel cooperation and assistance to the Sandinistas shows up in another captured document, the hand-written notes of an undated meeting between FMLN and Sandinista officials in which joint efforts were outlined, including contingency planning.

The minutes state that U.S. "aggression" against Nicaragua was inevitable and to be launched "within a few days." They affirm that the common interest of the Sandinistas and the Salvadoran rebels was the "defense of the Nicaraguan revolution."

According to the minutes, cooperation was more than rhetorical. Officals agreed that an FMLN military unit was to receive one month of intensive military training and then be deployed to a border area closest to Nicaragua.

The minutes disclosed that "at the first shots" indicating a U.S. attack on Nicaragua, FMLN propaganda materials and funds are to be shipped from Nicaragua to El Salvador.

The documents also indicated that this would be joint decision of the Sandinistas and the FMLN.

Other captured documents show the Salvadoran rebels are dependent on other Soviet bloc states for training and instruction.

On a page of a captured guerrilla calendar for May 1984 are found names of guerrillas destined for instruction in Bulgaria, the Soviet Union and Vietnam.

Other foreign training was indicated in captured guerrilla personnel files. The cards list names, pseudonyms, sex, civil state, number of children, professsion, schooling, military experience and physical problems.

The last line of each card indicates political and military training. In the file cards made available to the Washington Times, five showed instruction in Cuba, and another said simply "a military course in the exterior."

Another captured document—two pages of hand-written excerpts from a FMLN foreign affairs commission political analysis—reveals a preoccupation with the possibility of U.S. combat troops being deployed in the region.

In paragraph 17, the report says if aggression against Nicaragua begins, "the frontiers disappear."

It characterized the Reagan administration as the most aggressive in recent years and stated that its inverventionism was aimed at Central America and Grenada.

Although the report is undated, it refers to "Our tragic defeat in Grenada"—which one State Department official said indicates the FMLN's "full identification with the Marxists-Leninists in Grenada" and "reaffirms a common thread thrughout the documents, which is the importance placed in communication and cooperation with other communist groups."●

RETIRING W-H BUREAU CHIEF TAKES NOSTALGIC LOOK AT PAST

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. BEREUTER. Mr. Speaker, this week the readers of the Omaha World-Herald will say goodbye to an excellent reporter and a very fine gentleman. Darwin Olofson, chief of the World-Herald's Washington Bureau, will retire.

Darwin Olofson has reported to Nebraskans and Iowans on actions of the Federal Government and on the Iowa and Nebraska congressional delega-

tions for 35 years. In a sense, he has represented his Nebraska and Iowa readers in Washington longer than any Member of the present congressional delegations. His readers trust him. All of us who know him respect him, and we will most assuredly miss him.

His final weekly column takes a nostalgic look at the Washington he came to 35 years ago and the changes that have transpired since then. I commend it to my colleagues.

[From the Omaha World-Herald Apr. 29, 1985]

RETIRING W-H BUREAU CHIEF TAKES NOSTALGIC LOOK AT PAST

(By Darwin Olofson)

WASHINGTON.—It was diffferent in 1950. Not better, necessarily. Just different.

Members of Congress got $12,500 a year, plus a $2,500 expense account, and were accused of being overpaid. There were some, from the magnola country, who still wore frock coats and their hair at shoulder length.

President Truman was being attacked as a big spender for proposing a $12 billion budget that—horror of horrors—involved a $3 billion deficit.

A previously obscure Republican senator from Wisconsin, Joseph McCarthy, went into political orbit, briefly and fatefully, after charging that 57 Communist Party members were working for the State Department.

It was a time to save your Confederate money, because Southern Democrats controlled the then far more powerful committee structure in Congress. Democrats in the South didn't lose seats to Republicans in those days; they lost them when they died or decided they wanted to go home.

There were 96 senators, because Hawaii and Alaska had not yet achieved statehood, and Nebraska had four instead of three House members.

Congress somehow was able to save the country legislatively by July or August each year, and then quit, rather than staying in session until the holiday season was at hand.

The United States was at war in Korea, while helping to rebuild nations devastated by the world war that had ended only five years earlier.

Washington was a much slower paced, essentially Southern city, a segregated city where the "Whites Only" signs jolted a newcomer from the Midwest.

The only excuse for recalling such ancient history is that there comes a time each week when a column has to be written about something. For this reporter, it is the last column.

There are various ways to measure 35 years in The World-Herald's Washington Bureau. In that period, for example, eight presidents have held office.

Only two of the 100 senators and four of the 435 House members now serving were here in 1950.

Instead of President Truman's $12 billion budget, it is now President Reagan's $974 billion budget, a spending progression that in large part is a reflection of how the government's role has changed.

But the best measurement, a strictly personal one, is the satisfaction that comes from having had one of the best seats in the house from which to watch one national political drama after another unfold over some three decades. Washington never is without a crisis for very long.

Politicians are fascinating creatures, and equally fascinating are the twists and the turns, the intricate maneuvers and the unexpected developments in politics. A Washington reporter who doesn't find that to be so, probably would be better off elsewhere.

This isn't to say that politicians are the brainiest people around, or that they are the most entertaining, responsible, consistent or hard-working. They certainly are not the most modest.

They can be devious and they can be petty. But there also are times, when the chips are down and the stakes are high, that they deliver even which it involves political sacrifices.

They can impress, surprise, amuse and disappoint. Almost always, however, they are interesting as individuals and as the cast on the free world's biggest political stage.

For the most part, members of Congress did not get on Washington's last track by accident. They had something going for them in the talent or personality departments, or both.

By and large, if you had to sit up all night in a bus station with someone, you could do worse than having a person who has made the political big time as company.

If that should happen to you, however, it would be safest to be a bit skeptical about what you're told.

One more thing.

If the several millions of words that have been filed by this reporter in the last 35 years occasionally have made the wonderful and sometimes wacky world of Washington a little more understandable, it has been strictly a pleasure.●

IF THE ECONOMIC OUTLOOK IS THAT GOOD, WHY AM I STILL FEELING SO DEPRESSED?

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. BONKER. Mr. Speaker, the economic recovery that President Reagan is fond of talking about and the Government's statistical reports appear to confirm is not benefiting everyone.

Unemployment in my congressional district averages 16 percent and is as high as 25 percent in one county alone. Recently, I sponsored an economic summit and expected 250 people to attend. But actually there were over 800 in attendance. These people know that the area's economy is going downhill despite this administration's grand rehetoric about the recovery.

The most eloquent testimony I have seen of this truth is an article penned by Vicki Williams, a former factory worker, part-time bartender and waitress. It appeared in the Seattle Post-Intelligencer on March 27, 1985, and I believe it should be required reading for all my colleagues.

The article follows:

IF THE ECONOMIC OUTLOOK IS THAT GOOD, WHY AM I STILL FEELING SO DEPRESSED?

(By Vicki Williams)

Isn't it wonderful about the economy? My president tells me that the recession is long since over and the country faces nothing but boom times ahead. My favorite news anchorman says that inflation has been licked and unemployment figures are down again. My local newspaper reports that the government's leading economic indicators are up again—and the stock market continues to rise.

Why does all this blatantly cheerful news have such a depressing effect on me? Because, like so many others, I didn't make it to the station on time when the recovery train pulled out.

FRIEND A GOOD EXAMPLE

And those of us who missed that train—single women, minorities, farmers, steel workers and lower-class working people generally—almost seem to be forming a new subclass of working poor. Our government and our fellow countrymen, who are prospering, seem content to consider us the dispensable Americans—the price that unfortunately had to be paid.

What has happened in my friend's life is a perfect example of what I'm talking about. Before the recession, she worked in a rubber products plant and made approximately $7 an hour. With incentive pay, she could bring home $300 a week or so. Not an abundant living perhaps, according to some standards, but her family could eat well and she could easily make her $300 a month house payment. Further, she had company-paid health insurance, dental insurance, vision insurance and a prescription card, which added security to her life and those of her three children. She belonged to a strong union, the Rubberworkers, which guaranteed that she would remain a part of America's middle-class.

In 1981, she was laid off—a lay-off which turned out to be permanent. Now she is one of those statistics the government uses to prove its point. She is working again full-time and life is back to normal—right? Not hardly. As a bartender, she makes $3.50 hourly. She has no health insurance, no vacation, no retirement plan. She is almost 40 and terrified at the prospect of an accident or an illness in any of her family members. She wonders what she will do when the old car finally gives out, and that $300 a month house payment now seems almost impossible to come up with, though so far she has managed to hang on to the house for the kids' sakes.

Her bills are either the same or more than when she made $300 a week. Even assuming her outgo had remained exactly the same, her income has decreased by 50 percent, and much more if benefits are included. How much stock do you think she puts in the official inflation rate?

The plant where she previously worked recently wrested concessions from its workers by means of threats to move elsewhere. Because of their two-tier wage system, new American Airlines employees now make between 30 percent and 50 percent less than older workers. Greyhound workers accepted concessions.

Multiply these few examples by millions and the inflation rate can be seen for the farce it really is, applicable to only a select group of Americans. Little is ever said on the news or by the politicians about "reverse inflation" but make no mistake, the effects are just as deadly whether they are

the result of steady income and rising prices or steady prices and lower income.

The unemployment rate, which had shown a generally steady decline, likewise paints an inaccurate picture of what is really happening as more Americans go back to work. Can it really decrease by one full job when the newly employed statistic makes only half or less than what he or she previously made? Wouldn't lowering the rate by one half a job result in a more honest, if much higher figure?

When industry employs the kind of number-jockeying the government is now using to convince us of the nation's prosperity, it is called creative bookkeeping. On paper, the balance sheet looks great but the figures disguise a sickness at the core for people like me and my friend do not exist in a vacuum. Our continued unfulfilled desire for a living wage means that we will not be buying houses or new cars or home computers and that affects other Americans whose jobs depend on selling those items.

CAN'T STOP CYNICISM

Even those of us who have so far resisted turning to government aid may yet become a drain on the public if accident or illness strikes a life already teetering on the edge of financial catastrophe.

So despite all the optimistic reports, I remain cynical, for I know that a nation's economy is far from healthy when a large part of its population reads about recovery but lives with recession.●

A VICTORY FOR THE HOUSE LEADERSHIP: A DEFEAT FOR FAIRNESS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. FIELDS. Mr. Speaker, the House soon will consider the matter of the contested election in Indiana's Eighth Congressional District—and likely will vote to seat Democrat Frank McCloskey.

If the House leadership votes to seat Mr. McCloskey, rather than Rick McIntyre, whom the Indiana secretary of state has certified as the winner, the House leadership will demonstrate, as it has so often in the past, that when its own partisan interests collide with fairness, fairness will lose every time. The men and women of Indiana's Eighth District should have the right to be represented by the Congressman of their choice—but it appears that the House leadership will insist that they be stuck with your choice, Mr. Speaker.

For the last several weeks, but especially in recent days, the House task force has managed to revise the "new math."

That revised "new math" has magically turned a 418-vote McIntyre victory into a four-vote McCloskey victory. Time and time again, the House leadership has promised to "count all the ballots." In conducting the just-completed recount, the task force overrode Indiana State election law, selectively and in a partisan manner counted unnotarized absentee ballots, and stopped the counting process as soon as the Speaker's hand-picked candidate pulled ahead in the balloting.

Mr. Speaker, it is obvious that the recount commission, dominated 2-1 by Democrats, did everything it possibly could to ensure the victory of the Democrat candidate.

The task force has not fulfilled the promise it made to those of us in this Chamber that all ballots would be counted. Instead, it has determined that all ballots are equal—but that those ballots cast for Mr. McCloskey are more equal than those cast for Mr. McIntyre.

Mr. Speaker, fairness has suffered severely in the months since November 1984. And that fact has not been lost on the American people or the news media.

I would challenge you, Mr. Speaker, to visit high schools throughout the Eighth District of Indiana and explain "democracy" such as we have witnessed in this matter to high school students—explaining why it is that their parents can be denied any representation in the House for 3½ months and how it is that their parents' election day decisions can be overturned and ignored by the same men and women in this Chamber who profess to support and strengthen our democratic system.

Mr. Speaker, throughout history, the House always has strengthened and supported democracy. And that is why I never have been ashamed to be a Member of this body, and I never have been ashamed of a vote I have cast in this Chamber. But you and your Democrat colleagues seem determined to stab a dagger into the very heart of democracy: The idea that votes matter, and that men and women have a right to be represented by the person of their choice. I have every confidence that the American people in general, and the people of Indiana's Eighth District in particular, soon will remember that for a long time to come.

To help that process along, I wish to bring to the attention of you and my colleagues the following editorial which appeared in the April 24 Dallas Morning News.

Thank you, Mr. Speaker.

[From the Dallas Morning News, Apr. 24, 1985]

CONTESTED SEAT: IN THE POISONED WELL

A House task force, composed of two Democrats and one Republican asserts that Frank McCloskey, not Rick McIntyre, won the election for the House seat from Indiana's Eighth District.

It shouldn't shock you to hear that McCloskey is a Democrat, McIntyre a Republican, and that the Republicans are steamed.

Not without reason. Back in November, the election-night count gave the victory to McCloskey, but a recount gave McIntyre a 400-vote margin. McCloskey, the defeated incumbent, was not pleased with the way the recount had been conducted, nor were his allies in the Democratic-controlled House, chief among them Speaker O'Neill and Rep. Tony Coelho.

The Democrats thus refused to seat McIntyre, for the first time in 24 years refusing to accept a state's official recount. Instead they created the three-man task force to supervise yet another recount, which awarded the race to McCloskey—by four votes.

The common-sense wisdom had been that, if things hinged on just a few disputed votes, it should be resolved by a new election. But to O'Neill and Co. McCloskey's four-vote win supersedes McIntyre's 400-vote win, and the case is closed.

Minority whip Trent Lott says that Democrats have "poisoned the well" so much as to make cooperation impossible over the next two years.

However, that may be, the Democrats' behavior is intolerable. There are more tactful ways of stealing elections than convening a congressional task force. A new election is clearly warranted in the Eighth District. Lott and his colleagues should hound the Democrats until just such an election is called.●

RICHARD MEDLEY ON FEDERAL RESERVE REFORM

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. COURTER. Mr. Speaker, Richard Medley, a pathbreaking economist who until recently was the top staff assistant for the House Banking Committee, has outlined a provocative and, I believe, important proposal to reform the Federal Reserve Board.

I urge my colleagues to consider this bipartisan approach to "democratize" the Fed, and to back the reform efforts of Representatives HAMILTON and KEMP.

The article follows.

[From the Wall Street Journal, Apr. 25, 1985]

CALLING THE FED TO ACCOUNT

(By Richard Medley)

The first quarter's surprisingly low growth rate of 1.3% prompted Preston Martin, the vice chairman of the Federal Reserve Board, to warn on Tuesday that the U.S. is on the verge of a mild "growth recession." If a recession, whether mild or serious, appears, it is likely to renew congressional interest in curbing the Federal Reserve's extraordinary ability to shield minutes of its meetings from the public and escape effective legislative oversight of its budget and expenditures. Support for "Fed reform" increasingly cuts across party lines.

By the time any recession begins to have an effect on unemployment, Congress and the administration will have worked themselves into a fiscal-policy gridlock even if their current deficit-reduction efforts succeed. Further budget cuts would be counterproductive and unpopular in the midst of a recession. On the other hand, increased deficit spending—the traditional way out of downturns—is an unlikely option in the face

of continued $200 billion annual budget shortfalls.

BIPARTISAN REFORM EFFORT

That leaves monetary policy. And there, both parties will find not only room to move, but an effective plan of action already laid out. While most politicians, and the public at large, have focused on deficits, a bipartisan group of legislators has been at work on a Federal Reserve reform effort that is both politically attractive and economically responsible.

In the past, reform efforts have broken apart as the Fed skillfully played its congressional critics against each other. But with progressive legislators like Byron Dorgan (D., N.D.) joining forces with conservatives like Jack Kemp (R., N.Y.) in legislative efforts to "democratize" the Federal Reserve, there may not be a way out for the Fed this time.

This effort avoids the traditional legislative penchant for dictating targets, money growth rates and interest levels to the Fed. Instead, it concentrates on making structural changes designed to provide investors, the general public and Congress with more reliable and more timely information about Federal Reserve policy decisions. This isn't congressional "management" of the money supply, but an attempt to force the Fed into accountability.

The decision to dump dogma and consider such institutional changes did not come easily or swiftly. It arose from more than 70 years of attempted Federal Reserve oversight by Congress. In that time, members of Congress have learned some important truths about dealing with, and trying to change, the Fed.

In the past, a combination of intellectual insecurity and a lack of expertise kept Congress foolishly focused on grappling with the arcane processes of Fed policies. With the exception of Sen. William Proxmire and the late Rep. Wright Patman, Congress all but ignored questions about their macroeconomic effects. A lot was learned about the limits of congressional attention spans, but little about what the Fed did, and how it did it.

Congress reached an all-time low in 1975, when it followed the monetarists into the thicket of prescriptive monetary targets by passing Joint Resolution 133. Supporters contended that this would force the Federal Reserve to produce explicit annual monetary targets and help Congress keep tabs on monetary policy.

But the targets proved to be worse than useless to the Congress, which includes few, if any, experts in monetary policy. The Fed used its congressional mandate to erect a confusion of monetary aggregates, which it created and destroyed at will. Congress tried to make sense of these moving targets, as two recessions and a bout of record interest rates staggered the Nation's economy.

Congress eventually learns from its mistakes—appearances aside. And in this case it learned that asking Paul Volcker about "base drift" or M-1 measurement problems is like throwing Br'er Rabbit into the bramble. He seems to go in reluctantly. But once he's in there, you always lose him.

Recently, that lesson has started to change the way oversight hearings are conducted. The 1978 Humphrey-Hawkins full-employment bill required semiannual congressional hearings into the conduct of monetary policy. These hearings have recently shown an encouraging trend away from questions about monetary aggregates, and toward questions about macroeconomic results that both the public and Congress can understand and use in policy or business planning.

Changing the type of questions asked was the first step toward changing the type of legislation directed at the Federal Reserve. Bills currently introduced by a diverse group of lawmakers, including a proposal by Rep. Kemp and Sen. Mack Mattingly (R. Ga.), all show the effect of Congress's new wisdom about the politics of the Federal Reserve Board.

Two provisions stand out in most of these bills. First, a requirement that the Fed promptly announce the policy decisions made in Federal Open Market Committee meetings. This is designed to end the uncertainty and inefficient market churning that now follow important FOMC votes, and to bring more accurate and current monetary-policy information to businesses and investors.

As Rep. Kemp puts it: "Regardless of the particular policy, we need to open up the decision-making process of the Federal Reserve System. There is simply no reason for the Federal Open Market Committee to keep its policy decisions secret for weeks or months after they are made."

The second provision was first embodied late in 1983 by a House Banking Committee monetary-policy report that recommended bringing the Federal Reserve Board's expenditures into the formal appropriations process for the first time. A recent Congressional Budget Office report uncovered an unusual and widely ignored $3.5 billion loan by the Fed to help bail out Continental Illinois. The CBO report was widely interpreted as supporting increased oversight of Fed spending by Congress.

Currently, Congress has no ability to control Federal Reserve outlays and only limited oversight powers. Every year it is given a report that describes general expenditures by the Fed, but only after the fact. In short, a Fed fait accompli.

The former co-chairman of the Joint Economic Committee, Rep. Lee Hamilton (D., Ind.) has introduced legislation that takes a small step in opening up the process. Mr. Hamilton's bill amends the Budget Act to require the president to "submit a budget prepared by the board of governors of the Federal Reserve System for itself and for all Reserve Banks." Rep. Hamilton's bill would not give Congress the power to control Fed expenditures, but it would for the first time bring the Fed budget into public view before the money is spent. While there may always be unexpected demands on Fed spending (as with Continental Illinois), there is still every reason to have normal Fed outlays subject to public scrutiny before they are made.

The most serious objection to these and other Federal Reserve reform efforts is the fear that the Fed will become mired in petty politics, erasing the one check we now have on our macroeconomic policy. Less politely it is said that congressmen have made a mess of fiscal policy, and there is no sense in letting them politicize and destroy our monetary policy as well.

This is not the place to conduct a defense of Congress's economic prowess, although (incredibly) a good case can be made. But it has long been an open secret that the Federal Reserve operates in a thoroughly political manner already.

Every Federal Reserve chairman has also been a part-time politician working hard to maintain the formal structure of Fed independence while bowing to administration pressure on policy directions. From the oft-cited capitulation of the Fed to pressure from President Nixon for looser monetary policy to its quick change in course during mid-1982, the Fed has shown a keen sense of political timing. Nowhere has that been expressed more graphically than during Chairman Volcker's meeting at the Fed last month with state legislators from 15 farm states. According to three legislators present at that closed-door session, the chairman said bluntly, "Look, the fact is your constituents are unhappy and mine aren't."

A SMALL FIRST STEP

The current reform efforts are explicitly designed not to repeat previous congressional attempts to gain control or influence over technical, day-to-day issues of monetary policy. Their intent is to provide better and more complete information about Fed policy and expenditures to Congress and the American people. That is a lower threshold of budget control than exists for other agencies, but the Fed's defenders already are digging in to preserve total Fed independence from oversight.

Those members of Congress trying to "open up" the Fed have recognized their limits as non-economists, and have designed a program that does nothing more than take a small first step toward imposing traditional democratic values on the Federal Reserve. While none of their proposals would directly constrain the Fed's ability to tighten or loosen the money supply, such "sunshine" rules would force the Fed to more fully explain its policies and their predicted economic effects.

It is an effort that should be applauded by the business community, and when the budget fights have abated, enthusiastically passed by Congress.●

OLDER AMERICANS ACT 20TH ANNIVERSARY RESOLUTION INTRODUCED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. BIAGGI. Mr. Speaker, today it gives me great pleasure to introduce together with 73 of my colleagues on a bipartisan basis, a concurrent resolution recognizing the 20th anniversary of the Older Americans Act which occurs this year.

As an original member of the House Select Committee on Aging as well as a member of the authorizing committee which first developed and later amended the Older Americans Act, it is an honor to pay tribute to the act and the success story it has been over these past two decades.

A central feature of this resolution is its recognition of the critical work performed on a daily basis by the aging network established by the act more than a decade ago. The network consists of the Administration on Aging, State Agencies on Aging, Area Agencies on Aging, congregate and home delivered meals program providers, and other supportive service providers. In addition, those individuals,

and organizations including colleges and universities who participate in the title IV, Research, Training, and Demonstration Programs. All of these individuals and organizations as well as those working part-time under title V of the program and their sponsors are responsible for the success the act has achieved thus far in its history.

An important tribute to the 20th anniversary of the Older Americans Act is scheduled for May 15 sponsored by the Federal Council on Aging. It would be fitting for both the House and Senate to adopt this resolution. I urge those of my colleagues who have yet to cosponsor to do so.

At this point in the RECORD, I wish to insert the text of the resolution for the review of my colleagues. In addition I would also like to place into the RECORD a summary of the history and objectives of the Older Americans Act as printed in a recent report issued by my Subcommittee on Human Services entitled Older Americans Act, a staff summary.

Whereas 1985 marks the 20th anniversary of the enactment of the Older Americans Act of 1965;

Whereas over its 20-year history, the Older Americans Act of 1965 has provided important social and human services to tens of millions of older individuals in their communities, helping to promote greater independence for them and maintaining their dignity;

Whereas one of the key elements contributing to the successful implementation of the Older Americans Act of 1965 during this 20-year period was the establishment of the "aging network" which consists of State and area agencies on aging, as well as congregate and home delivered nutrition providers and other supportive service providers;

Whereas the Administration on Aging, created by the Act, has served as a purposeful advocate for the concerns and needs of older individuals;

Whereas the Act has provided important funds for research, training, and demonstration programs to improve, expand, and enhance services to older individuals;

Whereas the Act has provided important part-time community service employment opportunities for low-income older individuals, many of whom work in providing services to other older individuals;

Whereas the Act has sought to address the special needs of older American Indians through grants to Indian tribes;

Whereas the programs and services provided under the Act have been more successful because of the contributing role of volunteers;

Whereas the Act has periodically been amended by Congress in recognition of the changing needs of our rapidly aging society; and

Whereas the Older Americans Act of 1965 serves as a model for the development of community-based services which provide alternatives to institutionalization of older individuals: Now, therfore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the 20th anniversary of the enactment of the Older Americans Act of 1965 and the successful implementation of such Act;

(2) acknowledges the many and varied contributions by all levels of the aging network and recognizes that the Act has achieved its mandate to the extent that it has because of the day to day work performed by the aging network; and

(3) reaffirms its support for the Older Americans Act of 1965 and its primary goal of providing services to maintain the dignity and promote the independence of older individuals in the United States.

THE OLDER AMERICANS ACT OF 1965, AS AMENDED: A SUMMARY

OVERVIEW

Congress established the Older Americans Act of 1965 in response to the lack of community social services for older persons. Several subsequent amendments to the Act, the latest of which were enacted in October of 1984, expanded programs created in 1965, and created new programs, including methods for coordinating the numerous social and health care services that have been developed incrementally over the past 17 years.

The Federal dollars appropriated under the Older Americans Act have grown from $6.5 million in fiscal year 1966 to $1,027.6 million in fiscal year 1985. Today, the Act authorizes grants for social services, nutrition services, multipurpose senior center facilities, training, research and demonstration activities, public service employment projects, and health education and training programs.

LEGISLATIVE DEVELOPMENT

Prior to the enactment of the Older Americans Act of 1965, older persons were eligible for federally funded social services under general purpose legislation serving all persons meeting the specified eligibility criteria. With the recognition that limited resources could not help all those who were vulnerable, and that older people were being served disproportionately less than younger persons, many groups started advocating on behalf of the elderly. Their actions led President Truman in 1950 to initiate the first National Conference on Aging. Conferees called for all Government and voluntary agencies to accept greater responsibility for the problems and welfare of older people. Further interest in the field of aging led President Eisenhower in 1956 to create the Federal Council on Aging and take steps toward the development of the White House Conference on Aging.

The beginning of a major thrust toward legislation along the lines of the later-enacted Older Americans Act was made at the 1961 White House Conference on Aging. Conferees called for a Federal coordinating agency in the field of aging to be set up on a statutory basis, with adequate funds for coordinating Federal efforts in aging and a Federal program of grants for social services specifically for the elderly.[1]

In response to the White House Conference on Aging, Representative John Fogarty of Rhode Island and Senator Pay McNamara of Michigan introduced legislation in 1962 for the establishment of an independent U.S. Commission on Aging to "cut across the responsibilities of many departments and agencies, and a program of grants for social services, research and training."[2] Since the Administration basically objected to an independent agency on aging, separate and apart from any other agency, the legislation was not passed. Legislation introduced the following year would have modified the 1962 proposal by creating within the Department of Health, Education, and Welfare an agency equal in stature to the Department's other major agencies. Due to unrelated reasons, the 1963 proposal was not passed.

The Older Americans Act proposal introduced in 1965, however, basically paralleled the proposed Older Americans Act of 1963. Sponsors emphasized how it would provide resources necessary for public and private social service providers to meet the social service needs of the elderly. After virtually no debate, the Act was passed by Congress and signed into law on July 14, 1965 by President Johnson. The President hailed it as landmark legislation and expressed that the Older Americans Act "clearly affirms our Nation's high sense of responsibility toward the well-being of older citizens." He further confirmed that under the Act, ". . . every State and every community can move toward a coordinated program of both services and opportunities for older citizens."[3]

The Older Americans Act of 1965 provided services and programs for older persons through programs of grants for: (1) social services, (2) research and demonstration projects, and (3) personnel training in the field of aging. It also established the Administration on Aging in the Department of Health, Education, and Welfare to administer these grant programs and serve as a Federal focal point for matters concerning older people.

The Older Americans Act Amendments of 1967 and 1969 extended each of the 1965 provisions. Amendments in 1969 also mandated statewide planning for services, and added a program of grants for areawide model demonstration projects as well as the foster grandparent and retired senior volunteer programs.[4]

The 1972 amendments authorized a national nutrition program for the elderly for developing primarily congregate meal projects but also, when possible, home-delivered meal programs.

With the enactment of the 1973 amendments the program of grants for social services was revised to strengthen statewide planning as well as initiate local planning efforts through area agencies on aging. The 1973 amendments also created a National Information and Resource Clearinghouse, and a new Federal Council on Aging. In addition, the 1973 amendments authorized grants for multipurpose senior center facilities, and created a program of grants for community service employment for persons age 55 and older to be administered by the Department of Labor.

Amendments in 1974 basically extended the national nutrition program for the elderly while the 1975 amendments extended existing programs and established four priority social services. Amendments in 1977 required changes in the nutrition program primarily relating to surplus commodities.

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[1] U.S. Department of Health, Education, and Welfare. The Nation and Its People. Report of the White House Conference on Aging. Jan. 9–12, 1961: 278–280.

[2] U.S. Congressional Record. House of Representatives, Jan. 29, 1962; 1371; U.S. Senate, May 17, 1962; 3324.

[3] Remarks by President Johnson upon signing the Older Americans Act, July 14, 1965.

[4] Statutory authority for volunteer programs was repealed in 1973 and reauthorized under the Domestic Service Volunteer Act of 1973. These programs currently are administered by ACTION.

The 1978 amendments again significantly revised the structure of the social services titles under the act with the intention of improving coordination and efficiency at the local level. They placed the grant programs for social services, multipurpose senior center facilities, and nutrition projects under the State and area agency on aging administrative structure, but retained a separate funding authorization for social services and the nutrition program. Grants for multipurpose senior center facilities were funded through the State's social services allotment.

The 1981 amendments clearly reaffirmed the status of the Older Americans Act as a categorical grant program. It expanded flexibility for both State and area agencies on aging in administering programs. Despite efforts to consolidate the funding of title III, separate funding was maintained for "Senior centers and supportive services," (Part B), "Congregate Nutrition Services" (Part C(1)) and "Home-Delivered Nutrition Services" (Part C(2)) respectively. Grants for multipurpose senior center facilities continue to be funded through the State's social services allotment under title III B.

The 1984 amendments clarified the roles of State and area agencies on aging in coordinating community-based services and in maintaining accountability for the funding of national priority services (legal, access and in-home services). They provided for greater flexibility in administering programs by providing for increased transfer authority between Parts B and C of Title III. Also, a new Title VII was added providing for an Older Americans Personal Health Education and Training Program for funding grants to institutions of higher education to develop standardized programs of health education and training for older persons to be operated in multipurpose senior center facilities.

The statutes establishing and amending the Older Americans Act are listed below:

The Older Americans Act of 1965—signed into law July 14, 1965 as Public Law 89-73.

The Older Americans Act of 1967—enacted July 1, 1967 as Public Law 90-42.

The Older Americans Act of 1969—enacted September 17, 1969 as Public Law 92-258.

The Older Americans Comprehensive Services Amendments of 1973—enacted May 3, 1973 as Public Law 93-29.

Amendments to the Nutrition Program for the Elderly Act—enacted July 12, 1974 as Public Law 93-351.

The Older Americans Act of 1975—enacted November 28, 1975 as Public Law 94-135.

The Older Americans Act of 1977—enacted July 11, 1977 as Public Law 95-65.

The Comprehensive Older Americans Act Amendments of 1978—enacted October 18, 1978 as Public Law 95-478.

The Older Americans Act Amendments of 1981—enacted December 29, 1981 as Public Law 97-115.

The Older Americans Act Amendments of 1984—enacted October 9, 1984 as Public Law 98-459.

The Older Americans Act contains seven titles:

Title I sets out ten policy goals aimed at improving the lives of older Americans across a number of areas including income, health, housing, employment, retirement, and community services.

Title II provides the legislative basis for the creation of the Administration on Aging within the Office of the Secretary of the Department of Health and Human Services and established the Federal Council on Aging.

Title III, the largest program under the Act, establishes authority for development of programs to assist older persons (especially those with the greatest social or economic needs) through grants to States, which in turn award funds to area agencies on aging for community planning, supportive, and senior center services, and nutrition services.

Title IV provides authority for development and support of training, research and demonstration programs in the field of aging.

Title V established authority for development of community service employment programs for unemployed low income persons 55 years and over.

Title VI established authority for grants to Indian tribal organizations for the development of social and nutritional services for elderly Indians.

Title VII provides authority for development of health education training programs for older individuals to be implemented through multipurpose senior center facilities.[5] ●

CLIFF GONZALEZ HONORED

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. GARCIA. Mr. Speaker, today we acknowledge the extensive talents of Cliff Gonzalez, a young man whose ability, determination and willpower provides inspiration to his generation and ours.

Cliff is a senior student-athlete at St. Raymond High School in the Bronx. Cliff's physical talents are displayed most vividly on the baseball field, where his accomplishments earned him distinction as the New York Post's High School Athlete of the Week. However, Cliff's accomplishments are not limited to the ballfield. Cliff Gonzalez has close to a 90 average and also has a strong desire to attain a college education before fulfilling his dream of a professional baseball career. In these ways, Cliff Gonzalez has earned our respect and our admiration.

I would like to extend my best wishes to Cliff Gonzalez in his future endeavors. For as the following article accurately denotes, Cliff's enormous talents will not end with high school.

[From the New York Post, Apr. 10,1985]

POST HS ATHLETE OF WEEK

(By Steve Barenfeld)

Cliff Gonzalez can do it all—and last week he did.

Gonzalez, a senior centerfielder for St. Raymond HS in The Bronx, went 10-for-16 with two home runs, three doubles and seven RBIs to lead the Ravens to five victories.

For his outstanding performance, Gonzalez, is The Post's High School Athlete of the Week.

Gonzalez, 5-10, 155 pounds, started poorly last week, Batting third, he went 0-for-2 in a 3-2 win over Lehman on Tuesday. On Wednesday, the lefthanded-hitter, who throws righty, went 2-for-3 and drove in a run in St. Ray's 14-0 rout of St. Francis Prep. The next day he again was 2-for-3 with a double and an RBI in a 3-2 victory over George Washington.

But it was Saturday when Gonzalez really started banging the ball. He went 3-for-3 with a homer, two doubles and an RBI in the morning when St. Ray's beat McClancy. Later in the day, in the Monroe Tournament, he went 3-for-5 with another home run and stole his 100th career base in a 27-0 stroll past Norman Thomas.

He doesn't plan on letting up, either.

"I think I can keep up this pace," said Gonzalez, who will be 18 next Thursday. "This is my last year and I want to leave with a bang."

There's no reason why he can't. Gonzalez, who hit .454 last season, is a marvelous athlete who already was considered major league material. But he has gotten better.

"I know I've improved tremendously," Gonzalez said. "This past winter I worked on Nautilus and improved my strength. I'm also smarter and more selective at the plate."

"He's the best player I've ever had," said Raven coach Ron Patnosh, who is in his 18th year. "He does everything. He can run—he goes from home to first in 3.8. He hits for power and average. He has a major league arm."

"I think he has a good shot to get drafted."

So does Gonzalez, but that doesn't mean he"ll go right for a pro career.

"If the money's right—over $40,000—I would sign," he said.

"But if not, I'll go to college,"

Seton Hall, St. John's, Oklahoma State and Old Dominion have offered him full scholarships. But Gonzalez, who has close to a 90 average, would like to go to Yale.

"I'd like to be a business person," he said. "I know they have an average baseball program, but I don't think where you play in college makes that much of a difference. You really develop in summer leagues.

"I've always loved baseball, and my friends get mad at me because I'm always either playing or watching on TV, I'd love to play major league ball and I feel I have a very good shot."●

CAROLYNE DAVIS AND THE HEALTH CARE FINANCING ADMINISTRATION

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. MICHEL. Mr. Speaker, how many Americans know the name of the Administrator who manages 9.3 percent of the Federal budget and whose agency buys $90 billion worth of goods and services annually, more than any other agency except the Pentagon? Her name is Carolyne Davis, head of the Health Care Financing

[5] The Older Americans Act of 1965, as amended (42 United States Code 3001 et seq.).

Administration. I think more Americans should know what an excellent administrator she is in one of the toughest jobs in Washington.

At this point, I wish to include in the RECORD, "Carolyne Who?" from Barron's, March 11, 1985.

[From Barron's, Mar. 11, 1985]

CAROLYNE WHO?

CAROLYNE K. DAVIS TALKS SOFTLY, CONTROLS BIG PURSE

(By Thomas G. Donlan)

WASHINGTON.—If the status of government officials were measured solely by the power of the purse at their command, then Carolyne K. Davis would rate a personal table at Maison Blanche. Davis manages 9.3% of the federal budget, and her agency buys $90 billion worth of goods and services annually, more than any agency, save the Pentagon.

By another yardstick—activity—Carolyne Davis also ought to be making headlines. Her agency is in the throes of a nearly thorough overhaul, revamping a major American industry, health care financing, in the process. What's more, the agency's biggest program is limping toward bankruptcy.

Davis heads the Health Care Financing Administration, an arm of the Department of Health and Human Services. HCFA (derisively pronounced "Hic-fa" by some) manages Medicare, the government-financed program of medical insurance for the elderly, and Medicaid, which grants federal aid to state medical programs for the poor. Both have become household words, and their administration has acquired far-reaching ramifications.

Yet, Davis labors in relative obscurity, enjoying scant respect from physicians, who have been known to dismiss her as "the nurse from Syracuse," or politicians, who've labeled her the "handmaiden" of the federal Office of Management and Budget. Both remarks offer further proof, in part, that Washington still is largely a man's town.

A lot Carolyne Davis should care, however. While her husband has run a construction business near Seneca Falls, N.Y., Davis, now 53, has sailed through several careers. Originally a nurse, she earned a Ph.D. in higher-education administration, and went on to run nursing departments at Syracuse University and the University of Michigan, where she ultimately served as associate vice president for academic affairs before joining HCFA in February 1981.

Under her leadership, Medicare and Medicaid have undergone the most sweeping changes since their founding, in the Sixties, as part of Lyndon Johnson's Great Society. Most publicized has been the "prospective payment" program enacted by Congress in 1982, which replaced the well-established hospital cost reimbursement system with a flat payments parceled out according to "Diagnostic Related Groups" (DRGs).

HCFA also reworked the service review system, and now has the power to fine hospitals that waste money or provide poor treatment. And the agency recently approved the use of health maintenance organizations for Medicare recipients, a move which ought to chop 5% off current payout rates for patients who join HMOs.

In her unembellished office on the third floor of the Hubert H. Humphrey Building, which is appropriately located at the foot of Capitol Hill, Davis recently discussed these, and a host of other HCFA and health care issues. The only off-limits subject, she insisted, was her relationship with the Office of Management and Budget.

When Davis arrived at HCFA back in '81, Medicare's trustees foresaw bankruptcy for the Medicare trust fund by 1986. Now, that evil day's been forestalled, potentially until 1994. Davis largely credits the prospective payment program with improving the fund's financial outlook.

"We're buying time," she observes. "We're putting [hospitals] on a budgeted system," in which they know the dollars available to them. There's no more "open checkbook" from Uncle Sam, she adds.

Furthermore, in the federal budget proposal for fiscal 1986 (beginning next Oct. 1), currently under congressional consideration, the Reagan Administration has proposed freezing hospitals' payment levels without adjusting for inflation. (Last summer Congress imposed a 15-month freeze on physician reimbursements, which the Administration wants to extend another year.)

Some analysts, such as Peter Ferrara of the Heritage Foundation, a conservative, Washington-based think tank, believe the proposed freeze is an early sign of "the classic pattern of socialized medicine." First, he says, "the government offers to pay for everything. Then, it tries to regulate to hold down expenses. Then, quality deteriorates."

Davis, on the other hand, offers some economic justifications for a one-year payment level freeze. HCFA, she says, believes some hospitals are "upcoding," or placing patients in the most lucrative diagnostic related groups. The result may be "not sicker patients, but better coding, [and] it's inappropriate for us to pay for that."

Computers may bear the blame for some of this problem. There's been a profusion of computer software written to help hospitals cope with cost control, and some of these programs apparently do questionable upcoding automatically. HCFA's policing the situation, according to Davis, by "very vigorously buying up the same computer programs [as the hospitals], in order to stay ahead of them."

Another reason for freezing payment rates, she notes, is that hospital costs for goods and services have risen less rapidly than HCFA anticipated. "The horror stores that [hospitals] predicted have not arisen," she says. Rather, "they've learned to live within these systems, and are actually showing some profit."

Moreover, she adds, hospital admissions last year were below the agency's initial forecasts, in part because the government encourages the use of freestanding ambulatory surgical centers, rather than hospitals, for minor surgery. Patients treated in this fashion recuperate at home, rather than in hospitals.

Davis also is counting on the revitalized peer review organizations (PROs); government-appointed boards of doctors and nurses who review Medicare claims, to check the system's costs. Cataract surgery, for instance, repeatedly has been identified by the 54 peer review organizations as one of the leading "candidates" for transfer to outpatient surgery. And yet, Davis observes with dismay, "I can tell you that, in tracking such procedures last year, cataract surgery was our leading DRG in terms of volume of in-patient surgery."

She hopes PROs will be able to "educate" hospitals to HCFA's viewpoint. Ultimately, however, although it doesn't flaunt such power, the agency can refuse to pay for more expensive care when cheaper, equally effective alternatives are available.

Davis is even tougher on patients than she is on hospitals. She'd like to see everyone, not just Medicare patients, personally pay more of their own medical costs. The intended result: "If you begin to pay some first-dollar coverage for your care, you begin to think about how you can keep yourself healthier," she believes.

Another complaint: "If people think something costs nothing, they'll use it more." For example, she says, some people go to hospital emergency rooms for acute care because federal programs provide that service free of charge, whereas a visit to a doctor's office costs something. Yet, emergency room overhead expenses actually are two-to-three times greater than the cost of an office visit, and Davis thinks patient charges should reflect that difference.

Another way to make people choose more efficient health care is to herd them into HMOs, which do the choosing for them. Last fall HCFA established new rules for organizing Medicare patients into HMOs; the agency now pays HMOs 95% of existing Medicare costs per patient.

There are more battles, possibly harder ones, ahead for Carolyne Davis and HCFA. High on the agency's agenda is some form of prospective payment for physicians, a notion bitterly opposed by the American Medical Association. HCFA's supposed to make recommendations on this score to Congress next summer, but Davis previewed the agency's thinking in a recent speech.

To cut costs effectively, she told Catholic Church health-care coordinators, "you have to control the volume of physician services." Paying fees for services, however, works the opposite way, encouraging maximum service. Bundling, or making a payment cover a package of services or even an entire siege of illness, is one option being considered.

Another issue awaiting HCFA's recommendation to Congress is the reimbursement of hospitals' capital costs. Critics of the current system claim hospitals still enjoy too much freedom to build new facilities, and Davis clearly is on their side. The subject is fast becoming even more political than prospective payment, owing to the diversity of viewpoints and competing interests among hospitals themselves.

Carolyne Davis, however, no longer is a stranger to politics in the health care field, or on Capitol Hill. Considering what her agency accomplished when she was a new kid in town, it will be worth watching what she can do with four solid years behind her.●

THREE IDAHOANS COMMENDED

HON. RICHARD STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. STALLINGS. Mr. Speaker, I would like to take this opportunity to pay tribute to Tammy Rigby of Pocatello, ID, who represented Idaho in the national journalism contest for high school juniors and seniors sponsored by the President's Committee on Employment of the Handicapped.

Miss Rigby, 17, a senior at Highland High School in Pocatello, finished first in competition in Idaho. She was given a $150 cash award and a trip to Washington, DC. Miss Rigby finished

fifth in national competition and earned $1,000.

I am proud of Miss Rigby and her concern that disabled people have the option to reach their potential.

I would also like to honor Kelly Boyle, a junior at Bonneville High School in Idaho Falls, ID, who was named the first-place winner in Idaho for his poster design in this competition. Mr. Boyle was given a $100 cash award and a trip to Washington, DC, to attend the annual meeting of the President's Committee on Employment of the Handicapped. His poster was commended and displayed by the President's committee.

Rick Juebler, 23, a sophomore at North Idaho College, was named first-place winner in the college poster design contest. He also received honorable mention on a national level.

I would like to commend each of these winners for their efforts in this worthwhile competition. I am inserting a copy of Miss Rigby's excellent speech in the CONGRESSIONAL RECORD to share with my colleagues.

PROFILES OF INDEPENDENCE

Milton Carlsen was injured in an automobile accident and received such severe knee damage that for the last two decades he has walked with pain and a pronounced limp.

Ninety-one year-old Zina Hatch lost her eyesight a year ago following a traumatic accident in her home.

Jay Eskelsen, a prosperous businessman, was trimming trees in his yard, when he fell from a limb and was never to walk again.

Sharon Thomas, thirty-two, was born with a serious birth defect which resulted in the amputation of her right leg.

What do these four people have in common? Obviously, all are handicapped, but also all are independent, productive workers. For disabled people as well as for non-disabled people, meaningful employment results in a sense of independence and well-being. Roland C. Grazee, chairman and chief executive officer of the Royal Bank of Canada understood this when he said, "I think we can all agree that when disabled persons are prevented from making their full contribution to society by unnecessary physical and mental barriers, this constitutes a tragic waste of human potential and productivity."

Carlsen, a high school social studies teacher, stepped over his physical barrier to become the head golf coach and, more recently, the assistant girls basketball coach at his school. He also serves his school as chairman of the social studies department and is a leader in the local Education Association. This teacher has maximized his abilities and minimized his disabilities.

"I feel useful in the world when I work. It makes me feel good," said Zina Hatch about working. Mrs. Hatch cares for her one and one-half year-old great-grandson and she is thankful for this opportunity. Although her eyesight is dim, her mind is keen. She has an incredible ability to remember poems, songs and stories learned long ago and uses that ability to teach the little boy. Not only is she a great teacher, but she continues to cook for her family and makes crocheted gifts for them. She cannot see the work, but her fingers remember the patterns. Mrs. Hatch uses her human potential to continue being a useful, functioning individual.

Jay Eskelsen spent several miserable years confined to this home following his accident. Today, although he is still in a wheelchair, he is a manager at Deseret Industries, a business which employs other handicapped people. His employment allows him to support his family and to maintain his independence.

"I get paraded by the executives at A.M.I. because my handicap is so visible and because I'm not afraid of exposure. It annoys me a little—all the picture taking—but I don't really care if it will help other disabled people," said Sharon Thomas, who is an inspector for American Microsystems, Inc. Sharon has not always been this outgoing. In high school she was so shy that she tried to disappear. "It's hard to be invisible on crutches," she said. Idaho State University's Special Services helped Sharon to overcome her fear and to start her on the road to independence. "The people at Special Services insisted that I learn to drive. They also got me my first job as a secretary," said Sharon. She took advantage of the Center of Resources for Independent People (C.R.I.P.) and Cooperative Wilderness Handicapped Outdoor Group. C.W. Hog involvement led her to unlikely activities such as dogsledding, backpacking, horseback riding and her favorite, skiing.

Although she is enthusiastic about life and says she "likes what she has become," all has not been easy for Sharon. She said that she obtained her job at A.M.I by pointing out tax breaks and other benefits the company would receive if they hired her. "They hired me to get the benefits, but they keep me because I can do the work," she said.

Sharon did not receive any special concessions because of her handicap. The nature of the product at A.M.I. requires that all food be kept in the basement to prevent product contamination. To eat lunch Sharon must go down two flights of stairs. "I have fallen down those stairs several times," she said. Her job requires that she sit on a high chair with casters. Before she learned to balance herself, Sharon said she kept falling off the chair. "The company officials asked what they could do to keep me on the chair. I suggested a seatbelt, but I didn't need it," said Sharon.

Three years ago, Sharon married a college friend. At that time she was paying for her own home and buying her own car. Because of her independence, Sharon said that she felt an equal partner in her marriage.

What does Sharon have in common with Mrs. Hatch, Carlsen and Eskelsen? Through participation in the world of work these four people have liberated their human potential and become independent, functioning and contributing members of their community.●

ELIE WEISEL INTERPRETS WORLD WAR II ERA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. WAXMAN. Mr. Speaker, this month people of good will all around the world are celebrating the anniversary of the victory of America and our allies over Nazi barbarism.

No one so eloquently captured the eternal moral significance of that triumph as well as the poet and writer, Elie Weisel.

Mr. Weisel, a survivor of the infamous Buchenwald concentration camp, made the following remarks in an impassioned appeal to President Reagan that the President cancel his scheduled visit to the German military cemetery at Bitburg. Ironically, Mr. Weisel made his remarks at a White House ceremony at which the President had awarded him the Congressional Gold Medal of Achievement.

I wish to share with every Member of Congress and the American people Mr. Weisel's true assessment of World War II and the ultimate debt each of us owes to the more than 300,000 American soldiers who laid down their lives—not merely for their own Nation, but that civilization might not be overcome by the utter depravity of the Nazis.

Mr. Weisel's remarks follow:

ELIE WEISEL INTERPRETS WORLD WAR II ERA

Mr. President, speaking of the conciliation, I was very pleased that we met before, so a stage of the conciliation has been set in motion between us. But then, we were never on two sides. We were on the same side. We were always on the side of justice, always on the side of memory, against the SS and against what they represent.

It was good talking to you, and I am grateful to you for the medal. But this medal is not mine alone. It belongs to all those who remember what SS killers have done to their victims.

It was given to me by the American people for my writings, teaching and for my testimony. When I write, I feel my invisible teachers standing over my shoulders, reading my words and judging their veracity. And while I feel responsible for the living, I feel equally responsible to the dead. Their memory dwells in my memory.

Forty years ago, a young man awoke and he found himself an orphan in an orphaned world. What have I learned in the last 40 years? Small things. I learned the perils of language and those of silence. I learned that in extreme situations when human lives and dignity are at stake, neutrality is a sin. It helps the killers, not the victims. I learned the meaning of solitude, Mr. President. We were alone, desperately alone.

IMPOSSIBLE TO COUNT ALL THE NAMES

Today is April 19, and April 19, 1943, the Warsaw Ghetto rose in arms against the onslaught of the Nazis. They were so few and so young and so helpless. And nobody came to their help. And they had to fight what was then the mightiest legion in Europe. Every underground received help except the Jewish underground. And yet they managed to fight and resist and push back those Nazis and their accomplices for six weeks. And yet the leaders of the free world, Mr. President, knew everything and did so little, or nothing, or at least nothing specifically to save Jewish children from death. You spoke of Jewish children, Mr. President. One million Jewish children perished. If I spent my entire life reciting their names, I would die before finishing the task.

Mr. President, I have seen children, I have seen them being thrown in the flames alive. Words, they die on my lips. So I have learned, I have learned, I have learned the fragility of the human condition.

And I am reminded of a great moral essayist. The gentle and forceful Abe Rosenthal, having visited Auschwitz, once wrote an extraordinary reportage about the persecution of Jews, and he called it, "Forgive them not, Father, for they knew what they did."

OPPOSITE OF LOVE IS INDIFFERENCE

I have learned that the Holocaust was a unique and uniquely Jewish event, albeit with universal implications. Not all victims were Jews. But all Jews were victims. I have learned the danger of indifference, the crime of indifference. For the opposite of love, I have learned, is not hate, but indifference. Jews were killed by the enemy but betrayed by their so-called allies, who found political reasons to justify their indifference or passivity.

But I have also learned that suffering confers no privileges. It all depends what one does with it. And this is why survivors, of whom you spoke, Mr. President, have tried to teach their contemporaries how to build on ruins, how to invent hope in a world that offers none, how to proclaim faith to a generation that has seen it shamed and mutilated. And I believe, we believe, that memory is the answer, perhaps the only answer.

TRIED TO CARRY THEM IN TRIUMPH

A few days ago, on the anniversary of the liberation of Buchenwald, all of us, Americans, watched with dismay and anger as the Soviet Union and East Germany distorted both past and present history.

Mr. President, I was there. I was there when American liberators arrived. And they gave us back our lives. And what I felt for them then nourishes me to the end of my days and will do so. If you only knew what we tried to do with them then. We who were so weak that we couldn't carry our own lives, we tried to carry them in triumph.

Mr. President, we are grateful to the American Army for liberating us. We are grateful to this country, the greatest democracy in the world, the freest nation in the world, the moral nation, the authority in the world. And we are grateful, especially, to this country for having offered haven and refuge, and grateful to its leadership for being so friendly to Israel.

And, Mr. President, do you know that the Ambassador of Israel, who sits next to you, who is my friend, and has been for so many years, is himself a survivor? And if you knew all the causes we fought together for the last 30 years, you should be prouder of him. And we are proud of him.

And we are grateful, of course, to Israel. We are eternally grateful to Israel for existing. We needed Israel in 1948 as we need it now. And we are grateful to Congress for its continuous philosophy of humanism and compassion for the underprivileged.

And as for yourself, Mr. President, we are so grateful to you for being a friend of the Jewish people, for trying to help the oppressed Jews in the Soviet Union. And to do whatever we can to save Shcharansky and Abe Stolar and Iosif Begun and Sakharov and all the dissidents who need freedom. And of course, we thank you for your support of the Jewish state of Israel.

But, Mr. President, I wouldn't be the person I am, and you wouldn't respect me for what I am, if I were not to tell you also of the sadness that is in my heart for what happened during the last week. And I am sure that you, too, are sad for the same reasons.

SPEAK TRUTH TO POWER

What can I do? I belong to a traumatized generation. And to us, as to you, symbols are important. And furthermore, following our ancient tradition, and we are speaking about Jewish heritage, our tradition commands us "to speak truth to power."

So may I speak to you, Mr. President, with respect and admiration, of the events that happened?

We have met four or five times. And each time I came away enriched, for I know of your commitment to humanity.

And therefore I am convinced, as you have told us earlier when we spoke, that you were not aware of the presence of SS graves in the Bitburg cemetery. Of course you didn't know. But now we all are aware.

May I, Mr. President, if it's possible at all, implore you to do something else, to find a way, to do something else, to find a way, to find another way, another site? That place, Mr. President, is not your place. Your place is with the victims of the SS.

Oh, we know there are political and strategic reasons, but this issue, as all issues related to that awesome event, transcends politics and diplomacy.

The issue here is not politics, but good and evil. And we must never confuse them.

For I have seen the SS at work. And I have seen their victims. They were my friends. They were my parents.

Mr. President, there was a degree of suffering and loneliness in the concentration camps that defies imagination. Cut off from the world with no refuge anywhere, sons watched helplessly their fathers being beaten to death. Mothers watched their children die of hunger. And then there was Mengele and his selections. Terror, fear, isolation, torture, gas chambers, flames, flames rising to the heavens.

ONLY THE KILLERS ARE GUILTY

But, Mr. President, I know and I understand, we all do, that you seek reconciliation. and so do I, so do we. And I too wish to attain true reconciliation with the German people. I do not believe in collective guilt, nor in collective responsibility. Only the killers were guilty. Their sons and daughters are not.

And I believe, Mr. President, that we can and we must work together with them and with all people. And we must work to bring peace and understanding to a tormented world that, as you know, is still awaiting redemption.

I thank you, Mr. President.●

TRADE FAIRNESS WITH JAPAN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Ms. KAPTUR. Mr. Speaker, on March 30 of this year the Reagan administration allowed the voluntary auto import restraint agreement with Japan to expire. I have consistently voiced my opposition to that decision and would like to take this opportunity to insert an article I wrote for the Kansas City Star on April 7, 1985, entitled "Fighting for Trade Fairness With Japan, Not Protection."

FIGHTING FOR TRADE FAIRNESS WITH JAPAN, NOT PROTECTION

(By Marcy Kaptur)

During the 1950s in America's heartland, the big debate among kids being hauled to school in yellow buses was whether your family drove a Ford or a Chevy. Folk culture. Midwestern boys are born with innate mechanical abilities; girls get temporary drivers' licenses at 16.

In Toledo, where I was born, the old Kaiser Jeep Corporation manufactured the Jeep that helped win World War II. Jeep was synonymous with America. In 1985, Jeep—now renamed American Motors—is a 49 percent French-owned firm in partnership with Renault.

When I travel from Toledo to Washington, I pass through Toledo Express Airport where a Chevy is on display. On its nameplate are the words "Made in Japan." When I arrive in Washington and stroll through the D.C. airport parking lot reserved for members of Congress, or the parking lot where I live in the nation's capital, I read the nameplates of Toyota, Nissan, Honda, Peugeot, Volvo, Volkswagen. These nameplates have begun to transform America's industrial heartland.

Though Chysler, Ford and General Motors have component plants in my district, they are downsized to meet the obvious "new market realities." For example, the Saturn project GM plans to build in America is a modest scale plant of about 200,000 compacts per year, costing $450 million. This, however, is a minimal amount as compared with GM's 1984 profits of $4.5 billion.

In fact, GM, Ford, and Chrysler intend to invest capital abroad again this year to meet the competition. The big three auto firms have adopted an invest international posture, as well as the "Korean connection strategy" to import low-priced sub-compacts from Korea rather than tool up their own production in the U.S. As a result the America of the 1980's is drastically changing.

Voluntary restraints, imposed in 1981, were meant to limit the number of Japanese imported cars allowed in the U.S. to give the U.S. auto industry the needed time to bounce back. In 1984, Japanese auto imports were restricted to 1.85 million cars (it actually totalled 2.2 million), a $19 billion share of the U.S. market.

In 1984, therefore, about 20 percent of the 8 million cars sold in the U.S. were of Japanese origin. The VRA, although an imperfect mechanism because it was not specifically linked to U.S. investment and wage agreements, was imposed.

The Reagan administration has determined that higher after-tax profits of $10 billion earned by U.S. auto companies in 1984 are reason enough to lift the voluntary restraints. Will lifting the VRA contribute to the long-term health of the U.S. auto industry, or to America? I think not. The lifting of the restraints, absent any alternative, will serve only to exacerbate the decline of the U.S. auto industry.

The removal of the VRA will serve only to further open U.S. markets to world competition at a time when the fragile U.S. auto industry is still in a struggle to remain on American soil. The industry has made steady progress regaining competitiveness, but has a long way to go.

First, U.S. production volume is down. In 1978, 9.1 million U.S.-made cars were sold in America; in 1984, 7.9 million U.S.-made cars were sold in America. For some time, the U.S. production trend has been down and that means an erosion of the U.S. auto-producing base.

Second, recent higher U.S. corporate profits in autos were the result of the mix of sales as the market moved in the short term

to larger models since gas prices have temporarily moved down. Accordingly, profits are less the result of increased sales volume than of changes in product mix.

Third, the U.S. auto industry is making strides to become more competitive. Productivity is up 35 percent. The number of things wrong per 100 vehicles has decreased by 55 percent. And, since 1980, nearly $60 billion has been invested in capital improvement and research and development. This despite the fact that the recession of 1982 cost the industry $20 billion in cash flow. Finally, over the last four years, U.S. car price increases have consistently trailed inflation.

Lifting of the VRA will force U.S. corporate investment abroad, and cost us jobs in America. Since 1974, $110 billion was invested by all U.S. companies abroad, including auto companies; by 1984, that amount doubled to a level of $221 billion. International companies do not need America anymore. In truth, they only need to sell in America.

Because of market uncertainty, U.S. manufacturers have had to put recent profits into the "cash-in-hand category" or to acquire new-cash holdings, rather than make the type of massive investment in America that would spell fundamental change in the industry.

The U.S. trade negotiators should not give up on autos and the VRA as a powerful lever to get trade fairness with Japan. The fact is that the U.S. trade deficit in 1984 with Japan is over $36 billion, of which $19 billion is autos. Outside GATT, Japan has erected trade barriers (over 2,500 of them) to U.S. products and services.

Though the voluntary quota idea may not have been the wisest course to pursue to achieve auto trade equity with Japan, it was the only lever this country had. It resulted in predictable import penetration levels, as well as spurred over $2 billion of Japanese investment in America (a strong indication of the willingness of Japan to take steps to keep their part of the American market). Any change in the current auto agreement should be predicated on opening Japanese markets to American products and services where barriers have been erected over two decades.

Fighting for trade fairness is not protection. It is common sense. Because the Japanese auto industry has an excess capacity of more than 2 million units, there will be tremendous competitive pressures within Japan not to exercise self-restraint in its exports to America. The U.S. sub-compact market—3.5 million cars last year—is the largest in the world. Why give it away? Let's get something for that valuable commodity.●

THE IMMIGRATION REFORM ACT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. ROYBAL. Mr. Speaker, this week I reintroduced the Immigration Reform Act that I sponsored in the last Congress as H.R. 4909. It is now H.R. 2180. Like its predecessor, it addresses the major issues requiring reform. Like its predecessor, which enjoyed the support of a great many Hispanic, civil rights, and immigration reform advocacy groups, it deserves full consideration by Congress.

This bill contains proposals developed over months of consultations. Its drafters were familiar with the problems presented by the present situation, but also were aware of the potential that even greater problems would flow from some so-called solutions then under consideration. Unlike other proposals, it does not compromise the best interests of Hispanics, the civil liberties of all Americans, or our Nation's democratic ideals that mandata that we treat immigrants and all those within our borders with fairness and humanity.

I think it is important to note the major premises on which this legislation rests. First, is that immigration is in the best interests of this country—a major finding of the Select Commission on Immigration and Refugee Policy. Alarmists have tried to make the case that immigrants, both those here legally and those here illegally, are a drain on the economy and seriously displace American workers. From this shakey premise, they would justify draconian restrictions on legal immigration that would prevent residents of the United States from being reunited with their families legally, in some cases, for decades. As the law now stands, a woman lawfully admitted as a permanent resident from Mexico 8 years ago would only now be able to anticipate her husband's joining her in the immediate future, and a permanent resident from England has to wait about a year before being reunited with a spouse.

As for the economic impact of immigrants, various studies, including several recent surveys specific to my State of California—one by the Urban Institute and one by the Southern California Association of Governments—have concluded that there is little evidence of job displacement by immigrants, but substantial evidence that the economic effects are overwhelmingly positive.

A second major premise of my bill is that the number of individuals immigrating to this country does not amount to a crisis situation, nor is it unprecedented. All the rhetoric about the phantom hordes is just that—rhetoric. In fact, a demographic analysis of the decade of the 1970's revealed that the flow of non-U.S. citizen emigrants—(former U.S. immigrants leaving the United States who did not become naturalized citizens)—was roughly equivalent to the flow of undocumented immigrants counted in the 1980 census—1.2 million emigrants compared to 1.5 million undocumented immigrants. Moreover, more than 100,000 U.S. citizens are counted as immigrants to other countries each year.

I do not mean to minimize the extent of the problem of illegal immigration or to say that we ought not to be concerned that immigration restrictions are not being strictly adhered to. I strongly support efforts to tighten up enforcement of existing laws and increase the efficiency of the Immigration and Naturalization Service.

Yet, I must oppose legislative overreactions that would adversely impact law-abiding Americans without actually improving the situation. Employer sanctions is such a proposal. It calls for a dramatic change in our immigration laws, yes, but drama is not what is needed. What is needed is not change for its own sake, but realistic approaches that will have a good chance of being effective. Employer sanctions are simply not such an approach. You are all familiar with the GAO report on the failure of similar laws in other countries. More recently, a law review article put out by Stanford Law School this year agrees that sanctions will not work.

An additional factor that cannot be ignored is the united Hispanic opposition to such proposals. That fact was brought home to me very clearly by the response to my earlier immigration bill, H.R. 30. By including a modified form of sanctions in that bill, I hoped to test public opinion to see whether it might be acceptable to the Hispanic community, so long as it included a serious attempt to deal with their legitimate concerns about resultant employment discrimination and employee identification and screening procedures. It is now apparent to me that the answer to that inquiry is a resounding "no." An attempt to deal with those problems is clearly not enough. Unless and until a form of employer sanctions can be devised that guarantees effective protections against and remedies for employment discrimination—if such are possible—the Hispanic community stands united against them.

The extent of illegal immigration that I previously referred to also has implications for the legalization proposal contained in my bill. I do not believe in the accuracy of estimates that up to 12 million applicants would come forward to be legalized. Not only have estimates of the total number of undocumented immigrants been grossly inflated, in my view, but also estimates of the number who will apply and the number who will meet the criteria for eligibility have been exaggerated. One aim of H.R. 2180 is to protect those who do come forward and should be considered eligible for adjustment to legal status from arbitrary denials and from undue risks and hardships while their applications are pending. Certainly they should be allowed to work to support their families.

A comprehensive legalization program would also allow more Immigration Service resources to be allocated directly to preventing future unlawful

immigration, and provide useful intelligence based on those who apply that can be used to develop more effective law enforcement strategies. My bill would also authorize increased enforcement resources, especially at the border. It also calls for internal reforms that have long been needed to improve INS, including better training of personnel and more attention to its service activities.

A third premise of the new bill is that this country does not need a new temporary foreign worker program, particularly within the agricultural industry. The history of protective labor laws within that industry—most recently the notorious rejection by this administration of the need for field sanitation standards—is rife with examples showing how difficult it is to put such laws in place. More important, the history of the Bracero Program shows also that it is virtually impossible to ensure widespread compliance with those laws that are enacted.

I am including a summary of the bill at the conclusion of my remarks. I urge all Members to review this legislation, which I consider a responsible proposal for immigration reform.

SUMMARY OF H.R. 2180—IMMIGRATION REFORM ACT OF 1985

[Introduced by Mr. Roybal on Apr. 23, 1985]

TITLE I—CONTROL OF ILLEGAL IMMIGRATION

PART A—PREVENTING DISPLACEMENT OF DOMESTIC WORKERS BY UNAUTHORIZED ALIENS

SEC. 101. Supplemental authorization of appropriations for enforcement of labor laws.

Provides for a supplemental authorization to the Department of Labor for increased enforcement of certain labor laws, as they relate to violations involving undocumented workers under the Fair Labor Standards Act, and the Occupational Safety and Health Act, with a particular emphasis on areas with a concentration of such unlawful activities; and to the National Labor Relations Board for increased enforcement of labor-management laws:

$25 million for fiscal year 1986.

$30 million for fiscal year 1987.

Directs the Secretary to develop a plan within two months for supplemental personnel and resources for fiscal year 1986 and to develop a revised plan for fiscal 1987.

SEC. 102. Enhanced enforcement of labor laws.

Establishes a civil penalty not to exceed $10,000 for willful violations of existing recordkeeping requirements of the Fair Labor Standards Act, or knowing violations of such requirements after receipt of a notice of a violation. This provision shall apply to violations occurring after the date of enactment.

Adopts an administrative mechanism for determination of a penalty, taking into consideration the size of the business and the gravity of the violation.

PART B—IMPROVEMENT OF ENFORCEMENT AND SERVICES

SEC. 111. Supplemental authorization of appropriations for enforcement and service activities of the Immigration and Naturalization Service.

States that two essential elements of the program of immigration reform and control established by the Act are (1) an increase in the border patrol and other INS enforcement activities, and (2) an increase in the service activities of the INS.

Provides for a supplemental authorization for enhanced INS services and enforcement activities; and for start-up costs associated with the legalization program: $80 million for fiscal year 1985.

Provides overall authorization levels for INS activities, including sufficient funds for the expansion of the enhanced service and enforcement program begun in fiscal year 1985:

$710 million for fiscal year 1986, and

$725 million for fiscal year 1987.

Provides that a significant portion of any additional appropriations will be available to improve INS delivery of services, including timely processing of petitions and applications.

Provides that any increase for enforcement activities should be used predominantly for border area patrol staff.

Directs the Attorney General to develop a plan within two months for supplemental personnel and resources for fiscal year 1985; and to develop revised plans for fiscal year 1986 and fiscal year 1987 for enhanced enforcement and services.

Sec. 112. Unlawful transportation of aliens to the United States.

Establishes criminal penalties for knowing smuggling of aliens to the U.S. for commercial advantage or private profit.

Sec. 113. Report on establishment of anti-smuggling program.

The Attorney General, jointly with the Secretary of State, shall initiate discussions with Mexico and Canada to establish formal bilateral anti-smuggling programs, and report to Congress within one year on the progress made in establishing such programs.

Sec. 114. Treatment of immigration emergencies.

Directs the Attorney General to provide for a contingency plan on the allocation and management on INS resources in the event of an immigration emergency and on providing assistance to affected States and localities.

Authorizes the Attorney General to request necessary urgent appropriations provided that the President has determined that an immigration emergency exists and has certified that fact to the Congress.

Sec. 115. Program of in-service training.

Directs the Attorney General to provide for in-service training programs to familiarize INS personnel in contract with the public with the rights and varied cultural backgrounds of aliens and citizens in order to safeguard the constitutional and civil rights, personal safety, and human dignity of all individuals with whom they have contact in their work.

Sec. 116. Enhancement of community outreach within the Immigration and Naturalization Service.

Provides for enhanced responsibilities for the INS community outreach program at the district level to provide outreach to the district population, to: improve services, including naturalization, address community problems, and investigate complaints of INS abuse of authority. Allow INS to secure the assistance and services of community and voluntary organizations in furthering the improvement of services, particularly those related to naturalization.

Sec. 117. Liability of owners and operators of international bridges and toll roads to prevent the unauthorized landing of aliens.

Limits the liability of owners and operators of international bridges, under current law, for failing to prevent the unauthorized landing of aliens, by exempting persons who act diligently and reasonably to comply with the law.

PART C—ADJUDICATION AND ENFORCEMENT POWERS AND PROCEDURES

Sec. 121. United States Immigration Board and establishment of administrative law judge system.

Creates an independent agency within the Department of Justice, a 7-member United States Immigration Board (USIB) to hear and determine appeals from nearly all final decisions of administrative law judges, as well as review of certain exercises of discretionary authority, imposition of administrative fines and penalties, and determinations respecting bond, parole and detention.

Authorizes the Chair of the Board to appoint administrative law judges to hear cases of exclusion, deportation and suspension of deportation, adjustment of status (including legalization under Title III of this Act), rescission of adjustment of status, asylum, and such other immigration cases as the Attorney General may designate.

Sec. 122. Arrest, search, and detention authority of Service officers and employees.

Revises the Immigration and Nationality Act (INA) to clarify the authority of INS personnel to conduct detentions, arrests, searches and interrogations, to set the standards for the proper exercise of that authority, and to provide various procedural safeguards for persons detained and arrested and subjected to deportation proceedings.

Major provisions require speedy bail determinations, advisement of rights in English and in the person's native language, open hearings, and a prompt administrative or judicial determination after an arrest of the sufficiency of the evidence to initiate deportation proceedings.

Sec. 123. Effective dates and transition.

Provides the general rule that changes made by Part C of Title I take effect upon enactment, and exceptions for proceedings initiated before implementation of the administrative law judge system. Requires the President to nominate the members of the United States Immigration Board within 45 days of enactment.

Sec. 124. Technical and conforming amendments.

Changes the INA to reflect the change in title of special inquiry officers to administrative law judges.

TITLE II—REFORM OF LEGAL IMMIGRATION AND NATURALIZATION

PART A—IMMIGRANTS

Sec. 201. Providing additional immigrant visa numbers of natives of contiguous countries.

Provides 40,000 visas each for Mexico and Canada with the unused portion available to the other country.

Sec. 202. Change in colonial quota.

Increases the colonial quota from 600 to 3,000.

Sec. 203. Report on admissions and numerical limitations.

Requires a comprehensive Presidential report to Congress every three years on the impact on the U.S. of immigration.

Sec. 204. Miscellaneous changes.

Permits natural fathers to petition for entry of their children, without the need for legitimation or adoption.

Extends to certain self-supporting retirees the waiver of numerical limitations provided to non-preference investors.

Permits university researchers to be treated as faculty for purposes of the certification process.

Revises the requirement of continuous physical presence in the U.S. during a 7-year period for suspension of deportation to permit certain brief, casual, and innocent absences.

PART B—NONIMMIGRANT TOURISTS

Sec. 211. Visa waiver for certain visitors.

Authorizes the establishment of a 3-year pilot program for the admission of foreign tourists without the need to obtain a visitor's visa, with up to 8 countries.

PART C—NATURALIZATION

Sec. 221. Providing option of administrative naturalization.

Confers jurisdiction on the Attorney General to naturalize persons as citizens and permits an alternative administrative naturalization procedure in addition to the current judicial one.

Sec. 222. Waiver of English language requirement for individuals over 50 years of age.

Eliminates the English language requirement for naturalization applicants over 50 years of age.

Sec. 223. Eliminating six months residence requirement in a State for naturalization.

Eliminates the requirement that the petitioner have resided within the State where the petition was filed for at least six months preceding naturalization.

TITLE III—LEGALIZATION

Sec. 301. Legalization.

Provides that the Attorney General shall adjust to permanent resident status aliens who:

1. Establish that they entered the U.S. before January 1, 1982, and have resided continuously in the U.S. since that date;

2. Apply for adjustment during the 18-months application period to be established within 6 months of enactment;

3. Are not otherwise excludable, i.e., are admissible as immigrants, with limited exceptions, subject to the following provisos:

—Certain grounds for exclusion may be waived for specified reasons in the public interest

—An alien may not be excluded as likely to become a public charge if the applicant can demonstrate a good employment history without reliance on public cash assistance;

4. Have not been convicted of any felony in the U.S. (other than certain immigration law violations) and have not assisted in the persecution of any person on account of race, religion, nationality or political opinion; and

5. Register for the draft if required to do so.

Directs the Attorney General to established eligibility requirements by regulation and to publish guidelines for the approval of applications that:

1. Liberally construe the requirements for eligibility;

2. Provide for flexibility in determining continuous residence, allowing for brief and casual trips abroad;

3. Permit absences of 45 days or less annually without loss of continuous residence; and

4. Accept the use of affidavits of witnesses to establish continuous residence.

Allows the Attorney General to waive the requirement of continuous residence in cases of undue hardship to the alien, or his or her family.

Makes applicant subject to criminal penalties for knowingly and willfully making false statements.

Provides for transitional legal status protecting applicants from deportation and permitting them to work legally and travel abroad and provides aliens apprehended before the end of the application period the opportunity to apply for adjustment.

Provides for administrative and judicial review of denials of applications for adjustment.

Protects the confidentiality of individually indentifiable information contained in any application.

Restricts eligibility for federal benefits, with the exception of certain essential benefits, for a 5-year period beginning on the starting date that continuous residence was established.

Sec. 302. Cuban-Haitian adjustment.

Provides for a separate program of adjustment to permanent resident status for a specified class of Cuban-Haitian entrants who arrived in the U.S. before January 1, 1982.

Sec. 303. State and local assistance.

Provides for 100% reimbursement to state and local governments for the costs of providing public assistance to legalized aliens and for costs of providing public health services to legalized aliens and applicants for up to 4 years.

Provides for assistance to states for providing educational services to legalized aliens for the same period.

Sec. 304. Cooperation with State and local governments.

States that the Attorney General, Secretary of Labor, and Secretary of Health and Human Services will consider recommendations of advisory groups established by state and local governments.

TITLE IV—NATIONAL COMMISSION ON IMMIGRATION

Sec. 401. National Commission on Immigration.

Establishes a 3-year commission to study and seek solutions to certain immigration problems, reporting to Congress on:

1. Push and pull factors affecting unauthorized immigration (and specifically considering the affect of the development, in partnership with Latin American countries, of reciprocal trade and economic development programs of mutual benefit);

2. Incentives for employers to use unauthorized aliens;

3. Reliance of the agricultural industry on temporary employment of unauthorized aliens; and

4. Backlogs in approved immigrant visa petitions.●

FIDELITY TO SIGN FIRST REVERSE ANNUITY MORTGAGE IN NEW YORK STATE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. LENT. Mr. Speaker, recently, the Fidelity New York Savings & Banking Center of Garden City introduced the first reverse annuity mortgage [RAM] in New York State. This creative approach to financing will enable many of our senior citizens to retain their homes and, at the same time, provide them with needed financial assistance to meet the rising costs of everyday living. This is an excellent example of how our Nation's financial institutions can work to meet the needs of private citizens. I comment Mr. Thomas Dixon Lovely, Fidelity New York's chairman and CEO, for his leadership in promoting this innovation in banking, and I hope other banks throughout the country will follow in similar efforts.

At this time, I'd like to share a press release from Fidelity New York which provides further details on reverse annuity mortgages.

FIDELITY TO SIGN FIRST REVERSE ANNUITY MORTGAGE IN NEW YORK STATE

Fidelity New York, a $1.5 billion Savings and Banking Center introduced the first reverse annuity mortgage "RAM" to be signed in the State of New York today. The reverse annuity mortgage provides a monthly income to eligible homeowners over 60 years old. Nassau County Executive, Francis T. Purcell, has helped to spearhead enabling legislation, valid for all New York senior citizens.

Today, Fidelity will issue the first mortgage to a Long Island senior couple. Thomas Dixon Lovely, Fidelity New York's Chairman & CEO stated that he hoped all banks will begin to provide a true community service to retired citizens who try to live on a fixed income while expenses rise. He explained that many homeowners living on Social Security, plus limited private income or pension, find that combined real estate taxes, energy costs, maintenance and food costs have risen so dramatically as to seriously impact their standard of living. Mr. Lovely noted that "they may live in a home originally costing $15,000 or so, which may now be worth $165,000. The RAM mortgage enables them to receive payments from the bank each month of several hundred dollars; reversing the old procedure of making monthly payments to the bank when they first purchased the home."

Rising costs for older people can seriously drain income and savings damaging their living standards. Through the simple plan of reverse mortgages we can now offer a regular monthly income to qualified senior citizens. Individuals are eligible if income does not exceed $28,230 or $32,400 for a couple. Assets, excluding the house, should not exceed $50,000. Fidelity is happy to receive applications and works in conjunction with Family Services Association of Nassau County.

Mr. Lovely went on the state "that RAM mortgages are good for all concerned; the bank makes a modest profit, the senior citizen can remain in his home and have a more dignified standard of living and the community benefits by not losing its long term residents. Hopefully, more banks will begin to make RAM loans available." Mr. Lovely paid tribute to the efforts of Nassau County Executive Purcell, the Department of Senior Citizen Affairs and the Family Services Association of Nassau County.

Mr. Lovely feels "We have a debt to our older residents who built our communities. Our monthly annuity income plan is one way the bank should reinvest in the community." Fidelity New York is the oldest federally chartered savings institution on Long Island with 20 branches in Nassau, Suffolk and Manhattan.●

OUR NATIONAL DEBT

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. McDADE. Mr. Speaker, one of my constituents has written a letter to the Speaker regarding the national debt. He is very concerned about this problem and proposes a solution in his letter.

I am happy to request that it be printed in the RECORD for the benefit of my colleagues.

The letter follows:

JOHN K. NAGY,
Lake Ariel, PA, April 26, 1985.

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES: Since I started to write my book in March, 1984, I was concerned and started to watch the newspapers who the big lottery winners were and the amount they won. These figures are from our local newspapers. Only since July, 1984 to January 10, 1985. These figures are those who won over a million dollars in the states of Massachusetts, New York, New Jersey, Pennsylvania, Ohio, and Illinois, the total in six months comes to $1,108,630.54 that shows that millions of people are buying lottery tickets.

Why the Federal Government that is paying interest on the National Debt of over $153.8 billion dollars and is doing nothing to pay the debt? But only the interest! It appears that the debt is a good investment as long as Uncle Sam has the money to pay over one hundred and fifty three billion dollars to Foreign Investors. I believe that money that should be used for the numerous needs for our nation's health, education, toxic waste, garbage pollution and many more problems that we have no money for—until the well goes dry—and it will go dry! With imports coming in putting our own people out of work, money that we still have going out to foreign wage earners while we have up to 8 million U.S. citizens out of work. They are not earning money, not paying any income tax or social security tax, how long can our nation keep this up without going broke. Where will Uncle Sam get the money to pay the retired army, navy and all servicemen who gave all they had for our Country. You and I as good loyal Americans must stand up and do everything we can to see that our nation remains free and free from our National Debt which will destroy our nation. Money must be earned to replenish what goes out. If cuts are to be made, a good place to start is to make a way to pay off the National Debt that is the big one. This is the well I want to see go dry!

As a person who has lived under President of these United States since 1900 and as a person who has held public office, in the community that I lived in, I believe I still have a right to defend this country, my country, your country, and to let the public know, how one grass roots person sees the debt of this nation growing higher and higher and nothing being paid to reduce it. The newspaper's report on October 26, 1984 shows that the U.S. Government paid on the $1.59 Trillion debt—the interest only of one hundred and fifty three billion dollars ($153.8)—nothing on the debt. A Washington report dated August 16, 1984 has a prediction of $2.3 Trillion debt by 1989. What will our interest come to then? It is no wonder that our U.S. Government has no money for its domestic needs. Our U.S. dollars going out of our country and nothing coming in! If we keep this up, congressmen might not get a pension when they retire! Our National Debt will eventually dry out the well.

If we keep imports coming in and 8 to 9 million of U.S. people out of work what can we expect! In March, 1984 I wrote a book called "How to Pay Off the National Debt". Since 46 states by law have a lottery to raise money our National Debt could be paid off. By selling ($1.00) one dollar tickets just for that purpose until the debt is paid, then use the $153.8 billion paid on interest for the needs of education, health, pure air, water, sewers, sanitation, garbage disposal, acid rain all our country's needs and more. Let us do something! Times goes on, before it will be too late.

As those who fought and gave their lives that made this nation we enjoy so great. We must do our part, as soldiers to preserve that we are proud that we are Americans and of our Freedom.

Thank you, a senior American,

JOHN K. NAGY.●

JOB OUTLOOK FOR WOMEN AT STATE AND AID

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Ms. SNOWE. Mr. Speaker, the Congressional Caucus on Women's Issues, which I cochair, has a longstanding commitment to seeing that the Federal Government is exemplary in its efforts to expand women's opportunities for employment and promotion. In 1980, the caucus asked its research arm, the Women's Research & Education Institute [WREI], to conduct an examination of the status of women in both the civil and Foreign Services at the Department of State.

Last year, we issued a report entitled "Women at State" which represents the results of this thorough examination of how women fare at the Department of State. Overall, the findings were disappointing. While there has been progress in some areas—progress that has continued since the study was released—the report concluded that the State Department has been particularly slow at admitting women to its senior levels. In fact, only 3 percent of senior Foreign Service officers in 1981 were female.

Based on the findings of this report, I included language in the report on the State Department authorization recognizing that the State Department has not made sufficient progress over the last decade in realizing equal employment opportunities for women, and urging the Department to review its personnel policies to determine their impact on equal employment opportunities for employers in both the civil service and Foreign Service. Similar language was included in the fiscal year 1985 State, Justice, Commerce appropriations bill by my colleague, Representative BOGGS.

On a related matter, I would like to call my colleagues' attention to an article from the Washington Post on April 18, 1985, concerning the results of an unofficial study by women employees of the Agency for International Development. The conclusion is similar to the findings of the "Women at State" report: the Agency for International Development continues to hire far more men than women for professional career jobs and promotes them into the senior Foreign Service at more than six times the rate of women.

INSIDE: THE STATE DEPARTMENT—JOB OUTLOOK NOT IMPROVING, AID'S WOMEN EMPLOYES SAY

(By Peter Alsberg)

An unofficial study by women employes of the Agency for International Development has charged that AID continues to hire far more men than women for professional career jobs and promotes them into the Senior Foreign Service at more than six times the rate of women.

The 30-page study, entitled "A Profile of Women in AID; The Challenge Continues," was compiled by the Women's Action Organization (WAO), which seeks to improve career opportunities for women in the State Department, U.S. Information Agency and AID.

Recruitment and promotion of women long has been a contentious issue at all three agencies. In 1979, the WAO issued a study of women in AID that has been regarded as a rough gauge of the problems facing women seeking careers in foreign policy. The thrust of its new report is that things haven't improved very much since then.

Marilyn Zak, the WAO vice president for AID, said that has been the case even though AID Administrator M. Peter McPherson and Deputy Administrator Jay F. Morris "generally have been very supportive and sympathetic" to women's aspirations.

In fact, Zak, who is AID's human right coordinator, said that latest report indicates that as the number of women in AID has grown, the problems of fitting them into AID's organization also have grown.

Specifically, the report contends that there has been a tendency to shunt women into such specialized areas as health and nutrition, rather than what Zak calls "the fast track fields leading to senior administrative posts." The report also notes that a big increase in female political appointees has inflated the number of women at AID without significantly improving the advancement opportunities for women who want to climb the agency's career ladder through the Foreign Service or civil service.

The report also expressed concern that the Reagan administration's proposed personnel cuts will hit hardest at women employes, who often have less seniority than men.

And, echoing what also is an interesting problem for the State Department and USIA, the report focuses on "the new Foreign Service phenomenon" of married couples, and the difficulties of finding assignments for both spouses either overseas or in Washington.

In a gingerly worded reply, AID said it "continues to look for constructive approaches to remove any remaining barriers and will continue to encourage the input of groups like WAO." The statement maintained that any personnel reductions will be achieved through attrition so that women "will not be disproportionately affected."

The statement also took exception to the WAO report's statistics. It argued that an "analysis of our AID work force should be based on total representation and not on selected sub-categories as presented in the WAO report."

According to AID's reckoning, 36 percent of the agency's employes are female, with women averaging 34 percent of the "entry-level professional career candidates" and 50 percent of the interns. In terms of advancement, AID said, "since 1978 the representation of women, at the GS-15 and FS-1 level has more than doubled," even though the number of AID employes dropped 15 percent.

In response, Zak said, "The AID management gets those figures by lumping together women who are political appointees with Foreign Service and civil service members because it makes the numbers look better. But taking such a lump sum is misleading, particularly in the way that political appointees skew the percentages in the top ranks.

"Those women who have come into AID as political appointees have been very supportive of the career women employes," she said, "but they should be looked on as a separate category and not be used to carry the figures for all the women in the agency when you're trying to get an accurate picture of whether women making a career in AID can aspire to top positions."

According to the report, 11 of the 263 members of the Senior Foreign Service at AID are women, as are 36 of the 602 with the rank of FS-1 and 92 of the 651 with FS-2 rank. Of those in the civil service, 31 of the 133 AID employes with the rank of GS-15 are women. Only three of AID's overseas missions have a woman director.

"We are using the figures provided by AID management, even though different parts of the bureaucracy disagree on what is an accurate data base," Zak said. "But we feel that no matter how you look at the figures, they point in one direction: the gap has not narrowed in five years, and if things don't change, it will only get worse as more and more younger women seek to make careers in the foreign aid field, as more and more of them marry Foreign Service officers or other officials and question why they should have to choose between their own and their husbands' careers." ●

NEW ELECTION ONLY ANSWER TO INDIANA DILEMMA, SAYS NEWSPAPER EDITORIAL

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. COUGHLIN. Mr. Speaker, the Pulitzer Prize-winning Philadelphia Inquirer has called editorially for the only fair resolution of the Richard D. McIntyre-Frank McCloskey controversy over election to Indiana's Eighth Congressional District seat—conduct a new election.

As a Republican who has worked for more than 16 years under a Democrat House majority, I assumed naturally that House precedent would be followed and Mr. McIntyre seated despite the closeness of his victory. Mr. McIntyre was duly certified by Indiana law. The House majority, however, refused to seat Mr. McIntyre—contrary to House precedent—and embarked on a course that could lead only to a bitterness and divisiveness that this body can ill afford in trying to cope with issues of importance to our Nation.

The actions and decisions of the special House task force, created to resolve the dilemma, only added fuel to the anger and frustration of Republican Members. I need not point out what has been cited time and again. Suffice to say, any seating of Mr. McCloskey will leave raw wounds that will serve only to hamper the orderly business of the House and impede its legislative schedule.

Republicans are not being petty. I should note that my Democrat colleagues might try putting themselves in the place of the minority for a number of years, We've been discriminated against on committee ratios and committee staff members, bulldozed on voting procedures, and ignored on the Republican legislative agenda.

Is it any wonder that the McIntyre-McCloskey dispute raised Republican frustration to an all-time intensity?

I ask my Democrat colleagues to read the Inquirer editorial closely. Hardly a mouthpiece for the Republicans Party, the Inquirer succinctly lays out the case for a new election.

In addition, I appeal again to my Democrat colleagues that a certain amount of comity between the majority and minority parties is essental if the House is to conduct the people's business. Let's not traumatize the House with a decision to seat Mr. McCloskey that can lead only to more disruption and enmity.

I feel strongly that a new election is the only answer to resolve this dispute. So strongly do I believe that I feel the House of Representatives should appropriate the funds necessary for a new election if the State of Indiana protests or balks at the cost. The issue runs that deep in ensuring the integrity of our constitutional processes and the element of fair play which we as Americans value so highly.

A copy of the April 24, 1985, editorial from the Philadelphia Inquirer is inserted for the CONGRESSIONAL RECORD and I urge all my colleagues—regardless of their views on the contested election—to read it:

[From the Philadelphia Inquirer, Apr. 24, 1985]

LET INDIANA VOTERS DECIDE

The U.S. House of Representatives is being disrupted by its Republican members, who are hopping mad at what they say is the theft by the Democrats of a House seat won fair and square last November by a Republican. In protest Republicans are sowing confusion, delay and disorder into House procedures.

Such tactics, aside from being thoroughly un-Republican, are deplorable, but they have focused attention on the GOP's grievance. It appears that they may have a case. On election night, Democrat Frank McCloskey appeared to have won a closely fought House race in Indiana's Eighth District by 72 votes. A recount in one county pushed his Republican opponent, Richard D. McIntyre, ahead by 34 votes, however. Despite complaints from Mr. McCloskey about 5,000 contested ballots, Indiana's secretary of state, a Republican, certified Mr. McIntyre the victor.

The Democratic-majority House refused to seat Mr. McIntyre, despite another recount showing him winning by 418 votes. Instead the House Administration Committee formed a three-member task force, composed of two Democrates and one Republican, to do its own recount. Seven two-person teams of auditors from the respected General Accounting Office did the counting and proclaimed Democrat McCloskey the winner on April 18 by four votes.

That would seem to settle the matter, except that more than four contested ballots favoring Republican McIntyre were thrown out by the task force on 2-1 party-line votes.

Article One, Section Five, of the Constitution empowers each house of Congress to judge the elections of its members. The Democrats intend to seat Mr. McCloskey next week, and doubtless have the votes to do it.

Yet after so many contested recounts and partisan power plays, the only way to purge the taint of suspicion that either party stole the seat is to hold a new election, and the sooner the better. For until this is resolved, those voters have no voice in the House.●

JUST A BIT OF NEVADA WIT

HON. HARRY REID

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. REID. Mr. Speaker, for the amusement and edification of my colleagues, I am passing along a bit of the poetic wit and wisdom of Reid B. Gardner, a friend and constituent from Las Vegas, NV. Reid's words are fine/His rhymes sublime/Better than mine/Without further adieu/Here's a sample for you:

Richard Nixon, in reflection
Wondered where he'd lost direction
In fame's forest, found that he
Had climbed up higher than his tree.

I'm working hard for ERA
Tho I'm sure some will abuse it
My reasons are both strong and clear
We married men could use it.

The weather today, to be succinct
Didn't turn out the way I thinkt.

The early bird, he gets the worms
And feeds them to his mate
My wife was never fond of worms
So I just sleep in late.

The Hebrews wandered 40 years

Across the desert soil
They hunted manna every day
When they should have looked for oil.

THE QUESTION OF ARMENIA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. MICHEL. Mr. Speaker, it is once again an honor to join with my colleagues in remembering the fate of Armenians who suffered and died 70 years ago in a terrible tragedy of world history.

In recent weeks we have heard much about Hitler's Holocaust against the Jews. It is good that we are reminded of this terrible event. But at the same time, our show of grief, of resolve, and of anger should not be limited to one group of innocent victims. Whenever the force of the state has been used to bring about the deaths of members of one race or one ethnic group or one religion—or one social or economic class as defined by Marxist-Leninist ideology—we must remember and speak about it. Not speaking about these things or denying they happened doesn't solve anything. We're not blaming anyone today for what happened years ago—unless they were directly responsible. All we're saying is "Don't forget."

But, remembering these various atrocities, like the one we commemorate today, should not be an end in itself. And it must never serve as an excuse for further atrocities, in revenge. We cannot revenge the deaths we speak of—but we can learn from them. We can work to see that similar crimes do not happen in the future.

From the Soviet gold mines of Kolyma where millions died from starvation and sheer exhaustion; from the plains of Anatolia where so many Armenians died under horrible circumstances; from the Nazi death camps; from the forest of Katyn where even now the Soviet Union is trying to disguise its sole responsibility for the coldblooded murder of Polish prisoners of wars, from the Ukraine, where millions were starved to death as matter of Soviet policy—from all of these places, and others throughout the world the voices of the innocent cry out—remember us. We are doing that today.●

INTERNATIONAL AND DOMESTIC DRUG TRAFFICKING—A GROWING PROBLEM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. TRAFICANT. Mr. Speaker, an article in the April 25 edition of the Washington Post reports that two more Americans are believed to have been killed in Guadalajara, Mexico, at the hands of reputed drug kingpin Rafael Caro Quintero, who was recently apprehended by Mexican police. Quintero is also believed to have been responsible for the brutal murder of Drug Enforcement Administration agent Enrique Camarena Salazar. Quintero is now believed to have been involved in the alleged murder of two Americans whom Quintero and his cohorts suspected of being DEA agents. According to the Washington Post article, Quintero invited the two Americans to a local restaurant in Guadalajara for dinner. The two Americans were then alleged to have been accused by Quintero's men of being DEA agents. They were then allegedly beaten, then stabbed by Quintero and his men. To date the bodies of these two Americans have not been found.

Mr. Speaker, this incident disturbs me greatly. The murder of a DEA agent and now this incident, further underscore the tragic fact that international and domestic drug trafficking is becoming a growing problem and one that must be addressed. The arrogance of drug kingpins like Quintero and the number of Mexican law enforcement officers involved in illicit drug activity is further evidence that this problem has reached catastrophic proportions. The lives of our DEA officials—both abroad and in the United States—are in constant peril from "hit squads" sent out by internationally known drug kingpins. Most tragically, Mr. Speaker, is the fact that the heightened activity of drug trafficking across the country and across the world—translates into more poisonous drugs on our streets. Drug abuse among our youth has been characterized as this Nation's fastest growing problem. As a drug counselor for 10 years, I am acutely aware of the tragic consequences of drug abuse. Not only does it destroy the minds and bodies of our precious youth—the future of our Nation—but it also causes immeasurable suffering to the families of the victims.

The bottom line, Mr. Speaker, is that those international and domestic drug kingpins, who have arrogantly been increasing their activity and brutally taking on our law enforcement agents, are the ones who are ultimately responsible for the poisoning of our youth. They are the ones who are ultimately responsible for jeopardizing the very fabric of our society. They must be stopped. America must get as tough as possible and be as diligent as possible in combating illicit drug activities. The big time dealers must be caught, convicted, and put away for a long time. If they kill or threaten the lives of innocent civilians or our law enforcement officers, then they should be subject to the death penalty.

At this time I would like to site some statistics compiled by the Drug Enforcement Administration which reveal that drug trafficking is becoming a growing problem and is becoming increasingly more violent in nature. In fiscal year 1983, the DEA and Customs' Department's Joint Task Force Group in Florida reported two seizures of heroin totaling 0.4 kilograms; 412 seizures of cocaine totaling 3,555.6 kilograms; 606 seizures of cannabis totaling 874,083.6 kilograms; 10 seizures of methaqualone totaling 160,470 dosage units; and 13 seizures of other narcotic drugs totaling 39,092 dosage units. The figures for fiscal year 1983, released by the Florida Joint Task Force Group also reveals the massive scope of illicit drug activity in the State of Florida alone. During fiscal year 1983, the task force reported the following figures regarding seizures of assets involved in illicit drug activity: 79 vehicle seizures; 194 vessel seizures; 27 aircraft seizures; 143 currency seizures totaling $2,590,964; and 351 weapons seizures. These figures indeed are disturbing. Especially when one considers that they reflect a marked increase from previous years, and that these drugs are swiftly moved to the streets where the find their way into the hands of our youth.

The DEA reports that the number of domestic arrests by DEA officials increased 25 percent from fiscal year 1980 to fiscal year 1983, reaching its highest point in 5 years. The DEA must be commended for the fine job it has done and for the dedication and courage of its agents. They need our help. If they arrest a suspected drug kingpin, we must take steps to ensure that the suspect does not jump bail—as they so often do—and that the suspect stands trial for his crimes. I have introduced legislation, H.R. 994, the Controlled Substances Penalties Act of 1985, that would stiffen the penalties for those convicted of drug trafficking or smuggling in large amounts. My bill would also deny bond in cases involving large amounts of narcotics. My bill would also provide judges with the death penalty option for second offenders who murder either an innocent civilian or law enforcement officer in the course of arrest—based upon highjacking provisions in the Federal Aviation Act of 1958.

Mr. Speaker, recent events and DEA statistics show that international and domestic drug trafficking has become a dangerous problem. Drug abuse continues to destroy our youth and ravage families. Action must be taken—I urge all of my colleagues to support H.R. 994 and work hard for its passage.●

NICARAGUA AND DRUGS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. BROOMFIELD. Mr. Speaker, the image makers are doing all that they can to put a pretty face on Comandante Ortega and company. The basic fact, however, is that the Communist government is denying fundamental liberties to the Nicaraguan people, and is exporting both revolution and drugs in this hemisphere. The following New York Times article provides interesting details on the Sandinista involvement in the processing and export of drugs.

In recent months, well paid public relations firms have tried to convince the Congress and the American public that the Sandinistas are almost angelic. They have tried to cover up the seamier side of life in today's Nicaragua. They have directed attention away from support of guerrilla and terrorist groups in the region. They have blamed all of the Sandinistas' failings on the existence of the Contras. They have ignored the fact that the Sandinistas are practicing and preaching Marxism-Leninism and, as such, are dedicated to the destruction of our open democratic system.

Not unlike the chameleon who can easily and quickly change colors, the Sandinistas are putting on an image of respectability and decency. They are masters of timing. They know how to manipulate our media. They know how Americans can be swayed by evening news broadcasts and newspaper articles. They offered peace initiatives on the very eve of the Contra vote here in Congress. What masters of deception!

With these concerns in mind, I strongly recommend the following article on Managua's drug connection to all of my colleagues in the Congress. It is certainly food for thought. Let's wake up and call a spade a spade. The Sandinistas are clearly Communists dedicated to the export of their sorry revolution to the Rio Grande River.

The New York Times article follows:

[From the New York Times, Apr. 20, 1985]

PANEL HEARS DETAILS LINKING MANAGUA AND DRUGS

(By Joel Brinkley)

WASHINGTON, April 19.—A Senate subcommittee heard detailed evidence today showing purported links between the Nicaraguan Government and international narcotics trafficking.

A former drug trafficker, James A. Herring Jr., who has acted as a Federal informant, testified that he worked with Cuban Government officials and with the American fugitive Robert Vesco to help the Nicaraguan Government build a cocaine-processing laboratory near Managua.

Mr. Herring said that he had worked with members of the Nicaraguan military and that Nicaragua's Interior Minister, Tomás Borge, had offered his personal thanks for helping with what Mr. Borge called "our project," whose purpose was to earn foreign currency for Nicaragua's troubled economy.

The Customs Commissioner, William von Raab, and a Justice Department official both said Mr. Herring had passed lie-detector tests, adding that their agencies had corroborated large elements of his story through investigations.

Follow-up investigations from evidence Mr. Herring provided resulted in the indictments of 11 Americans on drug trafficking and related charges, they said. Mr. von Raab testified that these recent developments had "the potential of making Nicaragua a significant producer of cocaine."

Federal officials have charged for several years that cuba is involved in drug trafficking, despite repeated denials from Havana.

The first allegations of Nicaraguan involvement came last fall. But until now, Federal officials have said they were unable show that the trafficking was the work of the Nicaraguan Government and not just corrupt Government officers.

Today, however, Mr. von Raab told the Children, Families, Drugs and Alcohol Subcommittee, "We now know without any doubt that the Nicaraguan Government is directly involved."

NICARAGUA DENIES CHARGES

Nicaraguan officials have denied the drug trafficking charges, calling them ridiculous, and a Nicaraguan official repeated the denial today.

John C. Keeney, a Deputy Assistant Attorney General, testified that Sandinista officials decided in 1983 "to establish Nicaragua as a major cocaine exporter."

They began by purchasing coca paste from members of the Colombian guerrilla movement M-19, Mr. Keeney and others said.

Colombia is the world's largest producer of cocaine, and the M-19 guerrillas, who have ties with Cuba, have long been thought to be involved in trafficking. A United States investigation last fall showed links between Colombian drug traffickers and a Nicaraguan official, Frederico Vaughan, who was said to be an aide to Mr. Borge. Mr. Vaughn was indicted in Miami.

SAYS HE WAS ALWAYS GUARDED

Next, the officials testified, the Nicaraguans brought in an American expert to show them how to process coca paste to make cocaine. That expert was Mr. Herring, who said he had been involved in drug smuggling for some time. In the course of his work, he said, he became acquainted with Mr. Vesco, who lived in Cuba. United States officials have previously charged that Mr. Vesco has been involved in a variety of smuggling activities with the Cuban Government.

An associate of Mr. Vesco took Mr. Herring to Nicaragua in 1983, where Mr. Herring said he "gave them advice on setting up a cocaine-cutting lab for the Government."

He added that "they were setting it up on a rice farm the Sandinistas had confiscated" from Anastasio Somoza Debayle, the former dictator.

He said the Sandinista officials whisked him through customs immigration whenever he entered or left the country and that while working at the lab he was always guarded by armed, uniformed Sandinista soldiers.

The first processed cocaine from the laboratory was shipped to Europe, he said, and another witness, Jitze Kooistra, said he worked directly with Nicaraguan Government officials to arrange the sale. Mr. Kooistra was later arrested in the United States and is serving a term in a Federal prison in Florida.

A Customs Service official said Federal officers believed that the Nicaraguan cocaine laboratory was still operating, although they could not be certain.

Senator Christopher J. Dodd, Democrat of Connecticut, sparked an angry exchange with the subcommittee's chairman, Senator Paula Hawkins, Republican of Florida, when he said it "does the public a disservice" to pretend that "Nicaraguans are the only government officials to have ever been implicated in international narcotics trafficking schemes."

Recent investigations have produced similar allegations against Government officials in Mexico, El Salvador, Bolivia and the Bahamas, among other nations.●

CENTRAL AMERICA

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. GEPHARDT. Mr. Speaker, our country has long resisted change in Central America. Last night's House vote against military aid to the Contras confirms that most Americans want a change. They don't buy the administration's rhetoric that the Contras are "the moral equivalent of the Founding Fathers." They want to preserve our interests, but they sense the old ways will no longer work.

Military escalation is part of the problem, not the solution. Our 30-plus interventions in the area since 1900 have not produced longrun stability and peace. Military aid has always allowed the right wing to think it didn't need to compromise. Guatemala, where the CIA intervened 31 years ago to depose a socialist government, today faces a simmering revolt repressed by a rightist dictatorship.

The Reagan policy won't put the Contras back in power. No one I talked with during my recent trip to Central America believes the Contras can win. The Contras can't win because they lack the political identity required to advance their cause. $14 million won't change this. $80 million hasn't.

The administration's harsh rhetoric strengthens Sandinista hardliners. The CIA-backed minings and assassination manuals, the Contra attacks on civilians and our President's bellicosity deny Sandinista moderates the oppor-

tunity to present a credible political alternative to their own people. We invite the extremism Reagan complains of.

Reagan hasn't faced the hard reality that Americans won't support armed intervention unless it is clear that other possibilities for settlement have been exahusted. And they haven't. Why hasn't he relied more extensively on other tools at his disposal? And why does he recognize the regime if he believes it illegitimate?

The American people want a policy that offers us prospects for constructive change. They want to attempt negotiations before plunging us into a war.

The negotiations initiated by the Contadora nations of Venezuela, Colombia, Panama, and Mexico represent an excellent start. An agreement along the lines suggested by the Contadora group would require the Sandinistas to expel foreign military advisors, keep foreign military bases and offensive weapons out of the country and desist from exporting arms. We would need to insist on provisons to ensure that the Sandinistas are not violating these terms. If violations occurred, we could take steps to isolate them diplomatically or suspend trade. As a last resort, the Rio treaty would give us a legal foundation for the use of military force.

Today we need a demonstration of our commitment to negotiations.

We face two alternatives.

The Michel substitute would direct the Agency for International Development to dispense $14 million in aid to the Contras. It would not prohibit U.S. aid from being provided by other agencies such as the CIA. The CIA's record under Reagan—its failure in the past to inform Congress and the American people about its actions in Nicaragua—suggests to me that we could not be sure how this money would be used. Most significantly, MICHEL would allow the use of contingency funds for military operations after October 1, 1985.

The Hamilton substitute, on the other hand, initiates a new policy. It provides no funds for paramilitary operations, but it does not rule out use of military options in the future. It directs $10 million in assistance to Nicaraguan refugees through the International Red Cross or the United Nations High Commissioner for Refugees. It directs $4 million to the implementation of a Contadora agreement. This will signify both our concern about the region and our support for a negotiated settlement.

I will vote for the Hamilton substitute. It better promotes negotiations.

For all of the complexities in Central America, the choice confronting us remains relatively simple. We can continue to focus on military solutions, even if this only expands and perpetuates the conflicts. Or we can support negotiated solutions.

The harsh rhetoric of the Reagan administration fosters nationalism among some Americans, but the record shows that for all the noise and bellicose language, we are not moving toward peace in this region or with our other adversaries around the world.

Policy changes do not come without risks. But an unwillingness to see change in Central America will only deepen the mire—not only in current wars but in conflicts to come. If we do not help resolve the region's differences peacefully, we will inevitably share the cost of its turmoil.●

ONE WORLD, RICH AND POOR

HON. GUS YATRON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. YATRON. Mr. Speaker, I would like to bring to the attention of our colleagues an excellent keynote address by the Honorable Bradford Morse, Administrator of the U.N. Development Program and Director of the U.N. Office for Emergency Operatations in Africa, before the International Development Conference in Washington, DC, March 20, 1985. His speech, entitled, "One World, Rich and Poor," is profound and thought-provoking. As a former member of this Chamber, his words, are, no doubt, of interest to us all.

"ONE WORLD, RICH AND POOR"

If there is some dispute about who originated the concept and the term "Third World", there is little doubt that millions of people first learned to think about "One World" from the book with that title by Wendell Willkie, published in 1943 in the middle of the greatest global carnage humanity had ever experienced. Much of what he set down following a world air tour undertaken at President Roosevelt's suggestion remains fresh and apposite, even extraordinary prophetic, to this day. Listen for a moment to a few extracted passages:

"There are no distant points in the world any longer . . . I learned by this trip that the myriad millions of human beings of the Far East are as close to us as Los Angeles is to New York by the fastest trains . . . Our thinking in the future must be worldwide . . . Men and women all over the world are on the march, physically, intellectually, and spiritually . . . they are beginning to know that men's welfare throughout the world is interdependent . . . even our present standard of living in America cannot be maintained unless the exchange of goods flows more freely over the whole world".

Wendell Willkie's sense of a global interdependence that would be complex, fragile, and volatile, was far ahead of his time, and indeed we could use his voice today. Four decades after his warning, some 600,000 Americans lost their jobs from only three years of suddenly declining purchasing power among the developing countries; and it has been estimated that if developing-country economies had instead been able to maintain their rates of growth of the 1970s, instead of disemployment another half a million Americans would have found new jobs in the export sector alone.

Indeed, on all sides as we survey what we have accomplished since the first of these International Development Conferences 33 years ago, we see the evidence of these characteristics—complexity, fragility, and volatility. We witness it with grief in Africa, where drought and famine threaten thirty million people, and among them some ten million have had to abandon their homes and lands; Africa, where the very soil and vegetation reveal their fragility as much before the pressure of population and cropping patterns introduced by colonists as from the cycles of climate; Africa, where such remarkable gains since 1960 as the doubling of school enrollment, and the doubling of doctors and nurses in proportion to population, are promptly and thoughtlessly forgotten in the tides of catastrophic news. We witness the same fragility and volatility of our deeply interdependent economy in the sudden, devastating impact of high interest rates and new trade barriers in the North, on all the gains that developing countries had been making: a 1,100 per cent increase in capital formation between 1950 and 1980; an average increase of 400 per cent in Gross National Product over the same period; a 1,500 per cent increase in skills formation.

This picture is grim, but it is not in the least hopeless; and I do not assert this merely because I am by nature an optimist. I assert it because, if it had to come this way—if we had to have a period of multiple and interlocked crises to open minds just that much wider about our one world, and to consolidate our experience of the devlopment process—then we do indeed now have the crises. From Wendell Willkie's prophetic warning of the coming interdependence of the American economy with the South to the economic difficulties which indiscriminately struck all countries—rich and poor—in the early years of this decade there is no excuse whatever for tunnel vision on the international economic and financial dimension. And we have ample experience of success and failure in national development to analyze and on which to build, and on which I will concentrate this morning.

We do not need to search for whole new panaceas. We need more than anything to pay renewed attention to some simple, but crucial factors in development which have tended to fall by the wayside in the search for more glamorous answers. And such renewed attention should begin with people—especially the tens of millions of small, poor farmers and their families. Despite the pleas of some of us over so many years, these people slipped from the focus of development strategies that were predicated upon the Western model of industrial urbanization in which they seemed marginal because in any case assumed to be destined to migrate to cities and towns as part of "progress". From that one wildly inappropriately transferred macro-premise, we can trace an entire chain of neglect, and of urgently needed remedial action.

First, we must regain respect for small farmer families; for their energy, for their ancient wisdoms replete with the technologies of survival and sustainable production, and for their productivity and their cost-effectiveness which was so wrongly assumed to be less than that of the larger modernised farm. And it is no accident that what I have just said seems to be common between

the heartland of this great country and the heartlands of the Third World: we are more "one world" in frailty of judgment and policy than is sometimes perceived.

From this regained respect, the chain of other neglected needs comes into sharp relief. In the little time we have left according to the frightening rates of projected migration to cities, we must redirect development to reach the small farmers—where they are, as they are. As the Africa food deficit strikingly indicates, there must be new pricing policies that provide incentives for small farmers and, for as long as food imports are necessary, that ensure such imports do not erode the value of their produce.

Long buried within these neglected equations, and as another casualty of the original model, I cannot overemphasize credit—small-scale credit on criteria small farmers can meet, and at interest they can afford. As an example of this need, in Zimbabwe in 1978 only some 3,000 smallholders received agricultural loans: by this year, an estimated 95,000 smallholders will receive credit for their agricultural necessities. And this strategic redirection, combined with new decentralised seed and fertilizer and tool distribution points, and grain depots, not leased assisted by USAID, assuredly accounts for the country's recent dramatic production increases when some rain blessedly fell last April.

In Bhutan, the Capital Development Fund, an arm of the United Nations Development Programme, has been helping some 8,000 small farmers with the tiny amounts they actually need for seed, fertilizer, livestock and tools, but which such people all across the Third World have seldom been able to obtain—in Bhutan averaging only $95 a season per family. And to dispel another myth, the repayment is excellent—above 95 percent—which goes into a revolving fund to assist another 30,000 small farmers.

We also need vastly more credit for women: in Honduras, UNDP with the Food and Agriculture Organization and the World Food Programme, is helping several hundred women with low-interest credits for small-scale productive projects including technical training, and designed to provide a framework for further support by the United Nations Voluntary Fund for the Decade for Women, and NGOs.

I hope you will already have mentally noted that these missing ingredients in development all have one strange characteristic—the moment you state them they seem so utterly obvious that it is hard to believe thay are not by now intrinsic, almost automatic considerations in development designs. But they have not been. Another classic example of this phenomenon is post-harvest storage. How on earth have so many millions upon millions of dollars been invested in reaching for higher vertical yields and for increased growing acreage, while 15 to 25 percent of present production has continued to be lost as a result of pests, right under everyone's eyes? Again, I submit that the essential answer is that the eyes were not on the main source of the harvests—the small farmers.

The chain of need thus brought back into focus continues. If development is once directed out to where the great mass of people live in abject poverty, then you decentralize and intensify training in farming techniques that the small farmer can adopt. You also decentralize the training of primary health care personnel, so that those who get the training come from the rural areas where they are needed, instead of trying to force already-urbanised graduates of urban schools to work in the countryside. And you decentralize small-scale and artisanal industry, and the training that it too will need to take root in rural areas. Rural feeder roads, reafforestation, and small-scale irrigation and drinking water supply systems also suddenly come into focus as very strategic—and do not need capital-intensive investment: UNDP's Special Public Works Programme with the International Labour Organization have to date generated over 10 million workdays in some 45 countries, with lasting development benefits and community-mobilized self-help to sustain them.

In all of this, there is the perennially elusive need for coordination, at two levels: the international and the design-level.

We simply must help developing countries from being overwhelmed by week-after-week, visitations by uncoordinated missions from all over the donor North, exhausting the same handful of planners in successive rituals of airport meetings, briefings, answering largely the same questions, then trying to cater to the individual sectoral enthusiasms and different procedural requirements of each mission, entertaining them, seeing them off, and rushing back to their offices to try to do some operational work before the next plane is due to land and disgorge the next mission.

At the design level, we have simply got to respond to the long-accumulated bad experience of projects planned so narrowly that they lack the crucial cross-sectoral reinforcement. Again, this need for holistic development design and budget-planning is so obvious that it seems almost ritual litany once stated. Yet to this day it remains a crucial weakness in numerous development projects. We must challenge all institutional and sectoral chauvinism (not least the UN System which is also only human), and the constantly debilitating effect of our artificial compartmentalizing of development. We must open minds, to "see things whole".

Above all, we must open our minds so that we can literally "see" people who have for too long been almost invisible; "see" women as economic agents not just wives and mothers; "see" communities for the repositories of practical knowledge that they really are, and for the cumulatively vast resources of human energy for self-help which have lain relatively untapped because of the official disdain of centralised minds for nongovernmental leadership and initiative. Development design and programme formulation needs human feasibility study; development needs to be planned with the intended actors and beneficiaries, consulting them about what is feasible for them to undertake, in what time-frame, and what first. Again, this seems desperately obvious to many when stated; but the lack of attention to it would suggest it were heresy.

I have used the term "heresy" quite deliberately, because we need to liberate ourselves from the surprisingly tight and narrow set of assumptions that modern growth-economists and theoreticians have elevated to almost holy writ out of scarcely more than a hundred years of operating experience of the urban-industrialised technology—and money-oriented model. We need to start asking, far more often, "Who said that such and such is a universal prerequisite of progress for all societies, everywhere?"

For example, who said that the practice of barter is primitive and must be replaced by the use of money for all exchange everywhere if development is to begin to take place? The impact of this single proposition on national and local economies and poor families and the dreadful extra burdens imposed upon trade among nations, above all upon poor nations trying to enter world trade markets, come into focus the moment the heretical question is asked.

Who said that modern, improved homes must be built with artificial factory-made materials, or they will not be modern and will not be capable of improved shelter? This notion has been picked up almost wholesale by people in developing countries. It has entailed incalculable costs in precious foreign exchange for imported cement and corrugated iron roofing for a minority, while masses of people were left waiting for such "modernity". Yet, as UNDP-supported projects have been proving, it is entirely possible to innovate and improve in traditional indigenous building materials, like adobe, at low cost and with large-scale local employment of people.

Yet again, who said that the entire accumulated technology in pharmaceuticals evolved in the Third World over millennia, should be ignored and disdained as primitive quackery, to be replaced by massive imports of factory-made drugs or of drug factories? Well, we lost years in that field, until it could become respectable for the World Health Organization, with UNICEF and UNDP, to begin building lists combining modern, and numerous, traditional indigenous medicines which were found upon testing to be entirely valid, safe, and low-cost.

And finally from so many such questions that emerge out of the trial and error of development these last 35 years, who said that people must achieve literacy—be able to read and write—before they can become agents of their own development? We would all agree, everywhere, that human innovation advances exponentially through printed communication. But does that mean the total neglect of the power of the spoken and the heard word, and of the latent development energy of the masses of poor people who have rich and vibrant oral cultures and forms of learning? A modest UNDP-supported project in Mali, making no earth-shaking claims, is quietly building audio cassette libraries of practical development information, run by each community asking for a library; and they are already dedicating garden plots to finance the repurchase of batteries for their cassette recorders, so deeply do they feel that these libraries belong to themselves.

I hope that in posing these questions and citing these examples of appropriate response, no one will have misunderstood my meaning. I am not advocating a return to the past, nor a dismissal of modern economic organization and technology. I have not suggested that any one of the ingredients, for sound development I have cited has been totally neglected by everyone—or, by the way, always remembered in UNDP. Nor I am urging that any of them is "the new key to development". I am opposed to excessive enthusiasms of all kinds in development work. What I am urging is that we pay much more attention to the simple factors—things that are not glamorous yet make straightforward common sense, the moment they are identified. And I am certainly urging a general intellectual liberation—in the South, from the inherited premise that progress means blindly copying everything in the North at whatever cost (cultural, financial, ecological); and in the North, a lib-

eration from the deeply ingrained faith that it has all the right answers for development anywhere, if it has made so much progress so quickly in its own countries.

We must accordingly strengthen our perceptive capacities along the entire spectrum of development—and recheck our language to see what that, too, may reveal; for language both reflects and reinforces prejudices. Doubtless this will be addressed in the development education and communication components of this Conference which I am delighted to see in the programme. We should never, for example, have adopted the term "aid" to describe official development co-operation: it connotes and promotes images of charitable donations involving real deprivation by donor governments and their tax-payers; whereas the combination of spending these "aid" funds at home, and helping to develop purchasing power in developing countries, makes even grant funding as much of an extension and expansion of Northern domestic economies as expressions of compassionate charity. We should also stop using the term "technology transfer", because it connotes moving technology from those who have it to those who have none—and wholesale at that: technology selection and adaptation by developing countries is what we must support and advance.

I am not even sure that the term "development" gives us a deep enough understanding of what the developing countries have really been facing. For what they have really faced—involving everything from recovering their cultures to defining the nature of their needed indigenously designed institutions; from their agricultural policies to where they had roads and telegraph and where they didn't—has in many cases been "post-colonial reconstruction" and then development.

Let us also be more careful with sweeping references to "mis-management" and "corruption"—uttered in donor countries in a curious special way, as though intrinsically different from the mismanagement and corruption daily reported in many donor countries themselves. Of course there is corruption, and of course there is mismanagement in developing countries. I sometimes wonder whether some of the donor-country commentary about this doesn't have a note of special disappointment in it—as though some people in the Western world somehow hoped that liberated peoples in the South had a chance to start "from scratch", would do better than the West, and would all behave like saints before so much poverty. The answer of course is that they never could start from scratch; and there never was any reason why, as human beings like the rest of us, endowed both with nobleness and frailty, they should be able to avoid the weaknesses that plagued Western societies at comparable states—and that still do even amid our enormous affluence and much-vaunted standard-setting. Mahatma Gandhi was, not a Third World, but a global exception—and even he said that he was "only a politician trying to be a saint".

Although I know that media professionals dislike hearing this, it is also profoundly disturbing that the kindly generous, caring citizens of the donor countries—who are proving their solidarity all over again over Africa—are so seldom allowed to read or hear or see on their screens any good news from the South. Even over the Africa emergency, it is evident that scarcely anyone knows of the special self-help initiatives and sacrifices being made by Africans to help their fellow-citizens in distress. It is vital for development educators and nongovernmental organizations to find new ways to convey achievement by the developing countries, progress in our North-South partnership, amid all the problems and difficulties which themselves are means of positive development education.

And so, I come back to Wendell Willkie, a remarkably perceptive man who left us so soon after his unforgettable book had reached around the world in nearly three million copies in the midst of war. Urging that, and I quote him, "Our Western world and our presumed supremacy are now on trial. Our boasting and our big talk leave Asia cold", he went on to make one of the most powerful appeals then to be heard, even before the United Nations had been born. It has a healthy democratic, modest ring to it for a very proud United States even today. He wrote

"When I say that this world demands the full participation of a self-confident America, I am only passing on an invitation which the peoples of the East have given us. They would like the United States and the other United Nations to be partners with them in this grand adventure . . . the chance to help create a new society in which men and women the world around can live and grow invigorated by independence and freedom".

That is surely our agenda today, in this forthieth anniversary year of the United Nations. This Conference convenes in "one world, rich and poor", to build upon our successes and learn from our failures, so that the day will come when we can really meet in one world—rich in a universally energised humanity; rich in cooperativeness; tranquil amid real disarmament; one world where the word "poor" has been retired into history books.

It is a dream within our grasp—in which we have nothing to fear but complacency; nothing to lose but the weakness in our present economies. it is an "all-win" challenge in a positive-sum game which our children the world over have a right to expect us to overcome.

We cannot expect their forgiveness if we make it their inheritance.●

HONORING ROYCE SMITH

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. FORD of Michigan. Mr. Speaker, how pleasurable it is to be able to laud and commemorate a resident of my congressional district who has combined all of the noble aspects of community service, professional attainment, family achievement and a fulfilling life. We are pleased to join family, friends and associates of Royce Smith in saluting him on the occasion of his retirement from government.

Very few individuals can take with them the satisfaction which comes from duty faithfully performed. But Royce Smith is able to do this based upon his record as Belleville councilman, Belleville mayor, member of the Wayne County Board of Commissioners and managing director of the Wayne County Department of Public Works.

Many people are satisfied to achieve either in the private sector or in public office holding. Seldom do we see the remarkable blend of both public and private achievement, intertwined with responsible partisanship on behalf of the 15th District Democratic organization.

We know that Royce and his family now look forward to his well-earned respite from his official duties. But in another sense he will never depart from the special job and pleasure he derives from his family and the satisfaction he derives from assisting others.●

THE TREASURY'S TAX PROPOSAL WOULD HURT OHIO OIL AND GAS INDUSTRY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. TRAFICANT. Mr. Speaker, the Treasury Department's new tax proposal would severely impact the oil and gas industry in my home State of Ohio—an industry which just enjoyed its finest year ever. I rise today to express my opposition to three major components of the Treasury's plan that would have wide-ranging negative effects in the oil and gas industry in Ohio.

The Treasury's tax plan includes three proposals that I am very concerned about. They are: First, loss of intangible drilling cost deduction; second, repeal of statutory depletion; and third, elimination of investment tax credit. These three proposals, if enacted, would be a severe blow to the fiscal health of Ohio's oil and gas industry. A recent survey by the Ohio Oil and Gas Association regarding the Treasury's proposals revealed some disturbing information. If enacted, these proposals would have the following effects: First, expenditures for oil and gas production in Ohio would decline by 72 percent; second, the number of new wells in Ohio would decline by 71 percent; third, revenues paid to related industries in Ohio would decline by 54 percent; and fourth, employment in the industry in Ohio would be cut by 43 percent.

While all of the above facts are quite disturbing, I am most concerned about the unacceptable amount of jobs that would be lost and the grave reduction in oil and gas production in Ohio. In my home district the unemployment has been one of the highest in the Nation for several years. The State of Ohio is struggling to catch up with this so-called economic recovery. The oil and gas industry had been a steady part of Ohio's economic growth. If the

above mentioned proposals by the Treasury Department were enacted, 3,266 fewer wells would be drilled in Ohio and over 7,000 Ohioans would lose their jobs. The effects of these proposals would not be isolated to Ohio—630,000 jobs would be lost nationally and investment capital for drilling in the United States would decline by $10 billion. This would ultimately add to our already severe trade deficit problem and have a significantly negative effect on the national economy.

I urge all of my colleagues to oppose these proposals by the Treasury Department and with me to bring forth a tax plan that is fair and equitable and one that will not discourage the growth and expansion of vital American industries.●

NICARAGUA—A CONTINUING PROBLEM

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. MILLER of Washington. Mr. Speaker, the House has ended for the moment, a lengthy and heated debate on the proper response of the United States to the political situation in Nicaragua.

Many issues were raised during the debate, including the possibility of direct U.S. involvement, the deplorable atrocities attributed to each side, the reliability of various experts and partisans, and the amount of money under consideration. But I believe the crucial issue before the House was whether the United States should help the forces seeking a more democractic form of government for Nicaragua, whether we should keep a hands-off approach, or whether we should seek closer ties with the Sandinista government.

I feel the answer is clear. When given the choice of aligning ourselves with a Communist regime intertwined militarily and economically with the Soviet Union and Cuba, doing nothing, or supporting groups which espouse democratic ideals and economic opportunity, I believe the United States must take the lead in promoting democracy and freedom. This is especially true in the case of Nicaragua, where the national security interests of the United States and other Central American countries are so directly affected.

It is unfortunate, but true, that the Sandinista government, which the United States originally supported after we helped remove Somoza, has broken its promises of reform. It promised fair and open elections, yet junta member Bayardo Arce admits that the elections were a propaganda ploy and that the Communist Sandinistas had no intention of handing over or sharing power with their opponents. It promised political pluralism, yet the army, the militia, and the police are the private property of the ruling political party. It promised to remain nonaligned, yet in addition to inviting some 10,000 Cuban, East German, Bulgarian, and Soviet advisers to the country, the Sandinistas have also accepted some $300 million per year in Soviet bloc aid to build up the largest and best equipped military force in Central America.

On the other side, there are groups which espouse democratic ideals and economic opportunity. These groups are led, for the most part, by individuals who originally helped lead the democratic opposition to Somoza, but now find themselves philosophically and politically at odds with the Communist Sandinistas. These forces, call them Contras or freedom fighters or whatever, I am now convinced, have the will and the capability to carry on, grow in numbers, and effect change for the better in Nicaragua.

Mr. Speaker, we cannot consider the Nicaragua situation in a vacuum. Soviet and Cuban intrusion around the globe pose a serious threat not only to world stability but to our own national security interests. The United States now tries to meet this challenge through a variety of economic, political, military, and diplomatic means. We are now applying to Nicaragua moderate economic, political and, through the Contedora nations, diplomatic pressure. The proposed $14 million in military support to the rebels is a very moderate amount of potential military pressure.

I strongly support our policy of trying to return the Sandinista government to its original goals and aspirations. Our policy is to encourage the Sandinista government to negotiate with the various opposition groups; to end military ties with Cuba and the Soviet Union; to hold free and open elections; to allow a free press and to end religious and racial oppression. Ours is a temperate and positive policy, which, if supported by the American people and by Congress, I believe offers the hope of both improving our own security and redeeming for the people of Nicaragua the promises of the Sandinista revolution.●

MARKET ORIENTATION

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. STANGELAND. Mr. Speaker, market orientation is certainly the buzz word surrounding this year's Farm Bill.

The administration has gone to great lengths to emphasize the importance of structuring a future farm program that will emphasize achieving new markets for our farm products.

I believe that one area with enormous market potential is being completely overlooked—the production of ethanol.

The fortunate absense of soaring oil prices—such as those occurring during the oil price shocks of 1973 and 1979—has made many view ethanol production as a thing of the past. Nothing could be further from the truth.

Ethanol production continues to be a growing industry. Alcohol produced in the United States for fuel purposes has exploded from an estimated 10 million gallons in 1978 to 410 million gallons in 1984. Sales of the 10-percent gasohol blend are estimated by industry sources at more than 5 billion gallons last year.

The potential market impact of widespread ethanol consumption is astounding. Over 100 billion gallons of gasoline are used in the United States each year. If you assume a 10-percent ethanol mixture, 4.3 billion bushels of grain would be needed. Considering the fact that total U.S. grain production is on the order of 10 billion bushels annually, the market implications for our farmers are obvious.

The increased prices our farmers could achieve through this type of national ethanol fuels program would make price supports, deficiency payments, acreage reduction programs, and other farm program tools a moot issue. A huge market would be opened to absorb the incredible level of productivity that makes American agriculture a modern-day miracle.

The advantages are as enormous as they are obvious. Farmers could produce for a price, farm suppliers would increase their sales, equipment dealers would be rejuvenated, small businesses would pick up, the health of rural banks would be restored, and the hum of American agriculture and our rural economy would be felt throughout the country.

It is easy—too easy—to get complacent about our national energy security during an oil glut and relatively stable fuel prices. But we all know that this is a temporary phenomenon at best. The transition from nonrenewable energy sources to renewable—such as ethanol—is going to come. The only question is whether or not we will be prepared to deal with it in a manner that will minimize the degree of disruption that will otherwise ensue.

During future congressional deliberations on the issue of market orientation, I urge my colleagues to keep in mind the need to further encourage and develop a domestic industry that

may offer our farmers the greatest market potential of all—ethanol.●

AMERICAN DOLLARS?

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. APPLEGATE. Mr. Speaker, while we continue to witness examples day in and day out of the steady erosion of America's foreign trade balance, what with American workers and American companies losing out to foreign imports, it now appears that our own Federal Government has finally decided to throw in the towel and will now give their business to foreign enterprises instead of to American firms.

I have recently been informed that the Bureau of Printing and Engraving, a division of the U.S. Department of the Treasury, has awarded a contract for $8 million to a firm located in Switzerland for printing equipment to be used in the production of American currency. I feel this recent disclosure that our own Government wishes to utilize equipment made outside of this country so as to print American dollars is the ultimate betrayal by this administration of American workers and American companies. The serious nature of America's trade imbalance problem should not be belittled and minimized by an administration that blatantly overlooks American firms when it comes to reviewing bids submitted to our Government. If we are to ever realize an America with full employment and strong and vital enterprises, then the time has come to correct the policy that our own Government has regarding contracts for goods and services.●

JEANNE SLIFKA HONORED FOR HER WORK

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. GUARINI. Mr. Speaker, on Friday evening, May 3, 1985, a fine and gracious community servant, Mrs. Jeanne Slifka, is being honored by her friends and the community of Bayonne, NJ.

Jeanne Slifka has recently retired after 13 years service as executive director of the Bayonne Chapter of the American Red Cross.

As a former member of the National Board of Trustees of the National Red Cross, I can attest to the efficiency and dedication of Jeanne Slifka, and esprit de corps she has developed within all those she has touched, and for her compassionate delivery of home service needs.

Jeanne became executive director of the American Red Cross, Bayonne Chapter, after 7 years of volunteer service, including membership on its Board of Directors. She became involved with the Red Cross through Vincent Burke, chairperson of the American Red Cross.

Jeanne has been a civic leader in working for local volunteer groups and charitable organizations since 1946. Her role as an activist on behalf of such causes includes service as president of the Bayonne Hospital Volunteers for 2 years, and chairman of pediatrics, and appointment to the Juvenile Conference Committee.

Jeanne was instrumental in reactivating Mount Carmel Guild of Our Lady of Mount Carmel Church, together with the former Pastor, Rev. Ted Zaorski, she became its first president and remained as such for the first 7 years.

She has also served in an advisory capacity to the Executive Board of Mount Carmel Guild in Newark, which assists the handicapped and underprivileged; the Executive Board of St. Dominic Academy, Jersey City, and on the nominating committee of the Pavonia Girl Scout Council.

Jeanne has also served on the Board of Directors of the Conference of Christians and Jews.

For all of her hours of dedicated service, Jeanne is proud of the following awards: American National Red Cross, New Jersey Blood Services, United Way of Hudson County, Bayonne Boy Scout Council and Mount Carmel Guild.

In 1972 Jeanne was selected a "Woman of Achievement" by the Jersey Journal.

On May 1, at St. Andrew's Hall, Bayonne, Jeanne will receive the first annual Civic Achievement Award of the "Irelands' 32," as announced by Leo Hurley, president of the group. The Awards Committee felt that her longstanding record of achievement in the community clearly stamped her as an individual deserving of recognition as this year's achiever.

Jeanne is also a member of the Polish American Woman's Auxiliary and has served as its vice president.

Jeanne Slifka, the former Jeanne Sweeney, is a graduate of Holy Family Academy, a lifelong Bayonne resident whose family has been part of the city for three generations. She lives with her husband, Edward, and is the mother of two daughters.

Jeanne "makes a difference" as indicated in an article written about her in the Jersey Journal, which I would like to quote from:

> Her unique ability to recruit workers has resulted in an increase of volunteers—from 7 to nearly 100 in the last 7 years.
>
> The Bayonne Red Cross is partially funded by the United Way of Hudson County and the National Red Cross, but when more money is needed, Mrs. Slifka is one of the first people to start a drive.
>
> These additional funds raised by activities sponsored by Mrs. Slifka have greatly kept the chapter running.
>
> Expanding the number of blood banks within the city from 3 to 14 is another of Mrs. Slifka's projects.
>
> In addition to offering safety, swimming, First Aid and other courses, the Red Cross is a referral service. I come here every morning and never know what to expect, the executive director said.
>
> Perhaps a message she composed to a local organization best describes her attitude towards her role in the community:
>
> If every task is performed in His [God's] name, it no longer becomes a task—it is a labor of love.

Jeanne certainly lives up to her message, as her friends can attest. They are paying tribute to her with the dinner in her honor chaired by James P. Sweeney, assisted by Patrick F.X. Nilan, president of the United Way of Hudson County, who will introduce the guest of honor.

Bayonne Mayor Dennis P. Collins will be a speaker, joined by others who will tell the story of Jeanne Slifka's life and her great tributes not only to the people of Bayonne but throughout the area.

Jeanne Slifka has reiterated the words of David Grayson:

> To be needed in other human lives—is there anything greater or more beautiful in this world.

Jeanne leaves the Bayonne Chapter of the American Red Cross held in high esteem. The community has had its share of problems, especially dealing with fire victims, in addition to the problems of many servicemen at the Bayonne military base, and the growing older American population and that of the handicapped.

Jeanne Slifka has accepted the challenge of community service with competence and courage. In the few instances where perhaps the desired result could not be obtained, Jeanne gave a message of hope to those in need, reminding them that "everything is done in the world by hope, which urges us on telling us tomorrow will be better."

She echoes the words of Von Knebel who said:

> Hope awakens courage. He who can implant courage in the human soul is the best physician.

Jeanne tells us that she and Ed are planning retirement and will "take it easy." Many who know of her ebullient personality question that statement. However, if she does choose this route, she will be well deserving.

Oscar Wilde wrote:

> "Contentment lies not in the enjoyment of ease—
> a life of luxury—
> but comes only to him that labors and overcomes—
> to him that performs the task in hand and reaps
> the satisfaction of work well done."

If I could describe Jeanne Slifka by repeating the words of a great author, I would choose those of John Burroughs, as follows:

I AM CONTENT

The longer I live the more my mind dwells upon the beauty and wonder of the world * * *

I have loved the feel of the grass under my feet, and the sound of the running streams by my side. The hum of the wind in the tree-tops has always been good music to me, and the face of the fields has often comforted me more than the faces of men.

I am in love with this world; by my constitution I have nestled lovingly in it. It has been home. It has been my point of outlook into the universe. I have not bruised myself against it, nor tried to use it ignobly.

I have tilled its soul. I have gathered its harvests, I have waited upon its seasons, and always have I reaped what I have sown.

While delved I did not lose sight of the sky overhead. While I gathered its bread and meat for my body, I did not neglect to gather its bread and meat for my soul.

I have climbed its mountains, roamed its forests, sailed its waters, crossed its deserts, felt the sting of its frosts, the oppression of its heats, the drench of its rains, and the fury of its winds, and always have beauty and joy waited upon my goings and comings.

I am certain that my colleagues here in the House of Representatives wish to join me today in this well-deserved tribute to Jeanne Slifka, servant of God—servant of mankind.●

1985 AAA SCHOOL SAFETY PATROL LIFESAVING MEDAL RECIPIENTS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. WOLF. Mr. Speaker, in May, the American Automobile Association whose national headquarters is located in the 10th District of Virginia, is presenting five young people the highest award given to members of school safety patrols throughout the United States, the AAA School Safety Patrol Lifesaving Medal.

The lifesaving medal program was initiated in 1949 by the American Automobile Association to recognize and honor selected school patrol members for their heroic lifesaving contribution to their communities.

Since its inception, there have been more than 270 boys and girls from 28 States and the District of Columbia who have been honored with the lifesaving medal.

An award review board composed of representatives from active national organizations in the fields of education, law enforcement, and safety selects deserving medal recipients from those candidates who have been officially nominated for consideration.

The 1985 recipients of the AAA School Safety Patrol Lifesaving Medal are:

Shelby L. Butler, 11, Pershing School, St. Joseph, Missouri; Mark Gilbert, 12, Nathan Davis School, Chicago, Illinois; Shane M. Swiger, 11, Harden Elementary School, Salem, West Virginia; Randolph Wilson, 10, David Weir School, Fairfield, California; and Garth D. Yohn, 11, Stiegel Elementary School, Manheim, Pennsylvania.●

TEHACHAPI BREAKS GROUND ON FLOOD CONTROL PROJECT

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. THOMAS of California. Mr. Speaker, on April 27, 1985, the community of Tehachapi in my district marked a long-awaited occasion when ground was finally broken on a flood control project to protect homes, farms, and businesses in this beautiful mountain valley.

The Tehachapi watershed project, when it is completed, will protect more than 3,000 acres of farmland as well as the city of Tehachapi, and it will improve land and water management throughout the watershed while reducing soil erosion.

On April 27, ground was broken at the Antelope Dam site, and a number of local agencies and individuals worked for many years to make this day possible. The Tehachapi Resource Conservation District, Tehachapi-Commings Water District, city of Tehachapi, and Kern County Water Agency have all put forth a sustained effort to make the Tehachapi watershed project a reality.

For more than 25 years, from the very first feasibility study in 1959, the vision and perseverance of men such as Fred Patterson, Bob Jasper, Karl Backes, Darrell Sorenson, and Stuart Pyle has moved this project forward, inch by inch, through 9 Presidential administrations and 14 Congresses, to the groundbreaking at Antelope Dam.

The current president of the Tehachapi Resource Conservation District, Ernest Schaefer, succeeds the district's first president, J.C. Jacobsen, by nearly 40 years. It has been a long time coming, but I am pleased to tell my colleagues that the commendable efforts of everyone involved have gotten the Tehachapi watershed project underway.

April 27, 1985, is a historic day for Tehachapi. Through the partnership of the local community with the USDA Soil Conservation Service and U.S. Forest Service, Tehachapi will soon have the flood protection it has sought for decades. This partnership of Federal and local governments will yield benefits for many years to come.●

PERSONAL EXPLANATION

HON. JOHN E. GROTBERG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. GROTBERG. Mr. Speaker, I was not present and voting during several instances last week. Had I been present, I would have voted in the following way:

On Wednesday, April 24: Rollcall No. 65, "nay."

On Thursday, April 25: Rollcall No. 70, "nay"; rollcall No. 71, "yea"; rollcall No. 72, "yea"; rollcall No. 73, "nay"; rollcall No. 74, "nay"; and rollcall No. 75, "nay."●

TRIBUTE TO WILLIAM C. LYNCH

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Mr. William C. Lynch. On March 29, 1985, Bill Lynch officially retired from his position as the Sacramento County Assessor after almost three decades of devoted public service. He will be sorely missed.

Bill Lynch first began working in the assessor's office in 1957. He was elected to the position of Sacramento County Assessor in 1970. Bill has handled and managed the integral and sometimes delicate duties of county assessor with integrity and great distinction.

Health considerations have played a major part in Bill's decision to leave the work he enjoys so much. I know that the entire Sacramento community joins with me in wishing Bill a long and enjoyable retirement.●

GALE BARTOW

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. SKELTON. Mr. Speaker, I rise today to honor a distinguished educator, Dr. Gale Bartow, who, for the last 14 years, has served as superintendent of the Blue Springs School District and is a past president of the American Association of School Administrators. Dr. Bartow is retiring after a long and distinguished career in education.

Gale Bartow has come to personify the phrase, excellence in education. He administered the R-4 school district, recognized as one of the most respected in the country, and continued to strive for excellence as president of the AASA. His devotion to quality education for Missourians, and Americans,

is as heroic an act as performed on any battlefield. As one who believes that education is vital to our national security, I am comforted knowing that educators like Dr. Bartow have played an important part in our educational system.

I know American education will miss Dr. Bartow's leadership. However, I am sure that in retirement he will continue to remain active in the education of our Nation's youth. I ask my colleagues to join me in wishing Dr. Gale Bartow a happy retirement and extending to him congratulations on a job very well done. We thank you, sir.●

CH2M HILL RECEIVES AWARD

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. WYDEN. Mr. Speaker, today I am pleased to share with my colleagues news of a recent Government award bestowed upon CH2M Hill, Inc., a consulting engineering firm whose headquarters are in Oregon.

CH2M Hill, the seventh largest consulting engineering firm in the Nation, was presented the second annual EPA Administrator's Award for "Outstanding Prime Contractor Achievement" on November 26, 1984. For the second consecutive year CH2M Hill's commitment to involving small-, minority-, and women-owned businesses as subcontractors in EPA-funded work has earned it this recognition.

EPA contracted with CH2M Hill several years ago to manage the Superfund Program dealing with hazardous waste sites in the 29 Western States and territories. Since then, CH2M Hill has successfully sought and obtained the participation of disadvantaged business enterprises, including those run by women and minorities, in its work.

All Americans benefit when groups historically excluded from the business cycle are afforded a greater opportunity to participate. It is through the good work of companies like CH2M Hill that these opportunities are being created.

This is a special award, one which I think CH2M Hill, Inc., should be proud of, and therefore be congratulated.●

IN HONOR OF GREGORY PEKICH

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. WALGREN. Mr. Speaker, I want to call the attention of the Congress to a very special person. On May 1, Gregory Pekich, a constituent of mine, will be favored by the National Association of Letter Carriers with that organization's National Hero of the Year Award.

Mr. Pekich risked his life in an attempt to rescue a victim from a submerged autombile which had slid into the Monongahela River during a snowstorm. He was driving by the scene, saw that a car had skidded off the freeway and down a 50-foot embankment into the freezing river. He jumped chest deep into the water and, with the help of another passerby, attempted to release the victim from the car. Tragically, the car door and the seatbelt proved to be insurmountable, and the automobile slipped into the river and sank.

The Letter Carriers National Hero of the Year Award is recognition well deserved. On behalf of those we represent, I want to express our appreciation and respect to him for his courageous effort.●

A TRIBUTE TO THE KIWANIS CLUB OF ARCHER ROAD

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. LIPINSKI. Mr. Speaker, it is with great pride that I rise before my colleagues to call attention to an outstanding community service organization in the Fifth Congressional District of Illinois, the Kiwanis Club of Archer Road, which will soon be celebrating its 50th anniversary.

Since its inception in May 1935, the Kiwanis Club of Archer Road has been serving the Brighton Park, McKinley Park, and Archer Heights communities of Chicago. The work of this small but dedicated group of men has greatly benefited the entire community. Kiwanians, past and present, have given generously of their time and talents to perform hundreds of youth related activities and raise thousands of dollars.

Some of the many projects of the Archer Road Kiwanis Club include: college scholarships to local high school graduates; an annual awards luncheon for the outstanding graduates of local public and parochial elementary schools; funding of local high school area Key Clubs; collecting and distributing canned goods to local families in need; annually sending 50 local children to the Shrine Circus; purchasing band uniforms and equipment for local high school bands; annually supporting the Kiwanis Plymouth Camp for Crippled Children and constructing a new dormitory at the camp; and raising and donating over $10,000 to Spastic Paralysis Research at a local children's hospital.

The success of the club's activities can be attributed to the fine leadership and guidance of its many presidents. From Walter Wolf, the first president, to John Thompson, the current president, the benefit of the club's 50 years of community service is clearly documented in the many awards bestowed on it by the Kiwanis Illinois-Eastern Iowa District and by Kiwanis International.

Mr. Speaker, I am sure my colleagues will join with me and the residents of the Fifth Congressional District in paying tribute to the Kiwanis Club of Archer Road and thanking them for their outstanding work.●

SMALL BUSINESS INVENTORY SIMPLIFICATION

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. DORGAN of North Dakota. Mr. Speaker, today I am introducing legislation to correct a serious tax problem facing many small businesses as a result of a U.S. Supreme Court decision, *Thor Power Tool Co.* v. *Commission*, 439 U.S. 522 (1979). The Court held, in essence, that if a taxpayer continues to hold excess or obsolete inventory in case a customer may need it in the future in order to keep an old piece of machinery operating, for example, then the business man or woman must value that inventory for tax purposes at its cost to him or her or at its sales price, whichever is lower.

I do not argue with the Court's decision in Thor Power Tool because the Court was just enforcing the law. But the law is flawed in that it does not reflect the reality of actual business practice.

Consider the manufacturer or dealer who stocks many parts, rather than selling them for salvage, in order to better serve customers. After a length of time, the odds that someone will buy a part from this stock of obsolete inventory are remote. However, if this business person does not maintain this stock of old parts, a customer might be forced to dispose of a perfectly good piece of equipment because the necessary part is no longer obtainable.

Now, it is clear that a stock of outdated parts is not worth its initial cost to the dealer. But, under current law, a dealer is not allowed to devalue his her or outdated items in accordance with actual business experience.

The bill I am introducing today attempts to correct this situation. It allows for a writedown of obsolete inventory. It will also help to prevent abuses by eliminating the potential for fluctuating inventory deductions for tax purposes.

For years beginning after December 31, 1984, a small business, which is defined as any domestic trade or business with equity capital of $25 million or less, could elect to writeoff its excess or obsolete inventory in a prescribed, balanced manner. After an item has been in inventory for 4 years, it is completely writtenoff for tax purposes. The writeoff would not begin until the second year after the item is purchased. Thus, The deduction will be taken in equal installments in the second, third, and fourth years.

Enactment of this bill will help to achieve some measure of tax equity and simplification for our small businesses at a time when they can truly use some relief under our tax laws.●

ON U.S. POLICY TOWARD NICARAGUA

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. JEFFORDS. Mr. Speaker, during 14 hours of difficult debate, the House recently acted upon the administration's request for aid to the Contras. A strong message was sent to the President declaring that Congress and the American people feel the Contras should not be the main instrument of U.S. policy in the region.

There is some concern that by rejecting at this time both military and humanitarian aid to the rebels, we have pulled the rug out from under the administration's position and thus prevented our Government from dealing from a position of strength. I would argue that this certainly is not the case. This series of votes forcefully demonstrates the necessity of forging a constructive and successful policy with regard to Nicaragua and all of Central America.

It is unrealistic to expect the administration to immediately turn away from its primary instrument of Nicaraguan policy. Nor is it in the best interest of stability in the region for us to ignore the Contras from here on. Therefore, it is imperative that we devise a policy which effects a shift in emphasis from military support of the Contras to responsible concern for the problems facing Honduras and Costa Rica in providing for the refugees and preventing erosion of their own domestic stability.

Our first instrument of foreign policy toward Nicaragua must not be military intervention. We have several, more constructive, alternatives in our arsenal. These include trade concessions, health assistance, agricultural development, Peace Corp programs and support for the democratic opposition within Nicaragua. By not supporting the Contras militarily, we will also be in a better position to coordinate trade sanctions or other means of pressure on the Sandinistas with our European allies, as the European refusal to cooperate with us in the past has been based primarily on their objection to our Nicaraguan policy.

There is considerable reason to believe that Nicaragua will respond to these types of incentives or sanctions. We have traditionally been Nicaragua's primary trading partner, and their economy remains heavily dependent upon foreign trade. The Sandinistas have long indicated their eagerness to increase trade with the United States.

While the Soviet-Cuban connection is clearly an operative force in Nicaragua, there are increasing signs that the Soviet Union is not particularly anxious to become involved in substantial economic commitments to Nicaragua. Cuba and the U.S.S.R. have obviously had some disagreements of late on the nature of their partnership and the extent of Soviet financing to be provided for Cuban endeavors in the Western Hemisphere. The refusal by Castro to attend Chernenko's funeral is symptomatic of less than harmonious relations between the two nations. This provides us with the opportunity to use the promise of improved trade relations and the threat of Western trade sanctions to induce the Sandinistas to live up to their promises of pluralism, personal freedoms and neutrality in regional conflicts.

Diplomatic channels provide numerous opportunities for bringing both pressures and incentives to bear on the Sandinistas. The threat of diplomatic isolation by not only the United States but also the countries of Latin America and Europe would be of great concern to the Nicaraguan Government. Turning to incentives, we are in a very strong position to further the peace process and initiatives of the Contadora group by working for a cease fire in the region. We could then insist that the Sandinistas live up to their original promise of nonalignment. The Contras should not be cut out of the negotiation process, however, it is unreasonable to demand that the Sandinistas deal exclusively with them. A balanced policy requires several prongs, that is, negotiations to which the Contras are a party and negotiations which deal exclusively with United States-Nicaraguan relations and Contadora concerns. We must not ignore the useful role that multilateral organizations and our European allies can play in furthering this goal.

The recent House actions must not be looked on as a defeat for U.S. policy toward Nicaragua. Rather, it must be seen as creating the opportunity for development of a positive, productive and humane policy toward our troubled southern neighbors.●

A TRIBUTE TO DAVID McCARTHY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. CONTE. Mr. Speaker, I would like to take this opportunity to pay tribute to David McCarthy, police chief of the town of Greenfield, MA, who will be honored on May 8, 1985, with the Greenfield Rotary Club's Vocational Service Award.

This award is presented to a member of the Greenfield area community who has, through his or her vocation, promoted and developed public service. Chief McCarthy more than deserves this recognition because of his continuing, unselfish efforts on behalf of the youth of the Greenfield area, and particularly for his role in establishing Greenfield's "After Hours Teen Center."

Chief McCarthy's work, with and for our young people, is indeed inspirational. As an officer of the law, he has seen, first hand, the consequences of neglected and uninspired youth. Because of this, Chief McCarthy has worked hard to creatively challenge and channel this vast and valuable resource.

Mr. Speaker, I am honored to be able to represent such a person in Congress, and am extremely pleased to share with you the reasons for his well deserved recognition.●

MRS. LEE GOLDMAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. ACKERMAN. Mr. Speaker, I would like to ask my colleagues in the U.S. House of Representatives to join me now in honoring Mrs. Lew Goldman for her years of dedicated service to the educational endeavors of her community and of Queens County, NY.

Lee Goldman's distinguished career has earned her great respect throughout the borough. Since 1970, she has served as a member of Community School Board 26, in northeast Queens. In 1975, she was voted vice president of the board, and subsequently was elected president for two successive terms.

During the years that Mrs. Goldman devoted her efforts to these offices, she continued her involvement in other commendable activities. Lee Goldman is greatly admired for her consistent concern with a wide scope of community affairs. The long list of civic organizations that have benefited

from her wisdom and experience include the Oakland Terrace Civic Association, the Queensborough Library Council, the National Library Week Committee, and the Girl Scout Maple Leaf District.

Despite her dedicated service to these important organizations, Lee Goldman always found time for her devotion to the children, parents, and teachers of District 26. She has chaired the school board's drug abuse education committee, and its capital budget committee, and has served as representative to the consultative council of the central board of education.

For her unstinting service to the community, Lee Goldman has been presented with the Builder of Brotherhood Award from the National Conference of Christians, and Jews, the Community Service Award from Benjamin Cardozo High School, and the 10 Years of Service Award from the New York City Board of Education.

On May 1, Mrs. Goldman will be honored by Community School Board 26 with a special gala testimonial dinner. I ask all my colleagues in the U.S. House of Repesentatives to join me now in honoring Lee Goldman, a woman of extraordinary achievement, and in congratulating her of enriching the schools, the students and the entire community of Queens County.●

PAYING TRIBUTE TO ROBERT MANDERA

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. WALGREN. Mr. Speaker, it is a great honor for me to call a very special person to the attention of the Congress. Robert Mandera, a citizen from my district, has worked tirelessly on behalf of the American Diabetes Association. On May 1, Mr. Mandera will be honored by the National Association of Letter Carriers and presented with that organization's National Humanitarian Award.

Mr. Mandera has a very personal interest in those with diabetes. His 13-year-old daughter is a diabetic. Each year for the past 7 years, he has spent one weekend conducting his own walkathon, walking from Erie to Pittsburgh—approximately 100 miles—to raise funds for the American Diabetes Association. He alone, through these personal walkathons, has raised over $30,000 for the cause of diabetics.

On behalf of all my constituents, I want to pay tribute to Mr. Mandera's contribution to a very special cause, and say thank you to him for his inspiration and effort to make a difference in the lives of many.●

THE FUROR IS OVER

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mrs. SCHROEDER. Mr. Speaker, the furor is over. Ms. Eileen Gardner has resigned her position as Education Assistant in charge of the Office of Education Philosophy and Practice. Yet, we must not so quickly dismiss the significance of her views or the fact of her appointment.

Given Ms. Gardner's statement that the handicapped are responsible for their life situation, I think we should consider the dangers of applying 15th-century beliefs to 20th-century problems.

Should we appoint to the Office of Surgeon General an individual who believes in bloodletting for the cure of disease? Should we look to someone who believes the Earth is flat to head the National Science Foundation? In place of our judicial system, should we revert to a system whereby we submerge the accused in water and, if they drown, declare them guilty?

Ms. Gardner's statements clearly imposed an obsolete philosophy on today's education issues. To our credit, the American people would not stand for it.●

A TRIBUTE TO MAJ. JOHN MERIWEATHER

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. WILSON. Mr. Speaker, there are some who say age is its own reward. Maj. John Meriweather, however, has never been one to stand still waiting to accept the rewards of age. At 89 young and vital years, he is still working full time as an energetic, productive member of the executive staff of Timberland Savings & Loan in Nacogdoches, TX.

This past weekend I joined many of the major's neighbors and coworkers in honoring him with a tribute to his unflagging contributions in time, inspiration and effort to job and community. The history of these contributions spans at least 70 years—more than a lifetime for many of us.

John Meriweather is a veteran of World War I, where he served in France as an infantry soldier, and of World War II where he achieved his rank of major. After retiring from a sales position with the International Shoe Co. at age 65, the major worked for 18 years at Stone Fort National Bank in Nacogdoches. Retirement from that position brought him to his current post as senior vice president and public relations and investment officer at Timerland Savings & Loan.

During these many years, he also found time to head the local Chamber of Commerce, marry and raise a family and, sadly, take care of both an invalid wife and daughter as only a devoted husband and father can.

It goes without saying that this is a man worthy of our respect. He has weathered the horrors of two wars, both the sadness and joys of life and the technological reshaping of his world. Yet after nearly nine decades he continues to meet each day looking forward to new challenges.●

A SALUTE TO NIH

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. BARNES. Mr. Speaker, I would like to bring my colleagues' attention to an important event that will be taking place in January 1986 in my district of Montgomery County, MD. That is, a "Salute to the National Institutes of Health," sponored by the Juvenile Diabetes Foundation.

The timing of this event is most appropriate as NIH approaches its 100th birthday in 1987, as is the theme of the salute—"Bethesda, the Healing Well"—blending the concept of the biblical healing well with the location of NIH itself. This will serve to emphasize the striking advances in health care, including innumerable new insights into human disease, for which NIH has been responsible in their laboratories and clinics in Bethesda, MD.

Dr. Lewis Thomas, president emeritus of the Sloan-Kettering Institute for Cancer Research, stated in a recent reference to the National Institutes of Health:

> As social inventions for human betterments go, this one is standing proof that, at least once in awhile, Government possesses the capacity to do something unique, imaginative, useful and altogether right * * *. It has, in short, been a success story from start to finish, although the finish is, I trust, nowhere near. The NIH laboratories are something for the Government to boast about, to dine out on, and to be immensely proud of. It is my hope that the same intelligence and good taste will be displayed for the institution's future as were used to build the magnificent instrument now at hand.

As the Federal agency entrusted with the development and progress of research in the biomedical sciences, NIH has enjoyed the consistent support of Congress. I am sure that we can wholeheartedly agree with Dr. Lewis' sentiments as we celebrate this outstanding achievement.●

THE FRUIT AND FLOWER CHILD CARE CENTER

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. AuCOIN. Mr. Speaker, I would like to share with my colleagues the anniversary of a child center in my district which, for the past 100 years, has given a number of children in Oregon an opportunity and positive environment for growth, socially, emotionally, physically, and intellectually. The Fruit and Flower Child Care Center celebrates its anniversary today, April 29, with an alumni organization of more than 10,000 students.

One of the many events which will take place during the anniversary celebration stems back to the origination of the center—in 1885, a group of eight girls began delivering baskets of fruits and flowers to shut-ins and patients in area hospitals. In 1906, the mission began the child care center in response to the growing need for child care, due to the increasing number of women entering the work force. This week, again children will uphold the tradition of visiting local nursing homes with gifts of fruits and flowers just as their founders did 100 years ago.

Mr. Speaker, I would like to commend the Fruit and Flower Child Care Center for their dedication to creating a safe, nuturing, and educational environment for so many children in Oregon for the past 100 years. I hope that the valuable services they provide to the families and communities of Oregon will continue.●

SBA—A SUCCESS

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. BEDELL. Mr. Speaker, in our current national debate over President Reagan's proposal to kill the Small Business Administration, the voices of America's small business people too often are not heard over the argumentative din among bureaucrats, partisan spokesmen, and representatives of various interest groups.

The Des Moines Register recently printed a meaningful letter from a successful and respected Iowa businessman, John Dodgen, president of Dodgen Industries in Humboldt, IA. Mr. Dodgen's experience provides us with a valuable lesson, and I am pleased to recommend a portion of his letter to my colleagues for their consideration:

These comments are in response to Mr. David Stockman's statement in the Senate Small Business Committee, wherein he said: "The SBA should be abolished. Why should the government subsidize one small business at the expense and in competition with another businessman who has saved his money and invested at his own risk?"

In my opinion, Mr. Stockman's desire to reduce the budget either won't allow him to understand the role that SBA has played in developing and nurturing the small-business enterprise in America, or his biases and views are so perverted that he doesn't want to trouble himself to investigate the absolutely super role SBA has performed in providing the otherwise unavailable seed capital that has literally been the salvation of small business in America and the stimulation of untold millions of jobs which would not be here today without SBA.

In my own company's case, there would be 60 families out of work in Humboldt, without SBA.

As a small businessman, this is the most regrettable letter I ever felt (obliged) to write concerning a government official.●

RECEIVES GOLDEN JUBILEE AWARD

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. COELHO. Mr. Speaker, Sir, at this time I would like to take a moment to recognize one of my more outstanding constituents. In recognition of his 50 years of service to the trucking industry, Opie Wallace was presented with the Golden Jubilee Award by the California Trucking Association at its 1985 annual convention.

This gentleman arrived in Chowchilla, CA in 1935. He took a job hauling sack grain at $2 a day. Ten years later he had saved $5,000 and purchased a truck and trailer, founding Wallace Trucking. Today, Wallace Transport is one of the largest carriers of agricultural products and groceries in the State of California. The success of this company can be directly traced to the hard work and dedication of its founder, Opie Wallace.

Mr. Wallace has devoted a considerable amount of his time to a variety of civic activities and has worked extensively with trade associations involved with the trucking industry. He is a longstanding member of the California Trucking Association, and served as its president in 1979.

I hope you will join with me in congratulating Mr. Wallace on this well deserved award. He is a man who has earned the respect and admiration of his colleagues, and who deserves ours as well. Opie, I thank you for all your efforts on behalf of the trucking industry.●

HONORING THE BISHOP McCORT BASKETBALL BANDWAGON

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. MURTHA. Mr. Speaker, we have seen many examples in recent years of communities pulled together by the dynamic success of sports teams.

We had such an event recently in Johnstown as both the boys and girls basketball teams at Bishop McCort High School pursued State championships.

The boys team, led by Coach Tim Koshute, compiled an overall 25 to 5 record. They won the UPJ Mountain Cats Tournament, the West Central League, the District VI Class AA Championship, and were State finalists in the PIAA Class AA Championship.

The girls team led by Coach Rob Eckenrod, compiled a 27 to 3 record, including winning the Windber Athletic Boosters Association Tournament, the Steel City/Crusher Classic Tournament, and were District VI Class AA Champions, and PIAA Class AA State Champions.

What is most important is that from knowing many of these families of these young athletes and many of the youngsters themselves, that through this experience they helped to shape the character, dedication, and hard-working attitude that will translate into success for them not only in athletics, but in the classroom and in their working careers and family development.

I extend my best wishes to all the team members, support staff, and coaches, and thank them for the thrill they gave to our community. It is an experience we will all remember.●

BANQUET MARKING REV. FRANCIS A. DOBRYDNIO'S RETIREMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. KANJORSKI. Mr. Speaker, I am pleased to bring to your attention the contributions of an active and valued member of the Hazleton, PA, area. Rev. Francis A. Dobrydnio is stepping down as pastor of St. Stanislaus Church in Hazleton after a long career of service to his church and the community. He will be succeeded by Rev. Thomas D. Skotek, who is currently pastor at St. Casimir's Church in Freeland, PA.

Reverend Dobrydnio was ordained in 1943 and had served as an assistant pastor at Most Precious Blood Roman Catholic Church in Hazleton before coming to St. Stan's. As you may recall, Father Dobrydnio also recently returned from Calcutta, India where he spent 5 days with Nobel Peace Prize winner, Mother Teresa. I had the pleasure of bringing his trip to your attention here in the House just a few weeks ago.

Francis A. Dobrydnio was honored at a special banquet last week. His contributions to the parish and the community have earned him the well-deserved appreciation and affection of all who know him. Mr. Speaker, I am pleased to bring this fine gentleman to your attention once again.●

TRIBUTE TO FRANCIS X. BATTERSBY

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. McGRATH. Mr. Speaker, I would like to take a moment to recognize Mr. Francis X. Battersby, a distinguished public servant.

On the evening of May 3, 1985, Walter Ruina, president of the H.H. Arnold chapter of the Air Force Association, named Francis X. Battersby as their man of the year. The chapter chose to honor Frank as an individual that has spent his life fulfilling the spirit of President John F. Kennedy's request for Americans to "Ask not what your country can do for you, but, rather, what you can do for your country."

Frank began his career of service in 1939 when he joined the Sperry Gyroscope Co. He then moved into Government service as both a member of the military and as a high ranking civilian employee of NASA. During the past 25 years Frank has been a driving force within the Air Force Association. He has been a leader in promoting the association's objectives to insure that the public is informed as to the objectives and problems of the Air Force and our country.

The chapter on that gala evening said to Francis X. Battersby, "well done."●

KEEPING DEFICIT REDUCTION THE TOP PRIORITY

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. GRADISON. Mr. Speaker, I take this opportunity to call to the attention of my colleagues an excellent essay by our former colleague, Barber Conable. Writing in the April 29, 1985, issue of "U.S. News and World Report," Barber hits the deficit problem nail squarely on its head. His article is especially timely in view of the President's national address last week on the same topic.

As Barber points out, "It's hard to get good government with a bad budget plan," and he also argues that we should not permit tax reform to distract us from the most important task—cutting the deficit—even if the dirty work of deficit reduction "involves unnecessarily painful decisions."

The essay follows:

THE NEW BREED VS. THE PURITANS

(By Barber Conable)

Do deficits make a difference?

There's a new breed of politicans who say they don't—that you can have it all and not pay for it. Don't suffer, they say; just vote for tax cuts, new programs, more of everything for everybody, and enjoy the satisfaction of knowing you're doing the right thing. Growth is joy, and the avenue to growth is to use every tool of Government to stimulate the economy.

Until now, the problem has been America's Puritan heritage—that dour, unhappy feeling that goes with having to exercise restraint for fear of the hangover. Politicans of this tradition see a downside of gloom and pain when they could be focusing on a rosy future.

Is the new breed of politicians exercising the power of positive thinking, or are they living in a fool's paradise?

We've come to the time of year when we should be considering how to pay for our own governance rather than sending the bill to our grandchildren. Among the oldtimers, budgeting is the real stuff of Government in that it requires setting priorities and making a serious effort to get program spending and tax revenue into the same monetary ballpark.

The Senate Budget Committee, after a good deal of anguish and some unpopular decisions, has worked out a compromise with the President that is at least $52 billion closer to that ballpark, and it is to be complimented for its effort. The House Budget Committee can be expected to react to some of the things the Senate Budget Committee suggests, but in a bicameral legislature each house is entitled to seek its own formula. Even in the Senate a lot remains to be done, and a certain amount of disorderliness will occur on the Senate floor as next year's candidates try to back away from some of the toughest budget decisions. Expect interest groups to be active—and who can blame them?—as they fight for their share of the budget pie. If any one of them gets a bigger piece, somebody else, now or later, is going to pay for it by receiving less.

That's what it's all about, tradeoffs. If people are more productive, the pie may grow, but there are limits to growth. Low taxes don't guarantee growth if the Government is borrowing so much of the American people's (and the foreigners') savings that high interest rates become a restraining factor. And if the dollar is losing value because the Government is printing the money rather than borrowing it, thus taking savings indirectly, the nominal resulting growth is really cancerous.

You have to pay for what you get; it's as simple as that. And hope that what you're paying for isn't snake oil. Tough decisions have to be made at times other than budget season, but it's hard to get good government with a bad budget plan. So those who believe in representative government should be giving Congress their undivided attention now for maximum effect.

Unfortunately, tax reform is being used as a distraction by those who believe budgeting involves unnecessarily painful decisions. Taxes are important, too, but the ultimate burdens on the people are determined more by what we spend than by how we tax. Unless you have a confiscatory tax system (we don't) you normally can't raise more money by reducing taxes. Already, some people are saying we shouldn't get hung up on "static revenue neutrality" in designing the new tax plan, which is a cute way of saying we should cut taxes further to stimulate the economy. How can you have a more stimulative budget policy than to borrow almost a quarter of what you spend, which is what we're doing, and that at a time of relative prosperity?

It may appear unpleasant or puritanical, but most of the real decisions of Government are tough ones. True growth usually results from a willingness to defer some degree of current pleasure and to invest the savings from the deferral in a better future. If this sounds simplistic, at least it's not as dangerous as eating the seed corn.●

IN HONOR OF THE SESQUICENTENNIAL CELEBRATION OF HIGHLAND TOWNSHIP, MI

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. CARR. Mr. Speaker, it gives me great pleasure today to recognize Michigan's Highland Township, which is proudly celebrating its 150th anniversary this year. As Highland's representative in Congress, it is an honor for me to officially record Highland's sesquicentennial in the CONGRESSIONAL RECORD.

At the time of its founding in 1835, Highland was so named because it was thought to be the highest land in the settled part of Michigan. The township was organized by an act of the territorial legislature on March 17, 1835.

One of the first buildings in Highland Township was the school, built the same year as the town was founded, a symbol of the historic dedication of Michigan's people to education. Soon after, several churches were organized to satisfy the spiritual and social needs of the early Highland citizens. These citizens were quite civic minded: one action they took at their first township meeting was to raise $25 for the support of the poor during the current year.

In 1871, the Pere Marquette Railway was complete and brought an impetus to trade to the villages of Highland

and Clyde. The small villages had schools, stores, and post offices. Highland also had a grain warehouse and a pickle factory. Clyde offered a lumber yard, offices for Western Union and the American Express Co.

By 1950, Highland Township consisted of four hamlet-type communities: Highland, East Highland, West Highland, and Clyde. The population had grown to about 4,000 and farming was no longer the principal way of life. It had become a rural suburban area, with only a handful farmers and a few small industries.

As the 1960's and 1970's arrived. Highland became more and more attractive to newcomers seeking a country setting near more urbanized areas. The population more than doubled, increasing to 13,476 in 1976, and 16,958 in the 1980's. It is expected that Highland's population may exceed 25,000 by the year 2000.

It is an honor for me to recognize the people of Highland Township, who continue to enjoy and preserve small-town and rural life today, just as fellow township residents did before them. Highland's people have worked hard to make their sesquicentennial a yaer to remember and cherish. I am happy to join them in marking this anniversary, and in looking back over their history as a township. They share in a rich heritage of the thriving towns and villages all across America, where much has grown and changed, but much has remained the same.●

HONORING THE MEMORY OF UNION MEMBER MIKE QUEVEDO

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1985

● Mr. TORRES. Mr. Speaker, on May 3, 1985 the Laborers' International Union of North America, local 300, will be dedicating their newly acquired building in the memory of Mike Quevedo, Sr. This honor is very fitting for a man whose dedication to the service of working men and women will be long remembered.

Mike Quevedo joined local 300 in 1938 and served as the secretary-treasurer and business manager. His record as a labor leader shows his understanding of the plight of working people and his compassion toward his fellow man.

He is survived by his wife, Josephine and three children, Mike, Jr., Maragret and Ricardo. His son Mike is following in his footsteps by serving as the current business manager for local 300.

Mr. Speaker, the dedication of this new building in honor of Mike Quevedo is a fitting memorial to a man who devoted his life to the service of his fellow laborers. I ask my colleagues to join me in giving our best wishes to the family of Mike Quevedo, Sr., who can be very proud of the contributions of his remarkable man.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, April 30, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 1

9:00 a.m.

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Telecommunications and Information Administration.
SR-485

*Judiciary
To hold hearings on pending nominations.
SD-226

9:30 a.m.

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Supreme Court of the United States, and the U.S. district courts.
S-146, Capitol

Banking, Housing, and Urban Affairs
To hold oversight hearings on recent changes in the financial services industry.
SD-538

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the Consumer Product Safety Commission.
SR-253

Veterans' Affairs
To hold oversight hearings on the Veterans' Administration home loan guaranty program.
SR-418

10:00 a.m.

Agriculture, Nutrition, and Forestry
To hold hearings to conduct an analysis of agriculture policy options for 1985 farm legislation.
SR-328A

Appropriations
Defense Subcommittee
Closed briefing on Afghanistan.
S-407, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Transportation and related agencies.
SD-138

Armed Services
To hold hearings on the President's Chemical Warfare Review Commission.
SR-222

Energy and Natural Resources
Business meeting, to consider the nominations of Helmut A. Merklein, of the District of Columbia, to be Administrator of the Energy Information Administration, Theodore J. Garrish, of Virginia, to be Assistant Secretary of Energy for Congressional, Intergovernmental and Public Affairs, J. Michael Farrell, of the District of Columbia, to be General Counsel of the Department of Energy, and Joseph F. Salgado, of California, to be Under Secretary of Energy, and other pending business; to be followed by hearings on S. 979, to extend the expiration date of titles I and II of the Energy Policy and Conservation Act.
SD-366

Environment and Public Works
Business meeting, to mark up S. 53 and S. 652, bills authorizing funds for programs of the Clean Water Act, and other related measures.
SD-406

Foreign Relations
To hold hearings on the nomination of Vernon A. Walters, of Florida, to be the U.S. Representative to the United Nations with the rank and status of Ambassador, and the U.S. Representative in the Security Council of the United Nations.
SD-419

Judiciary
To hold hearings on S. 473, to impose a temporary moratorium on hostile takeovers of domestic petroleum corporations.
SD-226

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the General Services Administration, and the National Park Service of the Department of the Interior regarding the White House.
SD-138

Select on Intelligence
Closed business meeting, to resume markup of proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

Conferees
On H.R. 1869, to repeal the contemporaneous recordkeeping requirements added to the Tax Reform Act of 1984.
H-208, Capitol

MAY 2

9:00 a.m.
Armed Services
Closed briefing on the U.S.-U.S.S.R. arms negotiations on strategic offensive forces.
SR-222

9:30 a.m.
Agriculture, Nutrition, and Forestry
Nutrition Subcommittee
To hold hearings on proposed legislation authorizing funds for certain child nutrition programs.
SR-328A

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 936, to provide improved protection for investors in the Government securities market, and related measures.
SD-538

Rules and Administration
To hold hearings on Senate Joint Resolution 81, to provide for the appointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution, and proposed legislation authorizing funds for fiscal year 1986 for the Federal Election Commission.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for certain defense programs, focusing on Navy aircraft procurement and research, development, technology and engineering.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Environment and Public Works
Business meeting, to mark up S. 124, authorizing funds through fiscal year 1989 for programs of the Safe Drinking Water Act, including public water systems and protection of underground sources of drinking water.
SD-406

Foreign Relations
To resume hearings on American policy toward South Africa.
SD-419

Judiciary
Business meeting, on pending calendar business.
SD-226

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on S. 140, Children's Justice Act.
SD-430

Select on Indian Affairs
Business meeting, to mark up S. 277, authorizing funds through fiscal year 1989 for Indian health care programs.
SD-342

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for territorial affairs, Department of the Interior.
SD-138

Armed Services
Military Construction Subcommittee
To hold hearings on base closures.
SR-222

Commerce, Science, and Transportation
Science, Techology, and Space Subcommittee
To resume hearings on the effect of new technologies on industrial competitiveness.
SR-253

MAY 3

9:30 a.m.
Energy and Natural Resources
To hold hearings on the nominations of Eric Reichl, of Connecticut, Tom Corcoran, of Illinois, and Paul W. MacAvoy, of New York, each to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation.
SD-366

Finance
International Trade Subcommittee
To hold hearings on S. 942, to remove trade barriers to U.S. exports of telecommunications equipment and services, and S. 728, to prohibit the entry of Japanese telecommunications products into the United States until Japanese markets are open to U.S. telecommunications goods.
SD-215

Joint Economic
To hold hearings on the employment/unemployment situation for April.
2359 Rayburn Building

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Douglas A. Riggs, of Alaska, to be General Counsel of the Department of Commerce, to be followed by hearings in conjunction with the National Ocean Policy Study on S. 959, authorizing funds for fiscal years 1986 through 1990 for the Coastal Zone Management Act, and S. 990, authorizing funds for fiscal years 1986 and 1987 for ocean programs of the National Oceanic and Atmospheric Administration, Department of Commerce.
SR-253

MAY 6

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for rail safety programs of the Department of Transportation.
SR-253

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold hearings on S. 410, to repeal the Commercial and Apartment Conservation Service.
SD-366

10:00 a.m.
*Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 664, to facilitate the competitiveness of exports of U.S. agricultural commodities.
SR-232

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on S. 958, authorizing funds for fiscal years 1986 and 1987 for programs of the Magnuson Fishery Conservation and Management Act, and S. 991, authorizing funds for fiscal years 1986 and 1987 for fisheries programs of the National Oceanic and Atmospheric Administration.
SR-253

MAY 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Rules and Administration
To hold hearings on S. 43, to grant line item veto authority to the President on appropriation bills.
SR-301

Veterans' Affairs
To hold hearings on S. 6, S. 875, and S. 876, bills to clarify and improve certain health-care programs and services provided and administered by the Veterans' Administration, and related health legislation affecting veterans.
SR-418

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Indian Health Service, Department of Health and Human Services.
SD-138

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
To hold hearings on the nominations of Marshall B. Babson, of Connecticut, and Wilford W. Johansen, of California, each to be a member of the National Labor Relations Board.
SD-430

Rules and Administration
Business meeting, to consider Senate Joint Resolution 81, to provide for the appointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution, proposed legislation authorizing funds for fiscal year 1986 for the Federal Election Commission, and other legislative and administrative business.
SR-301

10:00 a.m.
Select on Intelligence
Closed business meeting, to resume markup of proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Management and Budget, including the Office of Federal Procurement Policy.
SD-124

MAY 9

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Veterans' Affairs
Business meeting, to mark up S. 6, S. 875, S. 876, bills to clarify and improve certain health care programs and services provided and administered by the Veterans' Administration, and related proposals, and S. 367, to provide for judicial review of certain administrative decisions of the VA, to codify certain VA adjudication procedures, to improve the VA appeals process, to require the VA to comply with certain rulemaking procedures, and to provide for reasonable fees to attorneys serving as legal counsel for veterans.
SR-418

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Land Management (including the land and water conservation fund), Department of the Interior.
SD-138

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on proposed budget requests for fiscal year 1986 for programs of the Department of Energy, focusing on fusion energy programs.
SD-366

MAY 10

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To continue oversight hearings on proposed budget requests for fiscal year 1986 for programs of the Department of Energy, focusing on conservation and renewable programs.
SD-366

Finance
Health Subcommittee
To hold hearings on health promotion and disease prevention strategies for Medicare beneficiaries.
SD-215

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on S. 366 and S. 534, bills to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and related proposals.
SD-406

MAY 13

10:00 a.m.
Foreign Relations
To hold joint hearings with the Committee on the Judiciary on international terrorism and narcotic trafficking.
SD-419

Judiciary
To hold joint hearings with the Committee on Foreign Relations on international terrorism and narcotic trafficking.
SD-419

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on proposed budget requests for fiscal year 1986 for programs of the Department of Energy, focusing on nuclear energy programs and nuclear waste activities.
SD-366

MAY 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold oversight hearings on automobile fuel economy standards.
SD-366

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Energy Information Administration, and the Economic Regulatory Administration, Department of Energy.
SD-138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Legislative Branch of the Federal Government.
S-128, Capitol

Foreign Relations
To continue joint hearings with the Committee on the Judiciary on international terrorism and narcotic trafficking.
SD-419

Judiciary
To continue joint hearings with the Committee on Foreign Relations on international terrorism and narcotic trafficking.
SD-419

10:30 a.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To resume hearings on S. 483, to ensure that the Federal Government assume the full cost of legislating and regulating Federal purposes and mandates.
SD-342

MAY 15

9:30 a.m.
*Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimate for fiscal year 1986 for certain defense programs, focusing on Army modernization.
SD-192

Appropriations
Labor, Health and Human Services, Education, and related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

10:00 a.m.
Foreign Relations
To continue joint hearings with the Committee on the Judiciary on international terrorism and narcotic trafficking.
SD-419

Judiciary
To continue joint hearings with the Committee on Foreign Relations on international terrorism and narcotic trafficking.
SD-419

MAY 16

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253
Labor and Human Resources
Handicapped Subcommittee
To hold hearings on S. 415, the Handicapped Children's Protection Act.
SD-430

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for fossil energy.
SD-138
Appropriations
Legislative Branch Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for the Legislative Branch of the Federal Government.
S-128, Capitol
Environment and Public Works
Water Resources Subcommittee
To resume hearings on S. 366 and S. 534, bills to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and related proposals.
SD-406

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings to discuss the Department of Energy's prospective report to Congress on emerging clean-coal technologies.
SD-366

MAY 17

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on the deregulation of surface freight forwarders.
SR-253

MAY 21

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Holocaust Memorial Council, Minerals Management Service, Department of the Interior.
SD-138

2:00 p.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for the Legislative Branch of the Federal Government.
S-128, Capitol

MAY 22

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for Naval Petroleum Reserves, and fossil energy.
SD-138

MAY 23

10:00 a.m.
Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on efforts to locate missing children.
SD-430

JUNE 4

9:30 a.m.
Energy and Natural Resources
Energy Regulations and Conservation Subcommittee
To hold oversight hearings on the impact of imported petroleum products on the domestic petroleum industry.
SD-366

JUNE 6

9:30 a.m.
Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold oversight hearings on the impact of coal imports on the domestic coal industry.
SD-366

JUNE 10

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on proposed budget requests for fiscal year 1986 for programs of the Department of Energy, focusing on fossil energy programs.
SD-366

JUNE 11

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the implementation of the Orphan Drug Act (P.L. 97-414), focusing on section 7(b) relating to radiation-cancer liability.
SD-430

10:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 403, to revise requirements with respect to the issuance of licenses for existing hydroelectric facilities, and S. 426, to provide for more protection to electric consumers.
SD-366

JUNE 12

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on the implementation of the Orphan Drug Act (P.L. 97-414), focusing on section 7(b) relating to radiation-cancer liability.
SD-430

JUNE 18

9:30 a.m.
Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold oversight hearings on the current status of and factors affecting the natural gas market.
SD-366

OCTOBER 1

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SD-106

HOUSE OF REPRESENTATIVES—*Tuesday, April 30, 1985*

The House met at 12 o'clock noon.

The Reverend William R. Grady, St. Mary's Catholic Church, Muncie, IN, offered the following prayer:

God, our Creator, we pray, direct our actions by Your holy inspiration. We seek Your wisdom and Your guidance in the matters of state which will be considered today.

Lord, we sincerely ask Your blessing upon those entrusted with leadership and authority in government. Leadership of service and sacrifice; authority exercised as a commitment to the common good.

And, "May the Lord support us all the day long, till the shadows lengthen and the evening comes, and the busy world is hushed and the fever of life is o'er and our work is done. Then in His mercy may He grant us a safe lodging, a holy rest, and peace at last. Amen."—John Henry Newman.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SAXTON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SAXTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 231, nays 172, answered "present" 1, not voting 29, as follows:

[Roll No. 80]

YEAS—231

Ackerman	Barnes	Bosco
Addabbo	Bates	Boucher
Akaka	Bedell	Boxer
Alexander	Bennett	Breaux
Anderson	Berman	Brooks
Andrews	Bevill	Broomfield
Annunzio	Biaggi	Brown (CA)
Anthony	Boland	Broyhill
Aspin	Boner (TN)	Bruce
Atkins	Bonior (MI)	Bryant
AuCoin	Bonker	Burton (CA)
Barnard	Borski	Bustamante
Byron	Hoyer	Price
Callahan	Hubbard	Rahall
Carper	Hughes	Rangel
Carr	Hutto	Ray
Coelho	Jenkins	Reid
Coleman (TX)	Johnson	Richardson
Collins	Jones (NC)	Robinson
Cooper	Jones (OK)	Rodino
Coyne	Jones (TN)	Roe
Crockett	Kanjorski	Rose
Daniel	Kaptur	Rostenkowski
Darden	Kastenmeier	Rowland (GA)
Daschle	Kennelly	Roybal
de la Garza	Kildee	Russo
Dellums	Kleczka	Sabo
Derrick	Kolter	Savage
Dicks	Kostmayer	Scheuer
Dingell	LaFalce	Schneider
Dixon	Lantos	Schumer
Donnelly	Leath (TX)	Sharp
Dorgan (ND)	Lehman (FL)	Shelby
Dowdy	Leland	Sisisky
Downey	Levin (MI)	Skelton
Durbin	Levine (CA)	Slattery
Dwyer	Lipinski	Smith (FL)
Dyson	Lloyd	Smith (IA)
Early	Long	Snyder
Eckart (OH)	Lowry (WA)	Solarz
Edgar	Luken	Spratt
Edwards (CA)	Lundine	St Germain
English	MacKay	Staggers
Erdreich	Manton	Stallings
Evans (IL)	Markey	Stenholm
Fascell	Martinez	Stokes
Fazio	Matsui	Stratton
Feighan	Mavroules	Studds
Flippo	Mazzoli	Swift
Florio	McCurdy	Synar
Foglietta	McHugh	Tallon
Ford (TN)	Mica	Tauzin
Fowler	Mikulski	Thomas (GA)
Frank	Miller (CA)	Torres
Frost	Mineta	Torricelli
Fuqua	Mollohan	Traficant
Garcia	Montgomery	Traxler
Gaydos	Moody	Valentine
Gejdenson	Morrison (CT)	Vento
Gephardt	Mrazek	Visclosky
Gibbons	Murphy	Volkmer
Glickman	Murtha	Walgren
Gonzalez	Natcher	Watkins
Gordon	Neal	Waxman
Gray (IL)	Nelson	Weiss
Gray (PA)	Nichols	Wheat
Guarini	Nowak	Whitley
Hall (OH)	Oakar	Whitten
Hall, Ralph	Oberstar	Wilson
Hall, Sam	Obey	Wirth
Hamilton	Olin	Wise
Hatcher	Owens	Wolpe
Hayes	Panetta	Wright
Hefner	Pease	Wyden
Hertel	Pepper	Yates
Hopkins	Perkins	Yatron
Howard	Pickle	Young (MO)

NAYS—172

Archer	Cheney	Dickinson
Armey	Clay	DioGuardi
Badham	Clinger	Dornan (CA)
Bartlett	Coats	Dreier
Barton	Cobey	Duncan
Bateman	Coble	Eckert (NY)
Bentley	Coleman (MO)	Emerson
Bereuter	Combest	Evans (IA)
Bilirakis	Conte	Fawell
Billey	Coughlin	Fiedler
Boehlert	Courter	Fields
Boulter	Craig	Fish
Brown (CO)	Crane	Franklin
Burton (IN)	Dannemeyer	Frenzel
Campbell	Daub	Gallo
Carney	Davis	Gekas
Chandler	DeLay	Gilman
Chappie	DeWine	Gingrich
Gradison	McEwen	Schuette
Green	McGrath	Schulze
Gregg	McKernan	Sensenbrenner
Gunderson	McKinney	Shaw
Hammerschmidt	McMillan	Shumway
Hansen	Meyers	Shuster
Hartnett	Michel	Sikorski
Hawkins	Miller (OH)	Siljander
Hendon	Miller (WA)	Skeen
Henry	Molinari	Slaughter
Hiler	Monson	Smith (NE)
Hillis	Moore	Smith (NH)
Holt	Moorhead	Smith (NJ)
Horton	Morrison (WA)	Smith, Denny
Hunter	Myers	Smith, Robert
Hyde	Nielson	Snowe
Ireland	O'Brien	Solomon
Jacobs	Oxley	Spence
Kasich	Packard	Stangeland
Kindness	Parris	Strang
Kolbe	Pashayan	Stump
Kramer	Penny	Sundquist
Lagomarsino	Petri	Sweeney
Latta	Porter	Swindall
Leach (IA)	Pursell	Tauke
Lent	Quillen	Thomas (CA)
Lewis (CA)	Regula	Vander Jagt
Lewis (FL)	Ridge	Vucanovich
Lightfoot	Rinaldo	Walker
Lott	Ritter	Weber
Lowery (CA)	Roberts	Whitehurst
Lujan	Roemer	Whittaker
Lungren	Rogers	Wolf
Madigan	Roth	Wortley
Marlenee	Roukema	Wylie
Martin (IL)	Rowland (CT)	Young (AK)
Martin (NY)	Rudd	Young (FL)
McCain	Saxton	Zschau
McCandless	Schaefer	
McCollum	Schroeder	

ANSWERED "PRESENT"—1

Dymally

NOT VOTING—29

Applegate	Heftel	Moakley
Beilenson	Huckaby	Ortiz
Boggs	Jeffords	Seiberling
Chappell	Kemp	Stark
Conyers	Lehman (CA)	Taylor
Edwards (OK)	Livingston	Towns
Foley	Loeffler	Udall
Ford (MI)	Mack	Weaver
Goodling	McDade	Williams
Grotberg	Mitchell	

□ 1220

Mr. DREIER of California and Mr. HORTON changed their votes from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

REV. WILLIAM GRADY

(Mr. SHARP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. SHARP. Mr. Speaker, I am delighted we have as our guest chaplain, Father William Grady. Father Grady is pastor of St. Mary's Roman Catholic Church in Muncie, IN, having also served in other Indiana communities of Winchester, Monticello, and Peru.

Father Grady brings to his spiritual mission a special humor, humanity, and intelligence. He is held in high regard in the community beyond his own parish. He was the initiator of Hospitality House to aid families visiting the critically ill at our local hospital. He has been a member of the Delaware County Mental Health Board.

Father Grady has provided special attention to our young, giving leadership to a superb school at St. Mary's, giving counsel to students at Ball State University, giving service on the mayor's commission on youth.

Mr. Speaker, I think today we especially need Father Grady's prayers.

LET'S START OVER IN INDIANA'S EIGHTH

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FIELDS. Mr. Speaker, "Let's Start Over" is the title of an excellent editorial which appeared in Monday's Houston Post. The editorial reviews the handling of the contested race in Indiana Eighth and calls for a special election in that district.

The Houston Post editorial points out that "the issue has become one of shameful partisanship and a national disgrace."

The editorial concludes, "The best thing [the House] can do now is to start over with a special election in the district—and this time let the voters decide the issue without fear of being overruled by a legislative majority."

Mr. Speaker, I commend this fine editorial to your attention and the attention of my colleagues—particularly those from Texas and the Houston area.

Mr. Speaker, I wish to insert this fine editorial in the CONGRESSIONAL RECORD following my remarks.

[From the Houston Post, Apr. 28, 1985]

LET'S START OVER

It began simply enough—voters in Indiana's Eighth Congressional district went to the polls last November to decide whether one-term Democratic incumbent Frank McCloskey or Republican Richard McIntyre would represent them in the U.S. House. So far nobody has won. The issue has become one of shameful partisanship and a national disgrace.

The Indiana Secretary of State says McIntyre won. His initial margin was 34 votes; a subsequent recount increased that margin to more than 400. But when McIntyre showed up in Washington Jan. 3 to be sworn in, the Democratic majority in the House refused to seat him.

Instead it put both candidates on the payroll while establishing a special task force (two Democrats and one Republican), which held yet another recount. Voting along party lines, it recommended that Democrat McCloskey be given the seat—winner by a four-vote margin. Outraged Republicans charge, basically, that the task force kept counting (sometimes ruling inconsistently on ballot validities) until their man was ahead by four votes, then stopped and called him the winner.

That left the scorecard showing two rounds for McIntyre and one for McCloskey, with the tentative decision going to the Democrats and the Indiana voters knocked out of the ring. The House will vote on the task force recommendation this week. The best thing it can do now is to start over with a special election in the district—and this time let the voters decide the issue without fear of being overruled by a legislative majority.

BITBURG IS NOT YOUR PLACE, MR. PRESIDENT

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, it is not too late for President Reagan to call off his proposed visit to Bitburg.

This is not a Holocaust issue. This is not a veterans issue. It is a human rights issue of transcendental importance.

In an open letter to President Reagan published in Sunday's New York Times, a distinguished array of Christian leaders expressed "profound disappointment" over the President's decision to go to Bitburg, noting:

The failure to distinguish between perpetrators and victims, betweeen the death of combatants in battle and the slaughter of innocents in the Nazi concentration camps does injustice not only to the memory of the dead but to the most basic tenents of Christian morality.

There are many appropriate sites that the President could visit to symbolize the theme of reconciliation. Yes, we should heal the wounds 40 years after the end of the Second World War, but this does not require a gesture honoring SS soldiers who voluntarily served with the corps of killers who massacred unarmed American servicemen at Malmedy and murdered 6 million innocent civilians, including over 1 million children.

As Elie Wiesel so eloquently said of Bitburg last week: "That place, Mr. President, is not your place. Your place is with the victims of the SS."

VIETNAM: A NOBLE CAUSE

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, let justice be done; seat Rick McIntyre.

Mr. Speaker, April 30 is a remarkable day in the history of the world. Today is the day that Adolph Hitler met his Creator after taking his own life and that of his mistress. On this day his Propaganda Minister, Goebbels, poisoned his wife and eight children and then killed himself. Sic sember tyrannis.

But, tyranny still lives. I ask my colleagues, particularly on the majority side of the aisle: What will convince this world that communism is inherently evil? Did you hear this morning on the early news that Soviet soldiers machinegunned hundreds, hundreds, of people in a village square in Afghanistan? And you question that communism is raw evil, whether it is in Nicaragua or Poland or in Vietnam? What will convince you? The Gulags are not enough. The coldblooded murder of Major Nicholson is not enough. Not even the murder of one of your own, Larry MacDonald, seemed to take the scales from some eyes. My God, a 747 jumbojet filled with women and children, all slain.

Did you hear Le Duc Tho turn to the cameras last night on Ted Koppel's "Nightline" and thank his supporters in the United States? We know that includes some Members who still serve in this House. Then did you hear Koppel say that all, all, free enterprise shops will be surpressed next week after all the Western journalists leave Saigon; that is, Ho Chi Minh City, after their orgy of liberal rationalizing of the guilt over the tragedy of our betrayal of Vietnam, Laos, and Cambodia is over. What caused the genocide in Cambodia? The 14 concentration camps in Vietnam, where our allied friends still rot after 10 years of cruel imprisonment? The answer my friends is not written in the wind, it is written in blood: communism. When Koppel says that every last little shop, every free enterprise shop, will be closed down in Saigon and that the final act of oppression of the 10 years of Communist rule will be locked in place forever, we should hang our heads.

Then, Koppel admitted, Vietnam is the worst place on the face of the Earth. That's quite a statement given Afghanistan, Ethiopia, or Iran. Le Duc Tho thanks you, remaining House defenders of Ho Ch Minh, for creating the agony and living hell of communism in Laos, Cambodia, and Vietnam. You helped write the darkest page in American history.

God bless our men and women who served and serve, their's is truly a noble cause.

THE CONSUMER RAIL EQUITY ACT

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. TAUZIN. Mr. Speaker, in 1980, Congress enacted legislation which deregulated railroad rates and practices where competition exists, but directed the Interstate Commerce Commission to protect through continued rate regulation those shippers and consumers who are captive to a single railroad.

The 1980 Staggers Rail Act has generally been a success, but has not been effective in preventing the ICC from allowing grossly excessive rate increases for captive shippers. Consumers who depend upon these rail lines are being required to pay unfair and unreasonable transportation and utility rates.

This February, I introduced H.R. 1190, the Consumer Rail Equity Act. The bill is neither "anti-railroad" nor is it "re-regulation." But the bill does require the ICC to take a more realistic view of the captive shipper and of the railroad's "revenue adequacy." And the bill further requires that before a rail abandonment is permitted, a local hearing be held to assess the need and effect of such an abandonment.

Captive shippers do not have the ordinary protections of a competitive marketplace, and the 1980 Staggers Rail Act recognized this by preserving for captive shippers ICC rate regulation. H.R. 1190, the Consumer Rail Equity Act, will insist that the ICC does its job by giving captive shippers and their consumers a fair break on rates.

□ 1230

NEWSPAPERS CALL FOR SPECIAL ELECTION IN INDIANA

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. SENSENBRENNER. Mr. Speaker, in the last week, the two largest newspapers in the State of Wisconsin, the Milwaukee Journal and the Milwaukee Sentinel, have both editorially called for a special election to be held in the Eighth District of Indiana.

The Milwaukee Journal endorses a preponderance of Democratic candidates for office including my colleagues from Wisconsin, Messrs. ASPIN, KLECZKA, and MOODY.

I would hope that they particularly, and the Democratic Members of the House in general, will follow the lead of these two outstanding newspapers and also the lead of the other body in 1975 when faced with a similar situation, and voting to support a special election in Indiana's Eighth District.

The letters follow:

[From the Milwaukee Sentinel, Apr. 24, 1985]

DEMOCRATS TAKING LIBERTY ON ELECTION

House Democrats seem to be on the verge of taking indecent liberty with a Constitutional provision which says that Congress shall be the judge of the elections of its own members.

After protesting Republican members walked out, the House Administration Committee Tuesday voted, 12-0, in favor of seating incumbent Democrat Frank McCloskey as representative from the 8th Congressional District in Indiana.

On Monday, a three-member House task force recommended by a vote of two Democrats to one Republican that McCloskey be given the seat which he apparently lost to Republican challenger Rick McIntyre last November. That action affirmed a controversial finding that McCloskey actually beat McIntyre by 4 votes out of the 233,286 cast and ultimately counted by the task force.

The original tally showed McIntyre to be a winner by 400 votes, close enough for a recount, certainly. But the task force was set up after the House twice rejected figures provided by Indiana officials. Although no allegations of fraudulent procedures were made, designated counters picked by the Democrats were sent into the state to get the vote count that put McCloskey ahead.

The stage is now set to compound the affront to the apparent will of the voters when the full House, also dominated by Democrats, is expected to vote on the administration committee's ruling early next week. But, conceivably, that action could be held up through what one Republican lawmaker termed "massive retaliation."

Virtually disenfranchised voters in the district, meantime, are in their fourth month without representation in the House. Given the shenanigans since they cast their ballots last November, they might not even bother to go to the polls in 1986.

[From the Milwaukee Journal, Apr. 27, 1985]

QUIT SQUABBLING AND RERUN ELECTION

If House Democrats wish, they apparently can seat Democrat Frank McCloskey to represent the 8th Congressional District of Indiana. He has been declared the winner of a vote recount ordered by the House leadership, and the legislative body has the constitutional right to judge the election of its own members.

Even so, the Democrats would be wise to call for a new election instead.

That's not to say we condone the Republicans' wild allegations that the House leadership stole the election for McCloskey. It's partisan nonsense to say, as one GOP congressman did, that the leadership's behavior was "the House equivalent to Watergate."

Still, it was a very close election. On election night, McCloskey appeared to have won over Republican Richard McIntyre by 72 votes, but McIntyre pulled ahead by 34 votes after a counting error was discovered the next day. Recounts ensued, with the parties squabbling over which votes were countable and which ones weren't.

A federal judge ruled that it was up to the the House to decide who won. The House-ordered recount ended with Democrat McCloskey ahead, by a mere four votes, and with Republicans complaining that there were more votes to count.

In such murky circumstances, it would be better to rerun the election and hope for a clear result. Squabbling over the first vote has gone on for more than five months. That's long enough.

ARMENIAN MARTYRS DAY, APRIL 24

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, Armenian Martyrs Day, April 24, is a day that has great meaning for me. My Polish ancestors also have suffered persecution and pain at the hands of tyrannical governments. Of course we are not alone. Almost every ethnic group in the world has been the subject of wrongs committed by others. The reasons that these wrongs have been committed are many: fear, hate, nationalism, and jealousy. Every human emotion has been used at some time in history as an excuse to subjugate others.

But the Armenian genocide stands out in man's past as a particularly brutal act. The Turkish Government at that time announced that it was relocating the Armenians to other countries, while in fact the Government had no intention of doing so. The subsequent atrocities were so terrible that U.S. Ambassador Henry Morgenthau, Sr., could not bring himself to write down the details of the events. Our commemoration of the Armenian massacre shows our resolve to work for freedom and justice around the world. It is only by remembering such terrible acts of the past that we can be reminded to work for their prevention in the future. I am proud to be a Member of this body which is working to see that massacres of any people do not take place again.

A GOOD COMPROMISE

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, I've listened to many of my Republican colleagues urging a special election in the Eighth District of Indiana.

Their arguments, as compelling as they are, represent a sad state of affairs. Frankly, I still think Rick McIntyre should be sworn and seated. I did not expect him to become a victim of creative vote counting.

Obviously, we are now beyond the proper resolution of this problem. My Democratic colleagues cannot let go of the four-vote victory they created, and still save face. And they will not seat the duly elected Rick McIntyre.

A good compromise, it is said, is one which neither side is happy with. Frankly, that is the exact reason we should declare the Eighth District seat in Indiana vacant.

It is a compromise none of us is happy with.

51-059 O-86-40 (Pt. 7)

But it is a chance to wipe the slate clean, and restore the dignity that this Congress is about to lose.

TRADE SHOULD BE HIGHEST PRIORITY

(Mr. LUNDINE asked and was given permission to address the House for 1 minute.)

Mr. LUNDINE. Mr. Speaker, trade should be the highest priority for our national government because our long-term prosperity depends more on our balance of trade than any other single aspect of our national economic life. It is vital to improving our standard of living that we bring our trade back into balance.

The President should make trade the top priority. He has a new opportunity starting today as he goes off to Germany to make trade the No. 1 priority, and unlike his own administration and past administrations, stop ignoring this vital factor.

Last year, together with the gentleman from Oregon, I was privileged to cochair a task force that produced a report providing a five point program to improve America's trade posture. This year I have introduced bills to follow up on those recommendations.

I believe that we can improve the exchange rate of the dollar, improve our industrial competitiveness and our adjustment processes for workers and industry alike. We can support our exporters and toughen our trade laws.

We need leadership, we need it here in the Congress, and we need it from the President of the United States.

GOALS OF THE RECOUNT IN INDIANA NOT ACCOMPLISHED

(Mr. MONSON asked and was given permission to address the House for 1 minute.)

Mr. MONSON. Mr. Speaker, on January 3 we were told that two things could be accomplished if we would go through a recount process of the Eighth District seat in Indiana, conducted by the House of Representatives. We were told that it could end partisan bickering and we were told that it could determine that consistent rules were applied in the recount.

We will never know whether consistency will be applied, because the rules of the recount were changed, and we certainly know that partisan bickering was increased to the most intense level that it has ever been.

I therefore submit that neither of these two goals were accomplished. It is recognized throughout this country that something must be done to correct this situation, and it is recognized widely that the best way to accomplish that is through a special election.

While I still think that there is evidence that Rick McIntyre should be seated, for after all, he was certified by that State, I think that we should put aside our partisan feelings and call for a special election. I urge our colleagues to support us in that endeavor.

TRADE DEFICIT SHOULD BE PRESIDENT'S TOP PRIORITY AT BONN ECONOMIC SUMMIT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today the Commerce Department announced a record trade deficit of $11 billion more in imports into the United States than exports out last month. It is anticipated this year's overall trade deficit will be $150 billion, an alltime high.

As a Representative from automotive America, the Midwestern industrial heartland, today's record trade deficit figures are extremely distressing. More foreign imports on our markets means a loss of more jobs in America. Right here, Champion spark plugs are made in my district. Since 1981, there has been a 36-percent increase in imported spark plugs on our market. The figure for automotive glass, much of it made at Libbey-Owens-Ford in my district, is 40 percent more imports, and transmissions, also made in my district, is 38 percent more imports in the last 2 years. As the President prepares to depart for Europe later today, I urge him to make the deteriorating world trade situation his top priority at the Bonn economic summit. He has a unique opportunity to let our trading partners know—face to face—that current trade practices are wiping out American factories, American farms, and American families. We're fed up. Our President must seize the initiative so that we begin exporting American products and not American jobs.

TASK FORCE RECOUNT DID NOT ACHIEVE ITS GOALS

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, later today we will determine whether this Congress has a conscience and whether we want to uphold the Constitution of this United States.

As we consider this issue, I would like to call to the attention of all of my colleagues the memo sent to us yesterday in our offices from Congressman Mr. PANETTA.

He says in that letter that the task force had, in effort to avoid the problems that occurred during the State recount, the primary goal of the task force in establishing counting rules was to No. 1, disenfranchise the smallest number of precincts or voters, and No. 2, consistently apply the counting rules.

I would like to call your attention, as you review further that memo, the Dear Colleague letter, you will find the issue of unnotarized absentee ballots. But for this class, those invalid absentee ballots that had been properly retained by the county clerks, he goes on to say there was simply no compelling reason to count them. Yes, we want to count every one, don't we?

Likewise, on the issue of late-arriving military ballots, the task force voted not to count late-arriving military ballots. Finally, on the issue of reconciliation of election data, the reconciliation process indicated there were a number of administrative errors, but the observer, the director of the recount, Mr. SHUMWAY, went on to say, "Those numbers of errors are well within the normal range of administrative oversight or error."

Mr. Speaker, we did not follow either of the goals; counting the ballots or of being consistent, in our rules, and now we are going to go on and also ignore the issue of fairness.

WEST GERMAN WOMEN ASK KOHL TO CANCEL BITBURG MEMORIAL

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Mrs. SCHROEDER. Mr. Speaker, this letter is very, very important, because it does say that there is a great difference of opinion in Germany among Germans about the Bitburg visit.

This is a letter from 70,000 West German women to their Chancellor Helmut Kohl asking him, please to withdraw his invitation for President Reagan to go to Bitburg.

They go on to say that they support any initiatives for reconciliation between peoples, but they do not want it happening over graves of the SS. They want to salute the new era and the new generation.

I think many people have said that the President must go to Bitburg because the Germans are insisting on it, however it is very important that we Members of Congress realize there is a very large number of the German people who do not agree with what their Chancellor is doing. The Nazis were a government that went mad. The liberation being celebrated is also the liberation of the German people from this oppressive regime. Many of the German people know that and resent Chancellor Kohl's stand. This letter should be read by all Members.

The letter follows:

WEST GERMAN WOMEN ASK KOHL TO CANCEL BITBURG MEMORIAL

BERLIN.—Women for Peace, a group of 70,000 women in West Germany, addressed

an open letter to Chancellor Helmut Kohl April 26, asking him to cancel the memorial service at Bitburg cemetery and urging him to "recognize the voice of another Germany with peace movements trying to learn from our history." The letter was also sent, in solidarity, to the U.S. Congress and Jewish organizations in the U.S. and West Germany.

TEXT

We, the women of the German peace movement, are angry and deeply ashamed about Chancellor Kohl's invitation to President Reagan inviting him to take part in memorial services at the military cemetery at Bitburg in memory of May 8, 1945. This day should be a day of remembrance of the end of the Second World War, of Nazi dictatorship and the end of militarism.

Together with Jewish organizations, together with American Representatives and together with all those Jewish women and men and all those who have been politically and racially persecuted, as well as with the civilians and soldiers who suffered under the criminal acts of the Waffen S.S. and Nazi dictatorship, whose suffering did not end in May 1945, *we ask Chancellor Kohl to withdraw his invitation* to President Reagan to hold memorial services at the Bitburg military cemetery.

Reconciliation between people and the serious remembrance of the guilt and the criminal acts of World War II and the Nazi dictatorship can only be reached through a memorial to those women and men resistance fighters against fascism and German militarism (for example, Sophia Scholl) and with the responsibility that never again shall war begin on German soil.

We hope that you recognize the voice of another Germany with peace movements trying to learn from our history. We are indignant over the letter of Mr. Dregger to the U.S. Senate. We support instead all those initiatives of reconciliation between people that do not happen over the graves of the Waffen S.S., at military cemeteries or near modern weapon arsenals, as in Bitburg.

We ask you to make possible together with us and in memory of the Nazi terror and World War II, a peaceful and socially just coexistence and cooperation in North and South, East and West, and the earth and space.

WOMEN FOR PEACE.

(Eva Quistorp, speaker for Women for Peace; Petra Kelly, member, West German Parliament, Ginna Dullmann, Jewish community in Bonn, Gabi Witt, Heinemann Initiative.)

□ 1240

INDIANA'S EIGHTH CONGRESSIONAL DISTRICT ELECTION

(Mr. SWINDALL asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. SWINDALL. Mr. Speaker, I have served in this august body for now almost 4 months. During that 4 months I have been impressed by the fact that in spite of the various controversial issues that we have been called upon to address, this body has always looked at the merit of all of the arguments and has tried to reach the right decision. While those decisions on most occasions have been different from the decision that I, personally, would have made, I have been impressed by the conscientiousness of those who have made the decisions on both sides of the aisle.

It is in that backdrop that I ask this body, in considering a resolution that will be offered to have a special election in the Eighth District of Indiana, to consider carefully what is really at stake in this issue. Specifically, what is at stake is whether this body will set the precedent, as it already has, of going beneath the State certification process and examining on its own those various elections.

Mr. Speaker, I include in the RECORD at this point a letter from one of my constituents, Hiram E. Greer, dated April 23, 1985, to the Honorable TIP O'NEILL.

CHAMBLEE, GA.,
April 23, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have just witnessed what I consider to be one of the most despicable acts in the history of our United States. Quite frankly, I refer to the denial of a seat in the House of Representatives to Mr. Richard McIntyre of the 8th District from the State of Indiana. According to the 1985 Edition of The World Almanac and Book of Facts, Mr. McIntyre won the election by virtue of his receiving 116,451 votes to 116,291 received by his opponent, Mr. Francis X. McCloskey.

Also according to the Indiana Secretary of State, who certified his election victory, Mr. McIntyre was entitled to take the seat and represent the voters of the 8th District. However, according to you, the Speaker of the House, Mr. Jim Wright, House Majority Leader and other members of your party, Mr. McIntyre did not win, but Mr. McCloskey won after a recount of the votes by the House Committee assigned to this project.

Mr. Speaker, it has been brought out that every time before, the House of Representatives has accepted the certification from the state involved, as to who won the particular election in question. Not so this time.

There was at least one other election in 1984 that was in doubt due to the closeness of the vote and that was from the State of Idaho which involved Mr. George Hansen, the incumbent and Mr. Richard Stallings. In this race, Mr. Stallings was declared the winner and accepted by the House even though the vote was much closer, Mr. Stallings having received 101,099 votes and Mr. Hansen 101,032, a narrower margin than the Indiana situation according to the 1985 World Almanac and Book of Facts.

This latest tragedy and travesty perpetrated in the name of partisan politics has left a very sour taste in the mouths of a lot of citizens all over the country. The result of this miscarriage of justice has very serious implications for the future of our country. Hereafter, any candidate for the House of Representatives who wins a race by a small margin will not really know whether he or she really did win or if they will have to wait until the powers that be decide if the voters of the state elected or the winner is whomever the House Committee wants to win.

In my own State of Georgia about twenty years ago, a candidate named Julian Bond was elected to the State Senate, but because he had some unpopular views, he was denied his right to take his seat by the State of Georgia. This denial was taken to court and Mr. Bond was seated by order of the court, stating that the Legislature arrogated to themselves powers that were not rightfully theirs. I believe that the same logical situation has now occurred in the United States House of Representatives. Surely this great indignity that has been inflicted upon the voters of the 8th District of Indiana and by extension to voters everywhere, will not be allowed to be confirmed by the House of Representatives through the power of the majority party in the House.

In closing, Mr. Speaker, permit me to quote from an unnamed source the statement "Tyranny, whether it be from within or without the country, is still Tyranny and ultimately a threat to us all."

A copy of this letter is being sent to all the members of your party in the House of Representatives in the fervent hope that they will still be able to rectify the grave insult to voters everywhere as a consequence of your action.

Most sincerely yours,

HIRAM E. GREER,
Member 4th District,
State of Georgia.

TIP O'NEILL'S LAST HURRAH

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, the May issue of the Washingtonian magazine contains an article about our Speaker, TIP O'NEILL. It is not an undiluted paean of praise. It is, however, a sensitive and tender piece about a warm and tough and sensitive and decent and truly great American. I commend it to our reading, and under permission to extend I include it at this point in the RECORD.

TIP O'NEILL'S LAST HURRAH

(By Vera Glaser)

The Last Hurrah, Edwin O'Connor's novel about big-city political boss Frank Skeffington, is believed to be a portrait of Boston mayor James Michael Curley, a controversial figure of the 1930s and '40s and a mentor of young Thomas P. "Tip" O'Neill Jr., who later broke with Curley and went on to become Speaker of the US House of Representatives. Near the end of the novel, a handful of relatives watch a priest administer the last rites to Skeffington.

"There was an awed, a dreadful silence, the vacant interval when all preliminaries had been accomplished, and death itself was yet a moment away. The silence was broken by Maeve's father, who was going to be generous to his old foe:

" 'Knowing what he knows now, if Frank had it all to do over again, there's no doubt he'd do it all very, very differently!'

"The figure on the bed stirred; they heard the movement and turning, saw that Skeffington had raised himself slightly. His eyes were now wide open, and in them they saw the old, challenging, mocking gleam. And they heard his voice, as taking charge now for the last time he gave his answer: 'The Hell I Would!' "

It is mid-morning, January 21. House Speaker "Tip" O'Neill, the nation's most powerful Democrat, is riding to the Capitol with Ronald Reagan for the President's

second inaugural. Inside the bulletproof limousine, O'Neill congratulates Reagan on his sweeping election victory. Then the two men chat about Reagan's decision to cancel the inaugural parade because of Washington's freezing weather.

"There ought to be a law," Reagan suggests, "automatically providing for a 24-hour postponement of inaugural events if the weather calls for it."

"Mr. President," O'Neill responds, "I doubt that would pass the Congress."

After the swearing-in ceremony, Reagan visits O'Neill's luxurious private office in the Capitol. Four years earlier, at the beginning of his first term, the President paid O'Neill a similar call. At that time, according to the Speaker, he showed Reagan his desk, which had been used by Grover Cleveland in the interval between his two nonconsecutive terms as President.

"Yeah, I played him in the movies," Reagan said.

"No, Mr. President, that was Grover Cleveland Alexander, the ball player," replied O'Neill.

House Democrats, chuckling over the incident, have passed it around, embroidering it along the way. Representative Barney Frank cracked, "Maybe Reagan thought Grover Cleveland pitched a few seasons between his White House terms."

The burly, six-foot-two Speaker pulls no punches, even with Presidents, and often draws a laugh while verbally skinning them. He regards himself as a kind of Horatio at the bridge, fighting off a conservative onslaught. Although the 1980 and 1984 elections were disasters for Democrats, they projected O'Neill into a national role as the defeated party's spokesman. His New Deal liberalism, as he commands a 70-vote Democratic majority in the House, almost always puts him at odds with the Republican-controlled White House and Senate.

For more than four years he has blasted Reagan's initiatives as "unfair" to the elderly and poor and has opposed the administration's efforts to aid rebels in Nicaragua and develop the MX missile. The slugfest has made O'Neill a kind of folk hero to some Democrats, the whipping boy of others.

Now that O'Neill has announced his retirement in 1986, he enters the final chapter of his political career. He is thinking about his place in history and his party's future. He looks at November's election results, in which Reagan carried 49 states, the biggest landslide in history, and says, "We can read."

Not surprisingly, the Speaker was conciliatory in the first days of the 99th Congress. But no one who knows the man expected that to last. In attempting to cut the federal deficit, O'Neill and his Democrats were determined that the White House and Senate make the first proposals for budget cuts. O'Neill said that he wouldn't block a House vote on Reagan's proposals, but if student loans or programs for the elderly were to be cut, for example, the signal had to come from Reagan. Democrats feel that Reagan, after running a Dr. Feelgood campaign, should take the political heat for any medicine voters have to swallow.

After Reagan's State of the Union address in February, O'Neill took off the gloves. He accused Reagan of using "clever rhetoric" to hide the fact that the national debt, standing at $900 billion when Reagan took office, has doubled to $1.8 trillion. "Let us work hard to cut the deficit, Mr. President, but let us start with the facts," O'Neill said. "Do not point the finger at the distant past when you yourself have so much responsibility for these deficits."

Implacable foes they may be, but O'Neill and Reagan have things in common. Both are Irish. Both are fiercely partisan. Both came up from modest beginnings. Both have a sense of humor. Both have long memories but rarely hold a grudge. And both are lame ducks.

At 72, O'Neill is like an old shoe with steel insoles. He is a gregarious Massachusetts pol who loves to sing, tell stories, play gin and poker, and hoist a friendly glass of beer—a man of imposing presence, partly because of his 260-pound bulk and shock of white hair. He is unpretentious, as natural as water, and affectionately regarded by members of both parties despite partisan clashes. He is full of blarney, hugging the women and calling them "darlin'." He loves pasta, chocolate ice cream, and the Boston Red Sox, not necessarily in that order, and carries a headful of baseball and election statistics.

Loyalty is the quality he values most. If O'Neill is your friend, he's for you all the way—and he expects that to be a two-way street. He has an Irish temper, but it fades fast. He is sentimental. Last December he took time out to recite "The Night Before Christmas," accompanied by the Boston Symphony Orchestra. He can be self-effacing. At a nationally televised Ford's Theater gala sponsored by his wife, Millie, O'Neill said, "I'm just window-dressing."

He is tough, sometimes scathing. When former Republican representative John LeBoutillier sported a "Repeal O'Neill" button, the Speaker said, "I wouldn't know him from a cord of wood." And O'Neill can be profane. He addressed President Carter's chief of staff, Hamilton Jordan, on at least one occasion as "you son of a bitch."

The Democratic party is O'Neill's second religion, and his Roman Catholic faith can influence his politics. Many of the activist priests and nuns in Central America come from O'Neill's congressional district in Cambridge, Massachusetts. They helped shape his intense opposition to aid for El Salvador and for the rebels seeking to topple Nicaragua's Sandinista regime.

And O'Neill wears his Irish heritage like a badge. In March he and Millie traveled to Ireland's County Cork, where O'Neill led the St. Patrick's Day parade.

When O'Neill retires at the end of next year, he will have spent almost half a century in public life, 34 of those years in the House, ten of them as Speaker, holding the job longer than anyone except Texan Sam Rayburn. Under the Constitution, Speaker O'Neill would succeed to the presidency if anything happened to Reagan and George Bush.

O'Neill is noted more for his instincts in reading the mood of the House than for his skill at legislative detail. He decides when to bring up bills, influences committee assignments, and helps raise money for colleagues' campaigns. His $94,600 position is loaded with perks, including a chauffeured limousine and two plush suites in the Capitol. There the Speaker lumbers across fine carpets, works before a marble fireplace under a magnificent chandelier in an office filled with couches, wing chairs, crystal lamps, and a private lavatory. At his elbow rests a monogrammed box filled with his favorite Dom Diego cigars.

Now, after their second defeat at Reagan's hands, Democrats are in disarray and O'Neill, as the party's most visible symbol in Washington, is taking his lumps. Since 1980, Republicans have blistered him in TV commercials as a liberal boogieman. He has been painted as a "tired relic" and "a giant plum pudding." Some Democrats say O'Neill was "poison" for their candidates in places like Oklahoma, Texas, and parts of the South. To them, he represents the old New Deal special-interest politics. They worry that his physical image—"fat and out of control," as LeBoutillier put it in comparing O'Neill to the federal budget—makes him an easy-to-target caricature of the Democratic party.

A former Carter White House official criticizes O'Neill's image as "terrible. If one person combined the perceptual problem of Democrats in the '80s, it would be the Speaker. Tip is a good man who is in government for all the right reasons. He has never benefited personally or financially from his position. He really cares about the poor and elderly. But now he is part of the problem."

Democrats are struggling—so far unsuccessfully—to redefine the party, to come up with new ideas or to repackage old ones. They wince as they contrast the TV charisma of Reagan and Senate Majority Leader Bob Dole with that of O'Neill and Senate Minority Leader Robert Byrd. Yet House and Senate Democrats re-elected both men. Senator Lawton Chiles did mount an eleventh-hour challenge against Byrd, saying that Democrats needed to "make a strong symbolic statement to the American people that we are going to change." But the Chiles effort fizzled, partly because some Senate Democrats want to wait on the Byrd problem until 1986, when they hope to recapture control of the body.

There were early rumblings in the House about a challenge to O'Neill, too, but he remains popular with many members and it was clear that there were not enough votes to dump him, particularly after his announcement that he would step down in 1986.

As this year's session gets well under way, O'Neill has all he can do to keep his House troops in line. For one thing, the party loyalty he cherishes has eroded. The most dramatic defection came in 1981, when conservative and moderate Democrats broke ranks to help enact Reagan's budget and tax cuts. Again, in March of this year, 61 Democrats succumbed to a lobbying blitz by Reagan and provided the winning margin to free funds for the MX missile.

Congressional veterans who rose through state legislatures and party hierarchies know the meaning of loyalty. But the new breed—the blow-dried TV kids, as they are called around the Hill—who have come to office since 1974 have made it mainly by knowing how to use the media and computerized constituent-stroking. Now, O'Neill says ruefully, "65 percent [of House members] never had any previous party experience, so they don't know about party loyalty."

For another thing, his lame-duck status has set off a power struggle among Democrats eager to succeed him. Traditionally, the Majority Leader, Jim Wright of Texas, would inherit the Speaker's chair, but the post-November ferment made Wright nervous enough to line up commitments of support from his fellow Democrats in early February, almost two years in advance of the election for Speaker. Ambitious young members such as Richard Gephardt, chairman of the Democratic caucus, Democratic Congressional Campaign Committee chairman Tony Coelho, budget moderate Leon Panetta, and former Budget Committee

chairman Jim Jones want a bigger share of the action. So do conservative Democrats such as Charles Stenholm of Texas, who threatened to run against O'Neill for the Speakership this year, charging that he was "out of step" philosophically with the American people and that he was "perceived as being the cause of our federal deficit."

"That's ridiculous," O'Neill snaps in his private office. "We know our faults. We know our failures, and we know our policies. We also know what we did for America and the glories of the past that we helped develop. When I started in politics in 1935, half of America was impoverished. We got that down to about 10½ percent in 1980. The GI Bill of Rights educated 10 to 12 million people. We developed housing programs, grants, job programs, a farm program that made us the greatest agricultural nation in the world. The government responds to the will of the American people. We created the middle class."

And O'Neill knows that the middle class is still responsive to many Democratic programs. Even as he was being lambasted by Republicans and Democrats alike in last year's campaign, a Harris survey in June showed an 80-16 percent majority agreeing that O'Neill was "right in standing up to the Republicans by not cutting Social Security and Medicare."

O'Neill has also responded to divisions within his party. He has given younger House members more responsibility and exposure by putting them on radio and television to answer Reagan's pronouncements. He leads his committee chairmen with a loose rein and hosts think-tank meetings on the Hill in an effort to promote new Democratic ideas. He was one of the first Democrats to urge the nomination of a woman, Geraldine Ferraro, for Vice President.

According to Anne Wexler, a former presidential assistant to Carter and now a lobbyist, "Tip O'Neill is the one who gave Tony Coelho the leeway and running room he needed to set up the Democratic Congressional Committee. . . . The proof of Tip's leadership is that we won 26 new seats in 1982, lost a minimum [fourteen seats] in 1984, and probably will gain them in 1986. I think Tip will go down in history as a great leader in a tough time, and a real transition time."

Coelho himself, who raised $12 million for last year's Democratic House candidates—more than six times the "take" of his predecessor, but considerably less than the GOP's $100 million—credits O'Neill with "keeping the party spirit alive."

O'Neill concedes that times have changed, that some of the old Democratic programs may no longer be needed. "The people are saying too much has been spent. So we're going to put these laws on the table—everything: Social Security, education grants, revenue sharing."

Yet as he speaks, there is a hint of bitterness in the Speaker's voice, a suggestion that his loyalty has been betrayed. In a poignant aside, he notes that Reagan said in 1965 that Social Security should be voluntary, but in 1984, under pressure from Democratic nominee Walter Mondale, Reagan promised not to touch it. "There's no stronger person for fighting for the golden-ager and senior citizen than I have been," O'Neill says. "I have been a champion for them. Yet the record shows that some 67 percent of them voted for Mr. Reagan." Since then Reagan has supported a cut in cost-of-living increases in Social Security benefits.

O'Neill is indignant at the way Reagan has manipulated the tax-and-spend issue to put the onus on Democrats while O'Neill sees the administration's defense build-up as the principal cause of the $200 billion deficit. And he notes that Reagan boasts of his 1981 tax cut but never mentions that he subsequently signed two tax bills eroding the cut. "They were high-tax bills. In 1982 we gave him a tax bill, and the President went along. Last year the Republicans wanted a tax bill to help reduce the deficit. We gave it to them. The President signed it. But during the campaign, he doesn't mention it. He calls *us* tax-tax-tax and spend-spend-spend."

Similarly, O'Neill feels that Democrats have been hornswoggled by Reagan on foreign policy. His feelings run particularly deep on the subject of Lebanon, where 241 Marines were killed in a terrorist bomb attack.

As Representative Dick Cheney, chairman of the Republican Policy Committee, explains it. "The Speaker did yeoman duty on behalf of the President on the Lebanon resolution [approving the stationing of Marines there]. That was hard for Tip because he opposed our involvement in Vietnam and, more recently, in Central America. But he delivered a significant chunk of Democratic votes on Lebanon, making it truly bipartisan."

O'Neill says he rallied Democrats behind the resolution "to give credence to our government, a bipartisan view. We were told the troops were there as a symbol. When I learned the President intended to withdraw them, I came out with a statement a couple of days earlier, calling on him to do that. The President said, 'Tip O'Neill may want to surrender, but I don't'—at the very time he was planning to pull them out."

O'Neill felt he had been badly burned, possibly deceived, according to Cheney, who attended a White House meeting after the bombing at which Reagan and O'Neill had a heated exchange. "The President implied that if he had gotten more support out of Congress, he might have been able to achieve his objectives in Lebanon. The Speaker was legitimately outraged," Cheney says.

During the exchange, O'Neill recalls, "the President said to me, 'You're going to see the time before many weeks ago by, much sooner than you believe, that the people in Lebonon will stand with garlands and flowers, waiving American flags, and thanking our Marines, Navy, and Army as they leave the area, thanking us for having united the country.' "

After the meeting, O'Neill, thinking something was afoot on which he hadn't been briefed, immediately telephoned Secretary of State George Shultz, "Well, you know how the President kind of exudes. Nothing like that is going to happen." Shultz said, according to O'Neill.

That didn't alter O'Neill's conviction that politics stops at the water's edge. In April he led a congressional delegation to Moscow carrying a letter from Reagan to Premier Gorbachev.

Republicans, many of whom like O'Neill personally, resent his intense partisanship and the often heavy-handed way he wields power in the House. They are angry that Democrats for months refused to seat an Indiana Republican member duly certified by state authorities after a recount. And nothing irks Republicans more than the Speaker's refusal to allot them important committee seats and staff. "The capable men we get who bust their fannies and go into debt to get here, serve two or three terms, and the next thing you know, they can't get good committees," Cheney says. In January O'Neill relented somewhat and improved the party balance in House committees.

House GOP Leader Robert Michel complains that the Speaker also bloats Democratic committee staffs "in a manner to cripple the Republicans." Michel cites the Energy and Commerce Committee, which has 109 investigative staffers. Nine are Republicans.

During the last session of Congress, relations between O'Neill and House Republicans hit an all-time low. In May 1984 a furious fight erupted on the House floor over the partisan use of TV broadcasts of House proceedings by Representative Newt Gingrich of Georgia and a group of conservative Republicans. In a venomous exchange, O'Neill termed Gingrich's behavior "the lowest thing" he had seen in the House. The Speaker was ruled out of order, the first such rebuke in 200 years.

In July, at the Democratic convention in San Francisco, O'Neill lashed out at Reagan: "The evil is in the White House . . . and that evil is a man who has no care and no concern for the working class. He's cold. He's mean. He's got ice water for blood."

Michel returned the salvo on the House floor, saying he had never heard such abusive language used by a Speaker of the House against a President. "Mr. Speaker, it is beneath the dignity of your office," Michel said.

Not long afterward, Michel and O'Neill teed off for a happy afternoon on the golf course.

Thomas P. "Tip" O'Neill Jr. was born December 9, 1912, in Cambridge, Massachusetts, while his father marched in a picket line at Harvard University. O'Neill's forebears were refugees from the Irish potato famine. His grandfather, born in Mallow, County Cork, left Ireland in 1846 to work for the New England Brick Company. Tip's mother died when he was an infant. His father, a bricklayer and contractor, became a member of the Cambridge City Council and then sewer commissioner, with control over 1,000 jobs. Young Tip was nicknamed for a St. Louis Browns baseball player adept at hitting foul balls until the pitcher walked him.

The O'Neill home was a meeting place for local politicians, and Tip took to the subject early. His schooling came in the ethnic wards of Cambridge, where dispensing favors to friends was a way of life. At age fifteen, he helped get out the vote for state legislator Charles Cavanaugh. In 1928 he knocked on doors for Al Smith's presidential campaign.

After graduating from St. John's High School in Cambridge, O'Neill earned $3 a day driving a truck. After hours he played poker with his pals and frequented Friday-night dances. At the suggestion of his parish priest, he entered Boston College, working to pay his tuition and traveling by subway to classes in Newton. He earned an AB in history in 1936.

While a senior at BC, O'Neill, then 22, ran for the Cambridge City Council, losing by 150 votes. It would be the last election he ever lost. O'Neill tells the story of encountering his neighbor, Elizabeth O'Brien, during that campaign: "I'm going to vote for you, Tom, even though you didn't ask me, she said. Surprised, O'Neill replied, "I've lived across the street from you for eighteen

years. I shovel your walk in the winter. I cut your grass in the summer. I didn't think I had to ask you for your vote." She said, "Tom, I want you to know something: People like to be asked."

O'Neill never again failed to make direct personal appeals.

Upon analyzing the election returns, O'Neill saw that his strength was in his own neighborhood, so he decided to run for the north-Cambridge seat in the state legislature, enlisting the campaign aid of some of his BC classmates, who had voted O'Neill "class politician."

After graduating from BC, O'Neill sold insurance and campaigned. He was elected to the Massachusetts legislature that fall at the age of 24. Between legislative sessions, O'Neill worked in the city treasurer's office for $35 a week. With that kind of job security, he proposed to his best girl, Mildred Miller, daughter of a trainman on the Boston elevated. They were married in June 1941. "I'll Be with You in Apple Blossom Time" was their favorite song. They honeymooned in Atlantic City, where they stayed at the posh Claridge Hotel for $5 a day, including breakfast.

As a member of the legislature during World War II, O'Neill was exempt from the draft; he volunteered for the Army anyway, but was rejected because of a history of diabetes in the family. He continued to sell insurance while serving in the legislature.

In 1948 O'Neill, by then Minority Leader of the Massachusetts House, helped Democrats win control of the legislature for the first time in a century. At age 36, his hair was gray and his girth evidence of his fondness for beer and sweets.

In those days, Jim Curley was in his heyday, and O'Neill was fascinated by the way Curley drew people to him. O'Neill picked up speechmaking cues from the colorful mayor of Boston and, on his advice, memorized several all-purpose poems to appeal to Democratic constituent groups. But Mayor Curley was convicted of taking a civil-service exam for one of his cronies—and then was re-elected from his jail cell.

When he was freed, Curley tried to control delegate selection for the 1948 Democratic presidential convention, according to the biography Tip, by Paul Clancy and Shirley Elder. When O'Neill challenged him, Curley said, "You fat son of a bitch, I'm going to give you the lesson of your life. I'm removing you from my slate." O'Neill put together his own delegate slate, but Curley's slate won. "They waited until the early hours of the morning," O'Neill recalls, "and stole the goddamn election on us in Boston. They just transferred the figures."

Even though he lost that confrontation, O'Neill impressed party regulars with his ability and discretion. The following year, he was elected Speaker of the Massachusetts House.

As Speaker, O'Neill wielded both his official and his personal power effectively. He pushed through a wide-ranging program of social legislation known as "the Little New Deal." He describes himself as the "toughest disciplinarian they ever had. Christ, you wouldn't rattle a newspaper or talk. Nobody would dare put his feet up on a chair." O'Neill was also an avid poker player, often dropping in on the nonstop card games held in vacant rooms of the state Capitol.

During his years in the Massachusetts legislature, O'Neill became fast friends with fellow Democratic member Leo Diehl and Republican state senator Silvio Conte. He remains close to both men. Diehl is now O'Neill's administrative assistant. Conte has served in Congress since 1958. He is more liberal than most Republicans and confesses that his GOP colleagues "needle" him because he is close to O'Neill. "We don't discuss politics," Conte says. "That breaks up friendships."

When John F. Kennedy decided to run for the Senate in 1952, he tipped off O'Neill in advance and O'Neill announced for Kennedy's seat in Congress. He was elected against the Eisenhower tide.

When O'Neill went to Congress, Millie stayed in Cambridge with their school-age children. In Washington, O'Neill shared an apartment with fellow Massachusetts congressman Eddie Boland. Most evenings they dined at Duke Zeibert's—O'Neill loved chicken-in-the-pot—and afterwards played cards at the University Club.

In his second term, O'Neill was assigned to the Rules Committee, unusual for one so new. Yet O'Neill remained a Tuesday-to-Thursday congressman, showing little interest in national issues and tending mostly to his constituents in the eighth district, which includes such working-class areas as Italian east Boston and Irish Charlestown, as well as fashionable Back Bay Boston. Even today, O'Neill's maxim is that "all politics is local."

In the 85th Congress, when the Democratic Study Group was organized in an effort to break the hold of the coalition of Republicans and southern Democrats that then ruled Congress, O'Neill joined but wasn't very active. He still preferred to concentrate on his contacts and visibility in Massachusetts in order to run for governor. It was a goal, however, that Millie discouraged, calling it a "dead-end job."

Gradually, O'Neill was being drawn into the national mainstream and creating a new image that was to place him on the leadership ladder. In late 1967 he jolted the Democratic party and angered President Lyndon Johnson by opposing the Vietnam war. O'Neill's children had expressed growing unhappiness with the war, and his own talks with the military and the CIA convinced him that it was unwinnable. O'Neill called it "too high a price to pay for an obscure and limited objective." He thought his stand would ruin him politically, but it appealed to liberals.

In 1971 Millie encouraged her husband to seek the job of House whip. O'Neill knew that Majority Leader Hale Boggs favored Dan Rostenkowski (now chairman of the House Ways and Means Committee) for the post, but O'Neill asked for it anyway. When then-Speaker Carl Albert and Boggs disagreed over whom to choose for whip, they compromised on the loyal and popular O'Neill.

A year later, Boggs and three others were lost in a plane crash over the Alaskan wilderness. O'Neill waited a decent interval; then, with the permission of Boggs' wife, Lindy, now a formidable House member herself, he began lining up votes for Majority Leader. He made it, and when Albert retired in 1976, O'Neill was chosen Speaker by acclamation.

O'Neill's biggest challenge in his first term as Speaker was to educate the new Democratic President, Jimmy Carter, in the ways of Washington. Carter had alienated Congress by targeting the institution in his presidential race. O'Neill made it clear that cooperation had to work both ways between 1600 Pennsylvania Avenue and Capitol Hill.

" 'Jeez, Mr. President,' I said, 'I gotta tell you you're making a mistake. You're not talking about the Georgia legislature now. You're talking about people in Congress who are mostly young, highly intelligent, successful in business and the professions, who ran against the establishment like you did.' " It was a pointed reminder that many House Democrats had run ahead of Carter the preceding November and didn't owe their seats to him.

Trouble between the Speaker and the Carter White House began almost immediately. An epic blowup between O'Neill and White House chief of staff Hamilton Jordan is described in Tip:

"O'Neil, as Speaker of the House, was scheduled to sit in a special box at the Kennedy Center for Carter's inaugural gala. He sent in a check for $300 for ten seats so that he could take some members of family and close friends. When the tickets arrived, he was surprised to find his friends and had been assigned seats in the last two rows of the orchestra. He protested to Jordan: "When a guy is Speaker of the House and he get tickets like this, he figures there's a reason behind it." Jordan cooly said if O'Neill didn't like the seats, the money could be returned. With that, O'Neill exploded: 'I'll ream your ass out, you son of a bitch!' The seats were not changed, and O'Neill started referring to Jordan (pronounced Jerden) as 'Hannibal Jerkin.' "

For his part, O'Neill was tagged "the Godfather" by White House aides, with whom he clashed regularly. Besides Jordan, O'Neill had little regard for press secretary Jody Powell, and for a time he barred his office to Frank Moore, Carter's congressional-liason man.

O'Neill also turned down at least three invitations to state dinners in the Carter White House, which usually are command performances. Despite his personal and political differences with the administration, however, O'Neill worked hard to push through Carter's ethics-code and energy legislation, among other bills.

Over the years, O'Neill spent a lot of time away from his home in Cambridge, where Millie stayed with the children. He tried to make up for it by taking them bowling every Saturday afternoon and escorting Millie out on Saturday nights. Now the children are grown: Rosemary is a Foreign Service officer, Tommy has served two terms as lieutenant governor of Massachusetts, Susan is head of a public-relations partnership, Christopher (Kip) is a lawyer, and Michael is an insurance broker. Seven grandchildren call the Speaker "Pop-Pop."

Although Millie did not expect Tip to be a politician for life and prefers to shun the limelight, she clearly has been a major influence in his political career. Their affection is unabashed. She calls him Tom; he calls her Mum. He still breaks into strains of "I'll Be with You in Apple Blossom Time" in her presence and says, "After 44 years of married life, I love her more each day, if it's possible."

When Tip became Speaker, with the children on their own, Millie moved to Washington. With the help of Conte's wife, Corinne, a real estate agent, they located a fourth-floor, two-bedroom apartment with fireplace in Summer Village, a townhouse development off Massachusetts Avenue in Bethesda.

"Tip never looked at it," Mrs. Conte recalls. "We had the settlement in his office, and he didn't see it until Millie had it furnished. It has a New England look. We had them to dinner the night they bought it, and Tip asked Millie to drive us out to

where they would live. His face just dropped. 'Millie, are we going to be second-class citizens all our lives? I never thought I would be living in a project,' he said." Now settled in, O'Neill calls the place "cozy and intimate." The O'Neills also maintain their home in the old Cambridge neighborhood and have a summer house at Harwichport, on Cape Cod.

Twice a week the Speaker dons an Irish-knit sweater and slacks for the O'Neills' regular bridge games with the Contes. They play for a quarter-cent a point.

Conte says he and O'Neill are "like brothers." The two couples have toured the world together on O'Neill's annual foreign trips.

On a recent trip to Kenya, Millie suffered a respiratory attack and had to be evacuated to a hospital in Germany. "That was a crisis. I never saw Tip look so sad. He was a lost soul," Conte says. As a result, Millie quit smoking. Until then Conte recalls, "when we played cards, between him and me smoking cigars and Millie and Corinne smoking cigarettes, you couldn't even see the players." In recent months, O'Neill has cut back on cigars as a favor to Millie.

Whatever message the fractured Democrats are trying to hammer out now, it is unlikely that a party consensus will be reached until they choose their presidential nominee in 1988. Until then, the soul-searching and self-criticism will continue. The past five elections have shown that the New Deal coalition, once the Democrats' ticket to victory, has eroded, with the GOP cutting heavily into traditionally Democratic groups such as youth, ethnics, southerners, blue-collar workers, and Hispanics. Almost half the voters now identify themselves as Republicans.

Despite their losses, Democrats continue to maintain strong control of the House and have a better than two-to-one margin in governors. They hold about 60 percent of the state legislative seats, and their prospects are good for recapturing the Senate in 1986. The party's biggest problem is trying to get together nationally.

There is a strong feeling among Democrats that their party must move to the center. "We've been overly concerned about the low-income people who needed help, to the exclusion of those paying the bills," says Representative Butler Derrick of South Carolina. Their most pressing need, Democrats say, is for a national leader with TV charisma, someone who can embody the traditional Democratic values while recapturing the political center.

The new Democratic chairman, Paul Kirk, may succeed in overcoming his perceived ties to liberal interests to reunify the party, but because chairmen rarely talk issues, the Speaker—from his forum in the Capitol—will remain the ranking party spokesman. And how that role will be filled after O'Neill retires is an open question. Majority Leader Jim Wright's image is not different enough from O'Neill's for some House members. Despite early commitments to Wright, there is some feeling that various factions might unite behind Tom Foley of Washington, now the House whip, for Speaker. Whether the Coelhos and Gephardts will have enough strength by then to try to put one of their own into the Speaker's job remains to be seen.

Gephardt, the newly elected head of the House Democratic caucus, is a leader of the congressional "neo-liberals," who believe in helping the needy but do not always line up with unions and big government or oppose the military and big business. They tend to admire entrepreneurs who create new jobs, and they see high technology as the way to economic growth. Their dilemma is conveying those views without sounding like "me-too" Republicans.

Representative Michael Barnes of Maryland wants Democrats to tone down their allegiance to interest-group politics. So does Anne Wexler, who urged Democratic presidential nominee Walter Mondale during the campaign to shed his image as captive of special-interest groups by saying, "Here is what I believe. If you think I am right, vote for me; if not, go with somebody else." Even long-time liberal Senator Edward Kennedy wants to cut ties to the special interests.

Barnes claims that a new Democratic party exists that differs from the perception Americans seem to have of the national party. He contends that Democrats are alive and well at the state and local levels, "where they govern with sound fiscal policies while retaining the traditional values of caring and compassion that have always defined the difference between Democrats and Republicans."

O'Neill agrees with much of that and is amenable to working some of it into party policy in the next two years. He will not be an obstacle, he says. But the fact remains that it will be a party and a policy different in many ways from those Tip O'Neill has represented over the past 50 years. Still, one thing is sure—when O'Neill walks out of the Capitol for the last time, something zesty, tough, compassionate, and larger than life will be gone.

Ever since O'Neill announced his retirement plans a dozen book publishers have been clamoring for his last hurrah. "There are so many secrets I've been part and parcel of that I may have to wait until a lot of people die," he laughs, but he does plan to write a book. He has been invited by Boston College to take over the O'Neill chair in 1987 and says he will teach a course there. The chair was established with a $1.3 million endowment in 1979 by friends and fellow alumni of the Speaker. Ironically, the current lecturer there is former Carter aide Jody Powell, now a columnist. O'Neill has said that he would love to be ambassador to Ireland, but it's as doubtful he would accept an appointment from a Republican President as it is that one would be offered.

The Speaker has done some thinking about how he wants to be remembered: "I look back at the success of young people I knew as a lad, and the success of their children. None are left in the old neighborhood. All are out there doing well. I know I've played a part in changing America and making it better for these yuppies. I want to be remembered as a person who never forgot his people or where he came from. In the beginning, only the old Boston blue-blood Brahmin had an opportunity to move up. I was part of an era of responsibility and politics that helped change all that."

Do the changes in the electorate and the shift toward conservatism mean that O'Neill wishes he had done things differently? As Frank Skeffington would say, "The hell it does!"

SPECIAL ELECTION CALLED FOR IN INDIANA'S EIGHTH CONGRESSIONAL DISTRICT

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, later on this afternoon it appears that we are going to address an issue that, in my opinion, is as serious a constitutional issue on the legislative branch as the Watergate issue was to the executive branch. I am referring to the resolution later on to vacate the Eighth Congressional seat in Indiana and ask the Governor of Indiana to call for a special election.

We have a task force that is chaired by the Honorable LEON PANETTA that has finished its report and has been made available to Members of the Congress. I would like to very briefly read one paragraph from that report. It says:

* * * doubt about the election result began on election night and continued through the course of the state recount process. It became apparent that not only on election night, but even more pronouncedly during the course of the state recount, uniform standards for the counting of ballots were not applied. In an election this close, the lack of uniform standards for determining what constituted a valid vote fundamentally undermined the confidence that the House would otherwise extend to the certified state result.

Now, the original election was a 34-vote margin. We have now gone through the Federal recount, and we have a four-vote margin. Rules have been consistently applied inconsistently. For that reason, to diffuse the constitutional issue at hand, I would ask that we do allow the Governor of the State of Indiana to call for a special election, and I would hope that the Members of the Democratic majority would agree with that position.

PRESIDENT'S SCHEDULED VISIT TO BITBURG MILITARY CEMETERY IS INAPPROPRIATE AND INSENSITIVE

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, shortly the House and properly so, will pass House Concurrent Resolution 130, expressing our opposition to the President's scheduled visit to the Bitburg Military Cemetery this Sunday.

As the President prepares to leave for Europe, I continue to be amazed at the faulty rationale used by the White House to justify this obviously inappropriate and insensitive visit.

The White House says the President will only spend 15 minutes at the Bitburg Cemetery. What real difference does this make? Consider what horrors were perpetrated in the Nazi-run death camps in any 15-minute period. Consider the number of innocent men, women, and children who were slaughtered in a 15-minute period. The issue is not whether the President spends 1

second, 15 minutes, or 1 hour in Bitburg. He does not belong there at all.

The White House says Bitburg will symbolize the reconciliation that now exists between the United States and Germany. What about the divisiveness in America over the visit? Should not that be the higher concern?

The President said yesterday that "it is morally right" for him to visit Bitburg. I contend that he must seek to do what is morally just—and that would be to cancel the Bitburg visit.

WHO WILL BE NEXT?

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, what do the following newspapers all have in common: the New York Times, the Washington Post, the Washington Times, the Baltimore Sun, the Detroit News, the Philadelphia Enquirer, the Wall Street Journal, the Bakersfield Californian, and the Evansville Press?

The answer, Mr. Speaker, is that each of these newspapers, and many more, have editorially called for a new election in the Eighth District of Indiana.

Why, you might ask, should newspapers as diverse as these care about a single seat in a single district in Indiana? The answer is simple. They know that if the Democratic majority in the House can steal a seat in Indiana by throwing out that State's election laws, they can do the same thing in New York, in Massachusetts, in Florida—anywhere in the country.

Every voter who cast a ballot for Congress in last November's election has a right to be concerned about what this House is about to do here: to disenfranchise voters and ignore State election laws for partisan gain. I urge each of my colleagues to think about the consequences of such an action. Who will be next?

PERSONAL EXPLANATION

(Mr. PEPPER asked and was given permission to address the House for 1 minute.)

Mr. PEPPER. Mr. Speaker, unavoidably yesterday I missed two rollcalls, rollcall No. 77 and rollcall No. 79. Had I been present I would have voted "no" on the motion for adjournment, on rollcall No. 77, and I would have voted "aye" on the motion for a second on House Concurrent Resolution 130, rollcall No. 79.

POLITICAL MACHINE IS ALIVE AND WELL ON THE FLOOR OF THE HOUSE OF REPRESENTATIVES

Mr. McEWEN. Mr. Speaker, political pundits and historians have prematurely been reporting the demise of political machines in Boston, New York, Philadelphia, Baltimore, Chicago, and Los Angeles.

I am delighted to report that the political machine is alive and well on the floor of the House of Representatives.

Mr. Speaker, You know how to win vots the old-fashioned way: You steal them.

OPPRESSIVE GOVERNMENTS

(Mr. LELAND asked and was given permission to address the House for 1 minute.)

Mr. LELAND. Mr. Speaker, earlier, the gentleman from California [Mr. DORNAN] talked about the horror of what happened in Afghanistan this morning. Let me tell you that, as a black man and a young boy growing up in the fifth ward in Houston, TX, I understand what oppression meant as imposed by racism, and that gave me a relatively interesting perspective on life, a real empathy for those people who suffer at the hands of oppression whether it is from the left or the right.

I call upon people like Mr. DORNAN to be consistent in their overtures about human rights and the treatment of human beings. Just this weekend, seven human beings were killed—murdered, if you will—in South Africa. I would hope that he will express the same kind of fervent interest in the protection of the people of the South African Republic as he does those people on the left in the Communist nations, as I have done in speaking out against the Soviets in Afghanistan, the Polish Government in Poland, the Government of Zaire, and the Government of Haiti, and places like that.

Also, Mr. Speaker, let me add to those numbers those governments of Latin America like Chile—Mr. Pinochet in Chile—and how cruelly he treats his people.

□ 1250

THE VOICES OF REASON

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to include extraneous material.)

Mr. DREIER of California. Mr. Speaker, we have once again seen a reprehensible obfuscation of the issue of the contested race in the Eighth District of Indiana. I have in my hand a "Dear Colleague" letter which lifts a quote from that now famous editorial that ran in the Evansville Press, dated April 20, 1985.

The quote lifted, that was included in this "Dear Colleague" letter, says, "Was the election stolen as Republicans are inclined today to charge? We do not think so."

That is incorporated in the body of the editorial, but we should read the last paragraph of that editorial which in fact does call for a special election. It says:

> Unless those voters, all the votes are counted, those shouting for a special election, a costly venture that could set the State back as much as a half million dollars and possibly still not clear up this mess, may more and more begin sounding like the voices of reason who have the candidates' best interests at heart.

In your last term, Mr. Speaker, become a hero. Preserve our great Constitution—allow the people of the Eighth District of Indiana to vote in a special election.

[From Evansville Press, Apr. 20, 1985]

ONCE AGAIN, WHO WON?

At long last, the confusing, troublesome, tiresome Eighth District Congressional race is about to come to an end. Or is it? Will it ever?

The background is this: On Nov. 6, 1984, nearly a quarter-million southern Indiana voters went to the polls to pick their representative for 1985 and 1986 in the United States House.

Ever since that November day, we've been trying to determine who won.

Election-night totals gave the victory to Democratic incumbent Frank McCloskey; day-after-election totals, following the correction of a tabulating error in Gibson County, gave the victory to Republican challenger Rick McIntyre; a full recount of all 15 counties in the district also gave the victory to Mr. McIntyre; and now, a House-ordered full recount of those same 15 counties has returned the victory to Mr. McCloskey.

So who *did* win? It is shameful to have to say that it's quite possible we still don't know.

Was the election "stolen" as Republicans are inclined today to charge?

We don't think so. Clearly, the federal auditors were more circumspect and thorough in their duties than the previous recount, when thousands of voters were disfranchised over technical violations not the fault of voters but instead of poll workers. Clearly, the effort was made this time to count votes earlier denied where no fraud had been alleged or found.

What the task force heading the recount did this time was decide to count every ballot, or determine voter intent, where it could, even if election workers' or voters' technical mistakes made them subject to some question. The problem is that the task force, once it decided to follow that rule, then violated it.

In nine counties, for a variety of reasons too complicated to rehash here, the task force did count technically flawed absentee ballots. In two counties, Vanderburgh and Crawford, similarly flawed absentee ballots were not counted because they had not been kept under lock and key since election day. Their integrity could not be guaranteed, so the ruling not to count them seemed reasonable.

But in the four remaining counties the integrity of the absentee votes was not questioned, yet the task force still refused to count them. It is those uncounted votes that now allow Republicans to charge that the recount was inconsistent and designed by the Democratic-controlled task force to rig the results.

We are not talking about many votes in those four counties—only 25 or so. But that number looms large when one considers that the final margin of victory for Mr. McCloskey was declared to be only four votes. And the fact that the 25 disallowed votes came from four counties that are considered Republican strongholds (Orange, Daviess, Green and Lawrence), only gives Republicans more fuel to cry foul.

Neither side knows, nor do we, whether those 25 votes would change the result that was arrived at late Thursday night.

But unless—and until—they are counted, as were all the other absentee votes in counties that had secured them since election day, we still won't know who really won this election.

The recount appeared to be a fair one; it simply stopped 25 votes short of the end. Since the rationale for a federal recount was based on obvious major inconsistencies in the earlier local recount of votes, there should be no tolerance for smaller, but equally obvious, inconsistencies where an election is being decided by a handful of votes.

Unless those votes—all the votes—are counted, those shouting for a special election—a costly adventure that could set the state back as much as a half million dollars and possibly still not clear up this mess—may more and more begin sounding like the voices of reason who have the candidates' best interests at heart.

THE PRESIDENT SHOULD FIND ANOTHER PLACE TO VISIT

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. My colleagues, today we will vote on the resolution urging the President not to visit the Bitburg Cemetery. I urge a unanimous vote.

In the name of Holocaust survivors, hundreds of thousands of whom live in this country and love it, a trip to Bitburg will be a tremendous slap in their faces, honoring those who made them suffer. In the name of families of veterans who were massacred by the SS as helpless POW's, by visiting Bitburg, the President will again step on their graves.

In the name of diplomacy, a visit to Bitburg, an act that was supposed tc bring America and the Federal Republic of Germany closer together, will move us further apart. Most important, a visit to Bitburg will undermine the moral leadership of the United States.

Mr. President, when you set foot in that cemetery, no matter how short your visit, no matter what you say, the beacon of our moral leadership will be dimmed. Mr. President, visiting Bitburg is not the moral thing to do, as you said it was; the moral thing to do is admit your mistake and find another place, a real symbol of reconciliation, to visit.

LET US SEE JUSTICE AND EQUITY PREVAIL

(Mr. BOULTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOULTER. Mr. Speaker, last week, the Republican delegation of the State of Texas signed a letter which was sent to major newspapers throughout our fine State. That letter was sent because each of us believe that the people in Texas should know that the Democrat leadership in this House is about to trample on their constitutional right to choose their own Representative. The letter explained that the party leadership on the other side of the aisle is using bareknuckle partisan power to take an election from the people of Indiana's Eighth District and seat their handpicked candidate as the Representative. Despite the fact that that candidate lost an election, and a recount, the Democrats will try to seat him. Mr. Speaker, it is important to me to note that there are three fine courageous, Texas Democrats who have voted in the past to seat the rightful winner of this election. We hope the remaining members of our delegation will join them, and us, as we vote to see that justice and equity prevail in the McIntyre case.

AN ALL-TIME LOW

(Mr. RUSSO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSSO. Mr. Speaker, I believe that the debate on this issue of who shall represent the Eighth Congressional District has hit an all-time low. It is absolutely outrageous and uncalled for for the Member from Ohio to step into the well and indicate that the Speaker of the House of Representatives has stolen the election. That is totally irresponsible and reprehensible.

If the gentleman from Ohio can show the House of Representatives, and the media that he is speaking to, that the Speaker has stole the election, bring the evidence forward so that we can deal with it openly. But if the gentleman does not have any evidence, he should not demean the House of Representatives by saying the Speaker of the House of Representatives has stole the election.

The debate has gotten down so low that it is not even worth discussing any more.

LET THE PEOPLE OF INDIANA'S EIGHTH DECIDE WHO THEIR REPRESENTATIVE SHALL BE

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, the 99th Congress has been in session almost 4 full months today and during this time, the people of the Eighth District of Indiana have been without representation because this House has refused to seat the certified winner—Rick McIntyre. Instead, the majority in this body established a task force weighted 2 to 1 for the majority to investigate the election, refusing to seat Mr. McIntyre in the interim.

Now, we've reached the end of the task force's investigation, or I should say, where the majority members of the task force wanted to stop, and alas, what did the task force report—the winner by four votes is Frank McCloskey. Were all the ballots counted? No. Just enough ballots to put Mr. McCloskey in the lead.

Mr. Speaker, this entire episode has been a travesty, a dark spot on the history of this institution and the only way for this House to right this wrong is to declare the Eighth District seat vacant and let the people of that district decide in a special election who they want to represent them. That is the only fair and decent thing for the Members of this body to do and I implore my colleagues to take the necessary step today to give back to the people of the Eighth District of Indiana their fundamental right in our system of representative government.

Mr. Speaker, I would like to read from several editorials:

From the New York Times: The problem is that the recounts have been hopelessly tainted by the appearance of partisanship . . . Wisdom and fairness argue for a special election.—April 26, 1985.

From the Washington Post: In an election so close, neither contestant should be seated. The House, embroiled in an earsplitting dispute over the outcome, should in fact declare the seat vacant and let Indiana hold another election.—April 23, 1985.

From the Detroit News: Democrats evidently accepted those rules until their man crept ahead—and then quit.

House Republicans are rightly outraged about all this. Never before in American history has Congress ignored the certified results of an election that was conducted without allegations of fraud.—April 23, 1985.

From the Philadelphia Inquirer: Yet after so many contested recounts and partisan power plays, the only way to purge the taint of suspicion that either party stole the seat is to hold a new election, and the sooner the better."—April 24, 1985.

From the Baltimore Sun: This was a virtual dead heat—and no winner ought to be declared. Otherwise, people will have another reason to be cynical about politics, and Mr. McCloskey will take his seat under a cloud.—April 22, 1985.

AN INSULT TO MANY

(Mrs. LLOYD asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, I do feel compelled today to protest in the strongest terms President Reagan's planned visit to the Bitburg Cemetery. The President has said that the German soldiers buried at Bitburg were as much victims of nazism as were the millions who died in the concentration camps.

I am appalled that such a comparison would be drawn. I think it is a slap in the face, not only to the survivors of the concentration camps, but to the memory of the millions who did not survive. Also, it shows disrespect to the tens of thousands of service people, American, British, and others, who bravely fought, and often died, in combating the Nazis to make the world safe for democracy.

I would like to inject a personal note, Mr. Speaker. My brother was first pilot on a B-17, and his plane was shot down over Germany. He served as a prisoner of war in a Nazi prison camp for 20 months. These were hard months and they were long months for my family, Mr. Speaker. For the President of the United States to pay tribute to the German soldiers buried at Bitburg is an insult not only to my brother and to my family, but to all those who risked their lives fighting Nazi totalitarianism.

WISDOM AND FAIRNESS

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, on Friday, the New York Times joined the overwhelming number of media who have called for a special election in the Eighth District of Indiana.

"Wisdom and fairness argue for a special election" is their terse summation.

There are always benefits, even in the worst of situations. Even the McIntyre case, coming at the beginning of my services in the House, has its plusses.

I have come to know the fine group of legislators who comprise the Republican freshman class more quickly than might otherwise be the case. We as a class have learned more about the House and about its internal politics than would have been true without the McIntyre matter.

And we have learned how to act more effectively. I expect we will put that training to good use in the rest of this Congress and in future Congresses.

The Republican freshman class is a group of fine people and I am proud to be numbered among them.

□ 1300

CURBING CORPORATE RAIDS

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, today I'm joining my colleague from Oklahoma, Mr. JONES, in cosponsoring legislation to break the stride of corporate raiders who are enriching themselves at the expense of taxpayers and America's long-term economic growth.

In Oregon, the forest products industry is especially vulnerable to this practice because of a peculiarity of the stock market which undervalues the future worth of natural assets, such as standing timber. Right now, the Crown Zellerbach Corp. is desperately trying to fend off the well-known corporate raider, Sir James Goldsmith. If Crown Zellerbach is lucky, it will succeed. But at what price? And for whose benefit?

In order to survive raids of this kind, companies must incur tremendous debt. But the raider makes off like a bandit. He can even deduct the interest costs on the money he borrows to finance the raid that he embarks upon.

St. Regis Paper, the Continental Group, and Diamond International have all been subjects of hostile takeover attempts within the past 2 years. Evans Products was recently taken over by a raider, its stock plunged, and it is in bankruptcy today.

Mr. Speaker, these raiders are not only picking the pockets of the American taxpayers; they are also robbing the Nation of the capital this Nation needs to make productive investments in our economic future. American corporations are cannibalizing themselves while our international competitors are using their resources for research, for innovation, and for quality control.

America needs to be investing in new plants and equipment to compete with the Japanese and other competitors. We need to be investing in the future—not padding the wallets of corporate raiders. To do the latter is not the way to create new products, new jobs, and new payrolls.

PUT THE PARTISANSHIP ASIDE TODAY

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, today we are going to have an important vote on the question of whether or not we should declare the Eighth District congressional seat from Indiana vacant and, therefore, make way for a special election.

I have spoken with a number of Members on the Democratic side of the aisle who have indicated to me that they think, frankly, that is the best outcome. Some of them feel extremely uncomfortable in taking that position because unfortunately this whole question has taken on partisan concerns.

I can only think how different the atmosphere is as we approach this vote than it has been on this floor when we have taken the serious votes on disciplining our Members after the Ethics Committee has made a recommendation. I am sorry about that. I wish we would handle this in the same way, having bipartisan subcommittees and full committees. We will have an opportunity, I hope, to change that in the future. But at this point in time, I would ask Members on the other side of the aisle, as well as on my own side of the aisle, to look inside and make a good-faith conscience decision today. This decision today will have far greater implications than just the Eighth District of Indiana. It will not only speak to the question of the atmosphere in this House, but it will establish a precedent for us to be directed by in the future.

I would just hope that we might put partisanship aside today and perhaps vote this, look at this, in the same manner and the same way, with the same bipartisan spirit that we normally look at issues of ethics in this House. I think it is of the same concern. I think it is of the same moment, and I would hope that all Members, Democrat and Republican alike, would try and treat it that way this afternoon.

PRESIDENT SEEKS WRONG COUNSEL ON BITBURG CONTROVERSY

(Mr. LUKEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUKEN. Mr. Speaker, the President continues the Bitburg controversy not only by his obduracy in planning to go ahead, but by his misstatements. Almost every morning we come across another one. This morning it was his statement, astonishing as it is, that it is morally right to go to Bitburg.

Unfortunately, the President seeks the wrong counsel in his Bitburg controversy. He sought Mr. Nixon on the issue of credibility, obviously the wrong source, and on the question of morality, now that he has recognized that it is a moral issue, he should have sought the counsel and advice of the survivors of the death camps because they would advise him and have advised him that it is wrong to go to Bitburg. The President is wrong. The survivors are right.

He was wrong in his initial refusal to visit the concentration camps because of his misguided attempt to put the Holocaust behind us. We cannot put the Holocaust behind us. And he was wrong in saying that all war dead, those from the death camps and those from the battlefield, are the same.

There is still time, Mr. President. Your statement that you have stated the last word on the subject is wrong. The last word on the Holocaust will never be said, it cannot be said, because only memory will prevent the recurrence.

REPRESSION AND GENOCIDE FOLLOW SOVIET SUPPORT

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, everywhere the Soviet Union puts its money and military support, repression and genocide soon follow. Repression and genocide followed their support in Afghanistan. Repression and genocide followed their military support and monetary aid in Ethiopia. It was followed by genocide and repression in South Vietnam and in Cambodia and Laos. Repression and Genocide followed Soviet military and economic aid in Cuba. Now in Nicaragua, Mr. Speaker, we see $200 million in economic aid being requested as well as 18,000 tons of military aid being sent down there last year by the Soviet Union, and you may rest assured that, in addition to the repression the people of Nicaragua are seeing today, the genocide will not be far behind.

Mr. Speaker, this House voted against $14 million in aid to the freedom fighters just a few days ago. I hope this House will reconsider, because this issue will come up again, only the next time it may be in El Salvador or Honduras or Guatemala, and the cost for freedom will be much higher.

Mr. Speaker, when will the people on the Democratic side of the aisle open their eyes. I hope they do before it is too late.

IF YOU CANNOT UNDERSTAND HISTORY, AT LEAST READ A NEWSPAPER

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, Vietnam became a totalitarian Communist holocaust. Cuba became a Communist ulcer that exports parasites of revolution and discord. As the eloquent colossus, my respected friend, HENRY HYDE, stated to those who oppose American involvement in Nicaragua:

If you cannot understand history, read a history book anyway.

I would add to that, at least read a newspaper; $250 million in Soviet military aid to Nicaragua last year.

April 4 Washington Times: Mass grave indicates Sandinista massacre.

April 2 Times: Qadhafi advocates "suicide" terrorism.

April 25 Times: All aid to Contras rejected by the House.

April 26 Times: Russian maneuver, after Reagan defeat.

Same paper on the same day: Soviets ship arms to Sandinista.

April 27: Ortega travels to Moscow.

April 29 Times: Nicaragua runs guns and agents to Honduras.

What a travesty. What an export of terrorism. Let me repeat. April 27 Ortega travels to Moscow. April 29 Washington Times reports Nicaragua runs guns and agents to Honduras.

My heart weeps for our country and for our friends the defenders of freedom and democracy who are stripped naked by me who can't read or who won't read or who fail to comprehend.

I urge the President to immediately impose a prohibition against imports from Nicaragua. I have introduced legislation which would ban all Nicaraguan bananas, sugar, and beef from entering the United States, but we need immediate action.

Mr. President, impose a trade prohibition right now against the Sandinista government in Nicaragua.

□ 1310

AMERICAN AGRICULTURE STRUGGLING TO SURVIVE

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, the economic recovery may have arrived in many sectors of our economy. However, there is no economic recovery in Oklahoma today due in many respects to crisis in agriculture.

The huge Federal deficits, high real interest rates, and dollar exchange rates place agriculture at an extreme disadvantage because:

First, farming requires twice as much capital per worker as any other industry;

Second, farmers are major net debtors; and

Third, American agriculture depends heavily on exports.

Economists in our State warn that no less than one-third of our agriculture producers are in serious financial trouble. They are having difficulty generating cash flow. The effects of financial stress on Oklahoma farms is becoming evident across the State. Banks, implement dealers, fertilizer, and chemical dealers are all failing or struggling to survive.

We are wrong if we assume that the 1985 Farm Bill will rescue our full-time, medium-size farmers. Action is needed now to restore profitability to American agriculture, to restore what is the heart and soul of rural America.

HISTORY'S TREATMENT OF THE INDIANA ELECTION CONTEST

(Mr. GRADISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRADISON. Mr. Speaker, when future historians write about the rise and fall of the Democratic Party a key chapter will chronicle the story of Indiana's Eighth District—a classic case of the triumphs of power over principle, of changing the rules after the game is over, of kicking the other guy when he's down. One of the saddest parts of this episode is the strange, eerie silence which has fallen over those Democratic House leaders who in the past have called for bipartisanship in confronting the problems which face our Nation at home and abroad. Where are the voices of moderation and compromise? Why are they afraid to speak out? Why is there such resistance to turning to the only people truly entitled to resolve this controversy: the people of the Eighth District—through a special election? There is no other fair resolution of the issue of this tainted seat.

CENTRAL AMERICA: DOSE OF REALITY—NO. 6

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, when the Congress considered aid to the so-called Contra forces of Nicaragua, it did so with the greatest of trepidation. The President argued that the money would be used simply to support forces that would interdict arms traffic that was supposed to be flowing from Nicaragua into El Salvador. But when no evidence ever emerged that there was any such arms traffic, the justification changed. Now the purpose of the aid was to force Nicaragua into elections. When elections took place, the President urged opponents of the Sandinistas to sit them out, ironically, just as the leftwing opponents of the Salvadoran Government are urged to sit out elections there.

With each increment of aid to the Contras, the justifications changed, and with each change in justification, the suspicions of Congress grew. This led to the enactment of the Boland amendments, which prohibit the use of funds to overthrow the Government of Nicaragua, directly or indirectly. Congress recognized that the Contras were something other than

what they were advertised to be, and that it would not be possible to dislodge the Sandinistas by means of a clandestine war. And further, the fact was that the only kind of war the Sandinistas and the Contras could carry out was exactly the kind of terrorism that the people of the United States have never supported. Terrorism means attacks on the weak or the defenseless. It means implacable cruelty. And it is not easy to square the use and support of terror in one country while denouncing it next door. It is not easy to follow the logic of how terrorism promotes the causes of democracy and freedom—most particularly when those who are carrying out the terrorism are mostly members of the same national guard that is loathed throughout Nicaragua, for ample reason. After all, this was the military force of the Somozas, who earned a place in history as among the most cruel and corrupt of governments in a region not noted for honesty and justice.

The whole business of aid for the Contras never had a clear direction. Was it to interdict arms? Was it to support a true popular rebellion? Was it to harass the Government of Nicaragua? Or was it to overthrow that Government?

The Boland amendments were designed to establish what our policy really was. Otherwise, the aid was merely throwing money at the situation.

We have seen that Congress does not believe the Contras represent any hope for the advancement of justice in Nicaragua. They are in disarray among themselves, there is no sign of any significant popular support for them, and they have done far more damage to our cause than good. Why has this been the case? Because the President has steadfastly refused to follow the letter or intent of the law. He has repeatedly violated the War Powers Act. He has also violated the Boland amendments. And in so doing, he has proved unwilling or unable to lay out a policy in Nicaragua that makes sense or that the people of this country can support. In my next statements, I will outline what the Boland amendments did, and how the President violated them.

Of course, he may not even have been aware of the law; for in response to a press question, he assumed that the law was only a pending proposal. In his direction of foreign policy, Mr. Reagan is very much a loose cannon on a pitching deck. But in law, and in history, ignorance of the law is no excuse.

THE HOUSE EMBARKED ON A RECKLESS COURSE

(Mr. STRANG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRANG. Mr. Speaker, today we appear to be launched on a reckless course, one which cannot help but destroy comity, probity, and trust in the House. While we thumb our noses at the laws of the sovereign State of Indiana and seat a man who did not contest the loss of his election, we send a signal of arrogance and disregard of the basic guarantees of the liberties and rights of our citizens. The body of justice lies bleeding, impaled upon the sword of partisan politics.

Mr. Speaker, let us turn from this reckless course. Even the newspapers in California have moved on this. Take heed.

A TRADE EMBARGO AGAINST NICARAGUA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, last week, along with a majority of my colleagues in the House, I voted against military assistance for the Contras in Nicaragua. I did so with trepidation and with a certain amount of reserve because that is a villainous, oppressive government, a godless government, and it should not take any aid and comfort from that vote.

I voted as I did in large part because I do not think we have done everything short of military action to indicate our disrespect for that government and to try to replace it with a democratic form of government.

I, for example, would suggest that the American people would be amazed to know that the No. 1 trading partner of Nicaragua is the United States. Depending on whose view you take, we export up to $120 million a year and import some $60 million a year from Nicaragua.

I think the average American would be amazed to know that our Embassy is open and doing business in Managua.

And, I think the people would be amazed to know that you can board an airplane and fly into Managua very freely and openly.

I, for one, Mr. Speaker, suggest to the President that there be an immediate trade embargo ordered against Nicaragua in which we would ask our partners and allies in the world to join. I believe commercial airline service ought to be cut off to Nicaragua from the United States.

Mr. Speaker, we have spoken with a garbled message. Up till now we have condemned the Sandinistas and arranged trade deals with them all in the same breath, I think now we have to speak with a very clear voice against the Sandinistas. Let's not confuse the issue.

MEDIA VOICES JOIN IN EXPRESSING CONCERN OVER INDIANA ELECTION CASE

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, addressing the concern over the manner in which the McIntyre fiasco has been mishandled, is that concern reserved for Republicans and the isolated Democrats on this floor who have stood with us? No, indeed not.

The New York Times, the Wall Street Journal, the Evansville Press, the Detroit News, the Washington Post, the Denver Post, the Philadelphia Inquirer, the Bakersfield Californian, the Washington Times, the Florida Times-Union, the Baltimore Sun, and the Greensboro News Record in my district, among others, have expressed concern about where there is "something rotten." In this case it is not in Denmark, I fear, but on the floor of this House. These diverse editorial voices have cried out.

Mr. Speaker, there is still time for us to exercise an honorable role and conduct a special election to see who in fact should occupy this seat to represent the citizens of the Eighth District of Indiana.

REAGAN URGED AGAIN TO CANCEL BITBURG VISITATION

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, the President, more than anyone else, understands the power of symbols and gestures. This is one gesture that should not be made, one symbol that should not be honored.

Germany has traveled light-years since the horrors of Hitler's reign.

Do not resurrect the nightmare of nazism, Mr. President. The focus of your vist should not be the horrors of the past but the achievements of the present and the challenges of the future.

It does no good to try to balance the visit with a visit to a concentration camp. It is morally shallow to reduce the time spent at the Bitburg Cemetery and to increase the time at Bergen-Belsen—as if to say there are two sides to this issue and we are going to strike a balance between the perpetrators of the Nazi Holocaust and its victims.

Mr. Speaker, it is morally blind to say that the SS were as much victims of Hitler as his victims in the concentration camps.

□ 1320

THE DEMOCRATIC PARTY IS CHANGING

(Mr. SWEENEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWEENEY. Mr. Speaker, I was born and raised a Democrat in a heavily Democratic State and a heavily Democratic congressional district, going back and representing as my family does four generations of Democrats in the State of Texas.

As a matter of fact, my grandmother, confronted for the first time with voting for a Republican in the recent congressional election, did not make up her mind until election day to vote in fact for her grandson. She did so in part because she feels the Democratic Party is changing.

Nothing, Mr. Speaker, symbolizes or helps to symbolize more so that change in the Democratic Party than the matter before us today in the Eighth Congressional District of Indiana.

I had hoped not to have to address this House on this matter, because I had hoped that the Democratic Party would return at least on this one issue to those days when they honored the integrity of the individual and the sanctity of the voter. This is not, in fact, the Democratic Party of Sam Rayburn, of John Nance Garner, of Albert Thomas, of Lyndon Johnson even, of John Connelly or Alvin Shivers. It is not the party of the Democrats who so valiantly and honorably represented my State.

Mr. Speaker, not only have the Democrats perpetrated an unfairness, and I think I can say today committed an illegal act in Indiana, but they have also written the last chapter of the Democratic Party that I knew and that millions of other people know in the South.

SPINOFF: SPACE TECHNOLOGY USEFUL ON EARTH—FERROFLUIDS

(Mr. NELSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELSON of Florida. Mr. Speaker, I would like to talk to you today about ferrofluids.

Ferrofluids are not the latest breakthrough in preventing tooth decay.

What ferrofluids do represent is a successful commercial spinoff from this country's space program.

A ferrofluid is a mixture of a liquid such as kerosene and tiny particles of iron oxide which are attracted to a magnetic force.

The initial investigation of ferrofluids was sponsored by NASA.

In 1969, two enterprising chemical engineers thought they saw some commercial potential and started a company to pursue possible ferrofluid products.

Today Ferrofluidics Corp. is the world leader in manufacturing ferrofluid liquids. One of its products is used almost universally in the computer industry as a dust free sealer in certain computer memory hardware components.

As we increase our efforts to commercialize space and elements of our space program, it is important to recognize ventures like Ferrofluidics Corp. which exemplify how the transfer of technology from the public sector to the private domain should work!

In addition, we should recognize the contribution that space technology makes for our economy here on earth.

DANIEL ORTEGA VISITS MOSCOW

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, we are hearing a great deal about the controversy surrounding the President's visit to Bitburg and I for one feel very uncomfortable about that visit. I would urge my colleagues to also consider another visit, a visit by Daniel Ortega to Moscow to Mr. Gorbachev to talk about $200 million in Soviet assistance; this coming on the heels of the rejection of this House of $14 million to those who would oppose totalitarian communism in Central America.

I ask my colleagues who voted against that $14 million, are they disappointed with Ortega's visit? Do they feel the least bit betrayed? Is the time perhaps ripe to revisit the issue of aiding the Contras, the freedom fighters in Nicaragua, in the light of Ortega's visit to Moscow? Would it not be correct for the United States to give freedom fighters $14 million after totalitarian Communists receive $200 million from Moscow?

A DIPLOMATIC WAR ON WORDS

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, this morning's Washington Post carried a very disturbing headline. Nicaraguan leader Daniel Ortega reportedly secured $200 million in aid from the Soviets less than a week after this body refused to send assistance to the democratic resistance.

How many times does this scenario have to be reenacted before we open our eyes? In recent years the Soviets have strengthened their hand around the world while we conduct ourselves as if we existed in a vacuum. The dubious honor roll of the last few years includes Poland, Afghanistan, Angola, Cuba, Grenada—and now the Sandinista regime in Nicaragua.

When our forces obtained the working papers of Maurice Bishop's gang in Grenada, we discovered some very interesting facts. The Grenadian Communists had dealt with Soviet officials for the financial and military assistance their group needed to solidify power. One Grenadian official thanked a Soviet general for giving so generously to the cause of communism in the Caribbean. The Soviet general responded, "Oh, but you must understand—we give you nothing."

The implication was obvious. Our Soviet counterparts expect their beneficiaries to toe a very strict ideological line. I wonder what reforms Gorbachev will demand from Ortega now—more press restrictions? More rationing of food and scarce resources? More propaganda directed against the United States?

When we fight the diplomatic war of words, we have got to put our money where our mouths are.

ANOTHER OPPORTUNITY TO CORRECT INJUSTICE IN THE EIGHTH DISTRICT OF INDIANA

(Mr. COBEY asked and was given permission to address the House for 1 minute.)

Mr. COBEY. Mr. Speaker, today we have another moment of truth, an opportunity to correct a great injustice to the people of the Eighth District of Indiana. It only takes close to 40 of the Members of the majority party to just simply say that we have made a mistake. We want to correct the situation.

I plead with the Members on the other side, my colleagues, to have the courage to oppose their leadership and do what they know in their hearts is right and vote to vacate the seat in the Eighth District of Indiana and allow the people of Indiana a special election to select the Member they want here in the House of Representatives.

DEMOCRATS NO LONGER THE PARTY OF FAIRNESS

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, it is with a sense of bitter disappointment that I find myself still here again today speaking about the situation in the Eighth District of Indiana.

The Democrat Party has long prided itself on being the party of fairness, the party of minority rights, and they speak about their stand on these issues outside this House a great deal.

Mr. Speaker, they cannot speak about that in this House. There is

nothing fair about using the raw power of your numbers to override the minority party's right to take a seat that they lawfully won in an election decided by the people of Indiana.

Mr. Saul Alinsky is a great tactician, many of the Democratic Members would agree with me, and the tactics that he advised the minority to use when they thought their rights were being trod upon when employed in this House are no more dilatory than they are when employed to fight for justice outside of this House.

INDIANA ELECTION, A QUESTION OF RIGHT OR WRONG

(Mr. COMBEST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COMBEST. Mr. Speaker, I rise in support of the resolution which will call for the vacation of the seat in the Eighth District of Indiana.

This issue has been debated and discussed on this floor for many, many hours. It has been referred to many times as a partisan issue, and actually I do not feel that it is. While it is true we will be seating a Member of the majority or the minority party in this body to fill that seat, I think this is an issue based on right or wrong.

I would hope that this body never yields to partisan politics on issues which have to be based on right or wrong.

BOTTOM LINE IS THAT HOUSE HAS NEVER FAILED TO SEAT A STATE-CERTIFIED MEMBER-ELECT ABSENT FRAUD OR OTHER IRREGULARITIES

(Mr. EMERSON asked and was given permission to address the House for 1 minute.)

Mr. EMERSON. Mr. Speaker, I have read the 96-page report relating to "Election of a Representative from the Eighth Congressional District of Indiana." I find that the real bottom line that emerges in the precedents is that the House has never failed to seat a duly certified Member-elect from a State, absent fraud or other irregularities.

It seems to me that when faced with difficult situations in our efforts to live and practice the Constitution of these United States, we often find ourselves turning to our forebears for their wisdom. This is good, because while Anglo-Saxon common law and those traditions which emerged from it are the basis of our political and judicial systems, through their theories and philosophies our ancestors amplified common law into the fine-tuned system that we adhere to and live under today.

Mr. Speaker, just over 150 years ago, on February 13, 1835, John C. Calhoun stated:

> The very essence of a free government consists in considering offices as public trusts, bestowed for the good of the country, and not for the benefit of an individual or a party.

How true this point rings today.

WHEN YOU ARE GOING TO STEAL, CREATE AN ALIBI

Mr. WALKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and, under rule XXX, to read some papers.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Speaker, under our system of criminal justice, we have learned as observers of that system that the best crooks know that when you are going to steal, you better create an alibi.

□ 1330

That seems to be also the case if you are going to steal a House seat here in the Congress, because what we have seen done over the last several months is the creation of alibies or myths about how this process has taken place.

One of the major myths has been that the count that is to be brought before the House was conducted by an independent, outside source; namely, the General Accounting Office. That is belied by the chief counter in this morning's Washington Post. When interviewed by the Washington Post, Mr. Shumway, that chief counter, was asked about the 32 votes that the task force ended up not counting. He said that that was not up to him, that it was up to the task force to make the decision, that it was not an independent decision.

He says about the task force, "They're the rulemaking body. They were from the outset." In other words, there was no independent count. There was only a count done by a 2-to-1 Democratic majority in the task force. It was not fair. It was not independent. It was wrong.

WILL OUR CHILDREN FIND THE AMERICAN DREAM?

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I have five children in their late teens and early twenties. Over the next 10 years, I expect that all of them may want to buy a house of their own.

In the late 1950's, when I was their age, it was easy for young families to buy a house—nothing fancy, mind you, but we all felt we had a piece of the American dream.

That dream lasted through the 1960's, but that was it. Since 1970, the cost of home ownership—adjusted for inflation—has more than doubled. Back then, a family with an income 26 percent below the national median could buy an average house. Today, a family has to have an income 29 percent above the median to buy the same house.

Many of today's young people will be renters all their lives. Others are faced with an all-too-real choice between buying a house and being able to afford to have children.

On top of this already sad situation we add, year after year, $200 billion of public debt to our children's burden.

What happened to the American dream? Will our children ever see it?

INTRODUCTION OF THE TRUTH IN SAVINGS ACT

(Mr. LEHMAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of California. Mr. Speaker, savers, consumer advocates, and Members of Congress could not help but notice the barrage of advertisements for individual retirement accounts that hit the media shortly before the April 15 tax deadline. The almost limitless variables associated with figuring interest yields on these accounts result in upward of 10 million different yields that can be calculated from the same interest rate. The lack of meaningful information in many of these advertisements left potential savers frustrated and confused.

In an effort to assist consumers to make some sense of these advertisements, I am introducing the Truth in Savings Act. This bill will direct the Federal Reserve Board to develop guidelines for depository institutions to calculate the yields they advertise on deposit accounts. The Fed would also be responsible for developing uniform terminology for use in these advertisements.

The Truth in Savings Act will remove the mystery and gobbledegook from financial advertisements.

The act will require banks to disclose, not disguise the fees and charges associated with their accounts.

The act will provide consumers with the information they need to make meaningful decisions about which savings accounts suit their needs.

The act will not impose any costs on the Federal Treasury.

I am grateful to the more than 65 Members of the House who have joined me as original cosponsors of this legislation. I invite other Members who are interested in bringing a sense of fairness to savings advertisements to join us as cosponsors of the Truth in Savings Act.

GOVERNMENT CONFUSION

(Mr. SMITH of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Hampshire. Mr. Speaker, the Congress has been spending more money than it has been taking in for the last 30 or 40 years.

Recently it voted to deny $14 million to freedom fighters in Nicaragua, practically in our own backyard. And now we are standing by watching that leader go to Russia to get $200 million.

We are just about now to deny an individual who was rightfully elected to the U.S. Congress; we are about to deny him his seat.

I spent 8 years as a government and history teacher, and I would point out to all of those students out there that are failing, there is hope for you. You might get elected to the U.S. Congress.

WHAT THE PEOPLE OF INDIANA'S EIGHTH CONGRESSIONAL DISTRICT THINK

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, perhaps the most frequent question I am asked as a Member of Congress from Indiana is what is the reaction of the people of Indiana to the McIntyre-McCloskey situation. I think the reactions fall in two categories, and having just spent 4 days in Indiana, I have some fairly fresh information on the subject.

One category consists of people who feel that Indiana's laws were trampled on, that the rights of the State of Indiana were trampled on, that Rick McIntyre won the election, won the recount, and now he is seeing his justly won and deserved seat stolen out from under him.

Into the other category fall the people that feel that, with all of the confusion and with the counts and recounts, perhaps we ought to have a special election and let the people of Indiana decide who their Representative should be.

No one that I talked to in the past 4 days, Republican, Democrat, Independent, or not affiliated with any political persuasion, no one came up and said, "We think McCloskey ought to be seated."

"At the very least," they said, "let us have a special election and let the people decide. Do not let the House of Representatives take this election away from the people of the Eighth District of Indiana."

ANALOGOUS SITUATIONS IN NICARAGUA AND INDIANA

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, we have heard a great deal of discussion about the election in the Eighth District of Indiana. It is interesting to me we have also heard a great deal of discussion today about Nicaragua.

Last year there was an election in Indiana and the State did certify a winner and that winner will not be seated today because the majority in this House refused to accept the certified winner even though that person was certified under State law.

A few years ago there was a revolution in Nicaragua and the people threw out a dictator. Then much to their horror their victory was taken away from them by those who had more might.

I wonder if the two situations are analogous.

REPORT ON ACTIONS BY U.S. GOVERNMENT IN PURSUIT OF NATIONAL GOAL OF RETURNING SERVICEMEN HELD CAPTIVE, OR MISSING IN ACTION IN SOUTHEAST ASIA AND REPATRIATION OF ALL RECOVERABLE REMAINS OF THOSE WHO DIED—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. MURTHA) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services and the Committee on Foreign Affairs:

(For message, see proceedings of the Senate of today, Tuesday, April 30, 1985.)

ANNUAL REPORT OF NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science and Technology:

(For message, see proceedings of the Senate of today, April 30, 1985.)

PRIVILEGES OF THE HOUSE—RESOLUTION TO DECLARE VACANCY IN THE EIGHTH CONGRESSIONAL DISTRICT OF INDIANA

Mr. FRENZEL. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a resolution (H. Res. 148) and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. MURTHA). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 148

Resolved, That this House of Representatives hereby determines that there is a vacancy in the Ninety-ninth Congress from the Eighth Congressional District in the State of Indiana.

SEC. 2. That the Speaker of the House is hereby directed to notify the Governor of the State of Indiana of this action so that appropriate measures to fill the vacancy may be undertaken by the Governor pursuant to article I, section 2 of the Constitution of the United States.

The SPEAKER pro tempore. The resolution does state a privilege of the House.

The gentleman from Minnesota [Mr. FRENZEL] is recognized for 1 hour.

Mr. FRENZEL. Mr. Speaker, I ask unanimous consent that 2 hours of debate may be allotted to the resolution pending before the House, one-half of which will be controlled by myself, and one-half by the gentleman from California [Mr. PANETTA].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. FRENZEL] is recognized for 1 hour.

Mr. FRENZEL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, nobody in the House is unfamiliar with the question before us. The Republican candidate, Rick McIntyre, was certificated by the State of Indiana as the winner in the November 6 election.

He was reaffirmed as the winner by a recount under that State's laws. His opponent lost a court case in which he asked the Federal district court to declare him the winner.

Notwithstanding those facts, the House decided not to seat McIntyre and instead referred the matter to the Committee on House Administration.

The committee's task force, created to review the election repudiated the laws of the State of Indiana, wrote its own election laws, and conducted a count until it found enough votes for its man, McCloskey, to win. At that point it stopped counting. With votes still uncounted, it quit. It quit notwithstanding the fact that it had given itself the charge that it would count every vote to determine the voter's intent where it could, and try to see that no clerical errors stood between the voters and the result of the election.

Mr. Speaker, the Republican minority in this House has been incensed since January 3 when the Democratic majority surprised us by not seating a lawfully elected and duly certificated Member of the House.

We have tried to attract the attention of what seems to be an insensitive majority to questions that we think are fundamental to the basis of representative democracy.

The only argument against us seems to be that we do not have enough votes in the House. We are going to try again today by going through this whole case to show you why McIntyre is the properly elected person who should now be seated. It looks like we do not have enough votes, but we are not going to give up, because we believe that somewhere there are some members of the majority who will look this issue right in the eye, and will decide not to take it away from the people of Indiana.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from California [Mr. PANETTA] is recognized for 1 hour.

Mr. PANETTA. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, all of us today face, I think, one of the most serious responsibilities that we have under the Constitution, under article I, clause 5, which is, and I quote, "to be the final judge of elections, returns and qualifications of our own Members."

By the very nature of that responsibility under the Constitution, we must render a decision on the facts presented to the House of Representatives.

And, indeed, the Solicitor General of the United States in a brief in the case that was filed by the State of Indiana requesting the seating of Mr. McIntyre, stated that the House should be left to continue its recount and judge the elections and returns of its own Members, and basically supported the position of the House in terms of deciding the issue under the Constitution.

This is a complex and controversial and highly partisan issue. It involves Federal and State laws. It involves Federal and State court decisions. It involves Federal and State precedents and practices. It involves by its very nature deep emotions on both sides of the aisle. It involves some 23 sessions of the task force that was formed to decide this issue in the Eighth District over a 10-week period, involving hours of testimony and public hearings.

But as difficult and controversial as all of this may be, none of these reasons justify not making a decision or walking away from our responsibility to be the final judge.

Yes, the people made the choice and they should make the choice in elections. But where there is a contest, make no mistake about it, the final judgment under the Constitution is given to the House.

So I ask you in light of that very important responsibility to please look at and read the report that has been provided, and the hearings and the testimony that were involved in this issue.

You owe it not just to Mr. McCloskey or Mr. McIntyre or to the people of the Eighth District. We owe it to this House and we owe it to ourselves to make a decision based on the facts that have been presented to you; not on the basis of intimidation, not on the basis of personal attack, not on the basis of innuendoes or distortions or even editorial writers, none of whom had access to this report before writing their editorials.

You owe it to the institution based on the facts.

As chairman of this task force I have lived with this issue over the last 10 weeks. It is my honest view that the procedures established by the task force were fair, that the GAO and the director of elections implemented those rules in a consistent and equitable manner, and that as a result of that we should seat the legitimate winner of the seat.

I think all Members need to ask three basic questions in approaching this issue: Were the procedures fair that were established by the task force? Second, was the count that was done a credible count? And third, were the decisions of the task force reasonable and based on House precedent?

The first question is were the procedures fair? These procedures, let me make clear, were largely agreed to by the majority and minority members of the task force. These were not procedures that in every instance were voted 2 to 1 to be put into effect by the majority. We worked hand in hand with Mr. THOMAS, with his cooperation in trying to develop the procedures and counting rules and the counting procedures that were ultimately implemented.

The majority and the minority agreed as to how we would approach the securing of the ballots in the Eighth District. The majority and minority agreed as to the organizational memorandums, the operating principles and rules that would guide the task force and, indeed, agreed that we would make our decisions grounded on precedent in the House and explained openly to the public.

We also agreed on procedures for claims of irregularity. We also agreed on a schedule for the proceedings to try to meet our deadline that was provided by the House.

The majority and the minority also agreed on 20 of 22 counting rules. It was clear, by law, that the House has the power to establish the rules, the just and equitable rules that need to be established for a count. But our approach here was to go to the State of Indiana, to give deference to the law in Indiana, and to examine the statutes that were applied, to examine the court decisions that were applied; to examine the instructional manuals that were provided to each of the precincts in the 15 counties.

The problem was that we had conflicting decisions and procedures in all of the 15 counties.

This was particularly true in the recount which ultimately resulted in the disenfranchisement of almost 4,800 voters whose votes had been counted on election night. Unfortunately there was no uniform or consistent standard to be applied. And for that purpose we established a consistent set of rules to apply in this instance, using Indiana law, using Federal precedents, with the main purpose to maximize the counting of all valid ballots. Let me emphasize that, the main purpose here was to emphasize the counting of all valid ballots, including those that could be set aside because of technical errors of officials, and also to avoid as much as possible the massive disenfranchisement of voters that had occurred during the recount.

The only disagreement was on 2 of the 22 rules in which the minority said that ballots that do not have precinct numbers, or an election official's initials ought not to be counted.

□ 1350

The problem with that is that would have resulted again in hundreds of voters in Indiana being disenfranchised; voters whose votes had actually been counted on election night.

So on that basis, on a 2-to-1 vote, we agreed that we would count those particular ballots so as not to disenfranchise voters if the error is on the part of the election officials.

We then decided that we would take those rules and apply them to all votes. I want to refer the Members to pages 27 and 30 of the report in which you will see that every rule we decided was grounded in House precedent and supported in large measure by Indiana law.

The majority and minority agreed to apply these rules to all votes. The majority and the minority agreed to a director of elections, Mr. Shumway. We also agreed that GAO auditors would conduct the actual count; 14 of them, to work in conjunction with the director of elections.

We also agreed, indeed, the minority did the basic drafting on the counting procedures that would be applied, the teams that would be there, the presence of the representatives from the various candidates, the public and the press; all of that, all of those procedures were established unanimously.

So let me make clear that in establishing all of these preliminary procedures, this was done in large measure in tandem with the minority working together to try to lay some groundwork for the ultimate count that would take place.

On March 26 the vote count began, and it continued for 3½ weeks in 15 counties. It was not easy because the counties in the Eighth District vary. There are six counties that have machine counting. There are six counties that have punchcard counting. There were three that have paper ballots, which involve a great deal of time in terms of a recount.

They went through all of that, working 17 hours a day and weekends, to complete their chore.

The next question is, was their count credible? Was the work of Mr. SHUMWAY and the GAO auditors a credible count based on the rules? No one, no one that I know of has questioned the credibility of Mr. Shumway or the work of the GAO auditors. They had to count almost 234,000 votes. Many had to be counted hand by hand. They were watched by both Democratic and Republican teams as they went through these counts, and they did it in full view of the press and the public.

No count that I am aware of in recent history was done with as much care, or as well managed. The primary difference, let me point out, in the vote change occurred not because of votes on the task force, 2 to 1. That was not the case at all.

The primary difference occurred because of tabulation errors that were found in each of the precincts by the GAO auditors.

In Daviess County, 10 votes that should have gone to McCloskey were wrapped in a pile that was in a McIntyre box. That resulted in and of itself in a shift of almost 20 votes. In Crawford County, they found a tabulation error, in which they couldn't read a number behind a staple; five votes went to McCloskey.

In Knox County, a tally sheet error; another five votes gained by McCloskey. In Vanderburgh County, the same. In Monroe County, because of a misreading of the machine, McCloskey picked up an additional two votes.

In the last week, McIntyre led by three votes, until they went to Posey County and found six votes that had not been counted for McCloskey. That is where this vote turned around. Not in the decisions of the task force, but in the tallies that were made by the GAO auditors and teams that were out there counting these votes in the precincts.

Now if you believe that the procedures that were implemented here were fair and that the count indeed was credible, then you must also ask the questions about the decisions of the task force.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PANETTA. Mr. Speaker, I yield myself 5 additional minutes.

Were they reasonable? Were they justifiable? Were they based on clear legal precedent? That is the test. Sure they can be close. Sure reasonable Members can disagree on the particulars here, but was the final judgment reasonable and justified and could it be defended based on House precedent?

During the course of the recount, we had several questions to deal with. One was the area of segregated ballots, those ballots that were set aside by the various teams; 78 of those were set aside because of distinguishing marks, because of other questions raised under our rules; 54 of those were decided unanimously—not on a 2-to-1 vote—unanimously, with all members of the task force agreeing. Two-thirds of those ballots were judged unanimously by all members of the task force.

Five involved a judgment in which Mr. THOMAS and I made a judgment against Mr. CLAY. The remainder, in the very last session, were judged on a 2-to-0 vote because of abstentions by Mr. THOMAS.

These decisions in every case were based on the recommendations of Mr. SHUMWAY. Every one of them.

Second, on reconciliation, the issue of trying to compare the number of people who signed in at a poll with the number of votes that had taken place there; 40 of the 527 precincts involved problems with reconciliation. The argument by the McCloskey forces is that we ought to go to those particular areas, those particular precincts, and because there was this difference, provide a proportional reduction.

They were largely in Republican precincts, and therefore that would have resulted obviously in favor of Mr. McCloskey.

But the precedents, in my view, state that you only do that where there is evidence of illegal votes. Nowhere in our testimony, nowhere in the evidence is there any indication that there were any illegal votes that were cast here.

Therefore, it was our judgment that we would not proportionally reduce those, but accept the votes that were taking place within those precincts; that they were well within the margin of error that is usually used in these kinds of recounts.

Absentee military ballot issue. Another issue that was raised. This issue was not raised until the very last session. At no time, at no time did any member of the task force during the 10 weeks prior to that last session, argue that we ought count ballots that arrive late, that arrive beyond the election day.

Our basic approach was that all valid ballots up to election day would be counted, and that we would abide by Indiana law that those that go beyond election day would not be counted. That is the general rule that is applied by most States in this country.

So it was the decision of the task force that we ought to abide by their rules not to count those ballots that arrived beyond election day.

Now if you agree that we were justified and reasonable up to this point, and let me argue the final point which has been raised, the issue relating to unnotarized and unsigned ballots.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PANETTA. Mr. Speaker, I yield myself 5 additional minutes.

Let me make clear that the task force never intended, nor does House precedent allow for the counting of illegal ballots. Illegal ballots are ballots which are unnotarized and unsigned. That is not the result of an election official making an error. That is the problem of the voter not getting the proper notary and not being able to tie that individual to that particular ballot. That is an illegal ballot, when it is not notarized and it is unsigned.

The rule that we followed was that we would not count those illegal ballots. They were not counted in election night; they should not be counted.

The problem was that during the course of the recount, we found that some of the counties in fact had sent those ballots out to the precincts; some 62; 52 were counted in the precincts, and the result was that we had already, by virtue of some of those counties having sent those ballots out to the district, counted some of those illegal ballots.

But six counties did not do it. They did their job. They held onto those ballots; they did not refer them to the precincts; they did what they were supposed to do under Indiana law.

□ 1400

It was our view we were dealing with two classes, one class of votes that had been sent to the precincts, the other class that had been retained by the county clerks. It was our view that in order to avoid mischief out in the precincts, in which a precinct official could look at that name and decide, "Well, we will count this one," or "we won't count this individual," we would count all of those ballots at the precinct level, but that those that were held by the county clerks as they should have been ought not to be counted, we ought to respect their performance of duty in that situation and not compound the error.

This was not a sudden or last-minute decision. This was a decision that we discussed on April 10, in which a majority of the task force at that time framed the issue on the basis of two classes and that we ought not to count one class but we ought to count those that were at the precinct level.

The problem now is, obviously, after having played nine innings under the rules, following the procedures, the final vote came out 4 to 0 in favor of McCloskey. And now the minority is arguing that the game was not fair, that we ought to go another 10 innings, that we ought to in fact play a fourth out, that instead of playing the game by the rules as we played it, somehow we ought to go beyond this now and have a new election.

If you believe that this was a valid and credible count, if you believe that Mr. SHUMWAY and the GAO auditors did a fair job, there is no rule here that says when you win by four you have a playoff or you have a runoff. We operate on the basis of majority vote, and that is what we ought to abide by here.

Second, make no mistake about it, had McIntyre won by two votes or three votes or four votes, there is no question what we would be doing here today. We would be seating Mr. McIntyre without any of these arguments, without any of these objections, without any of these efforts to try to reach out and now count illegal votes. None of that would have taken place. We would have seated Mr. McIntyre. Is not Mr. McCloskey entitled to the same kind of treatment?

They have argued every side of every issue. The first position was to disenfranchise 4,800 voters in Indiana. "Let's follow the recount procedures." Now they are arguing, "Let's count illegal ballots." Then they argued they are for Indiana law, "Let's go straight down the line with Indiana law." Now they are arguing that we ought to ignore Indiana law when it comes to counting illegal ballots.

When it came to the question of the special election, Mr. THOMAS was quoted as saying that somehow this was sinister, and now they argue that it really is simple justice.

I want you to make a judgment based on the facts here. I know that there are tactics here that threaten the institution and threaten individuals, and I know the personal attacks that have been made. That does not bother me. We have had those kinds of attacks in this institution before, and the institution has survived. What bothers me is the conscientious Member who knows what is right and who, because of those tactics, and out of fear, takes a position contrary to that individual's conscience. That is what can undermine this institution. And that is what we have to avoid.

So make your judgment on the facts, adhere to the rules. And I think there is no alternative but to reject the motion to vacate and to seat Mr. McCloskey.

Mr. FRENZEL. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. THOMAS], the sole Republican member of the elections task force.

Mr. THOMAS of California. Mr. Speaker, I think some Democrats do not understand how strongly Republicans feel about this issue. It is not just one seat in the House of Representatives. The depths of our feelings and the doubts of honor that have been present are not based on that one seat. They are based on the principles, the very foundations, of our free society, and we think they are being challenged.

We agree with Rousseau, who said that those who treat politics and morality apart will never understand the one or the other.

The one fundamental political morality in this system, as Alexander Hamilton once said, is, "Here, sir, the people govern."

The House of Representatives, since the first day of our Republic, has been the people's House. Its membership is, according to article I in the Constitution, to be composed of Members chosen every second year by the people of the several States—by the people.

This entire sordid affair started on January 3, with "the big lie," that there was a question over who the people had chosen in Indiana's Eighth Congressional District election night. There was no contest, there has never been a contest over that question. A picture was painted of disenfranchisement, unfairness and "ballots bearing identical minor flaws are counted or not counted, depending on the individual county involved. The Democrat majority voted to a person to deny the people's choice, the certified winner, his rightful seat."

Honorable men and women can be led astray through errors of passion or pressure, but honorable men and women admit their errors. "The big lie" was never investigated by the task force. Instead, it was accepted as the truth by a 2-to-1 partisan vote, and the task force created its own rules to count the votes and correct the errors claimed in "the big lie."

Much has been said about black voters not being counted, but when the task force on a 2-to-1 partisan vote said it was ready to quit counting, it was white votes that remained on the table. Honorable men and women are colorblind. They do not defend the rights of blacks and then remain silent when others are disenfranchised. All the ballots for Indiana's Eighth Congressional District that should have been counted have not been counted. The chairman of the task force, I think, has established for you my credibility in terms of a willingness to participate in the process. It is quite true that I tried to participate as a willing member of the task force to resolve the question, even though I did not think that the election night returns were in any way tainted or that the wrong person held the certificate. It was an assignment that I attempted to carry out with credibility and integrity.

For example, on the military votes, that was a question we did not decide at the outset. It was not one of our early permanent rules. It was decided in the field when we discovered we had those ballots. I lost that vote 2 to 1. But all of the military ballots were treated in the same fashion. I can live with those kinds of defeats. I can understand that the majority would win those kinds of arguments. And I will not go through the other arguments that I lost on partisan votes 2 to 1. Those I accept. It reflects more on the way a task force should be constructed to investigate special elections than on any of those individuals participating in this task force.

This House should never again consider a task force with a 2-to-1 partisan advantage, whether it be Democrat or Republican. If we are going to be honest about investigating elections over which we have a question, those task forces should be constructed, as is the committee to investigate questions of ethics about our Members. There ought to be an equal number of Members from each side.

My concern is about those votes that should have been counted but were not. Those groups in which some were counted but not all. I am talking about those unnotarized absentee ballots, which, through officials' errors, were sent to the precincts. We opened and counted some of those ballots that had never been opened or counted election night or recount night. And we discovered that we had additional ballots in the same category. But the argument was made, as the chairman indicated, that there was a distinction between those so-called illegal ballots that were sent to the precincts and the illegal ballots that were retained by the county clerks.

It was discovered, after much examination, that the distinction that was attempted was without a difference.

The next argument was one of security, that those ballots retained by the county clerks were ipso facto different in their security than those ballots that were sent to the precinct. The trip to the precinct, incidentally, is 1 day out of 6 months in which the county clerk retained possession of those ballots.

And so the task force unanimously agreed to send out affidavits to the county clerks for them to mark in such manner as they would, under penalty of perjury and their signature, the way in which they held those ballots. Why would the task force unanimously send staff out to the counties to fill out the affidavits over questions of security if we were not going to ex-

amine the way in which those ballots were held? The answer is, we did not, because by a 2-to-1 partisan vote it was decided not to examine the security question, when in fact rule 9 of the task force agreed upon many weeks earlier said "count ballots in bags or cases, even if they are not properly sealed."

□ 1410

Security was not a concern then, it was the intent of the voter. But when we came to the last night with the knowledge of a four-vote McCloskey win, security was the concern.

Let me tell you, on page 589 of the task force transcripts, Mr. SHUMWAY, the recount director, when asked about the security on those ballots said, "Based on the security and handling, I guess we would have counted them."

Mr. SHUMWAY, the project director, who Mr. PANETTA says we relied on in every instance in terms of his professional statements, said, on page 589 that, "Based on the security and handling, I guess we would have counted them."

Well now, in the latest explanation for not counting these absentee ballots, whose security was the same as those not counted, the majority report on page 35 argues, "The counting rules do not suggest that ballots clearly invalidated by the voter should be counted."

Indeed, Mr. PANETTA, in his "Dear Colleague" of April 29 argues:

In one main area of controversy, establishing counting rules, the goal of the majority was to count ballots that would have otherwise been disqualified because of mistakes of election officials.

What do we do with the task force's rules Nos. 10, 11, and 22? Those rules involve the individual voters marking their ballot in a way to make it invalid or illegal if you choose, under Indiana law. But we said in rule 10, count it anyway, even though it was the voter that made their ballot illegal. We said in rule 11, count it anyway, even though it was the voter who made that ballot illegal.

In rule 22, in dealing with absentee ballots, we say: "Count an otherwise absentee ballot which was returned by the voter without the identification stub."

That ballot is illegal under Indiana law. But rule 22 said even though it was the voter that took the tab off, count it. The latest argument offered by the majority is that we never intended to count those ballots invalidated by the individual voter. Then why are three of the rules specifically written to count the ballot made illegal under Indiana law anyway?

Ballots bearing identical minor flaws, and they were counted or not counted depending upon the individual county involved.

That was the statement of the majority leader on the floor of this House on January 3. That was the reason the task force had to go in and count the ballots themselves.

"Ballots bearing identical minor flaws were counted or not counted." Honorable men and women do not change their arguments when their initial ones are found weak and resort to distortion or misrepresentation to maintain their untenable position.

Mr. Speaker, those who watch and report on our actions do so with less partisanship and passion than those of us in the arena. I invite Members' attention before they vote to the more than two dozen major newspapers who all agree that the only honorable thing to do in this instance is to vacate the Eighth District seat and let the people decide.

On one point the chairman is absolutely correct: One week before we finished counting, this gentleman from California said: "Do not talk about a special election. Our job is still before us. Our job is to count the ballots."

This gentleman, after the last day, when he saw that all of the ballots that were of a like kind were not to be counted, said the only honorable thing to do is to have a special election.

Let us keep this House the People's House. There is no question that based upon the way in which the task force handled its job, the fact that there are ballots laying on the table identical to ones that we counted, that have not been counted, has put a cloud over the outcome in the Eighth Congressional District.

Honorable men and women would vote to vacate the district so that the people might choose. I call on you to be honorable men and women.

Mr. PANETTA. Mr. Speaker, I yield 8 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the motion. Before I begin my remarks, I want to say that I once again am shocked at my colleague from California [Mr. THOMAS], who, in his opening remarks, talked about honorable men and women, and then immediately resorted to a questionable act that could be considered by some as racist.

For him to stand in this well and say the concern of the Democrats on the task force at first was for black voters not being denied the right to have their votes cast, and then now to say we are denying white voters the right to have their votes counted I think raises some very serious questions.

What we are talking about here is the right of every voter in the Eighth District of Indiana to have his votes counted. I assume, Mr. Speaker, that those black voters, and that was 20 percent of the total black vote in that district, that were disenfranchised under the recount, the Republican-controlled recount, in that district, I assume they had paid their poll taxes or they would not have been allowed to vote in the first instance.

I assume they had passed literacy tests. I also assume that the Supreme Court struck down the all-white primaries. What was attempted in that district was to establish an all-white general election, in my opinion.

Mr. Speaker, what is the basis for the argument that those now supporting a special election are contending?

Three weeks ago, they stood on this floor proclaiming that the people of the Eighth District were being unduly penalized because they had no representative to cast a vote on the sensitive MX missile question. They argued then that representation was the most crucial matter before us and 4 months without it was a miscarriage of justice. Today, they propose to delay representation for an additional 3 months while the two contestants engage in another special election process. Three weeks ago, when the Republican candidate was leading by a comfortable margin, the Republican on the election task force, stated, "proponents of a special election were being unfair and had a sinister motive." Today, Mr. THOMAS leads the charge for a special election.

Mr. Speaker, 3 weeks ago Republicans argued that Mr. McIntyre should be seated because he was awarded a certificate by a Republican secretary of state after a recount of ballots in only 1 of the 15 counties in the district showing McIntyre ahead by 34 votes. They abruptly stopped the vote count. After a total recount of all 233,000 ballots by an impartial team from the General Accounting Office, they now claim "sinister motives" because 32 votes were not counted. I have listened intently to their hypocritical pleadings not to disenfranchise 32 voters. Yet, each of them argued profusely to seat Mr. McIntyre because he had a certificate which was granted him after a partial recount disenfranchised 4,800 voters. Denying 4,800 voters the right to have their votes counted somehow loses credibility when compared to 32 illegal votes. What they do not mention, Mr. Speaker, is that the 4,800 votes were discarded because of mere technicalities and errors on the part of Indiana election officials. Polling clerks paid by the State of Indiana to perform in a professional manner either through carelessness or negligence failed to intitial ballots, failed to stamp precinct numbers on them, failed to meet other minor technical requirements. The Indiana Supreme Court in the 1951 Brown case held that only fraud, corruption, irregularity or intimidation of voters, should be the basis for overturning an election in this country, not technical rules, or alleged defects.

Mr. Speaker, there have been no allegations of fraud, corruption, intimidation or irregularity. The vote recount conducted by the election task force, in spite of the rantings and ravings of a few misguided agitators who have attempted to politicize the process by distorting the truth, that count was fair, thorough, and open to the public and press.

The first act of the task force was to establish a set of rules for counting with consistency the number of votes properly cast on election day. Twenty-two rules were agreed upon. Twenty of those rules were accepted unanimously by the task force. The motion to accept most of them was offered by the minority member.

Next, an impartial, professional team was assembled to count the votes. The General Accounting Office was engaged for that purpose. Then one of the most reputable election experts in the country was hired to supervise the operation. He was recommended to the task force by the Republicans and concurred in by the Democrats.

Mr. Speaker, this House has been bombarded by 4 months of partisan, vilifying rhetoric, accusing Democrats on the task force of skewing the rules in favor of Mr. McCloskey. Nothing could be further from the truth. The final outcome, showing Mr. McCloskey the winner, was the result of tabulation corrections. GAO auditors found 10 votes in Daviess County cast for McIntyre that should have been counted for McCloskey. In Crawford County they found five. In Martin County, McCloskey gained four votes due to counting errors. In Monroe County he gained two and in Knox County he gained another four. Republican staff members overseeing the GAO auditors did not then and do not now challenge these corrections. Yet, it is primarily these votes that gave the victory to Mr. McCloskey, not the rules of the task force.

Now, Mr. Speaker, let's analyze the 32 votes the task force decided not to count. They were absentee ballots retained at the county level. unprotected by certain basic measures of ballot security, held in unlocked file cabinets, some openly sitting on desks of county clerks for as long as 2 months. All of the ballots in dispute were illegal under Indiana law, illegal under House precedent and illegal under all court decisions. These 32 ballots that proponents for a special election say should have been counted were either unnotarized, unsigned, unwitnessed or arrived after election day. These ballots now being used to make the case for a new election were not counted on election night by Democrat or Republican clerks, were not counted in the Republican-controlled recount, were not ordered counted by the Federal court decision and were not counted by the task force.

Mr. Speaker, a close election is a good reason to conduct a recount. A close result after an open and fair recount is not justification for a new election. Our count rules were reasonable and uniformly applied. Mr. McCloskey won this election by four votes and should be seated.

□ 1420

Mr. FRENZEL. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from California [Mr. LEWIS], the chairman of the House Republican Research Committee.

Mr. LEWIS of California. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would hope today to be able to communicate with colleagues on both sides of the aisle regarding this, a very fundamental question before us.

The first thing that I try to keep in mind, and I believe most of my friends do as well who are involved in public service, is that the most critical thing for us to determine is that which we are not willing to do in public life, to win. The fundamental moral fiber that allows us to reach the sort of accommodation and bipartisan work that are basic to our ability to govern is at stake in that question. What are you not willing to do to win.

It was on January 3 when an almost unprecedented circumstance took place in which the House asked Rick McIntyre of Indiana to step aside that a light went off in my mind. For as you live and work in public affairs, you cannot help but get a feeling and a sense for hard-ball politics. The light that went off said, "Wait a minute. Maybe you better take a look at the circumstances under which a Member who is certified by the State from which he would serve is not seated by the House of Representatives."

This was an unprecedented action. Rick McIntyre has been elected by 39 votes and was duly certified by the secretary of state. The House chose to have him step aside pending a recount. That had never occurred before except in circumstances where there were such extensive irregularities and charges of fraud that the fraud itself dominated the decision.

In this case, Rick McIntyre won by 39 votes. Nonetheless—a process was set in motion to set aside Indiana law and establish a new set of rules. Procedures moved forward whereby a recount did take place, carried out by a commission in Indiana that was 2-to-1 Democrat. As a result of that recount, Rick McIntyre was once again elected by, this time, 418 votes and he was recertified by the secretary of state. Nonetheless, the House of Representatives chose to exercise the power of the majority, take over the law of the citizens of Indiana, decide those laws were invalid, and play by their own rules.

So we have done a couple of things in this circumstance. First, we decided the rules of the game that were the election process in Indiana did not meet with the majority's objectives and goals. So we decided to change those rules before the process was finished. Then continuing down that pattern, the light that went off said, "If we establish the rules effectively, is it conceivable, counting the ballots in a different fashion, that the result will be changed, and by counting the votes in that fashion that our guy McCloskey will win rather then McIntyre?"

Under the new rules the election remained very, very close but Rick McIntyre remained ahead. Then we got to the remaining absentees. My colleagues if you really care about this House, if you really believe in fairness in elections—especially close ones—at least read this part of the committee report.

My colleagues, there was a pool of absentee ballots that technically did not meet Indiana law. That pool of identical ballots was handled in three different ways.

In some counties the clerk, apparently not understanding Indiana law, or ignoring it—sent the absentee ballots to the precincts where they were unsealed and counted. In other counties, the clerks sent identical absentee ballots to the precincts—but the officials in those precincts noted the technical legal problems with the ballots and did not unseal and count them. In a third instance the county clerks in six counties clearly understood the law, kept the flawed absentees, left them sealed, and did not count them.

When the House task force which had chosen to put aside Indiana law got down to those absentees in their count—the rules changed. And my colleagues, pay careful attention at this point—if you were in a close election you would not want this to happen in your district.

The task force could do nothing about those absentees that were technically out of conformity with Indiana law that had already been counted in the precincts. But as they addressed themselves to those in the precincts that had not been counted, the task force decided to unseal and count those ballots. At that point Mr. McCloskey moved ahead of Mr. McIntyre by four votes. Then the task force decided not to count the remaining absentees that had been kept in the county clerks' offices in those counties where the clerks followed the law. They decided to stop counting ballots that were identical to the above, distinct only because they were kept in the clerk's office. A distinction with-

out a difference as Mr. THOMAS has said.

My colleagues read the report; look into your conscience and ask yourself if we cannot do better. For the sake of our institution, with respect for the Constitution I urge you to vote for this resolution and declare the Eighth District of Indiana vacant.

Mr. FRENZEL. Mr. Speaker, I now yield 2½ minutes to another distinguished gentleman from California [Mr. LAGOMARSINO], an officer of the Republican Conference.

Mr. LAGOMARSINO. I thank the gentleman for yielding this time to me.

Mr. Speaker, the attitude of the majority throughout this dispute has been one of "if you can't win by the rules, then change the rules."

The worst example of this attitude is the task force's decision to completely ignore Indiana law. The counting rules adopted by the task force simply throw out State laws designed to prevent fraud and stolen elections. In fact, none of the fraud prevention procedures specified in Indiana law were retained by the task force, despite the fact that Mr. McCloskey's own proposed rules for the Gibson County recount contained those very safeguards.

To take two examples, Mr. McCloskey said each ballot, "must have the initials of two poll clerks on it, even in the absence of any hint of fraud or mistake," Mr. McCloskey continued, "the absence of one or both sets of initials renders the ballot void." Similarly, Mr. McCloskey demanded that, "each punch card ballot must have written on it a designation of the precinct in which it was cast. If the poll clerks failed to write the precinct designation, the ballot is void."

There are in fact very good reasons for these two safeguards, as Mr. McCloskey pointed out. They are perhaps most succinctly stated in a finding of the Indiana Supreme Court which states:

> Poll clerks' initials are important not only to show that only valid ballots go into the ballot box but (are) also needed so that the valid ballots can be identified when taken from the ballot box. The importance of having the poll clerks' initials on the ballots insures the integrity of the voting system . . . there is no other way to distinguish an official ballot from a faudulent one at this point.

In other words, the initials are needed to prevent ballot box stuffing. Similarly, the requirement for precinct numbers on punchcard ballots. I might add, Mr. Speaker, that the election laws of 15 other States contain similar requirements.

Yet when he lost that recount, using those rules, Mr. McCloskey jettisoned his argument that Indiana law should apply. And the task force, without any justification, decided to count ballots that contained none of these authentication requirements which Mr. McCloskey had argued were essential.

Again, if you can't win by the rules, or in this case, the law, then throw out the law. Are we going to endorse this tyranny of the majority?

□ 1430

Mr. PANETTA. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I thank the distinguished task force chairman for yielding this time to me.

Mr. Speaker, there were two things that the gentleman from California [Mr. THOMAS] said, among other things—and I am sorry he is not on the floor—that I would like to challenge him on. First of all, he absolutely quoted Mr. Shumway out of context in terms of talking about his specific delineation of specific ballots. Here is what Mr. Shumway, the election supervisor, said in a letter to our chairman dated today:

> Following the meeting of the Committee on House Administration on April 23, I received numerous press inquiries regarding responses which I gave to a series of questions, some of which were hypothetical. Those responses have apparently been combined in such a way as to suggest that it would be my recommendation to count all unnotarized absentee ballots. I would like to have the record accurately reflect my position. As a rule, I would say invalid ballots, whether absentee or otherwise, should not be counted."

And he goes on further. I would like to submit this letter for the RECORD, as follows:

> DEAR CONGRESSMAN PANETTA: Following the meeting of the Committee on House Administration on April 23, 1985, I received numerous press inquiries regarding the responses which I gave to a series of questions, some of which appeared to be hypothetical, which were posed by members of the Committee.
>
> Those responses have apparently been combined in such a way as to suggest that it would be my recommendation to count all unnotarized absentee ballots. I would like to have the record accurately reflect my position.
>
> As a general rule, I would say *invalid ballots*, whether absentee or otherwise, should not be counted.
>
> In Spencer County, there was a commingling of properly witnessed valid absentee ballots with unnotarized, unwitnessed invalid absentee ballots, all of which were sent to the precincts by the clerk. Some precincts opened and counted both kinds of ballots while a few precincts returned some invalid absentee ballots to the clerk's office.
>
> Since one could not identify and separate the invalid ballots that were counted in Spencer Country, the Task Force during its meeting of April 10, 1985 directed the counting of the remainder of the invalid unnotarized absentee ballots. The Task Force decision was thereafter uniformly applied wherever election officials erroneously placed invalid unnotarized absentee ballots in the ballot box which could not be identified and removed.
>
> With respect to other invalid unnotarized absentee ballots, such as those retained in the clerk's office in six counties, the same rationale didn't appear to the task force to be applicable since there were never any of those ballots sent to the precinct for counting never commingled with valid ballots and never a situation where the precinct board counted some invalid absentees and returned others to the clerk. There was an appearance of similarity but at the same time, circumstances indicated this was another category or another way in which unauthorized absentee ballots were handled.
>
> The Task Force directed me to determine whether the invalid ballots held by the clerks in six counties were, as a class, treated uniformly and in a manner identical to those which had been sent to the precincts for counting election night. An affidavit was developed for such purpose. The six affidavits revealed that the treatment was not uniform in all counties and my observations of one aspect of their treatment was different than on the affidavit of one of the clerks. Several clerks qualified their responses rather than a simple true or false. While there may be one or two counties who have indicated they provided identical treatment to invalid absentee ballots retained at the clerk's office and never forwarded such ballots to the precincts for counting. I never intended to say *we should* or *should not* have counted all such ballots.
>
> In the recount procedures, item 1.A.2.b. reads: "The director shall not have the authority to determine the disposition of ballots." The Recount Rules were established without my input and was never asked to be a participant in the rule-making process. I declined on several occasions, based on my previous exclusions, not to recommend a particular rule nor make a decision for the Task Force since my role was defined as the director to see that the rules, as established, were applied uniformly and consistently. I believe that has been accomplished; we counted ballots as directed by the rules of the Task Force.
>
> JIM SHUMWAY,
> *Recount Director.*

Ms. OAKAR. Mr. Speaker, the other point that I would like to make——

Mr. THOMAS of California. Mr. Speaker, will the gentlewoman yield?

Ms. OAKAR. I would be happy to yield.

Mr. THOMAS of California. I thank the gentlewoman for yielding——

Ms. OAKAR. Mr. Speaker, let me make my other point first, and then hopefully I will have some time.

I would like you to respond to this. The other point—and I would like you to respond to this also—is that I would like to ask how you know what the outcome is of the 32 votes that you allege were not counted. These apparently are supposed to be sealed votes. How do you know that they are black votes versus white votes or, as you said, white votes versus black votes?

I would be curious to know how you know that information since these are sealed, and it was my understanding that no one knows what the outcome of those 32 votes was. So I really question why you wanted to inject race into this whole situation, as my colleague, the gentleman from Missouri, pointed out.

Mr. THOMAS of California. Mr. Speaker, will the gentlewoman yield? Will the gentlewoman yield on those points?

Ms. OAKAR. I will yield as soon as I finish one other point.

Mr. THOMAS of California. Sure.

Ms. OAKAR. Mr. Speaker, the task force on elections, under the gentleman from California [Mr. PANETTA], operated fairly and with great integrity. The gentleman from California is known for his scrupulosity and his fairness. The count was done by GAO, appointed by the President. It was also done by the director of elections recommended by the Republicans. Mr. McCloskey won by four votes. We believe in one man for one vote. He won fairly, and this is in accordance with the Constitution.

The other point I would like to make is that my friend, the gentleman from California, also indicated that he questioned the size of the task force. I chaired a task force on elections in the last Congress as to whether or not to have Mr. PACKARD, a Republican, retain his seat. Mr. THOMAS was on that task force. He knows that there were illegal markings on ballots. There was voter intimidation.

The SPEAKER pro tempore. The time of the gentlewoman from Ohio [Ms. OAKAR] has expired.

Ms. OAKAR. Mr. Speaker, I ask the gentleman for 1 additional minute.

Mr. PANETTA. Mr. Speaker, I yield 30 additional seconds to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, the gentleman from California [Mr. THOMAS] knows that indeed there were very questionable activities. When I recommended that the——

Mr. THOMAS of California. Mr. Speaker, will the gentlewoman yield in her last 30 seconds so I could respond to her points?

Ms. OAKAR. I ask for order, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. OAKAR] controls the time.

Ms. OAKAR. Mr. Speaker, when I recommended that the Republican retain his seat, I voted for that; it was my own proposal. The gentleman from Washington [Mr. SWIFT], a Democrat, voted for it, and certainly so did the gentleman from California [Mr. THOMAS]. It was 3 to 0.

We Democrats have the ability to be fair, and I think impugning the reputation of the House Administration Committee is very, very unfair.

The SPEAKER pro tempore. The time of the gentlewoman from Ohio [Ms. OAKAR] has expired.

Ms. OAKAR. Mr. Speaker, I hope that the gentleman gets some time because I would like him to answer those questions.

POINT OF PERSONAL PRIVILEGE

Mr. THOMAS of California. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER pro tempore. The gentleman will state his point of personal privilege.

Mr. THOMAS of California. Mr. Speaker, the gentlewoman from Ohio in fact, made a series of allegations and charges. I requested time to respond to them. She indicated she had no time. I would like to respond to them.

The SPEAKER pro tempore. The Chair will state that the gentleman cannot be recognized for that purpose while the question of privilege is before the House.

Mr. THOMAS of California. I thank the Chair.

Mr. FRENZEL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Speaker, I thank the gentleman from Minnesota, my distinguished ranking member, Mr. FRENZEL.

The simple answer to the question of who those voters are is that we are dealing, I will tell the gentlewoman from Ohio, with absentee ballots. The names of those voters are written on the ballots, and, as the gentlewoman knows, in the final House Administration Committee meeting we had one of those real voters stand up. We had one of those individuals indicate he was one of the individuals disenfranchised. We know most of the names of those individuals whose votes were not counted.

I would also tell the gentlewoman that I did participate in her task force, and there was no other conclusion that could have been arrived at, and this gentleman believes if there could have been, there would have been. There is no question that when you are confronted with the preponderance of the evidence so that you cannot bring it about, you do not. In this instance it was close enough to do it.

Mr. Speaker, I yield back the balance of my time.

Mr. FRENZEL. Mr. Speaker, I yield 4 minutes to the distinguished minority whip, the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. Mr. Speaker, I had thought I would speak to the distinctions between this case and past election cases. In reviewing the precedents, I think there is no doubt that this is a most unusual if not unprecedented case. Even the committee report acknowledges that the House has only initiated its own investigation into an election on three other occasions in the last 50 years. And the preponderance of precedents also come down on the side of temporarily seating the duly certified winner of an election pending the outcome of an investigation. None of the precedents is on all fours with this case, and I fear we are moving in a dangerous, partisan direction by the new rules we have established with this case.

I don't want to dwell on those precedents, as compelling as they might have been for taking a different course. The fact is, the House did initiate this investigation, the House did refuse to seat a certified candidate, and the House did decide, by a 2-to-1 partisan majority, to superimpose its own rules on the State election laws and procedures. And yes, we do have broad latitude to do such things under our constitutional charge to be the sole judge of House elections and returns.

But now that we have asserted that constitutional right to be the final judge of the election in the Eighth Congressional District of Indiana, we must consider just what that awesome responsibility entails. We are being asked to render a judgment that will widely be interpreted as substituting our judgment for that of Indiana State law and the electorate of the Eighth Congressional District. Consider that carefully.

It seems to me we have to consider today and tomorrow just what criteria we will use in rendering that judgment. Is it a cut-and-dried case now that more facts are available or is it even more clouded and confused now than before our intervention? I would suggest that if the latter is the case, and I think it has to be given the reversal of the results and the remaining questions about uncounted ballots, then this should be a hung jury and we should be asking for a retrial. For if we cannot say that the preponderance of evidence points to Frank McCloskey as the new winner beyond a reasonable doubt, then we do a disservice to our constitutional responsibility, to the House as an institution, to the American people, and especially to the people of the Eighth District of Indiana. That's really what these votes in the House come down to.

And when you consider the variation in the vote results, the questions which have been raised during the course of your own investigation, and the number of outstanding issues which have yet to be resolved to everyone's satisfaction, then there is no way that we can confidently render a judgment either way and hope it will somehow sit well with the American people. It just won't, because a cloud hangs over this contest that will never go away, and we are all tainted by it.

Finally, Mr. Speaker, we have to consider what kind of message we are sending to the young people of this Nation who aspire to hold elective office some day. Are we instilling confidence for them in our electoral processes by our actions today, or are we

causing them to have second thoughts—to wonder whether it's worth it all if their election might be invalidated by a partisan majority of either party? I think these are the important questions we must be asking ourselves at this juncture, and I think they all point to the need for a new election. I urge adoption of the Frenzel resolution.

□ 1440

Mr. FRENZEL. Mr. Speaker, I yield 4 minutes to the distinguished chairman of the House Republican Policy Committee, the gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. Mr. Speaker, we've heard a lot of discussion in recent weeks about the counting process for the election in the Indiana Eighth. I think it is important for the Members to take a few minutes to focus on the details of how Rick McIntyre's election night victory, and victory in the recount, was converted into a defeat by the procedures used by the House Administration Committee's Task Force.

The majority suggests in its report that "The primary difference between the State's certified election result of 34 votes and the House recount process is attributable to tabulation errors from election night * * *" I've taken the time to analyze the results and I believe that to be an inaccurate and misleading statement. If we look at the task force results we find the following:

Mistabulations only altered the outcome by a total of four votes. During the task force recount, McIntyre gained 75 votes and McCloskey gained 79, as a result of correcting tabulations.

The real difference in the outcome was generated by counting ballots that had not been counted election night or during the Indiana recount and by chad picking—reinterpreting what the voter really meant when they cast their punch card ballot.

Ballots not counted election night or during the Indiana recount—but counted by the task force produced 60 additional votes for McIntyre and 82 for McCloskey. This included ballots found in the spoiled ballot envelope and unopened absentees.

Chad picking—deciding whether or not a particular ballot had been punched for a particular candidate—gave McIntyre an additional 12 votes and McCloskey an additional 25 votes.

Other changes such as counting absentee ballots without stubs, finding five ballots accidentally discarded, two for McIntyre and three for McCloskey, and dropping out ballots with distinguishing marks accounted for the remainder of the difference.

The relevant point is that the task force did everything it could to find additional ballots to count and to count ballots that had not been counted because of Indiana law—until Mr. McCloskey pulled four votes ahead. Then faced with a number of uncounted absentee ballots—ballots virtually identical to others that had been counted, the task force decided not to proceed further, but rather to declare Mr. McCloskey the winner.

The question that has not been answered satisfactorily, is why, after making such an effort to ascertain the true will of the voters, to set aside Indiana law to dig out every vote, even some that had been discarded, why was the decision made not to count the remaining 32 absentee ballots. If I were a member of the Democratic Party—preparing to vote on this matter I would want to know the answer to that question.

Frankly, it would be easier to accept the claims of the Democratic leadership and the task force that this was indeed a fair recount if it weren't for the fact that on two previous occasions the majority had denied a seat in this House to Mr. McIntyre, the duly certified winner of the original election and of the recount conducted by the State of Indiana. If on January 3, the House had followed precedent and seated the certified winner of the race, it would be easier to argue the case of the majority. But that is not the case.

I ask my friends and colleagues on the Democratic side of the aisle to put yourselves in our place for just a minute. Ask yourselves how you would feel were our positions reversed. What would you think if we Republicans on nearly straight party line votes had twice voted to deny a seat to the duly certified winner of the race, had then established a task force which set aside Indiana law and imposed its own rules for counting the ballots. And finally stopped, 32 ballots short, when our man had pulled ahead by four votes. I believe your sense of outrage would be every bit as great as ours.

Mr. Speaker, I wonder how you feel about this whole matter. Do you want to have your last term tainted by the charge that you permitted your party to abuse its power and ride roughshod over the traditions of this great institution?

And you, Mr. WRIGHT, our distinguished majority leader and quite probably our next Speaker—do you really believe the interests of the House and of your party are best served by forcing us to accept the questionable verdict of the task force? If you are elected Speaker in the 100th Congress will you remember this as one of your finer moments?

And what of Mr. McCloskey? Does he really want to take a seat in this body under the cloud of mistrust and suspicion that permeates this Chamber today?

And finally, what of my friends and colleagues on the Democratic side of the aisle? Do you really think we in the minority have been treated fairly in this matter? Are you at all concerned about the depth of anger and frustration expressed by some of our least partisan Members? Is this a moment you will remember with pride in the years ahead? Or is a vote to seat Mr. McCloskey, in light of all that has transpired, one of those votes you wish you didn't have to cast?

There is an alternative. Few on our side of the aisle have been or are today, enthusiastic about a special election. Many of us feel that any option which sets aside Rick McIntyre's election night victory is unjust. But in light of the circumstances it may be the only graceful way to restore the sense of comity that is so important to the functioning of this body.

And I would suggest that it is the only honorable course for those who want to see justice done for the voters of the Eighth District of Indiana. Think about it—and ask yourselves if it isn't the best way to show our respect for one another and for the great traditions of the House of Representatives.

Mr. PANETTA. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, the question that hangs over this body today is, Is there going to be life for the House of Representatives after the Indiana Eighth? Are we going to be able to have the quality necessary to make the compromises, to work together, that are required of a legislative body if it is to function?

I know there are some Democrats, people on my side of the aisle, that believe that the GOP is feigning outrage, that what we are hearing today are only crocodile tears. I can tell you from talking to my Republican colleagues that that is not true, that there is deep sincerity to their feeling of outrage.

But I also believe there are some Republicans who believe that over on my side of the aisle all of us Democrats are gleeful in knowing that we have stolen a seat in the Eighth District of Indiana. And I can assure you that that is not true. I can assure you that most of the Democrats on my side of the aisle are just as sincere in believeing that the process was fair. We will misjudge each other very badly if we do not acknowledge the sincerity that exists on both sides of this aisle, no matter how strongly we may disagree with each other, because we have much work to do: on the budget, on the deficit, on tax reform.

This debate is not going to change votes on this issue of the Indiana Eighth. But we must retain the ability to work together on issues that are coming down the line or we will all,

Republicans and Democrats alike, so outrage the public that they will put a pox on both our Houses.

All the task force members, members whom I have worked with, are honorable, intellectually honest men—who disagree.

The questions I think each individual in this House must ask themselves as they vote are four.

First. Do you believe in the sanctity of a single vote?

The second question is, Do you believe that the process was fair?

And here let me interject that in the full House Administration Committee, I asked Mr. SHUMWAY, who was the recount director, I said, "This has been a long and complex process and there have been judgments made where reasonable people might disagree; but given that, do you believe the process was fair?"

And Mr. SHUMWAY said, "Yes."

The third question is, would you have voted to seat Mr. McIntyre had he come out ahead in this process by even one vote? If you would answer yes, I believe in the sanctity of an individual vote, if you, as I do, believe that the process was fair and if you believe you would have seated Mr. McIntyre had he won by even one vote, then the final question is, Would you not then seat Mr. McCloskey who won in that process by four votes?

Mr. FRENZEL. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Illinois [Mrs. MARTIN], the vice chairman of the Republican Conference of the House.

Mrs. MARTIN of Illinois. Mr. Speaker, for those Members of the House facing difficult decisions and with the questions that have arisen about what Mr. SHUMWAY said or did not say, may I suggest that on their own they may read page 589, and they will find the answers I think will be interesting.

It is after all the Democrats who have a more difficult time today because the responsibilities of the majority are many.

□ 1450

And I cannot help but agree with the previous speaker that every vote must count, also as the chairman of the task force said. If the voters meant a valid ballot, it should count. And that is why we ask why not the forgotten 32?

These were 32 Indiana residents who went to the trouble, and it is trouble, to file an absentee ballot.

There are certain things we already know about them. We can generally tell from the names if they are male or female. We can tell, I think, if you have a sense of imagination, that perhaps some are young voters, some are older voters.

We do not know, at least I certainly do not, if they are black or white or brown or yellow, because the vote does not have color or, ultimately sex, or age. It must be counted, and you cannot argue on one hand to count some and then to deny the vote to 32 voters.

I imagine Ida Blankenship is an older American who has voted in every election. We know that Mark Barkley went to Ball State and cannot understand why his vote will not be counted.

We do not know about Tanya Ballinger; and what about Darryl Harris, or Robert Bradford, who probably gets teased because his name sounds like Robert Redford. Or Lana Elrod, who may have been named for Lana Turner. Or Tim Panksley. Who is Kamal Girgis? Who is Amanda Heath, with that very beautiful name, or Clarence Nelson, or Camilla Sowder? And the answer is they are all of us. They are 32 Americans who, and I quote directly the chairman of the task force, "should not have valid ballots disenfranchised, and if the error is not in the voter the vote should be counted."

We ask that these 32 be counted. We do not know for whom they would vote. These are secured ballots. They might make the Democrat win by 32 more votes. That will be their right.

Half of them might be for the Republican. We do not know.

But when a House makes a committee 2 to 1 and then stops counting, we believe that these 32 are disenfranchised, all America has been disenfranchised.

Mr. PANETTA. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, in reference to the comment just made by the gentlewoman from Illinois, I would like to stand here and read the 4,808 names of Indianans who were disqualified by the Indiana recount process. These people were neither counted nor eulogized by my Republican colleagues, because the result went the other way. No tears were shed for those uncounted voters. Because at that point the recount led to the victory of the Republican candidate.

To read the names of the 32 absentees I do not believe does justice without reflecting on the fact that your Republican Party had a different position on uncounted votes when the outcome favored your candidate.

I think the point made by the gentleman from Mississippi earlier really brings into question why we stand today in the House and why we are being asked to have a special election. He said, and the record will reflect it, that Frank McCloskey must win by a preponderance of the evidence, beyond a reasonable doubt.

What he said, Mr. Speaker, is that one vote is not enough in this country, that candidates must do more than just win an election. Candidates must beat a point spread to serve in the House of Representatives, and 4 points is not enough.

I remind that gentleman and other Members that there are Members seated in this Chamber, in the 99th Congress, who were elected by 170 votes, 300 votes, 400 votes. Do we now cast a cloud over the results in their races? Did they really beat the point spread that the gentleman from Mississippi suggested? Should we expand the motion for a special election to include them?

When I reviewed this recount task force and its procedures I have to tell you I was not totally pleased with some of their votes, and some of the decisions which they made. I would have voted a different way. I would have discounted the 40 ghost voters by proportionate reduction that favored Mr. McIntyre. I would have basically said that we should have proportional reduction when in fact ballots were overcast, and more ballots were cast than voters turned up at the polls.

But the decision by the task force was not heavy-handed, was not partisan, was in fact in favor of Mr. McIntyre. And yet I do not hear any protestations about that.

When it comes to these absentee ballots, 52 of them, in the words of the gentleman from California [Mr. THOMAS], they were scrambled with the rest of the votes and they cannot be extricated. There was no suggestion of proportional reduction because the final vote total with those 52 included favored Mr. McIntyre.

The 10 votes, the 10 votes that were finally counted, the absentee ballots, six for Mr. McIntyre, 3 for Mr. McCloskey, and 1 not voting. Now does that show a partisan, heavy-handed decision? I think not.

To discount these 32, in my mind, is only rational and reasonable and in fact the task force reached the right conclusion.

The gentleman from California [Mr. THOMAS] stated earlier we Democrats underestimate the strong feelings of the minority side on this issue. We do not, and I hope he does not underestimate our strong feelings. But we do not serve our Nation or districts or our solemn oath to uphold the Constitution if we are guided by the strength of our feelings. We cannot and should not be guided by threats of civil disobedience in this Chamber, threats of guerrilla tactics, threats of physical restraint, of chaining ourselves to the podium, of rhetoric accusing the Democrats of being thugs, thieves, and in the words of one minority Member, slime.

Is that what should motivate this Chamber? I think not.

We are burdened and liberated by the traditions of orderly process in this institution, and that process has been well served by this recount task

force. Neither Frank McCloskey nor any of us is required to beat the point spread to serve in this great institution. Our responsibility today and tomorrow is to stand with the orderly process and traditions of this institution and to seat Frank McCloskey.

Mr. FRENZEL. Mr. Speaker, I yield 4½ minutes to the distinguished chairman of the House Republican Conference, the gentleman from New York [Mr. KEMP].

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from California.

Mr. THOMAS of California. I thank the Gentleman from New York [Mr. KEMP] our distinguished Conference chairman for yielding.

Briefly, I think it is extremely interesting that the gentleman who just left the well, the gentleman from Illinois [Mr. DURBIN], prior to the result being known, argued passionately in the well that we ought not to let 40 ghost votes make the difference. Yet today he certainly abides by the decision and in fact those 40-plus ghost votes were added by a 2-to-1 partisan vote, 2 Democrats, 1 Republican.

Interestingly enough, he said we ought not to have a preponderance of the evidence make the decision in this case. It is the Contested Elections Act, the Federal Contested Elections Act that uses just that as the criterion. And if the fellow who lost the race election night, and on recount night Mr. McCloskey had utilized that vehicle the House has provided: the Federal Contested Elections Act, he would have been required to show a preponderance of the evidence.

Instead we have been brought here by a straight majority vote and there is no need to show any evidence because if the majority has one more vote they win.

I thank the gentleman for yielding.

Mr. DURBIN. Will the gentleman yield?

Mr. KEMP. Let me make my statement and then I will be glad to yield.

Let me say to my colleagues on behalf of our conference there has been no civil disobedience. There has been no one chaining themselves to anything around here and while all of us were deeply outraged and upset our Members have conducted themselves with dignity and grace under pressure.

We are all bound on both sides of the political aisle by our respect for the law. This government of laws is precious to all of us. A great English philosopher one time said that the purpose of law is not to restrict freedom or to restrain freedom; the purpose of the law is to enhance and enlarge freedom because, he went on to say, where there is no law there can be no freedom because anarchy is the result of an absence of law.

The not seating of Rick McIntyre on January 3 was an act of anarchy, the absence of law.

We Republicans offer this Frenzel motion to vacate the seat in Indiana's Eighth Congressional District in the hope that fairness, honor, and the law will prevail on this issue. The actions that we as a conference have undertaken this past week were not taken lightly. We have been forced to these actions to disrupt the agenda of the House and the legislative process in order to slow down and hopefully stop the inexorable march to an injustice that the majority seeks to impose in seating Mr. McCloskey.

There are unanswered questions, confusing arguments and ambiguities that require a special election.

The proposal of the House Administration Committee to seat McCloskey confirms all the worst fears the people of our country have had since the 99th Congress first met on January 3. Acting like a kangaroo court, the Democratic members of the task force have abrogated Indiana State law, and now it appears that they want to throw out the Constitution, too.

Through a series of special rules, admittedly applied differently, and we argue inconsistently, the task force counted votes until Mr. McCloskey was four votes ahead. Everyone agrees they then stopped counting and left 32 ballots uncounted. Reasonable people can disagree but there is no precedent for what happened and what has gone on these past few months. Nothing but arrogance and Lord Acton's adage that absolute power corrupts absolutely can explain the actions taken by the majority.

□ 1500

This Frenzel resolution to vacate the seat is the only alternative to a motion tomorrow to seat the loser of a fair election over the winner of a fair election.

One can understand that close elections present a great temptation. But for 200 years majorities in this country have resisted the temptation to cut down all the laws and establish their own standards in order to ensure the desired results.

Some words to the wise: In Robert Bolt's masterful play, "A Man for All Seasons," there is an exchange between Sir Thomas More and young Will Roper his son-in-law who tells More that he would cut down every law in England to get to the Devil.

Sir Thomas More reproaches him and says, "And when the last law was down, and the Devil turned round on you, where would you hide, Roper, the laws all being flat? * * * d'you really think you could stand upright in the winds that would blow then?" I ask my Democratic colleagues to think carefully before they cut down the laws that protect all of us, equally majority and minority alike.

Please consider the atmosphere you create by this act of injustice and greed, the goodwill necessary for men and women who differ to work together is irreparably torn. In a Government like ours, the rights of the minority must not be sacrificed. When the mutual trust and respect for the rules of the game are destroyed the understanding needed to work together is destroyed. And then not only Rick McIntyre's constituents but all the people will suffer.

My colleagues on the Democratic side of the aisle have a chance to restore justice and honor to this body. Let us vote to vacate the seat and have a special election.

Mr. PANETTA. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Speaker, I am a friend of Frank McCloskey's, and it was because of that when I approached the report, I tried to do so with special care and special objectivity.

Among the questions I asked were these: If Mr. McIntyre had won by four votes, would I have voted to seat him? The answer is yes. And I am confident the majority party would have done so.

I asked a second question: Did the minority suggest before the end of the court, before the end of the count, that if there were a razor-thin vote for Mr. McIntyre, there should be a special election? And the answer is no; quite the contrary. Here is what the minority member of the task force early on had to say about a special election:

> I think that anyone who says we are not going to be able to seat someone and therefore we ought to start talking about special elections is to my mind not only being unfair to the difficult task we have in front of us, but I would attribute some sinister motives to that kind of talk.

So, two things in terms of that statement. It was not until the count was completed that there was talk on the minority side of a special election.

Second, and very importantly, throughout there has been a comment from the minority side that those on the majority side are beset by sinister motivations.

In my judgment, there is reason for argument here, for a decent difference of opinion, but not for vilification or vituperation.

I am concerned with the tone of this debate, what it could mean for issues that lie ahead, where bipartisanship is needed.

I am confident of my position. I have a belief in the integrity of the members of the task force. Therefore, those who throw stones at the majority are throwing them instead at this

institution and its prospects for effectiveness in the months ahead.

If there is going to be anarchy, it is going to be coming from this side, the minority side, not from us Democrats.

Mr. Speaker, I say to all Members, vote your conscience the way you would have if Mr. McIntyre would have won. I think we should vote tomorrow to seat Mr. McCloskey and we should vote today against the motion from the minority side.

Mr. FRENZEL. Mr. Speaker, I now yield such time as he may consume to the only Member of the House who has been in these similar circumstances, the distinguished gentleman from Louisiana [Mr. MOORE].

Mr. MOORE. Mr. Speaker, I find this case very special to me, so special that it causes me to get up and say something today for the first time in this rancorous debate that has been going on for some time.

As the gentleman who yielded time to me said, I am the only sitting Member of the House of Representatives who has been through something like this. I believe I understand better than anybody here what it is like for the two gentlemen involved to go through it. In 1974, I won by 44 votes, the closest Federal election in history until this one.

My opponent found that a voting machine apparently did not work. We wound up in court. The court was faced with, "What do you do in a case like that?" Were all the votes counted? There was no way to tell.

So the court ordered that election be rerun, the first Federal election in history ever to be rerun.

It was done so in January 1975, and I was lucky to have won by better than 11,000 votes at that time.

But that decisive action of letting the people decide where there was a great question over what the vote outcome actually was absolved this House and the entire election process, of any problem or cloud of wrongdoing. The cloud was lifted, the election was clear, and that was the end of the issue.

I perceive that Democrats believe Republicans did not count the ballots right out in Indiana; and Republicans feel the Democrats have not counted the ballots correctly in the elections subcommittee.

There is now a cloud over this process that is never going to be resolved, I am afraid, a cloud that can go on to confuse future decisions this body must make.

In my opinion, the only way you can lift that cloud is to go ahead and call another election; let the people of Indiana decide who they wish to have represent them.

The other body, in 1975, did a very similar thing, using my case as precedent.

Therefore, it has been done in both bodies before. I am greatly concerned that the issues of a balanced budget, reducing spending, tax simplification, and all the other issues facing this Congress are going to find themselves derailed by very strong feelings emanating from this matter of fear that the very integrity of this body will be questioned because of its inability to resolve without suspicion the lingering questions as shown in this debate.

So I would urge a new election to help these two gentlemen that cannot be helped any other way, and to also help this body get on with the work it has to do.

Mr. PANETTA. Mr. Speaker, I yield 2½ minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. I thank the gentleman.

Mr. Speaker, I asked the gentleman, Mr. Shumway, who oversaw this operation, a very simple question. All of us in the committee and here in Congress have gotten good at asking the "Perry Mason" type questions that can just put everything in the right light to get the answer we want. But I asked a very basic question, and that question was: Was the process essentially fair? I did not tell him who I wanted to win or who I thought should win or whether each vote that was cast was absolutely perfect.

Some of the questionable votes may have benefited one of these gentlemen and some may have benefited the other.

I said: Was the process basically fair? Mr. Shumway said it was, that overall this process was not designed to give advantage to either of these two individuals.

I think that is the most important thing we start with.

Then I asked him: If the process was fair, was it executed in a fair manner? Again he answered in the affirmative.

So that the conclusion of the gentleman that both the Democrats and the Republicans chose to run this operation was that the process by which the ballots were rechecked was a fair one and that in the final analysis, it was implemented in a fair manner. What strikes me as unconscionable from my friends on the Republican side of the aisle is to have sat there when there were 4,800 ballots not counted and said, "That is it; these 4,800 people are excluded from the electoral process; we do not have to touch that process anymore."

Now, for a handful of ballots, they tell us that the process is a failure, that their man did not win so we are going to walk out of the Chamber, we are going to end the process, we are going to participate because our guy did not win—that's changing the rules at the end of the game.

If you had come to this gentleman, at the beginning of the process and said, "Let's have a special election," that is something we could have taken a look at. But I will tell you this, I cannot support a special election, I cannot support a change in the process once you have set the rules and everybody has worked by them.

Mr. Shumway says this process is fair. The process itself was executed in a fair manner and we ought to go forward with the vote and seat the gentleman that won.

I thank the Speaker.

□ 1510

Mr. FRENZEL. Mr. Speaker, I yield 4½ minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, Indiana has not received this much attention since Bobby Knight offered his chair to a little lady on the other side of the assembly hall.

There have been thousands of words and thousands of pages printed in the CONGRESSIONAL RECORD about this problem in southern Indiana, and I suppose there is little that can be said today to add to that.

I am troubled very much by some of the discussions that have gone on here. The fact that it has become so political, because it really is not a partisan issue, contrary to the evidence displayed here today.

I am often asked, "What do people in Indiana really feel? How do they feel about the way the House has handled this?"

I think I can best reflect this by a statement made by a very prominent Democrat last Saturday when I was speaking in Indiana, about 150 miles from the Eighth Congressional District, a previous officeholder when he said: "I hope Frank McCloskey is seated, but he should be seated after a special election." This reflects the sentiments of most Hoosiers, Democrat or Republican.

There has been a lot of dialog here. I remember changing my position here on this floor in the dialog with the gentleman from Massachusetts [Mr. FRANK] when he said that every ballot should be counted, where the intent of the voter could be determined.

I thought Indiana law should prevail, but he convinced me that day, and I finally conceded and agreed that, yes, Mr. FRANK, you are right; every ballot should be counted when it is determined the intention of that voter, even though they violated Indiana law. He convinced me.

Later, the gentleman from Texas [Mr. LELAND] said that 4,800 had been disenfranchised, and it was wrong to disenfranchise. He is right, but it is just as wrong to disenfranchise 32, 40, or 100 voters.

The issues today seem to be several: First, the constitutional wrong. We cannot correct some of those, but we can correct one today, and that is, that

there are 32 ballots out there that were cast absentee.

Now an absentee ballot can be generated in Indiana from three sources. First, the individual writes or asks for an absentee ballot, to be voted in absence away from the polling place, or away from the county courthouse. That ballot is then mailed. It must be mailed back.

An antifraud provision requires that the voter signature is notarized just the same as the precinct election clerk's initials are required by Indiana law. The task force determined they were not necessary here.

There are two other ways an absentee ballot can be generated in Indiana. One, shut-ins. There is a roving voter group, appointed election officials, paid election officials, that go out and vote these people. Same ballot in the same brown envelope as other absentee ballots. They must be witnessed, not notarized. Those two election officials, a Democrat and Republican clerk, must witness them. The other is voted in presence, in the courthouse. They also are witnessed.

Of the 32 not counted absentee ballots, can anyone on this task force tell me if those 32 absentee ballots that they say were not notarized did not originate from the roving election officials not requiring notary validation, but witnessed by the paid election officials?

The reason given for not counting those is the fact that they were not notarized which is the responsibility of the voter. However, those ballots that could have been cast by a roving clerk, hire, a Democrat and Republican, require witnesses. They would be required to be witnessed. Those ballots might well have been ballots that were not witnessed and the voter was not aware that the election officials had not done their job.

So I say, I take my hat off to the task force. Yes, they worked hard; they spent a lot of hours, but they did not finish. This is where I have strong objection.

The statement was made that we would have voted to seat McIntyre with a majority of four votes, or we would not vote because our candidate did not win. I say this: We voted to seat the gentleman from Idaho [Mr. STALLINGS]

I would vote for Frank McCloskey, he is a friend of mine; if every ballot had been counted and he had won the election that way, I would vote to seat Frank. We would have voted to seat Frank if he had a certificate back on January 3. I think every Republican would have voted for that.

The Governor of Indiana this morning has told me that if this House decides that seat is vacant, even though he does not want to put the State of Indiana to the expense, we all have opposed it, but if we cannot decide for sure who won because all the ballots have not been counted, the Governor says he will call for a special election immediately.

Mr. PANETTA. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois. [Mrs. COLLINS]

Mrs. COLLINS. Mr. Speaker, I think it is ironic that we are sitting here today discussing this at all.

I was reminded this morning by television that we are celebrating the 10th anniversary of our getting out of Vietnam. For several years prior to that time we were in Vietnam, fighting in that country, because we wanted everybody there to have the right to be able to have a say in their government, to participate in their government, to vote for those who govern their lives.

Just last week we in this House were voting on Nicaragua so that people in Central America could have a right to discuss and participate in their government. Yet today we are sitting here discussing this issue, possibly denying the voters of Indiana the right to determine the people they want to participate in our Government.

Somebody mentioned a few minutes ago that they wondered what message was going out to young people. You know, Mr. Speaker, contrary to what most people might think, I was once young, and I went to schools in the United States of America where I was taught that one vote has a great deal of validity; that one vote is all you need to determine the will of the people. And I know that everybody in this Chamber, who is a Member, has said to one potential voter or another, at one time or another: Vote for me, because every vote counts.

All of a sudden we find ourselves here today discussing whether in fact every vote does count. I believe it does. I believe we should throw out this resolution and seat McCloskey.

Mr. FRENZEL. Mr. Speaker, I now yield 5 minutes to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. We have heard constitutional, Federal, congressional, political, and procedural arguments about the issue.

But it gets down to one question—What is the fair way of treating the people of the Eighth District of Indiana?

It is a question of fairness.

That word may sound weak but it is as strong as the honor of this House.

When you have gone through such a bitter debate, such a contested issue, no one in this House can be said to be impartial.

No one.

We all have our ax to grind.

So why not let the people decide?

We have nothing to fear from the people. If the people believe the majority has a fair and honest case, then Mr. McCloskey will be returned.

If the people think that we in the minority have made a fair and honest case, then they will return Mr. McIntyre.

But if the majority pushes its power to its extreme limits, if it demands its pound of flesh—the ramifications will go well beyond this issue.

Might does not make right. It never has. It never will.

Raw power alone does not—or should not—decide this or any other case.

The McIntyre case is but one example of a consistent abuse and misuse of power by the majority.

It is the most notorious example of raw political power disguised as mere parliamentary procedure.

Even the majority's claim that it has the constitutional power to do what it is doing is not at all clear.

We simply have no precise precedents to go on. The House has never been tested in quite this way. We face a unique constitutional situation. But the majority wants to treat it as if it were a dispute about pork barrel politics.

There is an old saying: Power is shown not by striking hard or by striking often, but by striking truly.

The majority seems not to have learned that lesson. It appears to believe that if it hits hard enough or often enough, it is showing true power.

But it is only showing weakness. It is only showing fear. It is only showing how desperately unsure it is of its own ability to govern wisely.

An unfortunate pattern has developed in this House. The majority threatens, it bellows, it puts pressure on its members—and it calls this its right.

But what does all this have to do with what is really right?

At long last, has the majority, after a generation of unadulterated power in this House, lost the ability to remember what we are here for?

We are here to serve people—not the majority in the House.

The voice of the people of the Eighth District has been smothered by legislative maneuvering.

If the majority has its way today, it will demonstrate its power. But it cannot win a victory.

Victory in a democracy belongs to the people.

If the majority persists in this folly, they will have poisoned the wells of civility in the House. Things will never be the same. Let it be upon your heads if this is the case.

For the honor of this House, for the idea that in our Nation the people decide—join with us who want to leave this question to the people of the Eighth District of Indiana.

It is the only just, the only honorable, the only decent choice this House can make.

□ 1520

If what I hear from the other side is correct, that there will be a move at the end of this debate to table the motion, I think it underscores all the more the concern I have about what is happening in this House. Can you not let your Members be free to vote their conscience once again on this issue?

I think it is abominable to think that you are going to take that course of action at the end of this kind of debate. From the very first day we wanted a straight up or down vote on the issue of seating the gentleman from Indiana. It has been denied every time by preferential motion of one kind or another. Now we come to this juncture, when, by agreement between both sides, there is a motion on this floor to vacate the seat, and suddenly we are given to understand you are not even going to allow a clean vote on the real issue, but offer a motion to table. That underscores the exact folly of the whole process we have been going through.

Mr. PANETTA. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, the issue today is not whether we ought to seat a Republican Member of this House or whether we ought to seat a Democratic Member of this House. The issue is not even whether the task force headed by Mr. PANETTA has come to the correct conclusion on the vote count. The issue is, in our own hearts and minds, do we honestly know who won the election in the Eighth District in Indiana?

Has the task force done its job in bringing the facts to us so that we can individually make a judgment over who should be seated to serve that district in our Nation's Capitol?

Mr. PANETTA and his task force were charged primarily with ensuring that the voters in Indiana who had been disenfranchised because of errors made by clerks and election officials in Indiana were given a chance to have their votes counted. I believe sincerely that Mr. PANETTA and his task force have done that.

Mr. PANETTA and his task force went further than that. They got into the issue of absentee ballots, absentee ballots which, by their nature, were illegal ballots because they were defective by virtue of an error created by the voter, not by the election clerk or official.

I think that Mr. PANETTA and the task force erred in counting 10 of those ballots which should not have been counted. But that is irrelevant to the decision we make today as to who won the election in Indiana. When I look to the results of the task force's work, I learn that another 52 of those illegal absentee ballots had been counted by the election officials in Indiana, and those ballots were "like ballots" to the ones that could be found in the clerk's office and which had gone uncounted.

When I looked at that, I initially thought, "Hey, we better call a special election to let the people decide how those 52 votes should be counted." And then I did some research and I found out we had some legal precedent on the issue. In Oliver against Hale, a Maine decision and in a precedent established in New York in another case, Macy against Greenwood, the courts were faced with a similar question, and in those cases decided that the proper way to handle it was to proportionately reduce the illegal absentee ballots counted in the precincts. A proportional reduction of the 52 absentee ballots that were illegally counted, discounting the 10 ballots that I think Mr. PANETTA and the task force should not have counted, yields you the answer I think we need to know, and that is who won the election.

In my opinion, it is quite clear from the facts developed by our task force that, although it was an awfully close election, Mr. McCloskey won it.

Let me tell my friends on the other side of the aisle that I think the easiest thing in the world would be to call a special election. It would please a lot of you. It would please, certainly, a lot of people. But I think our obligation is to do our duty here on the House floor. If Mr. McCloskey has won that election by a fair report of our task force and if in our hearts we know that in fact he was ahead by one vote, our obligation, regardless of the political consequence, is to seat the gentleman.

Mr. FRENZEL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Speaker, perhaps the greatest religious thinker of our time, Reinhold Niebuhr, once commented that:

> The temper and the integrity with which the political fight is waged is more important for the health of our society than any particular policy.

It is the temper of the House and the integrity of our democratic system which is at stake today. The outcome of this election is less important than the process followed. Fundamentally, this is a law and order issue. Citizens can't respect laws if they can't respect the lawmaking process.

Hence, it is the duty of the House to set a precedent of conscience that will underscore rather than undermine the laws we make and the order we ask be maintained.

We have, in this election, the legislative equivalent of a hung jury. To ensure our Government remains of, by and for the people, the verdict should be remanded from the Halls of Congress to the people of Indiana.

Mr. FRENZEL. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan [Mr. VANDER JAGT], the distinguished chairman of the Republican National Congressional Committee.

Mr. VANDER JAGT. Mr. Speaker, I believe that there are members of the majority who are genuinely puzzled about the deep disillusionment and the intensity of the outrage of the minority, because I do believe that there are members of the majority who honestly believe that on election night Frank McCloskey was ahead by 72 votes and then on the basis of a partial recount a partisan secretary of state of Indiana quickly certified McIntyre the winner and that, therefore, on January 3, that they voted to wait until there was a completed recount to make a determination. Unfortunately, those are not the facts.

One of the most disillusioning, frustrating, and tragic things about this whole sorry spectacle is that the facts are so clear, so convincing, and so undisputed by anybody who will focus on them for longer than 10 minutes.

On election night, Rick McIntyre, not Frank McCloskey, was ahead by 260 votes. That lead did not mean a cotton-picking thing because under Indiana law the secretary of state is required to wait at least 10 days before he certifies a winner so as to give the counties an opportunity to make any corrections of mistakes that might have been made. And the next day it was discovered that two counties had indeed made significant mistakes. When the one county, Vanderburgh County, made its correction, McCloskey then went ahead by 72 votes. When the second county, Gibson County, that had counted two precincts two times made its correction, then on the basis of completed and corrected and final and certified election-night vote totals, Rick McIntyre was a winner by 39 votes. And at that point the secretary of state did the only thing he could do under Indiana law, and that was certify McIntyre a winner.

Even the most partisan among us would have certified McIntyre a winner at that point because to have done anything other than that would have made that individual guilty of a felony.

So Rick McIntyre arrived here with a certificate that had no cloud over it in its issuance and there was no allegation of illegality or fraud. And under those circumstances, in 81 out of 81 cases for two centuries this House has honored that valid certificate pending the outcome of a recount or some other dispute.

Now, when the recount was completed, the majority has made much today that it was tainted recount. But that is beside the point. Rick McIntyre was entitled to be seated not on the basis of a recount but on the basis of the original certification where the majority leader has said there is a prima facie case of validity and a presumption that it is indeed valid and duly certified, and nothing had overcome that presumption when that recount, tainted or not tainted, was completed.

So the task force begins its work, and if you use a strict construction of Indiana law or a liberal construction of Indiana law, McIntyre wins.

So the task force set aside—and they have told us they did so, in the debate today—Indiana law and constructed its own set of rules, a third set of rules, by which the votes were then counted.

□ 1530

In the next-to-the-last meeting in Evanston on April 10, the task force voted to count 10 unnotarized absentee ballots that had been held at the precinct level. At that point, the task force made a fateful decision: It decided to send out investigative and affadavit teams to the county clerks to see if there were similar ballots that had been afforded similar security. And at that point, when the task force made that fateful decision, a McCloskey supporter said, "I wanted to cry, because I knew there were similar ballots and I knew when they were counted, that was the ball game."

Little did that supporter dream that the task force would then, inconsistent with its own rules, suddenly resurrect the Indiana law that had been ignored up until then, and stop counting 32 votes away from the finish line with their man 4 votes ahead.

Mr. SHUMWAY, the director of elections, in testimony before the task force here said, because of the same circumstances, "I guess I would have counted those ballots." Even the chairman of the task force has said, "It was an extremely close call."

An extremely close call, with a 4-vote victory out of 233,000 votes with 32 yet to be counted, is not establishing by the preponderance of the evidence that that official certificate, which has never been impeached, should be set aside.

The Speaker has said he did not want Rick McIntyre seated on January 3, in spite of the certificate, because he believed that rubbing shoulders with us would establish a comradery over a 6-month time that would give us a predisposition in favor of Rick McIntyre. He may be right, but I hope that there is a deeper predisposition in the hearts of every Member of this body. A predisposition to uphold the Constitution which gives primacy to State law in determining State election. A predisposition in favor of two centuries of precedents which says that a valid certificate must be overcome by the preponderance of the evidence and a predisposition on behalf of the people of the Eighth District of Indiana, who by more than 2 to 1 say there ought to be a special election.

That is why the minority and the American people are outraged that the majority would superimpose its will on the people of the Eighth District who are naive enough to believe that in America they ought to determine who represents them.

Mr. PANETTA. Mr. Speaker, I yield 2½ minutes to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to defend the count of the General Accounting Office, and to speak in favor of former Congressman McCloskey, with whom I have served and many of us served in the 98th Congress.

My Kentucky district just happens to be across the Ohio River from southern Indiana. The Evansville television stations saturate much of my congressional district. I am well aware of the hot contest in that race; this is my sixth term in Congress, and I have already served with four gentlemen who have represented the Eighth District of Indiana.

On election night, McIntyre was in the lead, and the TV stations in Evansville were saying that a recount was very possible because of the close vote. Many of us in this body would have asked for a recount if we had been behind by 39 votes in a multicounty race, such as this was.

During the recount, the Republican secretary of state of Indiana declared and certified Rick McIntyre the winner. Now we have an account from the GAO, the General Accounting Office, an arm of Congress, an agency that is nonpartisan, headed by the Comptroller General of the United States, namely, Charles Bowsher, appointed by President Ronald Reagan in October 1981, a fair count was held.

It has been determined by the General Accounting Office that Frank McCloskey, a Democrat, won by four votes. I have asked some of my Republican friends today, and I think you Republican friends, and my dear friend who spoke before me, know that I do not stand always as a partisan Democrat; that I stand here as a person who tries to tell it like it is; call it like it is, and vote like I think is best for our country rather than our party.

Several Republicans have told me today, have shared with me the fact that yes, if the General Accounting Office vote had gone in favor of Rick McIntyre by four votes, that naturally we would not want a recount. Nor would we want, at this point, a special election, or to have the seat vacated.

In all fairness, this seat should go to Frank McCloskey, the Democrat from Indiana, who was declared the winner by the General Accounting Office.

● Mr. ROSE. Mr. Speaker, recently the minority leader was good enough to send me a transcript of the speech made a few days previously by our colleague from Michigan, the chairman of the National Republican Congressional Committee, and one little touch in the letter and in the transcript brought back memories.

It wasn't the wailing and moaning about the Indiana election being stolen. I don't buy it, and I don't think anyone who knows all of the facts and is impartial, buys it.

No, Mr. Speaker; it wasn't the word stolen.

It was the word Democrat, and, strange as this is going to seem, it brought back memories of a man named Joe McCarthy, and the terrible stain he left not only on his political party, the Republican Party, but on the entire political process.

Some of the younger Members of the House weren't even born when Joe McCarthy was riding high, but I hope he hasn't been forgotten. I won't go into what he was extensively, Mr. Speaker—we deal in misery more often than we want to of necessity in politics and government. But I think I should remind the House, and especially the minority leadership, about something Joe McCarthy is given credit for doing.

McCarthy is the one who started calling the Democratic Party the Democrat Party. I guess he thought it didn't sound as positive his way, so with his often displayed lack of regard for truth and accuracy, he repeatedly used the expression Democrat Party.

Well, sometimes out of ignorance, maybe sometimes out of malice, other Republicans, and—truth be told—a few Democrats who didn't know better, began using the expression Democrat Party and Democrat leadership, instead of the correct version, Democratic Party and democratic leadership.

I'm sure the minority leader and the gentleman from Michigan know that.

But there, in black and white, on the minority leader's letterhead, and in the gentleman from Michigan's speech, was Democrat where it should have said democratic.

Now, there's an old political expression that goes—"I don't care what you say about me—just spell my name right."

Mr. Speaker, that is all I'm saying.

Just spell my name right.

You can moan and groan about the outcome of the General Accounting Office recount of the Indiana election all you want to—regardless of how false your charges of stolen ballots are, but don't be totally inaccurate. At

least state the name of the party you are falsely accusing correctly.

I don't accept what you are saying and I don't believe the public does either. Of course, some people think all elections are stolen and all politicians are crooks. If you want to further that erroneous belief—if you want to add tarnish to this House, why just go ahead.

Just get the name right.

Mr. Speaker, there's always the temptation to reciprocate in kind, but as a former President and member of the Republican Party once said, "That would be wrong."

I'm not going to call it the Republican Party, because that's not its name.

I'm not even going to call it the Pub Party, even though some of its Members seem to be drunk on the dream that they can hurt the Democrats and the Democratic Party with a device dreamed up by Joe McCarthy.

Maybe some of us have forgotten how low he stooped.

But, when his actions got so far beyond the pale, his fellow Senators, Democrats and Republicans, voted to censure him. They were outraged at the blemishes and the stains he had left on the Senate, as well as on his political party.

Mr. Speaker, if some Members of the minority party want to follow in his footsteps, there's nothing I can do about it.

But they ought to remember that Tail Gunner Joe, as he named himself even though he never flew a minute in combat, probably holds the record as a smear artist.

I guess, Mr. Speaker, he would be proud of them for keeping his flame burning, which is something, come to think of it, he really doesn't need, assuming he went to his just reward.●

● Mr. WISE. Mr. Speaker, as I support the resolution to hold a special election in the Eighth District of Indiana, I want to explain why I take this difficult position.

First, let me explain what reasons have not moved me to this position. It is not because vocal members of the minority have called my party "thugs" and "slime." It is not because members of the minority have threatened some sort of civil disobedience on the floor. That only delays the people's business. It is not because there is something suspect about the manner in which task force Chairman PANETTA conducted the recount. What I have seen is him reaching out to be fair.

Nor do either the personalities or the political parties involved determine my position. I hope eventually Frank McCloskey is seated in the Congress. He is an excellent member.

What is important to me is the actual election process itself. It is the main contact the public has with this body—sometimes the only contact. The public must have faith in the process. Should it become cynical then a vital underpinning of our governmental system is weakened.

That is why I support a special election. Because there are such questions. Because the final result is determined by a handful of votes whose eligibility is determined by subjective decisions—no matter how fairly arrived at.

Some say this position attacks the credibility of Chairman PANETTA and his task force. To the contrary, the early position of the Democratic Party in challenging the election results and declining to seat the Republican candidate has been upheld. A fair recount has shown not only that the Republican candidate did not win by 418 votes, he probably did not win at all. But that's the key word—"probably." The recount shows there is too much margin of difference when one count has the Republican winning by 418 and another shows a Democratic victory by 4. There is uncertainty—and because there is, the people of the Eighth District should have the final word in a special election where hopefully the recount rules are determined in advance.

Mr. Speaker, what's important here is not the two people involved; not the political parties—but the process. And the process is upheld in a special election.●

● Mrs. LLOYD. Mr. Speaker, I must rise today in support of the motion to declare the Eighth District of Indiana vacant and proceed to a special election.

Mr. Speaker, from the outset, I have supported the creation of the task force and of withholding action pending its findings. This task force has tried, I have no doubt, to resolve the dispute fairly and it has found the winner to be Mr. McCloskey. And while I do not question their integrity, I am not fully satisfied by their determination. Those 32 ballots keep coming into my mind and for that reason the voters of that district should be given the opportunity for a special election.

I have confined my attention to the voting irregularities of which there are many and not to the individual's party affiliation. It has been my intent from the outset that this should be resolved in a judicious manner and I am supporting the motion to declare this seat vacant pending a vote tomorrow to seat Mr. McCloskey. The Constitution gives to the Congress responsibility for judging elections. The House of Representatives has absolute power, therefore, to determine its own membership. If this body, using that authority, chooses not to call for a special election then it follows that the House will seat Mr. McCloskey as the task force recommended. It is time to put this matter behind us and proceed to the Nation's business but only if the citizens of Indiana's Eighth District have a voice.●

● Mr. YOUNG of Florida. Mr. Speaker, the situation with regard to the Eighth Congressional District of Indiana has produced just one winner and many, many losers.

Even the winner, in this case Rick McIntyre who was twice certified by the Indiana secretary of state as the winner of his congressional seat, has turned out to be a loser as he repeatedly has been denied his constitutional right to become a member of the U.S. House of Representatives.

The real losers, though, in this case have been the people of Indiana's Eighth District who have been without representation in this body for 4 months. These people last November exercised their constitutional right to elect their Congressman, but the majority leadership has refused to seat their choice. As a result, their views were not represented here when it came time to cast votes on many issues during this session. Almost half a million people have been left without a voice in the day-to-day work of the House.

Perhaps, in the end, the biggest loser in this entire situation will be the sacred constitutional process by which our Nation has functioned as a model of freedom and democracy for almost 200 years. If the leadership is successful in its efforts to deny Rick McIntyre his rightful seat, we have no assurance that this will not happen again.

The Evening Independent, published in St. Petersburg, FL, recognizes that this is not an issue of concern just in Indiana or Washington, DC, but one that has an impact on all States. In an editorial published this afternoon, which follows my remarks, the Independent's editors emphasize the point we should be most concerned about today, that "elections are too important to be determined by politicians."

Elections are to be determined by the voters. In this case, let's allow the voters to determine the winner in Indiana's Eighth District. If the leadership refuses to seat Rick McIntyre, the voters should have an opportunity to make the decision. As the Independent recommends, return the question to the unrepresented people of Indiana. An orderly and expeditious special election can finally resolve this matter.

Mr. Speaker, we cannot compensate the voters of Indiana for the 4 months they have been without representation in the U.S. House of Representatives, but we can allow them to settle this particular issue by means of a special election.

We can also attempt to avert any harm that has been done to our constitutional system by the partisan political tactics exerted by the leadership.

If we allow the leadership to ignor the decision of the voters in the Eighth District of Indiana, then there is reason to believe future elections will be in jeopardy.

The question resting squarely on our shoulders today have grave implications for our future electoral due process.

RETURN ELECTION DILEMMA TO THE PEOPLE

Elections are too important to be determined by politicians.

The latest example flashes like fireworks in a midnight sky over the U.S. House of Representatives. There, partisans are trying to pick the winner of the 8th District Indiana House election. Incumbent Democrat Frank McCloskey was narrowly defeated by Republican Richard McIntyre, but the vote was challenged.

The debate has all the trademarks of Americana. In this district, most ballots are of the paper variety, and, under Indiana law, must bear the initials of a pollwatcher from each party. That's the way ballots have been counted in precinct after precinct across the decades, giving partisans all sorts of opportunities to invoke high rhetoric. They speak of voters being disenfranchised; they mean their parties may lose an outpost.

After a recount in Indiana, four votes have been held in the House to seat McIntyre. The motions were defeated on partisan voting lines 168–167, 238–177, 211–180 and 241–183. A special committee is expected to recommend to seating of McCloskey this week.

The debate has short-circuited normal relations between the Democratic majority and the Republican minority. The GOP minority has charged that Democrats are making the House "look like the partisan playpen of an arrogant majority."

Everyone has his or her best hold and seems bent on hanging on.

McIntyre filed one lawsuit, alleging he had been denied constitutional due process. A federal judge tossed it out saying the House had the right to judge its membership.

But by three standards, it can be argued effectively that McIntyre should be seated.

If measured by the U.S. Constitution, he should be seated because the election is a state right and the Indiana secretary of state, after a special review, certified McIntyre. Meanwhile, though challenging the outcome, McCloskey has never alleged fraud.

If weighed by the Indiana Constitution, McIntyre should be seated because under the laws of Indiana he was declared the winner, twice, including a special recount of all ballots by Indiana elections officials.

If judged by precedent, McIntyre should be seated because, in about 500 cases of contested House elections, the House has always seated the state-certified winner, except on one occasion when fraud was alleged and a second when New York's Adam Clayton Powell was alleged to be unfit to serve.

But by the political power of the House itself, McCloskey is likely to be seated, the beneficiary of club rule and of the friendship of the leaders of the House, Tip O'Neill of Massachusetts and Jim Wright of Texas.

At the root are issues crucial to the U.S. form of government. A republic in a democracy is functioning. Ironically, in this case, the republican function works against the Republicans and the democratic function works against the Democrats. In a pure republic, McCloskey would win. In a pure democracy, McIntyre would win.

By official tally and by precedent, McIntyre probably should be seated. Even by some of the rules that a three-member subcommittee of the House adopted (by 2–1 partisan votes), McIntyre should be seated, but Democrats on the review committee made exceptions to the rules that disallowed some McIntyre ballots of the same character and standing as those allowed for McCloskey.

If the House votes to seat McCloskey, then McIntyre will have excellent constitutional questions to raise. Can the House ever be wrong in its judging of its membership? If it transgresses its own rules unfairly, is its ultimate decision unconstitutional?

But it seems to us this case demands only one decision—the return of the question to the people of the 8th district of Indiana for a federally supervised, new election. That happens to be the same position taken by Florida's Republican congressmen, but the principle transcends parties.

When republican and democratic functions are jammed by party power plays, the nation will be safer and better served by the people, than by 435 partisans.

Elections are too important to be determined by politicians.●

CALL OF THE HOUSE

Mr. PANETTA. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 81]

ANSWERED "PRESENT"—415

Ackerman
Addabbo
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Billrakis
Billey
Boehlert
Boggs
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Breaux
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bruce
Bryant
Burton (CA)
Burton (IN)
Bustamante
Byron
Callahan
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clay
Clinger
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fiedler
Fields
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franklin
Frenzel
Frost
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hendon
Henry
Hertel
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Long
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Monson
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NH)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stokes
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zschau

□ 1550

The SPEAKER pro tempore. On this rollcall, 415 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

PRIVILEGES OF THE HOUSE—RESOLUTION TO DECLARE VACANCY IN THE EIGHTH CONGRESSIONAL DISTRICT OF INDIANA

The SPEAKER pro tempore. The gentleman from California [Mr. PANETTA] has 9 minutes remaining and the gentleman from Minnesota [Mr. FRENZEL] has 4½ minutes remaining.

The Chair recognizes the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I yield the balance of the time on this side to the distinguished majority leader, the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Speaker, I very much regret that the outcome of this recount turns upon only four votes. I think any of us would be much happier if one or the other of the contestants had won by 40 votes or 400 votes or 4,000 votes; then we would not be faced with this very difficult decision that we have to make.

Unfortunately, the Constitution places upon us, as the Congress, the clear responsibility to be the judge of elections. That is what we have to do. Maybe, like Pontius Pilate, we would like to wash our hands of it. Maybe we would like to let the cup pass from us.

It is not pleasant, it is not comfortable, it is indeed quite painful to hear the allegations that have been made through this Chamber in the last 4 months. In the years I have served in Congress I have never known anything to have created such a degree of emotionalism. I deeply regret that. I regret very much that hour after hour time in this Chamber has been taken up with allegations condemning the motives of other Members. I do not think that is necessary. I do not think it is constructive. It is not helpful to the parliamentary process that makes laws for this country.

One of the most fundamental precepts that I was taught when I came here and one of the most sacred things about this institution is that we can disagree without being personally disagreeable, that we can recognize another's honesty and sincerity even when that other person disagrees with us.

□ 1600

I regret very much that some have fallen into the use of such terms as "theft," accusing one another of stealing, using such terms as "steamroller tactics."

I regret very much that this morning one of the Members thought it cute or clever to say, "The Speaker wins elections by the old-fashioned way, he steals them." I do not think that is funny. I regret that anybody would applaud that statement, because it is beneath the dignity of the House and surely all of us know, whether you agree with Speaker TIP O'NEILL or not, he is an honest man. He is a decent man. He is a fair man. He has given his entire life to serving this Nation of ours in an honorable way. He has called them as he has seen them. He certainly deserves better than that verbal crudity. In fact, no Member should be subjected to such an allegation on the House floor.

Only a few weeks ago while returning from a bipartisan trip to Russia with the minority leader, the distinguished gentleman from Illinois [Mr. MICHEL], whose integrity I fully respect and extol at every opportunity, the Honorable William Pitts who assists Mr. MICHEL, came to the Speaker and reported to him his understanding that the result of the election recount had favored Mr. McIntyre, the Republican candidate by a few votes.

Speaker O'NEILL said to Mr. Pitts at that time, in Mr. MICHEL's presence, "If that is the case, Billy, then Mr. McIntyre will be seated."

I do not think there is a person here who honestly wonders if that would not have been done. On fewer than three occasions I have stood on the floor of this House and made this pledge publicly, that the count which we were bound by the Constitution to conduct would be conducted expeditiously, that it would be conducted fairly and by objective principles, and that at the end whoever emerged the victor, whether he be the Democrat or the Republican, would be seated. There are many of you here who remember my saying that in this Chamber.

Only the other day the Republican leadership came at the behest of the Republican Conference to talk with the Speaker and with me and with Mr. FOLEY and Mr. GEPHARDT, and they were expressing the anguish and the frustration that was felt on the Republican side. I can understand that, truly believe me, I can understand that. I think I might feel that frustration if the situation were reversed.

I asked BOB and the others, TRENT and JACK, I said, "Well, gentlemen, look, if it had turned out the other way and Mr. McIntyre had emerged victorious by four votes, would you be asking for another election?"

They said, "No. We would expect him to be seated."

So the question is, did the House do the right thing in having a recount? Someone said yesterday in debate that the only reason for the constitutional provision that we be the judge of our own elections is to guard against extraordinary circumstances, and this gentleman concluded there had been no extraordinary circumstance in the Indiana case.

Well, I suggest that there was truly an extraordinary circumstance when almost 5,000 American citizens were disenfranchised on technicalities and their votes were not counted.

The Legislature of the State of Indiana itself, judging this year an election of one of its own members, ruled exactly as we ruled, that those technicalities of initialing by a clerk should not apply so as to disenfranchise an otherwise qualified voter from having his or her vote counted. The Indiana House ruled just exactly the way that we did, that the underlying criterion should be and must be what that voter wanted, that voter's intention, if it is clear. So we set that as a ruling guide.

Now, was it a fair election? I know of no reason to say it was not a fair recount and I believe honestly from the depths of my heart that it was. That is what we charged the three-Member commission with conducting.

The person selected to head the actual counting was Mr. James H. Shumway of Arizona. He was not recommended by the Democratic Members. He was recommended by the Republican Member, by Mr. THOMAS, and the Democratic Member agreed to it. Under his direction, the counting was done by accountants, nonpartisan people in the General Accounting Office.

Twenty of the twenty-two decisions with respect to the rules of counting were unanimous among the three. We have heard a lot of talk here about, oh, 2-to-1 party-line votes. Now, whenever you have three members on a commission and it is not unanimous, you have to have 3-to-1 vote, obviously. But they were not all party-line votes by any means. On several of those vital 2-to-1 votes, the chairman of the committee task force, Mr. PANETTA, voted with Mr. THOMAS and the result of those votes tended to favor the Republican contender, Mr. McIntyre. Some of the people on our side, hearing of this, were angry with Mr. PANETTA. The Speaker was not angry with him. I was not angry with him, because he had been charged with having a fair, honest count, and we would be satisfied with nothing less than that.

Please, gentlemen, do you not understand, we are not so hard up for an extra seat in the House that we would want to deprive someone of it by theft. I really think it is beneath our dignity to engage in that kind of aspersion or that kind of allegation or that kind of consideration.

LEON PANETTA is as honorable a person as sits in this Chamber. BILL

CLAY is as honorable a person as sits in this Chamber. To question their judgment is one thing, but to question their honor and their integrity I think is quite something else and beneath us. We ought not to do it.

Now, some decisions had to be made. Thirty-two votes, absentee votes, were illegal votes. They were not notarized. They would not be counted in any State that I know. They were held, properly, at the clerk's desk, were not sent out to the precincts to be counted in the first place. Some of them had arrived late. In every State that I know, those votes are not counted. They were not counted here.

Now, 10 such votes had been accidentally sent out and folded in with others in the precincts and were counted initially. They were identifiable and a judgment was made as to whether they should be counted in the recount. Maybe they should not have been counted; but Mr. PANETTA voted with Mr. THOMAS that they be counted and the result of their being counted, even though they were illegally cast, gave 6 of those 10 votes to Mr. McIntyre, 3 of them to Mr. McCloskey. One had not voted in the congressional contest. So as a result of that decision, counting those votes, favored the Republican. Maybe they should not have been counted, but they were; I am not contending one way or the other. I think it was an honest count, that is all I am saying, that we bent over backward to make an honest count.

I am sorry it was four votes. I wish it were 4,000 votes either way. I do not care which way. Whatever the people of that district of Indiana want, they are entitled to have.

But let me ask you this. I am not going to make a motion, none of us are going to make a motion to table your motion. We are going to give you an up or down vote on it. You are entitled to that. Well, you want it that way, do you not? OK, fine. We are going to give you an up or down vote on your motion.

We have given you abundant time. There have been something like 200 hours of debate and talking time given over to this one subject since the beginning of this year. Surely we have had enough time to talk about it.

Democracy is a system that exists to guarantee that each of us will have his say. It does not guarantee that any of us necessarily will get his way. If you prevail on this vote, so be it. We Democrats have not made a party-line vote of it over here. I think you probably have on the Republican side; so be it. It is all right. We will just see how it is. We are not accusing you of dishonor. We are not accusing you of theft. We are not accusing you of sharp practice. We are trying to give you the same respect that we believe every Member of the Congress is entitled to from every other Member of the Congress.

We call upon you now to abide by the result, whatever it is. I call upon my Members to abide the result, our friends on this side, in good honor, good humor, good conscience, up or down and we will find out.

I think the result of the exhaustive recount has to be honored, if it is only four votes. Events have turned on fewer votes than that. In the United States today we speak English as the official language rather than German because of one vote, a one-vote margin in the Continental Congress.

Queen Elizabeth II is the ruling monarch in Great Britain today because of a one vote margin in the House of Commons 2½ centuries ago to declare the House of Hanover the royal house.

Texas is in the Union because of one vote in the Senate in 1845, and whether you like that or not, we have to abide by it, fellows; so I suggest that we abide by the result in good faith.

□ 1610

Mr. FRENZEL. Mr. Speaker, I yield myself the remaining time on our side.

Mr. PASHAYAN. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from California [Mr. PASHAYAN].

Mr. PASHAYAN. Mr. Speaker, what the task force did wrong in Indiana stabs the very heart of the Constitution. Article I, section 2, says: "The House of Representatives shall be composed of Members chosen * * * by the People * * * and the Electors of each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature", and in article I, section 4, the Constitution says: "The Times, Places and Manner of holding Elections for * * * Representatives, shall be prescribed in each State by the Legislature thereof * * *," unless Congress shall by law regulate elections.

When the task force refused to count 32 absentee ballots that were the same as other absentee ballots which they did count, it acted in a manner repugnant and obnoxious to article I. It certainly acted contrary to what the Supreme Court in a whole series of cases has held. Perhaps there is no more clear and brilliant articulation by the Court of what article I stands for than its pronouncement in 1941 in U.S. versus Classic: "Obviously included within the right to choose, secured by the Constitution, is the right of qualified voters within a State to cast their ballots and have them counted at congressional elections. This court has consistently held that this is a right secured by the constitution * * *. And since the constitutional command is without restriction or limitation the right * * * is secured against the action of individuals as well as of states."

The precious right to vote, as so eloquently pronounced by the Court in Classic, was the philosophy behind the Voting Rights Act of 1965. Section 11(a) of the act states, "No person acting under color of law shall fail or refuse to permit any person to vote who * * * is * * * qualified to vote, or willfully fail to refuse to tabulate, count and report such person's vote." I find a cruel irony indeed that the majority of the task force composed of the majority party of this Chamber refused to follow the dictates and spirit of the law that its party fought so hard for so many years to realize. I find it a cruel irony that the very party that was responsible for passing this legislation is responsible for violating its most precious tenants: that of denying the right to vote of people equally situated as the same class of voters.

I wonder how grievously disappointed that the people in America whom the Voting Rights Act was designed to protect will be when they shall come to understand that it was members of the Democratic Party who violated the very tenant of the Voting Rights Act: "Equal people, equal vote."

The task force was acting under its own rules, not under Federal law. What is worse, they applied their own rules inconsistently. In the task force's counting rules, No. 9, the task force provides that it will count ballots that "* * * may not have been properly sealed election night." In other words, rule 9 contemplates counting votes that were not necessarily perfectly secured.

Why then, but for latent political reasons, did the majority of the task force refuse to count 32 absentee ballots that 4 Indiana county clerks swore under perjury had been secured? There is no consistency in a task force whose written rule proclaims counting unsecured ballots and whose later ad hoc rule proclaims not counting of secured ballots.

Article I, section 5, says, "Each House shall be the judge of the Elections, Returns, and Qualifications of its own Members * * *," but is the power absolute? In Powell versus McCormack, the case of Adam Clayton Powell, the Supreme Court in 1969 said that the House's power to be the judge was not absolute but rather qualified by other provisions of the Constitution, and I agree. I think it unconstitutional for a committee or for even the House itself sitting as a judge of the election not to be bound by other provisions of the Constitution.

Indeed, the right and power claimed by the majority side of this issue if expressed in constitutional principle would be absolute. It would absolutely

permit them, on January 3, 1987, to refuse to accept the certification of the secretary of state of any State, to order another task force to recount the ballots, to have the task force issue written rules, and then within the proceedings to have the task force issue ad hoc rules inconsistent with the written, and then to unseat a properly elected Republican by recounting. Surely our Constitution cannot mean that.

The grand principle of the Constitution is that the people shall choose. Once the task force decided to supplant Indiana law by counting votes that would not be counted under Indiana law, it was bound to do so evenly. To preclude 32 absentee ballots from being counted while actually counting other absentee ballots exactly alike but for a supposedly lesser degree of security is fatuous in face of rule 9 that contemplates counting ballots not necessarily secured.

The refusal to count all like ballots of the same substantive class is arbitrary and unreasoned.

If this House shall act to seat McCloskey, then this House will endorse a dark absolute power to determine elections, and the entire Constitution will fall under a despotic shadow. Let us take the only enlightened course: let us order another election, open, clean, and unbloodied by politics.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank my friend for yielding. I rise with my heart in my throat, more nervous than I have ever been in this House to say I have to rise in behalf of the proposition which I consider to be fair and correct, which is that the Indiana seat be declared vacant and there be a special election.

I do not do so to impugn my friend from California [Mr. PANETTA] who is an excellent and respected man, nor to endorse what I consider to be totally disrespectful statements toward our Speaker from the other side of the aisle today, nor to hurt my friend Frank McCloskey, who is my friend and who, if he wishes, I would be very happy to campaign for any time, any place.

But I rise, instead, to tell my friends on this side that the race does appear to be tainted, it does appear to have a cloud hanging over it, which I think can only be dispelled if there were a special election.

I hope that that is done, for Frank's sake and for the country's sake.

I thank the gentleman for yielding.

Mr. FRENZEL. I thank the gentleman from Kentucky for his courageous statement.

Mr. Speaker, the House has seen today the first debate since I have been in the House in which everyone of the elected Members of the Republican leadership participated vigorously and effectively. It was a debate without rancor, based on rational and compelling argumentation, despite the fact that they felt deeply about the issue.

To the majority leader, who told us that when all the votes are in, then we ought to seat the winner, we say: Why were you afraid to count the last 32 votes?

Actually, we have two basic questions. The first one is: Why did you not accept Indiana's certification in the first instance.

The second one is: After you were willing to trash Indiana law and write your own rules to count the votes, why in heaven's name would you not count all of the votes under your own rules? After counting some identical ballots, why did you suddenly change your colors, and rely on the Indiana law you earlier rejected, so that these votes would not be counted.

The majority leader again said of certain votes, "They are not going to be counted in any State I know." He is right. They should not be. But they were countable under the rules that the task force established by a straight 2-to-1 party line vote.

And forget references to bipartisan votes on the task force. It was 2 to 1. There was a 2-to-1 party-line vote when it set its rules, and the Republican Representative, the gentleman from California [Mr. THOMAS] tried to walk out. I asked him to stay in there and try to defend our interests as best he could.

And now the task force has delivered its party-line vote. The committee has delivered its party line vote. I am now making one more appeal to Democrats to stand up for the Constitution and for representative government.

You do not have to vote no on this motion, to be a good Democrat, in my judgment. It is our last chance. It is a vote for a new election. You are not repudiating a committee motion. In voting for my motion you can follow the more than 30 editorialists. You can even follow Common Cause who has sent telegrams, I am told, to every Member of this House suggesting a special election. So far as I know there is not a majority of closet Repubicans in that crowd.

You can also follow the League of Women Voters of the State of Indiana which says "the ideal course" would be to have another election.

No, you do not have to vote "no" to be a good Democrat.

The gentleman from California [Mr. PANETTA] has told us that the House is to be the judge. I can read the Constitution. But I go back to article I, section 2 where it says the House of Representatives will be chosen by the people. I do not think that is such a bad idea, either.

If the House is take the peoples' rights away, it must be on absolutely certain grounds. The burden of proof is on the majority Democrats and they have produced none.

No hearings preceded the January vote. No hearings preceded the task force's counting rules. Both were exercises in raw political power.

So I am only talking to the people who have a real affection and respect for this House. And to those people who love the House, I ask them to do the very hard job of deciding.

Let representative government work. Let the people decide. Take the poison out of the shallow well of confidence that nourishes this House, which is much too often divided.

You can do that by simply voting for a new election, which will wash away the tainted results of this process.

One editorialist says there is a bit of a smell about the results. I am pledged not to say anything inflammatory today for fear that I will frighten away some prospective friends. So I shall not say that. Suffice it to say that this matter has been my greatest disappointment in all of my public life.

I remind you—you can crush us today as you did in January. You can crush us today as you did after the recount. You can crush the people of Indiana as you have trashed their law in the task force's rules, and you did when you quit counting.

But I still think it is possible for thoughtful people who love this House to be able to stand up and be counted for a new chance for the people of Indiana:

I would hate to think that when the story of this Congress was written, it would be said that the only item on which the Democrats could be united was to take an election away from the people of the State of Indiana. The House has had little trouble with the budget, a little with tax policy, a little with Nicaragua, and other things. But let us not say that the only party-line vote was one of doubtful qualifications in which most observers, editorially and otherwise, have decided is at least questionable and requires a new election.

Mr. Speaker, there have been a lot of hot words, and the reason is that this is a profoundly important question of constitutional law and representative government. It is easy to make harsh words, especially when the majority is insensitive to minority concerns.

If I have offended anyone, I apologize. But, for that last time I ask those who are considering taking the franchise away from the people to vote instead for the Constitution. I hope you will think twice, and I hope you will

vote in support of the motion now pending.

I yield back the balance of my time.

The SPEAKER. All time has expired.

Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 200, nays 229, not voting 4, as follows:

[Roll No. 82]

YEAS—200

Applegate	Hall, Ralph	Olin
Archer	Hall, Sam	Oxley
Armey	Hammerschmidt	Packard
Badham	Hansen	Parris
Barnard	Hartnett	Pashayan
Bartlett	Hendon	Penny
Barton	Henry	Petri
Bateman	Hiler	Porter
Bentley	Hillis	Pursell
Bereuter	Holt	Quillen
Bilirakis	Hopkins	Ray
Bliley	Horton	Regula
Boehlert	Hunter	Ridge
Boulter	Hutto	Rinaldo
Broomfield	Hyde	Ritter
Brown (CO)	Ireland	Roberts
Broyhill	Jeffords	Rogers
Burton (IN)	Johnson	Roth
Callahan	Kasich	Roukema
Campbell	Kemp	Rowland (CT)
Carney	Kindness	Rudd
Chandler	Kolbe	Saxton
Chappie	Kramer	Schaefer
Cheney	LaFalce	Schneider
Clinger	Lagomarsino	Schuette
Coats	Latta	Schulze
Cobey	Leach (IA)	Sensenbrenner
Coble	Leath (TX)	Shaw
Coleman (MO)	Lent	Shumway
Combest	Lewis (CA)	Shuster
Conte	Lewis (FL)	Siljander
Coughlin	Lightfoot	Skeen
Courter	Livingston	Slaughter
Craig	Lloyd	Smith (NE)
Crane	Loeffler	Smith (NH)
Daniel	Lott	Smith (NJ)
Dannemeyer	Lowery (CA)	Smith, Denny
Daub	Lujan	Smith, Robert
Davis	Lungren	Snowe
DeLay	Mack	Snyder
DeWine	Madigan	Solomon
Dickinson	Marlenee	Spence
DioGuardi	Martin (IL)	Stallings
Dornan (CA)	Martin (NY)	Stangeland
Dreier	Mazzoli	Stenholm
Duncan	McCain	Strang
Eckert (NY)	McCandless	Stump
Emerson	McCollum	Sundquist
English	McDade	Sweeney
Evans (IA)	McEwen	Swindall
Fawell	McGrath	Tauke
Fiedler	McKernan	Taylor
Fields	McKinney	Thomas (CA)
Fish	McMillan	Vander Jagt
Frank	Meyers	Vucanovich
Franklin	Michel	Walker
Frenzel	Miller (OH)	Weber
Gallo	Miller (WA)	Whitehurst
Gekas	Molinari	Whittaker
Gilman	Monson	Wise
Gingrich	Montgomery	Wolf
Goodling	Moore	Wortley
Gradison	Moorhead	Wylie
Green	Morrison (WA)	Young (AK)
Gregg	Myers	Young (FL)
Grotberg	Nielson	Zschau
Gunderson	O'Brien	

NAYS—229

Ackerman	Ford (TN)	Oberstar
Addabbo	Fowler	Obey
Akaka	Frost	Ortiz
Alexander	Fuqua	Owens
Anderson	Garcia	Panetta
Andrews	Gaydos	Pease
Annunzio	Gejdenson	Pepper
Anthony	Gephardt	Perkins
Aspin	Gibbons	Pickle
Atkins	Glickman	Price
AuCoin	Gonzalez	Rahall
Barnes	Gordon	Rangel
Bates	Gray (IL)	Reid
Bedell	Gray (PA)	Richardson
Beilenson	Guarini	Robinson
Bennett	Hall (OH)	Rodino
Berman	Hamilton	Roe
Bevill	Hatcher	Roemer
Biaggi	Hawkins	Rose
Boggs	Hayes	Rostenkowski
Boland	Hefner	Rowland (GA)
Boner (TN)	Heftel	Roybal
Bonior (MI)	Hertel	Russo
Bonker	Howard	Sabo
Borski	Hoyer	Savage
Bosco	Hubbard	Scheuer
Boucher	Hughes	Schroeder
Boxer	Jacobs	Schumer
Breaux	Jenkins	Seiberling
Brooks	Jones (NC)	Sharp
Brown (CA)	Jones (OK)	Shelby
Bruce	Jones (TN)	Sikorski
Bryant	Kanjorski	Sisisky
Burton (CA)	Kaptur	Skelton
Bustamante	Kastenmeier	Slattery
Byron	Kennelly	Smith (FL)
Carper	Kildee	Smith (IA)
Carr	Kleczka	Solarz
Chappell	Kolter	Spratt
Clay	Kostmayer	St Germain
Coelho	Lantos	Staggers
Coleman (TX)	Lehman (CA)	Stark
Collins	Lehman (FL)	Stokes
Conyers	Leland	Stratton
Cooper	Levin (MI)	Studds
Coyne	Levine (CA)	Swift
Crockett	Lipinski	Synar
Darden	Long	Tallon
Daschle	Lowry (WA)	Tauzin
de la Garza	Luken	Thomas (GA)
Dellums	Lundine	Torres
Derrick	MacKay	Torricelli
Dicks	Manton	Towns
Dingell	Markey	Traficant
Dixon	Martinez	Traxler
Donnelly	Matsui	Valentine
Dorgan (ND)	Mavroules	Vento
Dowdy	McCurdy	Visclosky
Downey	McHugh	Volkmer
Durbin	Mica	Walgren
Dwyer	Mikulski	Watkins
Dymally	Miller (CA)	Waxman
Dyson	Mineta	Weiss
Early	Mitchell	Wheat
Eckart (OH)	Moakley	Whitley
Edgar	Mollohan	Whitten
Edwards (CA)	Moody	Williams
Erdreich	Morrison (CT)	Wilson
Evans (IL)	Mrazek	Wirth
Fascell	Murphy	Wolpe
Fazio	Murtha	Wright
Feighan	Natcher	Wyden
Flippo	Neal	Yates
Florio	Nelson	Yatron
Foglietta	Nichols	Young (MO)
Foley	Nowak	
Ford (MI)	Oakar	

NOT VOTING—4

Edwards (OK)	Udall
Huckaby	Weaver

□ 1630

Mr. YOUNG of Missouri changed his vote from "yea" to "nay."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRENZEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 148, the resolution just rejected.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PERMISSION TO VACATE SPECIAL ORDER

Mr. DORNAN of California. Mr. Speaker, I ask unanimous consent to strike my request for a 10-minute special order for today.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PRIVILEGES OF THE HOUSE—PROVIDING FOR AUDIO AND VISUAL BROADCAST COVERAGE OF CHAMBER DURING VOTES

Mr. LOTT. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 150) and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

H. RES. 150

Whereas, clause 9(b)(1) of Rule I of the Rules of the House of Representatives requires that the Speaker "devise and implement a system subject to his direction and control for complete and unedited audio and visual broadcasting of the proceedings of the House of Representatives."; and

Whereas, voting in the House is an integral part of the proceedings of the House; and

Whereas, the audio and visual broadcast coverage of House proceedings is currently being discontinued while Members are voting; and

Whereas, the interruption of audio and visual broadcast coverage of House proceedings while Members are voting affects the integrity of the proceedings of the House and thus raises a question of privilege of the House; Now, therefore, be it

Resolved, That the Speaker is hereby authorized and directed, pursuant to his responsibilities under clause 9(b)(1) of Rule I of the House, to provide for the audio and visual broadcast coverage of the Chamber while Members are voting.

The SPEAKER. The gentleman's resolution as to the issue raised does state a question of privilege.

● Mr. LOTT. Mr. Speaker, under House rule 9 and the precedents, a question of privilege is anything which affects the integrity or our proceedings, including the impact of the House television system on those proceedings. This resolution alleges that the blackout of the House TV system while the House is voting both violates

our rules and adversely affects the integrity of our proceedings.

The resolution goes on in the resolved clause to authorize and direct the Speaker to enforce House Rule I, clause 9(b)(1) by providing broadcast coverage of the Chamber while Members are voting. That rule requires the "complete and unedited audio and visual broadcasting of the proceedings of the House of Representatives." And voting certainly is an integral part of our proceedings.

At present our proceedings are interrupted and blacked-out while Members are voting. Instead of the audio and visual broadcast coverage of the Chamber while Members are voting, the broadcast coverage is replaced by a visual representation of the ongoing vote—a card which periodically updates the vote count by party every 13 seconds or so.

Mr. Speaker, there can be no doubt from the legislative history behind this broadcast rule that it was the intention of the Rules Committee and the House that the American people should receive a complete, unedited, and uninterrupted broadcast account of our proceedings, gavel to gavel. To quote from the Rules Committee report of February 15, 1978, on which the House broadcast rule is based:

In our view the principal and overriding purpose is to provide a complete, uninterrupted and accurate record of the official proceedings and business of the House—a kind of visual and audio parallel to the CONGRESSIONAL RECORD.

And yet, when it comes to voting, Mr. Speaker, our House broadcast system is actually a less accurate account of our proceedings than the CONGRESSIONAL RECORD, since the RECORD at least indicates who changed their votes after time has expired.

On many close votes, such as the one last week on the Michel amendment to the Nicaragua Contra aid bill, the American people are left completely in the dark by our present vote blackout and have no understanding as to why that vote seems to change after the time has expired. Such 13th hour vote switching provides some of the highest drama and excitement our democratic process has to offer and should be shown in full view of the public on the TV screen, and not as if it were taking place behind closed doors in some smoke-filled room.

Mr. Speaker, I don't think anyone would dispute that voting is a central aspect of our proceedings. To deny the American people the right to view the House while voting is to blindfold them at democracy's most climactic moment.

Mr. Speaker, I would submit that there is nothing in this resolution and what it seeks that is intended to embarrass any Member. A television overview of the Chamber would suffice for the purpose of enforcing our broadcast rules. The running vote count, which is all that we now see, could still be superimposed on that picture of the Chamber without doing any violence to the rule. This would certainly be a more accurate portrayal of our voting behavior and activities than the card that is now displayed on the TV screen.

Mr. Speaker, the resolution which I have offered is quite simple and self-explanatory. It recognizes that House rules now call for complete and unedited broadcast coverage of our proceedings, that voting is an integral part of those proceedings, and authorizes and directs the Speaker to enforce that rule by providing broadcast coverage of the Chamber while Members are voting. Without that coverage, the integrity of our proceedings surely suffers in the eyes of the American people. Every vote becomes a 15-minute gap in our democracy.

Mr. Speaker, I urge adoption of this resolution as a means of enforcing our present broadcast rule and restoring the dignity and integrity of our proceedings. A vote for against this resolution is a vote against sunshine in the House. A vote this resolution is a vote to completely throw open the TV window on this Chamber, let the sunshine in, and let the American people see their elected Representatives at work: speaking, legislating, and, yes, perhaps most importantly, voting.

For voting is, after all, the very essence and the culmination of our democratic processes, both electorally and legislatively. To deny the American people a view of their Members of Congress voting does serious damage to this House by casting a cloud of doubt and suspicion over the integrity of our proceedings. I therefore urge adoption of this resolution.●

The SPEAKER. Without objection, the resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to clause 5, rule I, the Chair will now put the question of each motion on which further proceedings were postponed on Monday, April 29, in the order in which that motion was entertained.

Votes will be taken in the following order: S. Con. Res. 37, by the yeas and nays; and H. Con. Res. 130, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote.

ACCEPTING A STATUE OF JEANNETTE RANKIN

The SPEAKER. The unfinished business is the question of suspending the rules and concurring in the Senate concurrent resolution (S. Con. Res. 37), as amended.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. The question is on the motion offered by the gentlewoman from Ohio [Ms. OAKAR] that the House suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 37), as amended, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 424, nays 4, not voting 5, as follows:

[Roll No. 83]

YEAS—424

Ackerman	Coleman (MO)	Fuqua
Addabbo	Coleman (TX)	Gallo
Akaka	Collins	Garcia
Alexander	Combest	Gaydos
Anderson	Conte	Gejdenson
Andrews	Conyers	Gekas
Annunzio	Cooper	Gephardt
Anthony	Coughlin	Gibbons
Applegate	Courter	Gilman
Armey	Coyne	Gingrich
Aspin	Craig	Glickman
Atkins	Crockett	Gonzalez
AuCoin	Daniel	Goodling
Badham	Dannemeyer	Gordon
Barnard	Darden	Gradison
Barnes	Daschle	Gray (IL)
Bartlett	Daub	Gray (PA)
Barton	Davis	Green
Bateman	de la Garza	Gregg
Bates	DeLay	Grotberg
Bedell	Dellums	Guarini
Bellenson	Derrick	Gunderson
Bennett	DeWine	Hall (OH)
Bentley	Dickinson	Hall, Sam
Bereuter	Dicks	Hamilton
Berman	Dingell	Hammerschmidt
Bevill	DioGuardi	Hansen
Biaggi	Dixon	Hartnett
Bilirakis	Donnelly	Hatcher
Bliley	Dorgan (ND)	Hawkins
Boehlert	Dornan (CA)	Hayes
Boggs	Dowdy	Hefner
Boland	Downey	Heftel
Boner (TN)	Dreier	Hendon
Bonior (MI)	Duncan	Henry
Bonker	Durbin	Hertel
Borski	Dwyer	Hiler
Bosco	Dymally	Hillis
Boucher	Dyson	Holt
Boulter	Early	Hopkins
Boxer	Eckart (OH)	Horton
Breaux	Eckert (NY)	Howard
Broomfield	Edgar	Hoyer
Brown (CA)	Edwards (CA)	Hubbard
Brown (CO)	Emerson	Hughes
Broyhill	English	Hunter
Bruce	Erdreich	Hutto
Bryant	Evans (IA)	Hyde
Burton (CA)	Evans (IL)	Ireland
Burton (IN)	Fascell	Jacobs
Bustamante	Fawell	Jeffords
Byron	Fazio	Jenkins
Callahan	Feighan	Johnson
Campbell	Fiedler	Jones (NC)
Carney	Fields	Jones (OK)
Carper	Fish	Jones (TN)
Carr	Flippo	Kanjorski
Chandler	Florio	Kaptur
Chappell	Foglietta	Kasich
Chappie	Foley	Kastenmeier
Cheney	Ford (MI)	Kemp
Clay	Ford (TN)	Kennelly
Clinger	Fowler	Kildee
Coats	Frank	Kindness
Cobey	Franklin	Kleczka
Coble	Frenzel	Kolbe
Coelho	Frost	Kolter

Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Long
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Monson
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wilson
Wirth
Wise
Wolfe
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NAYS—4

Archer
Crane
Hall, Ralph
Smith (NH)

NOT VOTING—5

Brooks
Edwards (OK)
Huckaby
Udall
Weaver

□ 1650

Mr. SMITH of New Hampshire changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution, as amended, was concurred in.

the result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 150, as previously passed by the House, and that my own remarks appear in the RECORD just prior to this vote.

The SPEAKER pro tempore (Mr. OBEY). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

SENSE OF CONGRESS WITH RESPECT TO PRESIDENT'S VISIT TO THE FEDERAL REPUBLIC OF GERMANY IN MAY 1985

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution (H. Con. Res. 130).

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 130), on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 26, answered "present" 10, not voting 7, as follows:

[Roll No. 84]

YEAS—390

Ackerman
Addabbo
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Barnard
Barnes
Bartlett
Bates
Bedell
Bellenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilirakis
Billey
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Callahan
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clay
Clinger
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Daniel
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Grotberg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hendon
Henry
Hertel
Hopkins
Horton
Howard
Hoyer
Hubbard
Hughes
Hunter
Hutto
Ireland
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Long
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Mikulski
Miller (CA)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Monson
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shelby
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NH)
Smith (NJ)
Smith, Robert
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Strang
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Thomas (CA)

Thomas (GA)	Watkins	Wise
Torres	Waxman	Wolf
Torricelli	Weber	Wolpe
Towns	Weiss	Wortley
Traficant	Wheat	Wright
Traxler	Whitehurst	Wyden
Valentine	Whitley	Yates
Vento	Whittaker	Yatron
Visclosky	Whitten	Young (AK)
Volkmer	Williams	Young (FL)
Walgren	Wilson	Young (MO)
Walker	Wirth	Zschau

NAYS—26

Armey	Hansen	Myers
Badham	Hartnett	Nielson
Barton	Hillis	Petri
Boulter	Holt	Shumway
Burton (IN)	Hyde	Smith, Denny
Crane	Jeffords	Stump
Dannemeyer	Kindness	Vucanovich
DeLay	Michel	Wylie
Gregg	Miller (OH)	

ANSWERED "PRESENT"—10

Bateman	Hiler	Snyder
DeWine	Latta	Taylor
Dickinson	McCandless	
Fields	Oxley	

NOT VOTING—7

Edwards (OK)	Selberling	Weaver
Fiedler	Udall	
Huckaby	Vander Jagt	

□ 1700

So (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPLANATION OF VOTE ON BITBURG CONTROVERSY

● Mr. McCANDLESS. Mr. Speaker, I rise to support the President's scheduled trip to Europe, including his planned visit to the cemetery in Bitburg, Germany.

One by one I have watched my colleagues and other Americans denounce the President's decision to make the visit to a wartime cemetery containing the graves of 2,000 German soldiers, including 49 members of the Waffen SS.

As a veteran of World War II, I hold the Nazis and the Holocaust with the same loathing and revulsion as all those who oppose the trip to the cemetery.

But I also see the President's trip as an opportunity, 40 long years later, to heal the wounds between our people and the Germans. I view his trip as courageous and farsighted. The President will not be saluting dead Nazis. He will be saluting live, free Germans, who have denounced the terrible sins of Hitler. He is a President who is strong enough to make the proper, though extremely difficult, symbolic gesture in surroundings that frankly acknowledge the past, and look forward to the future.

The President's visit is not an American exoneration of the German people. They need no exoneration from us, as they have exonerated themselves. After the war, they set about becoming strong American allies. In the face of fierce domestic opposition, Chancellor Kohl accepted the placement of our Pershing missiles. His nation stands guard against another terrible enemy—rampant communism, as insidious a killer as the Nazis. Only the techniques vary, and the Communist's target is every free person worldwide.

Germans have paid the price of world shame for 40 years. I believe it's time we put the past to rest. We can remember, but not make Germany relive it day after day. The time for reconciliation is now, and I believe we are fortunate to have a strong President who sees his duty, and is prepared to do it.●

PRIVILEGES OF THE HOUSE—RESOLUTION DIRECTING COMMITTEE ON RULES TO UNDERTAKE INVESTIGATION CONCERNING PROXY VOTING

Mr. DAUB. Mr. Speaker, I rise to a question of privilege under rule IX of the House rules, and I offer a privileged resolution (H. Res. 151).

The SPEAKER pro tempore (Mr. OBEY). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 151

Whereas, Rule XI(2)(f) of the House of Representatives authorizes committees to adopt rules which allow voting by proxy;

Whereas, the practice of voting by proxy is contrary to the principles of representative democracy and create an aura of secrecy in legislative proceedings, where none should exist in a truly representative body;

Whereas, voting by proxy increases the possibility and incidences of inaccurate representations of individual Members' votes thereby imparing, the individual rights and duties of Members of the House of Representatives in their representative capacity.

Whereas, such inaccuracies further infringe upon the integrity of the legislative process and the accuracy of official House records and documents. Now, therefore, be it.

Resolved, That the House Committee on Rules shall:

(1) Undertake an investigation concerning the matter of proxy voting;

(2) Determine whether procedures including, but not limited to, eliminating proxy voting should be established and

(3) Report back to the House within 45 legislative days with recommendations on how to ensure the accuracy of official House records and documents, and ensure the integrity of House committees.

MOTION TO TABLE OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to lay on the table the resolution offered by the gentleman from Washington [Mr. FOLEY].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DAUB. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 231, nays 187, not voting 15, as follows:

[Roll No. 85]

YEAS—231

Ackerman	Frank	Oakar
Addabbo	Fuqua	Oberstar
Akaka	Garcia	Obey
Alexander	Gaydos	Olin
Anderson	Gejdenson	Ortiz
Andrews	Gephardt	Owens
Annunzio	Gibbons	Panetta
Anthony	Glickman	Pease
Applegate	Gonzalez	Penny
Aspin	Gordon	Pepper
Atkins	Gray (IL)	Perkins
AuCoin	Gray (PA)	Pickle
Barnard	Guarini	Price
Barnes	Hall (OH)	Rahall
Bates	Hall, Sam	Rangel
Beilenson	Hamilton	Reid
Bennett	Hatcher	Richardson
Bereuter	Hawkins	Robinson
Berman	Hefner	Rodino
Bevill	Heftel	Roe
Biaggi	Hertel	Rose
Boggs	Howard	Rostenkowski
Boland	Hoyer	Rowland (GA)
Boner (TN)	Hubbard	Roybal
Bonker	Hughes	Russo
Borski	Hutto	Sabo
Bosco	Jacobs	Savage
Boucher	Jenkins	Scheuer
Boxer	Jones (OK)	Schroeder
Breaux	Jones (TN)	Schumer
Brooks	Kanjorski	Sharp
Bruce	Kaptur	Shelby
Bryant	Kennelly	Sikorski
Burton (CA)	Kildee	Sisisky
Bustamante	Kleczka	Skelton
Byron	Kolter	Slattery
Carper	Kostmayer	Smith (FL)
Carr	LaFalce	Smith (IA)
Chappell	Lantos	Solarz
Clay	Lehman (CA)	Spratt
Coelho	Lehman (FL)	St Germain
Coleman (TX)	Leland	Staggers
Collins	Levin (MI)	Stallings
Cooper	Levine (CA)	Stark
Coyne	Lipinski	Stokes
Darden	Lloyd	Stratton
Daschle	Long	Studds
de la Garza	Lowry (WA)	Swift
Dellums	Luken	Synar
Derrick	Lundine	Tallon
Dicks	MacKay	Thomas (GA)
Dingell	Manton	Torres
Dixon	Markey	Torricelli
Donnelly	Martinez	Towns
Dorgan (ND)	Matsui	Traficant
Dowdy	Mavroules	Traxler
Downey	Mazzoli	Valentine
Durbin	McCurdy	Vento
Dwyer	McHugh	Visclosky
Dymally	Mica	Volkmer
Dyson	Mikulski	Walgren
Early	Miller (CA)	Watkins
Eckart (OH)	Mineta	Waxman
Edwards (CA)	Mitchell	Weiss
English	Moakley	Wheat
Erdreich	Mollohan	Whitley
Evans (IL)	Montgomery	Whitten
Fascell	Moody	Williams
Fazio	Morrison (CT)	Wilson
Feighan	Mrazek	Wirth
Flippo	Murphy	Wise
Florio	Murtha	Wolpe
Foglietta	Natcher	Wright
Foley	Neal	Wyden
Ford (MI)	Nelson	Yates
Ford (TN)	Nichols	Yatron
Fowler	Nowak	Young (MO)

NAYS—187

Archer	Badham	Barton
Armey	Bartlett	Bateman

Bedell	Henry	Porter
Bentley	Hiler	Pursell
Bilirakis	Hillis	Quillen
Bliley	Holt	Ray
Boehlert	Hopkins	Regula
Boulter	Horton	Ridge
Broomfield	Hunter	Rinaldo
Brown (CO)	Hyde	Ritter
Broyhill	Ireland	Roberts
Burton (IN)	Jeffords	Roemer
Callahan	Johnson	Rogers
Campbell	Kasich	Roth
Carney	Kastenmeier	Roukema
Chandler	Kemp	Rowland (CT)
Chappie	Kolbe	Rudd
Cheney	Kramer	Saxton
Clinger	Lagomarsino	Schaefer
Coats	Latta	Schneider
Cobey	Leach (IA)	Schuette
Coble	Leath (TX)	Schulze
Coleman (MO)	Lent	Sensenbrenner
Combest	Lewis (CA)	Shaw
Conte	Lewis (FL)	Shumway
Coughlin	Lightfoot	Shuster
Courter	Livingston	Siljander
Craig	Loeffler	Skeen
Crane	Lott	Slaughter
Daniel	Lowery (CA)	Smith (NE)
Dannemeyer	Lujan	Smith (NH)
Daub	Lungren	Smith (NJ)
Davis	Mack	Smith, Denny
DeLay	Madigan	Smith, Robert
DeWine	Marlenee	Snowe
Dickinson	Martin (IL)	Snyder
DioGuardi	Martin (NY)	Solomon
Dornan (CA)	McCain	Spence
Dreier	McCandless	Stangeland
Duncan	McCollum	Stenholm
Eckert (NY)	McDade	Strang
Emerson	McEwen	Stump
Evans (IA)	McGrath	Sundquist
Fawell	McKernan	Sweeney
Fiedler	McKinney	Swindall
Fields	McMillan	Tauke
Fish	Meyers	Tauzin
Franklin	Michel	Taylor
Frenzel	Miller (OH)	Thomas (CA)
Gallo	Miller (WA)	Vander Jagt
Gekas	Molinari	Vucanovich
Gilman	Monson	Walker
Goodling	Moore	Weber
Gradison	Moorhead	Whitehurst
Green	Morrison (WA)	Whittaker
Gregg	Myers	Wolf
Grotberg	Nielson	Wortley
Gunderson	O'Brien	Wylie
Hall, Ralph	Oxley	Young (AK)
Hammerschmidt	Packard	Young (FL)
Hansen	Parris	Zschau
Hartnett	Pashayan	
Hendon	Petri	

NOT VOTING—15

Bonior (MI)	Edwards (OK)	Jones (NC)
Brown (CA)	Frost	Kindness
Conyers	Gingrich	Seiberling
Crockett	Hayes	Udall
Edgar	Huckaby	Weaver

□ 1720

Mr. ATKINS changed his vote from "nay" to "yea."

So the motion to lay the resolution on the table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

Without objection, Mr. WRIGHT, was given permission to address the House for 1 minute.

Mr. WRIGHT. Mr. Speaker, I regret very much that it has been impossible to achieve an agreement with the other side that there would be no further votes. We had made commitments to Members on both the Democratic and Republican sides that there would be no more votes this evening in order that they might fulfill their commitments.

The gentleman from Florida [Mr. MICA] was standing up prepared to move ahead with something that the administration very much wants to see done and it had been cleared on both sides of the aisle that we might have had general debate today on the State Department authorization. We were prepared with that to go ahead, but there was an agreement made and I am sure it was entered into in perfectly good faith by the people on the other side that intended to see it kept, that there would be no additional motions. This motion that we have just voted on violated that agreement.

I have made unsuccessful efforts to get assurances that I thought would be kept or would be enforced by the responsible leaders on the other side that there would not be any further votes tonight and that we could proceed in this fashion. I have been unable to get those assurances, because while they might want to give them, they cannot give them.

Under those circumstances, in order to protect Members of the Democratic and the Republican sides who have made commitments made to them that they might attend other affairs this evening, it being 5:30, really there is no other recourse except to move to adjourn.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ALEXANDER, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $3,347.50.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval a joint resolution of the House of the following title:

H.J. Res. 33. Joint resolution designating the Month of May 1985, as "National Child Safety Awareness Month."

ADJOURNMENT

Mr. WRIGHT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. WRIGHT].

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 174, not voting 20, as follows:

[Roll No. 86]

YEAS—239

Ackerman	Fuqua	Oakar
Addabbo	Garcia	Oberstar
Akaka	Gaydos	Obey
Alexander	Gejdenson	Olin
Anderson	Gephardt	Ortiz
Andrews	Gibbons	Owens
Annunzio	Glickman	Panetta
Anthony	Gonzalez	Pease
Aspin	Gordon	Penny
Atkins	Gray (IL)	Pepper
AuCoin	Gray (PA)	Perkins
Barnard	Guarini	Pickle
Barnes	Hall (OH)	Price
Bates	Hall, Ralph	Rahall
Bedell	Hall, Sam	Rangel
Bellenson	Hamilton	Ray
Bennett	Hatcher	Reid
Berman	Hawkins	Richardson
Bevill	Hefner	Robinson
Biaggi	Heftel	Rodino
Boggs	Hertel	Roe
Boland	Holt	Rose
Boner (TN)	Howard	Rostenkowski
Bonior (MI)	Hubbard	Rowland (GA)
Bonker	Hughes	Roybal
Borski	Hutto	Russo
Bosco	Jacobs	Sabo
Boucher	Jenkins	Savage
Boxer	Jones (NC)	Scheuer
Breaux	Jones (OK)	Schroeder
Brooks	Jones (TN)	Schumer
Brown (CA)	Kanjorski	Sharp
Bruce	Kaptur	Shelby
Bryant	Kasich	Sikorski
Burton (CA)	Kastenmeier	Sisisky
Bustamante	Kennelly	Skelton
Byron	Kildee	Slattery
Carper	Kleczka	Smith (FL)
Carr	Kolter	Smith (IA)
Chappell	Kostmayer	Solarz
Clay	LaFalce	Spratt
Coelho	Lantos	St Germain
Coleman (TX)	Leath (TX)	Staggers
Collins	Lehman (CA)	Stallings
Cooper	Lehman (FL)	Stark
Coyne	Leland	Stenholm
Daniel	Levin (MI)	Stokes
Darden	Levine (CA)	Stratton
Daschle	Lipinski	Studds
de la Garza	Lloyd	Swift
Dellums	Long	Synar
Derrick	Lowry (WA)	Tallon
Dicks	Luken	Tauke
Dingell	Lundine	Tauzin
Dixon	MacKay	Thomas (GA)
Donnelly	Manton	Torres
Dorgan (ND)	Markey	Torricelli
Dowdy	Martinez	Towns
Downey	Matsui	Traficant
Durbin	Mavroules	Traxler
Dwyer	Mazzoli	Valentine
Dymally	McCurdy	Vento
Dyson	McHugh	Visclosky
Early	Mica	Volkmer
Eckart (OH)	Mikulski	Walgren
Edwards (CA)	Miller (CA)	Watkins
English	Mineta	Weiss
Erdreich	Mitchell	Wheat
Evans (IL)	Moakley	Whitley
Fascell	Mollohan	Whitten
Fazio	Montgomery	Williams
Feighan	Moody	Wilson
Flippo	Morrison (CT)	Wirth
Florio	Murphy	Wise
Foglietta	Murtha	Wolpe
Foley	Natcher	Wright
Ford (MI)	Neal	Wyden
Ford (TN)	Nelson	Yatron
Fowler	Nichols	Young (MO)
Frank	Nowak	

NAYS—174

Archer	Badham	Barton
Armey	Bartlett	Bateman

Bentley	Hansen	Petri
Bereuter	Hartnett	Porter
Bilirakis	Hendon	Pursell
Bliley	Henry	Quillen
Boehlert	Hiler	Regula
Boulter	Hillis	Ridge
Broomfield	Hopkins	Rinaldo
Brown (CO)	Horton	Ritter
Broyhill	Hunter	Roberts
Burton (IN)	Hyde	Roemer
Callahan	Ireland	Rogers
Campbell	Jeffords	Roth
Carney	Johnson	Roukema
Chandler	Kemp	Rowland (CT)
Chappie	Kindness	Rudd
Cheney	Kolbe	Saxton
Clinger	Kramer	Schaefer
Coats	Lagomarsino	Schneider
Cobey	Latta	Schuette
Coble	Leach (IA)	Schulze
Coleman (MO)	Lent	Sensenbrenner
Combest	Lewis (CA)	Shaw
Conte	Lewis (FL)	Shumway
Coughlin	Lightfoot	Shuster
Courter	Loeffler	Siljander
Craig	Lott	Skeen
Crane	Lujan	Slaughter
Dannemeyer	Lungren	Smith (NE)
Daub	Mack	Smith (NH)
Davis	Madigan	Smith (NJ)
DeLay	Marlenee	Smith, Denny
DeWine	Martin (IL)	Smith, Robert
Dickinson	Martin (NY)	Snowe
DioGuardi	McCain	Snyder
Dornan (CA)	McCandless	Solomon
Dreier	McCollum	Spence
Duncan	McEwen	Stangeland
Eckert (NY)	McGrath	Strang
Emerson	McKernan	Stump
Evans (IA)	McKinney	Sundquist
Fawell	McMillan	Sweeney
Fiedler	Meyers	Swindall
Fields	Michel	Taylor
Fish	Miller (OH)	Thomas (CA)
Frenzel	Miller (WA)	Vander Jagt
Gallo	Molinari	Vucanovich
Gekas	Monson	Walker
Gilman	Moore	Weber
Gingrich	Moorhead	Whitehurst
Goodling	Morrison (WA)	Whittaker
Gradison	Myers	Wolf
Green	Nielson	Wortley
Gregg	Oxley	Wylie
Grotberg	Packard	Young (AK)
Gunderson	Parris	Young (FL)
Hammerschmidt	Pashayan	Zschau

NOT VOTING—20

Applegate	Hayes	O'Brien
Conyers	Hoyer	Seiberling
Crockett	Huckaby	Udall
Edgar	Livingston	Waxman
Edwards (OK)	Lowery (CA)	Weaver
Franklin	McDade	Yates
Frost	Mrazek	

□ 1740

Mr. KRAMER and Mr. COUGHLIN changed their votes from "yea" to "nay."

So the motion to adjourn was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock and 46 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, May 1, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1144. A letter from the Deputy Secretary of Defense, transmitting three reports of violation of administrative control of appropriations, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1145. A letter from the Deputy Secretary of Defense, transmitting four reports of violation of administrative control of appropriations, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1146. A letter from the Deputy Secretary of Defense, transmitting notification of three violations of the statute prohibiting the obligation or expenditure of funds in excess of amounts available in an appropriation or fund in advance of an appropriation, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

1147. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Navy's proposed letter of offer to Korea for defense articles estimated to cost $50 million or more (Transmittal No. 85-25), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

1148. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's proposed letter of offer to Saudi Arabia for defense articles estimated to cost $50 million or more, pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

1149. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend titles 10 and 37, United States Code, and other authorities to extend certain expiring laws; to the Committee on Armed Services.

1150. A letter from the Under Secretary of Labor, transmitting the Department's annual report on the administration and enforcement of the Fair Labor Standards Act, pursuant to the act of June 25, 1938, chapter 676, section 4(d)(1) (69 Stat. 711; 88 Stat. 72, 73); to the Committee on Education and Labor.

1151. A letter from the Secretary of Energy, transmitting a report on targets for net imports, domestic production and end-use consumption of energy for calendar years 1985, 1990, 1995, and 2000, pursuant to 42 U.S.C. 7361(a); to the Committee on Energy and Commerce.

1152. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Navy's proposed letter of offer to Korea for defense articles and services estimated to cost $50 million or more (Transmittal No. 85-25), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1153. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's proposed letter of offer to Saudi Arabia for design and construction services estimated to cost $450 million (Transmittal No. 85-24), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1154. A letter from the Chief Justice of the Supreme Court, transmitting amendments to the Federal Rules of Criminal Procedure prescribed by the Court, pursuant to 28 U.S.C. 3771 (H. Doc. No. 99-64); to the Committee on the Judiciary and ordered to be printed.

1155. A letter from the Chief Justice of the United States, transmitting amendments to the Federal Rules of Bankruptcy Procedure prescribed by the Court, pursuant to 28 U.S.C. 2075 (H. Doc. No. 99-62); to the Committee on the Judiciary and ordered to be printed.

1156. A letter from the Chief Justice of the United States, transmitting amendments to the Federal Rules of Civil Procedure prescribed by the Court, pursuant to 28 U.S.C. 2072 (H. Doc. No. 99-63); to the Committee on the Judiciary and ordered to be printed.

1157. A letter from the Secretary of Transportation, transmitting the annual report of the Maritime Administration for fiscal year 1984, pursuant to the act of June 29, 1936, chapter 858, section 208 (90 Stat. 380), section 804 (84 Stat. 1033; 94 Stat. 2241; 95 Stat. 164), and section 809(a) (89 Stat. 680; 94 Stat. 2241; 95 Stat. 164); to the Committee on Merchant Marine and Fisheries.

1158. A letter from the Acting Assistant Secretary for Conservation and Renewable Energy, Department of Energy, transmitting the ninth annual report of the Interagency Geothermal Coordinating Council for fiscal year 1984, pursuant to Public Law 93-410, section 302(a); to the Committee on Science and Technology.

1159. A letter from the Comptroller General of the United States, General Accounting Office, transmitting a report on the implementation of the Farm Credit Act Amendments of 1980 (GAO/GGD-85-32; April 8, 1985), pursuant to 12 U.S.C. 2260(a); jointly, to the Committees on Government Operations and Agriculture.

1160. A letter from the Secretary of Transportation, transmitting two drafts of proposed legislation to amend section 506 of the Airport and Airway Improvement Act of 1982, as amended, to improve cost recovery for Federal Aviation Administration programs and to amend 26 U.S.C. 9602(b)(1) to provide that amounts in the Airport and Airway Trust Fund not be invested, nor obligations held by such fund earn interest, for a limited period; jointly, to the Committees on Public Works and Transportation and Ways and Means.

1161. A letter from the Comptroller General of the United States, General Accounting Office, transmitting a report on the Nuclear Regulatory Commission's program for inspecting operating nuclear powerplants (GAO/RCED-85-5; April 24, 1985); jointly, to the Committees on Government Operations, Interior and Insular Affairs, and Energy and Commerce.

1162. A letter from the Director, Central Intelligence Agency, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1986 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; jointly, to the Committees on the Permanent Select Committee on Intelligence, Armed Services, and the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREAUX (for himself, Mr. ANDERSON, Mr. SHUSTER, Mr. TAUZIN, Mr. WILSON, and Mr. FIELDS):

H.R. 2269. A bill to amend the Interstate Commerce Act to reform and improve regulation of the transportation of oil by pipeline, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. CALLAHAN:

H.R. 2270. A bill to amend tile 38, United States Code, to direct the Administrator of Veterans' Affairs to develop and carry out a pilot program to determine the most cost effective methods of acquiring medical facilities to meet the needs of the Veterans' Administration and otherwise to promote additional health care for eligible veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CARPER:

H.R. 2271. A bill to promote energy conservation by providing for daylight saving time on an expanded basis, and for other purposes; to the Committee on Energy and Commerce.

H.R. 2272. A bill to amend the Internal Revenue Code of 1954 to modify the amount of the expenses for household and dependent care services necessary for gainful employment which may be taken into account for computing a tax credit; to the Committee on Ways and Means.

By Mr. COOPER:

H.R. 2273. A bill to make permanent the free rate of Customs duty on imported hatters' fur, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 2274. A bill to amend the Internal Revenue Code of 1954 relating to the method of payment of taxes on distilled spirits; to the Committee on Ways and Means.

By Mr. ECKERT of New York:

H.R. 2275. A bill to authorize the Administrator of Veterans' Affairs to release a limitation on the conveyance of certain real property previously conveyed by the Administrator to the city of Batavia, NY; to the Committee on Veterans' Affairs.

By Mr. FISH:

H.R. 2276. A bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1986, and for other purposes; to the Committee on the Judiciary.

By Mr. LIGHTFOOT:

H.R. 2277. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from the minimum tax for capital gains on sales of farm property by insolvent farmers; to the Committee on Ways and Means.

By Mr. HEFTEL of Hawaii:

H.R. 2278. A bill relating to the tariff classification of salted and dried plums, and for other purposes; to the Committee on Ways and Means.

By Mr. LAGOMARSINO (for himself, Mr. RITTER, Mr. RANGEL, Mr. WILSON, Mr. KEMP, and Mr. MCEWEN):

H.R. 2279. A bill to provide for the distribution within the United States of two USIA films relating to Afghanistan; to the Committee on Foreign Affairs.

By Mr. ROYBAL (for himself, Mr. PEPPER, and Mr. BIAGGI):

H.R. 2280. A bill to amend the Public Health Service Act to provide assistance for education, research, and treatment programs for Alzheimer's disease and related disorders, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. MITCHELL (for himself and Mr. MCDADE) (by request):

H.R. 2281. A bill to amend the Small Business Investment Act of 1958 to create the Corporation for Small Business Investment and to transfer certain functions of the Small Business Administration to the Corporation; to the Committee on Small Business.

By Mr. LEHMAN of California (for himself, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. ANNUNZIO, Mr. MITCHELL, Mr. FAUNTROY, Mr. NEAL, Mr. LAFALCE, Mr. LUNDINE, Ms. OAKAR, Mr. VENTO, Mr. GARCIA, Mr. ROEMER, Mr. COOPER, Ms. KAPTUR, Mr. TORRES, Mr. MANTON, Mr. FUSTER, Mr. WORTLEY, Mr. MCKINNEY, Mr. ACKERMAN, Mr. BATES, Mrs. BOXER, Mr. BERMAN, Mr. BONIOR of Michigan, Mr. BRYANT, Mr. BROWN of California, Mrs. BURTON of California, Mrs. BYRON, Mr. CONTE, Mr. CONYERS, Mr. COELHO, Mr. DE LUGO, Mr. DYMALLY, Mr. DIXON, Mr. DOWNEY of New York, Mr. DURBIN, Mr. DWYER of New Jersey, Mrs. COLLINS, Mr. DELLUMS, Mr. EDWARDS of California, Mr. FOGLIETTA, Mr. FAZIO, Mr. FROST, Mr. GUARINI, Mr. HAWKINS, Mr. HAYES, Mr. HEFTEL of Hawaii, Mr. KOSTMAYER, Mr. LELAND, Mr. LEVINE of California, Mr. MARTINEZ, Mr. MACKAY, Mr. MARKEY, Mr. MILLER of California, Mr. MINETA, Mr. MOAKLEY, Mr. MOODY, Mr. MRAZEK, Mr. MURPHY, Mr. OWENS, Mr. PANETTA, Mr. PRICE, Mr. RANGEL, Mr. ROYBAL, Mr. SAVAGE, Mr. SAXTON, Mr. SCHEUER, Mr. SEIBERLING, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. TOWNS, Mr. WAXMAN, Mr. WEISS, Mr. WHEAT, Mr. WISE, and Mr. YOUNG of Alaska):

H.R. 2282. A bill to provide for the uniform disclosure of the rates of interest which are payable on savings accounts; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MOLLOHAN (for himself, Mr. APPLEGATE, and Mr. RAHALL):

H.R. 2283. A bill to designate United States Route 22 By-Pass in Weirton, WV, as part of the Interstate System under section 139(b) of title 23, United States Code; to the Committee on Public Works and Transportation.

By Mr. PEASE (for himself and Mr. FAUNTROY):

H.R. 2284. A bill to amend the Social Security Act to make health insurance widely available to individuals, based on income and assets, under a competitive system; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PEPPER (for himself, Mrs. BURTON of California, Mr. STOKES, Mr. OWENS, Mr. TOWNS, Mr. MITCHELL, Mr. SOLARZ, Ms. OAKAR, Mr. COLEMAN of Texas, Mr. FORD of Tennessee, Mrs. COLLINS, Mr. FASCELL, Mr. DERRICK, and Mr. BIAGGI):

H.R. 2285. A bill to provide for an intra-HMO competition demonstration project; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. RODINO (by request):

H.R. 2286. A bill to amend the refugee assistance authorities of the Immigration and Nationality Act and for other purposes; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 2287. A bill entitled: the "Preborn Children's Civil Rights Act of 1985"; jointly, to the Committees on Energy and Commerce, the Judiciary, Post Office and Civil Service, and Education and Labor.

By Mr. SILJANDER (for himself, Mr. WALKER, Mr. BURTON of Indiana, and Mr. DEWINE):

H.R. 2288. A bill to express the opposition of the United States to the apartheid policies of the Government of South Africa and to implement certain measures to encourage South Africa to change such policies; to the Committee on Foreign Affairs.

By Mr. SOLOMON:

H.R. 2289. A bill to amend title VII of the Social Security Act to provide for off-budget treatment of the Federal old-age and survivors insurance trust fund beginning with fiscal year 1987; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself and Mr. MADIGAN):

H.R. 2290. A bill to amend the orphan drug provisions of the Federal Food, Drug, and Cosmetic Act and related laws; to the Committee on Energy and Commerce.

H.R. 2291. A bill to amend the Public Health Service Act to revise and extend the programs of assistance for health maintenance organizations and primary health care centers; to the Committee on Energy and Commerce.

By Mr. WORTLEY:

H.R. 2292. A bill to amend the National Housing Act to authorize the Secretary of Housing and Urban Development to carry out a demonstration program of insurance of home equity conversion mortgages for elderly homeowners; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WYDEN:

H.R. 2293. A bill to amend title XVIII of the Social Security Act with respect to the establishment of standards for long-term health care insurance; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. BENNETT:

H.J. Res. 268. Joint resolution to prevent foreign powers from colonizing or controlling countries and peoples in the Western Hemisphere; to the Committee on Foreign Affairs.

By Mr. CARPER:

H.J. Res. 269. Joint resolution proposing an amendment to the Constitution of the United States to provide for a single 6-year term of office for the President and the Vice President, to provide that no Member of the House of Representatives may serve for more than three 4-year terms, to provide that no Senator may serve for more than two terms, and for other purposes; to the Committee on the Judiciary.

By Mr. GREEN:

H.J. Res. 270. Joint resolution urging the Union of Soviet Socialist Republics to allow Dr. Semyon Gluzman and his family to emigrate to Israel; to the Committee on Foreign Affairs.

By Mr. HORTON:

H.J. Res. 271. Joint resolution to designate August 18, 1985, as "National Flowers-by-Wire Day"; to the Committee on Post Office and Civil Service.

By Mr. HYDE:

H.J. Res. 272. Joint resolution expressing the sense of the Congress that a complete cessation of nuclear test explosions must be related to the ability of the United States to maintain credible deterrent forces and that any test ban agreement must be verifiable and must be made in the context of deep and verifiable arms reductions; jointly, to the Committee on Armed Services and Foreign Affairs.

By Mr. O'BRIEN:

H.J. Res. 273. Joint resolution to propose an amendment to the Constitution of the United States to provide for terms of 2 and 4 years for Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. SHUMWAY:

H.J. Res. 274. Joint resolution designating October 20, 1985, as "Leyte Landing Day"; to the Committee on Post Office and Civil Service.

By Mr. FUQUA:

H. Con. Res. 134. Concurrent resolution commending the Regents of the Smithsonian Institute for their decision to expand the National Air and Space Museum at Washington-Dulles International Airport as a repository for the space shuttle *Enterprise* and other significant aircraft and spacecraft of the national collection; to the Committee on House Administration.

By Mr. FRENZEL:

H. Res. 148. Resolution to declare vacant Indiana Eighth Congressional District; considered and not agreed to.

By Mr. MICHEL:

H. Res. 149. Resolution condemning the Marxist-Leninist regime in Nicaragua; to the Committee on Foreign Affairs.

By Mr. LOTT:

H. Res. 150. Resolution raising a question of privilege of the House; considered and agreed to.

By Mr. DAUB:

H. Res. 151. Resolution directing the House Committee on Rules to undertake an investigation concerning the matter of proxy voting; laid on the table.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

94. By Mr. RUDD: Memorial of the Legislature of the State of Arizona, relative to official government relations with the Republic of China; to the Committee on Foreign Affairs.

95. Also, memorial of the senate of the State of Arizona, relative to the civil liberties of Orthodox Christians living in Turkey; to the Committee on Foreign Affairs.

96. Also, memorial of the Legislature of the State of Arizona, relative to postal service subsidies for the blind and handicapped; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DUNCAN introduced a bill (H.R. 2294) for the relief of John W. Ruth, Sr.; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. HAYES and Mr. SWIFT.

H.R. 8: Mr. BOEHLERT.

H.R. 26: Mr. ATKINS, Mr. HAYES, and Mr. MRAZEK.

H.R. 75: Mr. BADHAM, Mr. DANNEMEYER, and Mr. CHENEY.

H.R. 76: Mr. BADHAM, Mr. DELAY, and Mr. DANNEMEYER.

H.R. 97: Mr. DANNEMEYER.

H.R. 229: Mr. DWYER of New Jersey, Mr. SUNIA, and Mr. FORD of Tennessee.

H.R. 423: Mr. CLINGER, Mr. SMITH of New Jersey, Mr. LEVIN of Michigan, Mrs. BURTON of California, and Mr. KRAMER.

H.R. 442: Mr. MORRISON of Washington, Mr. MANTON, and Mr. BLAZ.

H.R. 502: Mr. CONYERS.

H.R. 532: Mr. GINGRICH, Mr. SIKORSKI, Mr. KOLTER, Mr. STANGELAND, and Ms. MIKULSKI.

H.R. 533: Mr. STANGELAND, Mr. KOLTER, and Mr. GINGRICH.

H.R. 602: Mr. BILIRAKIS and Mr. ARMEY.

H.R. 665: Mr. LANTOS.

H.R. 797: Mr. FROST, Mr. GEKAS, Mr. WHITEHURST, Mr. ANDREWS, Mr. FOGLIETTA, Mr. FAZIO, Mr. KOLTER, Ms. MIKULSKI, Mr. WORTLEY, Mr. DELLUMS, Mr. LUNGREN, Mr. MURPHY, Mr. MONSON, Mr. AUCOIN, Mrs. COLLINS, Mr. SHUMWAY, Mr. BARTON of Texas, Mr. LAFALCE, Mr. SAVAGE, Mr. ARMEY, Mr. DORNAN, and Mr. LEVIN of Michigan.

H.R. 816: Mr. PACKARD.

H.R. 864: Mr. MCCURDY, Mr. BUSTAMANTE, and Mr. PANETTA.

H.R. 1006: Mr. MOORHEAD, Mr. DWYER of New Jersey, Mr. BRYANT, Mr. TORRES, Ms. OAKAR, Mr. KASICH, Mr. SLAUGHTER, Mr. QUILLEN, Mr. LELAND, Mr. PACKARD, and Mr. SMITH of New Hampshire.

H.R. 1022: Mr. ROSE, Mr. PERKINS, Mr. BEVILL, Mr. CLAY, Mr. JONES of North Carolina, Mr. GORDON, Mr. ECKART of Ohio, Mr. DANIEL, Mr. SUNIA, Mr. FAZIO, Mrs. SCHNEIDER, Mr. WOLPE, Mr. SEIBERLING, Mr. FUQUA, Mr. NEAL, Mrs. LLOYD, Mr. WEISS, Mr. MRAZEK, Mr. MARTINEZ, Mr. KOLTER, Mr. HAMILTON, and Mr. HEFTEL of Hawaii.

H.R. 1100: Mr. BONKER, Mr. CLINGER, Mr. CALLAHAN, Mr. RICHARDSON, Mr. CHANDLER, Mr. BARNARD, Mr. WYDEN, Mr. MCKINNEY, Mr. DARDEN, Mr. MILLER of Washington, Mr. ROGERS, Mr. DUNCAN, Mr. SWIFT, Mr. SKEEN, and Mr. CHENEY.

H.R. 1108: Mr. YOUNG of Missouri.

H.R. 1140: Mr. IRELAND and Mr. GIBBONS.

H.R. 1188: Mr. BROWN of Colorado, Mr. CHAPPIE, Mr. FISH, Mr. GEKAS, Mr. MCKERNAN, Mr. SUNDQUIST, Mr. BARNARD, Mr. MCHUGH, Mr. MOORHEAD, Mr. DANIEL, Mr. DIXON, Mr. WATKINS, Mr. DAVIS, Mr. KOLTER, Mr. WOLF, Mr. SKELTON, Mr. JONES of Oklahoma, Mr. BLILEY, Mr. FUQUA, Mr. HERTEL of Michigan, Mr. BROOMFIELD, Mr. BRYANT, and Mr. LOEFFLER.

H.R. 1190: Mr. WALGREN, Mr. COELHO, Mr. MARLENEE, Mr. MCCAIN, and Mr. MCHUGH.

H.R. 1205: Mrs. LLOYD, Mrs. COLLINS, Mr. BARTON of Texas, Mr. BLILEY, Mr. SOLOMON, Mr. CONYERS, Mr. LEVIN of Michigan, and Mr. MCGRATH.

H.R. 1213: Mr. WALGREN, Mr. SMITH of New Jersey, Mrs. ROUKEMA, and Mr. FORD of Michigan.

H.R. 1217: Mr. ARCHER and Mr. VANDER JAGT.

H.R. 1263: Mr. MCCOLLUM, Mr. DEWINE, Mrs. BENTLEY, Mr. COMBEST, Mr. PACKARD, and Mr. BOULTER.

H.R. 1339: Mr. LIGHTFOOT.

H.R. 1392: Mr. FIELDS and Mr. PRICE.

H.R. 1345: Mr. DANNEMEYER.

H.R. 1348: Mr. KASTENMEIER, Mr. DELLUMS, Mr. HAYES, Mr. BERMAN, Mr. DYMALLY, Mr. YOUNG of Missouri, Mr. FAUNTROY, Mr. STUDDS, Mr. MILLER of California, Mr. JACOBS, Mr. FOGLIETTA, Mr. GARCIA, Mr. WEISS, Mr. LELAND, Mr. BEDELL, Mr. RANGEL, Mr. ACKERMAN, Mr. EVANS of Illinois, Mrs. BOXER, Mrs. COLLINS, Mr. EDWARDS of California, Mr. SAVAGE, Mr. STOKES, Mr. MRAZEK, and Mr. MINETA.

H.R. 1369: Mr. DONNELLY.

H.R. 1399: Mr. WOLPE, Mr. SENSENBRENNER, Mr. CARPER, Mr. MCCAIN, Mrs. LLOYD, Mr. ROSE, Mr. WYDEN, Mr. WEBER, and Mr. SUNIA.

H.R. 1400: Mr. BUSTAMANTE, Mr. CROCKETT, Mrs. BYRON, Mr. ORTIZ, Mr. STOKES, and Mr. HEFTEL of Hawaii.

H.R. 1481: Mr. COMBEST.

H.R. 1523: Mr. WIRTH, Mr. GUARINI, Mr. HAMILTON, Mr. RAHALL, Mr. FAZIO, Mr. DURBIN, Mr. HOWARD, Mr. COYNE, Mr. OBERSTAR, and Mr. MRAZEK.

H.R. 1534: Mr. SOLARZ.

H.R. 1569: Mr. LEHMAN of Florida, Mr. SEIBERLING, Mr. FAUNTROY, Mr. RAHALL, Mr. JEFFORDS, Mr. MINETA, Mrs. BURTON of California, Mr. LEVIN of Michigan, Mr. LELAND, Mr. MILLER of California, Mr. OWENS, Mr. FRANK, Mr. TOWNS, Mr. SABO, Mr. MORRISON of Connecticut, Mr. MARTINEZ, Ms. KAPTUR, Mr. BEDELL, Mr. WIRTH, Mr. RANGEL, Mr. MATSUI, Mr. DYMALLY, Mr. VENTO, Mr. FAZIO, Mr. COELHO, Mr. RUSSO, Mrs. BOXER, Mr. PANETTA, Mr. BONIOR of Michigan, Mr. KILDEE, Mr. EDWARDS of California, Mr. HOWARD, and Mr. FORD of Michigan.

H.R. 1650: Ms. KAPTUR, Mr. STOKES, Mr. ROYBAL, Mr. STUDDS, and Mr. JEFFORDS.

H.R. 1663: Mr. FRANK.

H.R. 1665: Mr. DASCHLE, Mr. OLIN, and Mr. MORRISON of Connecticut.

H.R. 1672: Mr. OWENS, Mr. RAHALL, Mr. HEFTEL of Hawaii, Ms. KAPTUR, Mr. KOLTER, Mr. SAVAGE, Mr. REGULA, Mr. TOWNS, Mr. MORRISON of Connecticut, and Mr. MITCHELL.

H.R. 1673: Mr. KOLTER, Ms. KAPTUR, Mr. OWENS, Mr. RAHALL, Mr. MORRISON of Connecticut, Mr. MITCHELL, Mr. REGULA, Mr. WORTLEY, Mr. VENTO, Mr. HAWKINS, Mrs. COLLINS, Mr. GEJDENSON, and Mr. MRAZEK.

H.R. 1679: Mr. OXLEY.

H.R. 1690: Mr. ROSE, Mr. MILLER of California, Mr. NOWAK, Mr. FUSTER, Mr. DELLUMS, Mr. DYMALLY, Mr. VENTO, Mr. BARNES, Mrs. COLLINS, Mr. DYSON, Mr. STOKES, Mr. BERMAN, Mr. FRANK, Mr. EVANS of Illinois, Mr. ANDREWS, Mr. RITTER, Mr. FAZIO, and Mr. ECKART of Ohio.

H.R. 1715: Mr. WHEAT, Mr. MITCHELL, Mr. SAVAGE, Mr. FORD of Tennessee, Mr. LELAND, and Mr. FAZIO.

H.R. 1720: Mr. SKEEN, Mr. PENNY, Mr. HEFTEL of Hawaii, and Mr. GEPHARDT.

H.R. 1722: Mr. RANGEL, Mr. FORD of Michigan, Mr. FOGLIETTA, and Mr. MORRISON of Connecticut.

H.R. 1730: Mr. JONES of North Carolina, Mr. BOUCHER, Mr. BARNARD, Mr. WHITTAKER, Mr. FISH, Mr. NIELSON of Utah, Mr. YOUNG of Missouri, Mr. DORGAN of North Dakota, Mr. MCKINNEY, and Mr. DOWDY of Mississippi.

H.R. 1739: Mr. ARMEY, Mr. YATRON, and Mr. MURPHY.

H.R. 1844: Mr. LELAND, Mr. SAVAGE, Mr. BONKER, Mr. GUNDERSON, Mr. FRANK, Mr. NOWAK, Mr. CLAY, Mr. SOLARZ, Mr. OBERSTAR, Mrs. COLLINS, Mrs. BOXER, Mr. CONYERS, Mr. TOWNS, Mr. BERMAN, Ms. KAPTUR, Mrs. BURTON of California, Mr. KOLTER, Mr. MITCHELL, Mr. MARTINEZ, Mr. OWENS, Mr. FORD of Tennessee, and Mr. RANGEL.

H.R. 1868: Mr. FRENZEL, Mr. STENHOLM, Mr. FISH, Mr. MORRISON of Connecticut, Mr. DONNELLY, Mr. WOLPE, Mrs. SCHNEIDER, Mr. FLORIO, Mr. BUSTAMANTE, Mr. TORRES, Mr. FORD of Tennessee, Ms. OAKAR, and Mr. SOLOMON.

H.R. 1905: Mr. PERKINS, Mr. MILLER of Ohio, Mr. OBERSTAR, and Mr. KOLTER.

H.R. 1906: Mr. FUSTER, Mr. SAVAGE, Mr. SMITH of New Jersey, Mr. HAYES, Mrs. COLLINS, Mr. MCGRATH, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. WEISS, Mr. KOLTER, Mr. STARK, Mr. FOGLIETTA, Mr. YOUNG of Missouri, Mr. BONIOR of Michigan, Mr. HOWARD, Mr. RANGEL, Mr. MITCHELL, Mr. MRAZEK, Mr. WOLPE, Mr. MARTINEZ, Mr. CHAPPIE, Mr. GILMAN, Mrs. BOXER, Mr. MURPHY, Mrs. BURTON of California, Mr.

CHANDLER, Mr. DUNCAN, Mr. MCKERNAN, Mr. SKELTON, and Mrs. JOHNSON.

H.R. 1910: Mr. APPLEGATE, Mrs. BOXER, Ms. KAPTUR, Mr. EDWARDS of California, Mr. HAYES, Mr. MOODY, and Mr. BERMAN.

H.R. 1917: Mr. BEVILL, Mr. FUQUA, Mr. DANIEL, Mr. QUILLEN, Mr. LENT, Mr. ROE, Mr. LELAND, Mr. OWENS, Mr. MONTGOMERY, Mr. WALGREN, Mrs. COLLINS, Mr. COELHO, Mr. PERKINS, Mrs. LLOYD, Mr. SWINDALL, Mr. RANGEL, Mr. DASCHLE, Mr. EVANS of Illinois, and Mr. HOWARD.

H.R. 1940: Mr. SPRATT, Mr. SYNAR, Mr. DWYER of New Jersey, Mr. SCHUMER, Mr. MURPHY, Mr. BUSTAMANTE, Mr. FASCELL, Mr. MATSUI, Mr. MITCHELL, and Mr. BEDELL.

H.R. 1960: Mr. CROCKETT, Mr. STOKES, Mr. MRAZEK, Mr. FISH, Mr. MITCHELL, Mr. GLICKMAN, and Mr. KILDEE.

H.R. 1965: Mr. BROWN of Colorado, Mr. CONYERS, Mr. HILLIS, Mr. MURPHY, Mr. QUILLEN, Mr. SCHAEFER, Mr. SUNDQUIST, Mr. VANDER JAGT, Mr. WHITEHURST, and Mr. WYLIE.

H.R. 2024: Mr. MARTINEZ and Mr. RANGEL.

H.R. 2034: Mr. ROE, Mr. FAUNTROY, Mr. LEVINE of California, Mrs. COLLINS, and Mr. KOLTER.

H.R. 2098: Mr. NICHOLS and Mr. PARRIS.

H.R. 2108: Mr. ROWLAND of Georgia.

H.R. 2137: Mr. TOWNS, Mr. FAUNTROY, and Mr. KOLTER.

H.R. 2247: Mr. DOWNEY of New York, Mr. DIXON, and Mr. MURPHY.

H.R. 2263: Mr. DYMALLY, Mr. ROE, Mr. KLECZKA, Mr. WILSON, Mr. FRANK, Mr. LAGOMARSINO, Mr. MARTINEZ, Mr. FAZIO, Mr. MRAZEK, Mrs. COLLINS, Mr. SUNIA, Mr. MCGRATH, Ms. KAPTUR, and Mr. LEVINE of California.

H.R. 2266: Mr. FLORIO and Ms. MIKULSKI.

H.J. Res. 1: Mr. SCHEUER.

H.J. Res. 27: Mr. HAMMERSCHMIDT, Mr. LEWIS of California, Mr. MCCOLLUM, Mr. GEKAS, Ms. SNOWE, Mr. DICKINSON, Mr. LEACH of Iowa, Mr. BROOMFIELD, Mr. LATTA, and Mr. WYLIE.

H.J. Res. 46: Mr. TALLON, Mr. PASHAYAN, Mr. UDALL, Mr. KANJORSKI, Mr. OBERSTAR, Mr. ROBINSON, Mr. ACKERMAN, Mr. RICHARDSON, Mr. SABO, Mr. STOKES, Mr. MCHUGH, Mr. KEMP, Mr. GIBBONS, Mr. STANGELAND, Mr. DIOGUARDI, Mr. HAMILTON, Mr. CRAIG, Mr. KASTENMEIER, Mr. JACOBS, Mr. MARTIN of New York, Mr. LEWIS of Florida, Mr. SCHAEFER, Mr. BRUCE, Mr. SIKORSKI, Mr. TRAFICANT, Mr. GILMAN, Mr. GRAY of Pennsylvania, Mr. STAGGERS, Mr. ROGERS, Mr. DENNY SMITH, Mr. YATRON, Mr. REGULA, Mr. STALLINGS, Mr. DORGAN of North Dakota, Mr. SHAW, Mr. DERRICK, Mr. COURTER, Mr. SOLOMON, Mrs. MEYERS of Kansas, Mr. BOUCHER, Mr. WIRTH, Mr. HENRY, Mr. SCHUMER, Mr. STRATTON, Mr. LUKEN, Mr. MRAZEK, Mr. PANETTA, Mrs. JOHNSON, Mr. MORRISON of Washington, and Mr. MARKEY.

H.J. Res. 105: Mr. BEREUTER, Mr. GEKAS, Mrs. JOHNSON, Mr. NELSON of Florida, Mr. CHANDLER, Mr. FUQUA, and Mr. BOULTER.

H.J. Res. 112: Mrs. BURTON of California, Mr. DERRICK, Mr. DORGAN of North Dakota, Mr. GEPHARDT, Mr. HUGHES, Mr. KOSTMAYER, Mr. LOWERY of California, Mr. SCHAEFER, and Mr. WYDEN.

H.J. Res. 151: Mr. GEKAS, Mr. MINETA, and Mr. LELAND.

H.J. Res. 154: Mr. BOEHLERT, Mr. LIGHTFOOT, Mr. RANGEL, Mr. HOWARD, Mr. SMITH of New Jersey, Mr. ROEMER, Mr. SAXTON, Mr. SOLOMON, Mr. SCHEUER, Mr. SKELTON, Mr. SUNDQUIST, Mr. WALGREN, Mr. SNYDER, Mr. OBERSTAR, Mr. LEVINE of California, Mr. MACK, Mr. ORTIZ, Mr. YATRON, Mr. DIXON, Mr. WILSON, Mr. HEFTEL of Hawaii, Mr. ROGERS, Mr. LEVIN of Michigan, Mr. SHELBY, and Mr. SPENCE.

H.J. Res. 158: Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. ANDERSON, Mr. ANDREWS, Mr. ANTHONY, Mr. ARCHER, Mr. BARNARD, Mr. BARNES, Mr. BATEMAN, Mr. BEDELL, Mr. BERMAN, Mr. BEVILL, Mr. BIAGGI, Mr. BILIRAKIS, Mr. BLAZ, Mr. BLILEY, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BORSKI, Mr. BOSCO, Mr. BOUCHER, Mrs. BOXER, Mr. BROOKS, Mr. BROWN of California, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CARNEY, Mr. CARPER, Mr. CARR, Mr. CHANDLER, Mr. CHAPPELL, Mr. CHAPPIE, Mr. CLAY, Mr. COELHO, Mr. CONTE, Mr. CONYERS, Mr. COOPER, Mr. COUGHLIN, Mr. COURTER, Mr. COYNE, Mr. CROCKETT, Mr. DANIEL, Mr. DARDEN, Mr. DASCHLE, Mr. DAUB, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DE LUGO, Mr. DICKINSON, Mr. DINGELL, Mr. DIXON, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EARLY, Mr. EDGAR, Mr. EMERSON, Mr. ERDREICH, Mr. EVANS of Iowa, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FLIPPO, Mr. FLORIO, Mr. FOGLIETTA, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. FUSTER, Mr. GALLO, Mr. GEJDENSON, Mr. GEKAS, Mr. GEPHARDT, Mr. GONZALEZ, Mr. GORDON, Mr. GRAY of Pennsylvania, Mr. GREEN, Mr. GROTBERG, Mr. GUARINI, Mr. GUNDERSON, Mr. SAM B. HALL, JR., Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HATCHER, Mr. HAWKINS, Mr. HAYES, Mr. HEFNER, Mr. HEFTEL of Hawaii, Mr. HENRY, Mr. HERTEL of Michigan, Mrs. HOLT, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mr. HUGHES, Mr. HUTTO, Mr. IRELAND, Mr. JACOBS, Mr. JEFFORDS, Mrs. JOHNSON, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KASICH, Mr. KEMP, Mrs. KENNELLY, Mr. KILDEE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LATTA, Mr. LEACH of Iowa, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LIGHTFOOT, Mrs. LLOYD, Mr. LOWRY of Washington, Mr. LUJAN, Mr. LUKEN, Mr. LUNDINE, Mr. LUNGREN, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCGRATH, Mr. MCMILLIAN, Mr. MACK, Mr. MADIGAN, Mr. MANTON, Mr. MARKEY, Mr. MARTIN of New York, Mr. MARTINEZ, Ms. MIKULSKI, Mr. MILLER of Washington, Mr. MINETA, Mr. MITCHELL, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MOODY, Mr. MRAZEK, Mr. MURPHY, Mr. MURTHA, Mr. NEAL, Mr. NELSON of Florida, Mr. NICHOLS, Ms. OAKAR, Mr. OBERSTAR, Mr. OBEY, Mr. ORTIZ, Mr. OWENS, Mr. PEPPER, Mr. PERKINS, Mr. PRICE, Mr. PURSELL, Mr. QUILLEN, Mr. RAHALL, Mr. RANGEL, Mr. REGULA, Mr. REID, Mr. RICHARDSON, Mr. RINALDO, Mr. ROBERTS, Mr. RALPH M. HALL, Mr. RODINO, Mr. ROE, Mr. ROEMER, Mr. ROSE, Mr. ROWLAND of Georgia, Mr. ROYBAL, Mr. SABO, Mr. SAVAGE, Mr. SCHAEFER, Mr. SHARP, Mr. SHAW, Mr. SIKORSKI, Mr. SKELTON, Mr. SMITH of Florida, Mr. SMITH of Iowa, Mr. SNYDER, Mr. SOLARZ, Mr. STOKES, Mr. STRATTON, Mr. SUNIA, Mr. SWIFT, Mr. SYNAR, Mr. TALLON, Mr. TAUKE, Mr. TAUZIN, Mr. THOMAS of Georgia, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAXLER, Mr. VALENTINE, Mr. VENTO, Mr. VOLKMER, Mr. WALGREN, Mr. WAXMAN, Mr. WEISS, Mr. WHEAT, Mr. WHITTAKER, Mr. WHITTEN, Mr. WIRTH, Mr. WOLF, Mr. WOLPE, Mr. WORTLEY, Mr. WRIGHT, Mr. WYDEN, Mr. YATRON, Mr. YOUNG of Alaska, and Mr. YOUNG of Missouri.

H.J. Res. 161: Mr. LANTOS, Mr. THOMAS of California, Mr. LEHMAN of Florida, Mr. DIOGUARDI, Mr. SHUMWAY, Mr. SHELBY, Mr. SAM B. HALL, JR., Mr. LIVINGSTON, Mr. CONYERS, Mrs. BOGGS, Mr. AKAKA, Mr. MCKINNEY, Mr. RUDD, Mr. COOPER, Mr. HATCHER, Mr. BADHAM, Mr. LOWERY of California, Mr. UDALL, Mr. FORD of Michigan, Mr. SKELTON, Mr. COELHO, Mr. MCGRATH, Mr. TRAXLER, and Mr. WATKINS.

H.J. Res. 182: Mr. DAVIS, Mr. YOUNG of Alaska, Mr. DICKINSON, Mr. HOPKINS, Mr. KILDEE, Mrs. LLOYD, Mr. MAVROULES, Mr. RAY, Mr. RUDD, Mr. SKELTON, Mr. STRATTON, Mr. EMERSON, Mr. HUBBARD, Mr. SPENCE, Mr. LEATH of Texas, Mr. SPRATT, Mr. MADIGAN, Mr. EVANS of Iowa, Mr. MARTIN of New York, Mr. TAUKE, Mr. KRAMER, and Ms. OAKAR.

H.J. Res. 193: Mr. WAXMAN, Mr. SAXTON, Mr. HYDE, Mr. BURTON of Indiana, Mr. CARNEY, Mr. CARPER, Mr. COELHO, Mr. BORSKI, Mr. FAUNTROY, Mr. REID, Mr. SUNIA, Mr. CONYERS, Mr. SOLARZ, Mr. COURTER, Mr. ARMEY, Mr. HOWARD, Mr. GREEN, Mr. TRAXLER, Mr. HAMMERSCHMIDT, Mr. FLORIO, Mr. DYSON, Mr. STANGELAND, Mrs. JOHNSON, Mr. BOEHLERT, Mr. DYMALLY, Mr. FOGLIETTA, Mr. PRICE, Mr. HANSEN, Mr. HORTON, Mrs. MARTIN of Illinois, Mr. HUTTO, Ms. KAPTUR, Mr. KEMP, Mr. KINDNESS, Mr. LATTA, Mr. LEWIS of California, Mr. MCDADE, Mr. MCHUGH, Mr. SMITH of New Jersey, Mr. FROST, Mrs. HOLT, Mr. MACK, Mr. MOODY, Mr. O'BRIEN, Mr. COATS, Mr. SUNDQUIST, Mr. PACKARD, Mr. BARNES, Mr. PEPPER, Mr. ROEMER, Mr. TAUKE, Mr. THOMAS of Georgia, Mr. VALENTINE, Mr. DARDEN, Mr. WORTLEY, Mr. WYLIE, Mr. JONES of North Carolina, Mr. LUNDINE, Mr. WOLPE, and Mr. VANDER JAGT.

H.J. Res. 204: Mr. ROE, Mr. MURPHY, Mrs. BOXER, Mr. SUNIA, and Mr. SAVAGE.

H.J. Res. 245: Mr. KILDEE.

H.J. Res. 258: Mr. BEVILL, Mr. CONTE, Mr. DE LA GARZA, Mr. LOWERY of California, Mr. RODINO, and Mr. CROCKETT.

H. Con. Res. 41: Mr. SHARP, Mr. MCEWEN, Ms. FIEDLER, Mr. SIKORSKI, Mr. YOUNG of Florida, Mr. SOLOMON, Mr. LOTT, and Mr. FROST.

H. Con. Res. 69: Mr. GREGG and Mr. MCCAIN.

H. Con. Res. 93: Mr. FROST, Mr. PRICE, Mrs. COLLINS, Mr. STOKES, Mr. LEVIN of Michigan, and Mr. MARTINEZ.

H. Con. Res. 99: Mr. CARR, Mr. BUSTAMANTE, and Mr. LUNGREN.

H. Con. Res. 117: Mr. SENSENBRENNER, Mr. RUDD, Mr. RINALDO, Mr. SMITH of Florida, Mr. WEBER, and Mr. HENDON.

H. Con. Res. 124: Mrs. BOXER, Mr. SAVAGE, Mr. FROST, Mr. BARNES, and Mr. LEVINE of California.

H. Con. Res. 125: Mr. ROE, Mr. BROWN of California, Mr. HAWKINS, and Mr. MCGRATH.

H. Res. 31: Mrs. BURTON of California, Mr. ROSE, Mr. MANTON, Mr. RANGEL, Mr. FUSTER, Mr. FOGLIETTA, Mr. FAUNTROY, Mr. COLEMAN of Texas, Mr. VENTO, Mr. CLAY, Mr. FORD of Michigan, Mr. KOLTER, Mr. LEHMAN of Florida, Mr. TORRES, Mr. YOUNG of Missouri, Mr. SAVAGE, and Mrs. VUCANOVICH.

H. Res. 122: Mr. EVANS of Illinois, Mr. MORRISON of Connecticut, Mr. YATRON, and Mr. BONIOR of Michigan.

H. Res. 130: Mr. WHEAT, Mr. DELLUMS, Mr. STOKES, Mr. MCMILLAN, Mr. YOUNG of Missouri, Mr. ROE, Mr. SAXTON, Mr. RAHALL, Mr. EVANS of Illinois, Mr. KASTENMEIER, Mr. RANGEL, Ms. KAPTUR, Mr. JACOBS, Mrs. COLLINS, Mr. BONIOR of Michigan, Mr. LAFALCE, Mr. HAYES, Mr. FOGLIETTA, Mr. MITCHELL, Mr. GARCIA, and Mr. OWENS.

H. Res. 132: Mr. GALLO, Mr. KINDNESS, Mr. FRANK, Mr. WHITEHURST, Mr. BRYANT, Mr. FISH, Mr. BEDELL, Mr. HEFTEL of Hawaii, Mr.

RUDD, Mr. BUSTAMANTE, Mr. DREIER of California, Mr. SMITH of Florida, Mr. LOWERY of California, Mr. APPLEGATE, Mr. BARTON of Texas, Mr. DAUB, Mr. WEBER, and Mr. KOLBE.

H. Res. 135: Mr. MITCHELL and Mr. MOLLOHAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitons and papers were laid on the Clerk's desk and referred as follows:

90. By the SPEAKER: Petition of the city council, San Angelo, TX, relative to Federal funding for the Emergency Food Assistance Program; to the Committee on Agriculture.

91. Also, petition of First Allied Corp., Rochester, NY, relative to the corporation's bid for Conrail; to the Committee on Energy and Commerce.

92. Also, petition of the city council, Commerce, CA, relative to the administration's proposed budget cuts in State and local assistance programs in fiscal year 1986; to the Committee on Government Operations.

AMENDMENTS

Under clause 6 of rule XXII, proposed amendments were submitted as follows:

H.R. 1555

By Mr. DYMALLY:

—Page 70, line 13, strike out "and"; line 24, strike out the period and insert in lieu thereof "; and"; and after line 24, insert the following:

(9) it is also in the interest of the United States, as well as peaceful cooperation in the Western Hemisphere, that particular attention be given to the students of the Caribbean region.

Page 71, line 6, after "developing countries" insert "(including countries of the Caribbean region)".

By Mr. GEJDENSON:

—Page 30, line 17, strike out "$3,900,400,000" both places it appears and insert in lieu thereof "$3,895,400,000".

Page 36, strike out lines 15 through 23 and insert in lieu thereof the following new section:

SEC. 206. HUMANITARIAN ASSISTANCE FOR THE NONCOMMUNIST CAMBODIAN PEOPLE.

(a) AUTHORIZATION.—The President may make available funds authorized to be appropriated to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 for the provision of food, medicine, or other humanitarian assistance to the noncommunist Cambodian people, notwithstanding any other provision of law.

(b) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and shall remain in effect until October 1, 1987.

H.R. 2068

By Mr. LAGOMARSINO:

—Page 33, after line 2, add the following new section:

SEC. 206. DISTRIBUTION WITHIN THE UNITED STATES TWO USIA FILMS RELATING TO AFGHANISTAN.

Notwithstanding the second sentence of section 501 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Archivist of the United States a master copy of the films entitled "Afghanistan 1982: the Struggle for Freedom Continues" and "We Are Afghanistan"; and

(2) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic release of such a film, the Archivist shall reimburse the Director for any expenses of the Agency in making the master copy of such film available, shall deposit such film in the National Archives of the United States, and shall make copies of such film available for purchase and public viewing within the United States.

Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

SENATE—*Tuesday, April 30, 1985*

(Legislative day of Monday, April 15, 1985)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

* * * *I show unto you a more excellent way. Though I speak with the tongues of men and angels and have not love, I am as sounding brass, or a clanging cymbal.*—I Corinthians 12:31, 13:1.

God who is Love, teach us to love. Forgive us when we downgrade love as weak or sentimental or irrelevant. You have said that love fulfills all the law. You have commanded us to love our enemies and those who "despitefully use us." You have told us that love outlasts everything. Teach us to love. Government cannot love, but people in government can and ought. Teach us to love. In times of stress when we grow impatient with one another and emotions flare, help us to love one another and to love those whom we serve. Under pressure, dear Lord, give us cool heads and warm hearts. Teach us to love. In His name Who is Incarnate Love. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

A GRAND SLAM

Mr. SIMPSON. Mr. President, again our Chaplain strokes a grand slam home run with his prayer this morning on the issue of love, from Corinthians, which is really one of the most extraordinary parts of that remarkable text. I always have gravitated toward it, but it is difficult to think of love when we scrap as we do on issues in this Chamber. Nevertheless, without it we would find ourselves slipping into anarchy and discord and that has never happened in this country because of comity and caring and love of our fellow man. So it is a tough message. We do not hear it sometimes and it would be well for us to heed it as we head into what will be a very spirited few days—and exhausting ones, too. So, again, we thank him for his prayer—one so very timely and very much appreciated.

SCHEDULE

Mr. SIMPSON. Mr. President, today we have recognition of the two leaders under the standing order for 10 minutes each, of course, and special orders not to exceed 15 minutes each for Senator SYMMS, Senator COCHRAN, Senator PROXMIRE, and Senator BAUCUS, and then, if time permits, routine morning business not to extend beyond 10 a.m. with statements limited therein to 5 minutes each.

Following morning business, the Senate will resume Senate Concurrent Resolution 32, the budget resolution. The Senate will stand in recess between 12 noon and 2 p.m. today for the party caucuses. When the Senate does reconvene at 2 p.m., the Senate will resume consideration of Senate Concurrent Resolution 32, the budget resolution and all that that entails. Rollcall votes can be expected during the session today.

RESERVATION OF LEADERSHIP TIME

Mr. SIMPSON. Mr. President, I ask unanimous consent to reserve the remainder of the time for the minority and majority sides of the aisle.

The PRESIDING OFFICER (Mr. RUDMAN). Without objection, it is so ordered.

Mr. SIMPSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR COCHRAN

Mr. COCHRAN. Mr. President, I ask unanimous consent that I be permitted to proceed at this time under the special order that was provided for me by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Mississippi is recognized.

SENATOR COCHRAN REPORTS ON CONGRESSIONAL DELEGATION TO NATO COUNTRIES

Mr. COCHRAN. Mr. President, it was a pleasure to be a member of the delegation to Europe led by our majority leader. I was glad we had a chance to express our appreciation, in behalf of the U.S. Senate, for the unity and support within the NATO alliance for the arms reduction efforts of the U.S. Government and the defense policies which have led to the negotiations in Geneva.

I am convinced that without solid support in Europe, the negotiations that are now underway would not be taking place, and the chances for reaching an agreement with the Soviet Union would not be nearly as good as they are.

At the center of these policies is the research that has been authorized and is being conducted into the possibilities for defending against nuclear attack. Much interest was expressed during our meetings with European leaders about the work being done in this area. I detected a firm belief among those with whom we talked that the strategic defense initiative was largely responsible for causing the Soviet Union to participate in the negotiations.

It was also apparent to me that the Europeans do not want anyone to be under the illusion that SDI and the research effort it includes will eliminate in the near future the need for the deterrence that only a credible nuclear capability provides. This sentiment was expressed to us in one way or the other, but always with strong conviction, by every government.

Another impression I have from the visit is the hope in Europe for friendly resolution of differences that exist in the trade area. We are very important to each other economically. That is fully realized in Europe.

As a prelude to the economic summit in Bonn which begins today, I think the meetings we had were very useful in focusing attention on American concerns over agricultural trade subsidies and the deteriorating trade balance of the United States. Our friends in Europe go to the summit with a much keener sense of the economically unhealthy situation on many American farms and the pressure that is building to take more aggressive action to gain a bigger share of world markets for agricultural products of the United States.

Europe does not want to engage in a trade war with us. We do not want that, either. Much effort will be needed to bring about a relationship based on fairness and mutual respect

for the economic interests on both sides of the Atlantic.

In connection with the trade problems, Mr. President, the circumstances we face today with the imbalance is very troublesome and I am sure will occupy a place that is high on the agenda of the topics to be discussed among the Western leaders in Bonn. These are the circumstances as they apply to our agricultural trade.

Just a few months ago, it was being projected by the Department of Agriculture that we would sell in overseas markets this year some $36.5 billion worth of U.S.-produced agricultural commodities. Last month, however, that projection was changed to $35.5 billion, and now it is being projected by the Department of Agriculture that U.S. trade in agricultural commodities will amount to only $34.5 billion this year.

It is easy to see that in a very short period of time, our expectations with respect to what we will be able to sell in overseas markets, including the European market, have been reduced dramatically. Some are suggesting that this is a symptom of the total illness that is affecting U.S. trade, because agriculture historically has been the strongest part of U.S. trade capability.

What are we to do about it? I hope Senators will review legislation that I introduced a few weeks ago that would include a provision in the new farm bill that has to be written this year, called a marketing loan.

In essence, this would permit the Government to advance a nonrecourse loan to farmers, similar to the loan that is permitted under current farm policies. But instead of just forfeiting that loan at the end of the harvest season, the farmer, even though it is a nonrecourse loan, could redeem that loan at either the loan rate provided in the law or the market price, whichever is lower.

What this will permit, or, rather, what it will force, is the sale in international markets of U.S.-produced agricultural commodities. No longer will foreign competitors be able to peg their prices just below the U.S. loan rate and expect an automatic advantage in competition with us in international markets. We are losing market share, and this is damaging—some may say even destroying—the ability of U.S. farmers to compete overseas.

Mr. President, I have compiled a list of questions that I have been asked by persons who have looked at this proposal and who are interested in it, with answers to these questions, in the hope that this will help explain what this marketing loan is, what it seeks to do, how it will help improve our competitive position in agricultural trade, how much it could cost the U.S. Government, so that other Senators can be better advised about this proposal.

Mr. President, at this point I ask unanimous consent that a list of questions and answers concerning the market loan proposal be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

QUESTIONS AND ANSWERS

1. What is a "marketing loan"?

It is the name used to describe a new kind of CCC loan which the farmer would be allowed to repay based on the original value or market price, whichever is less. It is different from the current system of loans, which must be either repaid in full or the commodity is forfeited to the government.

2. How would it work?

As with the current system, these loans would be offered to farmers at harvest with the crop as collateral. Interest would accrue on the loan, and the farmer could repay the loan at any time before or at loan maturity (9–11 months).

3. How would it be administered?

There are several options. The simplest might be to have ASCS make non-recourse, marketing loans available to farmers at harvest and then have USDA determine the repayment level based on market prices each week. Price data from the Agricultural Marketing Service and Statistical Reporting Service could be used to determine repayment. During the first month after the loan is taken out, the producer could be required to repay the full face value of the loan in order to encourage orderly marketing. Interest would be charged, but could be reduced as needed to allow repayment and avoid government takeover of commodities.

4. How much would this program cost?

There would be savings to the taxpayer, rather than costs, compared to current programs.

5. Why would it be more cost effective than the current programs?

Current programs lead to government takeover of surplus stocks which are costly to store and difficult to dispose. The cost to the taxpayer of acquiring and storing these stocks is greater than simply discounting the amount of loan repayment. Thus, the marketing loan avoids costly government takeovers.

In fact, by encouraging loan repayment even at a discounted level, USDA receives working capital which can immediately be reinvested or used to reduce the Federal deficit.

Beyond that, the marketing loan offers farmers an additional incentive to participate in acreage reduction programs, which makes the programs more cost-effective.

6. How would the safety net for farmers be maintained under this program?

Farmers would receive the protection of the initial value of the loan, plus whatever target price is in place. If market prices go down, farmers would still have the assurance of the loan value which provides a certain minimum safety net to provide needed cash flow.

7. If this is in addition to target prices, is the marketing loan discount a kind of "double-dip" for farmers?

No, not any more than the current program which provides the farmer both deficiency payments and unlimited forfeitures of CCC loans. In fact, under the marketing loan the government actually receives money back from farmers instead of receiving commodities which are difficult to dispose of and costly to store.

8. Would the payment limitation apply to the discounted loan?

No, unless Congress specifies that it would in the new farm bill. The payment limitation has never been applied to loan proceeds. If it were, that would certainly limit the effectiveness of the loan as a marketing tool.

9. What about farmer-owned reserves, set-asides, and so forth?

These current program elements could be retained and used in various combinations. However, if the U.S. is going to cut production through set-asides or acreage reduction programs, then the marketing loan is especially needed.

10. Why?

Currently when the U.S. cuts production of a crop, other exporting countries tend to expand their acreage of the same crop, knowing that prices for those commodities will stay up because of U.S. price supports. However, with the marketing loan the U.S. farmer is protected but prices are allowed to move downward, which removes the price umbrella from foreign competitors and causes them to assume market risks.

11. What are the choices a farmer has with the marketing loan?

Basically, three. Here are some examples:

(1) *Settle and sell at settlement price*

Under this situation the farmer would get a loan of $4.00 per unit and settle with USDA at $3.70. If he immediately sold at $3.70, he would be guaranteed the $4.00:

Loan	$4.00
Pay back	3.70
Gain at settlement	+.30
Sale price of the commodity	+3.70
Realized price	4.00

(2) *Settle and hold with price going up to $3.90*

Under this situation the farmer would get a loan of $4.00 and settle at $3.70 per unit. If he holds and the price goes to $3.90, the following is the realized price:

Loan	$4.00
Pay back	3.70
Gain at settlement	+.30
Sale of the commodity	+3.90
Realized price	4.20

(3) *Settle and hold with price going down to $3.50*

Under this situation the farmer would get a loan of $4.00 and settle at $3.70 per unit. If he holds and the price goes down to $3.50, the following would be the realized price:

Loan	$4.00
Pay back	3.70
Gain at settlement	+.30
Sale of the commodity	+3.50
Realized price	3.80

These examples illustrate that under the program outlined above a farmer would be assured a support level but the option is still available for him to consider a marketing strategy. In other words, he can make money above the loan with good marketing. Of course, poor marketing could result in a realized price below the loan. As a last resort, however, a farmer can simply forfeit the non-recourse loan. If this option is chosen, the farmer's realized price is the loan rate.

12. Is this an export subsidy that will get us in trouble with GATT?

No, this is no more an export subsidy than the current target price and loan system. Products would be priced at the same level for domestic and export use, unlike those countries which do subsidize exports. However, it will allow us to have competitive prices which should allow us to export.

13. Does the marketing loan idea have support from anyone else?

Yes—and it is picking up support all the time. The idea has been endorsed in various forms by the National Association of Wheat Growers, National Corn Growers Association, some rice interests, the National Farmers Organization, and at least one State Farm Bureau.

14. Some people think the proposal is a potential budget buster. Can budget exposure be limited?

Yes. A limit can be established on the amount the Secretary can discount loans. This would create, however, a new floor for world prices and limit the effectiveness of the effort to make U.S. products competitive in world markets. Another option is to limit participation in the program, and a number of different ways to do this are being considered.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR SYMMS

The PRESIDING OFFICER. The Senator from Idaho is recognized under the previous order.

THE 10TH ANNIVERSARY OF THE FALL OF SAIGON

Mr. SYMMS. Mr. President, 1985 is a year of great anniversaries. Forty years ago, in May, the United States and our allies destroyed Nazi Germany and rescued the people of Europe from Hitler's savage occupation. Forty years ago, in August, the United States and our allies crushed the military empire of Japan and liberated the people of Asia. These anniversaries are cause for celebration.

But 1985 is also a year of remorse. Ten years ago, today, the United States watched helplessly as Saigon fell and North Vietnam defeated and subjugated the people of Indochina.

Regrettably, the 40th anniversary celebration of V-E Day [victory in Europe] and V-J Day [victory over Japan] is tarnished by the 10th anniversary of D-V [defeat in Vietnam].

It is important for the American people, and vital for us in Congress, to understand the reason for this tragedy.

Ten years ago, as a Member of the House of Representatives, I was one of the last U.S. Congressmen in South Vietnam and Cambodia. I saw the determination of those brave people to fight for their freedom—and their very lives—right up until the end. I saw also the hopelessness of their task.

The question which plagues America on this 10th anniversary of the fall of Saigon is: "How did we lose; why did we fail?" Some explanations for America's defeat are shamefully wrong.

For example, in discussing the end of the Vietnam war, the narrator of the recently produced PBS series, "Vietnam: A Television History" declares: The Americans "counted nearly 60,000 dead and more than 300,000 wounded. It was America's first defeat." But, like most of the national media, PBS does not reveal the real reason for America's first defeat. We are led to believe that North Vietnam's victory was inevitable; that America's and South Vietnam's cause was doomed.

But, North Vietnam's victory was not preordained. The reason for America's loss in Vietnam is not found in the nobility of the Communist cause or the superiority of the Communist soldier, because, Mr. President, we did not lose on the battlefield.

Col. Harry Summers recalls a conversation with Colonel Tu of the North Vietnamese Army in Hanoi in 1975:

Colonel SUMMERS. You know, you never defeated us on the battlefield.

Colonel TU [pondering this remark for a minute]. That may be so, but it is also irrelevant.

Colonel Tu, of course, was correct. In finally deciding the outcome of the Vietnam war, America's unbroken string of battlefield victories became irrelevant. The war was not lost on the battlefield; the war was lost here, in Congress.

Colin Gray, then assistant director of the prestigious International Institute for Strategic Studies in London, fixed the real reason for America's loss in Vietnam, explaining:

For good reason, most Americans appear convinced that their country lost the war in Vietnam. That is not quite true. The facts are that the United States and the Republic of Vietnam had effectively won the war by mid or late 1972, and then—in America's case at least—proceeded to discard that victory.

John Colvin, counsel general at the British Mission in Hanoi during the war, agrees with Gray, declaring:

Victory—in American hands, was not so much thrown away as shunned.

How and why did America discard and shun victory in Vietnam? As a Member of Congress during the last Vietnam years, it is difficult and unpleasant for me to tell the blunt truth: America lost the war in Vietnam on the floor of the Senate and the House of Representatives. The Congress of the United States legislated defeat in Vietnam.

To prove this painful thesis, I must remind you of events in Vietnam in 1972, when, Colin Gray believes, America had effectively won the war and before we shunned victory.

On March 31, 1972, North Vietnam's Defense Minister, General Giap, called on "the Vietnam people's armed forces to march forward to complete victory." The Communists hurled 14 combat divisions spearheaded by 600 Soviet tanks across the 17th parallel in the biggest attack of the war.

The Easter offensive was South Vietnam's moment of truth. President Thieu told his countrymen, "this is the final battle to decide the survival of our people."

Unlike the Tet offensive 4 years earlier, U.S. military support was now limited. Only about 60,000 troops were in Vietnam at the time, and none of them participated in ground combat other than in an advisory capacity. The main U.S. support came from the air. President Nixon unleashed tremendous tactical and strategic air strikes to help crush the Communist offensive.

Along with the massive air strikes, President Nixon ordered the mining of North Vietnam's ports—a bold move which was long overdue. Seventy-five percent of North Vietnam's imports from Russia and Eastern Europe entered from the sea, 95 percent at Haiphong. Almost all of North Vietnam's gasoline, diesel fuel, ammunition and weapons reached North Vietnam from the sea.

Predictably, the President's firm action was denounced by a storm of criticism in liberal media and by the hand-wringers in Congress. Senate doves voted to condemn Nixon's decision to mine Haiphong. One Senator exclaimed, "we must act at once to reverse this fateful error. Armageddon may be only hours away."

But, the American people overwhelmingly backed President Nixon. A Sindlinger poll showed that 76 percent of the American people supported Nixon's initiatives in Vietnam. A Harris survey found that 64 percent supported the mining of Haiphong, and 74 percent thought it important that South Vietnam did not fall into the hands of the Communists.

The U.S. bombing and mining were vital, but if the Communist drive was to be stopped the ARVN had to stop it on the ground. As General Westmoreland explained.

Here, apparently, was the ultimate test of the long years of American effort to create a viable South Vietnamese armed force. Even as the test developed, the last American battalions began to move, not to help in the fight, but to complete American withdrawal. As the results eventually demonstrated, the ARVN for all of its many errors in plans and execution, no longer required the assistance of American ground troops.

As President Nixon said:

U.S. mining of Haiphong Harbor and the use of our air power against targets in

North Vietnam helped save the day, but the fighting on the ground was done exclusively by South Vietnam forces. The South Vietnamese demonstrated in 1972, that they could effectively stop the invasion on the ground if they were adequately armed and provided with air support.

By September, North Vietnam's forces had retreated. A captured Communist document conceded that "We failed to accomplish our spring-summer plan. Objectives have not been achieved." Four hundred of North Vietnam's tanks had been knocked out; close to 100,000 Communist regulars had been killed.

Finally, after 10 years of fighting, a successful formula had been found to deny South Vietnam to the Communists. Severely tested by the Easter offensive, this formula required several segments for success:

First, American military advisers were still needed to aid the ARVN.

Second, American air support was required to destroy enemy positions and to discourage future invasions.

Third, mining Haiphong was necessary to discourage Communist offensives by preventing a sustained military attack in the South.

Fourth, most importantly, because the ARVN's ground troops proved they could challenge North Vietnam's best units, American combat troops were no longer needed in Vietnam.

Under these promising conditions, Congress proceeded to legislate defeat in Vietnam—first, by preventing any future U.S. military action in Indochina, and later, in 1975, by denying South Vietnam and Cambodia the military aid necessary for their self-defense.

After numerous unsuccessful efforts, congressional liberals finally pushed through the Case-Church amendment on June 29, 1973, preventing U.S. military involvement in Southeast Asia. The terms of Case-Church were categorical:

Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over from off the shores of North Vietnam, South Vietnam, Laos, Cambodia.

President Nixon had vetoed previous bills to cut off American military action in Indochina, and he denounced Case-Church vigorously, but the bill was veto proof. It passed 278 to 124, 69 percent, in the House and 64 to 26, 71 percent, in the Senate.

Not satisfied with preventing any future military support to our allies, Congress proceeded to deny South Vietnam and Cambodia the basic weapons and supplies needed for their defense.

In 1972–73, U.S. military aid to South Vietnam was $2.1 billion.

In 1973–74, aid to South Vietnam was cut to $964 million.

In 1974–75, the year of the final communist offensive, U.S. military aid to South Vietnam totaled only $700 million.

Such drastic cuts in military supplies crippled the ARVN. Helicopter missions dropped from 16,000 a month to 3,000 a month because of a shortage of spare parts and gasoline. In the final battle in 1975, the ARVN desperately lacked all types of weapons and equipment.

I remember very vividly a ride in a Huey helicopter that was in such poor shape that I was certain no American troops would have used it. It was literally a stripped down version of a Huey. I thought to myself at the time that the situation must be very bad, indeed, or these people would not be using equipment that was in this poor condition. There were no spare parts to repair the equipment. There was nothing they could do but make do with what they had.

Tran Van Lam, South Vietnam's Foreign Minister, came to Washington to plead for a $300 million supplementary appropriation, but he was told by several Congressmen that the ARVN was not fighting effectively. Tran Van Lam replied:

We fought well in 1968 and 1972, and these are the same people. They held An Loc for years. The North Vietnamese have ten times more shells than we have. If our troops have ten bullets and know that they will get ten more when they need them, then they will fight. But inevitably, when soldiers have no bullets, no equipment, no means of transportation, it is only natural that morale will suffer.

At the time that Congress was cutting South Vietnam's military aid, Soviet supplies to North Vietnam quadrupled in 1974–75. Communist supplies were so abundant in the north that vast storehouses were left unhidden. To move men and equipment rapidly to the south, portions of the Ho Chi Minh Trail were paved with limestone and packed dirt. Obviously, the Communists had no reason to fear U.S. air strikes.

In the spring of 1975, Congress also denied military aid to Cambodia, where Pol Pot's Khmer Rouge was locked in fierce combat with government troops. English journalist William Shawcross, a severe critic of U.S. policy in Cambodia, reveals that—

In these final three months, each side fought with extraordinary bravery and each suffered losses that would have been intolerable for most armies.

According to Shawcross:

Ammunition decided the outcome of the war. Within days of the start of the offensive, Hanoi was no longer withholding arms. The Khmer Rouge had far more weapons and ammunition than ever before.

But government troops depended on Congress for aid, and by April 11 no more funds were available to the desperate Cambodian Army.

It was a tragic situation, but I was truly impressed with the discipline of the Cambodian troops and the spirit that they demonstrated in their defense of that very small perimeter around Phnom Penh.

Of course, it saddens me to remember that all the people that I met and dealt with are now dead, victims of the Cambodian genocide in which two out of seven of the citizens of that country were killed by the Khmer Rouge after the fall of Phnom Penh.

In imploring Congress for aid to Cambodia, President Ford warned of "an unbelievable horror story" if the Khmer Rouge won. American Ambassador to Cambodia, Gunther Dean, told Congress that "the Communists would impose a brutal revolution" if they controlled Cambodia.

But Senate doves rejected Cambodia's plea; they knew better. Many Senators dismissed predictions of large scale Communist atrocities as "political rhetoric" and "scare tactics about Indochina." Some agreed with the Senator who believed: "It's up to those people to settle their differences themselves in their own way, and that includes Cambodia." According to the New York Times of March 13, 1975, two leading antiwar Senators "cited statements by Prince Norodom Sihanouk, the exiled Cambodian leader, that only the lives of President Lon Nol and his immediate entourage would be in jeopardy when the Communists took over."

On April 17, Cambodia surrendered to Pol Pot, paving the way for one of the most barbaric acts in human history—the genocide of the Cambodian people.

Predictably, the Case-Church amendment and cuts in military aid encouraged North Vietnam to invade South Vietnam in 1975. Graham Martin, U.S. Ambassador to South Vietnam, revealed that the Soviet Union told North Vietnam to "go for broke" because "support for honoring the American commitment to South Vietnam had been irretrievably eroded in Congress."

Gen. Van Tien Dung, chief of staff of the North Vietnamese Army and commander of the final offensive, in his book "Our Great Spring Victory," written in 1977, describes how the North Vietnamese Politburo "raised and heatedly discussed" America's response "if we launched large scale battles that would lead to the collapse of the puppet troops." According to General Dung, North Vietnam's leaders concluded that:

The United States was meeting difficulties at home and abroad, and its ability to give political or military aid was declining every day. Not only had the United States decreased its aid to Saigon, it also faced increasing opposition to any effort to "jump back" into the South.

General Dung decided that South Vietnam would be forced to fight a poor man's war.

The Case-Church amendment and cuts in military aid assured the Communist victory in 1975. As General Westmoreland explained:

> We were paralyzed by the Case-Church amendment which prohibited the use of funds for Southeast Asia combat activities. That action by Congress not only tied the hands of President Ford, but also removed our only deterrent to large scale attack.

Westmoreland added:

> It's too bad we couldn't again mine Haiphong Harbor and the President did not have the authority to use tactical air and B-52 strikes to hit Communist supply lines.

As the Communist army swept south, President Ford watched helplessly and lamented:

> Unfortunately the United States did not carry out its commitment in the supplying of military hardware and economic aid to South Vietnam. If we had carried out the commitments we had made, the tragic sacrifices that were made by so many would not have been in vain.

Thus, after enduring 360,000 casualties and spending more than $140 billion, the U.S. Congress left the field to the Communists. Senator Hiram Fong of Hawaii dared to tell his Senate colleagues the hard truth:

> There is no question but what we have betrayed the Cambodians and we have betrayed the South Vietnamese. In my mind, there is no question that we have reneged on our commitments; we have not lived up to our commitments.

The American people and the Vietnam veterans agree with Senator Fong. In 1980, the polling firm of Lou Harris & Associates conducted a lengthy indepth study of the attitudes of the public and the veterans about the Vietnam war.

Harris asked for a reactions to this statement:

> The trouble in Vietnam was that our troops were asked to fight a war which our political leaders in Washington would not let them win.

Seventy-three percent of the American people and 92 percent of the Vietnam veterans agreed with that statement.

The consequences of the Communist victory to the people of Indochina are well known. The area has become an Asian Auschwitz. George McGovern said the genocide in Cambodia "made Germany's operation look tame by comparison."

Alexander Solzhenitzen indicts American doves for their role in the Communist victory in scathing language. Solzhenitzen told the Harvard graduating class in 1978:

> Members of the U.S. anti-war movement wound up being involved in a betrayal of Far Eastern nations, in a genocide and in the suffering today of 30 million people there. Do these convinced pacifists hear the moans coming from there? Do they understand their responsibility today? Or do they prefer not to hear?

The dread consequences of America's defeat in Vietnam are not limited to the suffering millions of Indochina. Today the "Vietnam syndrome" influences U.S. policy in Central America. A popular bumper sticker proclaims that "El Salvador is Spanish for Vietnam." Some Senators often compare U.S. policy in Central America to Vietnam, declaring that in Central America we must not fail to "learn the lessons of Vietnam."

Last week we were faced with the decision of providing the Nicaraguan freedom fighters with 14 million dollars' worth of military aid. Both the Senate and the House rejected that proposal. We were the victims of the "Vietnam syndrome." We lacked the wisdom, the resolve and the foresight to take the steps necessary to promote democracy in Central America.

Fortunately, we still have time in Central America, time which we can use to correct last week's mistake.

The institutional memory of this body is short. Consequently we must, from time to time, force ourselves to remember the unpleasant past so that we may avoid an even more unpleasant future.

Congress' action in legislating defeat in Vietnam was reprehensible. It would be tragic if we failed to learn from that mistake.

The explanation I have just given for "American's first defeat" does not conform to the "liberal" thesis that American involvement in Vietnam was immoral from the beginning, that under Ho Chi Minh's enlightened leadership a Communist victory was justified and inevitable, and that South Vietnam was a brutal and corrupt nation undeserving of American aid.

Mr. President, discussion of the "lessons of Vietnam" has recently flooded the national media. These "lessons" are often irresponsibly invoked in these Chambers.

But what are these "lessons?" Some are complex and controversial, but five of the most important "lessons of Vietnam" are clear and basic.

President Nixon in his recent book, "No More Vietnams," explains one important lesson:

> In Vietnam we tried and failed in a just cause. 'No More Vietnams' can mean we will not try again. It should mean we will not fail again.

President Reagan expressed another crucial "lesson of Vietnam" when he declared that:

> We should never again ask men to fight and die for their country unless we intend to win.

A third clear "lesson of Vietnam" is: Don't get bogged down in a prolonged war. General MacArthur's fundamental truism must always be observed:

> War's very object is victory—not prolonged indecision.

A painfully plan, but fundamental "lesson of Vietnam" is: Don't lose.

When the greatest power in the world commits its material and human resources to war and loses, grave consequences are suffered by millions whose very existence depends upon our pledges and support. Defeat erodes the very spirit of our country.

Finally, the most tormenting "lesson" of all: Don't abandon victory.

When history finally sorts out the Vietnam controversy, some time in the next century, I believe it will relate that:

The United States of America pledged its honored word, spent its valuable treasure, and sacrificed the sacred lives of its sons in a noble cause to save millions of innocent people from tyranny.

Finally, after 10 years of agonizing struggle, America achieved—then abandoned—victory and allowed the people of Indochina to fall into "that bottomless pit of human degradation" called communism.

The Vietnam war was, as Gen. Omar Bradley proclaimed n 1967:

> A right war, at the right place, at the right time, and with the right enemy.

But, this noble cause was lost by error, indecision and timidity. The courage of Congress did not match the courage of the vast majority of the American people, the courage of the American fighting forces in the field, or the courage of the Cambodian, Laotian, and South Vietnamese people.

We were defeated, as North Vietnam's leaders predicted in 1968 that we would be: "On the political front right in the United States."

Mr. President, we Americans have inherited much: A beautiful country, a proud heritage, and an unprecedented measure of freedom and opportunity. But, we have also inherited the solemn responsibility to lead the free world through these dangerous times.

I have unbounded confidence in America and her people. But if we are to remain a great nation, America's leaders in Congress, to whom is entrusted the Nation's destiny, must accept Winston Churchill's simple axiom: "The price of greatness is responsibility."

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, it is my understanding I have a 15-minute special order; is that correct?

The PRESIDING OFFICER. The Senator is correct.

STAR WARS: THE DANGEROUS ESCAPE FROM REALITY

Mr. PROXMIRE. Mr. President, as the Presiding Officer will recall, Dr. Robert Jastrow testified on April 22 before the Defense Appropriations Subcommittee that the so-called star wars antimissile defense could be made highly effective for an expenditure of as little as $60 billion. Dr. Jastrow contended that such a defense would be able to intercept 75 percent and perhaps virtually all incoming ICBM's. Both his estimates of the efficiency of star wars and his cost estimates were far more optimistic than anything the Defense Department has previously claimed. On the other hand, on the same day, Dr. Richard Garwin told the committee that star wars will be unlikely to work at all. He estimated the cost at half a trillion dollars or more. How are members of the Senate to determine which of these two expert witnesses, if either, is right? Is the answer somewhere in between the two estimates of the cost of the program? Will this strategic defense initiative's capacity to intercept incoming missiles even with as little as $60 billion of expenditure range somewhere between 100 percent success to no success? Many of us when confronted with this kind of sharply conflicting testimony from expert witnesses are inclined to split the difference. Would this give us a roughly right answer on "Star Wars." The answer is "no."

There are two big reasons why Dr. Garwin is likely to be right and Dr. Jastrow is likely to be wrong. First, consider what it will take to support the Jastrow position. The United States will have to secure a system that will work almost perfectly the first time it is challenged by a Soviet attack. This Senator cannot recall any weapon system which worked perfectly or even well the very first time it was put to the challenge. I can recall many that failed and others that failed at first but gradually became effective weapons systems. It takes trial and error to work out the bugs. The more complex the system, the more errors and mistakes. And for a system as brand new, as untried as a comprehensive antimissile system replete with an untried technology, the prospect that it would work perfectly or even very well the first time are about as close to nil as you can get.

Second, and even more importantly, this newly deployed star wars system would not go up against the present technology of offensive missiles. It would not be the present Russian nuclear offensive arsenal that star wars would have to intercept with virtual perfection and defeat. This country would face a far more advanced offensive nuclear arsenal than anything in being today. But even today's technology would enable the Soviets to equip their giant missiles cheaply with several times more warheads, plus warheads with a hardened skin that would aid penetration, and with thousands of decoys and chaff that could cheaply and easily flood into the defensive zone. Most difficult of all, the star wars system would have to meet and frustrate new developments, not yet on the drawing board—as new as the star wars defensive system itself.

Mr. President, we have great and understandable faith in the capacity of our scientists to achieve miracles, including the miracle of constructing a defense against intercontinental ballistic missiles equipped with nuclear warheads. Many highly competent experts say this cannot be done. Some say it can. And if those who think American scientific ingenuity can build a perfect or near perfect missile defense are right, that achievement could be the beginning of a defense against at least one kind of nuclear attack. Possibly a defense against other kinds of attacks—by cruise missile, by low flying bomber, by submarine, by terrorists—can also be achieved. Perhaps we can mount a marvelous new defense that can win on every front. Would not such a defense be worthwhile? The answer is "No."

Here is why: We can make great scientific advances that might very possibly stop the 1985 offensive nuclear arsenal and stop it cold. But by the time we get such an arsenal researched, produced and deployed, it will not be 1985 or 1986, it will be at least the year 2000. By that time the same kind of scientific ingenuity that developed miraculous defenses against a 1985 technology will face a year 2000 offensive technology.

Mr. President can any sane and reasonable person argue that the scientific ingenuity that works for the antimissile defense will not work at least as well for the nuclear offense? I say "at least as well" because in the history of warfare, the offense has enjoyed a consistent advantage for obvious reasons. The offense can select the time of attack, the mode of attack, the place of attack. It can concentrate its offensive power on the targets it selects. That principle has not changed in thousands of years. The technique of warfare has changed. It has changed with ever-increasing rapidity. We seem to have a virtual revolution now every 10 or 15 years. But the dream that either a defense or offense would somehow develop a permanent advantage, or indeed an advantage that could persist for more than a very few years is an empty, vain and dangerous flight into unreality.

So what do we do? The answer is to stop this star wars gambit. Stop it cold, and then divert some of this marvelous scientific genius into the development of verification systems that will provide credible enforcement of arms control. We simply must stop the arms race. To do that we need constantly improving verification. Certainly comprehensive, verifiable arms control will never give us the full and perpetual assurance of peace. If we are honest with ourselves, we will admit nothing will do that. But arms control that stops the arms race can give us far and away the best chance of peace and survival.

Mr. President, I ask unanimous consent that an excellent article on this subject by Walter Clemens of Boston University, and a member of the International Institute for Strategic Studies in London, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOOD OFFENSE BEATS A GOOD (STAR WARS) DEFENSE

(By Walter C. Clemens, Jr.)

President Reagan justifies his Strategic Defense Initiative as a kind of gas mask—a precaution to be taken even though certain weapons have been banned. But a long look at history reveals a more basic lesson: It is folly to depend upon moats, walls, forts or interception to keep an attacker at bay. From Jericho to Troy to Corregidor and Dien Bien Phu the record is replete with tales of "impregnable" bastions that fell to the cunning, endurance or concentrated power of determined foes. China's Great Wall was repeatedly breached by "barbarians." Alexander the Great used a mole and barges to take Tyre. Richard the Lion-Hearted, improving on Byzantine forts seen on the Crusades, built Europe's stoutest castle in Normandy. Philip II won it in less than two years.

Medieval fortresses rose ever higher contesting against battering rams, catapults and assault towers. If superior force or stratagem did not overwhelm the defenders, starvation often did the trick. As castles became vulnerable to artillery in the 15th century, moats were deepened and broadened; walls were slanted and rounded to make projectiles ricochet. Still, the defense usually lost out to offensive technology.

Proponents of defense alibi in each case that "something went wrong." Jericho's walls might not have fallen to the shouts and trumpets of Joshua's troops if a prostitute had not hidden two Israelite spies within the town. The Trojans should have heeded Cassandra's warnings not to pull the wooden horse within their walls. The kaiser's armies could not have raced into France in 1914 if trenches had linked Belgium's mighty forts. Singapore would have repulsed the Japanese had its guns aimed toward land instead of the sea. Czechoslovakia's "little Maginot line" could have stalled the Germans had it not been surrendered to Hitler at Munich. France's Maginot line would have halted the Wehrmacht had French fortifications continued to the North Sea instead of stopping at Belgium.

Why does every defense have an Achilles' heel? Because human ingenuity—especially the attacker's—is so great. Belgium's forts in 1940 were much improved over 1914, but they fell in hours when Nazi troops descended by glider one night and began systematically to destroy each turret. Three hundred German paratroopers jumped down at day-

break and compelled 800 surviving Belgian defenders to surrender before noon. Belgium's collapse permitted German armor to run through the Ardennes Forest (said by French strategists to be "impassable"), outflanking the Maginot pillboxes, railroads and underground cinemas.

France, like Mr. Reagan, hoped that its defense line would inspire confidence in its allies. The opposite occurred. Belgium, Poland and Czechoslovakia looked elsewhere for support as their patron dug in for its own protection.

Not only have defense systems spurred overconfidence at home and discord among allies but they have also triggered the very attack they were meant to inhibit. Like boxers, nations fear that if their adversary combines a powerful defense with a long reach, it may seek a knockout. So it was after Athens and Sparta troops returned home following their victory over Persia and organized rival alliances. Athens, like the U.S. today, was strong at sea; Sparta, like the U.S.S.R., on land. When Athens started to erect two long walls to its port, Sparta and other rivals complained. They saw the Athenian defense as a provocation and asked that it be halted. Athens, in the same way, ordered its tributary states not to build walls that could lessen their vulnerability to Athenian influence. Wall building added to the psychosis that produced the Peloponnesian Wars in which all sides were wasted and Athens defeated.

Worried lest the Soviet anti-ballistic missiles of the early 1960s provide the backup for a Soviet first strike, the Pentagon devised multiple warheads to pierce Russia's defenses. Now each superpower accuses the other of violating the ABM treaty to buttress its long reach. If Moscow believes its deterrent is failing, this could produce a desperate act.

Like France in the 1930s, Mr. Reagan exaggerates the enemy's strength, saying we are outmanned and outgunned. Like War Minister Andre Maginot, the president seeks a technological fix to end our vulnerability. He too turns a deaf ear to warnings that a partial shield is not enough. As Paris renounced the offensive posture it used in the early 1920s to enforce the Versailles Treaty, Mr. Reagan talks of eliminating nuclear weapons and internationalizing defenses, even sharing them with the U.S.S.R.

All this is sheer fantasy. The president would squander the modicum of strategic stability we have acquired in quest of pie in the sky. Defenses can impede but not prevent an attack. If we cannot protect a solitary embassy against a jihad truck driver, how can we defend a continent from assault by ballistic, cruise and other weapons, some as yet undreamed of? How can we assure the Soviets—still laboring under their Avis complex—that we will not exploit our technological superiority to create a defense that disarms them?

Despite their anxieties the Soviets could doubtless invent means to punch through any U.S. defense. It is easier to destroy than protect, cheaper to penetrate than keep out. If a leakproof astrodome cannot be attained, there is no justification for the Strategic Defense Initiative unless our deterrent is at risk. Our triad—or most of it—is quite secure for the foreseeable future. If our land-based missiles become vulnerable, we can build 100 ABM launchers without violating our 1972-74 accords with Moscow. We can make our submarines and bombers more difficult to destroy in a first strike. While maintaining a persuasive deterrent, we must find ways to ease tensions with the Kremlin, reduce prospects of a surprise attack, and lower for all peoples the burdens and dangers of arms racing. Meanwhile we should avoid any "initiative" that alienates our allies, provokes our foe and leads to self-deception. We must never believe that we are safe when we are not, indeed, when our actions could goad our foe to attack. Best safety, as Laertes said, lies in fear.

A HELPING HAND

Mr. PROXMIRE. Mr. President, for more than 50 years, the Selfhelp Community Services Organization has been helping New York area survivors of the Holocaust. This organization was founded by a group of Quakers and immigrant Jews to help victims of Nazi persecution. In the early days of its existence, Selfhelp provided a place for those fleeing the Germans. It was a place to come and seek shelter in a strange, new country. At Selfhelp, these refugees found people with whom they could communicate. The social workers not only spoke German, but also Yiddish, Russian, Hungarian and Polish. The Selfhelp Community Organization provided badly needed services to those fleeing the Holocaust.

The end of the war and the end of the Holocaust did not end the need for the services of Selfhelp. Selfhelp still provides services to those whose emotional scars are still open. Many survivors are still haunted by nightmares and often a persistent feeling of guilt exists within them. They feel guilty because they survived when so many did not. There are many institutions and daily events that bring back memories of Nazi Germany. As one of Selfhelp's social workers put it, "illness triggers feelings of helplessness that they had in Germany. Sickness meant immediate death at the hands of the Nazis." As these survivors grow older, Selfhelp provides them assistance with government documents. Government documents in Germany could have meant deportation or death.

There are people who live with this tragedy of history every day, with the emotional scars that will last the rest of their lives. Because the disease is gone does not mean we are immune to it. Genocide could raise its ugly head at any time. Just as the Selfhelp Community Service Organization continues to respond to the effects of the Holocaust, so must we respond. The need is still there. I urge quick action on the long overdue Genocide Convention.

Mr. President, I yield the floor.

RECOGNITION OF SENATOR BAUCUS

The PRESIDING OFFICER. Under the previous order, the Senator from Montana [Mr. BAUCUS] is recognized for not to exceed 15 minutes.

SENATE RESOLUTION 151—SENSE OF SENATE RESOLUTION REGARDING BONN ECONOMIC SUMMIT

Mr. BAUCUS. Mr. President, I rise to introduce a resolution for myself, Senator BENTSEN, and Senator MOYNIHAN, calling on the President to initiate discussion of the exchange rates at the Bonn Economic Summit.

This resolution is designed to send a message to the President of the United States. A message I and my colleagues hope he hears as he goes into the Bonn Economic Summit.

It is a message drawn from pain—pain caused by this administration's policies. It is a message about moving to stop the pain from getting worse.

Wednesday night President Reagan spoke to the American people about the costs imposed by skyrocketing budget deficits—deficits contained in his budgets. But he ignored one cost: the cost imposed by his deficits' impact on the dollar.

Perhaps I should not have been surprised. After all, for 4 years—as the dollar has risen ever higher—the President has seen no problem. He has even said we should be proud of the dollar's high value!

Well, we stand here today to say to the President of the United States: "You are living in a dream world—removed from the reality that confronts most Americans."

Take off your rose-colored glasses! Leave the oval office and go among the American farmers—good people, hardworking people and the most productive people in the world. They will tell you an overvalued dollar is a source not of pride but of pain and bankruptcy.

Go to a Caterpillar plant. Talk to the men and women who have spent their lives making the best tractors in the world. Ask them if watching the overvalued dollar drive their jobs overseas, has made them proud.

Ask the American worker who has foregone a rise or taken a paycut to protect his job, only to see it disappear offshore. Ask him if he feels pride in an overvalued dollar.

Or ask Eastman Kodak Co. if achieving a 13-percent increase in productivity in 1 year and then watching a rise in the dollar swamp that gain makes them feel proud.

Ask the millions of Americans who have lost jobs to imports if they feel pride in the overvalue of the dollar.

The answer, Mr. President, would be a resounding "No."

The American farmer, the American manufacturer, and the American worker all cry out in pain. The pain of lost sales, lost profits, lost jobs—lost not because of inefficiency or rising costs, but because this President's policies have put a tax on the products they try to ship overseas.

Yes, a tax. President Reagan talks a great deal about cutting taxes. But his policies have imposed an insidious, a hidden, and unfair tax—a disguised tax. The overvalued dollar is a tax on exports just as surely as any direct levy.

We say to the President: You shall not crucify the American worker on the cross of an overvalued dollar.

Mr. President, this administration's attitude toward the dollar has imposed costs beyond our borders as well.

This administration spends time and energy arguing for military aid to encourage democracy in Latin America. It should spend some time worrying about the destabilizing effect of a 4-year rise in the dollar. As the dollar's value rises, so does the cost of oil, the size of their debt, and the interest burden of the LDC's. We want democracy to flourish, but we impose dreadful economic costs which in turn cause political tensions. This makes no sense.

Mr. President, this is not the time for a smile or a wink; it is not the time to pretend the problem will take care of itself.

Just 2 weeks ago, Secretary of State Shultz discussed the disadvantages of the high dollar—both to us and to our trading partners. He attributed half the deterioration of our trade position to the overvalued dollar. He did not think the problem would go away by itself.

Last week, the Senate Finance Committee held hearings on the exchange rate question. We heard economists, labor leaders, and business leaders talk about the problems caused by exchange rate volatility and currency misalignment. We heard from a great many people, but none of them believed the problem would just go away by itself.

This is a time to face reality. Reducing the budget deficit is a necessary and crucial step—but it is not the only step. It is time to recognize we live in a global economy. It is time to recognize that massive capital flows swamp and in fact may drive trade flows. It is time to cooperate with our allies.

That is why my colleagues and I offer this resolution. We call on the President to attend the Bonn summit committed to beginning a discussion about reducing currency misalignments and exchange rate volatility.

To use a favorite quote of the President's: "If not now, when. If not us, who."

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 151

Whereas the President's Council of Economic Advisers has reported that the real rate of exchange of the dollar increased by almost 60 percent between 1980 and 1984;

Whereas the Congressional Budget Office and the President's Council of Economic Advisers have stated that the large budget deficit has been a major cause of the high interest rates which they report have been a major cause of this increase in the real rate of exchange of the dollar;

Whereas this overvaluation of the dollar acts as a tax on American exports and a subsidy for foreign imports;

Whereas this overvaluation has resulted in the loss of an estimated two million American jobs since 1980—approximately 1.5 million of them in the manufacturing sector;

Whereas America's traditional strength in agricultural exports has been seriously eroded by the overvaluation of the dollar, with the result that the President's Council of Economic Advisers estimates that American agricultural exports have declined by about $8.5 billion from the levels of three years ago;

Whereas currency misalignments, including the overvaluation of the dollar, have led to major competitive dislocations in the United States and world economies and have increased trade tensions between the United States and its trading partners; and

Whereas those critical currency issues have been largely ignored in the Administration's approach to international discussions of economic and trade policy: Now, therefore be it

Resolved, That it is the sense of the Senate that a decrease in the Federal deficit is a necessary but not a sufficient condition to bring down the value of the dollar and that the President should at the Bonn Summit initiate a preliminary discussion on the problem of currency misalignments, exchange rate volatility, and possible cooperative approaches to these problems.

Mr. BAUCUS. Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business with statements therein limited to 5 minutes each, not to extend beyond 10 a.m.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I understand at 10 o'clock we are back on Senate Concurrent Resolution 32 and the pending amendment. There are 2 hours on that pending amendment. If no one yields time, time will run on the amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. Then, from 12 o'clock until 2 o'clock will be the Republicans and Democrats having their Tuesday policy luncheons.

At approximately 2 o'clock we will lay down the final amendment. There is 1 hour on that amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. As I understand, on that amendment it makes no difference who would yield time. I would not be in a position of having less time than the minority side. That would not be relevant at that point. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. Mr. President, it would be my hope that sometime in the late afternoon we could have a vote. But, obviously, if someone wants to use time on the resolution, we would not vote today or tomorrow. As I have indicated, in those circumstances we are using time so at least that is getting us to the goal of using up the 50 hours. I had hoped that we might vote today.

I have been asked by a number of my colleagues about the schedule for the remainder of the week. I think it will probably be fairly hectic, probably coming in early in the morning—8:30 or 9 o'clock—and staying late at night, speaking of Wednesday, Thursday, and Friday. I am not certain about Saturday. It depends upon whether we are nearing the end or not.

I have not discussed this with either Senator DOMENICI or Senator CHILES, but I do not think there is any likelihood to finish by Friday. We could if we stayed all night a couple of nights, but I am not certain that would be productive. In any event, it is the hope of the majority leader that we could have a vote and that will be followed, I assume, by 60-some amendments with one or two votes in the next 2 days followed by maybe 30 or 40 votes.

I would also thank my colleagues for their willingness to let us take care of the Ortega resolution last evening, condemning the visit to Moscow. We have seen some reference to it in the newspapers and on television.

We think it is of great concern, which is the important thing. The resolution was sponsored by myself, the distinguished minority leader, and others. It passed with a voice vote without dissent, so far as I am aware. In my view, it is an important resolution. It indicates that the Senate, Democrats and Republicans, are concerned about Ortega's visits, are concerned about additional bailouts by Moscow, are concerned about the activities in Central America. Whether or not it is reported, downplayed, or ignored by most of the media is probably insignificant.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, was the order recognizing the minority leader for 10 minutes under the standing order reserved for me?

The PRESIDING OFFICER. It was.

Mr. BYRD. I thank the Chair.

HERB LITTLE STATEHOUSE DEAN

Mr. BYRD. Mr. President, the dean of the West Virginia statehouse press corps, Herb Little, will be retiring next

month after covering the West Virginia Legislature for almost 35 years.

Herb Little began covering the West Virginia Legislature in 1951, the year that I began serving in the West Virginia Senate. After 35 years of reporting on the legislature, Herb is the senior mind of statehouse journalists, and a natural resource for reporters looking for guidance on parliamentary procedure or legislative history.

We will miss Herb's statehouse reports, but we wish him well in his retirement.

Mr. President, I ask unanimous consent that an article from the Charleston Gazette on Herb Little's career be reprinted in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows;

STATEHOUSE "DEAN" LEAVING MARBLE HALLS

(By Bill Case)

Herb Little says he's a "low blood pressure type guy." Apparently, that's the only kind of person who could survive 35 years at the West Virginia Capitol and live to laugh about it.

Little, head of The Associated Press bureau at the Capitol, strolled into the marble halls of the state Supreme Court for the first time in 1950 on assignment from the wire service. "I had never been in any kind of court before, not even a J.P. (justice of the peace) court," he recalls. "I didn't have the foggiest idea what was going on."

The dean of the Statehouse press corps will retire May 4, leaving behind a trail of cigar smoke and a score or so of younger media types who now do the jobs he and three others held down in the 1950s.

Only a few longtime staff people who were there for Little's first days remain on the job. "I'm covering the sons of the senators and delegates who were here, and the sons of the lawyers at the Supreme Court," he said. "But when the third generation started showing up, I decided it was time to hang it up."

Little got a job with his hometown newspaper, the Parkersburg Sentinel, after he was discharged from the Army in 1946. Later that year, AP hired him to staff a one-man bureau in Bluefield.

He was transferred to Charleston in 1950, and has attended every legislative session since 1951 as an AP writer.

It wasn't easy to write about what the Legislature was doing in the 1950s, because almost every important decision was made behind closed doors. Little says,

"All the committee hearings were closed, and you couldn't get minutes or a roll call. The only way to find out what was going on was to find someone who would leak it to you, and hope they would tell you the truth. It wasn't an ideal way to cover a legislature."

Little says it was easy to find people to claim credit for legislation which was reported out of committees. But when a bill was killed in secret, "It was pretty hard to pin down who did it."

The legislators, in general, are better informed about what they are doing than in the past, in part due to better staff support, he says. But the last-minute crunch is still the same. "People pass legislation on the basis of sketchy oral information provided by a member of the conference committee. It's not uncommon to find mistakes a week or two weeks later."

Despite this year's budget fiasco, Little says, "It's a lot less harried than usual around here."

While some find the sessions interminable, Little says he enjoys the Legislature. "I'll miss it. I've generally had a pretty good relationship with the legislators, although it's been a basically adversarial one. A lot of them seem to me to be hypersensitive to what's being written about them."

Several times, he adds, new members of the House or Senate have sought him out for background information about issues. But unlike some who would jump at the chance to tell a legislator how they saw things, the encounters apparently made Little uneasy. "I always would lean over backward to avoid taking positions," he says.

The Statehouse press corps in Little's early days consisted of one reporter each from AP, United Press, and the two Charleston papers. Today, each of those organizations sends two or more people to the Capitol, joined by representatives of several other newspapers and a number of radio and television stations.

The competition between the two wire services has been unabated over his 35 years, Little says. "The only advantage I might have over younger reporters is what I have in my head," he says. "I might not be able to get a story they couldn't get, but I could get it faster because I'd know where to look."

But he says the competition, and the hectic pace which often develops at the Capitol, doesn't get to him. "It's a matter of temperament. I'm kind of a low-blood-pressure type guy. Stress doesn't bother me," he says. "It would be really unfortunate if we shook down in just one wire service. The competition is part of the job."

Little plans to spend the summer reading, traveling, and "spending more time than anybody should watching baseball on television."

"But I'm not going to spend my retirement on the porch in a rocking chair," he adds. "Next fall I'm going to look for some part-time work. I don't think I'd enjoy staying fully retired."

MIKHAIL GORBACHEV'S FUTURE OPTIONS CONSIDERED

Mr. BYRD. Mr. President, even before Mr. Chernenko's demise, some members of the Western media corps were fulsome in their praise and admiration of the Soviet heir-apparent, Mikhail Gorbachev. Reporters and newspeople were not alone in their twitteration. One Tory member of the British House of Commons went so far as to compare Gorbachev and his wife to President and Mrs. John Kennedy.

Now that Mr. Gorbachev has been officially elevated to the apex of the Soviet state apparatus, global conjecture about the directions he will take in domestic and foreign affairs continues. As in his preselection period, most of those conjectures are based on Mr. Gorbachev's perceived charm, much of which is, in turn, based on his talents in manipulating his hosts and joking with reporters. Rare as those qualities have been in recent Soviet leaders, they do not, in fact, justify some of the more sanguine assessments of future Soviet-American relations that have been offered in some quarters. So far, Mr. Gorbachev has proved primarily again that style can temporarily obscure substance.

America's dealings with the new Soviet leader should be founded on reality, however, not on fantasy, wishful thinking, or public relations. Mr. Hoyt Purvis contributes significantly to that reality in a recent article of his that appeared in the Springdale News of Springdale, AR. His article is entitled "Gorbachev: Soviet Change More Style Than Substance." The director of the Fulbright Institute of International Relations at the University of Arkansas, Hoyt Purvis has had long prior service as a Senate staff member—as a matter of fact, having been on the Democratic Policy Committee staff for quite a long time—and as an adviser and participant in defining and shaping foreign policy issues.

I recommend Mr. Purvis' article on Mikhail Gorbachev for its comprehensive, lucid, and analytic thought, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows

GORBACHEV: SOVIET CHANGE MORE STYLE THAN SUBSTANCE

(Hoyt Purvis)

No sooner had Mikhail Gorbachev emerged as the new general secretary of the Soviet Communist Party than he was being described in the Western media and by some analysts as a "moderate."

Such a description seems to be based partially on wishful thinking, partially on Gorbachev's comparatively youthful appearance and style, and much less on the basis of any hard data about Gorbachev's views or the likely direction of his policies.

It is possible that Gorbachev may prove to be a moderate, at least in relation to his predecessors. He does represent a new generation of Soviet leadership and there are reasons to believe that this generation may try to do some things differently. But these instantaneous assessments of Gorbachev are more indicative of how style is often given as much or more weight than substance, how much depends on personal and public relations in international affairs as well as in domestic politics.

In many ways international politics and the arms race have become a public relations contest. That doesn't make these matters any less critical, it doesn't reduce the potential destructiveness of nuclear weapons—it simply means that packaging sometimes counts for as much as the product. It also means that the Soviets may be doing better for a while in the international public relations competition. Gorbachev is off to a good start in this regard, but at this stage it is relatively easy for him to look good, primarily because he is being contrasted to those who have gone before him in recent years—that tired, tottering parade of Soviet senior citizens.

Gorbachev received rave notices when he made his Western debut in London in December. Accustomed to bland Soviet leaders,

British Prime Minister Margaret Thatcher and others were much impressed with Gorbachev, and almost equally, it seemed, by his svelte spouse, Raisa, who was so different from the stereotype of the Russian woman. Last week, one British politician, a conservative member of Parliament, went so far as to compare the Gorbachevs to John and Jackie Kennedy, in what must rank as one of the least profound analyses of the season.

Gorbachev's trip to London before becoming the top man is likely to be only the first of several major visits to the West. He has reportedly accepted invitations to both France and West Germany, and can be expected to intensify the Soviet effort to win points with America's allies and to pull them toward a somewhat more neutral position between the two superpowers, or at least a position less obviously anti-Soviet. There might well be a renewal of the Soviet peace offensive of the early 1980s—depending upon what is happening at the Geneva arms talks—but perhaps the public relations offensive will be handled more adroitly this time. The Soviets badly overplayed their hand in the previous effort to drive a wedge between the United States and Western Europe. Ultimately, of course, there is likely to be a summit meeting between Gorbachev and Reagan when both sides believe there are clear benefits to be gained.

The atmospherics, the political and public relations environment, have to be right, and there are indications that such an environment is gradually developing. When President Reagan says, "The Soviet Union is in a different frame of mind than it was in the past," he might also be indicating that he is in a different frame of mind that he was in the past.

But Gorbachev has many problems to worry about besides summit meetings, and unless he is able to deal effectively with some of those and to consolidate his hold within the country, he won't be in much of a position to engage in high-stakes diplomacy. He will have his hands full dealing with domestic problems and with neighboring countries.

It is not at all clear how much flexibility and autonomy Gorbachev will have. Andrei Gromyko seems certain to remain a major foreign policy influence for awhile. Other Politburo members will obviously be closely scrutinizing the new leader's moves.

His first speech as top man was generic, but is probably an accurate indicator of where his emphasis must be. He stressed economic development and "law and order," and he must deal with the stagnation and corruption that have plagued the nation. For all the progress that the Soviets have made in developing their strategic capability, and the advances in certain scientific and technological areas, the Soviet economy is badly lagging. Perhaps Gorbachev is the man who can at least provide the leadership to grab hold of the aging Soviet infrastructure and shake it into a more modern state.

Certainly it will be interesting to contrast what Gorbachev and company attempt and accomplish in the Soviet Union in comparison to the remarkable changes being attempted under Deng Xiaoping and his team in China. Another question is how long the Soviets can keep the lid on in Eastern Europe, where in several spots the desire for more economic freedom simmers, and how this will affect the U.S.S.R. And there is the Afghanistan quagmire.

Gorbachev may bring some new crispness to the way Soviet government runs, and it will be especially interesting to see the extent to which other "younger" figures will move into the Politburo and into other key positions.

It is clear that, for awhile at least, Gorbachev will put a new gloss on Soviet pronouncements and public relations, but dramatic changes, particularly in foreign policy, seem unlikely. The Soviet policy on arms control, for example, is rather clearly established, and Gorbachev has already fired a few salvos against President Reagan's proposed "Star Wars" system.

Gorbachev is, after all, a product of the Soviet system and he did not earn his stripes by being unorthodox. But perceptions, personal style and atmospherics can be important in international affairs, and because they are, Gorbachev is potentially well positioned to bring about internal and external change.

THE INSPIRATION OF ABRAHAM LINCOLN

Mr. BYRD. Mr. President, 120 years ago this month, on April 15, 1865, President Abraham Lincoln died from an assassin's bullet. It is just and honorable that we take a few minutes today to remember the man and the President, and what he meant to America.

We remember President Lincoln for his compassion: "With malice toward none, with charity for all," he declared.

We remember the awesome burden that fell upon this gentle man during the darkest days in the history of our Nation: "We shall nobly save, or meanly lose, the last best hope of Earth," he lamented.

We remember the torturous dilemmas that President Lincoln encountered as he sought to preserve this "last, best hope." "Don't it seem strange," he remarked, "that I, who could never so much as cut off the head of a chicken, should be elected * * * into the midst of all this blood." During the last year of the Civil War, while the North and South were still locked in mortal combat, Lincoln pondered the irrationality of such a conflict: "Both (sides in the conflict) read the same Bible and pray to the same God, and each invokes His aid against the other."

We remember Lincoln for the complex man that he was. The poet and Lincoln biographer Carl Sandburg commemorated Lincoln as "a man * * * both steel and velvet * * * hard as rock and soft as drifting fog."

"Honest Abe," we call him now—the "Great Emancipator" who preserved the union and freed the slaves, and whose example still inspires and directs us.

But we also should remember that the "Great Emancipator" was not always regarded in such glowing, appreciative terms. For example, like most politicians, the 16th President had his troubles with the press. "Most of America's leading newspapers," wrote historian David Donald, "were anti-Lincoln in 1860, and they remained anti-Lincoln till April 15, 1865. They berated Lincoln in a way that makes even the anti-Roosevelt campaigns of our own day seem mild."

I point out that Lincoln was not universally admired in his day in order to remind my colleagues that Lincoln was indeed a mortal. He was a human being who had his faults and problems. Still, he is remembered as the great man who rose out of poverty to accomplish so many noble deeds, including recognizing the establishment of my own State of West Virginia.

Today, Lincoln is all around us, not only in spirit, but in physical testimonies to his greatness. At the other end of the mall stands the Lincoln Memorial. A few blocks away is Lincoln Park. Statues and busts and portraits of Lincoln saturate this city, the seat of the most powerful Government on Earth, and this building, the Capitol of the United States.

The life and work of this man have inspired more writings than any other American.

Fortunately, thanks in considerable measure to the efforts of President Lincoln, the Union is still intact. But we face problems today that are just as challenging and significant, and in some cases deadly. And we, like Lincoln, are only human. As we confront them, we will not do wrong by following his example, and heeding his warning to Congress: "Fellow citizens, we cannot escape history. We will be remembered in spite of ourselves."

We, too, in our own time and in our own way, will "nobly save, or meanly lose, this last, best hope." In the manner in which we approach this grave but wonderful challenge, to paraphrase the words of Phillip Brooks: "May God make us worthy of the memory of Abraham Lincoln."

STATEMENTS BY AFGHAN LEADERS

Mr. BYRD. Mr. President, the April 1985 issue of the Journal of Defense and Diplomacy includes an interview with three Afghan resistance leaders. I call my colleagues' attention to this article because it offers a good deal of insight into the motives and strategy of the brave Afghan resistance fighters. As one officer says:

> We do not ask the British, French, Americans, or anybody else to take rifles and fight. . . . We are asking for material, moral, and political aid.

The commitment of the Afghan people is evident from the words of their leaders. They rely on our help in pressuring the Soviet Union to the bargaining table. We can do no less than to pay attention to their plea for help. I encourage my colleagues to read this interview. It is an inspiration and a solemn reminder of the price of

freedom. I ask unanimous consent that the interview be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

AFGHAN FREEDOM FIGHTERS

Hassan Gailani is the chief military commander of the freedom fighters of the National Islamic Front of Afghanistan. Gailani has been credited with launching the first anti-Communist armed resistance in Afghanistan. Brig. Rahmatullah Safi and Wali Khan are his right-hand men.

Brig. Rahmatullah Safi is the military adviser to the National Islamic Front of Afghanistan under the leadership of Pier Sayad Gailani, Hassan Gailani's uncle. The staff officer in charge of military plans and training, Brig. Safi was a leader of the 1983 to 1984 offensive in the border provinces of Paktia and Paktika, southwest of Kabul. Part of his military training was received with U.S. Army Special Forces at Fort Bragg and with Britain's Special Air Services. He has also had commando training in the Soviet Union.

Prior to the 1979 Soviet invasion, Brig. Safi was Chief of Special Forces of the Royal Afghan Army. After the Communist coup, he was imprisoned for two years and was tortured two to three times a week. Upon his release, he joined the Afghan resistance movement.

Under Brig. Safi's direction, the combat readiness of the Afghan freedom fighters has been substantially increased. Specializing in small unit hit-and-run tactics, his men have succeeded in severely punishing the Soviet and Afghan armies.

Wali Khan is a general commander of the Mohaz freedom fighters in Kabul. After graduating from the University of Kabul, he became an administrator for the U.N. Refugee Program in Afghanistan. Khan and his brother, Hassan Khorohkel, were both instrumental in Operation Blackout, the largest sabotage operation by the freedom fighters against the Soviets since the war began. Operation Blackout left two-thirds of the city of Kabul without power.

JODD. What is the current state of affairs in Afghanistan?

Brig. SAFI. Things in Afghanistan are generally miserable, though we have had some success militarily. From the military point of view, our freedom fighters gain more experience; with time, they reduce their losses. We have been able to give good economic and psychological damage to the Soviets, and the Soviets are still not able to control the heart of the Afghan people. The government takes everybody—the old, the young—into the army, but once they are in, they run away and join the mujahideen. That is the mark of our success.

As the Soviets have not been able to find the strongholds of the freedom fighters, they have changed their tactics. Now they attack all over the country—they kill civilians, burn crops—which makes life impossible for the people. I believe that is because the biggest ally of the freedom fighter is always the local people. Food from the local people, intelligence from them, accommodation from them, so many things. Always the local people. Because of this the Soviets want to make life difficult for the freedom fighters. As the Soviets kill children, women, the elderly, destroy villages and force the survivors to be refugees, there is no more support. As time goes by, the result becomes clear.

JODD. As the Soviets continue this policy of "scorched earth," how can your movement combat this? How can you survive against this kind of tactic?

Brig. SAFI. This is the main reason we have come to the United States. We are not here to enjoy Washington. Our minds are still in Afghanistan. We are here to see if we have allies, to see if there is a free world ready to defend democracy and freedom. We believe we are not only fighting Afghanistan but for you, too. If you also believe this, then this is the time. We don't ask the British, French, Americans or anybody else to take rifles and fight. That is our job.

We are not being suicidal. We are happy to be alive. But now is the time for Washington to make decisions. If Afghanistan is to be a political gift to the Soviets, then the killing is for nothing, the genocide for nothing. If not, let them take it seriously—militarily and politically. People [in the West] say they give military aid. We do not see the aid. Is the West afraid of the Soviets? We are asking for material, moral and political aid. Now is the time to tell the Soviets, "You are savages. Stop." If somebody wants to stop the Soviets, it is in Afghanistan that it can be done.

JODD. How will the West's supplying of arms halt the Soviets' scorched earth atrocities from driving out the population?

Brig. SAFI. Let the Soviets continue to come. We will continue to fight them. We have never said that if you give us the weapons we will throw the Soviets out. But we will surely give you the chance to force them to the negotiating table. If they continue to lose men, to lose equipment as we continue to fight, they can be forced to talk. In London in 1979 I was there, and all the British experts thought we would collapse in a fortnight. We are still fighting.

JODD. You are saying, then, that the longer you can prolong the fight, the more political and moral support you can muster to force them to the table?

Brig. SAFI. First, the Soviets have been told more than 15 times by the majority of western nations that they must pull out. This happens because we fight, because there is still a national will in Afghanistan. That is the proof. If we don't fight, how can we win support? Secondly, yesterday, all over the world everyone was saying that the U.S. was imperialist and that the Soviets were the great peace-lovers. Today, after Afghanistan, after we fight and people see what the Soviets really are, it's the other way around.

KHAN. We are not able to push out the Soviets by the use of direct force due to the geographical position of the two countries and other factors. Nor can we claim that if we receive sufficient weapons and food we can stop them from destroying villages and so forth. But if we can get sufficient support, those Soviet activities will get very expensive. We could limit their invulnerabilities—get into a better position to put pressure on them and bring them to the table. If they know they would lose one fighter for every house they take, they will not do it. If they are sure that if they destroy a particular village they would lose 50 tanks and 10 or even five fighters, then they won't do it. They are counting and worrying about losses, too.

JODD. How many Cubans are there in Afghanistan?

KHAN. Cubans were seen in the north and southwest of Afghanistan back in 1982. Currently they are mainly advisers to Kabul commando units, as well as to some other special forces units—not so much to the regular army. There is also one division of Bulgarians. There are groups from several of the Soviet ethnic nations within the Soviet empire.

JODD. After the cutting of power to Kabul by your forces during Operation Blackout, what is the current state of availability of electrical power to Kabul?

KHAN. Kabul had 220,000 kilowatts of hydroelectric power from three plants. The lines from these three plants were cut as a result of Operation Blackout. According to our sources, the government has only temporarily repaired one line in the past six months. As they were finishing repairs, one of our groups attacked again. It will be some time before Kabul has all its electrical power.

JODD. How effective is the Afghan army?

BRIG. SAFI. It is not trusted by the Soviets.

KHAN. The army of the Karmal regime is only for show. Government soldiers are seen by day in Kabul as sentries and watchmen, but the army is not used for much else. Even in combat situations they are usually only used because they are familiar with the terrain, as just a buffer to the front line. They are not even really trusted in Kabul city. Even on patrol in the streets they must have the Soviets behind them. The soldiers in the Afghan army have been taken from villages and the streets and put into the army by force. They are always seeking an opportunity to escape—to join the freedom fighters or just get away.

JODD. What is your level of recruitment? How many men do you have coming in?

BRIG. SAFI. We don't need to recruit. This is not a war of ideology where we have to make people come to fight with us to convince them that we are the right side. It is a war of national resistance. There is always a shortage of weapons. This is the real problem, not manpower. We can always get the men, but we must give them weapons with which to fight.

JODD. What kinds of weapons do you need? And how many?

BRIG. SAFI. It is very difficult to say how many. That depends on how quickly you want the Soviets to take us seriously. But we terribly need effective antiaircraft weapons, useful weapons. Not merely machine guns and assault rifles. They are not very effective against jets and attack helicopters.

JODD. You appeared before a committee of the U.S. Congress. What do you want from the U.S. Congress particularly?

Brig. SAFI. First, if they believe in freedom, they should seriously call on the Soviet Union to withdraw its troops from our country. Then, we want food, medicine and weapons to continue the fight to stop the bombardment, to stop the genocide. What we are asking for are American antiaircraft missiles. We are asking for American medicine. We are asking for American guns. We are asking for American doctors and medical equipment. We are asking for American food.

JODD. There are concerns in the United States that some of the equipment meant for your forces doesn't get through. If the United States makes a commitment but the pipeline remains unchanged, that will be a serious problem.

Brig. SAFI. Our job is to better organize, hurt the enemy and train our freedom fighters. But we are not in a position to know how much aid is coming in the first place. Is the aid really here, or is it KGB propaganda? We receive much "help," but we have nothing—just the sandals on our

feet. It is psychological warfare against our organization. You should not start from our end—you must start at the suppliers' end and follow from there.

JODD. Are you satisfied with the aid and level of support from other Muslim nations, considering that you have declared your struggle to be a jihad? There does not seem to be an enormous degree of help from any of them. Does this concern you?

Brig. SAFI. I have heard that some aid is coming from the fundamentalists to some mujahideen fundamentalist groups because of the ideological ties. They want to export their ideology. Our ideology is based on the ideology of the people of Afghanistan, on nationalism. If you ask refugees in the camps, "What do you want?" they reply the same as we commanders do: we want our country back, we want to go home. We are adding one more goal besides getting rid of the Soviet Union: the future of the state of Afghanistan must be in the hands of the people of Afghanistan. We don't want to import and impose on them any foreign ideology.

JODD. So, the fundamentalists in the Muslim world are not giving aid to the whole resistance movement?

Brig. SAFI. No, unfortunately for us.

GAILANI. They don't consider all of us to be true Muslims.

JODD. Has the coordination between the various freedom fighter groups improved?

GAILANI. You could say that in Afghanistan all the freedom fighters are cooperating with each other. There were some problems among some groups, but they have decreased a lot. It is not that much of a problem. They are united and fighting the same enemy.

JODD. Are there combined operations, or do the groups each work in their own general area?

GAILANI. Mostly, if they have a plan, they do it themselves. If we have a plan, we do it ourselves. But when the enemy attacks somewhere we are not aware of, then everybody stands together against it.

JODD. But there is no actual coordination.

GAILANI. At the present time, that is true.

JODD. What about sharing of supplies?

KHAN. There are some instances of sharing. If one group runs out of ammunition, we supply what we can. As far as the overall politics are concerned, the groups fighting in Afghanistan will be united whenever the source of aid is united. The aid is scattered now.

JODD. If a supplier makes a condition that all aid be distributed equally to all the groups, would that be feasible and workable?

KHAN. If there is to be a unification of all the groups, then it will happen overnight. In the past, some donors have stated that if some of the major resistance groups join together, they would cut off the assistance. So the groups were forced to reject that assistance. We complain that the aid is sometimes used to keep us divided. If this is relaxed, we could get together very easily.

Brig. SAFI. We are brothers. We are Afghans. We have one enemy.

JODD. Is this a struggle you can win?

Brig. SAFI. We must win. We have no alternative. This is our land—it belongs to us. We have no choice.

NATIONAL SEWER GRANTS REDUCED FOR GREAT LAKES STATES

Mr. KASTEN. Mr. President, yesterday I was shocked to learn of a proposal to drastically reduce the Federal funds that will be made available to Great Lakes States for the construction of sewage treatment facilities.

I have been informed that the average Great Lakes State will receive 18 percent less from our National Sewer Grants Program. This comes at a time when many municipalities are in the middle of major construction programs.

For my home State, Wisconsin, the Environment and Public Works Committee proposal would reduce sewer grant funds by 20 percent.

This proposal is totally unacceptable. It is yet another case of where the Federal Government is treating the Great Lakes like an ugly stepchild.

I hope that during the Environment and Public Works Committee markup of the Clean Water Act tomorrow that this proposal is not adopted, and that a more equitable allocation of these essential dollars prevails.

Unfortunately, this failure of the Federal Government to give adequate attention to the Nation's most important freshwater resource is not unique. The United States has failed to live up to its obligations under the water quality agreement with Canada, and failed to provide essential management on several other fronts.

In 1982 the General Accounting Office issued a strong document calling for the Environmental Protection Agency and Congress to take major steps to improve U.S. efforts to clean up the Great Lakes and live up to our obligations under the water quality agreement.

The report cited three key failures of our efforts to manage the Great Lakes. Those three shortcomings are: First, the lack of an effective overall strategy for dealing with Great Lakes water quality problems, second, the lack of knowledge about the extent of pollution problems and the impact of control programs, and third, the need for improved management of Great Lakes pollution cleanup activities.

One of the major reasons for our not meeting the obligations under the Water Quality Agreement is the slow progress on the completion of municipal sewage treatment facilities. While virtually all of the Canadian municipalities have adequate sewage treatment facilities, progress on completing U.S. municipal sewer programs has been totally inadequate.

The amendment the Environment and Public Works Committee will consider tomorrow is a giant step backward. At a time when we are facing tremendous challenges in protecting the Nation's most important freshwater resource we should not be reducing the funds for sewer programs, but should be moving ahead to take a comprehensive approach to the management of the Great Lakes.

I hope the committee will reject this new formula at tomorrow's meeting.

Mr. President, I would like to have printed at this point in the RECORD the section from the GAO report entitled "A More Comprehensive Approach Is Needed to Clean Up the Great Lakes," describing the shortcomings of our progress in completing work on municipal sewers around the lakes.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. GREAT LAKES WATER QUALITY OBJECTIVES ARE NOT BEING FULLY MET

Although in 1978 the United States committed itself to a comprehensive program to control Great Lakes pollution, the lakes continue to experience eutrophication (aging) and toxic pollution problems because:

Controlling municipal pollution sources continues to lag behind schedule;

Phosphorous, a major factor in controlling lake eutrophication, is not being completely controlled and control efforts may not be properly focused;

Little attention has been directed to nonpoint sources of lake pollution;

The extent and sources of toxic pollution remain undefined, and an overall toxic control strategy has not been developed; and

Comprehensive, effective surveillance and monitoring activities needed to determine water quality conditions and trends and assess pollution control efforts have not been developed and implemented.

Although progress is being made in cleaning up the Great Lakes, the United States has experienced many difficulties in attempting to meet its water quality agreement commitments. The lack of information about the nature, source, and extent of lake pollution from some substances, funding constraints, and other factors have all hindered U.S. efforts. If the United States is to meet its commitments to protect the Great Lakes, however, greater and more comprehensive efforts will be needed.

CONTROLLING MUNICIPAL POLLUTION SOURCES CONTINUES TO LAG BEHIND SCHEDULE

From 1972 to February 1981, the United States spent about $4.9 billion in Federal, State, and local funds to construct and upgrade municipal sewage facilities to treat wastewater discharges to the lakes, but more remains to be done. The Nation will not meet the December 31, 1982, agreement goal for adequate treatment of all municipal sewage discharges to the lakes. In addition, discharges from combined sewers (sewers that carry municipal wastewater along with storm runoff) continue to be a major source of lake pollution, but little funding or effort has been directed to controlling these discharges. Ambitious agreement timetables, difficulties in obtaining funding, and treatment plant operational problems, among other factors, have all contributed to the difficulties in controlling municipal pollution sources.

SEWAGE TREATMENT GOALS WILL NOT BE MET

The Water Quality Agreements require the United States to (1) construct and operate waste treatment facilities to provide adequate treatment for the sewered population in the U.S. portion of the Great Lakes Basin, (2) provide financial resources to ensure prompt construction of needed facilities, and (3) establish pretreatment requirements for industrial plants discharging waste into municipal systems. We reported in March 1975 that the United States had

made substantial progress with its municipal point source control program, but that much remained to be done. That continues to be the case today.

A goal of the 1972 agreement was that the municipal point source control programs in both Canada and the United States would be either completed or in process by December 31, 1975. We reported in 1975 that the United States would not realize this goal. We further reported that, at that time, only about 60 percent of the U.S. sewered population had adequate treatment compared with about 98 percent for Canada.

When the Governments negotiated the 1978 agreement, they established December 31, 1982, as the new goal for completion of municipal point source control programs, including the requirement for providing adequate treatment. In the United States, the Clean Water Act, as amended, requires publicly owned treatment works to provide a minimum of secondary treatment with more stringent treatment to be provided if secondary treatment would be insufficient to protect water quality. Meeting the requirement for secondary treatment satisfies [1] the 1978 agreement requirement for adequate municipal treatment.

In its Seventh Annual Report on Great Lakes Water Quality, issued October 1980, IJC reported that only 64 percent (compared with 60 percent in 1975) of the sewered population in the U.S. portion of the basin has adequate sewage treatment, compared to 99 percent for Canada. In that report, EPA estimated that completion of treatment facilities under construction should provide 99 percent of the U.S. sewered population with adequate treatment by 1983. We found, however, that a significant number of municipal plants on the Great Lakes will not be completed in time to meet the agreement goal of December 31, 1982. EPA's own estimates (see app. III) show that 31 percent of all major municipal treatment facilities on the lower Great Lakes will not be completed until 1983 or later. At the same time, however, EPA points out that the unfinished facilities represent only about 15 percent of the total municipal sewage flow from major facilities into the lower lakes.

In addition, the completion of municipal treatment plants does not in itself guarantee that adequate treatment will be provided. For example, in a 1980 report [2] on wastewater treatment plants, we found that municipal facilities nationwide were experiencing severe problems limiting their ability to treat waste. These problems included plant design and equipment deficiencies, defective sewer systems allowing infiltration of ground water that overloads existing facilities, industry waste that is not compatible with the plant's treatment system process, and operation and maintenance deficiencies. We reported that inadequate operation and maintenance of the 242 municipal plants sampled nationwide resulted in such repeated violations of discharge permits [3] that the violations constituted the norm rather than the exception. Using the sampling data in that report, we determined that 22 (85 percent) of the 26 sampled municipal dischargers in the Great Lakes Basin violated their discharge permits at least 1 month during the 12-month study period. Further analysis showed that 35 percent of the 26 sampled plants were, in our opinion, in serious violation of the permit discharge limits for biochemical oxygen demand, total suspended solids, or total phosphorus.

According to the GLNPO director and staff, several reasons exist for the delays in completing adequate treatment facilities in the United States. They stated that (1) unrealistic timetables were set to pressure the Governments to take action, (2) larger, more complex facilities are needed in the United States than in Canada because of greater population and industrialization, thereby necessitating a longer time frame, and (3) lack of expertise among State and local recipients in handling construction grant funds impeded efforts to assess treatment needs and design the types of facilities needed to correct pollution problems. An official with the Ohio EPA cited several reasons for the program slippage in Ohio, including the time required to obtain Federal construction grants, construction problems, and the lack of support by municipal officials for the construction of treatment facilities at a time when other pollution sources are not being controlled.

While many factors have limited the pace of construction for waste treatment facilities, EPA believes that funding limits have also slowed construction. For example, when a large Federal grants program made funds available to local communities to use in completing construction of waste treatment facilities, the communities were no longer willing to construct facilities using only local funds. In addition, faced with limited funds, States were not funding low-priority projects—typically the large number of small plants that will fail to meet the December 31, 1982, deadline.

From 1972 through February 1981, almost $4.9 billion in Federal, State, and local funds was provided for municipal sewerage construction in the Great Lakes Basin. (App. IV shows municipal wastewater treatment plant construction funding by State.) Actions being taken to reduce the Federal budget, however, could affect the already extended dates for completing municipal projects in the Great Lakes Basin. For fiscal year 1980, actual funding for the construction grants program nationwide was $3.4 billion, $1.6 billion less than the $5 billion authorized. Furthermore, as part of his economic recovery program, the President proposed, and the Congress agreed, to rescind $1.7 billion in previously appropriated but unobligated construction grant funds. Also, on December 29, 1981, the President signed Public Law 97-117, the Municipal Wastewater Treatment Construction Grant Amendments of 1981. This act amended the construction grant provisions of the Clean Water Act to, among other things, authorize appropriations of $2.4 billion for fiscal years 1982-85 for the grants program. EPA's fiscal year 1982 appropriation does not include funding for the program, but the administration requested $2.4 billion for fiscal year 1982. How much of this money, if appropriated, will go for Grant Lakes projects is not known.

The 1978 agreement also requires the United States to establish pretreatment requirements for industrial wastes being discharged into municipal treatment systems where such wastes are not amenable to adequate treatment or removal using conventional waster treatment processes. In a 1982 report [4] on EPA's industrial pretreatment program, we reported that although the program was authorized in 1972, it has yet to be fully implemented. We found that the overall scope and impact of the program remains undefined; the program may result in costly, inequitable, and/or redundant treatment which may not address critical pollution problems; and the program will be a further drain on scarce Federal, State, and local pollution control resources. In addition, we found that the program is undergoing a regulatory review analysis and EPA has proposed that the effective date for program implementation be postponed indefinitely.

LIMITED PROGRESS IN CONTROLLING COMBINED SEWER DISCHARGES

To avoid overloading treatment facilities, combined sewer systems divert part of the storm flows directly into waterways. Combined sewers have caused pollution resulting in beach closures; health hazards; fish kills; and unsightly conditions in rivers, harbors, and bays. Although both the 1972 and 1978 water quality agreements addressed the need to control this problem, limited progress has been made, primarily because the structural solutions proposed are very expensive and EPA has not emphasized alternatives control techniques. In addition, according to EPA, any funds available for controlling combined sewer discharges have instead been spent on waste treatment facilities for treatment of the more concentrated portion of wastewaters.

In 1976 IJC reported that overflows from combined sewers were reaching serious proportions and that accelerated control efforts were needed. In November 1980 IJC's Great Lakes Water Quality Board reported that, of 51 specific problem areas (hot spots) on the Great Lakes, 20 had serious combined sewer overflows. Our analysis of these 20 areas showed that the overflows were most severe on Lakes Erie and Ontario.

One reason for the limited progress made in controlling combined sewer problems is that structural solutions to the problems, such as catchment basins, are costly. EPA estimates that the Great Lakes Basin States will need $8 billion to control combined sewer overflows—$2 billion just in the Chicago area. In the past, little funding was directed to correcting overflow problems largely because States gave combined sewers low priority compared to other municipal treatment needs.

The adequacy of future funding to control combined sewer overflows is highly questionable. Beginning in fiscal year 1983, $200 million a year is authorized for combined sewer projects nationwide, but the Great Lakes are ineligible for this funding as it only applies to projects which address water quality problems of marine bays and estuaries. Funding to address combined sewer problems in the Great Lakes will not be available until October 1, 1984, at which time the EPA Administrator is authorized to use construction grant funds for combined sewer overflow projects but only when such projects are major State priorities and the State Governor specifically requests the funding. Although a funding level of $2.4

[1] The agreement also requires phosphorus effluent limitations for municipal wastewater treatment plants. Phosphorus control efforts are discussed on pp. 15-26.

[2] "Costly Wastewater Treatment Plants Fail To Perform as Expected" (CED-81-9, Nov. 1980).

[3] All dischargers are required to have a permit issued by EPA or an EPA-approved State which specifies the pollutants that may be discharged and the limits on such discharges. The discharge permit is the principal enforcement mechanism for the water pollution program.

[4] "A New Approach Is Needed for the Federal Industrial Wastewater Pretreatment Program" (CED-82-37, Feb. 19, 1982).

billion annually is expected for the construction grants program, it is important to note that this money will be competed for on a national basis. Consequently, the amount of money that will become available for combined sewer problems in the Great Lakes is uncertain.

In controlling pollution from combined sewers, the 1978 agreement emphasizes the adoption of practical solutions, but, as noted previously, the solutions usually proposed are costly, large-scale structural projects. In a 1979 report we noted that a number of innovative or alternative control techniques which promise in helping control overflows are available. These techniques include storing rainwater on rooftops, parking lots, and elsewhere; disconnecting downspouts; cleaning streets; and using devices to increase sewage flow and to regulate and treat sewage at overflow points. While no technique alone provides the same degree of improvement offered by structural changes, a number of techniques together could minimize overflows and reduce the size of the construction projects. In our report we recommended that EPA emphasize the use of inexpensive techniques and require communities to make maximum use of lower cost alternatives.

Until additional emphasis is placed on abating pollution from combined sewer overflows, the United States will not meet a major provision of the 1978 agreement. Furthermore, uncontrolled overflows from combined sewers will diminish the effectiveness of existing municipal sewage treatment programs in those metropolitan areas in the Great Lakes Basin experiencing overflow problems.

Mr. KASTEN. Finally, Mr. President, I would like to add three new cosponsors to S. 765, "The Great Lakes Management Act of 1985." This is legislation that provides for comprehensive environmental management of the Great Lakes. It corrects the piecemeal approach to efforts to manage the Nation's most important water resource by establishing an agency with the responsibility for assuring comprehensive management of the resource and defining specific responsibilities of the Federal agencies that participate in lakes management. I would like to add as cosponsors to S. 765 Senators STEVENS, MATHIAS, and DURENBERGER.

GREAT LAKES MANAGEMENT ACT OF 1985

Mr. DURENBERGER. Mr. President, today I am pleased to add my name as a cosponsor to S. 765, Senator KASTEN's bill, the Great Lakes Management Act of 1985.

This bill is vital to the integrity and future of the Great Lakes. The Great Lakes—Erie, Huron, Michigan, Ontario, and Superior—and the connecting channels from the Earth's largest fresh water lake system.

The lakes contain about 20 percent of the world's fresh surface water and over 95 percent of the U.S. fresh surface water supply for the contiguous 48 States.

The Great Lakes basin includes all of Michigan, parts of Illinois, Indiana, Minnesota, New York, Ohio, Pennsylvania, Wisconsin, and the Province of Ontario. It contains 20 percent of the total U.S. population and supports economic activity that accounts for 25 percent of the annual national income for the United States.

Twenty percent of all U.S. manufacturing occurs in the eight State region, including 70 percent of total U.S. steel production. In 1983 23.7 billion kilowatthours of hydroelectric power was generated from Great Lakes water and 70 powerplants depend on the Great Lakes as their energy supply. International shipping provides $3 billion of economic activity to the region.

The Great Lakes provide 36 percent of the municipal water supply for the eight Great Lake States; 26 million people depend on the Great Lakes for their drinking water. $8 to $12 billion are generated through recreation and tourism in the Great Lakes States, plus $1.5 billion is generated through sports fishing. Approximately 8 million people visit one of the 12 national parks, either in the United States or Canada. Plus 55 million visit one of the 98 State parks established on the shores of one of the Great Lakes.

The Great Lakes have been viewed as a virtually inexhaustible supply of high-quality water. A water supply that is key to the economic development, stability and growth in the Great Lakes States. But like all great natural resoures, the basin has a vulnerable and fragile ecosystem.

The lakes are an environmental "sink." Inflowing rivers and streams gather and deliver pollutants from the entire basin to the finite bodies or water. Toxic chemicals—released from long-buried and rusting containers, from fertilizers, and from improperly processed industrial and human waste—all find their way to one of the Great Lakes. Further, the very flow of the system, from Lake Superior to Michigan and Huron, and thence to Erie and Ontario, has gathered and concentrated the debris of society. Scientists are able to measure the changes as the waters flow from the nearly pristine Superior to heavily burdened Ontario.

During the last 200 years the lakes have been used for food, fresh water, for homes, farms, and industry, transportation, power generation, recreation and waste disposal. The region has felt the impacts of intensive agriculture, heavy industry and tourism.

The heavy demands have taken their toll. The water quality of the lakes has declined sharply over the years, and in some instances the damage is beyond repair. The natural ecological unity of the lake system is overlaid by local, State, and national boundaries which has made it difficult, at best, to implement an environmental protection and recovery program to restore and enhance Great Lakes water quality.

In 1972 and again in 1978, the United States and Canada signed a Great Lakes water quality agreement. This agreement has gone a long way to heighten the awareness that a coordinated management approach is needed to protect and preserve the natural resources of the Great Lakes basin. Through this agreement, the Governments of Canada and the United States have held each other accountable for actions which affect the water quality of the Great Lakes as well as requiring that specific steps be taken to improve the water quality.

The Clean Water Act is the key vehicle to meet national and international water quality goals for the Great Lakes basin. The construction grant formula proposed by the Committee on Environment and Public Works is unduly biased against the Great Lakes region, and poses a serious threat to efforts to restore and enhance Great Lakes water quality.

This is just one example of the difficulties we face in providing for the management of the natural resources of the Great Lakes basin and with more than a dozen U.S. Federal agencies and eight States sharing management responsibilities, clearly, there is room for improvement. What is needed is a coordinated approach to Great Lakes management instead of the existing bureaucratic maze.

And Senator KASTEN's bill does that by establishing the Environmental Protection Agency as the lead agency with the responsibility for the environmental health of the Great Lakes. It also establishes a basin-wide approach to surveillance and monitoring of the water quality as well as mandating interagency cooperation in efforts to manage the resources of the Great Lakes basin.

This legislation represents a major initiative to provide for the comprehensive management of the Great Lakes. I commend Senator KASTEN for his foresight and efforts in developing this legislation. It is an idea whose time has come.

HIGH MARKS FOR STANFORD UNIVERSITY PRESIDENT DONALD KENNEDY

Mr. KENNEDY. Mr. President, today's Boston Globe contains an excellent and informative article about an outstanding public servant and educator, President Donald Kennedy of Stanford University.

Many of us in the Senate worked closely with Don Kennedy and admired his talented leadership as Commissioner of the Food and Drug Administration in the 1970's. Mr. Kennedy was one of the best and most effective Commissioners the FDA has ever

had, and all of us will be pleased to see that Don today is bringing the same extraordinary combination of intellectual ability and personal commitment to his challenging duties at Stanford University.

I commend Don Kennedy for his brilliant and many-sided record of achievement. Today's article in the Boston Globe will be of interest to all of us who know and respect Don Kennedy, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Apr. 30, 1985]

STANFORD UNIVERSITY'S PRESIDENT GETS HIGH MARKS FOR LEADERSHIP

(By Jeff Biddulph)

STANFORD, CA.—When San Francisco columnist Herb Caen recently wrote that Donald Kennedy is being talked about in Democratic circles as a candidate for the U.S. Senate in California in 1986, Stanford University students weren't surprised.

The Stanford University president, a former commissioner of the Food and Drug Administration in the Carter Administration, is always asked about the issue when he gives interviews. And when the Stanford Daily, the student newspaper, printed in its traditional April Fool's issue three years ago that Kennedy had declared his candidacy for the U.S. Senate, readers thought the story was genuine.

To all the speculation, Kennedy has the same answer: He is enjoying himself as Stanford's president and will remain in that position at least until after Stanford's centennial in 1991.

Besides Kennedy's involvement with the Carter Administration, there are other reasons for wondering about his political future. While he has been president, the university has dealt with an unusual number of volatile issues, and Kennedy is generally regarded to have made astute decisions, defusing crises and remaining popular among students and many faculty members. At the same time, Stanford's reputation as a university has, according to many accounts, risen tremendously in the almost five years that Kennedy has been president.

COMPARED TO REAGAN

Kennedy's political skills have caused some professors and students here to compare him to President Ronald Reagan. They say Kennedy, like Reagan, has a "Teflon coating" that allows him to make unpopular decisions and remain personally popular.

"I think he has been good at maintaining an image of somebody who, like Reagan, is always in the right," said Ronald Rebholz, an English professor.

"With some people, who don't know what goes on behind the scenes, there's the impression that he's such a nice guy and there must be some Teflon to him," said Mark Wilson, a senior and a political cartoonist for the Stanford Daily. Kennedy offers to go running at 6:30 a.m. twice a week with any student or faculty member who is interested, and Wilson is a regular on those runs.

"He's incredibly charismatic. I don't know anybody who's ever met him who wasn't immediately charmed," said Wilson.

SOME NOT CHARMED BY HIS DECISIONS

But Rebholz and many other faculty members are not charmed by some of Kennedy's decisions and many of his tactics.

Rebholz and political science Professor John Manley have led a campaign to investigate the ties between the university and the Hoover Institution, a conservative think tank on campus that boasts among its members some prominent advisers to the Reagan Administration. Edward Teller, a leading proponent of the Strategic Defense Initiative and a senior research fellow at Hoover, has advised Reagan on some scientific issues, and Martin Anderson, a senior fellow at Hoover, has advised the President on the economy. Reagan himself is an honorary fellow at Hoover.

"As long as the university maintains its present relationship with the Hoover Institution, the perception will grow that Stanford is associated with the right wing of the Republican Party," Rebholz said. "Here we have a major unit of the university that is engaged in partisan political activity—there is a distinction between individuals in the university and an entire unit of the university."

Kennedy counters that the charges of Hoover's political bias are exaggerated.

"I think the institution has been identified with a particular ideology, and quite strongly and quite voluntarily, but if you actually look at its composition, I think it's more diverse now than it was 15 years ago, and I think it will continue to evolve in that direction," he said in a recent interview.

Kennedy was forced to steer between many members of the faculty and members of the Hoover Institution in the controversy over the Ronald Reagan Presidential Library. Reagan indicated he wanted a library containing his presidential memorabilia, a museum and a public affairs center run by the Hoover Institution on the Stanford campus. Stanford faculty members were lukewarm on the idea, and many said Stanford should delay a decision until Reagan's 1984 presidential campaign was over.

Kennedy's position, articulated after intensive discussions with faculty members and the White House, was that the university would welcome a library in a small attached museum, but a public affairs center would have to be subject to academic governance by the university. The Stanford trustees accepted this position in the spring of 1984, and the White House eventually agreed to the compromise. Construction of the library is set to begin in 1987.

Many students, including members of the Black Student Union, have also criticized Kennedy's opposition to blanket divestiture of Stanford holdings in US companies active in South Africa. The trustees decided in February to divest the university's 124,000 shares of Motorola stock but only if it could be proved that the company continued to sell equipment to the South African police or military after 1983. The Stanford Coalition Against Apartheid estimates that Stanford has investments worth $215 million in companies that are involved in South Africa.

INVOLVED WITH SCHOOL, STUDENTS

Still, many Stanford students see Kennedy as a youthful, active and accessible president who is involved with Stanford and its students. A rabid football fan, he is known to get apoplectic when people mention the 1982 football game with rival University of California at Berkeley, which Stanford lost when Berkeley made a highly disputed kick return with only a few seconds left in the game.

Kennedy lectures on biology many times a year, advises five freshmen every other year and visits just about every dormitory on campus.

He says simply: "I love Stanford students . . . I want them to have the sense that if there is something they want to unload, there's a fair chance that at some time during the year they'll get me in a position where I can hear."

Kennedy also has taken a number of stances that are popular with students. He has criticized government controls on the publication of unclassified research, called for the Soviet government to release dissident citizen Andrei Sakharov and strongly opposed government cuts in student financial aid.

Stanford's academic reputation has certainly grown during the 1980s. Many polls have rated Stanford as the best or near the best in many departments, especially in the sciences and engineering. The holdings of the university's libraries have increased manyfold, as has fundraising and the number of undergraduate applicants.

Still, Kennedy seems to think the university's achievements aren't good enough. He frequently talks about areas for improvement—restructuring the residential education system, which he compares unfavorably to Harvard's and Yale's, and garnering more cultural resources, such as special collections and museums—and laments what he perceives to be an eastern bias against Stanford.

"From the more gothic and somber eastern institutions with which we are often compared, the view is that Stanford is a little happy-go-lucky—academically intense enough, but intellectually lazy, as though somewhat addled by the sun," Kennedy told this year's freshman class in September.

He said the reputation has been accepted, instead of fought by Stanford students, and he urged them to become more serious about intellectual pursuit both in and out of the classroom.

"If seriousness becomes a casualty of student discourse on this campus, then surely controversy will also: and that will impoverish us all." he said.

POPE JOHN PAUL II SPEAKS OUT ABOUT DRUGS

Mrs. HAWKINS. Mr. President, the most influential human being on Earth recently addressed the seriousness of the worldwide problem of drug abuse.

In a recent address before a gathering of Catholic bishops in Thailand, Pope John Paul II discussed the problem posed for youth, and others, by drugs. This saintly man, seen and heard by more of the world community than anyone, and paid attention to by more of the world community than anyone, remarked in this address that "the whole human community must be mobilized to confront this issue. But here the church has a specific task of educating to human dignity, to the respect of self, to the values of the spirit."

The Pontiff displayed his usual courage by delivering these remarks to

Catholic prelates in a drug-producing nation, and thus their effect was strongly felt. In these widely published remarks, he also stressed the benefits of educating youth to the dangers of drug use. The Pope stated that Catholic schools, in particular, are "in a position to make an excellent contribution to the solid education needed by the young to overcome the temptation of drugs."

Mr. President, as he does in every one of his pilgrimages, Pope John Paul II went to Thailand to spread the message of the power of the love of God. This holy man, in every nation he visits, celebrates the love of God, and the presence of Christ in every people on Earth. In thus serving the world community, he recognizes the terrible destructive force of drugs, and the emotional and physical devastation they cause. In speaking to the people of Thailand about the problems of illicit narcotics, the Pope also brought a message of hope and love by accentuating the positive: that the treasure of faith is ever present in every man, and for the joy this brings to be fully realized, the intrusion of drugs is unnecessary. As the Pope said so beautifully in his address "* * * The search (is) for that true joy which abides in the heart and not in the passing exhilaration of the senses."

Mr. President, I am excited that this great and good man has joined us in our war against drug abuse. He is an ally of power beyond measure as we fight to control this most serious of world problems.

Mr. President, I ask unanimous consent that a copy of Pope John Paul II's speech before Catholic bishops in Thailand, entitled "The Formidable Problem of Drugs," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FORMIDABLE PROBLEM OF DRUGS

(The problem posed for youth and others by drugs was discussed May 11 by Pope John Paul II when he addressed the bishops of Thailand in Bangkok. "The whole human community must be mobilized to confront this issue. But here the church has a specific task of educating to human dignity, to the respect of self, to the values of the spirit," the pope stated. Catholic schools are "in a position to make an excellent contribution to the solid education needed by the young to overcome the temptation of drugs," he added. It is young people who are assailed most by the problems of the modern world, the pope told the Thai bishops. Young people "need the pastoral support of their bishops, together with their priests, in order to develop and persevere in their Christian vocation." The pope's address, given in English, follows:)

1. My heart is filled with gratitude in this hour of collegial unity. I am grateful to the God and Father of our Lord Jesus Christ, who has given me the opportunity to make this pastoral visit to Thailand and to proclaim the paschal mystery in your midst. And I am grateful to you, venerable and dear brothers, for having desired my presence among you and for having welcomed me with such warmth and fraternal love.

Through the power of Christ's death and resurrection we are experiencing in a special way the unity of the church, and in this ecclesial unity we are living the life of Christ. Yes, Jesus Christ, the Son of God and the redeemer of mankind, is with us and in us. As we celebrate our unity in him, the mystery of his risen life unfolds in us. Jesus Christ is alive in his church, and his church is alive in him. As pastors of the flock, we are gathered to celebrate this mystery of Christ's living presence in his church.

Indeed, I have come to Thailand to pay homage to the Christ who lives in your people, to the Christ who in your people has himself become Thai.

2. The Christian communities that we are called to serve, dear brother bishops, are the communities that live the life of Christ in all its dimensions. In your people Christ continues his life of prayer. Through the members of his body, the church, he adores his Father, thanks him and offers expiation and supplication for the world.

The mystery of Christ's redemptive suffering is renewed in the community to which you minister day after day. Through suffering humanity, Christ brings to completion the measure of suffering that belongs to him (cf. Col. 1:24).

In the community of the faithful the risen Christ works incessantly for the salvation of the world. In his zeal he offers himself to his Father for the conversion of sinners. He exercises his power to forgive sins, he touches consciences, he heals hearts. He stands in the midst of the community as the suffering servant of the Lord and of humanity, inviting everyone to take on his dispositions of humility and meekness.

In the church Christ continues to proclaim the Gospel of God's kingdom. He himself catechizes. He himself reveals his Father and the Holy Spirit. Moreover, the very life of the most Holy Trinity is accomplished in the Church. Through his members, indeed acting in his members, Jesus loves his Father to the point of saying in all truth: I love the Father (Jn. 14:3). And the Father, in loving the church, fulfills Christ's own words: "The Father loves me" (Jn. 10:17).

Dear brothers: the mystery of the church is the mystery of the life of Christ, the mystery of the living Christ. And this is the mystery which we are living together with our people. All our pastoral efforts are aimed at assisting the faithful to share more intimately in the life of Christ.

3. A heightened awareness of the profound mystery of Christ's life in us sustains us in our apostolic activities. This awareness, nurtured in faith, generates in us pastoral strength. When we realize that the living Christ is in us, we understand more deeply that "God did not give us a spirit of timidity but a spirit of power and love and self-control" (2 Tm. 1:7).

Being rooted in this conviction, you radiate new hope as you announce the Gospel of peace and minister to your flocks, however small they may be. Your ministry takes on an added sureness as you realize how relevant Christ's promise is: "I am with you always, to the close of the age" (Mt. 28:20). Fresh joy is manifested in the witness that you give; you communicate a serene confidence to your local churches.

With renewed zeal you then proclaim the life which was proclaimed to you, "which was from the beginning . . . the eternal life which was with the Father" (1 Jn. 1:1-2). The life of Christ, and in Chirst the life of the most Holy Trinity, is the great treasure that you share with all those who freely choose to listen to you and to accept your witness, your teaching, your proclamation of the faith.

4. This great treasure must be presented in an especially dynamic way to the young people of the church. It is they who are assailed most by the problems of the modern world; it is they who need a particular grace from Christ to endure the Christian combat with temptation and sin. In Christ the young people can find the answers to the deep questions that are at the basis of all Christian choices. How greatly they need the pastoral support of their bishops, together with their priests, in order to develop and persevere in their Christian vocation.

In speaking of the young people and their needs we cannot ignore the formidable problem of narcotics in the world today, as well as the causes of this phenomenon and the means needed to face this crisis of humanity. The whole human community must be mobilized to confront this issue. But here the church has a specific task of educating to human dignity, to the respect of self, to the values of the spirit, to the search for that true joy which abides in the heart and not in the passing exhilaration of the senses.

In this regard the Catholic schools in particular are in a position to make an excellent contribution to the solid education needed by the young to overcome the temptation of drugs. The Catholic schools provide a proper context to impart the information that will assist young people to resist the pressures placed upon them and the opportunity for them to discuss with their teachers the safeguards that experience can offer. Above all, the power of Christ's word, presented through the ministry of the bishops, offers to all the young the deep solution to all the many problems that touch their consciences as they strive to live the life of Christ.

In this area of narcotics and in so many others the pastors of the flock must stand vigilant in the midst of the faithful, proclaming the great motivation of the Christian vocation, which is to live the life of Jesus Christ.

5. As bishops you are called upon to help your people face many issues that affect their lives as individuals and as members of a family and of society. If your people are constantly reminded of their Christian dignity, of their life in Christ, they will have an ever fresh motivation to face the challenges made to them by the Gospel of Christ, which has much to say about public and private morality, about the need to worship God and to serve one's neighbor. As bishops, never hesitate to emphasize to your communities how their Christian vocation gives them an important mission of Christian witness. Christ himself put it this way: "Let your light so shine before men that they may see your good works and give glory to your Father who is in heaven" (Mt. 5:16).

Dear brother bishops: I am close to you as you strive to help your young people and the Christian families from which they come, as well as the whole Christian community, to live to the full the life of Christ. As you endeavor to promote vocations to the priesthood and religious life and as each of you strives to be a brother, father and friend to the priests who collaborate with you in building up the church in faith and

love, know that you in turn are supported and loved by the pope, by the whole college of bishops and by the entire church. This is indeed the mystery of the church: to live Christ's life and to live it together.

Everything we do as bishops must be marked by the attitude of the Good Shepherd, who through us wants to continue to love his flock because he came "that they may have life, and have it abundantly" (Jn. 10:10).

Venerable and dear brothers: This is the meaning of our lives and of our sacred ministry: to live in Christ Jesus and to serve that life in others.

Praised be Jesus Christ! Praised be Jesus Christ in Thailand!

FIRST BUDGET RESOLUTION FOR FISCAL YEAR 1986

The PRESIDING OFFICER. The question is on amendment No. 43 to the motion to recommit, which the clerk will report:

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 32) setting forth the congressional budget for the U.S. Government for the fiscal years 1986, 1987, and 1988 and revising the congressional budget for the U.S. Government for the fiscal year 1985.

The Senate resumed consideration of the concurrent resolution.

Pending:

(1) Dole-Domenici Amendment No. 37, in the nature of a substitute.

(2) Dole-Domenici Amendment No. 38 (to Amendment No. 37), of a perfecting nature.

(3) Dole-Domenici Amendment No. 39 (to Amendment No. 38), in the nature of a substitute.

(4) Dole-Domenici Amendment No. 41 (to the resolution), of a perfecting nature.

(5) Dole-Domenici Amendment No. 42 (to Amendment No. 41), in the nature of a substitute.

(6) Dole motion to recommit the resolution with instructions to report forthwith.

(7) Dole-Domenici Amendment No. 43 (to the aforementioned motion), to strike the instructions and insert language in lieu of the language in the resolution.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time runs equally.

Mr. CHILES. Mr. President, I yield to the distinguished Senator from South Carolina 15 minutes off the resolution.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HOLLINGS. I thank the distinguished Senator from Florida, our ranking member on the Budget Committee.

Mr. President, one of our colleagues asked me just a moment ago, about this big tax bill that I may offer.

Let me address that particular comment because, Mr. President, I'm only suggesting what the President of the United States said in his 1984 budget message:

Fourth, because we must ensure reduction and eventual elimination of deficits over the next several years, I will propose a standby tax limited to 1 percent of the gross national product to start in the fiscal year 1986.

This is the President of the United States, Ronald Reagan speaking.

He said that he would propose a tax if we did not get the deficit down.

Now, at that particular time, I say to the distinguished majority leader, President Reagan projected a 1986 deficit of $147 billion. Instead of $147 billion, we now have a $220 billion deficit and it continues to grow and grow.

What I am submitting is bipartisan, and I do not want to talk in any partisan terms. But I must correct the record and the impression that has been made throughout the country, in the media, in the editorials, that somehow because Fritz Mondale and Ronald Reagan got in a silly campaign last year, we are not going to think rationally with respect to this deficit.

The President of the United States said he would impose a standby tax of 1 percent of the gross national product. In 1986, this would generate $43 billion in revenues.

Now, under our bipartisan plan, I say to the distinguished majority leader, there is a call for only $25 billion in revenues. You see, I am on the conservative side. Ronald Reagan is a high-tax man; I am the low-tax man.

But I want to congratulate the majority leader on the progress that he has made. And I am genuine in this. I could not be more sincere.

Right after the election, the Secretary of the Treasury, then Don Regan, came out with the charts. He was one of these fiscal Iacoccas. He said 75 percent would not pay taxes, 25 percent, 40 percent would. He broke my TV; no one could understand him.

And I asked the distinguished majority leader, "For Heaven's sake, tackle him and let's get on with the deficit." Tax simplification is important but reducing the deficit is our No. 1 priority.

In December, you could not mention defense, now in April you can, due to the distinguished majority leader. I remember his going to the White House right before Christmas and the President said, "Now Bob, I want $35 billion more in defense. I'm going to have to spend $27 billion more in interest costs. That is $52 billion. I want $12 billion more in health costs. So that is $64 billion. I can't touch Social Security, so that is $7 billion more. I have got an increase in foreign aid and space and science, that's another $4 billion."

That is $75 billion in increases the President asked for. And then he said, "And, by the way, Bob, I want you to cut spending $50 billion. And, oh, by the way, Bob, don't touch revenues."

So you came back and publicly stated, before the President gave his State of the Union Address that, "Most respectfully, I am going to have to go to work on the Hill, because I have been given mission impossible."

If you take the President's particular budget and cut $50 billion from it then add his increases in spending, which he must have, you still have increases of $25 billion, and you have done absolutely nothing to reduce the deficits. So, to your credit, where you could not discuss defense in December, we can discuss defense now in April. Where you could not discuss Social Security in January, you can discuss Social Security in April. And in the April issue of U.S. News & World Report, the distinguished majority leader, when asked what about the alternative of raising taxes, answered: "It is just not going to happen." And talking along, just to save a little time, I quote Senator DOLE:

Yet, I assume that if we found some egregious loophole in the Tax Code that should be closed we might be able to address it. In my view that would not be a tax increase.

Bless you, I really love you for that. [Laughter.] Because, I do not want to increase taxes and go back to South Carolina and hear that "Hollings is a tax increaser." I am just closing egregious loopholes. If we can talk sense, we can get a plan. The great objection I have to the Chiles plan and to the so-called White House Senate Republican compromise, is that they do not do the job. Under the Congressional Budget Office figures, most respectfully, to both Senators who have worked so hard on this, you have given me a half a hair cut.

You have deficits in excess of $100 billion. You have $107 billion according to assumptions of the Congressional Budget Office. Senator CHILES has $106 billion according to assumptions of the Congressional Budget Office. So if I support your compromise I would be supporting deficits in excess of $100 billion in 1990. So that when I run next year——

Mr. CHILES. 1988 or 1990?

Mr. HOLLINGS. 1990.

The Senator has $145 billion in 1988 and still a very large $107 billion by 1990. I want to help, I want to compromise, and I want to go along with a true compromise. But when I run next year—whoever my opponent is stands up and says, "This Hollings is a big windbag on budgets, we have heard all about his budget, he was chairman, and all of that. But what did he vote for? He voted to have at least $100 billion deficits from now as far as the eye can see including over $107 billion in 1990." That is my political dilemma. The fiscal dilemma is the markets read it the same way the politicians do. You still have over $100 billion. You have put the bullet in your mouth but you will not bite it. And I say if you are going this far, Senator CHILES—and I appreciate your courage in acknowledging that revenues must be part of deficit reduction—let us go ahead, bite that bullet, and come on down, and do the job.

We can agree on defense. We can agree on Social Security. We can agree on social programs. We can agree on maintaining the Small Business Administration. I find the Chamber of Commerce and the Federation of Independent Businesses downtown saying I want you to go along with the compromise but we are going to save SBA. You have a lot of doublespeak here. That's what I want to address now that I have held the distinguished majority leader. I do not want to hold the Senator. The Senator has more important business.

Mr. DOLE. Will the Senator yield for 1 second on the resolution?

Mr. HOLLINGS. Yes, sir.

Mr. DOLE. I hope when all of this preliminary maneuvering is completed that there will be a majority on both sides to sit down and work out a package. I have to believe the single biggest job in America is this big ticking time bomb called the Federal deficit. Some have been slow to realize it. Some have been waiting for growth to take over. We are all for growth. It is painless. You do not have to do anything, and we want growth. It is a very important factor. But I am encouraged by the Senator's comments. He has been out front on freezing some of this long before anybody else in the Senate.

I think the one problem we have in the so-called bipartisan package is the rather large tax numbers. We will have to examine each one closely. But I hope there is a difference in whether you close loopholes for rate reduction or close loopholes so you do not have to cut spending. My view is if there is going to be any loopholes closed at all, it ought to be for rate reduction—not more spending.

Mr. HOLLINGS. I agree with you thoroughly. And, if you can fashion the Dole-Domenici-Chiles compromise which would be a true compromise, then I will go along. What happens is with the doublespeak that we have in this town is the leadership and the White House got together. That is like me going into executive session with myself in a telephone booth. You did not have Senator KASSEBAUM, Senator ANDREWS, Senator MATHIAS and those who really had taken a different view—and Senator GRASSLEY who voted differently in your Budget Committee. That is a matter of record. He voted for this freeze.

We have bipartisan support. We had 12 Republican's over the objection of the leadership last year, in May, vote for this particular bipartisan freeze approach not because they liked it, but because they found—as you indicate now in your comments—it is absolutely necessary we get something done. If we can get that kind of movement going, that would be a true compromise, and you would get this Senator to hush.

I am just trying to go along, but I am trying to get the job done. I do not want to go halfway, and not get this job done.

That is our dilemma. What we see in the newspapers' reporting of the so-called compromise, is that it cuts $52 billion in spending in 1986. That is not the case. That is absolutely false. You read that in the news. The Chamber comes up here, the Business Round Table comes up here, and the Federation of Independent Businesses come up here. These are the sort of sentries at the gate for the fiscal future of the United States, and we have total confusion because they use Rose Garden Defense figures and not the nonpartisan Congressional Budget Office.

The compromise does not cut $52 billion, it cuts $37 billion. And it does not get the deficit down to $98 billion by 1988. It gets the deficit down to $145 billion. And it does not produce a balanced budget by the decade's end—that is absolutely false. The deficit in 1990 is $107 billion. So the Senators who are called to sacrifice and lose their programs in EDA, REA, SBA, Amtrak, feeding, housing, student loans—and we are asking 1 million students to drop the course as the President chants stay the course—these Senators lose all of these vital programs and the deficit never goes below $100 billion. But we have decimated education and the investment in the human infra structure. Why? To continue investment in the corporate infrastructure. It is an imbalance. Yes. They can see oil companies needing incentives. Put that down, double space it, and underline it. Put it down solid. Oil companies need incentive. Little children—you give them a 30-cent breakfast, and you have ruined them for life. They become drones, they become immoral, and they will never work. That is what they will tell you in these board rooms around here. And if you look at the National Government's budget, 28 percent of it goes for those 65 years of age and over—and less than 6 percent goes for the youth, for the feeding, for the day care center, for women, infants, and children feeding, for school lunches, student loans, Pell grants. All of these—less than 6 percent. We are supposed to prepare the next generation for the future in this land, and we turned this into a welfare machine with pollster politicking. We see that posterity under those polls can do nothing for us.

We see no reason we should do anything for posterity. We look to the next election rather than the next generation and to the seniors, the poor seniors. We never think of the future of this country. It has gotten to be a national disgrace. I do not know how they will ever get it back into focus with all the shenanigans that go on with respect to budgets. It is a misallocation. The administration says do away with Pell grants and student loans so that General Electric does not have to pay taxes. Do away with the Small Business Administration—and listen to the Chamber of Commerce who is supposed to be the business representative. The small businesses in America—who really represents them? The National Association of Manufacturers is big business; the Round Table is big business; big business has a lot of representation.

Well, the Chamber is supposed to represent small business too. But they came and they said, "We want you to approve doing away with the Small Business Adminstration so General Dynamics and 127 others do not have to pay taxes."

That is what they tell the national Congress in their zeal to get behind the so-called compromise, which is not even a compromise.

I wish I could get our friends in the media to cover the budget so people can understand it. I appreciate it is difficult. But what has made it difficult is using the flim-flam of the national administration with the so-called Rose Garden figures.

There is another objection I have to the Chiles plan. On defense the plan used OMB economies and in the other parts, it uses CBO. That is why I draw attention to the budget plan chart behind to show my colleagues what each plan does.

I wish the distinguished Senator from Florida would read the RECORD today on his cuts. The best I can find out is they are 10 to 25 percent in certain programs. I have yet to find out where those programs are and what the cuts may be.

Be that as it may, we are not going to get anywhere unless we get a bipartisan approach on all segments of the budget. The President of the United States comes on national TV and his words are, "No part of the budget is spared."

It spares defense to the tune of $24 billion. You are not sparing defense. He wants to increase that.

He spares the space program and foreign aid. He spares social security to the tune of $7 billion. More increases.

He spares revenues. He does not want them touched. He says no part of the budget is spared and then he looks at us and says, "by the way, get rid of the old, filthy Amtrak and the Small Business Administration and we can balance the Government's budget."

That is a reallocation. It is a flim-flam. That is not a compromise we are voting on this afternoon. It is a flim-flam and we all know it.

I would like to get into the debate and into the issues so we can decide where we will allocate our priorities of our national government.

We could not find support for deficit reduction last May—even though we had 38 Senators vote for a bipartisan freeze—because the administration had a higher priority of reelecting the President. I understand that. They could not find a crisis or a problem.

Now they find the crisis and the problem but they jump to a halfway solution of doing away with all programs.

I believe in cuts. We have in our bipartisan plan exactly what we had in the Budget Committee. We started in the Budget Committee with the Hollings-Andrews-Exon freeze. Senator STENNIS was with us on this, too, and Senator KASSEBAUM voted for it along with Senators ANDREWS and GRASSLEY in the Budget Committee.

Where we could get less than the freeze, I stood quiet because we can cut some and we cut some $4 billion below a freeze through extensive reductions in foreign aid, transportation, energy, and agriculture. Those are still included in this bipartisan approach.

We took the Chiles mark on education; the Domenici mark on international affairs. We tried really to fashion a political document to get the most votes and get the job done. There was give-and-take where we could to try to attract the most votes.

I think we have, by far and away, the best proposition here that does the job. There could be many, many votes on this floor, including many popular votes on domestic programs but they do not do the job.

The Hollings-Andrews-Exon-Stennis-Bingaman freeze is the only one that is bipartisan and, the only one that will do the job and lower the deficit to 2 percent of the GNP by 1988. The 2 percent is the goal set by the administration and the Federal Reserve. None of the other plans reach that objective but we do. And the administration does not cut $52 billion in 1986 but only $37 billion—while we cut $51 billion.

The only plan that brings the deficit down on a gradual curve, puts Government in the black, allows the investment community to count on the Congress finally having controlled itself and avoid the inflation recession that we are all terrified about—the only one that does that is our bipartisan plan.

If anyone has a better one, I hope they will submit it. I will be glad to support it. I feel just as seriously as the majority leader does that the No. 1 problem we have before us is the deficit.

I met with the National Governors Conference in February and they endorsed the freeze. I met with the Republican Governors who said they do not understand Washington going full speed down the road with continued spending in all regards and not paying the bills.

With respect to the mayors, I met with them they support a freeze. What we are saying to President Reagan with all of his "make my day" and "veto" baloney is, "Mr. President, you ran on this budget last year. You said it was a good budget. You took 49 of the 50 States."

No one is really suffering at the present moment, certainly not the Defense Department, which has $52 billion backed up in the pipeline in unobligated funds. It is like force feeding a goose over there. They are falling all over the place. That is why you see all the waste, fraud, and abuse. Contractors cannot physically imbibe, consume, or allocate $150 billion in 5 years. You cannot do it. That has been proven. The DOD needs to steady the boat some and show restraint.

We are saying, "Mr. President, we have given you a good, workable budget on all the programs for 1 more year. If you were mayor of a city, this is exactly what you would have to do."

We print dollars in Washington. They do not print dollars in a Governor's office or a mayor's office back home. Only in this way are we going to be able to control ourselves.

I thank the Senator from Wyoming, the distinguished majority leader, and my distinguished minority leader for yielding this time. We have a vote coming in the Commerce Committee.

I hope Senators will consider and look at this particular chart, which really brings it into focus. That is not HOLLINGS or STENNIS or EXON focusing, but the Congressional Budget Office showing exactly what we do.

We are talking this language of freeze. The President says, "We are freezing defense."

Robert Louis Stevenson said years ago, man does not live by bread alone but principally by catchwords.

You hear the President and he says, "We are freezing defense," and goes on to say a certain percentage. The inference, of course, is that it is frozen. No one really believes and understands that the President of the United States is asking for $24 billion more under this compromise in outlays and $21 billion in budget authority. There is no freeze there.

The press crowd continues on reporting the President's doublespeak. How do you make sense on the floor of the national Congress if we cannot get hold of ourselves and understand exactly what we are doing?

The President, is leading the way for more increases in space and social programs. The President even has an increase in his budget for the National Endowment for Democracy. That is $30 million to the political parties so they can go to Geneva and sit and eat and tell them about government in the United States.

I mean, a tight budget, a sacrifice? There is no sacrifice at all in this so-called White House compromise that they are voting on today. It is a redistribution. It is the other extreme.

I should note for the record what really occurred between 1969 and 1979 was seven tax reforms. We cut taxes and cut taxes and cut taxes, to the tune of $720 billion lost in revenues.

While those cuts were going on under the Democrats, Republican Senator ROTH and Congressman KEMP said, "You Democrats are just redistributing the wealth." If you cannot beat them, you are going to join them.

"So we are going to give you the Kemp-Roth, 5-10-10-percent tax cuts." The distinguished Senator from Kansas said that was totally unheard of and ridiculous; we would never do that.

Well, we have done it. A 25-percent tax cut.

That is exactly what happened in those years. We have been cutting rather than raising national taxes.

Now comes the President of the United States and he goes totally overboard with Kemp-Roth. David Stockman described it as having hogs feeding at the trough.

We decimated the corporate taxes. If any corporation is paying a tax, they better get a new CPA. There is something wrong with them. I do not blame GE or General Dynamics. I blame us. We, in the Congress, put it in but they do not want to say that on either side of the aisle. We are the ones who put those provisions into law.

So hogs feeding at the trough, but now the hogs are coming home to—not to roost but to wallow, and we here in the hog pen are wallowing with them.

And many of the Members still give the media the doublespeak about the great sacrifice when there is no sacrifice; the great compromise with no compromise; the great freeze with no freeze; the great cut in spending with increases in spending.

And they keep that babble going. And they wonder why Washington gets by with it.

You would not let me get by with that. If I were Governor of South Carolina at this time last year, and I came down the capitol steps in Columbia and you put that microphone under my nose and said, "Governor, what are you going to do about the $200 million deficit"—which compares with the $200 billion Federal deficit—and I rared back and said, "Oh, ho, ho, ho, this is an election year, there is a lot of political cost in doing anything in an election year; but after my reelection, we are going to go to work on this thing," you would say to me, "Son, there is not going to be any reelection for you unless you get to work between now and next November. You have to get the job done."

They do not let us get by with that. But all our distinguished reporters,

great thinkers and great budgeteers fall into the psychology of the thing, that the budget is a heck of a lot of facts, and just get in rhythm and show yourself as the great eruditer of the situation—that is what has been occurring in this entire budget process.

We are not sacrificing, we are not compromising, we are not cutting spending. We are increasing spending in different areas. That is what they are asking us to vote on this afternoon. I am saying, stop everything—revenues, social programs, Social Security, defense—they all have to hold the line for just 1 year.

That is not all that difficult, frankly, I say to the Senator from Arkansas. Governor PRYOR, if you were to do that in Arkansas, and I did it in South Carolina, the people in the media would commend us for it. But they keep writing the doublespeak in the news columns and we keep doing it on the floor of the U.S. Senate. That is how we got into this particular mess.

Reaganomics, we are going to grow out of it. The President comes here in February and says, we have the 39th month of the greatest economic boom. Just the other night, less than 1 week ago, he got on TV and said we are doing fine, we are doing good. Then Don Regan, his right arm, said the economy is not healthy. Finally we got Regan straightened out. Now, if we could only get some facts before the President so he could learn what's in his budget.

I am glad the Senator from Florida is back. He has been more than generous with his time. I appreciate it very much.

I yield the floor, Mr. President.

The PRESIDING OFFICER [Mr. KASTEN]. Who yields time?

If neither side yields time, the time runs equally on both sides against the amendment.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. The hour of 12 noon having arrived, in accordance with the previous order, the Senate now stands in recess until 2 p.m.

Thereupon, at 12 noon, the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mrs. KASSEBAUM].

The PRESIDING OFFICER. The hour of 2 p.m. having arrived, who yields time? If no one yields time, the time will be equally charged.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Madam President, how much time remains on the present amendment?

The PRESIDING OFFICER. A minute and a half.

Mr. METZENBAUM. And the Senate is not in a quorum call at the moment?

The PRESIDING OFFICER. That is correct.

Mr. METZENBAUM. Madam President, I move that the Senate recess for 15 minutes and that immediately after the Senate reconvenes, the Senate shall immediately proceed to a vote on the Moynihan-Byrd-Riegle-et al. amendments to restore Social Security cost-of-living increases to current law.

The PRESIDING OFFICER. The Senator's motion is not a motion but a unanimous-consent request.

Is there objection?

Mr. DOLE. I object.

Mr. METZENBAUM. Madam President, I did not hear what the Chair said. What did the Chair say?

The PRESIDING OFFICER. The Chair said that the Senator's motion is not a motion but a unanimous-consent request and as such would require unanimous consent, and an objection has been heard.

Mr. METZENBAUM. Madam President, I appeal the decision of the Chair, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the decision of the Chair stand as the decision of the Senate? The yeas and nays have been ordered.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Madam President, I suggest the absence of a quorum——

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOLE [continuing]. To be charged against the resolution.

The PRESIDING OFFICER. The quorum will be charged against the resolution. The clerk will call the roll.

The assistant legislation clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Mr. President, reserving the right to object, I did not hear that.

Mr. DOLE. I am just calling off the quorum.

Mr. METZENBAUM. I have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question before the Senate is, Shall the order of the Chair stand as the judgment of the Senate? The ruling of the Chair is that the motion of the Senator from Ohio is not in order. The motion of the Senator from Ohio is that the Senate recess for 15 minutes and that immediately after the Senate reconvenes, the Senate shall immediately proceed to a vote on the Moynihan-Byrd-Riegle-et al. amendment to restore Social Security cost-of-living increases through current law.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST] is absent due to illness.

I further announce that, if present and voting, the Senator from North Carolina [Mr. EAST] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall vote No. 33 Leg.]

YEAS—54

Abdnor	Gramm	Murkowski
Andrews	Grassley	Nickles
Armstrong	Hatch	Packwood
Boschwitz	Hatfield	Pressler
Byrd	Hawkins	Quayle
Chafee	Hecht	Roth
Cochran	Heinz	Rudman
Cohen	Helms	Simpson
D'Amato	Humphrey	Specter
Danforth	Kassebaum	Stafford
Denton	Kasten	Stevens
Dole	Laxalt	Symms
Domenici	Long	Thurmond
Durenberger	Lugar	Trible
Evans	Mathias	Wallop
Garn	Mattingly	Warner
Goldwater	McClure	Weicker
Gorton	McConnell	Wilson

NAYS—45

Baucus	Ford	Melcher
Bentsen	Glenn	Metzenbaum
Biden	Gore	Mitchell
Bingaman	Harkin	Moynihan
Boren	Hart	Nunn
Bradley	Heflin	Pell
Bumpers	Hollings	Proxmire
Burdick	Inouye	Pryor
Chiles	Johnston	Riegle
Cranston	Kennedy	Rockefeller
DeConcini	Kerry	Sarbanes
Dixon	Lautenberg	Sasser
Dodd	Leahy	Simon
Eagleton	Levin	Stennis
Exon	Matsunaga	Zorinsky

NOT VOTING—1

East

So the ruling of the Chair was sustained as the judgment of the Senate.

The PRESIDING OFFICER. The motion of the Senator from Ohio is not in order.

Mr. DOLE. Mr. President, I move to reconsider the vote.

AMENDMENT NO. 44

(Purpose: An amendment to the pending amendment to the instructions)

Mr. DOLE. Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] for himself, Mr. DOMENICI, and other Senators, proposes an amendment numbered 44.

In the pending amendment, do the following:

On page 2, line 8, strike the figure and insert "$736,200,000,000".

On page 2, line 9, strike the figure and insert "$793,600,000,000".

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. BYRD. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. BYRD. Mr. President, for the moment, I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk read as follows:

On page 2, line 10, strike the figure and insert "$866,300,000,000".

On page 2, line 11, strike the figure and insert "$955,900,000,000".

On page 2, line 14, strike the figure and insert "$0".

On page 2, line 15, strike the figure and insert "$900,000,000".

On page 2, line 16, strike the figure and insert "$2,000,000,000".

On page 2, line 17, strike the figure and insert "$3,400,000,000".

On page 2, line 21, strike the figure and insert "44,800,000,000".

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

The amendment is as follows:

On page 2, line 22, strike the figure and insert "$51,000,000,000".

On page 2, line 23, strike the figure and insert "$56,100,000,000".

On page 2, line 24, strike the figure and insert "$61,300,000,000".

On page 3, line 5, strike the figure and insert "$186,200,000,000".

On page 3, line 6, strike the figure and insert "$200,700,000,000".

On page 3, line 7, strike the figure and insert "$216,900,000,000".

On page 3, line 8, strike the figure and insert "$248,300,000,000".

On page 3, line 11, strike the figure and insert "$1,055,600,000,000".

On page 3, line 12, strike the figure and insert "$1,076,000,000,000".

On page 3, line 13, strike the figure and insert "$1,139,000,000,000".

On page 3, line 14, strike the figure and insert "$1,216,100,000,000".

On page 3, line 17, strike the figure and insert "$949,100,000,000".

On page 3, line 18, strike the figure and insert "$969,000,000,000".

On page 3, line 19, strike the figure and insert "$1,013,100,000,000".

On page 3, line 20, strike the figure and insert "$1,055,700,000,000".

On page 3, line 24, strike the figure and insert "$212,900,000,000".

On page 3, line 25, strike the figure and insert "$175,400,000,000".

On page 4, line 1, strike the figure and insert "$146,800,000,000".

On page 4, line 2, strike the figure and insert "$99,800,000,000".

On page 4, line 5, strike the figure and insert "$1,849,300,000,000".

On page 4, line 6, strike the figure and insert "$2,088,000,000,000".

On page 4, line 7, strike the figure and insert "$2,316,300,000,000".

On page 4, line 8, strike the figure and insert "$2,529,300,000,000".

On page 4, line 11, strike the figure and insert "$25,500,000,000".

On page 4, line 12, strike the figure and insert "$238,700,000,000".

On page 4, line 13, strike the figure and insert "$228,300,000,000".

On page 4, line 14, strike the figure and insert "$213,100,000,000".

On page 4, line 21, strike the figure and insert "$52,900,000,000".

On page 4, line 23, strike the figure and insert "$69,200,000,000".

On page 4, line 25, strike the figure and insert "$68,200,000,000".

On page 5, line 3, strike the figure and insert "$30,000,000,000".

On page 5, line 5, strike the figure and insert "$74,500,000,000".

On page 5, line 7, strike the figure and insert "$68,200,000,000".

On page 5, line 10, strike the figure and insert "$27,400,000,000".

On page 5, line 12, strike the figure and insert "$74,400,000,000".

On page 5, line 14, strike the figure and insert "$68,200,000,000".

On page 5, line 17, strike the figure and insert "$25,600,000,000".

On page 5, line 19, strike the figure and insert "$79,000,000,000".

On page 5, line 21, strike the figure and insert "$68,200,000,000".

On page 6, line 6, strike the figure and insert "$292,600,000,000".

On page 6, line 7, strike the figure and insert "$252,000,000,000".

On page 6, line 8, strike the figure and insert "$0".

On page 6, line 10, strike the figure and insert "$0".

On page 6, line 12, strike the figure and insert "$0".

On page 6, line 15, strike the figure and insert "$312,800,000,000".

On page 6, line 16, strike the figure and insert "$276,100,000,000".

On page 6, line 17, strike the figure and insert "$0".

On page 6, line 19, strike the figure and insert "$0".

On page 6, line 21, strike the figure and insert "$0".

On page 6, line 24, strike the figure and insert "$334,900,000,000".

On page 6, line 25, strike the figure and insert "$298,400,000,000".

On page 7, line 1, strike the figure and insert "$0".

On page 7, line 3, strike the figure and insert "$0".

On page 7, line 5, strike the figure and insert "$0".

On page 7, line 8, strike the figure and insert "$359,600,000,000".

On page 7, line 9, strike the figure and insert "$321,400,000,000".

On page 7, line 10, strike the figure and insert "$0".

On page 7, line 12, strike the figure and insert "$0".

On page 7, line 14, strike the figure and insert "$0".

On page 7, line 17, strike the figure and insert "$25,300,000,000".

On page 7, line 18, strike the figure and insert "$18,000,000,000".

On page 7, line 20, strike the figure and insert "$11,500,000,000".

On page 7, line 22, strike the figure and insert "$10,300,000,000".

On page 7, line 24, strike the figure and insert "$0".

On page 8, line 1, strike the figure and insert "$21,000,000,000".

On page 8, line 2, strike the figure and insert "$17,800,000,000".

On page 8, line 4, strike the figure and insert "$8,200,000,000".

On page 8, line 6, strike the figure and insert "$12,300,000,000".

On page 8, line 8, strike the figure and insert "$0".

On page 8, line 10, strike the figure and insert "$20,200,000,000".

On page 8, line 11, strike the figure and insert "$17,100,000,000".

On page 8, line 13, strike the figure and insert "$7,800,000,000".

On page 8, line 15, strike the figure and insert "$12,300,000,000".

On page 8, line 17, strike the figure and insert "$0".

On page 8, line 19, strike the figure and insert "$20,500,000,000".

On page 8, line 20, strike the figure and insert "$16,600,000,000".

On page 8, line 22, strike the figure and insert "$7,900,000,000".

On page 8, line 24, strike the figure and insert "$12,300,000,000".

On page 9, line 2, strike the figure and insert "$0".

On page 9, line 5, strike the figure and insert "$9,100,000,000".

On page 9, line 6, strike the figure and insert "$8,700,000,000".

On page 9, line 7, strike the figure and insert "$0".

On page 9, line 9, strike the figure and insert "$0".

On page 9, line 11, strike the figure and insert "$0".

On page 9, line 13, strike the figure and insert "$8,800,000,000".

On page 9, line 14, strike the figure and insert "$8,700,000,000".

On page 9, line 15, strike the figure and insert "$0".

On page 9, line 17, strike the figure and insert "$0".

On page 9, line 19, strike the figure and insert "$0".

On page 9, line 21, strike the figure and insert "$9,000,000,000".

On page 9, line 22, strike the figure and insert "$8,800,000,000".

On page 9, line 23, strike the figure and insert "$0".

On page 9, line 25, strike the figure and insert "$0".

On page 10, line 2, strike the figure and insert "$0".

On page 10, line 4, strike the figure and insert "$9,300,000,000".

On page 10, line 5, strike the figure and insert "$9,000,000,000".

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On page 10, line 6, strike the figure and insert "$0".
On page 10, line 8, strike the figure and insert "$0".
On page 10, line 10, strike the figure and insert "$0".
On page 10, line 13, strike the figure and insert "$1,600,000,000".
On page 10, line 14, strike the figure and insert "$6,500,000,000".
On page 10, line 16, strike the figure and insert "$2,100,000,000".
On page 10, line 18, strike the figure and insert "$100,000,000".
On page 10, line 20, strike the figure and insert "$0".
On page 10, line 22, strike the figure and insert "$5,200,000,000".
On page 10, line 23, strike the figure and insert "$5,100,000,000".
On page 10, line 25, strike the figure and insert "$2,100,000,000".
On page 11, line 2, strike the figure and insert "$4,100,000,000".
On page 11, line 4, strike the figure and insert "$0".
On page 11, line 6, strike the figure and insert "$5,200,000,000".
On page 11, line 7, strike the figure and insert "$4,600,000,000".
On page 11, line 9, strike the figure and insert "$1,400,000,000".
On page 11, line 11, strike the figure and insert "$0".
On page 11, line 13, strike the figure and insert "$0".
On page 11, line 15, strike the figure and insert "$4,900,000,000".
On page 11, line 16, strike the figure and insert "$4,200,000,000".
On page 11, line 18, strike the figure and insert "$1,000,000,000".
On page 11, line 20, strike the figure and insert "$0".
On page 11, line 22, strike the figure and insert "$0".
On page 11, line 25, strike the figure and insert "$12,700,000,000".
On page 12, line 1, strike the figure and insert "$13,100,000,000".
On page 12, line 3, strike the figure and insert "$100,000,000".
On page 12, line 5, strike the figure and insert "$0".
On page 12, line 7, strike the figure and insert "$0".
On page 12, line 9, strike the figure and insert "$12,100,000,000".
On page 12, line 10, strike the figure and insert "$12,400,000,000".
On page 12, line 12, strike the figure and insert "$100,000,000".
On page 12, line 14, strike the figure and insert "$0".
On page 12, line 16, strike the figure and insert "$0".
On page 12, line 18, strike the figure and insert "$12,500,000,000".
On page 12, line 19, strike the figure and insert "$12,200,000,000".
On page 12, line 21, strike the figure and insert "$100,000,000".
On page 12, line 23, strike the figure and insert "$0".
On page 12, line 25, strike the figure and insert "$0".
On page 13, line 2, strike the figure and insert "$12,700,000,000".
On page 13, line 3, strike the figure and insert "$12,300,000,000".
On page 13, line 4, strike the figure and insert "$0".
On page 13, line 6, strike the figure and insert "$0".
On page 13, line 8, strike the figure and insert "$0".
On page 13, line 11, strike the figure and insert "$24,800,000,000".
On page 13, line 12, strike the figure and insert "$21,000,000,000".
On page 13, line 14, strike the figure and insert "$13,800,000,000".
On page 13, line 16, strike the figure and insert "$5,700,000,000".
On page 13, line 18, strike the figure and insert "$0".
On page 13, line 20, strike the figure and insert "$16,500,000,000".
On page 13, line 21, strike the figure and insert "$13,800,000,000".
On page 13, line 23, strike the figure and insert "$11,700,000,000".
On page 13, line 25, strike the figure and insert "$8,000,000,000".
On page 14, line 2, strike the figure and insert "$0".
On page 14, line 4, strike the figure and insert "$16,400,000,000".
On page 14, line 5, strike the figure and insert "$14,500,000,000".
On page 14, line 7, strike the figure and insert "$10,200,000,000".
On page 14, line 9, strike the figure and insert "$8,000,000,000".
On page 14, line 11, strike the figure and insert "$0".
On page 14, line 13, strike the figure and insert "$13,600,000,000".
On page 14, line 14, strike the figure and insert "$11,500,000,000".
On page 14, line 16, strike the figure and insert "$9,100,000,000".
On page 14, line 18, strike the figure and insert "$8,000,000,000".
On page 14, line 20, strike the figure and insert "$0".
On page 14, line 23, strike the figure and insert "$12,600,000,000".
On page 14, line 24, strike the figure and insert "$5,600,000,000".
On page 15, line 2, strike the figure and insert "$6,500,000,000".
On page 15, line 4, strike the figure and insert "$27,000,000,000".
On page 15, line 6, strike the figure and insert "$68,200,000,000".
On page 15, line 8, strike the figure and insert "$7,200,000,000".
On page 15, line 9, strike the figure and insert "$2,600,000,000".
On page 15, line 11, strike the figure and insert "$2,500,000,000".
On page 15, line 13, strike the figure and insert "$25,200,000,000".
On page 15, line 15, strike the figure and insert "$68,200,000,000".
On page 15, line 17, strike the figure and insert "$3,900,000,000".
On page 15, line 18, strike the figure and insert "$100,000,000".
On page 15, line 20, strike the figure and insert "$2,500,000,000".
On page 15, line 22, strike the figure and insert "$26,700,000,000".
On page 15, line 24, strike the figure and insert "$68,200,000,000".
On page 16, line 1, strike the figure and insert "$4,300,000,000".
On page 16, line 2, strike the figure and insert "$2,000,000,000".
On page 16, line 4, strike the figure and insert "$2,700,000,000".
On page 16, line 6, strike the figure and insert "$28,400,000,000".
On page 16, line 8, strike the figure and insert "$68,200,000,000".
On page 16, line 11, strike the figure and insert "$29,600,000,000".
On page 16, line 12, strike the figure and insert "$26,100,000,000".
On page 16, line 14, strike the figure and insert "$300,000,000".
On page 16, line 16, strike the figure and insert "$300,000,000".
On page 16, line 18, strike the figure and insert "$0".
On page 16, line 20, strike the figure and insert "$26,600,000,000".
On page 16, line 21, strike the figure and insert "$25,600,000,000".
On page 16, line 23, strike the figure and insert "$200,000,000".
On page 16, line 25, strike the figure and insert "$300,000,000".
On page 17, line 2, strike the figure and insert "$0".
On page 17, line 4, strike the figure and insert "$27,100,000,000".
On page 17, line 5, strike the figure and insert "$27,000,000,000".
On page 17, line 7, strike the figure and insert "$100,000,000".
On page 17, line 9, strike the figure and insert "$300,000,000".
On page 17, line 11, strike the figure and insert "$0".
On page 17, line 13, strike the figure and insert "$26,300,000,000".
On page 17, line 14, strike the figure and insert "$26,500,000,000".
On page 17, line 16, strike the figure and insert "$100,000,000".
On page 17, line 18, strike the figure and insert "$300,000,000".
On page 17, line 20, strike the figure and insert "$0".
On page 17, line 23, strike the figure and insert "$8,400,000,000".
On page 17, line 24, strike the figure and insert "$8,700,000,000".
On page 18, line 2, strike the figure and insert "$1,800,000,000".
On page 18, line 4, strike the figure and insert "$200,000,000".
On page 18, line 6, strike the figure and insert "$0".
On page 18, line 8, strike the figure and insert "$5,400,000,000".
On page 18, line 9, strike the figure and insert "$7,600,000,000".
On page 18, line 11, strike the figure and insert "$800,000,000".
On page 18, line 13, strike the figure and insert "$200,000,000".
On page 18, line 15, strike the figure and insert "$0".
On page 18, line 17, strike the figure and insert "$5,800,000,000".
On page 18, line 18, strike the figure and insert "$6,800,000,000".
On page 18, line 20, strike the figure and insert "$700,000,000".
On page 18, line 22, strike the figure and insert "$200,000,000".
On page 18, line 24, strike the figure and insert "$0".
On page 19, line 1, strike the figure and insert "$6,200,000,000".
On page 19, line 2, strike the figure and insert "$6,200,000,000".
On page 19, line 4, strike the figure and insert "$800,000,000".
On page 19, line 6, strike the figure and insert "$200,000,000".
On page 19, line 8, strike the figure and insert "$0".
On page 19, line 12, strike the figure and insert "$31,600,000,000".
On page 19, line 13, strike the figure and insert "$30,300,000,000".
On page 19, line 15, strike the figure and insert "$1,100,000,000".

On page 19, line 17, strike the figure and insert "$8,600,000,000".
On page 19, line 19, strike the figure and insert "$0".
On page 19, line 21, strike the figure and insert "$28,600,000,000".
On page 19, line 22, strike the figure and insert "$29,800,000,000".
On page 19, line 24, strike the figure and insert "$1,100,000,000".
On page 20, line 2, strike the figure and insert "$8,900,000,000".
On page 20, line 4, strike the figure and insert "$0".
On page 20, line 6, strike the figure and insert "$29,400,000,000".
On page 20, line 7, strike the figure and insert "$28,700,000,000".
On page 20, line 9, strike the figure and insert "$1,100,000,000".
On page 20, line 11, strike the figure and insert "$9,200,000,000".
On page 20, line 13, strike the figure and insert "$0".
On page 20, line 15, strike the figure and insert "$29,800,000,000".
On page 20, line 16, strike the figure and insert "$29,000,000,000".
On page 20, line 18, strike the figure and insert "$1,100,000,000".
On page 20, line 20, strike the figure and insert "$9,400,000,000".
On page 20, line 22, strike the figure and insert "$0".
On page 20, line 25, strike the figure and insert "$33,600,000,000".
On page 21, line 1, strike the figure and insert "$33,500,000,000".
On page 21, line 2, strike the figure and insert "$0".
On page 21, line 4, strike the figure and insert "$200,000,000".
On page 21, line 6, strike the figure and insert "$0".
On page 21, line 8, strike the figure and insert "$34,900,000,000".
On page 21, line 9, strike the figure and insert "$35,000,000,000".
On page 21, line 10, strike the figure and insert "$0".
On page 21, line 12, strike the figure and insert "$200,000,000".
On page 21, line 14, strike the figure and insert "$0".
On page 21, line 16, strike the figure and insert "$37,100,000,000".
On page 21, line 17, strike the figure and insert "$36,700,000,000".
On page 21, line 18, strike the figure and insert "$0".
On page 21, line 20, strike the figure and insert "$300,000,000".
On page 21, line 22, strike the figure and insert "$0".
On page 21, line 24, strike the figure and insert "$39,200,000,000".
On page 21, line 25, strike the figure and insert "$38,700,000,000".
On page 22, line 1, strike the figure and insert "$0".
On page 22, line 3, strike the figure and insert "$300,000,000".
On page 22, line 5, strike the figure and insert "$0".
On page 22, line 8, strike the figure and insert "$71,800,000,000".
On page 22, line 9, strike the figure and insert "$65,200,000,000".
On page 22, line 10, strike the figure and insert "$0".
On page 22, line 12, strike the figure and insert "$0".
On page 22, line 14, strike the figure and insert "$0".
On page 22, line 16, strike the figure and insert "$81,600,000,000".
On page 22, line 17, strike the figure and insert "$68,000,000,000".
On page 22, line 18, strike the figure and insert "$0".
On page 22, line 20, strike the figure and insert "$0".
On page 22, line 22, strike the figure and insert "$0".
On page 22, line 24, strike the figure and insert "$90,500,000,000".
On page 22, line 25, strike the figure and insert "$74,100,000,000".
On page 23, line 1, strike the figure and insert "$0".
On page 23, line 3, strike the figure and insert "$0".
On page 23, line 5, strike the figure and insert "$0".
On page 23, line 7, strike the figure and insert "$93,300,000,000".
On page 23, line 8, strike the figure and insert "$81,600,000,000".
On page 23, line 9, strike the figure and insert "$0".
On page 23, line 11, strike the figure and insert "$0".
On page 23, line 13, strike the figure and insert "$0".
On page 23, line 17, strike the figure and insert "$162,800,000,000".
On page 23, line 18, strike the figure and insert "$128,600,000,000".
On page 23, line 20, strike the figure and insert "$14,300,000,000".
On page 23, line 22, strike the figure and insert "$0".
On page 23, line 24, strike the figure and insert "$0".
On page 24, line 2, strike the figure and insert "$156,300,000,000".
On page 24, line 3, strike the figure and insert "$118,100,000,000".
On page 24, line 5, strike the figure and insert "$1,800,000,000".
On page 24, line 7, strike the figure and insert "$0".
On page 24, line 9, strike the figure and insert "$0".
On page 24, line 12, strike the figure and insert "$166,500,000,000".
On page 24, line 13, strike the figure and insert "$121,900,000,000".
On page 24, line 15, strike the figure and insert "$2,300,000,000".
On page 24, line 17, strike the figure and insert "$0".
On page 24, line 19, strike the figure and insert "$0".
On page 24, line 22, strike the figure and insert "$174,700,000,000".
On page 24, line 23, strike the figure and insert "$125,600,000,000".
On page 24, line 25, strike the figure and insert "$1,800,000,000".
On page 25, line 2, strike the figure and insert "$0".
On page 25, line 4, strike the figure and insert "$0".
On page 25, line 8, strike the figure and insert "$195,500,000,000".
On page 25, line 9, strike the figure and insert "$189,300,000,000".
On page 25, line 10, strike the figure and insert "$0".
On page 25, line 12, strike the figure and insert "$0".
On page 25, line 14, strike the figure and insert "$0".
On page 25, line 17, strike the figure and insert "$207,600,000,000".
On page 25, line 18, strike the figure and insert "$197,700,000,000".
On page 25, line 19, strike the figure and insert "$0".
On page 25, line 21, strike the figure and insert "$0".
On page 25, line 23, strike the figure and insert "$0".
On page 26, line 2, strike the figure and insert "$225,300,000,000".
On page 26, line 3, strike the figure and insert "$206,500,000,000".
On page 26, line 4, strike the figure and insert "$0".
On page 26, line 6, strike the figure and insert "$0".
On page 26, line 8, strike the figure and insert "$0".
On page 26, line 11, strike the figure and insert "$266,200,000,000".
On page 26, line 12, strike the figure and insert "$216,100,000,000".
On page 26, line 13, strike the figure and insert "$0".
On page 26, line 15, strike the figure and insert "$0".
On page 26, line 17, strike the figure and insert "$0".
On page 26, line 20, strike the figure and insert "$27,200,000,000".
On page 26, line 21, strike the figure and insert "$26,300,000,000".
On page 26, line 23, strike the figure and insert "$1,300,000,000".
On page 26, line 25, strike the figure and insert "$16,800,000,000".
On page 27, line 2, strike the figure and insert "$0".
On page 27, line 4, strike the figure and insert "$26,900,000,000".
On page 27, line 5, strike the figure and insert "$26,300,000,000".
On page 27, line 7, strike the figure and insert "$1,300,000,000".
On page 27, line 9, strike the figure and insert "$15,300,000,000".
On page 27, line 11, strike the figure and insert "$0".
On page 27, line 13, strike the figure and insert "$26,900,000,000".
On page 27, line 14, strike the figure and insert "$26,300,000,000".
On page 27, line 16, strike the figure and insert "$1,200,000,000".
On page 27, line 18, strike the figure and insert "$17,400,000,000".
On page 27, line 20, strike the figure and insert "$0".
On page 27, line 22, strike the figure and insert "$26,900,000,000".
On page 27, line 23, strike the figure and insert "$26,400,000,000".
On page 27, line 25, strike the figure and insert "$1,200,000,000".
On page 28, line 2, strike the figure and insert "$20,100,000,000".
On page 28, line 4, strike the figure and insert "$0".
On page 28, line 7, strike the figure and insert "$6,600,000,000".
On page 28, line 8, strike the figure and insert "$6,400,000,000".
On page 28, line 9, strike the figure and insert "$0".
On page 28, line 11, strike the figure and insert "$0".
On page 28, line 13, strike the figure and insert "$0".
On page 28, line 15, strike the figure and insert "$6,800,000,000".
On page 28, line 16, strike the figure and insert "$6,700,000,000".
On page 28, line 17, strike the figure and insert "$0".
On page 28, line 19, strike the figure and insert "$0".

On page 28, line 21, strike the figure and insert "$0".
On page 28, line 23, strike the figure and insert "$6,900,000,000".
On page 28, line 24, strike the figure and insert "$6,900,000,000".
On page 28, line 25, strike the figure and insert "$0".
On page 29, line 2, strike the figure and insert "$0".
On page 29, line 4, strike the figure and insert "$0".
On page 29, line 6, strike the figure and insert "$7,000,000,000".
On page 29, line 7, strike the figure and insert "$7,000,000,000".
On page 29, line 8, strike the figure and insert "$0".
On page 29, line 10, strike the figure and insert "$0".
On page 29, line 12, strike the figure and insert "$0".
On page 29, line 15, strike the figure and insert "$5,800,000,000".
On page 29, line 16, strike the figure and insert "$5,800,000,000".
On page 29, line 17, strike the figure and insert "$0".
On page 29, line 19, strike the figure and insert "$0".
On page 29, line 21, strike the figure and insert "$0".
On page 29, line 23, strike the figure and insert "$5,300,000,000".
On page 29, line 24, strike the figure and insert "$5,300,000,000".
On page 29, line 25, strike the figure and insert "$0".
On page 30, line 2, strike the figure and insert "$0".
On page 30, line 4, strike the figure and insert "$0".
On page 30, line 6, strike the figure and insert "$5,400,000,000".
On page 30, line 7, strike the figure and insert "$5,300,000,000".
On page 30, line 8, strike the figure and insert "$0".
On page 30, line 10, strike the figure and insert "$0".
On page 30, line 12, strike the figure and insert "$0".
On page 30, line 14, strike the figure and insert "$5,600,000,000".
On page 30, line 15, strike the figure and insert "$5,500,000,000".
On page 30, line 16, strike the figure and insert "$0".
On page 30, line 18, strike the figure and insert "$0".
On page 30, line 20, strike the figure and insert "$0".
On page 30, line 23, strike the figure and insert "$6,400,000,000".
On page 30, line 24, strike the figure and insert "$6,400,000,000".
On page 30, line 25, strike the figure and insert "$0".
On page 31, line 2, strike the figure and insert "$0".
On page 31, line 4, strike the figure and insert "$0".
On page 31, line 6, strike the figure and insert "$6,500,000,000".
On page 31, line 7, strike the figure and insert "$6,500,000,000".
On page 31, line 8, strike the figure and insert "$0".
On page 31, line 10, strike the figure and insert "$0".
On page 31, line 12, strike the figure and insert "$0".
On page 31, line 14, strike the figure and insert "$2,000,000,000".
On page 31, line 15, strike the figure and insert "$3,200,000,000".
On page 31, line 16, strike the figure and insert "$0".
On page 31, line 18, strike the figure and insert "$0".
On page 31, line 20, strike the figure and insert "$0".
On page 31, line 22, strike the figure and insert "$2,100,000,000".
On page 31, line 23, strike the figure and insert "$2,100,000,000".
On page 31, line 24, strike the figure and insert "$0".
On page 32, line 2, strike the figure and insert "$0".
On page 32, line 4, strike the figure and insert "$0".
On page 32, line 8, strike the figure and insert "$129,700,000,000".
On page 32, line 9, strike the figure and insert "$129,700,000,000".
On page 32, line 10, strike the figure and insert "$0".
On page 32, line 12, strike the figure and insert "$0".
On page 32, line 14, strike the figure and insert "$0".
On page 32, line 17, strike the figure and insert "$142,300,000,000".
On page 32, line 18, strike the figure and insert "$142,300,000,000".
On page 32, line 19, strike the figure and insert "$0".
On page 32, line 21, strike the figure and insert "$0".
On page 32, line 23, strike the figure and insert "$0".
On page 33, line 2, strike the figure and insert "$153,000,000,000".
On page 33, line 3, strike the figure and insert "$153,000,000,000".
On page 33, line 4, strike the figure and insert "$0".
On page 33, line 6, strike the figure and insert "$0".
On page 33, line 8, strike the figure and insert "$0".
On page 33, line 11, strike the figure and insert "$155,200,000,000".
On page 33, line 12, strike the figure and insert "$155,200,000,000".
On page 33, line 13, strike the figure and insert "$0".
On page 33, line 15, strike the figure and insert "$0".
On page 33, line 17, strike the figure and insert "$0".
On page 33, line 20, strike the figure and insert "$300,000,000".
On page 33, line 21, strike the figure and insert "$300,000,000".
On page 33, line 22, strike the figure and insert "$0".
On page 33, line 24, strike the figure and insert "$0".
On page 34, line 2, strike the figure and insert "$0".
On page 34, line 5, strike the figure and insert "−$1,400,000,000".
On page 34, line 6, strike the figure and insert "−$1,400,000,000".
On page 34, line 7, strike the figure and insert "$0".
On page 34, line 9, strike the figure and insert "$0".
On page 34, line 11, strike the figure and insert "$0".
On page 34, line 14, strike the figure and insert "−$1,200,000,000".
On page 34, line 15, strike the figure and insert "−$1,200,000,000".
On page 34, line 16, strike the figure and insert "$0".
On page 34, line 18, strike the figure and insert "$0".
On page 34, line 20, strike the figure and insert "$0".
On page 34, line 23, strike the figure and insert "−$200,000,000".
On page 34, line 24, strike the figure and insert "−$100,000,000".
On page 34, line 25, strike the figure and insert "$0".
On page 35, line 2, strike the figure and insert "$0".
On page 35, line 4, strike the figure and insert "$0".
On page 35, line 8, strike the figure and insert "−$32,400,000,000".
On page 35, line 9, strike the figure and insert "−$32,400,000,000".
On page 35, line 10, strike the figure and insert "$0".
On page 35, line 12, strike the figure and insert "$0".
On page 35, line 14, strike the figure and insert "$0".
On page 35, line 17, strike the figure and insert "−$35,000,000,000".
On page 35, line 18, strike the figure and insert "−$35,000,000,000".
On page 35, line 19, strike the figure and insert "$0".
On page 35, line 21, strike the figure and insert "$0".
On page 35, line 23, strike the figure and insert "$0".
On page 36, line 2, strike the figure and insert "−$37,800,000,000".
On page 36, line 3, strike the figure and insert "−$37,800,000,000".
On page 36, line 4, strike the figure and insert "$0".
On page 36, line 6, strike the figure and insert "$0".
On page 36, line 8, strike the figure and insert "$0".
On page 36, line 11, strike the figure and insert "−$41,100,000,000".
On page 36, line 12, strike the figure and insert "−$41,100,000,000".
On page 36, line 13, strike the figure and insert "$0".
On page 36, line 15, strike the figure and insert "$0".
On page 36, line 17, strike the figure and insert "$0".
On page 36, line 19, strike the date and insert "June 30, 1985".
On page 37, line 11, strike the first figure and insert "$3,899,000,000".
On page 37, line 11, strike the second figure and insert "$4,610,000,000".
On page 37, line 12, strike the figure and insert "$3,773,000,000".
On page 37, line 13, strike the figure and insert "$6,540,000,000".
On page 37, line 14, strike the first figure and insert "$4,258,000,000".
On page 37, line 14, strike the second figure and insert "$10,326,000,000".
On page 37, line 20, strike the first figure and insert "$0".
On page 37, line 20, strike the second figure and insert "$376,000,000".
On page 37, line 21, strike the figure and insert "$0".
On page 37, line 22, strike the figure and insert "$894,000,000".
On page 37, line 23, strike the first figure and insert "$0".
On page 37, line 23, strike the second figure and insert "$1,424,000,000".
On page 38, line 10, strike the first figure and insert "$10,122,000,000".
On page 38, line 10, strike the second figure and insert "$4,213,000,000".

On page 38, line 11, strike the figure and insert "$11,353,000,000".
On page 38, line 12, strike the figure and insert "$7,416,000,000".
On page 38, line 13, strike the figure and insert "$12,509,000,000".
On page 38, line 14, strike the figure and insert "$9,566,000,000".
On page 38, line 24, strike the first figure and insert "$2,622,000,000".
On page 38, line 24, strike the second figure and insert "$2,216,000,000".
On page 38, line 25, strike the figure and insert "$1,416,000,000".
On page 39, line 1, strike the figure and insert "$1,077,000,000".
On page 39, line 2, strike the first figure and insert "$1,633,000,000".
On page 39, line 2, strike the second figure and insert "$1,368,000,000".
On page 39, line 13, strike the first figure and insert "$2,962,000,000".
On page 39, line 13, strike the second figure and insert "$2,253,000,000".
On page 39, line 14, strike the figure and insert "$2,723,000,000".
On page 39, line 15, strike the figure and insert "$2,579,000,000".
On page 39, line 16, strike the first figure and insert "$2,720,000,000".
On page 39, line 16, strike the second figure and insert "$2,814,000,000".
On page 40, line 2, strike the first figure and insert "$719,000,000".
On page 40, line 2, strike the second figure and insert "$306,000,000".
On page 40, line 3, strike the figure and insert "$1,208,000,000".
On page 40, line 4, strike the figure and insert "$1,451,000,000".
On page 40, line 5, strike the first figure and insert "$1,720,000,000".
On page 40, line 5, strike the second figure and insert "$2,112,000,000".
On page 40, line 15, strike the figure and insert "$0".
On page 40, line 16, strike the first figure and insert "$8,117,000,000".
On page 40, line 16, strike the second figure and insert "$0".
On page 40, line 17, strike the figure and insert "$18,934,000,000".
On page 40, line 18, strike the first figure and insert "$0".
On page 40, line 18, strike the second figure and insert "$28,137,000,000".
On page 41, line 3, strike the figure and insert "$192,000,000".
On page 41, line 4, strike the figure and insert "$47,000,000".
On page 41, line 5, strike the first figure and insert "$275,000,000".
On page 41, line 5, strike the second figure and insert "$109,000,000".
On page 41, line 6, strike the figure and insert "$282,000,000".
On page 41, line 7, strike the figure and insert "$140,000,000".
On page 41, line 16, strike the first figure and insert "$375,000,000".
On page 41, line 16, strike the second figure and insert "$0".
On page 41, line 17, strike the figure and insert "$3,101,000,000".
On page 41, line 18, strike the first figure and insert "$1,325,000,000".
On page 41, line 18, strike the second figure and insert "$0".
On page 41, line 19, strike the figure and insert "$7,332,000,000".
On page 41, line 20, strike the first figure and insert "$1,370,000,000".
On page 41, line 20, strike the second figure and insert "$0".
On page 41, line 21, strike the figure and insert "$9,097,000,000".
On page 42, line 6, strike the first figure and insert "$3,404,000,000".
On page 42, line 6, strike the second figure and insert "$1,299,000,000".
On page 42, line 7, strike the figure and insert "$3,826,000,000".
On page 42, line 8, strike the figure and insert "$3,446,000,000".
On page 42, line 9, strike the first figure and insert "$4,291,000,000".
On page 42, line 9, strike the second figure and insert "$4,231,000,000".
On page 42, line 19, strike the figure and insert "$882,000,000".
On page 42, line 20, strike the figure and insert "$1,258,000,000".
On page 42, line 21, strike the first figure and insert "$2,034,000,000".
On page 42, line 21, strike the second figure and insert "$2,101,000,000".
On page 42, line 22, strike the figure and insert "$2,594,000,000".
On page 42, line 23, strike the figure and insert "$2,275,000,000".
On page 43, line 7, strike the figure and insert "$858,000,000".
On page 43, line 8, strike the figure and insert "$791,000,000".
On page 43, line 9, strike the first figure and insert "$1,332,000,000".
On page 43, line 9, strike the second figure and insert "$1,496,000,000".
On page 43, line 10, strike the figure and insert "$1,725,000,000".
On page 43, line 11, strike the figure and insert "$1,987,000,000".
On page 43, line 20, strike the figure and insert "$192,000,000".
On page 43, line 21, strike the figure and insert "$87,000,000".
On page 43, line 22, strike the first figure and insert "$201,000,000".
On page 43, line 22, strike the second figure and insert "$151,000,000".
On page 43, line 23, strike the figure and insert "$211,000,000".
On page 43, line 24, strike the figure and insert "$181,000,000".
On page 44, line 10, strike the figure and insert "$3,899,000,000".
On page 44, line 11, strike the figure and insert "$4,610,000,000".
On page 44, line 12, strike the first figure and insert "$3,773,000,000".
On page 44, line 12, strike the second figure and insert "$6,540,000,000".
On page 44, line 13, strike the figure and insert "$4,258,000,000".
On page 44, line 14, strike the figure and insert "$10,326,000,000".
On page 44, line 19, strike the first figure and insert "$0".
On page 44, line 19, strike the second figure and insert "$376,000,000".
On page 44, line 20, strike the figure and insert "$0".
On page 44, line 21, strike the figure and insert "$894,000,000".
On page 44, line 22, strike the first figure and insert "$0".
On page 44, line 22, strike the second figure and insert "$1,424,000,000".
On page 45, line 8, strike the first figure and insert "$9,159,000,000".
On page 45, line 8, strike the second figure and insert "$4,028,000,000".
On page 45, line 9, strike the figure and insert "$9,730,000,000".
On page 45, line 10, strike the figure and insert "$6,870,000,000".
On page 45, line 11, strike the first figure and insert "$10,379,000,000".
On page 45, line 11, strike the second figure and insert "$8,550,000,000".
On page 45, line 21, strike the figure and insert "$2,838,000,000".
On page 45, line 22, strike the figure and insert "$1,316,000,000".
On page 45, line 23, strike the first figure and insert "$3,183,000,000".
On page 45, line 23, strike the second figure and insert "$3,202,000,000".
On page 45, line 24, strike the figure and insert "$3,549,000,000".
On page 45, line 25, strike the figure and insert "$3,865,000,000".
On page 46, line 9, strike the figure and insert "$5,188,000,000".
On page 46, line 10, strike the figure and insert "$8,187,000,000".
On page 46, line 11, strike the first figure and insert "$3,871,000,000".
On page 46, line 11, strike the second figure and insert "$10,159,000,000".
On page 46, line 12, strike the figure and insert "$3,958,000,000".
On page 46, line 13, strike the figure and insert "$13,539,000,000".
On page 46, line 23, strike the figure and insert "$192,000,000".
On page 46, line 24, strike the figure and insert "$47,000,000".
On page 46, line 25, strike the first figure and insert "$275,000,000".
On page 46, line 25, strike the second figure and insert "$109,000,000".
On page 47, line 1, strike the figure and insert "$282,000,000".
On page 47, line 2, strike the figure and insert "$140,000,000".
On page 47, line 11, strike the figure and insert "$0".
On page 47, line 12, strike the first figure and insert "$64,000,000".
On page 47, line 12, strike the second figure and insert "$0".
On page 47, line 13, strike the figure and insert "$3,699,000,000".
On page 47, line 14, strike the first figure and insert "$0".
On page 47, line 14, strike the second figure and insert "$5,203,000,000".
On page 47, line 25, strike the first figure and insert "$540,000,000".
On page 47, line 25, strike the second figure and insert "$292,000,000".
On page 48, line 1, strike the figure and insert "$559,000,000".
On page 48, line 2, strike the figure and insert "$402,000,000".
On page 48, line 3, strike the first figure and insert "$634,000,000".
On page 48, line 3, strike the second figure and insert "$526,000,000".
On page 48, line 14, strike the first figure and insert "$401,000,000".
On page 48, line 14, strike the second figure and insert "$379,000,000".
On page 48, line 15, strike the figure and insert "$293,000,000".
On page 48, line 16, strike the figure and insert "$352,000,000".
On page 48, line 17, strike the first figure and insert "$394,000,000".
On page 48, line 17, strike the second figure and insert "$450,000,000".
On page 49, line 2, strike the figure and insert "$375,000,000".
On page 49, line 3, strike the first figure and insert "$0".
On page 49, line 3, strike the second figure and insert "$3,037,000,000".
On page 49, line 4, strike the first figure and insert "$1,325,000,000".
On page 49, line 4, strike the second figure and insert "$0".

On page 49, line 5, strike the figure and insert "$7,183,000,000".
On page 49, line 6, strike the first figure and insert "$1,370,000,000".
On page 49, line 6, strike the second figure and insert "$0".
On page 49, line 7, strike the figure and insert "$8,850,000,000".
On page 49, line 17, strike the first figure and insert "$1,895,000,000".
On page 49, line 17, strike the second figure and insert "$469,000,000".
On page 49, line 18, strike the figure and insert "$3,091,000,000".
On page 49, line 19, strike the figure and insert "$1,950,000,000".
On page 49, line 20, strike the first figure and insert "$4,170,000,000".
On page 49, line 20, strike the second figure and insert "$3,161,000,000".
On page 50, line 5, strike the figure and insert "$882,000,000".
On page 50, line 6, strike the figure and insert "$1,258,000,000".
On page 50, line 7, strike the first figure and insert "$2,034,000,000".
On page 50, line 7, strike the second figure and insert "$2,101,000,000".
On page 50, line 8, strike the figure and insert "$2,594,000,000".
On page 50, line 9, strike the figure and insert "$2,275,000,000".
On page 50, line 18, strike the figure and insert "$858,000,000".
On page 50, line 19, strike the figure and insert "$791,000,000".
On page 50, line 20, strike the first figure and insert "$1,332,000,000".
On page 50, line 20, strike the second figure and insert "$1,496,000,000".
On page 50, line 21, strike the figure and insert "$1,725,000,000".
On page 50, line 22, strike the figure and insert "$1,987,000,000".
On page 51, line 6, strike the figure and insert "$0".
On page 51, line 7, strike the first figure and insert "$7,600,000,000".
On page 51, line 7, strike the second figure and insert "$0".
On page 51, line 8, strike the figure and insert "$14,456,000,000".
On page 51, line 9, strike the first figure and insert "$0".
On page 51, line 9, strike the second figure and insert "$21,809,000,000".
On page 51, line 17, strike the figure and insert "$313,500,000,000".
On page 51, line 19, strike the figure and insert "$335,600,000,000".
On page 51, line 20, strike the figure and insert "$360,400,000,000".
On page 52, line 1, strike the figure and insert "$136,700,000,000".
On page 52, line 3, strike the figure and insert "$138,200,000,000".
On page 52, line 4, strike the figure and insert "$143,100,000,000".
On page 54, line 20, strike the figure and insert "8".

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DOLE. Mr. President, I ask for the yeas and nays on the amendment.

Mr. BYRD. I yield for that purpose.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The cosponsors of the amendment (No. 44) are: Mr. DOLE, for himself, Mr. DOMENICI, Mr. ARMSTRONG, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. COCHRAN, Mr. DANFORTH, Mr. EVANS, Mr. GARN, Mr. GRAMM, Mr. HATCH, Mr. HECHT, Mr. HEINZ, Mr. HELMS, Mr. HUMPHREY, Mr. LAXALT, Mr. LUGAR, Mr. MATTINGLY, Mr. MCCLURE, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. ROTH, Mr. RUDMAN, Mr. SIMPSON, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. TRIBLE, Mr. WALLOP, and Mr. WARNER.

Mr. BYRD. Mr. President, I yield myself 5 minutes on the amendment.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. President, the distinguished majority leader has now offered his amendment which, as I recall, would be amendment C on page 58, of the Book on Senate Procedure.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. In other words, it completes the tree of amendments on a motion to recommit with instructions.

The distinguished majority leader's amendment is not amendable at this point.

Now, Mr. President, thus far in this debate the distinguished majority leader has offered amendments to fill out the tree of amendments on page 70, which allows any number of amendments up to and including seven amendments. So he has filled every space in that tree. He has left no opportunity for a Senator on this side of the aisle or a Senator on the other side of the aisle to offer an amendment, as long as he sought to do so himself.

Then once that tree of amendments was completed, he moved to recommit the resolution with instructions that it be reported back forthwith with the language in amendment A. Now, he has offered an amendment to amendment A, which is in the C position, and no other Senator has had an opportunity to offer amendments because the distinguished majority leader has the right of first recognition, by custom. It is a custom that is accepted on this side of the aisle, and has been for a long time.

Now that the distinguished majority leader has completed the tree of amendments on page 58, I would ask him if the Democrats could offer the next amendment.

Before I pause for him to respond to that question, may I say this: I have no quarrel with the distinguished majority leader in anything that he has done by way of using the rules that are there to fill out both of these amendment trees that I have described, and which the Members may see on pages 58 and 70. I have no problem with that. I do have problems with it, but I have no quarrel with it, because the distinguished majority leader has pursued the rules and has used his right to recognition very effectively.

But as of now, Senators on this side of the aisle have not had any opportunity to offer an amendment because we are all shut out by the distinguished majority leader's use of right of recognition.

Even so, it has been our time on this side of the aisle on the overall resolution that is also being consumed. There are only 50 hours overall on the resolution; and amendments thereto, while they may have 1 or 2 hours, depending on the nature of an amendment and to what vehicle it may be offered, the time for amendments comes out of the overall.

So while we Democrats have been made to keep silent as far as offering amendments is concerned, it has been half of our time which is being used by the other side.

Even so, I have no quarrel with the distinguished majority leader about that.

But now that he has completed the offering of his own amendments, and when the vote occurs on amendment C, on page 58, we Democrats would want to offer the next amendment.

Of course, the distinguished majority leader did not take me up on the offer on last Thursday, to vote on a somewhat similar amendment; nor did he take us up on our offer to vote on Friday at noon. But I do not quarrel with him for that.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD. I yield myself 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. So he rejected my offer or declined it—declined in a very courteous fashion our offer to vote at noon on Friday. I do not blame him for that because he was not sure whether or not he had the votes. I was not certain, either.

Here we are now with the same amendment and he probably wants a vote on it today.

Once we vote on his amendment, whether it be today or tomorrow, then amendment A, on page 58, as amended by amendment C, will be open to further amendment. There is where the rub will come.

At that point, we Democrats want to offer an amendment. The distinguished majority leader has now offered nine amendments, including the motion to recommit, and we Democrats say patiently and humbly, hoping to offer some amendments. The other day, I stated on this floor that I would hope that, once the distinguished majority leader's "compromise" amendment was voted on, I would hope we could alternate then; that the Democrats would have a shot and then we would alternate the rest of the way—first the Democrats, then the Republicans, and so on.

Now, I am going to ask that question again. We Democrats have wanted to offer an amendment restoring the Social Security COLA. We indicated, days ago, that that was an amendment we wanted to offer, that was an issue that we wanted to deal with, soon. I offered a Senate joint resolution, that went on the calendar. I offered a simple resolution and it went on another calendar, which amendments pressed to restore the Social Security cuts in the COLA. The President has broken his promise to the old folks of this country. But I am not going to break mine. I am going to do everything I can to restore those COLA's. Most Senators on this side of the aisle feel as I do.

But how are we going to be able to represent the elderly and get an amendment in, and have it voted on to restore the COLA's if we cannot get recognition for the offering of such an amendment? We just cannot do it.

It is not just the Democrats. A lot of those elderly people out there beyond the beltway are Republicans, and it may also be that some of our friends on the other side of the aisle would support our amendment.

I plead and beseech, and I implore, and I beg the distinguished majority leader, that once his amendment C is acted on, then would he let us Democrats have an opportunity, for the first time—for the first time since we have been on this resolution—to offer an amendment that says to the elderly people of this country, "The President broke his campaign promise but we are not going to break ours." It would enable a lot of our Republican friends also to keep that promise to the elderly people of this country.

All I am asking the distinguished majority leader is, will he relent and let the Democrats offer the first amendment after his perfecting amendment "C" is agreed to, as I believe it will be agreed to. I am sure that the distinguished majority leader, being a good vote counter, is not going to let that vote occur until he is pretty confident of the vote. I do not blame him for that.

But we also want our chance to offer amendments. It is only fair that Democrats, who number 47 in this body, have the opportunity to offer an amendment on behalf of the elderly people of this country to protect them against the social security cuts in the COLA.

We have not yet had an opportunity to offer an amendment and yet we have been charged for half of the time on this resolution.

I would hope and believe that if—I yield myself 2 more minutes—if the distinguished majority leader would do that, I think it might pay off down the road to his benefit. The distinguished Senator from Kansas, who is our illustrious majority leader, is playing hardball. Let us say he calls up an amendment for someone else on his side, once he gets Senate action on the last amendment he has offered in filling the amendment trees. Maybe he will not do so. I hope he will not. But if he does then begin to call up amendments for other Senators, I would say that he would then be abusing—I do not think the majority leader would ever abuse his right of recognition as majority leader, but let us just say for the sake of the record that he calls up a Senator's amendment on that side, because that Senator cannot get recognition over the minority leader.

The minority leader, under the customs that have heretofore been followed, has first recognition after the majority leader. And my friends on the other side of the aisle know that if I get recognized, I am going to call up the Moynihan-Byrd-Riegle Social Security amendment to restore the cuts in Social Security COLA's. But if the able majority leader uses his recognition power—I do not believe he will, but if he were to, that would be an abuse of the first recognition rights of the distinguished majority leader. And I just cannot believe that he would do that. But if he does use the right of recognition to shut out the minority party, then he can go right on down the line until the 50 hours are all gone. I do not believe he will do that, surely. But if he were to do that and use the whole 50 hours, using his power of recognition to call amendments up for Senators on the other side, we on our side would be completely shut out. When we reach the 50th hour, we would not have any oil in our lamps, and all we could then do is offer amendments and have them voted on without debate.

Now, one final word. Why would the distinguished majority leader—and I do not believe he will—why would the distinguished majority leader—and I feel rather badly about this, because I have not given the distinguished majority leader an opportunity to tell us yet, but if he were to do that, one might ask why would he do that? Could it be that the distinguished majority leader, in order to get the votes to enact his White House compromise—remembers, he would not accept our vote offer on Thursday, nor our offer on Friday—as was noted in the newspapers, one might come to the conclusion that the reason, perhaps, why the distinguished majority leader would not accept our offers last week was that he simply did not have the votes at that time.

Now, there has been a rumor going around—and this is Washington, a place rife for rumors—that maybe the able leader has picked up the needed votes by offering to call up somebody else's amendments. Let us say there is a Senator on the other side of the aisle who wants to be "fustes' with the mostes' " on Social Security——

Mr. HOLLINGS. Oh, no, I do not believe he would do that. I just cannot believe that.

(Mr. DENTON assumed the chair.)

Mr. BYRD. I have Senator HOLLINGS with me on this one. He and I are drinking out of the same quill on this one. I do not believe the majority leader would do that.

Mr. HOLLINGS. I do not believe it.

Mr. BYRD. I cannot believe it. I just cannot believe it.

But let us say that he does. Let us say that the distinguished majority leader has a Senator on that side of the aisle who is hard pressed to appear to be the Senator who restored the Social Security COLA cuts. Just using that as an example—and if the leader said, "Well, now, if you would vote for me on my package, I would guarantee you would be the first to get your amendment up"—I am not saying the distinguished majority leader would do that, because I do not know, but I can imagine how a majority leader might do that.

Mr. HOLLINGS. Never.

Mr. BYRD. That being the case, I can see why the distinguished majority leader might be under the compulsion to call up amendments on that side of the aisle for one, two, three, four, or five Senators in a list of commitments.

Mr. MOYNIHAN. Mr. President, would the distinguished minority leader yield for a question?

Mr. BYRD. If I could just finish my thought—yes, I yield.

Mr. MOYNIHAN. Could I ask the distinguished minority leader if he has had an opportunity to read this report in this morning's Washington Post by David Hoffman and Helen Dewar in which the distinguished majority leader is quoted as saying he plans to do exactly what the minority leader has speculated?

I cannot believe it. [Laughter.]

Mr. BYRD. I shall have to read it with my own eyes before I believe it. And I will not believe it even then.

But laying all the humor aside and speaking seriously, Mr. President, if the distinguished majority leader does call up amendments for other Senators, and if the reason were to be that he had made promises that he would get their amendments up first if they would but vote for his package, then I say to my fellow Democrats that we are under no compulsion over here to help the distinguished majority leader fulfill his commitments.

I think I shall now yield the floor to the distinguished majority leader if he wishes, and I hope that he would say in response to my question that Democrats will be offered an opportunity to call up the next amendment once his

package is adopted, if it is adopted, and we can all proceed from there.

Let me say in closing that I have the utmost respect for the distinguished majority leader.

I hope the distinguished majority leader will relent and let Democrats offer the first amendment to his package once it is adopted, if it is adopted, and I dare say it will be.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Speaking on the resolution, Mr. President, I appreciate very much the comments of the distinguished minority leader, who is the recognized expert on procedure, history, and precedent. Many of the parliamentary ideas that I have come across I can attribute to the distinguished minority leader either when he was minority leader or majority leader. But in moving forward on this resolution I do not intend to do anything that would violate the rules. I have discussed this matter with the distinguished minority leader and he indicated to me that, "As long as you are within the rules, there is no quarrel."

I would indicate that even though we have offered eight amendments, I think, instead of nine, these eight amendments are really in essence only one. We have been trying to get to that one amendment. We had to offer eight amendments to get to that one. I never fully understood why I had to do all that. I talked to the Parliamentarian. He wrote it down. I said, "It sounds like a good idea," and so we have offered eight to get to this one amendment—the Senate leadership White House budget package. We would like to vote on that amendment today.

I would point out that the first vote on this resolution came at the insistence of a member on that side of the aisle. We have not had any votes on this side of the aisle. I must say we had mixed feelings on this side whether to adopt the Metzenbaum proposal and not to try to sustain the Chair. Then we could have amended that motion and voted on our package very quickly. Nevertheless, that procedure if we sustained would be a total thrashing of the rules, bordering on abuse of the rules. I have always understood that in this body it is the right of the majority leader to recess the Senate. I recall that we had a discussion on this very subject just about 5 or 6 weeks ago. At that time, on February 25, the minority leader reassured me that the motion to recess was a prerogative normally preserved for the majority leader. And so we studied very carefully the effort by the distinguished Senator from Ohio. It was a close call, but in the long run I think the Senate would have been injured if we followed this procedure. We would have gained a short-term advantage by then amending the motion, having the vote, and following that procedure in the Senate at least this year and the next year. We could break all filibusters, by moving to recess, reporting back in 5 minutes and voting on anything, so as long as you had more votes than the other side. I would assume that would be an advantage. But, again, I am certain the distinguished minority leader probably knew that in advance. I had to learn it rather quickly.

So far as what amendments may be offered after the vote on so-called White House-leadership amendment, we have thought about a number of ways to address that problem. Maybe we could adopt a proportional allocation based on the number of votes we have on this side for the leadership package and the number of votes we have on that side for the leadership package. If half of you vote for the package, you get to offer half of the amendments. So we have looked at a number of ways to deal with it because it is a serious matter. But I cannot say this proposed procedure is without precedent. I am certain there is precedent for it. What I want to do as the majority leader is to get the deficit reduced.

I would hope that in the final analysis there is going to be a big bipartisan vote for a deficit reduction package, some from that side and some from this side. But if we cannot demonstrate up front as the majority party that we have the ability to at least start with a package, or in effect describe the parameters as $300 billion or more in deficit reduction, then I am not certain why we are the majority party.

It is my responsibility on this side to make certain that we win some votes, if I can. If I cannot, we lose. And it would not be an end of the process if the so-called White House-leadership package is voted down. We could then start amending the leadership package. There is no doubt in my mind there are 68- or 70-some amendments pending right now. I can assure the distinguished minority leader that I am not going to offer all of those amendments. Nevertheless, I may offer a few, not to frustrate the process, but there is just as much concern on this side as there is on that side about senior citizens, veterans, the handicapped, farmers, and all the other constituencies affected by this package. If we all adopt the attitude that we cannot do anything that affects in any way this group or that group or that group, then it does not make much difference who offers the amendments; they are all going to pass. So we finish the exercise, but there is nothing left in the package except an increase in taxes and a cut defense, which in the view of most Americans is not the way to go.

So I say to the distinguished minority leader I will certainly be in constant touch with him, visiting with him, and having dialog with him, as I have tried to do for the past several months. He has been most accommodating—but I am not prepared to say at this time we are going to rotate amendments. I have searched the Budget Act and I cannot find a rotation requirement in that law. There is nothing in the Budget Act that says you have to take all the heat on one side and all the pleasure on the other side in this body. If we are serious about reducing the deficit, the fun and games will end one of these days. We are going to be faced with the question of whether or not we are going to vote yes or no on a final package. I am convinced there is a majority on both sides who are sincerely concerned about deficit reduction. I would hope in the final analysis, though I cannot now give an affirmative answer to the distinguished minority leader, that we will do what the American people expect us to do, that is make some hard decisions. If we do not want to make some hard decisions, it does not make any difference who offers the amendments. We cannot have everything. We cannot say, "We can't cut agriculture because I'm from a farm State; we can't cut something else because somebody else is from a different State," and end up with anything but a big fat deficit, higher taxes, more inflation, and more people out of work. So we are prepared to initially indicate to everyone—our colleagues on the other side of the aisle, and the American people—that for one brief moment at least we agreed that we had to reduce the deficit $300 billion. Then there will be those who want to start the dismantling process. We have Members on this side who want to knock out of the package the Social Security 2-2-2 proposition. We have other Members who want to cut more from defense spending—not many but some. I do not agree with those positions, but I would hope that as majority leader of the Republican side I have some right to protect the Republican side and the Members who make up the Republican side.

I would assure the distinguished minority leader that I have no intention of abusing the rules or of frustrating the good intentions of any Senator. But I also have the responsibility to try to protect my side.

I do not think rotation is a plan that has a great deal of appeal to me at this time. There will be all the votes the Democrats want on their package. I know of at least three Democratic budget packages. The distinguished minority leader is working on one, the distinguished ranking member on the Budget Committee has one, and the distinguished Senator from South

Carolina discussed his plan this morning. They all have certain appeal. Ours may have certain appeal to Senators on that side. I am not trying to bully anyone, I am not trying to dictate to anyone, but I am trying to reduce the deficit without raising taxes, and by cutting spending, at this point I would have to indicate to the distinguished minority leader, who asked the question in good faith, that I would not be prepared to say that following the vote on the so-called leadership package the next amendment will be offered from that side.

Mr. CHILES addressed the Chair.

The VICE PRESIDENT. Who yields time?

Mr. CHILES. Mr. President, I yield myself such time as I might use from the resolution.

Mr. President, it is our wish that we have the first opportunity of amendment, and our wish that we have a rotation of amendments after that. We have used that process several times before.

Even if the majority leader is correct that there is no obligation on his part to assure, such a procedure, and that there is nothing in the Budget Committee rules that says it must be done that way, normal Senate comity should be considered. The normal rules of recognition in the Senate, generally provide that the person first on his feet and obtaining recognition of the Chair, is the person entitled to move the amendment.

There is an exception. The exception is that the majority leader gets the first crack and the minority leader gets the second crack. I think we all know there is good reason for that exception. The reason, as I understand it, is that the majority leader has the duty of putting motions to adjourn, motions to recess, motions to recommit, together with those duties that fall on him as majority leader, to conduct the affairs of the Senate. But this Senator has never felt that those rules giving the majority leader first recognition were ever designed or to be used for getting recognition to move an amendment for somebody else.

When you start doing that in this Chamber, comity is going to break down. There is no doubt about it. If you start using the power of recognition to move an amendment that you are not even for; that goes against the package that you have proposed; that is helping to dismantle the package you put up—when you start doing that, based solely on the right of first recognition, then comity breaks down.

If you step in either of our cloakrooms right now and watch the House of Representatives on television, you will see and hear an acrimonious debate going on about abuse of power. It is interesting, because in that instance the minority party, the Republicans, are talking about the unbridled use of power and criticizing the Democrats. The minority feels they have great justification. There has even been talk about chaining themselves to the rostrum to prevent the House from going on. Fortunately, we have not had that over here.

As the Senator from Florida sees it, generally speaking, we observe comity in this body. It is the common practice in the Senate to allow the Chair to recognize the person on his feet first. That is the procedure we are all accustomed to in this body. That is the way I have always known it.

I cannot remember Mike Mansfield ever demanding recognition so he could allow the Junior Senator from Florida at that time to call up his amendment. I cannot remember Majority Leader BYRD demanding recognition under his power as the majority leader to have the Senator from Michigan present an amendment. I cannot remember that ever happening. Maybe the rules allow it. The rules would have allowed, I suppose, a majority to overturn the ruling of the Chair. But we heard the distinguished majority leader say that would be trashing the rules, and I think that is true. Once we start doing that, it would be trashing the rules.

I hope that because a power is there and was put there for a good purpose—to allow the majority leader and the minority leader to carry out their duties and their functions of leadership—it would not be distorted to allow recognition or the presenting of an amendment which is not theirs.

If it is an amendment the distinguished majority leader believes in, if he is a cosponsor of it, then perhaps he is entitled to recognition. But to do it five times, to do it on a series of things, I think would be an abuse of recognition by the Chair.

The majority leader has said that he hopes there will come a time, as I do, that there can be some bipartisan movement to adopt a deficit reduction package. That is what this is all about. That is what the American people want. But I say to him I do not think we are helping that process if the majority uses its power in an abusive manner, in obtaining recognition, under the power of the Chair, to put someone else's amendment.

It is one thing to say: "I don't feel I owe the responsibility to you, as the minority party, to guarantee you every other motion or to guarantee you the first right of recognition." I think it is another thing to say: "I am going to use my power as majority leader to obtain recognition and then call up amendments for someone else." I certainly hope the distinguished majority leader will not do that.

Perhaps, he cannot work out an arrangement allowing us every other vote. Perhaps he would not allow us to have the first amendment. Perhaps we would feel we have been shut out by a skillful use of the rules. That has been done by this side, so we cannot complain. I hope it will not go further than that, to undo the normal recognition process where he who is on his feet first and seeks recognition is automatically recognized. When you go beyond that and say, "We are going to alter the power of the majority leader," that will cause a breakdown of comity in this body, and I think that is something that will hurt the Senate.

Mr. METZENBAUM and Mr. DOLE addressed the Chair.

Mr. DOLE. Mr. President, speaking on the resolution, I know we are walking a fine line and I know this matter is very sensitive.

If we had 62 or 63 votes on this side, there would not be any problem. The Democrats enjoyed big margins here in Senate, on and off, for 26 years. They did not have 52 or 53 votes. We really have 52, because one Member is hospitalized. So we have to assess where we are with that many votes.

As I look back at the first budget resolution in 1981, there were 18 Democratic amendments and 5 Republican amendments. There were 18 Democratic amendments offered in a row.

In 1977, when the distinguished minority leader was majority leader, the first three amendments—not all this tree building—were offered by the majority party, the Democrats.

So I think that before we have all this anguish and all the soul searching about fairness or whatever, we can go back and take a look at the past history.

It may be that I will offer a few amendments.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. CHILES. Can the Senator tell me when those 18 amendments were offered? Was recognition obtained by the majority leader and then assigned to a Member, or was it on the basis of who stood up and said they wanted to offer an amendment,

Mr. DOLE. I would have to go back and check that, but I do not believe there is anything inconsistent. If we were to agree to recognize three Republicans other than the majority leader, it is the same thing.

Mr. CHILES. I say to my distinguished friend that I do not think it is the same thing. I think it is one thing to say that perhaps in the first resolution we had more people seeking to offer amendments; but the thing is, were they recognized because they were on their feet first, was the majority leader on this side obtaining recognition and assigning it to those Members? That is what we are talking about.

Mr. DOLE. I know we cannot resolve that today.

I know that Social Security is very sensitive. There is a lot of political mileage to be gained, and everybody wants to offer the first amendment. I do not know what the actual count is on that side, but in some of these packages, the Democrats want to freeze Social Security COLA's. I know that the distinguished Senator from Florida has a package in which he freezes Social Security COLA's.

We should get off this kick that only Republicans want to do anything with Social Security. That is why I suggest, in the final analysis, that maybe we can work a package out. Maybe the strategy is, "Let's embarrass the Republicans up front. We're trying to protect the senior citizens."

Most senior citizens have children and grandchildren who may want to find work in a year or two, who probably do not want inflation to go back up, and who are concerned about the economy and sustaining growth.

In our package, we have a guaranteed COLA of 2 percent, 2 percent, and 2 percent, notwithstanding present law, which says that when inflation is less than 3 percent, you do not get any Social Security COLA. It is a moderate approach to a very important problem.

So we become a little tender about being jumped on by certain Democrats, who assert that somehow the Republicans are against the old people, the senior citizens, and that if it were not for Democrats, they would not be protected. We can make all those arguments when we get into it, but I hope the politics would not decide who is going to be first.

I think the best political advantage may be based on who is going to reduce the deficit. And I am prepared to make some very difficult votes to do that and I think the American people have been prepared for about the last 2 years. The President is on board. He is talking about reductions. It is probably the only opportunity we are going to have for a long time.

I do not want to break my pick with my friends on the other side, but I do hope they understand that sometimes you just have to do what you have to do.

Mr. METZENBAUM addressed the Chair.

The VICE PRESIDENT. Who yields time?

Mr. CHILES. I yield the distinguished Senator such time as he might need off the resolution.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I think we ought to understand where we are and where we are not and understand who is trashing the rules around here and who is bordering on abuse. We should not get the idea that somebody is in here with a halo around their head to reduce the deficit and the rest of us do not share that commitment.

I believe that there are 100 Members of this body and every one of them wants to reduce the deficit. And each of us probably has his own way or her own way as to how we should go about doing it.

So we brought to the floor better than a week ago the budget resolution. I serve on the Budget Committee, and I know that that committee wrestled with the issue of how to reduce the deficit and fought about it and finally came out with a package.

That package was available and was supposed to be called up a week ago Monday, a week ago yesterday. Nothing happened on Monday. Not a vote, not a word. And nothing happened on Tuesday. The Senate was dark.

And then Wednesday it was brought up, but we could not vote because the President was going to address the country that night. So we were not ready to really get into the meat of doing our job.

So we sat here on Thursday and we sat here on Friday and we played games with each other—that is they played games with us. We did not participate in those games. And it was the first amendment and the second amendment and the substitute amendment. And then we went over to the other side of the page and we went down that part of the tree. Then we came in yesterday, as I understand it, or this morning and we came in with a motion to recommit and then we wanted to be certain to lock that in. And all the time we have not spent 1 minute on the issue before the Senate, and that is reducing the deficit.

Somehow we have got a great big flag raised high, and it is waving around, and we have got to get the White House Republican package before the Senate, notwithstanding the fact that every single Member of this body knows that that is not going to be the final package. Certain deals were made with Senators from this State and that State. "You can offer this amendment, just go along with the original package."

Then they have come up with this new kind of hokum—and this is hokum. "This is just a procedural motion. This is just a procedural motion." It is not a procedural motion at all. It is the budget resolution that is being offered to the Senate, and we are being called upon to act upon it.

And then nobody should have the audacity to come forward with an amendment. What difference does it make if that budget eliminates the Job Corps? Who cares about the fact that the Appalachian Regional Commission will no longer be operable? What difference does it make that the charitable organizations across this country—the American Heart Association, American Cancer Society, all the churches will lose their postal subsidies.

The President says he is not going to have any new taxes, but he is going to sock it to all those charitable organizations. He is going to sock it to the second-class rural newspapers, eliminate their postal subsidies. "But don't offer an amendment on it, not until we get our package in place."

Who is abusing the rules? You are abusing the rules. You are not letting us proceed in a normal manner. You are letting the clock run without anything being achieved.

No Federal subsidy for Amtrak. That is the end of Amtrak. Knock out the SBA Program almost in its entirety. Federal crop insurance, slash that. Knock out part of the subsidy for school lunches. Eliminate revenue sharing. Eliminate the Rural Loan Program. Eliminate UDAG for cities.

But be sure you do not offer any amendments having to do with defense spending. No, those are issues we do not want to get into until we get the package. And nobody, nobody has the right to offer an amendment. The majority leader has priority rights under the rules of the Senate to be recognized and say. "He offers his first amendment and he offers his second amendment and he offers his substitute amendment," and goes right on down the tree. So he says to all of us, "You can't offer any amendment."

And so, indeed, those of us who believe that this body ought to address itself to the issue of slashing Social Security wanted to have some way to bring that issue to the floor. And then we read in the paper that a deal had been cut in some way; that the deal was that some would vote for the package and then, after the deal was made and the package was put in place, then a few select people would have the right to offer the amendment to eliminate the Social Security cuts.

Talk about abusing the rules. Talk about comity. Talk about the question of whether or not we are proceeding here in a manner that we proceeded in the past.

I have been in this body long enough to say that I have never, never before seen an instance where a U.S. Senator of either party could not get his amendment up after a week and a half on the same issue. A week and a half on the same issue and we cannot even get an amendment called up.

So, indeed, the Senator from Ohio had no reservation in letting it be known that we want to bring up the Social Security issue. And the only way I could figure out to do it, in view of the fact that we had been precluded from offering an amendment to the bill, precluded from offering a motion to recommit, was to offer it as an

amendment on a motion to recess. An unusual procedure I would agree.

The fact is this body is proceeding in a way that I have not seen in history and to the best of my knowledge it has not proceeded in this same manner at any time in the past. Not alone are we talking about the fact that nobody can get an amendment offered before the sacred package is voted upon, but, beyond that, we are saying, as the majority leader just said, he is not sure when the members of the minority are going to have an opportunity to offer an amendment.

What kind of body are we? What is so unfair about offering an amendment? It is not our fault whether he has got the votes or does not have the votes or whether he has 52 or 53 or 60 Members in the majority. We live in a political system. That is the way this Government operates. But does that mean that we deny some in the minority the opportunity to vote, the opportunity to offer an amendment?

I cannot believe what is transpiring in the Senate at the moment.

And I would say to the distinguished majority leader that if I can figure out some other way to bring the issue of eliminating the cuts in Social Security to this floor before the package is considered, or any one of a host of other amendments that I think we ought to be considering. I will not hesitate to use the rules to do that, just as the majority leader is using the rules to provide an ironclad fist and say, "No amendment. No opportunity for anybody to bring an issue to this floor."

Why not? What is so terrible? What is there about putting the package in place? Does it mean that we can run and tell the President, as we wave him bye, bye on the plane, "Mr. President, we got the budget resolution through, the White House package"? Is that what we are worried about? Well, we wish the President bon voyage.

We wish him a good trip. We wish him a healthy trip. But the fact is we wish him a trip where we could report to him regularly that we just adopted an amendment to reject the Social Security cuts for the senior citizens of this country, and to save so many other programs that should be saved. Why can we not vote? Why can we not offer an amendment? Is there some special reason that we are not permitted to offer our amendments? I indicated the other day on the floor of the Senate that after the seven steps were taken that I would be prepared to offer a motion to recommit, and I discussed that this morning with the Parliamentarian. It was not so long thereafter that the majority leader offered just such a motion himself, and then put in the first two steps as well to preclude my offering any kind of motion of that kind. Why? What is there so sacred about requiring the Senate to vote on this package as a package and why, can we not get an opportunity to offer an amendment?

I cannot for the life of me understand the procedure. It may make good sense to the majority leader, and I have a lot of respect for him. But I do not think it makes good sense to the American people. He says it is because we want to reduce the deficit. Let us reduce defense spending another 3 percent instead of increasing it. We would not be cutting it. All we would be doing is holding it to the inflation figure. Why should we be increasing defense spending? We want to reduce the deficit. Give us an opportunity to vote on whether or not we should increase defense spending as provided in this package that the White House and the majority party have agreed upon that will reduce the deficit an additional amount. No. No votes, no opportunity to get into the issue. I can only say this: I am disappointed that we do not have an opportunity to proceed in a normal way for each Member of the Senate to have an opportunity to be heard and offer such amendment as he or she might want to in order to bring it to a vote. I say to my colleague, the leader of the Senate, that this may be a procedure that you are happy with at the moment, but I am afraid that it will be a rather shallow victory, and a rather hollow victory if and when you prevail because I do not believe that the American people will look favorably upon it.

Mr. CRANSTON. Does the Senator from Florida yield time?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. DENTON). Who yields time?

The majority leader.

Mr. DOLE. Mr. President, I yield myself 5 minutes on the amendment. I designate the distinguished Senator, Senator DOMENICI, chairman of the Budget Committee, to manage time on the amendment. I guess the question now is, Are we going to vote this evening? I have heard all of this rhetoric. The question is whether we are going to vote. There are a number of Senators who have conflicts between 6 and 8 on both sides. If there is no plan to vote between 6 and 8, I guess the next question is if we can vote after 8. There are, as I understand it, less than 40 minutes on the amendment itself remaining. So I have obtained recognition to determine whether or not we can agree that there will be a vote before 6, or after 6 and, if so, how long after 6.

I would like to get into the merits of the proposal rather than a lot of other things. But I am happy to yield to the distinguished Senator from Arkansas.

Mr. PRYOR. Mr. President, I thank the distinguished majority leader for yielding. There has been a great deal said back and forth across the aisle this afternoon about who is being fair and who is being unfair. That is not the issue. Before we vote on the so-called compromise that is now before the Senate, I think there are a lot of Senators in this Chamber who would like to express themselves on the issue of Social Security. For example, I have voted previously to freeze at the present level Social Security as long as everything else in the entire Federal budget is frozen, including national defense. But, that is not this package before us. It cuts COLA's without a defense cut. So, before we vote on the so-called compromise, this Senator would like to express himself on Social Security.

I am wondering if the majority leader, at the conclusion of the pending amendment now before the Senate, would allow me to be recognized to introduce a sense-of-the-Senate resolution relative to the cost-of-living increases for our Social Security recipients. It seems eminently fair. I do not think we have to debate it. But I am just hoping that I would have an opportunity to at least present this sense-of-the-Senate resolution before we vote on the package before this body.

Mr. DOLE. Let me say to my colleague, first, I would like to see the amendment. If it is what I think it is, the answer would probably be "No." I do not know what is in it.

Mr. PRYOR. That is what I am afraid of. Of course, the majority leader knows it is nonbinding. It is an expression that would probably get support from both sides of the aisle. I hope the majority leader will consider having mercy on this Senator, and allow me this opportunity.

Mr. DOLE. I want to have mercy on the Senator, but I want to have mercy on the country, too. There are a lot of people who are going to be suffering if we do not do something on the deficit. I can see we are ginning up the PR machine to see who can protect the senior citizens the most. I would vote for a freeze except, or I would vote for this except, or I would vote for something else except. There is never that perfect package. The American people know there is not going to be a perfect package where everybody can vote in some painless way, I would be happy to look at the amendment. That would be an indication to me that we are not going to vote this evening. If we can confirm that, then we can determine what course of action would be this evening for all Senators. If every Senator wishes to give some testimony on social security, so it will appear in his next newsletter or mailing, then that would take some time.

I think there are just as many people on this side concerned about the senior citizens. In fact, there are a few more—52 to 47 on that side. If we can get a vote now that is all right

with me. But I understood the Senator from Ohio just complaining about all the time we have been using and no votes. I am not certain I have the votes on the package. But I am willing to vote. I hope we can vote tonight before midnight or 1 or 2 a.m. It will take us quite a while to fly over there. We could get word I guess by the time they landed.

The PRESIDING OFFICER. The time of the majority leader has expired.

Mr. DOLE. I yield the balance of the time on the amendment to the distinguished chairman of the Budget Committee, Senator DOMENICI.

Mr. CRANSTON. Mr. President, may I ask for some time on our side?

Mr. DOMENICI. Mr. President, I am going to sit down in a moment. I have a half hour or so to speak, but I want to make a parlimentary inquiry. Parlimentary inquiry, Mr. President: How much time do we have remaining on the pending amendment? How much time does the minority have?

The PRESIDING OFFICER. The majority has 24½ minutes, and the minority 19½ minutes.

Mr. DOMENICI. How much time remains on the resolution?

The PRESIDING OFFICER. The majority has 16 hours, 30½ minutes and the minority has 19 hours 20½ minutes.

Mr. DOMENICI. Thank you, Mr. President. For those who are interested in discussing the substance of deficit reduction, and the pending amendment, I raised the parliamentary inquiry so everyone will understand there is plenty of time. On the amendment itself there is 24½ and 19½ minutes for the majority and the minority, respectively. Clearly the Senator from New Mexico within reason is prepared to yield time off the resolution to anybody who would like to speak here in the event they want to discuss substance.

I think you all heard that there remains 16½ hours and about 19½ hours for the majority and minority, respectively on the resolution. I do not know how long it will take, but the majority leader has answered all the possible procedural and time limitation questions related to the pending resolution. That is not up to the Senator from New Mexico. As I understand it, the pending business is the Domenici-Dole amendment offered to complete the parliamentary process, wherein it will receive a vote without any other amendment, but thereafter it will be subject to further amendments.

I want to make just one comment about Social Security and then I am going to sit down and invite Members who want to talk about deficit reduction, who have been asking me for the last 5 or 6 days when they would have an opportunity to give their first remarks about it, to proceed. I would invite them on my side to come to the floor.

I have been working on this budget in particular and on the process in general for a long time. I have been working at trying to put a package together that was equal to the problem, the problem of deficits between $200 and $250 billion, and as far out there as you can see, assuming good economic times. So when I say I have been trying to put together a package equal to that, clearly I have been working at a major package that would be commensurate with that problem.

Almost everyone now has reached some consensus that we ought to cut that deficit in half, at least by half, in 3 years. I started months ago trying to do that. I worked in open committee hearings for 2 weeks trying to do that.

Finally, we got a package that was reasonably good. It came here to the floor and everybody knows what has happened since then.

But I want to share with the Senators, in the event they have not thought about it, and with the American people in the event they are interested, that I think we are in an amazing dilemma here. The leadership package has the equivalent of a cost-of-living freeze for all Social Security and Federal pensions. It is spread differently, but it is about the same as a freeze. Everybody seems now to be anxious to get the first amendment so they can take that out of the package.

Well, I look around and I see amendments on the other side of the aisle, a whole package, not a single amendment, and I say this with all compliment to those who are proposing them, that I see one from the distinguished Senator who used to be the ranking member of the Budget Committee, and indeed chairman for a short period of time, Senator HOLLINGS. He has one for a 1-year freeze on cost-of-living adjustments for all Social Security and Federal pensioners. I see an overall deficit reduction package from my friend, the ranking member of the Committee and senior Senator from Florida, that freezes for 1-year cost-of-living increases for pensioners and on Social Security and effectively does that with some reserve to ameliorate the major problem.

It is a peculiar situation. I have not counted heads yet, but I would say without fear of being wrong that well over 60 U.S. Senators from both sides of the aisle are for a cost-of-living freeze on Social Security and pensions. I am hearing that one group is for protecting the senior citizens and it is attributed to one side of the aisle. I hear our distinguished leader say there are some on our side who want to put back the full cost-of-living because that is perceived to be protecting the seniors.

But I repeat, if I go back and check the record of last year's votes on the HOLLINGS' freeze, and now he has another amendment similar to it with cosponsors, and I have looked at the package that my good friend from Florida has, I have looked at our own and I know how many votes there are for ours, and when I add it all up I think we all ought to understand that there is somewhere between 55 and 60 Senators right now who are for a cost-of-living freeze on all pensions, including Social Security.

I want to state the nature of the problem as I see it.

They are for freezing Social Security and pensions, if they can get what they want in the rest of the package to lessen the burden of the projected deficits on future generations of Americans.

I think that, in and of itself, speaks of the tremendous consensus in the Chamber to reduce the deficits. Those people on the other side of the aisle who were on budget packages that will freeze Social Security are just as much in favor of freezing Social Security as Republicans, or maybe more. It is just that we are for it with this package and they are for it with some other combination of restraint or taxes.

I do not think that means that we are more for deficit reduction than they are, or that they are more for it than we are. Nor do I think it means that they are more for senior citizens than we are, or we are less for them than they are. I think we are going through the normal processes of the U.S. Senate, with open, free democratic debate, and sooner or later we are going to come to the consensus that we have to put a deficit reduction package together and if it is not ours, it has to be somebody's. It has to be commensurate with the problem, and it has to address the cost-of-living indexes on pensions. It has to address the cost of defense. It has to address a lot of other programs.

I clearly do not want to argue with my friend from Ohio about his statement as to who is doing what to whom here procedurally, but we have not had any substantive debate. We have not had any amendments because all we have been trying to do, because the Senate has very, very complicated rules, is to get a vote on a package and then let everybody have their day in the sun amending it thereafter.

From my standpoint, I believe that there will be other packages offered and which will be voted on. I believe there are Senators on that side of the aisle who want their vote and I believe they will find a way to get a vote on their packages.

I do not think that we will have to go through a complicated arduous process to give them that vote. Frankly, speaking only for myself, when the distinguished Senator from Florida is ready to offer his package, and I think I know what it is, I have described one

aspect of it, I hope he can get a vote up or down on it.

When the distinguished Senator HOLLINGS from South Carolina is ready to offer his package, I hope we get a vote on it. I do not think that is asking too much of the institution. That is all we ask of ourselves, to get a vote on the package and start amending it afterwards.

I have taken only a few minutes at the outset to put this issue of cost-of-living indexes for all pensioners in the United States into perspective because it is going to be very, very strange for those watching the Senate to do the counting of who is for and who is against. It is going to be who is for the cost-of-living freezes if they get everything else they want. I think everybody ought to know that.

So when you make that original count and say these people are against the cost-of-living freeze, it is going to be amazing in about 4 or 5 days some of those same ones who voted against it are going to be for it. Then maybe a couple of days later when another package is offered, there will be a whole different group of Senators voting for a freeze on cost-of-living indexes. They will have voted against it, they probably will have voted against it when Senator CHILES offers his, and they will be for it when another Senator offers it. I really do not think any of us are for or against senior citizens, and I surely think it does not mean that we know who is for or against freezing the pensions and pay of our Federal employees for 1 year in order to put together a package that is substantial and commensurate with the dimension of this problem of deficits.

Mr. President, I yield the floor at this point.

Mr. CRANSTON addressed the Chair.

The VICE PRESIDENT. Who yields time?

Mr. CHILES. I yield 5 minutes to the Senator from California.

Mr. CRANSTON. Mr. President, it is almost as difficult to follow what has been happening on the floor now as it is to follow the chart of the tree of amendments that the majority leader keeps referring to and inspecting on the desk.

Let me summarize what has occurred.

The first vote of the Senate respecting the budget resolution has now been held on the issue of Social Security. Virtually all Democrats voted to bring up the Moynihan-Riegle amendment that would give Social Security recipients a full cost-of-living increase. All Republicans voted against bringing up the Moynihan-Riegle Social Security amendment.

This may be an arcane, inside parliamentary victory for the Republicans, but the fact is that it is the first step in the defeat for President Reagan. The fact is that the Republicans want to thwart Democratic efforts to undo what Ronald Reagan wants to do on Social Security, cut the COLA's, because certain Republicans want to get the credit for undoing what Ronald Reagan wants to do with Social Security.

The Republicans have offered a budget package negotiated with President Reagan that reduces the value of Social Security by denying the full cost-of-living increase. That diminishes the purchasing power of every Social Security check received by every Social Security recipient. Therefore, it is tampering with Social Security.

But the Republican intention is to give Members of their own party the first opportunity to amend the budget package to grant a full COLA. They want a Republican name on the Social Security amendment. I submit that that would be a false label.

They want a Republican name on a Social Security amendment that their own President opposes. They want a Republican name on a Social Security amendment that they refuse to include in their Republican budget package.

The Senator from New Mexico [Mr. DOMENICI] just stated that 60 to 70 percent of Republicans want a budget package that will freeze Social Security COLA's—not even grant the 2-percent increase that is proposed in the package, but freeze them. Obviously, these Republicans must depend on Democratic votes to pass their Social Security amendment to get them off the political hook upon which they now find themselves impaled.

Mr. President, I say we need truth in labeling in the Senate. The Social Security amendment we vote on should be the Democratic Moynihan-Riegle amendment.

Let me briefly respond to this question: Why do most Democrats and some Republicans favor a full COLA for Social Security recipients? First, for all the reasons that Ronald Reagan was advancing throughout his campaign and stayed with until very recently. As the President has stated, the Social Security fund has a surplus. It has nothing to do with the deficit, and it has its own separate trust fund that is not part of the overall Federal budget.

Second, another reason, not advanced by the President, is that something like one-third of Social Security recipients are getting 90 percent of what they live on from Social Security. They are old or they are totally disabled, they are unable to work now, and most are unable to find other sources of income. The average Social Security check is $450 a month—a little bit less than that. We all know it is hard to make do on $450 a month.

The fact is that, according to the Congressional Budget Office, if the COLA is granted only halfway as the Republican package proposes, approximately 575,000 senior citizens would be pushed below the poverty line. That would be something like 75,000 Californians.

Mr. President, I oppose that happening to any American. I certainly oppose its happening to any Californian.

The VICE PRESIDENT. Who yields time?

Mr. DOMENICI address the Chair.

The VICE PRESIDENT. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself time off the amendment. I do not know of any Republicans who desire to speak at this time. Once again, I would say if there are any on our side who desire to speak with reference to the pending amendment or the problem we are confronted with in terms of the deficit, we have some time now.

In deference to making sure that the record is correct, the distinguished Senator from California would not yield for a question as he spoke, and I understand that. But I believe I said 55 to 60 U.S. Senators from both sides of the aisle, in my opinion, are for and will vote for a cost-of-living freeze on Social Security. I believe there will be substantial numbers from that side of the aisle. It is just that they will do that only in the context of the kind of budget that they support.

I did not say 60 percent of the Republicans or 60 percent of the Democrats. I just said there are a number for Senator HOLLINGS' amendment, which is an entire package, a freeze; there is another group of Senators that are for the Chiles proposal, which has a Social Security freeze with a small reserve. I think when you are through adding those up, you will find that my rough estimate as of tonight will be correct and, if anything, it will be on the short side.

Mr. President, this week we embark on one of the most important debates of the past 40 years. The outcome of this debate may well determine the economic health and vitality of the Nation for the rest of this century. Unlike many debates, in which we battle over fundamental goals or objectives, this debate will focus on different ways to reach what everyone in the Senate has agreed is our final goal—large deficit reduction this year and in the years to come.

Indeed, when we began this year's budget deliberations back in January, our leadership established a very clear goal. That goal was embodied in S. 1 as introduced by our distinguished majority leader and which I cosponsored. That goal, simply stated, was and is that deficits must be reduced as a per-

centage of our gross national product [GNP] from their current level of 5.2 percent, down to 4 percent in 1986, 3 percent in 1987, and 2 percent in 1988, and by the beginning of the next decade, the Federal budget must be in balance. That goal has guided not only the early discussions with the administration but all serious budget proposals since that time. This goal reflects not only the view of many that any budget action this year must be significant but, most particularly, the views of Federal Reserve Chairman Volcker that the budget savings must be at least $50 billion in the first year to have an impact on financial markets. That means on interest rates.

The distinguished Senator from Florida [Mr. CHILES] has already divulged his plan that would save $58 billion off the deficit in 1986 and $316 billion over the fiscal year 1986–88 period. The chairman of the House Budget Committee, Representative GRAY, has announced that he wishes to devise a package that will save $50 billion from the deficit in 1986. The President of the United States offered a plan in his February budget submission that saved about $51 billion off the deficit in 1986. The Senate Budget Committee reported out earlier this month a plan that cut the projected 1986 deficit by approximately $57 billion. And, finally, the Senate leadership and the White House have compromised on a budget plan, which I believe will be the starting point this week for debate, that cuts the 1986 deficit by $52 billion. In short, I think it is fair to say the major players in this immense debate at least agree on objectives. Certainly it is obvious here today that we disagree on means.

Yet, even in our debate on means, I believe it is important to distinguish precisely the size and nature of our disagreement.

As I have worked through the long process to reach consensus on the budget, I have applied two basic tests in making judgments about how much to cut or whether to terminate a program entirely. My first test is simply this: In times of $240-billion-plus deficits, is this the kind of program we would start? Or, is this program something that would be nice to have, but which has become unaffordable as we try to reduce the burgeoning Federal debt.

My second test is more general, but it may also be more important. I ask myself a simple question: For the average working man and woman, with two kids at home and takehome pay of about $20,000 a year, is this the kind of Federal program that I would ask them to pay taxes to support? Or, is this a program that helps so narrow a constituency that it is truly unfair, with these kinds of deficit, to ask working men and women to aid it with their tax dollars?

These two tests, I have found, are useful as we compare the major public budget plans. Let us compare, for example, the major elements of the plan devised by the distinguished Senator from Florida [Mr. CHILES] with the Senate-White House agreement. I will, of course, be discussing Senator CHILES' plan at greater length later in the debate, if he offers it. I hope he will, and I hope he gets a vote.

On defense, Senator CHILES would give zero real growth in fiscal year 1986 and 3 percent real growth in 1987 and 1988. The Senate-White House compromise would give 3 percent real growth in all 3 years. There are many who have adopted a lot of myths about the impact of various proposals as they apply to defense on this budget. But in strictly money terms, the differences are not large when we are talking about $300 billion in total budget savings. But, in terms of program and policy, the difference between the two proposals is substantial. Senator CHILES' proposal would mean cuts in some conventional and strategic weapons systems below minimal economic production rates. Congress has repeatedly supported these systems, and we will end up buying them sooner or later. If we wait until later, we will end up paying a much higher price for them.

On Social Security cost-of-living adjustments, there are some differences between Senator CHILES' proposal to freeze cost-of-living adjustments for Social Security recipients for 1 year and the 3-year COLA restraint contained in the Senate Republican-White House compromise. However, both proposals recognize that all groups in this society must share in the burden of Federal spending restraint—including, all pensioners, including Social Security recipients.

I commend Senator CHILES for his courage in putting forward such a proposal. He represents a State that has many retirees as do I. What he was proposed not only requires great political courage and leadership but also reflects how very serious he views our budget problems today and in the future.

Senator CHILES' proposal illustrates a basic problem we face. For most nondefense programs, he proposes a freeze at the 1985 level or modest cuts below that level. This approach will simply hold the growth in these programs in check temporarily. This Senator, for one, will tell anyone who is willing to listen that this is not just a period of temporary austerity; this is a period of permanent readjustment in the level and mix of Government spending that will determine that long-run growth of Federal spending not only for this decade but for this century. This Government simply cannot pay for all of the programs it now sponsors at any reasonable tax rate—even one that is higher than we now have.

It is for this reason that I strongly advocate some program eliminations and reforms contained in the Senate-White House compromise. The Senate-White House budget plan eliminates 20 programs, some of them minor, some of them major, reforms 40 additional programs and freezes nearly all of the remaining hundreds of Federal activities. Unfortunately, the only way to assure that the difficult actions we take today will have permanent effects in the future is to make the hard choices now and eliminate many programs that may be worthy but do not meet the two tests which I started with earlier in my comments. This is Not easy for me and I do not expect it to be easy for anyone else. As a matter of fact, I do not enjoy it very much. Some of the programs I think in different times under different circumstances I could staunchly advocate. But I am supporting these reductions and, in some cases, the elimination of programs I have supported during my entire Senate career of over 12 years. Indeed, I will confess that I helped create some of them.

Finally, this brings us to the issue of taxes. There are some, I am sure, who will propose a minimum tax as a way out of the deficit problem. This is like trying to pass the proverbial camel through the eye of a needle. I have looked at the conventional proposals and I can find no more than $15 to $20 billion dollars in increased revenues over 3 years from the minimum corporate tax because you cannot raise any more than that. This is, some will say, a noble gesture, but it is hardly perceptible in a package of $300 billion in budget savings. But there is a more important issue. We can raise taxes, certainly. Some of the proposal before us say we should. One proposes that we raise $67 billion over the next 3 years. We can raise taxes by eliminating existing preferences in the tax code, freezing tax expenditures, or we can adopt some other scheme.

But the question remains, do we want to use this added revenue to finance existing Federal spending programs or do we want to offset some of the added burden of these higher taxes through lower tax rates on working men and women and the poor. The Children's Defense League recently released a major study on the taxation of the poor. Since the late 1970's, thousands of poor, probably hundreds of thousands of poor, have been pushed on to the tax rolls because their meager increases in income—which only kept pace with inflation—were measured against a minimum tax threshold which has not been adjusted since 1978.

Why has Congress not made the necessary adjustments? Simply because

changes in the tax burden at the low end of the income scale result in substantial revenue loss. A study by Representative RANGEL, of the House Ways and Means Committee, last year showed that the revenue loss from exempting the poor from taxation would cost $16.6 billion in the first year alone—that is to say to that group of Americans, as I believe we should—if we are going to reform taxes, we ought to start with that one—if we take them off the tax rolls, we will have to find $16.6 billion in tax revenues somewhere just to come out even, that is an amount almost equal to the amount we will spend this year on food stamps and AFDC.

In short, we have not been able to afford to remove the poor from taxation because the Federal Government's insatiable appetite for revenue to finance rapidly rising levels of Federal spending made it, for all practical purposes, impossible.

Some Senators have asked how the Senate-White House budget compromise differs from what was reported out of the Senate Budget Committee. Before I outline those differences and the many similarities between the two budgets, let me say a word about the deliberations of the Senate Budget Committee.

Frankly, things looked somewhat bleak as the committee began its work. We had been unable to forge an independent Republican plan as we had hoped before the committee began its work. I began markup of the budget without any agreement among Republicans or among a bipartisan group on my committee. But I did one thing right, I think, as I look back. I initiated the discussion with a proposal of my own, a comprehensive proposal that reached the goals we have all set for ourselves for deficit reduction. I called that plan the promised land, and I held it up to the committee as the standard against which other proposals should be measured.

The President's February budget, as we all remember, fell short of meeting the goals set in the promised land budget. This meant that my proposal had to incorporate many of the reforms and terminations the President and the Congressional Budget Office had recommended over the years, but also had to go beyond the President in two major areas—defense and Social Security.

In defense, my original proposal presented to the Budget Committee had real growth of 3 percent in budget authority for each of the 3 years, fiscal years 1986–88. That is the same level now contained in the Senate-White House compromise, which has been given the title of the "taxpayers' protection plan." So, I feel comfortable with the 3-percent real growth figure we will have before the Senate this week, since I originally offered that level in committee.

In Social Security, I offered, as I indicated earlier, a 1-year freeze. But I have advocated a CPI minus 2 or CPI minus 3 approach in the past, so I feel comfortable with the proposal now contained in the promised land No. 2, or the taxpayers' protection plan.

In major domestic programs, my original proposal accepted almost all of the reforms, terminations, and cuts proposed by the President, plus a few more cuts that he had not recommended. So, again, I feel comfortable with the program cuts, terminations, and reforms assumed—not mandated—in the budget package compromise before the Senate.

As we proceeded with markup of the budget resolution, a curious thing happened, and, I suspect it might happen on the floor of the Senate. I hope not. Almost every Member had an amendment. Most amendments would have added back spending. Some amendments would have cut more in one place or the other. We had 60 votes in committee. But when all was said and done, many spending increases were adopted, and the committee was dissatisfied with the outcome. The deficits were too large.

It was at that time that I offered a variation on my original proposal, and a majority of the committee voted to report it out of committee. Some of those who voted for the revised plan said that they did not like parts of it. Some of those who voted against the plan said that they did like parts of it. As I have said many times, there was something to offend everyone in the resolution reported by the Senate Budget Committee.

But, Mr. President, I want to make clear the one thing that happened that made all of the turmoil and difficulties of producing a budget worth while. We succeeded. We did report out a budget.

I must at this time compliment all of those in the committee who worked for responsible numbers. At times, I thought I would get only one or two votes for my proposals. But our committee, on both sides of the aisle, showed courage and farsightedness of the highest order, and I thank those on my side of the aisle who helped so much. I also thank those, like Senator CHILES and Senator HOLLINGS, who played a large role in the debate and who had major plans of their own.

It is now time to compare the major differences between what our small band in the budget committee produced and what the deliberations between the Senate leadership and the White House have yielded.

Not surprisingly, the differences are small and the similarities many.

First, in defense. The committee reported out zero percent real growth in 1986, followed by 3 percent real growth in 1987 and 1988. The compromise has 3 percent real growth in all 3 years.

Second, in Social Security. The committee approved a 1-year freeze on the cost-of-living adjustment, with a full COLA for SSI recipients and, most important, an increase for all SSI recipients beyond the full adjustment for inflation. This additional $1.4 billion was our way of acknowledging that SSI recipients and the poor need special consideration in our budget package. The compromise before us guarantees at least a 2-percent cost-of-living adjustment for each of the next 3 years and retains the SSI increase proposed by the committee.

Third, in domestic programs the Senate Budget Committee budget resolution reformed, cut, or terminated about 83 programs. The Senate-White House agreement reforms, cuts, or terminates about 85 programs in the domestic area, in addition to a general freeze on domestic spending. The budget committee resolution would have saved about $137 billion through reconciliation to the individual committees. The agreement calls for reconciliation savings of almost $156 billion. The difference is about $19 billion, over 3 years.

The major changes are as follows: The compromise assumes savings in farm credit reform, phasing-out federally subsidized crop insurance, the levying of Coast Guard user fees for nonsearch and rescue operations, reform of non-GSL student financial assistance, and a cap on the COLA for veterans pensions similar to that for Social Security and other programs. All of these are new and were not contained in the Senate Budget Committee reported resolution.

In addition, the compromise assumes more savings than the Budget Committee did in such areas as farm price-support programs, the Export-Import Bank, Urban Mass Transit Program reform, Amtrak termination, Medicare and Medicaid reform, elimination of general revenue sharing at the end of its authorization period, termination of the Job Corps, termination of the Small Business Administration Business Assistance Program, and reform of the Veterans' Administration medical system. All of these latter items were addressed by the Senate Budget Committee. The compromise asks for more savings in these areas, most often by termination or phaseout.

In a few cases, of course, the compromise adds back money to a program. We added back funds for food and nutrition service programs, we changed the nature of handling fees to be charged by Government-sponsored credit agencies, we added a slight amount back for foreign aid activities, we lowered our savings level assumed from management and work force re-

forms in the civil service system, and, finally and importantly, we added substantial sums to elementary and secondary education programs.

Mr. President, I ask unanimous consent that a table reflecting the comparison between the Senate Budget Committee reported budget resolution and the Senate-White House compromise be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE-WHITE HOUSE AGREEMENT (CHANGE FROM SENATE CONCURRENT RESOLUTION 32, AS REPORTED)

[In billions of dollars and fiscal years]

	1985	1986	1987	1988
050: National defense:				
Budget authority		+10.3	+11.5	+12.8
Outlays		+3.0	+6.3	+8.4
150: International affairs:				
Budget authority		−0.2	+0.1	
Outlays		+0.2		−0.2
250: General science, space, and technology:				
Budget authority				
Outlays				
270: Energy:				
Budget authority		−0.3	−0.3	−0.1
Outlays		−0.3	−0.3	
300: Natural resources and environment:				
Budget authority				
Outlays				
350: Agriculture:				
Budget authority		−3.9	−3.8	−6.1
Outlays		−3.8	−4.6	−7.4
370: Commerce and housing credit:				
Budget authority		+1.2	−0.6	−0.7
Outlays		−0.2	−0.5	−0.5
400: Transportation:				
Budget authority		−0.4	−1.4	−1.9
Outlays		−0.5	−0.7	−1.1
450: Community and regional development:				
Budget authority		−0.4	−0.4	−0.4
Outlays		−0.1	−0.1	−0.2
500: Education, training, employment, and social services:				
Budget authority	+0.1	−0.3	−0.1	+0.1
Outlays		+0.1	−0.2	−0.1
550: Health:				
Budget authority			−0.3	−0.8
Outlays			−0.4	0.8
570: Medical insurance:				
Budget authority		−0.6	−0.3	−0.2
Outlays		−0.7	−0.5	−0.4
600: Income security:				
Budget authority		+0.8	+1.1	+0.4
Outlays		+1.2	+1.6	+0.6
650: Social security:				
Budget authority		−4.0	−0.7	−0.5
Outlays		+2.8	+0.5	−4.1
700: Veterans benefits and services:				
Budget authority		+0.1	−0.1	−0.5
Outlays		+0.3		−0.4
750: Administration of justice:				
Budget authority				
Outlays				
800: General government:				
Budget authority		+0.1	+0.1	+0.2
Outlays		+0.1	+0.2	+0.1
850: General purpose fiscal assistance:				
Budget authority		+2.3	−2.3	
Outlays		+1.7	−1.1	−0.5
900: Net interest:				
Budget authority			+1.4	+2.0
Outlays			+1.4	+2.0
920: Allowances:				
Budget authority		+0.8	+1.5	+1.8
Outlays		+0.8	+1.5	+1.8
950: Undistributed offsetting receipts:				
Budget authority				
Outlays				
Total:				
Budget authority	+0.1	+5.5	+5.4	+6.1
Outlays		+4.6	+3.1	−2.8
Revenues		−0.2	−0.3	−0.3
Deficit change		+4.8	+3.4	−2.5

Mr. DOMENICI. Mr. President, let me conclude where I began, by asking my colleagues as we debate during these next, critical days, to use the same two tests as I have used as we consider terminating or reforming programs: Would we begin this program if we faced $200-plus billion deficits, and is this the kind of program that working men and women in this Nation should be paying their taxes to support? This Senator will have no trouble saying that we ought to reform the Eximbank, which benefits some of the wealthiest corporations in the world, or that we ought to terminate Amtrak, which has mostly well-to-do businessmen as riders, or end other subsidies to the well-to-do. I do not think working men and women making $20,000 a year for their families ought to be paying taxes to subsidize those better off than they are. And while Amtrak is something we wish we could afford, the simple fact is that we could not make such a commitment if we had faced $200 billion deficits 12 years ago. I will make these arguments in greater detail as we face the dozens of amendments I anticipate later this week and next.

The issues are clearly before the Senate and they are not trivial. The issue of the Federal deficit goes directly to the underlying structure and evolution of our free, democratic political economic system. The politics of the budget are intertwined with the fundamental principles of our Government: Federal and State responsibilities, private and public rights, economic equity, and economic efficiency.

I am remined of what our former distinguished majority leader Howard Baker once said. He said, "We live in troubled times; a final judgment on our stewardship would be premature. For those of us who wear the mantle of politicians, these are by no means favorable times." He concluded, however, on an optimistic note—that the complexities and obstacles will no doubt be present, but within this Chamber, they will be met by a will and conviction and a determination that will insure responsible action and responsible governing. I believe that, despite our differences at the outset, a fair and enduring consensus is possible. I believe that the Senate will report a major deficit reduction plan. I have made it clear how I believe that plan must be structured and I intend to defend those views. But I also intend to work with my colleagues as I have in the past, to assure that we meet our responsibilities with the commitment and consensus that Senator Baker foresaw as the necessary ingredient of responsible governance.

The PRESIDING OFFICER [Mr. EVANS]. Who yields time?

Mr. MELCHER. Mr. President, will the Democratic manager of the bill yield time to me?

Mr. CHILES. I yield the Senator from Montana 5 minutes on the resolution.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. I thank the Senator from Florida.

Mr. President, I believe this is the fourth day that we have been talking about having a vote on this particular proposal. I believe it is called the Republican leadership-White House proposed budget. Whatever it is called, it is a farce.

Nobody expects us, in the final analysis, to approve a budget that results in a $183 billion deficit for the coming fiscal year, according to CBO's mathematics, or, if we are going to use the current method on this package, I think they say it is $175 billion. Whatever method you use, it is too much.

We know that this is not going to fly. Yet, we are held here 4 days waiting to vote on it. I do not mind voting on it, because once it is voted upon, we can get into the amendments.

What I really would like to happen is that we get into some amendments of substance or some packages of substance that might put together the majority vote in the Senate for final passage of a meaningful budget resolution. Nobody in the Senate or nobody in the country, I hope, wants us to have a budget which ends up for the fiscal year with a $180 billion deficit. That is no progress.

Despite what the leadership on the Republican side might be saying, this proposal is outrageous. It does not cut the deficit sufficiently and does not get into the area of cutting the deficit that they claim is essential. Why is that, since it knocks out a number of programs? Let me read some of the things this does.

It causes Medicare recipients to put in a $5 billion out-of-pocket increase in order to pay the bill. That is a tax increase if I ever heard of one. Social security COLA's are cut. Revenue sharing is terminated. Education and training is cut over 3 years by $10 billion. Child nutrition is cut. The veterans are cut. Programs that are eliminated include SBA, Amtrak, mass transit, housing, UDAG. I cannot believe that UDAG would be eliminated completely, but I guess it is seriously cut.

At any rate, all these things are cut and cut rather drastically, and you still end up with a big deficit. Why is that? There is a sacred cow in here. There is some feeling, apparently, in the Senate, and I do not think it is shared all that strongly by the rest of the country, that the sacred cow of Pentagon spending is going to be protected.

The taxpayers who have filed by April 15 will be delighted to know that some of their tax dollars can go for the $44 light bulbs that the Pentagon found a need for, or the $640 toilet seat covers, or the $7,000 coffeemakers for the C-5, or the $180 flashlight, or the $40 washer.

That is outrageous waste which everybody says we should eliminate, but this particular proposal indicates that

we should increase the spending by inflation plus 3 percent. I do not believe that is going to be the final vote in this Senate, and certainly it is not what the country wants.

So I am all for getting on and getting into the substance of doing something, and I suggest that the first thing that can be done is to somehow get beyond the point where I suppose the Republicans and Members of the Senate on that side of the aisle are going to vote for it just to get something rolling, and I suppose those of us who vigorously oppose it will have an opportunity to show our disinclination to support it.

Really, Mr. President, I have to respond on one point that has been discussed here this afternoon, and that is whether or not there should be some means of correcting the inequity on corporation taxes. We look at the top 20 moneymakers for the last couple of years that are reported and find it very discouraging that companies can make as much as $1 billion or $2 billion in profits and pay little or no Federal income taxes.

I think the people of this country have made a judgment on that sort of loopholes, and they say, "Close them," and why we should wait to close them, I do not know.

Despite what has been said just a few moments ago by the very distinguished chairman of the Senate Budget Committee that I am talking of $3 billion per year of additional revenue, oh, no, I am talking about more than that, because the loopholes are there. They exist. They must be closed, and now is the time to do it. We should have done it 1 year or 2 years ago or we should not have opened the gates as much as we did in the last couple tax packages that were unwisely passed by Congress to allow this to happen.

But there will be substitutes offered. There will be packages offered. They merit support, and they will be based on fairness and equity and assuring competitiveness and economic growth in making investments in our future both in the terms of human and fiscal needs.

I have not mentioned one area that this budget drastically reduces, and I do want to bring it up. That is that rural programs would be cut over the next 3 years by 41 percent. That, Mr. President, is totally unlikely to happen, but it does send out shock waves, as to these other proposals that I have listed, among the people throughout the country.

We can better serve all of our citizens of this country by quickly going through this farce of voting this thing into place so we can start to do something with it.

It is an impossible proposition that we are going to finally approve a budget deficit package that results in $180 billion in Federal deficit for the next fiscal year, and we know that will not happen. We know that there will not be cuts and elimination of programs I have mentioned to the degree that are proposed in this budget resolution. We know that will not happen, and so we will have to start piecing it together correctly.

Mr. President, finally, I note that I believe that in all comity for the Senate to function properly, the obvious time-worn and time-tested procedure of recognizing the minority leadership for amendments cannot be abused. I believe the right of the majority of the Senate to determine how we take up the amendments is, of course, their prerogative, but the rights and privileges, I might add, of any one Senator can certainly cause some of the abusers of the time-tested system here in the Senate to want to play the same type of hard ball. I hope that will not happen, but, Mr. President, the possibility is very strong if we are not allowed from our side to present amendments that we think ought to be considered. We waited, after all, 4 days and we could have voted at any time during these 4 days. It simply has not occurred. So it has served the pleasure and desires of the majority, which I do not object to up to this point, but I will certainly be offering my next amendment that is offered.

Thank you, Mr. President.

Several Senators addressed the Chair.

The VICE PRESIDENT. Who yields time?

Mr. GORTON. Mr. President, as the Senate begins debate on the first concurrent budget resolution for fiscal year 1986, I want to take this opportunity to offer some observations on the proposals we will be considering. I say this partly as a matter of record, but also because I hope that my colleagues will approach the debate with a sense of urgency and seriousness appropriate to the situation in which we find ourselves.

A budget resolution has two primary purposes. First and foremost, it is the one document through which the Congress addresses Federal fiscal policy. Until Congress created the budget process in 1974, the legislative branch simply did not address fiscal policy in any systematic fashion. Because congressional oversight over monetary policy is relatively indirect, we were in an astonishing situation, in that the Congress of the United States had no mechanism for expressing itself on questions of Federal economic policy. Monetary policy was determined by a quasi-independent Federal Reserve, fiscal policy emerged from whatever tax and appropriations bills Congress passed on a piecemeal basis, so the ability of Congress to guide economic policy was extremely limited. Whatever the other shortcomings of the congressional budget process, it has at least given Congress a method for addressing economic policy.

The second major purpose of a budget resolution is, of course, to judge the relative importance of various specific programs funded by the Federal Government. From a fiscal policy point of view, not much would be lost if the budget resolution consisted only of two numbers: total spending, and total revenues. But a budget resolution, by virtue of the fact that it includes instructions as to budget authority and outlay figures for each of the 21 functions of Government, has far broad implications. It is the document in which we describe what we think Government should be: What functions it should perform, what activities it should support, and what the role of the Government should be in our lives.

For my part, I cannot help but have distinctly different reactions to the principal budget proposal before us—the so-called Rose Garden II plan—depending upon which aspect I focus on.

From the point of view of fiscal policy, I believe the plan is a good one, indeed, a very good one. It achieves a substantial amount of deficit reduction, and it does so on the spending side alone. Measured against the Senate Budget Committee baseline, the proposal yields $52 billion in deficit reduction in 1986, and over $300 billion in deficit reduction over its 3-year life. The deficit is reduced to 4.2 percent of GNP in 1986, 3.2 percent of GNP in 1987, and 2 percent of GNP in fiscal 1988. It meets the principal fiscal goal that most of us set when we began consideration of the budget.

In addition, by achieving this deficit reduction entirely on the spending side, we derive two further benefits. The first is purely economic: A smaller Federal Government is most consistent with steady and sustained economic growth generally, so it is important that we achieve as much deficit reduction as possible through spending cuts. In addition, we are likely to have to consider, later this year, a proposal for comprehensive tax reform. Everyone in this Chamber knows that passing such a reform measure, valuable though it would be, will be one of the most difficult tasks this body has had to confront in recent years. It is important that we retain maximum flexibility for this battle; that we not spend tax increases now. For every tax we raise now is surely a tax we cannot trade off later, during the consideration of tax reform. As a consequence, we will make that task easier for ourselves if we can avoid tax increases at this time.

Of course, to reach these spending reduction goals we have had to consider many spending cuts which will be

politically unpopular. Would that it were not so. But the hard fact is simply that even an across-the-board spending freeze does not come close to generating the kind of deficit reduction that the present challenge demands, and is insufficient from a fiscal standpoint.

From the point of view of what this proposal says about our priorities for government, however, I have some deep reservations. I do not believe that this proposal is as fair as was the resolution originally passed by the Budget Committee, in terms of its distribution of the burden of deficit reduction. Once again, we have focused to an excessive degree on the discretionary, nondefense side of the budget. If I could write the budget by myself, my own preference would be for a number of spending restorations, matched by some deeper cuts. I will not enumerate these now—I have registered my concerns previously in the Budget Committee Report, and the next 2 weeks will provide ample opportunity to expand on this issue.

I would point out, in addition, that not every budget cut contained in the Rose Garden II proposal is motivated purely by budgetary considerations. It is clear that the administration, led in this effort by the Director of the Office of Management and Budget, Mr. Stockman, has seized upon the budget as a vehicle for proposing and, it hopes, passing a number of program terminations. In this effort its motives are more ideological than fiscal. I suspect many Senators will have differences of opinion with the administration over many of these proposals. I know that this Senator does.

Not surprisingly, Mr. President, I would like to restore spending for some programs in the budget. We have not reached the final act in this year's drama, and I suspect I may have an opportunity, before this is over, to try to make a mark on the Senate's budget. Perhaps I will succeed; perhaps I will fail. Perhaps the final package on which I will have an opportunity to vote will be the so-called Rose Garden II proposal.

In that case, I will confront a dilemma. For, as I have indicated, I believe that budget to be admirable on fiscal grounds, but flawed as a guideline to general government. Nevertheless, should I be confronted ultimately with the choice of whether or not to support this proposal, I will do so. I believe that reducing the deficit is, of necessity, our most important national goal at this time. Should we fail in this task, we will condemn the economy to a continuation of high interest rates, an overvalued dollar, an accumulation of debt, and ultimately, an economic burden it will be unable to sustain. The most important social program we can support is that the economic environment will be congenial to steady and sustained economic growth. This will be of far greater benefit, to far more people, than any of the individual spending proposals we will debate over the next 2 weeks. I hope that my colleagues in the Senate will keep this in mind, and not be dissuaded by the many spokesmen for special interests—and I know how forcefully and persuasively they will present their cases—into sacrificing this general good.

I do not know how this budget debate will turn out. But I do know that what we do here in the next 2 weeks is of the most profound importance to our prosperity for the balance of this decade. We will be judged harshly, Mr. President, if we fail to provide a budget resolution that deals clearly and convincingly with the principal economic problem facing the Nation: The size of the Federal deficit.

Mr. GRASSLEY. Mr. President, I am casting my vote in support of this amendment as a procedural step forward. Republicans, as the majority party, must move the Senate along, and move toward some form of agreement soon on a deficit reduction package for fiscal year 1986.

It is my desire to stress, Mr. President, that I view this vote not in terms of the substance of the amendment. It is well known I intend to offer, indeed I have been assured of offering, a 1-year, across-the-board freeze as a substitute to this plan; I further intend to offer an amendment to reduce the fiscal year 1986 defense budget from its present level of 7 percent in this compromise budget to the level of the increase in entitlement COLA's. This will be a test vote in the Senate for establishing fairness and an overall mood of true deficit reduction.

I have also made it known that I have difficulties with many other provisions of the compromise package, and disagree with its general approach of shifting domestic funds to defense expenditures. I do not disagree with saving money on the domestic side, but those savings should not be used to increase defense. I particularly do not favor increases in defense unless and until substantive changes are made in the way the Pentagon does business.

Again, I reiterate my support to proceed with action on the fiscal year 1986 budget, and fully intend to amend the package for fairness and equity.

Mrs. HAWKINS. Mr. President, the vote I am casting today is strictly a procedural vote. I know that it has been touted as a vote to decrease Social Security COLA's and therefore that it must be my intention to do so. However, I believe that my votes in the past on Social Security COLA's, the resolution I introduced last week not to decrease the fiscal year 1986 COLA, and the accurate news reports that I am dedicated to preventing a reduction in Social Security in this budget process clearly show my commitment to Social Security and keeping a full COLA for fiscal years 1986–88. I am as concerned as any Senator in this Chamber with our Federal deficits and have every intention of reducing them—but decreasing the COLA is not the way to do it—the money saved cannot be used for any other purpose.

This is why I have introduced legislation to separate Social Security from the unified budget. It does not cause the deficit problem, and it should not be used as a band-aid. Now that we have a budget package before us, I will fight to ensure that the Social Security COLA is not decreased by any amount. I feel confident that my colleagues will recognize that restoring the full COLA is the only logical and conscionable action, and doing so will not increase this Nation's debt.

Mr. THURMOND. Mr. President, I strongly support adoption of the comprehensive substitute amendment offered by the distinguished majority leader, Senator DOLE. This amendment, of which I am proud to be a cosponsor, embodies what has become known as the Senate administration deficit reduction plan, which would achieve substantial reductions in the projected Federal budget deficits over the next 3 fiscal years.

Mr. President, it is absolutely essential to the economic well-being of this Nation that we take immediate, strong, and decisive steps to reduce the Federal deficit. The plan we have before us here today would do just that.

This budget proposal would reduce projected deficits in fiscal year 1986 by more than $52 billion. Over the 3-year period of fiscal years 1986–88, projected deficits would be reduced by $297 billion. Adoption of this plan would put us clearly on the path toward achieving a balanced Federal budget by the end of the decade, and hopefully, bring to a close the practice of placing the burden of our fiscal irresponsibility on the backs of our children and grandchildren—a burden which today already totals $1.5 trillion in public debt.

Mr. President, over the last few months, and particularly within the last few weeks, many of us have heard from great numbers of our constituents, as well as special interest groups, on budgetary matters. The phone calls and letters I have received from my constituents number in the thousands, and I am certain other Senators have experienced similar interest on the part of their constituents.

I am very pleased that so many South Carolinians, while expressing concern over how a particular budget reduction will require a sacrifice on their part, have stated their willing-

ness to accept sacrifice in order that all may share in the benefits that will result from the savings this resolution would achieve.

In regard to the issue of sacrifices, Mr. President, I would like to clarify just what adoption of this budget proposal would do, and what it would not do.

This budget proposal, the Senate/administration deficit reduction plan, if adopted, would require, and I repeat, would require, that the various authorizing committees of the Congress report legislation achieving a total of $52 billion in savings in fiscal year 1986, from programs within their respective jurisdictions. Adoption of this budget proposal would not, and I repeat again, Mr. President, would not require that any particular programs be cut or eliminated.

While it is certainly true that cuts will have to be made in many programs, and that others may have to be eliminated, in order to achieve savings totaling $52 billion in fiscal year 1986, this proposal does not dictate how those savings are to be achieved. The program reductions and eliminations we have reading and hearing so much about lately are the assumptions underlying the spending targets this proposal would establish.

These assumptions are merely examples of means by which the required savings can be achieved. They do not have to be achieved in the assumed way; and I would say to my colleagues, that I intend to work closely with the various authorizing committees toward achieving savings, in several of the budget function categories, in ways other than those outlined in the assumptions underlying this budget proposal.

I strongly support adoption of the Senate/administration deficit reduction plan because I believe the reduction it would bring about in the Federal deficit are essential to the economic health and vitality of this Nation. At the same time, I share some of the concerns many have expressed over several of the suggested program cutbacks and eliminations underlying the proposal. For instance, under the agriculture function, one assumption is a phaseout of Rural Electricfication Administration programs over an 8-year period. Another is a reduction of the soil and water conservation program.

These are both worthwhile, solid, cost-effective programs which have been of tremendous benefit to rural America. These are programs which I have long supported and plan to continue to support. I believe the savings this proposal would require under the agriculture function can be achieved in ways other than phasing our rural electrification programs, and in ways other than drastically reducing soil and water conservation programs. Accordingly, I plan to work closely with Senator HELMS and other members of the Senate Agriculture Committee on these matters.

In this regard, Mr. President, I am pleased that the administration has made some concessions already, and am encouraged by the willingness Senator HELMS has expressed to me and others to work toward developing a number of different ways the required savings can be achieved under the agriculture function of the budget. Additionally, I would point out to my colleagues that the Senate/administration deficit reduction plan calls for substantially less reductions in agriculture function programs than did the February budget request.

Another assumed program saving that is of concern to me involves the manner in which the supposed cap on Federal Medicaid expenditures would be applied to the respective States. It is assumed that the proportion of future Federal Medicaid matching moneys available to each individual State would be based upon respective amounts received in fiscal year 1985.

In my opinion, such an allocation formula would disproportionately impact States which, because of their limited tax base, have had difficulty in raising the funds required to match Federal dollars, and therefore, have maintained relatively stringent Medicaid eligibility requirements. Therefore, in the event the Senate Finance Committee deems it necessary to limit overall Federal Medicaid expenditures, I plan to work with members of that committee on ways to allocate whatever funds are available to the respective States in a fairer and more equitable manner than would the underlying budget assumptions.

Mr. President, I have these and other concerns about the assumptions underlying the Senate/administration deficit reduction plan. However, I feel it would be most unwise to oppose the entire budget proposal simply because the underlying projected changes—which merely suggest one possible format for achieving the overall savings required—recommend some program curtailments with which I do not agree. Major deficit reductions are simply too important to the future economic vitality of the Nation for me to do less than lend my full support to the adoption of this measure. Certainly the fate of no single program, or group of programs, which might be affected by this budget proposal is as crucial to the Nation as is the success of this package of budget reforms.

If we do not act now to reduce the size of future deficits, we will be unable to maintain strong economic growth. Interest rates will once again rise; American dollars will continue to be overvalued in foreign exchange transactions, leading to a worsening of the already bloated trade deficits; and the economic gains achieved under the leadership of President Reagan will begin to sharply erode.

On the other hand, Mr. President, the benefits expected to accrue from deficit reductions of the magnitude in the Senate/administration deficit reduction plan would assure continued economic expansion for the remainder of this decade. Economists estimate passage of this package would mean a drop of at least 1 percent in interest rates over the short term and 2 to 3 percent over the long term. Such a decline in interest rates would be of tremendous assistance to all sectors of the economy.

For example, a 1-percent decrease in interest rates would result in a 10-percent—$2.15 billion—increase in net farm income. It would result in 300,000 more home sales, and a reduction of almost $50 per month in monthly mortgage payments on a median-priced home.

A 2-percent decrease in interest rates would result in a 20-percent—$4.3 billion—increase in net farm income, and also produce 600,000 more home sales. Such a decrease would also produce a savings of nearly $100 per month in mortgage payments on a median-priced home.

In addition, a drop in interest rates should result in a decline in the relative value of the dollar, thereby improving American competitiveness in world markets. American jobs would be protected and preserved, and the current unfavorable trade balance would be much improved.

Mr. President, we simply cannot continue the fiscal policies of the past. The Federal Government has run a deficit in 37 of the last 45 years, and 24 of the last 25 years. The gross Federal debt is estimated to reach $1.841 trillion in 1985. It currently stands around $1.5 trillion; equivalent to approximately 48 percent of our gross national product.

In 1985, interest on the national debt will cost taxpayers $130 billion. This equals the sum total of all Federal spending from the founding of the Republic through the first 36 years of this century. It is equivalent to the total Federal outlays of 1966, and the entire defense budget in 1980. Approximately 40 percent of all revenue collected in personal income taxes by the Federal Government will go to pay interest on the debt.

Most alarming to me, Mr. President, are the inevitable, disastrous consequences which continued fiscal irresponsibility on our part will visit upon future generations of Americans. If we do not exercise political courage and act now, we will almost certainly end up with a $300 billion deficit in 1990, and a national debt of $2.8 trillion. Interest on the debt will consume $230 billion, or almost one-half of all personal income tax revenues. This would

be a terrible, unthinkable burden to place on future generations. We simply cannot afford to be politically expedient or shortsighted. For the sake of a continued strong America, bold, decisive action is necessary now!

Mr. President, I urge my colleagues to join in supporting adoption of the Senate/administration deficit reduction plan.

Mr. D'AMATO. Mr. President, the matter before us is one of the greatest importance and of the greatest urgency. We are deciding a matter no less serious than the future of the American economy. Although the motion may seem procedural and technical—whether or not to agree to a second degree amendment to a motion to recommit a Senate concurrent resolution to committee—it has far more significance.

Mr. President, this Nation cannot long survive with annual deficits exceeding $200 billion. Our economy cannot absorb the massive shock of a national debt rapidly approaching $2 trillion. The annual deficit must be reduced. The rate of growth of the national debt must be slowed.

We have before us a plan, a compromise, a package put together by the Senate Republican leadership and the White House. This proposal will cut the deficit. It will slow the rate of growth of our national debt. It is a step in the right direction.

The question, however, is, Is it the right step? Is this the best way to reduce the deficit?

Frankly, this proposal is not the one I would have chosen. I have suggested a nearly across-the-board freeze on discretionary Federal spending as an alternative. I have suggested the adoption of a meaningful corporate minimum tax. I have suggested modest reductions in many Federal programs.

Some of my suggestions have been accepted, others have not. Some of the options which I oppose have been included in this package, others have not. On the whole this package is a reasonable one, but one that can use some modification.

The most important modification is clearly the need to reiterate our commitment to our mothers and fathers. This package's most glaring defect is its proposal to reduce Social Security cost-of-living increases by 2 percent each year for the next 3 years. I do not and I cannot support this discriminatory reduction.

We made our commitment to our elderly. We promised them that they would no longer be victimized by the ravages of inflation. We promised them not luxurious living, not a steadily increasing benefit, but merely the ability to keep pace with rising costs. They deserve no less. We should give them no less.

I have numerous arguments to make as to why we must keep the commitment of full COLA's for Social Security, but I will not make them now. I will save them for when an amendment is offered to restore full COLA's to this package.

In the interim, however, I wish to explain why I am voting to move this budget package along on this crucial procedural vote, despite its flaws. I am doing so for the very simple reason that I see no other way to truly pass a deficit reduction package this year. Once we get past this procedural vote I will offer an amendment to restore full COLA's to this package. I will support other amendments to correct flaws in this package. I will work for a better deficit reduction package than the one we have here.

But to vote against moving forward on this crucial procedural vote is not a realistic option. That would leave us without any plan for meaningful deficit reduction. We have many opportunities still ahead to correct the defects in this package. Let's get on with our business.

Thank you, Mr. President.

Mr. SPECTER. Mr. President, I am voting in favor of the substitute budget proposed by Senator DOLE, the Majority Leader, because I wish to support the Republican Senate leadership/White House commitment to deficit reduction; and this amendment still leaves me free to support additional amendments which are important to Pennsylvania's interests.

I totally agree with the commitments expressed by President Reagan and Senator DOLE for deficit reduction. In 1982, I supported the constitutional amendment for a balanced budget which passed the Senate by a vote of 69 to 31. In my judgment, steps should be taken to reduce the deficit beyond any of the proposals yet submitted for fiscal year 1986.

The Dole substitute makes substantial changes on the resolution passed by the Budget Committee. I agree with some of the changes and disagrees with others. For example, this amendment is preferable to the Budget Committee resolution on the cost-of-living adjustment on Social Security for senior citizens. The Budget Committee amendment gives no cost-of-living increase while this amendment gives a 2-percent increase. Neither is satisfactory. I plan to support an amendment to provide for a cost-of-living adjustment equal to the inflation rate.

Similarly, this amendment is preferable on student aid since it lifts the cap from $4,000 to $8,000 and the maximum parental earning from $32,500 to $60,000. Again, neither is satisfactory; and I intend to vote to retain the student aid in the fiscal year 1985 budget.

In agreeing to support this amendment, I have advised Senator DOLE, and the chairman of the Budget Committee, Senator DOMENICI, of my reservation of rights to propose and support amendments which are important to Pennsylvania. I intend to offer amendments or to support amendments offered by others on a wide range of issues including, but not limited to, Social Security COLA, student aid, Amtrak, mass transit, Medicaid, Appalachian Regional Commission, Economic Development Administration, community development block grants, urban development action grants, Small Business Administration, Job Corps, Rural Electrification Administration, veterans benefits, and soil and water conservation.

The VICE PRESIDENT. The majority time on this amendment has expired.

Mr. CHILES. Mr. President, I yield 5 minutes off the resolution to the distinguished Senator from Iowa.

Mr. HARKIN. Thank you, Mr. President.

Mr. President, a lot has been said here about the impact on the elderly and the significance of the upcoming vote in regards to the Social Security cuts. But I draw attention to another aspect of this vote. I know it has been counted as just a procedural vote that we are going to be voting on here, but a lot of times in procedural votes there really is more substance than there is procedure. So it is with this vote that we are going to be taking this evening, especially in the area of agriculture.

I think we have to be very clear about the exact nature of the vote and the severe hardship that this will create for our family farmers, who are already facing a crisis not seen since the days of the Great Depression. Quite frankly, the vote on this amendment is a vote to gut the farm program. It is a vote to cut more than $18 billion from our farm programs over the next 3 years, and it is a vote, quite simply, to cut the lifeline to our family farmers at a time when it is most needed.

We all want a budget that is both responsible and fair and a budget that does indeed cut the deficit. But this so-called compromise is filled with thorns. It is neither fair nor responsible. At the same time President Reagan is gutting the farm program, he is also asking for a 3-percent growth in real spending in the Pentagon's budgets. So I ask where is the fairness and where is the sharing of pain here?

Mr. President, our family farmers are not greedy. Mr. President, they are not stupid, either. President Reagan will tell you that this farm program is too expensive and it must be restrained.

Well, he is partially right. The farm program is too expensive, and it is too expensive because he conceived of irrational programs like the PIK pro-

gram that gave billions away to the largest of our farmers. Fifty percent of the PIK program went to less than 5.4 percent of our largest farmers.

But let us look at what the Rose Garden plan will do:

First, it will reduce both support prices and farm income support over the next 3 years.

Second, it will gut the Farmers Home Administration operating and ownership loans.

Third, it will eliminate emergency disaster loans.

Fourth, it will eliminate crop insurance subsidies.

Fifth, it will reduce conservation programs drastically.

This budget does not address the needs of the family farmers and it does not address the needs of this Nation. It is nothing short of shameful when it comes to helping our farmers who are already hurt enough.

The truth is in the numbers. Farm programs account for a mere 2 percent of the budget outlays over the next 3 years, but 6 percent of the total cuts in the compromise are laid on the backs of our family farmers. Two percent of the budget for agriculture, and yet they have to absorb 6 percent of the cuts. That is not fair and that is not reasonable, and it is being done at a time when we are throwing more money at defense contractors and we are throwing it at them faster than they can spend it, and that is why we are paying $600 for hammers and $10,000 for haircuts for defense industry executives.

This is not sensible and it is not good policy.

The vote this evening is purely and simply a vote that will gut farm programs, and it is a vote that is eminently unfair when we are asked to take 6 percent of the total cut when we only make up 2 percent of the budget. If we were to do absolutely nothing with our farm programs over the next 3 years, from the baseline this vote represents a 41-percent cut in our farm programs.

It is a cut that will devastate Farmers' Home programs, providing housing for 200 low-income Americans every day, though 10 million still live in substandard housing. It will shut off the tap on Farmers Home programs which make water drinkable for families in rural areas, though one-fourth of our rural households' drinking water is unsafe and unhealthy. And it will slam the door on Farmers' Home programs which encourage industry and business in small towns and provide basic services like fire protection, though this is becoming more and more an effort when the farm crisis is turning our small communities into ghost towns.

So let us be clear about the vote coming up this evening. It cannot be counted as a procedural vote. It may be passed off as a procedural vote, but it is purely and simply a substance vote, a vote to gut our farm programs.

The VICE PRESIDENT. The Senator's 5 minutes have expired.

Mr. CHILES. I yield the Senator 1 more minute.

The VICE PRESIDENT. The Senator from Iowa.

Mr. HARKIN. It is a vote on substance, the substance of which is to gut our farm programs and to do in our farmers at a time more than ever since the Great Depression that they need a lifeline to get them through these tough times, a lifeline to get them into the future.

What this vote this evening does is to cut the lifeline and to throw our farmers and our farm families to the wolves without even a BB gun to protect themselves.

I yield back the balance of my time. I thank the distinguished Senator from Florida.

Mr. CHILES. I yield to the distinguished Senator from Michigan 4 minutes.

Mr. RIEGLE. I thank the Senator from Florida.

I wanted to say on the Social Security issue that there are items in this budget package that hurt senior citizens so severely that by themselves I think they constitute a sufficient reason to vote this package down. But I want to put the numbers on the record now because anybody who votes for this package in a minute is voting for these cuts. I want to make sure that they know they are voting for them, so in the future there is no excuse for a vote in favor of this package by those later who may want to cover their tracks and say that that is not what they meant.

With the 3-year, 2-percent COLA elimination that is planned for the average person on Social Security who would receive about $450 a month, they would be losing in the first year about $9 a month by the cut in the COLA protection. They would lose a second $9 a month in the second year which would mean a total of $18 a month in real buying power and in the third year of the cut proposed by the Republican package they would lose another $9 a month for a 3-year total of $27 a month, of a loss in their buying power below where they are at the present time.

But, in addition to that, in the Republican package are also cuts in the Medicare Program, both in the amount of the premiums and the deductibles as well as reducing the reimbursement that would normally be available. You add that up and that amounts to a total dollar figure per month for the average person on Social Security of about $33.10 by 1990. So by the time we get to 1990, if this package is accepted just in those two items, Social Security COLA reductions and Medicare cost increases, the average person on Social Security will loose over $60 a month from where they are today in terms of value of their Social Security coverage at the present time.

But that is not all of it. There are also cuts in the Older Americans Act. There are cuts in senior feeding programs, weatherization programs, and a low-income energy assistance to the elderly, transportation, and the list goes on.

So for anybody who feels that they can vote for that package with those kinds of Social Security cuts over 3 years and reductions in Medicare protection over 5 years, and then come back and put it back in later, they ought to understand clearly what they are doing now, because they are no friends of the senior citizens.

The best estimates are that about 450,000 senior citizens in the first year under Social Security will be driven below the poverty line as a result of the Social Security cuts contained in this package.

So I asked my friends on the other side of the aisle on the Budget Committee how they propose to deal with the new poor that they would be creating by these cuts in the cost-of-living adjustments. And they say, "Well, they will have to go on welfare. We will put some more money in the Supplemental Security Income [SSI] Program and they can go on the welfare."

So their answer is for people that are driven below the poverty line on Social Security, that they should sign up for public assistance, file the records necessary and become basically a welfare client. I think that is absolutely an inexcusable kind of thinking. The whole point of Social Security, for which people pay in during a lifetime of work, is to avoid having to go on welfare. We do not want people on public welfare. We want people off welfare.

And to drive another half million senior citizens below the poverty line in order to take and shift that money over into the Defense Department—and make no mistake about it, that is what is happening—is just as wrong as it could be.

President Reagan, back in March this year, after the election, after he made the promise to protect Social Security, himself in his press conference said:

> Social Security is running on a surplus and is totally funded by a tax that can only be used for that purpose. So when we talk about Social Security, we are not really getting at the deficit problem at all.

Well, the President understood it on March 21 of this year, but apparently he does not understand it now. Caspar Weinberger does not need this money. He does not need to loot the Social Security system of its reserves in order to pay for this bloated defense build-

up. But that is precisely what this package does.

It is far worse than the package that came out of the Budget Committee with only the votes of Republicans a short time before. The package we're voting on now is a 3-year cut in Social Security, and in fact it permanently reduces the buying power. Any notion that this is an increase is wrong. It does not provide an increase, because the cost-of-living adjustment comes a year later and is only designed to restore what inflation has taken away.

So I would hope we would defeat this package.

The VICE PRESIDENT. Who yields time?

Mr. CHILES. I yield myself 5 minutes from the amendment.

Mr. President, we are about to vote on this package. I find it curious that its characterized in different ways. On one hand, I hear it characterized as a procedural vote. It is only supposed to be a little vote on procedure and everybody can vote for it because it is just a housekeeping matter, mere mechanics.

On the other hand, I hear it characterized as a very symbolic vote. It is going to be a great symbol that the President's package and the Republican leadership package has support.

I think it is certainly more than a procedural vote. I do not think there is any way you can say voting for this particular package is only procedural.

It seems to me that once you have bitten the apple, once you have voted for 2-percent cuts 3 years in a row off of Social Security, you voted for a major structural change on COLA's.

Once you've cast that vote you can't come back and just say, "Well, that is procedure and that does not count." You cannot fool anyone with that. What you have really said is this: "That is all right, even though the pain is not shared equally, even though some wealthy corporations that are making billions of dollars and are not paying any tax, in fact are being paid by taxpayer. You are saying that is acceptable. We do not need to do anything about them. We do not need to do anything about all of those people we read about every day that are making over $200,000 a year and paying no tax. We do not have to ask them to be a part of the sacrifice. But, we are going to make this structural change in Social Security. If you vote for this package, you are putting your stamp of approval on all that."

You will also be saying something else. And here it is: "We are going to ask you to pay more on your health bills. We just feel that is right. We are not satisfied to just freeze the providers. We are going to ask the individual recipients to go on and pay more on their health bills."

Vote for this package and you will be saying that is all right now because it is only "procedure". We are going to come around and maybe change that later.

It seems to me this is a major vote. Everybody needs to view it that way. I think this sets the blueprint. Even if some amendment are made at a future time, this package will return. And when this package returns after it has been amended, I am sure some people are going to be called on. The majority will be saying to their Members, "Wait a minute, now, you voted for this once. You have already voted for it. You can't change now. You're locked in."

So it seems to me this sets the precedent. If it is wrong to change COLA's structurally now without asking everybody to share the pain of dealing with this deficit, if that is wrong, it is as wrong on this vote as it will be tomorrow, as it will be the day after tomorrow, and the day after that. And it would seem to me if that is wrong, then it ought to be voted that way and we ought to turn this down and start off with this package the way it is normally done. Lay it down, allow the Senate to work its will and amend it. Evidently we are not able to do this. It seems to me that if we are going to put something together to deal with this deficit, it must include revenues. We must restrain defense, we must restrain all of the other domestic programs. Are we willing to restrain everything on the domestic side, including the entitlement programs, and including the COLA programs? If we are, then I think we are serious about this deficit. If we are not, then I think we are talking about a package that puts more of the pain, and more of the burden on certain people as opposed to what we put on the others. So, Mr. President, this is no procedural vote. I think it is a major, substantive vote.

Mr. LAUTENBERG. Mr. President, I rise in opposition to the pending amendment, the so-called White House-Senate leadership package.

Mr. President, it must be clearly understood. What are we asked to vote on?

The Senate is not asked to freeze Government spending, to freeze spending across the board; it is asked to stop spending, to stop spending on transit, and on urban development; it is asked to slow spending on education, cleaning the environment, taking care of the sick, the elderly; and it is asked to accelerate military spending, to accelerate spending on defense which has already gone up 30 percent over inflation since 1981.

That is what we are asked to vote on.

We are asked not just to cut the deficit. I want to cut the deficit. I think every Member in this body believes that the record deficits created by this administration must be cut.

But we are asked to not just cut the deficit, we are asked to undercut Americans, who rely on Government for a dignified retirement, for an education, for a clean environment.

We are asked to undercut the foundation of our economy, an economy that depends on essential spending on transportation, research, and exports. We are asked to undercut our future.

We are asked not to raise taxes—the taxes, that is, of corporations that pay none—but we are asked to hide taxes on the average citizen, to hide the taxman on the buses, collecting higher fares because transit subsidies will be ended. The taxman will be hiding at the schoolhouse gate, collecting higher costs for education. The taxman will be standing at the hospital door, dipping deeper into the pocket of elderly in need of medical care because Medicare has been cut.

We are not asked to break the spending spiral, we are asked to break a promise to senior citizens, who were told that once Social Security was taxed, once one cost-of-living increase was postponed, that Social Security would be safe. We are asked to break that promise and banish over 600,000 seniors to poverty.

That Mr. President, is what we are asked to vote for. That is the budget we are asked to vote for. That is a budget I cannot endorse.

Every Member in this body would welcome the days of mere $70 billion deficits, the kind we had before this administration, the kind of deficit that's dwarfed by the $200 billion deficit we see now.

Every Member in this body would welcome the days of a mere trillion dollar national debt, the kind we had before this administration, a debt that is dwarfed by the nearly $2 trillion debt we have now.

Beneath the veneer of recovery, budget deficits are eating away at our economic future; 1.3 percent growth in the GNP is a sign that the recovery may be rotting away.

The Nation's borrowing keeps interest rates high. High rates keep the dollar overvalued. So, our exports are priced out of the foreign markets, while imports flood our own. Manufacturers and the thousands of people they employ are running harder and harder just to stay in place. They are losing jobs at home and markets abroad; they are losing jobs and markets that they may never regain.

Our diet for debt feeds on foreign capital. As a net debtor Nation, owing out more to others than they owe to us, the United States will be less secure, and less a master of its own economic destiny.

What is worse, the problem feeds on itself. The Nation borrows to finance the deficit, and then borrows to pay interest on its borrowing. Since 1980,

interest on the national debt has grown faster than any other sector of the national budget. On the present path, the Nation will spend more on debt service by the end of the decade than it will spend on all nondefense discretionary programs combined. That is, more in interest than in feeding our people, educating them, and building for the future.

In sum, Mr. President, we must get hold of our fiscal policy, if we care about the economy, if we care about the future.

But, if that is our goal, we should not support the amendment before us. In the coming days, Democrats will offer an alternative, an alternative that imposes sacrifice fairly and does not sacrifice our future.

Mr. President, we must fight a winning war against rising budget deficits. But the budget before us would wage a futile assault, and the casualties will only be those who have suffered so much before, the casualties will be the future we want to protect.

Until all of America is enlisted in the battle, we cannot succeed.

I will vote against the amendment, and I urge my colleagues to join me.

IMPROVING THE BUDGET COMPROMISE

Mr. PROXMIRE. Mr. President, I have decided to vote against this package not because it does too much to reduce the deficit but because it does too little. We can, and should, do better.

What does this package do to the deficit? Proponents contend that it will reduce the deficit to about $100 billion in 1988. But this package is based on economic assumptions which make Pollyanna look like a pessimist.

The Congressional Budget Office—a nonpartisan, congressional agency—has estimated the level of deficits using economic assumptions which are still optimistic but more reasonable. They say the deficit in 1988 will be around $150 billion. If the economy continues to perform as it has over the last three quarters, that estimate may be optimistic.

These figures point to the most attractive feature of the package. It makes a serious attempt on the domestic side of the budget to bring Federal spending under control. It ends, or drastically cuts, a number of politically popular programs. The administration deserves credit for making such difficult recommendations.

To my colleagues, who hope to save this or that favorite program, I say look at those figures on the deficits. They demonstrate that sooner or later we in Congress are going to be forced to face the issue of how much can we afford to spend. After doing so, I believe our answers will not be that much different from those recommended by the administration.

If the administration has done a reasonably good job on the domestic side of the budget, where else should we look for additional savings? One answer is in the defense budget.

Every inefficient or obsolete domestic program has its counterpoint in the defense budget. If the Small Business Administration is inefficient, then the Divad antiaircraft gun is equally so. If subsidizing Amtrak riders to the tune of about $35 a ride is bad policy, then so is the Defense Department paying $400 for a hammer.

Think how much we could have saved if the administration had applied the same standard to Defense as it did to domestic spending. Only the administration has the knowledge and staff to go through the Defense budget in this manner. We in Congress can make the judgment about how much is enough. But we cannot make certain that the money we appropriate is spent wisely. In an agency as large and complex as the Defense Department, that responsibility lies with the agency itself.

The Defense Department has refused to make those judgments. It has taken an all-or-nothing attitude.

Mr. President, we seldom see an executive agency make a mistake of historic proportions, but in my opinion, the Defense Department has done so. Only 4 years ago, the American people and the Congress were solidly behind the administration's efforts to improve our defense. The Carter administration started the buildup, the Reagan administration expanded it, and Congress cheered.

Now, Congress is likely to freeze defense spending and only the administration will protest. In my 27 years as a Senator, I have seldom seen a more rapid change in public sentiment. And the lion's share of blame for this change lies at the doors of the Pentagon. They stonewalled. They cried wolf. They denied the problem. Those chickens are now coming home to roost. As a result—the final irony—we will probably spend less money on defense under this administration than we would have had Walter Mondale been elected.

Where else can we look for savings? The simple fact is that we are going to have to raise more revenue. Tax loopholes now cost the Treasury over $300 billion a year.

As with domestic and defense spending, many of these loopholes are inefficient and obsolete. They are defended by powerful special interests, to be sure. But is not every program in the budget? These tax loopholes should not be exempted from our efforts to reduce the deficit.

If I were advising the corporate lobbyists clustered around our offices—and I do not—I would point to what happened to defense. The newspapers are now reporting that a number of major corporations pay no income taxes. That information is sinking into the American public's mind, just as did the information about outrageous spare parts prices. After it does, the public may support tax increases on corporations that could be punitive. Corporations will be better served by supporting efforts to close the most outrageous loopholes—that would be my advice.

Someone will argue that the President is dead set against tax increases. His campaign statements about taxes left the door open for tax changes if we cut spending. Those statements were much less adamant than were his promises about protecting Social Security.

In that instance, the President was right. The Social Security trust fund is financially sound. The program is not causing the deficit. Instead, it is paying its own way and then some. Before even considering cuts in Social Security, let us go through the defense budget and the Tax Code. Let us cut those programs that are not paying their way. If we do so, then this Senator is confident that we will have resolved the deficit problem without having to touch Social Security.

Mr. President, this compromise does too little to reduce the deficits. Let us keep its good features intact and add to them. It is a start, but we can improve it. Let us start today.

Mr. DECONCINI. Mr. President, the substitute budget resolution proposed by the Republican leadership and supported by the President violates not only the long-standing agreement between this country and its elderly and retired people, but also reneges on President Reagan's personal promise. President Reagan and his Republican colleagues ran for election last year on the promise of reducing the deficit but promised there would be no tax increases, no cuts in defense spending, and no cuts in Social Security.

We in the Democratic Party warned that such a promise could not be kept. We said that if when it came showdown time on the budget, the Republicans would renege on their promises. History showed, and we tried to sound the alarm, that if one part of this promise could not be kept; if one group had to sacrifice while others were held harmless; if one segment of our population had to bear a disproportionate share of the burden of deficit reduction, this administration would choose that group of Americans most unable to survive such singling out: our elderly and retired citizens.

Unfortunately, the Democrats turned out to be better prognosticators than campaigners. We lost the elections in 1984, although we were somewhat successful in the Senate, and on their first at bat, the Republicans and the President have tried to knock Social Security out of the ballpark.

Last July, the Senate voted to insure the full Social Security COLA for January 1985. The vote was 87–3. Supporting the resolution was Senator DOLE, now the majority leader; Senator DOMENICI, the chairman of the Budget Committee; and the President of the United States. Of course, this vote was in the middle of the election campaign.

Just 2 years ago we in Congress passed the Social Security Act Amendments of 1983. This reform package was the result of a bipartisan effort by Democrats and Republicans led by President Reagan's Commission on Social Security Reform. As part of that package, to insure the continued solvency of Social Security, we had to swallow some bitter medicine. We delayed COLA's for 6 months permanently. That is, every year the Social Security COLA will be issued 6 months later than it would have been absent that legislation. We taxed Social Security benefits for the first time ever. We increased the retirement age, we added Federal workers to the Social Security rolls, we increased penalties for early retirement and increased taxes on the self-employed. All of these provisions were painful. But we voted for this package because it was balanced, necessary, and workable.

Fortunately, the Social Security Act amendments were successful. The Social Security trust funds are thriving. Next year the trust funds should realize a surplus of $4.9 billion; the following year, $4.4 billion; and in 1987, $7.6 billion. These surplus are necessary to prepare the trust funds for the retirement in the next century of the baby boom generation. In any event, the action we took in 1983 to solve a very immediate problem has worked.

In 1983, we told our Social Security beneficiary constituents that the reform package was necessary, that it would work, and that we would not need to affect Social Security benefits again for a very long time. And we do not. Cutting the COLA will not really help us reduce the deficit problem. Admittedly, if we cut the COLA, less money will be spent by the Federal Government and on paper the deficit will be reduced. This savings cannot be spent to reduce our deficit though. It has to, by law, stay in the Social Security trust funds. It can only be used to buy Federal savings instruments, thereby driving up interest rates across the board.

I will support an across-the-board freeze on spending that includes Social Security COLA's. I will not support a piece-meal approach that singles out one group for sacrifice and allows others to continue their Government-sponsored prosperity.

THE REPUBLICAN BUDGET COMPROMISE: A BAD COMPROMISE ON PRIORITIES

Mr. BYRD. Mr. President, I recognize the need for a responsible approach to the Federal budget, an approach which will help reduce the crushing burden of debt which today's huge deficits create.

In 5 years, the current administration will have doubled the national debt—doubled the debt that it took 39 Presidents almost 200 years to accumulate. This administration is the biggest spender of all time. But the plan supported by the President is not the right answer.

The priorities reflected in this amendment are dead wrong. Many of the areas that the President has targeted are the very areas which need to be maintained if America is to stride confidently into the future. This budget shortchanges the future, by cutting education and research. It does nothing to curb outrageous waste in our defense establishment. This budget is unfair. It breaks the President's own promises to our Nation's elderly. It hurts children and middle income families.

A $200 billion deficit is a very serious national problem. It is a problem that will take an all-out national effort to solve. It is already taking its toll. America has become a debtor nation. We are losing out to foreign competition. It is costing us millions of jobs.

But we must tackle this important task in a manner which resolves the deficit problem without sacrificing the future of our Nation.

The budget debate is not just a dry exercise in balancing figures. A budget is a road map for our future. Make no mistake about it, the budget we finally enact and the choices reflected in that budget will affect each American citizen directly and will shape the future of this great country.

Let me give an example of how budget choices impact on future directions for years to come. Back in 1961, President Kennedy urged Congress to invest in the research and education required to land astronauts on the Moon. Today, hundreds of thousands of Americans are working in space technology and rocketry because we made that commitment as a nation. Computers are part of many homes. Countless people are benefiting from breakthroughs in medical research which were paid for by the National Institutes of Health. Literally millions of jobs exist solely because we invested in the future.

Let me say in the most emphatic and most unmistakable way that Democrats want to reduce the deficit. We will work with the President to reduce the deficit, and we will deal with it directly and responsibly. But, the program being offered today is a formula for future economic disaster. Education holds the key to the future. But this budget will deny thousands of youngsters the chance to get a college education. This budget undermines our scientific and medical research, job training, and many other areas so desperately needed if we are to maintain our economy and prepare for our future in a competitive world. Let us be clear about one thing. We cannot remain a political power in the world if we are not economically strong.

Democrats believe that our present Tax Code is a nightmare which needs to be simplified in order to make it fair. It is simply not fair to ask Social Security recipients, middle income families, coal miners, and farmers to sacrifice while the largest, richest, most profitable corporations in America are permitted to get a free ride.

This budget fails to get serious about Pentagon waste. A few days ago, on April 15, most Americans paid their taxes. Every citizen who paid $500 in taxes to the Federal Government bought the Pentagon a hammer and two lightbulbs. Every citizen who paid $10,000 in taxes bought a coffee maker, three toilet seat covers, and a tape measure.

Such waste in our defense establishment is a national scandal; yet, the budget compromise before us at this moment does nothing to deal with the problem. Democrats have consistently tried to address the problem of Pentagon waste, and we have been fought every step of the way by the current administration. Two years ago, Democrats managed to create an office of inspector general to try to tame Pentagon mismanagement, and we were forced to accomplish this essential reform over the strong objections of the White House. On the basis of this experience, we know that further savings can be made in the Pentagon budget without jeopardizing in any way our basic national security. This ought to be the goal of any budget proposal for the Pentagon; yet, it is not the goal of the so-called Republican compromise before us today.

Today, the Defense budget is three times greater than it was in 1968 when we had a million more people under arms. With all of this spending, we are still dangerously thin in our ability to fight nonnuclear combat in areas where our national interest might some day be threatened. As in other areas of the budget, the President's choices do not target the real challenges which may face us in the future. We need to tighten this Defense budget so that our readiness to fight a conventional war is increased and waste and inefficiency are eliminated.

If the compromise before us is misguided in its emphasis on spending more on the Pentagon, it is even more misguided in those programs it proposes to cut. The cuts proposed in this budget fall on some of the most important and most vulnerable groups in American society. The proposal would erode the value of Social Security—the

critical life support system for the elderly. It would increase the elderly's medical bills, by making deep cuts in Medicare. It would hurt the Nation's farmers, the backbone of the greatest food production system in the world. This budget would reduce the ability of families to finance college education for their sons and daughters. The proposal would slash nutrition programs for infants and children—surely the key to any bright future for our country.

Democrats believe that these are misguided priorities. Democrats have a vision for the future, and we want this year's budget resolution to reflect that vision. We are determined to strengthen this Nation's ability to compete in global markets. We are determined to see that our children have the best education that we as a nation can offer them. We are determined to stress technological research so that the jobs of the future can be filled by Americans. We are determined to stop exporting American jobs overseas. We are determined to restore this Nation's manufacturing capability before it is too late. We are determined to address the deficit problem in a fair way that inspires the faith of our people and reassures their perceptions about the fairness of their government. We are determined to ensure a strong and sound national defense for our people.

To realize these goals, Democrats are prepared to offer concrete alternatives in this year's budget debate. In the coming days, Democrats intend to offer budget proposals which establish the proper priorities for our Nation, now and in the future. Democrats will try to set this Nation on a positive course for our future. We will offer the alternatives needed to achieve this great vision that we all want for our country.

These are the reasons I will vote against the so-called "compromise" budget which is before us at this time. I believe the Senate will have ample opportunity in the days ahead to debate specific items in the budget. This debate will help clarify the crucial issue at stake, and will, I hope, result in a budget which meets the needs of the country.

Mr. PELL. Mr. President, I shall vote against the budget presented to the Senate by the administration and the Republican leadership.

In acting on a budget for the next fiscal year, the Senate faces two challenges: The huge Federal budget deficits must be reduced, and of equal importance, the deficit must be reduced in a way that is fair, and equitable and that reflects our real national priorities.

The administration budget proposal meets the first challenge—it reduces the deficit—but it fails to meet the second challenge of fairness and recognition of essential national goals.

I am committed to reducing the budget deficit and I will be supporting other proposals here in the Senate to reduce the huge deficits that have ballooned during the past 4 years.

What is wrong with the administration budget?

The administration budget continues the runaway increase in defense spending, costing the taxpayers an added $20 billion next year.

While increasing defense spending by the rate of inflation plus 3 percent, the budget would give the elderly retired on Social Security an adjustment of inflation minus 2 percent.

In education, the real pillar of our national strength, this budget would eliminate assistance for up to 1 million needy young people pursuing post-high-school education.

This budget would also destroy Amtrak, leaving the United States as the only industrialized nation without a rail passenger service system. It would eliminate completely the modest programs that have proven successful in helping entrepreneurs develop their own businesses.

And in the process of cutting Federal Government spending, this budget would shift many of the real costs of essential services to our State and local taxpayers, to the elderly, and to middle-class families. These kinds of budget cuts don't save a buck, they just pass the buck.

All Americans, I believe, share the vision of an opportunity society but this budget would reduce educational opportunities for young Americans, and opportunities for essential medical care and a dignified retirement for elderly Americans. To a great extent, these opportunities would be sacrificed to provide another $20 billion for military spending that has proven wasteful, nonessential and poorly managed.

I regret that this budget is being presented to the Senate on a take-it-or-leave it basis. The budget before us is described as a compromise, but it is a compromise only between the President and some members of his own political party.

Although this compromise budget has been changed almost daily for the past 3 months, we are now told that any and all changes must be opposed and that we must take the package as it is or leave it.

Faced with that choice, I regretfully shall vote to leave it.

If the majority of the Senate votes in support of this budget, I look forward to the opportunity to change it and improve it through amendments and substitute proposals that will reduce the deficit effectively, but in a fairer and more constructive way.

Mr. HOLLINGS addressed the Chair.

The VICE PRESIDENT. The Senator from South Carolina is recognized.

Mr. HOLLINGS. I thank the distinguished Vice President.

Mr. President, I ask unanimous consent to include at this point in the RECORD the list made by the Congressional Budget Office of the increases in budget authority and outlays contained in the President's budget submission. A similar list of increases in budget authority and outlays for the President's compromise has not been compiled by CBO because the information to provide such a list has not been submitted.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

CBO/BUDGET ANALYSIS DIV(MAR40R) CBO EST. OF PRES. WHERE BUDGET YEAR DATA
(UNIFIED BUDGET) IS GREATER THAN CURRENT YEAR DATA
P63 SORTED BY: SCOM,FUNC,SFUN,TID
(AMOUNTS IN THOUSANDS)

Appropriations Committee		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
ALLOWANCES							
Civilian agency pay raises							
Allowances							
Allowances for:							
Coast Guard military pay raises							
99 6006 0 1 921							
	NEW:	6,900	6,600	27,700	26,900	20,800	20,300
	PRIOR:		0		0		0
	TOTAL:	6,900	6,600	27,700	26,900	20,800	20,300
COMMITTEE TOTAL.. AP Appropriations Committee							
	NEW:	6,900	6,600	27,700	26,900	20,800	20,300
	PRIOR:		0		0		0
	TOTAL:	6,900	6,600	27,700	26,900	20,800	20,300

Note: Some committee totals may not reflect exact jurisdiction because accounts with joint jurisdiction appear in total in only one committee.

(AMOUNTS IN THOUSANDS)

Agriculture Subcommittee		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
NATURAL RESOURCES AND ENVIRONMENT							
Conservation and land management							
Department of Agriculture							
Soil Conservation Service							
Conservation operations							
12 1000 0 1 302							
	NEW:	351,190	322,278	354,179	325,136	2,989	2,858
	PRIOR:		28,939		28,912		-27
	TOTAL:	351,190	351,217	354,179	354,048	2,989	2,831
AGRICULTURE							
Agricultural research and services							
Departmental Administration							
Standard level user charges							
12 0117 0 1 352							
	NEW:	67,254	67,254	77,300	77,300	10,046	10,046
	PRIOR:		0		0		0
	TOTAL:	67,254	67,254	77,300	77,300	10,046	10,046
World Agricultural Outlook Board							
World agricultural outlook board							
12 2100 0 1 352							
	NEW:	1,610	1,397	1,619	1,409	9	12
	PRIOR:		197		213		16
	TOTAL:	1,610	1,594	1,619	1,622	9	28
Human Nutrition Information Service							
Human Nutrition Information Service							
12 3501 0 1 352							
	NEW:	7,462	5,745	13,416	10,344	5,954	4,599
	PRIOR:		1,400		1,717		317
	TOTAL:	7,462	7,145	13,416	12,061	5,954	4,916
COMMUNITY AND REGIONAL DEVELOPMENT							
Area and regional development							
Rural Electrification Administration							
Rural communication development fund							
12 4142 0 3 452							
	NEW:	1,604	1,604	1,834	1,834	230	230
	PRIOR:		2,899		3,899		1,000
	TOTAL:	1,604	4,503	1,834	5,733	230	1,230
HEALTH							
Consumer and occupational health and safety							
Department of Health and Human Services							
Food and Drug Administration							
Program expenses							
75 0600 0 1 554							
	NEW:	407,500	359,082	409,072	363,326	1,572	4,244
	PRIOR:		45,387		47,412		2,025
	TOTAL:	407,500	404,469	409,072	410,738	1,572	6,269

CBO/BUDGET ANALYSIS DIV(HAR40R) CBO EST. OF PRES. WHERE BUDGET YEAR DATA
(UNIFIED BUDGET) IS GREATER THAN CURRENT YEAR DATA
P63 SORTED BY: SCOM,FUNC,SFUN,TID
(AMOUNTS IN THOUSANDS)

Agriculture Subcommittee	1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
INCOME SECURITY						
Food and nutrition assistance						
Department of Agriculture						
Food and Nutrition Service						
Food donations program						
12 3503 0 1 605						
NEW:	139,546	109,623	174,607	142,672	35,061	33,049
PRIOR:		53,600		29,923		-23,677
TOTAL:	139,546	163,223	174,607	172,595	35,061	9,372
Food stamp program						
12 3505 0 1 605						
NEW:	11,661,528	11,486,998	11,858,000	11,679,770	196,472	192,772
PRIOR:		209,240		175,230		-34,010
TOTAL:	11,661,528	11,696,238	11,858,000	11,855,000	196,472	158,762
Food program administration						
12 3508 0 1 605						
NEW:	82,503	74,422	86,406	78,025	3,903	3,603
PRIOR:		7,752		8,095		343
TOTAL:	82,503	82,174	86,406	86,120	3,903	3,946
Women, infants and children programs (WIC and CSFP)						
12 3510 0 1 605						
NEW:	1,448,501	1,293,110	1,513,849	1,346,040	65,348	52,930
PRIOR:		152,890		165,000		12,110
TOTAL:	1,448,501	1,446,000	1,513,849	1,511,040	65,348	65,040
COMMITTEE TOTAL.. AR Agriculture Subcommittee						
NEW:	14,168,698	13,721,513	14,490,282	14,025,856	321,584	304,343
PRIOR:		502,304		460,401		-41,903
TOTAL:	14,168,698	14,223,817	14,490,282	14,486,257	321,584	262,440

(AMOUNTS IN THOUSANDS)

Commerce, State, Judiciary	1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
INTERNATIONAL AFFAIRS						
Conduct of foreign affairs						
Department of State						
Administration of Foreign Affairs						
Salaries and experses						
19 0113 0 1 153						
NEW:	1,434,290	1,128,064	1,475,103	1,268,589	40,813	140,525
PRIOR:		170,942		223,605		52,663
TOTAL:	1,434,290	1,299,006	1,475,103	1,492,194	40,813	193,188
Other						
Soviet-East European research and training						
19 0118 0 1 153						
NEW:	4,800	4,800	5,000	5,000	200	200
PRIOR:		0		0		0
TOTAL:	4,800	4,800	5,000	5,000	200	200
Administration of Foreign Affairs						
Protection of foreign missions and officials						
19 0520 0 1 153						
NEW:	9,500	7,695	9,900	8,019	400	324
PRIOR:		0		1,805		1,805
TOTAL:	9,500	7,695	9,900	9,824	400	2,129
Payment to the American Institute in Taiwan						
19 0523 0 1 153						
NEW:	9,800	8,085	10,000	8,250	200	165
PRIOR:		1,641		1,715		74
TOTAL:	9,800	9,726	10,000	9,965	200	239
Other						
Payment to the Asia Foundation						
19 0525 0 1 153						
NEW:	9,600	6,720	9,785	6,850	185	130
PRIOR:		2,799		2,880		81
TOTAL:	9,600	9,519	9,785	9,730	185	211
Administration of Foreign Affairs						
Representation allowances						
19 0545 0 1 153						
NEW:	4,500	3,852	4,700	4,023	200	171
PRIOR:		598		648		50
TOTAL:	4,500	4,450	4,700	4,671	200	221
International Organizations and Conferences						
Contributions for international peacekeeping activities						
19 1124 0 1 153						
NEW:	47,400	41,238	51,000	44,370	3,600	3,132
PRIOR:		9,363		6,162		-3,201
TOTAL:	47,400	50,601	51,000	50,532	3,600	-69

CBO/BUDGET ANALYSIS DIV(MAR40R)
(UNIFIED BUDGET)
P63 SORTED BY: SCOM,FUNC,SFUN,TID

CBO EST. OF PRES. WHERE BUDGET YEAR DATA IS GREATER THAN CURRENT YEAR DATA
(AMOUNTS IN THOUSANDS)

Commerce, State, Judiciary	1985		1986		DIFFERENCE COL2 - COL1	
	BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
Contributions to international organizations						
19 1126 0 1 153						
NEW:	487,888	467,885	495,235	474,930	7,347	7,045
PRIOR:		21,341		20,003		-1,338
TOTAL:	487,888	489,226	495,235	494,933	7,347	5,707
Other						
U.S. bilateral science and technology agreements						
19 1151 0 1 153						
NEW:	0	0	4,000	4,000	4,000	4,000
PRIOR:		2,000		0		-2,000
TOTAL:	0	2,000	4,000	4,000	4,000	2,000
Other Independent Agencies						
International Trade Commission						
Salaries and expenses						
34 0100 0 1 153						
NEW:	24,830	22,942	28,901	26,705	4,071	3,763
PRIOR:		1,551		1,858		307
TOTAL:	24,830	24,493	28,901	28,563	4,071	4,070
Foreign information and exchange activities						
Other Independent Agencies						
United States Information Agency						
Salaries and expenses						
67 0201 0 1 154						
NEW:	545,423	430,247	585,054	461,608	39,631	31,361
PRIOR:		100,871		111,817		10,946
TOTAL:	545,423	531,118	585,054	573,425	39,631	42,307
Acquisition and construction of radio facilities						
67 0204 0 1 154						
NEW:	85,000	8,500	167,947	16,795	82,947	8,295
PRIOR:		13,064		56,070		43,006
TOTAL:	85,000	21,564	167,947	72,865	82,947	51,301
Radio broadcasting to Cuba						
67 0208 0 1 154						
NEW:	8,500	6,706	11,202	8,838	2,702	2,132
PRIOR:		2,500		3,078		578
TOTAL:	8,500	9,206	11,202	11,916	2,702	2,710
Educational and cultural exchange programs						
67 0209 0 1 154						
NEW:	130,000	87,100	159,136	106,621	29,136	19,521
PRIOR:		48,500		41,500		-7,000
TOTAL:	130,000	135,600	159,136	148,121	29,136	12,521
National Endowment for Democracy						
67 0210 0 1 154						
NEW:	0	0	31,300	28,170	31,300	28,170
PRIOR:		11,500		0		-11,500
TOTAL:	0	11,500	31,300	28,170	31,300	16,670
Other Independent Agencies						
Board for International Broadcasting						
Grants and expenses						
95 1145 0 1 154						
NEW:	97,498	90,283	142,125	119,470	44,627	29,187
PRIOR:		13,167		1,755		-11,412
TOTAL:	97,498	103,450	142,125	121,225	44,627	17,775
NATURAL RESOURCES AND ENVIRONMENT						
Water resources						
Department of State						
International Commissions						
Construction						
19 1078 0 1 301						
NEW:	2,400	1,832	2,557	1,951	157	119
PRIOR:		293		2,190		1,897
TOTAL:	2,400	2,125	2,557	4,141	157	2,016
American sections, international commissions						
19 1082 0 1 301						
NEW:	3,685	2,491	3,755	2,538	70	47
PRIOR:		1,034		1,156		122
TOTAL:	3,685	3,525	3,755	3,694	70	169
Conservation and land management						
International fisheries commissions						
19 1087 0 1 302						
NEW:	9,100	9,091	9,900	9,890	800	799
PRIOR:		9		9		0
TOTAL:	9,100	9,100	9,900	9,899	800	799
Other natural resources						
Department of Commerce						
National Oceanic and Atmospheric Administration						
Aviation weather services program						
13 8105 0 7 306						
NEW:	27,000	22,950	28,000	23,800	1,000	850
PRIOR:		4,050		4,050		0
TOTAL:	27,000	27,000	28,000	27,850	1,000	850

CBO/BUDGET ANALYSIS DIV(MAR40R) CBO EST. OF PRES. WHERE BUDGET YEAR DATA
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(AMOUNTS IN THOUSANDS)

Commerce, State, Judiciary	1985		1986		DIFFERENCE COL2 - COL1	
	BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
COMMERCE AND HOUSING CREDIT						
Other advancement of commerce						
Administration for Enterprise Development and Opportunity						
White House Conference on Small Business						
13 0104 0 1 376						
NEW:	0	0	1,000	1,000	1,000	1,000
PRIOR:		0		0		0
TOTAL:	0	0	1,000	1,000	1,000	1,000
Enterprise development and opportunity						
13 0201 0 1 376						
NEW:	49,580	15,359	97,716	61,691	48,136	46,332
PRIOR:		35,773		34,843		-930
TOTAL:	49,580	51,132	97,716	96,534	48,136	45,402
Bureau of the Census						
Salaries and expenses						
13 0401 0 1 376						
NEW:	85,259	76,052	87,962	78,462	2,703	2,410
PRIOR:		6,043		9,207		3,164
TOTAL:	85,259	82,095	87,962	87,669	2,703	5,574
Periodic censuses and programs						
13 0450 0 1 376						
NEW:	80,209	50,612	105,802	69,592	25,593	18,980
PRIOR:		30,114		27,457		-2,657
TOTAL:	80,209	80,726	105,802	97,049	25,593	16,323
International Trade Administration						
Operations and administration						
13 1250 0 1 376						
NEW:	170,885	115,279	171,972	116,597	1,087	1,318
PRIOR:		60,563		59,362		-1,201
TOTAL:	170,885	175,842	171,972	175,959	1,087	117
Other Independent Agencies						
Small Business Administration						
SBA, Small business investment companies, FFB(loan guarantee						
20 4154 0 3 376						
NEW:	0	0	2,471,000	2,522,080	2,471,000	2,522,080
PRIOR:		0		252,920		252,920
TOTAL:	0	0	2,471,000	2,775,000	2,471,000	2,775,000
Department of the Treasury						
Financial Management Service						
Surety bond guarentees revolving fund						
20 4156 0 3 376						
NEW:	0	0	13,572	1,574	13,572	1,574
PRIOR:		0		16,426		16,426
TOTAL:	0	0	13,572	18,000	13,572	18,000
Other Independent Agencies						
Securities and Exchange Commission						
Salaries and expenses						
50 0100 0 1 376						
NEW:	105,337	95,857	107,267	97,536	1,930	1,679
PRIOR:		7,939		9,456		1,517
TOTAL:	105,337	103,796	107,267	106,992	1,930	3,196
Other Independent Agencies						
Other Historical and Memorial Agencies						
Christopher Columbus Quincentennary Jubilee Commission						
76 0800 0 1 376						
NEW:	0	0	220	198	220	198
PRIOR:		220		0		-220
TOTAL:	0	220	220	198	220	-22
TRANSPORTATION						
Water transportation						
Department of Transportation						
Maritime Administration						
Research and development						
69 1716 0 1 403						
NEW:	2,900	1,613	9,900	5,504	7,000	3,891
PRIOR:		11,078		7,414		-3,664
TOTAL:	2,900	12,691	9,900	12,918	7,000	227
COMMUNITY AND REGIONAL DEVELOPMENT						
Disaster relief and insurance						
Department of the Treasury						
Financial Management Service						
Disaster Loan Fund						
20 4153 0 3 453						
NEW:	0	0	36,300	36,300	36,300	36,300
PRIOR:		0		317,000		317,000
TOTAL:	0	0	36,300	353,300	36,300	353,300

CBO/BUDGET ANALYSIS DIV(MAR40R) CBO EST. OF PRES. WHERE BUDGET YEAR DATA
(UNIFIED BUDGET) IS GREATER THAN CURRENT YEAR DATA
P63 SORTED BY: SCOM,FUNC,SFUN,TID
(AMOUNTS IN THOUSANDS)

Commerce, State, Judiciary	1985		1986		DIFFERENCE COL2 - COL1	
	BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
ADMINISTRATION OF JUSTICE						
Federal law enforcement activities						
Department of Justice						
Federal Bureau of Investigation						
Salaries and expenses						
15 0200 0 1 751						
NEW:	1,145,118	915,340	1,195,664	956,179	50,546	40,839
PRIOR:		103,372		217,305		113,933
TOTAL:	1,145,118	1,018,712	1,195,664	1,173,484	50,546	154,772
United States Parole Commission						
Salaries and expenses						
15 1061 0 1 751						
NEW:	8,913	8,200	9,415	8,662	502	462
PRIOR:		610		713		103
TOTAL:	8,913	8,810	9,415	9,375	502	565
Drug Enforcement Administration						
Salaries and expenses						
15 1100 0 1 751						
NEW:	331,812	285,613	345,671	297,277	13,859	11,664
PRIOR:		36,000		35,959		-959
TOTAL:	331,812	321,613	345,671	334,236	13,859	12,623
Immigration and Naturalization Service						
Salaries and expenses						
15 1217 0 1 751						
NEW:	575,470	502,848	584,096	509,244	8,626	6,396
PRIOR:		63,057		71,976		8,919
TOTAL:	575,470	565,905	584,096	581,220	8,626	15,315
Federal litigative and judicial activities						
The Judiciary						
Supreme Court of the United States						
Salaries and expenses						
10 0100 0 1 752						
NEW:	14,143	11,102	15,176	11,913	1,033	811
PRIOR:		2,926		3,041		115
TOTAL:	14,143	14,028	15,176	14,954	1,033	926
Courts of Appeals, District Courts, and other Judicial Services						
Salaries of judges						
10 0200 0 1 752						
NEW:	77,638	76,147	104,826	102,729	27,188	26,582
PRIOR:		0		1,491		1,491
TOTAL:	77,638	76,147	104,826	104,220	27,188	28,073
United States Court of International Trade						
Salaries and expenses						
10 0400 0 1 752						
NEW:	6,070	5,766	6,538	6,211	468	445
PRIOR:		287		304		17
TOTAL:	6,070	6,053	6,538	6,515	468	462
United States Court of Appeals for the Federal Circuit						
Salaries and expenses						
10 0510 0 1 752						
NEW:	5,150	4,903	5,720	5,445	570	542
PRIOR:		228		247		19
TOTAL:	5,150	5,131	5,720	5,692	570	561
Courts of Appeals, District Courts, and other Judicial Services						
Defender services						
10 0923 0 1 752						
NEW:	59,575	30,587	68,955	41,373	9,380	10,786
PRIOR:		16,063		26,440		10,377
TOTAL:	59,575	46,650	68,955	67,813	9,380	21,163
Salaries of supporting personnel						
10 0924 0 1 752						
NEW:	375,776	361,146	509,010	489,668	133,234	128,522
PRIOR:		10,430		12,039		1,609
TOTAL:	375,776	371,576	509,010	501,707	133,234	130,131
Fees of jurors and commissioners						
10 0925 0 1 752						
NEW:	43,700	40,675	46,200	42,966	2,500	2,291
PRIOR:		3,045		3,025		-20
TOTAL:	43,700	43,720	46,200	45,991	2,500	2,271
Expenses of Operation and Maintenance of the Courts						
10 0926 0 1 752						
NEW:	115,026	91,370	144,926	120,289	29,900	28,919
PRIOR:		13,000		23,656		10,656
TOTAL:	115,026	104,370	144,926	143,945	29,900	39,575

CBO/BUDGET ANALYSIS DIV(MAR40R) CBO EST. OF PRES. WHERE BUDGET YEAR DATA
(UNIFIED BUDGET) IS GREATER THAN CURRENT YEAR DATA
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(AMOUNTS IN THOUSANDS)

Commerce, State, Judiciary		1985		1986		DIFFERENCE COL2 - COL1	
		BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
Administrative Office of the United States Courts							
Salaries and expenses							
10 0927 0 1 752							
	NEW:	28,336	25,141	32,217	28,576	3,881	3,435
	PRIOR:		1,930		2,093		163
	TOTAL:	28,336	27,071	32,217	30,669	3,881	3,598
Federal Judicial Center							
Salaries and expenses							
10 0928 0 1 752							
	NEW:	9,381	7,486	9,923	7,909	542	423
	PRIOR:		1,724		1,895		171
	TOTAL:	9,381	9,210	9,923	9,804	542	594
Courts of Appeals, District Courts, and other Judicial Services							
Court security							
10 0930 0 1 752							
	NEW:	26,992	26,992	38,116	38,116	11,124	11,124
	PRIOR:		0		0		0
	TOTAL:	26,992	26,992	38,116	38,116	11,124	11,124
Space and facilities							
10 0931 0 1 752							
	NEW:	142,384	126,280	155,018	137,346	12,634	11,066
	PRIOR:		13,549		13,444		-105
	TOTAL:	142,384	139,829	155,018	150,790	12,634	10,961
Department of Justice							
Legal Activities							
Salaries and expenses, General Legal Activities							
15 0128 0 1 752							
	NEW:	195,041	174,627	200,277	179,248	5,236	4,621
	PRIOR:		16,387		19,805		3,418
	TOTAL:	195,041	191,014	200,277	199,053	5,236	8,039
Fees and expenses of witnesses							
15 0311 0 1 752							
	NEW:	43,091	32,926	47,900	35,973	4,809	3,047
	PRIOR:		9,433		10,165		732
	TOTAL:	43,091	42,359	47,900	46,138	4,809	3,779
Salaries and expenses, Antitrust Division							
15 0319 0 1 752							
	NEW:	42,454	34,801	43,476	35,650	1,022	849
	PRIOR:		7,858		7,729		-129
	TOTAL:	42,454	42,659	43,476	43,379	1,022	720
Salaries and expenses, United States Attorneys and Marshals							
15 0322 0 1 752							
	NEW:	443,947	412,471	478,057	444,593	34,110	32,122
	PRIOR:		41,866		30,888		-10,978
	TOTAL:	443,947	454,337	478,057	475,481	34,110	21,144
Salaries and expenses, Community Relations Service							
15 0500 0 1 752							
	NEW:	32,957	16,457	33,217	16,609	260	152
	PRIOR:		15,000		19,500		4,500
	TOTAL:	32,957	31,457	33,217	36,109	260	4,652
Assets forfeiture fund							
15 5042 0 2 752							
	NEW:	5,000	4,887	20,000	15,000	15,000	10,113
	PRIOR:		0		113		113
	TOTAL:	5,000	4,887	20,000	15,113	15,000	10,226
Federal correctional activities							
Federal Prison System							
Salaries and expenses							
15 1060 0 1 753							
	NEW:	506,082	469,653	546,884	507,508	40,802	37,855
	PRIOR:		20,233		36,429		16,196
	TOTAL:	506,082	489,886	546,884	543,937	40,802	54,051
Criminal justice assistance							
National Institute of Corrections							
15 1004 0 1 754							
	NEW:	13,106	4,706	13,120	5,248	14	542
	PRIOR:		10,400		8,400		-2,000
	TOTAL:	13,106	15,106	13,120	13,648	14	-1,458

CBO/BUDGET ANALYSIS DIV(MAR40R) CBO EST. OF PRES. WHERE BUDGET YEAR DATA
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(AMOUNTS IN THOUSANDS)

Commerce, State, Judiciary		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
GENERAL GOVERNMENT							
Central fiscal operations							
Department of the Treasury							
Financial Management Service							
Portfolio Liquidation							
20 1848 0 1 803							
	NEW:	0	0	73,961	66,565	73,961	66,565
	PRIOR:		0		0		0
	TOTAL:	0	0	73,961	66,565	73,961	66,565
COMMITTEE TOTAL.. CJ Commerce, State, Judiciary							
	NEW:	7,682,546	6,375,377	11,065,674	9,731,248	3,383,128	3,355,871
	PRIOR:		944,351		1,762,043		817,692
	TOTAL:	7,682,546	7,319,728	11,065,674	11,493,291	3,383,128	4,173,563

(AMOUNTS IN THOUSANDS)

Defense Subcommittee		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
NATIONAL DEFENSE							
Department of Defense-Military							
Department of Defense--Military							
Military Personnel							
Military personnel, Marine Corps							
17 1105 0 1 051							
	NEW:	4,817,506	4,611,000	5,217,400	5,008,000	399,894	397,000
	PRIOR:		70,000		144,000		74,000
	TOTAL:	4,817,506	4,681,000	5,217,400	5,152,000	399,894	471,000
Operation and Maintenance							
Operation and maintenance, Marine Corps							
17 1106 0 1 051							
	NEW:	1,640,294	1,334,000	1,667,400	1,354,000	27,106	20,000
	PRIOR:		184,000		337,000		153,000
	TOTAL:	1,640,294	1,518,000	1,667,400	1,691,000	27,106	173,000
Operation and maintenance, Marine Corps Reserve							
17 1107 0 1 051							
	NEW:	58,642	38,000	61,600	40,000	2,958	2,000
	PRIOR:		14,000		21,000		7,000
	TOTAL:	58,642	52,000	61,600	61,000	2,958	9,000
Military Personnel							
Reserve personnel, Marine Corps							
17 1108 0 1 051							
	NEW:	267,186	234,000	290,000	253,000	22,814	19,000
	PRIOR:		6,000		27,000		21,000
	TOTAL:	267,186	240,000	290,000	280,000	22,814	40,000
Research, Development, Test, and Evaluation							
Research, development, test, and evaluation, Navy							
17 1319 0 1 051							
	NEW:	9,251,506	4,770,000	11,264,300	5,858,000	2,012,794	1,088,000
	PRIOR:		3,263,000		3,894,000		631,000
	TOTAL:	9,251,506	8,033,000	11,264,300	9,752,000	2,012,794	1,719,000
Military Personnel							
Reserve personnel, Navy							
17 1405 0 1 051							
	NEW:	1,127,700	969,000	1,353,600	1,164,000	225,900	195,000
	PRIOR:		79,000		117,000		38,000
	TOTAL:	1,127,700	1,048,000	1,353,600	1,281,000	225,900	233,000
Military personnel, Navy							
17 1453 0 1 051							
	NEW:	15,701,274	15,347,000	17,221,400	16,876,000	1,520,126	1,529,000
	PRIOR:		123,000		157,000		34,000
	TOTAL:	15,701,274	15,470,000	17,221,400	17,033,000	1,520,126	1,563,000
Procurement							
Aircraft procurement, Navy							
17 1506 0 1 051							
	NEW:	10,903,798	981,300	12,062,600	1,085,000	1,158,802	103,700
	PRIOR:		7,907,000		8,622,000		715,000
	TOTAL:	10,903,798	8,888,300	12,062,600	9,707,000	1,158,802	818,700
Weapons procurement, Navy							
17 1507 0 1 051							
	NEW:	4,353,611	479,000	5,705,700	619,000	1,352,089	140,000
	PRIOR:		2,781,000		3,338,000		557,000
	TOTAL:	4,353,611	3,260,000	5,705,700	3,957,000	1,352,089	697,000
Operation and Maintenance							
Operation and maintenance, Navy							
17 1804 0 1 051							
	NEW:	25,103,941	18,586,000	25,797,700	19,023,000	693,759	437,000
	PRIOR:		4,529,000		5,797,000		1,268,000
	TOTAL:	25,103,941	23,115,000	25,797,700	24,820,000	693,759	1,705,000

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Defense Subcommittee		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
Operation and maintenance, Navy Reserve							
17 1806 0 1 051	NEW:	827,181	590,000	954,500	676,000	127,319	86,000
	PRIOR:		153,000		191,000		38,000
	TOTAL:	827,181	743,000	954,500	867,000	127,319	124,000
Procurement							
Other procurement, Navy							
17 1810 0 1 051	NEW:	5,341,614	534,000	6,601,200	660,000	1,259,586	126,000
	PRIOR:		3,154,000		3,812,000		658,000
	TOTAL:	5,341,614	3,688,000	6,601,200	4,472,000	1,259,586	784,000
Revolving and Management Funds							
Navy stock fund							
17 4911 0 4 051	NEW:	473,307	359,700	716,500	548,700	243,193	185,000
	PRIOR:		-359,700		85,000		444,700
	TOTAL:	473,307	0	716,500	629,700	243,193	629,700
Marine Corps stock fund							
17 4913 0 4 051	NEW:	34,908	26,530	42,700	32,712	7,792	6,182
	PRIOR:		-26,530		6,000		32,530
	TOTAL:	34,908	0	42,700	38,712	7,792	38,712
Operation and Maintenance							
National Board for the Promotion of Rifle Practice, Army							
21 1705 0 1 051	NEW:	914	557	920	551	6	-6
	PRIOR:		343		350		7
	TOTAL:	914	900	920	901	6	1
Military Personnel							
Military personnel, Army							
21 2010 0 1 051	NEW:	21,097,085	20,600,000	22,712,000	22,258,000	1,614,915	1,658,000
	PRIOR:		265,000		210,000		-55,000
	TOTAL:	21,097,085	20,865,000	22,712,000	22,468,000	1,614,915	1,603,000
Operation and Maintenance							
Operation and maintenance, Army							
21 2020 0 1 051	NEW:	18,403,298	14,747,000	20,190,630	16,173,000	1,787,332	1,426,000
	PRIOR:		2,577,000		3,309,000		732,000
	TOTAL:	18,403,298	17,324,000	20,190,630	19,482,000	1,787,332	2,158,000
Procurement							
Missile procurement, Army							
21 2032 0 1 051	NEW:	3,158,300	259,000	3,419,300	277,000	261,000	18,000
	PRIOR:		2,287,000		2,578,000		291,000
	TOTAL:	3,158,300	2,546,000	3,419,300	2,855,000	261,000	309,000
Procurement of weapons and tracked combat vehicles, Army							
21 2033 0 1 051	NEW:	4,744,500	544,900	5,822,900	356,400	1,078,400	-188,500
	PRIOR:		3,278,500		4,004,600		726,100
	TOTAL:	4,744,500	3,823,400	5,822,900	4,361,000	1,078,400	537,600
Other procurement, Army							
21 2035 0 1 051	NEW:	5,122,450	308,000	5,712,800	342,000	590,350	34,000
	PRIOR:		3,762,000		4,269,000		507,000
	TOTAL:	5,122,450	4,070,000	5,712,800	4,611,000	590,350	541,000
Research, Development, Test, and Evaluation							
Research, development, test, and evaluation, Army							
21 2040 0 1 051	NEW:	4,376,115	2,305,000	5,279,900	2,798,000	903,785	493,000
	PRIOR:		1,741,000		1,850,000		109,000
	TOTAL:	4,376,115	4,046,000	5,279,900	4,648,000	903,785	602,000
Military Personnel							
National Guard personnel, Army							
21 2060 0 1 051	NEW:	2,889,559	2,651,000	3,430,800	3,109,000	541,241	458,000
	PRIOR:		169,000		260,000		91,000
	TOTAL:	2,889,559	2,820,000	3,430,800	3,369,000	541,241	549,000
Operation and Maintenance							
Operation and maintenance, Army National Guard							
21 2065 0 1 051	NEW:	1,424,293	1,260,000	1,605,200	1,400,000	180,907	140,000
	PRIOR:		91,000		145,000		54,000
	TOTAL:	1,424,293	1,351,000	1,605,200	1,545,000	180,907	194,000

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Defense Subcommittee		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
Military Personnel							
Reserve personnel, Army							
21 2070 0 1 051							
	NEW:	2,077,853	1,951,000	2,394,400	2,241,000	316,547	290,000
	PRIOR:		115,000		133,000		18,000
	TOTAL:	2,077,853	2,066,000	2,394,400	2,374,000	316,547	308,000
Operation and Maintenance							
Operation and maintenance, Army Reserve							
21 2080 0 1 051							
	NEW:	724,400	637,000	779,600	683,000	55,200	46,000
	PRIOR:		23,000		71,000		48,000
	TOTAL:	724,400	660,000	779,600	754,000	55,200	94,000
Revolving and Management Funds							
Army stock fund							
21 4991 0 4 051							
	NEW:	366,448	278,500	442,000	335,890	75,552	57,390
	PRIOR:		-278,500		-2,047,000		-1,768,500
	TOTAL:	366,448	0	442,000	-1,711,110	75,552	-1,711,110
Procurement							
Aircraft procurement, Air Force							
57 3010 0 1 051							
	NEW:	26,270,966	2,109,700	26,475,700	2,094,000	204,734	-15,700
	PRIOR:		13,108,000		17,583,000		4,475,000
	TOTAL:	26,270,966	15,217,700	26,475,700	19,677,000	204,734	4,459,300
Missile procurement, Air Force							
57 3020 0 1 051							
	NEW:	6,903,345	1,385,000	10,917,700	2,173,000	4,014,355	788,000
	PRIOR:		4,457,000		5,047,000		590,000
	TOTAL:	6,903,345	5,842,000	10,917,700	7,220,000	4,014,355	1,378,000
Other procurement, Air Force							
57 3080 0 1 051							
	NEW:	8,853,090	4,431,000	9,538,000	4,769,000	684,910	338,000
	PRIOR:		2,742,000		3,422,000		680,000
	TOTAL:	8,853,090	7,173,000	9,538,000	8,191,000	684,910	1,018,000
Operation and Maintenance							
Operation and maintenance, Air Force							
57 3400 0 1 051							
	NEW:	19,093,165	15,864,000	20,924,400	17,248,000	1,831,235	1,384,000
	PRIOR:		2,179,400		2,982,000		802,600
	TOTAL:	19,093,165	18,043,400	20,924,400	20,230,000	1,831,235	2,186,600
Military Personnel							
Military personnel, Air Force							
57 3500 0 1 051							
	NEW:	17,572,005	17,221,000	19,187,900	18,804,000	1,615,895	1,583,000
	PRIOR:		276,000		264,000		-12,000
	TOTAL:	17,572,005	17,497,000	19,187,900	19,068,000	1,615,895	1,571,000
Research, Development, Test, and Evaluation							
Research, development, test, and evaluation, Air Force							
57 3600 0 1 051							
	NEW:	13,506,247	6,980,000	15,578,500	8,101,000	2,072,253	1,121,000
	PRIOR:		4,930,000		5,491,000		561,000
	TOTAL:	13,506,247	11,910,000	15,578,500	13,592,000	2,072,253	1,682,000
Military Personnel							
Reserve personnel, Air Force							
57 3700 0 1 051							
	NEW:	566,631	493,000	622,500	545,000	55,869	52,000
	PRIOR:		32,000		60,000		28,000
	TOTAL:	566,631	525,000	622,500	605,000	55,869	80,000
Operation and Maintenance							
Operation and maintenance, Air Force Reserve							
57 3740 0 1 051							
	NEW:	872,461	770,000	907,700	798,000	35,239	28,000
	PRIOR:		35,000		80,000		45,000
	TOTAL:	872,461	805,000	907,700	878,000	35,239	73,000
Operation and maintenance, Air National Guard							
57 3840 0 1 051							
	NEW:	1,810,348	1,669,000	1,830,100	1,687,000	19,752	18,000
	PRIOR:		79,000		123,000		44,000
	TOTAL:	1,810,348	1,748,000	1,830,100	1,810,000	19,752	62,000
Military Personnel							
National Guard personnel, Air Force							
57 3850 0 1 051							
	NEW:	868,578	843,000	995,100	966,000	126,522	123,000
	PRIOR:		27,000		22,000		-5,000
	TOTAL:	868,578	870,000	995,100	988,000	126,522	118,000

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Defense Subcommittee		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
Operation and Maintenance							
Operation and maintenance, Defense agencies							
97 0100 0 1 051	NEW:	7,076,069	6,311,000	7,568,900	6,735,000	492,831	424,000
	PRIOR:		354,000		892,000		538,000
	TOTAL:	7,076,069	6,665,000	7,568,900	7,627,000	492,831	962,000
Claims, Defense							
97 0102 0 1 051	NEW:	146,500	155,000	158,300	154,000	11,800	-1,000
	PRIOR:		33,000		4,000		-29,000
	TOTAL:	146,500	188,000	158,300	158,000	11,800	-30,000
Court of Military Appeals, Defense							
97 0104 0 1 051	NEW:	2,870	2,657	3,200	2,800	330	143
	PRIOR:		338		200		-138
	TOTAL:	2,870	2,995	3,200	3,000	330	5
Procurement							
Procurement, Defense agencies							
97 0300 0 1 051	NEW:	1,166,201	186,000	1,391,900	223,000	225,699	37,000
	PRIOR:		585,000		735,000		150,000
	TOTAL:	1,166,201	771,000	1,391,900	958,000	225,699	187,000
Defense production act purchases							
97 0360 0 1 051	NEW:	10,000	0	59,000	0	49,000	0
	PRIOR:		0		0		0
	TOTAL:	10,000	0	59,000	0	49,000	0
Research, Development, Test, and Evaluation							
Research, development, test, and evaluation, Defense agencie							
97 0400 0 1 051	NEW:	4,236,327	1,882,000	7,053,900	3,174,000	2,817,573	1,292,000
	PRIOR:		1,346,000		1,973,000		627,000
	TOTAL:	4,236,327	3,228,000	7,053,900	5,147,000	2,817,573	1,919,000
Director of test and evaluation, Defense							
97 0450 0 1 051	NEW:	59,000	17,000	103,500	31,000	44,500	14,000
	PRIOR:		34,000		38,000		4,000
	TOTAL:	59,000	51,000	103,500	69,000	44,500	18,000
Revolving and Management Funds							
Defense stock fund							
97 4961 0 4 051	NEW:	130,700	99,332	193,500	146,610	62,800	47,278
	PRIOR:		-99,332		24,000		123,332
	TOTAL:	130,700	0	193,500	170,610	62,800	170,610
Allowances							
Other legislation							
97 9912 0 1 051	NEW:	0	0	188,700	69,800	188,700	69,800
	PRIOR:		0		0		0
	TOTAL:	0	0	188,700	69,800	188,700	69,800
Defense-related activities							
Other Independent Agencies							
Central Intelligence Agency							
Payment to the Central Intelligence Agency retirement and di							
56 3400 0 1 054	NEW:	99,300	99,300	109,500	109,500	10,200	10,200
	PRIOR:		0		0		0
	TOTAL:	99,300	99,300	109,500	109,500	10,200	10,200
Other Independent Agencies							
Intelligence Community Staff							
Intelligence community staff							
95 0400 0 1 054	NEW:	20,797	13,716	21,900	19,710	1,103	5,994
	PRIOR:		7,143		2,029		-5,114
	TOTAL:	20,797	20,859	21,900	21,739	1,103	880
COMMITTEE TOTAL.. DE Defense Subcommittee	NEW:	253,552,283	154,933,192	284,576,950	171,017,673	31,024,667	16,084,481
	PRIOR:		66,032,662		80,073,179		14,040,517
	TOTAL:	253,552,283	220,965,854	284,576,950	251,090,852	31,024,667	30,124,998

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Energy and Water Subcomm		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
NATIONAL DEFENSE							
Atomic energy defense activities							
Department of Energy							
Atomic Energy Defense Activities							
Atomic energy defense activities							
89 0220 0 1 053							
	NEW:	5,682,190	3,116,633	8,046,900	4,292,535	2,364,710	1,175,902
	PRIOR:		3,715,936		3,407,465		-308,471
	TOTAL:	5,682,190	6,832,569	8,046,900	7,700,000	2,364,710	867,431
GENERAL SCIENCE, SPACE, AND TECHNOLOGY							
General science and basic research							
Energy Programs							
General science and research activities							
89 0222 0 1 251							
	NEW:	518,167	350,787	685,400	464,016	167,233	113,229
	PRIOR:		152,930		167,757		14,827
	TOTAL:	518,167	503,717	685,400	631,773	167,233	128,056
ENERGY							
Energy supply							
Energy supply, R&D activities							
89 0224 0 1 271							
	NEW:	1,955,489	993,489	1,969,671	1,002,562	14,182	9,073
	PRIOR:		1,103,488		1,022,525		-80,963
	TOTAL:	1,955,489	2,096,977	1,969,671	2,025,087	14,182	-71,890
Power Marketing Administration							
Operation and maintenance, Southeastern Power Administration							
89 0302 0 1 271							
	NEW:	35,729	14,283	39,800	15,920	4,071	1,637
	PRIOR:		7,372		18,254		10,882
	TOTAL:	35,729	21,655	39,800	34,174	4,071	12,519
Energy Programs							
Nuclear waste disposal fund							
89 5227 0 2 271							
	NEW:	327,669	187,000	571,460	285,730	243,791	98,730
	PRIOR:		137,208		140,898		3,690
	TOTAL:	327,669	324,208	571,460	426,628	243,791	102,420
Energy information, policy, and regulation							
Departmental Administration							
Departmental administration							
89 0228 0 1 276							
	NEW:	133,789	-8,624	170,424	4,563	36,635	13,187
	PRIOR:		133,474		156,796		23,322
	TOTAL:	133,789	124,850	170,424	161,359	36,635	36,509
NATURAL RESOURCES AND ENVIRONMENT							
Water resources							
Department of Defense--Civil							
Corps of Engineers--Civil							
Inland waterways trust fund							
20 8861 0 7 301							
	NEW:	0	0	196,000	137,200	196,000	137,200
	PRIOR:		0		0		0
	TOTAL:	0	0	196,000	137,200	196,000	137,200
Revolving fund							
96 4902 0 4 301							
	NEW:	0	8,000	7,000	7,000	7,000	-1,000
	PRIOR:		-1,900		0		1,900
	TOTAL:	0	6,100	7,000	7,000	7,000	900
COMMITTEE TOTAL.. EW Energy and Water Subcomm							
	NEW:	8,653,033	4,661,568	11,686,655	6,209,526	3,033,622	1,547,958
	PRIOR:		5,248,508		4,913,695		-334,813
	TOTAL:	8,653,033	9,910,076	11,686,655	11,123,221	3,033,622	1,213,145

(AMOUNTS IN THOUSANDS)

Foreign Operations Subcomm		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
INTERNATIONAL AFFAIRS							
Foreign economic and financial assistance							
Funds Appropriated to the President							
Multilateral Assistance							
Contribution to the International Bank for Reconstruction an							
11 0077 0 1 151							
	NEW:	139,723	13,972	182,871	18,287	43,148	4,315
	PRIOR:		16,047		37,813		21,766
	TOTAL:	139,723	30,019	182,871	56,100	43,148	26,081
Contribution to the International Finance Corporation							
11 0078 0 1 151							
	NEW:	0	0	35,033	35,033	35,033	35,033
	PRIOR:		0		0		0
	TOTAL:	0	0	35,033	35,033	35,033	35,033

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Foreign Operations Subcomm	1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
Contribution to the African Development Fund						
11 0079 0 1 151						
NEW:	50,000	0	75,000	0	25,000	0
PRIOR:		68,960		56,150		-12,810
TOTAL:	50,000	68,960	75,000	56,150	25,000	-12,810
Agency for International Development						
Functional development assistance program						
11 1021 0 1 151						
NEW:	1,646,354	202,617	1,655,900	203,676	9,546	1,059
PRIOR:		1,125,286		1,240,908		115,622
TOTAL:	1,646,354	1,327,903	1,655,900	1,444,584	9,546	116,681
Department of State						
Other						
International narcotics control						
11 1022 0 1 151						
NEW:	50,217	16,321	57,529	18,697	7,312	2,376
PRIOR:		24,193		28,674		4,481
TOTAL:	50,217	40,514	57,529	47,371	7,312	6,857
Migration and refugee assistance						
19 1143 0 1 151						
NEW:	325,500	222,968	337,680	231,311	12,180	8,343
PRIOR:		90,106		86,424		-3,682
TOTAL:	325,500	313,074	337,680	317,735	12,180	4,661
Funds Appropriated to the President						
Agency for International Development						
Private sector revolving fund						
72 4341 0 3 151						
NEW:	16,000	6,038	20,000	7,574	4,000	1,536
PRIOR:		4,529		10,914		6,385
TOTAL:	16,000	10,567	20,000	18,488	4,000	7,921
International security assistance						
International Security Assistance						
Economic support fund						
11 1037 0 1 152						
NEW:	3,841,000	2,216,257	4,078,000	2,338,416	237,000	122,159
PRIOR:		1,557,859		1,462,576		-95,283
TOTAL:	3,841,000	3,774,116	4,078,000	3,800,992	237,000	26,876
Military assistance						
11 1080 0 1 152						
NEW:	805,100	792,425	949,350	934,160	144,250	141,735
PRIOR:		18,500		10,466		-8,034
TOTAL:	805,100	810,925	949,350	944,626	144,250	133,701
International military education and training						
11 1081 0 1 152						
NEW:	56,221	25,299	65,650	29,543	9,429	4,244
PRIOR:		23,482		25,822		2,340
TOTAL:	56,221	48,781	65,650	55,365	9,429	6,584
Foreign military sales credit						
11 1082 0 1 152						
NEW:	4,939,500	1,297,190	5,655,000	1,740,349	715,500	443,159
PRIOR:		1,110,300		2,448,209		1,337,909
TOTAL:	4,939,500	2,407,490	5,655,000	4,188,558	715,500	1,781,068
COMMITTEE TOTAL.. FA Foreign Operations Subcomm						
NEW:	11,869,615	4,793,087	13,112,013	5,557,046	1,242,398	763,959
PRIOR:		4,039,262		5,407,956		1,368,694
TOTAL:	11,869,615	8,832,349	13,112,013	10,965,002	1,242,398	2,132,653

(AMOUNTS IN THOUSANDS)

Hud-Independent Subcomm	1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
GENERAL SCIENCE, SPACE, AND TECHNOLOGY						
General science and basic research						
Other Independent Agencies						
National Science Foundation						
Research and related activities						
49 0100 0 1 251						
NEW:	1,304,910	664,199	1,397,750	767,365	92,840	103,166
PRIOR:		565,635		594,594		28,959
TOTAL:	1,304,910	1,229,834	1,397,750	1,361,959	92,840	132,125
U.S. Antarctic program						
49 0200 0 1 251						
NEW:	110,080	34,345	120,100	42,035	10,020	7,690
PRIOR:		68,850		75,626		6,776
TOTAL:	110,080	103,195	120,100	117,661	10,020	14,466

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Hud-Independent Subcomm	1985		1986		DIFFERENCE COL2 - COL1	
	BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
Space flight						
National Aeronautics and Space Administration						
National Aeronautics and Space Administration						
Research and program management (Space flight)						
80 0103 0 1 253						
NEW:	557,200	525,774	581,200	548,653	24,000	22,879
PRIOR:		32,684		29,530		-3,154
TOTAL:	557,200	558,458	581,200	578,183	24,000	19,725
Research and development (Space flight)						
80 0108 0 1 253						
NEW:	501,400	382,092	709,300	548,454	207,900	166,362
PRIOR:		107,650		108,910		1,260
TOTAL:	501,400	489,742	709,300	657,364	207,900	167,622
Space, science, applications, and technology						
Research and program management (Space science, applications						
80 0103 0 1 254						
NEW:	441,200	405,904	449,600	413,632	8,400	7,728
PRIOR:		34,469		35,244		775
TOTAL:	441,200	440,373	449,600	448,876	8,400	8,503
Construction of facilities (Space science, applications, and						
80 0107 0 1 254						
NEW:	8,300	954	13,000	1,495	4,700	541
PRIOR:		5,712		7,798		2,086
TOTAL:	8,300	6,666	13,000	9,293	4,700	2,627
Research and development (Space science, applications, and t						
80 0108 0 1 254						
NEW:	1,564,000	875,840	1,802,300	1,009,288	238,300	133,448
PRIOR:		571,822		666,523		94,701
TOTAL:	1,564,000	1,447,662	1,802,300	1,675,811	238,300	228,149
Supporting space activities						
Research and program management (Supporting space activities						
80 0103 0 1 255						
NEW:	58,600	55,670	59,200	56,280	600	610
PRIOR:		2,941		2,904		-37
TOTAL:	58,600	58,611	59,200	59,184	600	573
Space flight, control, and data communications (Supporting s						
80 0105 0 1 255						
NEW:	795,700	572,904	808,300	581,976	12,600	9,072
PRIOR:		168,500		219,145		50,645
TOTAL:	795,700	741,404	808,300	801,121	12,600	59,717
Construction of facilities (Supporting space activities)						
80 0107 0 1 255						
NEW:	85,200	8,520	93,300	9,330	8,100	810
PRIOR:		59,020		62,556		3,536
TOTAL:	85,200	67,540	93,300	71,886	8,100	4,346
Research and development (Supporting space activities)						
80 0108 0 1 255						
NEW:	14,800	10,656	16,200	11,664	1,400	1,008
PRIOR:		31,083		15,000		-16,083
TOTAL:	14,800	41,739	16,200	26,664	1,400	-15,075
ENERGY						
Energy supply						
Environmental Protection Agency						
Environmental Protection Agency						
Research and development (energy supply)						
68 0107 0 1 271						
NEW:	52,337	15,701	61,863	18,559	9,526	2,858
PRIOR:		19,235		34,050		14,815
TOTAL:	52,337	34,936	61,863	52,609	9,526	17,673
NATURAL RESOURCES AND ENVIRONMENT						
Pollution control and abatement						
Hazardous substance response trust fund						
20 8145 0 7 304						
NEW:	620,000	210,791	900,000	306,000	280,000	95,209
PRIOR:		189,709		320,937		131,228
TOTAL:	620,000	400,500	900,000	626,937	280,000	226,437
Research and development (Pollution control and abatement)						
68 0107 0 1 304						
NEW:	136,538	39,130	150,537	43,054	13,999	3,924
PRIOR:		84,296		80,539		-3,757
TOTAL:	136,538	123,426	150,537	123,593	13,999	167
Abatement, control, and compliance						
68 0108 0 1 304						
NEW:	453,087	214,742	495,500	233,381	42,413	18,639
PRIOR:		234,863		249,789		14,926
TOTAL:	453,087	449,605	495,500	483,170	42,413	33,565

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Hud-Independent Subcomm	1985		1986		DIFFERENCE COL2 - COL1	
	BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
Salaries and expenses						
68 0200 0 1 304						
NEW:	654,412	571,938	654,696	572,204	284	266
PRIOR:		53,665		77,102		23,437
TOTAL:	654,412	625,603	654,696	649,306	284	23,703
COMMERCE AND HOUSING CREDIT						
Mortgage credit and deposit insurance						
Other Independent Agencies						
National Credit Union Administration						
Central liquidity facility						
25 4470 0 3 371						
NEW:	105,000	0	106,000	0	1,000	0
PRIOR:		99,000		101,000		2,000
TOTAL:	105,000	99,000	106,000	101,000	1,000	2,000
Other advancement of commerce						
General Services Administration						
Office of Information Resources Management						
Consumer information center fund						
47 4549 0 3 376						
NEW:	1,149	0	1,249	0	100	0
PRIOR:		878		1,149		271
TOTAL:	1,149	878	1,249	1,149	100	271
TRANSPORTATION						
Air transportation						
National Aeronautics and Space Administration						
National Aeronautics and Space Administration						
Research and development (Air transportation)						
80 0108 0 1 402						
NEW:	342,400	188,320	354,000	194,700	11,600	6,380
PRIOR:		135,148		148,963		13,815
TOTAL:	342,400	323,468	354,000	343,663	11,600	20,195
COMMUNITY AND REGIONAL DEVELOPMENT						
Community development						
Department of Housing and Urban Development						
Policy Development and Research						
Research and technology						
86 0108 0 1 451						
NEW:	16,900	5,070	18,900	5,670	2,000	600
PRIOR:		17,448		13,300		-4,148
TOTAL:	16,900	22,518	18,900	18,970	2,000	-3,548
Management and Administration						
Salaries and expenses, including transfer of funds (Communit						
86 0143 0 1 451						
NEW:	186,074	154,845	191,020	159,693	4,946	4,848
PRIOR:		35,893		31,229		-4,664
TOTAL:	186,074	190,738	191,020	190,922	4,946	184
Disaster relief and insurance						
Funds Appropriated to the President						
Disaster Relief						
Disaster relief						
11 0039 0 1 453						
NEW:	100,000	18,750	194,000	194,000	94,000	175,250
PRIOR:		366,629		173,435		-193,194
TOTAL:	100,000	385,379	194,000	367,435	94,000	-17,944
Other Independent Agencies						
Federal Emergency Management Agency						
National flood insurance fund						
58 4236 0 3 453						
NEW:	95,064	0	98,459	0	3,395	0
PRIOR:		74,964		92,208		17,244
TOTAL:	95,064	74,964	98,459	92,208	3,395	17,244
INCOME SECURITY						
Housing assistance						
Department of Housing and Urban Development						
Management and Administration						
Salaries and expenses, including transfer of funds (Housing						
86 0143 0 1 604						
NEW:	74,026	62,500	96,138	81,525	22,112	19,025
PRIOR:		11,526		11,526		0
TOTAL:	74,026	74,026	96,138	93,051	22,112	19,025
VETERANS BENEFITS AND SERVICES						
Income security for veterans						
Veterans Administration						
Veterans Administration						
Compensation						
36 0153 0 1 701						
NEW:	10,197,300	9,354,639	10,446,000	9,579,394	248,700	224,755
PRIOR:		842,061		838,106		-3,955
TOTAL:	10,197,300	10,196,700	10,446,000	10,417,500	248,700	220,800

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Hud-Independent Subcomm		1985		1986		DIFFERENCE COL2 - COL1	
		BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
Pensions							
36 0154 0 1 701							
	NEW:	3,854,100	3,538,925	3,940,700	3,621,521	86,600	82,596
	PRIOR:		349,975		315,179		-34,796
	TOTAL:	3,854,100	3,888,900	3,940,700	3,936,700	86,600	47,800
Burial benefits and miscellaneous assistance							
36 0155 0 1 701							
	NEW:	135,700	135,522	144,100	143,922	8,400	8,400
	PRIOR:		178		178		0
	TOTAL:	135,700	135,700	144,100	144,100	8,400	8,400
Hospital and medical care for veterans							
Medical care							
36 0160 0 1 703							
	NEW:	8,781,904	7,640,154	9,090,000	7,908,300	308,096	268,146
	PRIOR:		1,000,874		957,172		-43,702
	TOTAL:	8,781,904	8,641,028	9,090,000	8,865,472	308,096	224,444
Other veterans benefits and services							
Department of Defense--Civil							
Cemeterial Expenses, Army							
Salaries and expenses							
21 1805 0 1 705							
	NEW:	7,759	6,284	14,778	6,502	7,019	218
	PRIOR:		2,000		2,164		164
	TOTAL:	7,759	8,284	14,778	8,666	7,019	382
Veterans Administration							
Veterans Administration							
General operating expenses							
36 0151 0 1 705							
	NEW:	746,120	686,300	749,412	689,459	3,292	3,159
	PRIOR:		60,054		59,820		-234
	TOTAL:	746,120	746,354	749,412	749,279	3,292	2,925
ADMINISTRATION OF JUSTICE							
Federal law enforcement activities							
Department of Housing and Urban Development							
Management and Administration							
Salaries and expenses, including transfer of funds (Federal							
86 0143 0 1 751							
	NEW:	25,965	22,004	26,267	22,590	302	586
	PRIOR:		3,524		3,683		159
	TOTAL:	25,965	25,528	26,267	26,273	302	745
Fair Housing and Equal Opportunity							
Fair housing initiatives							
86 0151 0 1 751							
	NEW:	0	0	10,000	6,000	10,000	6,000
	PRIOR:		0		0		0
	TOTAL:	0	0	10,000	6,000	10,000	6,000
GENERAL GOVERNMENT							
Executive direction and management							
Executive Office of the President							
Council on Environmental Quality and Office of Environmental Quality							
Council on Environmental Quality and Office of Environmental							
11 1453 0 1 802							
	NEW:	700	683	705	688	5	5
	PRIOR:		32		17		-15
	TOTAL:	700	715	705	705	5	-10
COMMITTEE TOTAL.. IH Hud-Independent Subcomm							
	NEW:	32,027,925	26,403,156	33,794,574	27,777,334	1,766,649	1,374,178
	PRIOR:		5,230,318		5,329,376		99,058
	TOTAL:	32,027,925	31,633,474	33,794,574	33,106,710	1,766,649	1,473,236

INTERNATIONAL AFFAIRS							
Foreign economic and financial assistance							
Department of State							
Other							
Compact of free association							
19 0117 0 1 151							
	NEW:	0	0	299,270	299,270	299,270	299,270
	PRIOR:		0		0		0
	TOTAL:	0	0	299,270	299,270	299,270	299,270

CBO/BUDGET ANALYSIS DIV(MAR40R) CBO EST. OF PRES. WHERE BUDGET YEAR DATA
(UNIFIED BUDGET) IS GREATER THAN CURRENT YEAR DATA
P63 SORTED BY: SCOM,FUNC,SFUN,TID
(AMOUNTS IN THOUSANDS)

Interior Subcommittee		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
ENERGY							
Energy supply							
Department of the Treasury							
Financial Management Service							
Energy security reserve							
20 0112 0 1 271							
	NEW:	-5,375,000	0	0	0	5,375,000	0
	PRIOR:		50,458		181,654		131,196
	TOTAL:	-5,375,000	50,458	0	181,654	5,375,000	131,196
NATURAL RESOURCES AND ENVIRONMENT							
Conservation and land management							
Department of Agriculture							
Forest Service							
Construction							
12 1103 0 1 302							
	NEW:	35,050	159,598	209,637	128,298	174,587	-31,300
	PRIOR:		106,466		91,617		-14,849
	TOTAL:	35,050	266,064	209,637	219,915	174,587	-46,149
National forest system							
12 1106 0 1 302							
	NEW:	1,094,793	954,968	1,103,342	960,855	8,549	5,887
	PRIOR:		121,226		139,823		18,597
	TOTAL:	1,094,793	1,076,194	1,103,342	1,100,678	8,549	24,484
Acquisition of lands for national forests, special acts							
12 5208 0 2 302							
	NEW:	766	645	800	674	34	29
	PRIOR:		121		121		0
	TOTAL:	766	766	800	795	34	29
Miscellaneous trust funds							
12 9973 0 7 302							
	NEW:	181,043	88	199,717	5,190	18,674	5,102
	PRIOR:		167,334		179,603		12,269
	TOTAL:	181,043	167,422	199,717	184,793	18,674	17,371
Department of the Interior							
Bureau of Land Management							
Service charges, deposits, and forfeitures							
14 5017 0 2 302							
	NEW:	4,070	840	5,920	1,330	1,850	490
	PRIOR:		2,902		3,230		328
	TOTAL:	4,070	3,742	5,920	4,560	1,850	818
Range improvements							
14 5132 0 2 302							
	NEW:	10,000	6,450	10,460	6,747	460	297
	PRIOR:		4,175		3,550		-625
	TOTAL:	10,000	10,625	10,460	10,297	460	-328
Recreational resources							
National Park Service							
National park system visitor facilities fund							
14 5078 0 2 303							
	NEW:	5,880	2,528	8,500	3,655	2,620	1,127
	PRIOR:		3,500		3,236		-264
	TOTAL:	5,880	6,028	8,500	6,891	2,620	863
United States Fish and Wildlife Service							
Sport fish restoration							
14 8151 0 7 303							
	NEW:	0	0	44,000	0	44,000	0
	PRIOR:		0		0		0
	TOTAL:	0	0	44,000	0	44,000	0
COMMUNITY AND REGIONAL DEVELOPMENT							
Area and regional development							
Bureau of Indian Affairs							
Operation of Indian programs (Area and regional development)							
14 2100 0 1 452							
	NEW:	495,183	345,142	502,208	350,039	7,025	4,897
	PRIOR:		159,489		144,648		-14,841
	TOTAL:	495,183	504,631	502,208	494,687	7,025	-9,944
Indian loan guaranty and insurance fund							
14 4410 0 3 452							
	NEW:	0	0	1,485	1,485	1,485	1,485
	PRIOR:		4,470		4,000		-470
	TOTAL:	0	4,470	1,485	5,485	1,485	1,015
Miscellaneous trust funds (Area and regional development)							
14 9973 0 7 452							
	NEW:	403,503	399,508	418,908	414,759	15,405	15,251
	PRIOR:		3,271		3,995		724
	TOTAL:	403,503	402,779	418,908	418,754	15,405	15,975

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(AMOUNTS IN THOUSANDS)

Interior Subcommittee		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES							
Research and general education aids							
Other Independent Agencies							
Smithsonian Institution							
Salaries and expenses							
33 0100 0 1 503							
	NEW:	162,415	144,026	180,525	159,385	18,110	15,359
	PRIOR:		17,706		19,338		1,632
	TOTAL:	162,415	161,732	180,525	178,723	18,110	16,991
Restoration and renovation of buildings							
33 0132 0 1 503							
	NEW:	13,475	4,736	14,140	10,317	665	5,581
	PRIOR:		8,864		3,392		-5,472
	TOTAL:	13,475	13,600	14,140	13,709	665	109
Construction							
33 0133 0 1 503							
	NEW:	0	0	4,000	4,000	4,000	4,000
	PRIOR:		12,000		7,000		-5,000
	TOTAL:	0	12,000	4,000	11,000	4,000	-1,000
Salaries and expenses, National Gallery of Art							
33 0200 0 1 503							
	NEW:	36,085	32,658	36,704	34,778	619	2,120
	PRIOR:		4,813		3,555		-1,258
	TOTAL:	36,085	37,471	36,704	38,333	619	862
Salaries and expenses, Woodrow Wilson International Center f							
33 0400 0 1 503							
	NEW:	2,658	1,485	2,852	1,679	194	194
	PRIOR:		1,173		1,173		0
	TOTAL:	2,658	2,658	2,852	2,852	194	194
GENERAL PURPOSE FISCAL ASSISTANCE							
Other general purpose fiscal assistance							
Department of the Interior							
Bureau of Land Management							
Payments in lieu of taxes							
14 1114 0 1 852							
	NEW:	102,900	102,900	105,000	105,000	2,100	2,100
	PRIOR:		0		0		0
	TOTAL:	102,900	102,900	105,000	105,000	2,100	2,100
United States Fish and Wildlife Service							
National wildlife refuge fund							
14 5091 0 2 852							
	NEW:	12,385	8,666	12,685	12,544	300	3,878
	PRIOR:		3,929		0		-3,929
	TOTAL:	12,385	12,595	12,685	12,544	300	-51
COMMITTEE TOTAL.. IN Interior Subcommittee							
	NEW:	-2,814,794	2,164,238	3,160,153	2,500,005	5,974,947	335,767
	PRIOR:		671,897		789,935		118,038
	TOTAL:	-2,814,794	2,836,135	3,160,153	3,289,940	5,974,947	453,805

(AMOUNTS IN THOUSANDS)

Labor, HHS Subcomm		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES							
Elementary, secondary, and vocational education							
Department of Education							
Special Institutions							
American Printing House for the Blind							
91 0600 0 1 501							
	NEW:	5,500	5,500	5,510	5,510	10	10
	PRIOR:		0		0		0
	TOTAL:	5,500	5,500	5,510	5,510	10	10
Higher education							
Office of Postsecondary Education							
Higher education facilities loans and insurance							
91 0240 0 1 502							
	NEW:	14,194	0	17,996	0	3,802	0
	PRIOR:		5,629		1,996		-3,633
	TOTAL:	14,194	5,629	17,996	1,996	3,802	-3,633
Special Institutions							
Gallaudet College							
91 0602 0 1 502							
	NEW:	58,700	58,700	58,889	58,889	189	189
	PRIOR:		2,000		0		-2,000
	TOTAL:	58,700	60,700	58,889	58,889	189	-1,811

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Labor, HHS Subcomm		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
Research and general education aids							
Other Independent Agencies							
Corporation for Public Broadcasting							
Public broadcasting fund							
20 0151 0 1 503							
	NEW:	150,500	150,500	159,500	159,500	9,000	9,000
	PRIOR:		0		0		0
	TOTAL:	150,500	150,500	159,500	159,500	9,000	9,000
Training and employment							
Department of Labor							
Employment and Training Administration							
State unemployment insurance and employment service operatio							
16 0179 0 1 504							
	NEW:	23,500	6,850	23,600	6,575	100	-275
	PRIOR:		43,754		16,650		-27,104
	TOTAL:	23,500	50,604	23,600	23,225	100	-27,379
Other labor services							
Bureau of Labor Statistics							
Salaries and expenses							
16 0200 0 1 505							
	NEW:	147,095	138,210	148,294	138,898	1,199	688
	PRIOR:		10,691		10,503		-188
	TOTAL:	147,095	148,901	148,294	149,401	1,199	500
Social services							
Department of Health and Human Services							
Human Development Services							
Family social services							
75 1645 0 1 506							
	NEW:	736,910	731,194	740,994	736,976	4,084	5,782
	PRIOR:		47,955		5,507		-42,448
	TOTAL:	736,910	779,149	740,994	742,483	4,084	-36,666
HEALTH							
Health care services							
Office of Assistant Secretary for Health							
Retirement pay and medical benefits for commissioned officer							
75 0379 0 1 551							
	NEW:	72,121	69,240	97,702	75,909	25,581	6,669
	PRIOR:		2,084		2,124		40
	TOTAL:	72,121	71,324	97,702	78,033	25,581	6,709
Health Care Financing Administration							
Grants to states for medicaid							
75 0512 0 1 551							
	NEW:	21,845,491	21,126,807	23,016,000	22,684,918	1,170,509	1,558,111
	PRIOR:		1,470,193		331,082		-1,139,111
	TOTAL:	21,845,491	22,597,000	23,016,000	23,016,000	1,170,509	419,000
Legislative Branch							
Other Legislative Branch Agencies							
Prospective Payment Assessment Commission							
95 3400 0 1 551							
	NEW:	2,424	2,124	3,240	2,940	816	816
	PRIOR:		1,170		300		-870
	TOTAL:	2,424	3,294	3,240	3,240	816	-54
Health research							
Department of Health and Human Services							
Office of Assistant Secretary for Health							
Public health service management (Health research)							
75 1101 0 1 552							
	NEW:	59,060	27,846	64,180	31,236	5,120	3,390
	PRIOR:		35,601		32,809		-2,792
	TOTAL:	59,060	63,447	64,180	64,045	5,120	598
Alcohol, Drug Abuse, and Mental Health Administration							
Alcohol, drug abuse, and mental health (Health research)							
75 1361 0 1 552							
	NEW:	375,149	278,957	375,194	263,571	45	-15,386
	PRIOR:		94,985		115,660		20,675
	TOTAL:	375,149	373,942	375,194	379,231	45	5,289
Education and training of health care work force							
National Institutes of Health							
Research resources (Education and training of health care wo							
75 0848 0 1 553							
	NEW:	1,102	48	1,109	60	7	12
	PRIOR:		908		1,130		222
	TOTAL:	1,102	956	1,109	1,190	7	234
National Cancer Institute (Education and training of health							
75 0849 0 1 553							
	NEW:	30,838	646	32,290	646	1,452	0
	PRIOR:		23,739		30,552		6,813
	TOTAL:	30,838	24,385	32,290	31,198	1,452	6,813

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(AMOUNTS IN THOUSANDS)

Labor, HHS Subcomm	1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
National Institute of General Medical Sciences (Education an						
75 0851 0 1 553						
NEW:	59,337	40,225	59,412	44,988	75	4,763
PRIOR:		14,768		15,000		232
TOTAL:	59,337	54,993	59,412	59,988	75	4,995
National Eye Institute (Education and training of health car						
75 0887 0 1 553						
NEW:	5,486	3,996	5,491	4,000	5	4
PRIOR:		705		706		1
TOTAL:	5,486	4,701	5,491	4,706	5	5
MEDICARE						
Medicare						
Health Care Financing Administration						
Federal hospital insurance trust fund						
20 8005 0 7 572						
NEW:	52,928,000	30,974,743	62,160,000	48,999,865	9,232,000	18,025,122
PRIOR:		17,237,161		0		-17,237,161
TOTAL:	52,928,000	48,211,904	62,160,000	48,999,865	9,232,000	787,961
INCOME SECURITY						
General retirement and disability insurance (excluding socia						
Department of Labor						
Employment and Training Administration						
Advances to the unemployment trust fund and other funds (Gen						
16 0327 0 1 601						
NEW:	0	0	116,000	116,000	116,000	116,000
PRIOR:		395,000		0		-395,000
TOTAL:	0	395,000	116,000	116,000	116,000	-279,000
Employment Standards Administration						
Special benefits (General retirement and disability insuranc						
16 1521 0 1 601						
NEW:	4,400	4,400	4,500	4,500	100	100
PRIOR:		0		0		0
TOTAL:	4,400	4,400	4,500	4,500	100	100
Black lung disability trust fund						
20 8144 0 7 601						
NEW:	963,537	970,073	999,000	999,000	35,463	28,927
PRIOR:		927		0		-927
TOTAL:	963,537	971,000	999,000	999,000	35,463	28,000
Other Independent Agencies						
Railroad Retirement Board						
Federal payments to the railroad retirement accounts						
60 0113 0 1 601						
NEW:	2,895,600	2,895,000	3,099,000	3,099,200	203,400	204,200
PRIOR:		0		1,000		1,000
TOTAL:	2,895,600	2,895,000	3,099,000	3,100,200	203,400	205,200
Rail Industry Pension Fund						
60 8011 0 7 601						
NEW:	3,740,600	55,531	4,070,000	20,795	329,400	-34,736
PRIOR:		2,263,494		2,326,230		62,736
TOTAL:	3,740,600	2,319,025	4,070,000	2,347,025	329,400	28,000
Federal employee retirement and disability						
Department of Labor						
Employment Standards Administration						
Special benefits (Federal employee retirement and disability						
16 1521 0 1 602						
NEW:	207,000	206,527	233,000	232,527	26,000	26,000
PRIOR:		473		473		0
TOTAL:	207,000	207,000	233,000	233,000	26,000	26,000
Unemployment compensation						
Employment and Training Administration						
Advances to the unemployment trust fund and other funds (Une						
16 0327 0 1 603						
NEW:	0	0	80,000	80,000	80,000	80,000
PRIOR:		1,305,000		0		-1,305,000
TOTAL:	0	1,305,000	80,000	80,000	80,000	-1,225,000
Other income security						
Department of Health and Human Services						
Social Security Administration						
Supplemental security income program						
75 0406 0 1 609						
NEW:	9,309,000	9,309,000	9,913,000	9,913,000	604,000	604,000
PRIOR:		348,000		28,000		-320,000
TOTAL:	9,309,000	9,657,000	9,913,000	9,941,000	604,000	284,000
Assistance payments program						
75 0412 0 1 609						
NEW:	8,517,000	8,517,000	8,773,000	8,773,000	256,000	256,000
PRIOR:		80,000		0		-80,000
TOTAL:	8,517,000	8,597,000	8,773,000	8,773,000	256,000	176,000

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Labor, HHS Subcomm		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
SOCIAL SECURITY							
SOCIAL SECURITY							
Federal old-age and survivors insurance trust fund							
20 8006 0 7 650	NEW:	177,976,000	172,091,865	191,169,000	181,681,586	13,193,000	9,589,721
	PRIOR:		0		0		0
	TOTAL:	177,976,000	172,091,865	191,169,000	181,681,586	13,193,000	9,589,721
Federal disability insurance trust fund							
20 8007 0 7 650	NEW:	20,373,000	19,586,689	20,586,000	20,258,000	213,000	671,311
	PRIOR:		0		0		0
	TOTAL:	20,373,000	19,586,689	20,586,000	20,258,000	213,000	671,311
COMMITTEE TOTAL.. LA Labor, HHS Subcomm	NEW:	300,501,544	267,251,671	326,011,901	298,392,089	25,510,357	31,140,418
	PRIOR:		23,384,237		2,919,722		-20,464,515
	TOTAL:	300,501,544	290,635,908	326,011,901	301,311,811	25,510,357	10,675,903

(AMOUNTS IN THOUSANDS)

Legislative Branch Subcomm		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
COMMERCE AND HOUSING CREDIT							
Other advancement of commerce							
Legislative Branch							
Library of Congress							
Copyright Office: Salaries and expenses							
03 0102 0 1 376	NEW:	11,102	10,159	12,081	11,054	979	895
	PRIOR:		940		943		3
	TOTAL:	11,102	11,099	12,081	11,997	979	898
Other Legislative Branch Agencies							
Copyright Royalty Tribunal: Salaries and expenses							
09 0310 0 1 376	NEW:	217	211	227	221	10	10
	PRIOR:		6		6		0
	TOTAL:	217	217	227	227	10	10
EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES							
Research and general education aids							
Library of Congress							
Salaries and expenses							
03 0101 0 1 503	NEW:	133,192	111,237	142,307	123,729	9,115	12,492
	PRIOR:		24,578		21,926		-2,652
	TOTAL:	133,192	135,815	142,307	145,655	9,115	9,840
Books for the blind and physically handicapped: Salaries and							
03 0141 0 1 503	NEW:	36,592	19,972	38,402	18,351	1,810	-1,621
	PRIOR:		20,109		18,426		-1,683
	TOTAL:	36,592	40,081	38,402	36,777	1,810	-3,304
Furniture and furnishings							
03 0146 0 1 503	NEW:	1,673	887	5,915	3,135	4,242	2,248
	PRIOR:		804		786		-18
	TOTAL:	1,673	1,691	5,915	3,921	4,242	2,230
GENERAL GOVERNMENT							
Legislative functions							
Senate							
Compensation of Members, Senate							
00 0100 0 1 801	NEW:	8,856	8,856	8,976	8,976	120	120
	PRIOR:		0		0		0
	TOTAL:	8,856	8,856	8,976	8,976	120	120
Salaries, officers and employees							
00 0110 0 1 801	NEW:	165,642	155,703	174,162	163,712	8,520	8,009
	PRIOR:		0		0		0
	TOTAL:	165,642	155,703	174,162	163,712	8,520	8,009
Secretary of the Senate							
00 0126 0 1 801	NEW:	711	661	760	707	49	46
	PRIOR:		0		50		50
	TOTAL:	711	661	760	757	49	96
Sergeant at Arms and Doorkeeper of the Senate							
00 0127 0 1 801	NEW:	42,057	39,172	43,989	40,910	1,932	1,738
	PRIOR:		0		2,885		2,885
	TOTAL:	42,057	39,172	43,989	43,795	1,932	4,623

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Legislative Branch Subcomm		1985		1986		DIFFERENCE COL2 - COL1	
		BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
Inquiries and investigations							
00 0128 0 1 801							
	NEW:	51,498	46,213	53,916	47,985	2,418	1,772
	PRIOR:		914		961		47
	TOTAL:	51,498	47,127	53,916	48,946	2,418	1,819
Stationery (revolving fund)							
00 0140 0 1 801							
	NEW:	12	12	13	13	1	1
	PRIOR:		0		0		0
	TOTAL:	12	12	13	13	1	1
Joint Items							
Capitol Guide Service							
00 0170 0 1 801							
	NEW:	810	689	954	811	144	122
	PRIOR:		75		79		4
	TOTAL:	810	764	954	890	144	126
Senate							
Office of Senate Legal Counsel							
00 0171 0 1 801							
	NEW:	565	513	575	522	10	9
	PRIOR:		50		52		2
	TOTAL:	565	563	575	574	10	11
Joint Items							
Joint Committee on Printing							
00 0180 0 1 801							
	NEW:	909	782	945	812	36	30
	PRIOR:		85		127		42
	TOTAL:	909	867	945	939	36	72
Joint Economic Committee							
00 0181 0 1 801							
	NEW:	2,569	2,055	2,680	2,144	111	89
	PRIOR:		488		514		26
	TOTAL:	2,569	2,543	2,680	2,658	111	115
Senate							
Senate policy committees							
00 0182 0 1 801							
	NEW:	1,898	1,898	1,981	1,981	83	83
	PRIOR:		0		0		0
	TOTAL:	1,898	1,898	1,981	1,981	83	83
Office of the Legislative Counsel of the Senate							
00 0185 0 1 801							
	NEW:	1,400	1,244	1,590	1,414	190	170
	PRIOR:		0		0		0
	TOTAL:	1,400	1,244	1,590	1,414	190	170
House of Representatives							
Compensation of Members and related administrative expenses							
00 0200 0 1 801							
	NEW:	36,410	34,762	37,633	35,940	1,223	1,178
	PRIOR:		1,449		1,648		199
	TOTAL:	36,410	36,211	37,633	37,588	1,223	1,377
House leadership offices							
00 0408 0 1 801							
	NEW:	3,240	2,476	3,357	2,565	117	89
	PRIOR:		696		764		68
	TOTAL:	3,240	3,172	3,357	3,329	117	157
Salaries, officers and employees							
00 0410 0 1 801							
	NEW:	47,077	45,146	48,981	46,973	1,904	1,827
	PRIOR:		1,676		1,931		255
	TOTAL:	47,077	46,822	48,981	48,904	1,904	2,082
Members' clerk hire							
00 0415 0 1 801							
	NEW:	164,126	161,664	169,641	167,096	5,515	5,432
	PRIOR:		0		0		0
	TOTAL:	164,126	161,664	169,641	167,096	5,515	5,432
Committee employees							
00 0416 0 1 801							
	NEW:	40,607	39,095	44,325	42,552	3,718	3,457
	PRIOR:		0		0		0
	TOTAL:	40,607	39,095	44,325	42,552	3,718	3,457
Committee on Appropriations (Studies and investigations)							
00 0418 0 1 801							
	NEW:	4,315	4,142	4,500	4,320	185	178
	PRIOR:		0		0		0
	TOTAL:	4,315	4,142	4,500	4,320	185	178

CBO/BUDGET ANALYSIS DIV(MAR40R)
(UNIFIED BUDGET)
P63 SORTED BY: SCOM,FUNC,SFUN,TID

CBO EST. OF PRES. WHERE BUDGET YEAR DATA IS GREATER THAN CURRENT YEAR DATA
(AMOUNTS IN THOUSANDS)

Legislative Branch Subcomm		1985		1986		DIFFERENCE COL2 - COL1	
		BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
Joint Items							
Office of the Attending Physician							
00 0425 0 1 801	NEW:	1,007	971	1,078	1,039	71	68
	PRIOR:		0		0		0
	TOTAL:	1,007	971	1,078	1,039	71	68
House of Representatives							
Special and select committees							
00 0433 0 1 801	NEW:	45,667	43,840	46,960	45,082	1,293	1,242
	PRIOR:		0		0		0
	TOTAL:	45,667	43,840	46,960	45,082	1,293	1,242
Allowances and expenses							
00 0438 0 1 801	NEW:	128,640	113,932	137,058	120,611	8,418	6,679
	PRIOR:		12,389		14,708		2,319
	TOTAL:	128,640	126,321	137,058	135,319	8,418	8,998
Joint Items							
Joint Committee on Taxation							
00 0460 0 1 801	NEW:	3,605	2,387	3,897	2,580	292	193
	PRIOR:		856		1,218		362
	TOTAL:	3,605	3,243	3,897	3,798	292	555
General expenses, Capitol police							
00 0476 0 1 801	NEW:	1,471	1,250	1,670	1,420	199	170
	PRIOR:		0		0		0
	TOTAL:	1,471	1,250	1,670	1,420	199	170
Official mail costs							
00 0825 0 1 801	NEW:	85,797	60,539	144,458	95,114	58,661	34,575
	PRIOR:		25,258		49,344		24,086
	TOTAL:	85,797	85,797	144,458	144,458	58,661	58,661
Architect of the Capitol							
Office of the Architect of the Capitol: Salaries							
01 0100 0 1 801	NEW:	5,137	4,777	5,675	5,170	538	393
	PRIOR:		179		360		181
	TOTAL:	5,137	4,956	5,675	5,530	538	574
Capitol buildings							
01 0105 0 1 801	NEW:	11,544	9,897	12,621	10,816	1,077	919
	PRIOR:		3,252		1,647		-1,605
	TOTAL:	11,544	13,149	12,621	12,463	1,077	-686
Capitol grounds							
01 0108 0 1 801	NEW:	2,796	2,460	3,364	2,964	568	504
	PRIOR:		1,455		336		-1,119
	TOTAL:	2,796	3,915	3,364	3,300	568	-615
Senate office buildings							
01 0123 0 1 801	NEW:	19,241	13,661	23,598	16,755	4,357	3,094
	PRIOR:		7,535		13,416		5,881
	TOTAL:	19,241	21,196	23,598	30,171	4,357	8,975
House office buildings							
01 0127 0 1 801	NEW:	22,750	20,339	41,323	36,943	18,573	16,604
	PRIOR:		2,325		2,411		86
	TOTAL:	22,750	22,664	41,323	39,354	18,573	16,690
Capitol Power Plant							
01 0133 0 1 801	NEW:	22,920	17,112	25,375	18,955	2,455	1,843
	PRIOR:		6,645		5,808		-837
	TOTAL:	22,920	23,757	25,375	24,763	2,455	1,006
Structural and mechanical care, Library buildings and ground							
01 0155 0 1 801	NEW:	5,709	5,258	7,380	6,797	1,671	1,539
	PRIOR:		5,569		16,399		10,830
	TOTAL:	5,709	10,827	7,380	23,196	1,671	12,369

CBO/BUDGET ANALYSIS DIV(MAR4QR) CBO EST. OF PRES. WHERE BUDGET YEAR DATA
(UNIFIED BUDGET) IS GREATER THAN CURRENT YEAR DATA
P63 SORTED BY: SCOM,FUNC,SFUN,TID
(AMOUNTS IN THOUSANDS)

Legislative Branch Subcomm		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
Library of Congress							
Congressional Research Service: Salaries and expenses							
03 0127 0 1 801							
	NEW:	39,833	37,324	43,292	40,565	3,459	3,241
	PRIOR:		2,344		2,507		163
	TOTAL:	39,833	39,668	43,292	43,072	3,459	3,404
Government Printing Office							
Printing and binding							
04 0202 0 1 801							
	NEW:	13,200	7,392	14,500	8,120	1,300	728
	PRIOR:		3,665		5,808		2,143
	TOTAL:	13,200	11,057	14,500	13,928	1,300	2,871
General Accounting Office							
Salaries and expenses							
05 0107 0 1 801							
	NEW:	295,825	271,031	339,639	311,109	43,814	40,078
	PRIOR:		16,257		24,794		8,537
	TOTAL:	295,825	287,288	339,639	335,903	43,814	48,615
Congressional Budget Office							
Salaries and expenses							
08 0100 0 1 801							
	NEW:	17,418	14,857	18,455	15,742	1,037	885
	PRIOR:		2,405		2,561		156
	TOTAL:	17,418	17,262	18,455	18,303	1,037	1,041
Other Legislative Branch Agencies							
Botanic Garden: Salaries and expenses							
09 0200 0 1 801							
	NEW:	2,044	1,923	2,197	2,067	153	144
	PRIOR:		122		121		-1
	TOTAL:	2,044	2,045	2,197	2,188	153	143
Office of Technology Assessment: Salaries and expenses							
09 0700 0 1 801							
	NEW:	15,549	13,683	17,000	14,960	1,451	1,277
	PRIOR:		1,767		1,866		99
	TOTAL:	15,549	15,450	17,000	16,826	1,451	1,376
COMMITTEE TOTAL.. LB Legislative Branch Subcomm							
	NEW:	1,495,631	1,330,182	1,687,450	1,482,732	191,819	152,550
	PRIOR:		143,893		194,402		50,509
	TOTAL:	1,495,631	1,474,075	1,687,450	1,677,134	191,819	203,059

(AMOUNTS IN THOUSANDS)

Military Constr Subcomm		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
NATIONAL DEFENSE							
Department of Defense-Military							
Department of Defense--Military							
Family Housing							
Family housing, Navy and Marine Corps							
17 0703 0 1 051							
	NEW:	657,789	323,000	722,500	317,658	64,711	-5,342
	PRIOR:		261,000		367,413		106,413
	TOTAL:	657,789	584,000	722,500	685,071	64,711	101,071
Military Construction							
Military construction, Navy							
17 1205 0 1 051							
	NEW:	1,534,592	226,000	2,085,200	375,000	550,608	149,000
	PRIOR:		801,000		1,061,000		260,000
	TOTAL:	1,534,592	1,027,000	2,085,200	1,436,000	550,608	409,000
Family Housing							
Family housing, Army							
21 0702 0 1 051							
	NEW:	1,328,378	820,000	1,610,700	791,594	282,322	-28,406
	PRIOR:		346,000		489,462		143,462
	TOTAL:	1,328,378	1,166,000	1,610,700	1,281,056	282,322	115,056
Military Construction							
Military construction, Army							
21 2050 0 1 051							
	NEW:	1,593,137	235,000	2,020,900	323,000	427,763	88,000
	PRIOR:		812,000		1,075,000		263,000
	TOTAL:	1,593,137	1,047,000	2,020,900	1,398,000	427,763	351,000
Military construction, Army National Guard							
21 2085 0 1 051							
	NEW:	98,603	6,000	102,100	6,000	3,497	0
	PRIOR:		58,000		97,000		39,000
	TOTAL:	98,603	64,000	102,100	103,000	3,497	39,000

CBO/BUDGET ANALYSIS DIV(MAR40R)
(UNIFIED BUDGET)
P63
SORTED BY: SCOM,FUNC,SFUN,TID
CBO EST. OF PRES. WHERE BUDGET YEAR DATA IS GREATER THAN CURRENT YEAR DATA
(AMOUNTS IN THOUSANDS)

Military Constr Subcomm		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
Military construction, Army Reserve							
21 2086 0 1 051	NEW:	69,306	3,000	70,700	4,000	1,394	1,000
	PRIOR:		30,000		46,000		16,000
	TOTAL:	69,306	33,000	70,700	50,000	1,394	17,000
Family Housing							
family housing, Air Force							
57 0704 0 1 051	NEW:	884,111	447,000	929,400	415,227	45,289	-31,773
	PRIOR:		286,000		402,606		116,606
	TOTAL:	884,111	733,000	929,400	817,833	45,289	84,833
Military Construction							
Military construction, Air Force							
57 3300 0 1 051	NEW:	1,572,655	179,000	2,082,000	250,000	509,345	71,000
	PRIOR:		1,160,000		1,357,000		197,000
	TOTAL:	1,572,655	1,339,000	2,082,000	1,607,000	509,345	268,000
Military construction, Air National Guard							
57 3830 0 1 051	NEW:	111,200	6,000	137,200	8,000	26,000	2,000
	PRIOR:		84,000		127,000		43,000
	TOTAL:	111,200	90,000	137,200	135,000	26,000	45,000
Military construction, Defense agencies							
97 0500 0 1 051	NEW:	302,198	24,000	309,600	25,000	7,402	1,000
	PRIOR:		244,000		252,000		8,000
	TOTAL:	302,198	268,000	309,600	277,000	7,402	9,000
Family Housing							
Family housing, Defense agencies							
97 0706 0 1 051	NEW:	17,437	10,000	20,300	13,195	2,863	3,195
	PRIOR:		5,000		7,039		2,039
	TOTAL:	17,437	15,000	20,300	20,234	2,863	5,234
Military Construction							
Defense facilities replacement							
97 0811 0 1 051	NEW:	0	0	33,000	4,500	33,000	4,500
	PRIOR:		0		0		0
	TOTAL:	0	0	33,000	4,500	33,000	4,500
COMMITTEE TOTAL.. MC Military Constr Subcomm	NEW:	8,169,406	2,279,000	10,123,600	2,533,174	1,954,194	254,174
	PRIOR:		4,087,000		5,281,520		1,194,520
	TOTAL:	8,169,406	6,366,000	10,123,600	7,814,694	1,954,194	1,448,694

(AMOUNTS IN THOUSANDS)

Transportation Subcomm		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
TRANSPORTATION							
Ground transportation							
Department of Transportation							
Federal Highway Administration							
Federal-aid highways (trust fund)							
20 8102 0 7 401	NEW:	14,838,423	2,063,000	15,211,096	2,305,000	372,673	242,000
	PRIOR:		10,587,000		11,495,000		908,000
	TOTAL:	14,838,423	12,650,000	15,211,096	13,800,000	372,673	1,150,000
Other Independent Agencies							
Washington Metropolitan Area Transit Authority							
Interest payments							
46 0300 0 1 401	NEW:	46,176	46,176	51,664	51,664	5,488	5,488
	PRIOR:		0		0		0
	TOTAL:	46,176	46,176	51,664	51,664	5,488	5,488
Department of Transportation							
National Highway Traffic Safety Administration							
Operations and research							
69 0650 0 1 401	NEW:	57,752	37,576	57,757	38,606	5	1,030
	PRIOR:		26,917		28,064		1,147
	TOTAL:	57,752	64,493	57,757	66,670	5	2,177
Motor Carrier Safety, NHTSA							
69 0654 0 1 401	NEW:	0	0	13,639	12,357	13,639	12,357
	PRIOR:		0		1,282		1,282
	TOTAL:	0	0	13,639	13,639	13,639	13,639

CBO/BUDGET ANALYSIS DIV(MAR40R) CBO EST. OF PRES. WHERE BUDGET YEAR DATA
(UNIFIED BUDGET) IS GREATER THAN CURRENT YEAR DATA
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(AMOUNTS IN THOUSANDS)

Transportation Subcomm		1985		1986		DIFFERENCE COL2 - COL1	
		BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
Federal Railroad Administration							
Railroad safety							
69 0702 0 1 401							
	NEW:	25,921	19,405	27,267	20,450	1,346	1,045
	PRIOR:		7,241		11,404		4,163
	TOTAL:	25,921	26,646	27,267	31,854	1,346	5,208
National Highway Traffic Safety Administration							
Trust fund share of operations and research							
69 8016 0 7 401							
	NEW:	23,423	11,669	30,455	13,323	7,032	1,654
	PRIOR:		9,000		8,242		-758
	TOTAL:	23,423	20,669	30,455	21,565	7,032	896
Motor carrier safety grants							
69 8067 0 7 401							
	NEW:	0	0	14,000	12,600	14,000	12,600
	PRIOR:		0		1,400		1,400
	TOTAL:	0	0	14,000	14,000	14,000	14,000
Urban Mass Transportation Administration							
Formula capital grants							
69 8099 0 7 401							
	NEW:	0	0	1,100,000	47,000	1,100,000	47,000
	PRIOR:		0		0		0
	TOTAL:	0	0	1,100,000	47,000	1,100,000	47,000
Air transportation							
Federal Aviation Administration							
Trust fund share of FAA operations							
69 8104 0 7 402							
	NEW:	1,110,000	976,800	2,043,471	1,798,254	933,471	821,454
	PRIOR:		0		88,800		88,800
	TOTAL:	1,110,000	976,800	2,043,471	1,887,054	933,471	910,254
Grants-in-aid for airports (Airport and airway trust fund)							
69 8106 0 7 402							
	NEW:	987,000	184,075	1,017,000	202,383	30,000	18,308
	PRIOR:		613,000		669,950		56,950
	TOTAL:	987,000	797,075	1,017,000	872,333	30,000	75,258
Water transportation							
Coast Guard							
Operating expenses							
69 0201 0 1 403							
	NEW:	1,735,573	1,410,337	1,767,101	1,440,745	31,528	30,408
	PRIOR:		257,392		275,287		17,895
	TOTAL:	1,735,573	1,667,729	1,767,101	1,716,032	31,528	48,303
Retired pay - Coast Guard							
69 0241 0 1 403							
	NEW:	330,800	299,043	340,500	306,727	9,700	7,684
	PRIOR:		11,629		31,757		20,128
	TOTAL:	330,800	310,672	340,500	338,484	9,700	27,812
Reserve training							
69 0242 0 1 403							
	NEW:	58,392	50,508	61,502	53,261	3,110	2,753
	PRIOR:		7,347		7,852		505
	TOTAL:	58,392	57,855	61,502	61,113	3,110	3,258
Research, development, test, and evaluation							
69 0243 0 1 403							
	NEW:	22,865	7,593	23,000	7,728	135	135
	PRIOR:		14,565		15,198		633
	TOTAL:	22,865	22,158	23,000	22,926	135	768
Boat safety							
69 8149 0 7 403							
	NEW:	13,625	13,625	28,625	28,625	15,000	15,000
	PRIOR:		0		0		0
	TOTAL:	13,625	13,625	28,625	28,625	15,000	15,000
Other Independent Agencies							
Panama Canal Commission							
Operations and facilities							
95 5190 0 2 403							
	NEW:	429,846	378,922	446,784	389,149	16,938	10,227
	PRIOR:		74,098		57,010		-17,088
	TOTAL:	429,846	453,020	446,784	446,159	16,938	-6,861

CBO/BUDGET ANALYSIS DIV(MAR40R.) CBO EST. OF PRES. WHERE BUDGET YEAR DATA
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(AMOUNTS IN THOUSANDS)

Transportation Subcomm		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
Other transportation							
Department of Transportation							
Office of the Secretary							
Salaries and expenses							
69 0102 0 1 407							
	NEW:	50,000	45,800	50,695	46,437	695	637
	PRIOR:		3,032		4,200		1,168
	TOTAL:	50,000	48,832	50,695	50,637	695	1,805
COMMITTEE TOTAL.. TR Transportation Subcomm							
	NEW:	19,729,796	5,544,529	22,284,556	6,774,309	2,554,760	1,229,780
	PRIOR:		11,611,221		12,695,446		1,084,225
	TOTAL:	19,729,796	17,155,750	22,284,556	19,469,755	2,554,760	2,314,005

(AMOUNTS IN THOUSANDS)

Treas-Postal Serv Subcomm		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
NATIONAL DEFENSE							
Defense-related activities							
General Services Administration							
Federal Property Resources Activities							
Operating expenses, federal property resources service (Defe							
47 0533 0 1 054							
	NEW:	27,864	20,029	29,334	25,989	1,470	5,960
	PRIOR:		7,546		3,150		-4,396
	TOTAL:	27,864	27,575	29,334	29,139	1,470	1,564
EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES							
Other labor services							
Other Independent Agencies							
Committee for Purchase from the Blind and other Severely Handicapped							
Salaries and expenses							
95 2000 0 1 505							
	NEW:	710	581	730	581	20	0
	PRIOR:		128		129		1
	TOTAL:	710	709	730	710	20	1
HEALTH							
Health care services							
Office of Personnel Management							
Office of Personnel Management							
Government payment for annuitants, employees health benefits							
24 0206 0 1 551							
	NEW:	1,341,553	1,198,070	1,606,165	1,447,509	264,612	249,439
	PRIOR:		275,707		180,078		-95,629
	TOTAL:	1,341,553	1,473,777	1,606,165	1,627,587	264,612	153,810
ADMINISTRATION OF JUSTICE							
Federal law enforcement activities							
Department of the Treasury							
United States Customs Service							
Operation and maintenance, air interdiction program							
20 0604 0 1 751							
	NEW:	44,425	11,106	60,425	15,106	16,000	4,000
	PRIOR:		20,000		21,106		1,106
	TOTAL:	44,425	31,106	60,425	36,212	16,000	5,106
Federal litigative and judicial activities							
Legislative Branch							
United States Tax Court							
Salaries and expenses							
23 0100 0 1 752							
	NEW:	22,344	20,624	24,556	22,665	2,212	2,041
	PRIOR:		1,185		1,720		535
	TOTAL:	22,344	21,809	24,556	24,385	2,212	2,576
GENERAL GOVERNMENT							
Executive direction and management							
Executive Office of the President							
Office of Management and Budget							
Salaries and expenses							
11 0300 0 1 802							
	NEW:	38,500	34,226	40,041	35,775	1,541	1,549
	PRIOR:		4,115		4,274		159
	TOTAL:	38,500	38,341	40,041	40,049	1,541	1,708
National Security Council							
Salaries and expenses							
11 2000 0 1 802							
	NEW:	4,605	3,601	4,627	3,618	22	17
	PRIOR:		980		1,004		24
	TOTAL:	4,605	4,581	4,627	4,622	22	41

CBO/BUDGET ANALYSIS DIV(MAR40R) CBO EST. OF PRES. WHERE BUDGET YEAR DATA
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(AMOUNTS IN THOUSANDS)

Treas-Postal Serv Subcomm		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
General Services Administration General Activities Allowances and office staff for former Presidents 47 0105 0 1 802	NEW:	1,151	1,053	1,208	1,107	57	54
	PRIOR:		97		98		1
	TOTAL:	1,151	1,150	1,208	1,205	57	55
Central fiscal operations Department of the Treasury Office of the Secretary Salaries and expenses 20 0101 0 1 803	NEW:	55,505	46,660	76,716	64,595	21,211	17,935
	PRIOR:		10,443		8,845		-1,598
	TOTAL:	55,505	57,103	76,716	73,440	21,211	16,337
Internal Revenue Service Processing tax returns 20 0912 0 1 803	NEW:	981,676	736,062	998,241	748,681	16,565	12,619
	PRIOR:		189,441		208,281		18,840
	TOTAL:	981,676	925,503	998,241	956,962	16,565	31,459
Examinations and appeals 20 0913 0 1 803	NEW:	1,355,547	1,274,118	1,375,302	1,292,784	19,755	18,666
	PRIOR:		77,281		81,429		4,148
	TOTAL:	1,355,547	1,351,399	1,375,302	1,374,213	19,755	22,814
Financial Management Service Salaries and expenses 20 1801 0 1 803	NEW:	241,622	218,022	248,121	223,309	6,499	5,287
	PRIOR:		24,337		23,799		-538
	TOTAL:	241,622	242,359	248,121	247,108	6,499	4,749
United States Customs Service Customs forfeiture fund 20 5693 0 2 803	NEW:	6,000	6,000	8,000	8,000	2,000	2,000
	PRIOR:		0		0		0
	TOTAL:	6,000	6,000	8,000	8,000	2,000	2,000
General property and records management General Services Administration Personal Property Activities Personal property, operating expenses 47 0116 0 1 804	NEW:	160,700	147,040	164,257	150,295	3,557	3,255
	PRIOR:		13,338		13,660		322
	TOTAL:	160,700	160,378	164,257	163,955	3,557	3,577
Central personnel management Office of Personnel Management Office of Personnel Management Payment to civil service retirement and disability fund 24 0200 0 1 805	NEW:	15,616,833	15,616,833	15,962,808	15,962,808	345,975	345,975
	PRIOR:		0		0		0
	TOTAL:	15,616,833	15,616,833	15,962,808	15,962,808	345,975	345,975
Other Independent Agencies Merit Systems Protection Board Office of the Special Counsel 41 0101 0 1 805	NEW:	4,583	4,212	4,594	4,222	11	10
	PRIOR:		357		371		14
	TOTAL:	4,583	4,569	4,594	4,593	11	24
Other Independent Agencies Federal Labor Relations Authority Salaries and expenses 54 0100 0 1 805	NEW:	17,197	15,477	17,490	15,741	293	264
	PRIOR:		1,677		1,720		43
	TOTAL:	17,197	17,154	17,490	17,461	293	307
Other general government Department of the Treasury United States Customs Service Customs services at small airports 20 5694 0 2 806	NEW:	42	42	75	0	33	-42
	PRIOR:		0		75		75
	TOTAL:	42	42	75	75	33	33
COMMITTEE TOTAL.. TY Treas-Postal Serv Subcomm	NEW:	19,920,857	19,353,756	20,622,690	20,022,785	701,833	669,029
	PRIOR:		626,632		549,739		-76,893
	TOTAL:	19,920,857	19,980,388	20,622,690	20,572,524	701,833	592,136

CBO/BUDGET ANALYSIS DIV(MAR40R) CBO EST. OF PRES. WHERE BUDGET YEAR DATA
(UNIFIED BUDGET) IS GREATER THAN CURRENT YEAR DATA
P63 SORTED BY: SCOM,FUNC,SFUN,TID
(AMOUNTS IN THOUSANDS)

SENATE APPROPRIATION COMMITTEE TO	1985		1986		DIFFERENCE COL2 - COL1	
	BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
NEW:	674,963,440	508,817,869	752,644,198	566,050,677	77,680,758	57,232,808
PRIOR:		122,522,285		120,377,414		-2,144,871
TOTAL:	674,963,440	631,340,154	752,644,198	686,428,091	77,680,758	55,087,937

(AMOUNTS IN THOUSANDS)

Unassigned to Committee	1985		1986		DIFFERENCE COL2 - COL1	
	BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
INTERNATIONAL AFFAIRS						
Foreign economic and financial assistance						
Department of Transportation						
Offsetting Receipts						
Advances & Deposits, Dept. of Transportation						
69 9990 8 7 151						
NEW:	-8,771	-8,771	-8,000	-8,000	771	771
PRIOR:		0		0		0
TOTAL:	-8,771	-8,771	-8,000	-8,000	771	771
Conduct of foreign affairs						
Funds Appropriated to the President						
Offsetting Receipts						
Payment to the Foreign Service Retirement Fund						
11 9990 8 7 153						
NEW:	-41,864	-41,864	-35,562	-35,562	6,302	6,302
PRIOR:		0		0		0
TOTAL:	-41,864	-41,864	-35,562	-35,562	6,302	6,302
Department of State						
Offsetting Receipts						
International center federal payment						
19 9990 8 1 153						
NEW:	-4,420	-4,420	-945	-945	3,475	3,475
PRIOR:		0		0		0
TOTAL:	-4,420	-4,420	-945	-945	3,475	3,475
Payment to Foreign Service Retirement Fund						
19 9990 8 7 153						
NEW:	-342,137	-342,137	-251,774	-251,774	90,363	90,363
PRIOR:		0		0		0
TOTAL:	-342,137	-342,137	-251,774	-251,774	90,363	90,363
International financial programs						
Funds Appropriated to the President						
Military Sales Programs						
Foreign Military Sales Trust Fund (Receipts)						
11 9990 8 7 155						
NEW:	-12,100,000	-12,100,000	-12,000,000	-12,000,000	100,000	100,000
PRIOR:		0		0		0
TOTAL:	-12,100,000	-12,100,000	-12,000,000	-12,000,000	100,000	100,000
ENERGY						
Energy supply						
Department of Energy						
Offsetting Receipts						
Sale of minerals and mineral products						
89 9990 8 1 271						
NEW:	-1,156,139	-1,156,139	-1,142,209	-1,142,209	13,930	13,930
PRIOR:		0		0		0
TOTAL:	-1,156,139	-1,156,139	-1,142,209	-1,142,209	13,930	13,930
Energy-Advances for Cooperative Work						
89 9990 8 7 271						
NEW:	-133,171	-133,171	-120,948	-120,948	12,223	12,223
PRIOR:		0		0		0
TOTAL:	-133,171	-133,171	-120,948	-120,948	12,223	12,223
Nuclear waste disposal fund, Energy						
89 9992 8 1 271						
NEW:	-1,549,400	-1,549,400	-375,770	-375,770	1,173,630	1,173,630
PRIOR:		0		0		0
TOTAL:	-1,549,400	-1,549,400	-375,770	-375,770	1,173,630	1,173,630
Alaska Power Administration						
89 9994 8 1 271						
NEW:	-7,674	-7,674	-5,975	-5,975	1,699	1,699
PRIOR:		0		0		0
TOTAL:	-7,674	-7,674	-5,975	-5,975	1,699	1,699
Falcom Dam						
89 9999 8 1 271						
NEW:	-39	-39	-32	-32	7	7
PRIOR:		0		0		0
TOTAL:	-39	-39	-32	-32	7	7

CBO/BUDGET ANALYSIS DIV(HAR40R) CBO EST. OF PRES. WHERE BUDGET YEAR DATA
(UNIFIED BUDGET) IS GREATER THAN CURRENT YEAR DATA
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(AMOUNTS IN THOUSANDS)

Unassigned to Committee	1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
NATURAL RESOURCES AND ENVIRONMENT						
Conservation and land management						
Department of the Interior						
Department of the Interior						
Interior Timber						
14 9992 8 1 302						
NEW:	-138,262	-138,262	-37,183	-37,183	101,079	101,079
PRIOR:		0		0		0
TOTAL:	-138,262	-138,262	-37,183	-37,183	101,079	101,079
Department of Defense--Civil						
Forest and Wildlife Conservation, Military Reservations						
Reserve Account, Forest Products Program, Army						
21 9990 8 2 302						
NEW:	-1,393	-1,393	-610	-610	783	783
PRIOR:		0		0		0
TOTAL:	-1,393	-1,393	-610	-610	783	783
Pollution control and abatement						
Environmental Protection Agency						
Offsetting Receipts						
Hazardous substance/Pollution fund						
68 9990 8 7 304						
NEW:	-44,000	-44,000	0	0	44,000	44,000
PRIOR:		0		0		0
TOTAL:	-44,000	-44,000	0	0	44,000	44,000
TRANSPORTATION						
Ground transportation						
Department of Transportation						
Offsetting Receipts						
Offsetting receipts						
69 9990 8 7 401						
NEW:	-884	-884	-643	-643	241	241
PRIOR:		0		0		0
TOTAL:	-884	-884	-643	-643	241	241
COMMUNITY AND REGIONAL DEVELOPMENT						
Area and regional development						
Other Independent Agencies						
Appalachian Regional Commission						
Appalachian Regional Comm.						
46 9990 8 7 452						
NEW:	-1,850	-1,850	0	0	1,850	1,850
PRIOR:		0		0		0
TOTAL:	-1,850	-1,850	0	0	1,850	1,850
Appalachian Regional Commission						
46 9991 8 7 452						
MEDICARE						
Medicare						
Department of Health and Human Services						
Department of Health and Human Services						
Offsetting Receipts						
20 9990 8 7 572						
NEW:	-19,263,000	-19,263,000	-19,249,000	-19,249,000	14,000	14,000
PRIOR:		0		0		0
TOTAL:	-19,263,000	-19,263,000	-19,249,000	-19,249,000	14,000	14,000
INCOME SECURITY						
General retirement and disability insurance (excluding socia						
Department of Labor						
Offsetting Receipts						
Offsetting receipt, advances to UI and other trust funds						
20 9990 8 7 601						
NEW:	-395,000	-395,000	-116,000	-116,000	279,000	279,000
PRIOR:		0		0		0
TOTAL:	-395,000	-395,000	-116,000	-116,000	279,000	279,000
Department of the Treasury						
Offsetting Receipts						
Interest Payments on advances to Railroad Retirement						
20 9995 8 7 601						
NEW:	-222,000	-222,000	-199,000	-199,000	23,000	23,000
PRIOR:		0		0		0
TOTAL:	-222,000	-222,000	-199,000	-199,000	23,000	23,000
Unemployment compensation						
Department of Labor						
Offsetting Receipts						
Repymts. of loans, extended unemployment comp.						
16 9990 8 1 603						
NEW:	-4,870,000	-4,870,000	-4,650,000	-4,650,000	220,000	220,000
PRIOR:		0		0		0
TOTAL:	-4,870,000	-4,870,000	-4,650,000	-4,650,000	220,000	220,000
Unemployment trust fund, repayable advances						
20 9990 8 7 603						
NEW:	-1,512,000	-1,512,000	-327,000	-327,000	1,185,000	1,185,000
PRIOR:		0		0		0
TOTAL:	-1,512,000	-1,512,000	-327,000	-327,000	1,185,000	1,185,000

CBO/BUDGET ANALYSIS DIV(MAR40R) CBO EST. OF PRES. WHERE BUDGET YEAR DATA
(UNIFIED BUDGET) IS GREATER THAN CURRENT YEAR DATA
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(AMOUNTS IN THOUSANDS)

Unassigned to Committee		1985		1986		DIFFERENCE COL2 - COL1	
		BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
Other Independent Agencies							
Railroad Retirement Board							
Offsetting Receipts							
60 9990 8 7 603							
	NEW:	-93,900	-93,900	-70,000	-70,000	23,900	23,900
	PRIOR:		0		0		0
	TOTAL:	-93,900	-93,900	-70,000	-70,000	23,900	23,900
SOCIAL SECURITY							
SOCIAL SECURITY							
Department of Health and Human Services							
Social Security Administration							
Interest payments to DI							
75 9993 8 7 650							
	NEW:	-364,000	-364,000	-166,000	-166,000	198,000	198,000
	PRIOR:		0		0		0
	TOTAL:	-364,000	-364,000	-166,000	-166,000	198,000	198,000
Interest payments to HI							
75 9994 8 7 650							
	NEW:	-1,207,000	-1,207,000	-797,000	-797,000	410,000	410,000
	PRIOR:		0		0		0
	TOTAL:	-1,207,000	-1,207,000	-797,000	-797,000	410,000	410,000
VETERANS BENEFITS AND SERVICES							
Income security for veterans							
Veterans Administration							
Offsetting Reciepts							
NSLI Fund, Payments from General and Special Funds							
36 9992 8 7 701							
	NEW:	-1,775	-1,775	-1,739	-1,739	36	36
	PRIOR:		0		0		0
	TOTAL:	-1,775	-1,775	-1,739	-1,739	36	36
Veterans education, training, and rehabilitation							
Deductions from Military Pay							
36 9991 8 7 702							
	NEW:	-167,000	-167,000	-101,800	-101,800	65,200	65,200
	PRIOR:		0		0		0
	TOTAL:	-167,000	-167,000	-101,800	-101,800	65,200	65,200
GENERAL GOVERNMENT							
Central fiscal operations							
Department of the Treasury							
Offsetting Receipts							
Administrative Expenses of the SS Act							
20 9990 8 1 803							
	NEW:	-250,000	-250,000	-230,000	-230,000	20,000	20,000
	PRIOR:		0		0		0
	TOTAL:	-250,000	-250,000	-230,000	-230,000	20,000	20,000
Surplus Income, Coinage Profit Fund and Mint							
20 9991 8 1 803							
	NEW:	-153,714	-153,714	-53,752	-53,752	99,962	99,962
	PRIOR:		0		0		0
	TOTAL:	-153,714	-153,714	-53,752	-53,752	99,962	99,962
General property and records management							
General Services Administration							
General Services Administration							
Offsetting Receipts							
47 9990 8 1 804							
	NEW:	-112,000	-112,000	-88,000	-88,000	24,000	24,000
	PRIOR:		0		0		0
	TOTAL:	-112,000	-112,000	-88,000	-88,000	24,000	24,000
Central personnel management							
Office of Personnel Management							
Office of Personnel Management							
Offsetting receipt, payment to Civil Service retirement							
24 9990 8 7 805							
	NEW:	-4,407,833	-4,407,833	-4,344,808	-4,344,808	63,025	63,025
	PRIOR:		0		0		0
	TOTAL:	-4,407,833	-4,407,833	-4,344,808	-4,344,808	63,025	63,025
Deductions for offsetting receipts							
Department of the Treasury							
Offsetting Receipts							
Intrabudgetary recoveries from salary reductions							
20 9990 8 1 809							
	NEW:	-400	-400	0	0	400	400
	PRIOR:		0		0		0
	TOTAL:	-400	-400	0	0	400	400
GENERAL PURPOSE FISCAL ASSISTANCE							
General revenue sharing							
Payment to general revenue sharing trust fund							
20 9990 8 7 851							
	NEW:	-4,566,700	-4,566,700	0	0	4,566,700	4,566,700
	PRIOR:		0		0		0
	TOTAL:	-4,566,700	-4,566,700	0	0	4,566,700	4,566,700

CBO/BUDGET ANALYSIS DIV(MAR40R) CBO EST. OF PRES. WHERE BUDGET YEAR DATA
(UNIFIED BUDGET) IS GREATER THAN CURRENT YEAR DATA
P63 SORTED BY: SCOM,FUNC,SFUN,TID
(AMOUNTS IN THOUSANDS)

Unassigned to Committee		1985		1986		DIFFERENCE COL2 - COL1	
		BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
Other general purpose fiscal assistance							
Other Independent Agencies							
District of Columbia							
Subfunction 852 receipts							
20 9990 8 1 852							
	NEW:	-107,002	-107,002	-36,314	-36,314	70,688	70,688
	PRIOR:		0		0		0
	TOTAL:	-107,002	-107,002	-36,314	-36,314	70,688	70,688
NET INTEREST							
Other interest							
Legislative Branch							
Library of Congress							
Interest on investments in public debt securities							
03 9990 8 1 908							
	NEW:	-5,012	-5,012	-5,008	-5,008	4	4
	PRIOR:		0		0		0
	TOTAL:	-5,012	-5,012	-5,008	-5,008	4	4
Department of Commerce							
Offsetting Receipts							
Subfunction 908 receipts							
13 9990 8 1 908							
	NEW:	-5,959	-5,959	-1,160	-1,160	4,799	4,799
	PRIOR:		0		0		0
	TOTAL:	-5,959	-5,959	-1,160	-1,160	4,799	4,799
Department of the Interior							
Offsetting Receipts							
Interest, tribal funds							
14 9990 8 7 908							
	NEW:	-74,620	-74,620	-71,320	-71,320	3,300	3,300
	PRIOR:		0		0		0
	TOTAL:	-74,620	-74,620	-71,320	-71,320	3,300	3,300
Department of the Treasury							
Department of the Treasury							
Interest, Upper Colo. River Storage Project							
14 9994 8 1 908							
	NEW:	-16,745	-16,745	-16,590	-16,590	155	155
	PRIOR:		0		0		0
	TOTAL:	-16,745	-16,745	-16,590	-16,590	155	155
Offsetting Receipts							
Intragovernmental interest							
20 9992 8 1 908							
	NEW:	-4,577,000	-4,577,000	-4,525,000	-4,525,000	52,000	52,000
	PRIOR:		0		0		0
	TOTAL:	-4,577,000	-4,577,000	-4,525,000	-4,525,000	52,000	52,000
Interest on advances to SBA							
73 9997 8 1 908							
	NEW:	-370,000	-370,000	-175,000	-175,000	195,000	195,000
	PRIOR:		0		0		0
	TOTAL:	-370,000	-370,000	-175,000	-175,000	195,000	195,000
Other Treasury Department							
Interest on loans to individuals and private organizations							
75 9990 8 1 908							
	NEW:	-33,803	-33,803	-30,073	-30,073	3,730	3,730
	PRIOR:		0		0		0
	TOTAL:	-33,803	-33,803	-30,073	-30,073	3,730	3,730
COMMITTEE TOTAL.. XX Unassigned to Committee							
	NEW:	-58,308,317	-58,308,317	-49,234,215	-49,234,215	9,074,102	9,074,102
	PRIOR:		0		0		0
	TOTAL:	-58,308,317	-58,308,317	-49,234,215	-49,234,215	9,074,102	9,074,102

(AMOUNTS IN THOUSANDS)

Senate Agriculture, Nutrition, and		1985		1986		DIFFERENCE COL2 - COL1	
		BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
ENERGY							
Energy supply							
Federal Financing Bank Activities							
Rural electrification and telephone revolving fund							
20 4230 0 3 271							
	NEW:	382,000	382,000	474,000	474,000	92,000	92,000
	PRIOR:		0		0		0
	TOTAL:	382,000	382,000	474,000	474,000	92,000	92,000
NATURAL RESOURCES AND ENVIRONMENT							
Water resources							
Department of Agriculture							
Soil Conservation Service							
Miscellaneous contributed funds (Water resources)							
12 8210 0 7 301							
	NEW:	600	201	621	208	21	7
	PRIOR:		3,625		399		-3,226
	TOTAL:	600	3,826	621	607	21	-3,219

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(AMOUNTS IN THOUSANDS)

Senate Agriculture, Nutrition, and	1985		1986		DIFFERENCE COL2 - COL1	
	BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
Conservation and land management						
Forest Service						
Operations and maintenance of quarters						
12 5219 0 2 302						
NEW:	5,300	4,240	5,700	4,560	400	320
PRIOR:		0		1,060		1,060
TOTAL:	5,300	4,240	5,700	5,620	400	1,380
AGRICULTURE						
Farm income stabilization						
Farmers Home Administration						
Agricultural credit insurance fund						
12 4140 0 3 351						
NEW:	1,925,000	2,350,000	2,357,000	1,196,000	432,000	-1,154,000
PRIOR:		0		0		0
TOTAL:	1,925,000	2,350,000	2,357,000	1,196,000	432,000	-1,154,000
Agricultural research and services						
Food Safety and Inspection Service						
Expenses and refunds, inspection and grading of farm product						
12 8137 0 7 352						
NEW:	848	778	884	811	36	33
PRIOR:		70		70		0
TOTAL:	848	848	884	881	36	33
Agricultural Research Service						
Miscellaneous contributed funds						
12 8214 0 7 352						
NEW:	2,000	1,132	2,084	1,180	84	48
PRIOR:		868		868		0
TOTAL:	2,000	2,000	2,084	2,048	84	48
Statistical Reporting Service						
Miscellaneous contributed funds						
12 8218 0 7 352						
NEW:	275	110	288	115	13	5
PRIOR:		165		165		0
TOTAL:	275	275	288	280	13	5
Economic Research Service						
Miscellaneous contributed funds						
12 8227 0 7 352						
NEW:	54	54	57	57	3	3
PRIOR:		0		0		0
TOTAL:	54	54	57	57	3	3
Office of International Cooperation and Development						
Miscellaneous contributed funds						
12 8232 0 7 352						
NEW:	7,900	5,929	8,256	6,200	356	271
PRIOR:		1,971		1,971		0
TOTAL:	7,900	7,900	8,256	8,171	356	271
Animal and Plant Health Inspection Service						
Miscellaneous trust funds						
12 9971 0 7 352						
NEW:	2,878	1,912	2,996	1,989	118	77
PRIOR:		617		966		349
TOTAL:	2,878	2,529	2,996	2,955	118	426
Agricultural Marketing Service						
Miscellaneous trust funds						
12 9972 0 7 352						
NEW:	76,216	54,835	79,387	57,079	3,171	2,244
PRIOR:		20,547		21,381		834
TOTAL:	76,216	75,382	79,387	78,460	3,171	3,078
COMMUNITY AND REGIONAL DEVELOPMENT						
Area and regional development						
Farmers Home Administration						
Rural development insurance fund						
12 4155 0 3 452						
NEW:	560,005	731,000	612,098	648,000	52,093	-83,000
PRIOR:		0		0		0
TOTAL:	560,005	731,000	612,098	648,000	52,093	-83,000
Rural Electrification Administration						
Rural telephone bank						
12 4231 0 3 452						
NEW:	127,962	88,712	132,204	92,554	4,242	3,842
PRIOR:		0		0		0
TOTAL:	127,962	88,712	132,204	92,554	4,242	3,842
COMMITTEE TOTAL.. 64 Senate Agriculture, Nutrition, and Forestry Committee						
NEW:	3,091,038	3,620,903	3,675,575	2,482,753	584,537	-1,138,150
PRIOR:		27,863		26,880		-983
TOTAL:	3,091,038	3,648,766	3,675,575	2,509,633	584,537	-1,139,133

CBO/BUDGET ANALYSIS DIV(MAR40R) CBO EST. OF PRES. WHERE BUDGET YEAR DATA
(UNIFIED BUDGET) IS GREATER THAN CURRENT YEAR DATA
P63 SORTED BY: SCOM,FUNC,SFUN,TID
(AMOUNTS IN THOUSANDS)

Senate Armed Services Committee		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
NATIONAL DEFENSE							
Department of Defense-Military							
Department of Defense--Military							
Trust Funds							
Department of the Navy trust funds							
17 9972 0 7 051							
	NEW:	24,420	24,098	25,500	25,500	1,080	1,402
	PRIOR:		142		0		-142
	TOTAL:	24,420	24,240	25,500	25,500	1,080	1,260
Department of Defense--Military							
Subfunction 051 receipts							
17 9990 8 1 051							
	NEW:	-93,600	-93,600	-87,800	-87,800	5,800	5,800
	PRIOR:		0		0		0
	TOTAL:	-93,600	-93,600	-87,800	-87,800	5,800	5,800
Interest on Loans to States							
21 9994 8 1 051							
	NEW:	-259,600	-259,600	-214,100	-214,100	45,500	45,500
	PRIOR:		0		0		0
	TOTAL:	-259,600	-259,600	-214,100	-214,100	45,500	45,500
Trust Funds							
Department of the Air Force general gift fund							
57 8928 0 7 051							
	NEW:	60	0	100	100	40	100
	PRIOR:		50		0		-50
	TOTAL:	60	50	100	100	40	50
Department of Defense--Military							
Interest on Loans to Defense Contractors							
57 9993 8 1 051							
	NEW:	-235,550	-235,550	-213,000	-213,000	22,550	22,550
	PRIOR:		0		0		0
	TOTAL:	-235,550	-235,550	-213,000	-213,000	22,550	22,550
Family Housing							
Homeowners assistance fund, Defense							
97 4090 0 3 051							
	NEW:	600	0	750	600	150	600
	PRIOR:		1,700		0		-1,700
	TOTAL:	600	1,700	750	600	150	-1,100
Defense-related activities							
Department of Defense--Civil							
Military Retirement							
Payment to military retirement fund							
97 0040 0 1 054							
	NEW:	9,551,300	9,551,300	10,054,100	10,054,100	502,800	502,800
	PRIOR:		0		0		0
	TOTAL:	9,551,300	9,551,300	10,054,100	10,054,100	502,800	502,800
INCOME SECURITY							
Federal employee retiremnnt and disability							
Military retirement fund							
97 8097 0 7 602							
	NEW:	27,693,300	15,834,300	30,546,100	17,653,100	2,852,800	1,818,800
	PRIOR:		0		0		0
	TOTAL:	27,693,300	15,834,300	30,546,100	17,653,100	2,852,800	1,818,800
VETERANS BENEFITS AND SERVICES							
Veterans education, training, and rehabilitation							
Education Benefits							
Education benefits fund							
97 8098 0 7 702							
	NEW:	30,000	0	162,000	0	132,000	0
	PRIOR:		0		3,000		3,000
	TOTAL:	30,000	0	162,000	3,000	132,000	3,000
COMMITTEE TOTAL.. 66 Senate Armed Services Committee							
	NEW:	36,710,930	24,820,948	40,273,650	27,218,500	3,562,720	2,397,552
	PRIOR:		1,892		3,000		1,108
	TOTAL:	36,710,930	24,822,840	40,273,650	27,221,500	3,562,720	2,398,660

(AMOUNTS IN THOUSANDS)

Senate Banking, Housing and Urban		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
COMMERCE AND HOUSING CREDIT							
Other advancement of commerce							
Department of Housing and Urban Development							
Housing Programs							
Interstate land sales							
86 5270 0 2 376							
	NEW:	1,200	1,200	1,246	1,246	46	46
	PRIOR:		0		0		0
	TOTAL:	1,200	1,200	1,246	1,246	46	46

CBO/BUDGET ANALYSIS DIV(MAR40R.) CBO EST. OF PRES. WHERE BUDGET YEAR DATA
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(AMOUNTS IN THOUSANDS)

Senate Banking, Housing and Urban		1985		1986		DIFFERENCE COL2 - COL1	
		BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
Manufactured home inspection and monitoring							
86 5271 0 2 376							
	NEW:	5,952	3,831	6,220	4,006	268	175
	PRIOR:		2,121		2,121		0
	TOTAL:	5,952	5,952	6,220	6,127	268	175
COMMUNITY AND REGIONAL DEVELOPMENT							
Community development							
Department of the Treasury							
Federal Financing Bank Activities							
Community development grants, FFB (loan guarantee originatio							
20 0162 0 1 451							
	NEW:	113,000	37,000	116,000	28,000	3,000	-9,000
	PRIOR:		0		0		0
	TOTAL:	113,000	37,000	116,000	28,000	3,000	-9,000
Other Independent Agencies							
Federal Emergency Management Agency							
National insurance development fund							
58 4235 0 3 451							
	NEW:	10,688	0	18,255	0	7,567	0
	PRIOR:		11,086		16,738		5,652
	TOTAL:	10,688	11,086	18,255	16,738	7,567	5,652
COMMITTEE TOTAL.. 68 Senate Banking, Housing and Urban Affairs Committee							
	NEW:	130,840	42,031	141,721	33,252	10,881	-8,779
	PRIOR:		13,207		18,859		5,652
	TOTAL:	130,840	55,238	141,721	52,111	10,881	-3,127

(AMOUNTS IN THOUSANDS)

Senate Commerce, Science, and Tran		1985		1986		DIFFERENCE COL2 - COL1	
		BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
COMMERCE AND HOUSING CREDIT							
Other advancement of commerce							
Department of Commerce							
Economic and Statistical Analysis							
Information products and services							
13 8546 0 7 376							
	NEW:	31,000	27,515	32,364	28,739	1,364	1,224
	PRIOR:		3,485		3,485		0
	TOTAL:	31,000	31,000	32,364	32,224	1,364	1,224
GENERAL PURPOSE FISCAL ASSISTANCE							
Other general purpose fiscal assistance							
Department of Defense--Civil							
Corps of Engineers--Civil							
Permanent appropriations (Other general purpose fiscal assis							
96 9921 0 2 852							
	NEW:	5,900	0	6,160	0	260	0
	PRIOR:		5,700		5,900		200
	TOTAL:	5,900	5,700	6,160	5,900	260	200
COMMITTEE TOTAL.. 72 Senate Commerce, Science, and Transportation Committee							
	NEW:	36,900	27,515	38,524	28,739	1,624	1,224
	PRIOR:		9,185		9,385		200
	TOTAL:	36,900	36,700	38,524	38,124	1,624	1,424

(AMOUNTS IN THOUSANDS)

Senate Energy and Natural Resource		1985		1986		DIFFERENCE COL2 - COL1	
		BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
NATURAL RESOURCES AND ENVIRONMENT							
Water resources							
Department of the Interior							
Bureau of Reclamation							
Reclamation trust funds							
14 8070 0 7 301							
	NEW:	6,880	5,944	16,041	13,859	9,161	7,915
	PRIOR:		2,093		2,986		893
	TOTAL:	6,880	8,037	16,041	16,845	9,161	8,808
Recreational resources							
National Park Service							
Miscellaneous permanent appropriations							
14 9924 0 2 303							
	NEW:	1,020	732	1,035	743	15	11
	PRIOR:		570		288		-282
	TOTAL:	1,020	1,302	1,035	1,031	15	-271
Miscellaneous trust funds							
14 9972 0 7 303							
	NEW:	16,059	11,165	16,761	11,649	702	484
	PRIOR:		2,100		3,541		1,441
	TOTAL:	16,059	13,265	16,761	15,190	702	1,925

CBO/BUDGET ANALYSIS DIV(MAR40R)
(UNIFIED BUDGET)
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SORTED BY: SCOM,FUNC,SFUN,TID
CBO EST. OF PRES. WHERE BUDGET YEAR DATA IS GREATER THAN CURRENT YEAR DATA
(AMOUNTS IN THOUSANDS)

Senate Energy and Natural Resource		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
GENERAL PURPOSE FISCAL ASSISTANCE							
Other general purpose fiscal assistance.							
Territorial and International Affairs							
Payments to the United States territories, fiscal assistance							
14 0418 0 1 852							
	NEW:	62,910	62,910	65,678	65,678	2,768	2,768
	PRIOR:		0		0		0
	TOTAL:	62,910	62,910	65,678	65,678	2,768	2,768
Bureau of Reclamation							
Colorado River dam fund, Boulder Canyon project							
14 5656 0 2 852							
	NEW:	2,100	2,100	31,767	24,293	29,667	22,193
	PRIOR:		0		8,457		8,457
	TOTAL:	2,100	2,100	31,767	32,750	29,667	30,650
Department of the Treasury							
United States Customs Service							
Miscellaneous permanent appropriations							
20 9922 0 2 852							
	NEW:	80,527	76,259	84,005	79,553	3,478	3,294
	PRIOR:		4,017		4,268		251
	TOTAL:	80,527	80,276	84,005	83,821	3,478	3,545
COMMITTEE TOTAL.. 74 Senate Energy and Natural Resources Committee							
	NEW:	169,496	159,110	215,287	195,775	45,791	36,665
	PRIOR:		8,780		19,540		10,760
	TOTAL:	169,496	167,890	215,287	215,315	45,791	47,425

(AMOUNTS IN THOUSANDS)

Senate Environment and Public Work		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
NATURAL RESOURCES AND ENVIRONMENT							
Water resources							
Department of Defense--Civil							
Corps of Engineers--Civil							
Rivers and harbors contributed funds							
96 8862 0 7 301							
	NEW:	52,000	19,815	291,000	160,344	239,000	140,529
	PRIOR:		32,185		32,185		0
	TOTAL:	52,000	52,000	291,000	192,529	239,000	140,529
Permanent appropriations (Water resources)							
96 9921 0 2 301							
	NEW:	2,100	48	2,193	50	93	2
	PRIOR:		2,252		2,052		-200
	TOTAL:	2,100	2,300	2,193	2,102	93	-198
Recreational resources							
Department of the Interior							
United States Fish and Wildlife Service							
Operations and maintenance of quarters							
14 5047 0 2 303							
	NEW:	20,915	18,824	21,084	18,976	169	152
	PRIOR:		0		2,091		2,091
	TOTAL:	20,915	18,824	21,084	21,067	169	2,243
Contributed funds							
14 8216 0 7 303							
	NEW:	3,838	2,686	4,011	2,808	173	122
	PRIOR:		734		1,152		418
	TOTAL:	3,838	3,420	4,011	3,960	173	540
Department of Defense--Civil							
Forest and Wildlife Conservation, Military Reservations							
Wildlife conservation							
97 5095 0 2 303							
	NEW:	1,650	1,500	1,675	1,523	25	23
	PRIOR:		269		148		-121
	TOTAL:	1,650	1,769	1,675	1,671	25	-98
COMMUNITY AND REGIONAL DEVELOPMENT							
Community development							
Other Independent Agencies							
Pennsylvania Avenue Development Corporation							
Gifts and donations							
42 8112 0 7 451							
	NEW:	0	0	1	1	1	1
	PRIOR:		119		0		-119
	TOTAL:	0	119	1	1	1	-118
COMMITTEE TOTAL.. 76 Senate Environment and Public Works Committee							
	NEW:	80,503	42,873	319,964	183,702	239,461	140,829
	PRIOR:		35,559		37,628		2,069
	TOTAL:	80,503	78,432	319,964	221,330	239,461	142,898

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(AMOUNTS IN THOUSANDS)

Senate Finance Committee		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
MEDICARE							
Medicare							
Department of Health and Human Services							
Health Care Financing Administration							
Federal supplementary medical insurance trust fund							
20 8004 0 7 572							
	NEW:	24,384,000	14,722,076	25,258,000	25,711,000	874,000	10,988,924
	PRIOR:		7,818,924		-662,000		-8,480,924
	TOTAL:	24,384,000	22,541,000	25,258,000	25,049,000	874,000	2,508,000
INCOME SECURITY							
General retirement and disability insurance (excluding socia							
Other Independent Agencies							
Railroad Retirement Board							
Railroad social security equivalent benefit account							
60 8010 0 7 601							
	NEW:	5,761,000	5,303,956	5,896,000	5,589,776	135,000	285,820
	PRIOR:		293,000		153,044		-139,956
	TOTAL:	5,761,000	5,596,956	5,896,000	5,742,820	135,000	145,864
Federal employee retirement and disability							
Legislative Branch							
United States Tax Court							
Tax Court judges survivors annuity fund							
23 8115 0 7 602							
	NEW:	251	31	261	30	10	-1
	PRIOR:		0		0		0
	TOTAL:	251	31	261	30	10	-1
Other income security							
Department of the Treasury							
Internal Revenue Service							
Payment where credit exceeds liability for tax							
20 0906 0 1 609							
	NEW:	1,116,000	1,116,000	1,322,000	1,322,000	206,000	206,000
	PRIOR:		0		0		0
	TOTAL:	1,116,000	1,116,000	1,322,000	1,322,000	206,000	206,000
GENERAL GOVERNMENT							
Central fiscal operations							
United States Customs Service							
Refunds, transfers and expenses, unclaimed, abandoned and se							
20 8789 0 7 803							
	NEW:	7,322	7,322	7,988	7,988	666	666
	PRIOR:		0		0		0
	TOTAL:	7,322	7,322	7,988	7,988	666	666
Office of the Secretary							
Gifts and bequests							
20 8790 0 7 803							
	NEW:	1,000	1,000	2,000	2,000	1,000	1,000
	PRIOR:		0		0		0
	TOTAL:	1,000	1,000	2,000	2,000	1,000	1,000
NET INTEREST							
Interest on the public debt							
Interest on the Public Debt							
Interest on the public debt							
20 0550 0 1 901							
	NEW:	180,931,000	180,931,000	204,416,000	204,416,000	23,485,000	23,485,000
	PRIOR:		0		0		0
	TOTAL:	180,931,000	180,931,000	204,416,000	204,416,000	23,485,000	23,485,000
COMMITTEE TOTAL.. 78 Senate Finance Committee							
	NEW:	212,200,573	202,081,385	236,902,249	237,048,794	24,701,676	34,967,409
	PRIOR:		8,111,924		-508,956		-8,620,880
	TOTAL:	212,200,573	210,193,309	236,902,249	236,539,838	24,701,676	26,346,529

(AMOUNTS IN THOUSANDS)

Senate Foreign Relations Committee		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
INTERNATIONAL AFFAIRS							
Foreign economic and financial assistance							
Funds Appropriated to the President							
Peace Corps							
Peace Corps miscellaneous trust funds							
11 9972 0 7 151							
	NEW:	550	450	600	600	50	150
	PRIOR:		0		0		0
	TOTAL:	550	450	600	600	50	150

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Senate Foreign Relations Committee		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
International financial programs							
Military Sales Programs							
Foreign military sales trust fund							
11 8242 0 7 155							
	NEW:	12,834,000	1,515,000	12,978,000	1,586,000	144,000	71,000
	PRIOR:		10,385,000		10,414,000		29,000
	TOTAL:	12,834,000	11,900,000	12,978,000	12,000,000	144,000	100,000
COMMITTEE TOTAL.. 80	Senate Foreign Relations Committee						
	NEW:	12,834,550	1,515,450	12,978,600	1,586,600	144,050	71,150
	PRIOR:		10,385,000		10,414,000		29,000
	TOTAL:	12,834,550	11,900,450	12,978,600	12,000,600	144,050	100,150

(AMOUNTS IN THOUSANDS)

Senate Governmental Affairs Commit		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
COMMERCE AND HOUSING CREDIT							
Postal Service							
Other Independent Agencies							
Postal Service							
Postal Service							
18 4020 0 3 372							
	NEW:	1,402,824	0	1,787,389	212,591	384,565	212,591
	PRIOR:		320,161		965,470		645,309
	TOTAL:	1,402,824	320,161	1,787,389	1,178,061	384,565	857,900
INCOME SECURITY							
Federal employee retirement and disability							
Office of Personnel Management							
Office of Personnel Management							
Civil service retirement and disability fund							
24 8135 0 7 602							
	NEW:	39,430,000	23,070,000	41,204,000	22,690,204	1,774,000	-379,796
	PRIOR:		0		1,197,796		1,197,796
	TOTAL:	39,430,000	23,070,000	41,204,000	23,888,000	1,774,000	818,000
GENERAL GOVERNMENT							
General property and records management							
Other Independent Agencies							
National Archives and Records Administration							
National archives gift fund							
88 8127 0 7 804							
	NEW:	184	0	335	0	151	0
	PRIOR:		370		430		60
	TOTAL:	184	370	335	430	151	60
COMMITTEE TOTAL.. 82	Senate Governmental Affairs Committee						
	NEW:	40,833,008	23,070,000	42,991,724	22,902,795	2,158,716	-167,205
	PRIOR:		320,531		2,163,696		1,843,165
	TOTAL:	40,833,008	23,390,531	42,991,724	25,066,491	2,158,716	1,675,960

(AMOUNTS IN THOUSANDS)

Senate Judiciary Committee		1985 BA	1985 OUTLAYS	1986 BA	1986 OUTLAYS	DIFFERENCE COL2 - COL1 BA	DIFFERENCE COL2 - COL1 OUTLAYS
INCOME SECURITY							
Federal employee retirement and disability							
The Judiciary							
Judiciary Trust Funds							
Judicial survivors' annuities fund							
10 8110 0 7 602							
	NEW:	14,306	3,801	15,681	3,956	1,375	155
	PRIOR:		0		0		0
	TOTAL:	14,306	3,801	15,681	3,956	1,375	155
ADMINISTRATION OF JUSTICE							
Criminal justice assistance							
Department of Justice							
Office of Justice Programs							
Crime victims fund							
15 5041 0 2 754							
	NEW:	70,000	15,000	100,000	60,000	30,000	45,000
	PRIOR:		0		0		0
	TOTAL:	70,000	15,000	100,000	60,000	30,000	45,000
COMMITTEE TOTAL.. 86	Senate Judiciary Committee						
	NEW:	84,306	18,801	115,681	63,956	31,375	45,155
	PRIOR:		0		0		0
	TOTAL:	84,306	18,801	115,681	63,956	31,375	45,155

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Senate Labor and Human Resources C		1985		1986		DIFFERENCE COL2 - COL1	
		BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
INCOME SECURITY							
General retirement and disability insurance (excluding socia							
Department of Labor							
Employment Standards Administration							
Special workers' compensation expenses							
16 9971 0 7 601							
	NEW:	58,000	24,363	68,000	29,363	10,000	5,000
	PRIOR:		28,637		33,637		5,000
	TOTAL:	58,000	53,000	68,000	63,000	10,000	10,000
NET INTEREST							
Other interest							
Department of Education							
Department of Education							
Other interest to promote education of the blind							
91 9990 8 7 908							
	NEW:	-10	-10	0	0	10	10
	PRIOR:		0		0		0
	TOTAL:	-10	-10	0	0	10	10
COMMITTEE TOTAL.. 87	Senate Labor and Human Resources Committee						
	NEW:	57,990	24,353	68,000	29,363	10,010	5,010
	PRIOR:		28,637		33,637		5,000
	TOTAL:	57,990	52,990	68,000	63,000	10,010	10,010

(AMOUNTS IN THOUSANDS)

Senate Rules and Administration Co		1985		1986		DIFFERENCE COL2 - COL1	
		BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES							
Research and general education aids							
Legislative Branch							
Library of Congress							
Gift and trust fund accounts							
03 9971 0 7 503							
	NEW:	7,378	0	7,628	0	250	0
	PRIOR:		7,299		7,830		531
	TOTAL:	7,378	7,299	7,628	7,830	250	531
COMMITTEE TOTAL.. 88	Senate Rules and Administration Committee						
	NEW:	7,378	0	7,628	0	250	0
	PRIOR:		7,299		7,830		531
	TOTAL:	7,378	7,299	7,628	7,830	250	531

(AMOUNTS IN THOUSANDS)

Senate Veterans Affairs Committee		1985		1986		DIFFERENCE COL2 - COL1	
		BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
VETERANS BENEFITS AND SERVICES							
Income security for veterans							
Veterans Administration							
Veterans Administration							
National service life insurance fund							
36 8132 0 7 701							
	NEW:	1,248,900	0	1,297,200	0	48,300	0
	PRIOR:		981,600		1,042,700		61,100
	TOTAL:	1,248,900	981,600	1,297,200	1,042,700	48,300	61,100
Other veterans benefits and services							
General post fund, national homes							
36 8180 0 7 705							
	NEW:	14,000	11,458	15,000	12,458	1,000	1,000
	PRIOR:		1,042		1,042		0
	TOTAL:	14,000	12,500	15,000	13,500	1,000	1,000
COMMITTEE TOTAL.. 90	Senate Veterans Affairs Committee						
	NEW:	1,262,900	11,458	1,312,200	12,458	49,300	1,000
	PRIOR:		982,642		1,043,742		61,100
	TOTAL:	1,262,900	994,100	1,312,200	1,056,200	49,300	62,100

CBO/BUDGET ANALYSIS DIV(MAR40R) CBO EST. OF PRES. WHERE BUDGET YEAR DATA
(UNIFIED BUDGET) IS GREATER THAN CURRENT YEAR DATA
P63 SORTED BY: SCOM,FUNC,SFUN,TID
(AMOUNTS IN THOUSANDS)

Temporary Select Committee on Indi	1985		1986		DIFFERENCE COL2 - COL1	
	BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
COMMUNITY AND REGIONAL DEVELOPMENT						
Area and regional development						
Department of the Interior						
Bureau of Indian Affairs						
Miscellaneous permanent appropriations (Area and regional de						
14 9925 0 2 452						
NEW:	39,633	19,817	40,195	20,098	562	281
PRIOR:		22,050		19,785		-2,265
TOTAL:	39,633	41,867	40,195	39,883	562	-1,984
COMMITTEE TOTAL.. 92 Temporary Select Committee on Indian Affairs						
NEW:	39,633	19,817	40,195	20,098	562	281
PRIOR:		22,050		19,785		-2,265
TOTAL:	39,633	41,867	40,195	39,883	562	-1,984

(AMOUNTS IN THOUSANDS)

Senate Small Business Committee	1985		1986		DIFFERENCE COL2 - COL1	
	BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
COMMERCE AND HOUSING CREDIT						
Other advancement of commerce						
Department of the Treasury						
Federal Financing Bank Activities						
Section 503 Loan Guarentees, FFB						
20 9933 0 3 376						
NEW:	291,000	285,000	304,000	-640,000	13,000	-925,000
PRIOR:		0		0		0
TOTAL:	291,000	285,000	304,000	-640,000	13,000	-925,000
COMMITTEE TOTAL.. 94 Senate Small Business Committee						
NEW:	291,000	285,000	304,000	-640,000	13,000	-925,000
PRIOR:		0		0		0
TOTAL:	291,000	285,000	304,000	-640,000	13,000	-925,000

(AMOUNTS IN THOUSANDS)

UNIFIED BUDGET TOTAL	1985		1986		DIFFERENCE COL2 - COL1	
	BA	OUTLAYS	BA	OUTLAYS	BA	OUTLAYS
UNIFIED BUDGET TOTAL						
NEW:	924,486,168	706,249,196	1,042,794,981	807,983,247	118,308,813	101,734,051
PRIOR:		142,476,854		133,666,440		-8,810,414
TOTAL:	924,486,168	848,726,050	1,042,794,961	941,649,687	118,308,813	92,923,637

Mr. DOLE. Mr. President, I yield myself time off the resolution.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that the Senate proceed to vote on amendment No. 44 at 6:05 p.m. tonight without intervening debate, motion, appeal, point of order, or other action.

Having made their request, before the Chair rules, I indicates then to the distinguished minority leader if there be no further action on this measure tonight that I would like a short period of time for routine morning business, if there is some, say 15 minutes, with statements therein limited to 5 minutes each; then, plan to come in at 9:30 in the morning.

As I understand, there is a special order for the Senator from Wisconsin [Mr. PROXMIRE] in routine morning business for not to exceed 15 minutes; then, start on Senate Concurrent Resolution 32 at 10 a.m.

Mr. BYRD. Mr. President, reserving the right to object, I will not object. This request has been discussed with Senators on my side, several of them with whom I have personally discussed it, and with whom the distinguished Senator from Florida [Mr. CHILES] and I have discussed. So I will not interpose the objection.

The VICE PRESIDENT. Is there objection to the request of the majority leader? Without objection, it is so ordered.

Mr. DOLE. I also indicate to my colleagues that this will be the last rollcall vote of the day. I will ask following the vote and the motion to reconsider, and the motion to table, that we have a period for routine morning business not to exceed 15 minutes.

Mr. BYRD. Mr. President, will the distinguished majority leader ask unanimous consent that any Senator who wishes to do so may include in the RECORD prior to the vote a statement as if read?

Mr. DOLE. That is an excellent idea. I have a couple of those.

Mr. President, I make that unanimous-consent request.

The VICE PRESIDENT. Without objection, it is so ordered.

The VICE PRESIDENT. Under the previous order, the hour of 6:05 p.m. having arrived, the question is on agreeing to the amendment of the Senator from Kansas, Mr. DOLE. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST] is absent due to illness.

The VICE PRESIDENT. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—50

Abdnor	Gramm	Packwood
Andrews	Grassley	Pressler
Armstrong	Hatch	Quayle
Boschwitz	Hatfield	Roth
Chafee	Hawkins	Rudman
Cochran	Hecht	Simpson
Cohen	Heinz	Specter
D'Amato	Helms	Stafford
Danforth	Humphrey	Stevens
Denton	Kassebaum	Symms
Dole	Laxalt	Thurmond
Domenici	Lugar	Trible
Durenberger	Mattingly	Wallop
Evans	McClure	Warner
Garn	McConnell	Weicker
Goldwater	Murkowski	Wilson
Gorton	Nickles	

NAYS—49

Baucus	Glenn	Melcher
Bentsen	Gore	Metzenbaum
Biden	Harkin	Mitchell
Bingaman	Hart	Moynihan
Boren	Heflin	Nunn
Bradley	Hollings	Pell
Bumpers	Inouye	Proxmire
Burdick	Johnston	Pryor
Byrd	Kasten	Riegle
Chiles	Kennedy	Rockefeller
Cranston	Kerry	Sarbanes
DeConcini	Lautenberg	Sasser
Dixon	Leahy	Simon
Dodd	Levin	Stennis
Eagleton	Long	Zorinsky
Exon	Mathias	
Ford	Matsunaga	

NOT VOTING—1

East

So the amendment (No. 44) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(The following occurred earlier:)

Mr. BYRD. Will the majority leader yield for a unanimous-consent request concerning another matter which I discussed with him?

Mr. DOLE. I am happy to yield to the distinguished minority leader.

DESIGNATION OF MAY 7, 1985, AS VIETNAM VETERANS RECOGNITION DAY

Mr. BYRD. Mr. President, I ask unanimous consent that a resolution which I will introduce before the close of business today, which would designate May 7, 1985, as Vietnam Veterans Recognition Day remain at the desk until further disposition hopefully on tomorrow, and that it appear printed in the RECORD following the vote on the matter concerning which Mr. DOLE has now presented a request.

The VICE PRESIDENT. Is there objection to the request of the minority leader? Hearing none, it is so ordered.

VIETNAM VETERANS RECOGNITION DAY

Mr. BYRD. Mr. President, I am introducing a resolution today which is long overdue and is a symbol of my concern that our Nation's Vietnam veterans be afforded the recognition they are due for their patriotic service.

Next Tuesday, May 7, 1985, marks the 10th anniversary of the official end of America's involvement in the conflict in Vietnam. Some 3.4 million American men and women served in the Vietnam theater during that long war—the longest conflict this Nation has been involved in since we gained our independence. More than 57,000 Americans lost their lives there, and an additional 2,400 Americans are still listed as missing in action in Southwest Asia. Some 300,000 were wounded and some 75,000 have incurred permanent physical disabilities as a result of their service. Many more thousands still suffer psychological harm resulting from their experiences in Vietnam.

Regardless of the ultimate verdict of history about U.S. involvement in that war, the service that patriotic Americans performed is deserving of their country's recognition.

Mr. President, the Nation is now beginning to review in a more dispassionate and even-handed manner the history of our involvement in the Vietnam conflict. We are still learning the lessons of that conflict. For too long we have taken the painless road of avoiding that history. It is a healthy sign, I believe, that there has been a recent upsurge in commentary and analysis of our role in Vietnam. If we cannot examine our past, then we will be unable to chart our future with wisdom.

It is, then, appropriate that we now take steps to honor our veterans, and the memory of those who did not return from Vietnam. This resolution would designate next Tuesday, May 7, as "Vietnam Veterans Recognition Day." It is a modest measure, but an essential step in the healing process which is so important for our country.

The text of the joint resolution introduced by Mr. BYRD, for himself, Mr. CRANSTON, Mr. LEAHY, Mr. ROCKEFELLER, Mr. EXON, Mr. DIXON, Mr. NUNN, and Mr. HOLLINGS, follows:

S.J. RES. 128

Whereas over 3 million American fighting men and women who served in the Vietnam theatre for over a decade acquitted themselves in the highest traditions of American service personnel;

Whereas more than 57,000 Americans lost their lives there, and an additional 2,400 Americans are still listed as missing in action in Southeast Asia.

Whereas thousands of Vietnam veterans still suffer physically and psychologically from the effects of the war, including many who are permanently disabled;

Whereas regardless of the ultimate verdict of history about United States involvement in that war, the service that patriotic Americans performed in the Vietnam theatre is deserving of continued and reemphasized grateful recognition;

Whereas the nation is now beginning to review in a more dispassionate and even-handed manner the history of our involvement in the Vietnam conflict;

Whereas for too long the nation failed to honor the service of and respond appropriately to the needs of Vietnam veterans and was instead anxious to place the Vietnam experience behind it;

Whereas May 7, 1985 marks the tenth anniversary of the official end of America's involvement in the conflict in Vietnam:

Now, therefore, be it *Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,* That May 7, 1985 is designated "Vietnam Veterans Recognition Day" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a day with appropriate activities.

(Conclusion of earlier proceedings.)

ROUTINE MORNING BUSINESS

Mr. DOLE. I ask unanimous consent that there be a period for routine morning business not to extend beyond 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT—PM 41

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I am pleased to send to you the annual report of the National Science Foundation for Fiscal Year 1984. This report describes research supported by the Foundation in the mathematical, physical, biological, social, behavioral, and information sciences; in engineering; and in education in those fields.

Achievements such as the ones described in this report are the basis for much of our Nation's strength—its economic growth, military security, and the overall well-being of our people.

We face challenges in science, engineering, and technology, but I am confident about our ability to meet those challenges. The National Science Foundation has been and will remain a key part of the national effort to keep vital our great capabilities in research and productivity and to stay ahead of world competition through innovation and new discoveries.

RONALD REAGAN,

THE WHITE HOUSE, *April 30, 1985.*

REPORT ON U.S. GOVERNMENT ACTIONS TO SECURE THE RETURN OF ANY SERVICEMEN STILL HELD CAPTIVE IN SOUTHEAST ASIA—MESSAGE FROM THE PRESIDENT—PM 42

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with Section 1525 of the Department of Defense Authorization Act of 1985, I am submitting the attached report detailing actions taken by the United States Government in pursuit of our national goal of returning any servicemen who may still be held captive in Southeast Asia; the fullest possible accounting of those still missing; and the repatriation of all recoverable remains of those who died serving our Nation.

In doing so, I would like to reemphasize my personal dedication to this great national effort and my confidence that the actions of those involved throughout the Executive branch of Government in the resolution of this issue reflect this same dedication. In this effort, there can be no partisan or parochial views or any special interests, but only the interest of the entire American people to see to it that all of us do our duty toward those who served this Nation so well in time of war and their families who look to us to help secure the answers they so rightfully seek and deserve.

RONALD REAGAN.

THE WHITE HOUSE, *April 30, 1985.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-980. A communication from the chairman of the National Advisory Council on Bilingual Education transmitting, pursuant to law, the ninth annual report of the Council on Bilingual Education in the United States; to the Committee on Labor and Human Resources.

EC-981. A communication from the National Advisory Council on Vocational Eductation transmitting, pursuant to law, the Council's 1984 annual report; to the Committee on Labor and Human Resources.

EC-982. A communication from the Executive Director of the Intergovernmental Advisory Council on Education transmitting, pursuant to law, the Council's 1984 annual report; to the Committee on Labor and Human Resources.

EC-983. A communication from the presiding officer of the Advisory Council on Education Statistics transmitting, pursuant to law, the Council's 1984 annual report; to the Committee on Labor and Human Resources.

EC-984. A communication from the chairman of the National Advisory Council on Continuing Education transmitting, pursuant to law, the Council's 1984 annual report; to the Committee on Labor and Human Resources.

EC-985. A communication from the Assistant Secretary of Education transmitting, pursuant to law, the 1984 Department of Education annual report; to the Committee on Labor and Human Resources.

EC-986. A communication from the Under Secretary of Labor transmitting, pursuant to law, a report on experimental projects under the Older Americans Act; to the Committee on Labor and Human Resources.

EC-987. A communication from the Assistant Secretary of Education transmitting, pursuant to law, the 1984 annual report of the Asbestos Hazards School Safety Task Force; to the Committee on Labor and Human Resources.

EC-988. A communication from the Administrator of the Veterans' Administration transmitting a draft of proposed legislation to revise eligibility for VA medical care; to the Committee on Veterans Affairs.

EC-989. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Overview and Perspectives on the Food Stamp Program"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-990. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Examination of the Panama Canal Commission's Financial Statements for the Years Ended September 30, 1983 and 1982"; to the Committee on Armed Services.

EC-991. A communication from the Acting General Counsel of the Treasury transmitting a draft of proposed legislation authorizing appropriations for the U.S. Mint for fiscal years 1986 and 1987; to the Committee on Banking, Housing, and Urban Affairs.

EC-992. A communication from the Acting General Counsel of the Treasury transmitting a draft of proposed legislation to authorize printing the back side of U.S. currency by a method other than the intaglio process; to the Committee on Banking, Housing, and Urban Affairs.

EC-993. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report on certain transactions involving exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-994. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to amend the Saltonstall-Kennedy Fund Act to allow expenditure of funds for marine fishery resource programs; to the Committee on Commerce, Science, and Transportation.

EC-995. A communication from the Secretary General of the U.S. Olympic Committee transmitting, pursuant to law, the 1984 Olympic Committee financial statement; to the Committee on Commerce, Science, and Transportation.

EC-996. A communication from the Acting Deputy Associate Director of the Minerals Management Service transmitting, pursuant to law, a report on 33 proposed refunds of excess royalty payments to certain corporations; to the Committee on Energy and Natural Resources.

EC-997. A communication from the Acting Deputy Associate Director of the Minerals Management Service transmitting, pursuant to law, a report on five proposed refunds of excess royalty payments to certain corporations; to the Committee on Energy and Natural Resources.

EC-998. A communication from the Secretary of the Interior transmitting, pursuant to law, the 1984 report on Outer Continental Shelf Oil and Gas Leasing and Production; to the Committee on Energy and Natural Resources.

EC-999. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to increase the authority of the Secretary of Commerce to collect on loans under the Public Works and Economic Development Act of 1965 and the Trade Act of 1974; to the Committee on Environment and Public Works.

EC-1000. A communication from the Chairman of the Railroad Retirement Board transmitting a draft of proposed legislation to conform the Federal income tax treatment of rail industry pensions to that of private pensions; to the Committee on Finance.

EC-1001. A communication from the Secretary of the Railroad Retirement Board transmitting, pursuant to law, a report on the computer matching program for VA Compensation and Railroad Retirement and Survivor Benefit Records; to the Committee on Governmental Affairs.

EC-1002. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the Office of Personnel Management Activities under the Civil Service Reform Act, fiscal year 1984; to the Committee on Governmental Affairs.

EC-1003. A communication from the Director of the Administrative Office of the U.S. Courts transmitting a draft of proposed legislation to increase compensation of attorneys providing representation under the Criminal Justice Act; to the Committee on the Judiciary.

EC-1004. A communication from the Secretary of Health and Human Services transmitting a draft of proposed legislation to amend the Federal Food, Drug, and Cosmetic Act; to the Committee on Labor and Human Resources.

EC-1005. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, a report on three violations of law involving expenditure of funds in excess of those appropriated or in advance of appropriation; to the Committee on Appropriations.

EC-1006. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, a report on three violations of law involving overobligation of appropriated funds; to the Committee on Appropriations.

EC-1007. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, a report on four violations of law involving the overobligation of appropriated funds; to the Committee on Armed Services.

EC-1008. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to extend certain expiring authorizations; to the Committee on Armed Services.

EC-1009. A communication from the Deputy Director of the Administrative Office of the U.S. Courts transmitting, pursuant to law, a report on activities under the Right to Financial Privacy Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-1010. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to improve cost recovery for Federal Aviation Administration programs; to the Committee on Commerce, Science, and Transportation.

EC-1011. A communication from the Secretary of Transportation transmitting, pursuant to law, the 1984 Maritime Administration annual report; to the Committee on Commerce, Science, and Transportation.

EC-1012. A communication from the Assistant Secretary of the Interior transmitting, pursuant to law, a draft of proposed legislation to authorize certain construction in the San Luis Unit, Central Valley Project; to the Committee on Energy and Natural Resources.

EC-1013. A communication from the Acting Director of the Office of Personnel Management transmitting a draft of proposed legislation to make permanent the method for converting established annual rates of pay for Federal employees into hourly, daily, and biweekly pay rates; to the Committee on Governmental Affairs.

EC-1014. A communication from the Acting Archivist of the United States transmitting a draft of proposed legislation to permit domestic dissemination of USIA records; to the Committee on Governmental Affairs.

EC-1015. A communication from the Deputy Director of the Administrative Office of the U.S. Courts transmitting, pursuant to law, the annual report on applications for court orders to permit interception of wire or oral communications; to the Committee on the Judiciary.

EC-1016. A communication from the Acting General Counsel of the Treasury transmitting a draft of proposed legislation to authorize appropriations for the Customs Service for fiscal years 1986 and 1987; to the Committee on Finance.

EC-1017. A communication from the Secretary of Education transmitting, pursuant to law, a report on final funding priorities for handicapped special studies program; to the Committee on Labor and Human Resources.

EC-1018. A communication from the Secretary of Education transmitting, pursuant to law, a report on final regulations for certain education programs; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORE:

S. 1031. A bill to provide for the continuous assessment of critical trends and alternative futures; to the Committee on Governmental Affairs.

By Mr. DANFORTH:

S. 1032. A bill to establish a commission to study amusement ride safety, and for other purposes; to the Committee on Commerce; Science, and Transportation.

By Mr. KERRY (for himself and Mr. PRESSLER):

S. 1033. A bill to amend the Emergency Veterans' Job Training Act of 1983 to establish a veterans' career development and training program; to amend title 38, United States Code, to establish a Veterans' Computerized Job Bank Program, to enhance readjustment appointments of veterans to positions of employment in the Federal Government, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PRESSLER:

S.J. Res. 126. Joint resolution to condemn Bulgarian brutality toward their Turkish minority; to the Committee on Foreign Relations.

By Mr. DANFORTH (for himself, Mr. EAGLETON, Mr. DIXON, and Mr. SIMON):

S.J. Res. 127. Joint resolution to grant the consent of Congress to certain additional powers conferred upon the bi-State development agency by the State of Missouri and Illinois; to the Committee on the Judiciary.

By Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. CRANSTON, Mr. LEAHY, Mr. EXON, Mr. DIXON, Mr. NUNN, and Mr. HOLLINGS):

S.J. Res. 128. Joint resolution to designate May 7, 1985 as "Vietnam Veterans Recognition Day"; ordered held at the desk.

By Mr. NUNN (for himself, Mr. JOHNSTON, Mr. BENTSEN, and Mr. BOREN):

S.J. Res. 129. Joint resolution to promote internal reconciliation within Nicaragua, on the basis of democratic principles, in furtherance of a peaceful resolution of the conflict in Central America; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself, Mr. BENTSEN, and Mr. MOYNIHAN):

S. Res. 151. Resolution to express the sense of the Senate regarding the Bonn Economic Summit; to the Committee on Foreign Relations.

By Mr. ANDREWS:

S. Con. Res. 46. Concurrent resolution to express the sense of the Congress regarding Americans missing in Southeast Asia; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORE:

S. 1031. A bill to provide for the continuous assessment of critical trends and alternative futures; to the Committee on Governmental Affairs.

CRITICAL TRENDS ASSESSMENT ACT

● Mr. GORE. Mr. President, I am introducing today a bill that would get the Federal Government to do something it rarely does indepth—consider the future.

We often lurch from one crisis to another. Meanwhile, new problems bubble beneath the surface for years and we barely recognize them in our preoccupation with the present day's crisis. Then, suddenly, they burst forth, whether it's Social Security funding, energy supplies and prices, or trade imbalances.

For example, we thought for years that the Earth contained inexhaustible resources and could cope with whatever abuses we heaped on it and into it. We have since discovered the enormous quantity of toxic wastes oozing into our water supplies. We learned about soil erosion and later about finite fossil fuel resources.

Our Nation's energy picutre was wrenched first by lower supplies, then by higher prices. Demand eventually dropped and we were sent reeling by having to pay for power plants we no longer needed.

As baby boomers matured and entered the working world, school enrollment dropped and schools closed in their wake. Now, the baby boomers are having children of their own and we find a shortage of elementary school teachers that we could have anticipated but didn't.

One year we infused money into the Nation's railway system. Another year we debated ending our rail subsidy by shutting down the system.

And these four examples are only the tip of the iceberg.

Sometimes when we try to glimpse into the future we get more confused than when we started. Computer models in executive agencies often develop conclusions that are widely inconsistent with one another. Deregulation, understaffing and the Paperwork Reduction Act have taken their toll, reducing the quality of Federal data available on some issues.

Our shortsightedness does not necessarily result from the fact that we aren't doing enough studies or collecting enough information. From the Census Bureau to the Social Security Administration, the Federal Government often seems awash in statistics.

But what are we doing with them? How are we, as elected leaders, assessing today the critical trends that tomorrow will become crises and the day after require our immediate response?

It is precisely because we are often so institutionally shortsighted that I am today introducing legislation that would provide for the continuous assessment of critical trends and alternative futures. It is similar to a bill I introduced while in the House 2 years ago. Unfortunately, that bill did not move very quickly, but that is not unusual for efforts of this kind.

Shortly after this century began, in fact, President Theodore Roosevelt created a national commission to study the future of the country's natural resources. The group met with congressional opposition to government by commission and eventually wilted.

The Critical Trends Assessment Act would not constitute government by commission. The office it would create would not usurp powers from any Federal agency. It would not be a method to invoke centralized planning into the Federal Government. I invite you to study the bill carefully. The word "planning" never appears. And the office would not be, I hope, the sole source for thinking about the future.

I envision it as a coordinator, an instigator, a facilitator for those of us in

government and in the public at large who believe that present-day trends deserve more than seat-of-the-pants reactions. I see the office as a mechanism to encourage useful debate among people in the Federal Government as well as in the private sector, focusing our attention beyond immediate concerns, making us better prepared for the future.

Specifically, the bill would establish within the Executive Office of the President an Office of Critical Trends Analysis, with a $5 million annual budget. The office would be authorized to advise the President "of the potential effect of Government policies on critical trends and alternative futures."

The office would produce, every 4 years, an "Executive Branch Report on Crictical Trends and Alternative Futures." The Joint Economic Committee of Congress would produce a similar report, with its own findings, every 2 years.

Both reports would be expected to identify and analyze critical trends and alternative futures for the next 20 years in light of economic, technological, political, environmental, demographic and social causes and consequences. They would analyze these trends based on current conditions, evaluate current Government policies and consider any alternative approaches.

An Advisory Commission on Critical Trends Analysis would be created with Executive, congressional and private sector representation. The advisory Commission would assist the office and promote public discussion of critical trends.

I have seen the value of getting Congress to look into the future. About 2 years ago the Congressional Clearinghouse on the Future, which I chaired, published a "Future Agenda" as seen by committees and subcommittees of the House. This was a valuable exercise in getting the committees to focus beyond day-to-day concerns and look at long-term trends.

We know that land fueled the agricultural revolution and capital fueled the industrial revolution. There is growing awareness that information is fueling our present revolution. But what are we doing with it? We are gathering data, we are making studies and we are shoving it all aside so we can handle the crises of the present day.

I think Congress and the White House can show more foresight than that.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1031

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Critical Trends Assessment Act".

SEC. 2. FINDINGS AND PURPOSES.

The Congress finds and declares that—

(1) while the Government has available to it enormous information resources, there is a need to supplement existing capabilities to provide a systematic and comprehensive use of that information to guide policymakers concerning critical trends and alternative futures;

(2) these information resources can and should be made publicly available in a form suitable for use by the public and private sectors of the United States economy;

(3) therefore, it is necessary to establish mechanisms to evaluate available information, to focus attention on areas in which information is inadequate, and to identify and analyze critical trends and alternative futures based upon the best available information.

SEC. 3. FUNCTIONS OF THE OFFICE OF CRITICAL TRENDS ANALYSIS.

(a) There is established in the Executive Office of the President the Office of Critical Trends Analysis (hereafter in this title referred to as the "Office"). The Director and Deputy Director of the Office shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The Office shall be responsible for—

(1) the preparation of the executive branch report as required by section 4;

(2) the review and analysis of Government policies as required by section 5; and

(3) the organization and utilization of the Advisory Commission as required by section 6.

(c) The President shall authorize the Office to utilize the information, property, facilities, services, and personnel of each department and agency in the executive branch to the extent necessary in carrying out such functions. In addition, the Director is authorized to appoint and fix the compensation of employees of the Office.

(d) There are authorized to be appropriated not to exceed $5,000,000 for fiscal year 1986 and each of the succeeding fiscal years for the purpose of carrying out section 3 through 6 of this Act.

SEC. 4. PREPARATION OF REPORT.

(a) Not later than the end of 1990 and each fourth year thereafter, the Office shall prepare for publication and Executive Branch Report on Critical Trends and Alternative Futures. The report shall contain—

(1) an indentification and analysis, of critical trends and alternative futures for the ensuing twenty-year period;

(2) a description of the relationship of such trends and alternative futures to the economic, technological, political, environmental, demographic, and social causes and consequences;

(3) an analysis of such trends and alternative futures with respect to present and future problem areas and potential future opportunities;

(4) an evaluation of the effects of existing and alternative Government policies on such trends; and

(5) an identification of the information and a discussion of the analysis upon which conclusions in the report are based.

(b) Such reports shall be based upon information obtained from sources outside the Federal Government and upon information obtained from Federal departments and agencies.

(c) Prior to the publication of the report required by this section, the Director of the Office shall make a draft copy of such report available to interested persons for the purposes of review and comment. Any significant comments received from interested persons or a summary therof shall be included as an appendix to the published report.

(d) The President shall submit such report, together with his comments or recommendations thereon, to each House of the Congress and such report shall be made available within the Government and to the public as a public document.

(e) The Office shall also publish such interim reports as it considers necessary and appropriate.

SEC. 5. REVIEW AND ANALYSIS OF GOVERNMENT POLICIES.

The Office shall be responsible for advising the President of the potential effects of Government policies on critical trends and alternative futures. The Office shall—

(1) analyze available information to identify present policies and policy options for the United States in a relation to critical trends and alternative futures;

(2) review Federal laws, regulations, programs, and other activities of the Federal Government to determine their long-term effects;

(3) prepare reports for the President as necessary and appropriate;

(4) insure that the Federal departments, agencies, and establishments with responsibilities in the area of policy under consideration are provided an opportunity to comment on the potential effects of Government policies on critical trends and alternative futures;

(5) consider the comments of such Federal departments, agencies, and establishments in performing its functions under this section; and

(6) include the official comments of such Federal departments, agencies, and establishments in any reports provided to the President by the Office under the authority of this section.

SEC. 6. ADVISORY COMMISSION ON CRITICAL TRENDS ANALYSIS.

(a) The Office shall be responsible for the establishment of the Advisory Commission on Critical Trends Analysis.

(b) The Advisory Commission shall—

(1) provide advice to the Office with respect to its operations; and

(2) promote the public discussion and public awareness of critical trends and the use of analyses of such trends to create alternative futures.

(c) The Advisory Commission shall be composed of nineteen members, as follows:

(1) Five members of the Advisory Commission shall be the heads of Federal agencies designated by the President.

(2) Three members of the Advisory Commission shall be Members of the Senate, appointed by the majority leader and minority leader of the Senate, acting jointly, at least one of whom shall be a member of the minority party.

(3) Three members of the Advisory Commission shall be Members of the House of Representatives appointed by the Speaker of the House of Representatives, at least one of whom shall be a member of the minority party who is appointed in consultation with the leader of the minority party.

(4) Eight members of the Advisory Commission shall be individuals appointed by the President from among individuals who—

(A) are representative of business, labor, academic institutions, community organizations, and other private institutions and organizations; and

(B) have background and experience which has provided such individuals with knowledge concerning long-range data collection and analysis or the management of large enterprises, or with other experience relevant for membership on the Advisory Commission.

(d) Members of the Advisory Commission shall be appointed for a term of three years, except that—

(1) the term of office of the members first appointed under subsection (c)(1) shall expire, as designated by the President at the time of appointment, two at the end of one year, two at the end of two years, and one at the end of three years;

(2) the term of members first appointed under subsection (c)(2) shall expire, as designated by the majority leader and the minority leader of the Senate at the time of appointment, one at the end of one year, one at the end of two years, and one at the end of three years;

(3) members appointed under subsection (c)(3) shall be appointed for a term of two years, and the term of members first appointed under such subsection shall expire, as determined by the Speaker of the House of Representatives at the time of appointment, one at the end of one year, and two at the end of two years; and

(4) the term of members first appointed under subsection (c)(4) shall expire, as designated by the President at the time of appointment, three at the end of one year, two at the end of two years, and three at the end of three years.

No individual may be appointed to serve more than two terms on the Advisory Commission.

(e) The Advisory Commission shall elect one of its members as Chair of the Advisory Commission.

(f) Any vacancy in the Advisory Commission shall not affect its power to function. A vacancy in the Advisory Commission shall be filled in the manner in which the original appointment was made.

SEC. 7. PREPARATION OF CONGRESSIONAL REPORT.

(a) Not later than the end of 1989 and each second year thereafter, the Joint Economic Committee shall prepare for publication a Legislative Branch Report on Critical Trends and Alternative Futures.

(b) The legislative branch report shall examine the information and methods of analysis used in preparation of the executive branch report.

(c) The legislative branch report may include a response to the contents and conclusions of the executive branch report.

(d) The legislative branch report may contain—

(1) an identification and analysis of critical trends and alternative futures for the ensuing twenty-year period;

(2) a description of the relationship of such trends and alternative futures to the economic, technological, political, environmental, demographic, and social causes and consequences;

(3) an analysis of such trends and alternative futures with respect to present and future problem areas and potential future opportunities;

(4) an evaluation of the effects of existing and alternative Government policies on such trends; and

(5) an identification of the information and a discussion of the analysis upon which conclusions in the report are based.

(e) Such reports shall be based upon information obtained from sources outside the Federal Government and upon information obtained from Federal departments and agencies.

(f) The Congressional Budget Office, the General Accounting Office, the Congressional Research Service of the Library of Congress, the Office of Technology Assessment, the Congressional Clearinghouse on the Future, and other entities within the legislative branch shall make available such information as may be required for the purpose of carrying out this section.

(g) Upon approval by the committee, such report shall be submitted to each House of the Congress and shall be made available within the Government and to the public as a public document.●

By Mr. DANFORTH:

S. 1032. A bill to establish a commission to study amusement ride safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AMUSEMENT RIDE SAFETY COMMISSION ACT

● Mr. DANFORTH. Mr. President, today I am pleased to introduce the Amusement Ride Safety Commission Act.

Although there is disagreement as to the extent to which amusement ride safety is a matter for Federal regulation and as to which agencies should be involved, there is no dispute about the need for ride safety. Nearly 200 million people a year frequent amusement parks in this country and they deserve assurance that the industry adheres to the highest possible safety standards and that amusement ride safety is effectively maintained.

The legislation I am introducing today is intended to provide this assurance. It is patterned after legislation introduced in the House by Congressman HENRY HYDE. This measure would establish a temporary Commission to examine the present status of amusement ride regulation at the local, State, and Federal level, to study and review industry safety standards, and to assess the need for and potential effectiveness of any Federal involvement in amusement ride safety.

During an 18-month period, this Commission would conduct a comprehensive investigation of the scope and adequacy of safety measures employed to protect the public from unreasonable risks of injury from amusement rides. The Commission would be given the authority to hold hearings and to subpoena witnesses. Interested parties also would be given the authority to submit their views. At the end of this 18-month period, the Commission would present a final report on its findings and recommendations to the President and Congress.

The Commission would be composed of five members: The Director of the National Bureau of Standards, who would be the chairman, the Chairman of the Consumer Product Safety Commission, who would be the vice chairman, and three others to be appointed by the President. The three Presidential appointees are to be a State official who administers an amusement ride safety program, an industry safety expert, and a representative of consumer groups.

In the past, I have questioned the resources and expertise of the Consumer Product Safety Commission to investigate accidents at fixed-site amusement parks, and last year I introduced a bill to give the National Bureau of Standards authority to investigate serious accidents at fixed-site amusement parks at the request of State or local authorities.

While I remain convinced that the CPSC is not the appropriate agency to investigate such accidents and that safety at mixed-site amusement parks is primarily a matter for State and local regulation, I believe that a study by a National Commission involving both Federal and State officials seems an appropriate way to address this question, no matter what one's point of view may be. It is a reasonable way to accomplish a common goal—greater safety for all our citizens.

Mr. President, I urge my colleagues to support this legislation, and I request that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Amusement Ride Safety Commission Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) the occurrence of amusement ride accidents in recent years has prompted inquiry into the necessity and desirability of Federal legislation to regulate the amusement ride industry;

(2) the regulation of such rides has traditionally been the responsibility of State and local governments and of the amusement ride industry;

(3) it is uncertain whether any Federal agency has sufficient resources or expertise to regulate the amusement ride industry;

(4) Federal involvement in the inspection and regulation of amusement rides could be costly and inefficient;

(5) voluntary comprehensive ride safety standards have been promulgated by the American Society of Testing and Materials and such standards should be evaluated by the Federal Government; and

(6) a temporary Commission to review the scope and adequacy of safety regulations and standards in the amusement ride industry could clarify the need, or lack of need, for Federal legislation regarding amusement ride safety.

ESTABLISHMENT OF COMMISSION

SEC. 3. (a) There is established a National Commission on Amusement Ride Safety (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of five members as follows:

(1) the Director of the National Bureau of Standards, who shall be chairman of the Commission;

(2) the Chairman of the Consumer Product Safety Commission (or the Chairman's designee), who shall be vice chairman of the Commission; and

(3) three members to be appointed by the President as follows:

(A) one from among State officials who administer State amusement ride safety inspection programs;

(B) one from among professionals in the amusement ride industry who have education, training, or experience in amusement ride safety matters; and

(C) one from among persons who represent consumers.

(c) Any vacancy in the Commission shall not affect its powers.

(d) Three members of the Commission shall constitute a quorum.

DUTIES OF THE COMMISSION

SEC. 4. (a)(1) The Commission shall conduct a comprehensive investigation of the scope and adequacy of safety measures employed to protect the public from unreasonable risks of injury from amusement rides. Such investigation shall include a review of—

(A) Federal, State, and local laws regulating the amusement ride industry;

(B) existing voluntary comprehensive amusement ride safety standards; and

(C) self-regulation mechanisms within such industry.

(2) Such investigation shall determine for each law, standard, and self-regulation mechanism reviewed under paragraph (1)(A) through (C) of this subsection—

(A) the scope of its coverage;

(B) the effectiveness of any available sanctions or enforcement mechanisms; and

(C) the adequacy of powers to investigate violations.

In addition, the investigation shall determine the uniformity of application and quality of enforcement of the reviewed laws, standards, and self-enforcement mechanisms.

(b) As soon as practicable after the date of enactment of this Act, the Committee shall publish in the Federal Register an announcement of the investigation described in subsection (a) of this section, and shall afford an opportunity for any interested persons to submit views on the subject of the investigation.

(c) The Committee may transmit to the President and to the Congress such interim reports as it considers advisable, and shall transmit its final report to the President and to the Congress not later than 18 months after the date of enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Commission with respect to the adequacy of existing amusement ride safety standards and regulations, together with such recommendations for legislative, administrative, or other action as it considers appropriate.

POWERS OF THE COMMISSION

SEC. 5. (a) The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it. In holding such hearings, the Commission, upon a vote of a quorum of its members, may—

(1) order any corporation, business, or individual to submit, within a reasonable period, such reports or answers to questions as the Commission may request, in such form and such manner as the Commission may prescribe;

(2) require by subpoena the attendance and testimony of witnesses and the production of any evidence relevant to the execution of its duties; and

(3) order any person to give testimony by deposition to any person designated by the Commission to administer oaths and to take such deposition.

(b) The Commission shall publish notice of any proposed hearing in the Federal Register and shall afford a reasonable opportunity for interested persons to present relevant testimony and data.

(c)(1) If a person issued a subpoena under subsection (a)(2) of this section refuses to obey such subpoena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within such person is found or resides or transacts business may (upon application of the Commission) order such person to appear before the Commission to produce evidence or to give testimony relating to the matter under investigation. Any failure to obey such order to the court may be punished by such court as a contempt thereof.

(2) Subpoenas of the Commission shall be served in the manner provided for subpoenas of a district court under the Federal Rules of Civil Procedure for the district courts of the United States.

(d) The Commission may pay witnesses the same fees and travel expenses as are paid in like circumstances in the courts of the United States.

(e) The Commission may request from any department, agency, or independent instrumentality of the Federal Government any information it considers necessary to carry out its functions under this Act. Each such department, agency, or independent instrumentality shall cooperate with the Commission and, to the extent permitted by law, shall furnish such information to the Commission.

(f) The Commission may delegate any of its functions to individual members of the Commission.

COMPENSATION OF MEMBERS; REIMBURSEMENT OF TRAVEL EXPENSES

SEC. 6. (a) Members of the Commission shall serve without compensation.

(b) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

ADMINISTRATION

SEC. 7. (a) The Commission may appoint and fix the compensation of a staff director who shall be paid an amount not to exceed the minimum rate of basic pay payable for level GS-15 of the General Schedule pursuant to section 5332 of title 5, United States Code.

(b) The head of any Federal agency may detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying out its duties under this Act.

(c) The Commission shall cease to exist upon submitting its final report required under section 4(c) of this Act.●

By Mr. KERRY (for himself and Mr. PRESSLER):

S. 1033. A bill to amend the Emergency Veterans' Job Training Act of 1983 to establish a veterans' career development and training program; to amend title 38, United States Code, to establish a veterans' computerized job bank program, to enhance readjustment appointments of veterans to positions of employment in the Federal Government, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' CAREER DEVELOPMENT TRAINING AND JOB BANK ACT

Mr. KERRY. Mr. President, on behalf of myself and Senator PRESSLER, I am proud to introduce the Veterans' Career Development Training and Job Bank Act of 1985, which amends and extends the Emergency Veterans' Training Act of 1983.

On this day, 10 years after the fall of Saigon, it is especially important that we remember the veterans who served their country in the Vietnam war and who in part as a result of that service have never been able to reintegrate themselves completely in American society since their return.

Thankfully, most Vietnam veterans have finally "come home" in the fullest sense, holding down jobs they are satisfied with, putting down roots, establishing families. But for a significant minority of veterans, their return to the United States has never been accompanied by full integration in U.S. society. According to a recent poll by ABC and the Washington Post, this group makes up about 10 percent of all Vietnam-era veterans, and about 15 percent of those veterans who saw heavy combat. It is these veterans that this act seeks to help.

The GI bill helped many of these veterans receive an education. But too often the education the veterans of Vietnam received never paved the way for the kind of jobs that led to making it in America, to the kind of work that makes up a career. And there were many reasons for this.

One of the most unfortunate was that for a long time, veterans were actually discriminated against in American society, rejected by those who did not want to even think about the Vietnam war or its veterans.

To those historic reasons, another has been added—our changing national economy, where traditional manufacturing jobs have often been replaced by service jobs. Indeed, some of the best jobs we will have in the future may well be in the high-tech in-

dustries of this country. As we have seen in Massachusetts, these jobs can create a vibrant economy.

What this act does is help those veterans who are still unemployed or underemployed 10 years after the end of the Vietnam war by providing training for careers in the private sector—not low-paying, menial, or make-work jobs. The bill does this by providing critical economic support for the training process, making training economically feasible for employers who need trained employees, but who ordinarily might not be able to devote the resources to training them.

The act is designed to make it easier for Vietnam and Korean-era veterans to find good jobs by establishing a state-of-the-art job bank, using national data bases and the most sophisticated computer networks now available. This data bank, while initially available only to veterans, could demonstrate the capabilities of a nationwide job bank for an even broader group of clients down the road.

The companion legislation that is being filed by Senator PRESSLER today, which I am proud to cosponsor, is also important. These bills will make it possible for those veterans who need mental health outpatient services to receive them from the Veterans' Administration, and direct that the Federal Government undertake a comprehensive review of health problems which especially affect veterans who served in Indochina. Such a review, including the study of the post-traumatic stress disorder that has caused so much anguish to some veterans and their families, is one step in developing a national plan for the treatment of PTSD, a plan which is urgently needed.

Mr. President, I ask unanimous consent that a copy of this legislation and the accompanying text be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Career Development Training and Job Bank Act of 1985.".

SEC. 2. (a) Section 1 of the Emergency Veterans' Job Training Act of 1983 (97 Stat. 443; 29 U.S.C. 1721 note) is amended by striking out "Emergency Veterans' Job Training Act of 1983" and inserting in lieu thereof "Veterans' Career Development and Training Act.".

(b) Section 2 of such Act is amended to read as follows:

"PURPOSES

"SEC. 2. The purposes of this Act are—

"(1) to address the problem of severe and continuing unemployment, underemployment, and career displacement among veterans by providing incentives to employers to hire and train certain unemployed or underemployed wartime veterans for stable and permanent careers that require significant training and to prepare the veterans for career advancement;

"(2) to provide an opportunity for such veterans to attain or regain their full employment potential and to increase their earned income and economic self-sufficiency;

"(3) to substantially improve the quality of opportunities accorded veterans by Federal Government employment, training, and placement programs;

"(4) to meet the manpower and training requirements of the growing national economy and the requirements of industries for a work force having new technological skills, enhanced productivity, and stability;

"(5) to reduce the need to furnish unemployment compensation and social support services to veterans and to alleviate the social and economic consequences of unemployment and underemployment of such veterans; and

"(6) to increase tax revenues by promoting higher earnings of veterans through retraining the veterans for and placing the veterans in jobs in careers at income levels commensurate with income levels in the careers from which such veterans have been displaced or with income levels the veterans should reasonably have attained considering their civilian or military work experience, education, and training.".

(c) Subsection (a)(1) of section 5 of such Act is amended to read as follows:

"(a)(1) To be eligible for participation in a job training program under this Act, a veteran must be a Korean conflict or Vietnam-era veteran—

"(A) whose employment has been terminated or who has been laid off from employment or has received a notice of termination or layoff from employment, who is eligible for or has exhausted his or her entitlement to unemployment compensation, and who is unlikely to return to work in the same industry or occupation in which the veteran worked before the termination or layoff;

"(B) whose employment has been terminated, or who has received a notice of termination of employment, as a result of any permanent closure of a manufacturing or other production facility;

"(C) who is unemployed and has limited opportunities, by reason of age or otherwise, for employment or for reemployment in the occupation in which the veteran formerly worked or a similar occupation in the area in which such veteran resides;

"(D) who is underemployed and has a service-connected disability;

"(E) who served in the Indochina theater of operations and is underemployed and whose personal income is below the lower living standard income level determined annually by the Secretary of Labor (adjusted for regional, metropolitan, urban, age, and rural differences and for the veteran's status and family status); or

"(F) whose income and employment status, based on guidelines established by the Administrator in consultation with the Assistant Secretary of Labor for Veterans' Employment, is significantly below the level that would reasonably be expected of such veteran based on the veteran's education, age, training, vocational rehabilitation, or military or civilian work experience.".

(d) Section 14 of such Act is amended to read as follows:

"COUNSELING AND OTHER ASSISTANCE

"SEC. 14. (a) The Administrator and the Secretary may, upon request, provide employment counseling services to any veteran eligible to participate under this Act in order to assist such veteran in selecting a suitable program of job training under this Act.

"(b) A disabled veteran who is eligible to participate under this Act shall be entitled to receive services and assistance set out in section 1504 of title 38, United States Code.

"(c) A veteran who is not disabled and is eligible to participate under this Act shall be entitled to receive counseling services under section 1663 of title 38, United States Code.

"(d) The Administrator shall provide such resources and personnel as are necessary and appropriate to carry out the counseling assessment and job matching functions under the veterans' job bank and job matching program authorized under section 2010A of such title.".

(e) Section 16 of such Act is amended—

(1) in the first sentence, by inserting ", $75,000,000 for fiscal year 1986, and $100,000,000, for each of fiscal years 1987 and 1988" after "and 1985";

(2) in the second sentence, by striking out "1987" and inserting in lieu thereof "1989"; and

(3) by adding at the end thereof of the following: "Not more than 10 percent of the funds appropriated for fiscal year 1986 pursuant to an authorization in this section and not more than 5 percent of the funds appropriated for fiscal years 1987 and 1988 pursuant to an authorization in this section may be used by the Administrator to provide counseling, job matching, or supportive services, or to pay outreach or necessary and appropriate administrative expenses directly relating to the implementation of this Act.".

(f) Section 17 of the Emergency Veterans' Job Training Act of 1983 is amended by striking out "1985" each place it appears and inserting in lieu thereof "1987".

SEC. 3. (a)(1) Chapter 41 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 2010A. Veterans' job bank and job matching program

"(a) The Assistant Secretary of Labor for Veterans' Employment is authorized to establish and carry out, in consultation with the Administrator, the Secretary of Defense, the Secretary of Education, and such public, private, and nonprofit organizations, associations, and employers as the Assistant Secretary considers appropriate, a nationwide computerized job bank and job matching program. The information contained in a job bank established under such program shall be organized by region, by State, and by locality.

"(b) In carrying out a job bank and job matching program established under subsection (a) of this section, the Assistant Secretary shall use electronic data processing and telecommunications systems to the maximum extent practicable—

"(A) to identify job vacancies and the location of—

"(i) unemployed or underemployed veterans,

"(ii) members of reserve components of the Armed Forces, and

"(iii) individuals recently discharged or released from service in the Armed Forces,

who are available to fill those vacancies;

"(B) to provide an expeditious means for matching the qualifications of those individuals with employer requirements and job opportunities; and

"(C) to refer and place such individuals in jobs.

"(c)(1) A job bank established under subsection (a) of this section shall include a current list of all suitable job vacancies with Federal Government contractors and subcontractors of Federal Government contractors and shall indicate which contractors and subcontractors are subject to the affirmative action requirements of section 2012(a) of this title.

"(2) The job bank may include—

"(A) an occupational information file;

"(B) occupational projections of the numbers and types of jobs available, organized on regional, State, local, and other appropriate bases;

"(C) labor supply information organized by occupation;

"(D) data bases correlating military occupational specialities with comparable civilian occupations and training programs;

"(E) a data base of employers, the primary occupations they employ, and related information; and

"(F) a data base of post-secondary vocational and professional training programs and of colleges and the instructional programs offered by the colleges.

"(3) The Assistant Secretary of Labor for Veterans' Employment should design the job bank to permit employers to post employment and training opportunities directly to the job bank.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following:

"2010A. Veterans' job bank and job matching program.".

(b) There is authorized to be appropriated for fiscal year 1986 not more than $4,000,000 to develop and carry out the veterans' job bank and job matching program established under section 2010A of title 38, United States Code, as added by subsection (a).

VETERAN'S READJUSTMENT APPOINTMENTS TO POSITIONS OF EMPLOYMENT IN THE FEDERAL GOVERNMENT

SEC. 4. (a) Section 2014(b)(1) of title 38, United States Code, is amended—

(1) by striking out "GS-9" in clause (A) and inserting in lieu thereof "GS-11"; and

(2) by striking out "who is" in clause (C) and all that follows in that clause through "line of duty.".

(b) The amendments made by subsection (a) shall apply with respect to appointments made after September 30, 1985.

THE PROBLEM OF VIETNAM VETERANS READJUSTMENT ASSISTANCE

In December of 1983 unemployment among Vietnam era veterans reached its highest point in history (890,000). Sometime within the last twelve months 1 in 4 Vietnam veterans (1.5 million-2 million) was without employment. Vietnam era veterans unemployment and underemployment represents unique and very serious problems confronting the labor force. Vietnam era veteran underemployment and cyclical unemployment is so significant that it is a valid leading indicator of the nation's economy. In good economic times veterans unemployment is 20 percent lower than comparably aged non-veterans. During recessions veterans' unemployment rises to 20 percent above non-veterans. Veterans unemployment begins to increase 3 months before non-veterans as the economy enters a recession and begins to decrease 2 months before non-veterans as the economy enters a recovery. This trend has held steady for more than a decade. It indicates serious instability in the veterans' career situations and a cycle of underemployment the results in unemployment during periods of economic downturn.

The American workforce is undergoing a period of fundamental restructuring from manufacturing to service-related jobs. This change has resulted in the permanent loss of hundreds of thousands of jobs held by veterans that have been part of the economy for thirty years. Neither veterans readjustment programs nor public employment and training programs anticipated, let alone addressed the loss of millions of working class jobs, and the need to train and retrain workers for careers of the future.

America faced a similar challenge 40 years ago with the prospect of having to integrate 15 million World War II veterans into the civilian workforce. The response to that challenge was one of the most significant pieces of social and manpower development legislation in history the World War II GI Bill. The WW II GI Bill provided education, training and employment assistance to nearly 7 million veterans phasing them into the economy with the skills necessary to facilitate the greatest economic and technological growth in America's history. The WW II GI Bill revolutionized higher education, expanding college level training programs by 300% between 1945 and 1950, and made a college education possible for almost every middle class family after 1950.

What the WW II GI Bill did for the demand for higher education after WW II, the Vietnam era GI Bill should have done for the demand for trade, technical, vocational and professional skills in today's high tech and rapidly changing labor market.

Unfortunately, the Vietnam war veteran never benefitted from the far-sighted wisdom and planning that went into the development of the WW II GI Bill. For many Vietnam era and disabled veterans, Vietnam era GI Bill benefits were neither relevant to their readjustment or rehabilitation needs nor to the skill demands of today's labor market.

The Vietnam era GI Bill was originally enacted in 1966 as the "Cold War GI Bill" after a strong lobbying campaign by higher education associations. The intent of the new GI Bill was not to address the readjustment and rehabilitation needs of 9 million veterans who would serve during the Vietnam era but rather to offset substantial declines in college enrollments brought by expiration of Korean War GI Bill benefits. The Cold War GI Bill was designed to induce 4 million "Cold War Veterans" who served between 1955 and 1964 to enter college by paying $100 a month.

The assistance for returning Vietnam veterans was flawed in many aspects since the GI Bill was designed to induce college enrollment rather than facilitate readjustment. while the GI Bill was reasonably adequate for single veterans or veterans with significant supplemental financial resources seeking a college education at a low cost public school, it was substantially limited in its assistance to others. The Vietnam era GI Bill discriminated against:

1. Veterans in States without low cost public colleges or community colleges;

2. Veterans desiring training at private colleges and universities;

3. Veterans requiring high-cost short-term trade, technical, vocational or professional training;

4. Veterans separated during the height of the Vietnam war (1966 to 1972);

5. Veterans with wives and families to support.

The WW II GI Bill paid both tuition expenses at almost every public or private college or trade, technical or professional institution in the nation and paid an equal monthly living allowance. The Vietnam era GI Bill paid only a single monthly allowance out of which the veteran had to pay both educational expenses and living expenses. The greater the cost of the veteran's tuition and educational expenses, the less he or she had to live on. This, in effect, priced veterans without supplemental financial resources out of many schools or induced them to pursue training at inexpensive schools that were ill suited to their readjustment needs.

Veterans with families to support (the majority of Vietnam veterans) needed an average of $250 ($450 in 1984 dollars) a month in additional income to supplement their GI Bill benefits whereas a single veteran at a low cost school could often afford to live on his or her benefits alone. Private colleges and trade, technical, vocational and professional training programs often had tuitions of $1500 to $3000, exceeding the annual GI Bill allowance, and leaving the veteran with no money for living expenses.

The GI Bill made matters worse for veterans needing trade, technical, vocational or professional training by requiring over 20 hours of classroom participation in those institutions for full-time benefits as compared to only 12 hours a week in a college level classroom to qualify for full time benefits. Many veterans unable to acquire technical, vocational, training at public institutions fell prey to unscrupulous profit making schools and correspondence courses. Some training programs. "Approved for Veterans Benefits" were more interested in getting GI Bill dollars from the veteran than in providing quality training to the veteran. Hundreds of millions of dollars were lost to training programs that did not provide adequate training, or opportunities for employment upon completion.

In addition to inadequate benefits many Vietnam veterans who were separated at the height of the war met with hostility on college campuses by anti-war students, and met with discrimination in employment by employers who were prejudiced by sensationist portrayals of the readjustment problems of Vietnam veterans.

It was not until 1974 that a concerted effort was made to restructure the "Cold War GI Bill" as an effective and relevant readjustment program for hundreds of thousands of needy Vietnam era veterans who were unable to effectively use their earned readjustment entitlements. Comprehensive legislation was introduced in both the House and Senate to provide tuition assistance and accelerated entitlement.

Congressman Lester Wolff, a principal sponsor of the reform efforts, told Congress:

"Outdated and shortsighted provisions of the present GI Bill hit hardest at the great majority of Vietnam veterans who are either married with family responsibilities who are seeking blue collar jobs but need technical training.

"As a result of misplaced emphasis on undergraduate college training at the expense of vocational and technical training, the GI Bill is unwittingly a major factor in the lives of a quarter of a million vets now out of work.

"It is simply absurd to continue our increasingly misplaced emphasis in turning out liberal arts graduates with limited job

potential when we know from the Department of Labor that 60 percent of our Nation's future job opportunities will come in service and new technology blue collar fields."

A National Survey of Veterans conducted by the Veterans' Administration in 1979 found that only 35.3 percent of the veterans who received college training under the GI Bill were able to put that training to substantial use in the first job they received after training. Another 8% were able to put their training to some use.

Billions of dollars were spent on college level training and hundreds of thousands of veterans were misled into believing that a college degree would automatically lead to a professional career. Neither the Federal Government (especially the VA) nor the educational establishment faced up to the implications of the job gap or the fate of their graduates.

After 1972 with the end of the war and graduation of most of the baby boom generation colleges began again to face declining enrollments.

In an effort to attract as students the same Vietnam era veterans that many colleges had actively scorned in the late 60s and early 70s public colleges, especially community and junior colleges aggressively pursued veterans. Many public institutions are funded by their states or communities based upon the number of full time equivalents (FTEs) they have enrolled. The more students they recruited the more money the schools received.

Often veterans were enticed into community colleges primarily on the incentive of obtaining their GI Bill benefits check rather than for clear and relevant educational or vocational objectives. Rarely was appropriate career counseling, assessment or guidance given veterans that would have insured that their education and training would have led to an appropriate career upon completion.

Too often veterans pursued a liberal arts education because liberal arts programs enabled them to use their benefits for the longest periods of time and had the most liberal entrance and grading policies. The vast majority of Vietnam era veterans were high school graduates (80%). However the majority came from working class backgrounds and often lacked college preparatory backgrounds especially in math and science to pursue engineering, computer science careers, or other majors where there is a demand for recently graduated students.

Many college-educated veterans found themselves now, (having lost the fight for college level careers with the more affluent and educated peers), competing for menial working class jobs that required a minimum of education, and often against young high school graduates. Having families to support and a strong work ethic, these veterans took what ever job they could find.

Many public employment, training and placement programs have contributed to the veteran's cycle of menial jobs, structural underemployment and cyclical unemployment. Previously and currently almost all national employment, training and placement programs which include veterans (CETA Comprehensive Employment and Training Act), its successor JTPA (Job Training Partnerships Act), and TJTC (Targeted Jobs Tax Credit) have as their primary objective the achievement of worthwhile social goals. These programs have been restricted by law to addressing the needs of less than 10 percent of potential workforce. Their focus is upon the socially and economically disadvantaged; persons under the age of 24; those whose combined family income does not exceed 70 percent of the lower living standard and: "those who have limited English language proficiency, or are displaced homemakers, school dropouts, teenage parents, handicapped, offenders, alcoholics, or addicts."

The intent of these programs is to take persons with limited or no work experience, limited or no jobs skills, with the aforementioned handicaps and introduce them to the workforce at an entry level.

The social and economic level of the employment obtained through public programs is below the social and economic status the majority of veterans (or their families had acquired) before entering the serivce, let alone after. What is a significant opportunity for upward mobility for the vast majority of clients served by social goal programs is an equally significant probability for downward mobility for most Vietnam era, disabled or recently separated veterans.

According to the Census Bureau and the Veterans Administration the median family income in 1981 for veterans aged 35-39 was $29,850. In families where the veteran was sole wage earner, income was $26,980. Only 15% of all Vietnam era veterans had family incomes of less than $15,000 in 1981, and only 6% had family, incomes of less than $10,000.

According to the Bureau of Labor Statistics only about 30% of persons experiencing unemployment in a given year have annual family incomes of less than $10,000 (primarly single parents); 30 percent have annual family incomes between $10,000 and $20,000. And 40% of the families with at least one member unemployed in a given year have family incomes in excess of $20,000.

The vast majority of unemployed and underemployed veterans will never fall to the social or economic level where an appropriate resolution to their employment, training and placement problems would be provided through JTPA. However, Vietnam era veterans are among the most likely of any significant group in the labor force to experience the greatest income loss as a consequence of long-term unemployment and job displacement.

THE VETERANS CAREER DEVELOPMENT, TRAINING AND JOB BANK ACT OF 1985

This legislation will extend and enhance the Emergency Veterans Job Training Act of 1983, create a computerized Veterans National Job Bank and enhance counseling, assessment, outreach and supportive services, and improve Veterans Readjustment Authority Appointments.

The legislation is in many ways similar to H.R. 1408 approved by the House Veterans Affairs Education, Training, and Employment Subcommittee on April 3, 1985.

The purpose of the Veterans Career Development and Training Act of 1985 S. is "to address the problem of severe and continuing unemployment, underemployment and career displacement among veterans by providing, in the form of payments to defray the cost of training, incentives to employers to hire and train for stable and permanent positions that involve significant training, certain wartime veterans who have been unemployed or underemployed and have little prospect of finding gainful employment or realizing the full employment potential and economic self-sufficiency without the assistance accorded under this Act.

The legislation authorizes appropriations of $75,000,000 in fiscal year 1986 and $100 million in fiscal years 1987 and 1988. The authorization level of $75 million for fiscal year 1986 is one-half of the $150 million which was authorized but not appropriated under the Emergency Veterans Job Training Act of 1983.

An appropriation of $75 million would have the veterans readjustment benefit outlays for fiscal year 1986, $81 million less than outlays for veterans readjustment benefits in fiscal year 1985 and $417 million less than outlays for veterans readjustment benefits in fiscal year 1984.

The primary objective of the Veterans Career Development and Training Act of 1985 is the development and training for permanent and stable careers. Employment, training and placement initiatives must enable Vietnam era and Korean war veterans to realize their full employment and training potential commensurate with their abilities, aspirations and the income needs of their families.

These objectives cannot be achieved if veterans are served in the context of JTPA social welfare programs that offer only entry level training and wages ($9,800) below the poverty level for the average veteran and only one half the median income of the average veteran ($22,000). Careers which pay $17,000 to $25,000 a year (or enable veterans to attain that level in a year or two) are the appropriate goal for veteran employment training and placement programs to attain. This legislation will provide a viable mechanism to fundamentally restructure veterans employment training and placement initiatives.

There are only three major structural changes made to the Emergency Veterans Job Training Act. One is the expansion of the eligibility critera. The second is the mandate for an effective counseling assessment and supportive service system. Third is the creation of a National Veterans Job Bank.

EXPANSION OF ELIGIBILITY CRITERIA

The eligibility criteria for the "Veterans Career Development and Training Act" incorporate the same eligibility criteria for displaced workers authorized by Title II—Employment and Training Assistance for Dislocated Workers under the Job Training Partnership Act.

The new eligibility criteria for participation under the Veterans Career Development and Training Act are that a veteran must be a Korean conflict or a Vietnam era veteran who:

(A) has been terminated or laid off or who has received a notice of termination or layoff from employment, is eligible for or has exhausted his or her entitlement to unemployment compensation, and is unlikely to return to his or her previous industry or occupation;

(B) has been terminated, or who has received a notice of termination of employment, as a result of any permanent closure of a plant or facility;

(C) is unemployed and has limited opportunities for employment or reemployment in the same or similar occupation in the area in which such veteran resides, including any older veteran who may have substantial barriers to employment by reason of age;

In addition to the eligibility criteria adopted from the Job Training Partnership Act Dislocated Worker program, the Veterans Career Development and Training Act provides special eligibility provisions for underemployed service connected disabled vet-

erans and veterans who served in the Indochina theater of operations—two groups that have the greatest employment and underemployment problems. The Act authorizes eligibility in the case of:

(D) an underemployed veteran with a service connected disability or an underemployed veteran who served in the Indochina theater of operations and whose personal income is below the "lower living standard income level" (established by the Department of Labor), or

(E) a disabled or Vietnam theater veteran whose income and employment status under guidelines determined by the Assistant Secretary of Labor for Veterans Employment and the Administrator is significantly below the level that would reasonably be expected of such veteran based upon the individual's education, age, training, vocational rehabilitation, and/or previous military or civilian work experience, and that such underemployed veteran's participation under Development and Training Act is determined to be necessary for the veteran to attain his or her employment potential.

Hundreds of thousands of Vietnam theater and disabled veterans who pursued college level or trade technical, vocational training under their GI bill benefits have been unable to attain employment commensurate with their training and career potential. Billions of dollars of GI Bill training will go to waste unless these underemployed veterans are able to participate in a Career Development and Training program with an employer. With this training, whether to develop new skills, complete or enhance previous GI Bill training, they can establish more productive and stable employment, often for the first time in their chosen career field. The revenue enhancements as well as the increased productivity, self-esteem, economic self-sufficiency will in the long run more than compensate for initial outlays for these veterans. Underemployed veterans are often the best prospects for success in career training programs. They have demonstrated their commitment to hold employment over those who may have motivational and other problems which have contributed to their long term unemployment. Veterans with serious social welfare or service connected problems would be better served by JTPA or VA Vocational Rehabilitation programs.

COUNSELING

The Veterans Career Development, Training and Job Bank Act of 1985 authorizes a much more extensive effort on the part of the Veterans Administration and the Department of Labor to provide critically needed counseling, assessment, supportive services, job matching and follow-up during training. The accompanying documentation establishes that the VA and DOL have extensive authority to provide such services or contract for them. The legislation authorizes 10% of the appropriations for the program in 1986 ($7.5 Million) may be used by the Administrator to provide counseling, job matching, supportive services, outreach and/or necessary and appropriate administrative expenses directly related to the implementation of the Act.

VETERANS JOB BANK

The Veterans Job Bank is the most critical component of restructuring Veteran employment training placement and job matching programs. It has the capability of revolutionizing employment and training and accessing to millions of employers and training and job opportunities previously unreached by federal programs.

The system will be available in 4 or 5 months. It is currently under development by Partnerships Data Net utilizing the computer facilities and resources of CompuServe of Columbus Ohio (the nation's largest public access interactive computer network system).

The Job bank will maintain lists of available vererans, job and training vacancies, and provide an expeditious means of matching the qualifications of veterans with employer requirements and job opportunties.

The Veterans Job Bank Program will have the capability of:

1. Assessing a veteran by education, past work experience, military training and experience, and/or aptitude tests, and matching that veteran to an appropriate occupation(s) out of 12,375 occupations defined in the Dictionary of Occupational Titles.

2. Matching specific occupations to industries and specific employers that would employ those occupations. The system will have information supplied by Dun and Bradstreet on 5 million employers.

3. Matching more than 8000 Military Occupational Specialities to over 1000 civilian occupations and identifying specific employers that would employ those occupations.

4. Enhancing active and reserve Armed Forces recruiting efforts by providing tangible civilian employment opportunties for reservists and veterans based upon the military training and experience.

5. Identify industries and individuals critical to mobilization and improve placement and training of persons in those industries.

6. Develop good career opportunities in the large segments of the private sector traditionally not accessed by federal employment and training programs.

VETERANS READJUSTMENT AUTHORITY

The legislation would permit veterans eligible for veterans readjustment appointments the authority to enter Federal Service at a GS-11 rather than the current GS-9 level and removes the restriction barring veterans with more than 14 years of education from participating in VRA. This will enable many disabled and Vietnam veterans with substantial education, training, and work experience to enter the Federal government at levels commensurate with their potential. Previously VRA was restricted to GS-5 or below jobs thus restraining most applicants to menial employment opportunties such as custodians, security guards, messengers, and elevator operators. Priority will be given to service connected disabled veterans over non service connected by the legislation.

The effective date of the legislation will be September 30, 1985.

By Mr. PRESSLER:

S.J. Res. 126. Joint resolution to condemn Bulgarian brutality toward their Turkish minority; to the Committee on Foreign Relations.

BULGARIAN DISCRIMINATION AGAINST TURKISH MINORITY

Mr. PRESSLER. Mr. President, today I am introducing a joint resolution which condemns the Bulgarian Government's treatment of its Turkish minority. A similar joint resolution is being introduced in the House of Representatives by Representative SILJANDER.

Citizens of Turkish descent comprise 8.6 percent of the Bulgarian population, or approximately 1 million people. They and their ancestors have lived there since the 14th century and are the largest minority present in that country.

Today, massive human rights violations are being perpetrated against the Turks by Bulgarian authorities. There is currently a nationwide campaign underway to force the Turkish minority to change their names to Bulgarian ones. Coercion and physical intimidation are commonplace. Systematic delays and denials of government service, blocking of bank accounts, dismissal from jobs, and the murder of Turks by the Bulgarian militia are the order of the day. In addition, the right to practice the Islamic religion has been severely restricted.

All this is happening despite the People's Republic of Bulgaria status as a signatory to numerous international agreements which specifically prohibit discrimination against minority citizens. Among these are the 1947 Paris Peace Treaty, the U.N. Declaration on Human Rights, and the Helsinki Declaration of the Conference on Security and Cooperation in Europe.

Mr. President, these human rights atrocities should not and cannot be tolerated. The joint resolution before us would put the Senate on record as condemning these practices, as well as calling on the President to use appropriate diplomatic means to express U.S. opposition to the discrimination against Turkish Bulgarians. I urge our distinguished colleagues to join me in this humanitarian cause by supporting this measure.

By Mr. NUNN (for himself, Mr. JOHNSTON, Mr. BENTSEN, and Mr. BOREN):

S.J. Res. 129. Joint resolution to promote internal reconciliation within Nicaragua, on the basis of democratic principles, in furtherance of a peaceful resolution of the conflict in Central American; to the Committee on Foreign Relations.

PROMOTING INTERNAL RECONCILIATION IN NICARAGUA

Mr. NUNN. Mr. President, last week, the Senate passed, but the House rejected, a proposal to provide humanitarian aid to the democratic resistance in Nicaragua. I believe it was a mistake to have rejected such aid.

It passed the Senate, but by a narrow vote, 53 to 46. Prior to the vote, I made a speech in which I suggested that the President seek a compromise approach which moved the diplomatic and economic option to the front burner and the military option to the back burner.

The purpose of my proposal was to develop a sustainable policy that enjoyed the support of the Congress and the American people. A number of other Members of Congress made simi-

lar suggestions. Regretfully, no such compromise was reached, and, as a result, our policy toward Central America is in disarray.

However, in listening to the debate last week, I was struck that most Senators agreed on what our policy objectives in Central America ought to be. No one likes the Sandinistas. They have betrayed their revolution. All Senators seemed to agree that we should support democracy in Nicaragua and the rest of Central America, that Nicaragua cannot become a base for the Soviet Union or Cuba or their surrogates, that the Sandinistas must not threaten or subvert their neighbors, and that they should live up to the promises they made to the OAS in 1979 to adopt a pluralistic, representative government.

The problem is how we should accomplish these objectives. That is where the failure is. The administration has yet to produce a policy which enjoys sufficient support of the American people and the Congress to make it sustainable. Today, a joint resolution which is sponsored by Senators BENTSEN, BOREN, JOHNSTON and myself that can help develop such a policy. If this is adopted, it will permit the President to conduct a foreign policy with the knowledge that it enjoys sufficient support in the Congress and the American people. It could be easily carried forward into fiscal year 1986, thus avoiding another floor fight in a few weeks.

Let me turn to my proposal.

Aid to the Contras must be only part of a regionwide strategy to deal with the challenges we face.

No one should have any doubt about those challenges. We face the struggle between brave men and women fighting for democracy and a better life on one side and, on the other side, the enemies of freedom both of the left and right. And no one should have any doubt about where American stands in that conflict. We stand with the forces of democracy.

We have stood with the democratic center in El Salvador and in Nicaragua, we must stand with the democratic resistance. There has been much rhetoric about the Contras. The President has suggested that they are just like our Founding Fathers. Others regard them as right-wing terrorists. I believe the President overstates the case, but the facts are that genuine democrats, men like Arturo Cruz, who were imprisoned by Somoza and were early supporters of the Sandinistas, now believe that the Contras offer the true path of democracy. Because men like Cruz are the leaders of the Contras, it is our obligation to help them.

In my judgment, we must design a policy that continues pressure on the Sandinistas but moves American promotion of military action to the back burner.

Our policy must avoid the "Lebanon syndrome" in which the President and Congress established arbitrary and unrealistic time limits to complex foreign policy goals.

The American people must believe that all avenues of diplomatic, economic, political pressure have been exhausted if there is to be any lasting support for military-related options. That is not the case today. Right or wrong, the American people perceive that the military option through the Contras has been on the front burner and is the President's course of first resort.

The challenge is to move the military option to the back burner but keep it on the stove.

The proposal we are introducing today would achieve these objectives.

Let me explain the principal elements of this joint resolution.

First, it releases the $14 million fenced last year, but limits use of those funds only for humanitarian assistance which is defined as food, clothing, medicine, and other humanitarian assistance. It does not include any weapons, weapons systems or ammunition.

Second, it urges the President to vigorously pursue diplomatic and economic steps including negotiations to implement the Contadora objectives, and to develop trade and economic measures to pressure the Government of Nicaragua, including an embargo carried out by the United States and our allies. The President is also urged to suspend military maneuvers in Honduras and off Nicaragua's coast if the Government of Nicaragua agrees to a cease-fire, opens a dialog with the democratic resistance and suspends the state of emergency. Finally, the President is urged to call upon the democratic resistance to remove from their ranks any individuals who have engaged in serious human rights abuses, and the President is urged to resume the bilateral discussions between the United States and the Government of Nicaragua.

Third, the President is required to report to Congress every 90 days and, fourth, if he determines that negotiations based on the Contadora principles or the other economic and diplomatic steps have failed to resolve the conflict, the President may return to Congress to request additional assistance for the resistance forces. Expedited procedures are set out for the consideration of that request.

This resolution incorporates elements from the major proposals that were considered last week, including the resolution favored by the administration, the one advanced by Senator BYRD on behalf of several democrats and the recommended economic sanctions suggested by Senator BENTSEN and myself. Finally, it does not include the language of Senate Joint Resolution 106—to which many Senators objected—that would have authorized "supporting, directly or indirectly, military or paramilitary operations in Nicaragua."

I am hopeful, therefore, that this resolution will enjoy broad bipartisan support.

This approach is a regional approach. All parties are required to do certain things. The Sandinistas are required to do only what they have already promised to do. The democratic resistance is obligated to insure that it is a truly democratic movement by purging from their ranks individuals who are responsible for human rights abuses. The United States must pursue bilateral negotiations with the Sandinistas and be prepared to suspend maneuvers if the Sandinistas take the steps that I have mentioned.

This approach calls the Sandinistas' hand. They say they are democratic. I say OK, let them prove it. This humanitarian aid will sustain the democratic resistance; it will keep the flame of liberty and hope alive.

Moreover, humanitarian aid instead of military aid should facilitate negotiations both within the Contadora framework and between the United States and the Sandinistas. Humanitarian aid will also serve as an indication of good faith on the part of the United States that we favor a negotiated settlement rather than a military overthrow. Finally, it permits the aid to be used as a lever to pursue our objectives.

This resolution puts military aid in the background but leaves the military option open. If the President concludes that the economic and diplomatic paths fail he may come back to Congress and request additional assistance. If he has made a good faith effort to exhaust these courses and if the Sandinistas do not modify their behavior, then the President's request for additional assistance will meet a very different reception in the Congress.

Mr. President, this resolution is designed to develop a long-term course, one that can enjoy broad bipartisan support and provide the President the basis to conduct a coherent, sustainable foreign policy. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 129

Whereas the Organization of American States on June 23, 1979, called for the installation of a democratic government in Nicaragua; and

Whereas the Sandinista government of Nicaragua committed itself to a system of democracy, justice and social progress in a program transmitted to the Secretary Gen-

eral of the Organization of American States on July 12, 1979, and reaffirmed that commitment by subscribing to the Contadora Document of Objectives of September 9, 1983, which calls for respect for human rights, democratic systems of government and national reconciliation, as integral aspects of a peaceful solution to the conflict in Central America; and

Whereas the Sandinista government of Nicaragua, in disregard of these commitments, has embarked upon policies of alignment with the Soviet Union and Cuba, support for the subversion of the governments of neighboring countries, a massive military buildup and the suppression of human rights and denial of effective opportunities for popular participation in the decision making process; and

Whereas these policies, which threaten the stability of the region, have led to deep divisions within Nicaragua society, including armed resistance to the Sandinista government; and

Whereas the Nicaraguan bishops on April 22, 1984 called for a dialogue among all Nicaraguans, and reiterated that call on March 22, 1985, in expressing their willingness to mediate in such a dialogue; and

Whereas a broadly based group of democratic resistance leaders on March 1, 1985, proposed a dialogue with the Sandinista government under the mediation of the Nicaraguan Bishops Conference and offered a ceasefire; and

Whereas, the President has expressed his intention to reopen bilateral talks with the Government of Nicaragua; and

Whereas the United States is one of the largest trading partners of Nicaragua; and

Whereas Congress believes that the United States should undertake a full faith effort to use economic and diplomatic pressure on the Sandinistas and that military solutions should be considered only as a last resort; and

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the prohibitions, conditions and limitations contained in section 8066 of the Department of Defense Appropriations Act, 1985 (Public Law 98-473), and in section 801 of the Intelligence Authorization Act for fiscal year 1985 (Public Law 98-618) shall cease to apply upon enactment of this joint resolution, subject to the provisions of Section 2.

SECTION 2. The $14,000,000 made available by the enactment of this joint resolution may be obligated only for humanitarian assistance. The President shall provide for independent monitoring of the use of such funds by the National Security Council. Nothing herein shall be deemed to impair in any way the oversight powers of the Congress.

SECTION 3. Be it further resolved the President of the United States is urged—

(a) to vigorously pursue the use of diplomatic and economic steps to resolve the conflict in Nicaragua, including negotiations to:

1. implement the Contadora Document of Objectives of September 8, 1983, and, at the same time,

2. develop trade and economic measures in close consultation and cooperation with other nations which will encourage the Government of Nicaragua to take the necessary steps to resolve the conflict, including:

(i) a total boycott and embargo of United States trade with Nicaragua;

(ii) a call upon the Organization of American States or the other states of Central America, or both, to institute a total trade boycott and embargo of Nicaragua;

(iii) a call upon the other countries of the free world not to trade with Nicaragua.

(b) to suspend military maneuvers in Honduras and off Nicaragua's coast if the Government of Nicaragua agrees: to a cease fire, to open a dialogue with the democratic resistance, and to suspend the state of emergency.

(c) to call upon the democratic resistance in Nicaragua to remove from their ranks any individuals who have engaged in serious human rights abuses.

(d) to resume bilateral discussions with the Government of Nicaragua with a view to encouraging—

1. a church-mediated dialogue between the Government of Nicaragua and the democratic resistance, in support of internal reconciliation as called for by the Contadora Document of Objectives; and

2. a comprehensive, verifiable agreement among the nations of Central America, based on the Contadora Document of Objectives.

SECTION 4. The President shall submit a report to the Congress every 90 days on any activity carried out under this resolution. Such report shall include a report on the progress of efforts to reach a negotiated settlement as set forth in section 3, a detailed accounting of the disbursement of humanitarian assistance, and steps taken by the democratic resistance as described in section 3.c.

SECTION 5. As used in this resolution, the term humanitarian assistance means the provision of food, clothing, medicine, and other humanitarian assistance. It does not include any weapons, weapons systems, ammunition, or any other equipment or material which can be used to inflict serious bodily harm or death.

SECTION 6. At any point after the enactment of this resolution, if the President determines that negotiations based on the Contadora principles of September 9, 1983 have failed to produce an agreement, or if other trade and economic measures have failed to resolve the conflict, the President may request the Congress to authorize additional assistance for the democratic resistance, in such amount and of such a nature as he deems appropriate. The President's request shall include a detailed statement as to why the negotiations or other measures have failed to resolve the conflict in the region.

SECTION 7. (a) A joint resolution which is introduced within 3 calendar days after the Congress receives a Presidential request described in Section 6 and which, if enacted, would grant the President the authority to take any or all of the actions described in Section 6 shall be considered in accordance with procedures contained in Section 8066 of Public Law 98-473: Provided, however, that—

(i) References in that Section to the Committee on Appropriations of each House shall be deemed to be references to the appropriate committee or committees of each House; and

(ii) Amendments to the joint resolution are in order.

(b) This Section is enacted by Congress as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(c) With full recognition of the constitutional right of either House to change the rules (so far as related to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

● Mr. BENTSEN. Mr. President, a week ago today, the Members of this body considered a program designed to convince the Sandinistas to live up to promises made when they assumed power in 1979. The Senate voted in favor of this program, expressing its clear, collective opinion that activities of the Government of Nicaragua are not in the best interests of the other countries of Central America and are a threat to the peace of the region and the long-term security of this hemisphere.

The resolution that the Senate adopted that night was conditioned upon promises made by the President of the United States in a letter to the majority leader of this body. Some Members argued that more than a letter should be required on this issue, that indeed we needed a definite, limited, and statutory provision. The resolution that I join in introducing today with my distinguished colleague from Georgia [Mr. NUNN] is designed to allay those fears and to indicate to the Government of Nicaragua that we are still quite concerned about their actions and that we will not ignore what is happening so close to our own borders.

It is ironic to consider what happened shortly after the Congress took action on the President's request for humanitarian aid for the Contras. Hardly had the voices died out in this Chamber than Nicaraguan President Daniel Ortega announced that he was on his way to Moscow to request some $200 million in direct economic assistance from the Soviet Union.

This is simply additional evidence that the Sandinistas are not the "nonaligned" group that they pretend and profess to be. This only confirms what they have stated in the past: that they are dedicted Marxist-Leninists and that left to their own devices they will consolidate their power in Nicaragua and become another Soviet satellite in the Western Hemisphere.

I believe that we, in the Congress, need to take another look at this issue, and this joint resolution represents an opportunity for this new look. This joint resolution represents a comprehensive approach to the problems posed for us by the behavior of the Government of Nicaragua. It includes the trade sanctions which I proposed in a separate resolution, and it includes humanitarian assistance to enable the democratic resistance forces in Nicaragua to continue their struggle on behalf of the pluralistic society promised by the 1979 revolution. This resolution lets the Sandinistas know that we will continue to apply

pressure on them until they decide to live up to the promises of their own revolution.

Ignoring the issue of Nicaragua will not make it go away. The Sandinistas have not shown any disposition to reduce the level of their military buildup nor to stop supporting the regional insurgencies that are attempting to overthrow their neighbors nor to send home the Soviet bloc and Cuba military advisers who are so much in evidence in Managua. They are only going to change their behavior when they become convinced that it is in their best interests to do so. This joint resolution is a step in that direction.●

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. CRANSTON, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 5, a bill to require the executive branch to enforce applicable equal employment opportunity laws and directives so as to promote pay equity by eliminating wage-setting practices which discriminate on the basis of sex, race, ethnicity, age, or disability and result in discriminatory wage differentials.

S. 361

At the request of Mr. MOYNIHAN, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 361, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 408

At the request of Mr. WEICKER, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 408, a bill to amend the Small Business Act to provide program levels, salary and expense levels, and authorizations for the Small Business Administration's programs for fiscal years 1986, 1987, and 1988, and for other purposes.

S. 415

At the request of Mr. WEICKER, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 415, a bill to amend the Education of the Handicapped Act to authorize the award of reasonable attorneys' fees to certain prevailing parties, and to clarify the effect of the Education of the Handicapped Act on rights, procedures, and remedies under other laws relating to the prohibition of discrimination.

S. 434

At the request of Mr. D'AMATO, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 434, a bill to extend the authorization of the Robert A. Taft Institute Assistance Act.

S. 625

At the request of Mrs. HAWKINS, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 625, a bill to include the offenses relating to sexual exploitation of children under the provisions of RICO and authorize civil suits on behalf of victims of child pornography and prostitution.

S. 680

At the request of Mr. THURMOND, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 680, a bill to achieve the objectives of the Multi-Fiber Arrangement and to promote the economic recovery of the U.S. textile and apparel industry and its workers.

S. 725

At the request of Mr. BENTSEN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 725, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1986, 1987, 1988, 1989, and 1990.

S. 729

At the request of Mr. DURENBERGER, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of S. 729, a bill to amend the Internal Revenue Code of 1954 to make permanent the rules relating to imputed interest and assumption of loans, and for other purposes.

S. 765

At the request of Mr. KASTEN, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Alaska [Mr. STEVENS], and the Senator from Maryland [Mr. MATHIAS] were added as cosponsors of S. 765, a bill to provide for coordinated management and rehabilitation of the Great Lakes and for other purposes.

S. 885

At the request of Mr. KERRY, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of S. 885, a bill to establish a moratorium during the fiscal years 1985 and 1986 on the testing of anti-satellite weapons against objects in space.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 908, a bill to provide market expansion and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and for other purposes.

S. 965

At the request of Mr. D'AMATO, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 965, a bill to amend title 38, United States Code, to remove an inequity in the Veterans' Administration program to provide assistance to certain disabled veterans in acquiring specially adapted residences.

S. 978

At the request of Mr. HATCH, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 978, a bill to designate the building known as the Federal Building in Salt Lake City, Utah as the "Wallace F. Bennett Federal Building."

S. 1005

At the request of Mr. NICKLES, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 1005, a bill to amend the Davis-Bacon Act to modify the provisions of such act prescribing the minimum wages to be paid laborers, mechanics, and helpers employed on public construction projects, and for other purposes.

S. 1018

At the request of Mr. GORTON, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1018, a bill to amend the National Labor Relations Act to clarify the meaning of the term "guard" for the purpose of permitting certain labor organizations to be certified by the National Labor Relations Board as representatives of employees other than plant guards.

SENATE JOINT RESOLUTION 46

At the request of Mr. MATSUNAGA, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 46, joint resolution relating to NASA and cooperative Mars exploration.

SENATE JOINT RESOLUTION 78

At the request of Mr. SYMMS, the names of the Senator from North Dakota [Mr. ANDREWS] and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 78, joint resolution to provide for the designation of June 10 through 16, as "National Scleroderma Week."

SENATE JOINT RESOLUTION 83

At the request of Mr. DOLE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 83, joint resolution designating the week beginning on May 5, 1985, as "National Asthma and Allergy Awareness Week."

SENATE JOINT RESOLUTION 87

At the request of Mr. MURKOWSKI, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Joint Resolution 87, joint resolution to provide for the designation of July 19, 1985, as "National POW/MIA Recognition Day."

SENATE JOINT RESOLUTION 92

At the request of Mr. DENTON, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Joint Resolution 92, joint resolution to designate October 1985 as

"National Foster Grandparents Month."

SENATE JOINT RESOLUTION 107

At the request of Mrs. HAWKINS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Joint Resolution 107, joint resolution to designate the month of May, 1985 as "Older Americans Month."

SENATE JOINT RESOLUTION 116

At the request of Mr. BYRD, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of Senate Joint Resolution 116, joint resolution to assure the cost of living adjustments for Social Security recipients.

SENATE JOINT RESOLUTION 118

At the request of Mrs. HAWKINS, the name of the Senator from Alabama [Mr. DENTON] was added as a cosponsor of Senate Joint Resolution 118, joint resolution to designate May 25, 1985, as "Missing Children Day."

SENATE JOINT RESOLUTION 123

At the request of Mr. MOYNIHAN, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 123, joint resolution to designate Dr. Jonas Salk Day.

SENATE JOINT RESOLUTION 124

At the request of Mr. KENNEDY, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of Senate Joint Resolution 124, joint resolution to designate "National Day of Peace."

SENATE JOINT RESOLUTION 125

At the request of Mr. LEAHY, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. RIEGLE], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of Senate Joint Resolution 125, joint resolution designating the week of June 23, 1985, through June 29, 1985, as "Helen Keller Deaf-Blind Awareness Week."

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. CRANSTON, the names of the Senator from Idaho [Mr. SYMMS], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of Senate Concurrent Resolution 20, concurrent resolution expressing the sense of the Congress that payments by the Veterans' Administration to veterans as compensation for service-connected disabilities should remain exempt from Federal income taxation.

SENATE CONCURRENT RESOLUTION 28

At the request of Mr. CRANSTON, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Concurrent Resolution 28, concurrent resolution expressing the sense of the Congress that May 18, 1985, should be commemorated as the 20th anniversary of the establishment of the Head Start Program and reaffirming congressional support for the Head Start Program.,

SENATE RESOLUTION 130

At the request of Mr. Wallop, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Resolution 130, resolution relative to the Sport Fish Restoration Trust Fund.

SENATE RESOLUTION 134

At the request of Mr. Byrd, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of Senate Resolution 134, resolution to assure the cost of living adjustments for Social Security recipients.

SENATE CONCURRRENT RESOLUTION 46—EXPRESSING THE SENSE OF THE CONGRESS REGARDING AMERICANS MISSING IN SOUTHEAST ASIA

Mr. ANDREWS submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 46

Whereas the President has declared the issue of 2,483 Americans missing and unaccounted for in Indochina a matter of highest national priority and has initiated high level dialogue on this issue with the Governments of the Lao People's Democratic Republic and the Socialist Republic of Vietnam;

Whereas the Congress, on a bipartisan basis, fully supports these initiatives to determine the fate of Americans still missing in Indochina and realizes that the fullest possible accounting can only be achieved with the cooperation of the Indochinese governments; and

Whereas the Government of the Socialist Republic of Vietnam has pledged to accelerate efforts to cooperate with the United States Government in resolving this humanitarian issue, separate from other issues dividing our two countries, and the Government of the Lao People's Democratic Republic has taken some positive actions to assist the United States Government in resolving the status of missing Americans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should—

(1) ensure that officials of the United States Government consciously and fully carry out his pledge of highest national priority to resolve the issue of 2,483 Americans still missing and unaccounted for in Indochina;

(2) work for the immediate release of any Americans who may still be held captive in Indochina and for the immediate return of all American servicemen and civilians who have died in Southeast Asia whose remains have not been returned; and

(3) make every effort to secure the further cooperation of the Lao People's Democratic Republic and the Socialist Republic of Vietnam in resolving this humanitarian issue of fundamental importance.

SEC. 2. The Congress calls on the Socialist Republic of Vietnam to fulfill their pledge to accelerate cooperation with the United States in achieving the fullest possible accounting for Americans missing or unaccounted for in Indochina.

Mr. ANDREWS. Mr. President, I speak today as sponsor of a concurrent resolution regarding Americans still missing and unaccounted for in Southeast Asia. Today is particularly significant in the life of the Nation, because it marks the 10th anniversary of the U.S. departure from Saigon. The truth is, Mr. President, the United States really did not depart Vietnam because, as we are all aware, there are nearly 2,500 Americans still missing and unaccounted for in Indochina. President Reagan has assigned the highest national priority to the effort to obtain the fullest possible accounting of these missing Americans and he has pledged his full resources for this report.

Mr. President, my concurrent resolution simply reaffirms the President's commitment to our POW/MIA's and reinforces congressional priorities for our POW/MIA's; namely, to bring home any Americans who remain in captivity; to have the fullest possible accounting of the missing; and to return the remains of those who died in Indochina home to us in the United States.

Mr. President, in 1984, six North Dakota servicemen listed as POW/MIA's in Southeast Asia were honored with a special congressional medal presented to their families at Grand Forks Air Force Base. All of those still unaccounted for in Southeast Asia deserve far more than medals. For they are true American heroes who have performed above and beyond he call of duty for their country. Mr. President, they are the giants in whose shadow all Americans stand.

Mr. President, the State Department has indicated that Vietnam and Laos have agreed to cooperate in accounting for the missing in their countries. We applaud that pledge of cooperation. But we also recognize how painfully slow that process will be. Therefore, the United States must continue to press Vietnam and Laos to proceed with all deliberate speed with their accounting. This concurrent resolution urges them to do just that.

Mr. President, our great American poet Carl Sandburg wrote that "Valor is a gift. Those having it never know for sure whether they have it till the test comes." The test has come for almost 2,500 Americans. And if indeed valor is a gift, it is one that has been given to all Americans by these brave individuals.

We have not forgotten their ongoing sacrifice and we will never forget our debt to them.

SENATE RESOLUTION 151—REGARDING THE BONN ECONOMIC SUMMIT

Mr. BAUCUS (for himself, Mr. BENTSEN, and Mr. MOYNIHAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 151

Whereas the President's Council of Economic Advisers has reported that the real rate of exchange of the dollar increased by almost 60 percent between 1980 and 1984;

Whereas the Congressional Budget Office and the President's Council of Economic Advisers have stated that the large budget deficit has been a major cause of the high interest rates which they report have been a major cause of this increase in the real rate of exchange of the dollar;

Whereas this overvaluation of the dollar acts as a tax on American exports and a subsidy for foreign imports;

Whereas this overvaluation has resulted in the loss of an estimated two million American jobs since 1980—approximately 1.5 million of them in the manufacturing sector;

Whereas America's traditional strength in agricultural exports has been seriously eroded by the overvaluation of the dollar, with the result that the President's Council of Economic Advisers estimates that American agricultural exports have declined by about $8.5 billion from the levels of three years ago;

Whereas currency misalignments, including the overvaluation of the dollar, have led to major competitive dislocations in the United States and world economies and have increased trade tensions between the United States and its trading partners; and

Whereas those critical currency issues have been largely ignored in the Administration's approach to international discussions of economic and trade policy: Now, therefore, be it

Resolved, That it is the sense of the Senate that a decrease in the Federal deficit is a necessary but not a sufficient condition to bring down the value of the dollar and that the President should at the Bonn Summit initiate a preliminary discussion on the problem of currency misalignments, exchange rate volatility, and possible cooperative approaches to these problems.

AMENDMENTS SUBMITTED

FIRST CONCURRENT RESOLUTION ON THE BUDGET

DOLE (AND OTHERS) AMENDMENT NO. 44

Mr. DOLE (for himself, Mr. DOMENICI, Mr. ARMSTRONG, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. COCHRAN, Mr. DANFORTH, Mr. EVANS, Mr. GARN, Mr. GRAMM, Mr. HATCH, Mr. HECHT, Mr. HEINZ, Mr. HELMS, Mr. HUMPHREY, Mr. LAXALT, Mr. LUGAR, Mr. MATTINGLY, Mr. MCCLURE, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. ROTH, Mr. RUDMAN, Mr. SIMPSON, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. TRIBLE, Mr. WALLOP, and Mr. WARNER), proposed an amendment to amendment No. 43 proposed by them to the instructions to recommit the concurrent resolution (S. Con. Res. 32) setting forth the congressional budget for the U.S. Government for the fiscal years 1986, 1987, and 1988 and revising the congressional budget for the fiscal year 1985, as follows:

In the pending amendment, do the following:

In lieu of the matter proposed to be inserted, insert the following:

On page 2, line 8, strike the figure and insert "$736,200,000,000".

On page 2, line 9, strike the figure and insert "$793,600,000,000".

On page 2, line 10, strike the figure and insert "$866,300,000,000".

On page 2, line 11, strike the figure and insert "$955,900,000,000".

On page 2, line 14, strike the figure and insert "$0".

On page 2, line 15, strike the figure and insert "$900,000,000".

On page 2, line 16, strike the figure and insert "$2,000,000,000".

On page 2, line 17, strike the figure and insert "$3,400,000,000".

On page 2, line 21, strike the figure and insert "$44,800,000,000".

On page 2, line 22, strike the figure and insert "$51,000,000,000".

On page 2, line 23, strike the figure and insert "$56,100,000,000".

On page 2, line 24, strike the figure and insert "$61,300,000,000".

On page 3, line 5, strike the figure and insert "$186,200,000,000".

On page 3, line 6, strike the figure and insert "$200,700,000,000".

On page 3, line 7, strike the figure and insert "$216,900,000,000".

On page 3, line 8, strike the figure and insert "$248,300,000,000".

On page 3, line 11, strike the figure and insert "$1,055,600,000,000".

On page 3, line 12, strike the figure and insert "$1,076,000,000,000".

On page 3, line 13, strike the figure and insert "$1,139,000,000,000".

On page 3, line 14, strike the figure and insert "$1,216,100,000,000".

On page 3, line 17, strike the figure and insert "$949,100,000,000".

On page 3, line 18, strike the figure and insert "$969,000,000,000".

On page 3, line 19, strike the figure and insert "$1,013,100,000,000".

On page 3, line 20, strike the figure and insert "$1,055,700,000,000".

On page 3, line 24, strike the figure and insert "$212,900,000,000".

On page 3, line 25, strike the figure and insert "$175,400,000,000".

On page 4, line 1, strike the figure and insert "$146,800,000,000".

On page 4, line 2, strike the figure and insert "$99,800,000,000".

On page 4, line 5, strike the figure and insert "$1,849,300,000,000".

On page 4, line 6, strike the figure and insert "$2,088,000,000".

On page 4, line 7, strike the figure and insert "$2,316,300,000,000".

On page 4, line 8, strike the figure and insert "$2,529,300,000,000".

On page 4, line 11, strike the figure and insert "$25,500,000,000".

On page 4, line 12, strike the figure and insert "$238,700,000,000".

On page 4, line 13, strike the figure and insert "$228,300,000,000".

On page 4, line 14, strike the figure and insert "$213,100,000,000".

On page 4, line 21, strike the figure and insert "$52,900,000,000".

On page 4, line 23, strike the figure and insert "$69,200,000,000".

On page 4, line 25, strike the figure and insert "$68,200,000,000".

On page 5, line 3, strike the figure and insert "$30,000,000,000".

On page 5, line 5, strike the figure and insert "$74,500,000,000".

On page 5, line 7, strike the figure and insert "$68,200,000,000".

On page 5, line 10, strike the figure and insert "$27,400,000,000".

On page 5, line 12, strike the figure and insert "$74,400,000,000".

On page 5, line 14, strike the figure and insert "$68,200,000,000".

On page 5, line 17, strike the figure and insert "$25,600,000,000".

On page 5, line 19, strike the figure and insert "$79,000,000,000".

On page 5, line 21, strike the figure and insert "$68,200,000,000".

On page 6, line 6, strike the figure and insert "$292,600,000,000".

On page 6, line 7, strike the figure and insert "$252,000,000,000".

On page 6, line 8, strike the figure and insert "$0".

On page 6, line 10, strike the figure and insert "$0".

On page 6, line 12, strike the figure and insert "$0".

On page 6, line 15, strike the figure and insert "$312,800,000,000".

On page 6, line 16, strike the figure and insert "$276,100,000,000".

On page 6, line 17, strike the figure and insert "$0".

On page 6, line 19, strike the figure and insert "$0".

On page 6, line 21, strike the figure and insert "$0".

On page 6, line 24, strike the figure and insert "$334,900,000,000".

On page 6, line 25, strike the figure and insert "$298,400,000,000".

On page 7, line 1, strike the figure and insert "$0".

On page 7, line 3, strike the figure and insert "$0".

On page 7, line 5, strike the figure and insert "$0".

On page 7, line 8, strike the figure and insert "$359,600,000,000".

On page 7, line 9, strike the figure and insert "$321,400,000,000".

On page 7, line 10, strike the figure and insert "$0".

On page 7, line 12, strike the figure and insert "$0".

On page 7, line 14, strike the figure and insert "$0".

On page 7, line 17, strike the figure and insert "$25,300,000,000".

On page 7, line 18, strike the figure and insert "$18,000,000,000".

On page 7, line 20, strike the figure and insert "$11,500,000,000".

On page 7, line 22, strike the figure and insert "$10,300,000,000".

On page 7, line 24, strike the figure and insert "$0".

On page 8, line 1, strike the figure and insert "$21,000,000,000".

On page 8, line 2, strike the figure and insert "$17,800,000,000".

On page 8, line 4, strike the figure and insert "$8,200,000,000".

On page 8, line 6, strike the figure and insert "$12,300,000,000".

On page 8, line 8, strike the figure and insert "$0".

On page 8, line 10, strike the figure and insert "$20,200,000,000".
On page 8, line 11, strike the figure and insert "$17,100,000,000".
On page 8, line 13, strike the figure and insert "$7,800,000,000".
On page 8, line 15, strike the figure and insert "$12,300,000,000".
On page 8, line 17, strike the figure and insert "$0".
On page 8, line 19, strike the figure and insert "$20,500,000,000".
On page 8, line 20, strike the figure and insert "$16,600,000,000".
On page 8, line 22, strike the figure and insert "$7,900,000,000".
On page 8, line 24, strike the figure and insert "$12,300,000,000".
On page 9, line 2, strike the figure and insert "$0".
On page 9, line 5, strike the figure and insert "$9,100,000,000".
On page 9, line 6, strike the figure and insert "$8,700,000,000".
On page 9, line 7, strike the figure and insert "$0".
On page 9, line 9, strike the figure and insert "$0".
On page 9, line 11, strike the figure and insert "$0".
On page 9, line 13, strike the figure and insert "$8,000,000,000".
On page 9, line 14, strike the figure and insert "$8,700,000,000".
On page 9, line 15, strike the figure and insert "$0".
On page 9, line 17, strike the figure and insert "$0".
On page 9, line 19, strike the figure and insert "$0".
On page 9, line 21, strike the figure and insert "$9,000,000,000".
On page 9, line 22, strike the figure and insert "$8,800,000,000".
On page 9, line 23, strike the figure and insert "$0".
On page 9, line 25, strike the figure and insert "$0".
On page 10, line 2, strike the figure and insert "$0".
On page 10, line 4, strike the figure and insert "$9,300,000,000".
On page 10, line 5, strike the figure and insert "$9,000,000,000".
On page 10, line 6, strike the figure and insert "$0".
On page 10, line 8, strike the figure and insert "$0".
On page 10, line 10, strike the figure and insert "$0".
On page 10, line 13, strike the figure and insert "$1,600,000,000".
On page 10, line 14, strike the figure and insert "$6,500,000,000".
On page 10, line 16, strike the figure and insert "$2,100,000,000".
On page 10, line 18, strike the figure and insert "$100,000,000".
On page 10, line 20, strike the figure and insert "$0".
On page 10, line 22, strike the figure and insert "$5,200,000,000".
On page 10, line 23, strike the figure and insert "$5,100,000,000".
On page 10, line 25, strike the figure and insert "$2,100,000,000".
On page 11, line 2, strike the figure and insert "$4,100,000,000".
On page 11, line 4, strike the figure and insert "$0".
On page 11, line 6, strike the figure and insert "$5,200,000,000".
On page 11, line 7, strike the figure and insert "$4,600,000,000".
On page 11, line 9, strike the figure and insert "$1,400,000,000".
On page 11, line 11, strike the figure and insert "$0".
On page 11, line 13, strike the figure and insert "$0".
On page 11, line 15, strike the figure and insert "$4,900,000,000".
On page 11, line 16, strike the figure and insert "$4,200,000,000".
On page 11, line 18, strike the figure and insert "$1,000,000,000".
On page 11, line 20, strike the figure and insert "$0".
On page 11, line 22, strike the figure and insert "$0".
On page 11, line 25, strike the figure and insert "$12,700,000,000".
On page 12, line 1, strike the figure and insert "$13,100,000,000".
On page 12, line 3, strike the figure and insert "$100,000,000".
On page 12, line 5, strike the figure and insert "$0".
On page 12, line 7, strike the figure and insert "$0".
On page 12, line 9, strike the figure and insert "$12,100,000,000".
On page 12, line 10, strike the figure and insert "$12,400,000,000".
On page 12, line 12, strike the figure and insert "$100,000,000".
On page 12, line 14, strike the figure and insert "$0".
On page 12, line 16, strike the figure and insert "$0".
On page 12, line 18, strike the figure and insert "$12,500,000,000".
On page 12, line 19, strike the figure and insert "$12,200,000,000".
On page 12, line 21, strike the figure and insert "$100,000,000".
On page 12, line 23, strike the figure and insert "$0".
On page 12, line 25, strike the figure and insert "$0".
On page 13, line 2, strike the figure and insert "$12,700,000,000".
On page 13, line 3, strike the figure and insert "$12,300,000,000".
On page 13, line 4, strike the figure and insert "$0".
On page 13, line 6, strike the figure and insert "$0".
On page 13, line 8, strike the figure and insert "$0".
On page 13, line 11, strike the figure and insert "$24,800,000,000".
On page 13, line 12, strike the figure and insert "$21,000,000,000".
On page 13, line 14, strike the figure and insert "$13,800,000,000".
On page 13, line 16, strike the figure and insert "$5,700,000,000".
On page 13, line 18, strike the figure and insert "$0".
On page 13, line 20, strike the figure and insert "$16,500,000".
On page 13, line 21, strike the figure and insert "$13,800,000,000".
On page 13, line 23, strike the figure and insert "$11,700,000,000".
On page 13, line 25, strike the figure and insert "$8,000,000,000".
On page 14, line 2, strike the figure and insert "$0".
On page 14, line 4, strike the figure and insert "$16,400,000,000".
On page 14, line 5, strike the figure and insert "$14,500,000,000".
On page 14, line 7, strike the figure and insert "$10,200,000,000".
On page 14, line 9, strike the figure and insert "$8,000,000,000".
On page 14, line 11, strike the figure and insert "$0".
On page 14, line 13, strike the figure and insert "$13,600,000,000".
On page 14, line 14, strike the figure and insert "$11,500,000,000".
On page 14, line 16, strike the figure and insert "$9,100,000,000".
On page 14, line 18, strike the figure and insert "$8,000,000,000".
On page 14, line 20, strike the figure and insert "$0".
On page 14, line 23, strike the figure and insert "$12,600,000,000".
On page 14, line 24, strike the figure and insert "$5,600,000,000".
On page 15, line 2, strike the figure and insert "$6,500,000,000".
On page 15, line 4, strike the figure and insert "$27,000,000,000".
On page 15, line 6, strike the figure and insert "$68,200,000,000".
On page 15, line 8, strike the figure and insert "$7,200,000,000".
On page 15, line 9, strike the figure and insert "$2,600,000,000".
On page 15, line 11, strike the figure and insert "$2,500,000,000".
On page 15, line 13, strike the figure and insert "$25,200,000,000".
On page 15, line 15, strike the figure and insert "$68,200,000,000".
On page 15, line 17, strike the figure and insert "$3,900,000,000".
On page 15, line 18, strike the figure and insert "$100,000,000".
On page 15, line 20, strike the figure and insert "$2,500,000,000".
On page 15, line 22, strike the figure and insert "$26,700,000,000".
On page 15, line 24, strike the figure and insert "$68,200,000,000".
On page 16, line 1, strike the figure and insert "$4,300,000,000".
On page 16, line 2, strike the figure and insert "$2,000,000,000".
On page 16, line 4, strike the figure and insert "$2,700,000,000".
On page 16, line 6, strike the figure and insert "$28,400,000,000".
On page 16, line 8, strike the figure and insert "$68,200,000,000".
On page 16, line 11, strike the figure and insert "$29,600,000,000".
On page 16, line 12, strike the figure and insert "$26,100,000,000".
On page 16, line 14, strike the figure and insert "$300,000,000".
On page 16, line 16, strike the figure and insert "$300,000,000".
On page 16, line 18, strike the figure and insert "$0".
On page 16, line 20, strike the figure and insert "$26,600,000,000".
On page 16, line 21, strike the figure and insert "$25,600,000,000".
On page 16, line 23, strike the figure and insert "$200,000,000".
On page 16, line 25, strike the figure and insert "$300,000,000".
On page 17, line 2, strike the figure and insert "$0".
On page 17, line 4, strike the figure and insert "$27,100,000,000".
On page 17, line 5, strike the figure and insert "$27,000,000,000".
On page 17, line 7, strike the figure and insert "$100,000,000".
On page 17, line 9, strike the figure and insert "$300,000,000".
On page 17, line 11, strike the figure and insert "$0".
On page 17, line 13, strike the figure and insert "$26,300,000,000".

On page 17, line 14, strike the figure and insert "$26,500,000,000".
On page 17, line 16, strike the figure and insert "$100,000,000".
On page 17, line 18, strike the figure and insert "$300,000,000".
On page 17, line 20, strike the figure and insert "$0".
On page 17, line 23, strike the figure and insert "$8,400,000,000".
On page 17, line 24, strike the figure and insert "$8,700,000,000".
On page 18, line 2, strike the figure and insert "$1,800,000,000".
On page 18, line 4, strike the figure and insert "$200,000,000".
On page 18, line 6, strike the figure and insert "$0".
On page 18, line 8, strike the figure and insert "$5,400,000,000".
On page 18, line 9, strike the figure and insert "$7,600,000,000".
On page 18, line 11, strike the figure and insert "$800,000,000".
On page 18, line 13, strike the figure and insert "$200,000,000".
On page 18, line 15, strike the figure and insert "$0".
On page 18, line 17, strike the figure and insert "$5,800,000,000".
On page 18, line 18, strike the figure and insert "$6,800,000,000".
On page 18, line 20, strike the figure and insert "$700,000,000".
On page 18, line 22, strike the figure and insert "$200,000,000".
On page 18, line 24, strike the figure and insert "$0".
On page 19, line 1, strike the figure and insert "$6,200,000,000".
On page 19, line 2, strike the figure and insert "$6,200,000,000".
On page 19, line 4, strike the figure and insert "$800,000,000".
On page 19, line 6, strike the figure and insert "$200,000,000".
On page 19, line 8, strike the figure and insert "$0".
On page 19, line 12, strike the figure and insert "$31,600,000,000".
On page 19, line 13, strike the figure and insert "$30,300,000,000".
On page 19, line 15, strike the figure and insert "$1,100,000,000".
On page 19, line 17, strike the figure and insert "$8,600,000,000".
On page 19, line 19, strike the figure and insert "$0".
On page 19, line 21, strike the figure and insert "$28,600,000,000".
On page 19, line 22, strike the figure and insert "$29,800,000,000".
On page 19, line 24, strike the figure and insert "$1,100,000,000".
On page 20, line 2, strike the figure and insert "$8,900,000,000".
On page 20, line 4, strike the figure and insert "$0".
On page 20, line 6, strike the figure and insert "$29,400,000,000".
On page 20, line 7, strike the figure and insert "$28,700,000,000".
On page 20, line 9, strike the figure and insert "$1,100,000,000".
On page 20, line 11, strike the figure and insert "$9,200,000,000".
On page 20, line 13, strike the figure and insert "$0".
On page 20, line 15, strike the figure and insert "$29,800,000,000".
On page 20, line 16, strike the figure and insert "$29,000,000,000".
On page 20, line 18, strike the figure and insert "$1,100,000,000".
On page 20, line 20, strike the figure and insert "$9,400,000,000".
On page 20, line 22, strike the figure and insert "$0".
On page 20, line 25, strike the figure and insert "$33,600,000,000".
On page 21, line 1, strike the figure and insert "$33,500,000,000".
On page 21, line 2, strike the figure and insert "$0".
On page 21, line 4, strike the figure and insert "$200,000,000".
On page 21, line 6, strike the figure and insert "$0".
On page 21, line 8, strike the figure and insert "$34,900,000,000".
On page 21, line 9, strike the figure and insert "$35,000,000,000".
On page 21, line 10, strike the figure and insert "$0".
On page 21, line 12, strike the figure and insert "$200,000,000".
On page 21, line 14, strike the figure and insert "$0".
On page 21, line 16, strike the figure and insert "$37,100,000,000".
On page 21, line 17, strike the figure and insert "$36,700,000,000".
On page 21, line 18, strike the figure and insert "$0".
On page 21, line 20, strike the figure and insert "$300,000,000".
On page 21, line 22, strike the figure and insert "$0".
On page 21, line 24, strike the figure and insert "$39,200,000,000".
On page 21, line 25, strike the figure and insert "$38,700,000,000".
On page 22, line 1, strike the figure and insert "$0".
On page 22, line 3, strike the figure and insert "$300,000,000".
On page 22, line 5, strike the figure and insert "$0".
On page 22, line 8, strike the figure and insert "$71,800,000,000".
On page 22, line 9, strike the figure and insert "$65,200,000,000".
On page 22, line 10, strike the figure and insert "$0".
On page 22, line 12, strike the figure and insert "$0".
On page 22, line 14, strike the figure and insert "$0".
On page 22, line 16, strike the figure and insert "$81,600,000,000".
On page 22, line 17, strike the figure and insert "$68,000,000,000".
On page 22, line 18, strike the figure and insert "$0".
On page 22, line 20, strike the figure and insert "$0".
On page 22, line 22, strike the figure and insert "$0".
On page 22, line 24, strike the figure and insert "$90,500,000,000".
On page 22, line 25, strike the figure and insert "$74,100,000,000".
On page 23, line 1, strike the figure and insert "$0".
On page 23, line 3, strike the figure and insert "$0".
On page 23, line 5, strike the figure and insert "$0".
On page 23, line 7, strike the figure and insert "$93,300,000,000".
On page 23, line 8, strike the figure and insert "$81,600,000,000".
On page 23, line 9, strike the figure and insert "$0".
On page 23, line 11, strike the figure and insert "$0".
On page 23, line 13, strike the figure and insert "$0".
On page 23, line 17, strike the figure and insert "$162,800,000,000".
On page 23, line 18, strike the figure and insert "$128,600,000,000".
On page 23, line 20, strike the figure and insert "$14,300,000,000".
On page 23, line 22, strike the figure and insert "$0".
On page 23, line 24, strike the figure and insert "$0".
On page 24, line 2, strike the figure and insert "$156,300,000,000".
On page 24, line 3, strike the figure and insert "$118,100,000,000".
On page 24, line 5, strike the figure and insert "$1,800,000,000".
On page 24, line 7, strike the figure and insert "$0".
On page 24, line 9, strike the figure and insert "$0".
On page 24, line 12, strike the figure and insert "$166,500,000,000".
On page 24, line 13, strike the figure and insert "$121,900,000,000".
On page 24, line 15, strike the figure and insert "$2,300,000,000".
On page 24, line 17, strike the figure and insert "$0".
On page 24, line 19, strike the figure and insert "$0".
On page 24, line 22, strike the figure and insert "$174,700,000,000".
On page 24, line 23, strike the figure and insert "$125,600,000,000".
On page 24, line 25, strike the figure and insert "$1,800,000,000".
On page 25, line 2, strike the figure and insert "$0".
On page 25, line 4, strike the figure and insert "$0".
On page 25, line 8, strike the figure and insert "$195,500,000,000".
On page 25, line 9, strike the figure and insert "$189,300,000,000".
On page 25, line 10, strike the figure and insert "$0".
On page 25, line 12, strike the figure and insert "$0".
On page 25, line 14, strike the figure and insert "$0".
On page 25, line 17, strike the figure and insert "$207,600,000,000".
On page 25, line 18, strike the figure and insert "$197,700,000,000".
On page 25, line 19, strike the figure and insert "$0".
On page 25, line 21, strike the figure and insert "$0".
On page 25, line 23, strike the figure and insert "$0".
On page 26, line 2, strike the figure and insert "$225,300,000,000".
On page 26, line 3, strike the figure and insert "$206,500,000,000".
On page 26, line 4, strike the figure and insert "$0".
On page 26, line 6, strike the figure and insert "$0".
On page 26, line 8, strike the figure and insert "$0".
On page 26, line 11, strike the figure and insert "$266,200,000,000".
On page 26, line 12, strike the figure and insert "$216,100,000,000".
On page 26, line 13, strike the figure and insert "$0".
On page 26, line 15, strike the figure and insert "$0".
On page 26, line 17, strike the figure and insert "$0".
On page 26, line 20, strike the figure and insert "$27,200,000,000".
On page 26, line 21, strike the figure and insert "$26,300,000,000".

On page 26, line 23, strike the figure and insert "$1,300,000,000".
On page 26, line 25, strike the figure and insert "$16,800,000,000".
On page 27, line 2, strike the figure and insert "$0".
On page 27, line 4, strike the figure and insert "$26,900,000,000".
On page 27, line 5, strike the figure and insert "$26,300,000,000".
On page 27, line 7, strike the figure and insert "$1,300,000,000".
On page 27, line 9, strike the figure and insert "$15,300,000,000".
On page 27, line 11, strike the figure and insert "$0".
On page 27, line 13, strike the figure and insert "$26,900,000,000".
On page 27, line 14, strike the figure and insert "$26,300,000,000".
On page 27, line 16, strike the figure and insert "$1,200,000,000".
On page 27, line 18, strike the figure and insert "$17,400,000,000".
On page 27, line 20, strike the figure and insert "$0".
On page 27, line 22, strike the figure and insert "$26,900,000,000".
On page 27, line 23, strike the figure and insert "$26,400,000,000".
On page 27, line 25, strike the figure and insert "$1,200,000,000".
On page 28, line 2, strike the figure and insert "$20,100,000,000".
On page 28, line 4, strike the figure and insert "$0".
On page 28, line 7, strike the figure and insert "$6,600,000,000".
On page 28, line 8, strike the figure and insert "$6,400,000,000".
On page 28, line 9, strike the figure and insert "$0".
On page 28, line 11, strike the figure and insert "$0".
On page 28, line 13, strike the figure and insert "$0".
On page 28, line 15, strike the figure and insert "$6,800,000,000".
On page 28, line 16, strike the figure and insert "$6,700,000,000".
On page 28, line 17, strike the figure and insert "$0".
On page 28, line 19, strike the figure and insert "$0".
On page 28, line 21, strike the figure and insert "$0".
On page 28, line 23, strike the figure and insert "$6,900,000,000".
On page 28, line 24, strike the figure and insert "$6,900,000,000".
On page 28, line 25, strike the figure and insert "$0".
On page 29, line 2, strike the figure and insert "$0".
On page 29, line 4, strike the figure and insert "$0".
On page 29, line 6, strike the figure and insert "$7,000,000,000".
On page 29, line 7, strike the figure and insert "$7,000,000,000".
On page 29, line 8, strike the figure and insert "$0".
On page 29, line 10, strike the figure and insert "$0".
On page 29, line 12, strike the figure and insert "$0".
On page 29, line 15, strike the figure and insert "$5,800,000,000".
On page 29, line 16, strike the figure and insert "$5,800,000,000".
On page 29, line 17, strike the figure and insert "$0".
On page 29, line 19, strike the figure and insert "$0".
On page 29, line 21, strike the figure and insert "$0".
On page 29, line 23, strike the figure and insert "$5,300,000,000".
On page 29, line 24, strike the figure and insert "$5,300,000,000".
On page 29, line 25, strike the figure and insert "$0".
On page 30, line 2, strike the figure and insert "$0".
On page 30, line 4, strike the figure and insert "$0".
On page 30, line 6, strike the figure and insert "$5,400,000,000".
On page 30, line 7, strike the figure and insert "$5,300,000,000".
On page 30, line 8, strike the figure and insert "$0".
On page 30, line 10, strike the figure and insert "$0".
On page 30, line 12, strike the figure and insert "$0".
On page 30, line 14, strike the figure and insert "$5,600,000,000".
On page 30, line 15, strike the figure and insert "$5,500,000,000".
On page 30, line 16, strike the figure and insert "$0".
On page 30, line 18, strike the figure and insert "$0".
On page 30, line 20, strike the figure and insert "$0".
On page 30, line 23, strike the figure and insert "$6,400,000,000".
On page 30, line 24, strike the figure and insert "$6,400,000,000".
On page 30, line 25, strike the figure and insert "$0".
On page 31, line 2, strike the figure and insert "$0".
On page 31, line 4, strike the figure and insert "$0".
On page 31, line 6, strike the figure and insert "$6,500,000,000".
On page 31, line 7, strike the figure and insert "$6,500,000,000".
On page 31, line 8, strike the figure and insert "$0".
On page 31, line 10, strike the figure and insert "$0".
On page 31, line 12, strike the figure and insert "$0".
On page 31, line 14, strike the figure and insert "$2,000,000,000".
On page 31, line 15, strike the figure and insert "$3,200,000,000".
On page 31, line 16, strike the figure and insert "$0".
On page 31, line 18, strike the figure and insert "$0".
On page 31, line 20, strike the figure and insert "$0".
On page 31, line 22, strike the figure and insert "$2,100,000,000".
On page 31, line 23, strike the figure and insert "$2,100,000,000".
On page 31, line 24, strike the figure and insert "$0".
On page 32, line 2, strike the figure and insert "$0".
On page 32, line 4, strike the figure and insert "$0".
On page 32, line 8, strike the figure and insert "$129,700,000,000".
On page 32, line 9, strike the figure and insert "$129,700,000,000".
On page 32, line 10, strike the figure and insert "$0".
On page 32, line 12, strike the figure and insert "$0".
On page 32, line 14, strike the figure and insert "$0".
On page 32, line 17, strike the figure and insert "$142,300,000,000".
On page 32, line 18, strike the figure and insert "$142,300,000,000".
On page 32, line 19, strike the figure and insert "$0".
On page 32, line 21, strike the figure and insert "$0".
On page 32, line 23, strike the figure and insert "$0".
On page 33, line 2, strike the figure and insert "$153,000,000,000".
On page 33, line 3, strike the figure and insert "$153,000,000,000".
On page 33, line 4, strike the figure and insert "$0".
On page 33, line 6, strike the figure and insert "$0".
On page 33, line 8, strike the figure and insert "$0".
On page 33, line 11, strike the figure and insert "$155,200,000,000".
On page 33, line 12, strike the figure and insert "$155,200,000,000".
On page 33, line 13, strike the figure and insert "$0".
On page 33, line 15, strike the figure and insert "$0".
On page 33, line 17, strike the figure and insert "$0".
On page 33, line 20, strike the figure and insert "$300,000,000".
On page 33, line 21, strike the figure and insert "$300,000,000".
On page 33, line 22, strike the figure and insert "$0".
On page 33, line 24, strike the figure and insert "$0".
On page 34, line 2, strike the figure and insert "$0".
On page 34, line 5, strike the figure and insert "−$1,400,000,000".
On page 34, line 6, strike the figure and insert "−$1,400,000,000".
On page 34, line 7, strike the figure and insert "$0".
On page 34, line 9, strike the figure and insert "$0".
On page 34, line 11, strike the figure and insert "$0".
On page 34, line 14, strike the figure and insert "−$1,200,000,000".
On page 34, line 15, strike the figure and insert "−$1,200,000,000".
On page 34, line 16, strike the figure and insert "$0".
On page 34, line 18, strike the figure and insert "$0".
On page 34, line 20, strike the figure and insert "$0".
On page 34, line 23, strike the figure and insert "−$200,000,000".
On page 34, line 24, strike the figure and insert "−$100,000,000".
On page 34, line 25, strike the figure and insert "$0".
On page 35, line 2, strike the figure and insert "$0".
On page 35, line 4, strike the figure and insert "$0".
On page 35, line 8, strike the figure and insert "−$32,400,000,000".
On page 35, line 9, strike the figure and insert "−$32,400,000,000".
On page 35, line 10, strike the figure and insert "$0".
On page 35, line 12, strike the figure and insert "$0".
On page 35, line 14, strike the figure and insert "$0".
On page 35, line 17, strike the figure and insert "−$35,000,000,000".
On page 35, line 18, strike the figure and insert "−$35,000,000,000".
On page 35, line 19, strike the figure and insert "$0".

On page 35, line 21, strike the figure and insert "$0".
On page 35, line 23, strike the figure and insert "$0".
On page 36, line 2, strike the figure and insert "−$37,800,000,000".
On page 36, line 3, strike the figure and insert "−$37,800,000,000".
On page 36, line 4, strike the figure and insert "$0".
On page 36, line 6, strike the figure and insert "$0".
On page 36, line 8, strike the figure and insert "$0".
On page 36, line 11, strike the figure and insert "−$41,100,000,000".
On page 36, line 12, strike the figure and insert "−$41,100,000,000".
On page 36, line 13, strike the figure and insert "$0".
On page 36, line 15, strike the figure and insert "$0".
On page 36, line 17, strike the figure and insert "$0".
On page 36, line 19, strike the date and insert "June 30, 1985".
On page 37, line 11, strike the first figure and insert "$3,899,000,000".
On page 37, line 11, strike the second figure and insert "$4,610,000,000".
On page 37, line 12, strike the figure and insert "$3,773,000,000".
On page 37, line 13, strike the figure and insert "$6,540,000,000".
On page 37, line 14, strike the first figure and insert "$4,258,000,000".
On page 37, line 14, strike the second figure and insert "$10,326,000,000".
On page 37, line 20, strike the first figure and insert "$0".
On page 37, line 20, strike the second figure and insert "$376,000,000".
On page 37, line 21, strike the figure and insert "$0".
On page 37, line 22, strike the figure and insert "$894,000,000".
On page 37, line 23, strike the first figure and insert "$0".
On page 37, line 23, strike the second figure and insert "$1,424,000,000".
On page 38, line 10, strike the first figure and insert "$10,122,000,000".
On page 38, line 10, strike the second figure and insert "$4,213,000,000".
On page 38, line 11, strike the figure and insert "$11,353,000,000".
On page 38, line 12, strike the figure and insert "$7,416,000,000".
On page 38, line 13, strike the figure and insert "$12,509,000,000".
On page 38, line 14, strike the figure and insert "$9,566,000,000".
On page 38, line 24, strike the first figure and insert "$2,622,000,000".
On page 38, line 24, strike the second figure and insert "$2,216,000,000".
On page 38, line 25, strike the figure and insert "$1,416,000,000".
On page 39, line 1, strike the figure and insert "$1,077,000,000".
On page 39, line 2, strike the first figure and insert "$1,633,000,000".
On page 39, line 2, strike the second figure and insert "$1,368,000,000".
On page 39, line 13, strike the first figure and insert "$2,962,000,000".
On page 39, line 13, strike the second figure and insert "$2,253,000,000".
On page 39, line 14, strike the figure and insert "$2,723,000,000".
On page 39, line 15, strike the figure and insert "$2,579,000,000".
On page 39, line 16, strike the first figure and insert "$2,720,000,000".
On page 39, line 16, strike the second figure and insert "$2,814,000,000".
On page 40, line 2, strike the first figure and insert "$719,000,000".
On page 40, line 2, strike the second figure and insert "$306,000,000".
On page 40, line 3, strike the figure and insert "$1,208,000,000".
On page 40, line 4, strike the figure and insert "$1,451,000,000".
On page 40, line 5, strike the first figure and insert "$1,720,000,000".
On page 40, line 5, strike the second figure and insert "$2,112,000,000".
On page 40, line 15, strike the figure and insert "$0".
On page 40, line 16, strike the first figure and insert "$8,117,000,000".
On page 40, line 16, strike the second figure and insert "$0".
On page 40, line 17, strike the figure and insert "$18,934,000,000".
On page 40, line 18, strike the first figure and insert "$0".
On page 40, line 18, strike the second figure and insert "$28,137,000,000".
On page 41, line 3, strike the figure and insert "$192,000,000".
On page 41, line 4, strike the figure and insert "$47,000,000".
On page 41, line 5, strike the first figure and insert "$275,000,000".
On page 41, line 5, strike the second figure and insert "$109,000,000".
On page 41, line 6, strike the figure and insert "$282,000,000".
On page 41, line 7, strike the figure and insert "$140,000,000".
On page 41, line 16, strike the first figure and insert "$375,000,000".
On page 41, line 16, strike the second figure and insert "$0".
On page 41, line 17, strike the figure and insert "$3,101,000,000".
On page 41, line 18, strike the first figure and insert "$1,325,000,000".
On page 41, line 18, strike the second figure and insert "$0".
On page 41, line 19, strike the figure and insert "$7,332,000,000".
On page 41, line 20, strike the first figure and insert "$1,370,000,000".
On page 41, line 20, strike the second figure and insert "$0".
On page 41, line 21, strike the figure and insert "$9,097,000,000".
On page 42, line 6, strike the first figure and insert "$3,404,000,000".
On page 42, line 6, strike the second figure and insert "$1,299,000,000".
On page 42, line 7, strike the figure and insert "$3,826,000,000".
On page 42, line 8, strike the figure and insert "$3,446,000,000".
On page 42, line 9, strike the first figure and insert "$4,291,000,000".
On page 42, line 9, strike the second figure and insert "$4,231,000,000".
On page 42, line 19, strike the figure and insert "$882,000,000".
On page 42, line 20, strike the figure and insert "$1,258,000,000".
On page 42, line 21, strike the first figure and insert "$2,034,000,000".
On page 42, line 21, strike the second figure and insert "$2,101,000,000".
On page 42, line 22, strike the figure and insert "$2,594,000,000".
On page 42, line 23, strike the figure and insert "$2,275,000,000".
On page 43, line 7, strike the figure and insert "$858,000,000".
On page 43, line 8, strike the figure and insert "$791,000,000".
On page 43, line 9, strike the first figure and insert "$1,332,000,000".
On page 43, line 9, strike the second figure and insert "$1,496,000,000".
On page 43, line 10, strike the figure and insert "$1,725,000,000".
On page 43, line 11, strike the figure and insert "$1,987,000,000".
On page 43, line 20, strike the figure and insert "$192,000,000".
On page 43, line 21, strike the figure and insert "$87,000,000".
On page 43, line 22, strike the first figure and insert "$201,000,000".
On page 43, line 22, strike the second figure and insert "$151,000,000".
On page 43, line 23, strike the figure and insert "$211,000,000".
On page 43, line 24, strike the figure and insert "$181,000,000".
On page 44, line 10, strike the figure and insert "$3,899,000,000".
On page 44, line 11, strike the figure and insert "$4,610,000,000".
On page 44, line 12, strike the first figure and insert "$3,773,000,000".
On page 44, line 12, strike the second figure and insert "$6,540,000,000".
On page 44, line 13, strike the figure and insert "$4,258,000,000".
On page 44, line 14, strike the figure and insert "$10,326,000,000".
On page 44, line 19, strike the first figure and insert "$0".
On page 44, line 19, strike the second figure and insert "$376,000,000".
On page 44, line 20, strike the figure and insert "$0".
On page 44, line 21, strike the figure and insert "$894,000,000".
On page 44, line 22, strike the first figure and insert "$0".
On page 44, line 22, strike the second figure and insert "$1,424,000,000".
On page 45, line 8, strike the first figure and insert "$9,159,000,000".
On page 45, line 8, strike the second figure and insert "$4,028,000,000".
On page 45, line 9, strike the figure and insert "$9,730,000,000".
On page 45, line 10, strike the figure and insert "$6,870,000,000".
On page 45, line 11, strike the first figure and insert "$10,379,000,000".
On page 45, line 11, strike the second figure and insert "$8,550,000,000".
On page 45, line 21, strike the figure and insert "$2,838,000,000".
On page 45, line 22, strike the figure and insert "$1,316,000,000".
On page 45, line 23, strike the first figure and insert "$3,183,000,000".
On page 45, line 23, strike the second figure and insert "$3,202,000,000".
On page 45, line 24, strike the figure and insert "$3,549,000,000".
On page 45, line 25, strike the figure and insert "$3,865,000,000".
On page 46, line 9, strike the figure and insert "$5,188,000,000".
On page 46, line 10, strike the figure and insert "$8,187,000,000".
On page 46, line 11, strike the first figure and insert "$3,871,000,000".
On page 46, line 11, strike the second figure and insert "$10,159,000,000".
On page 46, line 12, strike the figure and insert "$3,958,000,000".
On page 46, line 13, strike the figure and insert "$13,539,000,000".
On page 46, line 23, strike the figure and insert "$192,000,000".
On page 46, line 24, strike the figure and insert "$47,000,000".

On page 46, line 25, strike the first figure and insert "$275,000,000".
On page 46, line 25, strike the second figure and insert "$109,000,000".
On page 47, line 1, strike the figure and insert "$282,000,000".
On page 47, line 2, strike the figure and insert "$140,000,000".
On page 47, line 11, strike the figure and insert "$0".
On page 47, line 12, strike the first figure and insert "$64,000,000".
On page 47, line 12, strike the second figure and insert "$0".
On page 47, line 13, strike the figure and insert "$3,699,000,000".
On page 47, line 14, strike the first figure and insert "$0".
On page 47, line 14, strike the second figure and insert "$5,203,000,000".
On page 47, line 25, strike the first figure and insert "$540,000,000".
On page 47, line 25, strike the second figure and insert "$292,000,000".
On page 48, line 1, strike the figure and insert "$559,000,000".
On page 48, line 2, strike the figure and insert "$402,000,000".
On page 48, line 3, strike the first figure and insert "$634,000,000".
On page 48, line 3, strike the second figure and insert "$526,000,000".
On page 48, line 14, strike the first figure and insert "$401,000,000".
On page 48, line 14, strike the second figure and insert "$379,000,000".
On page 48, line 15, strike the figure and insert "$293,000,000".
On page 48, line 16, strike the figure and insert "$352,000,000".
On page 48, line 17, strike the first figure and insert "$394,000,000".
On page 48, line 17, strike the second figure and insert "$450,000,000".
On page 49, line 2, strike the figure and insert "$375,000,000".
On page 49, line 3, strike the first figure and insert "$0".
On page 49, line 3, strike the second figure and insert "$3,037,000,000".
On page 49, line 4, strike the first figure and insert "$1,325,000,000".
On page 49, line 4, strike the second figure and insert "$0".
On page 49, line 5, strike the figure and insert "$7,183,000,000".
On page 49, line 6, strike the first figure and insert "$1,370,000,000".
On page 49, line 6, strike the second figure and insert "$0".
On page 49, line 7, strike the figure and insert "$8,850,000,000".
On page 49, line 17, strike the first figure and insert "$1,895,000,000".
On page 49, line 17, strike the second figure and insert "$469,000,000".
On page 49, line 18, strike the figure and insert "$3,091,000,000".
On page 49, line 19, strike the figure and insert "$1,950,000,000".
On page 49, line 20, strike the first figure and insert "$4,170,000,000".
On page 49, line 20, strike the second figure and insert "$3,161,000,000".
On page 50, line 5, strike the figure and insert "$882,000,000".
On page 50, line 6, strike the figure and insert "$1,258,000,000".
On page 50, line 7, strike the first figure and insert "$2,034,000,000".
On page 50, line 7, strike the second figure and insert "$2,101,000,000".
On page 50, line 8, strike the figure and insert "$2,594,000,000".
On page 50, line 9, strike the figure and insert "$2,275,000,000".
On page 50, line 18, strike the figure and insert "$858,000,000".
On page 50, line 19, strike the figure and insert "$791,000,000".
On page 50, line 20, strike the first figure and insert "$1,332,000,000".
On page 50, line 20, strike the second figure and insert "$1,496,000,000".
On page 50, line 21, strike the figure and insert "$1,725,000,000".
On page 50, line 22, strike the figure and insert "$1,987,000,000".
On page 51, line 6, strike the figure and insert "$0".
On page 51, line 7, strike the first figure and insert "$7,600,000,000".
On page 51, line 7, strike the second figure and insert "$0".
On page 51, line 8, strike the figure and insert "$14,456,000,000".
On page 51, line 9, strike the first figure and insert "$0".
On page 51, line 9, strike the second figure and insert "$21,809,000,000".
On page 51, line 17, strike the figure and insert "$313,500,000,000".
On page 51, line 19, strike the figure and insert "$335,600,000,000".
On page 51, line 20, strike the figure and insert "$360,400,000,000".
On page 52, line 1, strike the figure and insert "$136,700,000,000".
On page 52, line 3, strike the figure and insert "$138,200,000,000".
On page 52, line 4, strike the figure and insert "$143,100,000,000".
On page 54, line 20, strike the figure and insert "8".

ADDITIONAL STATEMENTS

DAN ROSTENKOWSKI

● Mr. SIMON. Mr. President, one of the distinguished leaders of the House of Representatives is a Congressman from Illinois, DAN ROSTENKOWSKI, who has shown a firmness in leadership in the revenue field that I applaud.

He was one of those in Speaker O'NEILL's delegation who met with Soviet General Secretary Mikhail S. Gorbachev.

His observations, which were printed in the Chicago Sun-Times, will be of interest to my colleagues in both the House and the Senate who read the CONGRESSIONAL RECORD.

The encouraging side of Congressman ROSTENKOWSKI's observations is that Gorbachev was on top of the issues and was an effective communicator. That makes reconciliation more possible, but it also means we have a tough adversary.

Congressman ROSTENKOWSKI's call for more communication between our nations is a sound suggestion. I urge my colleagues to read the article.

Mr. President, I ask that the ROSTENKOWSKI observations be printed in the RECORD.

The article follows:

[From the Chicago Sun-Times, Apr. 21, 1985]

GORBACHEV WARMS UP TO MORE TALKS

(By Dan Rostenkowski)

The first signs of spring were appearing in Moscow as Soviet General Secretary Mikhail S. Gorbachev met with the congressional delegation I was a part of.

"The ice has started to move," he said, referring more to the relationship between our two countries than the weather. He spent nearly four hours developing this theme. By the time we were done, he'd convinced me that he was trying to encourage a further thaw.

His tone was conversational rather than confrontational. But he didn't waste much time on idle chatter. He had a clear agenda in front of him, with the key points underlined in red, yellow or green ink.

He showed no signs of interest in reforming the Soviet system to help advance the peace process. Instead, he said, each side should mind its internal business and not meddle in the affairs of the other. He doesn't want to change our ways and doesn't think we should try to change theirs. Immigration policy, he said, was one such issue.

Gorbachev suggested that political leaders in both our nations had a common interest in holding down military expenditures, while military men in both lobbied to increase them.

Perhaps, he said, the differences were greater between the military and civilian leaders on each side than between the governments of our two nations.

He was disappointed that President Reagan had rejected his suggestion of a military-spending freeze, but it wasn't threatening. Gorbachev has apparently given a lot of thought to how to deal with our president. He said he's read a study called "America in the Eighties." It was pepared for the president and it's about 600 pages long. I haven't read it yet.

Clearly, he was using us to send a simple message—he wants to talk with Americans more. He encouraged us to ask Americans to listen to what he's saying instead of reflexively rejecting it. Gorbachev said easing international tensions is a priority. He's concluded that the United States and the U.S.S.R. continue to be adversaries in many areas, but that doesn't mean we must be enemies.

America has made a mistake in trying to use economic sanctions to change Soviet behavior, Gorbachev said. Such moves just don't work and may backfire. The American firms involved lose the business. Foreign firms enjoy new opportunities to sell to the Soviets and the Soviets become just that much more determined to go their way with a minimal reliance on the United States.

He didn't directly address the several points of friction in the world like Central America and Afghanistan. Nor did he complain about American actions in other parts of the world.

He did spend quite a bit of time criticizing the Reagan "star wars" proposal, though. At one point he referred to a remark by Defense Secretary Caspar W. Wineberger made in defending the space initiative. "If the Russians create such a defense system, our world would be more dangerous," Gorbachev quoted Wineberger.

"Why is it dangerous if we do it, and not if you do it?" he asked. None of us attempted to answer. We were there to listen and engage in a friendly exchange. No one wanted to pick a fight.

What did I learn from our extensive conversation? Did Gorbachev mean everything he said? I don't know. I hope so.

I was convinced that he is a very effective communicator. He has a good grasp of the issues that divide our nations. He has mastered the rhetoric of reconciliation.

I got the feeling he'd like to visit the United States. I think he should. Reagan should probably visit the Soviet Union, too. That way the people of our two nations could make their own decisions about the challenges we face and how we can best respond to them.

Gorbachev called for more communication between our two nations. Based on what I learned in our conversation, that is one Soviet initiative I can endorse without qualification.●

U.S. REFUGEE POLICY

● Mr. SPECTER. I submit for the RECORD my statement before the Judiciary Subcommittee on Immigration and Refugee Policy. I also submit for the RECORD the witness list for the hearing on Extended Voluntary Departure Issues on Monday, April 22, 1985, along with my question for INS commissioner Nelson and Assistant Secretary of State Elliot Abrams and accompanying correspondence.

STATEMENT OF SENATOR ARLEN SPECTER BEFORE JUDICIARY SUBCOMMITTEE ON IMMIGRATION AND REFUGEE POLICY

At the outset, I thank you, Mr. Chairman, for holding these important hearings at my request. You have an impressive list of witnesses and I commend your efforts to deal with these troubling issues of U.S. refugee policy and procedures, particularly those raised by the arrests in January of some 60 aliens across the country in an effort to crack down on the Sanctuary movement.

I was in Philadelphia on January 14, 1985, when a Guatemalan family—Mr. and Mrs. Morelos and their three-year-old child—were arrested and taken into custody by the Immigration and Naturalization Service as part of this nationwide crackdown.

According to information provided to me, a warrant of arrest was issued for the husband and wife, Mr. and Mrs. Morelos, on grounds of illegal entry. The wife and three-year-old child were then taken into custody. Later, Mr. Morelos surrendered to Immigration and Naturalization authorities when he found out that his wife and children were in custody.

On the facts as presented to me, Mr. Morelos had a valid claim for asylum on the basis of a well-founded fear of persecution based on his prior political activities and expression of political opinions in Guatemala. Mr. Morelos' contention of torture was corroborated by scars which I personally observed on his body.

When I discussed this case with an INS agent in Philadelphia, I was advised that a warrant of arrest was issued because Mr. Morelos had not made an application for asylum.

In my judgment, a law enforcement agency like INS should not issue a warrant of arrest for a person until an investigation discloses a violation of law without a valid defense. As District Attorney of Philadelphia, I made it a stringent rule to inquire as to the surrounding circumstances to find out about potential defenses before obtaining warrants of arrest or taking people into custody.

As a matter of fundamental fairness, it is my opinion that the Government of the United States should not take people into custody unless there is a valid basis for doing so after a thorough investigation including potential defenses. It seems to me that it is not sufficient to justify the INS action on the basis that Mr. Morelos had the burden of filing an application for asylum. He is an alien and does not really understand the intricacies of the law; and, if he did, he could hardly be expected to file such an application considering the fact that virtually no such applications are granted and the filing itself would doubtless activate an enforcement proceeding against him.

The action of the Immigration and Naturalization Service was particularly offensive in taking his wife and child into custody. It is an horrendous experience to be arrested and the three-year-old child who was subjected to the arrest will doubtless bear the scars of the incident for many years, to say nothing of the trauma on the mother.

I have written INS Commissioner Alan Nelson urging a review of INS procedures so that legal proceedings are authorized only where an investigation discloses a violation without a valid defense. If legal proceedings are instituted, a summons rather than a warrant of arrest should be used unless there is a valid reason to believe that the person will flee or that bail is realistically necessary to guarantee the appearance of that individual at the next proceeding. In the case of the Morelos family, there was no such reason to be concerned about flight since the Immigration and Naturalization Service had known of their whereabouts since September 1984. In any event, the posting of the $3,000 in bail by other parties was hardly any guarantee of the appearance of the Morelos family for the next proceeding so that the justification for the warrant of arrest was not at all well-founded.

As to the filing of asylum petitions, I have urged INS to adopt procedures which maintain confidentiality (*in camera* proceedings) so that foreign governments will not know of the contentions of their nationals so as to avoid reprisals and fear of filing such applications.

Beyond these procedures, I have also written Secretary of State George Shultz, along with Commissioner Nelson, about the applicable policies which, as I understand it, lead to only 0.4 percent of Guatemalan applications for asylum having been granted in 1984 and only 2.5 percent of the applications for asylum from Salvadorans having been granted in 1984. In light of the social unrest in those countries and the activism of many of their citizens, it strikes me as a shockingly low figure to have such a small number of applications for asylum granted.

In both letters, I raised the question whether consideration has been given to halting deportations of Guatemalans through a grant of extended volutary departure or any other procedure. It seems to me that extended voluntary departure would be appropriate for Guatemalans as it has been applied for those who have fled from other countries with such pervasive social unrest affecting so large a segment of the citizens.

On March 14, 1985, I questioned Elliott Abrams, Assistant Secretary of State for Human Rights and Humanitarian Affairs, about this remarkably low approval rate in 1984 for asylum applications filed by Salvadorans and Guatemalans, and whether it could reflect and appropriate application of a fair standard. Mr. Abrams suggested that a GAO study of the asylum process would be "a good idea" and I have requested just such a study.

I would like to submit for the record copies of my letter to GAO Comptroller General Charles A. Bowsher requesting a study of the standards and procedures applied by INS and the State Department when reviewing asylum applications, as well as copies of my letters to Secretary Shultz and Commissioner Nelson, and their responses.

The civil strife in Central America has displaced thousands of inhabitants. In visits to Central America in May and August of 1983, I witnessed first-hand the breakdown of justice in El Salvador, and when I returned I succeeded in getting the Congress to withhold 30% of our aid to that country until the guardsmen charged with the murder of the four churchwomen were tried. In addition, I have seen to it that $9 million in aid was earmarked for judicial reform in El Salvador so that the rule of law can begin to replace the reign of terror perpetuated by rampant illegal killings.

I am also deeply troubled by reports coming out of Guatemala of the disappearance of two journalists, both from Pennsylvania, while working on a story in that country, and about the murders of a number of member of the Grupode Apoyo Muto, an association of relatives of "disappeared" Guatemalans.

According to figures compiled by the U.S. Embassy, 622 people have been listed as missing since General Ascar Mejia Victores came to power in August 1983 through a coup d'etat. I understand other western embassies say the number is even higher.

It is essential that we treat the displaced victims of the civil strife in Central America fairly and with compassion. I was an original cosponsor of legislation to halt the deportation of Salvadorans pending a study of the circumstances and condition of displaced Salvadorans in Central America and here in the U.S. I have cosponsored this legislation again in the 99th Congress.

Again, I commend you for holding these much needed hearings, and I appreciate the opportunity to testify and to ask questions of Elliott Abrams, Assistant Secretary of State for the Bureau of Human Rights and Humanitarian Affairs, and of Commissioner Alan Nelson of the Immigration and Naturalization Service.

HEARING ON EXTENDED VOLUNTARY DEPARTURE ISSUES

WITNESS LIST

1. The Honorable Dennis DeConcini.

First panel

2. The Honorable Elliott Abrams, Assistant Secretary of State, Bureau of Human Rights and Humanitarian Affairs.

3. The Honorable Alan C. Nelson, Commissioner, Immigration and Naturalization Service.

Second panel

4. Michael Myers, Washington Representative, Church World Service.

5. Morton Halperin, Acting Director, American Civil Liberties Union.

Third panel

6. Georges Fauriol, Senior Fellow, Center for Strategic and International Studies.

7. Lynn Bouchey, Chairman, Council for Inter-American Security.

Afternoon panel

1. The Honorable Arlen Specter.

2. The Honorable Alan Nelson, Commissioner, accompanied by Maurice Inman, General Counsel, Immigration and Naturalization Service.

3. The Honorable Elliott Abrams, Assistant Secretary of State.

QUESTION FOR BOTH COMMISSIONER NELSON AND SECRETARY ABRAMS

In my letter of February 1, 1985, I expressed particular concern about the arrest of the Morelos family, including their three-year-old child.

I asked both State and INS to review Mr. Morelos' claim for asylum to determine whether his claim is valid. As I noted in my letter, I personally saw the scars Mr. Morelos said were the result of torture.

I can understand the need for confidentiality with regard to a pending application. Without going into detail, have you reviewed Mr. Morelos' claim, and is it your opinion that it is valid?

If not, can you tell us why not?

2. Also for both witnesses:

Also in my letter, I asked INS and State to work together to develop procedures to ensure the confidentiality of asylum applications and proceedings so that home country governments do not learn who has applied for asylum in the U.S. and has, in most cases, made allegations of abuse by that government, in order to avoid reprisals and the fear of filing such applications.

What is the status of these efforts?

3. For both witnesses:

Another reason refugees from Guatemala and El Salvador are reluctant to apply for asylum is that so few applications are approved.

As I noted in my letter, I am told only 0.4 percent of Guatemalan applications and 2.5 percent of Salvadoran applications were granted in 1984.

Given the civil war in El Salvador, and the general political unrest in that country and in Guatemala, as well as the recent disappearance of two Pennsylvania journalists and murders of members of the Grupo de Apoyo Mutuo, a politically active group pressing the Guatemalan government for information on the disappearances of their loved ones, which seems indicative of the general political turmoil documented by respected outside groups—given this evidence of social unrest and activism, how can you explain these remarkably low approval rates?

If the problem is lack of corroborating evidence—understandably difficult for a refugee who has fled in a hurry and cannot bring in neighbors, etc. as supporting witnesses of persecution threats—have INS and State considered alternative ways of verifying these claims so as to avoid deportation of those who have legitimate asylum claims but lack a signed death threat?

4. For Secretary Abrams

I am concerned about the asylum application review procedures which call for the State Department to review each and every application and render an "advisory opinion."

While foreign policy may appropriately play a role in our overall immigration policy, it should not be a part of our asylum policy, which is based on nonpolitical humanitarian obligations.

What efforts are made, or procedures established, to avoid a desk officer being influenced by foreign policy concerns when making a recommendation on an asylum application?

Do you know of any cases in which the State Department has recommended denial of an application and INS went ahead and approved that application?

If so, approximately what percentage of State advisory opinions are "overruled" by INS?

U.S. SENATE,
Washington, DC.

Hon. ALAN C. NELSON,
Commissioner, Immigration and Naturalization Service, Washington, DC.

DEAR COMMISSIONER NELSON: I am deeply concerned about the policy and procedures involved in the recent arrest of some 60 aliens across the country and particularly about the arrest of a Guatemalan family in Philadelphia, Pennsylvania on January 14, 1985.

According to information provided to me, a warrant of arrest was issued for a husband and wife, Mr. and Mrs. Morelos, on grounds of illegal entry. The wife and a three-year-old child were then taken into custody. Later, Mr. Morelos surrendered to Immigration and Naturalization authorities when he found out that his wife and child were in custody.

On the facts as presented to me, Mr. Morelos has a valid claim for asylum on the basis of a well-founded fear of persecution based on his prior political activities and expressions of political opinions in Guatemala. Mr. Morelos' contention of torture was corroborated by scars which I personally observed on his body.

When I discussed this case with an INS agent in Philadelphia, I was advised that a warrant of arrest was issued because Mr. Morelos had not made an application for asylum.

In my judgment, a law enforcement agency like INS should not issue a warrant of arrest for a person until an investigation discloses a violation of law without a valid defense. As District Attorney of Philadelphia, I made it a stringent rule to inquire as to the surrounding circumstances to find out about potential defenses before obtaining warrants of arrest or taking people into custody.

As a matter of fundamental fairness, it is my opinion that the Government of the United States should not take people into custody unless there is a valid basis for doing so after a thorough investigation including potential defenses. It seems to me that it is not sufficient to justify the INS action on the basis that Mr. Morelos had the burden of filing an application for asylum. He is an alien and does not really understand the intricacies of the law; and, if he did, he could hardly be expected to file such an application considering the fact that virtually no such applications are granted and the filing itself would doubtless activate an enforcement proceeding against him.

The action of the Immigration and Naturalization Service was particularly offensive in taking his wife and child into custody. It is an horrendous experience to be arrested and the three-year-old child who was subjected to the arrest will doubtless bear the scars of the incident for many years, to say nothing of the trauma on the mother.

I strongly urge that you as the Director of the Immigration and Naturalization Service review your procedures so that legal proceedings are authorized only where an investigation discloses a violation without a valid defense. If legal proceedings are instituted, a summons rather than a warrant of arrest should be used unless there is a valid reason to believe that the person will flee or that bail is realistically necessary to guarantee the appearance of that individual at the next proceeding. In the case of the Morelos family, there was no such reason to be concerned about flight since the Immigration and Naturalization Service had known of their whereabouts since September 1984. In any event, the posting of the $3,000 in bail by other parties was hardly any guarantee of the appearance of the Morelos family for the next proceeding so that the justification for the warrant of arrest was not at all well-founded.

As to the filing of asylum petitions, I urge you to adopt procedures which maintain confidentiality (in camera proceedings) so that foreign governments will not know of the contentions of their nationals so as to avoid reprisals and fear of filing such applications.

Beyond these procedures, I am also troubled by the applicable policies which, as I understand it, lead to only 0.4 percent of Guatemalan applications for asylum having been granted in 1984 and only 2.5 percent of the applications for asylum from Salvadorans having been granted in 1984. In light of the social unrest in those countries and the activism of many of their citizens, it strikes me as a shockingly low figure to have such a small number of applications for asylum granted. I would be interested to know what standards are used and whether Mr. Morelos would have qualified, under existing standards, considering his contentions of torture which were corroborated by his scars:

I would be further interested to know whether consideration has been given to halting deportations of Guatemalans through a grant of extended voluntary departure or any other procedure. It seems to be that extended voluntary departure would be appropriate for Guatemalans as it has been applied for those who have fled from other countries with such pervasive social unrest affecting so large a segment of the citizens.

I would very much appreciate your prompt response to the questions raised in this letter.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC.

Hon. GEORGE P. SHULTZ,
Secretary, Department of State, Washington, DC.

DEAR SECRETARY SHULTZ: I am deeply concerned about the policy and procedures involved in the recent arrest of some 60 aliens across the country and particularly about the arrest of a Guatemalan family in Philadelphia, Pennsylvania on January 14, 1985. While the arrests were carried out by Immigration and Naturalization Service, the procedures employed are inexorably intertwined with our immigration policies in which the State Department plays a key role.

According to information provided to me, a warrant of arrest was issued for a husband and wife, Mr. and Mrs. Morelos, on grounds of illegal entry. The wife and a three-old child were then taken into custody. Later, Mr. Morelos surrendered to Immigration and Naturalization authorities when he found out that his wife and child were in custody.

On the facts as presented to me, Morelos has a valid claim for asylum on the basis of a well-founded fear of persecution based on

his prior political activities and expressions of political opinions in Guatemala. Mr. Morelos' contention of torture was corroborated by scars which I personally observed on his body.

When I discussed this case with an INS agent in Philadelphia, I was advised that a warrant of arrest was issued because Mr. Morelos has not made an application for asylum.

In my judgment, as I have written INS Commissioner Alan Nelson, a law enforcement agency like INS should not issue a warrant of arrest for a person until an investigation discloses a violation of law without a valid defense. As District Attorney of Philadelphia, I have made it a stringent rule to inquire as to the surrounding circumstances to find out about potential defenses before obtaining warrants of arrest or taking people into custody.

As a matter of fundamental fairness, it is my opinion that the Government of the United States should not take people into custody unless there is a valid basis for doing so after a thorough investigation including potential defenses. It seems to me that it is not sufficient to justify the INS action on the basis that Mr. Morelos had the burden of filing an application for asylum. He is an alien and does not really understand the intricacies of the law; and, if he did, he could hardly be expected to file such an application considering the fact that virtually no such applications are granted and the filing itself would doubtless activate an enforcement proceeding against him.

This is where the States Deparment's involvement is particularly relevant. I am troubled by the applicable policies which, as I understand it, lead to only 0.4 percent of Guatemalan applications for asylum having been granted in 1984 and only 2.5 percent of the applications for asylum from Salvadorans having been granted in 1984. In light of the social unrest in those countries and the activism of many of their citizens, it strikes me as a shockingly low figure to have such a small number of applications for asylum granted. I would be interested to know what standards are used in the State Department's review of applications and whether Mr. Morelos would have qualified, under existing standards, considering his contentions of torture which were corroborated by his scars.

In addition, I urge you to work with Commissioner Nelson to adopt procedures that maintain the confidentiality of asylum applications (*in camera* proceedings), so that foreign governments will not know of the contentions of their nationals so as to avoid reprisals and fear of filing such applications.

I would be further interested to know whether consideration has been given to halting deportations of Guatemalans through a grant of extended voluntary department or any other procedure. It seems to me that extended voluntary departure would be appropriate for Guatemalans as it has been applied for those who have fled from other countries with such pervasive social unrest affecting so large a segment of the citizens.

I would very much appreciate your prompt response to the questions raised in this letter.

Sincerely,

ARLEN SPECTER.

U.S. DEPARTMENT OF STATE,
Washington, DC, March 1, 1985.

Hon. ARLEN SPECTER,
U.S. Senate.

DEAR SENATOR SPECTER: Thank you for your letter of February 1, 1985 expressing your deep concern about the arrests of some 60 illegal aliens and in particular about the arrest of a Guatemalan family in Philadelphia, Mr. and Mrs. Morelos and their child.

We note in your letter your belief that Mr. Morelos has a valid claim for asylum based on a well-founded fear of persecution because of his prior political activities and opinions in Guatemala. You also urge us to work with I.N.S. Commissioner Nelson to adopt procedures that maintain the confidentiality of asylum applications.

The Department keeps the contents and its views on asylum applications confidential in order to protect the applicant or his relatives. Attorneys for asylum applicants are particularly insistent upon the need for strict confidentiality, and we must maintain this policy. We are confident that the I.N.S maintains a similar policy.

With respect to the asylum claim by Mr. Morelos and his family, we will be prepared to review the case when the record and file are sent to us by I.N.S. Philadelphia, in accordance with established procedures in these matters. You may be assured that at such time we will take fully into account your views on the validity of the asylum request. However, since we have not had an opportunity to review the application and any supporting documents, we are not in a position to comment on the merits of the case.

We will continue our careful review of applications for asylum on a case-by-case basis, and monitor developments and conditions in the region. This is not always an easy task. However, the procedures for a considered and just determination of asylum requests for Central Americans are in place, and they are applied by our officers in a compassionate and understanding manner.

Sincerely,

J. EDWARD FOX,
Acting Assistant Secretary,
Legislative and Intergovernmental Affairs.

U.S. DEPARTMENT OF STATE,
Washington, DC, March 8, 1985.

Hon. ARLEN SPECTER,
U.S. Senate.

DEAR SENATOR SPECTER: Thank you for your letter of January 18, 1985 in which you state your deep concern about the arrests of illegal aliens on January 14, 1985. You inquire about asylum procedures, the granting of extended voluntary departure to Guatemalan and Salvadoran aliens in this country, and you refer to the "sanctuary' movement as the target for arrests.

We realize that violence is an enormous problem in Central America, and that many have fled their country to avoid civil strife. There is also a long history of migration to the United States by aliens seeking work. Many try to remain here by applying for asylum or seeking extended voluntary departure (EVD) status, which temporarily suspends deportation.

The reason most often cited for granting EVD to Salvadorans, or any other Central American, is the claim that those who have been deported have suffered persecution on return to their country. However, repeated studies of the treatment and condition of deported Salvadorans have disclosed no such pattern. In the most recent U.S. Embassy survey of about 500 El Salvadoran deportees, not a single case of physical abuse or murder was found. Many deportees could not be located because they had given fictitious or incomplete addresses, and some 39 people had already returned illegally to the United States. Despite the problem in locating some deportees, the study simply does not suggest a pattern of targeted persecution of the deported Salvadorans.

In 1983 the Attorney General and the Secretary of State carefully considered the question of EVD status for Central American aliens and determined that such status was not then appropriate. Their views are still valid at this time and I enclose copies of their letters.

In addition, there is a program in place in El Salvador, conducted by the Intergovernmental Committee for Migration (ICM), a highly respected international organization. ICM meets every Salvadoran who has been sent home by the United States, and each is offered resettlement assistance. Each returnee reports to ICM once a month for six months, discussing any difficulties which he or she may have. If any returnees had been harmed or disappeared, it surely would be made known publicly.

Our international commitments do not permit the forced expulsion of a refugee to a country or frontier where persecution is likely to occur. In addition, the Refugee Act of 1980 provides for the granting of asylum status to those who establish a well-founded fear of persecution upon return to their country of nationality for reasons of race, religion, nationality, membership of a particular social group, or political opinion. By law, the responsibility for establishing a well-founded fear of persecution rests with each applicant. The Department of State reviews each and every asylum application and renders an advisory opinion on the merits of the application. However, the decision on the asylum request is made by the I.N.S. director concerned who takes into consideration our advisory opinion. Since the decision on the asylum application is a matter for I.N.S., you may wish to consult with that Service to ascertain the statistical data on these cases.

The United States is well aware of its legal and treaty obligations and responsibilities, including the prohibition against the forced expulsion of refugees. We have a long-standing record of support for relief activities on behalf of refugees and a generous resettlement policy. No other country has provided as much assistance, or as many resettlement opportunities, to refugees as the United States.

We cannot concur with the position taken by some churches to harbor or conceal illegal aliens from Central America or elsewhere. Our conduct in this matter should be guided by the rule of law. Since the question of harboring or concealing illegal aliens may involve a breach of federal law, you may also wish to consider requesting the Department of Justice to comment on the implications of the actions.

We will continue our careful review of applications for EVD and asylum on a case-by-case basis, and monitor developments and conditions in the region. This is not always an easy task. However, the procedures for a considered and just determination of EVD and asylum request for Central Americans are in place, and they are applied by our of-

ficers in a compassionate and understanding manner.

Sincerely,

J. EDWARD FOX,
Acting Assistant Secretary, Legislative and Intergovernmental Affairs.

U.S. SENATE,
Washington, DC, April 4, 1985.

Hon. CHARLES A. BOWSHER,
Comptroller General, General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: I am writing to request a GAO study into the practices and procedures of the Immigration and Naturalization Service and the Department of State for judging claims for asylum in the United States, especially concerning Central America.

The civil strife in Central America has displaced thousands of inhabitants. In visits to Central America in May and August of 1983, I witnessed first-hand the breakdown of justice in El Salvador, and when I returned I succeeded in getting the Congress to withhold 30% of our aid to that country until the guardsmen charged with the murder of the four churchwomen were tried. In addition, I have seen to it that $9 million in aid was earmarked for judicial reform in El Salvador so that the rule of law can begin to replace the reign of terror perpetuated by rampant illegal killings.

It is essential that we treat the displaced victims of the civil strife in Central America fairly and with compassion. I was an original cosponsor of legislation to halt the deportation of Salvadorans pending a study of the circumstances and condition of displaced Salvadorans in Central America and here in the U.S. I have cosponsored this legislation again in the 99th Congress.

I am also deeply concerned about the policy and procedures involved in the arrests of some 60 displaced aliens—mostly Salvadorans and Guatemalans—across the country earlier this year in an effort to crack down on the Sanctuary movement, and particularly about the arrest of a Guatemalan family in Philadelphia on January 14, 1985. I have written Secretary of State George Shultz and Immigration and Naturalization Commissioner Alan Nelson complaining about these arrests and the fundemantal offensiveness of taking a Guatemalan mother and her three-year-old child into custody, as was done in Philadelphia.

I have also requested Senate hearings on the issues raised by the INS arrests, and Senator Simpson, Chairman of the Judiciary Subcommittee on Immigration and Refugee Policy, has agreed to schedule such hearings in the near future.

I met with the Guatemalan family arrested in Philadelphia in January—and, on the facts as represented to me, the father, Mr. Morelos, has a valid claim for asylum on the basis of a well-founded fear of persecution based on his prior political activities and expressions of political opinions in Guatemala. Mr. Morelos' contention of torture was corroborated by scars which I personally observed on his body.

I am troubled by the applicable policies which, as I understand it, lead to only 0.4 percent of Guatemalan applications for asylum having been granted in 1984 and only 2.5 percent of the applications for asylum from Salvadorans having been granted in 1984. In light of the social unrest in those countries and the activism of many of their citizens, it strikes me as a shockingly low figure to have such a small number of applications for asylum granted.

On March 14, 1985, I questioned Elliott Abrams, Assistant Secretary of State for Human Rights and Humanitarian Affairs, about this remarkably low approval rate in 1984 for asylum applications filed by Salvadorans and Guatemalans, and whether it could reflect an appropriate application of a fair standard. Mr. Abrams suggested that a GAO study of the asylum process would be "a good idea."

I am attaching a list of specific areas the GAO report should cover. This kind of thorough analysis is long overdue.

If you have any questions, please contact me, or have your staff contact Suzanne Spaulding at 224-5863.

I appreciate your prompt consideration of this request.

Sincerely,

ARLEN SPECTER.

AREAS GAO REPORT SHOULD COVER

Specifically, I request that the GAO report include the following information:

1. The standard and criteria being applied by INS in granting claims of asylum;

2. Whether the same standard and criteria is applied across the board to asylum applications regardless of the home country of the applicant; if not, please examine and report the differences and reasons for deviance;

3. Whether the approval rate for asylum applications generally and/or by country varies significantly from one INS district office to another, and the reasons for any such variation;

4. The standard and criteria applied by the State Department in recommending approval or denial of asylum applications;

5. Whether the same standard and criteria is applied by the State Department to all applications, regardless of the home country of the applicant, and is applied in the same manner, e.g., same requirements for corroboration and objective evidence, same criteria for severity of threat, etc., and the nature of and reasons for divergence; and

6. Whether the same procedures are consistently followed within the State Department and the INS, respectively, when considering all asylum applications. If not, describe circumstances under which procedures vary and cite the nature of and reasons for divergence.●

RESOLUTIONS APPROVED BY SOUTH CAROLINA HOUSE OF REPRESENTATIVES

● Mr. HOLLINGS. Mr. President, on behalf of Senator THURMOND and myself, I would like to call to the attention of the Senate these seven resolutions unanimously approved by the South Carolina House of Representatives.

The resolutions follow:

H. 2620

Whereas, on Tuesday, March 19, 1985, legislation of significant importance was introduced in the Congress which would limit the growth of textile and apparel imports into the United States; and

Whereas, Senator Strom Thurmond of South Carolina introduced Senate Bill 680 in the Senate with twenty-five other cosponsors and Representative James T. Broyhill of North Carolina introduced companion House Bill 1562 in the House of Representatives with one hundred twenty-two other co-sponsors, the large number of cosponsors being indicative of the strong support for these bills; and

Whereas, this legislation, known as the Textile and Apparel Trade Enforcement Act, would apply to all exporting countries except Canada and the European Economic Community and would:

(1) Limit shipments from the twenty largest textile-producing countries to 1983 levels.

(2) Broaden textile quotas to cover a wider range of textile and apparel imports.

(3) Reallocate some of the existing import share to smaller countries.

(4) Require the federal government to set up a special import-licensing system to police the import limits; and

Whereas, there can be no question that if steps are not taken immediately to set strict limits on textile and apparel imports into this country, the United States will lose its single most important manufacturing industry; and

Whereas, the members of the General Assembly, by this resolution, express their belief that the immediate enactment into law of either Senate Bill 680 or House Bill 1562 is urgently needed, is in the best interest of our country, and is necessary now to prevent the further erosion of one of our basic manufacturing industries. Now Therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the members of the General Assembly hereby memorialize the Congress to enact without delay Senate Bill 680 or companion House Bill 1562 which would limit textile and apparel imports into the United States.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, to each United States Senator from South Carolina, each member of the House of Representatives from South Carolina, the Senate of the United States, and the House of Representatives of the United States.

H. 2592

Whereas, one and four-tenths percent of the American population, including more than forty thousand South Carolinians, are unable to use conventional printed library materials because of visual or physical handicaps; and

Whereas, print handicapped readers, including some five hundred thousand Americans and eight thousand South Carolinians, depend upon the fifty-six regional libraries which constitute the Library of Congress Network of Libraries for the Blind and Physically Handicapped to provide reading materials for education, information, and recreation; and

Whereas, the federal government and the individual states have traditionally shared in the support of this important library service, with books and periodicals on disk or tape, the machines necessary to read them, and braille books being supplied by the Library of Congress National Library Service for the Blind and Physically Handicapped and with staff, housing, and operating costs being supplied by the states; and

Whereas, library service for blind and handicapped readers is dependent on distribution of reading materials and equipment by mail, and the fifty-six regional libraries send more than twenty million items annually through the United States Postal Service; and

Whereas, the Administration's fiscal year 1986 budget proposes to eliminate all postal revenue foregone appropriations (postal subsidies) which would mean the "Free Matter for the Blind" mailing privilege, provided by Congress since 1904, would end as of October 1, 1985; and

Whereas, the states and territories are not financially able to assume on short notice the cost of mailing library materials to handicapped users (more than one hundred fifty thousand dollars a year for South Carolina); and

Whereas, the time and labor involved in individually weighing and canceling each of the twenty million items sent to patrons and then returned to the libraries would be a great addition to the work load of the United States Postal Service as well as that of the individual libraries; and

Whereas, many blind and handicapped readers on limited incomes would not be financially able to pay the return postage, totaling one hundred twenty thousand dollars a year for all readers, and in many instances would not be able to make arrangements for the materials to be returned to the post office for weighing and stamping and would probably be deprived of library service as a result. Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the members of the General Assembly request the United States Congress and the present Administration to take the necessary steps to insure that postal revenue foregone appropriations are provided to continue the "Free Matter for the Blind" mailing privilege which makes possible library service for blind and physically handicapped citizens of the United States.

Be it further resolved, that copies of this resolution be forwarded to the President of the United States, to each member of the South Carolina Congressional Delegation, the Speaker of the House of Representatives of the United States, and the President of the Senate of the United States.

H. 2711

Whereas, South Carolina is a predominantly rural state whose counties have a large percentage of federally-owned lands; and

Whereas, rural South Carolina counties are heavily dependent upon federally-shared revenues to replace the tax base which the federally-owned lands have displaced; and

Whereas, proposed cuts in federally-shared revenues from U.S. Forest Service timber cutting activities would further reduce the revenues which would be distributed to rural areas from the present level of two hundred twenty-five million dollars to sixty million dollars; and

Whereas, the effect of these proposed cuts in federal revenue sharing and in shared revenues from U.S. Forest Service timber cutting activities will have a disastrous effect on South Carolina's state and local governments, possibly resulting in tax increases of more than one hundred percent. Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the members of the General Assembly hereby request the President and the Congress to consider the disastrous effects on South Carolina and its rural areas of proposed federal cutbacks in revenue sharing and in shared revenues from U.S. Forest Service timber cutting activities.

Be it further resolved that the President and Congress are urged to continue funding shared revenues from U.S. Forest Service timber cutting activities at the present level of two hundred twenty-five million in order to prevent drastic tax increases on the state and local level in South Carolina.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, to each United States Senator from South Carolina, each member of the House of Representatives from South Carolina, the Senate of the United States, and the House of Representatives of the United States.

H. 2471

Whereas, it is vital that the leaders of this great nation adopt a national strategy of peace that would:

(1) Inspire, focus, and unite the national will and determination to achieve this goal of peace and freedom;

(2) Achieve overall military and technological superiority over the Soviet Union;

(3) Create a strategic defense and a civil defense which would protect United States citizens against nuclear war at least as well as the Soviets defend their citizens;

(4) Accept no arms control agreement which in any way jeopardizes this security of the United States or its allies or locks the United States into a position of military inferiority;

(5) Reestablish effective security and intelligence capabilities;

(6) Pursue positive nonmilitary means to roll back the growth of Communism;

(7) Help our allies and other non-Communist countries defend themselves against Communist aggressions;

(8) Maintain a strong economy and protect our overseas sources of energy and other vital raw materials; and

Whereas, it will take an enormous effort to achieve the adoption of a National Strategy of Peace Through Strength. Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the members of the General Assembly memorialize the President and the Congress to take whatever measures that may be appropriate and necessary to adopt a National Strategy of Peace Through Strength.

Be it further resolved that copies of this resolution be forwarded to the President, the Speaker of the House of Representatives, the President of the Senate, and each member of the congressional delegation from South Carolina.

H. 2372

Whereas, the federal government in its relations with the states very often requires the states to take certain action by legislation or otherwise by a specified date or risk the loss of federal funds in certain areas: and

Whereas, although in most of these cases the goal to be accomplished through the federally mandated action is worthy, commendable, and necessary, the fact remains that the Constitution of the United States reserves to the states the right to take or not take many of these actions without interference on the part of the federal government; and

Whereas, the members of the South Carolina General Assembly, by this resolution, hereby call on the Congress to cease the above practices which tend to usurp the power reserved to the States under the United States Constitution. Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the Congress of the United States is memorialized to cease the practice of requiring the States to take certain actions through legislation or otherwise or risk the loss of federal funds because in many cases the federally mandated actions are reserved to the power of the States under the United States Constitution.

Be it further resolved that a copy of this resolution be forwarded to each United States Senator from South Carolina, each member of the House of Representatives of Congress from South Carolina, the Senate of the United States and the House of Representatives of the United States.

H. 2530

Whereas, federal supplemental compensation (FSC) is a program whereby the federal government pays additional unemployment compensation benefits without cost to employers for a period of eight weeks to those people who have exhausted their other federal and state unemployment compensation benefits; and

Whereas, the FSC program was passed in the early 1980's in coordination with another program of federal unemployment compensation known as federal extended benefits; and

Whereas, federal extended benefits is a federal-state program where the employer pays one-half of the benefits and the federal government pays the other half of the benefits but federal law mandates that federal extended benefits stop when insured state unemployment drops below a level of five percent; and

Whereas, South Carolina's present level of insured state unemployment is approximately three and one-third percent which means that no federal extended benefits are now available in this State; and

Whereas, unfortunately the FSC program under the enabling federal legislation is also due to expire at the end of March, 1985; and

Whereas, for the FSC program to expire when federal extended benefits are not now available in South Carolina would be a particularly harsh blow to those citizens of this State who have exhausted their state unemployment compensation benefits; and

Whereas, although the FSC program may need some adjustments in order to be more responsive to economic conditions that actually exist in terms of its triggering mechanism, the General Assembly of South Carolina nevertheless believes that it is in the best interest of the people of South Carolina and the United States for the federal supplemental compensation program to be extended by Congress for at least an additional period of one year with any amendment thereto that the Congress deems appropriate and necessary. Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the members of the General Assembly hereby memorialize the Congress of the United States to extend the Federal Supplemental compensation (FSC) program for at least an additional period of one year.

Be it further resolved that a copy of this resolution be forwarded to each United States Senator from South Carolina, each member of the House of Representatives of Congress from South Carolina, the Senate of the United States and the House of Representatives of the United States.

H. 2636

Whereas, the State of South Carolina's economic prosperity is totally linked with the vitality of the agriculture industry; and

Whereas, currently the agriculture industry is in the worst economic slump in recent years because of stresses created by a combination of limited credit, high interest rates, the strong dollar, falling land and equipment values, low prices, and unfair foreign competition; and

Whereas, a single state government can do little to protect its farmers from those conditions because the problems in agriculture exist nationwide; and

Whereas, agricultural policy for the Nation is determined in Washington, D.C. by the administration, the Congress, and the Department of Agriculture; and

Whereas, the nation's farmers have not shared in the benefits of the recovery that some other sectors of the nation's economy have enjoyed; and

Whereas, the agricultural policymakers in the federal government have not developed effective solutions to the problems of limited credit, high interest rates, the strong dollar, falling values, low prices, and unfair foreign competiton to effect a recovery in the agriculture industry. Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

1. That the General Assembly of the State of South Carolina urges the federal government to take action to relieve the economic stresses that burden this nation's farmers;

2. That Congress take action to mitigate unfair tax consequences resulting from the sale of real and personal property to alleviate agricultural debt;

3. That Congress continue the federal tax credit on ethanol as an octane booster and fuel extender for gasoline;

4. That Congress, in its movement toward a market oriented agriculture system, give protection to the competitive position of the American farmers consistent with that accorded farmers in foreign nations;

5. That Congress recognize that the coordinated USDA and farmer supported boll weevil eradication program is not sufficient to make cotton production profitable unless our American textile industry is given stronger support in its battle against unfair foreign competition;

6. That Congress react to the subsidized exportation of Canadian lumber into this country, resulting in a forty-two percent market share in South Carolina;

7. That Congress continue conservation assistance during these perilous times when farmers are unable to afford such practices alone;

8. That Congress reinstitute voluntary supply management programs in order to reduce the overstock of commodities that drag down to unprofitable levels;

9. That Congress develop and adopt a long term food and agricultural policy that incorporates domestic needs and international market development.

Be it further resolved that copies of this resolution be forwarded to the presiding officers of both Houses of the Congress of the United States and to each member of Congress representing South Carolina.●

RULES OF THE JOINT COMMITTEE ON PRINTING

● Mr. MATHIAS. Mr. President, I am pleased to report to the Senate that the Joint Committee on Printing has organized for the 99th Congress. For the benefit of my Senate colleagues, I am submitting the committee rules and I ask unanimous consent that they be printed in the RECORD.

The material follows:

CONTENTS OF RULES

Rule 1. Committee rules.
Rule 2. Regular committee meetings.
Rule 3. Quorum.
Rule 4. Proxies.
Rule 5. Open and closed meetings.
Rule 6. Alternating chairmanship and vice chairmanship by Congresses.
Rule 7. Parliamentary questions.
Rule 8. Hearings: Public announcements and witnesses.
Rule 9. Official hearing record.
Rule 10. Witnesses for committee hearings.
Rule 11. Confidential information furnished to the committee.
Rule 12. Broadcasting of committee hearings.
Rule 13. Committee reports.
Rule 14. Confidentiality of committee reports.
Rule 15. Committee staff.
Rule 16. Committee chairman.

RULE 1. COMMITTEE RULES

(a) The rules of the Senate and House insofar as they are applicable, shall govern the committee.

(b) The committee's rules shall be published in the CONGRESSIONAL RECORD as soon as possible following the committee's organizational meeting in each odd-numbered year.

(c) Where these rules require a vote of the members of the committee, polling of members either in writing or by telephone shall not be permitted to substitute for a vote taken at a committee meeting, unless the ranking minority member assents to waiver of this requirement.

(d) Proposals for amending committee rules shall be sent to all members at least one week before final action is taken thereon, unless the amendment is made by unanimous consent.

RULE 2. REGULAR COMMITTEE MEETINGS

(a) The regular meeting date of the committee shall be the second Wednesday of every month when the House and Senate are in session. A regularly scheduled meeting need not be held if there is no business to be considered and after appropriate notification is made to the ranking minority member. Additional meetings may be called by the chairman as he may deem necessary or at the request of the majority of the members of the committee.

(b) If the chairman of the Committee is not present at any meeting of the committee, the vice-chairman or ranking member of the majority party on the committee who is present shall preside at the meeting.

RULE 3. QUORUM

(a) Five members of the committee shall constitute a quorum which is required for the purpose of closing meetings, promulgating committee orders, or changing the rules of the committee.

(b) Three members shall constitute a quorum for purposes of taking testimony and receiving evidence.

RULE 4. PROXIES

(a) Written or telegraphic proxies of committee members will be received and recorded on any vote taken by the committee, except at the organization meeting at the beginning of each Congress or for the purpose of creating a quorum.

(b) Proxies will be allowed on any such votes for the purpose of recording a member's position on a question only when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded.

RULE 5. OPEN AND CLOSED MEETINGS

(a) Each meeting for the transaction of business of the committee shall be open to the public except when the committee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public. No such vote shall be required to close a meeting that relates solely to internal budget or personnel matters.

(b) No person other than members of the committee, and such congressional staff and other representatives as they may authorize shall be present in any business session which has been closed to the public.

RULE 6. ALTERNATING CHAIRMANSHIP AND VICE CHAIRMANSHIP BY CONGRESSES

(a) The chairmanship and vice chairmanship of the committee shall alternate between the House and the Senate by Congresses. The senior member of the minority party in the House of Congress opposite to that of the chairman shall be the ranking minority member of the committee.

(b) In the event the House and Senate are under different party control, the chairman and vice-chairman shall represent the majority party in their respective Houses. When the chairman and vice-chairman represent different parties, the vice-chairman shall also fulfill the responsibilities of the ranking minority member as prescribed by these rules.

RULE 7. PARLIAMENTARY QUESTIONS

Questions as to the order of business and the procedures of the committee shall in the first instance be decided by the chairman, subject always to an appeal to the committee.

RULE 8. HEARINGS: PUBLIC ANNOUNCEMENTS AND WITNESSES

(a) The chairman, in the case of hearings to be conducted by the committee, shall make public announcement of the date, place, subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event the chairman shall make such public announcement at the earliest possible date. The staff director of the committee shall promptly notify the Daily Digest of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable all witnesses appearing before the committee shall file advance written statements of their proposed testimony at least 48 hours in advance of their appearance and their oral testimony shall be limited to brief summaries. Limited insertions of additional germane material will be received for the record, subject to the approval of the chairman.

RULE 9. OFFICIAL HEARING RECORD

(a) An accurate stenographic record shall be kept of all committee proceedings and actions. Brief supplemental materials when required to clarify transcript may be inserted in the record subject to the approval of the chairman.

(b) Each member of the committee shall be provided with a copy of the hearings transcript for the purpose of correcting errors of transcription and grammar, and clarifying questions or remarks. If any other person is authorized by a committee member to make his corrections the staff director shall be so notified.

(c) Members who have received unanimous consent to submit written questions to witnesses shall be allowed two days within which to submit these to the staff director for transmission to the witnesses. The record may be held open for a period not to exceed two weeks awaiting the responses by witnesses.

(d) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee. Testimony received in closed hearings shall not be released or included in any report without the approval of the committee.

RULE 10. WITNESSES FOR COMMITTEE HEARINGS

(a) Selection of witnesses for committee hearings shall be made by the committee staff under the direction of the chairman. A list of proposed witnesses shall be submitted to the members of the committee for review sufficiently in advance of the hearings to permit suggestions by the committee members to receive appropriate consideration.

(b) The chairman shall provide adequate time for questioning of witnesses by all members, including minority members, and the rule of germaneness shall be enforced in all hearings.

(c) Whenever a hearing is conducted by the committee upon any measure or matter, the minority on the committee shall be entitled, upon unanimous request to the Chairman before the completion of such hearings, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

RULE 11. CONFIDENTIAL INFORMATION FURNISHED TO THE COMMITTEE

The information contained in any books, papers, or documents furnished to the committee by any individual, partnership, corporation, or other legal entity shall, upon the request of the individual, partnership, corporation, or entity furnishing the same, be maintained in strict confidence by the members and staff of the committee, except that any such information may be released outside of executive session of the committee if the release thereof is effected in a manner which will not reveal the identity of such individual, partnership, corporation, or entity in connection with any pending hearing or as a part of a duly authorized report of the committee if such release is deemed essential to the performance of the functions of the committee and is in the public interest.

RULE 12. BROADCASTING OF COMMITTEE HEARINGS

The rule for the broadcasting of committee hearings shall be the same as Rule XI, clause 3 of the Rules of the House of Representatives.

RULE 13. COMMITTEE REPORTS

(a) No committee report shall be made public or transmitted to the Congress without the approval of a majority of the committee except when Congress has adjourned; Provided, that any member of the committee may make a report supplementary to or dissenting from the majority report. Such supplementary or dissenting reports should be as brief as possible.

(b) Factual reports by the committee staff may be printed for distribution to committee members and the public only upon authorization of the chairman either with the approval of a majority of the committee or with the consent of the ranking minority member.

RULE 14. CONFIDENTIALITY OF COMMITTEE REPORTS

No summary of a committee report, prediction of the contents of a report, or statement of conclusions concerning any investigation shall be made by a member of the committee or by any staff member of the committee prior to the issuance of a report of the committee.

RULE 15. COMMITTEE STAFF

(a) The committee shall have a professional and clerical staff; under the supervision of a staff director. Staff operating procedures shall be determined by the staff director, with the approval of the chairman of the committee, and after the notification to the ranking minority member with respect to basic revisions of existing procedures. The staff director under the general supervision of the chairman, is authorized to deal directly with agencies of the Government and with non-Government groups and individuals on behalf of the committee.

(b) The chairman, on behalf of his party's members, shall be entitled to designate not more than two, and the ranking minority member, on behalf of his party's members, shall be entitled to designate not more than two of the following senior staff members: Staff Director, General Counsel, Deputy Staff Director, Assistant Staff Director or Associate General Counsel, and Special Assistant.

(c) All other staff members shall be selected on the basis of their training, experience, and attainments, without regard to race, religion, sex, color, national origin or political affiliations, and shall serve all members of the committee in an objective, non-partisan manner.

RULE 16. COMMITTEE CHAIRMAN

The chairman of the committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee. Specifically, the chairman is authorized, during the interim periods between meetings of the committee, to act on all requests submitted by any executive department, independent agency, temporary or permanent commissions and committees of the Federal Government, the Government Printing Office, and any other Federal entity, pursuant to the requirements of applicable Federal law and regulations.●

THE IMPACT OF PRESIDENT REAGAN'S FISCAL YEAR 1986 BUDGET ON POOR CHILDREN

● Mr. SIMON. Mr. President, on March 18, 1985, Marian Wright Edelman, president of the Children's Defense Fund, and a leader in the movement to secure the rights of children in poverty, spoke at the Woman's National Democratic Club in an eloquent way about the impact of President Reagan's fiscal year 1986 budget on poor children. With child poverty at the highest rate in 18 years, President Reagan has intentionally or unintentionally targeted poor children and families for the fifth consecutive year for billions in new budget cuts. This occurs at a time when the cost of lifting every poor American child out of poverty would be less than half of the proposed increase in defense spending in 1986. This occurs at a time when a single working mother with three children and a below-poverty income of $10,500 paid $1,186 in taxes, more than Boeing, General Electric, DuPont, Texaco, Mobil, and AT&T together paid in 1983, though earnings of these huge corporations totaled $13.7 billion in net profits.

No Senator or Representative can turn his or her back on Ms. Edelman's message to the Woman's National Democratic Club and to the American people. I respectfully urge your thoughtful attention to the speech, and ask that it be printed in the RECORD.

The Speech follows:

SPEECH BY MARIAN WRIGHT EDELMAN, PRESIDENT CHILDREN'S DEFENSE FUND

President Reagan's Fiscal Year 1986 budget is a moral travesty.

Although more children die each year from poverty than from traffic fatalities and suicide combined—twice more children die from poverty than die from heart disease and cancer combined—for the fifth consecutive year, in the face of the highest child poverty rate in 18 years, President Reagan has targeted poor children and families again for billions in new budget cuts.

Under the Fiscal Year 1986 Reagan budget, children will lose $5.2 billion. In 1990, children will lose $37.6 billion in federal support. This is on top of $10 billion a year in cuts already made in survival programs for children and families since 1980.

If the Reagan budget priorities succeed, by 1990 every American will be spending 19 percent less on poor children and families and 86 percent more on defense.

By Fiscal Year 1990, the military budget will increase by $344.2 billion or 239 percent, to make American children more secure from external enemies. But American children also need defense against internal enemies of poverty, infant mortality, abuse, and homelessness.

Over a five-year period, more American children die from poverty than the total number of American battle deaths in the Vietnam War. Yet, our national leaders dream about a multi-billion dollar "Star Wars" system to make our defenses impenetrable against enemy missiles. Why can't they dream of a smaller achievable war against child poverty—a war that saves and enhances rather than takes and threatens human life? Every poor American child could be lifted out of poverty in 1986 for less than half of the proposed defense spending increase for that one year alone.

American babies need defense against preventable infant mortality and birth defects. By 1990, 22,000 American babies will die primarily because of low birthweight. We can prevent at least one in eight of these infant deaths and thousands of handicapping contributions simply by providing their mothers prenatal care. For seven percent or 25 days of the defense budget increase next year, every poor mother and baby could be provided Medicaid, and thus prenatal care coverage. Instead, the Reagan budget pro-

poses to cut Medicaid again by $6 billion over the next three years although 700,000 children have already lost their Medicaid cards since 1980. Currently, 9 million poor children—two out of three—have no regular health insurance coverage. The proposed Medicaid cuts would put an additional 10 million children at risk of losing coverage. How many four-pound babies will it take to balance the federal budget?

American children need defense against preventable diseases. In this Reagan decade we are building 17,000 new nuclear weapons at an estimated cost of $71 billion. But the new Reagan budget allows for only a single month's stockpile of vaccination serum. As a result, two million fewer children will be immunized for DPT in 1986 than in the previous year.

American children need to be protected against increasing child abuse. An estimated 1.5 million children were reported abused and neglected in 1983, an increase of 200,000 children over the previous year. Yet the Reagan Administration is cutting child abuse programs by 15 percent.

American children need to be protected against the enemy of homelessness. According to a 1984 Department of Housing and Urban Development study, 22 percent of the homeless in shelter, not including runaway shelters, are children under 18. Over 66,000 children are currently living without permanent shelter. But the President's budget seeks to emasculate low-income housing programs, and to rip another $325 million hole in the tattered survival net of Aid to Families with Dependent Children (AFDC). AFDC recipients, 66 percent of whom are children, have already been cut by $1.7 billion since 1980. They receive an average daily benefit of $3.67.

In addition, the President's budget also proposes to freeze the Title XX Social Services Block Grant at $2.7 billion, $200 million below its Fiscal Year 1981 level. Title XX is the major source of direct federal funding for child care. The Fiscal Year 1986 budget also proposes to cut Title XX training funds by $25 million and consolidate with it the Community Services Block Grant.

While decimating federal programs for needy children and families, the new Reagan budget also ignores the skyrocketing federal tax burden on the working poor while the taxes of the rich have been cut. The amount of federal tax paid by those with incomes below the federal poverty line increased 58 percent from 1980 to 1982 alone.

In 1984, a working single mother with three children and a below-poverty income of $10,500 paid $1,186 in taxes, more than Boeing, General Electric, DuPont, Texaco, Mobil, and A T & T altogether paid in 1983, although these huge corporations earned $13.7 billion in profits.

Peter Grace, the head of W. R. Grace Company, made $684 million in profits from 1981 to 1983, paid no net federal income tax, received $12.5 million back from government in negative income taxes through rebates or sales of "excess" tax benefits. If we just raised the Grace Company tax rate to zero, we could pay for nine million of the free school lunches President Reagan and the Congress cut from children. Does the new budget correct this inequity?

The President's budget turns its back on children in need and will push millions more children towards the ragged edge of survival or worse.

WHAT DO WE DO?

A Children's Defense Budget, which you have in your packet, includes the Children's Survival Bill, a blueprint for federal investment in prevention and youth self-sufficiency that restores some of the $10 billion taken from children and poor families in 1981 and 1982.

The Children's Survival Bill outlines a range of specific steps to give young people skills and employment opportunities to enable them to contribute to rather than depend on the community. It seeks to expand successful programs like Head Start, WIC, child care, maternal and child health programs, and includes modest new demonstration programs to prevent teen pregnancy and school dropouts and to build self-sufficient youth. Tax fairness for the poor and single parent families is a strong priority. To offset the $14 billion cost of the Bill's provisions, CDF offers $40 billion in specific deficit reduction proposals.

We would hope that you will work to help enact the bill's provisions.

I would place particular emphasis on some of the key health provisions. Specifically, we must urge Congress to:

Make absolutely no cuts in preventive programs that provide lifesaving services to pregnant women and babies, including Medicaid, Title V. Maternal and Child Health, Community Health Centers and AFDC.

Amend Medicaid immediately to provide coverage for all pregnant women and infants living below federal poverty levels. The $800 million for Medicaid coverage of pregnant women and infants living below the poverty level is about the cost of three B-1 bombers. President Reagan has asked for production money for 48 of them in the FY 1986 budget alone. Three fewer will not cripple our national defense. Lack of health care will cripple many children.

Amend Medicaid to provide pregnant women with all medically necessary care, including medical care, education and outreach. Too many states are forced to limit services to inadequate levels, and care is not comprehensive enough.

Provide $200 million in additional funds for WIC which now serves only 1 in 3 eligible women. To do this would cost less than 2 of the 48 MX missiles President Reagan has in his FY 1986 budget.

Add $77 million for the Title V Maternal and Child Block Grant and Community and Migrant Health Centers. These are the providers of "last resort" or our 9 million uninsured and underinsured children and more than 6 million uninsured pregnant women. The $77 million is about half what the defense contractors spent on public relations activities in 1983, or the amount we spent to subsidize baseball and hockey tickets for corporate executives.

Add a new $100 million demonstration program to fund comprehensive school based health clinics for adolescents. This is equivalent to the costs of our military bands.

The total tab all of these minimal short-term recommendations is $1.3 billion from Fiscal Year 1986, about equal to the taxes we lose on business lunch deductions or 15 days of the defense increase.

In tandem with the federal legislative goals outlined in the CSB, CDF has set two other goals for immediate and long-term action by every element of American society as part of an overall strategy to alleviate child poverty and to strengthen families: The prevention of adolescent pregnancy and the reduction of infant mortality and low birthweight births which stem from lack of access to prenatal care and poverty. Specifically, we urge:

Testing of a range of community and policymaker strategies designed to prevent teen pregnancy and build youth self sufficiency. In 1983, 525,000 babies were born to teen mothers, 10,000 to girls 14 and under. Over 300,000 of the teens who give birth annually have not completed high school. 36,000 have not completed the eighth grade. Thirty-one percent of all babies born to teens are paid for by Medicaid at an annual cost of $200 million. Sixty percent of all AFDC mothers had their first child as a teenager.

Implementation of a massive prenatal care outreach and action campaign to reduce infant mortality, birth defects, and escalating health costs. Babies born to mothers without prenatal care are 3 times more likely to suffer low birthweight, death, and birth defects than those whose mothers received such care. Prenatal care can prevent thousands of infant deaths and defects and save millions of dollars in intensive care. For example, it cost $600 to provide a pregnant woman with complete prenatal care, including vitamins and nutritional supplements. But it may cost $20,000 to care for a premature infant just in the first 20 days of life.

Every child and youth needs hope and a sense that positive future options are available to them. Ensuring their stake in the future is at the heart of the new Children's Survival Bill. A detailed summary of the bill included in Chapter 4.

WHAT CAN YOU DO BACK HOME?

Step One: Reflect hard within ourselves, our families and communities, organizations, and religious congregations about the personal beliefs and national ideals we want to see America reflect. We must then try "little by little", in Forty Day's words, to live them and be moved to act in two arenas: In the personal arena through greater service and outreach to those around us who are more needy, and in the political arena to ensure a more just society. One without the other is not enough to transform America.

Step Two: Become informed. Careful homework is necessary if we are to protect children and the poor. You will hear countless arguments from politicians and others who seek to justify unjust budget priorities. We have shown you how to answer them in the budget book.

Step Three: Hold your Senators and Representatives accountable for their votes for or against children and the poor. The budget process drives the nation's priorities at home and abroad. It is our national Rorschach test. How well hungry children in Mississippi and Ethiopia will be fed, whether we will finance just or repressive regimes in Latin America, whether our nuclear arsenal will continue to grow or shrink, are affected significantly by the budget votes your Representatives will cast in your name this year. Let them know where you stand.

Each year, CDF publishes a record of how your Senators and Representatives vote on children and poor families. Please request and study it. So often politicians make flowery general speeches about supporting children while voting against specific children's needs. It is the specific votes that count. Forty-six Senators and 152 Representatives had a voting record of 50 percent or less in support of programs critical to children's well-being in 1984.

Just as it is important to study and monitor the federal budget process, it is equally

important to monitor state and local budget processes on behalf of children. We hope in the future that children's advocates will conduct analyses of every governor's budget and monitor the votes of their state legislators on children.

Step Four: Join CDF's New Children's Action Network and help build stronger grass roots support for children's programs in the Congress. CDF has taken steps to strengthen the legislative voice for children in the 99th Congress through the CDF Action Council, our new lobbying arm. For $20 a year, you will receive Action Now Alerts, Voting Records, Legislative Analyses, and regular Action Network Updates.

Step Five: Start a local prenatal care campaign or begin a local adolescent pregnancy child watch project. While we must mount an effective legislative voice for children and pursue a positive agenda to build healthy children and self-sufficient youth in the Congress, we must also be taking strong community action to ensure healthy babies through prenatal care and to prevent teen pregnancy. CDF has launched a major new program initiative to prevent teen pregnancy. As part of that effort, we have prepared two publications to help you carry out local action projects: An Adolescent Pregnancy Child Watch Manual and a Comprehensive Prenatal Care Campaign Kit.

Adolescent Pregnancy Child Watch is a project to help local communities learn more about adolescent pregnancy and develop effective action agendas to prevent children from having children. Currently, 41 Child Watch projects are in process in 20 states, in collaboration with the Association of Junior Leagues, the National Council of Negro Women, the March of Dimes, and the National Coalition of 100 Black Women. We would welcome your involvement. Similarly, a comprehensive Prenatal Care Campaign Kit is available to help you begin a prenatal care campaign in your community. It includes data on how your state ranks on teen pregnancy, infant mortality, low birthweight, prenatal care access, AFDC, and Medicaid participation levels. These two efforts are critical pieces in any effort to prevent and alleviate epidemic child and maternal poverty.

Step Six: Do not be discouraged. Pray and fight hard for children. Although we now face new ideological and budget assaults on children and family programs equal to or greater than those in the first term of the Reagan Administration, how hard and persistently we fight will determine the outcome for poor children. You do not have to have a lot of resources or education to make a difference for children. You can write one letter and get five others to do the same. You can help one hungry or homeless child in your community. The faith to move mountains is the reward of those who have moved little hills. Do not be intimidated by powerful opponents into doing nothing for children. President Eisenhower said in 1958: "What counts is not necessarily the size of the dog in the fight. It's the size of the fight in the dog."

Because children can't vote or lobby, we must fight extra hard. And we must not hesitate to take on those in high places who practice a perverted gospel of taking from poor children to give to the rich and the military. Ronald Reagan is only President. For those of us who take our guidance from a higher source, there is no cause for fear or discouragement. But our prayers will only work if we do.

Step Seven: Aim high. Be confident we can win for children. How blessed we are to have such a challenging and worthwhile cause to believe in and serve. President Reagan wants to invest over $3.2 trillion dollars in new weapons of death over this decade of no use to the hungry children of this world. We want to invest $14 billion in new weapons of life: Education, health care, family support, jobs, and food. President Reagan wants to protect big corporations from federal taxes; we want to protect poor working mothers and fathers. President Reagan is trying to take away school lunches, immunizations, and health care from poor children; we are campaigning for a right to prenatal care so that every baby can have a healthy beginning. Why should we lower our goals or be intimidated by the politics of the moment?

Dr. Benjamin E. Mays, the former president of Morehouse College, in Atlanta, Georgia, summed up our mission and message: "It must be borne in mind," Dr. Mays said, "that the tragedy of life doesn't lie in not reaching your goal. The tragedy lies in having no goal to reach. It isn't a calamity to die with dreams unfulfilled, but it is a calamity not to dream. It is not a disaster to be unable to capture your ideal, but it is a disaster to have no ideal to capture. It is not a disgrace not to reach the stars, but it is a disgrace to have no stars to reach for. Not failure, but low aim, is sin."●

NATIONAL ARBOR DAY

● Mr. HATFIELD. Mr. President, I would like to ask my colleagues to join in sponsoring Senate Joint Resolution 122, introduced by Mr. BRADLEY, which proclaims the last Friday of April each year as "National Arbor Day."

Establishing an annual National Arbor Day will help to reawaken the public's interest in the value of trees, and their contributions to the many aspects of daily life. It will generate publicity reemphasizing the attitude that we need to restore our dwindling tree population. National and uniform recognition of Arbor Day provides a vehicle for promotion of reforms in our outmoded practices to protect and conserve America's trees.

Trees are one of God's most beautiful and useful creations. Not only do they add majesty and grandeur to our Nation's landscape, they provide for a bounty of practical uses as well. Trees help halt soil erosion, offer cooling shade, slow the cold winter wind, and supply food and timber. Though trees are the oldest known life form, new uses are being discovered daily. Attractive high standard flowering trees, for example, are being used in business areas and shopping malls to soften the harsh atmosphere of glass, steel, and concrete.

There are more than 25,000 nurseries in the United States, occupying more than 200,000 acres of land. Over 20,000 different kinds of trees have been identified and there are more than 1,000 different species native to the United States. Our country is home to more than 150 billion trees.

The value of our country's trees is not sufficiently recorded by numbers alone. Trees are the cornerstone of conservation. They provide one of the key segments in nature's delicate preservation cycle, helping to offset the effects of human pollution. Approximately 78 trees are needed to absorb the carbon dioxide and produce the oxygen needed to maintain balance in the atmosphere for each person in the United States. More than 100,000 trees are needed to cancel the atmospheric pollution created by one commercial jet flying round trip from New York to Los Angeles.

There is a certain spirituality about trees. There are few things more comforting than a walk through a forest. The beauty and splendor of our Nation's trees have inspired some of literature's most moving works. Trees tower over us, outlive us, and in many ways represent the closest link to eternity we have on this Earth. By planting a tree, one can leave a lasting legacy for future generations.

J. Sterling Morton, who founded Arbor Day over a century ago, said, "Other holidays repose upon the past; Arbor Day proposes for the future."

Yet the statistics documenting forest damage continue to grow at a staggering rate the world over. Trees are often leveled in the sacred name of progress. More than 1 million acres of the green and growing are paved with masonry, concrete, and asphalt every year.

These trends only underscore the need to proclaim an annual National Arbor Day. Besides fueling society's interest related to broad conservation purposes, such a day points to the need for all citizens of all ages to maintain and protect portions of our great national forest land. It is a day dedicated to trees, their beauty and usefulness, and their preservation.●

TOWN MEETINGS

● Mr. LEAHY. Mr. President, Vermont town meetings serve as a national barometer on major issues, and as an example of an inherent strength of our grassroots democracy.

Recently, Vermont Educational Television [ETV] devoted a program to this unique institution.

On March 7, citizens from all over Vermont traveled to the ETV studio in Winooski to debate, in a town meeting format, the following resolution:

Resolved: Vermonters favor that the United States renounce the option of first use of nuclear weapons.

After a spirited debate, viewers were asked to vote on the resolution by calling the studio. The response was overwhelming; 334 favored the resolution, 72 were against it.

Regardless of whether you agree with the resolution, it is clear that this participatory format has wide audience appeal, and reinforces the spirit of democracy that continues to flour-

ish in Vermont, and, I believe strongly, throughout our Nation.●

VERY SPECIAL ARTS FESTIVAL

● Mr. RIEGLE. Mr. President, on May 15, 1985, the Third Annual Very Special Arts Festival will be held in Detroit. This event is designed to allow individuals an opportunity to experience various art forms and to share in personal creative expression. Over 500 handicapped children, their parents, and teachers will gather to enjoy hands on activities in both visual and performing arts at the Community Arts Building of the Michigan State Fair Grounds.

This event culminates months of planning and in-school workshops where both teachers and students have learned creative arts and personal expression from professional artists. The day long festival is sponsored by the Detroit Recreation Department, Detroit Public Schools, Wayne County Intermediate Schools, Archdiocese of Detroit, Michigan Council for the Arts, New Detroit Inc., Michigan Alliance for Arts in Education, Southeast Michigan Arts Forum, Wayne State University, Michigan State Fair, and Young Audiences of Michigan.

The Detroit Very Special Arts Festival is part of a national concept developed by the National Committee on Arts With the Handicapped.

The Michigan project began in 1977 with two intermediate school districts piloting arts programs for the handicapped. Today, there are 26 sites throughout the State with over 18,000 students and 2,500 educators participating.

This year's event will include over 20 professional artists and 50 community volunteers who will operate art station workshops in the areas of music, dance and movement, drama, puppetry, printing, clowning, acrylics, and other visual art forms. In addition, there will be performances by handicapped- and nonhandicapped-art groups, and student art work will be displayed.

Through the arts, both handicapped and nonhandicapped individuals can participate as equals without regard to physical strength and ability, while experiencing the same feelings of satisfaction, creative expression, and self-worth. It is important that we realize the arts are an important part of the fabric of life.

I salute those individuals responsible for making this event a success, providing exceptional learning experiences for all those involved.●

BUDGET RESOLUTION—ORDER OF PROCEDURE TOMORROW

Mr. DOLE. Mr. President, I indicated to the distinguished minority leader that there would be no further action on this measure tonight. We shall come in at 9:30 a.m. We shall be back on the resolution at 10 o'clock. I guess it is safe to say that the first amendment tomorrow will be on Social Security. There are a number of Members on each side who would like to offer the Social Security amendment. I have been discussing this matter with the distinguished Senator from New York [Mr. D'AMATO] and the distinguished Senator from Florida [Mrs. HAWKINS]. There are a number of amendments on this side. I think it is fair to assume that will be the first amendment offered tomorrow, then we hope to move on to a few other amendments.

I thank all of my colleagues for their patience. Again, I indicate to Members on both sides of the aisle that it is my hope we can complete action on this budget resolution. It does not look like we will be able to do it this week, but if we can, we will stay in late tomorrow night and late on Thursday night. I am aware of a number of concerns about midafternoon Friday and beyond, and perhaps we can address those. I will be visiting with the distinguished minority leader sometime before tomorrow ends, but I would plan tomorrow night to be here quite late because there are a number of amendments. There will be a lot of votes. I hope that Senators will have enough notice now to make arrangements for tomorrow and Thursday well into the evening, say, 10, 11, midnight those 2 nights. There will be no more votes tonight.

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 9:30 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., on Wednesday, May 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE

Mr. DOLE. Mr. President, further I ask unanimous consent that after the recognition of the two leaders under the standing order, there be a special order in favor of the distinguished Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. DOLE. Following the special order for Mr. PROXMIRE, if time permits, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m., with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Following routine morning business, I indicate to my colleagues that we will resume consideration of Senate Concurrent Resolution 32, the budget resolution. I say very earnestly that rollcall votes can be expected throughout the day, and into the evening tomorrow evening, and there is a possibility that rollcall votes could occur before the hour of 12 noon.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that we stand in recess, in accordance with the previous order, until 9:30 a.m.

The motion was agreed to; and, at 6:34 p.m., the Senate recessed, to reconvene on Wednesday, May 1, 1985, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 30, 1985:

DEPARTMENT OF STATE

Robert L. Pugh, of Virginia, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania

THE JUDICIARY

Samuel B. Sterrett, of Maryland, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office reappointment.

COPYRIGHT ROYALTY TRIBUNAL

Rose Marie Monk, of Texas, to be a commissioner of the Copyright Royalty Tribunal for the term of 7 years from September 27, 1984, vice Thomas C. Brennan, term expired.

POSTAL RATE COMMISSION

Patti Birge Tyson, of Texas, to be a commissioner of the Postal Rate Commission for the term expiring November 22, 1990, vice James H. Duffy, term expired

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. John M. Poindexter, xxx-xx-x... xxx-.../1110, U.S. Navy.

EXTENSIONS OF REMARKS

THE DEMOCRATS' FUTURE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. BENNETT. Mr. Speaker, in the Christian Science Monitor of April 18, 1985, they were kind enough to publish an article I wrote. I feel so deeply about the contents that I ask permission to have the article included at this point in the RECORD:

THE DEMOCRATS' FUTURE: IT MUST BE EARNED

(By Charles E. Bennett)

Too much strident rhetoric has been wasted lately on how and if the Democratic Party can recapture the voters' respect at the ballot box. Too little has been said about whether we deserve that respect.

Some have said that the party has drifted from the mainstream of American political values, which, they say, are now more closely mirrored by the Republican Party. They conclude that the Democrats should adopt a course of middle ground, more in line with the Republicans. Future electoral victories will not come about because Democrats become more like Republicans.

Our party has nothing to be ashamed of. The method of a party is to win elections—the purpose of a party is to find the truth of public weal and to achieve it. This is what should interest Democrats today, and as we fulfill that purpose we will win at the ballot box.

In addition to the issues, fresh and dynamic candidates are important, too. Nothing underscores this more than the current, popular President. With such new faces as Bill Bradley, Richard Gephardt, John D. Rockefeller IV, and Charles Robb, not to mention those who have already aspired in this arena, the Democratic Party is hardly lacking in good presidential prospects.

But acknowledging the necessity of strong candidates with popular concerns is not to say that one party should ape the other. It is important that we have two strong political parties. Democrats are proud to trace their origins to the early 1790s, when the party helped achieve the adoption of the Bill of Rights. Those were days of political philosophy, in which the Newcastle Patriotic Society wisely resolved that "the collision of opposite opinions produces the spark which lights the torch of truth."

The Democratic Party today must help light the torch of truth for our times.

As the future becomes the present, the responsibilities of a political party change and new duties must be matched with proven ideals. Instead of synthesizing views, the Democratic Party has stagnated with a proliferation of voices, positions, and programs, some of which outlived their usefulness.

Sen. Edward Kennedy has recently espoused a new stance of moderation. But it is not just moderation we need. We need a firm dedication to principles and the leadership of people who have supported those principles and our nominees even though unfavorable climates.

The failure to do our own housecleaning gave Ronald Reagan a target of opportunity. Calling himself a conservative, he was elected to cut the fat from a bureaucratic, tax-hungry government, an objective still desired by Americans. Former Congresswoman Barbara Jordan expressed it best when she said, "People do not want to have great new spending programs. That is not our future. People want lean and mean government."

President Reagan is no conservative. He is a radical. Witness his 1981 tax bill, the most radical fiscal measure effected by any US government. How radical was it? Because of that bill, the General Electric Company paid no taxes at all for a three year period—1981 through 1983—on its $6.5 billion net income; other corporations have done even better, while many middle-income people are worse off than before.

Further evidence of Reagan's radicalism shows up in his recent MX victory. Billions of dollars will now be siphoned from necessary systems for this highly vulnerable and faulted weapon, which adds redundancy to US nuclear deterrence. Meanwhile, there continues to exist a dangerous deficiency in our conventional capability.

These two defense errors are tied together. Gen. Bernard Rogers, NATO commander in Europe, has repeatedly said that the Soviets could overrun Europe in a matter of days. The US planned response is to go quickly and without hesitation to nuclear war. It was a dangerously radical scheme of the President to spend that money on a disaster like the MX instead of on the conventional weapons that could help prevent a nuclear war. No country can win a nuclear war.

By championing conventional deterrence without abandoning nuclear deterrence, Democrats accurately show themselves to be strong on defense, much stronger than an administration which asserts that it will be the first nation to use nuclear weapons.

A second plank of a proposed Democratic platform would address the deficit. All Presidents, from Washington through Carter, amassed a national debt of only a trillion dollars. Ronald Reagan, largely because of his 1981 tax cut bill, has doubled the national debt. This, of course, with the help of those congressmen who voted for it. I did not.

There are several bills pending before Congress that could help reduce the debt by tax reform. HR 18, for example, is essentially a reform bill that taxes only the well-to-do who have escaped all taxes, and it would bring in about $125 billion over the next five years. In a poll last month, more than 79 percent voted for a reform like this, the highest figure for any item in the poll. Democrats should seize the public's support for this issue and waste no time in enacting legislation.

Finally, along with a strong defense posture that would allow us to fight when attacked (and not resort to the immorality that is nuclear destruction) and a strong fiscal policy against the deficit, we Democrats should try to have legislative answers in the tradition of the idealistic heritage of the party.

Democrats must not turn their backs on people who are being left behind as our "Great Society" takes strides into the future. While technology may improve life for most Americans, we must not forget that the rest of us must benefit as well. Every American should have a real chance to strive to become a vital working part of the great future of the American experiment.

We must find a way to ensure that all who want to work can find a reasonable income from employment, preferably in the private sector. Subsidies should not be ruled out. For instance, I have a bill in Congress that would take back some of the excessive tax write-offs of the 1981 tax bill unless each corporation that benefits could demonstrate that new jobs had been provided by the windfall.

Our platform should be that simple. Think of it, a national platform for the Democratic Party with only 15 words: strong national defense, war on deficits and waste, and a lifting hand to willing workers. Our 1984 platform had so many words—33 pages of them—that I, for one, never read it.

About a hundred years ago Alexis de Tocqueville wrote something that has special meaning for our party today: "The political parties which I style great are those which cling to principles more than consequences; to general, and not to especial cases; to ideas, and not to men. These parties are usually distinguished by a nobler character, by more generous passions, more genuine convictions."

That is the kind of party the Democrats have been. We will win again at the ballot box—not because we pander to every passing request but because we have high principles and stand squarely behind them. To paraphrase John Houseman's TV commercial, we will meet with success when and if we earn it.●

BOSTON SCHOLAR COMMENTS ON WELFARE AND THE POOR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. FRANK. Mr. Speaker, in the Boston Herald for Sunday, April 28, 1985, Dean Hubie Jones of the School of Social Work at Boston University published an insightful article on the question of welfare.

Hubie Jones is a man who has done important work in Massachusetts on behalf of the poor in this country, and he is a careful scholar as well as a passionate advocate. I believe that the arguments he makes are extremely persuasive, both with regard to welfare and with regard to the broader issue of the role of Government, and I ask that these remarks be printed here.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

POOR LUXURIATE ON WELFARE? NONSENSE

(By Hubie Jones)

Two weeks ago, U.S. Sen. Daniel Patrick Moynihan and Marian Wright Edelman, president of the Children's Defense Fund, came to Harvard University and sounded the alarm concerning the tragic plight of families and children in America.

Indeed the statistical evidence is disturbing. Some 13.3 million children, one out of five, live in poverty—an increase of 3.3 million since 1979. Close to half of our marriages end in divorce or separation. More than 12 million children are growing up in female-headed households and 55 percent of these children are poor.

More American children die each year from poverty than from traffic fatalities and suicide combined. In 1983, 1.5 million children were reported abused and neglected, an increase of 200,000 from the year before.

One out of every 20 pregnant women and one out of every 10 black pregnant women receive either no pre-natal care or none until the final three months of pregnancy.

Based on current trends, 200,000 American babies will die in the next six years, primarily because they are born too small to survive. Half of the 500,000 yearly teenage births are to unmarried teenagers. Less than half of black pre-school children are adequately immunized against diptheria, pertussis, tetanus and polio.

What has gone wrong? To what can we attribute this stunning decline in the quality of living for so many among us?

Many commentators, David Brudnoy among them, blame governmental intervention as the culprit. They claim that welfare benefits and social programs have robbed people of incentives to work and to achieve self-development, creating an enduring class of parasites. They would have the public believe that the poor luxuriate on welfare benefits indefinitely. This is all sheer nonsense.

Only 3.7 million families—a fraction of all poor families—are reached by welfare assistance. More than half of these families are white. AFDC benefits reach 7 million children, only 53 percent of poor children. Each year, about one-third of all AFDC families leave the rolls and are replaced by other families. A national study found that half of the families on AFDC stay in the program for less than two years.

These facts confirm that welfare payments are primarily meeting a temporary need for economic support as families prepare themselves for more independent living. Nevertheless, myths die hard and the critics continue to say, "Once on welfare, always on welfare.

In most states AFDC payments are intolerably low and fail to provide sufficient funds to meet basic human needs. The maximum AFDC benefit for a family of three is less than 75 percent of the poverty level in all but four states. Even the combined value of food stamps and AFDC is less than the federal poverty level in every state except Alaska. Because benefits have not kept pace with inflation, families receiving them have lost one-third of their purchasing power since 1970.

In short, the crisis we face is due in large measure to the crumbling economic foundation upon which the family rests. Structural unemployment—a permanent feature of the American economy—denies at least 6 million citizens access to jobs. Research studies have shown that all Americans are imbued with a strong work orientation and would rather work at a decent job than take a government dole but the jobs are not there.

Furthermore, the income of the working poor is being eroded by an unfair tax system. Today, a family of four (two parents, two children) with earned income at the 1984 poverty level of $10,613 pays $1,076 in federal taxes: 10 percent of its income. Five years ago, this same family with earnings at the 1979 poverty line paid federal taxes of less than 2 percent of its income.

Due to President Reagan's tax policy, no other income group has suffered such an increasing tax burden during this time. In contrast, the 1981 tax law resulted in the corporate share of federal revenues falling by half—and some corporations continue to pay little or no taxes.

The Social Security tax which is a flat-rate, regressive tax has increased substantially over the last 20 years, thus taking a growing share of the earnings of low-income workers, as well as others.

The economic foundation for families has been further undermined by the Reagan administration's cutbacks in social programs and income benefits targeted for poor families and children, including the AFDC programs, food stamps, childhood nutrition, health care, youth and adult job training, etc. The current Reagan budget proposes more cuts in social programs that benefit low income citizens.

The Reagan administration's new Bible is Charles Murray's recent book, "Losing Ground." Murray claims that social problems have grown worse over the years because of the federal government's social programs and welfare benefits. He advocates the dismantling of the strategy of governmental intervention to assist citizens at the bottom of the economic ladder.

The "nothing works" crowd should consider the following: millions of elderly citizens and children escaped poverty in the 1960s and 1970s because of Social Security and medical entitlements.

The reality is that the federal government exists to carry out four basic functions, among others: (1) provide goods and services to promote the general welfare, (2) protect its citizens from internal and external dangers, (3) support a healthy economy and (4) decide how much and in what ways it will tax its citizens to provide services.

Consequently, government is an interventionist invention designed to make choices that impact on the lives of all our citizens. The eternal debate is always about whether governmental policy choices distribute benefits and burdens fairly across the citizenry—a debate no less vigorous in 1985 than in 1885.

Since the Great Depression, it has been accepted that when private market dynamics overlook or overburden any segment of the population the government must act as a powerful corrective to reverse negative conditions.

The debate about how government should intervene in carrying out its basic responsibilities is always permissible and understandable. But that debate should be based on solid facts not myths.

There is no room for debate about whether government has a right to intervene to improve the lot of families and children because that is given by virtue of the preamble of the U.S. Constitution which states that the federal government exists "to promote the general welfare."

The tragic conditions for American families and children will not change for the better without government intervention that distributes benefits and burdens more fairly to those citizens at the middle and bottom of the economic ladder. Not to do so risks losing more ground and the soul of the nation.●

GUNS VERSUS BUTTER TRADEOFF

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. OWENS. Mr. Speaker, every year, Seymour Melman, a professor of industrial engineering at Columbia University in New York does a summary of the possible exchanges in social and health services that could be made for different defense expenditures. His summary of the guns versus butter tradeoffs should make each and every one of us stop and consider just what it is that we give up when we decide to spend money on weapons.

Public works have long been evaluated in terms of the cost/benefit ratios that can be anticipated. A dam, a road, or any other project comes with costs and is supposed to produce benefits. Generally, a public project is not pursued if it does not produce benefits greater than the costs. Perhaps we might utilize this mode of analysis in evaluating the costs and benefits of defense expenditures.

Professor Melman's annual essay follows:

[From the New York Times, Apr. 23, 1985]

THE BUTTER THAT'S TRADED OFF FOR GUNS

(By Seymour Melman)

In a long national sleep, Americans have dreamed that the nation could have both guns and butter indefinitely—that military spending is an efficient device for spurring the whole economy. But President Reagan's militarism has shattered this hoary illusion. Not only is it literally taking bread out of the mouths of children, it also is severely damaging the whole economy and imposing a wide range of punishing social costs.

Nowhere is the contradiction better shown than in the Administration's proposed fiscal 1986 budget, which could cut $32 billion from civilian obligations and hand it over to the military—this at a time when diverse industries are toppling like dominoes, when the nation's epidemic noncompetitiveness is smashing chances for productive livelihoods for millions of people. In other words, the budget offers more evidence that Pentagon spending still relentlessly loots the means of production. Even if Capitol Hill negotiations with the White House manage to shave some dollars, the final figures are not likely to alter the basic pattern significantly.

All the while, the Government carefully avoids any discussion of an alternative to the arms race and continued economic decay: coupling a joint process of agreed arms reduction with conversion from a military to a civilian economy.

The guns-or-butter choice once consigned to a timeless future can no longer be ignored, for the "long run" is now, and the nation cannot have it both ways, as the accompanying sample of the trade-offs gener-

ated by the Administration's budgets illustrates.

460 meals for the homeless in Grand Central Terminal—$439—One 155-mm. (conventional) high-explosive shell.

The Senate Republicans' 1986 budget proposal for freezing the cost-of-living adjustments in Social Security and similar pension payments, which would push 420,000 people into poverty, plus suggested cuts in farm-income subsidies as well as in Federal funds for housing—$25 billion—The MX Peacekeeper missile program.

Proposed cut in funds for mass-transit systems—$2.8 billion—Navy (EA6B) airplane program for surveillance and communications jamming.

Proposed 1986 cuts in guaranteed student loans and in campus-based financial aid for students—$2.3 billion—1986 budget for the M-1 Abrams heavy tank.

Proposed 1986 cuts in funds for veterans' medical care and housing—$336 million—220 Phoenix air-to-air missiles.

Proposed 1986-87 cuts in Federal funding for subsidized lunches for New York City school-children—$8.7 million—800 Army multiple-launch rockets.

Proposed 1986 cut in Medicare services—$4 billion—Proposed low-altitude antisatellite weapons.

Proposed cuts in small-business loans and Job Corps services—$1.1 billion—The Department of Defense's Latin American programs for 1986.

Proposed Federal cuts in housing for the elderly and handicapped, and the cut in energy assistance for poor people—$1.5 billion—One projected (LHD-1) Marine amphibious assault ship.

1982-86 cuts in federal job training and in funds for public-service employment in New York City—$1.2 billion—18 Navy F-14 jet fighters in 1986.

The proposed 1986 cut in Amtrak and in modernization of the Northeastern railway corridor—$741 million—26 Navy air-cushion landing craft.

Proposed 1986 cuts in natural-resource and in environmental controls, and in recreational facilities—$1.4 billion—The Army's 1986 funding for chemical-bacteriological weapons and research, and for rebuilding 48 (CH-47) heavy-lift helicopters.

Proposed elimination of the Federal share of a 15-year national plan for sewage treatment to meet minimum Clean Water Act standards—$30 billion—The Navy's Aegis (CG-47) cruiser program.

Proposed 1986 cut in Acquired Immune Deficiency Syndrome (AIDS) research and control activities—$10 million—5 air-launched cruise missiles.

Mayor Koch's 10-year plan repairing New York City's infrastructure—$40.6 billion—The Stealth radar evading bomber program.

Federal funds needed by Connecticut for rebuilding bridges and roads—$3.7 billion—1986 planned research and development for the Strategic Defense initiative ("Star Wars") program.

Annual additional funding needed to abate deterioration in Federal, state and local public facilities—$18 billion—3 nuclear-powered aircraft carriers with their planes and support ships, plus the Navy's antisubmarine-airplane (P-3C) program.

Annual additional funds needed to restore acceptable maintenance of New York City's public schools—$440 million—2B-1B intercontinental bombers.

Governor Cuomo's plan for new low-income housing in New York City—$4 billion—Half of the 1986 funding for additions to the United States' stock of 37,000 nuclear warheads.

Estimated cost of cleaning up 10,000 toxic-waste dumps that contaminate the nation's soil and water—$100 billion—The Navy's Trident II submarine and F-18 jet fighter programs.

Proposed 1986-88 cut in New York City Medicaid funding, reducing medical services to the poor—$1.2 billion—Half of the Air Force's 1986 heavy-transport (C-5B) airplane budget.

1982-85 cuts in Federal income and nutrition programs that left 20 million people hungry among the 35.3 million living in poverty—$12.2 billion—The Army's Patriot ground-to-air missile system.

Estimated cost of renovating an average five-room medium-income Manhattan West Side apartment—$42,287—One (F-16 jet fighter) antenna pulley puller tool; one antenna clamp alignment tool; one antenna puller height gauge; one antenna hexagon wrench.

What is needed to abate the growth of hunger: a one-third increase in funding for the Federal school-lunch program, food-stamp program, and Women, Infants and Children (WIC) program—$5.3 billion—The Army's single-channel ground and airborne radio system.●

SOLIDARITY RIDES THE AIRWAVES

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. COURTER. Mr. Speaker, so ubiquitous are social controls in the cities of Poland that an observer might well wonder how he is to distinguish the General Jaruzelski regime without martial law from the General Jaruzelski regime with it. But even four decades of effort have not suppressed the natural spiritedness and ingenuity of the Polish nation, and people the world over greet with hope every suggestion of independence or resistance in Poland.

I would like the RECORD for today to include this recent dispatch from Munich by columnists Rowland Evans and Robert Novak. It offers a fascinating view into the Polish underground.

[From the Washington Post, April 24, 1985]

SOLIDARITY RIDES THE AIRWAVES

MUNICH.—A video transmitter from Solidarity's daring underground was smuggled to the roof of a Warsaw building recently and flashed the message "Solidarity Survives!" onto the TV screens of Polish viewers of the government-contolled evening "news."

This and other embarrassing penetrations of government TV and radio throughout Poland show that the most active underground movement in history against an entrenched communist regime is making a mockery of Warsaw's claim to control every aspect of Polish life.

When we were barred this month from entering Poland because the regime of Gen. Wojciech Jaruzelski denied our request for a visa, it was in effect the imposition of censorship. So we came to the next best place for a look at communism's worst and harshest casualty—and at the Solidarity underground movement, which will not go away. That place is Munich, and in Munich it is the U.S.-financed Radio Free Europe. The radio is the indispensable source of news that keeps some people of Poland informed about what other people of Poland are doing to advance the communist world's most courageous resistance.

Portable transmitters, both video and radio, are gifts smuggled into Poland courtesy of the AFL-CIO and its anticommunist president, Lane Kirkland. They fit into a small attaché case and are capable of sending a steady signal for four minutes on frequencies used for the regime's own news broadcasts. Solidarity activists, facing the risk of jail or worse if they get caught with the transmitters, have worked out an ingenious safeguard: a transmitter is placed in a high building, the antenna stuck out a window. The broadcast begins with the touch of a button, and the operator leaves.

When the police arrive, the four-minute broadcast has run its course, getting word through to perhaps tens of thousands or more that one of the world's most ruthless and proficient secret police is unable to silence public dissent. The police get the transmitter, but the conspirator moves on, unknown and unscarred.

The anti-Jaruzelski underground movement is a wondrous instrument in its diversity, resilience and ubiquity. Almost everything it does worth noting is a topic for Radio Free Europe. Consider the underground press, one leading publisher of which was reportedly arrested on April 13 as he visited his children in a Warsaw apartment. But for every clandestine publisher of forbidden words arrested, a dozen more are violating Jaruzelski's censors.

There are, we were informed here, an average of no less than 1,000 pages every week of government-banned, underground material being sent to Radio Free Europe alone, and that must represent only a fraction of the total. Between January 1982 and last June, 690 complete books, every one a prospect for government book-burning, were published and sent hand-to-hand around the most decentralized dissident movement in the world. Included were works by Arthur Koestler, Alexander Solzhenitzyn, Milovan Djilas, Jan Nowak, a hero of Poland's underground in World War II, and many Soviet and Czechoslovak dissidents.

The uncensorable underground movement may not be quite so pervasive and vibrant as in the days when martial law was imposed by the bankrupt Jaruzelski regime in December 1981. Its importance today, however, may be even greater as a demonstration of popular expression at a time when expression of any kind is more forbidden even than three years ago.

Evidence for this is a document titled "The Danger in the Social-Political Sphere in 1985," dated March 18. Distribution was limited to top government and Communist Party officials. It describes Jaruzelski's nightmare: the apathy of the Polish people in following their government's bidding; the failure of political and cultural organs sponsored by the regime: costly sabotage of economic programs: the power of the Catholic Church.

Jaruzelski's nightmare translates into the dreams of the underground movement—alive, well and uncensorable.●

HONORING FRANK E. MUNOZ UPON RECEIVING THE MEXICAN-AMERICAN BAR ASSOCIATION'S BENITO JUAREZ AWARD

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. TORRES. Mr. Speaker, recently I was honored to participate in the awards banquet of the Mexican-American Bar Association where they presented the most coverted Benito Juarez Award to Attorney Frank Munoz.

There is no other individual who I think is more deserving than Frank in being the recipient of an award named after a great Mexican lawyer partriot who rose to the Presidency of Mexico. Frank epitomizes those ideals similar to Juarez's convictions and deep compassion for his fellow man.

Mr. Speaker, Frank Munoz was born in Los Angeles in 1927, the fifth of nine brothers. At the age of 8 he traveled every day with his family the long trek from Los Angeles to La Puente to pick walnuts. Other times it was out to Moore Park for the tomato crop.

At the age of 15 he quit school and went to work in the shipyards and warehouses of Los Angeles.

At 18 he was drafted into the U.S. Navy and upon discharge he quickly resumed his education, returning to earn his high school diploma at Roosevelt High School.

Working his way through the University of Southern California, he toiled as an upholsterer and was active in his union. In 1950 he married Connie Prado, raised two daughters Lillian and Sandra and finally was admitted to the California bar in 1958. In later years Diane and Lisa were born.

Frank at an early point in his career was an active political and community organizer, that is, Mexican-American Political Association [MAPA], Congress of Mexican-American Unity [CMAU], American Civil Liberties Union [ACLU], the East Los Angeles Community Union [TELACU], Mexican-American Legal Defense and Education Fund [MALDEF], California's for Liberal Representation [CLR] and served as chairman of the board of the city of Los Angeles Housing Authority.

Mr. Speaker, young people today entering the legal profession will take satisfaction that early pioneers like Frank broke down the doors to discrimination in education, in the legal profession, in the judicial system by organizing the Mexican-American Bar Association, by serving on the national executive board of MALDEF in its first years under a Ford Foundation grant. He was a member of important lawyer associations, State bar committees and judicial review boards.

Mr. Speaker, two prominent Governors of California have seen fit to appoint Frank to important entities. Gov. Edmund "Pat" Brown named Frank to the California State Social Welfare Board (1964-65); Gov. Edmund "Jerry" Brown named him to the board of the California Legal Services Corporation (1980-82).

Mr. Speaker, it is an honor for me to have been a witness to the many accomplishments of this man throughout his struggling career, his caring family and his commitment to the betterment of law. Benito Juarez would have been proud too. Therefore, I ask my colleagues here in the House of Representatives assembled to join me in wishing Frank Munoz continued good wishes.●

H.R. 2164

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. RINALDO. Mr. Speaker, I recently introduced H.R. 2164, a bill to accelerate the removal of Social Security trust funds from the unified budget of the U.S. Government. I have taken this action because I believe the time has come to free Social Security from the politics surrounding budget debates, and to maintain public faith in the security of the public trust fund upon which 36 million senior citizens depend.

When Social Security was established in 1935, it was an independent agency, and its fiscal operations were considered in a separate budget. This independence from other Federal programs underscored the fact that American workers had earned their benefits through contributions. They were not subject to the whims and inconsistencies of economic policy and politics.

With the inclusion of Social Security in the unified budget in fiscal year 1969, this situation was fundamentally altered. Almost from the start, critics of the unified budget claimed it was part of a shell game devised to hide the deficits run up by the Vietnam war. From its inception, the unified budget has fostered charges and counter-charges regarding manipulation of the system for achieving paper savings in Federal spending.

The time has come for this charade to stop. Just 2 years ago, Congress enacted legislation to return financial soundness to Social Security. Yet some are again asking senior citizens to sacrifice in order to hide the deficit spending in other programs.

This situation has led to frustration and outrage for current beneficiaries. Every day I receive letters from senior citizens expressing a sense of hopelessness and confusion over the future of Social Security, and asking why Social Security is a tool for planning the Federal budget.

This situation is completely unfair to senior citizens. The longer we permit Social Security to be a part of the budget debate, the more we damage public faith in this vital institution.

Robert Ball, former commissioner of Social Security, has succinctly stated this point:

> People are paying today for benefits which may not come due for forty years or more. They need to have confidence that these payments will be made. The contributors can hardly be expected to retain confidence in Social Security if there is debate about the level of benefits, eligibility requirements and future commitments all under the pressure of the competitive annual budget process.

Social Security certainly is not immune to reform. As with any Federal program, it should be reviewed frequently to insure its fiscal soundness. While surplus revenues are invested in Government securities, Social Security does not belong in the same category as Amtrak. It should not be a target for Members of Congress and the executive branch who look to it to justify excess spending in other policy areas. The inclusion of Social Security in protracted budget battles has been, and continues to be, a misguided and unfair approach to the management of our senior citizens' financial future.

The legislation passed by Congress 2 years ago will remove Social Security trust funds from the unified budget in fiscal year 1993. Under the terms of the bill I am introducing, this legislation would take effect in fiscal year 1986, in order to expedite the protection our senior citizens deserve.

Let us return to the original Social Security system. The time is now to give Social Security the fiscal independence it needs to remain a program of confidence for all Americans. I urge my colleagues to join me in supporting this bill which will hasten the return to justice of the title of this system, Social Security.●

MARLOW BOYER: PEACEMAKER

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. FAUNTROY. Mr. Speaker, Marlow Boyer died 3 weeks ago at the age of 25. Now we must carry the torch of hope for peace through his "People to People" work. Our sympathy is extended to his loving family and friends but Marlow's message is for all of us.

I offer below a tribute to Marlow written by Colman McCarthy in the

Washington Post on March 17, 1985, which expresses very eloquently the contributions of this young man in such a brief life span. I would hope that my colleagues on both sides of the aisle will find this a message of hope.

[From the Washington Post, Mar. 17, 1985]

LEGACY OF A PEACEMAKER

(By Colman McCarthy)

Not a minute too soon, a $10,000 donation has come into the life of Marlow Boyer. At 25, he is an honors graduate of the University of Washington in Seattle, a skilled writer and photographer, the son of a senior writer at National Geographic and a peacemaker who believes Americans and Russians will share a safer future as friends, not enemies. Boyer has been suffering for the past 10 months from Ewing's sarcoma, a rare cancer. He has been told by doctors at the National Cancer Institute that death may come soon. At the moment, he is an outpatient living at home in Bethesda with his parents.

The story of the $10,000 gift and Boyer's work for peace would be worth telling regardless of his illness. That he does have cancer—and has written and lectured about it—adds a haunting beauty to the idealism of a young man using his last days to take out a brick or two in the wall of hatred between Americans and Russians.

In the spring of 1983, Boyer was one of 31 citizens from Seattle who traveled to four cities in the Soviet Union—Moscow, Leningrad, Samarkand and Tashkent. The purpose of the excursions was a people-to-people exchange on the need to eliminate the us-and-them lies, fears and hostilities that leaders of each country perpetuate about the other. Seattle and Tashkent, in addition to being sister cities and regional centers of culture, are sites where weapons of annihilation are built or based. While in Tashkent, a city of the interior that is geographically closer to Mongolia than to Moscow, Boyer and his party distributed copies of 4,000 letters of peace that had been signed by 42,000 citizens of Seattle.

In recent years, cross-cultural programs have been common—from the Volga Peace Cruise to the USA-USSR Citizens Dialogue, founded by Carol Pendell of the Women's International League for Peace and Freedom. There have been the well-publicized and worthwhile trips of everyone from Billy Graham to Samantha Smith.

The Seattle-Tashkent exchange is unique because of "People to People," an inspiring audio-visual show that breathes openheartedness. It is Boyer's production. It combines exquisite photography with narration, music and the comments of Russians and Americans recorded live on location. The program has a stunning professionalism to it, worthy of the son of a journalist who for 33 years has been a master craftsman at National Geographic. "People to People" is one of the few pieces of film work that record the development of personal relationships between Russians and Americans.

The $10,000 came to Boyer through the assistance of the Forum Institute, a Washington-based research and policy organization. The money is to be used in converting the still-photography of "People to People" into a film and a videotape. It can then be distributed nationally in a way now impossible in a slide-show format.

Moviemaking was not the way Marlow Boyer has planned to spend whatever time is left to him. But he has chosen to listen both to the urgings of his own hopes and to the encouraging priase given to his peace film by everyone from the cultural attaché of the Soviet Embassy to officials at the State Department. Boyer's convictions are in the tradition of classic peacemaking: that the force of beauty—as revealed in his film—and that the mere force of dialogue among human beings are more effective forces for peace than weapons. Hope is the ultimate deterrent, not the bomb.

Boyer is a credible peacemaker because of the remarkable tranquility he is displaying about the destruction cancer is now inflicting on this body. I spent five hours with him the other evening. There was not a word of self-pity or remorse. He had a writer's fascination with a new subject, in his case the medical maneuverings of cancer treatment. He tells of participating in "a truly guinea pig-like way in a 'phase one study' of a new drug that has only recently been introduced to human populations. It has never been administered to patients with Ewing's sarcoma. The tests they are performing have more to do with documenting the various levels of toxicity and the side effects that can be caused by the drug than they are with the actual treatment of the disease. As (one doctor) put it, 'There are significant benefits to be gained by your participating in the study—it's just that the benefits will not necessarily accrue to you personally.' Fair enough. It beats sitting on my ass and watching the grass grow."

With "People to People" assured of a wider and wider audience, the life of Marlow Boyer will also be better known. Fewer idealists are more deserving of the nation's thanks, and fewer peacemakers have defied greater odds—either in their own future or the planet's.●

ADDRESSING THE DRUG PROBLEM: LET'S TRY ENFORCEMENT INCENTIVES

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. HYDE. Mr. Speaker, the kidnaping and murder in Mexico of DEA Agent Enrique Camarena Salazar, has focused attention on the ugly war against illegal drug trafficking. In the wake of this tragedy, Mexican-American relations became strained, with some U.S. officials implying that the lethargic initial investigation of Camarena's whereabouts by Mexican law enforcement officials was because of their ties to Mexican drug kingpins. Arrests of Mexican policemen in connection with Camarena's assassination lend further credence to these apparent links.

Meanwhile, the House Foreign Affairs Committee, of which I am a member, has issued a grim staff study evaluating U.S. overseas narcotics programs. Among its most salient findings is the fact that corruption is a "pervasive" and common problem facing nations fighting narcotics production and trafficking.

The Mexican Government, for example, is cited as having "long experienced a problem with corruption and inefficiency, and these shortcomings have not escaped the drug traffickers, who in fact have exploited them to their advantage." The report goes on to say that "it is clear that corruption is the single biggest obstacle to effective antinarcotics efforts in Mexico. According to information received by the study mission, every narcotics investigation has been compromised due to advance warning by Mexican Government officials involved in drug raids."

Corruption is a problem on the home front too. Recently, the Post reported that an ex-FBI agent pleaded guilty "to charges of possessing and distributing more than 90 pounds of cocaine and receiving $850,000 in bribes and payoffs while working as an FBI undercover agent." Elsewhere in the same story, FBI Director William Webster notes that "the corrupting power of drug money is one of the obvious reasons why this number one crime problem must be conquered in our country."

In short, we are losing this battle, and it seems there are now available only two options: more of the same—namely continue to hurl money and rhetoric in the same old way at the problem and hope to turn the situation, or adopt the suggestion of Washington civic leader Brant Coopersmith—recently highlighted by Columnist William Raspberry—that we legalize certain drugs and try to control their use and abuse.

William F. Buckley, Jr., has joined in the call for legalization—"Legalize Dope," Washington Post, April 1, 1985—and if this is the best answer we have we are in deeper trouble than anyone has yet imagined. Buckley reminds us that "ours is a free society in which oodles of people kill themselves with tobacco and booze." But while legalizing narcotics may reduce the price of cocaine to that of rat poison, the cost to society in terms of more ruined lives and increased demands for medical and rehabilitation treatment will be explosive. Eliminating a problem by redefining it out of the Criminal Code is more surrender than solution.

I, therefore, would like to offer an alternative to address this most urgent and intractable problem. Specifically, I have introduced the Drug Enforcement Incentive Act of 1985 (H.R. 1621), legislation which, if implemented, will provide generous cash rewards to domestic and foreign narcotic agents, as well as other individuals, who make outstanding contributions to the fight against illegal drug traffic in and to the United States. Such awards would not only be given to those risking their lives, but also to those resisting the heavy pressure to cooperate with the traffickers or to turn a blind eye to their activities. The

money for these awards would be derived from the proceeds resulting from selling the property forfeited to the United States, or cash seized, as a consequence of illegal drug trafficking.

The Attorney General would pay these awards, consulting, when appropriate, with representatives of the various U.S. agencies and components involved in narcotics control. In deciding how much should be awarded and to whom, the Attorney General would be required to take into account the value of the sums and objects forfeited to the United States, as well as arrests resulting from the exceptional conduct for which the award is made. Provisions would also be made to award survivors, like Mrs. Camarena and her three children, of someone who died before receiving his or her award.

Legislation enacted in October 1984, known as the Comprehensive Crime Control Act does allow for forfeited property to be used for award purposes, essentially for informants. My proposal would amend that law to broaden the coverage of potentially eligible recipients and lift award ceilings.

Why reward someone for doing what he or she should be doing anyway as an officer who takes an oath to uphold the law? That's a valid question, and the answer is that we are dealing with situation involving extreme danger and staggeringly large sums of money; more money in fact than most people see in a lifetime. Let's face it, human nature renders us all vulnerable to intimidation and the insidious temptations of pervasive corruption, and these awards would be a form of moral and physical endangerment pay. Recipients could be rewarded handsomely for aggressively enforcing the law and putting their lives on the line. In the long run, it will be cheaper for society to let such individuals share in the bounty flowing from their actions. Moreover, all of this can be done without any significant additional cost to the taxpayer as the drug traffickers will be paying literally and figuratively for these awards.

We have seen what the notion of incentives can do in the economic and arms control areas—why not employ the same powerful force in overcoming the tidal wave of drug crime that is engulfing our society?

Effectively waging war against illicit drug trafficking requires a multifaceted attack. This proposal adds one more arrow to the quiver. It is the kind of weapon that can make a significant difference. I think it's worth a try.●

THE OIL PIPELINE REGULATORY REFORM ACT OF 1985

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. BREAUX. Mr. Speaker, today, I introduce, together with several of my colleagues, the Oil Pipeline Regulatory Reform Act of 1985. The bill proposes some reform and modification of the way Government regulates oil pipeline transportation rates. The emphasis is on regulatory reform.

The oil pipeline industry is regulated today as a result of congressional amendments to the Hepburn Act of 1906, which amended the Interstate Commerce Act. Now, three-quarters of a century later it is time for the Congress to review thoroughly the statutory and regulatory regime which governs the industry, change some provisions, and retain others. The bill proposes a more balanced approach of continued Government regulation and marketplace competition.

The bill is a starting point in the proposed review and amendment process. It is a beginning. It is critical, though, that congressional activity commence on the bill and that it be pursued in a timely manner.

Legislatively, the bill proposes to repeal FERC's authority to suspend rates, except in the case of discriminatory practices, in which case shipper complaints and FERC itself may initiate Government action. Also, the bill would repeal FERC's authority to set transportation rates. FERC's authority to protect against discriminatory practices is retained and the Justice Department's authority to implement antitrust safeguards remain. Oil pipelines would remain common carriers, as they are under the law today.

Adequate intermodal and intramodal competition exists today in the oil transportation industry. Oil pipelines compete amongst themselves for crude and product business. Water carriers, which are unregulated as to transportation rates, compete with pipelines. Trucks and rail also compete but in a much more limited manner.

Industry figures, based on Government and industry data, show water carriers transporting just over 50 percent of the crude and petroleum products in 1983, the date for which the latest data is available. Oil pipelines carried just over 45 percent of crude and petroleum product in 1983. Trucks and rail represented, together, about 3 percent of that traffic.

Other factors contribute to this need for oil pipeline rate regulatory reform. The industry itself has undergone considerable change. Today, there are an estimated 213,000 miles of oil pipeline in the United States regulated by either Federal or State laws. Over 140 oil pipeline companies are involved in interstate commerce and regulated by the Federal Government. Entry and exit into the oil pipeline business is open. Oil pipelines carry about 25 percent of intercity freight, which represents about 3 percent of intercity freight revenue. Capital investment is intensive, about $22 billion.

Consumer impact of oil pipeline transportation rates, as estimated by FERC, comprise approximately 1.5 cents of the pump price for gasoline, based on transportation rates in the lower 48 States.

Oil pipelines are the only segment of the oil industry which remains under Government regulation. Oil prices were decontrolled several years ago. There is no need to continue regulation of oil pipeline rates for transportation services. In the 79 years since the industry first was incorporated into the Government's regulatory structure, the industry has grown and expanded. It has served the Nation efficiently, economically, and competitively.

Mr. Speaker, there is no need to prolong unnecessary Government regulation of any industry or enterprise simply for regulation's sake, which is the case today with oil pipeline rate regulation by the Federal Government. The bill would authorize only change where it is needed and where continued regulation is not. It proposes a more balanced approach to the issue of Federal control by allowing marketplace competition to work in conjunction with Government oversight and safeguards. The bill takes the proper direction for oil pipeline rates and is offered in the spirit of regulatory reform.

I ask that Members give the bill their consideration and join in its support.●

THE REPUBLIC OF SOUTH AFRICA: A PERSONAL VIEW

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. RANGEL. Mr. Speaker, I rise to share a most poignant speech delivered by the daughter of the 1984 Nobel Peace Prize laureate, Dr. Desmond Tutu at Howard University on November 4, 1984.

Miss Mpho Tutu, an engineering student at Howard gives a compelling description of life under apartheid rule in her homeland of South Africa. American involvement in that country has escalated, thereby, further condoning the very centerpiece of apartheid—separatism—which encourages institutional barriers across every level: territorial laws, which have created separate housing; migrant labor

laws, which have created separate employment; and, secondary and higher education laws, which have created separate schools. The Government's recent abolishment of laws against interracial marriages is but a small, token policy gesture; the apartheid system is comprehensive and is interwoven into the entire fabric of South African life. If we better understand the impact of living under this system, we will better utilize our business advantages in South Africa's economy.

I submit Miss Tutu's gripping tale, a first-hand account of this destructive situation, for inclusion in the CONGRESSIONAL RECORD:

SERMON PREACHED BY MPHO TUTU

PSALM 43

Give judgement for me, O God and defend my cause against an ungodly people deliver me from the deceitful and the wicked.

For you are the God of my strength
Why have you put me from you?
And why do I go so heavily while the enemy oppress me?

God, am I your stepchild? I look at the situation at home (in South Africa) with growing horror, the draconian laws which leave families fatherless for eleven months of the year, throw hundreds into jail daily for lack of a passbook or the right stamp; call my mother and her children "unnecessary appendages" and dump them, like so much garbage, on barren land; which turn my sisters into prostitutes, and starve my brothers in economically non-viable home-lands, which detain my aunts and uncles without trial to be found batterd and dead in their cells. While my babies starve, South Africa exports food. God, sometimes I am so tempted to ask you, am I your stepchild?

1 Thes 2:14-15 ". . . For you suffered the same things from your own countrymen as they did from the Jews who killed both the Lord Jesus and his prophets and have persecuted us, and they please not God and are contrary to all men." Paul is talking here about the church of the Thessalonians and likening it to the churches in Judea; but he could equally have been describing South Africa and her apartheid regime.

Our leaders, you might call them prophets, have been detained, killed, or relocated to the twilight existence of a banning order.

The laws which govern us would be, to quote my father, "the envy of many a fascist state!"

South Africa calls itself a Christian country and the government claims to have Biblical justification for apartheid. I always wonder which Bible they read!

What I want to do today is expand what I have said above, to prick your conscience; no, to hammer your conscience until you want to find out more, until you ache to act. South Africa is almost Orwellian in character. The colour of your skin determines who you may love, where you may live, where you may work. The Government decides what you may read and what you see in the cinema and on TV.

Who you may love? The Immorality Act and the Mixed Marriages Act say that there is to be no love across the colour line. "Aparthate": the correct pronunciation of the word summarizes the essence of the system—keep them apart so they may hate each other. The essence of my God is love. Give judgement for me, O God.

The Group Areas Act leaves houses standing empty in areas designated "White" while in the areas designated Black, Coloured, or Indian, people spend years on a waiting list in the hope that new houses will be built.

The Group Areas Act forces families out of homes they have built over generations because the area has been redesignated "White." One hopes one can find a house in the township with a garage to let. A family, a family which once had a home, now living in somebody's back yard . . . all of you crammed into one small room to cook, eat, sleep, wash, study—a family displaced by the arbitrariness of South African law. Give judgment for me, O God . . . The hated pass laws, which tell me from the day I turn sixteen, where I may work, where I may sleep, where I may live. One stamp in a little brown book and I am "endorsed out" of the city of my birth; "endorsed out" of even the possibility of a job. I carry no pass; I do not exist. The wrong stamp and presence in the town in which I was born becomes a criminal act. A democratically elected government, which neither I nor my parents had any part in democratically electing, decides that I have no right to live in the land of my forefathers. Give judgement for me, O God. And defend my cause. . . .

The Homeland or Bantustan policy has declared Black women and children unnecessary appendages to their husbands and fathers and has therefore dumped them—it's called relocation in South Africa—in a "homeland" far from any place that they've ever called home.

These homelands, as a South African government study has shown, are economically non-viable, arid areas where opportunities for work range from scarce to non-existent and subsistence is barely possible.

Yes, you've heard of Sun City—South Africa's Soho—where White South Africans go to convince themselves that the Bantustans "work," blithely ignoring the object poverty outside the gates. Where White South Africans go to find Black prostitutes—what is immoral a few miles away suddenly becomes perfectly moral, prostitutes and all. Where Black South Africans go because inside those gates—if they have the money, they can become people. Where Black South Africans go because the acid fumes of an evil system have become unbearable and they allow themselves to forget that what smells like fresh air is the smell of hunger.

O God, give judgment for me and defend my cause against an ungodly people.

Deliver me from the deceitful and the wicked.

Give judgment for me, O God.

And the homeland policy feeds the migrant labor policy which feeds the homeland policy. For eleven months of the year a father and a husband becomes less than that. He lives, five or six or eleven to a room in a single-sex hostel that denies his manhood. He lives five or six or eleven to a room in a compound of many such hostels locked in at night like a prisoner. His visitors may not enter the compound. It is like a dormitory with a curfew. . . . A curfew on a 30-year-old man? His family may not visit—where would they stay? "Those whom God has joined together, let no man put asunder. . . ."

You don't have to tell that to the woman clutching her baby against the bitter cold of Cape wind . . . Is this the tenth time the police have come in the middle of the night to bring the roof crashing down about your head? Is this the twentieth time you'll be rebuilding in the morning? Is this the 100th time you're walking back—baby, household goods and all from the Transkei, Ciskei, Venda or wherever it is you were left waterless, destitute, hungry and cold, and how many times more?

"For you are the God of my strength."

America invests heavily in South Africa. The Reagan Administration last year pushed through an IMF loan to South Africa that is almost equal to the increase in South Africa's military budget for last year. The Reagan Administration is "constructively engaged" purportedly to bring about peaceful change. South Africa is neither peaceful, nor has it changed.

We have asked for economic pressure on the South African government to bring the government to the conference table and forestall a bloody confrontation.

Foreign companies in South Africa—General Motors, General Electric, Shell, Mobil and the gang to name a few tell us that if they withdrew from South Africa, Blacks would be hardest hit. Considering the profits foreign companies make by operating in South Africa, one can understand their sudden flash of altruism. One percent of the black people in South Africa are employed by foreign corporations. Better to starve with the end in sight than to be fettered in padded chains for life.

Rev. Sullivan introduced the Sullivan Principles for American companies operating in South Africa. The Sullivan Principles cannot be imposed and are not policed. They are really nothing more than a salve for the collective conscience of American corporations. They do nothing to change the system. It is nothing to me that I can use the same toilet as a White person, or share a meal in the same canteen. I still have to show my pass to a policeman with nothing better to do than to ask for it. I still have to travel endless miles on overcrowded buses to an ugly township at the end of each day. I still have to go back to my cramped three-room house to cook on a smoky coal stove. I still know my children only by candlelight. She still goes home to her servant-filled mansion.

Why do I go so heavily while the enemy oppresses me with the poison that children both Black and White are fed, masquerading as an education? In other parts of the world it's called indoctrination, brainwashing . . . but then White people are past masters at distorting history. If you are Black, you are taught how to be a slave; if you are White, you learn to be a slavemaster. In some Black schools overcrowding has reached such proportion that split sessions had to be introduced: half the students attend morning classes, the other half go in the afternoon. It is astonishing that any Black child manages to complete elementary school, let alone high school.

The riots that exploded across South Africa in 1976 and have simmered angrily since are no surprise . . . the anger is there; it will continue to be there until the system changes. If the system does not change peacefully now, it will change violently later.

In South Africa peaceful protest has become virtually impossible. The riots of 1976 began as a peaceful protest. Children marching to protest a poisonous education. Children carrying placards and singing freedom songs, children fleeing from tear gas and police dogs, children fighting automatic weapons and armoured trucks with jeers, stones and generations of rage, children lying dead in the streets.

Hector Peterson was eight years old.
He died on June 16th, 1976 on a street in Soweto.
Hector Peterson was shot in the back.
Hector Peterson was running from the police.
Hector Peterson was eight years old.
The policeman who killed him shot him in self-defense.

I pray that you understand what a gift your education is. I pray that you understand how important your education is for Black people the world over. I pray that you understand that you're not in school because your father is a doctor or your mother is a lawyer or you were so brilliant that you won a scholarship.

You see, Black people, from slavery on up, have been paying for your education . . . and they have payed for it in blood.

1 Thes 2:12: "That ye would walk worthy of God who hath called you unto His kingdom and glory." That is all we ask. Psalm 43.

Why are thou cast down, O my Soul?
And why are thou disquieted within me?
Hope in God: for I shall yet praise Him who is the help of my countenance, and my God.

My belief keeps me from despairing for my country. My Bible tells me times without number that justice will prevail. I am created in God's own image, and God is in me. I am a child of God; I pray for the strength to act like one.

Hope in God . . .
Who is the help of my countenance, and my God.

ANNIVERSARY OF THE U.S. SOIL CONSERVATION SERVICE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. BEREUTER. Mr. Speaker, this month marks the 50th anniversary of the Soil Conservation Service [SCS] in the United States. The SCS was born out of the depths of the Great Dustbowl and Depression of the 1930's when the winds along the high plains were carrying away billions of tons of top soil each year.

Since 1935, the SCS has had the responsibility for developing and carrying out a national soil and water conservation program in cooperation with landowners and operators and other land users and developers. The SCS also assists in agricultural pollution control, environmental improvement, and rural community development.

The Soil and Water Conservation Program is carried on through technical help to locally organized and operated conservation districts; local sponsors of watershed protection projects and resource conservation and development projects; and consultative assistance to other individuals and groups. About 3,000 conservation districts cover more than 2 billion acres in the 50 States, Puerto Rico, and the Virgin Islands.

Of all the programs that are administered by the U.S. Department of Agriculture none have been so universally accepted, effective, and beneficial in promoting soil and water conversation as those of the SCS. It is ironic, however, that in the year of its 50th anniversary that proposals have been made to severely cut the budget of the SCS. In terms of percentages, the proposed cut in the SCS budget is one of the most severe.

In 1984, expenditures were $851 million, and about $814 million is planned for fiscal year 1985. The 1986 budget proposes an expenditure of $454 million for soil and water conservation of which over one-half is for close-out costs.

The impact for my State of Nebraska would be enormous. Early estimates of the impact of the Reagan budget cuts for SCS indicate a reduction from the 400 staff years employed by SCS now to about 100 staff years in the fiscal year 1986. In effect this would mean about one employee per country. State offices would likely be consolidated into regional offices and the present county offices would also likely be consolidated into subregional offices within the State removing further SCS expertise from the land.

We all recognize the need to reduce the expenditures of the Federal Government and to cut our deficit. But as we move forward this year with the budget and the 1985 farm bill let us do so in a prudent, not frivolous manner. With soil conservation we cannot afford to be pennywise and pound foolish, for once our soil is gone it will take a millionium to replenish.

The need to reduce the national debt is certainly pressing, but to drastically reduce the Nation's effort to preserve our soil and water resources in order to show a relatively small reduction in the Nation's expenditures would be very shortsighted. Conservation of our vital natural resources is fully as important to our country's long-term sruvival as most of the items in our national defense budget. If we abandon our soil and water conservation efforts, we can look to other regions of the world and see the devastating effects which result from poor conservation practices.

The current famine in Ethiopia and other parts of sub-Sahara Africa began with a lack of rain but has worsened because rain that does fall is no longer absorbed by the soil. The search for fuel led to deforestation which allowed rainwater to wash away productive soil. The African food crisis is a direct result of soil erosion coupled with rapid population growth and the overall neglect of agriculture by African governments. Nearly 40 million out of 531 million Africans are now dependent upon grain from abroad.

Franklin Roosevelt reminded the State Governors in 1937 that, "The nation that destroys its soil destroys itself." We must not forget the examples of history from other great civilizations who exhausted their soil and water resources.●

A TRIBUTE TO KAREY WORTON

HON. RICHARD STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. STALLINGS. Mr. Speaker, I would like to take this opportunity to commend Karey Worton of Idaho Falls, ID, on her selection as the Idaho representative to the Veterans of Foreign Wars Voice of Democracy Contest.

This competition is sponsored annually by the VFW on a nationwide basis. It gives high school students the opportunity to prepare a short speech which helps them better understand the concepts of freedom and democracy upon which this Nation was founded.

Miss Worton joined some 300,000 other students in the competition this year. Speeches were based on the theme "My Pledge to America." I commend Miss Worton for her excellent speech and the important points she made in her essay. I appreciate her concern for the Constitution and her commitment to upholding the principles fought for by our Founding Fathers.

I am proud to have Miss Worton as constituent and am inserting a copy of her excellent speech in the CONGRESSIONAL RECORD to share with my colleagues:

MY PLEDGE TO AMERICA

(By Karey Worton)

I was deep in thought as I wandered toward the Capitol Building. It was my last night in the capital city, and just as my vacation was drawing to a close, I too was looking for an ending. I was searching for conclusions to the feelings that had been stirring in me over the past three weeks. Tours, lectures and even memories of history and government classes filled my mind. What was it that I really owed this country?

Moving closer, I began to see images of many figures sitting solemnly on the Capitol steps. A second look revealed outdated wigs, socks and breeches. My excitement grew as figure after historic figure appeared. The words and stories I had heard and read so often gave each face a special meaning. Everyone of these people had made an individual contribution to this nation.

One of the faces I recognized from the worn pages of my history text was Thomas Jefferson's. He gave so much to our nation. The Declaration of Independence was his masterpiece. The idea, however, was certainly not his alone; this nation was formed by many people.

On Jefferson's right sat Richard Henry Lee. It was Lee who had proposed ". . . that this United Colonies are and of a right ought to be free and independent states."

The man who had seconded Lee's proposal, John Adams, sat nearby with his wife

Abigail. John Adams was among the first to favor independence from Great Britain and referred to himself as John Yankee.

Looking farther down the group, I saw John Hancock, the first signer of the Declaration. He wrote his name large so that King George III would be able to read it without his spectacles. In Hancock's home state of Massachusetts, the federal Constitution was bitterly opposed. It may have been Hancock's prestige that led it to a narrow victory in 1788.

The Federalist Papers, a group of essays written by James Madison, Alexander Hamilton and John Jay, also did much to persuade Americans to accept the Constitution and the new form of government that it offered.

John Jay later became our first Chief Justice. As I found his face in the crowd, I realized the magnitude of the job he had taken on. It was his responsibility to interpret and uphold our new Constitution.

With growing understanding, the historic words of Chief Justice John Marshall echoed in my mind. "The people made the Constitution and they can unmake it. It is the creature of their will and lives only by their will."

Suddenly, I knew what it was that I owed this country. There are currently many challenges facing our special form of democracy. Who am I to let the freedom these men fought for and the Constitution they toiled over, die and wither into just another chapter in the history books? The Declaration of Independence has already been written and Richard Henry Lee has made the historic proposal for freedom; but, there is still much I can do. I may not be able to make landmark decisions like Justice Jay, but I can learn about our judicial system and help others understand and appreciate our unique system of justice. I can't sign my name boldly at the bottom of the Constitution like my forefathers, yet the very democracy they created allows me to uphold our Constitution by voting, by staying informed and by getting involved in our goverment. Jefferson and Lee used their writing and speaking skills to gain support for independence and democracy. Today the first amendment guarantees me the right to use my pen and raise my voice to fight for what I feel is right. I will fight for what I know these men were striving for. They were striving for freedom and equality and that fight is far from over.

"I pledge," I whispered to myself as the images faded, "to uphold these ideals and this great Constitution. I pledge my time, my energy and my allegiance to this country, the United States of America. This vacation I would be going home with more than souvenirs. I was going home with a new responsibility and a great feeling inside.●

THE COMPREHENSIVE TEST BAN TREATY

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. HYDE. Mr. Speaker, since World War II the nuclear weapons states have amassed large numbers of sophisticated and deadly nuclear weapons, which the President has characterized as destabilizing. Unquestionably the existence of these weapons poses a risk. At the same time, the balance of nuclear threat and counterthreat has for years been the means to maintain a stable, albeit precarious, peace between East and West. These arsenals pose the dilemma: Their purpose is to deter war, which they have thus far done well; yet if they should fail in that purpose, and the threat of their use be carried out, the potential destruction would be unthinkable. Faced with this dilemma, what is the responsible test ban policy to follow?

One approach is to stop testing nuclear warheads unilaterally, and hope that the Soviet Union does the same. Advocates believe this will end nuclear competition and will eventually reduce and perhaps eliminate our dependence upon nuclear weapons for security. The goal I quite support, but the means I do not.

Another approach would be to sign a treaty now, relying on current capabilities for verifying compliance with a comprehensive test ban, and trusting that current stockpiles would continue to provide the deterrence on which we depend. My concern here is that any move to reduce the high, but balanced nuclear threat should not have the effect of reducing it for one side more than the other, and thus, perversely, serve to decrease security and stability. This could happen, for example, if one side had nuclear weapons which declined in reliability while the other did not, or if one side were able to conduct low-level testing while the other did not. When we depend so strongly upon our nuclear deterrent, when the means for verifying a test ban are not yet perfected, when the need for effective verification is made so apparent by the glaring compliance questions raised by Soviet actions—at such a time an immediate test ban would be an irresponsible action. Another, more responsible approach is the one which the President is now following. He seeks balanced, verifiable, and stabilizing reductions in the nuclear arsenals which threaten both sides. At the same time he supports a total test ban as a long-term goal, which would be achieved in a context that would enhance, not hazard our security—at a time when verification problems have been laid to rest, and when we have sufficiently reduced our dependence upon nuclear weapons. In the meantime, we should and do seek to support and strengthen those testing limitations already in place—the Limited Test Ban Treaty, which prohibits all nuclear explosions in the atmosphere, under water, and in outer space; and the two threshold test treaties, one to limit yields of nuclear weapon tests, and the other to limit nuclear explosions for peaceful purposes.

This approach avoids the dangers involved in unilateral actions, and safeguards Western societies against possible violations by the Soviet Union. It is prudent, methodical, and, most importantly, is in our best interest. Accordingly, I offer for your consideration the following resolution:

H.J. RES. —

Joint resolution expressing the sense of the Congress that a complete cessation of nuclear test explosions must be related to the ability of the U.S. to maintain credible deterrent forces and that any test ban agreement must be verifiable and must be made in the context of deep and verifiable arms reductions

Whereas, a viable nuclear deterrent is at present necessary for the security of the United States;

Whereas, the U.S., in seeking its long-term goal of a ban on the testing of nuclear weapons, must improve its present abilities to verify such a ban;

Whereas, the U.S. Government has concluded, based upon a thorough evaluation of the evidence, that the Soviet Union has repeatedly violated the Threshold Test Ban Treaty;

Whereas, the interest of the U.S. in verification improvements has been demonstrated by repeated proposals to the Soviet Union to bring verification of the Threshold Test Ban Treaty up to adequate standards;

Whereas, the U.S. has proposed on-site nuclear test inspections by Soviet and U.S. experts;

Whereas, the President appealed to the Soviet Union at the United Nations on September 24, 1984, to "cooperate in this undertaking and to reciprocate in a manner that will enable the two countries to establish the basis for verification for effective limits on underground nuclear testing." Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

1. Continue U.S. efforts to gain agreement by the Government of the Soviet Union to measures which will improve verification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty;

2. Continue to urge the Soviet Union to comply with the 150 kiloton threshold limit of the Threshold Test Ban Treaty;

3. Continue U.S. programs which work to improve the verification capabilities for worldwide monitoring of compliance with a nuclear test ban;

4. Continue U.S. nuclear testing programs for maintenance and modernization of the U.S. deterrent force while simultaneously working toward the long-term goals of a verifiable nuclear test ban within the context of deep and verifiable arms reductions.●

COMPREHENSIVE ALZHEIMER'S ASSISTANCE, RESEARCH AND EDUCATION ACT OF 1985—CARE

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. ROYBAL. Mr. Speaker, on behalf of the over 3 million Alzheimer's victims and their families, today I rise to introduce the Comprehensive Alzheimer's Assistance, Research and

Education Act of 1985—CARE. Developed in partnership with the Alzheimer's Disease and Related Disorders Association, this legislation is a critical step forward in winning the war against Alzheimer's Disease and related disorders. As such, it attacks the disease and its effects from several fronts.

First, it focuses national attention on the problem by establishing a National Alzheimer's Education Program—a program modeled after the very successful National High Blood Pressure Education Program.

Second, this legislation initiates up to 10 State Alzheimer's Programs and therefore brings in an important set of allies—the States. Over the next few years, a State, Federal and private partnership should greatly improve the use of existing services as well as open up access to the crucial area of respite care.

Third, the effort to attack the causes and find effective treatments of these dreaded diseases is advanced through an expansion of the Alzheimer's Research Centers of Excellence" Program to as many as 20 centers. Going even further, special research grants are authorized in new areas of research such as family stress management.

Finally, this bill launches Alzheimer's related research into the Medicare and Medicaid Programs—the Federal Government's primary vehicle for ensuring access to necessary health care services. Though a wide range of Alzheimer's related research, demonstrations and waivers are authorized, this legislation specifically targets the issues surrounding nursing home reimbursement, respite care coverage, and Medicare and Medicaid eligibility for the Alzheimer's patient.

If there is one issue in this year of budget cutting which deserves special handling, it is the care of the Alzheimer's victim and their families. I call upon this Congress to demonstrate its compassion by ensuring the passage of the Comprehensive Alzheimer's Assistance, Research and Education Act of 1985—CARE.

The care bill is summarized as follows:

SUMMARY OF COMPREHENSIVE ALZHEIMER'S ASSISTANCE, RESEARCH, AND EDUCATION ACT OF 1985 (CARE)

PURPOSE

To provide for improved care and assistance for Alzheimer's victims and their families.

SUMMARY

Alzheimer's disease is one of a number of degenerative neurological disorders that affect a large number of middle age and elderly individuals. The symptoms of Alzheimer's disease and these related disorders (ARD) are primarily psychological in nature. They include worsening changes in personality, memory deterioration, disorientation, and impaired impulse control and judgment. As the disease progresses, changes in intellectual functioning take place with even more severe changes. Victims may wander, develop erratic moods, become difficult to manage and incontinent with loss of bladder and bowel control. The disease eventually renders its victims helpless.

While Congress has directed much research towards the causes and care of these disorders, it has become apparent that the many issues involved in the research, treatment and management of these disorders have reached a point where a coordinated effort, including the states, the federal government and private groups, is warranted. A lag between the accumulation of knowledge about these disorders and dissemination to the medical community and public has resulted in misdiagnosis and lack of access to treatment management options for many patients. The nature of the disorder has left families with an extreme psychological, physical and economical burden that warrants a systematic examination of models of care and reimbursement policies.

Responding to the overwhelming need to assist the victims of Alzheimer's disease and related disorders, the CARE bill, developed in partnership with the Alzheimer's Disease and Related Disorder Association (ADRDA) and on behalf of the more than 120 Chapters nationwide, proposes the following initiatives:

To create a national educational program effort for ARD.

To create model state programs encouraging the development and coordination of resources.

To expand the program of research to identify the causes, prevention and treatment of ARD.

To develop methods of service delivery that will promote the health and well-being of ARD's victims and their families by encouraging care in the home and reducing the stress on the families of patients with ARD.

To advance training to health care professionals and para-professionals to improve the diagnosis, treatment and management of ARD.

PROVISIONS

National Alzheimer's Education Program. This provision requires the establishment of a National program that would foster and coordinate research, training, and education programs relating to the cause, treatment and diagnosis of ARD. It establishes an Information Clearinghouse to collect information from research and treatment programs and makes this information available to health care professionals, professional organizations and the general public. The program provides technical assistance to public and private organizations engaged in the collection and dissemination of related information.

State Alzheimer's Programs. This provision provides for grants to State to encourage development and coordination of resources to assist victims of ARD and their families. State programs include the following elements:

Coordination of existing services and development of diagnostic, treatment, care management, legal counseling, and educational services to care providers, victims, and their families.

Making available respite care services for the ARD patient. (Up to 25% of the grant may be used for this purpose.)

A review of state policies on the financing and reimbursement of the costs of health care for patients with ARD and identifying other policy changes that would improve the care of patients with ARD.

Dissemination of information to victims, their families, health care providers, organizations established for patients with ARD and to the general public on services available to ARD patients.

These grants shall be made available for 3 years initially and will be subject to an annual evaluation by the Department of Health and Human Services.

MEDICARE AND MEDICAID DEMONSTRATION PROJECTS

This provision mandates that the Department of Health and Human Services conduct Alzheimer's related research, demonstrations, and waiver projects. At least three such projects are to be conducted to examine the following:

Coverage of alternative methods of health care for ARD patients including services designed to maintain the patient in the home.

Coverage of nursing home care. (Current reimbursement policy precludes reimbursement by Medicare until medical management of the condition is warranted; or by Medicaid until the financial resources of the victim are depleted.)

Appropriate reimbursement levels for nursing homes with ARD patients.

RESEARCH ON ALZHEIMER'S DISEASE AND RELATED DISORDERS

This provision requires the Department of Human Services to develop a plan of research and to implement it through the National Institutes of Health, the National Institute on Aging, and the National Institute of Mental Health. The plan includes a proposal for the training of researchers in the related specialty areas.

The national research effort includes an extension of the current Centers program. It allows for an increase in the number of Alzheimer's Centers to 20. These are to be administered by the National Institute on Aging in collaboration with NIMH, NINCDS and NIAID. The responsibilities of the Centers include:

Research into cause, prevention, diagnosis, treatment and management of ARD.

Training health care personnel.

Dissemination of clinical information.

Coordination with other Centers and related public and private facilities.

In addition to the aforementioned grants and Centers, the Program makes grants for applied research related to ARD Including:

Research on family stress management and the development of health care and social support systems.●

A TRANSITION OF POWER IN THE KREMLIN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. PORTER. Mr. Speaker, the recent transition of power in the Kremlin raises hope for a new era of respect for human rights in the Soviet Union.

The Jewish community in the Soviet Union is particularly anxious to see an improvement in this area. They hope that they will benefit from a relaxation of the Soviet's policy of refusing

them the right to emigrate. On this note, I would like to call my colleagues' attention to a recent article in the Chicago Tribune by Howard Tyner which discusses the views of members of the Jewish community regarding their new leader.

I would like to submit Mr. Tyner's article for the record:

[From the Chicago Tribune, Mar. 20, 1985]

GORBACHEV FAILS TO LIFT SOVIET JEWS' HOPES

(By Howard A. Tyner)

Moscow.—At this city's central synagogue Saturday night, there was the usual talk about emigration. If the leadership change here has raised a few hopes or lifted any spirits among Soviet Jews, it wasn't readily apparent.

"We think of ourselves as a kind of currency that the Soviet government is keeping to be spent at some time in the future," said Boris, a former chemist with a passion for reading English-language magazines.

"How and when we are spent depends on the circumstances, not the man in charge."

The new man in charge, Mikhail Gorbachev, has stirred hopes in the West for better relations with the Kremlin. But Jews here, who know that emigration increases whenever the international climate improves, remain skeptical about what lies ahead.

"We will believe he means something different when he does something different, not before," another man outside the synagogue said.

Since the mid-1970s, the synagogue on Arkhipova Street has served as an informal gathering place for Soviet refuseniks—Jews refused permission to emigrate. Last Saturday night, clustered in small knots in front of the building's granite columns, they exhibited little emotion about the leadership turnover.

The picture for Soviet Jews who want to emigrate is not a bright one. The rate of emigration, often considered a barometer of East-West relations in general, has sunk to nearly zero.

Western figures show only 88 Jews were allowed to leave in February and 61 the month before. According to the Intergovernmental Committee for Migration, the total for all of last year was only 908.

During the 1970s, when detente was more the order of the day, almost 250,000 Jews emigrated, reaching a peak of 51,300 in 1979. That was the year the Kremlin ordered its troops into Afghanistan, provoking a sharp reaction by the West and sending the international scene into tension-filled gloom.

Beginning in 1980, the number of exit permits plunged sharply to a recent average of 80 a month.

How many of the estimated 2.5 million Jews still living in the Soviet Union want to leave is a matter of debate. Twice in the last 18 months, a Soviet official has insisted publicly that virtually all those who sought to emigrate have done so already.

But Jewish organizations in the West contend that 350,000 Jews have embarked on the long and difficult emigration process, which routinely results in loss of jobs and ostracism by friends and colleagues.

During the last year or so, police have cracked down on activists promoting Jewish religion and history. Particular attention has been focused on unofficial teachers of Hebrew who hold courses in private apartments.

Since October, 1983, six of them have been arrested and sent to labor camps on charges ranging from possession of narcotics to resisting arrest.

Some of those waiting to leave say they have been summoned by officials and told that exit permits on a large scale never again will be issued. The implication is that they should abandon their plans and return to their former lives as normal Soviet citizens.

But most refuseniks cling tenaciously to the idea that a resumption of warmer superpower relations will open the emigration door again at least a crack—and that they will be the ones allowed to leave.

The resumption of U.S.-Soviet arms talks in Geneva last week fed such hopes. There also were reports in January that a Soviet official had told a visiting American it would be "no problem" for emigration to go back up to 50,000 annually if bilateral ties were improved.

But Western experts here said this probably was designed to get the powerful Jewish lobby in the U.S. to bring more pressure on Washington for East-West accord.

That would include an improved climate for trade, which, many of the experts contend, is Moscow's real goal in lifting its ties with the U.S. out of the deep freeze of the last several years.

How Gorbachev's elevation will affect this is unclear. His background as a technocrat suggests he will push for an improvement in trade without necessarily trying to re-establish a 1970s-style East-West detente.

In that case, Jewish emigration could play a role. But no one is willing to predict if Gorbachev will opt to allow a token increase in departures as a gesture of his intentions or wait until the climate improves before responding with more exit permits.

Meanwhile, for the refusenik community there is little choice but to drop in as usual at the synagogue on Saturday nights, swap stories—and wait.

"Nobody asks currency whether it wants to be spent or not, or how," says Boris.●

THE PRESS AND THE CONGRESS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. RANGEL. Mr. Speaker, at a time when negative perceptions of the press abound, I want to take this opportunity to commend those journalists who do uphold the cherished standards of accuracy, objectivity, and honesty.

In the past, the press has been the battleground for many a constructive debate; information reported has won widespread support for our initiatives and support for other ideas have been lost. But the competent role of journalism has never been more important. The American public has been better informed and knowledgeable about the everchanging world in which we live. I believe in the first amendment and the rights and privileges pertaining thereof. As long as journalists use their influential positions to promote fairness and an exploration for the truth, American interests will be responsibly served. An accurately informed readership is an astute electorate.

I submit the following article, by columnist Mr. Earl Caldwell of the New York Daily News, as an excellent example of what good investigative journalism can do, for inclusion in the CONGRESSIONAL RECORD.

A MESSAGE FOR THE MEDIA

It was a cold day in January, and by then, the Bernhard Goetz case was weeks old, which meant that it was still heating up. This was a Saturday, and it's because of something Murray Kempton said that it sticks in the mind.

In the world of newspaper columnists, Murray Kempton is special. He's a true intellectual. But what sets Kempton's column apart is that it's almost always based on reporting. Kempton still goes everywhere to see for himself and to ask his own questions. In the world of newspaper columnists, that makes you special.

On the cold day last January, I was headed in one direction on W. 82d St. and Kempton was headed in the other. We met on Broadway, on the island in the middle of the street. It was not just cold; it was snowy, too. Kempton was wearing a big overcoat. He had a pipe in his mouth, no hat and a runny nose, but talk of Bernhard Goetz kept us there on the street a very long time. I told Kempton it was too cold for us to be standing there. He told me I didn't know how to dress.

He also told me something else. He said he had looked up the official report of the time Bernhard Goetz was mugged—the mugging Goetz said had prompted him to arm himself. Kempton was curious. He wanted to know, and so he did what good reporters always do. He went downtown and looked up the facts. He got a surprise. "It was nothing," he said. And then Kempton explained as only he can.

It was his contention that anytime there is anything of substance involved, the cops tend to overwrite their reports. He uses as an example a time he himself had been had by some of the bad guys. He said the report the cops wrote was so strong that when he was asked to sign it, he had to tell them he couldn't do it. It was too much of an exaggeration of what had happened.

But with the Goetz mugging, he said, there was nothing in the report. It happened. Goetz had been mugged, but the police record said it had been a very minor thing.

A woman on a talk show one night said that, in the earlier mugging, Goetz had been lucky to escape with his life. She said he was thrown through a plate-glass window and beaten, and as she went on, Murray Kempton's words came to mind. It was because he had done what good reporters always do. He had gone and checked the facts.

All this comes back because, by yesterday, it appeared that the Goetz case was finally pointed in the direction it should have been right from the start. But from the start, the problem was the reporting.

Usually, reporters start with the event. In the Goetz case, it was different. The whole story was reported backwards. Instead of digging into what went on inside the subway car right from the start, it was the reaction to the shootings that the reporters started with. Instead of starting with the question, "Who was Bernard Goetz?" the reporting

started with what Goetz had become, which meant reporting on a hero.

Reporting itself never changes. It doesn't matter how many computers or tape recorders or other fancy equipment a newspaper has. Reporting is still footwork. Some in the business call it the dirty work. What it involves is going out and looking up documents and going out and asking questions and going out and standing and watching. It takes a lot of time, and often days can be spent but the reporter comes away empty. But that's the way reporting works.

The case involving Eleanor Bumpurs was the other side. The old woman was shotgunned by the cops under very questionable circumstances, and the reporters went after the facts. As it turned out, the reporting on the Bumpurs story was very good, and that was part of the reason the Bumpurs case turned out so differently from the Goetz case.

In the Goetz case, there were places for reporters to go. The train where the shooting was done had other passengers. Those other passengers were witnesses, but they were never tracked down. They became the missing links in the story. Had reporters tracked them down, if other versions of the shootings had come out, that would have had an impact on a lot of what followed. The district attorney, the mayor and a United States senator from New York all might have acted differently had the reporting that was required been there.●

SECOND THOUGHTS ABOUT AID TO THE CONTRAS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. BROOMFIELD. Mr. Speaker, the recent vote on aid to the Contras was a mistake. The shortsightedness of the vote, however, is quickly coming to the attention of many of my colleagues in the House. I want to share an article on this subject from the Washington Times concerning House Speaker THOMAS O'NEILL'S concerns about the broken promises of the Sandinistas, and their closed society.

Cutting off aid to the freedom fighters in Nicaragua was a slap in the face to the democratic forces in that country. It was also a pat on the back to Comandante Ortega and company. Should Contra activities soon end, there will be no viable pressure on the Sandinistas to live up to their promises to the OAS and others regarding freedom of the press, human rights, and a variety of other important issues.

After thanking those in the Congress who voted against assistance to the Contras, Ortega flew off to Moscow for millions of dollars in economic assistance. Let's face the facts. Nicaragua is in the Soviet camp, lock, stock, and barrel.

While we debated ad infinitum the pros and cons of giving the Contras $14 million in humanitarian aid, the Soviets may in fact provide $200 million to bolster Nicaragua's failing economy, and the Ortega regime, which is rapidly losing popularity.

In the past few years, Ortega has shown a real sense of compromising when he felt that the pressure was on. His initial show of flexibility came after the Grenada operation; more recently, when the Contras' activities expanded and the war was carried to new areas of Nicaragua, he also showed more flexibility.

Let's keep the pressure up. This is not the time to cut off assistance to the only group pressuring that Communist government. I was gratified to hear in last week's debate comments from my Democratic colleagues that they personally did not approve of the Sandinista government, or of its close ties with the Eastern bloc, and its domestic politics. I trust that my Democratic colleagues in the House will reconsider their vote. Let's again take a fresh look at the Contra question and its value as a form of direct pressure on Managua. Should Managua continue its present course of breaking promises, exporting revolution, and denying liberties to its citizens, let us reconsider the entire issue of Contra aid.

If, as reported, the Speaker is also concerned about the Sandinistas sidestepping their commitments, let us all work together in America's interest, and take a bipartisan stand on Marxist-Leninst Nicaragua.

[From the Washington Times, Apr. 29, 1985]

O'NEILL WARNS ORTEGA ON OPENING SOCIETY

MANAGUA, NICARAGUA.—House Speaker Thomas P. O'Neill this weekend warned the Sandinista government "had better make good on its promises" because Congress can change its mind overnight on aiding the Nicaraguan resistance.

In a Voice of America broadcast heard here and later quoted in La Prensa, a private enterprise newspaper, the Democratic leader contended that the Marxist regime needs to fulfill its pledges to open its society.

The statement was seen as an indication here that Mr. O'Neill is concerned about Sandinista promises of further democratization that bolstered congressional opposition to U.S. aid to the Nicaraguan resistance.

According to reports here yesterday, Mr. O'Neill pointed out that President Daniel Ortega of Nicaragua wrote several American senators, pledging increased freedom of the press and greater pluralism in party politics.

Meanwhile, Nicaraguan officials indicated that they expect the Nicaraguan civil war to continue even though they won an important victory against the Reagan administration's efforts to provide $14 million to the resistance.

Foreign Minister Miguel D'Escoto declared, following the vote in the House, "Let us have no illusions. The war has not ended. The war continues. The CIA is still directing the mercenaries and seeking other ways of funding.

"President Reagan . . . said that independently of the vote in Congress he would never abandon his brothers, as he likes to call the CIA mercenaries," Mr. D'Escoto added.

In the past the Sandinistas have sidestepped the kind of commitments they made to Congress. And few, if any, of the promises made by Mr. Ortega to various Americans are expected to be fulfilled, observers here said.

Sandinista spokesmen add that because the Senate voted to approve aid, the killing of the U.S. assistance by the House is insufficient to fulfill the U.S. part of the bargain proposed by Mr. Ortega.

The Sandinista explanations are described here by their opponents as "typical double talk" and a "doublecross" of American congressmen. Opposition groups maintain Mr. O'Neill's broadcast warning indicates he may feel deceived.

The Nicaraguan resistance leaders have declared they will fight on without the promised $14 million but their cause is expected to be injured in the long-term by the unwillingness of the U.S. Congress to support them.

In any case, resistance leaders contend that the attention created by the debate in the United States over aid will make it easier for them to raise funds to continue their efforts to defeat the Sandinista government.

Early in the week. Mr. Ortega repeated his offer of amnesty for members of the resistance who surrendered and one of the commanders was reported to have indicated some interest, according to sources in Managua.

Before Mr. Ortega left Managua for the Soviet Union to seek aid last week, he also announced that the government would meet the promise made earlier in the year and would be sending 100 Cuban advisers home.

The Washington Times reported last week that Sandinista forces are massing opposite resistance positions along the Nicaraguan-Honduras border and have fired across the border into Honduras.

Thousands of families have been moved from rural areas with resistance sympathies in an effort to deny supplies to the anti-Sandinista fighters as Managua appears to be getting set for a major military encounter.

Although the Nicaraguan resistance has been successful in its efforts to hamper the nation's economy, most observers contend the Sandinistas' military resources are far superior to those of the resistance.—BARNARD L. COLLIER.●

ANNIVERSARY FOR THE SOIL CONSERVATION SERVICE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. BEREUTER. Mr. Speaker, Saturday was the 50th anniversary of the U.S. Department of Agriculture's Soil Conservation Service. Over the years that Agency has done a commendable job of developing and carrying out our Nation's soil and water conservation program.

The York, NE, York Newstimes recently published a column by Cheryl Stubbendieck of the Nebraska Farm Bureau that makes clear the impor-

tance of the Soil Conservation Service to Nebraska and the United States both today, yesterday, and tomorrow.

I request permission to have the article reprinted in the RECORD.

ANNIVERSARY LOOKS TO FUTURE

(By Cheryl Stubbendieck)

The Soil Conservation Service celebrates 50 years of service this month with attractive humility—rather than touting the federal agency itself, anniversary events are focusing on the soil conservation movement in the U.S.

The movement traces its history to the Dust Bowl Era of the 1930s, but 1935 was really the pivotal year, according to Jeff Obrecht and Pat McGrane, Nebraska SCS public affairs specialists, who are co-authors of "50 Years of Soil Conservation, Keeping the Soil on the Farm." In 1935 Congress authorized establishing the SCS as an agency of the USDA.

In the early years of America, Nebraska especially suffered little from the ravages of wind and water erosion. Its vast native prairies protected the soil so that it generally withstood most of nature's assaults.

When man plowed the prairies, he removed what Obrecht and McGrane call "the protective veil of bluestem and other grasses." Human population increased, land was less available and the land under cultivation was under pressure to produce more and more. World War I brought the need to bring larger crops to market year in and year out. Long, straight crop rows were popular and contour farming was largely ignored. Trees and windbreaks planted by the pioneers were viewed as impediments.

Soil erosion from heavy spring and summer rains was noticeable in the 1920s, but was consistent with the attitude of the era: soil was generally classified with the rest of our natural resources as inexhaustible.

The financial collapse of 1929 brought the roof down on farmers in debt, the SCS authors recall, and what land the bank didn't repossess, Mother Nature did by foreclosing on the rain. Wind and drought spawned the Dust Bowl, which finally brought the need for soil and water conservation into the public consciousness.

President Franklin D. Roosevelt implemented public works programs to combat the Dust Bowl and the Great Depression. And in 1933, the Department of the Interior earmarked $5 million of relief funds to form the Soil Erosion Service, which later acquired the more positive name of Soil Conservation Service. In 1935, the agency was transferred to the department of agriculture.

Still, the SCS was conceived as only temporary. In a move to have it made permanent, its chief, Hugh Hammond Bennett, arranged to testify before a Senate committee on a day when a major dust storm was fast approaching the East Coast. As he spoke, the skies of Washington darkened in the afternoon as yellow soil from the Dust Bowl filtered into the city. The next month, the Soil Conservation Act of 1935 was passed without a dissenting vote and was signed by the president on April 27.

In Nebraska, the SCS managed all but a few of the Civilian Conservation Corps camps in Nebraska. CCC workers developed demonstrations of practical methods of soil conservation on farms, worked on private lands in cooperation with landowners, and helped with erosion control research. In all, they constructed 52,091 erosion control check dams and planted more than 19 million trees for gully erosion control in Nebraska.

Nowadays, Nebraska is green and bountiful, compared with 50 years ago. But there is no assurance that the climatic conditions of the '30s won't occur again and the need for soil conservation continues and intensifies.

With this in mind, the 50th anniversary celebration in Nebraska looks to the future. Cooperative agreements with the University of Nebraska and the Nebraska State Historical Society Foundation are providing a forceful reminder of the need for soil conservation.

Located northeast of Lincoln, NU's Rogers Memorial Farm will serve as a modern-day conservation farm—many current conservation practices already are in place because of on-going NU research. The nearby Historical Society Foundation's "Logeschulte-Weese" Living History Farm will be an early day farm, showing cropping and conservation practices used in the 1930s. Both will be used for educational programs.●

OUTSTANDING COMMUNITY MOTHERS IN L.A.

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. HAWKINS. Mr. Speaker, I wish to take this opportunity to recognize four women in my 29th Congressional District of California, for their continuing efforts to improve our community. These women will be honored at an awards luncheon May 11, 1985, as four Outstanding Community Mothers. The recipients are: Mrs. Thelma Hall, Mrs. Nodie Lee Goodson, Mrs. Julia Lee, and Ms. Eleanor S. Stevens. Each of these women have held a special place in the heart of our community. Their dedication to children and family has been the reinforcing factor in strengthening our future for ourselves and our youth.

Mrs. Thelma Hall has owned and managed a day care center for 14 years. She is a member of the Second A.M.E. Church, holding the position of trustee and steward. She has served as a den leader, coach, and commissioner for the Los Angeles Area Council, Boy Scouts of America, where she received the Silver Beaver Award and holds the Scout's Key. Mrs Hall is also a member of the Mary Campbell Missionary Society, the 49th Street Block Club, and the Good Neighbor Council, Inc., in Los Angeles.

Mrs. Nodie Lee Goodson holds a masters of arts degree. She has attended various universities, including California State University, at Los Angeles and UCLA. Mrs. Goodson's organization memberships include the National Council of Negro Women, the NAACP, and the Phi U Omicron home economics fraternity. She is presently the chairperson of the Jordon Locke Community Adult School Faculty Association. She has also served as the chairperson of several school advisory councils and as director of the Southern California Conference Branch of the Young People's Department of the A.M.E. Church, establishing its first scholarship fund.

Mrs. Julia Lee attended the Los Angeles City College, earning an associates degree in child development. Her organization memberships include the S.C.L.C., the NAACP the P.T.A., the Black Women's Forum, and the National Labor Union for California Women. Mrs. Lee has received many awards, including a Certificate of Recognition for outstanding community service from Assemblywoman Maxine Waters, 48th district, and a Certificate of Service Award for participation in title I programs for the Los Angeles Unified School District. Mrs. Lee was also instrumental in helping to obtain the Belbrew Library, the Children's Center at 111th Street, and the cafeteria at Russell Street School.

Ms. Eleanor S. Stevens holds an associates degree in art from Fresno State University and an associate degree in medicine from the Los Angeles Trade Technical School. She served as district manager for United Systems, Inc., being the first black woman to hold that position. Presently, Ms. Stevens is the owner and president of Stevens Personalized Services. The company offers companionship, domestic services, home health care, transportation, and entertainment for senior citizens and the general public. Her organization memberships include the National Association of Female Executives, the Business Management Association, and the Good Neighbor Council, in Los Angeles. Ms. Stevens has been named in "Who's Who in the West" and "Community Leaders of the World." She also serves as past worthy matron of the Order of the Eastern Star.

These women have displayed the kind of character needed to foster hope and renewal in our community. With their support, we have seen and improvement of the quality of life in our district. I commend them on their fine efforts and encourage them to continue working toward inspiring a brighter furture, not only for our youth, but for us all.●

REMARKS OF CONGRESSMAN GEORGE MILLER, CHAIRMAN, SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. EVANS of Illinois. Mr. Speaker, the Select Committee on Children, Youth, and Families recently held

hearings in Anaheim, CA to address the special problems of families with disabled children. At that time, our colleague, Mr. MILLER of California, delivered a speech before the Council for Exceptional Children, an outstanding group of educators who have devoted themselves to serving the needs of special children. I would like to take this opportunity to enter Mr. MILLER's speech into the RECORD. I believe it summarizes clearly and succinctly the need for continued Federal assistance to provide for the educational needs of exceptional children.

Mr. Speaker, this year marks the 10th anniversary of Public Law 94-142: The Education for All Children's Act. This law was passed with bipartisan support in response to the deplorable state of our country's special education system. It has guaranteed handicapped children and their families the means to enforce the basic rights to which they are entitled in our public schools. This administration, however, has acted repeatedly to "reform," cut and eliminate, Public Law 94-142 programs for the handicapped. We must work instead to protect these highly beneficial programs and to preserve the important gains that have been made in special education during the last decade.

REMARKS OF CONGRESSMAN GEORGE MILLER, CHAIRMAN, SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES, BEFORE THE COUNCIL FOR EXCEPTIONAL CHILDREN, ANAHEIM, CA, APRIL 19, 1985

I am delighted to be here today, among many old friends, many new friends, and so many concerned about the wellbeing of children.

It is a special honor to join you this year, a year which marks the tenth anniversary of the Education for All Handicapped Children's Act. And a year during which you will be privileged to have as your president, Mike Grimes, a Californian, an exceptional professional, an exceptional friend—and a constituent. The perfect combination.

This year marks an anniversary for me as well. Ten years ago I came to Congress for the first time. I was the new kid on the block, the block being the Education and Labor Committee, just when Congress was putting the finishing touches on P.L. 94-142.

The Council for Exceptional Children, and Fred Weintraub took me by the hand and taught me about school programs for handicapped children, and about the struggles of educators who have dedicated their lives to these children, with little recognition and even less compensation.

Just last year we worked together again to assure that handicapped students would get the vocational training they need, through the Vocational Education Act. We believed then, as we do now, that all children deserve to be educated together, regardless of their disability, and that this prevention approach is more humane and cost-effective than any other.

We believed then, as we do now, that when we address the needs of children, we must consider as well the role of parents. Parents must be involved in the educational decisions affecting their children. They must have the right and ability to seek redress of their grievances if their children are not afforded the free appropriate public education to which they are entitled.

With this 10th anniversary of 94-142, what has become clear is that this is not a liberal program. This is not a Democratic program. This is a program crafted by a bipartisan coalition in response to a terrible documented need.

The law was hardly created out of some national whim.

By the time the law passed, 33 States had already developed mandates of their own to serve handicapped children.

But special educators, parents, and local school boards worked together to achieve protections for handicapped children who had been excluded from school, and adequate funding to give handicapped children the individualized attention they need.

What was the need? What was the compelling interest?

In 1973, at least one million handicapped children were excluded from school.

Thousands of special education classes, where they were provided, were held in basements and boiler rooms.

Many, too many children were hidden away in institutions—a much more costly form of care, and with little if any education provided.

Thousands of children were inappropriately classified as mentally retarded: Particularly Spanish-surnamed children in New Mexico. And black children were classified as handicapped at two to three times the rate of white children.

We heard repeatedly about the insufficient funds available from local resources to meet the high cost needs of handicapped children, and that school districts would continue to leave these needs unmet, or only partially filled, and then at the expense of other groups of children.

In response to these grisly facts, under a Republican President, a coalition of liberals and conservatives, together believed that we had responsibilities to these families and these children. And passed 94-142.

Repeatedly throughout this ten years, and as recently as our own Select Committee hearings, families have told me that "but for this law" they would have no way to bring the fruits of education, and the possibility of participation in mainstream American life to their children. "But for this law" parents of disabled children would have even less basis to struggle for the fundamental supports which they need to enable their families to maintain some stability.

The Education for All Handicapped Children's Act has proven its success.

It is now a right, imperfect as it may be. Tomorrow it could be history. This administration has taught us that what does not get protected, gets eliminated. You must remain strong. And you must continue to work in concert with the families of the children you serve.

This law is the floor—the foundation—of what families with disabled children need. But, still, poor and minority children, many of whom have a much rougher start in life, continue to be placed disproportionately in special education, all too many the result of misclassification.

Still, access to educational services has yet to reach all those who are eligible, not only among disabled children of school age, but especially among very young children, and youth between the ages of 18 and 21.

Still, misunderstanding, and lack of information about the benefits of integration too often cause disabled children to miss formative opportunities to be with their nondisabled peers.

The non-education support services families need—health insurance, child care, respite services, to name a few—are in even shorter supply, especially for children who are younger or older than school age.

But we can build from this foundation. We can fill these gaps, if we keep our basic principles always in mind.

Even with this, the Congress has failed to fulfill its part of the bargain.

We have never provided the Federal funds under 94-142 at nearly the level authorized.

Laws establishing rights, and requiring institutions to change their behavior, are fragile and take time to implement

But something much more evil is occurring.

From the day they took office, this administration has tried not just to reform this program, but they have demonstrated a fundamental hostility to handicapped children and their families.

How have they shown their hostility?

Their initial proposal in 1981 was to repeal 94-142, eliminating totally any mandate to provide educational services to children identified as handicapped. That proposal was dead on arrival in the Congress of the United States.

Then they proposed to block grant it, and slash the funds by 25 percent.

But the Congress, on a bipartisan basis, refused.

Next they tried to eliminate the due process protections for parents. But the coalition of educators and parents and the disabled community was strong, and beat back this proposal.

This year they are attempting to eliminate the ability of parents to bring grievances, by forbidding attorneys' fees. That's a sure way to prevent low-income and minority parents from making their case.

These views are again being expressed at high levels in the administration in some of the most unbelievable rhetoric yet to come out of public officials mouths. Some believe that because disabled children need Government supports to enable them to learn and to achieve independence, that they themselves are the problem—a view defended at the highest level of the Department of Education.

A view that says:

Handicapped people "selfishly drained resources" from public schools and were backed by "misguided" groups and individuals.

"If people are disabled, "It was not a cruel act of fate—It's from God."

"[Handicapped people] falsely assume that the lottery of life has penalized them at random. This is not so. Nothing comes to an individual that he has not, at some point in his development, summoned . . .

Those of the handicapped constituency who seek to have others bear their burdens and eliminate their challenges are seeking to avoid the central issues of their lives."

Another newly appointed Education Department official called for the abolition of every Federal elementary and secondary education program, including the Education for the Handicapped Act.

I applaud you for the action you took last night. You should be proud of the delegate council resolution.

But the real issue here is not that these individuals quit. The real issue is that they were hired in the first place, with full awareness of their positions. I am glad that

they are gone, but you must keep your eyes on the real issue.

Because these views are not new. In 1981, Stockman said that no one in this country is any longer entitled to any specific service or protection. And let me remind you that David Stockman did not resign.

The evidence is clear. They are not committed to handicapped children, they are not committed to their families, and they don't like those who have dedicated their lives to working with this constituency.

They exhibit a fundamental hostility toward handicapped children and their families, the likes of which we have not witnessed in this country for many years.

They have no memory of what it was like for these children, and these families before the Education for the Handicapped law was established.

But this philosophy which guides their view is not limited to the disabled. They've laid out this approach for many many other vulnerable children and families in this Nation.

They hold this view of pregnant women and infants at nutritional risk. They hold this view of children in foster care, who are there through no fault of their own. They hold this view of children who are educationally disadvantaged.

The Select Committee on Children, Youth and Families, which I am privileged to chair, has spent the last two years going around the country to hear from these children and families, and from those who work with them every day. We have looked at the public and private programs which serve them.

And we have learned that many of these programs, designed in response to serious problems such as unacceptably high infant mortality rates. Increasing child abuse, and school dropouts can mitigate these problems if communities, and the Government, have the will.

If there have been failures, it is because we have done too little, sometimes too late, often for too few. It is not because the programs have not worked.

In fact, we've seen how WIC—providing nutritional supports for high risk pregnant women and infants—can reduce low birthweight, the leading cause of disabilities and death at birth. And the WIC program saves $3 for every $1 we spend.

We've seen how preventive child welfare services can reduce the number of children entering foster care, can reunite families, and promote adopting instead of leaving children languishing in foster care.

We know that Head Start for preschoolers and Chapter One for elementary school children have increased academic achievement and helped children retain those educational gains. And again, we know these programs pay off in budgetary terms. Quality preschool saves $4 for every $1 spent.

Each of these programs is highly successful. Each is a severely underfunded program. Each serves only a fraction of the needy population. And in each case. The Administration has ordered us to cut back still further.

That kind of decision by government is irresponsible, because it is made with the full knowledge of its adverse impact on many thousands of children and families each year. It will not save dollars, it will not save children, and it will not make families more stable.

What is more, they know, and we know, that we do not need to scrap these programs in order to balance the budget.

AFDC, WIC, Education, Child Nutrition—if you cut it all out of the budget, you would cut less than $20 billion.

The cruel fact is that, while misleading the American public to believe that if they scrapped everything—got rid of the waste, the good programs, and the bad ones—they would reduce the deficit, they would, in fact, eliminate less than this year's increase in the Pentagon budget.

The fact is they have shown a fundamental misunderstanding of changes in the American family.

We found that children and families live today under circumstances dramatically different from those of past generations.

Fifty percent of all children now grow up in families where both parents, or the only parent present, works. This year, nearly half of all mothers with infants under one will be in the workforce.

While the number of mothers who are the sole source of income for their families is increasing, many receive inadequate child support payments, if they are lucky enough to get them at all.

Divorce and separation are also much more prevalent today than in the past. One out of three white children, and three out of four black children, can expect to spend some of their childhood in a single parent household.

Family budgets have also taken new shape. They have had little choice. During the last recession alone, American families lost $319 billion in income, more than $3,800 per family.

These economic changes have taken a serious toll on children. More than 2 million children fell into poverty between 1980 and 1982, reversing twenty five years of progress. Now, one out of every five children is poor, and one of every two black children is poor—totaling 13 million poor children in this Nation.

This portrait of the trends affecting American families emerged from the Select Committee's region-by-region snapshot taken during our first year. We found that these trends are confronting not only low-income families, but middle income families too. Not just urban families, but rural families, and suburban families.

Most families are waging an uphill battle, trying to cope with these profound and unprecedented social and cultural shifts.

As we will hear more fully at the Select Committee hearing immediately following this session, families with disabled children are just like other families, and more. They are facing all the economic, cultural and demographic changes which have affected families throughout the Nation. And they need the kinds of family supports that we all do. They need shelter, and health care, and supervision for their preschool children, and recreation for their school-age children.

What we do know, though, is that families with disabled children are three times more likely to be poor. And because so many support services are unavailable, we have seen that the divorce rate is twice as high in families with disabled children. The rate of child abuse may be several times as great.

Families with disabled children, as all our families, need the benefit of enlightened policies from both the public and private sectors.

They need a Congress that will face the facts, and an administration that will face reality.

They need public officials who recognize that investing up front in the services families need will reap enormous benefits to the stability of those families, and the opportunities for productive adulthood for their children.

In spite of the troubled landscape I've described, I am hopeful. In fact, efforts to cut children's programs have not been as drastic as the administration desired, thanks to a coalition of ideolgically diverse Members of Congress.

And we have a forum now for children and families that we never had before. We have a forum where issues affecting American families and their children take first priority, and only priority, every day of the year.

At last we have a congressional forum that can speak for children and families the way the Agriculture Committee speaks for farmers and the Banking Committee for bankers.

And we have conservatives and liberals talking with, not at, each other, about child abuse and alcohol abuse, about prenatal care and child care.

It is my hope and my goal to lead the Select Committee to new accomplishments for children and families in the 1980's. Despite all the cynicism about politicians. I generally have found that once the facts are established, the importance of ideologies diminishes.

The debate becomes not whether we do the job, but how to do it right. On that common ground, much good can be accomplished.

I believe we are at a moment of opportunity. Science, technology, medicine, nutrition—all have come together in the 1980's to provide us the capability to make good on our Fourth of July rhetoric about "caring for children".

We have the scientific data. We have the test results. We have the factual basis for proving to the Congress and to the Nation that these policies are effective.

We still have the capacity to create and sustain laws that protect, educate and rehabilitate children, and help families avert crises.

We know, whatever the initiatives of the 80's, it will take broad coalitions of the disabled community, professionals, parents, and politicians. We have a strong record. We have ten years we can be proud of.

We should no longer run from these programs. We should no longer apologize for these programs.

I believe it is time in the Congress to have an open and free debate. And it won't be the Pentagon that's the winner. This country will show that it is far more compassionate than the Congress of the United States. Members of Congress are already beginning to hear that.

I ask you to stand together so that we can defend against the unnecessary and irresponsible cuts.

I ask you to stand with me this year, and next, and however long it takes until we, together, can extend to all our children the basic rights that all Americans enjoy.●

OPPOSING THE PRESIDENT'S TRIP TO THE CEMETERY AT BITBURG

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. ROE. Madam Speaker, it is morally imperative that we participate in this special order opposing the President's plans to visit the military cemetery at Bitburg. As Members of the House of Representatives we must raise our voices in protest to this insult to the memory of the American soldiers, sailors, and airmen who perished in the war against nazism, to the 6 million Jews who were murdered in the gas chambers, and to all the other Europeans, including the Russian people, whom the Nazis so cruelly and barbarically put to death.

Mr. President, do not go to Bitburg Cemetery. Laying a wreath at Nazi graves is an issue that transcends party politics and goes way beyond the need for reconciliation with the past. By going to that cemetery, you are bringing pain to millions of Americans, to the survivors of the camps, and to the relatives of those who died at the hands of the Nazis. It has been said, Mr. President, that if you do not go to Bitburg you will appear as if you are weak. To the contrary, by not going there you will demonstrate that you are morally strong and committed to remembering and not ever forgetting what absolute evil the SS and nazism represented.

The President has equated the Nazi soldiers of World War II with the concentration camp victims, saying that "they (the soldiers) were victims just as surely as the victims in the concentration camps." Nothing could be further from the truth. The noted writer William Shirer, author of "The Rise and Fall of the Third Reich," interviewed hundreds of German soldiers during the earliest and last days of the Second World War. He could not find one who "considered himself a victim of nazism," not one who "did not express his utter loyalty to Hitler and the Third Reich," not one who did not "believe fanatically in Hitler's cause." Mr. President, you have spoken callously and with insensitivity, and do not compound those words by the action of going to that cemetery.

I do not believe in collective guilt, and I dare not impugn the good will of the German people. Out of the ashes of a defeated Germany, a thriving democracy has emerged. But the success of that democracy does not obscure and obliterate the past. By going to Bitburg, Mr. President, you are playing into the hands of those who would like to forget that terrible period in the history of man, when civilized people devised and carried out mass murder using methods no one would have believed that man was capable of creating. By going to Bitburg, Mr. President, you cheapen the meaning of the Holocaust.

Millions of people are quite familiar with the cry "Never Again," that never again must a group of people be singled out for extinction as were the Jewish people of Nazi-occupied Europe. By going to Bitburg, the President inadvertently plays into the hands of those who would like to silence the cry of "Never Again." Mr. President, for the sake of humanity and morality, do not go there. You do not belong there.●

WORLD CONFERENCE ON WOMEN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. RANGEL. Mr. Speaker, the purpose of the World Conference on Women being held in Nirobi, Kenya this July is to provide a forum that will enable all women from the four corners of the world to discuss their concerns.

Historically women have been concerned with the issues that affect the world: Freedom and oppression, war and peace, love and hate, equality and discrimination. Therefore, every issue is a women's issue.

What concerns me, Mr. Speaker, is the under-representation of minority women at this international conference. The United States selected 37 women to represent this country, of these 37 women only 4 are minorities. This under-representation makes a statement to the world that is intolerable.

It communicates a vivid message to the world that the minority women are not important valuable members of our country. Perhaps I should not be stunned, because this administration has historically discriminated against minority women in its legislation, current and proposed budget cuts, and in its total disregard for civil rights legislation. It has placed minority women on the "back burner" of this Nation's agenda.

This is not what we want to say to the world. The U.S. delegation should have equal minority representation, that will allow the diverse interests and concerns of minority women to be discussed—representation that reflects the important contributions that minority women have made to the United States of America.

I submit a recent Washington Post column by Dorothy Gilliam that addresses this important deficiency in our preparation for the World Conference on Women.

The article follows:

[From the Washington Post, Apr. 1, 1985]

SIGNS OF DISSENSION

(By Dorothy Gilliam)

In 1975, at the height of the women's movement in the United States, the United Nations declared that the next decade would be devoted to upgrading the status of women around the world. Since then, conferees have gathered in Mexico City and Copenhagen in pursuit of those objectives.

The end of that decade will be marked this summer at a World Conference on Women in Nairobi, Kenya, for which the United States has selected an official delegation headed by Maureen Reagan, the president's daughter.

While this meeting should be an excellent occasion to evaluate women's progress and to plan ways to hasten their achievement of equality with men, disturbing signs of dissension are appearing that threaten the goal.

One problem was a deadlock over procedure that emerged when delegates from 32 nations gathered in Vienna for a final conference preparatory session.

A delegate from the United States blamed the deadlock on the Soviets, who she said "politicized" the session "by wanting to talk about peace, disarmament and 'Star Wars' [while the U.S. delegation] wanted to talk about women's issues." The White House and State Department are now discussing U.S. strategy in response to those events.

The problem with Soviet politicization is real, but it would be a mistake for the Kenya conference to turn into simply an East-West struggle. Yet it is naive to expect the conferees to talk only about "women's issues" as if women did not care about issues related to development and peace.

Another problem has been raised by some activist minority women who feel that there are too few minorities in the official delegation. "It is my understanding that there are only four minorities among the 37-member delegation," Dolly Adams, president of The Links Inc., said at a recent workshop that organization sponsored for dozens of national black women's organizations. "That sends a clear message that the American administration does not value black women, does not think we have the talents, skills or experience to represent our country. We have no question about the competence of those selected. We simply feel there should be a higher proportion of black and other minority women going to a black African country."

Lynette Taylor, president of the Black Women's Agenda, agreed, saying: "There should be a strong and definite minority presence on the delegation. They [the women of other nations] need to know ours is a diverse and pluralistic culture . . . [and] that it is possible to address problems within a democratic framework."

Responding to these charges, Betty Dillon, coordinator of the U.S. Secretariat, charged with making U.S. preparations for the Nairobi conference, said, "I am sure we all wish we could have stronger representation of various groups, but in a delegation of this size, all one could do is establish some proportion among various groups. . . ."

It is significant that this conference is on the African continent, where in the words of Tanzania's President Julius Nyerere, "The women of Africa not only suffer from the poverty of Africa, they are also the greatest victims of exploitation . . .

"These women are sensitive to the status of women elsewhere, and the United States has to recognize that. The inclusion of blacks and other minorities not only can make a delegation more representative, it can make America's involvement more credible and effective."

Dynamic women from around the world will be in Nairobi in July, and women's organizations are working to make this conference a historic event. The conference plans to adopt strategies to achieve equality of women and men by 2000.

In some ways, American women are farther along on the path to equality than women in other countries. Our progress gives us the obligation to be leaders in Kenya. A strong pluralistic U.S. delegation would be in a better position to deal with the conflicting political currents as well as with more traditional concerns.●

AFSCME SPEAKS OUT AGAINST THE SUBMINIMUM WAGE

HON. AUGUSTUS F. HAWKINS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. HAWKINS. Mr. Speaker, as we begin to focus our attention on the summer youth employment situation, many of my colleagues will be tempted to support the administration's subminimum wage proposal. The proposal would permit employers to hire youth and young adults under the age of 20, at a subminimum wage.

In fact, as my colleagues begin to examine the issues involved in the subminimum wage debate, I suspect that some of them will use the National Conference of Black Mayors' current support of the administration's proposal as a barometer of its merit; and will probably lean toward supporting such a measure.

Before my colleagues fall into that trap, I want to strongly caution them against buying the administration's line that a subminimum wage would act as an incentive to employers to hire youth; and that it must not be that bad since the National Conference of Black Mayors gave its support to the measure last year.

Knowing the administration's position on labor issues as I do, and having followed this issue for many years, I am still perplexed why such a brilliant group of city officials as the Conference of Black Mayors would provide support for such a faulty approach to solve the youth unemployment problem—the administration's subminimum wage.

Recently, William Lucy, international secretary-treasurer of the American Federation of State, County and Municipal Employees [AFSCME] had the opportunity to speak at the National Conference of Black Mayors 11th Annual Convention, in Hartford, CT. Mr. Lucy in his comments before the group outlined some rather sterling examples of why the Mayors and other individuals, who presently support the administration's subminimum wage proposal, should seriously reconsider and retract its support.

With regard to the administration's youth labor record, Mr. Lucy reminded the mayors that "this administration is:

"The same people who ended all public service employment and youth employment and training programs under the Comprehensive Employment and Training Act. In public service employment alone 48 percent of the jobs were held by minorities and 41 percent by people under 22 years of age;

"The same people who reduced, then refused to spend all of the moneys available for summer youth employment;

"The same people who worked hard to limit welfare, food stamps and nutrition assistance to the working poor; and

"The same people who have done their best to reduce all forms of Federal aid to education."

And, we know that these actions and others have put tremendous pressure on black families and their teenage children, limiting educational options, forcing teenagers into the secondary, even the underground economy. If the budget proposed by this administration and its allies passes this year these pressures will increase.

High rates of youth unemployment are a serious issue in many of our cities, especially among black youth. In my own congressional district, which includes the Watts area of Los Angeles, CA, the youth unemployment rate is far too high. Believe me, there's far too many unemployed youth. With my many years in Congress, I am still working hard to adequately address this issue. And the issue is certainly urgent.

But a subminimum wage is not the appropriate answer.

I offer Mr. Lucy's comments on the administration's proposal to my colleagues. His comments firmly question why anyone with a sense of fairness; an appreciation for the real issues; and a sincere interest in resolving the youth unemployment problem would support the administration's proposal.

And for those in this Congress who will want to defend the administration's proposal by claiming that there is no better alternative, I want to direct their attention to H.R. 671, the Youth Incentive Employment Act.

H.R. 671 embodies the components of a far more comprehensive approach to solving the problem. Moreover, H.R. 671 contains an extensively tested youth employment program.

REMARKS BY WILLIAM LUCY, INTERNATINAL SECRETARY-TREASURER, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES

I'm here to ask you to reverse your support for the Reagan Administration's proposal to create a subminimum wage for youth.

During the late 1930's, near the end of the Great Depression, the federal government took a number of steps to protect average citizens from extreme variations in the economy:

It significantly increased its regulation of industry.

It created jobs—hundreds of thousands of them.

It made it possible for the young and the elderly not to work. Congress passed child labor laws and social security; and

The federal government protected the rights and needs of those who did work. It legalized unions. It set wage and hour floors so that unfettered competition wouldn't drive wages or hours to subhuman levels. This last is the Fair Labor Standards Act, our minimum wage laws.

In passing these laws as a nation we articulated a new social policy. We decided that one of the duties of a democratically elected government in a capitalist society was to regulate the apparent and, then, admitted excesses of such an economy. While doing so we decided to rely on an adult labor force to support and protect families. Children needed time for their youth and education. The elderly had earned the time to reflect. In a democracy capital formation would not come at the expense of an inexperienced, infirm, low wage, and insecure labor pool.

Those of us in the Black Community know that this system, established during the 1930's was not perfect. It was horribly skewed by discrimination. However, this system continued to improve until the late 1970's—often to our benefit. It is a system that worked.

Before the Great Depression we called economic downturns panics—they came frequently and there were no protections. Since 1940 we've had the luxury of referring to economic downturns as "troughs" or "recessions" instead of "panics" or "famines."

During the last ten years, as the memories of the 1930s and before fade, support for this successful social policy has faded too.

The current administration would dismantle this system of protections entirely.

It is in this context that we must view the current debate over a youth subminimum.

Those in this administration who advocate a subminimum wage for youth as a solution to black teenage unemployment are:

The same people who ended all public service employment and youth employment and training programs under the Comprehensive Employment and Training Act. In public service employment alone 48% of the jobs were held by minorities and 41% by people under 22 years of age;

The same people who reduced, then refused to spend all of the monies available for summer youth employment;

The same people who worked hard to limit welfare, food stamps, health and nutrition assistance to the working poor;

The same people who have done their best to reduce all forms of federal aid to education.

We know that these actions and others have put tremendous pressure on black families and their teenage children, limiting educational options, forcing teenagers into the secondary, even the underground economy. If the budget proposed by this administration and its allies passes this year these pressures will increase.

Those in this administration who justify these cuts by pointing to rising deficits and

who say that we can no longer afford new programs because of rising deficits are the very same people who gave us those deficits.

If their tax cut had not passed in 1981 we and our children would be facing roughly half of the deficit we face today.

These tax cuts did not help black teenagers or their families. They maintained the tax burden on the poor and lower middle class while reducing it for the upper middle class and the wealthy. They certainly didn't stimulate enough economic activity to create employment opportunities for black teenagers.

These same people have aggravated their deficits with almost hysterical defense spending. While saying that you can't solve social problems by throwing money at them they are throwing buckets full of money at defense contractors—with the inevitable scandals that hurried and inadequate management bring.

They won't cut defense spending. They won't raise taxes. They're trying to cut social security, even though that trust fund is solvent.

In this context deficit reduction can only mean the total elimination of federal transfer payment to people and to state and local governments. In this context there can be no targeted programs to reduce black teenage unemployment. In this context we can only hope that unproven regulatory schemes like a subminimum wage might reduce black teenage unemployment.

We do not have to accept this context. We can reduce defense spending. We can raise taxes on those who do not pay their fair share and we can, relying on our experience with previous employment and training programs, have targeted programs to reduce black teenage unemployment.

I must also point out that those in this administration who would have us adopt a subminimum wage for youth as a solution to black teenage unemployment do not feel backed into a corner by the context of the deficit debate. They have always supported a subminimum wage. The current context simply gives them another excuse to push something they've wanted for years. Indeed many of them oppose the minimum wage itself.

To those who say that labor's opposition to a youth subminimum is unthinking and irrational, I say look to the supporters of a youth subminimum for true rigidity and insensitivity.

Before I finish with a look at some of the administration's arguments for a youth subminimum I'd like to ask you a few questions about the arguments that you advanced as an organization when you chose to support this idea last year.

Why, if you were concerned that less and less money was being spent for summer employment did you not call for restoration of funds for summer employment?

Why, if you were concerned about increasing structural unemployment did you not call for the restitution of previously existing programs to deal with structural unemployment? Why did you not decry current national economic and educational policies that ignore the agonies of structural unemployment?

Why, if you were concerned with the immediacy of the crisis, did you not call for the reinstitution of the Comprehensive Employment and Training Act and Public Service Employment? Even those who disliked CETA and public service employment agree that it provided almost twice as many jobs per dollar as any other federal jobs program and that it provided those jobs at a faster rate than any other federal jobs creation program.

Why do you think that we need to experiment with new schemes when we know that part of the current problem is the recent elimination of programs that we know helped?

This nation already offers employers significant opportunities for a youth subminimum.

All businesses grossing less than a third of a million dollars a year are exempt from the minimum wage. They can hire teenagers for less today. This is no small exception. Almost a third of the jobs theoretically covered by the minimum wage are provided by these "small" businesses.

The Targeted Jobs Tax Credit gives a tax credit of 50% up to the first $6,000 in wages the first year and 25% for the first $6,000 the second year to enterprises willing to hire certain students and economically disadvantaged youth. If you're willing to hire a sixteen or seventeen year old poor kid in the summer the credit is 85% for the first $3,000 in wages. This credit makes it possible to hire teenagers at a cost that is significantly less than the minimum wage, significantly less than the administration's subminimum; perhaps less than a dollar an hour!

The Fair Labor Standards Act itself has always provided for a subminimum for students. Its currently 85% of minimum or $2.75 an hour. Employers need to get permission from the Department of Labor to do this and there are restrictions as to what proportion of their workforce can be paid below minimum.

Except for the first of these existing subminimums which exempts a while class of establishments, the administration doesn't like these exceptions. They all provide for some regulation of business to discourage exploitation or encourage teenagers to stay in school. The administration's youth subminimum does neither. In our rapidly changing economy do we really think that work experience in low wage, often dead end jobs, in the absence of education, will reduce structural unemployment? Do we want to return our youth to the exploited, low wage labor pool that existed prior to the 1930's?

When this administration can't get Congress to approriate money for the "Contras" in Nicaragua it goes to its business friends and raises millions. I have not heard it urging its business friends to take advantage of the tax breaks in the Targeted Jobs Tax Credit by hiring disadvantaged youth during the summer. Nor has the Department of Labor advertised or offered to encourage use by center city employers, of the existing student subminimum in the Fair Labor Standards Act. These would be legitimate experiments.

We're all concerned about black teenage unemployment. We all know that it is concentrated in our older cities; that it is concentrated among the children of already poor families. Why, if you're concerned about this specific problem, did you choose to endorse a "solution" at your last meeting that is not targeted towards blacks, let alone disadvantaged youth?

Most black children are now in the cities. Most jobs, certainly most service and new job opportunities, are now in the suburbs and beyond. Most tennagers in this country are white not black. Most of the teenagers employed by the private economy are not from disadvantaged backgrounds.

During the last twenty-five years we have witnessed the virtual collapse of the black teenage labor market. During this period the white teenage labor market has remained stable relative to the general economy. Between 1955 and 1980 white teenage unemployment increased from 10.3 to 15.5 percent while black teenage unemployment jumped 23 points from 15.8 to 38.6 percent. The difference cannot be ascribed to the minimum wage laws, nor, as we have seen, to the unavailability of any youth subminimum. Something else is going on.

I've already mentioned the suburbanization of jobs. Discriminatory housing and transportation patterns put these jobs out of reach. Another factor is a recent influx of competing groups for low wage jobs, principally women and illegal aliens. And finally, something I don't have to prove to you, persistent racial discrimination in employment in this nation.

The administration's youth subminimum addresses none of these problems. If it works in the economy the way they say it will it will be another administration program that is out of the reach of our children.

The administration supports a youth subminimum because it involves no regulation and no spending. For them it is a free lunch.

Let us now look more closely at the administration's position. The administration argues that the amount of the minimum wage presents a ban to employment. Just how much money are we talking about?

The mimimum wage was last raised in 1981 to its present $3.35 an hour. Since then, to stay even with the cost of living it would need to be $4.02 an hour. To keep abreast of increases in the avarage wage of all production workers it should be $4.05 an hour. One can argue that the minimum wage itself is now a subminimum. In 1968 the minimum wage peaked at 59% of the average wage of non-supervisory production workers. It is now a full 20 points below that at 39%.

A family of four depending upon one full-time minimum wage employee is living below the poverty level. A teenager or single adult living alone may be able to climb above the poverty line with the current minimum, but not with the administrations proposed subminimum.

The administration promises that its proposed legislation will protect against displacement, the substitution of an adult workforce with lower wage teenagers over time. Two factors determine the extent of displacement, the existence and size of a displaceable labor pool and the willingness and ability of the Department of Labor to monitor employers and pursue violations.

We may disagree on the extent of displacement under a particular subminimum plan. We can agree, however, that logically the temptation to substitute will be the greatest among employers now paying minimum wages and below for unskilled work. This displaceable labor pool is large and vulnerable. 12.4% of those now working in the United States earn the minimum wage or less. Five million earn less.

Thirty-eight percent of the working elderly earn the minimum wage or less. The administrations plan will pit the young against the old. Two-thirds of all minimum wage employees are women, over one million of whom head households. Conceivably a youth subminimum will pit black teenagers against female heads of households in our center cities. Finally fully one quarter of all minimum wage workers are minorities.

How does the administration propose to protect these workers? The record is not

good. The administration says criminal sanctions apply. There has been no criminal prosecution under the FLSA in twenty-five years. Since the usual penalty, if caught, for violating the FLSA is payment of back wages due, employers have every incentive to ignore the Act. There is good evidence that they do—especially with regard to teenagers. In 1981 Department of Labor's wage and hour division investigated the employment of students. Thirty-seven percent of the students encountered were improperly paid. Urban areas included the worst offenders. In New York 85% were underpaid, in San Francisco 67%. Food stores and variety or department stores stood out, underpaying respectively for 51% and 45% of the hours worked.

The Bureau of Labor Statistics reports that almost 20% of teenagers earning the minimum wage or less are paid below the minimum. This is three times the number legally certified by DOL to do so.

Despite the obvious and continuing violations of current minimum wage and student subminimum statutes the Department of Labor continues to reduce its enforcement staff, reduce its number of work site inspections and reduce, therefore, back pay adjustments. It is not planning to reverse this trend even though recent supreme court decisions have put all public employers back under the minimum wage and hour laws. Can you reasonably expect DOL to have the capacity to enforce or even monitor a new nationwide youth subminimum?

We at AFSCME know something about displacement and substitution; something about DOL's willingness and ability to monitor and prevent them. During the 60's and 70's CETA relied heavily on public service employment to accomplish its purposes. We were naturally concerned that Mayors would be tempted to replace our members, supported by local taxes, for other employees, supported by federal taxes. As it turned out they were and they did. We worked with Congress and the Department of Labor to write strong legislation and regulatory language prohibiting substitution. We discovered that even with stringent reporting requirements substitution continued in the face of prohibitory legislative and regulatory language. We found that substitution was particularly difficult to encounter when it took place over time. As CETA public service employment expanded and continued more and more regular city work in more and more jurisdictions was being performed by essentially federal—rather than city employees. DOL simply didn't have and couldn't afford the manpower to monitor this situation. We had to do it ourselves. Across the country AFSCME locals and councils confronted their Mayors with evidence of substitution and worked out ways to alleviate it, then, avoid it. It was a painful experience. We believe it will repeat itself under the administration's youth subminimum. The current fragmented minimum wage labor force cannot count on the same kind of institutional support that AFSCME gave its members during CETA's public service employment days.

Despite this experience, despite this threat to our members' jobs, wages and advancement, AFSCME never waivered in its support for CETA and public service employment. We felt that the program's benefit to the nation, its unemployed and its cities, far outweighed the pain it caused us.

We do not feel the same way about the administration's proposal to establish a subminium wage for youth. At best it's likely to pit poor gainst poor, at worst bypass black teenagers entirely. Its a poor substitute for the damage that this administration's tax and budget policies have already done to black teenagers. We oppose it. We urge you to reevaluate your position and do the same.●

AMERICAN PRINCIPLES IN FOREIGN POLICY

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. BLILEY. Mr. Speaker, the Sandinistas in Nicaragua have jailed their democratic opponents or banned them from returning to their homeland. The Soviet Army in Afghanistan has destroyed thousands of villages and forced 4 million Afghans to flee their homeland. The Soviet Union persecutes its citizens who try to practice their religion and prevents them from leaving their homeland to find freedom and dignity. Soviet citizens who have tried to monitor Soviet compliance with the Helsinki Final Act or who criticize the Soviet arms buildup are imprisoned or committed to psychiatric hospitals.

The Government of South Africa requires blacks to live only in certain reserved homelands; forces them from land they have owned since Queen Victoria's time; does not allow them to vote or to be represented in the legislature; and, requires travel permits to ride a bus from one city to another. None of those restrictions apply to the white citizens of South Africa. The system of racial discrimination is known as apartheid and it is the law of the nation of South Africa.

These acts of different governments against their own people are wrong. All of them are wrong and they are all equally wrong.

There has been a great deal of controversy about my sponoring two bills that would impose economic sanctions on South Africa in 1987, if significant improvements in human rights are not made by that nation's Government. The principles of freedom and justice are universal and must apply to every nation. I am working to help create a belief and a respect for these principles in every nation.

The one commodity that is not lacking in any discussion on foreign affairs is hypocrisy. Some people say that we should have no relations with the Soviet Union and other Communist nations because of their human rights violations and their activities against peace and freedom, but these same people often say that the United States should "not interfere in the internal policies" of other countries that violate the human rights of their citizens because those countries are anti-Communist. Other people want to cut off aid to our friends and allies who violate some of the rights of their citizens, but then say that the only way we can change the Soviet Union is through trade, cultural exchanges and other friendly acts.

This kind of a double standard from both sides is what keeps our policies in controversy. America is a nation of principle. We believe in freedom, justice, and human dignity throughout the world and that is the principle on which I base my actions.

I have supported, and I continue to support, U.S. aid to the Freedom Fighters in Nicaragua. The abuses and tyranny of the Sandinistas are as bad as any that take place in Eastern Europe. I am a supporter of the freedom fighters in Afghanistan who are desperately battling the Soviet Army and its tanks, helicopters, and warplanes. These poor people have never wanted anything more than to be left alone. The brutal invasion by the Soviet Union in 1979 has driven millions of Afghans out of their homes and has resulted in the murder of many thousands of people.

The few native people of Kampuchea (Cambodia) who have not been exterminated by various factions of Communist troops need every bit of support and help that we can give them. I will continue to try to stop the slaughter that continues there at the hands of the Vietnamese with Soviet weapons and poison gas. We all agree that these atrocities cannot be allowed to go unnoticed, any more than we can ignore the Soviet Union's murder of 269 people on Korean Airlines flight 007 or the recent deliberate murder of Maj. Arthur Nicholson in Eastern Germany by the Soviets.

Two years ago, I voted against the funding bill for the International Monetary Fund [IMF] that provided more money to lend to Communist countries. I have constantly condemned the Soviet Union for its violations of the human rights of its citizens for the 4 years that I have been in Congress. I have written a letter, cosigned by over 100 other Congressmen, to the new Soviet leader Gorbachev condemning the Soviet Union's violations of the Helsinki agreements allowing free emigration and communication. I recently adopted a Jewish family that has been refused permission to emigrate from the Soviet Union since 1976 to help publicize these Soviet violations.

Abuses of human rights in anti-Communist countries are not less serious because these governments support the United States on many issues. Lack of freedom is to be condemned and worked against in South Korea as well as in North Korea, in the Philippines as well as in Kampuchea, in South Africa as well as Iran. I do not advocate cutting off relations with

South Africa any more than I think that it would be wise to cut off relations with the Soviet Union—no matter how much the Soviets might deserve such an action. We have trade sanctions against the Soviet Union and against other Communist nations. I supported the sanctions that were imposed on Poland when that puppet government declared martial law and locked up 1,300 people from the Solidarity Labor Union.

Future sanctions that will only be imposed on the Nation of South Africa if they refuse to make further progress in observing the human rights of all of their citizens are in accord with the position of the United States and with my personal convictions and principles. I fail to see any justification for pretending not to see shortcomings in our friends and then beat our breasts about our enemies. I will not be a hypocrite on behalf of anyone. I do not believe that the United States can claim to be the champion of the oppressed in Eastern Europe if it is not the champion for the oppressed in Africa. Championing the rights of the oppressed in Africa must inlcude actions against black governments who oppress their citizens as well as white governments.

I am working with a number of other Congressmen—both Conservatives and Liberals, Democrats and Republicans—to find a means of addressing these issues in every country. Currently, our laws and our legislative process are geared to dealing with one nation or one situation at a time. I am looking for a way to address the issues of justice and liberty as universal principles that America stands for and will encourage. The Helsinki Final Act is a good example of where to start on their course, but we have not been able to proceed in this area because the Soviet Union and its puppets have refused to implement the accords that they themselves negotiated and agreed to. We cannot continue to compromise and negotiate arms, trade, and cultural issues with the Soviet Union until they live up to their word.

Fortunately, there are good verification provisions in the Helsinki Final Act. You or I can check Soviet compliance anytime we want to because of the provision which requires open communications between all people. If you pick up the telephone and try to call the Lerner family in Moscow or Andrei Sakharov in Gorky, you will be verifying a violation of Helsinki because you will not get through. But, the principles of Helsinki are as applicable to South Africa and the Philippines as they are to Malawi or Afghanistan and I will not be the hypocrite who denies the one and condemns the other or who says we ought to invade Nicaragua, but that we have no business telling South Africa that they are violating their citizens inalienable rights.

Freedom, dignity, and justice are the principles on which this Nation was founded. Freedom, dignity, and justice have made this the greatest Nation ever to exist in human history. Freedom, dignity, and justice are the principles that America must stand for throughout the world no matter how long it takes or how hard the fight.

We in America are not blessed with the privilege of freedom because we are lucky—we are blessed because of the will and the wisdom of our Founding Fathers. Those great men have handed down to us the obligation of fighting for our principles and for working for the day when all people everywhere are blessed as we are. Americans have fought and died for these principles around the world and we will continue to do so.

America is not an isolated Shangri-la protected from the real world. We have an obligation to ourselves and to our history to make truly universal those inalienable rights which we hold so dear and which we believe all men have been endowed with by God. We have a moral duty that we cannot shirk and which we cannot pervert without losing the very basis of the morality on which this Nation is built.

Some people will condemn any actions against Communist and Socialist countries. Other will condemn my actions against friendly countries. These actions are based on the fundamental principles which I believe in. It is much easier and safer politically to do nothing than to try to find a solution to these problems.

However, I cannot, in good conscience, stand idle. We live in the real world and simply wanting something to happen is not enough. We must take action and we must advance the cause of freedom and justice step by step. Partial solutions to these problems are better than no solutions because we are dealing not only with great principles, but with the lives of the human beings that these principles touch.

Allowing freedom of movement means reuniting divided families. The right to equal wages and the freedom to change jobs means the ability to feed and clothe a family and provide decent shelter. Freedom of speech and a representative government means being able to live without the fear of the secret police taking you away in the middle of the night.

My position may not be fashionable or trendy. I may be criticized by some of the left and on the right. But, I am at peace with my own conscience.

We cannot erase evil from the Earth overnight—not with economic sanctions, military aid, or the weight of public opinion. But we can, each in his own way, bit by bit, work to change the world.●

THE RULE OF LAW AND CENTRAL AMERICA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. HYDE. Mr. Speaker, last week, I inserted in the RECORD (April 22, page E1631) a definitive legal brief by noted constitutional lawyer, John Norton Moore, that supports the legality of U.S. assistance to the anti-Communist resistance forces in Nicaragua. Today, as a sequel, I invite Members attention to a succinct editorial by Professor Moore on the same subject that appeared in a recent edition of the Los Angeles Times.

[From the Los Angeles Times, Monday, Apr. 22, 1985]

CUBA, NICARAGUA ARE THE REAL DANGERS

(By John Norton Moore)

A principal argument of those opposed to U.S. funding of the counterrevolutionaries in Nicaragua is that it would be illegal under accepted norms of international law. The rule of law is at stake in Central America. But the real threat is the serious and sustained armed attack directed by Cuba and Nicaragua against El Salvador and neighboring states, in violation of the United Nations and Organization of American States charters.

To focus on the issue of funding, rather than on the Cuban-Nicaragua attack, is to accept the childhood plea, "It all started when he hit me back." More dangerously, it is to confuse the defense with aggression, and thus to undermine the single most important normative restraint against the use of force. Moreover, the goals of deterrence and stability are at risk if we ignore the commitment made repeatedly by our country, that we will take effective action against aggressive use of force intended to deprive nations in this hemisphere of their right to self-determination. This commitment is found in the Monroe Doctrine and the hemispheric Rio Defense Treaty, and in the congressional Cuban resolution of 1962 and the 1965 House resolution on communist subversion in the hemisphere.

Since seizing power in 1959, Fidel Castro has directed insurgencies against 17 Latin American nations. Until the attack against El Salvador, the most serious of these was a sustained insurgency against Venezuela, condemned in 1964 by the OAS. The success of the Sandinistas—with substantial Cuban support—two decades after Castro's takeover in Cuba provided new ideological fervor and opportunity for what is now a joint Cuban-Nicaraguan policy of "revolution without frontiers."

Both the bipartisan Kissinger Commission and the House Select Committee on Intelligence have concluded that Cuba and Nicaragua are engaged in efforts to overthrow the governments of neighboring states, particularly El Salvador. These efforts include meetings held in Cuba in December, 1979, and May, 1980, to forge a united Salvadoran insurgency under Cuban and Nicaraguan influence and assistance, including arms supply, training, financing, command and control, and political and technical support.

The resulting insurgency now fields well-trained armed forces one-fifth the size of

the Salvadoran army, and operates 67 offices in 35 countries in political support of the continuing attack. As defectors' reports and weapon serial numbers demonstrate, the preponderance of the insurgents' weapons continues to be supplied externally. In fact, they had American M-16 rifles and M-60 machine guns (from stocks in Vietnam and Ethiopia) even before the Salvadoran army had those weapons.

Congress itself found, in the Intelligence Authorization Act of 1983, that the "actions of the governments of Cuba and Nicaragua threaten the independence of El Salvador and threaten to destabilize the entire Central America region, and the governments of Cuba and Nicaragua refuse to cease those activities."

These Cuban-Nicaraguan activities violate the United Nations Charter, the Charter of the Organization of American States, the Rio Defense Treaty, the United Nations definition of aggression, the 1965 U.N. General Assembly declaration on intervention, the 1970 General Assembly "friendly relations" declaration, the 1972 basic principles agreement, the 1975 Helsinki principles and even the Soviet draft definition of aggression.

This pattern of ongoing aggression constitutes an armed attack justifying the use of force in collective defense under Article 51 of the U.N. Charter and Article 3 of the Rio Treaty. Indeed, Article 27 of the OAS Charter declares that such an attack is "an act of aggression against . . . (all) the American states," and Article 3 of the Rio Treaty creates a legal obligation on the United States to assist in meeting the armed attack. This obligation is parallel to that owed by the United States to the North Atlantic Treaty Organization (under Article 5 of the NATO Treaty) in the event of an attack on a NATO member.

A response in defense may lawfully be overt, covert or both, as has been the case in virtually every conflict in which America has fought in this century. In World War II no one suggested that Allied support for partisan forces or covert operations in Germany were illegal in responding to Axis aggression.

Certainly responses in defense must be proportional. But how is it disproportionate for the United States to respond against a covert Cuban-Nicaraguan armed attack aimed at overthrowing the democratically elected government of El Salvador by not ruling out that same objective against a totalitarian Sandinista military junta?

One of the most serious contemporary threats to world order is the aggressive covert political-military attack by an externally instigated and supported guerrilla insurgency. Such an attack from Cuba and Nicaragua is the world threat in Central America. Congress must decide whether it meant what it said in the 1962 Cuban resolution, when it pledged "that the United States is determined to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere."●

THE ARMENIAN GENOCIDE

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1985

● Mr. EARLY. Mr. Speaker, I rise with my colleagues today to join Representatives PASHAYAN and COELHO and all Armenian-Americans to commemorate the Armenian genocide. Because 1985 marks the 70th year since the Ottoman Turks began their brutal massacre and evacuation of approximately 2,500,000 innocent Armenians from their ancestral homeland, commemorating and reflecting upon this important and tragic historical event is particularly significant this year.

The Armenian genocide, which has been repeatedly documented, continued relentlessly from 1915 through 1923 and represents the first genocide of the 20th century. We must never excuse or forget the fact that this annihilation of almost an entire race of people occurred such a short time ago. We do not assemble here today, however, to lay blame or seek retribution from the present-day Turkish Government. But instead, we assemble here to remember and mourn those whose lives were taken and to acknowledge and engrain forever in our minds the painful details of this modern-day genocide to prevent similar events from ever recurring.

Following the edict of deportation, which was formally promulgated by the Turkish Government on May 27, 1915, it is estimated that 1,500,000 Armenians were slain while attempting to escape from their ancestral homeland of 3,000 years. Some estimate that only about 500,000 Armenians managed to flee, scattering north across the Turkish border to Russia, south into the Arab countries, and to Europe and the United States. Today, we also gather to honor all peoples of Armenian descent the world over who have carried on their rich cultural and religious heritage, despite the hardships they have endured.

I am proud to know many Armenian-Americans personally as friends, colleagues, and copatriots and hold nothing but admiration for their strong faith, character, and cultural values. I am proud to join my colleagues in commemorating Armenian Martyr's Day and look forward to the day when all who come to Washington may visit the Holocaust Memorial to reflect upon the tragic occurrence of the Armenian genocide and all genocides, in the hopes that such a senseless waste of human life will never again be repeated.●

A CHANGING KOREA?

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. FEIGHAN. Mr. Speaker, last weekend President Chun Doo Hwan of South Korea paid a visit to the United States. Two months ago, during the stormy return of opposition leader Kim Dae Jung to Korea, his scheduled trip was much in the news. This weekend, surrounded as we have been in the debate over Nicaragua and the furor over President Reagan's trip to Bitburg, General Chun's presence was barely felt. But I would like to take a moment today to discuss recent events in South Korea and raise some points which I hope President Chun took with him when he returned home yesterday.

There is no denying that Kim Dae Jung's return to Korea and the very critical attention focused on the policies of South Korea because of that trip, catalyzed some significant changes in the political landscape in that country. The New Korea Democratic Party amassed enough votes in the National Assembly elections to take the leading opposition place in that body. A political ban was lifted from 13 significant opposition leaders, allowing Kim Young Sam, cochair of the NKDP with Kim Dae Jung, to return to active life. Kim Dae Jung, under house arrest since his return, had his civil liberties restored. Most encouraging has been the defection of National Assembly members from the old, Government-sponsored opposition party into the ranks of the NKDP, boding well for a legitimate political opposition in the country.

But we must bear in mind that these steps do not in themselves constitute progress toward democracy. Democracy cannot function in an atmosphere of Government repression: A free press is the heartbeat of democracy, a representational assembly essential to the checks and balances necessary to control zealous power. What has happened in the last 2 months in South Korea is that road blocks to democracy have been gradually removed. But the progress has yet to commence.

President Chun's tolerance of dissent is showing some early signs of wear. He has commented publicly that he should be recognized for not having used force against his more strident opponents in the assembly campaign, indicating that such restraint might not be exercised at a future date. But President Chun should recognize that his commitment to democracy may stand its first real tests in the coming months, and be prepared to deal with it.

The New Korea Democratic Party has insisted that Kim Dae Jung be given back his political rights, and they are willing to hold up the assembly schedule to reinforce their resolve. Student protests and a more vocal opposition have begun asking for President Chun to resign early so that genuine popular presidential elections may take place in 1988. Workers have begun to flex their muscles despite stringent laws containing unions and prohibiting strikes.

That President Chun has not taken dramatic action on any of these issues yet may have been due in part to his trip to the United States. But with that trip out of the way, and with President Reagan's praise for the "considerable progress" toward an "open society" conferred, some causes for his laudable restraint have been removed. The United States should make it clear that the recent progress and growing tolerance are seen as necessary foundations for future progress, and not as temporary or special concessions to a watchful ally.

It is heartening, Mr. Speaker, to see some emerging signs in South Korea about which we can be truly hopeful. But with some road blocks now removed, South Korea should strive to move forward on the road toward democracy and build on the hopeful spirit that has been created. I am sure my colleagues join me in that wish, and we will be watching with great interest the actions of President Chun and the Democratic Justice Party as they approach their most crucial test: the peaceful transfer of power in 1988.●

OKLAHOMA FIRST DISTRICT QUESTIONNAIRE RESULTS

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. JONES of Oklahoma. Mr. Speaker, as I do every year, I wish to take this opportunity to share with my colleagues the thinking of my constituents in the First District of Oklahoma. Naturally I'm prejudiced, but I believe that the commonsense thinking of Oklahomans could solve so many of the problems we have today.

So, Mr. Speaker, I urge my colleagues to review this questionnaire and the results, and to consider seriously the advice of the people of the First District of Oklahoma. The questions and the survey results from approximately 25,000 of my constituents follow:

QUESTIONNAIRE RESULTS FROM THE PEOPLE OF THE FIRST DISTRICT OF OKLAHOMA

1. Current budget projections indicate that federal budget deficits will remain over $200 billion for the rest of the 1980s if no action is taken. Do you feel that the economic recovery will be killed if mayor policy changes are not made to reduce those deficits?

Yes—80 percent.

No—20 percent.

2. Pentagon critics have reported substantial waste in military spending, such as $400 hammers and $7,000 coffeepots. Pentagon supporters maintain that despite such examples of waste President Reagan's average request to increase military spending by 10 percent over inflation is necessary for national security. As part of an overall spending freeze program, do you believe the annual increase in Pentagon spending can be slowed without jeopardizing national defense?

Yes—84 percent.

No—16 percent.

3. Assuming that we must bring the federal budget into balance, which of the following actions should Congress and the President follow:

a. Make deep cuts in domestic spending only—23 percent.

b. make deep cuts in military spending only—23 percent.

c. Freeze all federal spending, including defense and Social Security, for one year, and close remaining deficit gap with revenue increases: 52 percent.

d. Do nothing about the deficit—2 percent.

4. Last year, Congress spent a good deal of time debating the question of prayer in public schools. This debate will continue in the coming Congress. Which of the following best represents your feeling about prayer in public schools:

a. Vocal prayer in school should be mandatory—9 percent.

b. A moment of silence at the beginning of the school day should be mandatory—15 percent.

c. A moment of silence at the beginning of the school day should be voluntary—54 percent.

d. There should be no prayer or moment of silence in public schools—21 percent.

e. No opinion—1 percent.

5. Finally, as you know, Congress considers thousands of bills every year, ranging from major legislation dealing with tax reform and military strength to less significant though still important issues such as tariff bills and national parks. Listed below are seven issues which Congress may address over the next two years. While each issue is very important, please select the one you feel is most important to our Nation's future:

a. Overhaul of the tax law—23 percent.

b. Immigration control and reform—8 percent.

c. Defense buildup—6 percent.

d. Balancing the federal budget—49 percent.

e. Cleaning up the environment—5 percent.

f. Eliminating the trade deficit—5 percent.

g. Further controls on health care costs—4 percent.●

A CONGRESSIONAL TRIBUTE TO WILLIAM E. ACQUARD

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to William E. Acquard of Corpus Christi, TX, who is retiring from Du Pont on April 30, 1985, after over 30 years of service. Mr. Acquard has had a long and distinguished record of service with the Du Pont Corp., and he is to be commended.

William Acquard was born and raised in Buffalo, NY. After receiving a chemical engineering degree from Rensselaer Polytechnic Institute in Troy, NY, he began working for Du Pont. He has served them with distinction since 1952.

In 1973, William Acquard moved to Corpus Christi to work at the Du Pont plant in Ingleside, TX. From the very beginning, he assisted in the design, construction and operation of the plant, which is one of Corpus Christi's most important employers. His contribution in bringing this important industry to the Corpus Christi area must be applauded.

Although Mr. Acquard could be described as a man of few words, he has won the respect and admiration of his coworkers through his dedicated service and hard work. As he leaves the service of Du Pont, I am sure that he will be greatly missed.

Mr. Speaker, I have mentioned William Acquard's business accomplishments over the past 33 years, but there are other areas in which he should be commended. Mr. Acquard is a family man. He and his wife, Barbara, have been married for 34 years. They have raised 2 children, and, if I may say so myself, have done a good job. This is no small achievement.

The quality of life in Corpus Christi, TX, has been enhanced by William E. Acquard. I can think of no better reason for Congress to recognize an individual. I ask all of my colleagues to join me in sending our best wishes to William E. Acquard for his outstanding dedication and service to the people of Corpus Christi and the Du Pont Co. I wish him the very best during his retirement years.●

DISPELLING THE MYTH THAT REDUCING SOCIAL SECURITY COLA'S LOWERS THE FEDERAL DEFICIT

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. YOUNG of Florida. Mr. Speaker, I want to commend my colleague from Massachusetts for reserving time for this special order to address the important issue of preserving social security cost-of-living adjustments.

There are some of our colleagues who support reducing or freezing Social Security benefits as a means to lower the Federal deficit. As I have so often stated, this is phoney reasoning

because the Social Security trust funds operate independently of the General Treasury funds. Money in the Social Security trust funds cannot be used for national defense, education, or farm programs, and it cannot even be used to finance the interest on the national debt.

The American people know that reducing Social Security benefits only produce false budgetary savings. Last week, following President Reagan's nationally televised speech regarding the budget, more than 200 Pinellas County, FL, residents called my offices specifically to express their opposition to the budget proposal to reduce Social Securty cost-of-living adjustments. Many of the callers said they were upset with this proposal because they know the savings to the Social Security trust funds cannot be applied to reduce the Federal deficit.

During a hearing of my Appropriations Subcommittee which funds the Social Security Administration, I asked Acting Commissioner Martha McSteen if we can afford to pay full cost-of-living increases January 1 as scheduled without jeopardizing the Social Security trust funds. She said that the trust funds will have a $37 billion surplus at the end of this fiscal year. If full cost-of-living increases are paid as scheduled, at a cost of $5.8 billion, the surplus at the end of fiscal year 1986 will still increase to $45 billion.

The only reason we should ever consider legislation affecting the Social Security system is to strengthen the program's long-term stability. Instead, reductions in cost-of-living increases are being proposed to meet short-term budgetary goals.

I have introduced legislation, H.R. 1385, to accelerate the removal of the Social Security trust funds from the unified budget to reduce the temptation for those who attempt to apply the Social Security surpluses to reduce the Federal deficit. Congress approved in 1983 the separation of the trust funds from the unified budget, but not until 1993. My legislation would make this much needed change effective next year. Prompt enactment of this legislation is necessary to ensure that Social Security benefits will not be tampered with this year or in future years.

To further protect our Nation's 36 million Social Security recipients, my colleague from Massachusetts JOE EARLY and I have formed the bipartisan Social Security caucus to bring together Members of Congress like ourselves who have a genuine desire and commitment to oppose any attempts to hold Social Security beneficiaries hostage to the budget and legislative process. We hope, through this effort, to restore the faith of the American people in the Social Security System.

Mr. Speaker, it's time to end this talk of reducing Social Security cost-of-living increases. Let's take this issue off the table now so that we can quit scaring older Americans who believe their benefits will be reduced. Instead, let's move forward with the difficult task of limiting Federal spending in areas of the budget which will provide for real savings and a lowering of the Federal deficit.●

THE UNIVERSAL HEALTH INSURANCE ACT OF 1985

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. PEASE. Mr. Speaker, today I am introducing the Universal Health Insurance Act of 1985. This bill is an updated and, I think, improved version of a similar bill I introduced in the last Congress. The purpose of today's bill is to make the benefits of group health insurance available to everyone.

While I recognize that budget imperatives make it unlikely that Congress can take favorable action on a proposal such as this one, the need for expanded access to health care is great and growing larger. The existing health care delivery system now provides for the health needs of a majority of Americans, either through the commercial insurance industry or through governmental programs such as Medicare and Medicaid. People who are uninsured or underinsured reflect a major shortcoming of that system.

One explanation for this shortcoming is unemployment, which remains high. While many of those who lost jobs during the recent recession are back at work, many are working in so-called "soft" jobs. Too often those soft jobs offer minimal or no employee benefits. In the year since I introduced this measure for the first time, I have become more convinced than ever that expanded access to basic health insurance coverage is a very real need.

I think it is vitally important that we focus attention on this need. It is my hope that my bill will continue to remind us of this nagging problem.

The time will come when Congress can respond to this problem. When that happens, I believe that we should build on our existing private health insurance industry. We do not need another Federal health bureaucracy.

Let me briefly explain how the bill would work:

Every citizen and legal resident of the United States would be eligible to enroll in a health insurance program offered by a commercial insurance carrier. The Federal Government would set uniform national benefit standards and would award competitively bid contracts to private carriers to offer plans in service areas which would be established in each State.

Any insurance plan under the program would be required to include coverage for inpatient and outpatient hospital services, maternal and postnatal care, diagnostic services, and protection against catastrophic medical expenses.

The program would be financed from three sources. First, central to the concept would be the requirement that every participant would pay for the insurance offered under the program according to financial ability. The rate established under my bill would be 7 percent of income. For family coverage, the income of all family members covered would be included to compute the cost for participants. In addition, the value of an individual's net assets, minus a reasonable exclusion for the primary residence and personal automobiles, would be treated as income for the purpose of determining that amount.

The second part of the financing plan would be to continue the 8-cent per pack cigarette excise tax currently scheduled to expire later this year, and dedicate the resulting revenue to the program. The remaining portion of the cost would be provided from the general fund of the Treasury.

I am offering this plan because I believe that it provides a way to deal with a serious and pressing national problem. My plan is fair in its approach, uncomplicated in its execution, and comprehensive in achieving its purpose. Obviously, deficit reduction measures must take precedence. I am presenting my plan at this time because I want the discussion of a national group health insurance plan to continue. I ask you consideration of my proposal for the time when Congress will inevitably have to face this issue.●

JOINT RESOLUTION TO PREVENT FOREIGN POWERS FROM COLONIZING OR CONTROLLING COUNTRIES AND PEOPLES IN THE WESTERN HEMISPHERE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. BENNETT. Mr. Speaker, I have today introduced a resolution, which, if passed, would be helpful to the cause of freedom in the Western Hemisphere. I sincerely hope we can pass it. Its provisions are as follows:

H.J. RES. 268

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That considering:

(1) That for more than four hundred years people have sought freedom and liberty in the New World, the Western Hemisphere, and that the United States in fulfillment of this heritage announced in the early 19th Century the Monroe Doctrine to prevent, in the Western Hemisphere, foreign powers from supporting colonialism and subservience to such powers, a doctrine which is still a fundamental part of the foreign policy of this country; and further considering

(2) That such doctrine is in support of the independence, liberty and national security of all persons in the Western Hemisphere, including the United States; and further considering

(3) That in recent years foreign powers have increased efforts to diminish the freedoms of peoples in the Western Hemisphere and to make governments here subservient to such foreign powers.

Be it therefore resolved:

(1) That the creation and continuation of undemocratic governments in the Western Hemisphere with the instigation or assistance of foreign powers outside the Western Hemisphere is a threat to the liberties and security of the peoples of the Western Hemisphere, including the people of the United States; and

(2) That it is considered to be an act of war against the United States for any undemocratic government or purported government in the Western Hemisphere to seek, obtain or utilize any military assistance from such foreign power, either directly or through any surrogate, whether in the Western Hemisphere or elsewhere; and

(3) That it is the policy of the United States to assist the peoples of the Western Hemisphere in their efforts to prevent foreign powers from controlling their destinies or limiting their freedoms or diminishing their security and that this assistance may be diplomatic, financial, military or otherwise; provided that no U.S. troops may by authority of this legislation be assigned for combat or for presence outside the United States in such assistance without the enactment hereafter of specific law to that effect and provided further that the United States does not seek colonization for itself or to make subservient to itself any other people or government.●

SOCIAL SECURITY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. ROYBAL. Mr. Speaker, in January I introduced House Resolution 31, which now has 73 cosponsors who strongly oppose any reductions in the COLA. I think we should pass House Resolution 31 because there is no justification for the President and Senate leadership's attempt to renege on their promises to pay full Social Security COLA's.

First of all, the administration already projects that Social Security will have more than $51 billion in surpluses over the next 3 years even if the full COLA's are paid.

Second, CBO reports that 370,000 elderly and 200,000 nonelderly would be thrown into poverty by their proposal to cut the COLA.

Third, the elderly were already forced to pay a heavy price for restoring Social Security's financial health by the 1983 amendments which cut their future inflation protection in half by delaying their COLA adjustment by 6 months every year.

The President and Senate leadership's plan to use Social Security to balance the budget is not fair to older Americans who depend on Social Security as their primary source of income and who have already sacrificed the most to keep the Social Security system solvent. And is not fair to younger workers whose Social Security tax rates are kept higher than they need to be.

What they really want to do is to cut benefits for old people and keep taxes high on young people so that they can build huge Social Security surpluses to finance the deficits they created by big spending on weapons and tax breaks for the wealthy.

One of the biggest hypocracies of this administration is that it pretends to be the champion of the average American taxpayer. The truth is that a typical family with $25,000 in earnings will actually pay $36 more in Federal taxes this year because the increases in their Social Security taxes are more than the reduction in their income taxes due to indexing.

The facts are that if people with six figure incomes paid the same effective tax rate as the people who work for them, we could pay the full cost-of-living adjustment, reduce tax rates, and still reduce deficits by more than the Senate plan.

Although I do not believe that changes in Social Security should be used to solve the deficit problem the administration has created in the rest of Government, I challenge those who want to use Social Security to balance the budget to join me as a cosponsor of a bill I will introduce next week to create a fair and complete tax for Social Security [FACTSS].

My plan will preserve and protect the COLA, reduce taxes for 94 percent of all working Americans, and still reduce fiscal year 1986-88 deficits by $11.3 billion more than the Senate and President's plan. This plan is better for both Social Security, taxpayers, and Social Security beneficiaries and will do a better job of reducing deficits than their proposal to slash the COLA.

If they still want to cut benefits, then it will be obvious that their real goal is to destroy the Social Security system at the expense of both taxpayers and the beneficiaries.●

ARMS CONTROL AND THE ATOMIC BOMB, 40 YEARS LATER

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. FASCELL. Mr. Speaker, I want to share with my colleagues some information about a hearing I have scheduled on arms control and the atomic bomb. Three distinguished nuclear physicists, all veterans of the famous Manhattan Project which created the first atomic bomb—Dr. Hans Bethe, Dr. Philip Morrison, and Dr. Bernard Feld—will appear as witnesses for this hearing on Monday, May 13 at 2 p.m. in room 2172 Rayburn House Office Building. This hearing promises to have a special significance and I want to make sure that all my colleagues understand that they are most welcome to attend and participate.

It is now almost 40 years since the first test of an atomic bomb in the New Mexico desert on July 16, 1945, and then, the first use of an atomic bomb dropped on Hiroshima, Japan, on August 6, 1945. Drs. Bethe, Morrison, and Feld were all involved in the original development of those first atomic bombs and since that time they have been active as leaders in the scientific community in recommending and in seeking ways to control nuclear arms.

There will undoubtedly be many events and efforts made to mark the significance of the 40 years that have elapsed since the first test and use of the atomic bomb. As chairman of the Foreign Affairs Committee's Subcommittee on Arms Control, International Security, and Science I wanted to take advantage of an unusual opportunity to have these three highly experienced nuclear physicists and hold a hearing with them. This hearing will be a special occasion during which I will ask them to focus their attention on sharing with Members of Congress and the public their insights into the meaning of nuclear arms developments since the very beginning and their evaluations of the progress of nuclear arms control. I hope that this hearing will also benefit from their remarkable experience and unquestionable expertise by challenging them to look ahead and recommend new directions we might take to achieve arms control and begin reducing nuclear weapons.

As the 40-year mark of the first use of the atomic bomb approaches it seems to me that it is important for Members of Congress, the scientific community, and the public to explore together the historical significance and future implications of nuclear arms developments and arms control efforts. It is my hope that many other

Members of Congress will join me at this hearing since I think that these three distinguished nuclear scientists can make a valuable contribution to a comprehensive and drastically needed reexamination of our country's nuclear arms and arms control policy.●

THE OMNIBUS TARIFF ACT

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. BATEMAN. Mr. Speaker, in the 98th Congress I introduced, together with the gentleman from Hawaii [Mr. AKAKA], H.R. 5975, the Tax Status of Space Act. This bill, which eventually acquired 85 cosponsors, was intended to remove artificial and unintended barriers to the commercialization of outer space by establishing the principle that for the purposes of tax and tariff laws activities of U.S. firms in space shall be treated the same as such activities on the ground in the United States.

Although no action was taken on H.R. 5975 directly, I was pleased that in the adoption of the Omnibus Tariff Act, a provision was included stating that products made in space by U.S. firms shall not be considered to be imports when returned to the customs territory of the United States. Without the adoption of this provision products manufactured in space would have been subject to import duties, even though they had never been in a foreign country.

Today, I am introducing the Tax Status of Space Act of 1985. I am joined in this introduction by my fellow cochairman of the congressional space caucus, the gentleman from Washington [Mr. LOWRY], and by his predecessor as the Democratic cochairman, the gentleman from Hawaii [Mr. AKAKA]. This new version of the Tax Status of Space Act amends the Internal Revenue Code to provide that a spacecraft which the United States is responsible for under international law is to be considered as being in the United States for the purpose of our tax law.

Present tax law, because it is silent on the tax status of outer space, treats space as if it were a foreign country. This means that income earned in space by U.S. firms would be taxed as foreign source income, rather than domestic source income. Also, present tax law discriminates against commercial activities in space by denying them the benefits of provisions of the tax law meant to increase domestic investment, such as the investment tax credit, the research and development tax credit, and accelerated depreciation.

The bill I am introducing today would remedy this unintended discrimination against commercial activities in space that have the potential of producing drugs to treat major illnesses such as diabetes and cancer and of making gallium arsenide crystals necessary to devise the chips that will be the basis of the next generation of computers. It would remedy this discrimination, not by adding new tax exemptions or amending current ones that may cease to exist when the Tax Code is revised, but by including U.S. spacecraft in space in the Tax Code's definition of the United States.

In conclusion, I would like to state clearly that although this bill will have very practical effects in removing artificial barriers to space commercialization, it does not establish any new tax exemptions, deductions or loopholes. It is perfectly consistent with any tax simplification proposal which may be adopted by this Congress. It is one of a series of bills to extend U.S. law to locations in space, which by international treaty are under the jurisdiction and control of this country, and for which this country is responsible.

I hope that my colleagues will join me in supporting the updating of our tax laws to include space.●

TAX FREEDOM DAY

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. RUDD. Mr. Speaker, today is "Tax Freedom Day," the day the average U.S. taxpayer would finish fulfilling his or her obligation to the tax collectors if every dollar earned from January 1 was reserved for taxes.

The good news for taxpayers is that this is the second year since 1975 that "Tax Freedom Day" has fallen in April. It occurred as late as May 6 in 1981. Put another way, the average taxpayer works 2 hours and 38 minutes out of each 8-hour workday to pay the tax bill, compared to 2 hours and 45 minutes in 1981. Taxes take the biggest bite of that 8 hours' worth of work, more than food—59 minutes—or shelter—1 hour and 34 minutes.

While it's good news that "Tax Freedom Day" has moved earlier in the year, however, 2 hours and 38 minutes out of the average worker's day is still more than enough of a burden. Any further tax increases to reduce the deficit ought to be rejected. Let's face up to the real culprit behind the deficit—continued overspending on the part of Congress.●

NELLIE T. BUSH

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. UDALL. Mr. Speaker, Arizona has a long list of women who have made great contributions not only to the State, but to the country as well. One such woman was Nellie T. Bush, a true pioneer whose contributions to the State will long be remembered.

Nellie Bush's long list of accomplishments began when she and her husband moved to Parker, AZ, in 1915. It was here that she became justice of the peace in 1918 and was elected to the Arizona State House of Representatives in 1920. In 1932, she was the first woman elected to the State Senate. While serving in the legislature, Mrs. Bush initiated and helped pass many State laws beneficial to human welfare and State water rights. In fact, Nellie Bush played a chief role in Arizona's long fight with California over Colorado River rights, not only by passing legislation but also as a pilot of a riverboat on the Colorado.

When the Metropolitan Water District of California was preparing to erect a diversion dam on the Colorado River, Arizona Governor B.B. Moeur proclaimed martial law on the proposed site of the Parker Dam and called out Arizona's Navy to patrol the area. Arizona's Navy at that time consisted of two riverboats operated by Nellie Bush. It was the first time in history that a fleet had been commanded by a woman. This incident earned Mrs. Bush an honorary commission as "Admiral of Arizona's Navy."

As a staunch promoter of women's rights Mrs. Bush helped organize the Glendale Women's Club and the Parker Women's Club. She was president of the Arizona's Federation of Women's Clubs in 1955 and was one of the founders of the Arizona Children's Colony, a home for mentally retarded children.

It is indeed a pleasure to commemorate such a woman: able, tireless, gifted, kindly, blessed with a sense of humor and an understanding heart. Certainly of all the women in the country, she stands at the top, Nellie T. Bush.●

SALUTE TO RETIRED SENIOR VOLUNTEER PROGRAM OF MIDDLESEX COUNTY

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. DWYER of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues an example of one of our Nation's most exemplary service programs in action—the Retired Senior Volunteer Program of Middlesex County, NJ.

On Saturday, May 4, these volunteers and their many friends throughout the area will be participating in a "Walk to Help Others," so that RSVP can continue to grow and serve area residents through more than 65 agencies in Middlesex County.

More than 300 volunteers are currently helping countless others throughout our county, and they all deserve our warmest gratitude for their enthusiasm, generosity and dedication to service.

Mr. Speaker, my colleagues know well the worth of RSVP nationwide, with volunteers contributing more than 68 million hours per year in such areas as youth services, literacy enhancement, in-home care, serving the disabled and many others.

We owed a profound debt of gratitude to the many older Americans who have given of their time and wisdom through our Nation's Older American Volunteer Programs since they were established in 1971.

For our Retired Senior Volunteer Program volunteers in Middlesex County, their "Walk to Help Others" is an especially appropriate time to offer our commendations and appreciation, as they move to continue and expand a program which has reaped benefits manifold for the betterment of our communities.●

THE UNITED STATES AND THE ENGLISH LANGUAGE AMENDMENT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. RICHARDSON. Mr. Speaker, at a recent press conference proponents of the English language amendment attacked the Hispanic leadership of this Nation. I was appalled at their remarks.

Mr. Speaker this great Democratic Nation does not need a constitutional amendment pointing out the obvious, that English is the uncontested language of the United States.

The United States of America is a land of immigrants. The only Americans who are not immigrants are the native Americans. And with these immigrants came a variety of languages, religions, and cultures.

In the American way there is no requirement or necessity to abandon one's ethnic, cultural, linquistic heritage. It is precisely this great mix of people that has made America the great Nation that it is.

Five States have passed their own English Language Amendments. The mere fact that joint resolutions for an English Language Amendment have been offered in the House and Senate gives credibility to an issue that we see as a dangerous trend in the United States. A trend that goes against one of the most basic beliefs of this country—freedom of speech as provided in the first amendment to the Constitution.

Mr. Speaker, this is the freest and fairest country in the world. There is no hierarchy in America. Immigrants from English-speaking countries do not enjoy higher status or rights than those of German, Irish, Italian, Greek, Mexican, Chinese, Hungarian, Russian or Vietnamese ancestry.

No one, for one moment, is arguing against the need for all Americans to attain proficiency in English in order to participate in all levels of our society. That's what bilingual education is all about—helping the young immigrants to learn English, helping them in the transition period from one language to another. Bilingual education is not a special favor or gift to new immigrants. It is sound pedagogy. Five- and six-year-olds should be taught their new language in a loving, accepting environment.

No one is purer American than anybody else by national origin. Similarly there is no hierarchy, no pecking order based on how long you or your forefathers have been Americans.

Those whose ancestors came over in the *Mayflower* have no greater rights than those who walked across the bridge at El Paso. A Spanish-speaking American can be as patriotic as an English-speaking American.

What makes America great is not that we speak one language or other, but that in the richness of our diversity we are united by the fundamental principles that bind our people together: freedom, justice, equal opportunity for all, fairness, and democracy. Viva America.●

A JOB WELL DONE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. BROWN of California. Mr. Speaker, I would like to take a moment today to thank someone special who has performed a difficult task and has the gratitude of many in the 36th Congressional District. That man is Dr. Daniel G. Aldrich, Jr.

Dr. Aldrich has been acting chancellor at the University of California, Riverside, since the tragic and untimely death of Chancellor Tomas Rivera several months ago. Dr. Aldrich has managed to become both leader and healer for a campus in mourning: for that special dedication to UCR, we are all grateful.

Daniel Aldrich was well suited for the challenge of pulling a campus together and giving it focus. He came to our university from UC Irvine, and now ranks first in seniority among chancellors of the nine campuses in the UC system.

This was not the first experience with UC Riverside for our interim chancellor; he first joined UC Riverside in 1943 when he came to what was then the citrus experiment station as a junior chemist. After World War II, he moved to Davis and Berkeley with the rank of professor, and later chairman of the Department of Soils and Plant Nutrition. In 1958, he was named dean of the University of California's Division of Agricultural Sciences; and in 1962 the UC regents appointed him chancellor of the Irvine campus.

His list of degrees, honors, and memberships is long and stellar. I know the university joins me in thanking Dr. Aldrich for his leadership under difficult circumstances, and wishes him all the best in his future endeavors.●

OIL PIPELINE DEREGULATION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. ANDERSON. Mr. Speaker, for each of the past two Congresses, Congressman JOHN BREAUX of Louisiana has introduced legislation revising the regulatory structure governing the oil pipeline industry, and I have cosponsored his bills. Each time I indicated that my cosponsorship was not indicative of my support for the legislation, but was intended rather to help focus attention on an issue that is worthy of discussion.

Having chaired a subcommittee hearing on this matter in the 98th Congress, I can assure our colleagues that the issues addressed by the Breaux legislation are quite complex and understood only after thorough consideration is given them.

It is my hope that by introducing this legislation today, we will be engendering the kind of discussion that is a necessary prerequisite to any committee consideration of the matter. Once again this year, by cosponsoring the measure I am in no way indicating

my support of its content but rather my support of the notion that this is a suitable vehicle for generating discussion.●

FERNANDO RICCIONI, PIZZA MAN OF THE YEAR

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. TRAFICANT. Mr. Speaker, earlier this year, a constituent of mine, Fernando Riccioni of Austintown, OH, was named 1984 Man of the year by the National Association of Pizza Operators and by the magazine "Pizza Today." At this time, I would like to extend my congratulations to Mr. Riccioni for being accorded this honor and for the fine work he has done to provide delicious pizza to the Austintown community for over 16 years.

Mr. Riccioni opened his pizza shop 16 years ago and is known as the maker of the best pizza in Austintown—as well as the best in the tri-county area. Now Fernando's pizza is acclaimed as being the best in the Nation.

He and his wife, Rose, attended the Greatest Pizza Show on Earth—Expo 1984, in Orlando, FL, where he was officially presented with this honor. He received an engraved bronze plaque in a walnut frame from Thomas Monaghan, owner of the Domino's Pizza chain and the World Champion Detroit Tigers. That Fernando was chosen over the more than 3,000 pizza shop owners at the event is a testament to the hard work and dedication Fernando has given to his livelihood over the years. Fernando loves his work and he consistently strives to please his customers—and he always does.

Mr. Riccioni came to this country from Italy in 1951. In 1979, be became a U.S. citizen. As an Italian-American, I am extremely proud of Mr. Riccioni and the success he has enjoyed. He is indeed a living example of the American dream—through hard work, a vision, and a dedication to quality, Fernando Riccioni has become the best in his field, and he has added to the rich immigrant heritage of this great Nation.●

THE 120TH ANNIVERSARY OF ZION BAPTIST CHURCH

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. YATRON. Mr. Speaker, I rise today to ask my colleagues to help me honor and recognize the Zion Baptist Church of Mahanoy City, PA, on the occasion of its 120th anniversary. The church will celebrate this most auspicious and glorious event on Sunday, May 19, 1985.

On the 120th anniversary of its founding, all the members of the Zion Baptist congregation will join its lay pastor, Mr. Warren Wilfert, in commemorating the church and the many years it has fulfilled their spiritual needs. Mr. Thomas Ward, chairman of the anniversary committee, has organized a special day of activity and celebration that will be highlighted by the dedication of the Thomas Evans Memorial Social Room. In memory of their beloved pastor of many years, the late Reverend Thomas Evans, the dedication will honor his deep faith and the commitment he made to the enhancement of their spiritual life and development.

That the Zion Baptist Church has been part of the religious life of Mahanoy City for so many years is a testament to the community's religious conviction and faith. All past and present members of the congregation can be very proud of the support they have given the church through these decades. I wish Zion Baptist Church continued life and growth and hope it will serve for 120 more years to provide a spiritual foundation for the future generations of Mahanoy City, PA.●

INTRODUCTION OF THE LONG-TERM CARE INSURANCE PROMOTION AND PROTECTION ACT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. WYDEN. Mr. Speaker, I am very pleased to be introducing the Long-Term Care Insurance Promotion and Protection Act today. This bill will help us address the key question of how we can cope with a great fear that millions of our seniors share: How can seniors pay for needed long-term health care services without wiping out a lifetime's savings? The legislation I am introducing today with the support of the National Council of Senior Citizens and the American Health Care Association takes a significant step toward meeting that need and easing that fear.

There are now more than 26 million Americans over the age of 65. In 1982, about one-quarter—$24 billion—of the money spent by seniors on medical services went toward long-term care. Of that total, private insurance paid less than 1 percent of this total and nearly half of the bill for nursing home services came directly from the pockets of the Nation's elderly. Even though the average nursing home costs about $1,500 a month, it is not uncommon for care to come to $3,000 a month. Medicare pays only a very small portion of these costs.

Clearly, Medicaid won't possibly be able to meet the long-term care needs of tomorrow's seniors. I think something is drastically wrong in a system that basically forces seniors who have worked hard all their lives to become destitute and rely on Federal and State governments for the basic services they need to live.

In order to change the system, we need to do three things: (1) we need to find creative solutions to this dramatic financing problem, (2) we need to encourage private insurers to bring long-term care policies to the market, and (3) we need to provide protections against the kind of problems we saw with "Medigap" policies a decade or more ago. I think my bill does all three.

First, I believe private long-term care insurance can become a significant part of the solution to long-term care financing. Seniors don't want to have to spend their life's savings in a few short months in a nursing home. Federal and State governments won't be able to afford to carry the burden of long-term care financing much longer. If seniors had access to quality, affordable insurance policies to cover their needs, many could avoid going on Medicaid altogether.

Second, some insurers are already starting to enter the long-term care market, albeit slowly at first. These insurers are testing the waters and what they're beginning to find is that long-term care insurance is feasible. But it's a long, slow process with plenty of unanswered questions.

This practical experience, together with the dialog that's called for in my bill between the Secretary of HHS, seniors, insurers, and long-term care providers can help insurers answer a number of the questions that they are still facing. Insurers need to know how to deal with what they call adverse selection, where the seniors who would like to buy long-term care insurance are very probably on the brink of using nursing home care. Long-term care also needs to be better defined so that policies can be both profitable and affordable. The costs of the policies in relation to the benefits paid under those policies need to be both fair and effective. And these policies need to be easily understood by seniors.

My legislation will help break this logjam and encourage private insurers to enter the long-term care insurance market by bringing together insurance experts and senior advocates to develop solutions to the key question: "How can affordable long-term care insurance, with strong consumer protec-

tions, be sold profitably in this country?"

Third, this bill will help prevent the kinds of scandals that we saw when Medigap policies were first offered. Our bill will create suggested guidelines for minimum coverage that States are encouraged to follow. It will also establish a voluntary Federal certification program to identify policies that meet these guidelines in States that haven't adopted the guidelines. Finally, it will enact strict criminal penalties for insurance agents who attempt to use fraud, forgery, or misrepresentations to sell long-term care insurance policies.

In this way, we provide safeguards for seniors so that they will not be spending their hard-earned dollars on what could be of little value and will help to head off potential scandals before they cast a chill over the market for long-term care insurance.

No new Federal boards, commissions, or bureaucracies are needed to administer this legislation. The bill simply builds on already existing procedures employed to prevent ripoffs in Medigap policies—those policies used to supplement Medicare.

When Medigap policies were first offered, there were a lot of promises and not many results. Ten years of investigations and studies by congressional committees, the Federal Trade Commission, and the news media revealed many problems with Medigap policies.

Some of these Medigap policies were difficult for seniors to understand and nearly impossible for them to compare; some of these policies paid out very few benefits compared to their costs, some offered no extended coverage beyond what was already provided by Medicare, and some elderly beneficiaries were subject to misrepresentations, fraud, forgery, and even intimidation.

While some of these policies were very sound and provided valuable coverage for spiraling health care costs, others just weren't worth the paper they were written on.

I worked hard at that time to bring about consumer protections for Medicare supplemental insurance. Suggested standards recommended by the Congress and adopted by most States, a voluntary Federal certification program, and strict criminal penalties for marketing abuses and fraud helped bring order to the marketplace for Medigap policies. The same approach can work for long-term care policies—before a problem develops.

Here's how my bill works: The Secretary of the Department of Health and Human Services, the National Association of Insurance Commissioners, long-term care providers, seniors, and others are to work together to establish suggested guidelines for long-term care insurance. These standards will be designed to limit marketing abuse, promote insurance policies that provide reasonable benefits beyond what is already available under Medicare and Medicaid, help consumers avoid duplicative coverage, and improve price competition.

These suggested standards would give States guidelines after which to pattern their own insurance standards. States would not have to adopt these standards in any way. If States adopted standards of their own for long-term care insurance that either met or exceeded the suggested standards, the Federal involvement would end there.

If a State chooses not to adopt any standards, or standards weaker than the guidelines, no sanctions or penalties would be applied against the State. Instead, a voluntary Federal certification program would be available to insurers in that State. Under this voluntary program, insurers would be able to submit their policies to the Health Care Financing Administration for certification that their policies met the suggested guidelines.

Private insurers would be able to use this voluntary certification as a marketing tool to tell potential customers that their policies were good enough to meet the suggested standards developed by senior groups and long-term care providers alike.

Without creating a heavy Federal presence, this bill will provide as effective a tool in safeguarding our seniors and helping the market for long-term care insurance develop as the "Medigap" provisions did in 1980. Although those standards and certifications are voluntary as well, 46 States have adopted the "Medigap" suggested standards as their own. And insurance companies are taking full use of the voluntary Federal certification program.

This legislation is just a first step toward untying the Gordian Knot of long-term care financing. But it must be taken. By the year 2040, the number of Americans over age 65 will grow from 26 million to more than 66 million. We have to start planning now how we can use creative approaches and the marketplace to finance the long-term health care that millions will need in the years ahead.

Mr. Speaker, this bill has gained the support of both seniors and long-term care providers. In my opinion, that indicates that there is a real need for this legislation. Seniors support this bill because they need long-term care insurance to help them weather the financial burdens that they face later in life and because they need protections from possible insurance abuses. Long-term care providers support this bill because they know that private efforts like this can help provide needed long-term care to a significant portion of our population in the future.

I hope my colleagues will join me in this forward-looking bill. It's time we took steps to help develop these new markets and the protections that must go with them.

H.R. 2293

A bill to amend title XVIII of the Social Security Act with respect to the establishment of standards for long-term health care insurance

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Long Term Care Insurance Promotion and Protection Act of 1985".

SEC. 2. MEDICARE AMENDMENT.

Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended—

(1) by inserting "or long-term health care policies (as defined in subsection (k)(4))" in subsection (j) after "medicare supplemental policies", and

(2) by adding at the end the following new subsection:

"(k) STANDARDS FOR REGULATIONS OF LONG-TERM HEALTH CARE POLICIES.—(1) The Secretary shall, in consultation with Federal and State regulatory agencies, the National Association of Insurance Commissioners, private insurers, organizations representing consumers and the aged, and providers of long-term health care services, establish model standards for the regulation of long-term health care policies not later than one year after the date of the enactment of this subsection. Such standards shall be designed (A) to limit marketing and agent abuse, (B) to assure the dissemination of such information to individuals entitled to benefits under this title (and to other consumers) as is necessary to permit informed choice, (C) to promote policies which provide reasonable economic benefits for such individuals, (D) to reduce the purchase of unnecessary duplicative coverage, and (E) to improve price competition.

"(2) Once the standards are established under paragraph (1), subsections (a) through (e) of this section shall apply to long-term health care policies (as defined in paragraph (4)) in the same manner as they apply to medicare supplemental policies, and for this purpose—

"(A) any reference to a medicare supplemental policy is deemed a reference to a long-term health care policy;

"(B) any reference to the NAIC Model Standards is deemed a reference to the standards established by the Secretary under paragraph (1) and any reference to a specified percent in subsection (c)(2) is deemed a reference to a percent specified in such standards; and

"(C) any reference to a date is deemed a reference to corresponding date specified by the Secretary by regulation.

"(3) The Secretary shall include in the biannual report submitted under subsection (f)(2)—

"(A) a periodic assessment of actions taken by States and by the Secretary to regulate the offering of long-term health care policies, and

"(B) appropriate recommendations for legislative or administrative changes needed to secure consumer protection in the area of long-term health care policies.

"(4) For purposes of this subsection, a long-term health care policy is a health insurance policy or other health benefit plan offered by a private entity to individuals who are entitled to have payment made

under this title, which provides, or provides reimbursement for expenses incurred for, long-term health care services (as defined by the Secretary and including home health services, skilled nursing facility service, and intermediate care facility services) that are provided over a period of at least six months; but does not include any such policy or plan of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations (or combination thereof), for employees or former employees (or combination thereof) or for members or former members (or combination thereof) of the labor organizations.".●

A SALUTE TO EDWARD A. KARNACKI

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. ROSTENKOWSKI. Mr. Speaker, it has come to my attention that Edward A. Karnacki will retire from his post as Director of the New Orleans Reception Center of the U.S. Information Agency [USIA] on April 30, 1985. Mr. Karnacki has been Director for 5 years bringing his Government service to a career total of 38 years.

Prior to his posting in New Orleans, Mr. Karnacki had served in many capacities. He started his career in 1950 as a member of the central intelligence agency. In 1955, he joined the U.S Department of State and was appointed to the Bureau of Intelligence and Research. From 1961 to 1963 he served as Chief of the Correspondence Division of the Bureau of Public Affairs.

This was followed by assignments as Assistant Director, USIA San Francisco Reception Center, 1963–75, and Assistant Director, USIA Honolulu Reception Center, 1975–80. Mr. Karnacki has also had assignments in Germany and Eastern Europe.

Mr. Karnacki has been a member of the San Francisco and Honolulu Press Clubs. He has been an associate member of the San Francisco World Trade Club and a member of the board of directors of the New Orleans International Trade Mart. A member of Rotary International for many years, he now serves as director of the Rotary Club of New Orleans.

Born in Chicago, IL, Mr. Karnacki holds a bachelor's degree from the University of Iowa. During World War II he served as a captain in the Air Corps and from 1946 to 1972 served with the U.S. Air Force Reserve, retiring as a lieutenant colonel.

Mr. Karnacki is married to the former Marjory Doris Herman.●

THE ST. PETERSBURG TIMES HONORED WITH ITS THIRD PULITZER PRIZE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. YOUNG of Florida. Mr. Speaker, the St. Petersburg Times received its third Pulitzer Prize Thursday for an investigative series by staff writers Lucy Morgan and Jack Reed.

The Times celebrated its 100th anniversary last year, and has begun its second century of service by receiving the highest honor accorded our Nation's journalists. While two reporters were singled out by the Pulitzer Committee for their work, the entire staff of the Times Publishing Co. can share in this honor, which has once again brought national recognition to the Times.

From its humble beginnings in 1884, when the newspaper's offices were located in the backroom of a small drugstore, the St. Petersburg Times has grown to be the second largest newspaper in the Southeastern United States. I take this time today to honor this newspaper's proud history and contribution to journalism and to call attention to its latest honor, the Pulitzer Prize.●

TRADE DEFICIT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. RICHARDSON. Mr. Speaker, in 1984 the U.S. merchandise trade deficit reached $123.3 billion dollars. It is important to recognize that the Federal budget deficit is closely connected with the trade deficit, and that we must address both problems with a comprehensive vision. If we do not bring down the inflated value of the dollar in relation to foreign currencies, the strong dollar will continue to subsidize imports and inhibit exports. And if we do not push for even more innovation in our industries, there will continue to be high tech penetration of communication and computer technology imports into our domestic marketplace.

We must remember, Mr. Speaker, that at the same time we are importing more and more items we are exporting more and more jobs. Unfair trading practices depress U.S. exports and increase imports. It also results in the loss of millions of jobs to cheaper labor markets in other countries and layoffs in factories where production has slowed or come to a halt.

Mr. Speaker, I fail to comprehend how the administration can justify proposing even more cuts in Customs Service personnel, which brings in millions of dollars in revenue through trade law enforcement and protects our markets from fraudulent goods. Certainly our Customs Service ought to remain a top priority. It is a money maker, not a money loser.

Let us also urge the President to make the trade deficit issue a top priority at the economic summit in Bonn, West Germany. It is time to convene a multilateral conference to establish a more orderly internal exchange rate system, work to reduce tariff, and nontariff barriers, and improve the effectiveness of the GATT.

Our dialog with Japan, unfortunately, has not resulted in satisfactory agreements on the trade issue. Japan will increase its car imports by 15.9 percent. That means 2.3 million cars compared to 1.85 million cars imported last year. I do not and will not engage in throwing dirt on Japanese culture and achievement. We must avoid anti-Japanese pronouncement. I do, however, think that if voluntary restraints do not work, we must legislate fair trade. Such a move would not be paranoid protectionism, but fairness.●

VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the CONGRESSIONAL RECORD. I strongly believe that the people of the Second Congressional District of Arizona have a right to know where I stand on the issues decided by this body, and I have found that printing my record here is the best way to provide that information

This is not an all inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for more specifics.

The votes are described as follows:

KEY

1. Rollcall Number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of the vote;
5. The outcome of the vote;
6. The vote total;
7. My vote, in the form Y=yes, N=no, and NV=not voting;
8. The vote totals of the Arizona delegation (yes-no-not voting);
9. The date.

301. HR 6040. Supplemental Appropriations, Fiscal 1984. Passage of the bill to appropriate $5,384,624,400 in supplemental funds for fiscal 1984. Passed 304-116: Y(3-2-0), August 1, 1984.

302. HR 5151. Hunger Relief Act. Emerson, R-Mo., amendment to eliminate language that would allow states to choose whether to require food stamp recipients, as a condition of eligibility, to submit monthly financial reports. Existing law required the reports. Rejected 120-293: N(2-3-0), August 1, 1984.

303. HR 5151. Hunger Relief Act. Panetta, D-Calif., amendment, to the Coleman, R-Mo., amendment, to authorize increases in the maximum car value used in the food stamp assets test to determine program eligibility. The Panetta amendment retained the existing maximum value of $4,500 for a car, but permitted that maximum to rise over three years at the same rate as the Consumer Price Index, up to $5,500. The Coleman amendment would have maintained the $4,500 maximum in current law; the bill would have raised it to $5,500 upon enactment. Adopted 282-131: Y(2-3-0), August 1, 1984.

304. HR 5151. Hunger Relief Act. Coleman, R-Mo., amendment, as amended by Panetta, D-Calif., to authorize increases in the maximum car value used to determine food stamp eligibility. The amendment retained the existing maximum value of $4,500 for a car, but permitted that maximum to rise over three years at the same rate as the Consumer Price Index, up to $5,500. Adopted 384-25: Y(5-0-0), August 1, 1984.

305. HR 5151. Hunger Relief Act. Passage of the bill to liberalize certain eligibility and benefit levels in the food stamp program, to increase federal penalties against states for program errors and to make other changes. Passed 364-39: Y(3-2-0), August 1, 1984.

306. HR 5399. Intelligence Agencies Authorizations. Passage of the bill to make authorizations in fiscal 1985 for the CIA and other intelligence agencies and to prohibit and form of U.S. aid to military or paramilitary groups in Nicaragua. Passed 294-118: Y(3-2-0), August 2, 1984.

307. HR 5973. Interior Appropriations, Fiscal 1985. Yates, D-Ill., motion to end debate on the Conte, R-Mass., amendment and all amendments thereto except the Ottinger, D-N.Y., amendment. Motion agreed to 285-116: Y(3-2-0), August 2, 1984.

308. HR 5973. Interior Appropriations, Fiscal 1985. Ratchford, D-Conn., amendment to the Conte, R-Mass., amendment, to rescind $5 billion from the U.S. Synthetic Fuels Corporation. The Conte amendment would rescind $10 billion. Adopted 236-177: N(3-2-0), August 2, 1984.

309. HR 5973. Interior Appropriations, Fiscal 1985. Conte, R-Mass., amendment, as amended by Ratchford, D-Conn., to rescind $5 billion from the U.S. Synthetic Fuels Corporation. Adopted 410-2: Y(5-0-0), August 2, 1984.

310. HR 5973. Interior Appropriations, Fiscal 1985. McDade, R-Pa., amendment to reduce by 3 percent across-the-board the budget authority provided in the bill. Adopted 212-181: N(4-1-0), August 2, 1984.

311. HR 5973. Interior Appropriations, Fiscal 1985. Passage of the bill to appropriate $3,033,865,000 in fiscal 1985 for the Interior Department and related agencies (includes deduction for $5 billion rescission from U.S. Synthetic Fuels Corporation). Passed 336-57: Y(4-1-0), August 2, 1984.

312. HR 5712. Commerce, Justice, State and the Judiciary Appropriations, Fiscal 1985. Adoption of the conference report on the bill to provide $11,520,976,200 for the Commerce, Justice and the State departments, the federal judiciary and related agencies. Adopted 277-135: Y(3-2-0), August 8, 1984.

313. HR 5712. Commerce, Justice, State and the Judiciary Appropriations, Fiscal 1985. Smith, D-Iowa, motion that the House recede from its disagreement to the Senate amendment and concur therein with an amendment to provide $64.31 million for the Federal Trade Commission. Motion agreed to 226-193: Y(2-3-0), August 8, 1984.

314. H.R. 5712. Commerce, Justice, State and the Judiciary Appropriations, Fiscal 1985. Smith, D-Iowa, motion that the House recede from its disagreement to the Senate amendment and concur therein with an amendment to provide $305 million for the Legal Services Corp. (LSC) and requiring the LSC board of directors to inform the House and Senate Appropriations committees before promulgating or implementing any new regulations. Motion agreed to 278-138: Y(2-3-0), August 8, 1984.

315. H.R. 5712. Commerce, Justice, State and the Judiciary Appropriations, Fiscal 1985. Smith, D-Iowa, motion that the House recede from its disagreement to the Senate amendment and concur therein with an amendment to provide $18.5 million for the National Endowment for Democracy. Motion agreed to 237-181: Y(3-2-0), August 8, 1984.

316. H.R. 5886. American Folklife Center. Hawkins, D-Calif., motion to suspend the rules and pass the bill to authorize $839,549 for fiscal 1985 and $867,898 in 1986 for the American Folklife Center of the Library of Congress. Motion agreed to 416-2: Y(4-1-0), August 8, 1984.

317. H.R. 4785. Older Americans. Andrews, D-N.C., motion to suspend the rules and pass the bill to authorize funding for programs of the Older Americans Act of $1.34 billion in fiscal 1985 with increases in 1986-87. Motion agreed to 406-12: Y(5-0-0), August 8, 1984.

318. H.R. 6027. Municipal Antitrust Amendments. Seiberling, D-Ohio, motion to suspend the rules and pass the bill to protect municipalities from monetary damage awards in antitrust lawsuits. Motion agreed to 414-5: Y(5-0-0), August 8, 1984.

319. H.R. 4325. Child Support Enforcement. Adoption of the conference report on the bill to require states to establish certain procedures, including mandatory withholding of wages, to strengthen enforcement of child support payments. Adopted 413-0: Y(5-0-0), August 8, 1984.

320. S. 2436. Corporation for Public Broadcasting Authorization. Adoption of the rule (H. Res. 563) providing for House floor consideration of the bill to authorize funding for the Corporation for Public Broadcasting for fiscal 1987-89 and for the Public Telecommunications Facilities Program for fiscal 1985-87. Adopted 324-89: Y(3-2-0), August 8, 1984.

321. H.R. 3605. Drug Price Competition/Generic Drug Act. Judgment of the House whether to consider the rule (H. Res. 569) providing for House floor consideration of the bill to extend patent protection for brand name drugs and authorizing the Food and Drug Administration to use streamlined procedures to approve cheaper generic copies of drugs. Agreed to consider the rule 313-80: Y(3-2-0), August 8, 1984.

322. H.R. 3605. Drug Price Competition/Generic Drug Act. Adoption of the rule (H. Res. 569) providing for House floor consideration of the bill to extend patent protection for brand name drugs and authorizing the Food and Drug Administration to use streamlined procedures to approve cheaper generic copies of drugs. Adopted 304-74: Y(2-3-0), August 8, 1984.

323. H.R. 5640. Superfund Extension. Adoption of the rule (H. Res. 570) providing for House floor consideration of the bill to renew and expand the "superfund" hazardous waste cleanup program. Adopted 218-199: N(0-5-0), August 9, 1984.

324. H.R. 5640. Superfund Expansion. Sawyer, R-Mich., amendment to delete from the bill a section giving citizens the right to sue in federal court for damages caused by hazardous waste dumping. Adopted 208-200: N(4-1-0), August 9, 1984.

325. H.R. 5640. Superfund Expansion. Sawyer, R-Mich., amendment to delete from the bill provisions giving citizens the right to sue in federal court to compel a federal, state or local agency to perform a duty required under the superfund law. Rejected 141-248: N(3-2-0), August 10, 1984.

326. H.R. 5640. Superfund Expansion. Florio, D-N.J., amendment to limit to persons with interests adversely affected the right to sue for performance of a duty under the superfund law. Adopted 391-0: Y(5-0-0), August 10, 1984.

327. HR 6040. Supplemental Appropriations, Fiscal 1984. Adoption of the conference report on the bill appropriating supplemental funds for fiscal 1984. Adopted 312-85: Y(4-1-0), August 10, 1984.

328. HR 6040. Supplemental Appropriations, Fiscal 1984. Long, D-Md., motion that the House recede from its disagreement to the Senate amendment appropriating supplemental foreign aid funds with a Long amendment that the House substitute reduced funds for Central America. The Senate included $116.9 million in military funds to El Salvador while the Long amendment would have reduced that to $40 million. Motion rejected 57-340: Y(1-3-1), August 10, 1984.

329. HR 6040. Supplemental Appropriations, Fiscal 1984. Kemp, R-N.Y., motion that the House recede from its disagreement to the Senate amendment appropriating supplemental foreign aid funds with a Kemp amendment that the House adopt revised funds for Central America. The Kemp amendment contained $70 million in military funds to El Salvador. Motion agreed to 234-161: Y(3-1-1), August 10, 1984.

330. HR 6040. Supplemental Appropriations, Fiscal 1984. Whitten, D-Miss., motion that the House insist on its disagreement with the Senate over a provision concerning the U.S. Postal Service. The House position would prohibit the Postal Service from hiring new employees at lower wages than those received by current employees. Motion agreed to 378-1: Y(4-0-1), August 10, 1984.

331. HR 5640. Superfund Expansion. Levitas, D-Ga., amendment to create an administrative mechanism for compensating individuals harmed by exposure to hazardous wastes and to set aside 12 percent of the "superfund" for that purpose. Rejected 159-200: NV(1-2-2), August 10, 1984.

332. HR 5640. Superfund Expansion. Conable, R-N.Y., amendment to terminate on Sept. 30, 1986 (instead of Sept. 30, 1990), the taxes imposed under the bill. Rejected 142-205: NV(1-1-3), August 10, 1984.

333. HR 5640. Superfund Expansion. Passage of the bill to renew for fiscal 1986-90 and expand the "superfund" hazardous

waste cleanup program. Passed 323-33: NV(1-1-3), August 10, 1984.

334. HR 3605. Drug Price Competition. Shaw, R-Fla., amendment to the Waxman, D-Calif., amendment, to reduce to 18 months, from 30 months, the period during which the Food and Drug Administration must delay approval of a generic drug that is the subject of patent litigation. Rejected 66-304: N(0-3-2), Sept. 6, 1984. (The Waxman amendment, to revise federal approval processes for generic drugs, subsequently was adopted by voice vote.)

335. HR 3605. Drug Price Competition. Quillen, R-Tenn., amendment to the Waxman, D-Calif., amendment, to exempt over-the-counter pharmaceuticals from revisions made by the bill in the federal approval process for generic drugs. Rejected 24-347: N(0-3-2), Sept. 6, 1984. (The Waxman amendment, to revise federal approval processes for generic drugs, subsequently was adopted by voice vote.)

336. HR 3605. Drug Price Competition. Frenzel, R-Minn., amendment to the Derrick, D-S.C., amendment, to extend to 180 days, from 90 days, the period of time for compliance with new requirements that catalogs identify textile merchandise as imported or domestic. Rejected 36-323: N(0-3-2), Sept. 6, 1984. (The Derrick amendment, to strengthen labeling requirements for textiles and clothing, subsequently was adopted by voice vote.)

337. HR 3605. Drug Price Competition. Passage of the bill to revise federal procedural for approving generic drugs, to authorize extended patents for new drugs, medical devices and food additives, and to revise labeling requirements for textiles and clothing. Passed 362-0: Y(3-0-2), Sept. 6, 1984.

338. HR 5602. Health Professions and Services. Dannemeyer, R-Calif., substitute to authorize about $678 million annually for federal health professions and services programs for fiscal years 1985 through 1988. (The bill provided about $761 million for those programs in fiscal 1985 with increases in following years.) Rejected 78-236: N(0-2-3), Sept. 6, 1981.

339. HR 5798. Treasury, Postal Service and General Government Appropriations, Fiscal 1985. Adoption of the conference report on the bill to appropriate $12,766,276,000 in fiscal 1985 for the Treasury Department, the Postal Service, the Executive Office of the President and other agencies. Adopted 276-110: Y(4-0-1), Sept. 12, 1984.

340. HR 5798. Treasury, Postal Service and General Government Appropriations, Fiscal 1985. Whitten, D-Miss., motion that the House insist on its disagreement with the Senate amendment to forbid the use of Postal Service funds to implement regulations charging state and local child support enforcement officials a fee for address information. Motion rejected 1-389: N(0-4-1), Sept. 12, 1984.

341. HR 1437. California Wilderness Act. Adoption of the rule (H Res 573) providing for consideration of the bill to designate as federal wilderness some 1.8 million acres of national forest land in California. Adopted 295-112: Y(3-1-1), Sept. 12, 1984.

342. HR 1437. California Wilderness Act. Udall, D-Ariz., motion to take from the Speaker's table the bill, with a Senate amendment, designating as federal wilderness some 1.8 million acres of national forest land in California, and to agree to the Senate amendment. Motion agreed to (thus clearing the bill for the president) 368-41: Y(3-1-1), Sept. 12, 1984.

343. HR 3347. Extradition Act. Hughes, D-N.J., motion to suspend the rules and pass the bill to revise procedures for extraditing persons to foreign countries seeking them for alleged criminal offenses. Motion rejected 103-307: N(0-4-1), Sept. 12, 1984.

344. HR 6071. Trademark Counterfeiting Act. Hughes, D-N.J., motion to suspend the rules and pass the bill to impose criminal penalties and increase civil remedies against those who produce or sell goods bearing counterfeit trademarks. Motion agreed to 403-0: Y(4-0-1), Sept. 12, 1984.

346. S 2463. Ocean and Coastal Resources. Snyder, D-Ky., motion to recommit to the committee on conference the conference report on the bill to share revenues from drilling leases on federal territory offshore with states and to authorize fisheries programs. Motion rejected 122-282: N(2-2-1), Sept. 13, 1984.

347. S 2463. Ocean and Coastal Resources. Adoption of the conference report on the bill to share revenues from drilling leases on federal territory offshore with states and to authorize fisheries programs. Adopted 312-94: Y(2-2-1), Sept. 13, 1984.

348. HR 5609. American Defense Education Act. Adoption of the rule (H Res 578) providing for House floor consideration of the bill to authorize an estimated $8.6 billion over fiscal years 1985-87 for school improvement projects. The rule barred amendments that had not been filed and printed in the Congressional Record by Sept. 12, the day before floor consideration of the bill. Adopted 311-89: Y(2-2-1), Sept. 13, 1984.

350. HR 1511. Port-Cargo Diversion. Biaggi, D-N.Y., motion to suspend the rules and pass the bill to require shippers moving U.S. cargo through ports in Canada and Mexico to file their rates with the Federal Maritime Commission. Motion rejected 188-209: N(0-5-0), Sept. 18, 1984.●

BITBURG RESOLUTION

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. DICKINSON. Mr. Speaker, I voted present on the resolution pertaining to President Reagan's upcoming trip to Bitburg, Germany, because I do not feel the President should make the trip but, at the same time, I know the President is committed and I did not want to be a part of any action taken by this body that would be an embarrassment to our President.

I understand the President's reasons for wanting to place the wreath at the cemetery site where some SS troopers from Hitler's regime are buried but I respectfully disagree.

I wish President Reagan well as he embarks on this important mission of peace and hope that these acts of friendship extended toward the people of Germany are not misinterpreted by others.●

RESOLUTION ACKNOWLEDGING MIKE QUEVEDO, SR.

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. MARTINEZ. Mr. Speaker, I rise today to pay tribute and remember a great American.

The person I wish to honor is Mike Quevedo, Sr. In his service to the Laborers' International Union of North America, Local 300, as secretary-treasurer and business manager, Mike served with distinction, foresight, and dedication.

Just a few short years ago the local was heavily in debt and deteriorating. But through the diligent work of members like Mike, and following his example, local 300 has made a tremendous resurgence. With the dedication of the Laborers' Local 300 building on May 3, 1985, Mike's memory and contribution to the union will be recognized. This occasion will be used to mark the progress of local 300, which has made great strides and improvements in recent years.

I would like to express my best wishes to Mike's family and friends. They should be truly proud of his accomplishments and work, as his son, Mike, Jr., is, in continuing his father's admirable work.

I think the best way to show how far the union has come and their great respect for Mike Quevedo, Sr., is to have their resolution entered into the CONGRESSIONAL RECORD.

RESOLUTION ACKNOWLEDGING MIKE QUEVEDO, SR.

Whereas Laborers' Local 300 has made tremendous progress in the past five years during this local's present Administration; and

Whereas this progress has been for the betterment and benefit of all of its members, active and retirees; and

Whereas this improvement has resulted in better communication and service to all of its members; and

Whereas Laborers' Local 300's members and Executive Board wish to acknowledge and pay tribute to one of its past officers, our late Brother Mike Quevedo, Sr., who served this Local Union with honor; and

Whereas Brother Mike Quevedo, Sr., should be given credit for his foresight in initiating the full integration of the membership in Local 300 while he served as an Officer of this Local Union; and

Whereas Brother Quevedo, Sr., demonstrated his foresightedness and progressive thinking by integrating this Local. His aims and goals were to give the members better representation and better service. His accomplishments and dedication to all of its members and the Labor Movement should not be forgotten and must be acknowledged; therefore be it

Resolved, that Laborers' Local 300 rightfully and permanently dedicate our newly acquired Administrative Office Building at 616 Shatto Place, in Los Angeles, California, to his memory and in his honor for his de-

voted service to Local 300 and all of its members; and be it further

Resolved, that a plaque bearing his name for his accomplishments shall be permanently placed at the entrance of said Laborer's Local 300 Administrative Office Building.●

REMEMBER A HOLOCAUST HERO: RAOUL WALLENBERG AVENUE

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. LOWERY of California. Mr. Speaker, the month of April was the 40th anniversary of the liberation of the Nazi death camps. As a way of remembering this tragic period in human history and as a way of honoring one of the greatest heroes of the Holocaust, 39 of my colleagues joined me in introducing a bill (H.R. 2119) which would rename a block of 15th Street between Maine Street and Independence Avenue as "Raoul Wallenberg Avenue." This block is the site of the future U.S. Holocaust Memorial Museum.

Mr. Speaker, it has been 40 years since the disappearance of Raoul Wallenberg, the Swedish diplomat responsible for saving some 100,000 Hungarian Jews from certain death at the hands of the Nazis and their collaborators during the Second World War. On January 17, 1945, Wallenberg was taken by Soviet officers to the Red Army headquarters in Debrecen. He never returned.

Raoul Wallenberg, the "Lost Hero of the Holocaust," has become a legend to people all over the world. Many of you joined my good friend, Congressman TOM LANTOS, in supporting legislation in the 97th Congress which made him an honorary U.S. citizen, thereby allowing the United States to petition the Soviet Union for his release or a full accounting of his fate. Wallenberg is only the second person to be awarded this great honor. Raoul Wallenberg has also been nominated for a Nobel Peace Prize.

Congressman LANTOS, the only survivor of the Holocaust to be elected to Congress, was born in Budapest, Hungary. He was twice sent to Nazi "work camps" during 1944, but escaped and survived in Wallenberg's safe houses. He worked with Wallenberg and was active in the anti-Nazi underground.

Raoul Wallenberg was born in 1912 to a distinguished aristocratic Swedish family. In July 1944, in response to the request of the World Jewish Congress following deportation of nearly half a million Hungarian Jews to the death camps of Auschwitz and Birkenau, he was secretly sent by the American Government's War Refugee Board to Budapest as a Swedish diplomat. At that time, there were still 250,000 Jews living in the Budapest Ghetto, and Wallenberg undertook the impossible task of slowing down the Nazi Holocaust.

Working from the Swedish Embassy, he organized a rescue staff of several hundred Jewish volunteers and declared 32 apartment buildings housing 20,000 Jews to be shelters under the protection of the Swedish flag. He issued "protective" Swedish passports to approximately 30,000 Jews, providing them a degree of immunity from persecution. He organized the most daring and audacious methods for saving the lives of Jews—turning up at railway stations that served as assembly points for transporting the victims to death camps and, using his diplomatic privileges, snatching dozens of victims from the trains on the grounds that they were under Swedish protection.

Through his fearless actions, imagination, and self-sacrifice, Wallenberg and his helpers were able to save the lives of 25,000 Jews during the period from July 1944 until the middle of January 1945. And by inspiring and cajoling others to play their part in this humanitarian work, he was able to save about 100,000 Jews from the death camps.

On January 17, 1945, the Soviet Army reached the outskirts of Budapest, and Raoul Wallenberg was taken into Soviet "protective custody." He was never released. In fact, in 1957, the Soviets announced that Wallenberg had died while in a Soviet prison in Moscow. Dozens of witnesses, however, have testified that they have seen Wallenberg alive many years after he had been declared dead by the Soviet Union. The U.S. State Department has raised this issue with the Soviets many times, but no satisfactory answer has been given.

The location of the Holocaust Memorial Museum and the portion of 15th Street SW. that would be renamed under the bill are separated from the rest of 15th Street by The Mall. There are no residences on this site, thus minimizing inconvenience.

"In history," Congressman LANTOS has said, "one can find many men who have killed 100,000 people. But how many have saved 100,000? Renaming a portion of 15th Street in honor of Wallenberg is a small—but appropriate—gesture to one of the genuine heroes of our age."

Mr. Speaker, Raoul Wallenberg gave a whole new universe of meaning to the word "hero" by saving the lives of 100,000 Hungarian Jews. The street in front of the Holocaust Memorial Museum should bear his name. I urge my colleagues to support H.R. 2119.●

COMMEMORATING THE 40TH ANNIVERSARY OF THE PITTSFIELD POLISH COMMUNITY CLUB

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. CONTE. Mr. Speaker, on May 4 the Polish Community Club in Pittsfield will celebrate its 40th anniversary. I want to take this opportunity to mark that event, and commend club members past and present for their 40 years of dedication and service to their church and community.

It was a difficult time for the first Polish immigrants settling in western Massachusetts. The language barrier made finding jobs in the mills difficult. Those who found them were often overworked and exploited. Farmers put in long hours tilling the land, and the return was small. In essence, the first Polish emigrees were a solitary people—they spoke a different language, dressed a little differently, ate different foods, and did not always understand the ways of those who lived around them.

But throughout those difficult times, Polish immigrants were united and sustained by a strength and confidence in themselves, family life, and their church. Over time, they became less afraid of being different and more secure as a united and vibrant community.

Their Catholic faith was the common thread among them. That set the background for the founding of the Polish Community Club in 1945. In February of that year, a small group of polish men of the city met with Father Valentine Teclaw, then-pastor of Holy Family Church, to discuss their idea. Two months later they purchased from the Springfield Diocese the former St. Joe's grammar school, and opened it as the club's facility in May. The property was remodeled through the volunteer work of its members, and nonprofit shares of $100 were sold to help finance improvements. I will never forget the mortgage burning ceremony in 1955, in which I participated. Bishop Weldon attended, and the day was a proud conclusion to a spirited and dedicated effort.

From those humble beginnings was spawned a proud tradition in the Pittsfield Polish community, a tradition that has been marked by that same spirit of commitment and dedication. The club, which has over 400 active and life members, has worked to keep alive the Polish heritage, been a strong supporter of the church, and has sponsored numerous civic and educational forums, scholarships, and community activities—including for

many years one of the finest semipro baseball teams in the State. Who can forget, for example, the dazzling shortstop play of the club's first president, John Kulis? This club can take pride in its 40 years of service to its members and the Pittsfield community.

This year's anniversary also marks the first presentation of what will be a very special award by the club—the Annual Reverend Father Valentine S. Teclaw Award, to be presented to a deserving Polish American of the Pittsfield community based on service to the community and the church. No one better exemplifies the ideals of the award than its first recipient, Steven Wick. Steve was one of the founders and first directors of the club. He has been an officer of the club since its inception, and has always been there when a coordinator was needed for a scholarship drive, club breakfast, or golf tournament. He is a past president of the Holy Name Society at Holy Family Church, and is now a deacon at that church. Steve's selection sets a proud precedent, and I join with the members of the club in extending my congratulations to Steve for an honor well deserved.

Yet, as May 4 marks 40 years of service and dedication to the community and the Catholic faith in Pittsfield, one can't help remembering that Catholics in Poland continue to suffer harassment and persecution under a government that has little tolerance for differences in opinion and a belief in God. The controversy surrounding the Government's attempts last year to remove crucifixes from schools is indicative of this constant harassment. I think it's no small coincidence that the church now looks to a Pole—Pope John Paul II—to protect the faith and help secure religious freedom in Eastern Europe and throughout the world.

The Pope has already had a profound impact in protecting the fundamental right to religious freedom in Communist-bloc countries. But it's not difficult to understand why he has been such a forceful and effective presence for the church. I had the distinct privilege and honor of meeting the Pope during his visit to this country in 1979. He is an impressive man—warm, articulate, and well-educated. He exudes an inner strength that comes from a confidence in one's convictions. His visit to this country stirred the hearts of all Americans, and caused us to reflect on the plight of our Catholic brethren in Eastern Europe. I have known Kings and Presidents, Senators and Congressmen, but this is a special man. I know that on this 40th anniversary of the Polish Community Club, club members join with me in offering a special prayer on behalf of the Pope and all the Polish people as they continue their struggle. It is a struggle that remains a part of each of us who fight to see fundamental liberties and human rights recognized throughout the world.

The Polish community has a proud heritage—both in Europe and in this country. The club's 40th anniversary and its many accomplishments over the last 40 years are testament to this fact. I congratulate the club, its members and founders, for an exemplary 40 years, and I know that another 40—just as successful—await you.●

VOTE ON NICARAGUAN CONTRAS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. MAZZOLI. Mr. Speaker, last week I voted against providing military as well as nonlethal assistance to the Nicaraguan Contras—those seeking to liberate their nation from the clutches of the Marxist-Leninist Sandinista regime.

I did not do so lightly nor without pause because I want to do nothing to encourage the Sandinista government. Their Marxist-Leninist and godless brand of communism is a particularly dangerous element in the troubled landscape of Central America. The Sandinistas must be rooted out and replaced by a democratic government—even as the factors which gave the Sandinistas rise—poverty, hunger, illiteracy, lack of opportunity, and lack of basic human rights—must be rooted out and replaced.

I part company with the President not on the goal in Nicaragua but on the means to achieve the goal. He stresses military action. I feel all available diplomatic, economic, and moral efforts must be explored and tested fully before military force is used.

That is why I urge the President today to tighten the economic and trade noose around Nicaragua. It may hurt some innocent Nicaraguan noncombatants who only want to be left alone to till their farms, ply their trades, and raise their families. But, their long-term objectives are better served if the United States puts stern pressure on their Sandinista oppressors now.

The United States should immediately embargo all import-export trade with Nicaragua. Today, the United States unbelievably, is Nicaragua's No. 1 trading partner. We purchase—depending upon whose figures are used—from $57 to $65 million in bananas, meats, and coffee from Nicaragua annually, and we export to Nicaragua from $112 to $120 million yearly in pesticide, fertilizer, and spare automotive and mechanical parts.

And, the United States should urge all its allies and friends in and outside this hemisphere to forgo trading with Nicaragua as well.

Further, the United States should withdraw diplomatic recognition of the Sandinista regime, and shutter our Embassy. We should terminate domestic air service to and from Nicaragua and clamp down as far as we can on social, educational, and scientific contact between our countries.

The pressure should be applied until the Sandinistas deliver on their promises to give the Nicaraguan people what was withheld by the despised Somoza regime: freedom to practice religion, to own property, to publish and to assemble freely, and the right to disagree politically without fear of reprisal. The Nicaraguan people still lack these freedoms.

Until now calls for economic and diplomatic pressure have been rejected because they might lead to trade or commercial retaliation from other nations or might force the Sandinistas closer to the Soviet Union.

Here it should be noted that the leader of the Sandinistas—Daniel Ortega—went to Moscow right after last week's votes in Congress. He went to secure financial and military assistance from the Soviets. How much more would trade and diplomatic sanctions force him and his Communist partners into the Soviet orbit? It is a moot question. They are in that orbit now. And, that's the real problem.

If Nicaragua is the outlaw nation, the danger, the villainous threat the administration says it is—and I tend to feel it is—we must demonstrate our beliefs clearly and unequivocally. We have been sending out garbled, unclear, and muddy messages by condemning the Sandinistas while, at the same time, trading with them.

Mr. Speaker, if these unilateral and multilateral efforts fail—and if the parallel efforts of the Contadora group are unavailing—and, given the public statements and private actions of certain members of the group, I am not sanguine that they will be—then the administration may have to recommend other actions to Congress. Congress, I would venture, would be more disposed toward adopting such other actions once all the nonmilitary, noninterventionist steps I have outlined are taken and found wanting.

We have a problem, Mr. Speaker. No more equivocations. No more handwringing. No more agonizing. Let's do something about that problem, now.●

ORPHAN DRUG AMENDMENTS OF 1985

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. WAXMAN. Mr. Speaker, it is my pleasure to join with Mr. MADIGAN in introducing today H.R. 2290, the first reauthorization of the Orphan Drug Act. The provisions in this bill were approved by the Subcommittee on Health and the Environment this morning.

The Subcommittee on Health and the Environment has conducted two oversight hearings on the Orphan Drug Act and we are convinced that it has been quite successful so far. The changes made in this bill will assure its continued success during the next 3 years.

During our hearings, numerous witnesses recommended that medical devices for orphan diseases be included in the Orphan Drug Act. I share this view and intend to work with Mr. MADIGAN to develop an orphan medical devices bill as soon as possible. Because there are significant differences in the development and testing of drugs and devices, we believe some additional time is required to develop the legislation.

I know that the supporters of the Orphan Drug Act and those interested in orphan medical devices hoped to see the inclusion of devices in this bill. Our inability to do so at this time does not diminish my commitment to greater attention and support for the development of orphan medical devices.

I insert the bill in the RECORD at this point:

H.R. 2290

A bill to amend the orphan drug provisions of the Federal Food, Drug, and Cosmetic Act and related laws

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Orphan Drug Amendments of 1985".

SEC. 2. MARKET PROTECTION.

Section 527 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360cc) is amended—

(1) by striking our "and for which a United States Letter of Patent may not be issued" in subsection (a);

(2) by striking out "and if a United States Letter of Patent may not be issued for the drug" in subsection (b); and

(3) by striking out "UNPATENTED" in the title of the section.

SEC. 3. NATIONAL COMMISSION ON ORPHAN DISEASES.

(a) ESTABLISHMENT.—There is established the National Commission on Orphan Diseases.

(b) DUTY.—The Commission shall assess the activities of the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, and other public agencies and of private entities in connection with—

(1) basic research conducted on rare diseases;

(2) the use in research on rare diseases of knowledge developed in other research;

(3) applied and clinical research on the prevention, diagnosis, and treatment of rare diseases; and

(4) the dissemination of knowledge developed in research on rare diseases and other diseases to the public, health care professionals, researchers, and drug and medical device manufacturers which can be used in the prevention, diagnosis, and treatment of rare diseases.

(c) REVIEW REQUIREMENTS.—In assessing the activities of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration in connection with research on rare diseases, the Commission shall review—

(1) the appropriateness of the priorities currently placed on research on rare diseases;

(2) the relative effectiveness of grants and contracts when used to fund research on rare diseases;

(3) the appropriateness of specific requirements applicable to applications for funds for research on rare diseases taking into consideration the reasonable capacity of applicants to meet such requirements;

(4) the adequacy of the scientific basis for such research, including the adequacy of the research facilities and research resources used in such research and the appropriateness of the scientific training of the personnel engaged in such research;

(5) the effectiveness of activities undertaken to encourage such research;

(6) the organization of the peer review process applicable to applications for funds for such research to determine if the organization of the peer review process could be revised to improve the effectiveness of the review provided to proposals for research on rare diseases;

(7) the effectiveness of the coordination between the national research institutes of the National Institutes of Health, the Institutes of the Alcohol, Drug Abuse, and Mental Health Administration, and private entities in supporting such research; and

(8) the effectiveness of activities undertaken to assure that knowledge developed in research on nonrare diseases is, when appropriate, used in research on rate diseases.

(d) COMPOSITION.—The Commission shall be composed of twenty members appointed by the Secretary of Health and Human Services as follows:

(1) Ten members shall be appointed from individuals who are not officers or employees of the Government and who by virtue of their training or experience in research on rare diseases or in the treatment of rare diseases are qualified to serve on the Commission.

(2) Five members shall be appointed from individuals who are not officers or employees of the Government and who have a rare disease or are employed to represent or are members of an organization concerned about rare disease.

(3) Five nonvoting members shall be appointed from—

(A) the directors of the national research institutes of the National Institutes of Health; or

(B) the directors of the institutes of the Alcohol, Drug Abuse, and Mental Health Administration, which the Secretary determines are involved with rare diseases.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made. If any member of the Commission who was appointed to the Commission as a director of a national research institute or an institute of the Alcohol, Drug Abuse, and Mental Health Administration leaves that office, or if any member of the Commission who was appointed from persons who are not officers or employees of the Government becomes an officer or employee of the Government, such member may continue as a member of the Commission for not longer than the ninety-day period beginning on the date such member leaves that office or becomes such an officer or employee, as the case may be.

(e) TERM.—Members shall be appointed for the life of the Commission.

(f) COMPENSATION.—(1) Except as provided in paragraph (2), members of the Commission shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties as members of the Commission.

(2) Members of the Commission who are full-time officers or employees of the Government shall receive no additional pay by reason of their service on the Commission.

(g) CHAIRMAN.—The Chairman of the Commission shall be designated by the members of the Commission.

(h) STAFF.—Subject to such rules as may be prescribed by the Commission, the Commission may appoint and fix the pay of such personnel as it determines are necessary to enable the Commission to carry out its functions. Personnel shall be appointed subject to the provisions of title 5, United States Code, governing appointment in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(i) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Commission, the Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the basic pay payable for grade GS-15 of the General Schedule.

(j) DETAIL OF PERSONNEL.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(k) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(l) GENERAL AUTHORITY.—The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(m) INFORMATION.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission.

(n) REPORT.—The Commission shall transmit to the Secretary and to each House of the Congress a report not later than September 30, 1987, on the activities of the Commission. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for—

(1) a long range plan for the use of public and private resources to improve research into rare diseases and to assist in the prevention, diagnosis, and treatment of rare diseases; and

(2) such legislation or administrative actions as it considers appropriate.

(o) TERMINATION.—The Commission shall terminate 90 days after the date of the submittal of its report under subsection (n).

(p) FUNDS.—The Director of the National Institutes of Health shall make available $1,000,000 to the Commission from appropriations for fiscal year 1986 for the National Institutes of Health.

SEC. 4. FINANCIAL ASSISTANCE.

(a) QUALIFIED TESTING.—Section 5 of the Orphan Drug Act (21 U.S.C. 360ee) is amended—

(1) in subsection (a) by striking out "clinical"; and

(2) by amending subsection (b)(1) to read as follows:

"(1) The term 'qualified testing' means—

"(A) human clinical testing—

"(i) which is carried out under an exemption for a drug for a rare disease or condition under section 505(i) of the Federal Food, Drug, or Cosmetic Act (or regulations issued under such section); and

"(ii) which occurs after the date such drug is designated under section 526 of such Act and before the date on which an application with respect to such drug is submitted under section 505(b) of such Act or under section 351 of the Public Health Service Act; and

"(B) animal testing involving a drug for a rare disease or condition which occurs after the date such drug is designated under section 526 of such Act and before the date on which an application with respect to such drug is submitted under section 505(b) of such Act or under section 351 of the Public Health Service Act.".

(b) AUTHORIZATION.—Subsection (c) of such section 5 is amended to read as follows:

"(c) For grants and contracts under subsection (a) there are authorized to be appropriated $4,000,000 for fiscal year 1986, $4,000,000 for fiscal year 1987, and $4,000,000 for fiscal year 1988.".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1985.●

A TRIBUTE TO HEAD START

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. CARR. Mr. Speaker, the month of April marks the 20th anniversary of the establishment of the Head Start Program.

This project was originally conceived by President Lyndon Johnson as part of the Great Society Program to fight poverty and ignorance in the United States.

I am particularly familiar with the excellence of the Head Start Program because a city I represent, Pontiac, MI, was one of the original cities selected for the pilot program in 1965.

In the early years of the program Pontiac churches provided facilities for the students because public schools lacked the space. Since that time the Pontiac school system has taken over operation of the program while the Oakland Livingston Human Services Agency has become the funding agent.

Presently the Pontiac Head Start Program is serving 356 children and their families at two educational centers, Franklin Elementary School and Whitfield Elementary.

Head Start gives assistance to disadvantaged youth in five interrelated areas of educational development. First it provides an early classroom motivational experience and combines it with a supplemental nutritional program. It also works to increase parental involvement in the student's educational experience. The program identifies potential learning disadvantages of children before they begin school and involves community agencies in an attempt to alleviate them. Finally the program encourages students to develop a strong self-image as well as an identification with their own ethnic heritage.

During its 20 years of existence the Pontiac Head Start Program has benefited almost 5,000 local children.

Research has shown that the children involved in this program have made immediate gains in basic cognitive competency and school achievement once they began their elementary education. These gains continue throughout their first 3 years of school.

Mr. Speaker, I am honored to pay tribute to this outstanding program which has helped to build an educational and emotional foundation for so many deserving young people, especially in the city of Pontiac.●

CARL MAU TO BE HONORED BY NEUMANN COLLEGE

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. EDGAR. Mr. Speaker, it is always a pleasure to bring to the attention of my colleagues in the U.S. House of Representatives an individual who is constantly poised on the edge of the future, a man brimming with new ideas, and the perseverance to implement them.

His name is Carl Mau and he will be honored by Neumann College in Aston, PA, today April 30.

There is no limit to the width and breadth of his interests. Good government, health, recreation, hunger, the economy, veterans, students, children—Carl cared for them all and took positive action. He started an educational fund for children following an area tragedy. He helped raise funds for earthquake victims in Italy. During the Vietnam war, he had monthly sendoff ceremonies for draftees departing for military service. He tried numerous ways for bringing industry to his county. Carl placed "Hunger Huts" constructed by prisoners at the county prison in front of local supermarkets to collect food for the needy. He created puzzles of Pennsylvania for use in classrooms. And the list goes on and on.

Carl has come to be known as Delaware County's "Idea Man."

Neumann College will honor Carl by inaugurating its new Heritage Center in his honor. The center will provide space for memorabilia from Delaware County and historical displays of county artifacts in order that future generations will always be reminded of the great citizens and their accomplishments that have made Delaware County a better place to live.

Carl Mau is one of those great citizens who can inspire all of us to transform our ideas into solid accomplishments. We salute Carl, and also Neumann College for honoring him and others who have made a difference.●

ROLLCALL VOTES TAKEN ON MONDAY, APRIL 29, 1985

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. DANNEMEYER. Mr. Speaker, I was necessarily absent from the session of Monday, April 29, 1985, for business in my congressional district. Four recorded votes were taken and had I been present I would have voted as follows:

Rollcall 76, approval of the Journal; "nay."

Rollcall 77, motion to adjourn; "yea."

Rollcall 78, order a second on Senate Concurrent Resolution 37, relative to a statue for Jeanette Rankin; "yea."

Rollcall 79, order a second on House Concurrent Resolution 130, relative to the President's trip to West Germany; "yea."●

THE 75th ANNIVERSARY OF TYLERTOWN FIRST BAPTIST CHURCH

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1985

● Mr. DOWDY of Mississippi. Mr. Speaker, today I would like to honor my friends at the Tylertown First Baptist Church on a very special occasion—the 75th anniversary of their founding.

In 1910, the Gutter family arrived in Tylertown, where they discovered there was no Baptist Church. The late Brother George Gutter searched for a place where the community might worship. He found a cattleshed and began working to renovate it. One table, one chair, and some lamps were donated by friends. Sawdust was used for flooring; kerosene lamps were mounted on posts as a source of light. The walls of the building were removed, and this gave enough material so that several seats could be built.

In 1913, the church moved to a new site. A small wooden structure was built. Two charter members are sisters Georgia Gutter Smith and Mamie Gutter Moss.

Rev. Jesse Dillon was the first pastor. Brother George Gutter was the first deacon. Other pastors were Rev. G.W. Holden, Rev. L.R. McEwen, Rev. James Pittman, Rev. Hivey Carson, and Rev. Walter Smith, who is currently serving. Financial secretaries included Brothers Jesse Allen, Willard Ratliff, Sisters Cleo Allen, and Elsie Qualls.

Newly ordained deacons are Earnest Qualls, Sr., A.T. Smith, and Lawyer Ratliff.

The first women to serve on the Mothers' Board were Mrs. Frankey Gutter and Mrs. Letha Buckles. Presently the church mothers include Mrs. Cleo Allen, Mrs. Beatrice Holmes, and Mrs. Georgia Smith. Mrs. Rennetta Taylor presently serves as corresponding secretary. Brother A.T. Smith is the current treasurer.

I know my colleagues here in Congress join me in offering our prayers and heartfelt congratulations to Reverend Smith and all of the members of the Tylertown First Baptist Church on their 75th anniversary.●